

A bill for an act

relating to state government; appropriating money for public safety and corrections initiatives, courts, public defenders, tax court, Uniform Laws Commission and Board on Judicial Standards; providing certain general criminal and sentencing provisions; regulating DWI and driving provisions; modifying or establishing various provisions relating to public safety; regulating corrections, the courts, and emergency communications; regulating scrap metal dealers; modifying certain law enforcement, insurance, and public defense provisions; establishing reduced ignition propensity standards for cigarettes; providing conditional repeals of certain laws; providing penalties; amending Minnesota Statutes 2006, sections 2.722, subdivision 1; 3.732, subdivision 1; 3.736, subdivision 1; 13.87, subdivision 1; 15A.083, subdivision 4; 16A.72; 16B.181, subdivision 2; 16C.23, subdivision 2; 169A.275, by adding a subdivision; 169A.51, subdivision 7; 171.12, by adding a subdivision; 171.55; 241.016, subdivision 1; 241.018; 241.27, subdivisions 1, 2, 3, 4; 241.278; 241.69, subdivisions 3, 4; 243.167, subdivision 1; 244.05, by adding a subdivision; 260C.193, subdivision 6; 270A.03, subdivision 5; 299A.641, subdivision 2; 299C.65, subdivisions 2, 5; 302A.781, by adding a subdivision; 325E.21; 352D.02, subdivision 1; 363A.06, subdivision 1; 383A.08, subdivisions 6, 7; 401.15, subdivision 1; 403.07, subdivision 4; 403.11, subdivision 1, by adding subdivisions; 403.31, subdivision 1; 484.54, subdivision 2; 484.83; 504B.361, subdivision 1; 518.165, subdivisions 1, 2; 518A.35, subdivision 3; 518B.01, subdivisions 6a, 22; 549.09, subdivision 1; 563.01, by adding a subdivision; 590.05; 595.02, subdivision 1; 609.02, subdivision 16; 609.135, subdivision 8, by adding a subdivision; 609.21, subdivisions 1, 4a, 5, by adding subdivisions; 609.341, subdivision 11; 609.344, subdivision 1; 609.345, subdivision 1; 609.3451, subdivision 3; 609.3455, subdivision 4, by adding a subdivision; 609.352; 609.505, subdivision 2; 609.535, subdivision 2a; 609.581, by adding subdivisions; 609.582, subdivision 2; 609.595, subdivisions 1, 2; 609.748, subdivisions 1, 5; 611.14; 611.20, subdivision 6; 611.215, subdivisions 1, 1a; 611.23; 611.24; 611.25, subdivision 1; 611.26, subdivisions 2, 7; 611.27, subdivisions 3, 13, 15; 611.35; 611A.036, subdivisions 2, 7; 611A.675, subdivisions 1, 2, 3, 4, by adding a subdivision; 634.15, subdivisions 1, 2; 641.05; 641.15, by adding a subdivision; 641.265, subdivision 2; Laws 2001, First Special Session chapter 8, article 4, section 4; Laws 2003, First Special Session chapter 2, article 1, section 2; proposing coding for new law in Minnesota Statutes, chapters 72A; 171; 241; 299A; 299F; 357; 484; 504B; 540; 604; 609; 611A; repealing Minnesota Statutes 2006, sections 169.796, subdivision 3; 241.021, subdivision 5; 241.85, subdivision 2; 260B.173; 403.31, subdivision 6;

480.175, subdivision 3; 609.21, subdivisions 2, 2a, 2b, 3, 4; 609.805; 611.20, subdivision 5; Laws 2005, First Special Session chapter 6, article 3, section 91.

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 act.

|                                         | <u>2008</u>           | <u>2009</u>             | <u>Total</u>            |
|-----------------------------------------|-----------------------|-------------------------|-------------------------|
| <u>General</u>                          | <u>\$ 926,123,000</u> | <u>\$ 963,963,000</u>   | <u>\$ 1,890,086,000</u> |
| <u>State Government Special Revenue</u> | <u>55,688,000</u>     | <u>50,392,000</u>       | <u>106,080,000</u>      |
| <u>Environmental Fund</u>               | <u>69,000</u>         | <u>71,000</u>           | <u>140,000</u>          |
| <u>Special Revenue Fund</u>             | <u>11,968,000</u>     | <u>15,007,000</u>       | <u>26,975,000</u>       |
| <u>Trunk Highway</u>                    | <u>367,000</u>        | <u>374,000</u>          | <u>741,000</u>          |
| <u>Total</u>                            | <u>\$ 994,215,000</u> | <u>\$ 1,029,807,000</u> | <u>\$ 2,024,022,000</u> |

Sec. 2. PUBLIC SAFETY APPROPRIATIONS.

(a) General

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this act. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2008" and "2009" used in this act mean that the appropriations listed under them are available for the fiscal year ending June 30, 2008, or June 30, 2009, respectively. "The first year" is fiscal year 2008. "The second year" is fiscal year 2009. "The biennium" is fiscal years 2008 and 2009. Appropriations for the fiscal year ending June 30, 2007, are effective the day following final enactment.

| <u>APPROPRIATIONS</u>         |             |
|-------------------------------|-------------|
| <u>Available for the Year</u> |             |
| <u>Ending June 30</u>         |             |
| <u>2008</u>                   | <u>2009</u> |

Sec. 3. SUPREME COURT

|                                           |           |                   |           |                   |
|-------------------------------------------|-----------|-------------------|-----------|-------------------|
| <u>Subdivision 1. Total Appropriation</u> | <u>\$</u> | <u>44,112,000</u> | <u>\$</u> | <u>45,443,000</u> |
|-------------------------------------------|-----------|-------------------|-----------|-------------------|

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

|      |                                                            |                     |                      |
|------|------------------------------------------------------------|---------------------|----------------------|
| 3.1  | Subd. 2. <b>Judicial Salaries</b>                          |                     |                      |
| 3.2  | <u>Effective July 1, 2007, and July 1, 2008,</u>           |                     |                      |
| 3.3  | <u>the salaries of judges of the Supreme Court,</u>        |                     |                      |
| 3.4  | <u>Court of Appeals, and district court are</u>            |                     |                      |
| 3.5  | <u>increased by two percent.</u>                           |                     |                      |
| 3.6  | Subd. 3. <b>Supreme Court Operations</b>                   | <u>31,292,000</u>   | <u>32,623,000</u>    |
| 3.7  | <b>Contingent account.</b> <u>\$5,000 each year is for</u> |                     |                      |
| 3.8  | <u>a contingent account for expenses necessary</u>         |                     |                      |
| 3.9  | <u>for the normal operation of the court for</u>           |                     |                      |
| 3.10 | <u>which no other reimbursement is provided.</u>           |                     |                      |
| 3.11 | Subd. 4. <b>Civil Legal Services</b>                       | <u>12,820,000</u>   | <u>12,820,000</u>    |
| 3.12 | <b>Legal services to low-income clients in</b>             |                     |                      |
| 3.13 | <b>family law matters.</b> <u>Of this appropriation,</u>   |                     |                      |
| 3.14 | <u>\$877,000 each year is to improve the</u>               |                     |                      |
| 3.15 | <u>access of low-income clients to legal</u>               |                     |                      |
| 3.16 | <u>representation in family law matters. This</u>          |                     |                      |
| 3.17 | <u>appropriation must be distributed under</u>             |                     |                      |
| 3.18 | <u>Minnesota Statutes, section 480.242, to</u>             |                     |                      |
| 3.19 | <u>the qualified legal services programs</u>               |                     |                      |
| 3.20 | <u>described in Minnesota Statutes, section</u>            |                     |                      |
| 3.21 | <u>480.242, subdivision 2, paragraph (a). Any</u>          |                     |                      |
| 3.22 | <u>unencumbered balance remaining in the first</u>         |                     |                      |
| 3.23 | <u>year does not cancel and is available in the</u>        |                     |                      |
| 3.24 | <u>second year.</u>                                        |                     |                      |
| 3.25 | Sec. 4. <b>COURT OF APPEALS</b>                            | <u>\$ 9,766,000</u> | <u>\$ 10,620,000</u> |
| 3.26 | <b>Caseload increase.</b> <u>\$1,285,000 the first</u>     |                     |                      |
| 3.27 | <u>year and \$1,876,000 the second year are</u>            |                     |                      |
| 3.28 | <u>for caseload increases. This money must</u>             |                     |                      |
| 3.29 | <u>be used for three additional judge units, an</u>        |                     |                      |
| 3.30 | <u>additional staff attorney, 2.67 additional</u>          |                     |                      |
| 3.31 | <u>full-time equivalent law clerk positions, and</u>       |                     |                      |
| 3.32 | <u>for retired judges.</u>                                 |                     |                      |

|      |                                                          |    |                    |    |                    |
|------|----------------------------------------------------------|----|--------------------|----|--------------------|
| 4.1  | Sec. 5. <u>TRIAL COURTS</u>                              | \$ | <u>247,167,000</u> | \$ | <u>257,290,000</u> |
| 4.2  | <u>New judge units. \$1,536,000 the first year</u>       |    |                    |    |                    |
| 4.3  | <u>and \$2,778,000 the second year are for an</u>        |    |                    |    |                    |
| 4.4  | <u>increase in judge units, including three trial</u>    |    |                    |    |                    |
| 4.5  | <u>court judge units in the First Judicial District,</u> |    |                    |    |                    |
| 4.6  | <u>one trial court judge unit in the Third Judicial</u>  |    |                    |    |                    |
| 4.7  | <u>District, one trial court judge unit in the</u>       |    |                    |    |                    |
| 4.8  | <u>Ninth Judicial District and one trial court</u>       |    |                    |    |                    |
| 4.9  | <u>judge unit in the Tenth Judicial District.</u>        |    |                    |    |                    |
| 4.10 | <u>These new judge units begin on January 1,</u>         |    |                    |    |                    |
| 4.11 | <u>2008. Each judge unit consists of a judge,</u>        |    |                    |    |                    |
| 4.12 | <u>law clerk, and court reporter.</u>                    |    |                    |    |                    |
| 4.13 | <u>Maintain and expand drug courts.</u>                  |    |                    |    |                    |
| 4.14 | <u>\$2,242,000 the first year and \$3,759,000 the</u>    |    |                    |    |                    |
| 4.15 | <u>second year are to maintain and to establish</u>      |    |                    |    |                    |
| 4.16 | <u>new drug courts.</u>                                  |    |                    |    |                    |
| 4.17 | <u>Guardian ad litem services. \$1,260,000 the</u>       |    |                    |    |                    |
| 4.18 | <u>first year and \$1,629,000 the second year are</u>    |    |                    |    |                    |
| 4.19 | <u>for guardian ad litem services.</u>                   |    |                    |    |                    |
| 4.20 | <u>Interpreter services. \$606,000 the first</u>         |    |                    |    |                    |
| 4.21 | <u>year and \$777,000 the second year are for</u>        |    |                    |    |                    |
| 4.22 | <u>interpreter services.</u>                             |    |                    |    |                    |
| 4.23 | <u>Psychological services. \$1,531,000 the first</u>     |    |                    |    |                    |
| 4.24 | <u>year and \$2,151,000 the second year are for</u>      |    |                    |    |                    |
| 4.25 | <u>psychological services.</u>                           |    |                    |    |                    |
| 4.26 | <u>In forma pauperis services. \$178,000 each</u>        |    |                    |    |                    |
| 4.27 | <u>year is for in forma pauperis services.</u>           |    |                    |    |                    |
| 4.28 | Sec. 6. <u>TAX COURT</u>                                 | \$ | <u>788,000</u>     | \$ | <u>812,000</u>     |
| 4.29 | Sec. 7. <u>UNIFORM LAWS COMMISSION</u>                   | \$ | <u>58,000</u>      | \$ | <u>52,000</u>      |
| 4.30 | Sec. 8. <u>BOARD ON JUDICIAL STANDARDS</u>               | \$ | <u>448,000</u>     | \$ | <u>455,000</u>     |

5.1 Investigative and hearing costs. \$125,000  
5.2 each year is for special investigative and  
5.3 hearing costs for major disciplinary actions  
5.4 undertaken by the board. This appropriation  
5.5 does not cancel. Any encumbered and  
5.6 unspent balances remain available for these  
5.7 expenditures in subsequent fiscal years.

5.8     Sec. 9. BOARD OF PUBLIC DEFENSE                     \$       65,348,000 \$       68,519,000

5.9     Sec. 10. PUBLIC SAFETY

5.10    Subdivision 1. Total Appropriation                     \$       154,041,000 \$       154,726,000

|      |                               |                   |                   |
|------|-------------------------------|-------------------|-------------------|
| 5.11 | <u>Appropriations by Fund</u> |                   |                   |
| 5.12 |                               | <u>2008</u>       | <u>2009</u>       |
| 5.13 | <u>General</u>                | <u>91,126,000</u> | <u>94,032,000</u> |
| 5.14 | <u>Special Revenue</u>        | <u>6,791,000</u>  | <u>9,857,000</u>  |
| 5.15 | <u>State Government</u>       |                   |                   |
| 5.16 | <u>Special Revenue</u>        | <u>55,688,000</u> | <u>50,392,000</u> |
| 5.17 | <u>Environmental</u>          | <u>69,000</u>     | <u>71,000</u>     |
| 5.18 | <u>Trunk Highway</u>          | <u>367,000</u>    | <u>374,000</u>    |

5.19    The amounts that may be spent for each  
5.20    purpose are specified in the following  
5.21    subdivisions.

5.22    Subd. 2. Emergency Management                                     2,939,000                     2,872,000

|      |                               |                  |                  |
|------|-------------------------------|------------------|------------------|
| 5.23 | <u>Appropriations by Fund</u> |                  |                  |
| 5.24 | <u>General</u>                | <u>2,870,000</u> | <u>2,801,000</u> |
| 5.25 | <u>Environmental</u>          | <u>69,000</u>    | <u>71,000</u>    |

5.26    \$250,000 each year is additional funding  
5.27    to provide state match for federal disaster  
5.28    assistance.

5.29    \$75,000 the first year is for one position to  
5.30    coordinate state readiness for a pandemic  
5.31    event. This is a onetime appropriation.

5.32    Crime labs and crime strike task forces;  
5.33    working group. The commissioner of public  
5.34    safety shall convene a working group to study

6.1 the appropriateness of additional regional  
6.2 forensic crime laboratories and regional  
6.3 crime strike task forces. The legislature may  
6.4 not authorize or fund new regional forensic  
6.5 crime laboratories or regional crime strike  
6.6 task forces until the working group convened  
6.7 by the commissioner of public safety has  
6.8 studied and made recommendations to the  
6.9 legislative committees with jurisdiction over  
6.10 public safety finance and capital investment.  
6.11 The commissioner must consult with the  
6.12 chairs of the legislative committees with  
6.13 responsibility for public safety finance on  
6.14 the membership of the working group.  
6.15 The Forensic Laboratory Advisory Board,  
6.16 established under Minnesota Statutes, section  
6.17 299C.156, and the Gang and Drug Oversight  
6.18 Council, established under section 299A.641,  
6.19 must provide advice and assistance to  
6.20 the commissioner and the working group  
6.21 as requested by the commissioner. The  
6.22 working group must submit its report and  
6.23 recommendations to the house and senate  
6.24 committees with responsibility for public  
6.25 safety finance by February 1, 2008.

|      |                                       |                   |                   |
|------|---------------------------------------|-------------------|-------------------|
| 6.26 | <u>Subd. 3. Criminal Apprehension</u> | <u>45,374,000</u> | <u>47,021,000</u> |
|------|---------------------------------------|-------------------|-------------------|

|      |                               |                   |                   |
|------|-------------------------------|-------------------|-------------------|
| 6.27 | <u>Appropriations by Fund</u> |                   |                   |
| 6.28 | <u>General</u>                | <u>44,555,000</u> | <u>46,179,000</u> |
| 6.29 | <u>Special Revenue</u>        | <u>445,000</u>    | <u>461,000</u>    |
| 6.30 | <u>State Government</u>       |                   |                   |
| 6.31 | <u>Special Revenue</u>        | <u>7,000</u>      | <u>7,000</u>      |
| 6.32 | <u>Trunk Highway</u>          | <u>367,000</u>    | <u>374,000</u>    |

6.33 Cooperative investigation of  
6.34 cross-jurisdictional criminal activity.  
6.35 \$93,000 each year is appropriated from the  
6.36 Bureau of Criminal Apprehension account in

7.1 the special revenue fund for grants to local  
7.2 officials for the cooperative investigation of  
7.3 cross-jurisdictional criminal activity. Any  
7.4 unencumbered balance remaining in the first  
7.5 year does not cancel but is available for the  
7.6 second year.

7.7 **Laboratory activities.** \$352,000 the first  
7.8 year and \$368,000 the second year are  
7.9 appropriated from the Bureau of Criminal  
7.10 Apprehension account in the special revenue  
7.11 fund for laboratory activities.

7.12 **DWI lab analysis.** Notwithstanding  
7.13 Minnesota Statutes, section 161.20,  
7.14 subdivision 3, \$367,000 the first year and  
7.15 \$374,000 the second year are appropriated  
7.16 from the trunk highway fund for laboratory  
7.17 analysis related to driving-while-impaired  
7.18 cases.

7.19 **CriMNet justice information integration.**  
7.20 \$3,135,000 the first year and \$3,460,000 the  
7.21 second year are for statewide information  
7.22 integration priorities. The base for this  
7.23 appropriation in fiscal year 2010 shall be  
7.24 \$2,032,000.

7.25 **Policy group; report.** The criminal and  
7.26 juvenile justice information policy group  
7.27 must study funding sources other than the  
7.28 general fund for new CriMNet costs and  
7.29 should present its ideas to the house and  
7.30 senate committees having jurisdiction over  
7.31 criminal justice issues by January 15, 2008.

7.32 **Forensic scientists.** \$1,018,000 the first  
7.33 year and \$1,769,000 the second year are for  
7.34 19 new forensic scientists in the Bureau of

|      |                                                         |                   |                   |
|------|---------------------------------------------------------|-------------------|-------------------|
| 8.1  | <u>Criminal Apprehension Forensic Science</u>           |                   |                   |
| 8.2  | <u>Laboratory.</u>                                      |                   |                   |
| 8.3  | <b><u>Background checks.</u></b> \$50,000 the first     |                   |                   |
| 8.4  | <u>year is for the Bureau of Criminal</u>               |                   |                   |
| 8.5  | <u>Apprehension to conduct state background</u>         |                   |                   |
| 8.6  | <u>checks by charitable, nonprofit mentoring</u>        |                   |                   |
| 8.7  | <u>organizations. Of this amount, \$10,000 is to</u>    |                   |                   |
| 8.8  | <u>be distributed to Mentoring Partnership of</u>       |                   |                   |
| 8.9  | <u>Minnesota for background check training.</u>         |                   |                   |
| 8.10 | <u>Only organizations that have completed</u>           |                   |                   |
| 8.11 | <u>training with Mentoring Partnership of</u>           |                   |                   |
| 8.12 | <u>Minnesota are eligible to receive background</u>     |                   |                   |
| 8.13 | <u>checks under this provision. This is a</u>           |                   |                   |
| 8.14 | <u>onetime appropriation.</u>                           |                   |                   |
| 8.15 | <b><u>Subd. 4. Fire Marshal</u></b>                     | <u>6,196,000</u>  | <u>9,243,000</u>  |
| 8.16 | <u>This appropriation is from the fire safety</u>       |                   |                   |
| 8.17 | <u>account in the special revenue fund.</u>             |                   |                   |
| 8.18 | <u>Of this amount, \$3,330,000 the first year and</u>   |                   |                   |
| 8.19 | <u>\$6,300,000 the second year are for activities</u>   |                   |                   |
| 8.20 | <u>under Minnesota Statutes, section 299F.012.</u>      |                   |                   |
| 8.21 | <b><u>Subd. 5. Alcohol and Gambling Enforcement</u></b> | <u>1,785,000</u>  | <u>1,817,000</u>  |
| 8.22 | <u>Appropriations by Fund</u>                           |                   |                   |
| 8.23 | <u>General</u> <u>1,635,000</u> <u>1,664,000</u>        |                   |                   |
| 8.24 | <u>Special Revenue</u> <u>150,000</u> <u>153,000</u>    |                   |                   |
| 8.25 | <b><u>Subd. 6. Office of Justice Programs</u></b>       | <u>42,066,000</u> | <u>43,388,000</u> |
| 8.26 | <b><u>Crime victim reparations.</u></b> \$250,000 each  |                   |                   |
| 8.27 | <u>year is to increase the amount of funding for</u>    |                   |                   |
| 8.28 | <u>crime victim reparations.</u>                        |                   |                   |
| 8.29 | <b><u>Emergency assistance grant.</u></b> \$100,000     |                   |                   |
| 8.30 | <u>each year is for grants under Minnesota</u>          |                   |                   |
| 8.31 | <u>Statutes, section 611A.675. This is a onetime</u>    |                   |                   |
| 8.32 | <u>appropriation.</u>                                   |                   |                   |

9.1 **Gang and Drug Task Force.** \$600,000 the  
9.2 first year and \$1,900,000 the second year are  
9.3 for grants to the Gang and Drug Task Force.

9.4 **Victim notification system.** \$455,000  
9.5 each year is for the continuation of the  
9.6 victim information and notification everyday  
9.7 (VINE) service.

9.8 **Crime prevention and law enforcement**  
9.9 **grants.** (a) \$ 1,900,000 each year is for crime  
9.10 prevention and law enforcement grants.

9.11 The office of justice programs shall conduct  
9.12 a competitive award process that ensures  
9.13 that grants are awarded to the most qualified  
9.14 organizations based on the office's established  
9.15 policies and procedures. The office shall  
9.16 determine the amount of each grant award  
9.17 based on need and funds available. The office  
9.18 shall require a grant recipient to report back  
9.19 to the office quarterly during the duration  
9.20 of the grant, and the office has the authority  
9.21 to withhold or suspend any additional grant  
9.22 payments if the grant recipient fails to meet  
9.23 the office's performance standards.

9.24 The following organizations are eligible to  
9.25 apply for grants: (1) the city of St. Paul  
9.26 Police Department's Special Investigation  
9.27 Unit's Asian Gang Task Force; (2) the  
9.28 Victim Intervention Program, Inc.; (3) the  
9.29 Mosaic Youth Center; (4) Ramsey County's  
9.30 Juvenile Detention Alternatives Initiative;  
9.31 (5) Restorative Justice Community Action,  
9.32 Inc.; (6) existing supervised parenting time  
9.33 centers; (7) existing child advocacy centers;  
9.34 (8) law enforcement agencies to make squad  
9.35 car camera updates; (9) the St. Paul police

10.1 and fire departments to hire an emergency  
10.2 coordinator; and (10) political subdivisions  
10.3 to administer safe cab programs. Any grant  
10.4 awarded to an organization in clause (5)  
10.5 may not be used for restorative justice in  
10.6 domestic violence cases. Any grant awarded  
10.7 to a political subdivision in clause (10) may  
10.8 comprise no more than one-third of the full  
10.9 operating cost of the program. This is a  
10.10 onetime appropriation.

10.11 (b) The executive director of the office  
10.12 of justice programs shall prepare a report  
10.13 containing the following information: a  
10.14 list of grant recipients, the amount of each  
10.15 award, the performance and eligibility  
10.16 standards used to determine the amount  
10.17 and recipient of each award, the office's  
10.18 reporting requirements, the grant recipient's  
10.19 use of the award, and any other information  
10.20 the director deems relevant. By January 1,  
10.21 2010, the office of justice programs shall  
10.22 submit the report to the chairs and ranking  
10.23 minority members of the senate and house  
10.24 committees and divisions having jurisdiction  
10.25 over criminal justice funding and policy.

10.26 **Crime victims.** \$2,271,000 each year is to  
10.27 increase funding for victim services. Of this  
10.28 amount, 59 percent is for battered women  
10.29 shelters, 17 percent is for domestic violence  
10.30 programs, eight percent is for general crime  
10.31 victims, 11 percent is for sexual assault  
10.32 programs, and five percent is for abused  
10.33 children programs.

10.34 **COPS grants.** \$1,000,000 each year is  
10.35 to hire new peace officers and for peace

11.1 officer overtime pay under Minnesota  
11.2 Statutes, section 299A.62, subdivision 1,  
11.3 paragraph (b), clauses (1) and (2). The  
11.4 commissioner shall award the grants based  
11.5 on the procedures set forth under section  
11.6 299A.62. Of this amount, at least \$250,000  
11.7 each year must be awarded to two cities in  
11.8 Hennepin County that are not cities of the  
11.9 first class and have the highest part 1 and  
11.10 part 2 crime rates per 100,000 inhabitants in  
11.11 the county as calculated by the latest Bureau  
11.12 of Criminal Apprehension report. This is a  
11.13 onetime appropriation.

11.14 **Auto theft emergency grant. \$75,000**  
11.15 each year is appropriated from the general  
11.16 fund to the commissioner of public safety  
11.17 to fund grants awarded under Minnesota  
11.18 Statutes, section 611A.675, subdivision 1,  
11.19 clause (6). This amount shall be added to the  
11.20 department's base budget.

11.21 **Youth intervention programs. \$1,000,000**  
11.22 each year is for youth intervention programs  
11.23 under Minnesota Statutes, section 299A.73.  
11.24 The commissioner shall use this money to  
11.25 make grants to help existing programs serve  
11.26 unmet needs in their communities and to  
11.27 fund new programs in underserved areas of  
11.28 the state. This appropriation is added to the  
11.29 base budget and is available until expended.

11.30 **Trafficking legal clinics. \$150,000 each**  
11.31 year is appropriated from the general fund  
11.32 to the commissioner of public safety to  
11.33 distribute to the grantees described in  
11.34 Minnesota Statutes, section 299A.786. This  
11.35 is a onetime appropriation.

12.1 Administration costs. Up to 2.5 percent  
12.2 of the grant funds appropriated in this  
12.3 subdivision may be used to administer the  
12.4 grant program.

|      |                                                     |                   |                   |
|------|-----------------------------------------------------|-------------------|-------------------|
| 12.5 | <u>Subd. 7. <b>911 Emergency Services/ARMER</b></u> | <u>55,681,000</u> | <u>50,385,000</u> |
|------|-----------------------------------------------------|-------------------|-------------------|

12.6 This appropriation is from the state  
12.7 government special revenue fund for 911  
12.8 emergency telecommunications services.

12.9 **Public safety answering points.**  
12.10 \$13,664,000 each year is to be distributed  
12.11 as provided in Minnesota Statutes, section  
12.12 403.113, subdivision 2.

12.13 **Medical Resource Communication**  
12.14 **Centers.** \$683,000 each year is for grants  
12.15 to the Minnesota Emergency Medical  
12.16 Services Regulatory Board for the Metro  
12.17 East and Metro West Medical Resource  
12.18 Communication Centers that were in  
12.19 operation before January 1, 2000.

12.20 **ARMER debt service.** \$6,149,000 the  
12.21 first year and \$11,853,000 the second year  
12.22 are to the commissioner of finance to pay  
12.23 debt service on revenue bonds issued under  
12.24 Minnesota Statutes, section 403.275.

12.25 Any portion of this appropriation not needed  
12.26 to pay debt service in a fiscal year may be  
12.27 used by the commissioner of public safety to  
12.28 pay cash for any of the capital improvements  
12.29 for which bond proceeds were appropriated  
12.30 by Laws 2005, chapter 136, article 1, section  
12.31 9, subdivision 8; or in subdivision 8.

12.32 The base for this appropriation is \$18,002,000  
12.33 in fiscal year 2010 and \$23,261,000 in fiscal  
12.34 year 2011.

13.1 **Metropolitan Council debt service.**

13.2 \$1,410,000 each year is to the commissioner  
13.3 of finance for payment to the Metropolitan  
13.4 Council for debt service on bonds issued  
13.5 under Minnesota Statutes, section 403.27.

13.6 **ARMER improvements. \$1,000,000 each**

13.7 year is for the Statewide Radio Board to  
13.8 design, construct, maintain, and improve  
13.9 those elements of the statewide public  
13.10 safety radio and communication system  
13.11 that support mutual aid communications  
13.12 and emergency medical services or provide  
13.13 interim enhancement of public safety  
13.14 communication interoperability in those  
13.15 areas of the state where the statewide public  
13.16 safety radio and communication system is  
13.17 not yet implemented.

13.18 **ARMER interoperability planning.**

13.19 \$323,000 each year is to provide funding  
13.20 to coordinate and plan for communication  
13.21 interoperability between public safety  
13.22 entities.

13.23 **ARMER state backbone operating costs.**

13.24 \$3,110,000 each year is to the commissioner  
13.25 of transportation for costs of maintaining and  
13.26 operating the first and third phases of the  
13.27 statewide radio system backbone. The base  
13.28 for this appropriation is \$5,060,000 in fiscal  
13.29 year 2010 and \$5,060,000 in fiscal year 2011  
13.30 to provide funding to operate one additional  
13.31 phase of the system.

13.32 **Zone controller. \$5,400,000 the first year**

13.33 is a onetime appropriation to upgrade zone  
13.34 controllers and network elements in phases  
13.35 one and two of the statewide radio system.

14.1 **Advance project development.** \$3,750,000  
14.2 the first year is a onetime appropriation for  
14.3 site acquisition and site development work  
14.4 for the remaining phases of the statewide  
14.5 radio system. This appropriation is available  
14.6 until June 30, 2010. This appropriation is to  
14.7 the commissioner of public safety for transfer  
14.8 to the commissioner of transportation.

14.9 **System design.** \$1,850,000 the first year is a  
14.10 onetime appropriation to complete detailed  
14.11 design and planning of the remaining  
14.12 phases of the statewide radio system.  
14.13 The commissioner of public safety and  
14.14 the commissioner of transportation shall  
14.15 determine the scope of the study, after  
14.16 consulting with the Statewide Radio Board,  
14.17 the commissioner of administration, and the  
14.18 state chief information officer. The study  
14.19 must address the system design for the  
14.20 state backbone and implications for local  
14.21 coverage, how data can be integrated, and  
14.22 whether other public safety communication  
14.23 networks can be integrated with the state  
14.24 backbone. The study must estimate the  
14.25 full cost of completing the state backbone  
14.26 to specified standards, the cost of local  
14.27 subsystems, and the potential advantages  
14.28 of using a request for proposal approach  
14.29 to solicit private sector participation in the  
14.30 project. The study must include a financial  
14.31 analysis of whether the estimated revenue  
14.32 from increasing the 911 fee by up to 30  
14.33 cents will cover the estimated debt service  
14.34 of revenue bonds issued to finance the cost  
14.35 of completing the statewide radio system  
14.36 and a portion of the cost up to 50 percent

15.1 for local subsystems. The study must also  
15.2 review the project organizational structure  
15.3 and governance.

15.4 Subd. 8. **ARMER Public Safety** 186,000,000

15.5 **Radio and communication system.** The  
15.6 appropriations in this subdivision are from  
15.7 the 911 revenue bond proceeds account  
15.8 for the purposes indicated, to be available  
15.9 until the project is completed or abandoned,  
15.10 subject to Minnesota Statutes, section  
15.11 16A.642.

15.12 The appropriations are to the commissioner  
15.13 of public safety for transfer to the  
15.14 commissioner of transportation to construct  
15.15 the system backbone of the public safety  
15.16 radio and communication system plan under  
15.17 Minnesota Statutes, section 403.36.

15.18 \$62,000,000 of this appropriation is for  
15.19 the second year. \$62,000,000 of this  
15.20 appropriation is available on or after July 1,  
15.21 2009. \$62,000,000 of this appropriation is  
15.22 available on or after July 1, 2010.

15.23 The commissioner of public safety and the  
15.24 commissioner of transportation shall certify  
15.25 to the chairs of the house Public Safety  
15.26 Finance Division of the Finance Committee  
15.27 and the senate Public Safety Budget Division  
15.28 of the Finance Committee that the detailed  
15.29 design has been completed and that the  
15.30 financial analysis finds that sufficient revenue  
15.31 will be generated by proposed changes in the  
15.32 911 fee to cover all estimated debt service  
15.33 on revenue bonds proposed to be issued to  
15.34 complete the system before the appropriation  
15.35 is made available. The commissioner of

16.1 finance shall not approve any fee increase  
16.2 under Minnesota Statutes, section 403.11,  
16.3 subdivision 1, paragraph (c), until this  
16.4 certification is made.

16.5 **Bond sale authorization.** To provide the  
16.6 money appropriated in this subdivision,  
16.7 the commissioner of finance shall sell and  
16.8 issue bonds of the state in an amount up to  
16.9 \$186,000,000 in the manner, upon the terms,  
16.10 and with the effect prescribed by Minnesota  
16.11 Statutes, section 403.275.

|       |                                                |                  |                         |                                          |
|-------|------------------------------------------------|------------------|-------------------------|------------------------------------------|
| 16.12 | Sec. 11. <b><u>PEACE OFFICER STANDARDS</u></b> |                  |                         |                                          |
| 16.13 | <b><u>AND TRAINING (POST) BOARD</u></b>        | <b><u>\$</u></b> | <b><u>4,287,000</u></b> | <b><u>\$</u></b> <b><u>4,260,000</u></b> |

16.14 **Excess amounts transferred.** This  
16.15 appropriation is from the peace officer  
16.16 training account in the special revenue fund.  
16.17 Any new receipts credited to that account in  
16.18 the first year in excess of \$4,287,000 must be  
16.19 transferred and credited to the general fund.  
16.20 Any new receipts credited to that account in  
16.21 the second year in excess of \$4,260,000 must  
16.22 be transferred and credited to the general  
16.23 fund.

16.24 **Peace officer training reimbursements.**  
16.25 \$3,109,000 the first year and \$ 3,109,000 the  
16.26 second year are for reimbursements to local  
16.27 governments for peace officer training costs.

16.28 **No contact orders; learning objectives.**  
16.29 \$50,000 the first year is for: (1) revising and  
16.30 updating preservice courses and developing  
16.31 in-service training courses related to no  
16.32 contact orders in domestic violence cases  
16.33 and domestic violence dynamics; and (2)  
16.34 reimbursing peace officers who have taken  
16.35 training courses described in clause (1).

17.1 At a minimum, the training must include  
17.2 instruction in the laws relating to no contact  
17.3 orders and address how to best coordinate  
17.4 law enforcement resources relating to no  
17.5 contact orders. In addition, the training  
17.6 must include a component to instruct peace  
17.7 officers on doing risk assessments of the  
17.8 escalating factors of lethality in domestic  
17.9 violence cases. The board must consult with  
17.10 a statewide domestic violence organization  
17.11 in developing training courses. The board  
17.12 shall utilize a request for proposal process in  
17.13 awarding training contracts. The recipient  
17.14 of the training contract must conduct these  
17.15 trainings with advocates or instructors from  
17.16 a statewide domestic violence organization.

|       |                                                    |                  |                       |                                        |
|-------|----------------------------------------------------|------------------|-----------------------|----------------------------------------|
| 17.17 | Sec. 12. <b><u>BOARD OF PRIVATE DETECTIVES</u></b> |                  |                       |                                        |
| 17.18 | <b><u>AND PROTECTIVE AGENT SERVICES</u></b>        | <b><u>\$</u></b> | <b><u>128,000</u></b> | <b><u>\$</u></b> <b><u>130,000</u></b> |

|       |                                     |                  |                         |                                          |
|-------|-------------------------------------|------------------|-------------------------|------------------------------------------|
| 17.19 | Sec. 13. <b><u>HUMAN RIGHTS</u></b> | <b><u>\$</u></b> | <b><u>4,955,000</u></b> | <b><u>\$</u></b> <b><u>3,670,000</u></b> |
|-------|-------------------------------------|------------------|-------------------------|------------------------------------------|

17.20 **Management information system.**  
17.21 \$1,403,000 the first year and \$55,000 the  
17.22 second year are for the replacement of  
17.23 the department's tracking and compliance  
17.24 databases with a management information  
17.25 system.

17.26 **Evaluation.** The Human Rights Department  
17.27 shall conduct a survey that evaluates the  
17.28 outcome of complaints filed with the  
17.29 department and whether or not a charging  
17.30 party is satisfied with the outcome of a  
17.31 complaint and the process by which the  
17.32 complaint is reviewed and handled by the  
17.33 department. The department shall evaluate  
17.34 complaints for which a probable cause or

18.1 no probable cause determination is made.  
18.2 The survey must seek to determine the  
18.3 reasons for any dissatisfaction and whether  
18.4 a party sought an appeal or reconsideration  
18.5 of a determination or decision. The survey  
18.6 shall evaluate complaints filed or resolved  
18.7 in the past two years. By January 15, 2008,  
18.8 the department shall summarize the survey  
18.9 findings and file a report with the chairs  
18.10 and ranking minority members of the house  
18.11 and senate committees having jurisdiction  
18.12 over criminal justice policy and funding  
18.13 that discusses the findings and any actions  
18.14 the department proposes to undertake in  
18.15 response to the findings.

18.16 **Inmate complaints, assaults, and fatalities;**  
18.17 **corrections ombudsman; working group;**  
18.18 **report.** By August 1, 2007, the commissioner  
18.19 of human rights shall convene a working  
18.20 group to study how the state addresses  
18.21 inmate complaints, assaults, and deaths in  
18.22 county jails, workhouses, and prisons. The  
18.23 commissioner shall serve as chair of the  
18.24 working group and invite representatives  
18.25 from the Department of Corrections,  
18.26 legislature, the Minnesota Sheriffs'  
18.27 Association, the Minnesota Association of  
18.28 Community Corrections Act counties, state  
18.29 bar association, criminal victims justice unit,  
18.30 state Council on Black Minnesotans, state  
18.31 Chicano/Latino Affairs Council, University  
18.32 of Minnesota Law School, Immigrant Law  
18.33 Center of Minnesota, and other interested  
18.34 parties to participate in the working group.  
18.35 The group must: (1) assess how state and  
18.36 local units of government currently process

19.1     and respond to inmate complaints, assaults,  
19.2     and deaths; (2) assess the effectiveness of  
19.3     the state's former corrections ombudsman  
19.4     program; (3) study other states' corrections  
19.5     ombudsmen; (4) study whether the state  
19.6     should conduct a fatality review process  
19.7     for inmates who die while in custody;  
19.8     and (5) make recommendations on how  
19.9     state and local units of government should  
19.10    systematically address inmate complaints,  
19.11    assaults, and deaths, including the need to  
19.12    re-appoint a corrections ombudsman. The  
19.13    commissioner shall file a report detailing the  
19.14    group's findings and recommendations with  
19.15    the chairs and ranking minority members  
19.16    of the house and senate committees having  
19.17    jurisdiction over criminal justice policy and  
19.18    funding by January 15, 2008.

19.19    Sec. 14. **DEPARTMENT OF CORRECTIONS**

19.20    Subdivision 1. Total Appropriation                                 \$       462,517,000 \$       483,230,000

|       |                               |                    |                    |
|-------|-------------------------------|--------------------|--------------------|
| 19.21 | <u>Appropriations by Fund</u> |                    |                    |
| 19.22 |                               | <u>2008</u>        | <u>2009</u>        |
| 19.23 | <u>General</u>                | <u>461,627,000</u> | <u>482,340,000</u> |
| 19.24 | <u>Special Revenue</u>        | <u>890,000</u>     | <u>890,000</u>     |

19.25    The amounts that may be spent for each  
19.26    purpose are specified in the following  
19.27    subdivisions.

19.28    Subd. 2. Correctional Institutions                                         323,511,000         338,577,000

|       |                               |                    |                    |
|-------|-------------------------------|--------------------|--------------------|
| 19.29 | <u>Appropriations by Fund</u> |                    |                    |
| 19.30 | <u>General</u>                | <u>322,931,000</u> | <u>337,997,000</u> |
| 19.31 | <u>Special Revenue</u>        | <u>580,000</u>     | <u>580,000</u>     |

19.32    **Contracts for beds at Rush City.** If the  
19.33    commissioner contracts with other states,  
19.34    local units of government, or the federal  
19.35    government to rent beds in the Rush City

20.1 Correctional Facility, the commissioner shall  
20.2 charge a per diem under the contract, to the  
20.3 extent possible, that is equal to or greater  
20.4 than the per diem cost of housing Minnesota  
20.5 inmates in the facility.

20.6 Notwithstanding any law to the contrary, the  
20.7 commissioner may use per diems collected  
20.8 under contracts for beds at MCF-Rush City  
20.9 to operate the state correctional system.

20.10 **Offender re-entry services.** \$400,000  
20.11 each year is for increased funding for  
20.12 expansion of offender re-entry services in the  
20.13 institutions and staffing for the Department  
20.14 of Corrections MCORP program.

20.15 **Health services.** \$900,000 the first year and  
20.16 \$1,300,000 the second year are for increases  
20.17 in health services.

|       |                                    |                    |                    |
|-------|------------------------------------|--------------------|--------------------|
| 20.18 | <u>Subd. 3. Community Services</u> | <u>121,482,000</u> | <u>126,899,000</u> |
|-------|------------------------------------|--------------------|--------------------|

|       |                               |                    |                    |
|-------|-------------------------------|--------------------|--------------------|
| 20.19 | <u>Appropriations by Fund</u> |                    |                    |
| 20.20 | <u>General</u>                | <u>121,382,000</u> | <u>126,799,000</u> |
| 20.21 | <u>Special Revenue</u>        | <u>100,000</u>     | <u>100,000</u>     |

20.22 **ISR agents, challenge incarceration**  
20.23 **program.** \$600,000 the first year and  
20.24 \$1,000,000 the second year are for intensive  
20.25 supervised release agents for the challenge  
20.26 incarceration program.

20.27 **ISR agents, conditional release program.**  
20.28 \$600,000 each year is for intensive supervised  
20.29 release agents for the conditional release  
20.30 program. This is a onetime appropriation.

20.31 **Interstate compact.** \$225,000 each year is  
20.32 for increased costs based on changes made to  
20.33 the Interstate Compact for Adult Offender

- 21.1 Supervision, Minnesota Statutes, section  
21.2 243.1605.
- 21.3 **Sex offenders, civil commitment and**  
21.4 **tracking.** \$350,000 each year is to fund a  
21.5 legal representative for civil commitments  
21.6 and to manage and track sex offenders.
- 21.7 **Probation supervision, CCA system.**  
21.8 \$2,800,000 each year is added to the  
21.9 Community Corrections Act subsidy,  
21.10 Minnesota Statutes, section 401.14.
- 21.11 **Probation supervision, CPO system.**  
21.12 \$600,000 each year is added to the county  
21.13 probation officers reimbursement base.
- 21.14 **Probation supervision, DOC system.**  
21.15 \$600,000 each year is for the Department of  
21.16 Corrections probation and supervised release  
21.17 unit.
- 21.18 **Probation, caseload reduction.** \$1,964,000  
21.19 the first year and \$3,664,000 the second year  
21.20 are for adult felon offender management to  
21.21 be distributed statewide by the Community  
21.22 Corrections Act formula. \$200,000 the  
21.23 first year and \$400,000 the second year  
21.24 are for juvenile offender management  
21.25 to be distributed statewide by the  
21.26 Community Corrections Act formula. These  
21.27 appropriations may be used for sex offender  
21.28 management.
- 21.29 **Sex offender treatment.** \$500,000 the first  
21.30 year and \$1,000,000 the second year are to  
21.31 increase funding for providing treatment for  
21.32 sex offenders on community supervision.
- 21.33 **Sex offender management/standards.**  
21.34 \$500,000 the first year and \$1,000,000

22.1 the second year are for research and  
22.2 evaluation of sex offender management  
22.3 (supervision, treatment, and polygraphs) and  
22.4 for developing and monitoring standards of  
22.5 supervision and treatment.

22.6 **Sex offender assessments.** \$75,000 each  
22.7 year is to increase funding to reimburse  
22.8 counties or their designees, or courts, for  
22.9 sex offender assessments under Minnesota  
22.10 Statutes, section 609.3457.

22.11 **Sentencing to service.** \$600,000 each year is  
22.12 to increase funding for sentencing to service  
22.13 activities such as highway litter cleanup.

22.14 **Short-term offenders.** \$2,500,000 each year  
22.15 is to increase funding for the costs associated  
22.16 with the housing and care of short-term  
22.17 offenders. The commissioner may use up  
22.18 to 20 percent of the total amount of the  
22.19 appropriation for inpatient medical care for  
22.20 short-term offenders. All funds remaining at  
22.21 the end of the fiscal year not expended for  
22.22 inpatient medical care must be added to and  
22.23 distributed with the housing funds. These  
22.24 funds must be distributed proportionately  
22.25 based on the total number of days short-term  
22.26 offenders are placed locally, not to exceed  
22.27 \$70 per day.

22.28 The department is exempt from the state  
22.29 contracting process for the purposes of  
22.30 paying short-term offender costs relating to  
22.31 Minnesota Statutes, section 609.105.

22.32 **Offender re-entry service.** \$550,000 each  
22.33 year is for offender job-seeking services,  
22.34 evidence-based research, expansion of  
22.35 re-entry services specific to juveniles,

23.1 and funding to local units of government  
23.2 participating in MCORP to provide re-entry  
23.3 programming to offenders.

23.4 **Offender re-entry grant.** \$800,000 the first  
23.5 year and \$1,700,000 the second year are for  
23.6 grants to the nonprofit organization selected  
23.7 to administer the five-year demonstration  
23.8 project for high-risk adults under Minnesota  
23.9 Statutes, section 241.86. This is a onetime  
23.10 appropriation.

23.11 **Employment services for ex-offenders.**  
23.12 \$200,000 each year is for grants to a nonprofit  
23.13 organization to establish a pilot project to  
23.14 provide employment services to ex-criminal  
23.15 offenders living in the North Minneapolis  
23.16 community as provided for in article 7,  
23.17 section 6. This is a onetime appropriation.

23.18 **Domestic abuse re-entry grants.** \$250,000  
23.19 each year is appropriated from the general  
23.20 fund to the commissioner of corrections for  
23.21 the grant authorized in article 7, section 5.  
23.22 This is a onetime appropriation.

23.23 **Re-entry; productive day.** \$150,000 each  
23.24 year is appropriated from the general fund  
23.25 to the commissioner of corrections for the  
23.26 fiscal biennium ending June 30, 2009. The  
23.27 commissioner shall distribute the money  
23.28 as a grant to the Arrowhead Regional  
23.29 Corrections Agency to expand the agency's  
23.30 productive day initiative program, as defined  
23.31 in Minnesota Statutes, section 241.275,  
23.32 to include juvenile offenders who are 16  
23.33 years of age and older. This is a onetime  
23.34 appropriation.

24.1 **Mentoring grants; incarcerated parents.**  
24.2 \$200,000 each year is appropriated from  
24.3 the general fund to the commissioner of  
24.4 corrections for the grant authorized in  
24.5 Minnesota Statutes, section 299A.82. This is  
24.6 a onetime appropriation.

24.7 **Short-term offender study; report.** The  
24.8 commissioner of corrections shall study  
24.9 the use and effectiveness of the short-term  
24.10 offender program and identify gaps in the  
24.11 current system relating to programming  
24.12 and re-entry services for short-term  
24.13 offenders. On or before January 15, 2008,  
24.14 the commissioner shall submit a report  
24.15 detailing the commissioner's findings and  
24.16 recommendations to the house and senate  
24.17 committees with jurisdiction over public  
24.18 safety policy and funding.

|       |                                           |                   |                   |
|-------|-------------------------------------------|-------------------|-------------------|
| 24.19 | <u>Subd. 4. <b>Operations Support</b></u> | <u>17,524,000</u> | <u>17,754,000</u> |
|-------|-------------------------------------------|-------------------|-------------------|

|       |                               |                   |                   |
|-------|-------------------------------|-------------------|-------------------|
| 24.20 | <u>Appropriations by Fund</u> |                   |                   |
| 24.21 | <u>General</u>                | <u>17,314,000</u> | <u>17,544,000</u> |
| 24.22 | <u>Special Revenue</u>        | <u>210,000</u>    | <u>210,000</u>    |

|       |                                              |           |                |           |                |
|-------|----------------------------------------------|-----------|----------------|-----------|----------------|
| 24.23 | Sec. 15. <u><b>SENTENCING GUIDELINES</b></u> | <u>\$</u> | <u>600,000</u> | <u>\$</u> | <u>600,000</u> |
|-------|----------------------------------------------|-----------|----------------|-----------|----------------|

24.24 **Effectiveness of re-entry programs and**  
24.25 **drug courts; study.** The Sentencing  
24.26 Guidelines Commission, in consultation  
24.27 with the commissioner of corrections and  
24.28 the state court administrator, shall study: (1)  
24.29 the effectiveness of the offender re-entry  
24.30 funding and programs authorized in this act;  
24.31 and (2) the effectiveness of the additional  
24.32 drug courts funded in this act. The executive  
24.33 director of the commission shall file a report  
24.34 with the ranking members of the house of  
24.35 representatives and senate committees with

25.1 jurisdiction over public safety policy and  
25.2 funding by February 15, 2009. The report  
25.3 must assess the impact this act's re-entry  
25.4 grants and programs and expanded drug  
25.5 court funding had on the recidivism rate of  
25.6 offenders who participated in: (1) programs  
25.7 that received re-entry grants; and/or (2) drug  
25.8 courts.

25.9 **ARTICLE 2**  
25.10 **GENERAL CRIME**

25.11 Section 1. Minnesota Statutes 2006, section 518B.01, subdivision 22, is amended to  
25.12 read:

25.13 Subd. 22. **Domestic abuse no contact order.** (a) A domestic abuse no contact order  
25.14 is an order issued by a court against a defendant in a criminal proceeding for:

25.15 (1) domestic abuse;

25.16 (2) harassment or stalking charged under section 609.749 and committed against  
25.17 a family or household member;

25.18 (3) violation of an order for protection charged under subdivision 14; or

25.19 (4) violation of a prior domestic abuse no contact order charged under this  
25.20 subdivision.

25.21 It includes pretrial orders before final disposition of the case and probationary orders  
25.22 after sentencing.

25.23 (b) A person who knows of the existence of a domestic abuse no contact order issued  
25.24 against the person and violates the order is guilty of a misdemeanor.

25.25 (c) A person is guilty of a gross misdemeanor who knowingly violates this  
25.26 subdivision within ten years of a previous qualified domestic violence-related offense  
25.27 conviction or adjudication of delinquency. Upon a gross misdemeanor conviction under  
25.28 this paragraph, the defendant must be sentenced to a minimum of ten days' imprisonment  
25.29 and must be ordered to participate in counseling or other appropriate programs selected  
25.30 by the court as provided in section 518B.02. Notwithstanding section 609.135, the court  
25.31 must impose and execute the minimum sentence provided in this paragraph for gross  
25.32 misdemeanor convictions.

25.33 (d) A person is guilty of a felony and may be sentenced to imprisonment for not more  
25.34 than five years or to payment of a fine of not more than \$10,000, or both, if the person  
25.35 knowingly violates this subdivision within ten years of the first of two or more previous

26.1 qualified domestic violence-related offense convictions or adjudications of delinquency.  
26.2 Upon a felony conviction under this paragraph in which the court stays imposition or  
26.3 execution of sentence, the court shall impose at least a 30-day period of incarceration  
26.4 as a condition of probation. The court also shall order that the defendant participate in  
26.5 counseling or other appropriate programs selected by the court. Notwithstanding section  
26.6 609.135, the court must impose and execute the minimum sentence provided in this  
26.7 paragraph for felony convictions.

26.8 ~~(d)~~ (e) A peace officer shall arrest without a warrant and take into custody a person  
26.9 whom the peace officer has probable cause to believe has violated a domestic abuse no  
26.10 contact order, even if the violation of the order did not take place in the presence of the  
26.11 peace officer, if the existence of the order can be verified by the officer. The person shall  
26.12 be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays,  
26.13 unless the person is released earlier by a judge or judicial officer. A peace officer acting  
26.14 in good faith and exercising due care in making an arrest pursuant to this paragraph is  
26.15 immune from civil liability that might result from the officer's actions.

26.16 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
26.17 committed on or after that date.

26.18 Sec. 2. Minnesota Statutes 2006, section 609.02, subdivision 16, is amended to read:

26.19 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic  
26.20 violence-related offense" includes a violation of or an attempt to violate the following  
26.21 offenses: sections 518B.01, subdivision 14 (violation of domestic abuse order for  
26.22 protection); 518B.01, subdivision 22 (violation of domestic abuse no contact order);  
26.23 609.185 (first-degree murder); 609.19 (second-degree murder); 609.221 (first-degree  
26.24 assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231  
26.25 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault);  
26.26 609.2247 (domestic assault by strangulation); 609.342 (first-degree criminal sexual  
26.27 conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree  
26.28 criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.377  
26.29 (malicious punishment of a child); 609.713 (terroristic threats); 609.748, subdivision 6  
26.30 (violation of harassment restraining order); 609.749 (harassment/stalking); and 609.78,  
26.31 subdivision 2 (interference with an emergency call); and similar laws of other states, the  
26.32 United States, the District of Columbia, tribal lands, and United States territories.

26.33 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
26.34 committed on or after that date.

27.1       Sec. 3. Minnesota Statutes 2006, section 609.341, subdivision 11, is amended to read:

27.2           Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections  
27.3 609.343, subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e),  
27.4 and (h) to ~~(m)~~ (o), includes any of the following acts committed without the complainant's  
27.5 consent, except in those cases where consent is not a defense, and committed with sexual  
27.6 or aggressive intent:

27.7           (i) the intentional touching by the actor of the complainant's intimate parts, or

27.8           (ii) the touching by the complainant of the actor's, the complainant's, or another's  
27.9 intimate parts effected by a person in a position of authority, or by coercion, or by  
27.10 inducement if the complainant is under 13 years of age or mentally impaired, or

27.11           (iii) the touching by another of the complainant's intimate parts effected by coercion  
27.12 or by a person in a position of authority, or

27.13           (iv) in any of the cases above, the touching of the clothing covering the immediate  
27.14 area of the intimate parts.

27.15           (b) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (g)  
27.16 and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts  
27.17 committed with sexual or aggressive intent:

27.18           (i) the intentional touching by the actor of the complainant's intimate parts;

27.19           (ii) the touching by the complainant of the actor's, the complainant's, or another's  
27.20 intimate parts;

27.21           (iii) the touching by another of the complainant's intimate parts; or

27.22           (iv) in any of the cases listed above, touching of the clothing covering the immediate  
27.23 area of the intimate parts.

27.24           (c) "Sexual contact with a person under 13" means the intentional touching of the  
27.25 complainant's bare genitals or anal opening by the actor's bare genitals or anal opening  
27.26 with sexual or aggressive intent or the touching by the complainant's bare genitals or anal  
27.27 opening of the actor's or another's bare genitals or anal opening with sexual or aggressive  
27.28 intent.

27.29           **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
27.30 committed on or after that date.

27.31       Sec. 4. Minnesota Statutes 2006, section 609.344, subdivision 1, is amended to read:

27.32           Subdivision 1. **Crime defined.** A person who engages in sexual penetration with  
27.33 another person is guilty of criminal sexual conduct in the third degree if any of the  
27.34 following circumstances exists:

28.1 (a) the complainant is under 13 years of age and the actor is no more than 36 months  
28.2 older than the complainant. Neither mistake as to the complainant's age nor consent to the  
28.3 act by the complainant shall be a defense;

28.4 (b) the complainant is at least 13 but less than 16 years of age and the actor is more  
28.5 than 24 months older than the complainant. In any such case if the actor is no more  
28.6 than 120 months older than the complainant, it shall be an affirmative defense, which  
28.7 must be proved by a preponderance of the evidence, that the actor reasonably believes  
28.8 the complainant to be 16 years of age or older. In all other cases, mistake as to the  
28.9 complainant's age shall not be a defense. If the actor in such a case is no more than 48  
28.10 months but more than 24 months older than the complainant, the actor may be sentenced  
28.11 to imprisonment for not more than five years. Consent by the complainant is not a defense;

28.12 (c) the actor uses force or coercion to accomplish the penetration;

28.13 (d) the actor knows or has reason to know that the complainant is mentally impaired,  
28.14 mentally incapacitated, or physically helpless;

28.15 (e) the complainant is at least 16 but less than 18 years of age and the actor is  
28.16 more than 48 months older than the complainant and in a position of authority over the  
28.17 complainant. Neither mistake as to the complainant's age nor consent to the act by the  
28.18 complainant is a defense;

28.19 (f) the actor has a significant relationship to the complainant and the complainant  
28.20 was at least 16 but under 18 years of age at the time of the sexual penetration. Neither  
28.21 mistake as to the complainant's age nor consent to the act by the complainant is a defense;

28.22 (g) the actor has a significant relationship to the complainant, the complainant was at  
28.23 least 16 but under 18 years of age at the time of the sexual penetration, and:

28.24 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

28.25 (ii) the complainant suffered personal injury; or

28.26 (iii) the sexual abuse involved multiple acts committed over an extended period of  
28.27 time.

28.28 Neither mistake as to the complainant's age nor consent to the act by the complainant  
28.29 is a defense;

28.30 (h) the actor is a psychotherapist and the complainant is a patient of the  
28.31 psychotherapist and the sexual penetration occurred:

28.32 (i) during the psychotherapy session; or

28.33 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient  
28.34 relationship exists.

28.35 Consent by the complainant is not a defense;

(i) the actor is a psychotherapist and the complainant is a former patient of the psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

(j) the actor is a psychotherapist and the complainant is a patient or former patient and the sexual penetration occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual penetration by means of deception or false representation that the penetration is for a bona fide medical purpose. Consent by the complainant is not a defense;

(l) the actor is or purports to be a member of the clergy, the complainant is not married to the actor, and:

(i) the sexual penetration occurred during the course of a meeting in which the complainant sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

(ii) the sexual penetration occurred during a period of time in which the complainant was meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice, aid, or comfort in private. Consent by the complainant is not a defense;

(m) the actor is an employee, independent contractor, or volunteer of a state, county, city, or privately operated adult or juvenile correctional system, including, but not limited to, jails, prisons, detention centers, or work release facilities, and the complainant is a resident of a facility or under supervision of the correctional system. Consent by the complainant is not a defense; ~~or~~

(n) the actor provides or is an agent of an entity that provides special transportation service, the complainant used the special transportation service, and the sexual penetration occurred during or immediately before or after the actor transported the complainant. Consent by the complainant is not a defense; or

(o) the actor performs massage or other bodywork for hire, the complainant was a user of one of those services, and nonconsensual sexual penetration occurred during or immediately before or after the actor performed or was hired to perform one of those services for the complainant.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2006, section 609.345, subdivision 1, is amended to read:

Subdivision 1. **Crime defined.** A person who engages in sexual contact with another person is guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exists:

30.1 (a) the complainant is under 13 years of age and the actor is no more than 36 months  
30.2 older than the complainant. Neither mistake as to the complainant's age or consent to the  
30.3 act by the complainant is a defense. In a prosecution under this clause, the state is not  
30.4 required to prove that the sexual contact was coerced;

30.5 (b) the complainant is at least 13 but less than 16 years of age and the actor is  
30.6 more than 48 months older than the complainant or in a position of authority over  
30.7 the complainant. Consent by the complainant to the act is not a defense. In any such  
30.8 case, if the actor is no more than 120 months older than the complainant, it shall be an  
30.9 affirmative defense which must be proved by a preponderance of the evidence that the  
30.10 actor reasonably believes the complainant to be 16 years of age or older. In all other cases,  
30.11 mistake as to the complainant's age shall not be a defense;

30.12 (c) the actor uses force or coercion to accomplish the sexual contact;

30.13 (d) the actor knows or has reason to know that the complainant is mentally impaired,  
30.14 mentally incapacitated, or physically helpless;

30.15 (e) the complainant is at least 16 but less than 18 years of age and the actor is  
30.16 more than 48 months older than the complainant and in a position of authority over the  
30.17 complainant. Neither mistake as to the complainant's age nor consent to the act by the  
30.18 complainant is a defense;

30.19 (f) the actor has a significant relationship to the complainant and the complainant  
30.20 was at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake  
30.21 as to the complainant's age nor consent to the act by the complainant is a defense;

30.22 (g) the actor has a significant relationship to the complainant, the complainant was at  
30.23 least 16 but under 18 years of age at the time of the sexual contact, and:

30.24 (i) the actor or an accomplice used force or coercion to accomplish the contact;

30.25 (ii) the complainant suffered personal injury; or

30.26 (iii) the sexual abuse involved multiple acts committed over an extended period of  
30.27 time.

30.28 Neither mistake as to the complainant's age nor consent to the act by the complainant  
30.29 is a defense;

30.30 (h) the actor is a psychotherapist and the complainant is a patient of the  
30.31 psychotherapist and the sexual contact occurred:

30.32 (i) during the psychotherapy session; or

30.33 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient  
30.34 relationship exists. Consent by the complainant is not a defense;

30.35 (i) the actor is a psychotherapist and the complainant is a former patient of the  
30.36 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

31.1 (j) the actor is a psychotherapist and the complainant is a patient or former patient  
31.2 and the sexual contact occurred by means of therapeutic deception. Consent by the  
31.3 complainant is not a defense;

31.4 (k) the actor accomplishes the sexual contact by means of deception or false  
31.5 representation that the contact is for a bona fide medical purpose. Consent by the  
31.6 complainant is not a defense;

31.7 (l) the actor is or purports to be a member of the clergy, the complainant is not  
31.8 married to the actor, and:

31.9 (i) the sexual contact occurred during the course of a meeting in which the  
31.10 complainant sought or received religious or spiritual advice, aid, or comfort from the  
31.11 actor in private; or

31.12 (ii) the sexual contact occurred during a period of time in which the complainant  
31.13 was meeting on an ongoing basis with the actor to seek or receive religious or spiritual  
31.14 advice, aid, or comfort in private. Consent by the complainant is not a defense;

31.15 (m) the actor is an employee, independent contractor, or volunteer of a state, county,  
31.16 city, or privately operated adult or juvenile correctional system, including, but not limited  
31.17 to, jails, prisons, detention centers, or work release facilities, and the complainant is  
31.18 a resident of a facility or under supervision of the correctional system. Consent by the  
31.19 complainant is not a defense; ~~or~~

31.20 (n) the actor provides or is an agent of an entity that provides special transportation  
31.21 service, the complainant used the special transportation service, the complainant is not  
31.22 married to the actor, and the sexual contact occurred during or immediately before or after  
31.23 the actor transported the complainant. Consent by the complainant is not a defense; or

31.24 (o) the actor performs massage or other bodywork for hire, the complainant was  
31.25 a user of one of those services, and nonconsensual sexual contact occurred during or  
31.26 immediately before or after the actor performed or was hired to perform one of those  
31.27 services for the complainant.

31.28 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
31.29 committed on or after that date.

31.30 Sec. 6. Minnesota Statutes 2006, section 609.3451, subdivision 3, is amended to read:

31.31 Subd. 3. **Felony.** A person is guilty of a felony and may be sentenced to  
31.32 imprisonment for not more than five years or to payment of a fine of not more than \$10,000,  
31.33 or both, if the person violates ~~subdivision 1, clause (2)~~ this section, after having been  
31.34 previously convicted of or adjudicated delinquent for violating ~~subdivision 1, clause (2)~~  
31.35 this section; sections 609.342 to 609.345; section 609.3453; section 617.23, subdivision 2,

32.1 clause (1); section 617.247; or a statute from another state in conformity with subdivision  
32.2 ~~1, clause (2), or section 617.23, subdivision 2, clause (1)~~ with one of these statutes.

32.3 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
32.4 committed on or after that date.

32.5 Sec. 7. Minnesota Statutes 2006, section 609.3455, subdivision 4, is amended to read:

32.6 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the  
32.7 statutory maximum penalty otherwise applicable to the offense, the court shall sentence a  
32.8 person to imprisonment for life if the person is convicted of violating section 609.342,  
32.9 609.343, 609.344, 609.345, or 609.3453 and:

32.10 (1) the person has two previous sex offense convictions;

32.11 (2) the person has a previous sex offense conviction and:

32.12 (i) the factfinder determines that the present offense involved an aggravating factor  
32.13 that would provide grounds for an upward durational departure under the sentencing  
32.14 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct  
32.15 convictions;

32.16 (ii) the person received an upward durational departure from the sentencing  
32.17 guidelines for the previous sex offense conviction; or

32.18 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section  
32.19 609.108, for the previous sex offense conviction; or

32.20 (3) the person has two prior sex offense convictions, and the factfinder determines  
32.21 that the prior convictions and present offense involved at least three separate victims, and:

32.22 (i) the factfinder determines that the present offense involved an aggravating factor  
32.23 that would provide grounds for an upward durational departure under the sentencing  
32.24 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct  
32.25 convictions;

32.26 (ii) the person received an upward durational departure from the sentencing  
32.27 guidelines for one of the prior sex offense convictions; or

32.28 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section  
32.29 609.108, for one of the prior sex offense convictions.

32.30 (b) Notwithstanding paragraph (a), a court may not sentence a person to  
32.31 imprisonment for life for a violation of section 609.345, unless at least one of the person's  
32.32 previous or prior sex offense convictions that are being used as the basis for the sentence  
32.33 are for violations of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute  
32.34 of the United States, this state, or any other state.

33.1            **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
33.2 committed on or after that date.

33.3            Sec. 8. Minnesota Statutes 2006, section 609.3455, is amended by adding a subdivision  
33.4 to read:

33.5            Subd. 9. **Applicability.** The provisions of this section do not affect the applicability  
33.6 of Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005,  
33.7 or the validity of sentences imposed under Minnesota Statutes 2004, section 609.108.

33.8            **EFFECTIVE DATE.** This section is effective the day following final enactment.

33.9            Sec. 9. Minnesota Statutes 2006, section 609.352, is amended to read:

33.10            **609.352 SOLICITATION OF CHILDREN TO ENGAGE IN SEXUAL**  
33.11 **CONDUCT.**

33.12            Subdivision 1. **Definitions.** As used in this section:

33.13            (a) "child" means a person 15 years of age or younger;

33.14            (b) "sexual conduct" means sexual contact of the individual's primary genital area,  
33.15 sexual penetration as defined in section 609.341, or sexual performance as defined in  
33.16 section 617.246; ~~and~~

33.17            (c) "solicit" means commanding, entreating, or attempting to persuade a specific  
33.18 person in person, by telephone, by letter, or by computerized or other electronic means;  
33.19 and

33.20            (d) "sexually explicit" means any communication, language, or material, including a  
33.21 photographic or video image, that relates to or describes sexual conduct.

33.22            Subd. 2. **Prohibited act.** A person 18 years of age or older who solicits a child or  
33.23 someone the person reasonably believes is a child to engage in sexual conduct with intent  
33.24 to engage in sexual conduct is guilty of a felony ~~and may be sentenced to imprisonment~~  
33.25 ~~for not more than three years, or to payment of a fine of not more than \$5,000, or both.~~

33.26            Subd. 2a. **Internet or computer solicitation of children.** A person 18 years of age  
33.27 or older who uses the Internet or a computer, computer program, computer network, or  
33.28 computer system to communicate with a child or someone the person reasonably believes  
33.29 is a child, with the intent to arouse or gratify the sexual desire of any person, is guilty of a  
33.30 felony if any of the following circumstances exist:

33.31            (a) the actor solicits a child or someone the actor reasonably believes is a child to  
33.32 engage in sexual conduct;

34.1            (b) the actor communicates in a sexually explicit manner with a child or someone  
34.2 the actor reasonably believes is a child; or

34.3            (c) the actor distributes sexually explicit material to a child or someone the actor  
34.4 reasonably believes is a child.

34.5            Subd. 2b. **Jurisdiction.** A person may be convicted of an offense under subdivision  
34.6 2a if the transmission that constitutes the offense either originates within this state or is  
34.7 received within this state.

34.8            Subd. 3. **Defenses.** (a) Mistake as to age is not a defense to a prosecution under  
34.9 this section subdivision 2. Mistake as to age is an affirmative defense to a prosecution  
34.10 under subdivision 2a.

34.11            (b) The fact that an undercover operative or law enforcement officer was involved  
34.12 in the detection or investigation of an offense under this section does not constitute a  
34.13 defense to a prosecution under this section.

34.14            Subd. 4. **Penalty.** A person convicted under subdivision 2 or 2a is guilty of a felony  
34.15 and may be sentenced to imprisonment for not more than three years, or to payment of  
34.16 a fine of not more than \$5,000, or both.

34.17            **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
34.18 committed on or after that date.

34.19            Sec. 10. Minnesota Statutes 2006, section 609.505, subdivision 2, is amended to read:

34.20            Subd. 2. **Reporting police misconduct.** (a) Whoever informs, or causes information  
34.21 to be communicated to, a peace officer, whose responsibilities include investigating or  
34.22 reporting police misconduct, or other person working under the authority of a chief law  
34.23 enforcement officer, whose responsibilities include investigating or reporting police  
34.24 misconduct, that a peace officer, as defined in section 626.84, subdivision 1, paragraph (c),  
34.25 has committed an act of police misconduct, knowing that the information is false, is guilty  
34.26 of a crime and may be sentenced as follows:

34.27            (1) up to the maximum provided for a misdemeanor if the false information does not  
34.28 allege a criminal act; or

34.29            (2) up to the maximum provided for a gross misdemeanor if the false information  
34.30 alleges a criminal act.

34.31            (b) The court shall order any person convicted of a violation of this subdivision  
34.32 to make full restitution of all reasonable expenses incurred in the investigation of the  
34.33 false allegation unless the court makes a specific written finding that restitution would be  
34.34 inappropriate under the circumstances. A restitution award may not exceed \$3,000.

35.1        **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
35.2        committed on or after that date.

35.3        Sec. 11. Minnesota Statutes 2006, section 609.535, subdivision 2a, is amended to read:

35.4        Subd. 2a. **Penalties.** (a) A person who is convicted of issuing a dishonored check  
35.5        under subdivision 2 may be sentenced as follows:

35.6        (1) to imprisonment for not more than five years or to payment of a fine of not more  
35.7        than \$10,000, or both, if the value of the dishonored check, or checks aggregated under  
35.8        paragraph (b), is more than ~~\$500~~ \$1,000;

35.9        (2) to imprisonment for not more than one year or to payment of a fine of not more  
35.10       than \$3,000, or both, if the value of the dishonored check, or checks aggregated under  
35.11       paragraph (b), is more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000; or

35.12       (3) to imprisonment for not more than 90 days or to payment of a fine of not more  
35.13       than \$1,000, or both, if the value of the dishonored check, or checks aggregated under  
35.14       paragraph (b), is not more than ~~\$250~~ \$500.

35.15       (b) In a prosecution under this subdivision, the value of dishonored checks issued  
35.16       by the defendant in violation of this subdivision within any six-month period may be  
35.17       aggregated and the defendant charged accordingly in applying this section. When two or  
35.18       more offenses are committed by the same person in two or more counties, the accused  
35.19       may be prosecuted in any county in which one of the dishonored checks was issued for all  
35.20       of the offenses aggregated under this paragraph.

35.21       **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
35.22       committed on or after that date.

35.23       Sec. 12. Minnesota Statutes 2006, section 609.581, is amended by adding a subdivision  
35.24       to read:

35.25       Subd. 5. **Government building.** "Government building" means a building that  
35.26       is owned, leased, controlled, or operated by a governmental entity for a governmental  
35.27       purpose.

35.28       **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
35.29       committed on or after that date.

35.30       Sec. 13. Minnesota Statutes 2006, section 609.581, is amended by adding a subdivision  
35.31       to read:

36.1            Subd. 6. **Religious establishment.** "Religious establishment" means a building  
36.2 used for worship services by a religious organization and clearly identified as such by a  
36.3 posted sign or other means.

36.4            **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
36.5 committed on or after that date.

36.6            Sec. 14. Minnesota Statutes 2006, section 609.581, is amended by adding a subdivision  
36.7 to read:

36.8            Subd. 7. **School building.** "School building" means a public or private preschool,  
36.9 elementary school, middle school, secondary school, or postsecondary school building.

36.10           **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
36.11 committed on or after that date.

36.12           Sec. 15. Minnesota Statutes 2006, section 609.581, is amended by adding a subdivision  
36.13 to read:

36.14           Subd. 8. **Historic property.** "Historic property" means any property identified  
36.15 as a historic site or historic place by sections 138.661 to 138.664 and clearly identified  
36.16 as such by a posted sign or other means.

36.17           **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
36.18 committed on or after that date.

36.19           Sec. 16. Minnesota Statutes 2006, section 609.582, subdivision 2, is amended to read:

36.20           Subd. 2. **Burglary in the second degree.** (a) Whoever enters a building without  
36.21 consent and with intent to commit a crime, or enters a building without consent and  
36.22 commits a crime while in the building, either directly or as an accomplice, commits  
36.23 burglary in the second degree and may be sentenced to imprisonment for not more than  
36.24 ten years or to payment of a fine of not more than \$20,000, or both, if:

36.25           ~~(a)~~ (1) the building is a dwelling;

36.26           ~~(b)~~ (2) the portion of the building entered contains a banking business or other  
36.27 business of receiving securities or other valuable papers for deposit or safekeeping and  
36.28 the entry is with force or threat of force;

36.29           ~~(c)~~ (3) the portion of the building entered contains a pharmacy or other lawful  
36.30 business or practice in which controlled substances are routinely held or stored, and the  
36.31 entry is forcible; or

~~(d)~~ (4) when entering or while in the building, the burglar possesses a tool to gain access to money or property.

(b) Whoever enters a government building, religious establishment, historic property, or school building without consent and with intent to commit a crime under section 609.52 or 609.595, or enters a government building, religious establishment, historic property, or school building without consent and commits a crime under section 609.52 or 609.595 while in the building, either directly or as an accomplice, commits burglary in the second degree and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date.

Sec. 17. **[609.593] DAMAGE OR THEFT TO ENERGY TRANSMISSION OR TELECOMMUNICATIONS EQUIPMENT.**

Subdivision 1. **Crime.** Whoever intentionally and without consent from one authorized to give consent causes any damage or takes, removes, severs, or breaks:

(1) any line erected or maintained for the purpose of transmitting electricity for light, heat, or power, or any insulator or cross-arm, appurtenance or apparatus connected therewith, any wire, cable, or current thereof;

(2) any pipe or main or hazardous liquid pipeline erected, operated, or maintained for the purpose of transporting, conveying, or distributing gas or other hazardous liquids for light, heat, power, or any other purpose, or any part thereof, or any valve, meter, holder, compressor, machinery, appurtenance, equipment, or apparatus connected with any such main or pipeline; or

(3) any machinery, equipment, and fixtures used in receiving, initiating, amplifying, processing, transmitting, retransmitting, recording, switching, or monitoring telecommunications services, such as computers, transformers, amplifiers, routers, repeaters, multiplexers, and other items performing comparable functions; and machinery, equipment, and fixtures used in the transportation of telecommunications services, radio transmitters and receivers, satellite equipment, microwave equipment, and other transporting media including wire, cable, fiber, poles, and conduit;

is guilty of a crime and may be sentenced as provided in subdivision 2.

Subd. 2. **Penalty.** Whoever violates subdivision 1 is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

38.1 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
38.2 committed on or after that date.

38.3 Sec. 18. **[609.5935] TAMPERING WITH GAS AND ELECTRICAL LINES.**

38.4 Whoever intentionally and without claim of right, takes, removes, breaks, or severs,  
38.5 a line or any part connected to a line that is used for supplying or transporting gas or  
38.6 electricity without the consent of one authorized to give consent and in a manner that  
38.7 creates a substantial risk of death or bodily harm or serious property damage is guilty of a  
38.8 felony and may be sentenced to imprisonment for not more than 20 years or to payment of  
38.9 a fine of not more than \$100,000, or both.

38.10 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
38.11 committed on or after that date.

38.12 Sec. 19. Minnesota Statutes 2006, section 609.595, subdivision 1, is amended to read:

38.13 Subdivision 1. **Criminal damage to property in the first degree.** Whoever  
38.14 intentionally causes damage to physical property of another without the latter's consent  
38.15 may be sentenced to imprisonment for not more than five years or to payment of a fine of  
38.16 not more than \$10,000, or both, if:

38.17 (1) the damage to the property caused a reasonably foreseeable risk of bodily  
38.18 harm; or

38.19 (2) the property damaged belongs to a common carrier and the damage impairs the  
38.20 service to the public rendered by the carrier; or

38.21 (3) the damage reduces the value of the property by more than ~~\$500~~ \$1,000 measured  
38.22 by the cost of repair and replacement; or

38.23 (4) the damage reduces the value of the property by more than ~~\$250~~ \$500 measured  
38.24 by the cost of repair and replacement and the defendant has been convicted within the  
38.25 preceding three years of an offense under this subdivision or subdivision 2.

38.26 In any prosecution under clause (3), the value of any property damaged by the  
38.27 defendant in violation of that clause within any six-month period may be aggregated and  
38.28 the defendant charged accordingly in applying the provisions of this section; provided that  
38.29 when two or more offenses are committed by the same person in two or more counties, the  
38.30 accused may be prosecuted in any county in which one of the offenses was committed for  
38.31 all of the offenses aggregated under this paragraph.

38.32 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
38.33 committed on or after that date.

Sec. 20. Minnesota Statutes 2006, section 609.595, subdivision 2, is amended to read:

Subd. 2. **Criminal damage to property in the third degree.** (a) Except as otherwise provided in subdivision 1a, whoever intentionally causes damage to another person's physical property without the other person's consent may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the property by more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000 as measured by the cost of repair and replacement.

(b) Whoever intentionally causes damage to another person's physical property without the other person's consent because of the property owner's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the property by not more than ~~\$250~~ \$500.

(c) In any prosecution under paragraph (a), the value of property damaged by the defendant in violation of that paragraph within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date.

Sec. 21. Minnesota Statutes 2006, section 609.748, subdivision 1, is amended to read:

Subdivision 1. **Definition.** For the purposes of this section, the following terms have the meanings given them in this subdivision.

(a) "Harassment" includes:

(1) a single incident of physical or sexual assault or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target;

(2) targeted residential picketing; ~~and~~

(3) a pattern of attending public events after being notified that the actor's presence at the event is harassing to another; and

(4) a single incident of posing as another person or persons through the use of the Internet or a computer, computer program, computer network, or computer system, without express authorization in order to harass or defame another person or persons.

(b) "Respondent" includes any adults or juveniles alleged to have engaged in harassment or organizations alleged to have sponsored or promoted harassment.

(c) "Targeted residential picketing" includes the following acts when committed on more than one occasion:

(1) marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security, or privacy of an occupant of the building; or

(2) marching, standing, or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date.

Sec. 22. Minnesota Statutes 2006, section 609.748, subdivision 5, is amended to read:

Subd. 5. **Restraining order.** (a) The court may grant a restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact with that person if all of the following occur:

(1) the petitioner has filed a petition under subdivision 3;

(2) the sheriff has served respondent with a copy of the temporary restraining order obtained under subdivision 4, and with notice of the right to request a hearing, or service has been made by publication under subdivision 3, paragraph (b); and

(3) the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.

Except as provided in paragraph (c), a restraining order may be issued only against the respondent named in the petition; ~~except that~~ and if the respondent is an organization, the order may be issued against and apply to all of the members of the organization. Relief granted by the restraining order must be for a fixed period of not more than two years. When a referee presides at the hearing on the petition, the restraining order becomes effective upon the referee's signature.

(b) An order issued under this subdivision must be personally served upon the respondent.

(c) If the harassment involves communication through the use of the Internet or a computer, computer program, computer network, or computer system, a restraining order may also be issued against private computer networks, including Internet service providers or computer bulletin board systems, that are publishing harassing information.

41.1 A restraining order issued under this paragraph may direct the respondent or a private  
41.2 computer network to remove or correct the harassing information. A restraining order  
41.3 issued under this paragraph may be served by mail upon any private computer network  
41.4 affected.

41.5 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
41.6 committed on or after that date.

41.7 Sec. 23. **REPEALER.**

41.8 Minnesota Statutes 2006, section 609.805, is repealed.

41.9 **EFFECTIVE DATE.** This section is effective July 1, 2007.

41.10 **ARTICLE 3**

41.11 **DWI AND DRIVING RELATED PROVISIONS**

41.12 Section 1. Minnesota Statutes 2006, section 169A.275, is amended by adding a  
41.13 subdivision to read:

41.14 Subd. 7. **Exception.** (a) A judge is not required to sentence a person as provided  
41.15 in this section if the judge requires the person as a condition of probation to drive only  
41.16 motor vehicles equipped with an ignition interlock device meeting the standards described  
41.17 in section 171.306.

41.18 (b) This subdivision expires July 1, 2009.

41.19 **EFFECTIVE DATE.** This section is effective July 1, 2007, and applies to crimes  
41.20 committed on or after that date.

41.21 Sec. 2. Minnesota Statutes 2006, section 169A.51, subdivision 7, is amended to read:

41.22 Subd. 7. **Requirements for conducting tests; liability.** (a) Only a physician,  
41.23 medical technician, emergency medical technician-paramedic, registered nurse, medical  
41.24 technologist, medical laboratory technician, phlebotomist, or laboratory assistant acting  
41.25 at the request of a peace officer may withdraw blood for the purpose of determining the  
41.26 presence of alcohol, a controlled substance or its metabolite, or a hazardous substance.  
41.27 This limitation does not apply to the taking of a breath or urine sample.

41.28 (b) The person tested has the right to have someone of the person's own choosing  
41.29 administer a chemical test or tests in addition to any administered at the direction of a  
41.30 peace officer; provided, that the additional test sample on behalf of the person is obtained  
41.31 at the place where the person is in custody, after the test administered at the direction of a

peace officer, and at no expense to the state. The failure or inability to obtain an additional test or tests by a person does not preclude the admission in evidence of the test taken at the direction of a peace officer unless the additional test was prevented or denied by the peace officer.

(c) The physician, medical technician, emergency medical technician-paramedic, medical technologist, medical laboratory technician, laboratory assistant, phlebotomist, or registered nurse drawing blood at the request of a peace officer for the purpose of determining the concentration of alcohol, a controlled substance or its metabolite, or a hazardous substance is in no manner liable in any civil or criminal action except for negligence in drawing the blood. The person administering a breath test must be fully trained in the administration of breath tests pursuant to training given by the commissioner of public safety.

**EFFECTIVE DATE.** This section is effective the day following final enactment and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2006, section 171.12, is amended by adding a subdivision to read:

Subd. 9. **Driving record disclosure to law enforcement.** The commissioner shall also furnish driving records, without charge, to chiefs of police, county sheriffs, prosecuting attorneys, and other law enforcement agencies with the power to arrest.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

**Sec. 4. [171.306] IGNITION INTERLOCK DEVICE PILOT PROJECT.**

Subdivision 1. **Pilot project established; reports.** The commissioner shall conduct a two-year ignition interlock device pilot project as provided in this section. The commissioner shall select one metropolitan county and one rural county to participate in the pilot project. The pilot project must begin on July 1, 2007, and continue until June 30, 2009. The commissioner shall submit two preliminary reports by February 1, 2008, and by December 1, 2008, and a final report by September 1, 2009, to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy and funding. The reports must evaluate the successes and failures of the pilot project, provide information on participation rates, and make recommendations on continuing the project.

Subd. 2. **Performance standards; certification.** The commissioner shall determine appropriate performance standards and a certification process for ignition interlock

devices for the pilot project. Only devices certified by the commissioner as meeting the performance standards may be used in the pilot project.

Subd. 3. **Pilot project components.** (a) Under the pilot project, the commissioner shall issue a driver's license to an individual whose driver's license has been revoked under chapter 169A for a repeat impaired driving incident if the person qualifies under this section and agrees to all of the conditions of the project.

(b) The commissioner must flag the person's driver's license record to indicate the person's participation in the program. The license must authorize the person to drive only vehicles having functioning ignition interlock devices conforming with the requirements of subdivision 2.

(c) Notwithstanding any statute or rule to the contrary, the commissioner has authority to and shall determine the appropriate period for which a person participating in the ignition interlock pilot program shall be subject to this program, and when the person is eligible to be issued:

(1) a limited driver's license subject to the ignition interlock restriction;

(2) full driving privileges subject to the ignition interlock restriction; and

(3) a driver's license without an ignition interlock restriction.

(d) A person participating in this pilot project shall agree to participate in any treatment recommended by a chemical use assessment.

(e) The commissioner shall determine guidelines for participation in the project. A person participating in the project shall sign a written agreement accepting these guidelines and agreeing to comply with them.

(f) It is a misdemeanor for a person who is licensed under this section for driving a vehicle equipped with an ignition interlock device:

(1) to start or attempt to start, or to operate or attempt to operate, the vehicle while the person has any amount of alcohol in the person's body; or

(2) to drive, operate or be in physical control of a motor vehicle other than a vehicle properly equipped with an ignition interlock device.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2006, section 171.55, is amended to read:

**171.55 OUT-OF-STATE CONVICTIONS GIVEN EFFECT.**

The commissioner shall give the same effect for driver licensing purposes to conduct reported from a licensing authority or court in another state or province or territory of Canada that the commissioner would give to conduct reported from a court or other

agency of this state, whether or not the other state or province or territory of Canada is a party to the Driver License Compact in section 171.50. The conduct to be given effect by the commissioner includes a report of conviction for an offense enumerated in section 171.50, article IV, or an offense described in sections 171.17 and 171.18.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2006, section 609.21, subdivision 1, is amended to read:

Subdivision 1. **Criminal vehicular ~~homicide~~ operation; crime described.** A person is guilty of criminal vehicular ~~homicide resulting in death and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both~~ operation and may be sentenced as provided in subdivision 1a, if the person causes injury to or the death of a human being not constituting murder or manslaughter another as a result of operating a motor vehicle:

(1) in a grossly negligent manner;

(2) in a negligent manner while under the influence of:

(i) alcohol;

(ii) a controlled substance; or

(iii) any combination of those elements;

(3) while having an alcohol concentration of 0.08 or more;

(4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;

(5) in a negligent manner while knowingly under the influence of a hazardous substance;

(6) in a negligent manner while any amount of a controlled substance listed in schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body; or

(7) where the driver who causes the accident leaves the scene of the accident in violation of section 169.09, subdivision 1 or 6.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2006, section 609.21, is amended by adding a subdivision to read:

Subd. 1a. **Criminal penalties.** (a) A person who violates subdivision 1 and causes the death of a human being not constituting murder or manslaughter or the death of an unborn child may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) A person who violates subdivision 1 and causes great bodily harm to another not constituting attempted murder or assault or great bodily harm to an unborn child who is subsequently born alive may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(c) A person who violates subdivision 1 and causes substantial bodily harm to another may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$10,000, or both.

(d) A person who violates subdivision 1 and causes bodily harm to another may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2006, section 609.21, is amended by adding a subdivision to read:

Subd. 1b. **Conviction not bar to punishment for other crimes.** A prosecution for or a conviction of a crime under this section relating to causing death or injury to an unborn child is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2006, section 609.21, subdivision 4a, is amended to read:

Subd. 4a. **Affirmative defense.** It shall be an affirmative defense to a charge under subdivision 1, clause (6); ~~2, clause (6); 2a, clause (6); 2b, clause (6); 3, clause (6); or 4, clause (6)~~, that the defendant used the controlled substance according to the terms of a prescription issued for the defendant in accordance with sections 152.11 and 152.12.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2006, section 609.21, subdivision 5, is amended to read:

Subd. 5. **Definitions.** For purposes of this section, the terms defined in this subdivision have the meanings given them.

(a) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes attached trailers.

(b) "Controlled substance" has the meaning given in section 152.01, subdivision 4.

(c) "Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2006, section 634.15, subdivision 1, is amended to read:

Subdivision 1. **Certificates of analysis; blood sample reports; chain of custody.**

(a) In any hearing or trial of a criminal offense or petty misdemeanor or proceeding pursuant to section 169A.53, subdivision 3, the following documents shall be admissible in evidence:

~~(a)~~ (1) a report of the facts and results of any laboratory analysis or examination if it is prepared and attested by the person performing the laboratory analysis or examination in any laboratory operated by the Bureau of Criminal Apprehension or authorized by the bureau to conduct an analysis or examination, or in any laboratory of the Federal Bureau of Investigation, the federal Postal Inspection Service, the federal Bureau of Alcohol, Tobacco and Firearms, or the federal Drug Enforcement Administration;

~~(b)~~ (2) a report of a blood sample withdrawn under the implied consent law if:

(i) The report was prepared by the person who administered the test;

(ii) The person who withdrew the blood sample was competent to administer the test under section 169A.51, subdivision 7; and

(iii) The report was prepared consistent with any applicable rules promulgated by the commissioner of public safety; and

~~(c)~~ (3) a verified chain of custody of a specimen while under the control of a laboratory described in clause ~~(a)~~ (1).

(b) A report described in paragraph (a), clause ~~(a)~~ (1), purported to be signed by the person performing the analysis or examination in a laboratory named in that clause, or a blood sample report described in paragraph (a), clause ~~(b)~~ (2), purported to be signed by the person who withdrew the blood sample shall be admissible as evidence without proof of the seal, signature or official character of the person whose name is signed to it. The signature in paragraph (a), clause ~~(a)~~ (1) or ~~(b)~~ (2), can be written or in electronic format.

(c) At least 20 days before trial, the prosecutor shall submit to the accused person or the accused person's attorney notice of the contents of a report described in paragraph (a) and of the requirements of subdivision 2.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 12. Minnesota Statutes 2006, section 634.15, subdivision 2, is amended to read:

Subd. 2. **Testimony at trial.** (a) Except in civil proceedings, including proceedings under section 169A.53, an accused person or the accused person's attorney may request, by notifying the prosecuting attorney at least ten days before the trial, that the following persons testify in person at the trial on behalf of the state:

~~(a)~~ (1) a person who performed the laboratory analysis or examination for the report described in subdivision 1, paragraph (a), clause ~~(a)~~ (1); or

~~(b)~~ (2) a person who prepared the blood sample report described in subdivision 1, paragraph (a), clause ~~(b)~~ (2).

If a petitioner in a proceeding under section 169A.53 subpoenas a person described in ~~paragraph (a) clause (1) or ~~(b)~~ (2),~~ to testify at the proceeding, the petitioner is not required to pay the person witness fees under section 357.22 in excess of \$100.

(b) If the accused person or the accused person's attorney does not comply with the ten-day requirement described in paragraph (a), the prosecutor is not required to produce the person who performed the analysis or examination or prepared the report. In this case, the accused person's right to confront that witness is waived and the report shall be admitted into evidence.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

Sec. 13. **REVISOR'S INSTRUCTION.**

(a) In Minnesota Statutes, sections 171.3215, subdivision 2a; and 609.135, subdivision 2, the revisor of statutes shall change the references in column A to the references in column B.

Column A

Column B

609.21, subdivision 1

609.21, subdivision 1a, paragraph (a)

609.21, subdivision 2

609.21, subdivision 1a, paragraph (b)

609.21, subdivision 2a

609.21, subdivision 1a, paragraph (c)

609.21, subdivision 2b

609.21, subdivision 1a, paragraph (d)

609.21, subdivision 4

609.21, subdivision 1a, paragraph (b)

(b) In Minnesota Statutes, section 609.035, subdivision 1, the revisor of statutes shall replace the reference to Minnesota Statutes, section 609.21, subdivisions 3 and 4, with a reference to Minnesota Statutes, section 609.21, subdivision 1b.

(c) In Minnesota Statutes, section 609.266, the revisor of statutes shall replace the reference to Minnesota Statutes, section 609.21, subdivisions 3 and 4, with a reference to Minnesota Statutes, section 609.21, subdivision 1a, paragraphs (a) and (b).

(d) In Minnesota Statutes, section 169A.03, subdivisions 20 and 21, and Minnesota Statutes, section 169A.24, subdivision 1, the revisor of statutes shall strike the references to Minnesota Statutes, section 609.21, subdivision 2, clauses (2) to (6); subdivision 2a, clauses (2) to (6); subdivision 2b, clauses (2) to (6); subdivision 3, clauses (2) to (6); and subdivision 4, clauses (2) to (6).

**EFFECTIVE DATE.** This section is effective August 1, 2007.

Sec. 14. **REPEALER.**

Subdivision 1. **Verify auto insurance.** Minnesota Statutes 2006, section 169.796, subdivision 3, is repealed.

Subd. 2. **Suspension of mailed demands.** Laws 2005, First Special Session chapter 6, article 3, section 91, is repealed.

Subd. 3. **Criminal vehicular operation.** Minnesota Statutes 2006, section 609.21, subdivisions 2, 2a, 2b, 3, and 4, are repealed.

**EFFECTIVE DATE.** Subdivisions 1 and 2 are effective the day following final enactment. Subdivision 3 is effective August 1, 2007.

**ARTICLE 4**  
**CRIME VICTIMS**

Section 1. **[299A.786] LEGAL ADVOCACY TRAFFICKING VICTIMS; GRANT.**

(a) The commissioner of public safety shall award a grant for ten weekly international trafficking screening clinics that are staffed by attorneys from a nonprofit organization that provides free legal, medical, dental, mental health, shelter, and vocational counseling services and English language classes to trafficking victims in the state.

(b) The grant applicant shall prepare and submit to the commissioner of public safety a written grant proposal detailing the screening clinic free services, including components of the services offered.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

49.1 Sec. 2. Minnesota Statutes 2006, section 363A.06, subdivision 1, is amended to read:

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

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

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

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

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

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

49.15 (6) obtain upon request and utilize the services of all state governmental departments  
49.16 and agencies;

49.17 (7) adopt suitable rules for effectuating the purposes of this chapter;

49.18 (8) issue complaints, receive and investigate charges alleging unfair discriminatory  
49.19 practices, and determine whether or not probable cause exists for hearing;

49.20 (9) subpoena witnesses, administer oaths, take testimony, and require the production  
49.21 for examination of any books or papers relative to any matter under investigation or in  
49.22 question as the commissioner deems appropriate to carry out the purposes of this chapter;

49.23 (10) attempt, by means of education, conference, conciliation, and persuasion to  
49.24 eliminate unfair discriminatory practices as being contrary to the public policy of the state;

49.25 (11) develop and conduct programs of formal and informal education designed to  
49.26 eliminate discrimination and intergroup conflict by use of educational techniques and  
49.27 programs the commissioner deems necessary;

49.28 (12) make a written report of the activities of the commissioner to the governor  
49.29 each year;

49.30 (13) accept gifts, bequests, grants, or other payments public and private to help  
49.31 finance the activities of the department;

49.32 (14) create such local and statewide advisory committees as will in the  
49.33 commissioner's judgment aid in effectuating the purposes of the Department of Human  
49.34 Rights;

49.35 (15) develop such programs as will aid in determining the compliance throughout  
49.36 the state with the provisions of this chapter, and in the furtherance of such duties, conduct

research and study discriminatory practices based upon race, color, creed, religion, national origin, sex, age, disability, marital status, status with regard to public assistance, familial status, sexual orientation, or other factors and develop accurate data on the nature and extent of discrimination and other matters as they may affect housing, employment, public accommodations, schools, and other areas of public life;

(16) develop and disseminate technical assistance to persons subject to the provisions of this chapter, and to agencies and officers of governmental and private agencies;

(17) provide staff services to such advisory committees as may be created in aid of the functions of the Department of Human Rights;

(18) make grants in aid to the extent that appropriations are made available for that purpose in aid of carrying out duties and responsibilities; and

(19) cooperate and consult with the commissioner of labor and industry regarding the investigation of violations of, and resolution of complaints regarding section 363A.08, subdivision 7.

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

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

**Sec. 3. [504B.206] RIGHT OF VICTIMS OF DOMESTIC ABUSE TO TERMINATE LEASE.**

Subdivision 1. **Right to terminate; procedure.** A tenant to a residential lease who is a victim of domestic abuse and fears imminent domestic abuse against the tenant or the tenant's children by remaining in the leased premises may terminate a lease agreement without penalty or liability, except as provided by this section, by providing written notice to the landlord stating that the tenant fears imminent domestic abuse and indicating the specific date the tenant intends to vacate the premises. The written notice must be delivered by mail, fax, or in person, and be accompanied by one of the following:

(1) an order for protection under chapter 518B; or

(2) a no contact order, currently in effect, issued under section 518B.01, subdivision 22, or chapter 609.

Subd. 2. **Confidentiality of information.** Information provided to the landlord by the victim documenting domestic abuse pursuant to subdivision 1 shall be treated by the landlord as confidential. The information may not be entered into any shared database

51.1 or provided to any entity except when required for use in an eviction proceeding, upon  
51.2 the consent of the victim, or as otherwise required by law.

51.3 Subd. 3. **Liability for rent; termination of tenancy.** (a) A tenant terminating a  
51.4 lease pursuant to subdivision 1 is responsible for one month's rent following the vacation  
51.5 of the premises and is relieved of any contractual obligation for payment of rent or any  
51.6 other charges for the remaining term of the lease.

51.7 (b) This section does not affect a tenant's liability for delinquent, unpaid rent or  
51.8 other sums owed to the landlord before the lease was terminated by the tenant under this  
51.9 section. The return or retention of the security deposit is subject to the provisions of  
51.10 section 504B.178.

51.11 (c) The tenancy terminates, including the right of possession of the premises, when  
51.12 the tenant surrenders the keys to the premises to the landlord. The one month's rent is due  
51.13 and payable on or before the date the tenant vacates the premises, as indicated in their  
51.14 written notice pursuant to subdivision 1. For purposes of this section, the provisions of  
51.15 section 504B.178 commence upon the first day of the month following either:

51.16 (1) the date the tenant vacates the premises; or

51.17 (2) the date the tenant pays the one month's rent, whichever occurs first.

51.18 (d) The provisions of this subdivision do not apply until written notice meeting the  
51.19 requirements of subdivision 1 is delivered to the landlord.

51.20 Subd. 4. **Multiple tenants.** Notwithstanding the release of a tenant from a lease  
51.21 agreement under this section, if there are any remaining tenants residing in the premises  
51.22 the tenancy shall continue for those remaining tenants. A perpetrator who has been  
51.23 excluded from the premises under court order remains liable under the lease with any  
51.24 other tenant of the premises for rent or damage to the premises.

51.25 Subd. 5. **Waiver prohibited.** A residential tenant may not waive, and a landlord  
51.26 may not require the residential tenant to waive, the resident tenant's rights under this  
51.27 section.

51.28 Subd. 6. **Definition.** For purposes of this section, "domestic abuse" has the meaning  
51.29 given in section 518B.01, subdivision 2.

51.30 **EFFECTIVE DATE.** This section is effective July 1, 2007.

51.31 Sec. 4. Minnesota Statutes 2006, section 518B.01, subdivision 6a, is amended to read:

51.32 Subd. 6a. **Subsequent orders and extensions.** (a) Upon application, notice to  
51.33 all parties, and hearing, the court may extend the relief granted in an existing order for  
51.34 protection or, if a petitioner's order for protection is no longer in effect when an application

for subsequent relief is made, grant a new order. The court may extend the terms of an existing order or, if an order is no longer in effect, grant a new order upon a showing that:

(1) the respondent has violated a prior or existing order for protection;

(2) the petitioner is reasonably in fear of physical harm from the respondent;

(3) the respondent has engaged in acts of harassment or stalking within the meaning of section 609.749, subdivision 2; or

(4) the respondent is incarcerated and about to be released, or has recently been released from incarceration.

A petitioner does not need to show that physical harm is imminent to obtain an extension or a subsequent order under this subdivision.

(b) If the court extends relief in an existing order for protection or grants a new order, the court may order the respondent to provide the following information to the court for purposes of service of process: the respondent's home address, the respondent's employment address, and the names and locations of the respondent's parents, siblings, children, or other close relatives.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 5. Minnesota Statutes 2006, section 595.02, subdivision 1, is amended to read:

Subdivision 1. **Competency of witnesses.** Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision:

(a) A husband cannot be examined for or against his wife without her consent, nor a wife for or against her husband without his consent, nor can either, during the marriage or afterwards, without the consent of the other, be examined as to any communication made by one to the other during the marriage. This exception does not apply to a civil action or proceeding by one against the other, nor to a criminal action or proceeding for a crime committed by one against the other or against a child of either or against a child under the care of either spouse, nor to a criminal action or proceeding in which one is charged with homicide or an attempt to commit homicide and the date of the marriage of the defendant is subsequent to the date of the offense, nor to an action or proceeding for nonsupport, neglect, dependency, or termination of parental rights.

(b) An attorney cannot, without the consent of the attorney's client, be examined as to any communication made by the client to the attorney or the attorney's advice given thereon in the course of professional duty; nor can any employee of the attorney be examined as to the communication or advice, without the client's consent.

(c) A member of the clergy or other minister of any religion shall not, without the consent of the party making the confession, be allowed to disclose a confession made to the member of the clergy or other minister in a professional character, in the course of discipline enjoined by the rules or practice of the religious body to which the member of the clergy or other minister belongs; nor shall a member of the clergy or other minister of any religion be examined as to any communication made to the member of the clergy or other minister by any person seeking religious or spiritual advice, aid, or comfort or advice given thereon in the course of the member of the clergy's or other minister's professional character, without the consent of the person.

(d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the consent of the patient, be allowed to disclose any information or any opinion based thereon which the professional acquired in attending the patient in a professional capacity, and which was necessary to enable the professional to act in that capacity; after the decease of the patient, in an action to recover insurance benefits, where the insurance has been in existence two years or more, the beneficiaries shall be deemed to be the personal representatives of the deceased person for the purpose of waiving this privilege, and no oral or written waiver of the privilege shall have any binding force or effect except when made upon the trial or examination where the evidence is offered or received.

(e) A public officer shall not be allowed to disclose communications made to the officer in official confidence when the public interest would suffer by the disclosure.

(f) Persons of unsound mind and persons intoxicated at the time of their production for examination are not competent witnesses if they lack capacity to remember or to relate truthfully facts respecting which they are examined.

(g) A registered nurse, psychologist, consulting psychologist, or licensed social worker engaged in a psychological or social assessment or treatment of an individual at the individual's request shall not, without the consent of the professional's client, be allowed to disclose any information or opinion based thereon which the professional has acquired in attending the client in a professional capacity, and which was necessary to enable the professional to act in that capacity. Nothing in this clause exempts licensed social workers from compliance with the provisions of sections 626.556 and 626.557.

(h) An interpreter for a person disabled in communication shall not, without the consent of the person, be allowed to disclose any communication if the communication would, if the interpreter were not present, be privileged. For purposes of this section, a "person disabled in communication" means a person who, because of a hearing, speech or other communication disorder, or because of the inability to speak or comprehend the English language, is unable to understand the proceedings in which the person is required

54.1 to participate. The presence of an interpreter as an aid to communication does not destroy  
54.2 an otherwise existing privilege.

54.3 (i) Licensed chemical dependency counselors shall not disclose information or  
54.4 an opinion based on the information which they acquire from persons consulting them  
54.5 in their professional capacities, and which was necessary to enable them to act in that  
54.6 capacity, except that they may do so:

54.7 (1) when informed consent has been obtained in writing, except in those  
54.8 circumstances in which not to do so would violate the law or would result in clear and  
54.9 imminent danger to the client or others;

54.10 (2) when the communications reveal the contemplation or ongoing commission  
54.11 of a crime; or

54.12 (3) when the consulting person waives the privilege by bringing suit or filing charges  
54.13 against the licensed professional whom that person consulted.

54.14 (j) A parent or the parent's minor child may not be examined as to any communication  
54.15 made in confidence by the minor to the minor's parent. A communication is confidential if  
54.16 made out of the presence of persons not members of the child's immediate family living  
54.17 in the same household. This exception may be waived by express consent to disclosure  
54.18 by a parent entitled to claim the privilege or by the child who made the communication  
54.19 or by failure of the child or parent to object when the contents of a communication are  
54.20 demanded. This exception does not apply to a civil action or proceeding by one spouse  
54.21 against the other or by a parent or child against the other, nor to a proceeding to commit  
54.22 either the child or parent to whom the communication was made or to place the person or  
54.23 property or either under the control of another because of an alleged mental or physical  
54.24 condition, nor to a criminal action or proceeding in which the parent is charged with a  
54.25 crime committed against the person or property of the communicating child, the parent's  
54.26 spouse, or a child of either the parent or the parent's spouse, or in which a child is charged  
54.27 with a crime or act of delinquency committed against the person or property of a parent  
54.28 or a child of a parent, nor to an action or proceeding for termination of parental rights,  
54.29 nor any other action or proceeding on a petition alleging child abuse, child neglect,  
54.30 abandonment or nonsupport by a parent.

54.31 (k) Sexual assault counselors may not be ~~compelled to testify about~~ allowed to  
54.32 disclose any opinion or information received from or about the victim without the consent  
54.33 of the victim. However, a counselor may be compelled to identify or disclose information  
54.34 in investigations or proceedings related to neglect or termination of parental rights if the  
54.35 court determines good cause exists. In determining whether to compel disclosure, the  
54.36 court shall weigh the public interest and need for disclosure against the effect on the

victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of sections 626.556 and 626.557.

"Sexual assault counselor" for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.

(l) A person cannot be examined as to any communication or document, including worknotes, made or used in the course of or because of mediation pursuant to an agreement to mediate. This does not apply to the parties in the dispute in an application to a court by a party to have a mediated settlement agreement set aside or reformed. A communication or document otherwise not privileged does not become privileged because of this paragraph. This paragraph is not intended to limit the privilege accorded to communication during mediation by the common law.

(m) A child under ten years of age is a competent witness unless the court finds that the child lacks the capacity to remember or to relate truthfully facts respecting which the child is examined. A child describing any act or event may use language appropriate for a child of that age.

(n) A communication assistant for a telecommunications relay system for communication-impaired persons shall not, without the consent of the person making the communication, be allowed to disclose communications made to the communication assistant for the purpose of relaying.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 6. Minnesota Statutes 2006, section 609.748, subdivision 5, is amended to read:

Subd. 5. **Restraining order.** (a) The court may grant a restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact with that person if all of the following occur:

(1) the petitioner has filed a petition under subdivision 3;

(2) the sheriff has served respondent with a copy of the temporary restraining order obtained under subdivision 4, and with notice of the right to request a hearing, or service has been made by publication under subdivision 3, paragraph (b); and

(3) the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.

A restraining order may be issued only against the respondent named in the petition; except that if the respondent is an organization, the order may be issued against and apply to all of the members of the organization. Relief granted by the restraining order must be for a fixed period of not more than two years. When a referee presides at the hearing on the petition, the restraining order becomes effective upon the referee's signature.

If the petitioner has had one or more restraining orders in effect against the respondent, the court may order the respondent to provide the following information to the court for purposes of service of process: the respondent's home address, the respondent's employment address, and the names and locations of the respondent's parents, siblings, children, or other close relatives.

(b) An order issued under this subdivision must be personally served upon the respondent. If personal service cannot be made, the court may order service by alternate means, or by publication, which publication must be made as in other actions. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons. The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent. The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after court-ordered publication.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 7. Minnesota Statutes 2006, section 611A.036, subdivision 2, is amended to read:

Subd. 2. **Victim's spouse or next of kin.** An employer must allow a victim of a ~~heinous~~ violent crime, as well as the victim's spouse or next of kin, reasonable time off from work to attend criminal proceedings related to the victim's case.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 8. Minnesota Statutes 2006, section 611A.036, subdivision 7, is amended to read:

Subd. 7. **Definition.** As used in this section, ~~"heinous crime"~~ "violent crime" means a violation or attempt to violate any of the following: section 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.2241; 609.2242; 609.2245; 609.2247; 609.228; 609.23; 609.231; 609.2325; 609.233; 609.235; 609.24; 609.245; 609.25; 609.255; 609.265; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.2672; 609.268; 609.282; 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3453; 609.352; 609.377; 609.378; 609.561, subdivision 1; 609.582, subdivision 1, paragraph (a) or (c); or 609.66, subdivision 1e, paragraph (b).

~~(1) a violation or attempted violation of section 609.185 or 609.19;~~  
~~(2) a violation of section 609.195 or 609.221; or~~  
~~(3) a violation of section 609.342, 609.343, or 609.344, if the offense was committed with force or violence or if the complainant was a minor at the time of the offense.~~

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 9. **[611A.26] POLYGRAPH EXAMINATIONS; CRIMINAL SEXUAL CONDUCT COMPLAINTS; LIMITATIONS.**

Subdivision 1. **Polygraph prohibition.** No law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging, or prosecution of such offense.

Subd. 2. **Law enforcement inquiry.** A law enforcement agency or prosecutor may not ask that a complainant of a criminal sexual conduct offense submit to a polygraph examination as part of the investigation, charging, or prosecution of such offense unless the complainant has been referred to, and had the opportunity to exercise the option of consulting with a sexual assault counselor as defined in section 595.02, subdivision 1, paragraph (k).

Subd. 3. **Informed consent requirement.** At the request of the complainant, a law enforcement agency may conduct a polygraph examination of the complainant only with the complainant's written, informed consent as provided in this subdivision.

Subd. 4. **Informed consent.** To consent to a polygraph, a complainant must be informed in writing that:

(1) the taking of the polygraph examination is voluntary and solely at the victim's request;

(2) a law enforcement agency or prosecutor may not ask or require that the complainant submit to a polygraph examination;

(3) the results of the examination are not admissible in court; and

58.1           (4) the complainant's refusal to take a polygraph examination may not be used  
58.2 as a basis by the law enforcement agency or prosecutor not to investigate, charge, or  
58.3 prosecute the offender.

58.4           Subd. 5. **Polygraph refusal.** A complainant's refusal to submit to a polygraph  
58.5 examination shall not prevent the investigation, charging, or prosecution of the offense.

58.6           Subd. 6. **Definitions.** For the purposes of this section, the following terms have  
58.7 the meanings given.

58.8           (a) "Criminal sexual conduct" means a violation of section 609.342, 609.343,  
58.9 609.344, 609.345, or 609.3451.

58.10          (b) "Complainant" means a person reporting to have been subjected to criminal  
58.11 sexual conduct.

58.12          (c) "Polygraph examination" means any mechanical or electrical instrument or  
58.13 device of any type used or allegedly used to examine, test, or question individuals for  
58.14 the purpose of determining truthfulness.

58.15          **EFFECTIVE DATE.** This section is effective July 1, 2008.

58.16          Sec. 10. Minnesota Statutes 2006, section 611A.675, subdivision 1, is amended to read:

58.17           Subdivision 1. **Grants authorized.** ~~The Crime Victim and Witness Advisory~~  
58.18 ~~Council~~ commissioner of public safety shall make grants to prosecutors and victim  
58.19 assistance programs for the purpose of providing emergency assistance to victims. As  
58.20 used in this section, "emergency assistance" includes but is not limited to:

58.21           (1) replacement of necessary property that was lost, damaged, or stolen as a result  
58.22 of the crime;

58.23           (2) purchase and installation of necessary home security devices;

58.24           (3) transportation to locations related to the victim's needs as a victim, such as  
58.25 medical facilities and facilities of the criminal justice system;

58.26           (4) cleanup of the crime scene; ~~and~~

58.27           (5) reimbursement for reasonable travel and living expenses the victim incurred to  
58.28 attend court proceedings that were held at a location other than the place where the crime  
58.29 occurred due to a change of venue; and

58.30           (6) reimbursement of towing and storage fees incurred due to impoundment of a  
58.31 recovered stolen vehicle.

58.32          **EFFECTIVE DATE.** This section is effective July 1, 2007.

58.33          Sec. 11. Minnesota Statutes 2006, section 611A.675, subdivision 2, is amended to read:

Subd. 2. **Application for grants.** (a) A city or county attorney's office or victim assistance program may apply to the ~~council~~ commissioner of public safety for a grant for any of the purposes described in subdivision 1 or for any other emergency assistance purpose approved by the ~~council~~ commissioner. The application must be on forms and pursuant to procedures developed by the ~~council~~ commissioner. The application must describe the type or types of intended emergency assistance, estimate the amount of money required, and include any other information deemed necessary by the ~~council~~ commissioner.

(b) A city or county attorney's office or victim assistance program that applies for a grant for the purpose described in subdivision 1, clause (6), must make the application on a separate form and pursuant to procedures developed by the commissioner. The application must estimate the amount of money required for reimbursement costs, estimate the amount of money required for administrative costs, and include any other information deemed necessary by the commissioner. An applicant may not spend in any fiscal year more than five percent of the grant awarded for administrative costs.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 12. Minnesota Statutes 2006, section 611A.675, is amended by adding a subdivision to read:

Subd. 2a. **Awards; limitations.** (a) No award may be granted under subdivision 1, clause (6), to a victim that fails to provide proof of insurance stating that security had been provided for the vehicle at the time the vehicle was stolen. As used in this paragraph, "proof of insurance" has the meaning given it in section 169.791, subdivision 1, paragraph (g).

(b) An award paid to a victim under subdivision 1, clause (6), shall compensate the victim for actual costs incurred but shall not exceed \$300.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 13. Minnesota Statutes 2006, section 611A.675, subdivision 3, is amended to read:

Subd. 3. **Reporting by local agencies required.** A city or county attorney's office or victim assistance program that receives a grant under this section shall file an annual report with the ~~council~~ commissioner of public safety itemizing the expenditures made during the preceding year, the purpose of those expenditures, and the ultimate disposition, if any, of each assisted victim's criminal case.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 14. Minnesota Statutes 2006, section 611A.675, subdivision 4, is amended to read:

Subd. 4. **Report to legislature.** ~~On or before February 1, 1999, the council shall report to the chairs of the senate Crime Prevention and house of representatives Judiciary Committees on the implementation, use, and administration of the grant program created under this section.~~ By February 1, 2008, the commissioner of public safety shall report to the chairs and ranking members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the implementation, use, and administration of the grant programs created under this section.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 15. **PHOTOGRAPH AND NO CONTACT ORDERS.**

The state court administrator shall convene a multidisciplinary implementation work group to study the attachment of photographs to criminal no contact orders and report their recommendations to the appropriate committees of the house of representatives and senate in charge of criminal justice policy by June 30, 2008.

**EFFECTIVE DATE.** This section is effective the day following final enactment.

## **ARTICLE 5**

### **COURTS AND PUBLIC DEFENDERS**

Section 1. Minnesota Statutes 2006, section 2.722, subdivision 1, is amended to read:

Subdivision 1. **Description.** Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; ~~33~~ 36 judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; 26 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; ~~23~~ 24 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; 60 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; 16 judges; and

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61.1 permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm,  
61.2 and Mankato;

61.3 6. Carlton, St. Louis, Lake, and Cook; 15 judges;

61.4 7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker,  
61.5 and Wadena; 27 judges; and permanent chambers shall be maintained in Moorhead,  
61.6 Fergus Falls, Little Falls, and St. Cloud;

61.7 8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine,  
61.8 Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent  
61.9 chambers shall be maintained in Morris, Montevideo, and Willmar;

61.10 9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington,  
61.11 Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and  
61.12 Koochiching; ~~22~~ 23 judges; and permanent chambers shall be maintained in Crookston,  
61.13 Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls; and

61.14 10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; ~~43~~  
61.15 44 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other  
61.16 places designated by the chief judge of the district.

61.17 **EFFECTIVE DATE.** This section is effective January 1, 2008.

61.18 Sec. 2. Minnesota Statutes 2006, section 3.732, subdivision 1, is amended to read:

61.19 Subdivision 1. **Definitions.** As used in this section and section 3.736 the terms  
61.20 defined in this section have the meanings given them.

61.21 (1) "State" includes each of the departments, boards, agencies, commissions, courts,  
61.22 and officers in the executive, legislative, and judicial branches of the state of Minnesota  
61.23 and includes but is not limited to the Housing Finance Agency, the Minnesota Office of  
61.24 Higher Education, the Higher Education Facilities Authority, the Health Technology  
61.25 Advisory Committee, the Armory Building Commission, the Zoological Board, the Iron  
61.26 Range Resources and Rehabilitation Board, the State Agricultural Society, the University  
61.27 of Minnesota, the Minnesota State Colleges and Universities, state hospitals, and state  
61.28 penal institutions. It does not include a city, town, county, school district, or other local  
61.29 governmental body corporate and politic.

61.30 (2) "Employee of the state" means all present or former officers, members, directors,  
61.31 or employees of the state, members of the Minnesota National Guard, members of a  
61.32 bomb disposal unit approved by the commissioner of public safety and employed by a  
61.33 municipality defined in section 466.01 when engaged in the disposal or neutralization of  
61.34 bombs or other similar hazardous explosives, as defined in section 299C.063, outside the  
61.35 jurisdiction of the municipality but within the state, or persons acting on behalf of the state

in an official capacity, temporarily or permanently, with or without compensation. It does not include either an independent contractor except, for purposes of this section and section 3.736 only, a guardian ad litem acting under court appointment, or members of the Minnesota National Guard while engaged in training or duty under United States Code, title 10, or title 32, section 316, 502, 503, 504, or 505, as amended through December 31, 1983. Notwithstanding sections 43A.02 and 611.263, for purposes of this section and section 3.736 only, "employee of the state" includes a district public defender or assistant district public defender in the Second or Fourth Judicial District and a member of the Health Technology Advisory Committee.

(3) "Scope of office or employment" means that the employee was acting on behalf of the state in the performance of duties or tasks lawfully assigned by competent authority.

(4) "Judicial branch" has the meaning given in section 43A.02, subdivision 25.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 3. Minnesota Statutes 2006, section 3.736, subdivision 1, is amended to read:

Subdivision 1. **General rule.** The state will pay compensation for injury to or loss of property or personal injury or death caused by an act or omission of an employee of the state while acting within the scope of office or employment or a peace officer who is not acting on behalf of a private employer and who is acting in good faith under section 629.40, subdivision 4, under circumstances where the state, if a private person, would be liable to the claimant, whether arising out of a governmental or proprietary function. Nothing in this section waives the defense of judicial, quasi-judicial, or legislative immunity except to the extent provided in subdivision 8.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 4. Minnesota Statutes 2006, section 15A.083, subdivision 4, is amended to read:

Subd. 4. **Ranges for other judicial positions.** Salaries or salary ranges are provided for the following positions in the judicial branch of government. The appointing authority of any position for which a salary range has been provided shall fix the individual salary within the prescribed range, considering the qualifications and overall performance of the employee. ~~The Supreme Court shall set the salary of the state court administrator and the salaries of district court administrators. The salary of the state court administrator or a district court administrator may not exceed the salary of a district court judge.~~ If district court administrators die, the amounts of their unpaid salaries for the months in which their deaths occur must be paid to their estates. The salary of the state public defender

63.1 shall be fixed by the State Board of Public Defense but must not exceed the salary of a  
63.2 district court judge.

|      |                     |                 |
|------|---------------------|-----------------|
| 63.3 |                     | Salary or Range |
| 63.4 |                     | Effective       |
| 63.5 |                     | July 1, 1994    |
| 63.6 | Board on Judicial   |                 |
| 63.7 | Standards executive |                 |
| 63.8 | director            | \$44,000-60,000 |

63.9 **EFFECTIVE DATE.** This section is effective July 1, 2007.

63.10 Sec. 5. **[72A.329] DIRECT LIABILITY OF INSURER.**

63.11 Any bond or policy of insurance covering liability to others for negligence makes  
63.12 the insurer liable, up to the amounts stated in the bond or policy, to the persons entitled to  
63.13 recover against the insured for the death of any person or for injury to persons or property,  
63.14 irrespective of whether the liability is presently established or is contingent and to become  
63.15 fixed or certain by final judgment against the insured.

63.16 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to bonds  
63.17 or policies of insurance issued, renewed, or in place on or after that date.

63.18 Sec. 6. Minnesota Statutes 2006, section 260C.193, subdivision 6, is amended to read:

63.19 Subd. 6. **Termination of jurisdiction.** The court may dismiss the petition or  
63.20 otherwise terminate its jurisdiction on its own motion or on the motion or petition of any  
63.21 interested party at any time. Unless terminated by the court, and except as otherwise  
63.22 provided in this subdivision, the jurisdiction of the court shall continue until the individual  
63.23 becomes 19 years of age if the court determines it is in the best interest of the individual  
63.24 to do so. ~~Court jurisdiction under section 260C.007, subdivision 6, clause (14), may~~  
63.25 ~~not continue past the child's 18th birthday.~~

63.26 **EFFECTIVE DATE.** This section is effective July 1, 2007.

63.27 Sec. 7. Minnesota Statutes 2006, section 270A.03, subdivision 5, is amended to read:

63.28 Subd. 5. **Debt.** "Debt" means a legal obligation of a natural person to pay a fixed  
63.29 and certain amount of money, which equals or exceeds \$25 and which is due and payable  
63.30 to a claimant agency. The term includes criminal fines imposed under section 609.10 or  
63.31 609.125, fines imposed for petty misdemeanors as defined in section 609.02, subdivision  
63.32 4a, and restitution. ~~The term also includes the co-payment for the appointment of a district~~  
63.33 ~~public defender imposed under section 611.17, paragraph (c).~~ A debt may arise under a

64.1 contractual or statutory obligation, a court order, or other legal obligation, but need not  
64.2 have been reduced to judgment.

64.3 A debt includes any legal obligation of a current recipient of assistance which is  
64.4 based on overpayment of an assistance grant where that payment is based on a client  
64.5 waiver or an administrative or judicial finding of an intentional program violation;  
64.6 or where the debt is owed to a program wherein the debtor is not a client at the time  
64.7 notification is provided to initiate recovery under this chapter and the debtor is not a  
64.8 current recipient of food support, transitional child care, or transitional medical assistance.

64.9 A debt does not include any legal obligation to pay a claimant agency for medical  
64.10 care, including hospitalization if the income of the debtor at the time when the medical  
64.11 care was rendered does not exceed the following amount:

- 64.12 (1) for an unmarried debtor, an income of \$8,800 or less;  
64.13 (2) for a debtor with one dependent, an income of \$11,270 or less;  
64.14 (3) for a debtor with two dependents, an income of \$13,330 or less;  
64.15 (4) for a debtor with three dependents, an income of \$15,120 or less;  
64.16 (5) for a debtor with four dependents, an income of \$15,950 or less; and  
64.17 (6) for a debtor with five or more dependents, an income of \$16,630 or less.

64.18 The income amounts in this subdivision shall be adjusted for inflation for debts  
64.19 incurred in calendar years 2001 and thereafter. The dollar amount of each income level  
64.20 that applied to debts incurred in the prior year shall be increased in the same manner  
64.21 as provided in section 1(f) of the Internal Revenue Code of 1986, as amended through  
64.22 December 31, 2000, except that for the purposes of this subdivision the percentage increase  
64.23 shall be determined from the year starting September 1, 1999, and ending August 31, 2000,  
64.24 as the base year for adjusting for inflation for debts incurred after December 31, 2000.

64.25 Debt also includes an agreement to pay a MinnesotaCare premium, regardless of the  
64.26 dollar amount of the premium authorized under section 256L.15, subdivision 1a.

64.27 **EFFECTIVE DATE.** This section is effective July 1, 2007.

64.28 Sec. 8. Minnesota Statutes 2006, section 302A.781, is amended by adding a  
64.29 subdivision to read:

64.30 **Subd. 5. Other claims preserved.** In addition to the claims in subdivision 4, all  
64.31 other statutory and common law rights of persons who may bring claims of injury to a  
64.32 person, including death, are not affected by dissolution under this chapter.

64.33 **EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 9. Minnesota Statutes 2006, section 352D.02, subdivision 1, is amended to read:

Subdivision 1. **Coverage.** (a) Employees enumerated in paragraph (c), clauses (2), (3), (4), and (6) to (14), if they are in the unclassified service of the state or Metropolitan Council and are eligible for coverage under the general state employees retirement plan under chapter 352, are participants in the unclassified plan under this chapter unless the employee gives notice to the executive director of the Minnesota State Retirement System within one year following the commencement of employment in the unclassified service that the employee desires coverage under the general state employees retirement plan.

For the purposes of this chapter, an employee who does not file notice with the executive director is deemed to have exercised the option to participate in the unclassified plan.

(b) Persons referenced in paragraph (c), clause (5), are participants in the unclassified program under this chapter unless the person was eligible to elect different coverage under section 3A.07 and elected retirement coverage by the applicable alternative retirement plan. Persons referenced in paragraph (c), clause (15), are participants in the unclassified program under this chapter for judicial employment in excess of the service credit limit in section 490.121, subdivision 22.

(c) Enumerated employees and referenced persons are:

(1) the governor, the lieutenant governor, the secretary of state, the state auditor, and the attorney general;

(2) an employee in the Office of the Governor, Lieutenant Governor, Secretary of State, State Auditor, Attorney General;

(3) an employee of the State Board of Investment;

(4) the head of a department, division, or agency created by statute in the unclassified service, an acting department head subsequently appointed to the position, or an employee enumerated in section 15A.0815 or 15A.083, subdivision 4;

(5) a member of the legislature;

(6) a full-time unclassified employee of the legislature or a commission or agency of the legislature who is appointed without a limit on the duration of the employment or a temporary legislative employee having shares in the supplemental retirement fund as a result of former employment covered by this chapter, whether or not eligible for coverage under the Minnesota State Retirement System;

(7) a person who is employed in a position established under section 43A.08, subdivision 1, clause (3), or in a position authorized under a statute creating or establishing a department or agency of the state, which is at the deputy or assistant head of department or agency or director level;

(8) the regional administrator, or executive director of the Metropolitan Council, general counsel, division directors, operations managers, and other positions as designated by the council, all of which may not exceed 27 positions at the council and the chair;

(9) the executive director, associate executive director, and not to exceed nine positions of the Minnesota Office of Higher Education in the unclassified service, as designated by the Minnesota Office of Higher Education before January 1, 1992, or subsequently redesignated with the approval of the board of directors of the Minnesota State Retirement System, unless the person has elected coverage by the individual retirement account plan under chapter 354B;

(10) the clerk of the appellate courts appointed under article VI, section 2, of the Constitution of the state of Minnesota, the state court administrator and judicial district administrators;

(11) the chief executive officers of correctional facilities operated by the Department of Corrections and of hospitals and nursing homes operated by the Department of Human Services;

(12) an employee whose principal employment is at the state ceremonial house;

(13) an employee of the Minnesota Educational Computing Corporation;

(14) an employee of the State Lottery who is covered by the managerial plan established under section 43A.18, subdivision 3; and

(15) a judge who has exceeded the service credit limit in section 490.121, subdivision 22.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

**Sec. 10. [357.42] DRUG COURT FEES.**

(a) When a court establishes a drug court process, the court may establish one or more fees for services provided to defendants participating in the process.

(b) In each fiscal year, the court shall deposit the drug court participation fees in the special revenue fund and credit the fees to a separate account for the trial courts. The balance in this account is appropriated to the trial courts and does not cancel but is available until expended. Expenditures from this account must be made for drug court purposes.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

**Sec. 11.** Minnesota Statutes 2006, section 484.54, subdivision 2, is amended to read:

67.1 Subd. 2. **Expense payments.** A judge shall be paid travel and subsistence expenses  
67.2 for travel from the judge's place of residence to and from the judge's permanent chambers  
67.3 only for a period of two years ~~after July 1, 1977, or the date the judge initially assumes~~  
67.4 ~~office, whichever is later~~ as provided by Judicial Council policy.

67.5 **EFFECTIVE DATE.** This section is effective July 1, 2007.

67.6 Sec. 12. Minnesota Statutes 2006, section 484.83, is amended to read:

67.7 **484.83 REINSTATEMENT OF FORFEITED SUMS.**

67.8 **Subdivision 1. Abandonment of fees.** All sums deposited with the court  
67.9 administrator to cover fees shall be deemed abandoned if the fees are not disbursed or  
67.10 the services covered by the fees are not performed and the person entitled to refund of  
67.11 the fees does not file a written demand for refund with the court administrator within  
67.12 six months from the date of trial, dismissal, or striking of the cause as to jury fees and  
67.13 from the date of deposit as to other fees.

67.14 **Subd. 2. Bail forfeitures.** Any bail not forfeited by court order shall be deemed  
67.15 abandoned and forfeited if the person entitled to refund does not file a written demand  
67.16 for refund with the court administrator within six months from the date when the person  
67.17 became entitled to the refund.

67.18 **Subd. 3. Reinstated forfeited sums.** A district court judge may order any sums  
67.19 forfeited to be reinstated and the commissioner of finance shall then refund accordingly.  
67.20 The commissioner of finance shall reimburse the court administrator if the court  
67.21 administrator refunds the deposit upon a judge's order and obtains a receipt to be used  
67.22 as a voucher.

67.23 **EFFECTIVE DATE.** This section is effective July 1, 2007.

67.24 Sec. 13. **[484.843] ABANDONMENT OF NONFELONY BAIL; DISPOSITION**  
67.25 **OF FORFEITED SUMS; FOURTH JUDICIAL DISTRICT.**

67.26 **Subdivision 1. Abandonment of deposits and bail.** (a) Any bail deposited with the  
67.27 court administrator of the Fourth Judicial District on a nonfelony case and not forfeited by  
67.28 court order shall be deemed abandoned and forfeited if the person entitled to refund does  
67.29 not file a written demand for refund with the court administrator within six months from  
67.30 the date when the person became entitled to the refund.

67.31 (b) Any judge may order any sums so forfeited under paragraph (a) to be reinstated  
67.32 for cause and the court administrator shall then refund accordingly. The receipting  
67.33 municipality or subdivision of government shall reimburse the court administrator if the

court administrator refunds the deposit upon such an order and obtains a receipt to be used as a voucher.

Subd. 2. **Disposition of forfeited sums.** All sums collected on any bail, bond, or recognizance forfeited by court order or under subdivision 1, paragraph (a), for the Fourth Judicial District on a nonfelony case shall be paid to Hennepin County to be applied to the support of the law library of the county. The receipt of the county treasurer to the court administrator shall be a sufficient voucher. When the sums so forfeited, minus refunds, during any calendar year equal \$2,500, all sums in excess of that amount shall be paid to the municipality or subdivision of government in which the violation occurred. The payments shall be made periodically but not before six months from the date of the order for forfeiture. During that six-month period, but not thereafter, any judge may set aside the forfeiture order upon proper showing of cause. No obligation to pay sums so ordered forfeited exists unless the forfeiture is not set aside within the six-month period. For the purpose of determining when the \$2,500 shall have accrued to the county law library, the final forfeiture shall be deemed to occur at the end of the six-month period.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 14. Minnesota Statutes 2006, section 504B.361, subdivision 1, is amended to read:

Subdivision 1. **Summons and writ.** (a) The state court administrator shall develop a uniform form for the summons and writ of recovery of premises and order to vacate ~~may be substantially in the forms in paragraphs (b) and (c).~~

~~(b)~~

~~FORM OF SUMMONS~~

~~State of Minnesota        )  
                                          ) ss:  
County of .....)~~

~~Whereas, ....., of ....., has filed with the undersigned, a judge of county stated, a complaint against ....., of ....., a copy of which is attached. You are hereby summoned to appear before the undersigned on the ..... day of ....., year....., at ..... o'clock ...m., at ....., to answer and defend against the complaint and to further be dealt with according to law.~~

~~Dated at ....., this ..... day of ....., year .....  
.....,  
Judge of ..... court.~~

~~(c)~~

~~FORM OF WRIT OF RECOVERY OF PREMISES AND ORDER TO VACATE~~

69.1     ~~State of Minnesota            }~~  
69.2                                         ~~}~~ ss:  
69.3     ~~County of \_\_\_\_\_}~~  
  
69.4             ~~The State of Minnesota, to the Sheriff of the County:~~  
69.5             ~~Whereas, \_\_\_\_\_, the plaintiff, of \_\_\_\_\_, in an eviction action, at a court held~~  
69.6     ~~at \_\_\_\_\_, in the county of \_\_\_\_\_, on the \_\_\_\_\_ day of \_\_\_\_\_, year~~  
69.7     ~~\_\_\_\_\_, before \_\_\_\_\_, a judge of the county, recovered a judgment against \_\_\_\_\_,~~  
69.8     ~~the \_\_\_\_\_, to have recovery of the following premises (describe here the property~~  
69.9     ~~as in the complaint): \_\_\_\_\_~~  
  
69.10            ~~Therefore, you are commanded that, taking with you the force of the county, if~~  
69.11     ~~necessary, you cause \_\_\_\_\_ to be immediately removed from the premises, and the~~  
69.12     ~~plaintiff to recover the premises. You are also commanded that from the personal property~~  
69.13     ~~of \_\_\_\_\_ within the county that you seize and sell, the plaintiff be paid \_\_\_\_\_ .~~  
69.14     ~~dollars, as the costs assessed against the defendant, together with 25 cents for this writ.~~  
69.15     ~~You are ordered to return this writ within 30 days.~~  
  
69.16            ~~Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, year \_\_\_\_\_~~  
69.17            ~~\_\_\_\_\_;~~  
69.18     ~~Judge of \_\_\_\_\_ court.~~

69.19            **EFFECTIVE DATE.** This section is effective July 1, 2007.

69.20            Sec. 15. Minnesota Statutes 2006, section 518.165, subdivision 1, is amended to read:

69.21                Subdivision 1. **Permissive appointment of guardian ad litem.** In all proceedings

69.22     for child custody or for dissolution or legal separation where custody or parenting time

69.23     with a minor child is in issue, the court may appoint a guardian ad litem from a panel

69.24     established by the court to represent the interests of the child. The guardian ad litem shall

69.25     advise the court with respect to custody, ~~support,~~ and parenting time.

69.26            **EFFECTIVE DATE.** This section is effective July 1, 2007.

69.27            Sec. 16. Minnesota Statutes 2006, section 518.165, subdivision 2, is amended to read:

69.28                Subd. 2. **Required appointment of guardian ad litem.** In all proceedings for child

69.29     custody or for marriage dissolution or legal separation in which custody or parenting time

69.30     with a minor child is an issue, if the court has reason to believe that the minor child is a

69.31     victim of domestic child abuse or neglect, as those terms are defined in sections 260C.007

69.32     and 626.556, respectively, the court shall appoint a guardian ad litem. The guardian

69.33     ad litem shall represent the interests of the child and advise the court with respect to

custody, support, and parenting time. If the child is represented by a guardian ad litem in any other pending proceeding, the court may appoint that guardian to represent the child in the custody or parenting time proceeding. No guardian ad litem need be appointed if the alleged domestic child abuse or neglect is before the court on a juvenile dependency and neglect petition. Nothing in this subdivision requires the court to appoint a guardian ad litem in any proceeding for child custody, marriage dissolution, or legal separation in which an allegation of domestic child abuse or neglect has not been made.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 17. Minnesota Statutes 2006, section 518A.35, subdivision 3, is amended to read:

Subd. 3. **Income cap on determining basic support.** (a) The basic support obligation for parents with a combined parental income for determining child support in excess of the income limit ~~currently in effect~~ under subdivision 2 must be the same dollar amount as provided for the parties with a combined parental income for determining child support equal to the income ~~in effect~~ limit under subdivision 2.

(b) A court may order a basic support obligation in a child support order in an amount that exceeds the income limit in subdivision 2 if it finds that a child has a disability or other substantial, demonstrated need for the additional support for those reasons set forth in section 518A.43 and that the additional support will directly benefit the child.

~~(c) The dollar amount for the cap in subdivision 2 must be adjusted on July 1 of every even-numbered year to reflect cost-of-living changes. The Supreme Court must select the index for the adjustment from the indices listed in section 518A.75, subdivision 1. The state court administrator must make the changes in the dollar amounts required by this paragraph available to courts and the public on or before April 30 of the year in which the amount is to change.~~

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 18. **[540.19] NEGLIGENCE ACTIONS; INSURERS.**

Subdivision 1. Direct action. In any action for damages caused by negligence, any insurer which:

(1) has an interest in the outcome of the controversy adverse to the plaintiff or any of the parties to the controversy;

(2) by its policy of insurance assumes or reserves the right to control the prosecution, defense, or settlement of the claim or action; or

(3) by its policy agrees to prosecute or defend the action brought by plaintiff or any of the parties to the action, or agrees to engage counsel to prosecute or defend the action or agrees to pay the costs of the litigation, is by this section made a proper party defendant in any action brought by plaintiff in this state on account of any claim against the insured. If the policy of insurance was issued or delivered outside this state, the insurer is by this subdivision made a proper party defendant only if the accident, injury, or negligence occurred in this state.

**Subd. 2. Other parties; impleading.** If an insurer is made a party defendant pursuant to this section and it appears at any time before or during the trial that there is or may be a cross issue between the insurer and the insured or any issue between any other person and the insurer involving the question of the insurer's liability if judgment should be rendered against the insured, the court may, upon motion of any defendant in the action, cause the person who may be liable upon such cross issue to be made a party defendant to the action and all the issues involved in the controversy determined in the trial of the action or any third party may be impleaded. Nothing in this subdivision prohibits the trial court from directing and conducting separate trials on the issue of liability to the plaintiff or other party seeking affirmative relief and on the issue of whether the insurance policy in question affords coverage. Any party may move for separate trials. If the court orders separate trials, the court shall specify in its order the sequence in which the trials are to be conducted.

**EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to actions commenced on or after that date.

Sec. 19. Minnesota Statutes 2006, section 549.09, subdivision 1, is amended to read:

**Subdivision 1. When owed; rate.** (a) When a judgment or award is for the recovery of money, including a judgment for the recovery of taxes, interest from the time of the verdict, award, or report until judgment is finally entered shall be computed by the court administrator or arbitrator as provided in paragraph (c) and added to the judgment or award.

(b) Except as otherwise provided by contract or allowed by law, preverdict, preaward, or prereport interest on pecuniary damages shall be computed as provided in paragraph (c) from the time of the commencement of the action or a demand for arbitration, or the time of a written notice of claim, whichever occurs first, except as provided herein. The action must be commenced within two years of a written notice of claim for interest to begin to accrue from the time of the notice of claim. If either party

serves a written offer of settlement, the other party may serve a written acceptance or a written counteroffer within 30 days. After that time, interest on the judgment or award shall be calculated by the judge or arbitrator in the following manner. The prevailing party shall receive interest on any judgment or award from the time of commencement of the action or a demand for arbitration, or the time of a written notice of claim, or as to special damages from the time when special damages were incurred, if later, until the time of verdict, award, or report only if the amount of its offer is closer to the judgment or award than the amount of the opposing party's offer. If the amount of the losing party's offer was closer to the judgment or award than the prevailing party's offer, the prevailing party shall receive interest only on the amount of the settlement offer or the judgment or award, whichever is less, and only from the time of commencement of the action or a demand for arbitration, or the time of a written notice of claim, or as to special damages from when the special damages were incurred, if later, until the time the settlement offer was made. Subsequent offers and counteroffers supersede the legal effect of earlier offers and counteroffers. For the purposes of clause (2), the amount of settlement offer must be allocated between past and future damages in the same proportion as determined by the trier of fact. Except as otherwise provided by contract or allowed by law, preverdict, preaward, or prereport interest shall not be awarded on the following:

(1) judgments, awards, or benefits in workers' compensation cases, but not including third-party actions;

(2) judgments or awards for future damages;

(3) punitive damages, fines, or other damages that are noncompensatory in nature;

(4) judgments or awards not in excess of the amount specified in section 491A.01;

and

(5) that portion of any verdict, award, or report which is founded upon interest, or costs, disbursements, attorney fees, or other similar items added by the court or arbitrator.

(c) The interest shall be computed as simple interest per annum. The rate of interest shall be based on the secondary market yield of one year United States Treasury bills, calculated on a bank discount basis as provided in this section.

On or before the 20th day of December of each year the state court administrator shall determine the rate from the one-year constant maturity treasury yield for the most recent calendar month, reported on a monthly basis in the latest statistical release of the board of governors of the Federal Reserve System. This yield, rounded to the nearest one percent, or ~~four~~ ten percent, whichever is greater, shall be the annual interest rate during the succeeding calendar year. The state court administrator shall communicate the interest

rates to the court administrators and sheriffs for use in computing the interest on verdicts and shall make the interest rates available to arbitrators.

When a judgment creditor, or the judgment creditor's attorney or agent, has received a payment after entry of judgment, whether the payment is made voluntarily by or on behalf of the judgment debtor, or is collected by legal process other than execution levy where a proper return has been filed with the court administrator, the judgment creditor, or the judgment creditor's attorney, before applying to the court administrator for an execution shall file with the court administrator an affidavit of partial satisfaction. The affidavit must state the dates and amounts of payments made upon the judgment after the most recent affidavit of partial satisfaction filed, if any; the part of each payment that is applied to taxable disbursements and to accrued interest and to the unpaid principal balance of the judgment; and the accrued, but the unpaid interest owing, if any, after application of each payment.

(d) This section does not apply to arbitrations between employers and employees under chapter 179 or 179A. An arbitrator is neither required to nor prohibited from awarding interest under chapter 179 or under section 179A.16 for essential employees.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 20. Minnesota Statutes 2006, section 563.01, is amended by adding a subdivision to read:

Subd. 7a. **Copy costs.** The court administrator shall provide a person who is proceeding in forma pauperis with copies of the person's court file without charge.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 21. Minnesota Statutes 2006, section 590.05, is amended to read:

**590.05 INDIGENT PETITIONERS.**

A person financially unable to obtain counsel who desires to pursue the remedy provided in section 590.01 may apply for representation by the state public defender. The state public defender shall represent such person under the applicable provisions of sections 611.14 to 611.27, if the person has not already had a direct appeal of the conviction. ~~If, however, the person pled guilty and received a presumptive sentence or a downward departure in sentence, and the state public defender reviewed the person's case and determined that there was no basis for an appeal of the conviction or of the sentence, then the state public defender may decline to represent the person in a postconviction remedy case.~~ The state public defender may represent, without charge, all other persons

74.1 pursuing a postconviction remedy under section 590.01, who are financially unable  
74.2 to obtain counsel.

74.3 **EFFECTIVE DATE.** This section is effective July 1, 2007.

74.4 Sec. 22. **[604.18] GOOD FAITH INSURANCE PRACTICES.**

74.5 Subdivision 1. **Required conduct.** (a) An insurer shall act in good faith in  
74.6 connection with any matter involving a claim under an insurance policy.

74.7 (b) An insurer does not act in good faith if the insurer delays or denies benefits  
74.8 offered or paid without an objectively reasonable basis for its offer, delay, or denial. An  
74.9 insurer also does not act in good faith if the insurer engages in any fraud, false pretense,  
74.10 false promise, misrepresentation, misleading statement, or deceptive practice that others  
74.11 rely on in connection with any matter involving a claim under an insurance policy.

74.12 (c) For purposes of this section:

74.13 (1) "insurance policy" means an insurance policy or contract issued, executed,  
74.14 renewed, maintained, or delivered in this state, other than a workers' compensation  
74.15 insurance policy or contract or other policy or contract of a health carrier as defined in  
74.16 section 62A.011; and

74.17 (2) "insurer" means an insurance company: (i) incorporated or organized in this  
74.18 state; or (ii) admitted to do business in this state but not incorporated or organized in  
74.19 this state. The term does not include a political subdivision providing self-insurance or  
74.20 establishing a pool under section 471.981, subdivision 3.

74.21 Subd. 2. **Penalties and remedies.** A person violating subdivision 1 is acting against  
74.22 the public interest and is liable to the injured party for costs, damages, and reasonable  
74.23 attorney fees.

74.24 Subd. 3. **Insurance producers; liability limited.** A licensed insurance producer  
74.25 is not liable under this section for errors, acts, or omissions attributed to the insurer that  
74.26 appointed the producer to transact business on its behalf, except to the extent the producer  
74.27 has caused or contributed to the error, act, or omission.

74.28 Subd. 4. **Report to commissioner.** An insurer shall promptly report to the  
74.29 commissioner of commerce the date and disposition of every settlement and award against  
74.30 the insurer for a violation of subdivision 1.

74.31 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to causes  
74.32 of action commenced or pending on or after that date.

74.33 Sec. 23. Minnesota Statutes 2006, section 609.135, subdivision 8, is amended to read:

Subd. 8. **Fine and surcharge collection.** (a) A defendant's obligation to pay court-ordered fines, surcharges, court costs, restitution, and fees shall survive for a period of six years from the date of the expiration of the defendant's stayed sentence for the offense for which the fines, surcharges, court costs, restitution, and fees were imposed, or six years from the imposition or due date of the fines, surcharges, court costs, restitution, and fees, whichever is later. Nothing in this subdivision extends the period of a defendant's stay of sentence imposition or execution.

(b) The six-year period relating to a defendant's obligation to pay restitution under paragraph (a) does not limit the victim's right to collect restitution through other means such as a civil judgment.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 24. Minnesota Statutes 2006, section 611.14, is amended to read:

**611.14 RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.**

The following persons who are financially unable to obtain counsel are entitled to be represented by a public defender:

(1) a person charged with a felony, gross misdemeanor, or misdemeanor including a person charged under sections 629.01 to 629.29;

(2) a person appealing from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor, who is pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, ~~but if the person pled guilty and received a presumptive sentence or a downward departure in sentence, and the state public defender reviewed the person's case and determined that there was no basis for an appeal of the conviction or of the sentence, then the state public defender may decline to represent the person in a postconviction remedy case;~~

(3) a person who is entitled to be represented by counsel under section 609.14, subdivision 2; or

(4) a minor ten years of age or older who is entitled to be represented by counsel under section 260B.163, subdivision 4, or 260C.163, subdivision 3.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 25. Minnesota Statutes 2006, section 611.20, subdivision 6, is amended to read:

Subd. 6. **Reimbursement schedule guidelines.** In determining a defendant's reimbursement schedule, the court may derive a specific dollar amount per month

by multiplying the defendant's net income by the percent indicated by the following guidelines:

| Net Income Per Month of Defendant | Number of Dependents Not Including Defendant                                        |       |       |       |     |
|-----------------------------------|-------------------------------------------------------------------------------------|-------|-------|-------|-----|
|                                   | 4 or more                                                                           | 3     | 2     | 1     | 0   |
| \$200 and Below                   | Percentage based on the ability of the defendant to pay as determined by the court. |       |       |       |     |
| \$200 - 350                       | 8%                                                                                  | 9.5%  | 11%   | 12.5% | 14% |
| \$351 - 500                       | 9%                                                                                  | 11%   | 12.5% | 14%   | 15% |
| \$501 - 650                       | 10%                                                                                 | 12%   | 14%   | 15%   | 17% |
| \$651 - 800                       | 11%                                                                                 | 13.5% | 15.5% | 17%   | 19% |
| \$801 and above                   | 12%                                                                                 | 14.5% | 17%   | 19%   | 20% |

~~"Net income" shall have the meaning given it in section 518.551, subdivision 5.~~

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 26. Minnesota Statutes 2006, section 611.215, subdivision 1, is amended to read:

Subdivision 1. **Structure; membership.** (a) The State Board of Public Defense is a part of, but is not subject to the administrative control of, the judicial branch of government. The State Board of Public Defense shall consist of seven members including:

(1) four attorneys admitted to the practice of law, well acquainted with the defense of persons accused of crime, but not employed as prosecutors, appointed by the Supreme Court; and

(2) three public members appointed by the governor.

~~After the expiration of the terms of persons appointed to the board before March 1, 1991,~~ The appointing authorities may not appoint a person who is a judge to be a member of the State Board of Public Defense, other than as a member of the ad hoc Board of Public Defense.

(b) All members shall demonstrate an interest in maintaining a high quality, independent defense system for those who are unable to obtain adequate representation. Appointments to the board shall include qualified women and members of minority groups. At least three members of the board shall be from judicial districts other than the First, Second, Fourth, and Tenth Judicial Districts. The terms, compensation, and removal of members shall be as provided in section 15.0575. The chair shall be elected by the members from among the membership for a term of two years.

(c) In addition, the State Board of Public Defense shall consist of a nine-member ad hoc board when considering the appointment of district public defenders under section 611.26, subdivision 2. The terms of chief district public defenders currently serving shall

77.1 terminate in accordance with the staggered term schedule set forth in section 611.26,  
77.2 subdivision 2.

77.3 **EFFECTIVE DATE.** This section is effective July 1, 2007.

77.4 Sec. 27. Minnesota Statutes 2006, section 611.215, subdivision 1a, is amended to read:

77.5 Subd. 1a. **Chief administrator.** The State Board of Public Defense, with the advice  
77.6 of the state public defender, shall appoint a chief administrator who must be chosen  
77.7 solely on the basis of training, experience, and other qualifications, and who will serve  
77.8 at the pleasure of the ~~state public defender~~ State Board of Public Defense. The chief  
77.9 administrator need not be licensed to practice law. The chief administrator shall attend all  
77.10 meetings of the board, but may not vote, and shall:

77.11 (1) enforce all resolutions, rules, regulations, or orders of the board;

77.12 (2) present to the board and the state public defender plans, studies, and reports  
77.13 prepared for the board's and the state public defender's purposes and recommend to the  
77.14 board and the state public defender for adoption measures necessary to enforce or carry  
77.15 out the powers and duties of the board and the state public defender, or to efficiently  
77.16 administer the affairs of the board and the state public defender;

77.17 (3) keep the board fully advised as to its financial condition, and prepare and submit  
77.18 to the board its annual budget and other financial information as it may request;

77.19 (4) recommend to the board the adoption of rules and regulations necessary for the  
77.20 efficient operation of the board and its functions; and

77.21 (5) perform other duties prescribed by the board and the state public defender.

77.22 **EFFECTIVE DATE.** This section is effective July 1, 2007.

77.23 Sec. 28. Minnesota Statutes 2006, section 611.23, is amended to read:

77.24 **611.23 OFFICE OF STATE PUBLIC DEFENDER; APPOINTMENT;**  
77.25 **SALARY.**

77.26 The state public defender is responsible to the State Board of Public Defense. The  
77.27 state public defender shall supervise the operation, activities, policies, and procedures  
77.28 of the statewide public defender system. When requested by a district public defender  
77.29 or appointed counsel, the state public defender may assist the district public defender,  
77.30 appointed counsel, or an organization designated in section 611.216 in the performance  
77.31 of duties, including trial representation in matters involving legal conflicts of interest or  
77.32 other special circumstances, and assistance with legal research and brief preparation.

77.33 The state public defender shall be appointed by the State Board of Public Defense for a

term of four years, except as otherwise provided in this section, and until a successor is appointed and qualified. The state public defender shall be a full-time qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state, and be removed only for cause by the appointing authority. Vacancies in the office shall be filled by the appointing authority for the unexpired term. The salary of the state public defender shall be fixed by the State Board of Public Defense but must not exceed the salary of a district court judge. Terms of the state public defender shall commence on July 1. The state public defender shall devote full time to the performance of duties and shall not engage in the general practice of law.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 29. Minnesota Statutes 2006, section 611.24, is amended to read:

**611.24 CHIEF APPELLATE PUBLIC DEFENDER; ORGANIZATION OF OFFICE; ASSISTANTS.**

~~The state public defender shall supervise the operation, activities, policies and procedures of the state public defender system. The state public defender shall employ or retain assistant state public defenders, a chief administrator, a deputy state~~ (a) Beginning January 1, 2007, and for every four years after that date, the State Board of Public Defense shall appoint a chief appellate public defender in charge of appellate services, who shall employ or retain assistant state public defenders and other personnel as may be necessary to discharge the functions of the office. The chief appellate public defender shall serve a four-year term and may be removed only for cause upon the order of the State Board of Public Defense. The chief appellate public defender shall be a full-time qualified attorney, licensed to practice law in this state, and serve in the unclassified service of the state. Vacancies in the office shall be filled by the appointing authority for the unexpired term.

(b) An assistant state public defender shall be a qualified attorney, licensed to practice law in this state, serve in the unclassified service of the state if employed, and serve at the pleasure of the appointing authority at a salary or retainer fee not to exceed reasonable compensation for comparable services performed for other governmental agencies or departments. Retained or part-time employed assistant state public defenders may engage in the general practice of law. The compensation of the chief appellate public defender and the compensation of each assistant state public defender shall be set by the State Board of Public Defense. The chief appellate public defender shall devote full time to the performance of duties and shall not engage in the general practice of law.

79.1           (c) The incumbent deputy state public defender as of December 31, 2006, shall be  
79.2 appointed as the chief appellate public defender for the four-year term beginning on  
79.3 January 1, 2007.

79.4           **EFFECTIVE DATE.** This section is effective July 1, 2007.

79.5           Sec. 30. Minnesota Statutes 2006, section 611.25, subdivision 1, is amended to read:

79.6           Subdivision 1. **Representation.** (a) The state chief appellate public defender shall  
79.7 represent, without charge:

79.8           (1) a defendant or other person appealing from a conviction of a felony or gross  
79.9 misdemeanor;

79.10          (2) a person convicted of a felony or gross misdemeanor who is pursuing a  
79.11 postconviction proceeding and who has not already had a direct appeal of the conviction;  
79.12 ~~but if the person pled guilty and received a presumptive sentence or a downward departure~~  
79.13 ~~in sentence, and the state public defender reviewed the person's case and determined that~~  
79.14 ~~there was no basis for an appeal of the conviction or of the sentence, then the state public~~  
79.15 ~~defender may decline to represent the person in a postconviction remedy case; and~~

79.16          (3) a child who is appealing from a delinquency adjudication or from an extended  
79.17 jurisdiction juvenile conviction.

79.18          (b) The state chief appellate public defender may represent, without charge, all other  
79.19 persons pursuing a postconviction remedy under section 590.01, who are financially  
79.20 unable to obtain counsel.

79.21          (c) ~~The state public defender shall represent any other person, who is financially~~  
79.22 ~~unable to obtain counsel, when directed to do so by the Supreme Court or the Court of~~  
79.23 ~~Appeals, except that~~ The state chief appellate public defender shall not represent a person  
79.24 in any action or proceeding in which a party is seeking a monetary judgment, recovery or  
79.25 award. ~~When requested by a district public defender or appointed counsel, the state public~~  
79.26 ~~defender may assist the district public defender, appointed counsel, or an organization~~  
79.27 ~~designated in section 611.216 in the performance of duties, including trial representation in~~  
79.28 ~~matters involving legal conflicts of interest or other special circumstances, and assistance~~  
79.29 ~~with legal research and brief preparation. When the state public defender is directed by a~~  
79.30 ~~court to represent a defendant or other person, the state public defender may assign the~~  
79.31 ~~representation to any district public defender.~~

79.32           **EFFECTIVE DATE.** This section is effective July 1, 2007.

79.33           Sec. 31. Minnesota Statutes 2006, section 611.26, subdivision 2, is amended to read:

Subd. 2. **Appointment; terms.** The state Board of Public Defense shall appoint a chief district public defender for each judicial district. When appointing a chief district public defender, the state Board of Public Defense membership shall be increased to include two residents of the district appointed by the chief judge of the district to reflect the characteristics of the population served by the public defender in that district. The additional members shall serve only in the capacity of selecting the district public defender. The ad hoc state Board of Public Defense shall appoint a chief district public defender only after requesting and giving reasonable time to receive any recommendations from the public, the local bar association, and the judges of the district. Each chief district public defender shall be a qualified attorney licensed to practice law in this state. The chief district public defender shall be appointed for a term of four years, beginning January 1, pursuant to the following staggered term schedule: (1) in ~~2000~~ 2008, the second and eighth districts; (2) in ~~2001~~ 2009, the first, third, fourth, and tenth districts; (3) in ~~2002~~ 2010, the fifth and ninth districts; and (4) in ~~1999~~ 2011, the sixth and seventh districts. The chief district public defenders shall serve for four-year terms and may be removed for cause upon the order of the state Board of Public Defense. Vacancies in the office shall be filled by the appointing authority for the unexpired term. The chief district public defenders shall devote full time to the performance of duties and shall not engage in the general practice of law.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 32. Minnesota Statutes 2006, section 611.26, subdivision 7, is amended to read:

Subd. 7. **Other employment.** ~~Chief district public defenders and~~ Assistant district public defenders may engage in the general practice of law where not employed on a full-time basis.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 33. Minnesota Statutes 2006, section 611.27, subdivision 3, is amended to read:

Subd. 3. **Transcript use.** If the ~~state~~ chief appellate public defender or a district public defender deems it necessary to make a motion for a new trial, to take an appeal, or other postconviction proceedings in order to properly represent a defendant or other person whom that public defender had been directed to represent, that public defender may use the transcripts of the testimony and other proceedings filed with the court administrator of the district court as provided by section 243.49.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

81.1 Sec. 34. Minnesota Statutes 2006, section 611.27, subdivision 13, is amended to read:

81.2 Subd. 13. **Public defense services; correctional facility inmates.** All billings for  
81.3 services rendered and ordered under subdivision 7 shall require the approval of the chief  
81.4 district public defender before being forwarded on a monthly basis to the state public  
81.5 defender. In cases where adequate representation cannot be provided by the district public  
81.6 defender and where counsel has been appointed under a court order, the state public  
81.7 defender shall forward to the commissioner of finance all billings for services rendered  
81.8 under the court order. The commissioner shall pay for services from ~~county criminal~~  
81.9 ~~justice aid retained by the commissioner of revenue for that purpose under section~~  
81.10 ~~477A.0121, subdivision 4, or from~~ county program aid retained by the commissioner of  
81.11 revenue for that purpose under section 477A.0124, subdivision 1, clause (4), or 477A.03,  
81.12 subdivision 2b, paragraph (a).

81.13 The costs of appointed counsel and associated services in cases arising from new  
81.14 criminal charges brought against indigent inmates who are incarcerated in a Minnesota  
81.15 state correctional facility are the responsibility of the state Board of Public Defense. In  
81.16 such cases the state public defender may follow the procedures outlined in this section for  
81.17 obtaining court-ordered counsel.

81.18 **EFFECTIVE DATE.** This section is effective July 1, 2007.

81.19 Sec. 35. Minnesota Statutes 2006, section 611.27, subdivision 15, is amended to read:

81.20 Subd. 15. **Costs of transcripts.** In appeal cases and postconviction cases where the  
81.21 ~~state appellate~~ public defender's office does not have sufficient funds to pay for transcripts  
81.22 and other necessary expenses because it has spent or committed all of the transcript funds  
81.23 in its annual budget, the state public defender may forward to the commissioner of finance  
81.24 all billings for transcripts and other necessary expenses. The commissioner shall pay for  
81.25 these transcripts and other necessary expenses from ~~county criminal justice aid retained~~  
81.26 ~~by the commissioner of revenue under section 477A.0121, subdivision 4, or from~~ county  
81.27 program aid retained by the commissioner of revenue for that purpose under section  
81.28 477A.0124, subdivision 1, clause (4), or 477A.03, subdivision 2b, paragraph (a).

81.29 **EFFECTIVE DATE.** This section is effective July 1, 2007.

81.30 Sec. 36. Minnesota Statutes 2006, section 611.35, is amended to read:

81.31 **611.35 REIMBURSEMENT OF PUBLIC DEFENDER AND APPOINTIVE**  
81.32 **APPOINTED COUNSEL.**

Subdivision 1. **Reimbursement; civil obligation.** Any person who is represented by ~~a public defender or appointive~~ appointed counsel shall, if financially able to pay, reimburse the governmental unit chargeable with the compensation of ~~such public defender or appointive~~ appointed counsel for the actual costs to the governmental unit in providing the services of the ~~public defender or appointive~~ appointed counsel. The court in hearing such matter shall ascertain the amount of such costs to be charged to the defendant and shall direct reimbursement over a period of not to exceed six months, unless the court for good cause shown shall extend the period of reimbursement. If a term of probation is imposed as a part of a sentence, reimbursement of costs as required by this chapter must not be made a condition of probation. Reimbursement of costs as required by this chapter is a civil obligation and must not be made a condition of a criminal sentence.

Subd. 2. **Civil action.** The county attorney may commence a civil action to recover such cost remaining unpaid at the expiration of six months unless the court has extended the reimbursement period and shall, if it appears that such recipient of ~~public defender or appointive~~ appointed counsel services is about to leave the jurisdiction of the court or sell or otherwise dispose of assets out of which reimbursement may be obtained, commence such action forthwith. The county attorney may compromise and settle any claim for reimbursement with the approval of the court which heard the matter. No determination or action shall be taken later than two years after the termination of the duties of the ~~public defender or appointive~~ appointed counsel.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 37. Laws 2001, First Special Session chapter 8, article 4, section 4, is amended to read:

|                                |           |                    |           |                    |
|--------------------------------|-----------|--------------------|-----------|--------------------|
| Sec. 4. <b>DISTRICT COURTS</b> | <b>\$</b> | <b>118,470,000</b> | <b>\$</b> | <b>128,842,000</b> |
|--------------------------------|-----------|--------------------|-----------|--------------------|

**Carlton County Extraordinary Expenses.**

\$300,000 the first year is to reimburse Carlton county for extraordinary expenses related to homicide trials. This is a onetime appropriation.

**New Judge Units.** \$774,000 the first year and \$1,504,000 the second year are for an increase in judgeship units, including one trial court judge unit beginning October 1, 2001, in the tenth judicial district, one trial

83.1 court judge unit beginning April 1, 2002, in  
83.2 the third judicial district, one trial court judge  
83.3 unit beginning July 1, 2002, in the tenth  
83.4 judicial district, one trial court judge unit  
83.5 beginning January 1, 2003, in the seventh  
83.6 judicial district, and one trial court judge  
83.7 unit beginning January 1, 2003, in the first  
83.8 judicial district. Each judge unit consists of a  
83.9 judge, law clerk, and court reporter.

83.10 **Alternative Dispute Resolution Programs.**

83.11 A portion of this appropriation may be  
83.12 used for the alternative dispute resolution  
83.13 programs authorized by article 5, section 18.

83.14 **Supplemental Funding for Certain**

83.15 **Mandated Costs.** \$4,533,000 the first  
83.16 year and \$6,032,000 the second year are to  
83.17 supplement funding for guardians ad litem,  
83.18 interpreters, rule 20 and civil commitment  
83.19 examinations, and in forma pauperis costs in  
83.20 the fifth, seventh, eighth, and ninth judicial  
83.21 districts.

83.22 **Trial Court Infrastructure Staff.** \$684,000  
83.23 the first year and \$925,000 the second year  
83.24 are for infrastructure staff.

83.25 **Court Effectiveness Initiatives;**

83.26 **Community Courts and Screener**

83.27 **Collectors.** \$835,000 the first year and  
83.28 \$765,000 the second year are for court  
83.29 effectiveness initiatives. Of this amount,  
83.30 \$125,000 each year is for continued funding  
83.31 of the community court in the fourth judicial  
83.32 district and \$125,000 each year is for  
83.33 continued funding of the community court  
83.34 in the second judicial district. These are  
83.35 onetime appropriations.

84.1 The second judicial district and fourth  
84.2 judicial district shall each report quarterly to  
84.3 the chairs and ranking minority members of  
84.4 the legislative committees and divisions with  
84.5 jurisdiction over criminal justice funding on:  
84.6 (1) how money appropriated for this initiative  
84.7 was spent; and  
84.8 (2) the cooperation of other criminal justice  
84.9 agencies and county units of government in  
84.10 the community courts' efforts.  
84.11 The first report is due on October 1, 2001.  
84.12 None of this appropriation may be used  
84.13 for the purpose of complying with these  
84.14 reporting requirements.  
84.15 Of this amount, \$585,000 the first year and  
84.16 \$515,000 the second year are for screener  
84.17 collector programs.  
84.18 ~~The fifth, seventh, and ninth judicial district~~  
84.19 ~~courts shall implement screener collector~~  
84.20 ~~programs to enhance the collection of~~  
84.21 ~~overdue fine revenue by at least ten percent in~~  
84.22 ~~each location serviced by a screener collector.~~  
84.23 ~~By August 15, 2002, and annually thereafter,~~  
84.24 ~~the state court administrator shall report to~~  
84.25 ~~the chairs and ranking minority members~~  
84.26 ~~of the house of representatives and senate~~  
84.27 ~~committees with jurisdiction over criminal~~  
84.28 ~~justice policy and funding issues on the total~~  
84.29 ~~amount of fines collected, the amount of~~  
84.30 ~~overdue fines collected for the two preceding~~  
84.31 ~~fiscal years, and the expenditures associated~~  
84.32 ~~with the screener collector program.~~  
84.33 **Ninth District County and Support Pilot**  
84.34 **Projects.** Up to \$99,000 each year may  
84.35 be used for the ninth judicial district to

85.1 implement the pilot projects on the six-month  
85.2 review of child custody, parenting time, and  
85.3 support orders, and on the accounting for  
85.4 child support by obligees.

85.5 **EFFECTIVE DATE.** This section is effective July 1, 2007.

85.6 Sec. 38. Laws 2003, First Special Session chapter 2, article 1, section 2, is amended to  
85.7 read:

85.8 Sec. 2. **SUPREME COURT** \$ 38,806,000 \$ 36,439,000

85.9 ~~**Report on Court Fees.** The state court~~  
85.10 ~~administrator shall review and report back~~  
85.11 ~~on the financial consequences of policy~~  
85.12 ~~changes made in the following areas: (1)~~  
85.13 ~~criminal and traffic offender surcharges; (2)~~  
85.14 ~~public defender co-pays; and (3) the use~~  
85.15 ~~of revenue recapture to collect the public~~  
85.16 ~~defender co-pay. The report shall also list~~  
85.17 ~~the local governmental units that employ~~  
85.18 ~~administrative procedures to collect fines~~  
85.19 ~~for ordinance violations. The state court~~  
85.20 ~~administrator must submit the report to the~~  
85.21 ~~chairs and ranking minority members on the~~  
85.22 ~~committees that have jurisdiction over court~~  
85.23 ~~funding by January 15 of each year.~~

85.24 \$5,000 each year is for a contingent account  
85.25 for expenses necessary for the normal  
85.26 operation of the court for which no other  
85.27 reimbursement is provided.

85.28 **Legal Services to Low-Income Clients in**  
85.29 **Family Law Matters.** Of this appropriation,  
85.30 \$877,000 each year is to improve the  
85.31 access of low-income clients to legal  
85.32 representation in family law matters. This  
85.33 appropriation must be distributed under  
85.34 Minnesota Statutes, section 480.242, to

86.1 the qualified legal services programs  
86.2 described in Minnesota Statutes, section  
86.3 480.242, subdivision 2, paragraph (a). Any  
86.4 unencumbered balance remaining in the first  
86.5 year does not cancel and is available in the  
86.6 second year.

86.7 Of this appropriation, \$355,000 in fiscal  
86.8 year 2005 is for the implementation of  
86.9 the Minnesota Child Support Act and is  
86.10 contingent upon its enactment. This is a  
86.11 onetime appropriation.

86.12 **EFFECTIVE DATE.** This section is effective July 1, 2007.

86.13 Sec. 39. **PUBLIC DEFENDER STUDY AND REPORT REQUIRED.**

86.14 The State Board of Public Defense and the Hennepin County Board of  
86.15 Commissioners shall jointly prepare a report to the legislature on the history of the  
86.16 funding of the public defender's office in the Fourth Judicial District provided by the state  
86.17 and Hennepin County. The report must compare the costs and services provided by the  
86.18 Fourth Judicial District Public Defender's Office to the costs and services provided by the  
86.19 state Board of Public Defense in all other public defender district offices. The report must  
86.20 detail the amount of funding provided by Hennepin County to the Fourth Judicial District  
86.21 Public Defender's Office and the amount necessary for the state to assume the full costs of  
86.22 the public defender duties in the Fourth Judicial District as in the other judicial districts  
86.23 throughout the state. The report must also recommend specific legislation that would  
86.24 provide for an appropriate resolution of the state and local funding of the Fourth Judicial  
86.25 District Public Defender's Office. The report must be completed by October 1, 2007, and  
86.26 be submitted to the commissioner of finance, the chairs and ranking minority members of  
86.27 the senate and house committees and divisions with jurisdiction over finance, judiciary,  
86.28 judiciary finance, and public safety finance, and the house Ways and Means Committee.

86.29 **EFFECTIVE DATE.** This section is effective July 1, 2007.

86.30 Sec. 40. **REPORT.**

86.31 The commissioner of commerce shall monitor compliance with the good faith  
86.32 obligations of insurers imposed by Minnesota Statutes, section 604.18 and prepare a  
86.33 compliance report and submit it to the house and senate standing committees with

87.1 jurisdiction over insurance matters on January 1 of each year. The commissioner shall  
87.2 also submit a copy of the report to the state court administrator to assist the administrator  
87.3 in monitoring the impact on the state court system of the enactment of Minnesota  
87.4 Statutes, section 604.18. The report must also include the information received by the  
87.5 commissioner under Minnesota Statutes, section 604.18, subdivision 3.

87.6 **EFFECTIVE DATE.** This section is effective July 1, 2007.

87.7 Sec. 41. **REPEALER.**

87.8 Minnesota Statutes 2006, sections 260B.173; 480.175, subdivision 3; and 611.20,  
87.9 subdivision 5, are repealed.

87.10 **EFFECTIVE DATE.** This section is effective July 1, 2007.

87.11 **ARTICLE 6**  
87.12 **CORRECTIONS**

87.13 Section 1. Minnesota Statutes 2006, section 16A.72, is amended to read:

87.14 **16A.72 INCOME CREDITED TO GENERAL FUND; EXCEPTIONS.**

87.15 All income, including fees or receipts of any nature, shall be credited to the general  
87.16 fund, except:

87.17 (1) federal aid;

87.18 (2) contributions, or reimbursements received for any account of any division or  
87.19 department for which an appropriation is made by law;

87.20 (3) income to the University of Minnesota;

87.21 (4) income to revolving funds now established in institutions under the control of the  
87.22 commissioners of corrections or human services;

87.23 (5) investment earnings resulting from the master lease program, except that the  
87.24 amount credited to another fund or account may not exceed the amount of the additional  
87.25 expense incurred by that fund or account through participation in the master lease program;

87.26 (6) investment earnings resulting from any gift, donation, devise, endowment, trust,  
87.27 or court ordered or approved escrow account or trust fund, which should be credited to the  
87.28 fund or account and appropriated for the purpose for which it was received;

87.29 (7) receipts from the operation of patients' and inmates' stores and patients' vending  
87.30 machines, which shall be deposited in the social welfare fund, or in the case of prison  
87.31 industries in the correctional revolving fund, in each institution for the benefit of the  
87.32 patients and inmates;

(8) ~~money received in payment for services of inmate labor employed in the industries carried on in the state correctional facilities which receipts shall be credited to the current expense fund of those facilities~~ income to prison industries which shall be credited to the correctional industries revolving fund;

(9) as provided in sections 16B.57 and 85.22;

(10) income to the Minnesota Historical Society;

(11) the percent of income collected by a private collection agency and retained by the collection agency as its collection fee; or

(12) as otherwise provided by law.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 2. Minnesota Statutes 2006, section 16B.181, subdivision 2, is amended to read:

Subd. 2. **Public entities; purchases from corrections industries.** (a) The commissioner of corrections, in consultation with the commissioner of administration, shall prepare updated lists of the items available for purchase from Department of Corrections industries and annually forward a copy of the most recent list to all public entities within the state. A public entity that is supported in whole or in part with funds from the state treasury may purchase items directly from corrections industries. The bid solicitation process is not required for these purchases.

(b) The commissioner of administration shall develop a contract or contracts to enable public entities to purchase items directly from corrections industries. ~~The commissioner of administration, in consultation with the commissioner of corrections, shall determine the fair market price for listed items.~~ The commissioner of administration shall require that all requests for bids or proposals, for items provided by corrections industries, be forwarded to the commissioner of corrections to enable corrections industries to submit bids. The commissioner of corrections shall consult with the commissioner of administration prior to introducing new products to the state agency market.

(c) No public entity may evade the intent of this section by adopting slight variations in specifications, when Minnesota corrections industry items meet the reasonable needs and specifications of the public entity.

~~(d) The commissioners of administration and corrections shall develop annual performance measures outlining goals to maximize inmate work program participation. The commissioners of administration and corrections shall appoint cochairs for a task force whose purpose is to determine additional methods to achieve the performance goals for public entity purchasing. The task force shall include representatives from the Minnesota House of Representatives, Minnesota Senate, the Minnesota State Colleges and~~

~~Universities, University of Minnesota, Minnesota League of Cities, Minnesota Association of Counties, and administrators with purchasing responsibilities from the Minnesota state Departments of Corrections, Public Safety, Finance, Transportation, Natural Resources, Human Services, Health, and Employment and Economic Development. Notwithstanding section 15.059, the task force created in this paragraph expires on June 30, 2003.~~

~~(c) If performance goals for public entity purchasing are not achieved in two consecutive fiscal years, public entities shall purchase items available from corrections industries. The commissioner of administration shall be responsible for notifying public entities of this requirement.~~

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 3. Minnesota Statutes 2006, section 16C.23, subdivision 2, is amended to read:

Subd. 2. **Surplus property.** "Surplus property" means state or federal commodities, equipment, materials, supplies, books, printed matter, buildings, and other personal or real property that is obsolete, unused, not needed for a public purpose, or ineffective for current use. Surplus property does not include products manufactured by or held in inventory by prison industries for sale to the general public in the normal course of its business.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 4. Minnesota Statutes 2006, section 241.018, is amended to read:

**241.018 PER DIEM CALCULATION.**

Subdivision 1. State correctional facilities. (a) The commissioner of corrections shall develop a uniform method to calculate the average department-wide per diem cost of incarcerating offenders at state adult correctional facilities. In addition to other costs currently factored into the per diem, it must include an appropriate percentage of capitol costs for all adult correctional facilities and 65 percent of the department's management services budget.

(b) The commissioner also shall use this method of calculating per diem costs for offenders in each state adult correctional facility. When calculating the per diem cost of incarcerating offenders at a particular facility, the commissioner shall include an appropriate percentage of capital costs for the facility and an appropriate prorated amount, given the facility's population, of 65 percent of the department's management services budget.

90.1 (c) The commissioner shall ensure that these new per diem methods are used in  
90.2 all future annual performance reports to the legislature and are also reflected in the  
90.3 department's biennial budget document.

90.4 Subd. 2. Local correctional facilities. (a) The commissioner of corrections shall  
90.5 develop a uniform method to calculate the average per diem cost of incarcerating offenders  
90.6 in county and regional jail facilities licensed by the commissioner under section 241.021,  
90.7 subdivision 1, paragraph (a).

90.8 (b) Each county and regional jail in the state must annually provide the commissioner  
90.9 with a per diem calculation based on the formula the commissioner promulgates pursuant  
90.10 to paragraph (a).

90.11 (c) The commissioner shall include the county and regional jail per diem data  
90.12 collected under paragraph (b) in the Department of Correction's annual performance report  
90.13 to the legislature mandated by section 241.016.

90.14 **EFFECTIVE DATE.** This section is effective July 1, 2007.

90.15 Sec. 5. Minnesota Statutes 2006, section 241.27, subdivision 1, is amended to read:

90.16 Subdivision 1. **Establishment of Minnesota correctional industries; MINNCOR**  
90.17 **industries.** For the purpose of providing adequate, regular and suitable employment,  
90.18 ~~vocational~~ educational training, and to aid the inmates of state correctional facilities,  
90.19 the commissioner of corrections may establish, equip, maintain and operate at any  
90.20 correctional facility under the commissioner's control such industrial and commercial  
90.21 activities as may be deemed necessary and suitable to the profitable employment,  
90.22 ~~vocational~~ educational training and development of proper work habits of the inmates of  
90.23 state correctional facilities. The industrial and commercial activities authorized by this  
90.24 section are designated MINNCOR industries and shall be for the primary purpose of  
90.25 sustaining and ensuring MINNCOR industries' self-sufficiency, providing ~~vocational~~  
90.26 educational training, meaningful employment and the teaching of proper work habits to  
90.27 the inmates of correctional facilities under the control of the commissioner of corrections,  
90.28 and not solely as competitive business ventures. The net profits from these activities shall  
90.29 be used for the benefit of the inmates as it relates to education, self-sufficiency skills, and  
90.30 transition services and not to fund non-inmate-related activities or mandates. Prior to the  
90.31 establishment of any industrial and commercial activity, the commissioner of corrections  
90.32 may consult with representatives of business, industry, organized labor, the state  
90.33 Department of Education, the state Apprenticeship Council, the state Department of Labor  
90.34 and Industry, the Department of Employment Security, the Department of Administration,  
90.35 and such other persons and bodies as the commissioner may feel are qualified to determine

91.1 the quantity and nature of the goods, wares, merchandise and services to be made or  
91.2 provided, and the types of processes to be used in their manufacture, processing, repair,  
91.3 and production consistent with the greatest opportunity for the reform and ~~vocational~~  
91.4 educational training of the inmates, and with the best interests of the state, business,  
91.5 industry and labor.

91.6 The commissioner of corrections shall, at all times in the conduct of any industrial  
91.7 or commercial activity authorized by this section, utilize inmate labor to the greatest  
91.8 extent feasible, provided, however, that the commissioner may employ all administrative,  
91.9 supervisory and other skilled workers necessary to the proper instruction of the inmates  
91.10 and the profitable and efficient operation of the industrial and commercial activities  
91.11 authorized by this section.

91.12 Additionally, the commissioner of corrections may authorize the director of any  
91.13 correctional facility under the commissioner's control to accept work projects from outside  
91.14 sources for processing, fabrication or repair, provided that preference shall be given to the  
91.15 performance of such work projects for state departments and agencies.

91.16 **EFFECTIVE DATE.** This section is effective July 1, 2007.

91.17 Sec. 6. Minnesota Statutes 2006, section 241.27, subdivision 2, is amended to read:

91.18 Subd. 2. **Revolving fund; use of fund.** There is established in the Department  
91.19 of Corrections under the control of the commissioner of corrections the Minnesota  
91.20 correctional industries revolving fund to which shall be transferred the revolving funds  
91.21 authorized in Minnesota Statutes 1978, sections 243.41 and 243.85, clause (f), and any  
91.22 other industrial revolving funds heretofore established at any state correctional facility  
91.23 under the control of the commissioner of corrections. The revolving fund established  
91.24 shall be used for the conduct of the industrial and commercial activities now or hereafter  
91.25 established at any state correctional facility, including but not limited to the purchase of  
91.26 equipment, raw materials, the payment of salaries, wages and other expenses necessary  
91.27 and incident thereto. The purchase of services, materials, and commodities used in and  
91.28 held for resale are not subject to the competitive bidding procedures of section 16C.06, but  
91.29 are subject to all other provisions of chapters 16B and 16C, unless otherwise identified.  
91.30 When practical, purchases must be made from small targeted group businesses designated  
91.31 under section 16C.16. Additionally, the expenses of inmate ~~vocational~~ educational  
91.32 training, self-sufficiency skills, transition services, and the inmate release fund may be  
91.33 financed from the correctional industries revolving fund in an amount to be determined  
91.34 by the commissioner or the MINNCOR chief executive officer as duly appointed by the  
91.35 commissioner. The proceeds and income from all industrial and commercial activities

92.1 conducted at state correctional facilities shall be deposited in the correctional industries  
92.2 revolving fund subject to disbursement as hereinabove provided. The commissioner of  
92.3 corrections may request that money in the fund be invested pursuant to section 11A.25;  
92.4 the proceeds from the investment not currently needed shall be accounted for separately  
92.5 and credited to the fund.

92.6 **EFFECTIVE DATE.** This section is effective July 1, 2007.

92.7 Sec. 7. Minnesota Statutes 2006, section 241.27, subdivision 3, is amended to read:

92.8 Subd. 3. **Disbursement from fund.** The correctional industries revolving fund  
92.9 shall be deposited in the state treasury and paid out only on proper vouchers as may be  
92.10 authorized and approved by the commissioner of corrections, and in the same manner and  
92.11 under the same restrictions as are now provided by law for the disbursement of funds by  
92.12 the commissioner. An amount deposited in the state treasury equal to six months of net  
92.13 operating cash as determined by the prior 12 months of revenue and cash flow statements,  
92.14 shall be restricted for use only by correctional industries as described under subdivision  
92.15 2. For purposes of this subdivision, "net operating cash" means net income minus sales  
92.16 plus cost of goods sold. Cost of goods sold include all direct costs of correctional industry  
92.17 products attributable to their production. The commissioner of corrections is authorized  
92.18 to keep and maintain at any correctional facility under the commissioner's control a  
92.19 contingent fund, as provided in section 241.13; but the contingent fund shall at all times  
92.20 be covered and protected by a proper and sufficient bond to be duly approved as by law  
92.21 now provided.

92.22 **EFFECTIVE DATE.** This section is effective July 1, 2007.

92.23 Sec. 8. Minnesota Statutes 2006, section 241.27, subdivision 4, is amended to read:

92.24 Subd. 4. **Revolving fund; borrowing.** The commissioner of corrections is  
92.25 authorized, when in the commissioner's judgment it becomes necessary in order to meet  
92.26 current demands on the correctional industries revolving fund, to borrow sums of money  
92.27 as may be necessary. The sums so borrowed shall not exceed, in any one year, ~~50 percent~~  
92.28 ~~of the total of the net worth of correctional industries~~ six months of net operating cash as  
92.29 determined by the previous 12 months of the correctional industries' revenue and cash  
92.30 flow statements.

92.31 When the commissioner of corrections shall certify to the commissioner of finance  
92.32 that, in the commissioner's judgment, it is necessary to borrow a specified sum of money  
92.33 in order to meet the current demands on the correctional industries revolving fund, and the

93.1 commissioner of finance may, in the commissioner's discretion, transfer and credit to the  
93.2 correctional industries revolving fund, from any moneys in the state treasury not required  
93.3 for immediate disbursement, the whole or such part of the amount so certified as they  
93.4 deem advisable, which sum so transferred shall be repaid by the commissioner from the  
93.5 revolving fund to the fund from which transferred, at such time as shall be specified by the  
93.6 commissioner of finance, together with interest thereon at such rate as shall be specified  
93.7 by the commissioner of finance, not exceeding four percent per annum. When any transfer  
93.8 shall so have been made to the correctional industries revolving fund, the commissioner  
93.9 of finance shall notify the commissioner of corrections of the amount so transferred to  
93.10 the credit of the correctional industries revolving fund, the date when the same is to be  
93.11 repaid, and the rate of interest so to be paid.

93.12 **EFFECTIVE DATE.** This section is effective July 1, 2007.

93.13 Sec. 9. Minnesota Statutes 2006, section 241.278, is amended to read:

93.14 **241.278 AGREEMENTS FOR WORK FORCE OF STATE OR COUNTY**  
93.15 **JAIL INMATES.**

93.16 The commissioner of corrections, in the interest of inmate rehabilitation or to  
93.17 promote programs under section 241.275, subdivision 2, may enter into interagency  
93.18 agreements with state, county, or municipal agencies, or contract with nonprofit agencies  
93.19 to manage, fund, or partially fund the cost of programs that use state or county jail  
93.20 inmates as a work force. The commissioner is authorized to receive funds via these  
93.21 agreements and these funds are appropriated to the commissioner for community service  
93.22 programming or when prison industries are party to the agreement, shall be deposited in  
93.23 the Minnesota correctional industries revolving fund for use as described under section  
93.24 241.27, subdivision 2.

93.25 **EFFECTIVE DATE.** This section is effective July 1, 2007.

93.26 Sec. 10. Minnesota Statutes 2006, section 241.69, subdivision 3, is amended to read:

93.27 Subd. 3. **Transfer.** If the licensed mental health professional finds the person to be a  
93.28 person who is mentally ill and in need of short-term care, ~~the examining licensed mental~~  
93.29 health care professional may recommend transfer by the commissioner of corrections to  
93.30 the mental health unit established pursuant to subdivision 1.

93.31 **EFFECTIVE DATE.** This section is effective July 1, 2007.

94.1 Sec. 11. Minnesota Statutes 2006, section 241.69, subdivision 4, is amended to read:

94.2 Subd. 4. **Commitment.** If the ~~examining~~ licensed mental health care professional or  
94.3 licensed mental health professional finds the person to be a person who is mentally ill and  
94.4 in need of long-term care in a hospital, or if an inmate transferred pursuant to subdivision  
94.5 3 refuses to voluntarily participate in the treatment program at the mental health unit, the  
94.6 director of psychological services of the institution or the mental health professional shall  
94.7 initiate proceedings for judicial commitment as provided in section 253B.07. Upon the  
94.8 recommendation of the licensed mental health professional and upon completion of the  
94.9 hearing and consideration of the record, the court may commit the person to the mental  
94.10 health unit established in subdivision 1 or to another hospital. A person confined in a state  
94.11 correctional institution for adults who has been adjudicated to be a person who is mentally  
94.12 ill and in need of treatment may be committed to the commissioner of corrections and  
94.13 placed in the mental health unit established in subdivision 1.

94.14 **EFFECTIVE DATE.** This section is effective July 1, 2007.

94.15 Sec. 12. Minnesota Statutes 2006, section 383A.08, subdivision 6, is amended to read:

94.16 Subd. 6. **Rules and regulations.** The county may promulgate rules and regulations  
94.17 for the proper operation and maintenance of each facility and the proper care and discipline  
94.18 of inmates detained in the facility. These rules and regulations may, among other things,  
94.19 provide for the diminution of sentences of inmates for good behavior, ~~but in no event to~~  
94.20 ~~exceed a total of five days for each 30-day sentence~~ in accordance with section 643.29.

94.21 **EFFECTIVE DATE.** This section is effective July 1, 2007.

94.22 Sec. 13. Minnesota Statutes 2006, section 383A.08, subdivision 7, is amended to read:

94.23 Subd. 7. **Confinement of inmates from other counties.** The county may accept  
94.24 an inmate for confinement at a county correction facility when the inmate is committed  
94.25 to the facility by order of a judge of a municipality or county outside Ramsey County if  
94.26 the county is paid the amount of compensation for board, confinement, and maintenance  
94.27 of the inmate that it determines. ~~No compensation of this kind may be in an amount less~~  
94.28 ~~than the actual per diem cost per person confined.~~ A county outside Ramsey County or  
94.29 a municipality outside Ramsey County may enter into and agree with Ramsey County  
94.30 for the incarceration of prisoners.

94.31 **EFFECTIVE DATE.** This section is effective July 1, 2007.

94.32 Sec. 14. Minnesota Statutes 2006, section 401.15, subdivision 1, is amended to read:

95.1 Subdivision 1. **Certified statements; determinations; adjustments.** ~~On or before~~  
95.2 Within 60 days of the end of each calendar quarter, participating counties which have  
95.3 received the payments authorized by section 401.14 shall submit to the commissioner  
95.4 certified statements detailing the amounts expended and costs incurred in furnishing the  
95.5 correctional services provided in sections 401.01 to 401.16. Upon receipt of certified  
95.6 statements, the commissioner shall, in the manner provided in sections 401.10 and  
95.7 401.12, determine the amount each participating county is entitled to receive, making any  
95.8 adjustments necessary to rectify any disparity between the amounts received pursuant to  
95.9 the estimate provided in section 401.14 and the amounts actually expended. If the amount  
95.10 received pursuant to the estimate is greater than the amount actually expended during the  
95.11 quarter, the commissioner may withhold the difference from any subsequent monthly  
95.12 payments made pursuant to section 401.14. Upon certification by the commissioner of  
95.13 the amount a participating county is entitled to receive under the provisions of section  
95.14 401.14 or of this subdivision the commissioner of finance shall thereupon issue a state  
95.15 warrant to the chief fiscal officer of each participating county for the amount due together  
95.16 with a copy of the certificate prepared by the commissioner.

95.17 **EFFECTIVE DATE.** This section is effective July 1, 2007.

95.18 Sec. 15. Minnesota Statutes 2006, section 641.15, is amended by adding a subdivision  
95.19 to read:

95.20 Subd. 3a. **Intake procedure; approved mental health screening.** As part of its  
95.21 intake procedure for new prisoners, the sheriff or local corrections shall use a mental  
95.22 health screening tool approved by the commissioner of corrections in consultation with  
95.23 the commissioner of human services to identify persons who may have mental illness.

95.24 **EFFECTIVE DATE.** This section is effective August 1, 2007.

95.25 Sec. 16. Minnesota Statutes 2006, section 641.265, subdivision 2, is amended to read:

95.26 Subd. 2. **Withdrawal.** A county board may withdraw from cooperation in a regional  
95.27 jail system ~~if the county boards of all of the other cooperating counties decide, by majority~~  
95.28 ~~vote, to allow the withdrawal~~ in accordance with the terms of a joint powers agreement.  
95.29 With the approval of the county board of each cooperating county, the regional jail board  
95.30 shall fix the sum, if any, to be paid to the county withdrawing, to reimburse it for capital  
95.31 cost, debt service, or lease rental payments made by the county prior to withdrawal, in  
95.32 excess of its proportionate share of benefits from the regional jail prior to withdrawal, and  
95.33 the time and manner of making the payments. The payments shall be deemed additional

payments of capital cost, debt service, or lease rentals to be made proportionately by the remaining counties and, when received, shall be deposited in and paid from the regional jail fund; provided that:

~~(a)~~ (1) payments shall not be made from any amounts in the regional jail fund which are needed for maintenance and operation expenses or lease rentals currently due and payable; and

~~(b)~~ (2) the withdrawing county shall remain obligated for the payment of its proportionate share of any lease rentals due and payable after its withdrawal, in the event and up to the amount of any lease payment not made when due by one or more of the other cooperating counties.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 17. **DISCIPLINARY CONFINEMENT; PROTOCOL.**

The commissioner of corrections shall develop a protocol that is fair, firm, and consistent so that inmates have an opportunity to be released from disciplinary confinement in a timely manner. For those inmates in disciplinary confinement who are nearing their release date, the commissioner of corrections shall, when possible, develop a reentry plan.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 18. **REPEALER.**

Minnesota Statutes 2006, sections 241.021, subdivision 5; and 241.85, subdivision 2, are repealed.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

**ARTICLE 7**

**OFFENDER RE-ENTRY POLICY**

Section 1. Minnesota Statutes 2006, section 241.016, subdivision 1, is amended to read:

Subdivision 1. **Biennial report.** (a) The Department of Corrections shall submit a performance report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding by January 15, 2005, and every other year thereafter. The issuance and content of the report must include the following:

(1) department strategic mission, goals, and objectives;

(2) the department-wide per diem, adult facility-specific per diems, and an average per diem, reported in a standard calculated method as outlined in the departmental policies and procedures;

(3) department annual statistics as outlined in the departmental policies and procedures; and

(4) information about prison-based mental health programs, including, but not limited to, the availability of these programs, participation rates, and completion rates.

(b) The department shall maintain recidivism rates for adult facilities on an annual basis. In addition, each year the department shall, on an alternating basis, complete a recidivism analysis of adult facilities, juvenile services, and the community services divisions and include a three-year recidivism analysis in the report described in paragraph (a). ~~When appropriate, The recidivism analysis must include:~~ (1) assess education programs, vocational programs, treatment programs, including mental health programs, industry, and employment; and (2) assess statewide re-entry policies and funding, including postrelease treatment, education, training, and supervision. In addition, when reporting recidivism for the department's adult and juvenile facilities, the department shall report on the extent to which offenders it has assessed as chemically dependent commit new offenses, with separate recidivism rates reported for persons completing and not completing the department's treatment programs.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

**Sec. 2. [241.86] FIVE-YEAR DEMONSTRATION PROJECT FOR HIGH-RISK ADULTS.**

**Subdivision 1. Definition.** For purposes of this section, "high-risk adult" means an adult with a history of some combination of substance abuse, mental illness, chronic unemployment, incarceration, or homelessness. High-risk adults are considered to be very likely to enter or reenter state or county correctional programs or chemical or mental health programs.

**Subd. 2. Establishment.** (a) The Department of Corrections shall contract with one nonprofit entity to conduct this five-year demonstration project and document the effectiveness of this model. Initially, the demonstration will operate in the Twin Cities metropolitan area.

(b) The contractor must, at a minimum, meet the following criteria:

(1) be an incorporated, nonprofit organization that is capable of managing and operating a multidisciplinary model for providing high-risk adults with housing, short-term work, health care, behavioral health care, and community reengagement;

98.1           (2) demonstrate an ability to organize and manage an alliance of nonprofit  
98.2 organizations providing services to high-risk adults;

98.3           (3) have organizational leaders with a demonstrated ability to organize, manage,  
98.4 and lead service teams consisting of workers from multiple service providers that deliver  
98.5 direct support to high-risk adults;

98.6           (4) have experience with providing a comprehensive set of housing, work, health  
98.7 care, behavioral health care, and community reengagement services to high-risk adults; and

98.8           (5) be a recipient of foundation and other private funds for the refinement and testing  
98.9 of a demonstration of this type.

98.10          Subd. 3. **Scope of the five-year demonstration project.** The contractor undertaking  
98.11 this five-year demonstration project shall, as part of this project:

98.12           (1) enroll up to 500 eligible high-risk adults over the five-year demonstration project  
98.13 period, starting December 1, 2007, and ending December 31, 2012;

98.14           (2) using best practices derived from research and testing, provide or assist in  
98.15 arranging access to services for high-risk adults enrolled in the demonstration project,  
98.16 including, at a minimum, housing, behavioral health services, health care, employment,  
98.17 and community and family reengagement;

98.18           (3) maximize the performance of existing services and programs by coordinating  
98.19 access to and the delivery of these services; and

98.20           (4) define conditions under which enrollees are considered to be in good standing  
98.21 and allowed to remain in the demonstration project. These conditions may include, but  
98.22 are not limited to:

98.23           (i) living in stable and safe housing;

98.24           (ii) working and earning an income;

98.25           (iii) paying child support, if appropriate;

98.26           (iv) participating in treatment programs, if appropriate; and

98.27           (v) no arrests.

98.28          Subd. 4. **Payment.** To the extent funds are appropriated for the purposes of this  
98.29 section, the commissioner of corrections shall pay to the entity under contract a monthly  
98.30 fee of \$1,600 for each enrollee who (1) had been in the custody of the commissioner of  
98.31 corrections within the preceding year, and (2) is in good standing in the demonstration  
98.32 project.

98.33          Subd. 5. **Report.** (a) The entity shall submit annually a report to the commissioners  
98.34 of corrections, human services, employment and economic development, and housing  
98.35 finance and the legislature on or before January 15 of each year, beginning January 15,  
98.36 2008. The report must include:

(1) the number of participants who have been enrolled and the number currently participating in the demonstration project;

(2) a description of the services provided to enrollees over the past year and over the duration of the demonstration project to date;

(3) an accounting of the costs associated with the enrollees over the past year and over the duration of the demonstration project to date; and

(4) any other information requested by the commissioners of corrections, housing, employment and economic development, and human services and the legislature.

(b) The report shall include recommendations on improving and expanding the project to other geographical areas of the state.

(c) The report shall include an update on the status of the independent evaluation required in subdivision 7.

Subd. 6. **Independent evaluation.** An independent evaluator selected by the commissioner of corrections, in consultation with the contractor conducting the project, must conduct an evaluation of the project. The independent evaluator must complete and submit a report of findings and recommendations to the commissioners of corrections, housing finance, human services, education, and employment and economic development and the legislature. This independent evaluation must be developed and implemented concurrently with the five-year demonstration project, beginning on December 1, 2007. The final report to the legislature is due on or before January 15, 2013.

Subd. 7. **Sunset.** This section expires December 31, 2013.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

**Sec. 3. [299A.82] MENTORING GRANT FOR CHILDREN OF INCARCERATED PARENTS.**

Subdivision 1. **Mentoring grant.** The commissioner of corrections shall award grants to nonprofit organizations that provide one-to-one mentoring relationships to youth enrolled between the ages of seven to 13 whose parent or other significant family member is incarcerated in a county workhouse, county jail, state prison, or other type of correctional facility or is subject to correctional supervision. The intent of the grant is to provide children with adult mentors to strengthen developmental outcomes, including enhanced self-confidence and esteem; improved academic performance; and improved relationships with peers, family, and other adults that may prevent them from entering the juvenile justice system.

Subd. 2. **Grant criteria.** As a condition of receiving the grant, the grant recipient must:

100.1        (1) collaborate with other organizations that have a demonstrated history of  
100.2 providing services to youth and families in disadvantaged situations;

100.3        (2) implement procedures to ensure that 100 percent of the mentors pose no safety  
100.4 risk to the child and have the skills to participate in a mentoring relationship;

100.5        (3) provide enhanced training to mentors focusing on asset building and family  
100.6 dynamics when a parent is incarcerated; and

100.7        (4) provide an individual family plan and aftercare.

100.8        Subd. 3. **Program evaluation.** The grant recipient must submit an evaluation plan  
100.9 to the commissioner delineating the program and student outcome goals and activities  
100.10 implemented to achieve the stated outcomes. The goals must be clearly stated and  
100.11 measurable. The grant recipient must collect, analyze, and report on participation and  
100.12 outcome data that enable the department to verify that the program goals were met.

100.13        **EFFECTIVE DATE.** This section is effective July 1, 2007.

100.14        Sec. 4. **LEGISLATIVE WORKING GROUP ON OFFENDER RE-ENTRY.**

100.15        (a) The chairs of the house of representatives Public Safety Finance Committee and  
100.16 the senate Public Safety Budget Division, or their designees, shall co-chair an offender  
100.17 re-entry working group. The working group shall review, examine, and, where the group  
100.18 deems necessary, formulate legislative proposals addressing the following issues:

100.19        (1) the Department of Corrections' role in offender re-entry, including prerelease and  
100.20 postrelease planning, education, treatment, housing, and employment;

100.21        (2) housing for offenders upon release from prison, including offender housing plans  
100.22 and the need for and placement of halfway houses;

100.23        (3) the Department of Human Services and the Department of Housing Finance  
100.24 Administration's role in assisting recently released offenders with housing and mental  
100.25 health services;

100.26        (4) prerelease and postrelease offender drug treatment policies, programs, and  
100.27 funding;

100.28        (5) drug sentencing, including an assessment of the costs and benefits of adjusting  
100.29 drug weight thresholds in controlled substance offenses in Minnesota Statutes, chapter  
100.30 152, and the proportionality of Minnesota's drug sentences as compared to sentences for  
100.31 other Minnesota offenses and drug sentences in other states in the upper midwest;

100.32        (6) creation of an early discharge committee to recommend the release of offenders  
100.33 who make significant and measurable progress in treatment, education, job skill training,  
100.34 and overall behavior before their term of imprisonment expires;

101.1 (7) defining the class of offenders who are eligible for early release, if an early  
101.2 discharge committee is recommended;

101.3 (8) establishing re-entry courts to oversee postprison supervision of offenders;

101.4 (9) how the current system of probation supervision affects recidivism and if the  
101.5 system needs to be reformed;

101.6 (10) the need for and value of collateral employment sanctions associated with  
101.7 certain offenses;

101.8 (11) juvenile offender re-entry;

101.9 (12) extending tax credits to businesses that employ offenders recently released  
101.10 from prison; and

101.11 (13) any other matter relevant to promoting successful offender re-entry.

101.12 (b) At the invitation of the co-chairs, the group shall include members of the house  
101.13 of representatives and senate and representatives from the Department of Corrections,  
101.14 the Sentencing Guidelines Commission, the courts, law enforcement, probation, county  
101.15 attorneys, the Board of Public Defense, Private Criminal Defense Bar, and the Minnesota  
101.16 Comprehensive Offender Re-entry Plan Steering Committee.

101.17 (c) The house of representatives co-chair shall convene and lead the first session of  
101.18 the working group on or before August 1, 2007. The co-chairs or their designees shall  
101.19 alternate leading working group sessions. The group shall meet at least twice a month.

101.20 (d) The working group shall develop policy recommendations by November 1, 2007,  
101.21 and prepare draft legislation on or before December 15, 2007.

101.22 (e) Legislative staff is authorized to assist the working group, as the co-chairs deem  
101.23 necessary.

101.24 (f) The working group expires on December 15, 2007.

101.25 **EFFECTIVE DATE.** This section is effective July 1, 2007.

101.26 **Sec. 5. RE-ENTRY GRANT ADDRESSING DOMESTIC VIOLENCE AND**  
101.27 **INTIMATE PARTNER VIOLENCE.**

101.28 Subdivision 1. **Re-entry grant.** The commissioner of corrections shall award a  
101.29 grant to a nonprofit having a section 501(c)(3) status with the Internal Revenue Service  
101.30 or a public or private institution of higher education that has expertise in addressing the  
101.31 intersection between offender re-entry and domestic violence. The intent of the grant is  
101.32 to provide services to re-entering offenders and their intimate partners to: (1) reduce the  
101.33 incidence of domestic violence among offenders re-entering the community; (2) reduce  
101.34 occurrences of domestic violence, serious injury, and death experienced by intimate

102.1 partners who are in relationships with offenders recently released from jail or prison; and  
102.2 (3) reduce criminal recidivism due to domestic violence.

102.3 Subd. 2. **Grant criteria.** As a condition of receiving the grant, the grant recipient  
102.4 must:

102.5 (1) subcontract with at least one community-based domestic abuse counseling  
102.6 or educational program and at least one crime victim service provider to provide  
102.7 comprehensive services to recently released offenders and their intimate partners;

102.8 (2) train the organizations selected pursuant to clause (1) on research-based practices  
102.9 and best practices in addressing the intersection of offender re-entry and domestic  
102.10 violence; and

102.11 (3) serve as liaison to the department of corrections and provide technical assistance,  
102.12 training, and coordination to the organizations selected pursuant to clause (1) in  
102.13 implementing policies that address the intersection of offender re-entry and domestic  
102.14 violence.

102.15 Subd. 3. **Program evaluation.** The grant recipient must rigorously evaluate the  
102.16 effectiveness of its intervention and work with subcontracted organizations to collect data.  
102.17 The grant recipient must submit an evaluation plan to the commissioner of corrections  
102.18 delineating project goals and specific activities performed to achieve those goals.

102.19 **EFFECTIVE DATE.** This section is effective July 1, 2007.

102.20 **Sec. 6. PILOT PROJECT.**

102.21 (a) The commissioner of corrections shall issue a grant to a nonprofit organization to  
102.22 establish a pilot project to provide employment services to ex-criminal offenders living  
102.23 in the North Minneapolis community. The pilot project must provide the ex-offender  
102.24 participants with a continuum of employment services that identifies their needs;  
102.25 intervenes with them through case management if they are struggling; and provides them  
102.26 with work readiness, skill training, chemical and mental health referrals, housing support,  
102.27 job placement, work experience, and job retention support. The pilot project shall work  
102.28 with community corrections officials, faith-based organizations, and businesses to create  
102.29 an array of support opportunities for the participants.

102.30 (b) By January 15, 2010, the commissioner of corrections shall report to the chairs  
102.31 and ranking minority members of the senate and house of representatives committees and  
102.32 divisions having jurisdiction over criminal justice policy and funding on the activities  
102.33 conducted by the grant recipient and the effectiveness of the pilot project.

102.34 **EFFECTIVE DATE.** This section is effective July 1, 2007.

ARTICLE 8

PUBLIC SAFETY AND LAW ENFORCEMENT

Section 1. Minnesota Statutes 2006, section 13.87, subdivision 1, is amended to read:

Subdivision 1. **Criminal history data.** (a) **Definition.** For purposes of this subdivision, "criminal history data" means all data maintained in criminal history records compiled by the Bureau of Criminal Apprehension and disseminated through the criminal justice information system, including, but not limited to fingerprints, photographs, identification data, arrest data, prosecution data, criminal court data, custody and supervision data.

(b) **Classification.** Criminal history data maintained by agencies, political subdivisions and statewide systems are classified as private, pursuant to section 13.02, subdivision 12, except that data created, collected, or maintained by the Bureau of Criminal Apprehension that identify an individual who was convicted of a crime, the offense of which the individual was convicted, associated court disposition and sentence information, controlling agency, and confinement information are public data for 15 years following the discharge of the sentence imposed for the offense. When an innocent party's name is associated with a criminal history, and a determination has been made through a fingerprint verification that the innocent party is not the subject of the criminal history, the name may be redacted from the public criminal history data. The name shall be retained in the criminal history and classified as private data.

The Bureau of Criminal Apprehension shall provide to the public at the central office of the bureau the ability to inspect in person, at no charge, through a computer monitor the criminal conviction data classified as public under this subdivision.

(c) **Limitation.** Nothing in paragraph (a) or (b) shall limit public access to data made public by section 13.82.

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 2. Minnesota Statutes 2006, section 243.167, subdivision 1, is amended to read:

Subdivision 1. **Definition.** As used in this section, "crime against the person" means a violation of any of the following or a similar law of another state or of the United States: section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.2247; 609.235; 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision 2; 609.498, subdivision 1;

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104.1 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of  
104.2 section 609.229; 609.377; 609.749; or 624.713.

104.3 **EFFECTIVE DATE.** This section is effective the day following final enactment,  
104.4 and applies retroactively to crimes committed on or after August 1, 2005.

104.5 Sec. 3. Minnesota Statutes 2006, section 244.05, is amended by adding a subdivision  
104.6 to read:

104.7 Subd. 2a. **Random searches.** (a) This subdivision applies to inmates who were  
104.8 convicted of and imprisoned for a violent crime, as defined in section 609.1095, involving  
104.9 the sale, use, or possession of a controlled substance or a dangerous weapon.

104.10 (b) When an inmate is released on supervised release or parole, the inmate, as a  
104.11 condition of release, consents to a search of the inmate's person and any motor vehicle  
104.12 driven by the inmate. The search may be conducted on demand by any parole or  
104.13 supervised release agent or peace officer.

104.14 **EFFECTIVE DATE.** This section is effective July 1, 2007.

104.15 Sec. 4. Minnesota Statutes 2006, section 299A.641, subdivision 2, is amended to read:

104.16 Subd. 2. **Membership.** The oversight council shall consist of the following  
104.17 individuals or their designees:

104.18 (1) the director of the office of special investigations as the representative of the  
104.19 commissioner of corrections;

104.20 (2) the superintendent of the Bureau of Criminal Apprehension as the representative  
104.21 of the commissioner of public safety;

104.22 (3) the attorney general;

104.23 (4) eight chiefs of police, selected by the Minnesota Chiefs of Police Association,  
104.24 two of which must be selected from cities with populations greater than 200,000;

104.25 (5) eight sheriffs, selected by the Minnesota Sheriffs Association to represent each  
104.26 district, two of which must be selected from counties with populations greater than  
104.27 500,000;

104.28 (6) the United States attorney for the district of Minnesota;

104.29 (7) two county attorneys, selected by the Minnesota County Attorneys Association;

104.30 (8) a command-level representative of a gang strike force;

104.31 (9) a representative from a drug task force, selected by the Minnesota State  
104.32 Association of Narcotics Investigators;

104.33 (10) a representative from the United States Drug Enforcement Administration;

105.1 (11) a representative from the United States Bureau of Alcohol, Tobacco, and  
105.2 Firearms;

105.3 (12) a representative from the Federal Bureau of Investigation;

105.4 (13) a tribal peace officer, selected by the Minnesota Tribal Law Enforcement  
105.5 Association; ~~and~~

105.6 (14) two additional members who may be selected by the oversight council;

105.7 (15) a senator who serves on the committee having jurisdiction over criminal justice  
105.8 policy, chosen by the Subcommittee on Committees of the senate Committee on Rules  
105.9 and Administration; and

105.10 (16) a representative who serves on the committee having jurisdiction over criminal  
105.11 justice policy, chosen by the speaker of the house of representatives.

105.12 The oversight council may adopt procedures to govern its conduct as necessary and may  
105.13 select a chair from among its members. The legislative members of the council may not  
105.14 vote on matters before the council.

105.15 **EFFECTIVE DATE.** This section is effective July 1, 2007.

105.16 Sec. 5. Minnesota Statutes 2006, section 299C.65, subdivision 2, is amended to read:

105.17 Subd. 2. **Task force.** ~~(a) The policy group shall appoint~~ A task force ~~to~~ shall assist  
105.18 ~~them~~ the policy group in their its duties. The task force shall monitor, review, and report to  
105.19 the policy group on CrimNet-related projects and provide oversight to ongoing operations  
105.20 as directed by the policy group. The task force shall consist of the following members:

105.21 (1) two ~~sheriffs recommended~~ members appointed by the Minnesota Sheriffs  
105.22 Association, at least one of whom must be a sheriff;

105.23 (2) two ~~police chiefs recommended~~ members appointed by the Minnesota Chiefs of  
105.24 Police Association, at least one of whom must be a chief of police;

105.25 (3) two ~~county attorneys recommended~~ members appointed by the Minnesota  
105.26 County Attorneys Association, at least one of whom must be a county attorney;

105.27 (4) two ~~city attorneys recommended~~ members appointed by the Minnesota League  
105.28 of Cities representing the interests of city attorneys, at least one of whom must be a city  
105.29 attorney;

105.30 (5) two ~~public defenders~~ members appointed by the Board of Public Defense, at least  
105.31 one of whom must be a public defender;

105.32 (6) two district judges appointed by the Judicial Council, ~~one of whom is currently~~  
105.33 assigned to the juvenile court at least one of whom has experience dealing with juvenile  
105.34 court matters;

(7) two ~~community~~ corrections administrators ~~recommended~~ appointed by the Minnesota Association of Counties; representing the interests of local corrections, at least one of whom represents a community corrections act county;

(8) two probation officers appointed by the commissioner of corrections in consultation with the president of the Minnesota Association of Community Corrections Act Counties and the president of the Minnesota Association of County Probation Officers;

(9) four public members appointed by the governor for a term of six years, one of whom ~~has been a victim of crime~~ represents the interests of victims, and two ~~who~~ of whom are representatives of the private business community who have expertise in integrated information systems and who for the purpose of meetings of the full task force may be compensated pursuant to section 15.059;

(10) two ~~court administrators~~ members appointed by the Minnesota Association for Court Management, at least one of whom must be a court administrator;

(11) one member of the house of representatives appointed by the speaker of the house;

(12) one member of the senate appointed by the majority leader;

(13) one member appointed by the attorney general ~~or a designee;~~

(14) two ~~individuals recommended~~ elected officials appointed by the Minnesota League of Cities, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area;

(15) two ~~individuals recommended~~ elected officials appointed by the Minnesota Association of Counties, one of whom works or resides in greater Minnesota and one of whom works or resides in the seven-county metropolitan area;

(16) the director of the Sentencing Guidelines Commission or a designee;

(17) one member appointed by the state chief information officer;

(18) one member appointed by the commissioner of public safety;

(19) one member appointed by the commissioner of corrections;

(20) one member appointed by the commissioner of administration; and

(21) one member appointed by the chief justice of the Supreme Court.

~~(b) In making these appointments, the appointing authority shall select members with expertise in integrated data systems or best practices.~~

~~(c) The commissioner of public safety may appoint additional, nonvoting members to the task force as necessary from time to time.~~

**EFFECTIVE DATE.** This section is effective July 1, 2007.

Sec. 6. Minnesota Statutes 2006, section 299C.65, subdivision 5, is amended to read:

107.1 Subd. 5. **Review of funding and grant requests.** (a) The Criminal and Juvenile  
107.2 Justice Information Policy Group shall review the funding requests for criminal justice  
107.3 information systems from state, county, and municipal government agencies. The policy  
107.4 group shall review the requests for compatibility to statewide criminal justice information  
107.5 system standards. The review shall be forwarded to the chairs and ranking minority  
107.6 members of the house and senate committees and divisions with jurisdiction over criminal  
107.7 justice funding and policy.

107.8 (b) The CriMNet program office, in consultation with the Criminal and Juvenile  
107.9 Justice Information Task Force and with the approval of the policy group, shall create  
107.10 the requirements for any grant request and determine the integration priorities for the  
107.11 grant period. The CriMNet program office shall also review the requests submitted for  
107.12 compatibility to statewide criminal justice information systems standards.

107.13 (c) The task force shall review funding requests for criminal justice information  
107.14 systems grants and make recommendations to the policy group. The policy group shall  
107.15 review the recommendations of the task force and shall make a final recommendation  
107.16 for criminal justice information systems grants to be made by the commissioner of  
107.17 public safety. Within the limits of available state appropriations and federal grants, the  
107.18 commissioner of public safety shall make grants for projects that have been recommended  
107.19 by the policy group.

107.20 (d) The policy group may approve grants only if the applicant provides an  
107.21 appropriate share of matching funds as determined by the policy group to help pay up to  
107.22 one-half of the costs of the grant request. The matching requirement must be constant for  
107.23 ~~all counties~~ applicants within each grant offering. The policy group shall adopt policies  
107.24 concerning the use of in-kind resources to satisfy the match requirement and the sources  
107.25 from which matching funds may be obtained. Local operational or technology staffing  
107.26 costs may be considered as meeting this match requirement. Each grant recipient shall  
107.27 certify to the policy group that it has not reduced funds from local, county, federal, or  
107.28 other sources which, in the absence of the grant, would have been made available to the  
107.29 grant recipient to improve or integrate criminal justice technology.

107.30 (e) All grant recipients shall submit to the CriMNet program office all requested  
107.31 documentation including grant status, financial reports, and a final report evaluating how  
107.32 the grant funds improved the agency's criminal justice integration priorities. The CriMNet  
107.33 program office shall establish the recipient's reporting dates at the time funds are awarded.

107.34 **EFFECTIVE DATE.** This section is effective July 1, 2007.

107.35 **Sec. 7. [299F.850] CIGARETTE FIRE SAFETY DEFINITIONS.**

108.1        Subdivision 1. **Scope.** The terms used in sections 299F.850 to 299F.858 have the  
108.2 meanings given them in this section.

108.3        Subd. 2. **Agent.** "Agent" means any person licensed by the commissioner of  
108.4 revenue to purchase and affix adhesive or meter stamps on packages of cigarettes.

108.5        Subd. 3. **Cigarette.** "Cigarette" means any roll for smoking made wholly or in part  
108.6 of tobacco, the wrapper or cover of which is made of paper or any other substance or  
108.7 material except tobacco.

108.8        Subd. 4. **Manufacturer.** "Manufacturer" means:

108.9        (1) any entity that manufactures or otherwise produces cigarettes or causes cigarettes  
108.10 to be manufactured or produced anywhere that the manufacturer intends to be sold in the  
108.11 state, including cigarettes intended to be sold in the United States through an importer;

108.12        (2) the first purchaser anywhere that intends to resell in the United States cigarettes  
108.13 manufactured anywhere that the original manufacturer or maker does not intend to be sold  
108.14 in the United States; or

108.15        (3) any entity that becomes a successor of an entity described in clause (1) or (2).

108.16        Subd. 5. **Quality control and quality assurance program.** "Quality control and  
108.17 quality assurance program" means the laboratory procedures implemented to ensure that  
108.18 operator bias, systematic and nonsystematic methodological errors, and equipment-related  
108.19 problems do not affect the results of the testing. This program ensures that the testing  
108.20 repeatability remains within the required repeatability values stated in section 299F.851,  
108.21 subdivision 1, paragraph (g), for all test trials used to certify cigarettes in accordance with  
108.22 sections 299F.850 to 299F.858.

108.23        Subd. 6. **Repeatability.** "Repeatability" means the range of values within which the  
108.24 repeat results of cigarette test trials from a single laboratory will fall 95 percent of the time.

108.25        Subd. 7. **Retail dealer.** "Retail dealer" means any person, other than a wholesale  
108.26 dealer, engaged in selling cigarettes or tobacco products.

108.27        Subd. 8. **Sale.** "Sale" means any transfer of title or possession or both, exchange  
108.28 or barter, conditional or otherwise, in any manner or by any means whatever or any  
108.29 agreement therefore. In addition to cash and credit sales, the giving of cigarettes as  
108.30 samples, prizes, or gifts and the exchanging of cigarettes for any consideration other  
108.31 than money, are considered sales.

108.32        Subd. 9. **Sell.** "Sell" means to make a sale or to offer or agree to make a sale.

108.33        Subd. 10. **Wholesale dealer.** "Wholesale dealer" means any person (1) who sells  
108.34 cigarettes or tobacco products to retail dealers or other persons for purposes of resale or  
108.35 (2) who owns, operates, or maintains one or more cigarette or tobacco product vending  
108.36 machines in, at, or upon premises owned or occupied by any other person.

109.1 **EFFECTIVE DATE.** This section is effective the first day of the 19th month  
109.2 following the date of its final enactment.

109.3 Sec. 8. **[299F.851] TEST METHOD AND PERFORMANCE STANDARD.**

109.4 Subdivision 1. **Requirements.** (a) Except as provided in this subdivision, no  
109.5 cigarettes may be sold or offered for sale in this state or offered for sale or sold to persons  
109.6 located in this state unless (1) the cigarettes have been tested in accordance with the test  
109.7 method and have met the performance standard specified in this section, (2) a written  
109.8 certification has been filed by the manufacturer with the state fire marshal in accordance  
109.9 with section 299F.852, and (3) the cigarettes have been marked in accordance with section  
109.10 299F.853.

109.11 (b) Testing of cigarettes must be conducted in accordance with the American  
109.12 Society of Testing and Materials (ASTM) standard E2187-04, "Standard Test Method for  
109.13 Measuring the Ignition Strength of Cigarettes."

109.14 (c) Testing must be conducted on ten layers of filter paper.

109.15 (d) No more than 25 percent of the cigarettes tested in a test trial in accordance  
109.16 with this section may exhibit full-length burns. Forty replicate tests comprise a complete  
109.17 test trial for each cigarette tested.

109.18 (e) The performance standard required by this subdivision must only be applied to a  
109.19 complete test trial.

109.20 (f) Written certifications must be based upon testing conducted by a laboratory that  
109.21 has been accredited pursuant to standard ISO/IEC 17025 of the International Organization  
109.22 for Standardization (ISO), or other comparable accreditation standard required by the  
109.23 state fire marshal.

109.24 (g) Laboratories conducting testing in accordance with this section shall implement a  
109.25 quality control and quality assurance program that includes a procedure that will determine  
109.26 the repeatability of the testing results. The repeatability value must be no greater than 0.19.

109.27 (h) This subdivision does not require additional testing if cigarettes are tested  
109.28 consistent with sections 299F.850 to 299F.858 for any other purpose.

109.29 (i) Testing performed or sponsored by the state fire marshal to determine a cigarette's  
109.30 compliance with the performance standard required must be conducted in accordance  
109.31 with this section.

109.32 Subd. 2. **Permeability bands.** Each cigarette listed in a certification submitted  
109.33 pursuant to section 299F.852 that uses lowered permeability bands in the cigarette paper  
109.34 to achieve compliance with the performance standard set forth in this section must have  
109.35 at least two nominally identical bands on the paper surrounding the tobacco column. At

110.1 least one complete band must be located at least 15 millimeters from the lighting end of  
110.2 the cigarette. For cigarettes on which the bands are positioned by design, there must  
110.3 be at least two bands fully located at least 15 millimeters from the lighting end and ten  
110.4 millimeters from the filter end of the tobacco column, or ten millimeters from the labeled  
110.5 end of the tobacco column for nonfiltered cigarettes.

110.6 Subd. 3. **Equivalent test methods.** A manufacturer of a cigarette that the state  
110.7 fire marshal determines cannot be tested in accordance with the test method prescribed  
110.8 in subdivision 1, paragraph (b), shall propose a test method and performance standard  
110.9 for the cigarette to the state fire marshal. Upon approval of the proposed test method  
110.10 and a determination by the state fire marshal that the performance standard proposed by  
110.11 the manufacturer is equivalent to the performance standard prescribed in subdivision 1,  
110.12 paragraph (d), the manufacturer may employ such test method and performance standard  
110.13 to certify the cigarette pursuant to section 299F.852. If the state fire marshal determines  
110.14 that another state has enacted reduced cigarette ignition propensity standards that include  
110.15 a test method and performance standard that are the same as those contained in this  
110.16 subdivision, and the state fire marshal finds that the officials responsible for implementing  
110.17 those requirements have approved the proposed alternative test method and performance  
110.18 standard for a particular cigarette proposed by a manufacturer as meeting the fire safety  
110.19 standards of that state's law or regulation under a legal provision comparable to this  
110.20 subdivision, then the state fire marshal shall authorize that manufacturer to employ the  
110.21 alternative test method and performance standard to certify that cigarette for sale in this  
110.22 state, unless the state fire marshal demonstrates a reasonable basis why the alternative  
110.23 test should not be accepted under sections 299F.850 to 299F.858. All other applicable  
110.24 requirements of this section apply to the manufacturer.

110.25 Subd. 4. **Civil penalty.** Each manufacturer shall maintain copies of the reports of all  
110.26 tests conducted on all cigarettes offered for sale for a period of three years, and shall make  
110.27 copies of these reports available to the state fire marshal and the attorney general upon  
110.28 written request. Any manufacturer who fails to make copies of these reports available  
110.29 within 60 days of receiving a written request is subject to a civil penalty not to exceed  
110.30 \$10,000 for each day after the 60th day that the manufacturer does not make such copies  
110.31 available.

110.32 Subd. 5. **Future ASTM Standards.** The state fire marshal may adopt a subsequent  
110.33 ASTM Standard Test Method for Measuring the Ignition Strength of Cigarettes upon  
110.34 a finding that the subsequent method does not result in a change in the percentage of  
110.35 full-length burns exhibited by any tested cigarette when compared to the percentage of

111.1 full-length burns the same cigarette would exhibit when tested in accordance with ASTM  
111.2 Standard E2187-04 and the performance standard in subdivision 1, paragraph (d).

111.3 Subd. 6. **Report to legislature.** The state fire marshal shall review the effectiveness  
111.4 of this section and report findings every three years to the legislature and, if appropriate,  
111.5 make recommendations for legislation to improve the effectiveness of this section. The  
111.6 report and legislative recommendations must be submitted no later than January 2 of each  
111.7 three-year period.

111.8 Subd. 7. **Inventory before state standards.** The requirements of subdivision 1 do  
111.9 not prohibit wholesale or retail dealers from selling their existing inventory of cigarettes  
111.10 on or after the effective date of this section if the wholesale or retail dealer can establish  
111.11 that state tax stamps were affixed to the cigarettes before the effective date of this section,  
111.12 and if the wholesale or retail dealer can establish that the inventory was purchased before  
111.13 the effective date of this section in comparable quantity to the inventory purchased during  
111.14 the same period of the previous year.

111.15 Subd. 8. **Implementation.** This section must be implemented in accordance with  
111.16 the implementation and substance of the New York "Fire Safety Standards for Cigarettes."

111.17 **EFFECTIVE DATE.** This section is effective the first day of the 19th month  
111.18 following the date of its final enactment.

111.19 **Sec. 9. [299F.852] CERTIFICATION AND PRODUCT CHANGE.**

111.20 Subdivision 1. **Attestation.** Each manufacturer shall submit to the state fire marshal  
111.21 a written certification attesting that:

111.22 (1) each cigarette listed in the certification has been tested in accordance with  
111.23 section 299F.851; and

111.24 (2) each cigarette listed in the certification meets the performance standard set forth  
111.25 in section 299F.851, subdivision 1, paragraph (d).

111.26 Subd. 2. **Description.** Each cigarette listed in the certification must be described  
111.27 with the following information:

111.28 (1) brand, or trade name on the package;

111.29 (2) style, such as light or ultra light;

111.30 (3) length in millimeters;

111.31 (4) circumference in millimeters;

111.32 (5) flavor, such as menthol or chocolate, if applicable;

111.33 (6) filter or nonfilter;

111.34 (7) package description, such as soft pack or box;

111.35 (8) marking approved in accordance with section 299F.853;

112.1       (9) the name, address, and telephone number of the laboratory, if different than the  
112.2 manufacturer that conducted the test; and  
112.3       (10) the date that the testing occurred.

112.4       Subd. 3. **Information availability.** The certifications must be made available to the  
112.5 attorney general for purposes consistent with this section and the commissioner of revenue  
112.6 for the purposes of ensuring compliance with this subdivision.

112.7       Subd. 4. **Recertification.** Each cigarette certified under this subdivision must be  
112.8 recertified every three years.

112.9       Subd. 5. **Fee.** For each cigarette listed in a certification, a manufacturer shall pay  
112.10 to the state fire marshal a \$250 fee, to be deposited into a dedicated account in the fire  
112.11 marshal's budget and appropriated in fiscal year 2008 and fiscal year 2009 to the fire  
112.12 marshal to implement sections 299F.850 to 299F.858.

112.13       Subd. 6. **Retesting.** If a manufacturer has certified a cigarette pursuant to this  
112.14 section, and thereafter makes any change to the cigarette that is likely to alter its  
112.15 compliance with the reduced cigarette ignition propensity standards required by sections  
112.16 299F.850 to 299F.858, that cigarette must not be sold or offered for sale in this state  
112.17 until the manufacturer retests the cigarette in accordance with the testing standards set  
112.18 forth in section 299F.851 and maintains records of that retesting as required by section  
112.19 299F.851. Any altered cigarette that does not meet the performance standard set forth in  
112.20 section 299F.851 may not be sold in this state.

112.21       **EFFECTIVE DATE.** This section is effective the first day of the 19th month  
112.22 following the date of its final enactment.

112.23       Sec. 10. **[299F.853] MARKING AND CIGARETTE PACKAGING.**

112.24       (a) Cigarettes that are certified by a manufacturer in accordance with section  
112.25 299F.852 must be marked to indicate compliance with the requirements of section  
112.26 299F.851. The marking must be in eight-point type or larger and consist of:

112.27       (1) modification of the product UPC code to include a visible mark printed at  
112.28 or around the area of the UPC code, which may consist of alphanumeric or symbolic  
112.29 characters permanently stamped, engraved, embossed, or printed in conjunction with  
112.30 the UPC;

112.31       (2) any visible combination of alphanumeric or symbolic characters permanently  
112.32 stamped, engraved, or embossed upon the cigarette package or cellophane wrap; or

112.33       (3) printed, stamped, engraved, or embossed text that indicates that the cigarettes  
112.34 meet the standards of sections 299F.850 to 299F.858.

113.1 (b) A manufacturer shall use only one marking and shall apply this marking  
113.2 uniformly for all brands marketed by that manufacturer and all packages, including but  
113.3 not limited to packs, cartons, and cases.

113.4 (c) The state fire marshal must be notified as to the marking that is selected.

113.5 (d) Prior to the certification of any cigarette, a manufacturer shall present its  
113.6 proposed marking to the state fire marshal for approval. Upon receipt of the request,  
113.7 the state fire marshal shall approve or disapprove the marking offered, except that the  
113.8 state fire marshal shall approve any marking in use and approved for sale in New York  
113.9 pursuant to the New York "Fire Safety Standards for Cigarettes." Proposed markings  
113.10 are deemed approved if the state fire marshal fails to act within ten business days of  
113.11 receiving a request for approval.

113.12 (e) No manufacturer shall modify its approved marking unless the modification has  
113.13 been approved by the state fire marshal in accordance with this section.

113.14 (f) Manufacturers certifying cigarettes in accordance with section 299F.852 shall  
113.15 provide a copy of the certifications to all wholesale dealers and agents to which they sell  
113.16 cigarettes, and shall also provide sufficient copies of an illustration of the package marking  
113.17 utilized by the manufacturer pursuant to this section for each retail dealer to which the  
113.18 wholesale dealers or agents sell cigarettes. Wholesale dealers and agents shall provide a  
113.19 copy of these package markings received from manufacturers to all retail dealers to whom  
113.20 they sell cigarettes. Wholesale dealers, agents, and retail dealers shall permit the state fire  
113.21 marshal, the commissioner of revenue, the attorney general, and their employees to inspect  
113.22 markings of cigarette packaging marked in accordance with this section.

113.23 **EFFECTIVE DATE.** This section is effective the first day of the 19th month  
113.24 following the date of its final enactment.

113.25 Sec. 11. **[299F.854] PENALTIES AND REMEDIES.**

113.26 Subdivision 1. **Wholesale.** (a) A manufacturer, wholesale dealer, agent, or any other  
113.27 person or entity who knowingly sells or offers to sell cigarettes, other than through retail  
113.28 sale, in violation of section 299F.851 is liable to a civil penalty:

113.29 (1) for a first offense, not to exceed \$10,000 per each sale of such cigarettes; and

113.30 (2) for a subsequent offense, not to exceed \$25,000 per each sale of such cigarettes.

113.31 (b) However, the penalty against any such person or entity for a violation under  
113.32 paragraph (a) must not exceed \$100,000 during any 30-day period.

113.33 Subd. 2. **Retail.** (a) A retail dealer who knowingly sells cigarettes in violation of  
113.34 section 299F.851 is liable to a civil penalty:

114.1        (1) for a first offense, not to exceed \$500, and for a subsequent offense, not to exceed  
114.2 \$2,000, per each sale or offer for sale of such cigarettes, if the total number sold or offered  
114.3 for sale does not exceed 1,000 cigarettes; or

114.4        (2) for a first offense, not to exceed \$1,000, and for a subsequent offense, not to  
114.5 exceed \$5,000, per each sale or offer for sale of such cigarettes, if the total number sold or  
114.6 offered for sale exceeds 1,000 cigarettes.

114.7        (b) However, the penalty against any retail dealer must not exceed \$25,000 during  
114.8 any 30-day period.

114.9        Subd. 3. **False certification.** In addition to any penalty prescribed by law, any  
114.10 corporation, partnership, sole proprietor, limited partnership, or association engaged in  
114.11 the manufacture of cigarettes that knowingly makes a false certification pursuant to  
114.12 subdivision 3 is, for a first offense, liable to a civil penalty of at least \$75,000, and for a  
114.13 subsequent offense a civil penalty not to exceed \$250,000 for each false certification.

114.14        Subd. 4. **Violation of other provision.** Any person violating any other provision  
114.15 in sections 299F.850 to 299F.858 is liable to a civil penalty for a first offense not to  
114.16 exceed \$1,000, and for a subsequent offense a civil penalty not to exceed \$5,000, for  
114.17 each violation.

114.18        Subd. 5. **Forfeiture.** Cigarettes that have been sold or offered for sale that do  
114.19 not comply with the performance standard required by section 299F.851 are subject to  
114.20 forfeiture under section 297F.21 and, upon judgment of forfeiture, must be destroyed;  
114.21 provided, however, that before destroying any cigarettes seized in accordance with section  
114.22 297F.21, which seizure is hereby authorized, the true holder of the trademark rights in the  
114.23 cigarette brand must be permitted to inspect the cigarette.

114.24        Subd. 6. **Remedies.** In addition to any other remedy provided by law, the state fire  
114.25 marshal or attorney general may institute a civil action in district court for a violation of  
114.26 this section, including petitioning for injunctive relief or to recover any costs or damages  
114.27 suffered by the state because of a violation under this section, including enforcement costs  
114.28 relating to the specific violation and attorney fees. Each violation of sections 299F.850 to  
114.29 299F.858 or of rules adopted under sections 299F.850 to 299F.858 constitutes a separate  
114.30 civil violation for which the state fire marshal or attorney general may obtain relief.

114.31        **EFFECTIVE DATE.** This section is effective the first day of the 19th month  
114.32 following the date of its final enactment.

114.33        Sec. 12. **[299F.855] IMPLEMENTATION.**

115.1        Subdivision 1. **Rules.** The commissioner of public safety, in consultation with the  
115.2 state fire marshal, may adopt rules, pursuant to chapter 14, necessary to effectuate the  
115.3 purposes of sections 299F.850 to 299F.858.

115.4        Subd. 2. **Commissioner of revenue.** The commissioner of revenue in the regular  
115.5 course of conducting inspections of wholesale dealers, agents, and retail dealers, as  
115.6 authorized under chapter 297F, may inspect cigarettes to determine if the cigarettes are  
115.7 marked as required by section 299F.853. If the cigarettes are not marked as required, the  
115.8 commissioner of revenue shall notify the state fire marshal.

115.9        **EFFECTIVE DATE.** This section is effective the first day of the 19th month  
115.10 following the date of its final enactment.

115.11       **Sec. 13. [299F.856] INSPECTION.**

115.12       To enforce sections 299F.850 to 299F.858, the attorney general and the state fire  
115.13 marshal may examine the books, papers, invoices, and other records of any person in  
115.14 possession, control, or occupancy of any premises where cigarettes are placed, stored,  
115.15 sold, or offered for sale, as well as the stock of cigarettes on the premises. Every person in  
115.16 the possession, control, or occupancy of any premises where cigarettes are placed, sold,  
115.17 or offered for sale is hereby directed and required to give the attorney general and the  
115.18 state fire marshal the means, facilities, and opportunity for the examinations authorized  
115.19 by this section.

115.20       **EFFECTIVE DATE.** This section is effective the first day of the 19th month  
115.21 following the date of its final enactment.

115.22       **Sec. 14. [299F.858] SALE OUTSIDE OF MINNESOTA.**

115.23       Sections 299F.850 to 299F.858 do not prohibit any person or entity from  
115.24 manufacturing or selling cigarettes that do not meet the requirements of section 299F.851  
115.25 if the cigarettes are or will be stamped for sale in another state or are packaged for sale  
115.26 outside the United States and that person or entity has taken reasonable steps to ensure  
115.27 that such cigarettes will not be sold or offered for sale to persons located in Minnesota.

115.28       **EFFECTIVE DATE.** This section is effective the first day of the 19th month  
115.29 following the date of its final enactment.

Sec. 15. Minnesota Statutes 2006, section 325E.21, is amended to read:

**325E.21 DEALERS IN ~~WIRE AND CABLE~~ SCRAP METAL; RECORDS  
AND, REPORTS, AND REGISTRATION.**

Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Person" means an individual, partnership, limited partnership, limited liability company, corporation, or other entity.

(c) "Scrap metal" means:

(1) wire and cable commonly and customarily used by communication and electric utilities; and

(2) copper, aluminum, or any other metal purchased primarily for its reuse or recycling value as raw metal, including metal that is combined with other materials at the time of purchase.

(d) "Scrap metal dealer" or "dealer" means a person engaged in the business of buying and selling scrap metal, but does not include a person engaged exclusively in the business of buying or selling new or used motor vehicles or motor vehicle parts, paper or wood products, rags or furniture, or secondhand machinery.

(e) "Municipality" means any town, home rule charter or statutory city, or county that has one or more scrap metal dealers within its jurisdiction.

(f) "Law enforcement agency" means a duly authorized municipal, county, state, or federal law enforcement agency.

~~Subdivision 1. Subd. 1a. Purchase or acquisition record required. (a) Every person, firm or corporation scrap metal dealer, including an agent, employee, or representative thereof of the dealer, engaging in the business of buying and selling wire and cable commonly and customarily used by communication and electric utilities shall keep a written record, in the English language, legibly written in ink or typewriting, at the time of each purchase or acquisition, of scrap metal. The record must include:~~

(1) an accurate account or description, including the weight if customarily purchased by weight, of such wire and cable commonly and customarily used by communication and electric utilities the scrap metal purchased or acquired;

(2) the date, time, and place of the receipt of the same;

(3) the name and address of the person selling or delivering the same and;

(4) the number of the check used to purchase the scrap metal;

(5) the number of the person's driver's license of such person, Minnesota identification card number, or other identification document number of an identification

117.1 document issued for identification purposes by any state, federal, or foreign government if  
117.2 the document includes the applicant's photograph, full name, birth date, and signature; and  
117.3 (6) the license plate number and description of the vehicle used by the person when  
117.4 delivering the scrap metal, and any identifying marks on the vehicle, such as a business  
117.5 name, decals, or markings, if applicable.

117.6 ~~Such~~ (b) The record, as well as ~~such wire and cable commonly and customarily used~~  
117.7 ~~by communication and electric utilities~~ the scrap metal purchased or received, shall at all  
117.8 reasonable times be open to the inspection of any ~~sheriff or deputy sheriff of the county,~~  
117.9 ~~or of any police officer in any incorporated city or statutory city, in which such business~~  
117.10 ~~may be carried on~~ law enforcement agency.

117.11 ~~Such~~ (c) The person shall not be required to furnish or keep such record of any  
117.12 property purchased from merchants, manufacturers or wholesale dealers, having an  
117.13 established place of business, or of any goods purchased at open sale from any bankrupt  
117.14 stock, but a bill of sale or other evidence of open or legitimate purchase of ~~such the~~  
117.15 property shall be obtained and kept by ~~such the~~ person which must be shown upon demand  
117.16 ~~to the sheriff or deputy sheriff of the county, or to any police officer in any incorporated~~  
117.17 ~~city or statutory city, in which such business may be carried on. The provisions of~~  
117.18 ~~this subdivision and of subdivision 2 shall not apply to or include any person, firm or~~  
117.19 ~~corporation engaged exclusively in the business of buying or selling motor vehicles,~~  
117.20 ~~new or used, paper or wood products, rugs or furniture, secondhand machinery~~ any law  
117.21 enforcement agency.

117.22 (d) Except as otherwise provided in this section, a scrap metal dealer may not  
117.23 disclose personal information concerning a customer without the customer's consent  
117.24 unless the disclosure is made in response to a request from a law enforcement agency.  
117.25 For purposes of this paragraph, "personal information" is any individually identifiable  
117.26 information gathered in connection with a record under paragraph (a). Data collected by  
117.27 a law enforcement agency under this paragraph are private data on individuals to the  
117.28 extent that it would reveal the identity of persons who are customers of a scrap metal  
117.29 dealer, and public data to the extent that it describes property in a regulated transaction  
117.30 with a scrap metal dealer.

117.31 Subd. 2. ~~Sheriff's copy of record required. It shall be the duty of every such~~  
117.32 ~~person, firm or corporation defined in subdivision 1 hereof, to make out and to deliver or~~  
117.33 ~~mail to the office of the sheriff of the county in which business is conducted, not later than~~  
117.34 ~~the second business day of each week, a legible and correct copy of the record required~~  
117.35 ~~in subdivision 1 of the entries during the preceding week. In the event such person, firm~~  
117.36 ~~or corporation has not made any purchases or acquisitions required to be recorded under~~

118.1 ~~subdivision 1 hereof during the preceding week no report need be submitted to the sheriff~~  
118.2 ~~under this subdivision.~~

118.3 ~~Subd. 3. **Retention required.**~~ Records required to be maintained by subdivision  
118.4 ~~1 hereof 1a~~ shall be retained by the person making them for a period of three years.

118.5 Subd. 3. **Payment by check required.** A scrap metal dealer shall pay for all  
118.6 scrap metal purchases only by check for purchases greater than \$100. For purposes of  
118.7 this section, "check" means a check, draft, or other negotiable or nonnegotiable order of  
118.8 withdrawal which is drawn against funds held by a financial institution.

118.9 Subd. 4. **Video security cameras required.** (a) The scrap metal dealer shall install  
118.10 and maintain at each licensed location video surveillance cameras, still digital cameras,  
118.11 or similar devices positioned to record or photograph a frontal view showing the face of  
118.12 each seller or prospective seller of scrap metal who enters the licensed location. The scrap  
118.13 metal dealer shall also photograph the seller's or prospective seller's vehicle, including  
118.14 license plate, either by video camera or still digital camera, so that an accurate and  
118.15 complete description of it may be obtained from the recordings made by the cameras. The  
118.16 video camera or still digital camera must be kept in operating condition. The camera must  
118.17 record and display the accurate date and time. The video camera must be turned on at  
118.18 all times when the licensed location is open for business and at any other time when  
118.19 scrap metal is purchased.

118.20 (b) If the scrap metal dealer does not purchase some or any scrap metal at a specific  
118.21 business location, the dealer need not comply with this subdivision with respect to those  
118.22 purchases.

118.23 Subd. 5. **Registration required.** Every scrap metal dealer must register with, pay  
118.24 an annual fee of \$50 to, and actively participate in, the Minnesota Crime Alert Network  
118.25 under the Minnesota Bureau of Criminal Apprehension. The scrap metal dealer also must  
118.26 implement aggressive management practices to minimize the purchase of stolen materials.  
118.27 Scrap processors should develop a training program for scale operators and receiving  
118.28 personnel on how to identify suspicious materials.

118.29 Subd. 6. **Criminal penalty.** A scrap metal dealer, or the agent, employee, or  
118.30 representative of the dealer, who intentionally violates a provision of this section is guilty  
118.31 of a misdemeanor.

118.32 Subd. 7. **Exemption.** A scrap metal dealer may purchase aluminum cans without  
118.33 complying with subdivisions 1a to 5.

118.34 Subd. 8. **Property held by law enforcement.** (a) Whenever a law enforcement  
118.35 official from any agency has reason to believe that property in the possession of a dealer  
118.36 is stolen or is evidence of a crime and notifies a dealer not to sell an item, the item

119.1 must not be sold or removed from the premises. The investigative hold must be made  
119.2 within 72 hours and remains in effect for not more than 90 days from the date of initial  
119.3 notification, or until the investigative order is canceled, or until an order to confiscate  
119.4 is issued, whichever comes first.

119.5 (b) If an item is identified as stolen or evidence in a criminal case, the law  
119.6 enforcement official may:

119.7 (1) physically confiscate and remove it from the dealer, pursuant to a written order  
119.8 from the law enforcement official; or

119.9 (2) place the item on hold or extend the hold as provided in this section and leave  
119.10 it in the shop.

119.11 (c) When an item is confiscated, the person doing so shall provide identification  
119.12 upon request of the dealer, and shall provide the dealer the name and telephone number of  
119.13 the confiscating agency and investigator, and the case number related to the confiscation.

119.14 (d) A dealer may request confiscated property be returned in accordance with  
119.15 section 626.04.

119.16 (e) When an order to hold or confiscate is no longer necessary, the law enforcement  
119.17 official shall so notify the dealer.

119.18 **EFFECTIVE DATE.** This section is effective August 1, 2007.

119.19 Sec. 16. Minnesota Statutes 2006, section 609.135, is amended by adding a subdivision  
119.20 to read:

119.21 Subd. 9. **Random searches.** (a) This subdivision applies to offenders who are  
119.22 convicted of a violent crime, as defined in section 609.1095, involving the sale, use, or  
119.23 possession of a controlled substance or a dangerous weapon.

119.24 (b) When an offender is placed on probation, the offender, as a condition of being  
119.25 released on probation, consents to a search of the offender's person and any motor vehicle  
119.26 driven by the offender. The search may be conducted on demand by any probation  
119.27 officer or peace officer.

119.28 **EFFECTIVE DATE.** This section is effective July 1, 2007.

119.29 Sec. 17. Minnesota Statutes 2006, section 641.05, is amended to read:

119.30 **641.05 RECORD OF INMATES; RETURN TO COURT.**

119.31 (a) Every sheriff shall, at the expense of the county, maintain a permanent record of  
119.32 all persons committed to any jail under the sheriff's charge. It shall contain the name of  
119.33 every person committed, by what authority, residence, date of commitment, and, if for a

120.1 criminal offense, a description of the person, when and by what authority liberated, and,  
120.2 in case of escape, the time and manner thereof. At the opening of each term of district  
120.3 court the sheriff shall make a certified transcript therefrom to such court, showing all  
120.4 cases therein not previously disposed of.

120.5 (b) Upon intake into the jail facility, the name of the committed person shall be  
120.6 checked against the Bureau of Criminal Apprehension predatory offender registration  
120.7 database to determine whether the person is a registered offender. In the event that the  
120.8 person is registered, the sheriff or designee shall notify the bureau of the person's admission  
120.9 into the jail facility. At the time of discharge from the facility, the sheriff or designee will  
120.10 provide the person with a change of information form for the purposes of reporting the  
120.11 address where the person will be living upon release from the facility. Every sheriff who  
120.12 intentionally neglects or refuses to so report shall be guilty of a gross misdemeanor.

120.13 **EFFECTIVE DATE.** This section is effective July 1, 2007.

120.14 Sec. 18. **REPEAL BY PREEMPTION.**

120.15 Minnesota Statutes, sections 299F.850 to 299F.858, are repealed if a federal reduced  
120.16 cigarette ignition propensity standard that preempts this act is adopted and becomes  
120.17 effective.

120.18 **EFFECTIVE DATE.** This section is effective July 1, 2007.

120.19 **ARTICLE 9**  
120.20 **EMERGENCY COMMUNICATIONS**

120.21 Section 1. Minnesota Statutes 2006, section 403.07, subdivision 4, is amended to read:

120.22 Subd. 4. **Use of furnished information.** (a) Names, addresses, and telephone  
120.23 numbers provided to a 911 system under subdivision 3 are private data and may be used  
120.24 only ~~for identifying~~: (1) to identify the location or identity, or both, of a person calling  
120.25 a 911 public safety answering point; or (2) by a public safety answering point to notify  
120.26 the public of an emergency. The information furnished under subdivision 3 may not be  
120.27 used or disclosed by 911 system agencies, their agents, or their employees for any other  
120.28 purpose except under a court order.

120.29 (b) For purposes of paragraph (a), the term "emergency" means a situation in which  
120.30 property or human life is in jeopardy and the prompt notification of the public by the  
120.31 public safety answering point is essential.

121.1        (c) A telecommunications service provider that participates or cooperates with the  
121.2 public safety answering point in the notification of the public is exempt from liability  
121.3 pursuant to section 403.07, subdivision 5.

121.4        **EFFECTIVE DATE.** This section is effective the day following final enactment.

121.5        Sec. 2. Minnesota Statutes 2006, section 403.11, subdivision 1, is amended to read:

121.6        Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each  
121.7 customer of a wireless or wire-line switched or packet-based telecommunications service  
121.8 provider connected to the public switched telephone network that furnishes service capable  
121.9 of originating a 911 emergency telephone call is assessed a fee based upon the number  
121.10 of wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing  
121.11 maintenance and related improvements for trunking and central office switching equipment  
121.12 for 911 emergency telecommunications service, to offset administrative and staffing costs  
121.13 of the commissioner related to managing the 911 emergency telecommunications service  
121.14 program, to make distributions provided for in section 403.113, and to offset the costs,  
121.15 including administrative and staffing costs, incurred by the State Patrol Division of the  
121.16 Department of Public Safety in handling 911 emergency calls made from wireless phones.

121.17        (b) Money remaining in the 911 emergency telecommunications service account  
121.18 after all other obligations are paid must not cancel and is carried forward to subsequent  
121.19 years and may be appropriated from time to time to the commissioner to provide financial  
121.20 assistance to counties for the improvement of local emergency telecommunications  
121.21 services. The improvements may include providing access to 911 service for  
121.22 telecommunications service subscribers currently without access and upgrading existing  
121.23 911 service to include automatic number identification, local location identification,  
121.24 automatic location identification, and other improvements specified in revised county  
121.25 911 plans approved by the commissioner.

121.26        (c) The fee may not be less than eight cents nor more than 65 cents a month until  
121.27 June 30, 2008, not less than eight cents nor more than 75 cents a month until June 30,  
121.28 2009, not less than eight cents nor more than 85 cents a month until June 30, 2010, and  
121.29 not less than eight cents nor more than 95 cents a month on or after July 1, 2010, for  
121.30 each customer access line or other basic access service, including trunk equivalents as  
121.31 designated by the Public Utilities Commission for access charge purposes and including  
121.32 wireless telecommunications services. With the approval of the commissioner of finance,  
121.33 the commissioner of public safety shall establish the amount of the fee within the limits  
121.34 specified and inform the companies and carriers of the amount to be collected. When the  
121.35 revenue bonds authorized under section 403.27, subdivision 1, have been fully paid or

122.1 defeased, the commissioner shall reduce the fee to reflect that debt service on the bonds is  
122.2 no longer needed. The commissioner shall provide companies and carriers a minimum of  
122.3 45 days' notice of each fee change. The fee must be the same for all customers.

122.4 (d) The fee must be collected by each wireless or wire-line telecommunications  
122.5 service provider subject to the fee. Fees are payable to and must be submitted to the  
122.6 commissioner monthly before the 25th of each month following the month of collection,  
122.7 except that fees may be submitted quarterly if less than \$250 a month is due, or annually if  
122.8 less than \$25 a month is due. Receipts must be deposited in the state treasury and credited  
122.9 to a 911 emergency telecommunications service account in the special revenue fund. The  
122.10 money in the account may only be used for 911 telecommunications services.

122.11 (e) This subdivision does not apply to customers of interexchange carriers.

122.12 (f) The installation and recurring charges for integrating wireless 911 calls into  
122.13 enhanced 911 systems are eligible for payment by the commissioner if the 911 service  
122.14 provider is included in the statewide design plan and the charges are made pursuant to  
122.15 contract.

122.16 (g) Competitive local exchanges carriers holding certificates of authority from the  
122.17 Public Utilities Commission are eligible to receive payment for recurring 911 services.

122.18 **EFFECTIVE DATE.** This section is effective July 1, 2007.

122.19 Sec. 3. Minnesota Statutes 2006, section 403.11, is amended by adding a subdivision to  
122.20 read:

122.21 Subd. 1a. **Fee collection declaration.** If the commissioner disputes the  
122.22 accuracy of a fee submission or if no fees are submitted by a wireless, wire-line, or  
122.23 packet-based telecommunications service provider, the wireless, wire-line, or packet-based  
122.24 telecommunications service provider shall submit a sworn declaration signed by an officer  
122.25 of the company certifying, under penalty of perjury, that the information provided with  
122.26 the fee submission is true and correct. The sworn declaration must specifically describe  
122.27 and affirm that the 911 fee computation is complete and accurate. When a wireless,  
122.28 wire-line, or packet-based telecommunications service provider fails to provide a sworn  
122.29 declaration within 90 days of notice by the commissioner that the fee submission is  
122.30 disputed, the commissioner may estimate the amount due from the wireless, wire-line, or  
122.31 packet-based telecommunications service provider and refer that amount for collection  
122.32 under section 16D.04.

122.33 **EFFECTIVE DATE.** This section is effective July 1, 2007.

123.1 Sec. 4. Minnesota Statutes 2006, section 403.11, is amended by adding a subdivision to  
123.2 read:

123.3 Subd. 1b. **Fee audit.** If the commissioner determines that an audit is necessary  
123.4 to document the fee submission and sworn declaration in subdivision 1a, the wireless,  
123.5 wire-line, or packet-based telecommunications service provider must contract with an  
123.6 independent certified public accountant to conduct an audit. The audit must be conducted  
123.7 in accordance with generally accepted auditing standards.

123.8 **EFFECTIVE DATE.** This section is effective July 1, 2007.

123.9 Sec. 5. Minnesota Statutes 2006, section 403.31, subdivision 1, is amended to read:

123.10 Subdivision 1. **Allocation of operating costs.** ~~The current costs of the board~~  
123.11 ~~in implementing the regionwide public safety radio communication plan system and~~  
123.12 ~~the first and second phase systems shall be allocated among and paid by the following~~  
123.13 ~~users, all in accordance with the regionwide public safety radio system communication~~  
123.14 ~~plan adopted by the board:~~

123.15 ~~(1) the state of Minnesota for its operations using the system in the metropolitan~~  
123.16 ~~counties;~~

123.17 ~~(2) all local government units using the system; and~~

123.18 ~~(3) other eligible users of the system.~~ (a) The ongoing costs of the commissioner  
123.19 not otherwise appropriated in operating the statewide public safety radio communication  
123.20 system shall be allocated among and paid by the following users, all in accordance with  
123.21 the statewide public safety radio communication system plan under section 403.36:

123.22 (1) the state of Minnesota for its operations using the system;

123.23 (2) all local government units using the system; and

123.24 (3) other eligible users of the system.

123.25 (b) Each local government and other eligible users of the system shall pay to  
123.26 the commissioner all sums charged under this section, at the times and in the manner  
123.27 determined by the commissioner. The governing body of each local government shall  
123.28 take all action necessary to provide the money required for these payments and to make  
123.29 the payments when due.

123.30 **EFFECTIVE DATE.** This section is effective July 1, 2007.

123.31 Sec. 6. **REPEALER.**

123.32 Minnesota Statutes 2006, section 403.31, subdivision 6, is repealed.

123.33 **EFFECTIVE DATE.** This section is effective July 1, 2007.