

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; providing for residency documentation; regulating corrections, the courts, and emergency communications; regulating scrap metal dealers; modifying certain law enforcement, insurance, human services, and public defense provisions; providing immunity from certain civil liability; 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; 168.012, subdivision 1; 169.13, by adding a subdivision; 169.471, subdivision 2; 169A.275, by adding a subdivision; 169A.51, subdivision 7; 171.09, subdivision 1; 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; 243.55, subdivision 1; 244.05, by adding a subdivision; 245.041; 253B.09, subdivision 3a; 260B.007, by adding a subdivision; 260B.125, subdivision 1; 260B.130, subdivision 1; 260B.141, subdivision 4; 260B.198, subdivision 6; 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; 548.091, subdivision 1a; 549.09, subdivision 1; 563.01, by adding a subdivision; 590.05; 595.02, subdivision 1; 609.02, subdivision 16; 609.055; 609.135, subdivision 8, by adding a subdivision; 609.15, subdivision 1; 609.21, subdivisions 1, 4a, 5, by adding subdivisions; 609.221, subdivision 2; 609.2232; 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; 609.581, by adding subdivisions; 609.582, subdivision 2; 609.595, subdivisions 1, 2; 609.748, subdivisions 1, 5; 609.75, subdivision 8, by adding subdivisions; 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;

626.5572, subdivision 21; 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

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3.1	<u>Subdivision 1. Total Appropriation</u>	<u>\$</u>	<u>44,112,000</u>	<u>\$</u>	<u>45,443,000</u>
3.2	<u>The amounts that may be spent for each</u>				
3.3	<u>purpose are specified in the following</u>				
3.4	<u>subdivisions.</u>				
3.5	<u>Subd. 2. Judicial Salaries</u>				
3.6	<u>Effective July 1, 2007, and July 1, 2008,</u>				
3.7	<u>the salaries of judges of the Supreme Court,</u>				
3.8	<u>Court of Appeals, and district court are</u>				
3.9	<u>increased by two percent.</u>				
3.10	<u>Subd. 3. Supreme Court Operations</u>		<u>31,292,000</u>		<u>32,623,000</u>
3.11	<u>Contingent account. \$5,000 each year is for</u>				
3.12	<u>a contingent account for expenses necessary</u>				
3.13	<u>for the normal operation of the court for</u>				
3.14	<u>which no other reimbursement is provided.</u>				
3.15	<u>Subd. 4. Civil Legal Services</u>		<u>12,820,000</u>		<u>12,820,000</u>
3.16	<u>Legal services to low-income clients in</u>				
3.17	<u>family law matters. Of this appropriation,</u>				
3.18	<u>\$877,000 each year is to improve the</u>				
3.19	<u>access of low-income clients to legal</u>				
3.20	<u>representation in family law matters. This</u>				
3.21	<u>appropriation must be distributed under</u>				
3.22	<u>Minnesota Statutes, section 480.242, to</u>				
3.23	<u>the qualified legal services programs</u>				
3.24	<u>described in Minnesota Statutes, section</u>				
3.25	<u>480.242, subdivision 2, paragraph (a). Any</u>				
3.26	<u>unencumbered balance remaining in the first</u>				
3.27	<u>year does not cancel and is available in the</u>				
3.28	<u>second year.</u>				
3.29	<u>Sec. 4. COURT OF APPEALS</u>	<u>\$</u>	<u>9,766,000</u>	<u>\$</u>	<u>10,620,000</u>
3.30	<u>Caseload increase. \$1,285,000 the first</u>				
3.31	<u>year and \$1,876,000 the second year are</u>				
3.32	<u>for caseload increases. This money must</u>				
3.33	<u>be used for three additional judge units, an</u>				

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4.1 additional staff attorney, 2.67 additional
4.2 full-time equivalent law clerk positions, and
4.3 for retired judges.

4.4	Sec. 5. <u>TRIAL COURTS</u>	\$	<u>247,167,000</u>	\$	<u>257,290,000</u>
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4.5 **New judge units.** \$1,536,000 the first year
4.6 and \$2,778,000 the second year are for an
4.7 increase in judge units, including three trial
4.8 court judge units in the First Judicial District,
4.9 one trial court judge unit in the Third Judicial
4.10 District, one trial court judge unit in the
4.11 Ninth Judicial District and one trial court
4.12 judge unit in the Tenth Judicial District.
4.13 These new judge units begin on January 1,
4.14 2008. Each judge unit consists of a judge,
4.15 law clerk, and court reporter.

4.16 **Maintain and expand drug courts.**
4.17 \$2,242,000 the first year and \$3,759,000 the
4.18 second year are to maintain and to establish
4.19 new drug courts.

4.20 **Guardian ad litem services.** \$1,260,000 the
4.21 first year and \$1,629,000 the second year are
4.22 for guardian ad litem services.

4.23 **Interpreter services.** \$606,000 the first
4.24 year and \$777,000 the second year are for
4.25 interpreter services.

4.26 **Psychological services.** \$1,531,000 the first
4.27 year and \$2,151,000 the second year are for
4.28 psychological services.

4.29 **In forma pauperis services.** \$178,000 each

4.30 year is for in forma pauperis services.

4.31	Sec. 6. TAX COURT	\$	788,000	\$	812,000
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4.32	Sec. 7. UNIFORM LAWS COMMISSION	\$	58,000	\$	52,000
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5.1	Sec. 8. <u>BOARD ON JUDICIAL STANDARDS</u>	<u>\$</u>	<u>448,000</u>	<u>\$</u>	<u>455,000</u>
5.2	<u>Investigative and hearing costs.</u>		<u>\$125,000</u>		
5.3	<u>each year is for special investigative and</u>				
5.4	<u>hearing costs for major disciplinary actions</u>				
5.5	<u>undertaken by the board. This appropriation</u>				
5.6	<u>does not cancel. Any encumbered and</u>				
5.7	<u>unspent balances remain available for these</u>				
5.8	<u>expenditures in subsequent fiscal years.</u>				
5.9	Sec. 9. <u>BOARD OF PUBLIC DEFENSE</u>	<u>\$</u>	<u>65,348,000</u>	<u>\$</u>	<u>68,519,000</u>
5.10	Sec. 10. <u>PUBLIC SAFETY</u>				
5.11	Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>154,029,000</u>	<u>\$</u>	<u>154,693,000</u>
5.12	<u>Appropriations by Fund</u>				
5.13		<u>2008</u>	<u>2009</u>		
5.14	<u>General</u>	<u>91,114,000</u>	<u>93,999,000</u>		
5.15	<u>Special Revenue</u>	<u>6,791,000</u>	<u>9,857,000</u>		
5.16	<u>State Government</u>				
5.17	<u>Special Revenue</u>	<u>55,688,000</u>	<u>50,392,000</u>		
5.18	<u>Environmental</u>	<u>69,000</u>	<u>71,000</u>		
5.19	<u>Trunk Highway</u>	<u>367,000</u>	<u>374,000</u>		
5.20	<u>The amounts that may be spent for each</u>				
5.21	<u>purpose are specified in the following</u>				
5.22	<u>subdivisions.</u>				
5.23	Subd. 2. <u>Emergency Management</u>		<u>2,939,000</u>		<u>2,872,000</u>
5.24	<u>Appropriations by Fund</u>				
5.25	<u>General</u>	<u>2,870,000</u>	<u>2,801,000</u>		
5.26	<u>Environmental</u>	<u>69,000</u>	<u>71,000</u>		
5.27	<u>\$250,000 each year is additional funding</u>				
5.28	<u>to provide state match for federal disaster</u>				
5.29	<u>assistance.</u>				
5.30	<u>\$75,000 the first year is for one position to</u>				
5.31	<u>coordinate state readiness for a pandemic</u>				
5.32	<u>event. This is a onetime appropriation.</u>				
5.33	<u>Crime labs and crime strike task forces;</u>				
5.34	<u>working group.</u> The commissioner of public				

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

6.27 **Subd. 3. Criminal Apprehension** 45,374,000 47,021,000

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

6.34 **Cooperative investigation of**
6.35 **cross-jurisdictional criminal activity.**
6.36 \$93,000 each year is appropriated from the

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

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

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

7.20 **CriMNet justice information integration.**
7.21 \$3,135,000 the first year and \$3,460,000 the
7.22 second year are for statewide information
7.23 integration priorities. The base for this
7.24 appropriation in fiscal year 2010 shall be
7.25 \$2,032,000.

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

7.33 **Forensic scientists.** \$1,018,000 the first
7.34 year and \$1,769,000 the second year are for
7.35 19 new forensic scientists in the Bureau of

8.1	<u>Criminal Apprehension Forensic Science</u>		
8.2	<u>Laboratory.</u>		
8.3	<u>Background checks.</u> <u>\$50,000 the first</u>		
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	<u>Subd. 4. Fire Marshal</u>	<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	<u>Subd. 5. Alcohol and Gambling Enforcement</u>	<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	<u>Subd. 6. Office of Justice Programs</u>	<u>42,054,000</u>	<u>43,355,000</u>
8.26	<u>Crime victim reparations.</u> <u>\$250,000 each</u>		
8.27	<u>year is to increase the amount of funding for</u>		
8.28	<u>crime victim reparations.</u>		
8.29	<u>Emergency assistance grant.</u> <u>\$100,000</u>		
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.** \$988,000 the first year and
10.35 \$967,000 the second year are to hire new

11.1 peace officers and for peace officer overtime
11.2 pay under Minnesota Statutes, section
11.3 299A.62, subdivision 1, paragraph (b),
11.4 clauses (1) and (2). The commissioner shall
11.5 award the grants based on the procedures
11.6 set forth under section 299A.62. Of this
11.7 amount, at least \$238,000 the first year and
11.8 \$217,000 the second year must be awarded
11.9 to two cities in Hennepin County that are not
11.10 cities of the first class and have the highest
11.11 part 1 and part 2 crime rates per 100,000
11.12 inhabitants in the county as calculated by
11.13 the latest Bureau of Criminal Apprehension
11.14 report. This is a onetime appropriation.
11.15 **Auto theft emergency grant. \$75,000**
11.16 each year is appropriated from the general
11.17 fund to the commissioner of public safety
11.18 to fund grants awarded under Minnesota
11.19 Statutes, section 611A.675, subdivision 1,
11.20 clause (6). This amount shall be added to the
11.21 department's base budget.
11.22 **Youth intervention programs. \$1,000,000**
11.23 each year is for youth intervention programs
11.24 under Minnesota Statutes, section 299A.73.
11.25 The commissioner shall use this money to
11.26 make grants to help existing programs serve
11.27 unmet needs in their communities and to
11.28 fund new programs in underserved areas of
11.29 the state. This appropriation is added to the
11.30 base budget and is available until expended.
11.31 **Trafficking legal clinics. \$150,000 each**
11.32 year is appropriated from the general fund
11.33 to the commissioner of public safety to
11.34 distribute to the grantees described in

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12.1 Minnesota Statutes, section 299A.786. This
12.2 is a onetime appropriation.

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

12.7	<u>Subd. 7. 911 Emergency Services/ARMER</u>	<u>55,681,000</u>	<u>50,385,000</u>
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12.8 This appropriation is from the state
12.9 government special revenue fund for 911
12.10 emergency telecommunications services.

12.11 **Public safety answering points.**
12.12 \$13,664,000 each year is to be distributed
12.13 as provided in Minnesota Statutes, section
12.14 403.113, subdivision 2.

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

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

12.27 Any portion of this appropriation not needed
12.28 to pay debt service in a fiscal year may be
12.29 used by the commissioner of public safety to
12.30 pay cash for any of the capital improvements
12.31 for which bond proceeds were appropriated
12.32 by Laws 2005, chapter 136, article 1, section
12.33 9, subdivision 8; or in subdivision 8.

13.1 The base for this appropriation is \$18,002,000
13.2 in fiscal year 2010 and \$23,261,000 in fiscal
13.3 year 2011.

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

13.9 **ARMER improvements.** \$1,000,000 each
13.10 year is for the Statewide Radio Board to
13.11 design, construct, maintain, and improve
13.12 those elements of the statewide public
13.13 safety radio and communication system
13.14 that support mutual aid communications
13.15 and emergency medical services or provide
13.16 interim enhancement of public safety
13.17 communication interoperability in those
13.18 areas of the state where the statewide public
13.19 safety radio and communication system is
13.20 not yet implemented.

13.21 **ARMER interoperability planning.**
13.22 \$323,000 each year is to provide funding
13.23 to coordinate and plan for communication
13.24 interoperability between public safety
13.25 entities.

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

- 14.1 **Zone controller.** \$5,400,000 the first year
- 14.2 is a onetime appropriation to upgrade zone
- 14.3 controllers and network elements in phases
- 14.4 one and two of the statewide radio system.
- 14.5 **Advance project development.** \$3,750,000
- 14.6 the first year is a onetime appropriation for
- 14.7 site acquisition and site development work
- 14.8 for the remaining phases of the statewide
- 14.9 radio system. This appropriation is available
- 14.10 until June 30, 2010. This appropriation is to
- 14.11 the commissioner of public safety for transfer
- 14.12 to the commissioner of transportation.
- 14.13 **System design.** \$1,850,000 the first year is a
- 14.14 onetime appropriation to complete detailed
- 14.15 design and planning of the remaining
- 14.16 phases of the statewide radio system.
- 14.17 The commissioner of public safety and
- 14.18 the commissioner of transportation shall
- 14.19 determine the scope of the study, after
- 14.20 consulting with the Statewide Radio Board,
- 14.21 the commissioner of administration, and the
- 14.22 state chief information officer. The study
- 14.23 must address the system design for the
- 14.24 state backbone and implications for local
- 14.25 coverage, how data can be integrated, and
- 14.26 whether other public safety communication
- 14.27 networks can be integrated with the state
- 14.28 backbone. The study must estimate the
- 14.29 full cost of completing the state backbone
- 14.30 to specified standards, the cost of local
- 14.31 subsystems, and the potential advantages
- 14.32 of using a request for proposal approach
- 14.33 to solicit private sector participation in the
- 14.34 project. The study must include a financial
- 14.35 analysis of whether the estimated revenue
- 14.36 from increasing the 911 fee by up to 30

15.1 cents will cover the estimated debt service
15.2 of revenue bonds issued to finance the cost
15.3 of completing the statewide radio system
15.4 and a portion of the cost up to 50 percent
15.5 for local subsystems. The study must also
15.6 review the project organizational structure
15.7 and governance.

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

15.9 **Radio and communication system.** The
15.10 appropriations in this subdivision are from
15.11 the 911 revenue bond proceeds account
15.12 for the purposes indicated, to be available
15.13 until the project is completed or abandoned,
15.14 subject to Minnesota Statutes, section
15.15 16A.642.

15.16 The appropriations are to the commissioner
15.17 of public safety for transfer to the
15.18 commissioner of transportation to construct
15.19 the system backbone of the public safety
15.20 radio and communication system plan under
15.21 Minnesota Statutes, section 403.36.

15.22 \$62,000,000 of this appropriation is for
15.23 the second year. \$62,000,000 of this
15.24 appropriation is available on or after July 1,
15.25 2009. \$62,000,000 of this appropriation is
15.26 available on or after July 1, 2010.

15.27 The commissioner of public safety and the
15.28 commissioner of transportation shall certify
15.29 to the chairs of the house Public Safety
15.30 Finance Division of the Finance Committee
15.31 and the senate Public Safety Budget Division
15.32 of the Finance Committee that the detailed
15.33 design has been completed and that the
15.34 financial analysis finds that sufficient revenue
15.35 will be generated by proposed changes in the

16.1 911 fee to cover all estimated debt service
16.2 on revenue bonds proposed to be issued to
16.3 complete the system before the appropriation
16.4 is made available. The commissioner of
16.5 finance shall not approve any fee increase
16.6 under Minnesota Statutes, section 403.11,
16.7 subdivision 1, paragraph (c), until this
16.8 certification is made.

16.9 **Bond sale authorization.** To provide the
16.10 money appropriated in this subdivision,
16.11 the commissioner of finance shall sell and
16.12 issue bonds of the state in an amount up to
16.13 \$186,000,000 in the manner, upon the terms,
16.14 and with the effect prescribed by Minnesota
16.15 Statutes, section 403.275.

16.16	Sec. 11. <u>PEACE OFFICER STANDARDS</u>			
16.17	<u>AND TRAINING (POST) BOARD</u>	<u>\$</u>	<u>4,287,000</u>	<u>\$</u>
				<u>4,260,000</u>

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

16.28 **Peace officer training reimbursements.**
16.29 \$3,109,000 the first year and \$ 3,109,000 the
16.30 second year are for reimbursements to local
16.31 governments for peace officer training costs.

16.32 **No contact orders; learning objectives.**
16.33 \$50,000 the first year is for: (1) revising and
16.34 updating preservice courses and developing
16.35 in-service training courses related to no

17.1 contact orders in domestic violence cases
17.2 and domestic violence dynamics; and (2)
17.3 reimbursing peace officers who have taken
17.4 training courses described in clause (1).
17.5 At a minimum, the training must include
17.6 instruction in the laws relating to no contact
17.7 orders and address how to best coordinate
17.8 law enforcement resources relating to no
17.9 contact orders. In addition, the training
17.10 must include a component to instruct peace
17.11 officers on doing risk assessments of the
17.12 escalating factors of lethality in domestic
17.13 violence cases. The board must consult with
17.14 a statewide domestic violence organization
17.15 in developing training courses. The board
17.16 shall utilize a request for proposal process in
17.17 awarding training contracts. The recipient
17.18 of the training contract must conduct these
17.19 trainings with advocates or instructors from
17.20 a statewide domestic violence organization.

17.21	Sec. 12. <u>BOARD OF PRIVATE DETECTIVES</u>			
17.22	<u>AND PROTECTIVE AGENT SERVICES</u>	<u>\$</u>	<u>128,000</u>	<u>\$</u> <u>130,000</u>

17.23	Sec. 13. <u>HUMAN RIGHTS</u>	<u>\$</u>	<u>4,955,000</u>	<u>\$</u> <u>3,670,000</u>
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17.24 **Management information system.**
17.25 \$1,403,000 the first year and \$55,000 the
17.26 second year are for the replacement of
17.27 the department's tracking and compliance
17.28 databases with a management information
17.29 system.

17.30 **Evaluation.** The Human Rights Department
17.31 shall conduct a survey that evaluates the
17.32 outcome of complaints filed with the
17.33 department and whether or not a charging
17.34 party is satisfied with the outcome of a

18.1 complaint and the process by which the
18.2 complaint is reviewed and handled by the
18.3 department. The department shall evaluate
18.4 complaints for which a probable cause or
18.5 no probable cause determination is made.
18.6 The survey must seek to determine the
18.7 reasons for any dissatisfaction and whether
18.8 a party sought an appeal or reconsideration
18.9 of a determination or decision. The survey
18.10 shall evaluate complaints filed or resolved
18.11 in the past two years. By January 15, 2008,
18.12 the department shall summarize the survey
18.13 findings and file a report with the chairs
18.14 and ranking minority members of the house
18.15 and senate committees having jurisdiction
18.16 over criminal justice policy and funding
18.17 that discusses the findings and any actions
18.18 the department proposes to undertake in
18.19 response to the findings.
18.20 **Inmate complaints, assaults, and fatalities;**
18.21 **corrections ombudsman; working group;**
18.22 **report.** By August 1, 2007, the commissioner
18.23 of human rights shall convene a working
18.24 group to study how the state addresses
18.25 inmate complaints, assaults, and deaths in
18.26 county jails, workhouses, and prisons. The
18.27 commissioner shall serve as chair of the
18.28 working group and invite representatives
18.29 from the Department of Corrections,
18.30 legislature, the Minnesota Sheriffs'
18.31 Association, the Minnesota Association of
18.32 Community Corrections Act counties, state
18.33 bar association, criminal victims justice unit,
18.34 state Council on Black Minnesotans, state
18.35 Chicano/Latino Affairs Council, University
18.36 of Minnesota Law School, Immigrant Law

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Center of Minnesota, and other interested parties to participate in the working group. The group must: (1) assess how state and local units of government currently process and respond to inmate complaints, assaults, and deaths; (2) assess the effectiveness of the state's former corrections ombudsman program; (3) study other states' corrections ombudsmen; (4) study whether the state should conduct a fatality review process for inmates who die while in custody; and (5) make recommendations on how state and local units of government should systematically address inmate complaints, assaults, and deaths, including the need to re-appoint a corrections ombudsman. The commissioner shall file a report detailing the group's findings and recommendations with the chairs and ranking minority members of the house and senate committees having jurisdiction over criminal justice policy and funding by January 15, 2008.

19.23 **Sec. 14. DEPARTMENT OF CORRECTIONS**

19.24	Subdivision 1. <u>Total Appropriation</u>	\$	462,529,000	\$	483,263,000
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19.25 Appropriations by Fund

19.26		<u>2008</u>	<u>2009</u>
19.27	<u>General</u>	<u>461,639,000</u>	<u>482,373,000</u>
19.28	Special Revenue	890,000	890,000

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

19.32	Subd. 2. Correctional Institutions	323,523,000	338,610,000
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19.33 Appropriations by Fund

19.34	<u>General</u>	<u>322,943,000</u>	<u>338,030,000</u>
19.35	Special Revenue	580,000	580,000

20.1 Contracts for beds at Rush City. If the
20.2 commissioner contracts with other states,
20.3 local units of government, or the federal
20.4 government to rent beds in the Rush City
20.5 Correctional Facility, the commissioner shall
20.6 charge a per diem under the contract, to the
20.7 extent possible, that is equal to or greater
20.8 than the per diem cost of housing Minnesota
20.9 inmates in the facility.

20.10 Notwithstanding any law to the contrary, the
20.11 commissioner may use per diems collected
20.12 under contracts for beds at MCF-Rush City
20.13 to operate the state correctional system.

20.14 Offender re-entry services. \$400,000
20.15 each year is for increased funding for
20.16 expansion of offender re-entry services in the
20.17 institutions and staffing for the Department
20.18 of Corrections MCORP program.

20.19 Health services. \$900,000 the first year and
20.20 \$1,300,000 the second year are for increases
20.21 in health services.

20.22 Subd. 3. Community Services 121,482,000 126,899,000

20.23 Appropriations by Fund

20.24 <u>General</u>	<u>121,382,000</u>	<u>126,799,000</u>
20.25 <u>Special Revenue</u>	<u>100,000</u>	<u>100,000</u>

20.26 ISR agents, challenge incarceration
20.27 program. \$600,000 the first year and
20.28 \$1,000,000 the second year are for intensive
20.29 supervised release agents for the challenge
20.30 incarceration program.

20.31 ISR agents, conditional release program.
20.32 \$600,000 each year is for intensive supervised
20.33 release agents for the conditional release
20.34 program. This is a onetime appropriation.

21.1 **Interstate compact.** \$225,000 each year is
21.2 for increased costs based on changes made to
21.3 the Interstate Compact for Adult Offender
21.4 Supervision, Minnesota Statutes, section
21.5 243.1605.

21.6 **Sex offenders, civil commitment and**
21.7 **tracking.** \$350,000 each year is to fund a
21.8 legal representative for civil commitments
21.9 and to manage and track sex offenders.

21.10 **Probation supervision, CCA system.**
21.11 \$2,800,000 each year is added to the
21.12 Community Corrections Act subsidy,
21.13 Minnesota Statutes, section 401.14.

21.14 **Probation supervision, CPO system.**
21.15 \$600,000 each year is added to the county
21.16 probation officers reimbursement base.

21.17 **Probation supervision, DOC system.**
21.18 \$600,000 each year is for the Department of
21.19 Corrections probation and supervised release
21.20 unit.

21.21 **Probation, caseload reduction.** \$1,964,000
21.22 the first year and \$3,664,000 the second year
21.23 are for adult felon offender management to
21.24 be distributed statewide by the Community
21.25 Corrections Act formula. \$200,000 the
21.26 first year and \$400,000 the second year
21.27 are for juvenile offender management
21.28 to be distributed statewide by the
21.29 Community Corrections Act formula. These
21.30 appropriations may be used for sex offender
21.31 management.

21.32 **Sex offender treatment.** \$500,000 the first
21.33 year and \$1,000,000 the second year are to
21.34 increase funding for providing treatment for
21.35 sex offenders on community supervision.

- 22.1 **Sex offender management/standards.**
- 22.2 \$500,000 the first year and \$1,000,000
- 22.3 the second year are for research and
- 22.4 evaluation of sex offender management
- 22.5 (supervision, treatment, and polygraphs) and
- 22.6 for developing and monitoring standards of
- 22.7 supervision and treatment.
- 22.8 **Sex offender assessments. \$75,000 each**
- 22.9 year is to increase funding to reimburse
- 22.10 counties or their designees, or courts, for
- 22.11 sex offender assessments under Minnesota
- 22.12 Statutes, section 609.3457.
- 22.13 **Sentencing to service. \$600,000 each year is**
- 22.14 to increase funding for sentencing to service
- 22.15 activities such as highway litter cleanup.
- 22.16 **Short-term offenders. \$2,500,000 each year**
- 22.17 is to increase funding for the costs associated
- 22.18 with the housing and care of short-term
- 22.19 offenders. The commissioner may use up
- 22.20 to 20 percent of the total amount of the
- 22.21 appropriation for inpatient medical care for
- 22.22 short-term offenders. All funds remaining at
- 22.23 the end of the fiscal year not expended for
- 22.24 inpatient medical care must be added to and
- 22.25 distributed with the housing funds. These
- 22.26 funds must be distributed proportionately
- 22.27 based on the total number of days short-term
- 22.28 offenders are placed locally, not to exceed
- 22.29 \$70 per day.
- 22.30 The department is exempt from the state
- 22.31 contracting process for the purposes of
- 22.32 paying short-term offender costs relating to
- 22.33 Minnesota Statutes, section 609.105.
- 22.34 **Offender re-entry service. \$550,000 each**
- 22.35 year is for offender job-seeking services,

23.1 evidence-based research, expansion of
23.2 re-entry services specific to juveniles,
23.3 and funding to local units of government
23.4 participating in MCORP to provide re-entry
23.5 programming to offenders.

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

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

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

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

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

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

24.21	<u>Subd. 4. Operations Support</u>	<u>17,524,000</u>	<u>17,754,000</u>
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24.22	<u>Appropriations by Fund</u>		
24.23	<u>General</u>	<u>17,314,000</u>	<u>17,544,000</u>
24.24	<u>Special Revenue</u>	<u>210,000</u>	<u>210,000</u>

24.25	Sec. 15. <u>SENTENCING GUIDELINES</u>	<u>\$</u>	<u>600,000</u>	<u>\$</u>	<u>600,000</u>
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24.26 **Effectiveness of re-entry programs and**
24.27 **drug courts; study.** The Sentencing
24.28 Guidelines Commission, in consultation
24.29 with the commissioner of corrections and
24.30 the state court administrator, shall study: (1)
24.31 the effectiveness of the offender re-entry
24.32 funding and programs authorized in this act;
24.33 and (2) the effectiveness of the additional
24.34 drug courts funded in this act. The executive

25.1 director of the commission shall file a report
25.2 with the ranking members of the house of
25.3 representatives and senate committees with
25.4 jurisdiction over public safety policy and
25.5 funding by February 15, 2009. The report
25.6 must assess the impact this act's re-entry
25.7 grants and programs and expanded drug
25.8 court funding had on the recidivism rate of
25.9 offenders who participated in: (1) programs
25.10 that received re-entry grants; and/or (2) drug
25.11 courts.

25.12 **ARTICLE 2**
25.13 **GENERAL CRIME**

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

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

25.18 (1) domestic abuse;

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

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

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

25.24 It includes pretrial orders before final disposition of the case and probationary orders
25.25 after sentencing.

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

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

(d) A person 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, if the person knowingly violates this subdivision within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency. Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

28.28 (ii) the complainant suffered personal injury; or

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

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

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

28.35 (i) during the psychotherapy session; or

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

29.3 Consent by the complainant is not a defense;

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

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

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

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

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

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

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

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

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

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

29.35 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:

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

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

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

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

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

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

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

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

(ii) the complainant suffered personal injury; or

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

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

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

(i) during the psychotherapy session; or

(ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship exists. 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 contact occurred by means of therapeutic deception. Consent by the complainant is not a defense;

(k) the actor accomplishes the sexual contact by means of deception or false representation that the contact 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 contact 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 contact 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, the complainant is not married to the actor, and the sexual contact 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 contact 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. 6. Minnesota Statutes 2006, section 609.3451, subdivision 3, is amended to read:

32.1 Subd. 3. **Felony.** A person is guilty of a felony and may be sentenced to
32.2 imprisonment for not more than five years or to payment of a fine of not more than \$10,000,
32.3 or both, if the person violates ~~subdivision 1, clause (2)~~ this section, after having been
32.4 previously convicted of or adjudicated delinquent for violating ~~subdivision 1, clause (2)~~
32.5 this section; sections 609.342 to 609.345; section 609.3453; section 617.23, subdivision 2,
32.6 clause (1); section 617.247; or a statute from another state in conformity with subdivision
32.7 1, clause (2), or section 617.23, subdivision 2, clause (1) with one of these statutes.

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

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

32.11 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the
32.12 statutory maximum penalty otherwise applicable to the offense, the court shall sentence a
32.13 person to imprisonment for life if the person is convicted of violating section 609.342,
32.14 609.343, 609.344, 609.345, or 609.3453 and:

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

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

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

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

32.23 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
32.24 609.108, for the previous sex offense conviction; or

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

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

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

32.33 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
32.34 609.108, for one of the prior sex offense convictions.

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

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

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

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

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

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

33.15 **609.352 SOLICITATION OF CHILDREN TO ENGAGE IN SEXUAL**
33.16 **CONDUCT.**

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

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

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

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

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

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

33.31 Subd. 2a. **Internet or computer solicitation of children.** A person 18 years of age
33.32 or older who uses the Internet or a computer, computer program, computer network, or
33.33 computer system to communicate with a child or someone the person reasonably believes

34.1 is a child, with the intent to arouse or gratify the sexual desire of any person, is guilty of a
34.2 felony if any of the following circumstances exist:

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

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

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

34.9 Subd. 2b. **Jurisdiction.** A person may be convicted of an offense under subdivision
34.10 2a if the transmission that constitutes the offense either originates within this state or is
34.11 received within this state.

34.12 Subd. 3. **Defenses.** (a) Mistake as to age is not a defense to a prosecution under
34.13 this section subdivision 2. Mistake as to age is an affirmative defense to a prosecution
34.14 under subdivision 2a.

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

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

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

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

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

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

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

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

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

35.7 Sec. 11. Minnesota Statutes 2006, section 609.581, is amended by adding a subdivision
35.8 to read:

35.9 Subd. 5. **Government building.** "Government building" means a building that
35.10 is owned, leased, controlled, or operated by a governmental entity for a governmental
35.11 purpose.

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

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

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

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

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

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

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

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

36.1 Subd. 8. **Historic property.** "Historic property" means any property identified
36.2 as a historic site or historic place by sections 138.661 to 138.664 and clearly identified
36.3 as such by a 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. 15. Minnesota Statutes 2006, section 609.582, subdivision 2, is amended to read:

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

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

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

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

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

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

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

36.30 Sec. 16. **[609.593] DAMAGE OR THEFT TO ENERGY TRANSMISSION OR**
36.31 **TELECOMMUNICATIONS EQUIPMENT.**

36.32 Subdivision 1. **Crime.** Whoever intentionally and without consent from one
36.33 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.

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

Sec. 17. **[609.5935] TAMPERING WITH GAS AND ELECTRICAL LINES.**

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

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

Sec. 18. Minnesota Statutes 2006, section 609.595, subdivision 1, is amended to read:

Subdivision 1. **Criminal damage to property in the first degree.** Whoever intentionally causes damage to physical property of another without the latter's consent

38.1 may be sentenced to imprisonment for not more than five years or to payment of a fine of
38.2 not more than \$10,000, or both, if:

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

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

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

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

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

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

38.20 Sec. 19. Minnesota Statutes 2006, section 609.595, subdivision 2, is amended to read:

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

38.27 (b) Whoever intentionally causes damage to another person's physical property
38.28 without the other person's consent because of the property owner's or another's actual or
38.29 perceived race, color, religion, sex, sexual orientation, disability as defined in section
38.30 363A.03, age, or national origin may be sentenced to imprisonment for not more than one
38.31 year or to payment of a fine of not more than \$3,000, or both, if the damage reduces the
38.32 value of the property by not more than ~~\$250~~ \$500.

38.33 (c) In any prosecution under paragraph (a), the value of property damaged by the
38.34 defendant in violation of that paragraph within any six-month period may be aggregated
38.35 and the defendant charged accordingly in applying this section. When two or more

39.1 offenses are committed by the same person in two or more counties, the accused may
39.2 be prosecuted in any county in which one of the offenses was committed for all of the
39.3 offenses aggregated under this paragraph.

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

39.6 Sec. 20. Minnesota Statutes 2006, section 609.748, subdivision 1, is amended to read:

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

39.9 (a) "Harassment" includes:

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

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

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

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

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

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

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

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

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

39.32 Sec. 21. 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. A restraining order issued under this paragraph may direct the respondent or a private computer network to remove or correct the harassing information. A restraining order issued under this paragraph may be served by mail upon any private computer network affected.

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 609.75, subdivision 8, is amended to read:

Subd. 8. **Video game of chance.** A video game of chance is a game or device that does not meet the requirements of subdivision 8a and which simulates one or more games commonly referred to as poker, blackjack, craps, hi-lo, roulette, or other common gambling forms, though not offering any type of pecuniary award or gain to players. The term also includes any video game having one or more of the following characteristics:

(1) it is primarily a game of chance, and has no substantial elements of skill involved;

41.1 (2) it awards game credits or replays and contains a meter or device that records
41.2 unplayed credits or replays. A video game that simulates horse racing that does not
41.3 involve a prize payout is not a video game of chance.

41.4 Sec. 23. Minnesota Statutes 2006, section 609.75, is amended by adding a subdivision
41.5 to read:

41.6 Subd. 8a. **Amusement games.** A game which is not designed and manufactured
41.7 primarily for use in connection with gambling is not a "video game of chance" if it:

41.8 (1) does not reward the player with valuable consideration other than extended play
41.9 or replays or merchandise of nominal value contained within the device;

41.10 (2) does not contain a meter or other device that records unplayed credits or replays;
41.11 and

41.12 (3) is not used and is not designed, nor been altered or converted to use in the
41.13 playing phases of any gambling activity.

41.14 Sec. 24. Minnesota Statutes 2006, section 609.75, is amended by adding a subdivision
41.15 to read:

41.16 Subd. 8b. **Inspection; citation.** Any person who possesses or intends to possess
41.17 any type, category, or model of video game for purposes of offering play of the game
41.18 for a consideration may request the director of alcohol and gambling enforcement to
41.19 examine the machine and to determine whether or not the machine meets the definition of
41.20 an amusement game as set forth in subdivision 8a. The director of alcohol and gambling
41.21 enforcement shall conduct the examination and make a determination as requested. A
41.22 person making a request under this subdivision shall reimburse the division for the
41.23 services performed. In addition to the powers set forth in section 299L.03, the director
41.24 of alcohol and gambling enforcement has the power to issue citations, pursuant to a fine
41.25 schedule established by the director, to any person who uses an amusement game to
41.26 commit a violation of section 609.76. No fine shall exceed \$25,000. Fines collected
41.27 pursuant to this subdivision are appropriated to the commissioner of public safety to be
41.28 used for enforcement of this subdivision.

41.29 Sec. 25. **REPEALER.**

41.30 Minnesota Statutes 2006, section 609.805, is repealed.

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

ARTICLE 3

DWI AND DRIVING RELATED PROVISIONS

Section 1. Minnesota Statutes 2006, section 169.13, is amended by adding a subdivision to read:

Subd. 2a. **Careless driving resulting in death.** (a) A person who drives, operates, or halts a vehicle, anywhere in this state, carelessly or heedlessly in disregard of the rights of others or in a manner that endangers or is likely to endanger any property or any person, including any driver or passenger of a vehicle or other person, that results in the death of a person, is guilty of a gross misdemeanor.

(b) Nothing in this subdivision or section 609.035 limits the power of the state to punish a person for conduct that constitutes a crime under any other law of this state.

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

Sec. 2. Minnesota Statutes 2006, section 169.471, subdivision 2, is amended to read:

Subd. 2. **Use of headphones in vehicle.** (a) No person, while operating a motor vehicle, shall wear headphones or earphones that are used in both ears simultaneously for purposes of receiving or listening to broadcasts or reproductions from radios, tape decks, or other sound-producing or transmitting devices.

(b) Paragraph (a) does not prohibit:

(1) the use of a hearing aid device by a person who needs the device; or

(2) the use of a communication headset by a firefighter while operating a fire department emergency vehicle in response to an emergency; or

(3) the use of a communication headset by an emergency medical services person while operating an ambulance subject to section 144E.101.

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

Sec. 3. Minnesota Statutes 2006, section 169A.275, is amended by adding a subdivision to read:

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

(b) This subdivision expires July 1, 2009.

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

Sec. 4. Minnesota Statutes 2006, section 169A.51, subdivision 7, is amended to read:

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

(b) The person tested has the right to have someone of the person's own choosing administer a chemical test or tests in addition to any administered at the direction of a peace officer; provided, that the additional test sample on behalf of the person is obtained 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. 5. **[171.028] DOCUMENTING RESIDENCY; RULES AND REGULATIONS.**

Subdivision 1. Permanent state rules. (a) Adopted exempt Minnesota Rules, part 7410.0400, subparts 2 and 3, as published in the State Register on July 8, 2002, shall become permanent on the day following final enactment of this section. These rules may subsequently be amended by the commissioner under chapter 14, to administer the provisions of this chapter.

(b) The documents specified in Minnesota Rules, part 7410.0400, subparts 2 and 3, or successor rules, are subject to the variance procedures and criteria in Minnesota Rules, part 7410.0600, or successor rules.

Subd. 2. **Incorporation of federal regulations.** As authorized by Public Law 107-296, rules relating to identity and residency documentation standards adopted in Code of Federal Regulations by the United States Department of Homeland Security may be incorporated by reference by the commissioner. These rules may be subsequently amended by the commissioner under chapter 14 to administer the provisions of this chapter.

Subd. 3. **Non-English documents; translation.** All documents submitted to the department in a language other than English must be accompanied by a translation of that document into the English language.

Subd. 4. **Proof of residency required at time of application.** Proof of residency in the United States is required at the time of application for an initial permit, driver's license, or identification card. The applicant must attest to a residence address in Minnesota and demonstrate proof of either lawful short-term admission to the United States, permanent United States resident status, indefinite authorized presence status, or United States citizenship.

Subd. 5. **Proof of residency at renewal.** (a) Proof of residency is required at the time of application for renewal of a driver's license, permit, or identification card.

(b) A person with permanent United States resident status, indefinite authorized presence status, or United States citizenship must attest to a residence address in Minnesota.

(c) A person with lawful short-term admission to the United States must attest to a residence address in Minnesota and provide proof of lawful short-term admission status to the United States.

Subd. 6. **Documents not sufficient to prove residency.** The presentation of a driver's license, permit, or identification card from another jurisdiction or another United States state is not acceptable as proof of permanent United States resident status, indefinite authorized presence status, lawful short-term admission to the United States, or United States citizenship.

Subd. 7. **Documents sufficient to prove residency.** To demonstrate permanent United States resident status, indefinite authorized presence status, lawful short-term admission, or United States citizenship, an applicant must attest to a Minnesota residence address on the application form and present a primary document specified in Minnesota Rules, part 7410.0400, subpart 2, or successor rules.

45.1 Subd. 8. **Evidence required when name changed.** If there has been a change
45.2 in the individual's legal full name as it appears on the presented document specified in
45.3 Minnesota Rules, part 7410.0400, subpart 2, or successor rules, the individual must also
45.4 present evidence of a change of name as specified in Minnesota Rules, part 7410.0500,
45.5 or successor rules.

45.6 Subd. 9. **Lawful short-term admission status.** (a) If the lawful admission period
45.7 indicated on the federal primary document presented expires in 30 days or more from
45.8 the date of application for the state driver's license, permit, or identification card, the
45.9 department shall issue to the applicant a driver's license, permit, or identification card
45.10 with a status check date that coincides with the lawful admission period on the federal
45.11 primary document presented.

45.12 (b) The department shall not issue a driver's license, permit, or identification card if
45.13 an individual has no lawful admission status to the United States or if the lawful short-term
45.14 admission period expires in 30 days or less.

45.15 Subd. 10. **Status check date.** A status check date that coincides with the federal
45.16 lawful admission period indicated on the federal primary document presented must be
45.17 indicated on the driver's license, permit, or identification card issued.

45.18 Subd. 11. **Reissuance.** (a) The department shall reissue a driver's license, permit, or
45.19 identification card with a new status check date if the applicant presents an employment
45.20 authorization card (I-688B, I-766 series) or notice of action (I-797A series) issued by
45.21 the United States Department of Homeland Security to the commissioner to indicate
45.22 extension of the lawful admission period.

45.23 (b) If the applicant presents an accepted application from the United States
45.24 Department of Homeland Security for an extension of or change in the federal lawful
45.25 admission period, the department shall reissue the driver's license, permit, or identification
45.26 card with a status check date extension of six months from the date of the federal receipt
45.27 for the extension or change in order to provide a grace period while the application for
45.28 the extension is processed.

45.29 (c) The department shall reissue a driver's license, permit, or identification card
45.30 without a status check date if (1) the applicant presents a subsequent federal document
45.31 indicating permanent United States resident status, indefinite authorized presence status,
45.32 or United States citizenship, and (2) the applicant pays the duplicate fee as specified
45.33 in section 171.06.

45.34 Sec. 6. Minnesota Statutes 2006, section 171.09, subdivision 1, is amended to read:

Subdivision 1. **Authority; violations.** (a) The commissioner, when good cause appears, may impose restrictions suitable to the licensee's driving ability or other restrictions applicable to the licensee as the commissioner may determine to be appropriate to assure the safe operation of a motor vehicle by the licensee.

(b) Pursuant to Code of Federal Regulations, title 49, section 383.95, if an applicant for a commercial driver's license either does not successfully complete the air brake component of the knowledge test, or does not successfully complete the skills test in a vehicle equipped with air brakes as such tests are prescribed in Code of Federal Regulations, title 49, part 384, the department shall indicate on the class C, class B, or class A commercial driver's license, if issued, that the individual is restricted from operating a commercial motor vehicle equipped with air brakes.

(c) Upon receiving satisfactory evidence of any violation of the restrictions on the license, the commissioner may suspend or revoke the license. A license suspension under this section is subject to section 171.18, subdivisions 2 and 3.

(d) A person who drives, operates, or is in physical control of a motor vehicle while in violation of the restrictions imposed in a restricted driver's license issued to that person under this section is guilty of a crime as follows:

(1) if the restriction relates to the possession or consumption of alcohol or controlled substances, the person is guilty of a gross misdemeanor; or

(2) if the restriction relates to another matter, the person is guilty of a misdemeanor.

(e) Following ten years with no repeat violation of chapter 169A or section 609.21 by a person subject to a no alcohol restriction under section 171.09, the commissioner shall issue to the person a driver's license card not containing a no alcohol label. The omission of an alcohol label on the driver's license card does not prohibit the charging of a person with an offense related to this section.

Sec. 7. 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. 8. **[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

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

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

48.4 Sec. 9. Minnesota Statutes 2006, section 171.55, is amended to read:

48.5 **171.55 OUT-OF-STATE CONVICTIONS GIVEN EFFECT.**

48.6 The commissioner shall give the same effect for driver licensing purposes to conduct
48.7 reported from a licensing authority or court in another state or province or territory
48.8 of Canada that the commissioner would give to conduct reported from a court or other
48.9 agency of this state, whether or not the other state or province or territory of Canada is a
48.10 party to the Driver License Compact in section 171.50. The conduct to be given effect by
48.11 the commissioner includes a report of conviction for an offense enumerated in section
48.12 171.50, article IV, or an offense described in sections 171.17 and 171.18.

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

48.15 Sec. 10. Minnesota Statutes 2006, section 609.21, subdivision 1, is amended to read:

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

- 48.22 (1) in a grossly negligent manner;
- 48.23 (2) in a negligent manner while under the influence of:
- 48.24 (i) alcohol;
- 48.25 (ii) a controlled substance; or
- 48.26 (iii) any combination of those elements;
- 48.27 (3) while having an alcohol concentration of 0.08 or more;
- 48.28 (4) while having an alcohol concentration of 0.08 or more, as measured within
48.29 two hours of the time of driving;
- 48.30 (5) in a negligent manner while knowingly under the influence of a hazardous
48.31 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. 11. 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. 12. 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.

H.F. No. 829, 4th Engrossment - 85th Legislative Session (2007-2008)

50.1 Sec. 13. Minnesota Statutes 2006, section 609.21, subdivision 4a, is amended to read:

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

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

50.8 Sec. 14. Minnesota Statutes 2006, section 609.21, subdivision 5, is amended to read:

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

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

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

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

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

50.18 Sec. 15. Minnesota Statutes 2006, section 634.15, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

51.15 Sec. 16. Minnesota Statutes 2006, section 634.15, subdivision 2, is amended to read:

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

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

51.22 ~~(b)~~ (2) a person who prepared the blood sample report described in subdivision
51.23 1, paragraph (a), clause ~~(b)~~ (2).

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

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

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

51.33 Sec. 17. **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.

<u>Column A</u>	<u>Column B</u>
<u>609.21, subdivision 1</u>	<u>609.21, subdivision 1a, paragraph (a)</u>
<u>609.21, subdivision 2</u>	<u>609.21, subdivision 1a, paragraph (b)</u>
<u>609.21, subdivision 2a</u>	<u>609.21, subdivision 1a, paragraph (c)</u>
<u>609.21, subdivision 2b</u>	<u>609.21, subdivision 1a, paragraph (d)</u>
<u>609.21, subdivision 4</u>	<u>609.21, subdivision 1a, paragraph (b)</u>

(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. 18. **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.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

54.8 (15) develop such programs as will aid in determining the compliance throughout
54.9 the state with the provisions of this chapter, and in the furtherance of such duties, conduct
54.10 research and study discriminatory practices based upon race, color, creed, religion,
54.11 national origin, sex, age, disability, marital status, status with regard to public assistance,
54.12 familial status, sexual orientation, or other factors and develop accurate data on the nature
54.13 and extent of discrimination and other matters as they may affect housing, employment,
54.14 public accommodations, schools, and other areas of public life;

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

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

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

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

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

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

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

54.32 Subdivision 1. **Right to terminate; procedure.** A tenant to a residential lease who
54.33 is a victim of domestic abuse and fears imminent domestic abuse against the tenant or the
54.34 tenant's children by remaining in the leased premises may terminate a lease agreement
54.35 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 or provided to any entity except when required for use in an eviction proceeding, upon the consent of the victim, or as otherwise required by law.

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

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

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

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

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

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

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

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

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

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

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

56.5 Subd. 6a. **Subsequent orders and extensions.** (a) Upon application, notice to
56.6 all parties, and hearing, the court may extend the relief granted in an existing order for
56.7 protection or, if a petitioner's order for protection is no longer in effect when an application
56.8 for subsequent relief is made, grant a new order. The court may extend the terms of an
56.9 existing order or, if an order is no longer in effect, grant a new order upon a showing that:

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

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

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

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

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

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

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

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

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

56.29 (a) A husband cannot be examined for or against his wife without her consent, nor a
56.30 wife for or against her husband without his consent, nor can either, during the marriage or
56.31 afterwards, without the consent of the other, be examined as to any communication made
56.32 by one to the other during the marriage. This exception does not apply to a civil action or
56.33 proceeding by one against the other, nor to a criminal action or proceeding for a crime

57.1 committed by one against the other or against a child of either or against a child under the
57.2 care of either spouse, nor to a criminal action or proceeding in which one is charged with
57.3 homicide or an attempt to commit homicide and the date of the marriage of the defendant
57.4 is subsequent to the date of the offense, nor to an action or proceeding for nonsupport,
57.5 neglect, dependency, or termination of parental rights.

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

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

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

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

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

57.33 (g) A registered nurse, psychologist, consulting psychologist, or licensed social
57.34 worker engaged in a psychological or social assessment or treatment of an individual
57.35 at the individual's request shall not, without the consent of the professional's client, be
57.36 allowed to disclose any information or opinion based thereon which the professional has

58.1 acquired in attending the client in a professional capacity, and which was necessary to
58.2 enable the professional to act in that capacity. Nothing in this clause exempts licensed
58.3 social workers from compliance with the provisions of sections 626.556 and 626.557.

58.4 (h) An interpreter for a person disabled in communication shall not, without the
58.5 consent of the person, be allowed to disclose any communication if the communication
58.6 would, if the interpreter were not present, be privileged. For purposes of this section, a
58.7 "person disabled in communication" means a person who, because of a hearing, speech
58.8 or other communication disorder, or because of the inability to speak or comprehend the
58.9 English language, is unable to understand the proceedings in which the person is required
58.10 to participate. The presence of an interpreter as an aid to communication does not destroy
58.11 an otherwise existing privilege.

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

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

58.19 (2) when the communications reveal the contemplation or ongoing commission
58.20 of a crime; or

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

58.23 (j) A parent or the parent's minor child may not be examined as to any communication
58.24 made in confidence by the minor to the minor's parent. A communication is confidential if
58.25 made out of the presence of persons not members of the child's immediate family living
58.26 in the same household. This exception may be waived by express consent to disclosure
58.27 by a parent entitled to claim the privilege or by the child who made the communication
58.28 or by failure of the child or parent to object when the contents of a communication are
58.29 demanded. This exception does not apply to a civil action or proceeding by one spouse
58.30 against the other or by a parent or child against the other, nor to a proceeding to commit
58.31 either the child or parent to whom the communication was made or to place the person or
58.32 property or either under the control of another because of an alleged mental or physical
58.33 condition, nor to a criminal action or proceeding in which the parent is charged with a
58.34 crime committed against the person or property of the communicating child, the parent's
58.35 spouse, or a child of either the parent or the parent's spouse, or in which a child is charged
58.36 with a crime or act of delinquency committed against the person or property of a parent

or a child of a parent, nor to an action or proceeding for termination of parental rights, nor any other action or proceeding on a petition alleging child abuse, child neglect, abandonment or nonsupport by a parent.

(k) Sexual assault counselors may not be ~~compelled to testify about~~ allowed to disclose any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the 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.

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

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

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

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

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

61.8 Subd. 7. **Definition.** As used in this section, ~~"heinous crime"~~ "violent crime" means
61.9 a violation or attempt to violate any of the following: section 609.185; 609.19; 609.195;
61.10 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.2241; 609.2242;
61.11 609.2245; 609.2247; 609.228; 609.23; 609.231; 609.2325; 609.233; 609.235; 609.24;
61.12 609.245; 609.25; 609.255; 609.265; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665;
61.13 609.267; 609.2671; 609.2672; 609.268; 609.282; 609.342; 609.343; 609.344; 609.345;
61.14 609.3451; 609.3453; 609.352; 609.377; 609.378; 609.561, subdivision 1; 609.582,
61.15 subdivision 1, paragraph (a) or (c); or 609.66, subdivision 1e, paragraph (b).

61.16 ~~(1) a violation or attempted violation of section 609.185 or 609.19;~~

61.17 ~~(2) a violation of section 609.195 or 609.221; or~~

61.18 ~~(3) a violation of section 609.342, 609.343, or 609.344, if the offense was committed~~
61.19 ~~with force or violence or if the complainant was a minor at the time of the offense.~~

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

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

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

61.27 Subd. 2. **Law enforcement inquiry.** A law enforcement agency or prosecutor may
61.28 not ask that a complainant of a criminal sexual conduct offense submit to a polygraph
61.29 examination as part of the investigation, charging, or prosecution of such offense unless
61.30 the complainant has been referred to, and had the opportunity to exercise the option of
61.31 consulting with a sexual assault counselor as defined in section 595.02, subdivision 1,
61.32 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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

63.27 Subd. 2a. **Awards; limitations.** (a) No award may be granted under subdivision
63.28 1, clause (6), to a victim that fails to provide proof of insurance stating that security
63.29 had been provided for the vehicle at the time the vehicle was stolen. As used in this
63.30 paragraph, "proof of insurance" has the meaning given it in section 169.791, subdivision
63.31 1, paragraph (g).

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

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

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

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

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

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

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

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

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

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

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

64.24 **ARTICLE 5**

64.25 **COURTS AND PUBLIC DEFENDERS**

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

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

H.F. No. 829, 4th Engrossment - 85th Legislative Session (2007-2008)

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

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

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

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

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

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

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

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

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

(1) "State" includes each of the departments, boards, agencies, commissions, courts, and officers in the executive, legislative, and judicial branches of the state of Minnesota and includes but is not limited to the Housing Finance Agency, the Minnesota Office of Higher Education, the Higher Education Facilities Authority, the Health Technology

Advisory Committee, the Armory Building Commission, the Zoological Board, the Iron Range Resources and Rehabilitation Board, the State Agricultural Society, the University of Minnesota, the Minnesota State Colleges and Universities, state hospitals, and state penal institutions. It does not include a city, town, county, school district, or other local governmental body corporate and politic.

(2) "Employee of the state" means all present or former officers, members, directors, or employees of the state, members of the Minnesota National Guard, members of a bomb disposal unit approved by the commissioner of public safety and employed by a municipality defined in section 466.01 when engaged in the disposal or neutralization of bombs or other similar hazardous explosives, as defined in section 299C.063, outside the 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 shall be fixed by the State Board of Public Defense but must not exceed the salary of a district court judge.

	Salary or Range
	Effective
	July 1, 1994
Board on Judicial	
Standards executive	
director	\$44,000-60,000

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

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

Any bond or policy of insurance covering liability to others for negligence makes the insurer liable, up to the amounts stated in the bond or policy, to the persons entitled to recover against the insured for the death of any person or for injury to persons or property, irrespective of whether the liability is presently established or is contingent and to become fixed or certain by final judgment against the insured. This section does not apply to an insurance policy issued by a township mutual fire insurance company or a farmers mutual fire insurance company under the authority in chapter 67A.

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

Sec. 6. Minnesota Statutes 2006, section 260B.007, is amended by adding a subdivision to read:

Subd. 21. **Violent juvenile offense.** "Violent juvenile offense" means any of the following offenses that would be a felony if committed by an adult: sections 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in

68.1 the second degree); 609.221 (assault in the first degree); 609.222 (assault in the second
68.2 degree); 609.223 (assault in the third degree); 609.245 (aggravated robbery); 609.25
68.3 (kidnapping); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal
68.4 sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third
68.5 degree); 609.345 (criminal sexual conduct in the fourth degree); and 609.377 (malicious
68.6 punishment of a child).

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

68.9 Sec. 7. Minnesota Statutes 2006, section 260B.125, subdivision 1, is amended to read:

68.10 Subdivision 1. **Order.** When a child is alleged to have committed, after becoming
68.11 13 years of age, a violent juvenile offense as defined in section 260B.007, subdivision 21,
68.12 or after becoming 14 years of age, an offense that would be a felony if committed by an
68.13 adult, the juvenile court may enter an order certifying the proceeding for action under the
68.14 laws and court procedures controlling adult criminal violations.

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

68.17 Sec. 8. Minnesota Statutes 2006, section 260B.130, subdivision 1, is amended to read:

68.18 Subdivision 1. **Designation.** A proceeding involving a child alleged to have
68.19 committed a felony offense is an extended jurisdiction juvenile prosecution if:

68.20 (1) the child was ~~14~~ 13 to 17 years old at the time of the alleged offense, a
68.21 certification hearing was held, and the court designated the proceeding an extended
68.22 jurisdiction juvenile prosecution;

68.23 (2) the child was 16 or 17 years old at the time of the alleged offense; the child is
68.24 alleged to have committed an offense for which the Sentencing Guidelines and applicable
68.25 statutes presume a commitment to prison or to have committed any felony in which the
68.26 child allegedly used a firearm; and the prosecutor designated in the delinquency petition
68.27 that the proceeding is an extended jurisdiction juvenile prosecution; ~~or~~

68.28 (3) the child was 14 to 17 years old at the time of the alleged offense, the prosecutor
68.29 requested that the proceeding be designated an extended jurisdiction juvenile prosecution,
68.30 a hearing was held on the issue of designation, and the court designated the proceeding an
68.31 extended jurisdiction juvenile prosecution; or

68.32 (4) the child was 13 years old at the time of the alleged offense, the alleged offense
68.33 is a violent juvenile offense as defined in section 260B.007, subdivision 21, the prosecutor

69.1 requested that the proceeding be designated an extended jurisdiction juvenile prosecution,
69.2 a hearing was held on the issue of designation, and the court designated the proceeding an
69.3 extended jurisdiction juvenile prosecution.

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

69.6 Sec. 9. Minnesota Statutes 2006, section 260B.141, subdivision 4, is amended to read:

69.7 Subd. 4. **Delinquency petition; extended jurisdiction juvenile.** When a prosecutor
69.8 files a delinquency petition alleging that a child committed a felony offense for which
69.9 there is a presumptive commitment to prison according to the Sentencing Guidelines
69.10 and applicable statutes or in which the child used a firearm, after reaching the age of
69.11 16 years, the prosecutor shall indicate in the petition whether the prosecutor designates
69.12 the proceeding an extended jurisdiction juvenile prosecution. When a prosecutor files a
69.13 delinquency petition alleging that a child aged 13 years committed a violent juvenile
69.14 offense as defined in section 260B.007, subdivision 21, or a child aged 14 to 17 years
69.15 committed a felony offense, the prosecutor may request that the court designate the
69.16 proceeding an extended jurisdiction juvenile prosecution.

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

69.19 Sec. 10. Minnesota Statutes 2006, section 260B.198, subdivision 6, is amended to read:

69.20 Subd. 6. **Expungement.** Except when legal custody is transferred under the
69.21 provisions of subdivision 1, clause (d), or a child is adjudicated delinquent for committing
69.22 a violent juvenile offense as defined in section 260B.007, subdivision 21, the court may
69.23 expunge the adjudication of delinquency at any time that it deems advisable.

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

69.26 Sec. 11. Minnesota Statutes 2006, section 260C.193, subdivision 6, is amended to read:

69.27 Subd. 6. **Termination of jurisdiction.** The court may dismiss the petition or
69.28 otherwise terminate its jurisdiction on its own motion or on the motion or petition of any
69.29 interested party at any time. Unless terminated by the court, and except as otherwise
69.30 provided in this subdivision, the jurisdiction of the court shall continue until the individual
69.31 becomes 19 years of age if the court determines it is in the best interest of the individual

to do so. ~~Court jurisdiction under section 260C.007, subdivision 6, clause (14), may not continue past the child's 18th birthday.~~

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

Sec. 12. Minnesota Statutes 2006, section 270A.03, subdivision 5, is amended to read:

Subd. 5. **Debt.** "Debt" means a legal obligation of a natural person to pay a fixed and certain amount of money, which equals or exceeds \$25 and which is due and payable to a claimant agency. The term includes criminal fines imposed under section 609.10 or 609.125, fines imposed for petty misdemeanors as defined in section 609.02, subdivision 4a, and restitution. ~~The term also includes the co-payment for the appointment of a district public defender imposed under section 611.17, paragraph (c).~~ A debt may arise under a contractual or statutory obligation, a court order, or other legal obligation, but need not have been reduced to judgment.

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

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

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

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

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

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

71.4 Sec. 13. Minnesota Statutes 2006, section 302A.781, is amended by adding a
71.5 subdivision to read:

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

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

71.10 Sec. 14. Minnesota Statutes 2006, section 352D.02, subdivision 1, is amended to read:

71.11 Subdivision 1. **Coverage.** (a) Employees enumerated in paragraph (c), clauses (2),
71.12 (3), (4), and (6) to (14), if they are in the unclassified service of the state or Metropolitan
71.13 Council and are eligible for coverage under the general state employees retirement plan
71.14 under chapter 352, are participants in the unclassified plan under this chapter unless the
71.15 employee gives notice to the executive director of the Minnesota State Retirement System
71.16 within one year following the commencement of employment in the unclassified service
71.17 that the employee desires coverage under the general state employees retirement plan.
71.18 For the purposes of this chapter, an employee who does not file notice with the executive
71.19 director is deemed to have exercised the option to participate in the unclassified plan.

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

71.26 (c) Enumerated employees and referenced persons are:

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

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

71.31 (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.

73.1 Sec. 15. **[357.42] DRUG COURT FEES.**

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

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

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

73.10 Sec. 16. Minnesota Statutes 2006, section 484.54, subdivision 2, is amended to read:

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

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

73.16 Sec. 17. Minnesota Statutes 2006, section 484.83, is amended to read:

73.17 **484.83 REINSTATEMENT OF FORFEITED SUMS.**

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

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

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

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

74.2 Sec. 18. **[484.843] ABANDONMENT OF NONFELONY BAIL; DISPOSITION**
74.3 **OF FORFEITED SUMS; FOURTH JUDICIAL DISTRICT.**

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

74.9 (b) Any judge may order any sums so forfeited under paragraph (a) to be reinstated
74.10 for cause and the court administrator shall then refund accordingly. The receipting
74.11 municipality or subdivision of government shall reimburse the court administrator if the
74.12 court administrator refunds the deposit upon such an order and obtains a receipt to be
74.13 used as a voucher.

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

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

74.28 Sec. 19. Minnesota Statutes 2006, section 504B.361, subdivision 1, is amended to read:

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

74.32 ~~(b)~~

74.33 ~~FORM OF SUMMONS~~

H.F. No. 829, 4th Engrossment - 85th Legislative Session (2007-2008)

75.1 ~~State of Minnesota~~)
75.2)
75.3 ~~County of~~)

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

75.9 ~~Dated at, this day of, year~~
75.10 ~~.....;~~
75.11 ~~Judge of court.~~

75.12 ~~(c)~~
75.13 ~~FORM OF WRIT OF RECOVERY OF PREMISES AND ORDER TO VACATE~~

75.14 ~~State of Minnesota~~)
75.15)
75.16 ~~County of~~)

75.17 ~~The State of Minnesota, to the Sheriff of the County:~~

75.18 ~~Whereas,, the plaintiff, of, in an eviction action, at a court held~~
75.19 ~~at, in the county of, on the day of, year~~
75.20 ~~....., before, a judge of the county, recovered a judgment against,~~
75.21 ~~the, to have recovery of the following premises (describe here the property~~
75.22 ~~as in the complaint):~~

75.23 ~~Therefore, you are commanded that, taking with you the force of the county, if~~
75.24 ~~necessary, you cause to be immediately removed from the premises, and the~~
75.25 ~~plaintiff to recover the premises. You are also commanded that from the personal property~~
75.26 ~~of within the county that you seize and sell, the plaintiff be paid~~
75.27 ~~dollars, as the costs assessed against the defendant, together with 25 cents for this writ.~~
75.28 ~~You are ordered to return this writ within 30 days.~~

75.29 ~~Dated at, this day of, year~~
75.30 ~~.....;~~
75.31 ~~Judge of court.~~

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

75.33 Sec. 20. Minnesota Statutes 2006, section 518.165, subdivision 1, is amended to read:

75.34 Subdivision 1. **Permissive appointment of guardian ad litem.** In all proceedings
75.35 for child custody or for dissolution or legal separation where custody or parenting time

with a minor child is in issue, the court may appoint a guardian ad litem from a panel established by the court to represent the interests of the child. The guardian ad litem shall advise the court with respect to custody, ~~support~~, and parenting time.

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

Sec. 21. Minnesota Statutes 2006, section 518.165, subdivision 2, is amended to read:

Subd. 2. **Required appointment of guardian ad litem.** In all proceedings for child custody or for marriage dissolution or legal separation in which custody or parenting time with a minor child is an issue, if the court has reason to believe that the minor child is a victim of domestic child abuse or neglect, as those terms are defined in sections 260C.007 and 626.556, respectively, the court shall appoint a guardian ad litem. The guardian 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. 22. 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~~

77.1 ~~by this paragraph available to courts and the public on or before April 30 of the year in~~
77.2 ~~which the amount is to change.~~

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

77.4 Sec. 23. **[540.19] NEGLIGENCE ACTIONS; INSURERS.**

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

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

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

77.11 (3) by its policy agrees to prosecute or defend the action brought by plaintiff or any
77.12 of the parties to the action, or agrees to engage counsel to prosecute or defend the action
77.13 or agrees to pay the costs of the litigation,

77.14 is by this section made a proper party defendant in any action brought by plaintiff in this
77.15 state on account of any claim against the insured. If the policy of insurance was issued
77.16 or delivered outside this state, the insurer is by this subdivision made a proper party
77.17 defendant only if the accident, injury, or negligence occurred in this state.

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

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

77.33 Sec. 24. Minnesota Statutes 2006, section 548.091, subdivision 1a, is amended to read:

Subd. 1a. **Child support judgment by operation of law.** (a) Any payment or installment of support required by a judgment or decree of dissolution or legal separation, determination of parentage, an order under chapter 518C, an order under section 256.87, or an order under section 260B.331 or 260C.331, that is not paid or withheld from the obligor's income as required under section 518A.53, or which is ordered as child support by judgment, decree, or order by a court in any other state, is a judgment by operation of law on and after the date it is due, is entitled to full faith and credit in this state and any other state, and shall be entered and docketed by the court administrator on the filing of affidavits as provided in subdivision 2a. Except as otherwise provided by paragraph (b), interest accrues from the date the unpaid amount due is greater than the current support due at the ~~annual rate provided in section 549.09, subdivision 1, plus two percent, not to exceed an annual rate of 18 percent~~ rate of six percent annually. A payment or installment of support that becomes a judgment by operation of law between the date on which a party served notice of a motion for modification under section 518A.39, subdivision 2, and the date of the court's order on modification may be modified under that subdivision.

(b) Notwithstanding the provisions of section 549.09, upon motion to the court and upon proof by the obligor of 12 consecutive months of complete and timely payments of both current support and court-ordered paybacks of a child support debt or arrearage, the court may order interest on the remaining debt or arrearage to stop accruing. Timely payments are those made in the month in which they are due. If, after that time, the obligor fails to make complete and timely payments of both current support and court-ordered paybacks of child support debt or arrearage, the public authority or the obligee may move the court for the reinstatement of interest as of the month in which the obligor ceased making complete and timely payments.

The court shall provide copies of all orders issued under this section to the public authority. The state court administrator shall prepare and make available to the court and the parties forms to be submitted by the parties in support of a motion under this paragraph.

(c) Notwithstanding the provisions of section 549.09, upon motion to the court, the court may order interest on a child support debt or arrearage to stop accruing where the court finds that the obligor is:

- (1) unable to pay support because of a significant physical or mental disability;
- (2) a recipient of Supplemental Security Income (SSI), Title II Older Americans Survivor's Disability Insurance (OASDI), other disability benefits, or public assistance based upon need; or

(3) institutionalized or incarcerated for at least 30 days for an offense other than nonsupport of the child or children involved, and is otherwise financially unable to pay support.

(d) If the conditions in paragraph (c) no longer exist, upon motion to the court, the court may order interest accrual to resume retroactively from the date of service of the motion to resume the accrual of interest.

Sec. 25. 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. Notwithstanding this section, the annual interest rate applicable to child support judgments is established in section 548.091, subdivision 1a. 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.

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

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

81.5 Sec. 26. Minnesota Statutes 2006, section 563.01, is amended by adding a subdivision
81.6 to read:

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

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

81.10 Sec. 27. Minnesota Statutes 2006, section 590.05, is amended to read:

81.11 **590.05 INDIGENT PETITIONERS.**

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

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

81.24 Sec. 28. **[604.18] GOOD FAITH INSURANCE PRACTICES.**

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

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

82.1 (c) For purposes of this section:

82.2 (1) "insurance policy" means an insurance policy or contract issued, executed,
82.3 renewed, maintained, or delivered in this state, other than a workers' compensation
82.4 insurance policy or contract or other policy or contract of a health carrier as defined in
82.5 section 62A.011, or a policy issued by a township mutual fire insurance company or a
82.6 farmers mutual fire insurance company under the authority in chapter 67A; and

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

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

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

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

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

82.23 Sec. 29. **[604.19] PERSONAL RESPONSIBILITY IN FOOD CONSUMPTION.**

82.24 Subdivision 1. **Definitions.** (a) For purposes of this section the following terms
82.25 have the meanings given.

82.26 (b) "Long-term consumption" means the cumulative effect of the consumption of
82.27 food or nonalcoholic beverages, and not the effect of a single instance of consumption.

82.28 (c) "Party" means an individual, corporation, company, association, firm, partnership,
82.29 society, joint stock company, or any other entity, including any governmental entity.

82.30 Subd. 2. **Immunity from civil liability.** A producer, grower, manufacturer, packer,
82.31 distributor, carrier, holder, marketer, or seller of a food or nonalcoholic beverage intended
82.32 for human consumption, or an association of one or more of such entities, must not be
82.33 subject to civil liability based on any individual's or group of individuals' purchase or
82.34 consumption of food or nonalcoholic beverages in cases where liability arises from weight
82.35 gain, obesity, or a health condition associated with weight gain or obesity and resulting

83.1 from the individual's or group of individuals' long-term purchase or consumption of a
83.2 food or nonalcoholic beverage.

83.3 Subd. 3. **Actions permitted.** Subdivision 2 does not apply to a claim of weight
83.4 gain or obesity that is based on:

83.5 (1) a material violation of an adulteration or misbranding requirement prescribed
83.6 by state or federal statute, rule, or regulation and the claimed injury was proximately
83.7 caused by the violation; or

83.8 (2) any other material violation of federal or state law applicable to the
83.9 manufacturing, marketing, distribution, advertising, labeling, or sale of food, if the
83.10 violation is knowing and willful or negligent, and the claimed injury was proximately
83.11 caused by the violation.

83.12 **EFFECTIVE DATE.** This section is effective the day following final enactment
83.13 and applies to any action brought by any party on or after the effective date.

83.14 Sec. 30. Minnesota Statutes 2006, section 609.055, is amended to read:

83.15 **609.055 LIABILITY OF CHILDREN.**

83.16 Subdivision 1. **General rule.** Children under the age of ~~14~~ 13 years are incapable of
83.17 committing crime.

83.18 Subd. 2. **Adult prosecution.** (a) Except as otherwise provided in paragraph (b),
83.19 children of the age of 13 years may be prosecuted for a violent juvenile offense, as defined
83.20 in section 260B.007, subdivision 21, and children of the age of 14 years or over but under
83.21 18 years may be prosecuted for a felony offense, if the alleged violation is duly certified
83.22 for prosecution under the laws and court procedures controlling adult criminal violations
83.23 or may be designated an extended jurisdiction juvenile in accordance with the provisions
83.24 of chapter 260B. A child who is 16 years of age or older but under 18 years of age is
83.25 capable of committing a crime and may be prosecuted for a felony if:

83.26 (1) the child has been previously certified on a felony charge pursuant to a hearing
83.27 under section 260B.125, subdivision 2, or pursuant to the waiver of the right to such a
83.28 hearing, or prosecuted pursuant to this subdivision; and

83.29 (2) the child was convicted of the felony offense or offenses for which the child was
83.30 prosecuted or of a lesser included felony offense.

83.31 (b) A child who is alleged to have committed murder in the first degree after
83.32 becoming 16 years of age is capable of committing a crime and may be prosecuted for
83.33 the felony. This paragraph does not apply to a child alleged to have committed attempted
83.34 murder in the first degree after becoming 16 years of age.

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

84.3 Sec. 31. Minnesota Statutes 2006, section 609.135, subdivision 8, is amended to read:

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

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

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

84.15 Sec. 32. Minnesota Statutes 2006, section 611.14, is amended to read:

84.16 **611.14 RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.**

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

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

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

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

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

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

Sec. 33. 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. 34. 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 terminate in accordance with the staggered term schedule set forth in section 611.26, subdivision 2.

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

Sec. 35. Minnesota Statutes 2006, section 611.215, subdivision 1a, is amended to read:

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

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

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

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

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

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

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

Sec. 36. Minnesota Statutes 2006, section 611.23, is amended to read:

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

The state public defender is responsible to the State Board of Public Defense. The state public defender shall supervise the operation, activities, policies, and procedures of the statewide public defender system. When requested by a district public defender or appointed counsel, the state public defender may assist the district public defender, appointed counsel, or an organization designated in section 611.216 in the performance

of duties, including trial representation in matters involving legal conflicts of interest or other special circumstances, and assistance with legal research and brief preparation.

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. 37. 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

88.1 State Board of Public Defense. The chief appellate public defender shall devote full time
88.2 to the performance of duties and shall not engage in the general practice of law.

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

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

88.7 Sec. 38. Minnesota Statutes 2006, section 611.25, subdivision 1, is amended to read:

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

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

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

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

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

88.23 (c) ~~The state public defender shall represent any other person, who is financially~~
88.24 ~~unable to obtain counsel, when directed to do so by the Supreme Court or the Court of~~
88.25 ~~Appeals, except that~~ The ~~state~~ chief appellate public defender shall not represent a person
88.26 in any action or proceeding in which a party is seeking a monetary judgment, recovery or
88.27 award. ~~When requested by a district public defender or appointed counsel, the state public~~
88.28 ~~defender may assist the district public defender, appointed counsel, or an organization~~
88.29 ~~designated in section 611.216 in the performance of duties, including trial representation in~~
88.30 ~~matters involving legal conflicts of interest or other special circumstances, and assistance~~
88.31 ~~with legal research and brief preparation. When the state public defender is directed by a~~
88.32 ~~court to represent a defendant or other person, the state public defender may assign the~~
88.33 ~~representation to any district public defender.~~

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

89.1 Sec. 39. Minnesota Statutes 2006, section 611.26, subdivision 2, is amended to read:

89.2 Subd. 2. **Appointment; terms.** The state Board of Public Defense shall appoint a
89.3 chief district public defender for each judicial district. When appointing a chief district
89.4 public defender, the state Board of Public Defense membership shall be increased to
89.5 include two residents of the district appointed by the chief judge of the district to reflect
89.6 the characteristics of the population served by the public defender in that district. The
89.7 additional members shall serve only in the capacity of selecting the district public
89.8 defender. The ad hoc state Board of Public Defense shall appoint a chief district public
89.9 defender only after requesting and giving reasonable time to receive any recommendations
89.10 from the public, the local bar association, and the judges of the district. Each chief district
89.11 public defender shall be a qualified attorney licensed to practice law in this state. The chief
89.12 district public defender shall be appointed for a term of four years, beginning January 1,
89.13 pursuant to the following staggered term schedule: (1) in ~~2000~~ 2008, the second and
89.14 eighth districts; (2) in ~~2001~~ 2009, the first, third, fourth, and tenth districts; (3) in ~~2002~~
89.15 2010, the fifth and ninth districts; and (4) in ~~1999~~ 2011, the sixth and seventh districts.
89.16 The chief district public defenders shall serve for four-year terms and may be removed for
89.17 cause upon the order of the state Board of Public Defense. Vacancies in the office shall
89.18 be filled by the appointing authority for the unexpired term. The chief district public
89.19 defenders shall devote full time to the performance of duties and shall not engage in the
89.20 general practice of law.

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

89.22 Sec. 40. Minnesota Statutes 2006, section 611.26, subdivision 7, is amended to read:

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

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

89.27 Sec. 41. Minnesota Statutes 2006, section 611.27, subdivision 3, is amended to read:

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

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

90.2 Sec. 42. Minnesota Statutes 2006, section 611.27, subdivision 13, is amended to read:

90.3 Subd. 13. **Public defense services; correctional facility inmates.** All billings for
90.4 services rendered and ordered under subdivision 7 shall require the approval of the chief
90.5 district public defender before being forwarded on a monthly basis to the state public
90.6 defender. In cases where adequate representation cannot be provided by the district public
90.7 defender and where counsel has been appointed under a court order, the state public
90.8 defender shall forward to the commissioner of finance all billings for services rendered
90.9 under the court order. The commissioner shall pay for services from ~~county criminal~~
90.10 ~~justice aid retained by the commissioner of revenue for that purpose under section~~
90.11 ~~477A.0121, subdivision 4, or from~~ county program aid retained by the commissioner of
90.12 revenue for that purpose under section 477A.0124, subdivision 1, clause (4), or 477A.03,
90.13 subdivision 2b, paragraph (a).

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

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

90.20 Sec. 43. Minnesota Statutes 2006, section 611.27, subdivision 15, is amended to read:

90.21 Subd. 15. **Costs of transcripts.** In appeal cases and postconviction cases where the
90.22 ~~state appellate~~ public defender's office does not have sufficient funds to pay for transcripts
90.23 and other necessary expenses because it has spent or committed all of the transcript funds
90.24 in its annual budget, the state public defender may forward to the commissioner of finance
90.25 all billings for transcripts and other necessary expenses. The commissioner shall pay for
90.26 these transcripts and other necessary expenses from ~~county criminal justice aid retained~~
90.27 ~~by the commissioner of revenue under section 477A.0121, subdivision 4, or from~~ county
90.28 program aid retained by the commissioner of revenue for that purpose under section
90.29 477A.0124, subdivision 1, clause (4), or 477A.03, subdivision 2b, paragraph (a).

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

Sec. 44. Minnesota Statutes 2006, section 611.35, is amended to read:

**611.35 REIMBURSEMENT OF ~~PUBLIC DEFENDER AND APPOINTIVE~~
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. 45. Laws 2001, First Special Session chapter 8, article 4, section 4, is amended to read:

Sec. 4. DISTRICT COURTS	\$	118,470,000	\$	128,842,000
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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

92.1 increase in judgeship units, including one
92.2 trial court judge unit beginning October 1,
92.3 2001, in the tenth judicial district, one trial
92.4 court judge unit beginning April 1, 2002, in
92.5 the third judicial district, one trial court judge
92.6 unit beginning July 1, 2002, in the tenth
92.7 judicial district, one trial court judge unit
92.8 beginning January 1, 2003, in the seventh
92.9 judicial district, and one trial court judge
92.10 unit beginning January 1, 2003, in the first
92.11 judicial district. Each judge unit consists of a
92.12 judge, law clerk, and court reporter.

92.13 **Alternative Dispute Resolution Programs.**

92.14 A portion of this appropriation may be
92.15 used for the alternative dispute resolution
92.16 programs authorized by article 5, section 18.

92.17 **Supplemental Funding for Certain**

92.18 **Mandated Costs.** \$4,533,000 the first
92.19 year and \$6,032,000 the second year are to
92.20 supplement funding for guardians ad litem,
92.21 interpreters, rule 20 and civil commitment
92.22 examinations, and in forma pauperis costs in
92.23 the fifth, seventh, eighth, and ninth judicial
92.24 districts.

92.25 **Trial Court Infrastructure Staff.** \$684,000
92.26 the first year and \$925,000 the second year
92.27 are for infrastructure staff.

92.28 **Court Effectiveness Initiatives;**

92.29 **Community Courts and Screener**

92.30 **Collectors.** \$835,000 the first year and
92.31 \$765,000 the second year are for court
92.32 effectiveness initiatives. Of this amount,
92.33 \$125,000 each year is for continued funding
92.34 of the community court in the fourth judicial
92.35 district and \$125,000 each year is for

93.1 continued funding of the community court
93.2 in the second judicial district. These are
93.3 onetime appropriations.

93.4 The second judicial district and fourth
93.5 judicial district shall each report quarterly to
93.6 the chairs and ranking minority members of
93.7 the legislative committees and divisions with
93.8 jurisdiction over criminal justice funding on:
93.9 (1) how money appropriated for this initiative
93.10 was spent; and
93.11 (2) the cooperation of other criminal justice
93.12 agencies and county units of government in
93.13 the community courts' efforts.

93.14 The first report is due on October 1, 2001.
93.15 None of this appropriation may be used
93.16 for the purpose of complying with these
93.17 reporting requirements.

93.18 Of this amount, \$585,000 the first year and
93.19 \$515,000 the second year are for screener
93.20 collector programs.

93.21 ~~The fifth, seventh, and ninth judicial district~~
93.22 ~~courts shall implement screener collector~~
93.23 ~~programs to enhance the collection of~~
93.24 ~~overdue fine revenue by at least ten percent in~~
93.25 ~~each location serviced by a screener collector.~~
93.26 ~~By August 15, 2002, and annually thereafter,~~
93.27 ~~the state court administrator shall report to~~
93.28 ~~the chairs and ranking minority members~~
93.29 ~~of the house of representatives and senate~~
93.30 ~~committees with jurisdiction over criminal~~
93.31 ~~justice policy and funding issues on the total~~
93.32 ~~amount of fines collected, the amount of~~
93.33 ~~overdue fines collected for the two preceding~~
93.34 ~~fiscal years, and the expenditures associated~~
93.35 ~~with the screener collector program.~~

Ninth District County and Support Pilot

Projects. Up to \$99,000 each year may be used for the ninth judicial district to implement the pilot projects on the six-month review of child custody, parenting time, and support orders, and on the accounting for child support by obligees.

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

Sec. 46. Laws 2003, First Special Session chapter 2, article 1, section 2, is amended to read:

Sec. 2. SUPREME COURT	\$	38,806,000	\$	36,439,000
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~~**Report on Court Fees.** The state court administrator shall review and report back on the financial consequences of policy changes made in the following areas: (1) criminal and traffic offender surcharges; (2) public defender co-pays; and (3) the use of revenue recapture to collect the public defender co-pay. The report shall also list the local governmental units that employ administrative procedures to collect fines for ordinance violations. The state court administrator must submit the report to the chairs and ranking minority members on the committees that have jurisdiction over court funding by January 15 of each year.~~

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

Legal Services to Low-Income Clients in

Family Law Matters. Of this appropriation, \$877,000 each year is to improve the access of low-income clients to legal

95.1 representation in family law matters. This
95.2 appropriation must be distributed under
95.3 Minnesota Statutes, section 480.242, to
95.4 the qualified legal services programs
95.5 described in Minnesota Statutes, section
95.6 480.242, subdivision 2, paragraph (a). Any
95.7 unencumbered balance remaining in the first
95.8 year does not cancel and is available in the
95.9 second year.

95.10 Of this appropriation, \$355,000 in fiscal
95.11 year 2005 is for the implementation of
95.12 the Minnesota Child Support Act and is
95.13 contingent upon its enactment. This is a
95.14 onetime appropriation.

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

95.16 Sec. 47. **PUBLIC DEFENDER STUDY AND REPORT REQUIRED.**

95.17 The State Board of Public Defense and the Hennepin County Board of
95.18 Commissioners shall jointly prepare a report to the legislature on the history of the
95.19 funding of the public defender's office in the Fourth Judicial District provided by the state
95.20 and Hennepin County. The report must compare the costs and services provided by the
95.21 Fourth Judicial District Public Defender's Office to the costs and services provided by the
95.22 state Board of Public Defense in all other public defender district offices. The report must
95.23 detail the amount of funding provided by Hennepin County to the Fourth Judicial District
95.24 Public Defender's Office and the amount necessary for the state to assume the full costs of
95.25 the public defender duties in the Fourth Judicial District as in the other judicial districts
95.26 throughout the state. The report must also recommend specific legislation that would
95.27 provide for an appropriate resolution of the state and local funding of the Fourth Judicial
95.28 District Public Defender's Office. The report must be completed by October 1, 2007, and
95.29 be submitted to the commissioner of finance, the chairs and ranking minority members of
95.30 the senate and house committees and divisions with jurisdiction over finance, judiciary,
95.31 judiciary finance, and public safety finance, and the house Ways and Means Committee.

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

95.33 Sec. 48. **REPORT.**

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

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

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

96.20 (1) federal aid;

96.23 (3) income to the University of Minnesota;

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

96.32 (7) receipts from the operation of patients' and inmates' stores and patients' vending
96.33 machines, which shall be deposited in the social welfare fund, or in the case of prison

97.1 industries in the correctional revolving fund, in each institution for the benefit of the
97.2 patients and inmates;

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

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

97.8 (10) income to the Minnesota Historical Society;

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

97.11 (12) as otherwise provided by law.

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

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

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

97.21 (b) The commissioner of administration shall develop a contract or contracts
97.22 to enable public entities to purchase items directly from corrections industries. ~~The~~
97.23 ~~commissioner of administration, in consultation with the commissioner of corrections,~~
97.24 ~~shall determine the fair market price for listed items.~~ The commissioner of administration
97.25 shall require that all requests for bids or proposals, for items provided by corrections
97.26 industries, be forwarded to the commissioner of corrections to enable corrections industries
97.27 to submit bids. The commissioner of corrections shall consult with the commissioner of
97.28 administration prior to introducing new products to the state agency market.

97.29 (c) No public entity may evade the intent of this section by adopting slight variations
97.30 in specifications, when Minnesota corrections industry items meet the reasonable needs
97.31 and specifications of the public entity.

97.32 ~~(d) The commissioners of administration and corrections shall develop annual~~
97.33 ~~performance measures outlining goals to maximize inmate work program participation.~~
97.34 ~~The commissioners of administration and corrections shall appoint cochair for a task~~
97.35 ~~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.

99.1 (c) The commissioner shall ensure that these new per diem methods are used in
99.2 all future annual performance reports to the legislature and are also reflected in the
99.3 department's biennial budget document.

99.4 Subd. 2. Local correctional facilities. (a) The commissioner of corrections shall
99.5 develop a uniform method to calculate the average per diem cost of incarcerating offenders
99.6 in county and regional jail facilities licensed by the commissioner under section 241.021,
99.7 subdivision 1, paragraph (a).

99.8 (b) Each county and regional jail in the state must annually provide the commissioner
99.9 with a per diem calculation based on the formula the commissioner promulgates pursuant
99.10 to paragraph (a).

99.11 (c) The commissioner shall include the county and regional jail per diem data
99.12 collected under paragraph (b) in the Department of Correction's annual performance report
99.13 to the legislature mandated by section 241.016.

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

99.15 Sec. 5. Minnesota Statutes 2006, section 241.27, subdivision 1, is amended to read:

99.16 Subdivision 1. **Establishment of Minnesota correctional industries; MINNCOR**
99.17 **industries.** For the purpose of providing adequate, regular and suitable employment,
99.18 ~~vocational~~ educational training, and to aid the inmates of state correctional facilities,
99.19 the commissioner of corrections may establish, equip, maintain and operate at any
99.20 correctional facility under the commissioner's control such industrial and commercial
99.21 activities as may be deemed necessary and suitable to the profitable employment,
99.22 ~~vocational~~ educational training and development of proper work habits of the inmates of
99.23 state correctional facilities. The industrial and commercial activities authorized by this
99.24 section are designated MINNCOR industries and shall be for the primary purpose of
99.25 sustaining and ensuring MINNCOR industries' self-sufficiency, providing ~~vocational~~
99.26 educational training, meaningful employment and the teaching of proper work habits to
99.27 the inmates of correctional facilities under the control of the commissioner of corrections,
99.28 and not solely as competitive business ventures. The net profits from these activities shall
99.29 be used for the benefit of the inmates as it relates to education, self-sufficiency skills, and
99.30 transition services and not to fund non-inmate-related activities or mandates. Prior to the
99.31 establishment of any industrial and commercial activity, the commissioner of corrections
99.32 may consult with representatives of business, industry, organized labor, the state
99.33 Department of Education, the state Apprenticeship Council, the state Department of Labor
99.34 and Industry, the Department of Employment Security, the Department of Administration,
99.35 and such other persons and bodies as the commissioner may feel are qualified to determine

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100.1 the quantity and nature of the goods, wares, merchandise and services to be made or
100.2 provided, and the types of processes to be used in their manufacture, processing, repair,
100.3 and production consistent with the greatest opportunity for the reform and ~~vocational~~
100.4 educational training of the inmates, and with the best interests of the state, business,
100.5 industry and labor.

100.6 The commissioner of corrections shall, at all times in the conduct of any industrial
100.7 or commercial activity authorized by this section, utilize inmate labor to the greatest
100.8 extent feasible, provided, however, that the commissioner may employ all administrative,
100.9 supervisory and other skilled workers necessary to the proper instruction of the inmates
100.10 and the profitable and efficient operation of the industrial and commercial activities
100.11 authorized by this section.

100.12 Additionally, the commissioner of corrections may authorize the director of any
100.13 correctional facility under the commissioner's control to accept work projects from outside
100.14 sources for processing, fabrication or repair, provided that preference shall be given to the
100.15 performance of such work projects for state departments and agencies.

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

100.17 Sec. 6. Minnesota Statutes 2006, section 241.27, subdivision 2, is amended to read:

100.18 Subd. 2. **Revolving fund; use of fund.** There is established in the Department
100.19 of Corrections under the control of the commissioner of corrections the Minnesota
100.20 correctional industries revolving fund to which shall be transferred the revolving funds
100.21 authorized in Minnesota Statutes 1978, sections 243.41 and 243.85, clause (f), and any
100.22 other industrial revolving funds heretofore established at any state correctional facility
100.23 under the control of the commissioner of corrections. The revolving fund established
100.24 shall be used for the conduct of the industrial and commercial activities now or hereafter
100.25 established at any state correctional facility, including but not limited to the purchase of
100.26 equipment, raw materials, the payment of salaries, wages and other expenses necessary
100.27 and incident thereto. The purchase of services, materials, and commodities used in and
100.28 held for resale are not subject to the competitive bidding procedures of section 16C.06, but
100.29 are subject to all other provisions of chapters 16B and 16C, unless otherwise identified.
100.30 When practical, purchases must be made from small targeted group businesses designated
100.31 under section 16C.16. Additionally, the expenses of inmate ~~vocational~~ educational
100.32 training, self-sufficiency skills, transition services, and the inmate release fund may be
100.33 financed from the correctional industries revolving fund in an amount to be determined
100.34 by the commissioner or the MINNCOR chief executive officer as duly appointed by the
100.35 commissioner. The proceeds and income from all industrial and commercial activities

101.1 conducted at state correctional facilities shall be deposited in the correctional industries
101.2 revolving fund subject to disbursement as hereinabove provided. The commissioner of
101.3 corrections may request that money in the fund be invested pursuant to section 11A.25;
101.4 the proceeds from the investment not currently needed shall be accounted for separately
101.5 and credited to the fund.

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

101.7 Sec. 7. Minnesota Statutes 2006, section 241.27, subdivision 3, is amended to read:

101.8 Subd. 3. **Disbursement from fund.** The correctional industries revolving fund
101.9 shall be deposited in the state treasury and paid out only on proper vouchers as may be
101.10 authorized and approved by the commissioner of corrections, and in the same manner and
101.11 under the same restrictions as are now provided by law for the disbursement of funds by
101.12 the commissioner. An amount deposited in the state treasury equal to six months of net
101.13 operating cash as determined by the prior 12 months of revenue and cash flow statements,
101.14 shall be restricted for use only by correctional industries as described under subdivision
101.15 2. For purposes of this subdivision, "net operating cash" means net income minus sales
101.16 plus cost of goods sold. Cost of goods sold include all direct costs of correctional industry
101.17 products attributable to their production. The commissioner of corrections is authorized
101.18 to keep and maintain at any correctional facility under the commissioner's control a
101.19 contingent fund, as provided in section 241.13; but the contingent fund shall at all times
101.20 be covered and protected by a proper and sufficient bond to be duly approved as by law
101.21 now provided.

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

101.23 Sec. 8. Minnesota Statutes 2006, section 241.27, subdivision 4, is amended to read:

101.24 Subd. 4. **Revolving fund; borrowing.** The commissioner of corrections is
101.25 authorized, when in the commissioner's judgment it becomes necessary in order to meet
101.26 current demands on the correctional industries revolving fund, to borrow sums of money
101.27 as may be necessary. The sums so borrowed shall not exceed, in any one year, ~~50 percent~~
101.28 ~~of the total of the net worth of correctional industries~~ six months of net operating cash as
101.29 determined by the previous 12 months of the correctional industries' revenue and cash
101.30 flow statements.

101.31 When the commissioner of corrections shall certify to the commissioner of finance
101.32 that, in the commissioner's judgment, it is necessary to borrow a specified sum of money
101.33 in order to meet the current demands on the correctional industries revolving fund, and the

102.1 commissioner of finance may, in the commissioner's discretion, transfer and credit to the
102.2 correctional industries revolving fund, from any moneys in the state treasury not required
102.3 for immediate disbursement, the whole or such part of the amount so certified as they
102.4 deem advisable, which sum so transferred shall be repaid by the commissioner from the
102.5 revolving fund to the fund from which transferred, at such time as shall be specified by the
102.6 commissioner of finance, together with interest thereon at such rate as shall be specified
102.7 by the commissioner of finance, not exceeding four percent per annum. When any transfer
102.8 shall so have been made to the correctional industries revolving fund, the commissioner
102.9 of finance shall notify the commissioner of corrections of the amount so transferred to
102.10 the credit of the correctional industries revolving fund, the date when the same is to be
102.11 repaid, and the rate of interest so to be paid.

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

102.13 Sec. 9. Minnesota Statutes 2006, section 241.278, is amended to read:

102.14 **241.278 AGREEMENTS FOR WORK FORCE OF STATE OR COUNTY**
102.15 **JAIL INMATES.**

102.16 The commissioner of corrections, in the interest of inmate rehabilitation or to
102.17 promote programs under section 241.275, subdivision 2, may enter into interagency
102.18 agreements with state, county, or municipal agencies, or contract with nonprofit agencies
102.19 to manage, fund, or partially fund the cost of programs that use state or county jail
102.20 inmates as a work force. The commissioner is authorized to receive funds via these
102.21 agreements and these funds are appropriated to the commissioner for community service
102.22 programming or when prison industries are party to the agreement, shall be deposited in
102.23 the Minnesota correctional industries revolving fund for use as described under section
102.24 241.27, subdivision 2.

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

102.26 Sec. 10. Minnesota Statutes 2006, section 241.69, subdivision 3, is amended to read:

102.27 Subd. 3. **Transfer.** If the licensed mental health professional finds the person to be a
102.28 person who is mentally ill and in need of short-term care, ~~the examining licensed mental~~
102.29 health care professional may recommend transfer by the commissioner of corrections to
102.30 the mental health unit established pursuant to subdivision 1.

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

103.1 Sec. 11. Minnesota Statutes 2006, section 241.69, subdivision 4, is amended to read:

103.2 Subd. 4. **Commitment.** If the ~~examining~~ licensed mental health care professional or
103.3 licensed mental health professional finds the person to be a person who is mentally ill and
103.4 in need of long-term care in a hospital, or if an inmate transferred pursuant to subdivision
103.5 3 refuses to voluntarily participate in the treatment program at the mental health unit, the
103.6 director of psychological services of the institution or the mental health professional shall
103.7 initiate proceedings for judicial commitment as provided in section 253B.07. Upon the
103.8 recommendation of the licensed mental health professional and upon completion of the
103.9 hearing and consideration of the record, the court may commit the person to the mental
103.10 health unit established in subdivision 1 or to another hospital. A person confined in a state
103.11 correctional institution for adults who has been adjudicated to be a person who is mentally
103.12 ill and in need of treatment may be committed to the commissioner of corrections and
103.13 placed in the mental health unit established in subdivision 1.

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

103.15 Sec. 12. Minnesota Statutes 2006, section 383A.08, subdivision 6, is amended to read:

103.16 Subd. 6. **Rules and regulations.** The county may promulgate rules and regulations
103.17 for the proper operation and maintenance of each facility and the proper care and discipline
103.18 of inmates detained in the facility. These rules and regulations may, among other things,
103.19 provide for the diminution of sentences of inmates for good behavior, ~~but in no event to~~
103.20 ~~exceed a total of five days for each 30-day sentence~~ in accordance with section 643.29.

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

103.22 Sec. 13. Minnesota Statutes 2006, section 383A.08, subdivision 7, is amended to read:

103.23 Subd. 7. **Confinement of inmates from other counties.** The county may accept
103.24 an inmate for confinement at a county correction facility when the inmate is committed
103.25 to the facility by order of a judge of a municipality or county outside Ramsey County if
103.26 the county is paid the amount of compensation for board, confinement, and maintenance
103.27 of the inmate that it determines. ~~No compensation of this kind may be in an amount less~~
103.28 ~~than the actual per diem cost per person confined.~~ A county outside Ramsey County or
103.29 a municipality outside Ramsey County may enter into and agree with Ramsey County
103.30 for the incarceration of prisoners.

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

103.32 Sec. 14. Minnesota Statutes 2006, section 401.15, subdivision 1, is amended to read:

104.1 Subdivision 1. **Certified statements; determinations; adjustments.** ~~On or before~~
104.2 Within 60 days of the end of each calendar quarter, participating counties which have
104.3 received the payments authorized by section 401.14 shall submit to the commissioner
104.4 certified statements detailing the amounts expended and costs incurred in furnishing the
104.5 correctional services provided in sections 401.01 to 401.16. Upon receipt of certified
104.6 statements, the commissioner shall, in the manner provided in sections 401.10 and
104.7 401.12, determine the amount each participating county is entitled to receive, making any
104.8 adjustments necessary to rectify any disparity between the amounts received pursuant to
104.9 the estimate provided in section 401.14 and the amounts actually expended. If the amount
104.10 received pursuant to the estimate is greater than the amount actually expended during the
104.11 quarter, the commissioner may withhold the difference from any subsequent monthly
104.12 payments made pursuant to section 401.14. Upon certification by the commissioner of
104.13 the amount a participating county is entitled to receive under the provisions of section
104.14 401.14 or of this subdivision the commissioner of finance shall thereupon issue a state
104.15 warrant to the chief fiscal officer of each participating county for the amount due together
104.16 with a copy of the certificate prepared by the commissioner.

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

104.18 Sec. 15. Minnesota Statutes 2006, section 641.15, is amended by adding a subdivision
104.19 to read:

104.20 Subd. 3a. **Intake procedure; approved mental health screening.** As part of its
104.21 intake procedure for new prisoners, the sheriff or local corrections shall use a mental
104.22 health screening tool approved by the commissioner of corrections in consultation with
104.23 the commissioner of human services to identify persons who may have mental illness.

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

104.25 Sec. 16. Minnesota Statutes 2006, section 641.265, subdivision 2, is amended to read:

104.26 Subd. 2. **Withdrawal.** A county board may withdraw from cooperation in a regional
104.27 jail system ~~if the county boards of all of the other cooperating counties decide, by majority~~
104.28 ~~vote, to allow the withdrawal~~ in accordance with the terms of a joint powers agreement.
104.29 With the approval of the county board of each cooperating county, the regional jail board
104.30 shall fix the sum, if any, to be paid to the county withdrawing, to reimburse it for capital
104.31 cost, debt service, or lease rental payments made by the county prior to withdrawal, in
104.32 excess of its proportionate share of benefits from the regional jail prior to withdrawal, and
104.33 the time and manner of making the payments. The payments shall be deemed additional

105.1 payments of capital cost, debt service, or lease rentals to be made proportionately by the
105.2 remaining counties and, when received, shall be deposited in and paid from the regional
105.3 jail fund; provided that:

105.4 ~~(a)~~ (1) payments shall not be made from any amounts in the regional jail fund
105.5 which are needed for maintenance and operation expenses or lease rentals currently due
105.6 and payable; and

105.7 ~~(b)~~ (2) the withdrawing county shall remain obligated for the payment of its
105.8 proportionate share of any lease rentals due and payable after its withdrawal, in the
105.9 event and up to the amount of any lease payment not made when due by one or more of
105.10 the other cooperating counties.

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

105.12 Sec. 17. **DISCIPLINARY CONFINEMENT; PROTOCOL.**

105.13 The commissioner of corrections shall develop a protocol that is fair, firm, and
105.14 consistent so that inmates have an opportunity to be released from disciplinary confinement
105.15 in a timely manner. For those inmates in disciplinary confinement who are nearing their
105.16 release date, the commissioner of corrections shall, when possible, develop a reentry plan.

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

105.18 Sec. 18. **REPEALER.**

105.19 Minnesota Statutes 2006, sections 241.021, subdivision 5; and 241.85, subdivision
105.20 2, are repealed.

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

105.22 **ARTICLE 7**

105.23 **OFFENDER RE-ENTRY POLICY**

105.24 Section 1. Minnesota Statutes 2006, section 241.016, subdivision 1, is amended to read:

105.25 Subdivision 1. **Biennial report.** (a) The Department of Corrections shall submit a
105.26 performance report to the chairs and ranking minority members of the senate and house
105.27 committees and divisions having jurisdiction over criminal justice funding by January
105.28 15, 2005, and every other year thereafter. The issuance and content of the report must
105.29 include the following:

105.30 (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;

107.1 (2) demonstrate an ability to organize and manage an alliance of nonprofit
107.2 organizations providing services to high-risk adults;

107.3 (3) have organizational leaders with a demonstrated ability to organize, manage,
107.4 and lead service teams consisting of workers from multiple service providers that deliver
107.5 direct support to high-risk adults;

107.6 (4) have experience with providing a comprehensive set of housing, work, health
107.7 care, behavioral health care, and community reengagement services to high-risk adults; and

107.8 (5) be a recipient of foundation and other private funds for the refinement and testing
107.9 of a demonstration of this type.

107.10 Subd. 3. **Scope of the five-year demonstration project.** The contractor undertaking
107.11 this five-year demonstration project shall, as part of this project:

107.12 (1) enroll up to 500 eligible high-risk adults over the five-year demonstration project
107.13 period, starting December 1, 2007, and ending December 31, 2012;

107.14 (2) using best practices derived from research and testing, provide or assist in
107.15 arranging access to services for high-risk adults enrolled in the demonstration project,
107.16 including, at a minimum, housing, behavioral health services, health care, employment,
107.17 and community and family reengagement;

107.18 (3) maximize the performance of existing services and programs by coordinating
107.19 access to and the delivery of these services; and

107.20 (4) define conditions under which enrollees are considered to be in good standing
107.21 and allowed to remain in the demonstration project. These conditions may include, but
107.22 are not limited to:

107.23 (i) living in stable and safe housing;

107.24 (ii) working and earning an income;

107.25 (iii) paying child support, if appropriate;

107.26 (iv) participating in treatment programs, if appropriate; and

107.27 (v) no arrests.

107.28 Subd. 4. **Payment.** To the extent funds are appropriated for the purposes of this
107.29 section, the commissioner of corrections shall pay to the entity under contract a monthly
107.30 fee of \$1,600 for each enrollee who (1) had been in the custody of the commissioner of
107.31 corrections within the preceding year, and (2) is in good standing in the demonstration
107.32 project.

107.33 Subd. 5. **Report.** (a) The entity shall submit annually a report to the commissioners
107.34 of corrections, human services, employment and economic development, and housing
107.35 finance and the legislature on or before January 15 of each year, beginning January 15,
107.36 2008. The report must include:

108.1 (1) the number of participants who have been enrolled and the number currently
108.2 participating in the demonstration project;

108.3 (2) a description of the services provided to enrollees over the past year and over the
108.4 duration of the demonstration project to date;

108.5 (3) an accounting of the costs associated with the enrollees over the past year and
108.6 over the duration of the demonstration project to date; and

108.7 (4) any other information requested by the commissioners of corrections, housing,
108.8 employment and economic development, and human services and the legislature.

108.9 (b) The report shall include recommendations on improving and expanding the
108.10 project to other geographical areas of the state.

108.11 (c) The report shall include an update on the status of the independent evaluation
108.12 required in subdivision 7.

108.13 Subd. 6. **Independent evaluation.** An independent evaluator selected by the
108.14 commissioner of corrections, in consultation with the contractor conducting the project,
108.15 must conduct an evaluation of the project. The independent evaluator must complete and
108.16 submit a report of findings and recommendations to the commissioners of corrections,
108.17 housing finance, human services, education, and employment and economic development
108.18 and the legislature. This independent evaluation must be developed and implemented
108.19 concurrently with the five-year demonstration project, beginning on December 1, 2007.
108.20 The final report to the legislature is due on or before January 15, 2013.

108.21 Subd. 7. **Sunset.** This section expires December 31, 2013.

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

108.23 Sec. 3. **[299A.82] MENTORING GRANT FOR CHILDREN OF**
108.24 **INCARCERATED PARENTS.**

108.25 Subdivision 1. **Mentoring grant.** The commissioner of corrections shall award
108.26 grants to nonprofit organizations that provide one-to-one mentoring relationships to
108.27 youth enrolled between the ages of seven to 13 whose parent or other significant family
108.28 member is incarcerated in a county workhouse, county jail, state prison, or other type of
108.29 correctional facility or is subject to correctional supervision. The intent of the grant is
108.30 to provide children with adult mentors to strengthen developmental outcomes, including
108.31 enhanced self-confidence and esteem; improved academic performance; and improved
108.32 relationships with peers, family, and other adults that may prevent them from entering the
108.33 juvenile justice system.

108.34 Subd. 2. **Grant criteria.** As a condition of receiving the grant, the grant recipient
108.35 must:

(1) collaborate with other organizations that have a demonstrated history of providing services to youth and families in disadvantaged situations;

(2) implement procedures to ensure that 100 percent of the mentors pose no safety risk to the child and have the skills to participate in a mentoring relationship;

(3) provide enhanced training to mentors focusing on asset building and family dynamics when a parent is incarcerated; and

(4) provide an individual family plan and aftercare.

Subd. 3. **Program evaluation.** The grant recipient must submit an evaluation plan to the commissioner delineating the program and student outcome goals and activities implemented to achieve the stated outcomes. The goals must be clearly stated and measurable. The grant recipient must collect, analyze, and report on participation and outcome data that enable the department to verify that the program goals were met.

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

Sec. 4. **LEGISLATIVE WORKING GROUP ON OFFENDER RE-ENTRY.**

(a) The chairs of the house of representatives Public Safety Finance Committee and the senate Public Safety Budget Division, or their designees, shall co-chair an offender re-entry working group. The working group shall review, examine, and, where the group deems necessary, formulate legislative proposals addressing the following issues:

(1) the Department of Corrections' role in offender re-entry, including prerelease and postrelease planning, education, treatment, housing, and employment;

(2) housing for offenders upon release from prison, including offender housing plans and the need for and placement of halfway houses;

(3) the Department of Human Services and the Department of Housing Finance Administration's role in assisting recently released offenders with housing and mental health services;

(4) prerelease and postrelease offender drug treatment policies, programs, and funding;

(5) drug sentencing, including an assessment of the costs and benefits of adjusting drug weight thresholds in controlled substance offenses in Minnesota Statutes, chapter 152, and the proportionality of Minnesota's drug sentences as compared to sentences for other Minnesota offenses and drug sentences in other states in the upper midwest;

(6) creation of an early discharge committee to recommend the release of offenders who make significant and measurable progress in treatment, education, job skill training, and overall behavior before their term of imprisonment expires;

110.1 (7) defining the class of offenders who are eligible for early release, if an early
110.2 discharge committee is recommended;

110.3 (8) establishing re-entry courts to oversee postprison supervision of offenders;

110.4 (9) how the current system of probation supervision affects recidivism and if the
110.5 system needs to be reformed;

110.6 (10) the need for and value of collateral employment sanctions associated with
110.7 certain offenses;

110.8 (11) juvenile offender re-entry;

110.9 (12) extending tax credits to businesses that employ offenders recently released
110.10 from prison; and

110.11 (13) any other matter relevant to promoting successful offender re-entry.

110.12 (b) At the invitation of the co-chairs, the group shall include members of the house
110.13 of representatives and senate and representatives from the Department of Corrections,
110.14 the Sentencing Guidelines Commission, the courts, law enforcement, probation, county
110.15 attorneys, the Board of Public Defense, Private Criminal Defense Bar, and the Minnesota
110.16 Comprehensive Offender Re-entry Plan Steering Committee.

110.17 (c) The house of representatives co-chair shall convene and lead the first session of
110.18 the working group on or before August 1, 2007. The co-chairs or their designees shall
110.19 alternate leading working group sessions. The group shall meet at least twice a month.

110.20 (d) The working group shall develop policy recommendations by November 1, 2007,
110.21 and prepare draft legislation on or before December 15, 2007.

110.22 (e) Legislative staff is authorized to assist the working group, as the co-chairs deem
110.23 necessary.

110.24 (f) The working group expires on December 15, 2007.

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

110.26 **Sec. 5. RE-ENTRY GRANT ADDRESSING DOMESTIC VIOLENCE AND**
110.27 **INTIMATE PARTNER VIOLENCE.**

110.28 Subdivision 1. **Re-entry grant.** The commissioner of corrections shall award a
110.29 grant to a nonprofit having a section 501(c)(3) status with the Internal Revenue Service
110.30 or a public or private institution of higher education that has expertise in addressing the
110.31 intersection between offender re-entry and domestic violence. The intent of the grant is
110.32 to provide services to re-entering offenders and their intimate partners to: (1) reduce the
110.33 incidence of domestic violence among offenders re-entering the community; (2) reduce
110.34 occurrences of domestic violence, serious injury, and death experienced by intimate

111.1 partners who are in relationships with offenders recently released from jail or prison; and
111.2 (3) reduce criminal recidivism due to domestic violence.

111.3 Subd. 2. **Grant criteria.** As a condition of receiving the grant, the grant recipient
111.4 must:

111.5 (1) subcontract with at least one community-based domestic abuse counseling
111.6 or educational program and at least one crime victim service provider to provide
111.7 comprehensive services to recently released offenders and their intimate partners;

111.8 (2) train the organizations selected pursuant to clause (1) on research-based practices
111.9 and best practices in addressing the intersection of offender re-entry and domestic
111.10 violence; and

111.11 (3) serve as liaison to the department of corrections and provide technical assistance,
111.12 training, and coordination to the organizations selected pursuant to clause (1) in
111.13 implementing policies that address the intersection of offender re-entry and domestic
111.14 violence.

111.15 Subd. 3. **Program evaluation.** The grant recipient must rigorously evaluate the
111.16 effectiveness of its intervention and work with subcontracted organizations to collect data.
111.17 The grant recipient must submit an evaluation plan to the commissioner of corrections
111.18 delineating project goals and specific activities performed to achieve those goals.

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

111.20 **Sec. 6. PILOT PROJECT.**

111.21 (a) The commissioner of corrections shall issue a grant to a nonprofit organization to
111.22 establish a pilot project to provide employment services to ex-criminal offenders living
111.23 in the North Minneapolis community. The pilot project must provide the ex-offender
111.24 participants with a continuum of employment services that identifies their needs;
111.25 intervenes with them through case management if they are struggling; and provides them
111.26 with work readiness, skill training, chemical and mental health referrals, housing support,
111.27 job placement, work experience, and job retention support. The pilot project shall work
111.28 with community corrections officials, faith-based organizations, and businesses to create
111.29 an array of support opportunities for the participants.

111.30 (b) By January 15, 2010, the commissioner of corrections shall report to the chairs
111.31 and ranking minority members of the senate and house of representatives committees and
111.32 divisions having jurisdiction over criminal justice policy and funding on the activities
111.33 conducted by the grant recipient and the effectiveness of the pilot project.

111.34 **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;

113.1 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of section
113.2 609.229; 609.377; 609.749; or 624.713.

113.3 **EFFECTIVE DATE.** This section is effective the day following final enactment,
113.4 and applies retroactively to crimes committed on or after August 1, 2005.

113.5 Sec. 3. Minnesota Statutes 2006, section 244.05, is amended by adding a subdivision
113.6 to read:

113.7 Subd. 2a. **Random searches.** (a) This subdivision applies to inmates who were
113.8 convicted of and imprisoned for a violent crime, as defined in section 609.1095, involving
113.9 the sale, use, or possession of a controlled substance or a dangerous weapon.

113.10 (b) When an inmate is released on supervised release or parole, the inmate, as a
113.11 condition of release, consents to a search of the inmate's person and any motor vehicle
113.12 driven by the inmate. The search may be conducted on demand by any parole or
113.13 supervised release agent or peace officer.

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

113.15 Sec. 4. Minnesota Statutes 2006, section 299A.641, subdivision 2, is amended to read:

113.16 Subd. 2. **Membership.** The oversight council shall consist of the following
113.17 individuals or their designees:

113.18 (1) the director of the office of special investigations as the representative of the
113.19 commissioner of corrections;

113.20 (2) the superintendent of the Bureau of Criminal Apprehension as the representative
113.21 of the commissioner of public safety;

113.22 (3) the attorney general;

113.23 (4) eight chiefs of police, selected by the Minnesota Chiefs of Police Association,
113.24 two of which must be selected from cities with populations greater than 200,000;

113.25 (5) eight sheriffs, selected by the Minnesota Sheriffs Association to represent each
113.26 district, two of which must be selected from counties with populations greater than
113.27 500,000;

113.28 (6) the United States attorney for the district of Minnesota;

113.29 (7) two county attorneys, selected by the Minnesota County Attorneys Association;

113.30 (8) a command-level representative of a gang strike force;

113.31 (9) a representative from a drug task force, selected by the Minnesota State
113.32 Association of Narcotics Investigators;

113.33 (10) a representative from the United States Drug Enforcement Administration;

114.1 (11) a representative from the United States Bureau of Alcohol, Tobacco, and
114.2 Firearms;

114.3 (12) a representative from the Federal Bureau of Investigation;

114.4 (13) a tribal peace officer, selected by the Minnesota Tribal Law Enforcement
114.5 Association; ~~and~~

114.6 (14) two additional members who may be selected by the oversight council;

114.7 (15) a senator who serves on the committee having jurisdiction over criminal justice
114.8 policy, chosen by the Subcommittee on Committees of the senate Committee on Rules
114.9 and Administration; and

114.10 (16) a representative who serves on the committee having jurisdiction over criminal
114.11 justice policy, chosen by the speaker of the house of representatives.

114.12 The oversight council may adopt procedures to govern its conduct as necessary and may
114.13 select a chair from among its members. The legislative members of the council may not
114.14 vote on matters before the council.

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

114.16 Sec. 5. Minnesota Statutes 2006, section 299C.65, subdivision 2, is amended to read:

114.17 Subd. 2. **Task force.** ~~(a) The policy group shall appoint~~ A task force ~~to~~ shall assist
114.18 ~~them~~ the policy group in their its duties. The task force shall monitor, review, and report to
114.19 the policy group on CrimNet-related projects and provide oversight to ongoing operations
114.20 as directed by the policy group. The task force shall consist of the following members:

114.21 (1) two ~~sheriffs recommended~~ members appointed by the Minnesota Sheriffs
114.22 Association, at least one of whom must be a sheriff;

114.23 (2) two ~~police chiefs recommended~~ members appointed by the Minnesota Chiefs of
114.24 Police Association, at least one of whom must be a chief of police;

114.25 (3) two ~~county attorneys recommended~~ members appointed by the Minnesota
114.26 County Attorneys Association, at least one of whom must be a county attorney;

114.27 (4) two ~~city attorneys recommended~~ members appointed by the Minnesota League
114.28 of Cities representing the interests of city attorneys, at least one of whom must be a city
114.29 attorney;

114.30 (5) two ~~public defenders~~ members appointed by the Board of Public Defense, at least
114.31 one of whom must be a public defender;

114.32 (6) two district judges appointed by the Judicial Council, ~~one of whom is currently~~
114.33 assigned to the juvenile court at least one of whom has experience dealing with juvenile
114.34 court matters;

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(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:

Subd. 5. **Review of funding and grant requests.** (a) The Criminal and Juvenile Justice Information Policy Group shall review the funding requests for criminal justice information systems from state, county, and municipal government agencies. The policy group shall review the requests for compatibility to statewide criminal justice information system standards. The review shall be forwarded to the chairs and ranking minority members of the house and senate committees and divisions with jurisdiction over criminal justice funding and policy.

(b) The CriMNet program office, in consultation with the Criminal and Juvenile Justice Information Task Force and with the approval of the policy group, shall create the requirements for any grant request and determine the integration priorities for the grant period. The CriMNet program office shall also review the requests submitted for compatibility to statewide criminal justice information systems standards.

(c) The task force shall review funding requests for criminal justice information systems grants and make recommendations to the policy group. The policy group shall review the recommendations of the task force and shall make a final recommendation for criminal justice information systems grants to be made by the commissioner of public safety. Within the limits of available state appropriations and federal grants, the commissioner of public safety shall make grants for projects that have been recommended by the policy group.

(d) The policy group may approve grants only if the applicant provides an appropriate share of matching funds as determined by the policy group to help pay up to one-half of the costs of the grant request. The matching requirement must be constant for all counties applicants within each grant offering. The policy group shall adopt policies concerning the use of in-kind resources to satisfy the match requirement and the sources from which matching funds may be obtained. Local operational or technology staffing costs may be considered as meeting this match requirement. Each grant recipient shall certify to the policy group that it has not reduced funds from local, county, federal, or other sources which, in the absence of the grant, would have been made available to the grant recipient to improve or integrate criminal justice technology.

(e) All grant recipients shall submit to the CriMNet program office all requested documentation including grant status, financial reports, and a final report evaluating how the grant funds improved the agency's criminal justice integration priorities. The CriMNet program office shall establish the recipient's reporting dates at the time funds are awarded.

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

Sec. 7. [299F.850] CIGARETTE FIRE SAFETY DEFINITIONS.

117.1 Subdivision 1. **Scope.** The terms used in sections 299F.850 to 299F.858 have the
117.2 meanings given them in this section.

117.3 Subd. 2. **Agent.** "Agent" means any person licensed by the commissioner of
117.4 revenue to purchase and affix adhesive or meter stamps on packages of cigarettes.

117.5 Subd. 3. **Cigarette.** "Cigarette" means any roll for smoking made wholly or in part
117.6 of tobacco, the wrapper or cover of which is made of paper or any other substance or
117.7 material except tobacco.

117.8 Subd. 4. **Manufacturer.** "Manufacturer" means:

117.9 (1) any entity that manufactures or otherwise produces cigarettes or causes cigarettes
117.10 to be manufactured or produced anywhere that the manufacturer intends to be sold in the
117.11 state, including cigarettes intended to be sold in the United States through an importer;

117.12 (2) the first purchaser anywhere that intends to resell in the United States cigarettes
117.13 manufactured anywhere that the original manufacturer or maker does not intend to be sold
117.14 in the United States; or

117.15 (3) any entity that becomes a successor of an entity described in clause (1) or (2).

117.16 Subd. 5. **Quality control and quality assurance program.** "Quality control and
117.17 quality assurance program" means the laboratory procedures implemented to ensure that
117.18 operator bias, systematic and nonsystematic methodological errors, and equipment-related
117.19 problems do not affect the results of the testing. This program ensures that the testing
117.20 repeatability remains within the required repeatability values stated in section 299F.851,
117.21 subdivision 1, paragraph (g), for all test trials used to certify cigarettes in accordance with
117.22 sections 299F.850 to 299F.858.

117.23 Subd. 6. **Repeatability.** "Repeatability" means the range of values within which the
117.24 repeat results of cigarette test trials from a single laboratory will fall 95 percent of the time.

117.25 Subd. 7. **Retail dealer.** "Retail dealer" means any person, other than a wholesale
117.26 dealer, engaged in selling cigarettes or tobacco products.

117.27 Subd. 8. **Sale.** "Sale" means any transfer of title or possession or both, exchange
117.28 or barter, conditional or otherwise, in any manner or by any means whatever or any
117.29 agreement therefore. In addition to cash and credit sales, the giving of cigarettes as
117.30 samples, prizes, or gifts and the exchanging of cigarettes for any consideration other
117.31 than money, are considered sales.

117.32 Subd. 9. **Sell.** "Sell" means to make a sale or to offer or agree to make a sale.

117.33 Subd. 10. **Wholesale dealer.** "Wholesale dealer" means any person (1) who sells
117.34 cigarettes or tobacco products to retail dealers or other persons for purposes of resale or
117.35 (2) who owns, operates, or maintains one or more cigarette or tobacco product vending
117.36 machines in, at, or upon premises owned or occupied by any other person.

118.1 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
118.2 following the date of its final enactment.

118.3 Sec. 8. **[299F.851] TEST METHOD AND PERFORMANCE STANDARD.**

118.4 Subdivision 1. **Requirements.** (a) Except as provided in this subdivision, no
118.5 cigarettes may be sold or offered for sale in this state or offered for sale or sold to persons
118.6 located in this state unless (1) the cigarettes have been tested in accordance with the test
118.7 method and have met the performance standard specified in this section, (2) a written
118.8 certification has been filed by the manufacturer with the state fire marshal in accordance
118.9 with section 299F.852, and (3) the cigarettes have been marked in accordance with section
118.10 299F.853.

118.11 (b) Testing of cigarettes must be conducted in accordance with the American
118.12 Society of Testing and Materials (ASTM) standard E2187-04, "Standard Test Method for
118.13 Measuring the Ignition Strength of Cigarettes."

118.14 (c) Testing must be conducted on ten layers of filter paper.

118.15 (d) No more than 25 percent of the cigarettes tested in a test trial in accordance
118.16 with this section may exhibit full-length burns. Forty replicate tests comprise a complete
118.17 test trial for each cigarette tested.

118.18 (e) The performance standard required by this subdivision must only be applied to a
118.19 complete test trial.

118.20 (f) Written certifications must be based upon testing conducted by a laboratory that
118.21 has been accredited pursuant to standard ISO/IEC 17025 of the International Organization
118.22 for Standardization (ISO), or other comparable accreditation standard required by the
118.23 state fire marshal.

118.24 (g) Laboratories conducting testing in accordance with this section shall implement a
118.25 quality control and quality assurance program that includes a procedure that will determine
118.26 the repeatability of the testing results. The repeatability value must be no greater than 0.19.

118.27 (h) This subdivision does not require additional testing if cigarettes are tested
118.28 consistent with sections 299F.850 to 299F.858 for any other purpose.

118.29 (i) Testing performed or sponsored by the state fire marshal to determine a cigarette's
118.30 compliance with the performance standard required must be conducted in accordance
118.31 with this section.

118.32 Subd. 2. **Permeability bands.** Each cigarette listed in a certification submitted
118.33 pursuant to section 299F.852 that uses lowered permeability bands in the cigarette paper
118.34 to achieve compliance with the performance standard set forth in this section must have
118.35 at least two nominally identical bands on the paper surrounding the tobacco column. At

119.1 least one complete band must be located at least 15 millimeters from the lighting end of
119.2 the cigarette. For cigarettes on which the bands are positioned by design, there must
119.3 be at least two bands fully located at least 15 millimeters from the lighting end and ten
119.4 millimeters from the filter end of the tobacco column, or ten millimeters from the labeled
119.5 end of the tobacco column for nonfiltered cigarettes.

119.6 Subd. 3. **Equivalent test methods.** A manufacturer of a cigarette that the state
119.7 fire marshal determines cannot be tested in accordance with the test method prescribed
119.8 in subdivision 1, paragraph (b), shall propose a test method and performance standard
119.9 for the cigarette to the state fire marshal. Upon approval of the proposed test method
119.10 and a determination by the state fire marshal that the performance standard proposed by
119.11 the manufacturer is equivalent to the performance standard prescribed in subdivision 1,
119.12 paragraph (d), the manufacturer may employ such test method and performance standard
119.13 to certify the cigarette pursuant to section 299F.852. If the state fire marshal determines
119.14 that another state has enacted reduced cigarette ignition propensity standards that include
119.15 a test method and performance standard that are the same as those contained in this
119.16 subdivision, and the state fire marshal finds that the officials responsible for implementing
119.17 those requirements have approved the proposed alternative test method and performance
119.18 standard for a particular cigarette proposed by a manufacturer as meeting the fire safety
119.19 standards of that state's law or regulation under a legal provision comparable to this
119.20 subdivision, then the state fire marshal shall authorize that manufacturer to employ the
119.21 alternative test method and performance standard to certify that cigarette for sale in this
119.22 state, unless the state fire marshal demonstrates a reasonable basis why the alternative
119.23 test should not be accepted under sections 299F.850 to 299F.858. All other applicable
119.24 requirements of this section apply to the manufacturer.

119.25 Subd. 4. **Civil penalty.** Each manufacturer shall maintain copies of the reports of all
119.26 tests conducted on all cigarettes offered for sale for a period of three years, and shall make
119.27 copies of these reports available to the state fire marshal and the attorney general upon
119.28 written request. Any manufacturer who fails to make copies of these reports available
119.29 within 60 days of receiving a written request is subject to a civil penalty not to exceed
119.30 \$10,000 for each day after the 60th day that the manufacturer does not make such copies
119.31 available.

119.32 Subd. 5. **Future ASTM Standards.** The state fire marshal may adopt a subsequent
119.33 ASTM Standard Test Method for Measuring the Ignition Strength of Cigarettes upon
119.34 a finding that the subsequent method does not result in a change in the percentage of
119.35 full-length burns exhibited by any tested cigarette when compared to the percentage of

120.1 full-length burns the same cigarette would exhibit when tested in accordance with ASTM
120.2 Standard E2187-04 and the performance standard in subdivision 1, paragraph (d).

120.3 Subd. 6. **Report to legislature.** The state fire marshal shall review the effectiveness
120.4 of this section and report findings every three years to the legislature and, if appropriate,
120.5 make recommendations for legislation to improve the effectiveness of this section. The
120.6 report and legislative recommendations must be submitted no later than January 2 of each
120.7 three-year period.

120.8 Subd. 7. **Inventory before state standards.** The requirements of subdivision 1 do
120.9 not prohibit wholesale or retail dealers from selling their existing inventory of cigarettes
120.10 on or after the effective date of this section if the wholesale or retail dealer can establish
120.11 that state tax stamps were affixed to the cigarettes before the effective date of this section,
120.12 and if the wholesale or retail dealer can establish that the inventory was purchased before
120.13 the effective date of this section in comparable quantity to the inventory purchased during
120.14 the same period of the previous year.

120.15 Subd. 8. **Implementation.** This section must be implemented in accordance with
120.16 the implementation and substance of the New York "Fire Safety Standards for Cigarettes."

120.17 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
120.18 following the date of its final enactment.

120.19 **Sec. 9. [299F.852] CERTIFICATION AND PRODUCT CHANGE.**

120.20 Subdivision 1. **Attestation.** Each manufacturer shall submit to the state fire marshal
120.21 a written certification attesting that:

120.22 (1) each cigarette listed in the certification has been tested in accordance with
120.23 section 299F.851; and

120.24 (2) each cigarette listed in the certification meets the performance standard set forth
120.25 in section 299F.851, subdivision 1, paragraph (d).

120.26 Subd. 2. **Description.** Each cigarette listed in the certification must be described
120.27 with the following information:

120.28 (1) brand, or trade name on the package;

120.29 (2) style, such as light or ultra light;

120.30 (3) length in millimeters;

120.31 (4) circumference in millimeters;

120.32 (5) flavor, such as menthol or chocolate, if applicable;

120.33 (6) filter or nonfilter;

120.34 (7) package description, such as soft pack or box;

120.35 (8) marking approved in accordance with section 299F.853;

121.1 (9) the name, address, and telephone number of the laboratory, if different than the
121.2 manufacturer that conducted the test; and

121.3 (10) the date that the testing occurred.

121.4 Subd. 3. **Information availability.** The certifications must be made available to the
121.5 attorney general for purposes consistent with this section and the commissioner of revenue
121.6 for the purposes of ensuring compliance with this subdivision.

121.7 Subd. 4. **Recertification.** Each cigarette certified under this subdivision must be
121.8 recertified every three years.

121.9 Subd. 5. **Fee.** For each cigarette listed in a certification, a manufacturer shall pay
121.10 to the state fire marshal a \$250 fee, to be deposited into a dedicated account in the fire
121.11 marshal's budget and appropriated in fiscal year 2008 and fiscal year 2009 to the fire
121.12 marshal to implement sections 299F.850 to 299F.858.

121.13 Subd. 6. **Retesting.** If a manufacturer has certified a cigarette pursuant to this
121.14 section, and thereafter makes any change to the cigarette that is likely to alter its
121.15 compliance with the reduced cigarette ignition propensity standards required by sections
121.16 299F.850 to 299F.858, that cigarette must not be sold or offered for sale in this state
121.17 until the manufacturer retests the cigarette in accordance with the testing standards set
121.18 forth in section 299F.851 and maintains records of that retesting as required by section
121.19 299F.851. Any altered cigarette that does not meet the performance standard set forth in
121.20 section 299F.851 may not be sold in this state.

121.21 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
121.22 following the date of its final enactment.

121.23 Sec. 10. **[299F.853] MARKING AND CIGARETTE PACKAGING.**

121.24 (a) Cigarettes that are certified by a manufacturer in accordance with section
121.25 299F.852 must be marked to indicate compliance with the requirements of section
121.26 299F.851. The marking must be in eight-point type or larger and consist of:

121.27 (1) modification of the product UPC code to include a visible mark printed at
121.28 or around the area of the UPC code, which may consist of alphanumeric or symbolic
121.29 characters permanently stamped, engraved, embossed, or printed in conjunction with
121.30 the UPC;

121.31 (2) any visible combination of alphanumeric or symbolic characters permanently
121.32 stamped, engraved, or embossed upon the cigarette package or cellophane wrap; or

121.33 (3) printed, stamped, engraved, or embossed text that indicates that the cigarettes
121.34 meet the standards of sections 299F.850 to 299F.858.

122.1 (b) A manufacturer shall use only one marking and shall apply this marking
122.2 uniformly for all brands marketed by that manufacturer and all packages, including but
122.3 not limited to packs, cartons, and cases.

122.4 (c) The state fire marshal must be notified as to the marking that is selected.

122.5 (d) Prior to the certification of any cigarette, a manufacturer shall present its
122.6 proposed marking to the state fire marshal for approval. Upon receipt of the request,
122.7 the state fire marshal shall approve or disapprove the marking offered, except that the
122.8 state fire marshal shall approve any marking in use and approved for sale in New York
122.9 pursuant to the New York "Fire Safety Standards for Cigarettes." Proposed markings
122.10 are deemed approved if the state fire marshal fails to act within ten business days of
122.11 receiving a request for approval.

122.12 (e) No manufacturer shall modify its approved marking unless the modification has
122.13 been approved by the state fire marshal in accordance with this section.

122.14 (f) Manufacturers certifying cigarettes in accordance with section 299F.852 shall
122.15 provide a copy of the certifications to all wholesale dealers and agents to which they sell
122.16 cigarettes, and shall also provide sufficient copies of an illustration of the package marking
122.17 utilized by the manufacturer pursuant to this section for each retail dealer to which the
122.18 wholesale dealers or agents sell cigarettes. Wholesale dealers and agents shall provide a
122.19 copy of these package markings received from manufacturers to all retail dealers to whom
122.20 they sell cigarettes. Wholesale dealers, agents, and retail dealers shall permit the state fire
122.21 marshal, the commissioner of revenue, the attorney general, and their employees to inspect
122.22 markings of cigarette packaging marked in accordance with this section.

122.23 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
122.24 following the date of its final enactment.

122.25 Sec. 11. **[299F.854] PENALTIES AND REMEDIES.**

122.26 Subdivision 1. **Wholesale.** (a) A manufacturer, wholesale dealer, agent, or any other
122.27 person or entity who knowingly sells or offers to sell cigarettes, other than through retail
122.28 sale, in violation of section 299F.851 is liable to a civil penalty:

122.29 (1) for a first offense, not to exceed \$10,000 per each sale of such cigarettes; and

122.30 (2) for a subsequent offense, not to exceed \$25,000 per each sale of such cigarettes.

122.31 (b) However, the penalty against any such person or entity for a violation under
122.32 paragraph (a) must not exceed \$100,000 during any 30-day period.

122.33 Subd. 2. **Retail.** (a) A retail dealer who knowingly sells cigarettes in violation of
122.34 section 299F.851 is liable to a civil penalty:

123.1 (1) for a first offense, not to exceed \$500, and for a subsequent offense, not to exceed
123.2 \$2,000, per each sale or offer for sale of such cigarettes, if the total number sold or offered
123.3 for sale does not exceed 1,000 cigarettes; or

123.4 (2) for a first offense, not to exceed \$1,000, and for a subsequent offense, not to
123.5 exceed \$5,000, per each sale or offer for sale of such cigarettes, if the total number sold or
123.6 offered for sale exceeds 1,000 cigarettes.

123.7 (b) However, the penalty against any retail dealer must not exceed \$25,000 during
123.8 any 30-day period.

123.9 Subd. 3. **False certification.** In addition to any penalty prescribed by law, any
123.10 corporation, partnership, sole proprietor, limited partnership, or association engaged in
123.11 the manufacture of cigarettes that knowingly makes a false certification pursuant to
123.12 subdivision 3 is, for a first offense, liable to a civil penalty of at least \$75,000, and for a
123.13 subsequent offense a civil penalty not to exceed \$250,000 for each false certification.

123.14 Subd. 4. **Violation of other provision.** Any person violating any other provision
123.15 in sections 299F.850 to 299F.858 is liable to a civil penalty for a first offense not to
123.16 exceed \$1,000, and for a subsequent offense a civil penalty not to exceed \$5,000, for
123.17 each violation.

123.18 Subd. 5. **Forfeiture.** Cigarettes that have been sold or offered for sale that do
123.19 not comply with the performance standard required by section 299F.851 are subject to
123.20 forfeiture under section 297F.21 and, upon judgment of forfeiture, must be destroyed;
123.21 provided, however, that before destroying any cigarettes seized in accordance with section
123.22 297F.21, which seizure is hereby authorized, the true holder of the trademark rights in the
123.23 cigarette brand must be permitted to inspect the cigarette.

123.24 Subd. 6. **Remedies.** In addition to any other remedy provided by law, the state fire
123.25 marshal or attorney general may institute a civil action in district court for a violation of
123.26 this section, including petitioning for injunctive relief or to recover any costs or damages
123.27 suffered by the state because of a violation under this section, including enforcement costs
123.28 relating to the specific violation and attorney fees. Each violation of sections 299F.850 to
123.29 299F.858 or of rules adopted under sections 299F.850 to 299F.858 constitutes a separate
123.30 civil violation for which the state fire marshal or attorney general may obtain relief.

123.31 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
123.32 following the date of its final enactment.

123.33 Sec. 12. **[299F.855] IMPLEMENTATION.**

124.1 Subdivision 1. **Rules.** The commissioner of public safety, in consultation with the
124.2 state fire marshal, may adopt rules, pursuant to chapter 14, necessary to effectuate the
124.3 purposes of sections 299F.850 to 299F.858.

124.4 Subd. 2. **Commissioner of revenue.** The commissioner of revenue in the regular
124.5 course of conducting inspections of wholesale dealers, agents, and retail dealers, as
124.6 authorized under chapter 297F, may inspect cigarettes to determine if the cigarettes are
124.7 marked as required by section 299F.853. If the cigarettes are not marked as required, the
124.8 commissioner of revenue shall notify the state fire marshal.

124.9 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
124.10 following the date of its final enactment.

124.11 **Sec. 13. [299F.856] INSPECTION.**

124.12 To enforce sections 299F.850 to 299F.858, the attorney general and the state fire
124.13 marshal may examine the books, papers, invoices, and other records of any person in
124.14 possession, control, or occupancy of any premises where cigarettes are placed, stored,
124.15 sold, or offered for sale, as well as the stock of cigarettes on the premises. Every person in
124.16 the possession, control, or occupancy of any premises where cigarettes are placed, sold,
124.17 or offered for sale is hereby directed and required to give the attorney general and the
124.18 state fire marshal the means, facilities, and opportunity for the examinations authorized
124.19 by this section.

124.20 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
124.21 following the date of its final enactment.

124.22 **Sec. 14. [299F.858] SALE OUTSIDE OF MINNESOTA.**

124.23 Sections 299F.850 to 299F.858 do not prohibit any person or entity from
124.24 manufacturing or selling cigarettes that do not meet the requirements of section 299F.851
124.25 if the cigarettes are or will be stamped for sale in another state or are packaged for sale
124.26 outside the United States and that person or entity has taken reasonable steps to ensure
124.27 that such cigarettes will not be sold or offered for sale to persons located in Minnesota.

124.28 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
124.29 following the date of its final enactment.

125.1 Sec. 15. Minnesota Statutes 2006, section 325E.21, is amended to read:

125.2 **325E.21 DEALERS IN ~~WIRE AND CABLE~~ SCRAP METAL; RECORDS**
125.3 **~~AND, REPORTS, AND REGISTRATION.~~**

125.4 Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in
125.5 this subdivision have the meanings given.

125.6 (b) "Person" means an individual, partnership, limited partnership, limited liability
125.7 company, corporation, or other entity.

125.8 (c) "Scrap metal" means:

125.9 (1) wire and cable commonly and customarily used by communication and electric
125.10 utilities; and

125.11 (2) copper, aluminum, or any other metal purchased primarily for its reuse or
125.12 recycling value as raw metal, including metal that is combined with other materials
125.13 at the time of purchase.

125.14 (d) "Scrap metal dealer" or "dealer" means a person engaged in the business of
125.15 buying and selling scrap metal, but does not include a person engaged exclusively in the
125.16 business of buying or selling new or used motor vehicles or motor vehicle parts, paper or
125.17 wood products, rags or furniture, or secondhand machinery.

125.18 (e) "Municipality" means any town, home rule charter or statutory city, or county
125.19 that has one or more scrap metal dealers within its jurisdiction.

125.20 (f) "Law enforcement agency" means a duly authorized municipal, county, state, or
125.21 federal law enforcement agency.

125.22 ~~Subdivision 1. Subd. 1a. Purchase or acquisition record required. (a) Every~~
125.23 ~~person, firm or corporation scrap metal dealer, including an agent, employee, or~~
125.24 ~~representative thereof of the dealer, engaging in the business of buying and selling wire~~
125.25 ~~and cable commonly and customarily used by communication and electric utilities shall~~
125.26 ~~keep a written record, in the English language, legibly written in ink or typewriting, at the~~
125.27 ~~time of each purchase or acquisition, of scrap metal. The record must include:~~

125.28 (1) an accurate account or description, including the weight if customarily purchased
125.29 by weight, of such wire and cable commonly and customarily used by communication and
125.30 electric utilities the scrap metal purchased or acquired;

125.31 (2) the date, time, and place of the receipt of the same;

125.32 (3) the name and address of the person selling or delivering the same and;

125.33 (4) the number of the check used to purchase the scrap metal;

125.34 (5) the number of the person's driver's license of such person, Minnesota
125.35 identification card number, or other identification document number of an identification

126.1 document issued for identification purposes by any state, federal, or foreign government if
126.2 the document includes the applicant's photograph, full name, birth date, and signature; and
126.3 (6) the license plate number and description of the vehicle used by the person when
126.4 delivering the scrap metal, and any identifying marks on the vehicle, such as a business
126.5 name, decals, or markings, if applicable.

126.6 ~~Such~~ (b) The record, as well as ~~such wire and cable commonly and customarily used~~
126.7 ~~by communication and electric utilities~~ the scrap metal purchased or received, shall at all
126.8 reasonable times be open to the inspection of any ~~sheriff or deputy sheriff of the county,~~
126.9 ~~or of any police officer in any incorporated city or statutory city, in which such business~~
126.10 ~~may be carried on~~ law enforcement agency.

126.11 ~~Such~~ (c) The person shall not be required to furnish or keep such record of any
126.12 property purchased from merchants, manufacturers or wholesale dealers, having an
126.13 established place of business, or of any goods purchased at open sale from any bankrupt
126.14 stock, but a bill of sale or other evidence of open or legitimate purchase of ~~such the~~
126.15 property shall be obtained and kept by ~~such the~~ person which must be shown upon demand
126.16 ~~to the sheriff or deputy sheriff of the county, or to any police officer in any incorporated~~
126.17 ~~city or statutory city, in which such business may be carried on. The provisions of~~
126.18 ~~this subdivision and of subdivision 2 shall not apply to or include any person, firm or~~
126.19 ~~corporation engaged exclusively in the business of buying or selling motor vehicles,~~
126.20 ~~new or used, paper or wood products, rugs or furniture, secondhand machinery~~ any law
126.21 enforcement agency.

126.22 (d) Except as otherwise provided in this section, a scrap metal dealer may not
126.23 disclose personal information concerning a customer without the customer's consent
126.24 unless the disclosure is made in response to a request from a law enforcement agency.
126.25 For purposes of this paragraph, "personal information" is any individually identifiable
126.26 information gathered in connection with a record under paragraph (a). Data collected by
126.27 a law enforcement agency under this paragraph are private data on individuals to the
126.28 extent that it would reveal the identity of persons who are customers of a scrap metal
126.29 dealer, and public data to the extent that it describes property in a regulated transaction
126.30 with a scrap metal dealer.

126.31 Subd. 2. ~~Sheriff's copy of record required. It shall be the duty of every such~~
126.32 ~~person, firm or corporation defined in subdivision 1 hereof, to make out and to deliver or~~
126.33 ~~mail to the office of the sheriff of the county in which business is conducted, not later than~~
126.34 ~~the second business day of each week, a legible and correct copy of the record required~~
126.35 ~~in subdivision 1 of the entries during the preceding week. In the event such person, firm~~
126.36 ~~or corporation has not made any purchases or acquisitions required to be recorded under~~

127.1 ~~subdivision 1 hereof during the preceding week no report need be submitted to the sheriff~~
127.2 ~~under this subdivision.~~

127.3 ~~Subd. 3. **Retention required.**~~ Records required to be maintained by subdivision
127.4 ~~1 hereof 1a~~ shall be retained by the person making them for a period of three years.

127.5 Subd. 3. **Payment by check required.** A scrap metal dealer shall pay for all
127.6 scrap metal purchases only by check for purchases greater than \$100. For purposes of
127.7 this section, "check" means a check, draft, or other negotiable or nonnegotiable order of
127.8 withdrawal which is drawn against funds held by a financial institution.

127.9 Subd. 4. **Video security cameras required.** (a) The scrap metal dealer shall install
127.10 and maintain at each licensed location video surveillance cameras, still digital cameras,
127.11 or similar devices positioned to record or photograph a frontal view showing the face of
127.12 each seller or prospective seller of scrap metal who enters the licensed location. The scrap
127.13 metal dealer shall also photograph the seller's or prospective seller's vehicle, including
127.14 license plate, either by video camera or still digital camera, so that an accurate and
127.15 complete description of it may be obtained from the recordings made by the cameras. The
127.16 video camera or still digital camera must be kept in operating condition. The camera must
127.17 record and display the accurate date and time. The video camera must be turned on at
127.18 all times when the licensed location is open for business and at any other time when
127.19 scrap metal is purchased.

127.20 (b) If the scrap metal dealer does not purchase some or any scrap metal at a specific
127.21 business location, the dealer need not comply with this subdivision with respect to those
127.22 purchases.

127.23 Subd. 5. **Registration required.** Every scrap metal dealer must register with, pay
127.24 an annual fee of \$50 to, and actively participate in, the Minnesota Crime Alert Network
127.25 under the Minnesota Bureau of Criminal Apprehension. The scrap metal dealer also must
127.26 implement aggressive management practices to minimize the purchase of stolen materials.
127.27 Scrap processors should develop a training program for scale operators and receiving
127.28 personnel on how to identify suspicious materials.

127.29 Subd. 6. **Criminal penalty.** A scrap metal dealer, or the agent, employee, or
127.30 representative of the dealer, who intentionally violates a provision of this section is guilty
127.31 of a misdemeanor.

127.32 Subd. 7. **Exemption.** A scrap metal dealer may purchase aluminum cans without
127.33 complying with subdivisions 1a to 5.

127.34 Subd. 8. **Property held by law enforcement.** (a) Whenever a law enforcement
127.35 official from any agency has reason to believe that property in the possession of a dealer
127.36 is stolen or is evidence of a crime and notifies a dealer not to sell an item, the item

128.1 must not be sold or removed from the premises. The investigative hold must be made
128.2 within 72 hours and remains in effect for not more than 90 days from the date of initial
128.3 notification, or until the investigative order is canceled, or until an order to confiscate
128.4 is issued, whichever comes first.

128.5 (b) If an item is identified as stolen or evidence in a criminal case, the law
128.6 enforcement official may:

128.7 (1) physically confiscate and remove it from the dealer, pursuant to a written order
128.8 from the law enforcement official; or

128.9 (2) place the item on hold or extend the hold as provided in this section and leave
128.10 it in the shop.

128.11 (c) When an item is confiscated, the person doing so shall provide identification
128.12 upon request of the dealer, and shall provide the dealer the name and telephone number of
128.13 the confiscating agency and investigator, and the case number related to the confiscation.

128.14 (d) A dealer may request confiscated property be returned in accordance with
128.15 section 626.04.

128.16 (e) When an order to hold or confiscate is no longer necessary, the law enforcement
128.17 official shall so notify the dealer.

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

128.19 Sec. 16. Minnesota Statutes 2006, section 609.135, is amended by adding a subdivision
128.20 to read:

128.21 Subd. 9. **Random searches.** (a) This subdivision applies to offenders who are
128.22 convicted of a violent crime, as defined in section 609.1095, involving the sale, use, or
128.23 possession of a controlled substance or a dangerous weapon.

128.24 (b) When an offender is placed on probation, the offender, as a condition of being
128.25 released on probation, consents to a search of the offender's person and any motor vehicle
128.26 driven by the offender. The search may be conducted on demand by any probation
128.27 officer or peace officer.

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

128.29 Sec. 17. Minnesota Statutes 2006, section 641.05, is amended to read:

128.30 **641.05 RECORD OF INMATES; RETURN TO COURT.**

128.31 (a) Every sheriff shall, at the expense of the county, maintain a permanent record of
128.32 all persons committed to any jail under the sheriff's charge. It shall contain the name of
128.33 every person committed, by what authority, residence, date of commitment, and, if for a

129.1 criminal offense, a description of the person, when and by what authority liberated, and,
129.2 in case of escape, the time and manner thereof. At the opening of each term of district
129.3 court the sheriff shall make a certified transcript therefrom to such court, showing all
129.4 cases therein not previously disposed of.

129.5 (b) Upon intake into the jail facility, the name of the committed person shall be
129.6 checked against the Bureau of Criminal Apprehension predatory offender registration
129.7 database to determine whether the person is a registered offender. In the event that the
129.8 person is registered, the sheriff or designee shall notify the bureau of the person's admission
129.9 into the jail facility. At the time of discharge from the facility, the sheriff or designee will
129.10 provide the person with a change of information form for the purposes of reporting the
129.11 address where the person will be living upon release from the facility. Every sheriff who
129.12 intentionally neglects or refuses to so report shall be guilty of a gross misdemeanor.

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

129.14 Sec. 18. **REPEAL BY PREEMPTION.**

129.15 Minnesota Statutes, sections 299F.850 to 299F.858, are repealed if a federal reduced
129.16 cigarette ignition propensity standard that preempts this act is adopted and becomes
129.17 effective.

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

129.19 **ARTICLE 9**
129.20 **EMERGENCY COMMUNICATIONS**

129.21 Section 1. Minnesota Statutes 2006, section 403.07, subdivision 4, is amended to read:

129.22 Subd. 4. **Use of furnished information.** (a) Names, addresses, and telephone
129.23 numbers provided to a 911 system under subdivision 3 are private data and may be used
129.24 only ~~for identifying~~: (1) to identify the location or identity, or both, of a person calling
129.25 a 911 public safety answering point; or (2) by a public safety answering point to notify
129.26 the public of an emergency. The information furnished under subdivision 3 may not be
129.27 used or disclosed by 911 system agencies, their agents, or their employees for any other
129.28 purpose except under a court order.

129.29 (b) For purposes of paragraph (a), the term "emergency" means a situation in which
129.30 property or human life is in jeopardy and the prompt notification of the public by the
129.31 public safety answering point is essential.

130.1 (c) A telecommunications service provider that participates or cooperates with the
130.2 public safety answering point in the notification of the public is exempt from liability
130.3 pursuant to section 403.07, subdivision 5.

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

130.5 Sec. 2. Minnesota Statutes 2006, section 403.11, subdivision 1, is amended to read:

130.6 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each
130.7 customer of a wireless or wire-line switched or packet-based telecommunications service
130.8 provider connected to the public switched telephone network that furnishes service capable
130.9 of originating a 911 emergency telephone call is assessed a fee based upon the number
130.10 of wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
130.11 maintenance and related improvements for trunking and central office switching equipment
130.12 for 911 emergency telecommunications service, to offset administrative and staffing costs
130.13 of the commissioner related to managing the 911 emergency telecommunications service
130.14 program, to make distributions provided for in section 403.113, and to offset the costs,
130.15 including administrative and staffing costs, incurred by the State Patrol Division of the
130.16 Department of Public Safety in handling 911 emergency calls made from wireless phones.

130.17 (b) Money remaining in the 911 emergency telecommunications service account
130.18 after all other obligations are paid must not cancel and is carried forward to subsequent
130.19 years and may be appropriated from time to time to the commissioner to provide financial
130.20 assistance to counties for the improvement of local emergency telecommunications
130.21 services. The improvements may include providing access to 911 service for
130.22 telecommunications service subscribers currently without access and upgrading existing
130.23 911 service to include automatic number identification, local location identification,
130.24 automatic location identification, and other improvements specified in revised county
130.25 911 plans approved by the commissioner.

130.26 (c) The fee may not be less than eight cents nor more than 65 cents a month until
130.27 June 30, 2008, not less than eight cents nor more than 75 cents a month until June 30,
130.28 2009, not less than eight cents nor more than 85 cents a month until June 30, 2010, and
130.29 not less than eight cents nor more than 95 cents a month on or after July 1, 2010, for
130.30 each customer access line or other basic access service, including trunk equivalents as
130.31 designated by the Public Utilities Commission for access charge purposes and including
130.32 wireless telecommunications services. With the approval of the commissioner of finance,
130.33 the commissioner of public safety shall establish the amount of the fee within the limits
130.34 specified and inform the companies and carriers of the amount to be collected. When the
130.35 revenue bonds authorized under section 403.27, subdivision 1, have been fully paid or

131.1 defeased, the commissioner shall reduce the fee to reflect that debt service on the bonds is
131.2 no longer needed. The commissioner shall provide companies and carriers a minimum of
131.3 45 days' notice of each fee change. The fee must be the same for all customers.

131.4 (d) The fee must be collected by each wireless or wire-line telecommunications
131.5 service provider subject to the fee. Fees are payable to and must be submitted to the
131.6 commissioner monthly before the 25th of each month following the month of collection,
131.7 except that fees may be submitted quarterly if less than \$250 a month is due, or annually if
131.8 less than \$25 a month is due. Receipts must be deposited in the state treasury and credited
131.9 to a 911 emergency telecommunications service account in the special revenue fund. The
131.10 money in the account may only be used for 911 telecommunications services.

131.11 (e) This subdivision does not apply to customers of interexchange carriers.

131.12 (f) The installation and recurring charges for integrating wireless 911 calls into
131.13 enhanced 911 systems are eligible for payment by the commissioner if the 911 service
131.14 provider is included in the statewide design plan and the charges are made pursuant to
131.15 contract.

131.16 (g) Competitive local exchanges carriers holding certificates of authority from the
131.17 Public Utilities Commission are eligible to receive payment for recurring 911 services.

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

131.19 Sec. 3. Minnesota Statutes 2006, section 403.11, is amended by adding a subdivision to
131.20 read:

131.21 Subd. 1a. **Fee collection declaration.** If the commissioner disputes the
131.22 accuracy of a fee submission or if no fees are submitted by a wireless, wire-line, or
131.23 packet-based telecommunications service provider, the wireless, wire-line, or packet-based
131.24 telecommunications service provider shall submit a sworn declaration signed by an officer
131.25 of the company certifying, under penalty of perjury, that the information provided with
131.26 the fee submission is true and correct. The sworn declaration must specifically describe
131.27 and affirm that the 911 fee computation is complete and accurate. When a wireless,
131.28 wire-line, or packet-based telecommunications service provider fails to provide a sworn
131.29 declaration within 90 days of notice by the commissioner that the fee submission is
131.30 disputed, the commissioner may estimate the amount due from the wireless, wire-line, or
131.31 packet-based telecommunications service provider and refer that amount for collection
131.32 under section 16D.04.

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

132.1 Sec. 4. Minnesota Statutes 2006, section 403.11, is amended by adding a subdivision to
132.2 read:

132.3 Subd. 1b. **Fee audit.** If the commissioner determines that an audit is necessary
132.4 to document the fee submission and sworn declaration in subdivision 1a, the wireless,
132.5 wire-line, or packet-based telecommunications service provider must contract with an
132.6 independent certified public accountant to conduct an audit. The audit must be conducted
132.7 in accordance with generally accepted auditing standards.

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

132.9 Sec. 5. Minnesota Statutes 2006, section 403.31, subdivision 1, is amended to read:

132.10 Subdivision 1. **Allocation of operating costs.** ~~The current costs of the board~~
132.11 ~~in implementing the regionwide public safety radio communication plan system and~~
132.12 ~~the first and second phase systems shall be allocated among and paid by the following~~
132.13 ~~users, all in accordance with the regionwide public safety radio system communication~~
132.14 ~~plan adopted by the board:~~

132.15 ~~(1) the state of Minnesota for its operations using the system in the metropolitan~~
132.16 ~~counties;~~

132.17 ~~(2) all local government units using the system; and~~

132.18 ~~(3) other eligible users of the system.~~ (a) The ongoing costs of the commissioner
132.19 not otherwise appropriated in operating the statewide public safety radio communication
132.20 system shall be allocated among and paid by the following users, all in accordance with
132.21 the statewide public safety radio communication system plan under section 403.36:

132.22 (1) the state of Minnesota for its operations using the system;

132.23 (2) all local government units using the system; and

132.24 (3) other eligible users of the system.

132.25 (b) Each local government and other eligible users of the system shall pay to
132.26 the commissioner all sums charged under this section, at the times and in the manner
132.27 determined by the commissioner. The governing body of each local government shall
132.28 take all action necessary to provide the money required for these payments and to make
132.29 the payments when due.

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

132.31 Sec. 6. **REPEALER.**

132.32 Minnesota Statutes 2006, section 403.31, subdivision 6, is repealed.

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

ARTICLE 10

PUBLIC SAFETY AND HUMAN SERVICES

Section 1. Minnesota Statutes 2006, section 168.012, subdivision 1, is amended to read:

Subdivision 1. **Vehicles exempt from tax, fees, or plate display.** (a) The following vehicles are exempt from the provisions of this chapter requiring payment of tax and registration fees, except as provided in subdivision 1c:

(1) vehicles owned and used solely in the transaction of official business by the federal government, the state, or any political subdivision;

(2) vehicles owned and used exclusively by educational institutions and used solely in the transportation of pupils to and from those institutions;

(3) vehicles used solely in driver education programs at nonpublic high schools;

(4) vehicles owned by nonprofit charities and used exclusively to transport disabled persons for charitable, religious, or educational purposes;

(5) ambulances owned by ambulance services licensed under section 144E.10, the general appearance of which is unmistakable; and

(6) vehicles owned by a commercial driving school licensed under section 171.34, or an employee of a commercial driving school licensed under section 171.34, and the vehicle is used exclusively for driver education and training.

(b) Vehicles owned by the federal government, municipal fire apparatuses including fire-suppression support vehicles, police patrols, and ambulances, the general appearance of which is unmistakable, are not required to register or display number plates.

(c) Unmarked vehicles used in general police work, liquor investigations, or arson investigations, and passenger automobiles, pickup trucks, and buses owned or operated by the Department of Corrections, must be registered and must display appropriate license number plates, furnished by the registrar at cost. Original and renewal applications for these license plates authorized for use in general police work and for use by the Department of Corrections must be accompanied by a certification signed by the appropriate chief of police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle, the commissioner of corrections if issued to a Department of Corrections vehicle, or the appropriate officer in charge if issued to a vehicle of any other law enforcement agency. The certification must be on a form prescribed by the commissioner and state that the vehicle will be used exclusively for a purpose authorized by this section.

(d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry, fraud unit, in conducting seizures or criminal investigations must be registered and must display passenger vehicle classification license number plates, furnished at cost by the

134.1 registrar. Original and renewal applications for these passenger vehicle license plates
134.2 must be accompanied by a certification signed by the commissioner of revenue or the
134.3 commissioner of labor and industry. The certification must be on a form prescribed by
134.4 the commissioner and state that the vehicles will be used exclusively for the purposes
134.5 authorized by this section.

134.6 (e) Unmarked vehicles used by the Division of Disease Prevention and Control of the
134.7 Department of Health must be registered and must display passenger vehicle classification
134.8 license number plates. These plates must be furnished at cost by the registrar. Original
134.9 and renewal applications for these passenger vehicle license plates must be accompanied
134.10 by a certification signed by the commissioner of health. The certification must be on a
134.11 form prescribed by the commissioner and state that the vehicles will be used exclusively
134.12 for the official duties of the Division of Disease Prevention and Control.

134.13 (f) Unmarked vehicles used by staff of the Gambling Control Board in gambling
134.14 investigations and reviews must be registered and must display passenger vehicle
134.15 classification license number plates. These plates must be furnished at cost by the
134.16 registrar. Original and renewal applications for these passenger vehicle license plates must
134.17 be accompanied by a certification signed by the board chair. The certification must be on a
134.18 form prescribed by the commissioner and state that the vehicles will be used exclusively
134.19 for the official duties of the Gambling Control Board.

134.20 (g) Unmarked vehicles used in general investigation, surveillance, and monitoring
134.21 by the staff of the Department of Human Services state-operated services office of special
134.22 investigations must be registered and must display passenger vehicle classification license
134.23 number plates, furnished by the registrar at cost. Original and renewal applications for
134.24 these passenger vehicle license plates must be accompanied by a certification signed by
134.25 the commissioner of human services. The certification must be on a form prescribed
134.26 by the commissioner and state that the vehicles will be used exclusively for the official
134.27 duties of the office of special investigations.

134.28 ~~(g)~~ (h) All other motor vehicles must be registered and display tax-exempt number
134.29 plates, furnished by the registrar at cost, except as provided in subdivision 1c. All
134.30 vehicles required to display tax-exempt number plates must have the name of the state
134.31 department or political subdivision, nonpublic high school operating a driver education
134.32 program, or licensed commercial driving school, plainly displayed on both sides of the
134.33 vehicle; except that each state hospital and institution for persons who are mentally ill
134.34 and developmentally disabled may have one vehicle without the required identification
134.35 on the sides of the vehicle, and county social service agencies may have vehicles used
134.36 for child and vulnerable adult protective services without the required identification on

135.1 the sides of the vehicle. This identification must be in a color giving contrast with that
135.2 of the part of the vehicle on which it is placed and must endure throughout the term of
135.3 the registration. The identification must not be on a removable plate or placard and must
135.4 be kept clean and visible at all times; except that a removable plate or placard may be
135.5 utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high
135.6 school driver education program.

135.7 Sec. 2. Minnesota Statutes 2006, section 243.55, subdivision 1, is amended to read:

135.8 Subdivision 1. **Contraband; bringing into correctional facility; felony.** Any
135.9 person who brings, sends, or in any manner causes to be introduced into any state
135.10 correctional facility or state hospital, or within or upon the grounds belonging to or land
135.11 or controlled by any such facility or hospital, or is found in possession of any controlled
135.12 substance as defined in section 152.01, subdivision 4, or any firearms, weapons or
135.13 explosives of any kind, without the consent of the chief executive officer thereof, shall be
135.14 guilty of a felony and, upon conviction thereof, punished by imprisonment for a term of
135.15 not more than ten years. Any person who brings, sends, or in any manner causes to be
135.16 introduced into any state correctional facility or within or upon the grounds belonging
135.17 to or land controlled by the facility, or is found in the possession of any intoxicating or
135.18 alcoholic liquor or malt beverage of any kind without the consent of the chief executive
135.19 officer thereof, shall be guilty of a gross misdemeanor. Any person who brings, sends, or
135.20 in any manner causes to be introduced into any state-operated secure treatment facility,
135.21 as defined in section 256B.02, subdivision 18a, within or upon the grounds belonging to
135.22 or land controlled by the facility, or is found in the possession of any intoxicating or
135.23 alcoholic liquor or malt beverage of any kind is guilty of a felony, and upon conviction
135.24 of, is punished by imprisonment for a term of not more than ten years. The provisions
135.25 of this section shall not apply to physicians carrying drugs or introducing any of the
135.26 above described liquors into such facilities for use in the practice of their profession;
135.27 nor to sheriffs or other peace officers carrying revolvers or firearms as such officers in
135.28 the discharge of duties.

135.29 Sec. 3. Minnesota Statutes 2006, section 245.041, is amended to read:

135.30 **245.041 PROVISION OF FIREARMS BACKGROUND CHECK**
135.31 **INFORMATION.**

135.32 Notwithstanding section 253B.23, subdivision 9, the commissioner of human
135.33 services shall provide commitment information to local law enforcement agencies on an
135.34 individual request basis ~~by means of electronic data transfer from the Department of~~

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136.1 ~~Human Services through the Minnesota Crime Information System~~ for the sole purpose of
136.2 facilitating a firearms background check under section 624.7131, 624.7132, or 624.714.
136.3 The information to be provided is limited to whether the person has been committed under
136.4 chapter 253B and, if so, the type of commitment.

136.5 Sec. 4. Minnesota Statutes 2006, section 253B.09, subdivision 3a, is amended to read:

136.6 Subd. 3a. **Reporting judicial commitments; private treatment program or**
136.7 **facility.** Notwithstanding section 253B.23, subdivision 9, when a court commits a patient
136.8 to a treatment program or facility other than a state-operated program or facility, the court
136.9 shall report the commitment to the commissioner through the ~~Supreme~~ court information
136.10 system for purposes of providing commitment information for firearm background checks
136.11 under section 245.041.

136.12 Sec. 5. Minnesota Statutes 2006, section 609.15, subdivision 1, is amended to read:

136.13 Subdivision 1. **Concurrent, consecutive sentences; specification requirement.**

136.14 (a) Except as provided in paragraph (c), when separate sentences of imprisonment are
136.15 imposed on a defendant for two or more crimes, whether charged in a single indictment
136.16 or information or separately, or when a person who is under sentence of imprisonment
136.17 in this state is being sentenced to imprisonment for another crime committed prior to
136.18 or while subject to such former sentence, the court in the later sentences shall specify
136.19 whether the sentences shall run concurrently or consecutively. If the court does not so
136.20 specify, the sentences shall run concurrently.

136.21 (b) When a court imposes sentence for a misdemeanor or gross misdemeanor offense
136.22 and specifies that the sentence shall run consecutively to any other sentence, the court may
136.23 order the defendant to serve time in custody for the consecutive sentence in addition
136.24 to any time in custody the defendant may be serving for any other offense, including
136.25 probationary jail time or imprisonment for any felony offense.

136.26 (c) An inmate of a state prison or a patient under the care or jurisdiction of an
136.27 in-patient or out-patient program operated by the Minnesota sex offender program
136.28 under chapters 246B and 253B who is convicted of committing an assault within ~~the~~
136.29 a correctional facility or within a secure treatment facility or while participating in a
136.30 program operated by the Minnesota sex offender program is subject to the consecutive
136.31 sentencing provisions of section 609.2232.

136.32 Sec. 6. Minnesota Statutes 2006, section 609.221, subdivision 2, is amended to read:

Subd. 2. **Use of deadly force against peace officer or correctional employee.** (a)

Whoever assaults a peace officer ~~or~~ correctional employee, or employee of a secure treatment facility or a program operated by the Minnesota sex offender program by using or attempting to use deadly force against the officer or employee while the officer or employee is engaged in the performance of a duty imposed by law, policy, or rule may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$30,000, or both.

(b) A person convicted of ~~assaulting a peace officer or correctional employee~~ assault as described in paragraph (a) shall be committed to the commissioner of corrections for not less than ten years, nor more than 20 years. A defendant convicted and sentenced as required by this paragraph is not eligible for probation, parole, discharge, work release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135. Notwithstanding section 609.135, the court may not stay the imposition or execution of this sentence.

(c) As used in this subdivision:

(1) "correctional employee" means an employee of a public or private prison, jail, or workhouse;

(2) "deadly force" has the meaning given in section 609.066, subdivision 1; and

(3) "peace officer" has the meaning given in section 626.84, subdivision 1.

Sec. 7. Minnesota Statutes 2006, section 609.2232, is amended to read:

609.2232 CONSECUTIVE SENTENCES FOR ASSAULTS COMMITTED BY STATE PRISON INMATES AND SEX OFFENDER PATIENTS.

(a) If an inmate ~~of~~ confined in a state correctional facility or a patient under the care or jurisdiction of an in-patient or out-patient program operated by the Minnesota sex offender program under chapters 246B and 253B is convicted of violating section 609.221, 609.222, 609.223, 609.2231, or 609.224, while confined in the facility, or 609.713:

(i) the sentence imposed for the assault shall be executed and run consecutively to any unexpired portion of the offender's earlier any criminal sentence: to which the inmate or patient is still subject;

(ii) the inmate ~~is~~ or patient shall not be entitled to credit against the sentence imposed for the assault for time served in confinement for the earlier sentence;

(iii) the inmate or patient shall serve the sentence for the assault in a state correctional facility even if the assault conviction was for a misdemeanor or gross misdemeanor; and

138.1 (iv) the sentence imposed and executed for the assault must be followed, upon
138.2 release from confinement, by a ten-year period of conditional release.

138.3 (b) A defendant convicted and sentenced under paragraph (a) is not eligible for
138.4 probation, parole, discharge, work release, or supervised release, until that person has
138.5 served the full term of imprisonment as provided by law, notwithstanding the provisions
138.6 of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135. Notwithstanding section
138.7 609.135, the court may not stay the imposition or execution of this sentence.

138.8 Sec. 8. Minnesota Statutes 2006, section 626.5572, subdivision 21, is amended to read:

138.9 Subd. 21. **Vulnerable adult.** "Vulnerable adult" means any person 18 years of
138.10 age or older who:

138.11 (1) is a resident or inpatient of a facility;

138.12 (2) receives services at or from a facility required to be licensed to serve adults
138.13 under sections 245A.01 to 245A.15, except that a person receiving outpatient services for
138.14 treatment of chemical dependency or mental illness, or one who is served in the Minnesota
138.15 sex offender program, is on a court hold order for commitment, or is committed as a
138.16 sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is
138.17 not considered a vulnerable adult unless the person meets the requirements of clause (4);

138.18 (3) receives services from a home care provider required to be licensed under section
138.19 144A.46; or from a person or organization that exclusively offers, provides, or arranges
138.20 for personal care assistant services under the medical assistance program as authorized
138.21 under sections 256B.04, subdivision 16, 256B.0625, subdivision 19a, 256B.0651, and
138.22 256B.0653 to 256B.0656; or

138.23 (4) regardless of residence or whether any type of service is received, possesses a
138.24 physical or mental infirmity or other physical, mental, or emotional dysfunction:

138.25 (i) that impairs the individual's ability to provide adequately for the individual's
138.26 own care without assistance, including the provision of food, shelter, clothing, health
138.27 care, or supervision; and

138.28 (ii) because of the dysfunction or infirmity and the need for assistance, the individual
138.29 has an impaired ability to protect the individual from maltreatment.

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