

A bill for an act

relating to state government; appropriating money for public safety and corrections initiatives, courts, public defenders, tax court, Uniform Laws Commission and Board on Judicial Standards; providing certain general criminal and sentencing provisions; regulating DWI and driving provisions; modifying or establishing various provisions relating to public safety; regulating corrections, the courts, and emergency communications; regulating scrap metal dealers; modifying certain law enforcement, insurance, and public defense provisions; establishing reduced ignition propensity standards for cigarettes; providing conditional repeals of certain laws; providing penalties; amending Minnesota Statutes 2006, sections 2.722, subdivision 1; 3.732, subdivision 1; 3.736, subdivision 1; 13.87, subdivision 1; 15A.083, subdivision 4; 16A.72; 16B.181, subdivision 2; 16C.23, subdivision 2; 169A.275, by adding a subdivision; 169A.51, subdivision 7; 171.12, by adding a subdivision; 171.55; 241.016, subdivision 1; 241.018; 241.27, subdivisions 1, 2, 3, 4; 241.278; 241.69, subdivisions 3, 4; 243.167, subdivision 1; 244.05, by adding a subdivision; 260C.193, subdivision 6; 270A.03, subdivision 5; 299A.641, subdivision 2; 299C.65, subdivisions 2, 5; 302A.781, by adding a subdivision; 325E.21; 352D.02, subdivision 1; 363A.06, subdivision 1; 383A.08, subdivisions 6, 7; 401.15, subdivision 1; 403.07, subdivision 4; 403.11, subdivision 1, by adding subdivisions; 403.31, subdivision 1; 484.54, subdivision 2; 484.83; 504B.361, subdivision 1; 518.165, subdivisions 1, 2; 518A.35, subdivision 3; 518B.01, subdivisions 6a, 22; 549.09, subdivision 1; 563.01, by adding a subdivision; 590.05; 595.02, subdivision 1; 609.02, subdivision 16; 609.135, subdivision 8, by adding a subdivision; 609.21, subdivisions 1, 4a, 5, by adding subdivisions; 609.341, subdivision 11; 609.344, subdivision 1; 609.345, subdivision 1; 609.3451, subdivision 3; 609.3455, subdivision 4, by adding a subdivision; 609.352; 609.505, subdivision 2; 609.535, subdivision 2a; 609.581, by adding subdivisions; 609.582, subdivision 2; 609.595, subdivisions 1, 2; 609.748, subdivisions 1, 5; 611.14; 611.20, subdivision 6; 611.215, subdivisions 1, 1a; 611.23; 611.24; 611.25, subdivision 1; 611.26, subdivisions 2, 7; 611.27, subdivisions 3, 13, 15; 611.35; 611A.036, subdivisions 2, 7; 611A.675, subdivisions 1, 2, 3, 4, by adding a subdivision; 634.15, subdivisions 1, 2; 641.05; 641.265, 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; 626A.17, subdivision 3; 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

Subdivision 1. Total Appropriation \$ 44,112,000 \$ 45,443,000

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

3.1	Subd. 2. Judicial Salaries		
3.2	<u>Effective July 1, 2007, and July 1, 2008,</u>		
3.3	<u>the salaries of judges of the Supreme Court,</u>		
3.4	<u>Court of Appeals, and district court are</u>		
3.5	<u>increased by two percent.</u>		
3.6	Subd. 3. Supreme Court Operations	<u>31,292,000</u>	<u>32,623,000</u>
3.7	Contingent account. <u>\$5,000 each year is for</u>		
3.8	<u>a contingent account for expenses necessary</u>		
3.9	<u>for the normal operation of the court for</u>		
3.10	<u>which no other reimbursement is provided.</u>		
3.11	Subd. 4. Civil Legal Services	<u>12,820,000</u>	<u>12,820,000</u>
3.12	Legal services to low-income clients in		
3.13	family law matters. <u>Of this appropriation,</u>		
3.14	<u>\$877,000 each year is to improve the</u>		
3.15	<u>access of low-income clients to legal</u>		
3.16	<u>representation in family law matters. This</u>		
3.17	<u>appropriation must be distributed under</u>		
3.18	<u>Minnesota Statutes, section 480.242, to</u>		
3.19	<u>the qualified legal services programs</u>		
3.20	<u>described in Minnesota Statutes, section</u>		
3.21	<u>480.242, subdivision 2, paragraph (a). Any</u>		
3.22	<u>unencumbered balance remaining in the first</u>		
3.23	<u>year does not cancel and is available in the</u>		
3.24	<u>second year.</u>		
3.25	Sec. 4. COURT OF APPEALS	<u>\$ 9,766,000</u>	<u>\$ 10,620,000</u>
3.26	Caseload increase. <u>\$1,285,000 the first</u>		
3.27	<u>year and \$1,876,000 the second year are</u>		
3.28	<u>for caseload increases. This money must</u>		
3.29	<u>be used for three additional judge units, an</u>		
3.30	<u>additional staff attorney, 2.67 additional</u>		
3.31	<u>full-time equivalent law clerk positions, and</u>		
3.32	<u>for retired judges.</u>		
3.33	Sec. 5. TRIAL COURTS	<u>\$ 247,167,000</u>	<u>\$ 257,290,000</u>

4.1 New judge units. \$1,536,000 the first year
4.2 and \$2,778,000 the second year are for an
4.3 increase in judge units, including three trial
4.4 court judge units in the First Judicial District,
4.5 one trial court judge unit in the Third Judicial
4.6 District, one trial court judge unit in the
4.7 Ninth Judicial District and one trial court
4.8 judge unit in the Tenth Judicial District.
4.9 These new judge units begin on January 1,
4.10 2008. Each judge unit consists of a judge,
4.11 law clerk, and court reporter.

4.12 Maintain and expand drug courts.
4.13 \$2,242,000 the first year and \$3,759,000 the
4.14 second year are to maintain and to establish
4.15 new drug courts.

4.16 Guardian ad litem services. \$1,260,000 the
4.17 first year and \$1,629,000 the second year are
4.18 for guardian ad litem services.

4.19 Interpreter services. \$606,000 the first
4.20 year and \$777,000 the second year are for
4.21 interpreter services.

4.22 Psychological services. \$1,531,000 the first
4.23 year and \$2,151,000 the second year are for
4.24 psychological services.

4.25 In forma pauperis services. \$178,000 each
4.26 year is for in forma pauperis services.

4.27	Sec. 6. <u>TAX COURT</u>	<u>\$</u>	<u>788,000</u>	<u>\$</u>	<u>812,000</u>
4.28	Sec. 7. <u>UNIFORM LAWS COMMISSION</u>	<u>\$</u>	<u>58,000</u>	<u>\$</u>	<u>52,000</u>
4.29	Sec. 8. <u>BOARD ON JUDICIAL STANDARDS</u>	<u>\$</u>	<u>448,000</u>	<u>\$</u>	<u>455,000</u>
4.30	<u>Investigative and hearing costs. \$125,000</u>				
4.31	<u>each year is for special investigative and</u>				
4.32	<u>hearing costs for major disciplinary actions</u>				

5.1 undertaken by the board. This appropriation
5.2 does not cancel. Any encumbered and
5.3 unspent balances remain available for these
5.4 expenditures in subsequent fiscal years.

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

5.6 Sec. 10. **PUBLIC SAFETY**

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

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

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

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

5.20	<u>Appropriations by Fund</u>		
5.21	<u>General</u>	<u>2,870,000</u>	<u>2,801,000</u>
5.22	<u>Environmental</u>	<u>69,000</u>	<u>71,000</u>

5.23 \$250,000 each year is additional funding
5.24 to provide state match for federal disaster
5.25 assistance.

5.26 \$75,000 the first year is for one position to
5.27 coordinate state readiness for a pandemic
5.28 event. This is a onetime appropriation.

5.29 The legislature may not authorize or fund
5.30 new regional law enforcement and fire safety
5.31 training centers, regional forensic crime
5.32 laboratories, and regional crime strike task
5.33 forces until a working group convened by the
5.34 commissioner of public safety has studied

6.1 and made recommendations to the legislative
6.2 committees with jurisdiction over public
6.3 safety finance and capital investment on
6.4 the appropriateness of additional regional
6.5 law enforcement and fire safety training
6.6 centers, regional forensic crime laboratories,
6.7 and regional crime strike task forces. The
6.8 commissioner must consult with the chairs of
6.9 the legislative committees with responsibility
6.10 for public safety finance on the membership
6.11 of the working group. The Forensic
6.12 Laboratory Advisory Board, established
6.13 under Minnesota Statutes, section 299C.156,
6.14 must provide advice and assistance to
6.15 the commissioner and the working group
6.16 as requested by the commissioner. The
6.17 working group must submit its report and
6.18 recommendations to the house and senate
6.19 committees with responsibility for public
6.20 safety finance by February 1, 2008.

6.21 Subd. 3. Criminal Apprehension 45,374,000 47,021,000

6.22	<u>Appropriations by Fund</u>		
6.23	<u>General</u>	<u>44,555,000</u>	<u>46,179,000</u>
6.24	<u>Special Revenue</u>	<u>445,000</u>	<u>461,000</u>
6.25	<u>State Government</u>		
6.26	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
6.27	<u>Trunk Highway</u>	<u>367,000</u>	<u>374,000</u>

6.28 Cooperative investigation of
6.29 cross-jurisdictional criminal activity.
6.30 \$93,000 each year is appropriated from the
6.31 Bureau of Criminal Apprehension account in
6.32 the special revenue fund for grants to local
6.33 officials for the cooperative investigation of
6.34 cross-jurisdictional criminal activity. Any
6.35 unencumbered balance remaining in the first

7.1 year does not cancel but is available for the
7.2 second year.

7.3 **Laboratory activities.** \$352,000 the first
7.4 year and \$368,000 the second year are
7.5 appropriated from the Bureau of Criminal
7.6 Apprehension account in the special revenue
7.7 fund for laboratory activities.

7.8 **DWI lab analysis.** Notwithstanding
7.9 Minnesota Statutes, section 161.20,
7.10 subdivision 3, \$367,000 the first year and
7.11 \$374,000 the second year are appropriated
7.12 from the trunk highway fund for laboratory
7.13 analysis related to driving-while-impaired
7.14 cases.

7.15 **CriMNet justice information integration.**
7.16 \$3,135,000 the first year and \$3,460,000 the
7.17 second year are for statewide information
7.18 integration priorities. The base for this
7.19 appropriation in fiscal year 2010 shall be
7.20 \$2,032,000.

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

7.28 **Forensic scientists.** \$1,018,000 the first
7.29 year and \$1,769,000 the second year are for
7.30 19 new forensic scientists in the Bureau of
7.31 Criminal Apprehension Forensic Science
7.32 Laboratory.

7.33 **Background checks.** \$50,000 the first
7.34 year is for the Bureau of Criminal
7.35 Apprehension to conduct state background

8.1	<u>checks by charitable, nonprofit mentoring</u>		
8.2	<u>organizations.</u>		
8.3	<u>Subd. 4. Fire Marshal</u>	<u>6,196,000</u>	<u>9,243,000</u>
8.4	<u>This appropriation is from the fire safety</u>		
8.5	<u>account in the special revenue fund.</u>		
8.6	<u>Of this amount, \$3,330,000 the first year and</u>		
8.7	<u>\$6,300,000 the second year are for activities</u>		
8.8	<u>under Minnesota Statutes, section 299F.012.</u>		
8.9	<u>Subd. 5. Alcohol and Gambling Enforcement</u>	<u>1,785,000</u>	<u>1,817,000</u>
8.10	<u>Appropriations by Fund</u>		
8.11	<u>General</u>	<u>1,635,000</u>	<u>1,664,000</u>
8.12	<u>Special Revenue</u>	<u>150,000</u>	<u>153,000</u>
8.13	<u>Subd. 6. Office of Justice Programs</u>	<u>42,066,000</u>	<u>43,388,000</u>
8.14	<u>Crime victim reparations. \$250,000 each</u>		
8.15	<u>year is to increase the amount of funding for</u>		
8.16	<u>crime victim reparations.</u>		
8.17	<u>Emergency assistance grant. \$100,000</u>		
8.18	<u>each year is for grants under Minnesota</u>		
8.19	<u>Statutes, section 611A.675. This is a onetime</u>		
8.20	<u>appropriation.</u>		
8.21	<u>Gang and Drug Task Force. \$600,000 the</u>		
8.22	<u>first year and \$1,900,000 the second year are</u>		
8.23	<u>for grants to the Gang and Drug Task Force.</u>		
8.24	<u>Victim notification system. \$455,000</u>		
8.25	<u>each year is for the continuation of the</u>		
8.26	<u>victim information and notification everyday</u>		
8.27	<u>(VINE) service.</u>		
8.28	<u>Crime prevention and law enforcement</u>		
8.29	<u>grants. (a) \$ 1,900,000 each year is for crime</u>		
8.30	<u>prevention and law enforcement grants.</u>		
8.31	<u>The office of justice programs shall conduct</u>		
8.32	<u>a competitive award process that ensures</u>		
8.33	<u>that grants are awarded to the most qualified</u>		

9.1 organizations based on the office's established
9.2 policies and procedures. The office shall
9.3 determine the amount of each grant award
9.4 based on need and funds available. The office
9.5 shall require a grant recipient to report back
9.6 to the office quarterly during the duration
9.7 of the grant, and the office has the authority
9.8 to withhold or suspend any additional grant
9.9 payments if the grant recipient fails to meet
9.10 the office's performance standards.

9.11 The following organizations are eligible to
9.12 apply for grants: (1) the city of St. Paul
9.13 Police Department's Special Investigation
9.14 Unit's Asian Gang Task Force; (2) the
9.15 Victim Intervention Program, Inc.; (3) the
9.16 Mosaic Youth Center; (4) Ramsey County's
9.17 Juvenile Detention Alternatives Initiative;
9.18 (5) Restorative Justice Community Action,
9.19 Inc.; (6) existing supervised parenting time
9.20 centers; (7) existing child advocacy centers;
9.21 (8) law enforcement agencies to make squad
9.22 car camera updates; (9) the St. Paul police
9.23 and fire departments to hire an emergency
9.24 coordinator; and (10) the Tenth Judicial
9.25 District to administer a safe cab program.

9.26 Any grant awarded to an organization in
9.27 clause (5) may not be used for restorative
9.28 justice in domestic violence cases. This is a
9.29 onetime appropriation.

9.30 (b) The executive director of the office
9.31 of justice programs shall prepare a report
9.32 containing the following information: a
9.33 list of grant recipients, the amount of each
9.34 award, the performance and eligibility
9.35 standards used to determine the amount
9.36 and recipient of each award, the office's

10.1 reporting requirements, the grant recipient's
10.2 use of the award, and any other information
10.3 the director deems relevant. By January 1,
10.4 2010, the office of justice programs shall
10.5 submit the report to the chairs and ranking
10.6 minority members of the senate and house
10.7 committees and divisions having jurisdiction
10.8 over criminal justice funding and policy.

10.9 **Crime victims.** \$2,271,000 each year is to
10.10 increase funding for victim services. Of this
10.11 amount, 59 percent is for battered women
10.12 shelters, 17 percent is for domestic violence
10.13 programs, eight percent is for general crime
10.14 victims, 11 percent is for sexual assault
10.15 programs, and five percent is for abused
10.16 children programs.

10.17 **COPS grants.** \$1,000,000 each year is
10.18 to hire new peace officers and for peace
10.19 officer overtime pay under Minnesota
10.20 Statutes, section 299A.62, subdivision 1,
10.21 paragraph (b), clauses (1) and (2). The
10.22 commissioner shall award the grants based
10.23 on the procedures set forth under section
10.24 299A.62. Of this amount, at least \$250,000
10.25 each year must be awarded to two cities in
10.26 Hennepin County that are not cities of the
10.27 first class and have the highest part 1 and
10.28 part 2 crime rates per 100,000 inhabitants in
10.29 the county as calculated by the latest Bureau
10.30 of Criminal Apprehension report. This is a
10.31 onetime appropriation.

10.32 **Auto theft emergency grant.** \$75,000
10.33 each year is appropriated from the general
10.34 fund to the commissioner of public safety
10.35 to fund grants awarded under Minnesota

11.1 Statutes, section 611A.675, subdivision 1,
11.2 clause (6). This amount shall be added to the
11.3 department's base budget.

11.4 **Youth intervention programs.** \$1,000,000
11.5 each year is for youth intervention programs
11.6 under Minnesota Statutes, section 299A.73.
11.7 The commissioner shall use this money to
11.8 make grants to help existing programs serve
11.9 unmet needs in their communities and to
11.10 fund new programs in underserved areas of
11.11 the state. This appropriation is added to the
11.12 base budget and is available until expended.

11.13 **Trafficking legal clinics.** \$150,000 each
11.14 year is appropriated from the general fund
11.15 to the commissioner of public safety to
11.16 distribute to the grantees described in
11.17 Minnesota Statutes, section 299A.786. This
11.18 is a onetime appropriation.

11.19 **Administration costs.** Up to 2.5 percent
11.20 of the grant funds appropriated in this
11.21 subdivision may be used to administer the
11.22 grant program.

11.23	<u>Subd. 7. 911 Emergency Services/ARMER</u>	<u>55,681,000</u>	<u>50,385,000</u>
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11.24 This appropriation is from the state
11.25 government special revenue fund for 911
11.26 emergency telecommunications services.

11.27 **Public safety answering points.**
11.28 \$13,664,000 each year is to be distributed
11.29 as provided in Minnesota Statutes, section
11.30 403.113, subdivision 2.

11.31 **Medical Resource Communication**
11.32 **Centers.** \$683,000 each year is for grants
11.33 to the Minnesota Emergency Medical
11.34 Services Regulatory Board for the Metro

12.1 East and Metro West Medical Resource
12.2 Communication Centers that were in
12.3 operation before January 1, 2000.

12.4 **ARMER debt service.** \$6,149,000 the
12.5 first year and \$11,853,000 the second year
12.6 are to the commissioner of finance to pay
12.7 debt service on revenue bonds issued under
12.8 Minnesota Statutes, section 403.275.

12.9 Any portion of this appropriation not needed
12.10 to pay debt service in a fiscal year may be
12.11 used by the commissioner of public safety to
12.12 pay cash for any of the capital improvements
12.13 for which bond proceeds were appropriated
12.14 by Laws 2005, chapter 136, article 1, section
12.15 9, subdivision 8; or in subdivision 8.

12.16 The base for this appropriation is \$18,002,000
12.17 in fiscal year 2010 and \$23,261,000 in fiscal
12.18 year 2011.

12.19 **Metropolitan Council debt service.**
12.20 \$1,410,000 each year is to the commissioner
12.21 of finance for payment to the Metropolitan
12.22 Council for debt service on bonds issued
12.23 under Minnesota Statutes, section 403.27.

12.24 **ARMER improvements.** \$1,000,000 each
12.25 year is for the Statewide Radio Board to
12.26 design, construct, maintain, and improve
12.27 those elements of the statewide public
12.28 safety radio and communication system
12.29 that support mutual aid communications
12.30 and emergency medical services or provide
12.31 interim enhancement of public safety
12.32 communication interoperability in those
12.33 areas of the state where the statewide public
12.34 safety radio and communication system is
12.35 not yet implemented.

13.1 **ARMER interoperability planning.**

13.2 \$323,000 each year is to provide funding
13.3 to coordinate and plan for communication
13.4 interoperability between public safety
13.5 entities.

13.6 **ARMER state backbone operating costs.**

13.7 \$3,110,000 each year is to the commissioner
13.8 of transportation for costs of maintaining and
13.9 operating the first and third phases of the
13.10 statewide radio system backbone. The base
13.11 for this appropriation is \$5,060,000 in fiscal
13.12 year 2010 and \$5,060,000 in fiscal year 2011
13.13 to provide funding to operate one additional
13.14 phase of the system.

13.15 **Zone controller.** \$5,400,000 the first year
13.16 is a onetime appropriation to upgrade zone
13.17 controllers and network elements in phases
13.18 one and two of the statewide radio system.

13.19 **Advance project development.** \$3,750,000
13.20 the first year is a onetime appropriation for
13.21 site acquisition and site development work
13.22 for the remaining phases of the statewide
13.23 radio system. This appropriation is available
13.24 until June 30, 2010. This appropriation is to
13.25 the commissioner of public safety for transfer
13.26 to the commissioner of transportation.

13.27 **System design.** \$1,850,000 the first year is a
13.28 onetime appropriation to complete detailed
13.29 design and planning of the remaining
13.30 phases of the statewide radio system.

13.31 The commissioner of public safety and
13.32 the commissioner of transportation shall
13.33 determine the scope of the study, after
13.34 consulting with the Statewide Radio Board,
13.35 the commissioner of administration, and the

14.1 state chief information officer. The study
14.2 must address the system design for the
14.3 state backbone and implications for local
14.4 coverage, how data can be integrated, and
14.5 whether other public safety communication
14.6 networks can be integrated with the state
14.7 backbone. The study must estimate the
14.8 full cost of completing the state backbone
14.9 to specified standards, the cost of local
14.10 subsystems, and the potential advantages
14.11 of using a request for proposal approach
14.12 to solicit private sector participation in the
14.13 project. The study must include a financial
14.14 analysis of whether the estimated revenue
14.15 from increasing the 911 fee by up to 30
14.16 cents will cover the estimated debt service
14.17 of revenue bonds issued to finance the cost
14.18 of completing the statewide radio system
14.19 and a portion of the cost up to 50 percent
14.20 for local subsystems. The study must also
14.21 review the project organizational structure
14.22 and governance.

14.23 Subd. 8. **ARMER Public Safety**

186,000,000

14.24 **Radio and communication system.** The
14.25 appropriations in this subdivision are from
14.26 the 911 revenue bond proceeds account
14.27 for the purposes indicated, to be available
14.28 until the project is completed or abandoned,
14.29 subject to Minnesota Statutes, section
14.30 16A.642.

14.31 The appropriations are to the commissioner
14.32 of public safety for transfer to the
14.33 commissioner of transportation to construct
14.34 the system backbone of the public safety

15.1 radio and communication system plan under
15.2 Minnesota Statutes, section 403.36.
15.3 \$62,000,000 of this appropriation is for
15.4 the second year. \$62,000,000 of this
15.5 appropriation is available on or after July 1,
15.6 2009. \$62,000,000 of this appropriation is
15.7 available on or after July 1, 2010.
15.8 The commissioner of public safety and the
15.9 commissioner of transportation shall certify
15.10 to the chairs of the house Public Safety
15.11 Finance Division of the Finance Committee
15.12 and the senate Public Safety Budget Division
15.13 of the Finance Committee that the detailed
15.14 design has been completed and that the
15.15 financial analysis finds that sufficient revenue
15.16 will be generated by proposed changes in the
15.17 911 fee to cover all estimated debt service
15.18 on revenue bonds proposed to be issued to
15.19 complete the system before the appropriation
15.20 is made available. The commissioner of
15.21 finance shall not approve any fee increase
15.22 under Minnesota Statutes, section 403.11,
15.23 subdivision 1, paragraph (c), until this
15.24 certification is made.
15.25 **Bond sale authorization.** To provide the
15.26 money appropriated in this subdivision,
15.27 the commissioner of finance shall sell and
15.28 issue bonds of the state in an amount up to
15.29 \$186,000,000 in the manner, upon the terms,
15.30 and with the effect prescribed by Minnesota
15.31 Statutes, section 403.275.

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

15.34 **Excess amounts transferred.** This
15.35 appropriation is from the peace officer

16.1 training account in the special revenue fund.
16.2 Any new receipts credited to that account in
16.3 the first year in excess of \$4,287,000 must be
16.4 transferred and credited to the general fund.
16.5 Any new receipts credited to that account in
16.6 the second year in excess of \$4,260,000 must
16.7 be transferred and credited to the general
16.8 fund.

16.9 **Peace officer training reimbursements.**
16.10 \$2,909,000 the first year and \$2,909,000 the
16.11 second year are for reimbursements to local
16.12 governments for peace officer training costs.

16.13 **No contact orders; learning objectives.**
16.14 \$50,000 the first year is for: (1) revising and
16.15 updating preservice courses and developing
16.16 in-service training courses related to no
16.17 contact orders in domestic violence cases
16.18 and domestic violence dynamics; and (2)
16.19 reimbursing peace officers who have taken
16.20 training courses described in clause (1).
16.21 At a minimum, the training must include
16.22 instruction in the laws relating to no contact
16.23 orders and address how to best coordinate
16.24 law enforcement resources relating to no
16.25 contact orders. In addition, the training
16.26 must include a component to instruct peace
16.27 officers on doing risk assessments of the
16.28 escalating factors of lethality in domestic
16.29 violence cases. The board must consult with
16.30 a statewide domestic violence organization
16.31 in developing training courses. The board
16.32 shall utilize a request for proposal process in
16.33 awarding training contracts. The recipient
16.34 of the training contract must conduct these
16.35 trainings with advocates or instructors from
16.36 a statewide domestic violence organization.

17.1	Sec. 12. <u>BOARD OF PRIVATE DETECTIVES</u>			
17.2	<u>AND PROTECTIVE AGENT SERVICES</u>	<u>\$</u>	<u>128,000</u>	<u>\$ 130,000</u>
17.3	Sec. 13. <u>HUMAN RIGHTS</u>	<u>\$</u>	<u>4,955,000</u>	<u>\$ 3,670,000</u>
17.4	<u>Management information system.</u>			
17.5	<u>\$1,403,000 the first year and \$55,000 the</u>			
17.6	<u>second year are for the replacement of</u>			
17.7	<u>the department's tracking and compliance</u>			
17.8	<u>databases with a management information</u>			
17.9	<u>system.</u>			
17.10	<u>Evaluation. The Human Rights Department</u>			
17.11	<u>shall conduct a survey that evaluates the</u>			
17.12	<u>outcome of complaints filed with the</u>			
17.13	<u>department and whether or not a charging</u>			
17.14	<u>party is satisfied with the outcome of a</u>			
17.15	<u>complaint and the process by which the</u>			
17.16	<u>complaint is reviewed and handled by the</u>			
17.17	<u>department. The department shall evaluate</u>			
17.18	<u>complaints for which a probable cause or</u>			
17.19	<u>no probable cause determination is made.</u>			
17.20	<u>The survey must seek to determine the</u>			
17.21	<u>reasons for any dissatisfaction and whether</u>			
17.22	<u>a party sought an appeal or reconsideration</u>			
17.23	<u>of a determination or decision. The survey</u>			
17.24	<u>shall evaluate complaints filed or resolved</u>			
17.25	<u>in the past two years. By January 15, 2008,</u>			
17.26	<u>the department shall summarize the survey</u>			
17.27	<u>findings and file a report with the chairs</u>			
17.28	<u>and ranking minority members of the house</u>			
17.29	<u>and senate committees having jurisdiction</u>			
17.30	<u>over criminal justice policy and funding</u>			
17.31	<u>that discusses the findings and any actions</u>			
17.32	<u>the department proposes to undertake in</u>			
17.33	<u>response to the findings.</u>			
17.34	<u>Inmate complaints, assaults, and fatalities;</u>			
17.35	<u>corrections ombudsman; working group;</u>			

18.1 **report.** By August 1, 2007, the commissioner
18.2 of human rights shall convene a working
18.3 group to study how the state addresses
18.4 inmate complaints, assaults, and deaths in
18.5 county jails, workhouses, and prisons. The
18.6 commissioner shall serve as chair of the
18.7 working group and invite representatives
18.8 from the Department of Corrections,
18.9 legislature, the Minnesota Sheriffs'
18.10 Association, the Minnesota Association of
18.11 Community Corrections Act counties, state
18.12 bar association, criminal victims justice unit,
18.13 state Council on Black Minnesotans, state
18.14 Chicano/Latino Affairs Council, University
18.15 of Minnesota Law School, Immigrant Law
18.16 Center of Minnesota, and other interested
18.17 parties to participate in the working group.
18.18 The group must: (1) assess how state and
18.19 local units of government currently process
18.20 and respond to inmate complaints, assaults,
18.21 and deaths; (2) assess the effectiveness of
18.22 the state's former corrections ombudsman
18.23 program; (3) study other states' corrections
18.24 ombudsmen; (4) study whether the state
18.25 should conduct a fatality review process
18.26 for inmates who die while in custody;
18.27 and (5) make recommendations on how
18.28 state and local units of government should
18.29 systematically address inmate complaints,
18.30 assaults, and deaths, including the need to
18.31 re-appoint a corrections ombudsman. The
18.32 commissioner shall file a report detailing the
18.33 group's findings and recommendations with
18.34 the chairs and ranking minority members
18.35 of the house and senate committees having

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19.1 jurisdiction over criminal justice policy and
19.2 funding by January 15, 2008.

19.3 Sec. 14. **DEPARTMENT OF CORRECTIONS**

19.4	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 462,517,000</u>	<u>\$ 483,230,000</u>
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19.5 Appropriations by Fund

19.6	<u>2008</u>	<u>2009</u>
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19.7	<u>General</u>	<u>461,627,000</u>	<u>482,340,000</u>
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19.8	<u>Special Revenue</u>	<u>890,000</u>	<u>890,000</u>
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19.9 The amounts that may be spent for each
19.10 purpose are specified in the following
19.11 subdivisions.

19.12	<u>Subd. 2. Correctional Institutions</u>	<u>323,511,000</u>	<u>338,577,000</u>
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19.13 Appropriations by Fund

19.14	<u>General</u>	<u>322,931,000</u>	<u>337,997,000</u>
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19.15	Special Revenue	580,000	580,000
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19.16 **Contracts for beds at Rush City.** If the
19.17 commissioner contracts with other states,
19.18 local units of government, or the federal
19.19 government to rent beds in the Rush City
19.20 Correctional Facility, the commissioner shall
19.21 charge a per diem under the contract, to the
19.22 extent possible, that is equal to or greater
19.23 than the per diem cost of housing Minnesota
19.24 inmates in the facility.

19.25 Notwithstanding any law to the contrary, the
19.26 commissioner may use per diems collected
19.27 under contracts for beds at MCF-Rush City
19.28 to operate the state correctional system.

19.29 **Offender re-entry services. \$400,000**
19.30 each year is for increased funding for
19.31 expansion of offender re-entry services in the
19.32 institutions and staffing for the Department
19.33 of Corrections MCORP program.

20.1	<u>Health services. \$900,000 the first year and</u>		
20.2	<u>\$1,300,000 the second year are for increases</u>		
20.3	<u>in health services.</u>		
20.4	<u>Subd. 3. Community Services</u>	<u>121,482,000</u>	<u>126,899,000</u>
20.5	<u>Appropriations by Fund</u>		
20.6	<u>General</u>	<u>121,382,000</u>	<u>126,799,000</u>
20.7	<u>Special Revenue</u>	<u>100,000</u>	<u>100,000</u>
20.8	<u>ISR agents, challenge incarceration</u>		
20.9	<u>program. \$600,000 the first year and</u>		
20.10	<u>\$1,000,000 the second year are for intensive</u>		
20.11	<u>supervised release agents for the challenge</u>		
20.12	<u>incarceration program.</u>		
20.13	<u>ISR agents, conditional release program.</u>		
20.14	<u>\$600,000 each year is for intensive supervised</u>		
20.15	<u>release agents for the conditional release</u>		
20.16	<u>program. This is a onetime appropriation.</u>		
20.17	<u>Interstate compact. \$225,000 each year is</u>		
20.18	<u>for increased costs based on changes made to</u>		
20.19	<u>the Interstate Compact for Adult Offender</u>		
20.20	<u>Supervision, Minnesota Statutes, section</u>		
20.21	<u>243.1605.</u>		
20.22	<u>Sex offenders, civil commitment and</u>		
20.23	<u>tracking. \$350,000 each year is to fund a</u>		
20.24	<u>legal representative for civil commitments</u>		
20.25	<u>and to manage and track sex offenders.</u>		
20.26	<u>Probation supervision, CCA system.</u>		
20.27	<u>\$2,800,000 each year is added to the</u>		
20.28	<u>Community Corrections Act subsidy,</u>		
20.29	<u>Minnesota Statutes, section 401.14.</u>		
20.30	<u>Probation supervision, CPO system.</u>		
20.31	<u>\$600,000 each year is added to the county</u>		
20.32	<u>probation officers reimbursement base.</u>		
20.33	<u>Probation supervision, DOC system.</u>		
20.34	<u>\$600,000 each year is for the Department of</u>		

21.1 Corrections probation and supervised release
21.2 unit.

21.3 **Probation, caseload reduction.** \$1,964,000
21.4 the first year and \$3,664,000 the second year
21.5 are for adult felon offender management to
21.6 be distributed statewide by the Community
21.7 Corrections Act formula. \$200,000 the
21.8 first year and \$400,000 the second year
21.9 are for juvenile offender management
21.10 to be distributed statewide by the
21.11 Community Corrections Act formula. These
21.12 appropriations may be used for sex offender
21.13 management.

21.14 **Sex offender treatment.** \$500,000 the first
21.15 year and \$1,000,000 the second year are to
21.16 increase funding for providing treatment for
21.17 sex offenders on community supervision.

21.18 **Sex offender management/standards.**
21.19 \$500,000 the first year and \$1,000,000
21.20 the second year are for research and
21.21 evaluation of sex offender management
21.22 (supervision, treatment, and polygraphs) and
21.23 for developing and monitoring standards of
21.24 supervision and treatment.

21.25 **Sex offender assessments.** \$75,000 each
21.26 year is to increase funding to reimburse
21.27 counties or their designees, or courts, for
21.28 sex offender assessments under Minnesota
21.29 Statutes, section 609.3457.

21.30 **Sentencing to service.** \$600,000 each year is
21.31 to increase funding for sentencing to service
21.32 activities such as highway litter cleanup.

21.33 **Short-term offenders.** \$2,500,000 each year
21.34 is to increase funding for the costs associated
21.35 with the housing and care of short-term

22.1 offenders. The commissioner may use up
22.2 to 20 percent of the total amount of the
22.3 appropriation for inpatient medical care for
22.4 short-term offenders. All funds remaining at
22.5 the end of the fiscal year not expended for
22.6 inpatient medical care must be added to and
22.7 distributed with the housing funds. These
22.8 funds must be distributed proportionately
22.9 based on the total number of days short-term
22.10 offenders are placed locally, not to exceed
22.11 \$70 per day.

22.12 The department is exempt from the state
22.13 contracting process for the purposes of
22.14 paying short-term offender costs relating to
22.15 Minnesota Statutes, section 609.105.

22.16 **Offender re-entry service.** \$550,000 each
22.17 year is for offender job-seeking services,
22.18 evidence-based research, expansion of
22.19 re-entry services specific to juveniles,
22.20 and funding to local units of government
22.21 participating in MCORP to provide re-entry
22.22 programming to offenders.

22.23 **Offender re-entry grant.** \$800,000 the first
22.24 year and \$1,700,000 the second year are for
22.25 grants to the nonprofit organization selected
22.26 to administer the five-year demonstration
22.27 project for high-risk adults under Minnesota
22.28 Statutes, section 241.86.

22.29 **Employment services for ex-offenders.**
22.30 \$200,000 each year is for grants to a nonprofit
22.31 organization to establish a pilot project to
22.32 provide employment services to ex-criminal
22.33 offenders living in the North Minneapolis
22.34 community as provided for in article 7,
22.35 section 6. This is a onetime appropriation.

23.1 **Domestic abuse re-entry grants. \$250,000**
23.2 each year is appropriated from the general
23.3 fund to the commissioner of corrections for
23.4 the grant authorized in article 7, section 5.
23.5 This is a onetime appropriation.

23.6 **Re-entry; productive day. \$150,000 each**
23.7 year is appropriated from the general fund
23.8 to the commissioner of corrections for the
23.9 fiscal biennium ending June 30, 2009. The
23.10 commissioner shall distribute the money
23.11 as a grant to the Arrowhead Regional
23.12 Corrections Agency to expand the agency's
23.13 productive day initiative program, as defined
23.14 in Minnesota Statutes, section 241.275,
23.15 to include juvenile offenders who are 16
23.16 years of age and older. This is a onetime
23.17 appropriation.

23.18 **Mentoring grants; incarcerated parents.**
23.19 \$200,000 each year is appropriated from
23.20 the general fund to the commissioner of
23.21 corrections for the grant authorized in
23.22 Minnesota Statutes, section 299A.82. This is
23.23 a onetime appropriation.

23.24 **Short-term offender study; report. The**
23.25 commissioner of corrections shall study
23.26 the use and effectiveness of the short-term
23.27 offender program and identify gaps in the
23.28 current system relating to programming
23.29 and re-entry services for short-term
23.30 offenders. On or before January 15, 2008,
23.31 the commissioner shall submit a report
23.32 detailing the commissioner's findings and
23.33 recommendations to the house and senate
23.34 committees with jurisdiction over public
23.35 safety policy and funding.

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24.1	<u>Subd. 4. Operations Support</u>	<u>17,524,000</u>	<u>17,754,000</u>
24.2	<u>Appropriations by Fund</u>		
24.3	<u>General</u>	<u>17,314,000</u>	<u>17,544,000</u>
24.4	<u>Special Revenue</u>	<u>210,000</u>	<u>210,000</u>

24.5 Sec. 15. **SENTENCING GUIDELINES** § **600,000** § **600,000**

Effectiveness of re-entry programs and drug courts; study. The Sentencing Guidelines Commission, in consultation with the commissioner of corrections and the Supreme Court administrator, shall study: (1) the effectiveness of the offender re-entry funding and programs authorized in this act; and (2) the effectiveness of the additional drug courts funded in this act. The executive director of the commission shall file a report with the ranking members of the house of representatives and senate committees with jurisdiction over public safety policy and funding by February 15, 2009. The report must assess the impact this act's re-entry grants and programs and expanded drug court funding had on the recidivism rate of offenders who participated in: (1) programs that received re-entry grants; and/or (2) drug courts.

24.26 **ARTICLE 2**
24.27 **GENERAL CRIME**

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

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

24.32 (1) domestic abuse;

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

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

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

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

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

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

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

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

26.4 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic
26.5 violence-related offense" includes a violation of or an attempt to violate the following
26.6 offenses: sections 518B.01, subdivision 14 (violation of domestic abuse order for
26.7 protection); 518B.01, subdivision 22 (violation of domestic abuse no contact order);
26.8 609.185 (first-degree murder); 609.19 (second-degree murder); 609.221 (first-degree
26.9 assault); 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231
26.10 (fourth-degree assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault);
26.11 609.2247 (domestic assault by strangulation); 609.342 (first-degree criminal sexual
26.12 conduct); 609.343 (second-degree criminal sexual conduct); 609.344 (third-degree
26.13 criminal sexual conduct); 609.345 (fourth-degree criminal sexual conduct); 609.377
26.14 (malicious punishment of a child); 609.713 (terroristic threats); 609.748, subdivision 6
26.15 (violation of harassment restraining order); 609.749 (harassment/stalking); and 609.78,
26.16 subdivision 2 (interference with an emergency call); and similar laws of other states, the
26.17 United States, the District of Columbia, tribal lands, and United States territories.

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

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

26.21 Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections
26.22 609.343, subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e),
26.23 and (h) to ~~(m)~~ (o), includes any of the following acts committed without the complainant's
26.24 consent, except in those cases where consent is not a defense, and committed with sexual
26.25 or aggressive intent:

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

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

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

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

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

- (i) the intentional touching by the actor of the complainant's intimate parts;
- (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;
- (iii) the touching by another of the complainant's intimate parts; or
- (iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts.

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

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

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

Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another person is guilty of criminal sexual conduct in the third 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 nor consent to the act by the complainant shall be a defense;

(b) the complainant is at least 13 but less than 16 years of age and the actor is more than 24 months older than the complainant. 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. If the actor in such a case is no more than 48 months but more than 24 months older than the complainant, the actor may be sentenced to imprisonment for not more than five years. Consent by the complainant is not a defense;

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

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

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

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

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

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

28.11 (ii) the complainant suffered personal injury; or

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

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

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

28.18 (i) during the psychotherapy session; or

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

28.21 Consent by the complainant is not a defense;

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

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

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

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

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

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

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

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

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

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

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

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

(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;

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

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

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

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

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

30.13 (ii) the complainant suffered personal injury; or

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

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

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

30.20 (i) during the psychotherapy session; or

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

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

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

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

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

30.33 (i) the sexual contact occurred during the course of a meeting in which the
30.34 complainant sought or received religious or spiritual advice, aid, or comfort from the
30.35 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:

Subd. 3. **Felony.** 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 violates ~~subdivision 1, clause (2)~~ this section, after having been previously convicted of or adjudicated delinquent for violating ~~subdivision 1, clause (2)~~ this section; sections 609.342 to 609.345; section 609.3453; section 617.23, subdivision 2, clause (1); section 617.247; or a statute from another state in conformity ~~with subdivision 1, clause (2), or section 617.23, subdivision 2, clause (1)~~ with one of these statutes.

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

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

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

- 32.1 (1) the person has two previous sex offense convictions;
- 32.2 (2) the person has a previous sex offense conviction and:
- 32.3 (i) the factfinder determines that the present offense involved an aggravating factor
- 32.4 that would provide grounds for an upward durational departure under the sentencing
- 32.5 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct
- 32.6 convictions;
- 32.7 (ii) the person received an upward durational departure from the sentencing
- 32.8 guidelines for the previous sex offense conviction; or
- 32.9 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
- 32.10 609.108, for the previous sex offense conviction; or
- 32.11 (3) the person has two prior sex offense convictions, and the factfinder determines
- 32.12 that the prior convictions and present offense involved at least three separate victims, and:
- 32.13 (i) the factfinder determines that the present offense involved an aggravating factor
- 32.14 that would provide grounds for an upward durational departure under the sentencing
- 32.15 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct
- 32.16 convictions;
- 32.17 (ii) the person received an upward durational departure from the sentencing
- 32.18 guidelines for one of the prior sex offense convictions; or
- 32.19 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
- 32.20 609.108, for one of the prior sex offense convictions.
- 32.21 (b) Notwithstanding paragraph (a), a court may not sentence a person to
- 32.22 imprisonment for life for a violation of section 609.345, unless at least one of the person's
- 32.23 previous or prior sex offense convictions that are being used as the basis for the sentence
- 32.24 are for violations of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute
- 32.25 of the United States, this state, or any other state.

32.26 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes

32.27 committed on or after that date.

32.28 Sec. 8. Minnesota Statutes 2006, section 609.3455, is amended by adding a subdivision

32.29 to read:

32.30 **Subd. 9. Applicability.** The provisions of this section do not affect the applicability

32.31 of Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005,

32.32 or the validity of sentences imposed under Minnesota Statutes 2004, section 609.108.

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

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

33.2 **609.352 SOLICITATION OF CHILDREN TO ENGAGE IN SEXUAL**
33.3 **CONDUCT.**

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

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

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

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

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

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

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

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

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

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

33.29 Subd. 2b. **Jurisdiction.** A person may be convicted of an offense under subdivision
33.30 2a if the transmission that constitutes the offense either originates within this state or is
33.31 received within this state.

33.32 Subd. 3. **Defenses.** (a) Mistake as to age is not a defense to a prosecution under
33.33 this section subdivision 2. Mistake as to age is an affirmative defense to a prosecution
33.34 under subdivision 2a.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 18. **[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. 19. 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 Sec. 20. Minnesota Statutes 2006, section 609.595, subdivision 2, is amended to read:

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

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

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

39.1 be prosecuted in any county in which one of the offenses was committed for all of the
39.2 offenses aggregated under this paragraph.

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

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

39.6 (a) "Harassment" includes:

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

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

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

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

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

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

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

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

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

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

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

39.33 (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. 23. REPEALER.

Minnesota Statutes 2006, section 609.805, is repealed.

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

ARTICLE 3

DWI AND DRIVING RELATED PROVISIONS

Section 1. 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

41.1 motor vehicles equipped with an ignition interlock device meeting the standards described
41.2 in section 171.306.

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

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

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

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

41.13 (b) The person tested has the right to have someone of the person's own choosing
41.14 administer a chemical test or tests in addition to any administered at the direction of a
41.15 peace officer; provided, that the additional test sample on behalf of the person is obtained
41.16 at the place where the person is in custody, after the test administered at the direction of a
41.17 peace officer, and at no expense to the state. The failure or inability to obtain an additional
41.18 test or tests by a person does not preclude the admission in evidence of the test taken at
41.19 the direction of a peace officer unless the additional test was prevented or denied by the
41.20 peace officer.

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

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

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

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

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

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

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

Subd. 2. **Performance standards; certification.** The commissioner shall determine appropriate performance standards and a certification process for ignition interlock devices for the pilot project. Only devices certified by the commissioner as meeting the performance standards may be used in the pilot project.

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

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

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

- (1) a limited driver's license subject to the ignition interlock restriction;
- (2) full driving privileges subject to the ignition interlock restriction; and
- (3) a driver's license without an ignition interlock restriction.

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

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

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

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

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

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

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

43.14 **171.55 OUT-OF-STATE CONVICTIONS GIVEN EFFECT.**

43.15 The commissioner shall give the same effect for driver licensing purposes to conduct
43.16 reported from a licensing authority or court in another state or province or territory
43.17 of Canada that the commissioner would give to conduct reported from a court or other
43.18 agency of this state, whether or not the other state or province or territory of Canada is a
43.19 party to the Driver License Compact in section 171.50. The conduct to be given effect by
43.20 the commissioner includes a report of conviction for an offense enumerated in section
43.21 171.50, article IV, or an offense described in sections 171.17 and 171.18.

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

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

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

43.31 (1) in a grossly negligent manner;

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

43.33 (i) alcohol;

- 44.1 (ii) a controlled substance; or
44.2 (iii) any combination of those elements;
44.3 (3) while having an alcohol concentration of 0.08 or more;
44.4 (4) while having an alcohol concentration of 0.08 or more, as measured within
44.5 two hours of the time of driving;
44.6 (5) in a negligent manner while knowingly under the influence of a hazardous
44.7 substance;
44.8 (6) in a negligent manner while any amount of a controlled substance listed in
44.9 schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is
44.10 present in the person's body; or
44.11 (7) where the driver who causes the accident leaves the scene of the accident in
44.12 violation of section 169.09, subdivision 1 or 6.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Subdivision 1. **Certificates of analysis; blood sample reports; chain of custody.**
(a) In any hearing or trial of a criminal offense or petty misdemeanor or proceeding pursuant to section 169A.53, subdivision 3, the following documents shall be admissible in evidence:

~~(a)~~ (1) a report of the facts and results of any laboratory analysis or examination if it is prepared and attested by the person performing the laboratory analysis or examination

in any laboratory operated by the Bureau of Criminal Apprehension or authorized by the bureau to conduct an analysis or examination, or in any laboratory of the Federal Bureau of Investigation, the federal Postal Inspection Service, the federal Bureau of Alcohol, Tobacco and Firearms, or the federal Drug Enforcement Administration;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

<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. 14. **REPEALER.**

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

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

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

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

ARTICLE 4 CRIME VICTIMS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 50.14 (1) an order for protection under chapter 518B; or
50.15 (2) a no contact order, currently in effect, issued under section 518B.01, subdivision
50.16 22, or chapter 609.

50.17 Subd. 2. **Confidentiality of information.** Information provided to the landlord by
50.18 the victim documenting domestic abuse pursuant to subdivision 1 shall be treated by the
50.19 landlord as confidential. The information may not be entered into any shared database
50.20 or provided to any entity except when required for use in an eviction proceeding, upon
50.21 the consent of the victim, or as otherwise required by law.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52.29 (d) A licensed physician or surgeon, dentist, or chiropractor shall not, without the
52.30 consent of the patient, be allowed to disclose any information or any opinion based thereon
52.31 which the professional acquired in attending the patient in a professional capacity, and
52.32 which was necessary to enable the professional to act in that capacity; after the decease
52.33 of the patient, in an action to recover insurance benefits, where the insurance has been
52.34 in existence two years or more, the beneficiaries shall be deemed to be the personal
52.35 representatives of the deceased person for the purpose of waiving this privilege, and no

oral or written waiver of the privilege shall have any binding force or effect except when made upon the trial or examination where the evidence is offered or received.

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

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

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

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

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

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

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

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

(j) A parent or the parent's minor child may not be examined as to any communication made in confidence by the minor to the minor's parent. A communication is confidential if made out of the presence of persons not members of the child's immediate family living

in the same household. This exception may be waived by express consent to disclosure by a parent entitled to claim the privilege or by the child who made the communication or by failure of the child or parent to object when the contents of a communication are demanded. This exception does not apply to a civil action or proceeding by one spouse against the other or by a parent or child against the other, nor to a proceeding to commit either the child or parent to whom the communication was made or to place the person or property or either under the control of another because of an alleged mental or physical condition, nor to a criminal action or proceeding in which the parent is charged with a crime committed against the person or property of the communicating child, the parent's spouse, or a child of either the parent or the parent's spouse, or in which a child is charged 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

55.1 child is examined. A child describing any act or event may use language appropriate for
55.2 a child of that age.

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

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

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

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

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

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

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

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

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

55.28 (b) An order issued under this subdivision must be personally served upon the
55.29 respondent. If personal service cannot be made, the court may order service by alternate
55.30 means, or by publication, which publication must be made as in other actions. The
55.31 application for alternate service must include the last known location of the respondent;
55.32 the petitioner's most recent contacts with the respondent; the last known location of the
55.33 respondent's employment; the names and locations of the respondent's parents, siblings,
55.34 children, and other close relatives; the names and locations of other persons who are likely

56.1 to know the respondent's whereabouts; and a description of efforts to locate those persons.
56.2 The court shall consider the length of time the respondent's location has been unknown,
56.3 the likelihood that the respondent's location will become known, the nature of the relief
56.4 sought, and the nature of efforts made to locate the respondent. The court shall order
56.5 service by first class mail, forwarding address requested, to any addresses where there is a
56.6 reasonable possibility that mail or information will be forwarded or communicated to the
56.7 respondent. The court may also order publication, within or without the state, but only if it
56.8 might reasonably succeed in notifying the respondent of the proceeding. Service shall be
56.9 deemed complete 14 days after mailing or 14 days after court-ordered publication.

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

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

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

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

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

56.17 Subd. 7. **Definition.** As used in this section, ~~"heinous crime"~~ "violent crime" means
56.18 a violation or attempt to violate any of the following: section 609.185; 609.19; 609.195;
56.19 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.2231; 609.2241; 609.2242;
56.20 609.2245; 609.2247; 609.228; 609.23; 609.231; 609.2325; 609.233; 609.235; 609.24;
56.21 609.245; 609.25; 609.255; 609.265; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665;
56.22 609.267; 609.2671; 609.2672; 609.268; 609.282; 609.342; 609.343; 609.344; 609.345;
56.23 609.3451; 609.3453; 609.352; 609.377; 609.378; 609.561, subdivision 1; 609.582,
56.24 subdivision 1, paragraph (a) or (c); or 609.66, subdivision 1e, paragraph (b).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

57.28 (a) "Criminal sexual conduct" means a violation of section 609.342, 609.343,
57.29 609.344, 609.345, or 609.3451.

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

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

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

H.F. No. 829, 1st Committee Engrossment - 85th Legislative Session (2007-2008)

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;

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

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

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

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

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

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

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

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

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

59.3 Subd. 2a. **Awards; limitations.** (a) No award may be granted under subdivision
59.4 1, clause (6), to a victim that fails to provide proof of insurance stating that security
59.5 had been provided for the vehicle at the time the vehicle was stolen. As used in this
59.6 paragraph, "proof of insurance" has the meaning given it in section 169.791, subdivision
59.7 1, paragraph (g).

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

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

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

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

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

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

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

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

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

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

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

ARTICLE 5

COURTS AND PUBLIC DEFENDERS

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

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

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

2. Ramsey; 26 judges;

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

4. Hennepin; 60 judges;

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

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

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

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

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

61.14 (2) "Employee of the state" means all present or former officers, members, directors,
61.15 or employees of the state, members of the Minnesota National Guard, members of a
61.16 bomb disposal unit approved by the commissioner of public safety and employed by a
61.17 municipality defined in section 466.01 when engaged in the disposal or neutralization of
61.18 bombs or other similar hazardous explosives, as defined in section 299C.063, outside the
61.19 jurisdiction of the municipality but within the state, or persons acting on behalf of the state
61.20 in an official capacity, temporarily or permanently, with or without compensation. It does
61.21 not include either an independent contractor except, for purposes of this section and
61.22 section 3.736 only, a guardian ad litem acting under court appointment, or members of the
61.23 Minnesota National Guard while engaged in training or duty under United States Code,
61.24 title 10, or title 32, section 316, 502, 503, 504, or 505, as amended through December
61.25 31, 1983. Notwithstanding sections 43A.02 and 611.263, for purposes of this section and
61.26 section 3.736 only, "employee of the state" includes a district public defender or assistant
61.27 district public defender in the Second or Fourth Judicial District and a member of the
61.28 Health Technology Advisory Committee.

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

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

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

61.33 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.

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

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

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

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

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

63.13 Subd. 5. **Debt.** "Debt" means a legal obligation of a natural person to pay a fixed
63.14 and certain amount of money, which equals or exceeds \$25 and which is due and payable
63.15 to a claimant agency. The term includes criminal fines imposed under section 609.10 or
63.16 609.125, fines imposed for petty misdemeanors as defined in section 609.02, subdivision
63.17 4a, and restitution. ~~The term also includes the co-payment for the appointment of a district~~
63.18 ~~public defender imposed under section 611.17, paragraph (c).~~ A debt may arise under a
63.19 contractual or statutory obligation, a court order, or other legal obligation, but need not
63.20 have been reduced to judgment.

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

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

- 63.30 (1) for an unmarried debtor, an income of \$8,800 or less;
63.31 (2) for a debtor with one dependent, an income of \$11,270 or less;
63.32 (3) for a debtor with two dependents, an income of \$13,330 or less;
63.33 (4) for a debtor with three dependents, an income of \$15,120 or less;
63.34 (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.

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

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

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

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

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

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

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

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

65.1 (c) Enumerated employees and referenced persons are:

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

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

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

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

65.10 (5) a member of the legislature;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

484.83 REINSTATEMENT OF FORFEITED SUMS.

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

Subd. 2. **Bail forfeitures.** Any bail not forfeited by court order shall be deemed abandoned and forfeited if the person entitled to refund does not file a written demand

67.1 for refund with the court administrator within six months from the date when the person
67.2 became entitled to the refund.

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

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

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

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

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

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

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

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

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

68.5 ~~(b)~~

68.6 ~~FORM OF SUMMONS~~

68.7 ~~State of Minnesota~~)
68.8) ss.
68.9 ~~County of _____~~)

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

68.15 ~~Dated at~~ _____, this _____ day of _____, year _____

68.16 _____,

68.17 ~~Judge of~~ _____ court.

68.18 ~~(c)~~

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

68.20 ~~State of Minnesota~~)
68.21) ss.
68.22 ~~County of _____~~)

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

68.24 ~~Whereas,, the plaintiff, of, in an eviction action, at a court held~~
68.25 ~~at, in the county of, on the day of, year~~
68.26 ~~....., before, a judge of the county, recovered a judgment against,~~
68.27 ~~the, to have recovery of the following premises (describe here the property~~
68.28 ~~as in the complaint):~~

68.29 Therefore, you are commanded that, taking with you the force of the county, if
68.30 necessary, you cause to be immediately removed from the premises, and the
68.31 plaintiff to recover the premises. You are also commanded that from the personal property
68.32 of within the county that you seize and sell, the plaintiff be paid
68.33 dollars, as the costs assessed against the defendant, together with 25 cents for this writ.
68.34 You are ordered to return this writ within 30 days.

69.1 ~~Dated at, this day of, year~~
69.2 ~~.....;~~
69.3 ~~Judge of court.~~

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

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

69.6 Subdivision 1. **Permissive appointment of guardian ad litem.** In all proceedings
69.7 for child custody or for dissolution or legal separation where custody or parenting time
69.8 with a minor child is in issue, the court may appoint a guardian ad litem from a panel
69.9 established by the court to represent the interests of the child. The guardian ad litem shall
69.10 advise the court with respect to custody, ~~support~~, and parenting time.

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

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

69.13 Subd. 2. **Required appointment of guardian ad litem.** In all proceedings for child
69.14 custody or for marriage dissolution or legal separation in which custody or parenting time
69.15 with a minor child is an issue, if the court has reason to believe that the minor child is a
69.16 victim of domestic child abuse or neglect, as those terms are defined in sections 260C.007
69.17 and 626.556, respectively, the court shall appoint a guardian ad litem. The guardian
69.18 ad litem shall represent the interests of the child and advise the court with respect to
69.19 custody, ~~support~~, and parenting time. If the child is represented by a guardian ad litem in
69.20 any other pending proceeding, the court may appoint that guardian to represent the child
69.21 in the custody or parenting time proceeding. No guardian ad litem need be appointed if
69.22 the alleged domestic child abuse or neglect is before the court on a juvenile dependency
69.23 and neglect petition. Nothing in this subdivision requires the court to appoint a guardian
69.24 ad litem in any proceeding for child custody, marriage dissolution, or legal separation in
69.25 which an allegation of domestic child abuse or neglect has not been made.

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

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

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

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

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

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

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

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

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

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

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

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

Subd. 2. Other parties; impleading. If an insurer is made a party defendant pursuant to this section and it appears at any time before or during the trial that there is or may be a cross issue between the insurer and the insured or any issue between any other person and the insurer involving the question of the insurer's liability if judgment should be rendered against the insured, the court may, upon motion of any defendant in the action, cause the person who may be liable upon such cross issue to be made a party defendant to the action and all the issues involved in the controversy determined in the trial of the action or any third party may be impleaded. Nothing in this subdivision prohibits the trial court from directing and conducting separate trials on the issue of liability to the plaintiff

71.1 or other party seeking affirmative relief and on the issue of whether the insurance policy in
71.2 question affords coverage. Any party may move for separate trials. If the court orders
71.3 separate trials, the court shall specify in its order the sequence in which the trials are to
71.4 be conducted.

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

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

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

71.13 (b) Except as otherwise provided by contract or allowed by law, preverdict,
71.14 preaward, or prereport interest on pecuniary damages shall be computed as provided
71.15 in paragraph (c) from the time of the commencement of the action or a demand for
71.16 arbitration, or the time of a written notice of claim, whichever occurs first, except as
71.17 provided herein. The action must be commenced within two years of a written notice of
71.18 claim for interest to begin to accrue from the time of the notice of claim. If either party
71.19 serves a written offer of settlement, the other party may serve a written acceptance or a
71.20 written counteroffer within 30 days. After that time, interest on the judgment or award
71.21 shall be calculated by the judge or arbitrator in the following manner. The prevailing
71.22 party shall receive interest on any judgment or award from the time of commencement
71.23 of the action or a demand for arbitration, or the time of a written notice of claim, or as
71.24 to special damages from the time when special damages were incurred, if later, until the
71.25 time of verdict, award, or report only if the amount of its offer is closer to the judgment or
71.26 award than the amount of the opposing party's offer. If the amount of the losing party's
71.27 offer was closer to the judgment or award than the prevailing party's offer, the prevailing
71.28 party shall receive interest only on the amount of the settlement offer or the judgment or
71.29 award, whichever is less, and only from the time of commencement of the action or a
71.30 demand for arbitration, or the time of a written notice of claim, or as to special damages
71.31 from when the special damages were incurred, if later, until the time the settlement offer
71.32 was made. Subsequent offers and counteroffers supersede the legal effect of earlier offers
71.33 and counteroffers. For the purposes of clause (2), the amount of settlement offer must
71.34 be allocated between past and future damages in the same proportion as determined by

the trier of fact. Except as otherwise provided by contract or allowed by law, preverdict, preaward, or prereport interest shall not be awarded on the following:

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

(2) judgments or awards for future damages;

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

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

and

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

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

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

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

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

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

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

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

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

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

73.7 **590.05 INDIGENT PETITIONERS.**

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

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

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

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

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

73.28 (c) For purposes of this section:

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

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

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

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

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

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

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

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

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

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

611.14 RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.

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

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

(2) a person appealing from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor, who is pursuing a postconviction

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

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

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

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

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

Subd. 6. **Reimbursement schedule guidelines.** In determining a defendant's reimbursement schedule, the court may derive a specific dollar amount per month by multiplying the defendant's net income by the percent indicated by the following guidelines:

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

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

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

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

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

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

(2) three public members appointed by the governor.

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

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

(c) In addition, the State Board of Public Defense shall consist of a nine-member ad hoc board when considering the appointment of district public defenders under section 611.26, subdivision 2. The terms of chief district public defenders currently serving shall 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. 27. 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

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

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

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

77.4 **611.23 OFFICE OF STATE PUBLIC DEFENDER; APPOINTMENT;**
77.5 **SALARY.**

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

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

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

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

77.25 **611.24 CHIEF APPELLATE PUBLIC DEFENDER; ORGANIZATION OF**
77.26 **OFFICE; ASSISTANTS.**

77.27 ~~The state public defender shall supervise the operation, activities, policies and~~
77.28 ~~procedures of the state public defender system. The state public defender shall employ or~~
77.29 ~~retain assistant state public defenders, a chief administrator, a deputy state~~ (a) Beginning
77.30 January 1, 2007, and for every four years after that date, the State Board of Public Defense
77.31 shall appoint a chief appellate public defender in charge of appellate services, who shall
77.32 employ or retain assistant state public defenders and other personnel as may be necessary
77.33 to discharge the functions of the office. The chief appellate public defender shall serve a

four-year term and may be removed only for cause upon the order of the State Board of Public Defense. The chief appellate public defender shall be a full-time qualified attorney, licensed to practice law in this state, and serve in the unclassified service of the state. Vacancies in the office shall be filled by the appointing authority for the unexpired term.

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

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

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

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

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

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

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

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

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

~~(c) The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed to do so by the Supreme Court or the Court of~~

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~~Appeals, except that The state chief appellate public defender shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award. 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. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender.~~

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

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

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

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

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

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

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

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

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

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

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

80.14 Subd. 13. **Public defense services; correctional facility inmates.** All billings for
80.15 services rendered and ordered under subdivision 7 shall require the approval of the chief
80.16 district public defender before being forwarded on a monthly basis to the state public
80.17 defender. In cases where adequate representation cannot be provided by the district public
80.18 defender and where counsel has been appointed under a court order, the state public
80.19 defender shall forward to the commissioner of finance all billings for services rendered
80.20 under the court order. The commissioner shall pay for services from ~~county criminal~~
80.21 ~~justice aid retained by the commissioner of revenue for that purpose under section~~
80.22 ~~477A.0121, subdivision 4, or from~~ county program aid retained by the commissioner of
80.23 revenue for that purpose under section 477A.0124, subdivision 1, clause (4), or 477A.03,
80.24 subdivision 2b, paragraph (a).

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

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

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

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

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

Sec. 36. 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.

H.F. No. 829, 1st Committee Engrossment - 85th Legislative Session (2007-2008)

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

82.2 read:

82.3	Sec. 4. DISTRICT COURTS	\$	118,470,000	\$	128,842,000
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82.4 Carlton County Extraordinary Expenses.

82.5 \$300,000 the first year is to reimburse

82.6 Carlton county for extraordinary expenses

82.7 related to homicide trials. This is a onetime

82.8 appropriation.

82.9 **New Judge Units.** \$774,000 the first year

82.10 and \$1,504,000 the second year are for an

82.11 increase in judgeship units, including one

82.12 trial court judge unit beginning October 1,

82.13 2001, in the tenth judicial district, one trial

82.14 court judge unit beginning April 1, 2002, in

82.15 the third judicial district, one trial court judge

82.16 unit beginning July 1, 2002, in the tenth

82.17 judicial district, one trial court judge unit

82.18 beginning January 1, 2003, in the seventh

82.19 judicial district, and one trial court judge

82.20 unit beginning January 1, 2003, in the first

82.21 judicial district. Each judge unit consists of a

82.22 judge, law clerk, and court reporter.

82.23 **Alternative Dispute Resolution Programs.**

82.24 A portion of this appropriation may be

82.25 used for the alternative dispute resolution

82.26 programs authorized by article 5, section 18.

82.27 Supplemental Funding for Certain

82.28 **Mandated Costs.** \$4,533,000 the first

82.29 year and \$6,032,000 the second year are to

82.30 supplement funding for guardians ad litem,

82.31 interpreters, rule 20 and civil commitment

82.32 examinations, and in forma pauperis costs in

82.33 the fifth, seventh, eighth, and ninth judicial

82.34 districts.

83.1 **Trial Court Infrastructure Staff.** \$684,000
83.2 the first year and \$925,000 the second year
83.3 are for infrastructure staff.

83.4 **Court Effectiveness Initiatives;**
83.5 **Community Courts and Screener**
83.6 **Collectors.** \$835,000 the first year and
83.7 \$765,000 the second year are for court
83.8 effectiveness initiatives. Of this amount,
83.9 \$125,000 each year is for continued funding
83.10 of the community court in the fourth judicial
83.11 district and \$125,000 each year is for
83.12 continued funding of the community court
83.13 in the second judicial district. These are
83.14 onetime appropriations.

83.15 The second judicial district and fourth
83.16 judicial district shall each report quarterly to
83.17 the chairs and ranking minority members of
83.18 the legislative committees and divisions with
83.19 jurisdiction over criminal justice funding on:
83.20 (1) how money appropriated for this initiative
83.21 was spent; and
83.22 (2) the cooperation of other criminal justice
83.23 agencies and county units of government in
83.24 the community courts' efforts.

83.25 The first report is due on October 1, 2001.
83.26 None of this appropriation may be used
83.27 for the purpose of complying with these
83.28 reporting requirements.

83.29 Of this amount, \$585,000 the first year and
83.30 \$515,000 the second year are for screener
83.31 collector programs.

83.32 ~~The fifth, seventh, and ninth judicial district~~
83.33 ~~courts shall implement screener collector~~
83.34 ~~programs to enhance the collection of~~

84.1 ~~overdue fine revenue by at least ten percent in~~
84.2 ~~each location serviced by a screener collector.~~
84.3 ~~By August 15, 2002, and annually thereafter,~~
84.4 ~~the state court administrator shall report to~~
84.5 ~~the chairs and ranking minority members~~
84.6 ~~of the house of representatives and senate~~
84.7 ~~committees with jurisdiction over criminal~~
84.8 ~~justice policy and funding issues on the total~~
84.9 ~~amount of fines collected, the amount of~~
84.10 ~~overdue fines collected for the two preceding~~
84.11 ~~fiscal years, and the expenditures associated~~
84.12 ~~with the screener collector program.~~

84.13 **Ninth District County and Support Pilot**
84.14 **Projects.** Up to \$99,000 each year may
84.15 be used for the ninth judicial district to
84.16 implement the pilot projects on the six-month
84.17 review of child custody, parenting time, and
84.18 support orders, and on the accounting for
84.19 child support by obligees.

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

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

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

84.24 ~~**Report on Court Fees.** The state court~~
84.25 ~~administrator shall review and report back~~
84.26 ~~on the financial consequences of policy~~
84.27 ~~changes made in the following areas: (1)~~
84.28 ~~criminal and traffic offender surcharges; (2)~~
84.29 ~~public defender co-pays; and (3) the use~~
84.30 ~~of revenue recapture to collect the public~~
84.31 ~~defender co-pay. The report shall also list~~
84.32 ~~the local governmental units that employ~~
84.33 ~~administrative procedures to collect fines~~
84.34 ~~for ordinance violations. The state court~~

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85.1 ~~administrator must submit the report to the~~
85.2 ~~chairs and ranking minority members on the~~
85.3 ~~committees that have jurisdiction over court~~
85.4 ~~funding by January 15 of each year.~~

85.5 \$5,000 each year is for a contingent account
85.6 for expenses necessary for the normal
85.7 operation of the court for which no other
85.8 reimbursement is provided.

85.9 **Legal Services to Low-Income Clients in**
85.10 **Family Law Matters.** Of this appropriation,
85.11 \$877,000 each year is to improve the
85.12 access of low-income clients to legal
85.13 representation in family law matters. This
85.14 appropriation must be distributed under
85.15 Minnesota Statutes, section 480.242, to
85.16 the qualified legal services programs
85.17 described in Minnesota Statutes, section
85.18 480.242, subdivision 2, paragraph (a). Any
85.19 unencumbered balance remaining in the first
85.20 year does not cancel and is available in the
85.21 second year.

85.22 Of this appropriation, \$355,000 in fiscal
85.23 year 2005 is for the implementation of
85.24 the Minnesota Child Support Act and is
85.25 contingent upon its enactment. This is a
85.26 onetime appropriation.

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

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

85.29 The State Board of Public Defense and the Hennepin County Board of
85.30 Commissioners shall jointly prepare a report to the legislature on the history of the
85.31 funding of the public defender's office in the Fourth Judicial District provided by the state
85.32 and Hennepin County. The report must compare the costs and services provided by the
85.33 Fourth Judicial District Public Defender's Office to the costs and services provided by the
85.34 state Board of Public Defense in all other public defender district offices. The report must

86.1 detail the amount of funding provided by Hennepin County to the Fourth Judicial District
86.2 Public Defender's Office and the amount necessary for the state to assume the full costs of
86.3 the public defender duties in the Fourth Judicial District as in the other judicial districts
86.4 throughout the state. The report must also recommend specific legislation that would
86.5 provide for an appropriate resolution of the state and local funding of the Fourth Judicial
86.6 District Public Defender's Office. The report must be completed by October 1, 2007, and
86.7 be submitted to the commissioner of finance, the chairs and ranking minority members of
86.8 the senate and house committees and divisions with jurisdiction over finance, judiciary,
86.9 judiciary finance, and public safety finance, and the house Ways and Means Committee.

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

86.11 Sec. 40. **REPORT.**

86.12 The commissioner of commerce shall monitor compliance with the good faith
86.13 obligations of insurers imposed by Minnesota Statutes, section 604.18 and prepare a
86.14 compliance report and submit it to the house and senate standing committees with
86.15 jurisdiction over insurance matters on January 1 of each year. The commissioner shall
86.16 also submit a copy of the report to the state court administrator to assist the administrator
86.17 in monitoring the impact on the state court system of the enactment of Minnesota
86.18 Statutes, section 604.18. The report must also include the information received by the
86.19 commissioner under Minnesota Statutes, section 604.18, subdivision 3.

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

86.21 Sec. 41. **REPEALER.**

86.22 Minnesota Statutes 2006, sections 260B.173; 480.175, subdivision 3; 611.20,
86.23 subdivision 5; and 626A.17, subdivision 3, are repealed.

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

86.25 **ARTICLE 6**
86.26 **CORRECTIONS**

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

86.28 **16A.72 INCOME CREDITED TO GENERAL FUND; EXCEPTIONS.**

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

86.31 (1) federal aid;

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

(3) income to the University of Minnesota;

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

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

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

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

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

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

(10) income to the Minnesota Historical Society;

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

(12) as otherwise provided by law.

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

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

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

(b) The commissioner of administration shall develop a contract or contracts to enable public entities to purchase items directly from corrections industries. ~~The~~

~~commissioner of administration, in consultation with the commissioner of corrections, shall determine the fair market price for listed items. The commissioner of administration shall require that all requests for bids or proposals, for items provided by corrections industries, be forwarded to the commissioner of corrections to enable corrections industries to submit bids. The commissioner of corrections shall consult with the commissioner of administration prior to introducing new products to the state agency market.~~

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

~~(d) The commissioners of administration and corrections shall develop annual performance measures outlining goals to maximize inmate work program participation. The commissioners of administration and corrections shall appoint cochairs for a task force whose purpose is to determine additional methods to achieve the performance goals for public entity purchasing. The task force shall include representatives from the Minnesota House of Representatives, Minnesota Senate, the Minnesota State Colleges and Universities, University of Minnesota, Minnesota League of Cities, Minnesota Association of Counties, and administrators with purchasing responsibilities from the Minnesota state Departments of Corrections, Public Safety, Finance, Transportation, Natural Resources, Human Services, Health, and Employment and Economic Development. Notwithstanding section 15.059, the task force created in this paragraph expires on June 30, 2003.~~

~~(e) 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.

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

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

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

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

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

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

Subdivision 1. **Establishment of Minnesota correctional industries; MINNCOR industries.** For the purpose of providing adequate, regular and suitable employment, ~~vocational~~ educational training, and to aid the inmates of state correctional facilities, the commissioner of corrections may establish, equip, maintain and operate at any correctional facility under the commissioner's control such industrial and commercial

activities as may be deemed necessary and suitable to the profitable employment, ~~vocational~~ educational training and development of proper work habits of the inmates of state correctional facilities. The industrial and commercial activities authorized by this section are designated MINNCOR industries and shall be for the primary purpose of sustaining and ensuring MINNCOR industries' self-sufficiency, providing ~~vocational~~ educational training, meaningful employment and the teaching of proper work habits to the inmates of correctional facilities under the control of the commissioner of corrections, and not solely as competitive business ventures. The net profits from these activities shall be used for the benefit of the inmates as it relates to education, self-sufficiency skills, and transition services and not to fund non-inmate-related activities or mandates. Prior to the establishment of any industrial and commercial activity, the commissioner of corrections may consult with representatives of business, industry, organized labor, the state Department of Education, the state Apprenticeship Council, the state Department of Labor and Industry, the Department of Employment Security, the Department of Administration, and such other persons and bodies as the commissioner may feel are qualified to determine the quantity and nature of the goods, wares, merchandise and services to be made or provided, and the types of processes to be used in their manufacture, processing, repair, and production consistent with the greatest opportunity for the reform and ~~vocational~~ educational training of the inmates, and with the best interests of the state, business, industry and labor.

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

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

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

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

Subd. 2. **Revolving fund; use of fund.** There is established in the Department of Corrections under the control of the commissioner of corrections the Minnesota correctional industries revolving fund to which shall be transferred the revolving funds

91.1 authorized in Minnesota Statutes 1978, sections 243.41 and 243.85, clause (f), and any
91.2 other industrial revolving funds heretofore established at any state correctional facility
91.3 under the control of the commissioner of corrections. The revolving fund established
91.4 shall be used for the conduct of the industrial and commercial activities now or hereafter
91.5 established at any state correctional facility, including but not limited to the purchase of
91.6 equipment, raw materials, the payment of salaries, wages and other expenses necessary
91.7 and incident thereto. The purchase of services, materials, and commodities used in and
91.8 held for resale are not subject to the competitive bidding procedures of section 16C.06, but
91.9 are subject to all other provisions of chapters 16B and 16C, unless otherwise identified.
91.10 When practical, purchases must be made from small targeted group businesses designated
91.11 under section 16C.16. Additionally, the expenses of inmate ~~vocational~~ educational
91.12 training, self-sufficiency skills, transition services, and the inmate release fund may be
91.13 financed from the correctional industries revolving fund in an amount to be determined
91.14 by the commissioner or the MINNCOR chief executive officer as duly appointed by the
91.15 commissioner. The proceeds and income from all industrial and commercial activities
91.16 conducted at state correctional facilities shall be deposited in the correctional industries
91.17 revolving fund subject to disbursement as hereinabove provided. The commissioner of
91.18 corrections may request that money in the fund be invested pursuant to section 11A.25;
91.19 the proceeds from the investment not currently needed shall be accounted for separately
91.20 and credited to the fund.

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

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

91.23 Subd. 3. **Disbursement from fund.** The correctional industries revolving fund
91.24 shall be deposited in the state treasury and paid out only on proper vouchers as may be
91.25 authorized and approved by the commissioner of corrections, and in the same manner and
91.26 under the same restrictions as are now provided by law for the disbursement of funds by
91.27 the commissioner. An amount deposited in the state treasury equal to six months of net
91.28 operating cash as determined by the prior 12 months of revenue and cash flow statements,
91.29 shall be restricted for use only by correctional industries as described under subdivision
91.30 2. For purposes of this subdivision, "net operating cash" means net income minus sales
91.31 plus cost of goods sold. Cost of goods sold include all direct costs of correctional industry
91.32 products attributable to their production. The commissioner of corrections is authorized
91.33 to keep and maintain at any correctional facility under the commissioner's control a
91.34 contingent fund, as provided in section 241.13; but the contingent fund shall at all times

92.1 be covered and protected by a proper and sufficient bond to be duly approved as by law
92.2 now provided.

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

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

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

92.12 When the commissioner of corrections shall certify to the commissioner of finance
92.13 that, in the commissioner's judgment, it is necessary to borrow a specified sum of money
92.14 in order to meet the current demands on the correctional industries revolving fund, and the
92.15 commissioner of finance may, in the commissioner's discretion, transfer and credit to the
92.16 correctional industries revolving fund, from any moneys in the state treasury not required
92.17 for immediate disbursement, the whole or such part of the amount so certified as they
92.18 deem advisable, which sum so transferred shall be repaid by the commissioner from the
92.19 revolving fund to the fund from which transferred, at such time as shall be specified by the
92.20 commissioner of finance, together with interest thereon at such rate as shall be specified
92.21 by the commissioner of finance, not exceeding four percent per annum. When any transfer
92.22 shall so have been made to the correctional industries revolving fund, the commissioner
92.23 of finance shall notify the commissioner of corrections of the amount so transferred to
92.24 the credit of the correctional industries revolving fund, the date when the same is to be
92.25 repaid, and the rate of interest so to be paid.

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

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

92.28 **241.278 AGREEMENTS FOR WORK FORCE OF STATE OR COUNTY**
92.29 **JAIL INMATES.**

92.30 The commissioner of corrections, in the interest of inmate rehabilitation or to
92.31 promote programs under section 241.275, subdivision 2, may enter into interagency
92.32 agreements with state, county, or municipal agencies, or contract with nonprofit agencies
92.33 to manage, fund, or partially fund the cost of programs that use state or county jail

93.1 inmates as a work force. The commissioner is authorized to receive funds via these
93.2 agreements and these funds are appropriated to the commissioner for community service
93.3 programming or when prison industries are party to the agreement, shall be deposited in
93.4 the Minnesota correctional industries revolving fund for use as described under section
93.5 241.27, subdivision 2.

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

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

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

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

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

93.14 Subd. 4. **Commitment.** If ~~the examining~~ licensed mental health care professional or
93.15 licensed mental health professional finds the person to be a person who is mentally ill and
93.16 in need of long-term care in a hospital, or if an inmate transferred pursuant to subdivision
93.17 3 refuses to voluntarily participate in the treatment program at the mental health unit, the
93.18 director of psychological services of the institution or the mental health professional shall
93.19 initiate proceedings for judicial commitment as provided in section 253B.07. Upon the
93.20 recommendation of the licensed mental health professional and upon completion of the
93.21 hearing and consideration of the record, the court may commit the person to the mental
93.22 health unit established in subdivision 1 or to another hospital. A person confined in a state
93.23 correctional institution for adults who has been adjudicated to be a person who is mentally
93.24 ill and in need of treatment may be committed to the commissioner of corrections and
93.25 placed in the mental health unit established in subdivision 1.

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

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

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

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

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

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

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

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

94.13 Subdivision 1. **Certified statements; determinations; adjustments.** ~~On or before~~
94.14 Within 60 days of the end of each calendar quarter, participating counties which have
94.15 received the payments authorized by section 401.14 shall submit to the commissioner
94.16 certified statements detailing the amounts expended and costs incurred in furnishing the
94.17 correctional services provided in sections 401.01 to 401.16. Upon receipt of certified
94.18 statements, the commissioner shall, in the manner provided in sections 401.10 and
94.19 401.12, determine the amount each participating county is entitled to receive, making any
94.20 adjustments necessary to rectify any disparity between the amounts received pursuant to
94.21 the estimate provided in section 401.14 and the amounts actually expended. If the amount
94.22 received pursuant to the estimate is greater than the amount actually expended during the
94.23 quarter, the commissioner may withhold the difference from any subsequent monthly
94.24 payments made pursuant to section 401.14. Upon certification by the commissioner of
94.25 the amount a participating county is entitled to receive under the provisions of section
94.26 401.14 or of this subdivision the commissioner of finance shall thereupon issue a state
94.27 warrant to the chief fiscal officer of each participating county for the amount due together
94.28 with a copy of the certificate prepared by the commissioner.

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

94.30 Sec. 15. Minnesota Statutes 2006, section 641.265, subdivision 2, is amended to read:

94.31 Subd. 2. **Withdrawal.** A county board may withdraw from cooperation in a regional
94.32 jail system ~~if the county boards of all of the other cooperating counties decide, by majority~~

95.1 ~~vote, to allow the withdrawal~~ in accordance with the terms of a joint powers agreement.

95.2 With the approval of the county board of each cooperating county, the regional jail board
95.3 shall fix the sum, if any, to be paid to the county withdrawing, to reimburse it for capital
95.4 cost, debt service, or lease rental payments made by the county prior to withdrawal, in
95.5 excess of its proportionate share of benefits from the regional jail prior to withdrawal, and
95.6 the time and manner of making the payments. The payments shall be deemed additional
95.7 payments of capital cost, debt service, or lease rentals to be made proportionately by the
95.8 remaining counties and, when received, shall be deposited in and paid from the regional
95.9 jail fund; provided that:

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

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

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

95.18 **Sec. 16. REPEALER.**

95.19 Minnesota Statutes 2006, sections 241.021, subdivision 5; and 241.85, subdivision
95.20 2, are repealed.

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

95.22 **ARTICLE 7**

95.23 **OFFENDER RE-ENTRY POLICY**

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

95.25 Subdivision 1. **Biennial report.** (a) The Department of Corrections shall submit a
95.26 performance report to the chairs and ranking minority members of the senate and house
95.27 committees and divisions having jurisdiction over criminal justice funding by January
95.28 15, 2005, and every other year thereafter. The issuance and content of the report must
95.29 include the following:

95.30 (1) department strategic mission, goals, and objectives;

95.31 (2) the department-wide per diem, adult facility-specific per diems, and an average
95.32 per diem, reported in a standard calculated method as outlined in the departmental policies
95.33 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;

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

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

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

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

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

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

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

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

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

(i) living in stable and safe housing;

(ii) working and earning an income;

(iii) paying child support, if appropriate;

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

(v) no arrests.

Subd. 4. **Payment.** The commissioner shall pay from grant funds for this demonstration project, to the entity under contract, a monthly flat fee of \$1,600 for every enrollee who is in good standing in the demonstration project.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

99.3 (4) provide an individual family plan and aftercare.

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

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

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

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

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

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

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

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

99.23 (5) drug sentencing, including an assessment of the costs and benefits of adjusting
99.24 drug weight thresholds in controlled substance offenses in Minnesota Statutes, chapter
99.25 152, and the proportionality of Minnesota's drug sentences as compared to sentences for
99.26 other Minnesota offenses and drug sentences in other states in the upper midwest;

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

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

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

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

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

100.3 (11) juvenile offender re-entry;

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

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

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

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

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

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

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

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

100.21 Sec. 5. **RE-ENTRY GRANT ADDRESSING DOMESTIC VIOLENCE AND**
100.22 **INTIMATE PARTNER VIOLENCE.**

100.23 Subdivision 1. **Re-entry grant.** The commissioner of corrections shall award a
100.24 grant to a nonprofit having a section 501(c)(3) status with the Internal Revenue Service
100.25 or a public or private institution of higher education that has expertise in addressing the
100.26 intersection between offender re-entry and domestic violence. The intent of the grant is
100.27 to provide services to re-entering offenders and their intimate partners to: (1) reduce the
100.28 incidence of domestic violence among offenders re-entering the community; (2) reduce
100.29 occurrences of domestic violence, serious injury, and death experienced by intimate
100.30 partners who are in relationships with offenders recently released from jail or prison; and
100.31 (3) reduce criminal recidivism due to domestic violence.

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

102.1 Subdivision 1. **Criminal history data.** (a) **Definition.** For purposes of this
102.2 subdivision, "criminal history data" means all data maintained in criminal history
102.3 records compiled by the Bureau of Criminal Apprehension and disseminated through
102.4 the criminal justice information system, including, but not limited to fingerprints,
102.5 photographs, identification data, arrest data, prosecution data, criminal court data, custody
102.6 and supervision data.

102.7 (b) **Classification.** Criminal history data maintained by agencies, political
102.8 subdivisions and statewide systems are classified as private, pursuant to section 13.02,
102.9 subdivision 12, except that data created, collected, or maintained by the Bureau of
102.10 Criminal Apprehension that identify an individual who was convicted of a crime, the
102.11 offense of which the individual was convicted, associated court disposition and sentence
102.12 information, controlling agency, and confinement information are public data for 15 years
102.13 following the discharge of the sentence imposed for the offense. When an innocent party's
102.14 name is associated with a criminal history, and a determination has been made through a
102.15 fingerprint verification that the innocent party is not the subject of the criminal history, the
102.16 name may be redacted from the public criminal history data. The name shall be retained in
102.17 the criminal history and classified as private data.

102.18 The Bureau of Criminal Apprehension shall provide to the public at the central office
102.19 of the bureau the ability to inspect in person, at no charge, through a computer monitor the
102.20 criminal conviction data classified as public under this subdivision.

102.21 (c) **Limitation.** Nothing in paragraph (a) or (b) shall limit public access to data
102.22 made public by section 13.82.

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

102.24 Sec. 2. Minnesota Statutes 2006, section 243.167, subdivision 1, is amended to read:

102.25 Subdivision 1. **Definition.** As used in this section, "crime against the person" means
102.26 a violation of any of the following or a similar law of another state or of the United States:
102.27 section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223;
102.28 609.2231; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.2247; 609.235;
102.29 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision 2; 609.498, subdivision 1;
102.30 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation of section
102.31 609.229; 609.377; 609.749; or 624.713.

102.32 **EFFECTIVE DATE.** This section is effective the day following final enactment,
102.33 and applies retroactively to crimes committed on or after August 1, 2005.

103.1 Sec. 3. Minnesota Statutes 2006, section 244.05, is amended by adding a subdivision
103.2 to read:

103.3 Subd. 2a. **Random searches.** (a) This subdivision applies to inmates who were
103.4 convicted of and imprisoned for a violent crime, as defined in section 609.1095, involving
103.5 the sale, use, or possession of a controlled substance or a dangerous weapon.

103.6 (b) When an inmate is released on supervised release or parole, the inmate, as a
103.7 condition of release, consents to a search of the inmate's person and any motor vehicle
103.8 driven by the inmate. The search may be conducted on demand by any parole or
103.9 supervised release agent or peace officer.

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

103.11 Sec. 4. Minnesota Statutes 2006, section 299A.641, subdivision 2, is amended to read:

103.12 Subd. 2. **Membership.** The oversight council shall consist of the following
103.13 individuals or their designees:

103.14 (1) the director of the office of special investigations as the representative of the
103.15 commissioner of corrections;

103.16 (2) the superintendent of the Bureau of Criminal Apprehension as the representative
103.17 of the commissioner of public safety;

103.18 (3) the attorney general;

103.19 (4) eight chiefs of police, selected by the Minnesota Chiefs of Police Association,
103.20 two of which must be selected from cities with populations greater than 200,000;

103.21 (5) eight sheriffs, selected by the Minnesota Sheriffs Association to represent each
103.22 district, two of which must be selected from counties with populations greater than
103.23 500,000;

103.24 (6) the United States attorney for the district of Minnesota;

103.25 (7) two county attorneys, selected by the Minnesota County Attorneys Association;

103.26 (8) a command-level representative of a gang strike force;

103.27 (9) a representative from a drug task force, selected by the Minnesota State
103.28 Association of Narcotics Investigators;

103.29 (10) a representative from the United States Drug Enforcement Administration;

103.30 (11) a representative from the United States Bureau of Alcohol, Tobacco, and
103.31 Firearms;

103.32 (12) a representative from the Federal Bureau of Investigation;

103.33 (13) a tribal peace officer, selected by the Minnesota Tribal Law Enforcement
103.34 Association; ~~and~~

103.35 (14) two additional members who may be selected by the oversight council;

104.1 (15) a senator who serves on the committee having jurisdiction over criminal justice
104.2 policy, chosen by the Subcommittee on Committees of the senate Committee on Rules
104.3 and Administration; and

104.4 (16) a representative who serves on the committee having jurisdiction over criminal
104.5 justice policy, chosen by the speaker of the house of representatives.

104.6 The oversight council may adopt procedures to govern its conduct as necessary and may
104.7 select a chair from among its members. The legislative members of the council may not
104.8 vote on matters before the council.

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

104.10 Sec. 5. Minnesota Statutes 2006, section 299C.65, subdivision 2, is amended to read:

104.11 Subd. 2. **Task force.** ~~(a) The policy group shall appoint~~ A task force ~~to~~ shall assist
104.12 ~~them~~ the policy group in their its duties. The task force shall monitor, review, and report to
104.13 the policy group on CrimNet-related projects and provide oversight to ongoing operations
104.14 as directed by the policy group. The task force shall consist of the following members:

104.15 (1) ~~two sheriffs recommended~~ members appointed by the Minnesota Sheriffs
104.16 Association, at least one of whom must be a sheriff;

104.17 (2) ~~two police chiefs recommended~~ members appointed by the Minnesota Chiefs of
104.18 Police Association, at least one of whom must be a chief of police;

104.19 (3) ~~two county attorneys recommended~~ members appointed by the Minnesota
104.20 County Attorneys Association, at least one of whom must be a county attorney;

104.21 (4) ~~two city attorneys recommended~~ members appointed by the Minnesota League
104.22 of Cities representing the interests of city attorneys, at least one of whom must be a city
104.23 attorney;

104.24 (5) ~~two public defenders~~ members appointed by the Board of Public Defense, at least
104.25 one of whom must be a public defender;

104.26 (6) two district judges appointed by the Judicial Council, ~~one of whom is currently~~
104.27 ~~assigned to the juvenile court~~ at least one of whom has experience dealing with juvenile
104.28 court matters;

104.29 (7) two ~~community~~ corrections administrators ~~recommended~~ appointed by the
104.30 Minnesota Association of Counties, representing the interests of local corrections, at least
104.31 one of whom represents a community corrections act county;

104.32 (8) two probation officers appointed by the commissioner of corrections in
104.33 consultation with the president of the Minnesota Association of Community Corrections
104.34 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.

Subdivision 1. Scope. The terms used in sections 299F.850 to 299F.858 have the meanings given them in this section.

Subd. 2. Agent. "Agent" means any person licensed by the commissioner of revenue to purchase and affix adhesive or meter stamps on packages of cigarettes.

107.1 Subd. 3. **Cigarette.** "Cigarette" means any roll for smoking made wholly or in part
107.2 of tobacco, the wrapper or cover of which is made of paper or any other substance or
107.3 material except tobacco.

107.4 Subd. 4. **Manufacturer.** "Manufacturer" means:

107.5 (1) any entity that manufactures or otherwise produces cigarettes or causes cigarettes
107.6 to be manufactured or produced anywhere that the manufacturer intends to be sold in the
107.7 state, including cigarettes intended to be sold in the United States through an importer;

107.8 (2) the first purchaser anywhere that intends to resell in the United States cigarettes
107.9 manufactured anywhere that the original manufacturer or maker does not intend to be sold
107.10 in the United States; or

107.11 (3) any entity that becomes a successor of an entity described in clause (1) or (2).

107.12 Subd. 5. **Quality control and quality assurance program.** "Quality control and
107.13 quality assurance program" means the laboratory procedures implemented to ensure that
107.14 operator bias, systematic and nonsystematic methodological errors, and equipment-related
107.15 problems do not affect the results of the testing. This program ensures that the testing
107.16 repeatability remains within the required repeatability values stated in section 299F.851,
107.17 subdivision 1, paragraph (g), for all test trials used to certify cigarettes in accordance with
107.18 sections 299F.850 to 299F.858.

107.19 Subd. 6. **Repeatability.** "Repeatability" means the range of values within which the
107.20 repeat results of cigarette test trials from a single laboratory will fall 95 percent of the time.

107.21 Subd. 7. **Retail dealer.** "Retail dealer" means any person, other than a wholesale
107.22 dealer, engaged in selling cigarettes or tobacco products.

107.23 Subd. 8. **Sale.** "Sale" means any transfer of title or possession or both, exchange
107.24 or barter, conditional or otherwise, in any manner or by any means whatever or any
107.25 agreement therefore. In addition to cash and credit sales, the giving of cigarettes as
107.26 samples, prizes, or gifts and the exchanging of cigarettes for any consideration other
107.27 than money, are considered sales.

107.28 Subd. 9. **Sell.** "Sell" means to make a sale or to offer or agree to make a sale.

107.29 Subd. 10. **Wholesale dealer.** "Wholesale dealer" means any person (1) who sells
107.30 cigarettes or tobacco products to retail dealers or other persons for purposes of resale or
107.31 (2) who owns, operates, or maintains one or more cigarette or tobacco product vending
107.32 machines in, at, or upon premises owned or occupied by any other person.

107.33 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
107.34 following the date of its final enactment.

107.35 Sec. 8. **[299F.851] TEST METHOD AND PERFORMANCE STANDARD.**

108.1 Subdivision 1. **Requirements.** (a) Except as provided in this subdivision, no
108.2 cigarettes may be sold or offered for sale in this state or offered for sale or sold to persons
108.3 located in this state unless (1) the cigarettes have been tested in accordance with the test
108.4 method and have met the performance standard specified in this section, (2) a written
108.5 certification has been filed by the manufacturer with the state fire marshal in accordance
108.6 with section 299F.852, and (3) the cigarettes have been marked in accordance with section
108.7 299F.853.

108.8 (b) Testing of cigarettes must be conducted in accordance with the American
108.9 Society of Testing and Materials (ASTM) standard E2187-04, "Standard Test Method for
108.10 Measuring the Ignition Strength of Cigarettes."

108.11 (c) Testing must be conducted on ten layers of filter paper.

108.12 (d) No more than 25 percent of the cigarettes tested in a test trial in accordance
108.13 with this section may exhibit full-length burns. Forty replicate tests comprise a complete
108.14 test trial for each cigarette tested.

108.15 (e) The performance standard required by this subdivision must only be applied to a
108.16 complete test trial.

108.17 (f) Written certifications must be based upon testing conducted by a laboratory that
108.18 has been accredited pursuant to standard ISO/IEC 17025 of the International Organization
108.19 for Standardization (ISO), or other comparable accreditation standard required by the
108.20 state fire marshal.

108.21 (g) Laboratories conducting testing in accordance with this section shall implement a
108.22 quality control and quality assurance program that includes a procedure that will determine
108.23 the repeatability of the testing results. The repeatability value must be no greater than 0.19.

108.24 (h) This subdivision does not require additional testing if cigarettes are tested
108.25 consistent with sections 299F.850 to 299F.858 for any other purpose.

108.26 (i) Testing performed or sponsored by the state fire marshal to determine a cigarette's
108.27 compliance with the performance standard required must be conducted in accordance
108.28 with this section.

108.29 Subd. 2. **Permeability bands.** Each cigarette listed in a certification submitted
108.30 pursuant to section 299F.852 that uses lowered permeability bands in the cigarette paper
108.31 to achieve compliance with the performance standard set forth in this section must have
108.32 at least two nominally identical bands on the paper surrounding the tobacco column. At
108.33 least one complete band must be located at least 15 millimeters from the lighting end of
108.34 the cigarette. For cigarettes on which the bands are positioned by design, there must
108.35 be at least two bands fully located at least 15 millimeters from the lighting end and ten

109.1 millimeters from the filter end of the tobacco column, or ten millimeters from the labeled
109.2 end of the tobacco column for nonfiltered cigarettes.

109.3 Subd. 3. **Equivalent test methods.** A manufacturer of a cigarette that the state
109.4 fire marshal determines cannot be tested in accordance with the test method prescribed
109.5 in subdivision 1, paragraph (b), shall propose a test method and performance standard
109.6 for the cigarette to the state fire marshal. Upon approval of the proposed test method
109.7 and a determination by the state fire marshal that the performance standard proposed by
109.8 the manufacturer is equivalent to the performance standard prescribed in subdivision 1,
109.9 paragraph (d), the manufacturer may employ such test method and performance standard
109.10 to certify the cigarette pursuant to section 299F.852. If the state fire marshal determines
109.11 that another state has enacted reduced cigarette ignition propensity standards that include
109.12 a test method and performance standard that are the same as those contained in this
109.13 subdivision, and the state fire marshal finds that the officials responsible for implementing
109.14 those requirements have approved the proposed alternative test method and performance
109.15 standard for a particular cigarette proposed by a manufacturer as meeting the fire safety
109.16 standards of that state's law or regulation under a legal provision comparable to this
109.17 subdivision, then the state fire marshal shall authorize that manufacturer to employ the
109.18 alternative test method and performance standard to certify that cigarette for sale in this
109.19 state, unless the state fire marshal demonstrates a reasonable basis why the alternative
109.20 test should not be accepted under sections 299F.850 to 299F.858. All other applicable
109.21 requirements of this section apply to the manufacturer.

109.22 Subd. 4. **Civil penalty.** Each manufacturer shall maintain copies of the reports of all
109.23 tests conducted on all cigarettes offered for sale for a period of three years, and shall make
109.24 copies of these reports available to the state fire marshal and the attorney general upon
109.25 written request. Any manufacturer who fails to make copies of these reports available
109.26 within 60 days of receiving a written request is subject to a civil penalty not to exceed
109.27 \$10,000 for each day after the 60th day that the manufacturer does not make such copies
109.28 available.

109.29 Subd. 5. **Future ASTM Standards.** The state fire marshal may adopt a subsequent
109.30 ASTM Standard Test Method for Measuring the Ignition Strength of Cigarettes upon
109.31 a finding that the subsequent method does not result in a change in the percentage of
109.32 full-length burns exhibited by any tested cigarette when compared to the percentage of
109.33 full-length burns the same cigarette would exhibit when tested in accordance with ASTM
109.34 Standard E2187-04 and the performance standard in subdivision 1, paragraph (d).

109.35 Subd. 6. **Report to legislature.** The state fire marshal shall review the effectiveness
109.36 of this section and report findings every three years to the legislature and, if appropriate,

110.1 make recommendations for legislation to improve the effectiveness of this section. The
110.2 report and legislative recommendations must be submitted no later than January 2 of each
110.3 three-year period.

110.4 Subd. 7. **Inventory before state standards.** The requirements of subdivision 1 do
110.5 not prohibit wholesale or retail dealers from selling their existing inventory of cigarettes
110.6 on or after the effective date of this section if the wholesale or retail dealer can establish
110.7 that state tax stamps were affixed to the cigarettes before the effective date of this section,
110.8 and if the wholesale or retail dealer can establish that the inventory was purchased before
110.9 the effective date of this section in comparable quantity to the inventory purchased during
110.10 the same period of the previous year.

110.11 Subd. 8. **Implementation.** This section must be implemented in accordance with
110.12 the implementation and substance of the New York "Fire Safety Standards for Cigarettes."

110.13 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
110.14 following the date of its final enactment.

110.15 **Sec. 9. [299F.852] CERTIFICATION AND PRODUCT CHANGE.**

110.16 Subdivision 1. **Attestation.** Each manufacturer shall submit to the state fire marshal
110.17 a written certification attesting that:

110.18 (1) each cigarette listed in the certification has been tested in accordance with
110.19 section 299F.851; and

110.20 (2) each cigarette listed in the certification meets the performance standard set forth
110.21 in section 299F.851, subdivision 1, paragraph (d).

110.22 Subd. 2. **Description.** Each cigarette listed in the certification must be described
110.23 with the following information:

110.24 (1) brand, or trade name on the package;

110.25 (2) style, such as light or ultra light;

110.26 (3) length in millimeters;

110.27 (4) circumference in millimeters;

110.28 (5) flavor, such as menthol or chocolate, if applicable;

110.29 (6) filter or nonfilter;

110.30 (7) package description, such as soft pack or box;

110.31 (8) marking approved in accordance with section 299F.853;

110.32 (9) the name, address, and telephone number of the laboratory, if different than the
110.33 manufacturer that conducted the test; and

110.34 (10) the date that the testing occurred.

111.1 Subd. 3. **Information availability.** The certifications must be made available to the
111.2 attorney general for purposes consistent with this section and the commissioner of revenue
111.3 for the purposes of ensuring compliance with this subdivision.

111.4 Subd. 4. **Recertification.** Each cigarette certified under this subdivision must be
111.5 recertified every three years.

111.6 Subd. 5. **Fee.** For each cigarette listed in a certification, a manufacturer shall pay
111.7 to the state fire marshal a \$250 fee, to be deposited into a dedicated account in the fire
111.8 marshal's budget.

111.9 Subd. 6. **Retesting.** If a manufacturer has certified a cigarette pursuant to this
111.10 section, and thereafter makes any change to the cigarette that is likely to alter its
111.11 compliance with the reduced cigarette ignition propensity standards required by sections
111.12 299F.850 to 299F.858, that cigarette must not be sold or offered for sale in this state
111.13 until the manufacturer retests the cigarette in accordance with the testing standards set
111.14 forth in section 299F.851 and maintains records of that retesting as required by section
111.15 299F.851. Any altered cigarette that does not meet the performance standard set forth in
111.16 section 299F.851 may not be sold in this state.

111.17 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
111.18 following the date of its final enactment.

111.19 **Sec. 10. [299F.853] MARKING AND CIGARETTE PACKAGING.**

111.20 (a) Cigarettes that are certified by a manufacturer in accordance with section
111.21 299F.852 must be marked to indicate compliance with the requirements of section
111.22 299F.851. The marking must be in eight-point type or larger and consist of:

111.23 (1) modification of the product UPC code to include a visible mark printed at
111.24 or around the area of the UPC code, which may consist of alphanumeric or symbolic
111.25 characters permanently stamped, engraved, embossed, or printed in conjunction with
111.26 the UPC;

111.27 (2) any visible combination of alphanumeric or symbolic characters permanently
111.28 stamped, engraved, or embossed upon the cigarette package or cellophane wrap; or

111.29 (3) printed, stamped, engraved, or embossed text that indicates that the cigarettes
111.30 meet the standards of sections 299F.850 to 299F.858.

111.31 (b) A manufacturer shall use only one marking and shall apply this marking
111.32 uniformly for all brands marketed by that manufacturer and all packages, including but
111.33 not limited to packs, cartons, and cases.

111.34 (c) The state fire marshal must be notified as to the marking that is selected.

112.1 (d) Prior to the certification of any cigarette, a manufacturer shall present its
112.2 proposed marking to the state fire marshal for approval. Upon receipt of the request,
112.3 the state fire marshal shall approve or disapprove the marking offered, except that the
112.4 state fire marshal shall approve any marking in use and approved for sale in New York
112.5 pursuant to the New York "Fire Safety Standards for Cigarettes." Proposed markings
112.6 are deemed approved if the state fire marshal fails to act within ten business days of
112.7 receiving a request for approval.

112.8 (e) No manufacturer shall modify its approved marking unless the modification has
112.9 been approved by the state fire marshal in accordance with this section.

112.10 (f) Manufacturers certifying cigarettes in accordance with section 299F.852 shall
112.11 provide a copy of the certifications to all wholesale dealers and agents to which they sell
112.12 cigarettes, and shall also provide sufficient copies of an illustration of the package marking
112.13 utilized by the manufacturer pursuant to this section for each retail dealer to which the
112.14 wholesale dealers or agents sell cigarettes. Wholesale dealers and agents shall provide a
112.15 copy of these package markings received from manufacturers to all retail dealers to whom
112.16 they sell cigarettes. Wholesale dealers, agents, and retail dealers shall permit the state fire
112.17 marshal, the commissioner of revenue, the attorney general, and their employees to inspect
112.18 markings of cigarette packaging marked in accordance with this section.

112.19 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
112.20 following the date of its final enactment.

112.21 **Sec. 11. [299F.854] PENALTIES AND REMEDIES.**

112.22 Subdivision 1. **Wholesale.** (a) A manufacturer, wholesale dealer, agent, or any other
112.23 person or entity who knowingly sells or offers to sell cigarettes, other than through retail
112.24 sale, in violation of section 299F.851 is liable to a civil penalty:

112.25 (1) for a first offense, not to exceed \$10,000 per each sale of such cigarettes; and
112.26 (2) for a subsequent offense, not to exceed \$25,000 per each sale of such cigarettes.

112.27 (b) However, the penalty against any such person or entity for a violation under
112.28 paragraph (a) must not exceed \$100,000 during any 30-day period.

112.29 Subd. 2. **Retail.** (a) A retail dealer who knowingly sells cigarettes in violation of
112.30 section 299F.851 is liable to a civil penalty:

112.31 (1) for a first offense, not to exceed \$500, and for a subsequent offense, not to exceed
112.32 \$2,000, per each sale or offer for sale of such cigarettes, if the total number sold or offered
112.33 for sale does not exceed 1,000 cigarettes; or

113.1 (2) for a first offense, not to exceed \$1,000, and for a subsequent offense, not to
113.2 exceed \$5,000, per each sale or offer for sale of such cigarettes, if the total number sold or
113.3 offered for sale exceeds 1,000 cigarettes.

113.4 (b) However, the penalty against any retail dealer must not exceed \$25,000 during
113.5 any 30-day period.

113.6 Subd. 3. **False certification.** In addition to any penalty prescribed by law, any
113.7 corporation, partnership, sole proprietor, limited partnership, or association engaged in
113.8 the manufacture of cigarettes that knowingly makes a false certification pursuant to
113.9 subdivision 3 is, for a first offense, liable to a civil penalty of at least \$75,000, and for a
113.10 subsequent offense a civil penalty not to exceed \$250,000 for each false certification.

113.11 Subd. 4. **Violation of other provision.** Any person violating any other provision
113.12 in sections 299F.850 to 299F.858 is liable to a civil penalty for a first offense not to
113.13 exceed \$1,000, and for a subsequent offense a civil penalty not to exceed \$5,000, for
113.14 each violation.

113.15 Subd. 5. **Forfeiture.** Cigarettes that have been sold or offered for sale that do
113.16 not comply with the performance standard required by section 299F.851 are subject to
113.17 forfeiture under section 297F.21 and, upon judgment of forfeiture, must be destroyed;
113.18 provided, however, that before destroying any cigarettes seized in accordance with section
113.19 297F.21, which seizure is hereby authorized, the true holder of the trademark rights in the
113.20 cigarette brand must be permitted to inspect the cigarette.

113.21 Subd. 6. **Remedies.** In addition to any other remedy provided by law, the state fire
113.22 marshal or attorney general may institute a civil action in district court for a violation of
113.23 this section, including petitioning for injunctive relief or to recover any costs or damages
113.24 suffered by the state because of a violation under this section, including enforcement costs
113.25 relating to the specific violation and attorney fees. Each violation of sections 299F.850 to
113.26 299F.858 or of rules adopted under sections 299F.850 to 299F.858 constitutes a separate
113.27 civil violation for which the state fire marshal or attorney general may obtain relief.

113.28 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
113.29 following the date of its final enactment.

113.30 **Sec. 12. [299F.855] IMPLEMENTATION.**

113.31 Subdivision 1. **Rules.** The commissioner of public safety, in consultation with the
113.32 state fire marshal, may adopt rules, pursuant to chapter 14, necessary to effectuate the
113.33 purposes of sections 299F.850 to 299F.858.

113.34 Subd. 2. **Commissioner of revenue.** The commissioner of revenue in the regular
113.35 course of conducting inspections of wholesale dealers, agents, and retail dealers, as

114.1 authorized under chapter 297F, may inspect cigarettes to determine if the cigarettes are
114.2 marked as required by section 299F.853. If the cigarettes are not marked as required, the
114.3 commissioner of revenue shall notify the state fire marshal.

114.4 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
114.5 following the date of its final enactment.

114.6 Sec. 13. **[299F.856] INSPECTION.**

114.7 To enforce sections 299F.850 to 299F.858, the attorney general and the state fire
114.8 marshal may examine the books, papers, invoices, and other records of any person in
114.9 possession, control, or occupancy of any premises where cigarettes are placed, stored,
114.10 sold, or offered for sale, as well as the stock of cigarettes on the premises. Every person in
114.11 the possession, control, or occupancy of any premises where cigarettes are placed, sold,
114.12 or offered for sale is hereby directed and required to give the attorney general and the
114.13 state fire marshal the means, facilities, and opportunity for the examinations authorized
114.14 by this section.

114.15 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
114.16 following the date of its final enactment.

114.17 Sec. 14. **[299F.858] SALE OUTSIDE OF MINNESOTA.**

114.18 Sections 299F.850 to 299F.858 do not prohibit any person or entity from
114.19 manufacturing or selling cigarettes that do not meet the requirements of section 299F.851
114.20 if the cigarettes are or will be stamped for sale in another state or are packaged for sale
114.21 outside the United States and that person or entity has taken reasonable steps to ensure
114.22 that such cigarettes will not be sold or offered for sale to persons located in Minnesota.

114.23 **EFFECTIVE DATE.** This section is effective the first day of the 19th month
114.24 following the date of its final enactment.

114.25 Sec. 15. Minnesota Statutes 2006, section 325E.21, is amended to read:

114.26 **325E.21 DEALERS IN ~~WIRE AND CABLE~~ SCRAP METAL; RECORDS**
114.27 **~~AND,~~ REPORTS, AND REGISTRATION.**

114.28 Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in
114.29 this subdivision have the meanings given.

114.30 (b) "Person" means an individual, partnership, limited partnership, limited liability
114.31 company, corporation, or other entity.

115.1 (c) "Scrap metal" means:

115.2 (1) wire and cable commonly and customarily used by communication and electric
115.3 utilities; and

115.4 (2) copper, aluminum, or any other metal purchased primarily for its reuse or
115.5 recycling value as raw metal, including metal that is combined with other materials
115.6 at the time of purchase.

115.7 (d) "Scrap metal dealer" or "dealer" means a person engaged in the business of
115.8 buying and selling scrap metal, but does not include a person engaged exclusively in the
115.9 business of buying or selling new or used motor vehicles or motor vehicle parts, paper or
115.10 wood products, rags or furniture, or secondhand machinery.

115.11 (e) "Municipality" means any town, home rule charter or statutory city, or county
115.12 that has one or more scrap metal dealers within its jurisdiction.

115.13 (f) "Law enforcement agency" means a duly authorized municipal, county, state, or
115.14 federal law enforcement agency.

115.15 ~~Subdivision 1. Subd. 1a. **Purchase or acquisition record required.** (a) Every~~
115.16 ~~person, firm or corporation scrap metal dealer, including an agent, employee, or~~
115.17 ~~representative thereof of the dealer, engaging in the business of buying and selling wire~~
115.18 ~~and cable commonly and customarily used by communication and electric utilities shall~~
115.19 ~~keep a written record, in the English language, legibly written in ink or typewriting, at the~~
115.20 ~~time of each purchase or acquisition, of scrap metal. The record must include:~~

115.21 (1) an accurate account or description, including the weight if customarily purchased
115.22 by weight, of such wire and cable commonly and customarily used by communication and
115.23 electric utilities the scrap metal purchased or acquired;

115.24 (2) the date, time, and place of the receipt of the same;

115.25 (3) the name and address of the person selling or delivering the same and;

115.26 (4) the number of the check used to purchase the scrap metal;

115.27 (5) the number of the person's driver's license of such person, Minnesota
115.28 identification card number, or other identification document number of an identification
115.29 document issued for identification purposes by any state, federal, or foreign government if
115.30 the document includes the applicant's photograph, full name, birth date, and signature; and

115.31 (6) the license plate number and description of the vehicle used by the person when
115.32 delivering the scrap metal, and any identifying marks on the vehicle, such as a business
115.33 name, decals, or markings, if applicable.

115.34 ~~Such~~ (b) The record, as well as such wire and cable commonly and customarily used
115.35 ~~by communication and electric utilities~~ the scrap metal purchased or received, shall at all
115.36 reasonable times be open to the inspection of any sheriff or deputy sheriff of the county,

116.1 ~~or of any police officer in any incorporated city or statutory city, in which such business~~
116.2 ~~may be carried on~~ law enforcement agency.

116.3 ~~Such~~ (c) The person shall not be required to furnish or keep such record of any
116.4 property purchased from merchants, manufacturers or wholesale dealers, having an
116.5 established place of business, or of any goods purchased at open sale from any bankrupt
116.6 stock, but a bill of sale or other evidence of open or legitimate purchase of ~~such~~ the
116.7 property shall be obtained and kept by ~~such~~ the person which must be shown upon demand
116.8 to ~~the sheriff or deputy sheriff of the county, or to any police officer in any incorporated~~
116.9 ~~city or statutory city, in which such business may be carried on. The provisions of~~
116.10 ~~this subdivision and of subdivision 2 shall not apply to or include any person, firm or~~
116.11 ~~corporation engaged exclusively in the business of buying or selling motor vehicles,~~
116.12 ~~new or used, paper or wood products, rugs or furniture, secondhand machinery~~ any law
116.13 enforcement agency.

116.14 (d) Except as otherwise provided in this section, a scrap metal dealer may not
116.15 disclose personal information concerning a customer without the customer's consent
116.16 unless the disclosure is made in response to a request from a law enforcement agency.
116.17 For purposes of this paragraph, "personal information" is any individually identifiable
116.18 information gathered in connection with a record under paragraph (a). Data collected by
116.19 a law enforcement agency under this paragraph are private data on individuals to the
116.20 extent that it would reveal the identity of persons who are customers of a scrap metal
116.21 dealer, and public data to the extent that it describes property in a regulated transaction
116.22 with a scrap metal dealer.

116.23 Subd. 2. ~~**Sheriff's copy of record required.** It shall be the duty of every such~~
116.24 ~~person, firm or corporation defined in subdivision 1 hereof, to make out and to deliver or~~
116.25 ~~mail to the office of the sheriff of the county in which business is conducted, not later than~~
116.26 ~~the second business day of each week, a legible and correct copy of the record required~~
116.27 ~~in subdivision 1 of the entries during the preceding week. In the event such person, firm~~
116.28 ~~or corporation has not made any purchases or acquisitions required to be recorded under~~
116.29 ~~subdivision 1 hereof during the preceding week no report need be submitted to the sheriff~~
116.30 ~~under this subdivision.~~

116.31 ~~Subd. 3. **Retention required.**~~ Records required to be maintained by subdivision
116.32 ~~1 hereof~~ 1a shall be retained by the person making them for a period of three years.

116.33 Subd. 3. **Payment by check required.** A scrap metal dealer shall pay for all
116.34 scrap metal purchases only by check for purchases greater than \$100. For purposes of
116.35 this section, "check" means a check, draft, or other negotiable or nonnegotiable order of
116.36 withdrawal which is drawn against funds held by a financial institution.

117.1 Subd. 4. **Video security cameras required.** (a) The scrap metal dealer shall install
117.2 and maintain at each licensed location video surveillance cameras, still digital cameras,
117.3 or similar devices positioned to record or photograph a frontal view showing the face of
117.4 each seller or prospective seller of scrap metal who enters the licensed location. The scrap
117.5 metal dealer shall also photograph the seller's or prospective seller's vehicle, including
117.6 license plate, either by video camera or still digital camera, so that an accurate and
117.7 complete description of it may be obtained from the recordings made by the cameras. The
117.8 video camera or still digital camera must be kept in operating condition. The camera must
117.9 record and display the accurate date and time. The video camera must be turned on at
117.10 all times when the licensed location is open for business and at any other time when
117.11 scrap metal is purchased.

117.12 (b) If the scrap metal dealer does not purchase some or any scrap metal at a specific
117.13 business location, the dealer need not comply with this subdivision with respect to those
117.14 purchases.

117.15 Subd. 5. **Registration required.** Every scrap metal dealer must register with, pay
117.16 an annual fee of \$50 to, and actively participate in, the Minnesota Crime Alert Network
117.17 under the Minnesota Bureau of Criminal Apprehension. The scrap metal dealer also must
117.18 implement aggressive management practices to minimize the purchase of stolen materials.
117.19 Scrap processors should develop a training program for scale operators and receiving
117.20 personnel on how to identify suspicious materials.

117.21 Subd. 6. **Criminal penalty.** A scrap metal dealer, or the agent, employee, or
117.22 representative of the dealer, who, without complying with this section, buys or receives
117.23 any scrap metal that the dealer knows or reasonably should know is ordinarily used by or
117.24 ordinarily belongs to a railroad or other transportation, telephone, telegraph, gas, water or
117.25 electric company, utility, or county, city, or other political subdivision of this state engaged
117.26 in furnishing public utility service, is guilty of a gross misdemeanor.

117.27 Subd. 7. **Exemption.** A scrap metal dealer may purchase aluminum cans without
117.28 complying with subdivisions 1a to 5.

117.29 Subd. 8. **Property held by law enforcement.** (a) Whenever a law enforcement
117.30 official from any agency has reason to believe that property in the possession of a dealer
117.31 is stolen or is evidence of a crime and notifies a dealer not to sell an item, the item
117.32 must not be sold or removed from the premises. The investigative hold must be made
117.33 within 72 hours and remains in effect for not more than 90 days from the date of initial
117.34 notification, or until the investigative order is canceled, or until an order to confiscate
117.35 is issued, whichever comes first.

118.1 (b) If an item is identified as stolen or evidence in a criminal case, the law
118.2 enforcement official may:

118.3 (1) physically confiscate and remove it from the dealer, pursuant to a written order
118.4 from the law enforcement official; or

118.5 (2) place the item on hold or extend the hold as provided in this section and leave
118.6 it in the shop.

118.7 (c) When an item is confiscated, the person doing so shall provide identification
118.8 upon request of the dealer, and shall provide the dealer the name and telephone number of
118.9 the confiscating agency and investigator, and the case number related to the confiscation.

118.10 (d) A dealer may request confiscated property be returned in accordance with
118.11 section 626.04.

118.12 (e) When an order to hold or confiscate is no longer necessary, the law enforcement
118.13 official shall so notify the dealer.

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

118.15 Sec. 16. Minnesota Statutes 2006, section 609.135, is amended by adding a subdivision
118.16 to read:

118.17 Subd. 9. **Random searches.** (a) This subdivision applies to offenders who are
118.18 convicted of a violent crime, as defined in section 609.1095, involving the sale, use, or
118.19 possession of a controlled substance or a dangerous weapon.

118.20 (b) When an offender is placed on probation, the offender, as a condition of being
118.21 released on probation, consents to a search of the offender's person and any motor vehicle
118.22 driven by the offender. The search may be conducted on demand by any probation
118.23 officer or peace officer.

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

118.25 Sec. 17. Minnesota Statutes 2006, section 641.05, is amended to read:

118.26 **641.05 RECORD OF INMATES; RETURN TO COURT.**

118.27 (a) Every sheriff shall, at the expense of the county, maintain a permanent record of
118.28 all persons committed to any jail under the sheriff's charge. It shall contain the name of
118.29 every person committed, by what authority, residence, date of commitment, and, if for a
118.30 criminal offense, a description of the person, when and by what authority liberated, and,
118.31 in case of escape, the time and manner thereof. At the opening of each term of district
118.32 court the sheriff shall make a certified transcript therefrom to such court, showing all
118.33 cases therein not previously disposed of.

119.1 (b) Upon intake into the jail facility, the name of the committed person shall be
119.2 checked against the Bureau of Criminal Apprehension predatory offender registration
119.3 database to determine whether the person is a registered offender. In the event that the
119.4 person is registered, the sheriff or designee shall notify the bureau of the person's admission
119.5 into the jail facility. At the time of discharge from the facility, the sheriff or designee will
119.6 provide the person with a change of information form for the purposes of reporting the
119.7 address where the person will be living upon release from the facility. Every sheriff who
119.8 intentionally neglects or refuses to so report shall be guilty of a gross misdemeanor.

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

119.10 **Sec. 18. REPEAL BY PREEMPTION.**

119.11 Minnesota Statutes, sections 299F.850 to 299F.858, are repealed if a federal reduced
119.12 cigarette ignition propensity standard that preempts this act is adopted and becomes
119.13 effective.

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

119.15 **ARTICLE 9**
119.16 **EMERGENCY COMMUNICATIONS**

119.17 Section 1. Minnesota Statutes 2006, section 403.07, subdivision 4, is amended to read:

119.18 Subd. 4. **Use of furnished information.** (a) Names, addresses, and telephone
119.19 numbers provided to a 911 system under subdivision 3 are private data and may be used
119.20 only for identifying: (1) to identify the location or identity, or both, of a person calling
119.21 a 911 public safety answering point; or (2) by a public safety answering point to notify
119.22 the public of an emergency. The information furnished under subdivision 3 may not be
119.23 used or disclosed by 911 system agencies, their agents, or their employees for any other
119.24 purpose except under a court order.

119.25 (b) For purposes of paragraph (a), the term "emergency" means a situation in which
119.26 property or human life is in jeopardy and the prompt notification of the public by the
119.27 public safety answering point is essential.

119.28 (c) A telecommunications service provider that participates or cooperates with the
119.29 public safety answering point in the notification of the public is exempt from liability
119.30 pursuant to section 403.07, subdivision 5.

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

120.1 Sec. 2. Minnesota Statutes 2006, section 403.11, subdivision 1, is amended to read:

120.2 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each
120.3 customer of a wireless or wire-line switched or packet-based telecommunications service
120.4 provider connected to the public switched telephone network that furnishes service capable
120.5 of originating a 911 emergency telephone call is assessed a fee based upon the number
120.6 of wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
120.7 maintenance and related improvements for trunking and central office switching equipment
120.8 for 911 emergency telecommunications service, to offset administrative and staffing costs
120.9 of the commissioner related to managing the 911 emergency telecommunications service
120.10 program, to make distributions provided for in section 403.113, and to offset the costs,
120.11 including administrative and staffing costs, incurred by the State Patrol Division of the
120.12 Department of Public Safety in handling 911 emergency calls made from wireless phones.

120.13 (b) Money remaining in the 911 emergency telecommunications service account
120.14 after all other obligations are paid must not cancel and is carried forward to subsequent
120.15 years and may be appropriated from time to time to the commissioner to provide financial
120.16 assistance to counties for the improvement of local emergency telecommunications
120.17 services. The improvements may include providing access to 911 service for
120.18 telecommunications service subscribers currently without access and upgrading existing
120.19 911 service to include automatic number identification, local location identification,
120.20 automatic location identification, and other improvements specified in revised county
120.21 911 plans approved by the commissioner.

120.22 (c) The fee may not be less than eight cents nor more than 65 cents a month until
120.23 June 30, 2008, not less than eight cents nor more than 75 cents a month until June 30,
120.24 2009, not less than eight cents nor more than 85 cents a month until June 30, 2010, and
120.25 not less than eight cents nor more than 95 cents a month on or after July 1, 2010, for
120.26 each customer access line or other basic access service, including trunk equivalents as
120.27 designated by the Public Utilities Commission for access charge purposes and including
120.28 wireless telecommunications services. With the approval of the commissioner of finance,
120.29 the commissioner of public safety shall establish the amount of the fee within the limits
120.30 specified and inform the companies and carriers of the amount to be collected. When the
120.31 revenue bonds authorized under section 403.27, subdivision 1, have been fully paid or
120.32 defeased, the commissioner shall reduce the fee to reflect that debt service on the bonds is
120.33 no longer needed. The commissioner shall provide companies and carriers a minimum of
120.34 45 days' notice of each fee change. The fee must be the same for all customers.

120.35 (d) The fee must be collected by each wireless or wire-line telecommunications
120.36 service provider subject to the fee. Fees are payable to and must be submitted to the

121.1 commissioner monthly before the 25th of each month following the month of collection,
121.2 except that fees may be submitted quarterly if less than \$250 a month is due, or annually if
121.3 less than \$25 a month is due. Receipts must be deposited in the state treasury and credited
121.4 to a 911 emergency telecommunications service account in the special revenue fund. The
121.5 money in the account may only be used for 911 telecommunications services.

121.6 (e) This subdivision does not apply to customers of interexchange carriers.

121.7 (f) The installation and recurring charges for integrating wireless 911 calls into
121.8 enhanced 911 systems are eligible for payment by the commissioner if the 911 service
121.9 provider is included in the statewide design plan and the charges are made pursuant to
121.10 contract.

121.11 (g) Competitive local exchanges carriers holding certificates of authority from the
121.12 Public Utilities Commission are eligible to receive payment for recurring 911 services.

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

121.14 Sec. 3. Minnesota Statutes 2006, section 403.11, is amended by adding a subdivision to
121.15 read:

121.16 Subd. 1a. **Fee collection declaration.** If the commissioner disputes the
121.17 accuracy of a fee submission or if no fees are submitted by a wireless, wire-line, or
121.18 packet-based telecommunications service provider, the wireless, wire-line, or packet-based
121.19 telecommunications service provider shall submit a sworn declaration signed by an officer
121.20 of the company certifying, under penalty of perjury, that the information provided with
121.21 the fee submission is true and correct. The sworn declaration must specifically describe
121.22 and affirm that the 911 fee computation is complete and accurate. When a wireless,
121.23 wire-line, or packet-based telecommunications service provider fails to provide a sworn
121.24 declaration within 90 days of notice by the commissioner that the fee submission is
121.25 disputed, the commissioner may estimate the amount due from the wireless, wire-line, or
121.26 packet-based telecommunications service provider and refer that amount for collection
121.27 under section 16D.04.

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

121.29 Sec. 4. Minnesota Statutes 2006, section 403.11, is amended by adding a subdivision to
121.30 read:

121.31 Subd. 1b. **Fee audit.** If the commissioner determines that an audit is necessary
121.32 to document the fee submission and sworn declaration in subdivision 1a, the wireless,
121.33 wire-line, or packet-based telecommunications service provider must contract with an

122.1 independent certified public accountant to conduct an audit. The audit must be conducted
122.2 in accordance with generally accepted auditing standards.

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

122.4 Sec. 5. Minnesota Statutes 2006, section 403.31, subdivision 1, is amended to read:

122.5 Subdivision 1. **Allocation of operating costs.** ~~The current costs of the board~~
122.6 ~~in implementing the regionwide public safety radio communication plan system and~~
122.7 ~~the first and second phase systems shall be allocated among and paid by the following~~
122.8 ~~users, all in accordance with the regionwide public safety radio system communication~~
122.9 ~~plan adopted by the board:~~

122.10 ~~(1) the state of Minnesota for its operations using the system in the metropolitan~~
122.11 ~~counties;~~

122.12 ~~(2) all local government units using the system; and~~

122.13 ~~(3) other eligible users of the system.~~ (a) The ongoing costs of the commissioner
122.14 not otherwise appropriated in operating the statewide public safety radio communication
122.15 system shall be allocated among and paid by the following users, all in accordance with
122.16 the statewide public safety radio communication system plan under section 403.36:

122.17 (1) the state of Minnesota for its operations using the system;

122.18 (2) all local government units using the system; and

122.19 (3) other eligible users of the system.

122.20 (b) Each local government and other eligible users of the system shall pay to
122.21 the commissioner all sums charged under this section, at the times and in the manner
122.22 determined by the commissioner. The governing body of each local government shall
122.23 take all action necessary to provide the money required for these payments and to make
122.24 the payments when due.

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

122.26 Sec. 6. **REPEALER.**

122.27 Minnesota Statutes 2006, section 403.31, subdivision 6, is repealed.

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