

A bill for an act

relating to public safety; clarifying elements and penalties of certain crimes; requiring reports; increasing fees; providing for a uniform fine schedule; authorizing collection of fines and surcharges; requiring annual appropriation of money in Bureau of Criminal Apprehension account to commissioner of public safety; appropriating money for the courts, public defenders, public safety, corrections, and other criminal justice agencies; amending Minnesota Statutes 2008, sections 2.722, subdivisions 4, 4a; 2.724, subdivisions 2, 3; 86B.705, subdivision 2; 134A.09, subdivision 2a; 134A.10, subdivision 3; 152.025, subdivisions 1, 2, 3; 152.0262, subdivision 1; 169A.20, subdivision 1, by adding subdivisions; 169A.25, subdivision 1; 169A.26, subdivision 1; 169A.27, subdivision 1; 169A.28, subdivision 2; 169A.284; 169A.46, subdivision 1; 169A.54, subdivision 1; 171.29, subdivision 2; 241.016, subdivision 1; 244.055, subdivisions 2, 11; 299A.01, subdivision 1a, by adding a subdivision; 299D.03, subdivision 5; 357.021, subdivisions 2, 6, 7; 357.022; 357.08; 364.08; 375.14; 403.11, subdivision 1; 480.15, by adding a subdivision; 484.85; 484.90, subdivision 6; 491A.02, subdivision 9; 525.091, subdivision 1; 549.09, subdivision 1; 550.011; 609.035, subdivision 2; 609.10, subdivision 1; 609.101, subdivision 4; 609.105, subdivision 1; 609.125, subdivision 1; 609.131, subdivision 3; 609.135, subdivisions 1, 1a, 2; 611.17; 631.48; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 2008, sections 152.025, subdivision 3; 152.0262, subdivision 2; 484.90, subdivisions 1, 2, 3; 487.08, subdivisions 1, 2, 3, 5; 609.105, subdivisions 1a, 1b; 609.135, subdivision 8.

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 article.

		<u>2010</u>		<u>2011</u>		<u>Total</u>
<u>General</u>	\$	<u>908,031,000</u>	\$	<u>898,494,000</u>	\$	<u>1,806,525,000</u>

2.1	<u>Federal</u>	<u>19,000,000</u>	<u>19,000,000</u>	<u>38,000,000</u>
2.2	<u>State Government Special</u>			
2.3	<u>Revenue</u>	<u>66,573,000</u>	<u>70,336,000</u>	<u>136,909,000</u>
2.4	<u>Environmental Fund</u>	<u>69,000</u>	<u>69,000</u>	<u>138,000</u>
2.5	<u>Special Revenue Fund</u>	<u>14,559,000</u>	<u>14,559,000</u>	<u>29,118,000</u>
2.6	<u>Trunk Highway</u>	<u>1,941,000</u>	<u>1,941,000</u>	<u>3,882,000</u>
2.7	<u>Total</u>	<u>\$ 1,010,173,000</u>	<u>\$ 1,004,399,000</u>	<u>\$ 2,014,572,000</u>

2.8 Sec. 2. PUBLIC SAFETY APPROPRIATIONS.

2.9 The sums shown in the columns marked "Appropriations" are appropriated to the
2.10 agencies and for the purposes specified in this article. The appropriations are from the
2.11 general fund, or another named fund, and are available for the fiscal years indicated
2.12 for each purpose. The figures "2010" and "2011" used in this article mean that the
2.13 appropriations listed under them are available for the fiscal year ending June 30, 2010, or
2.14 June 30, 2011, respectively. "The first year" is fiscal year 2010. "The second year" is fiscal
2.15 year 2011. "The biennium" is fiscal years 2010 and 2011. Appropriations for the fiscal
2.16 year ending June 30, 2009, are effective the day following final enactment.

2.17	<u>APPROPRIATIONS</u>
2.18	<u>Available for the Year</u>
2.19	<u>Ending June 30</u>
2.20	<u>2010 2011</u>

2.21 Sec. 3. SUPREME COURT

2.22	<u>Subdivision 1. Total Appropriation</u>	<u>\$ 43,919,000</u>	<u>\$ 43,366,000</u>
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2.23 The amounts that may be spent for each
2.24 purpose are specified in the following
2.25 subdivisions.

2.26	<u>Subd. 2. Supreme Court Operations</u>	<u>31,740,000</u>	<u>31,339,000</u>
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2.27 (a) Contingent Account. \$5,000 each year
2.28 is for a contingent account for expenses
2.29 necessary for the normal operation of the
2.30 court for which no other reimbursement is
2.31 provided.

2.32 (b) Criminal Justice Forum. The chief
2.33 justice is requested to continue the criminal
2.34 justice forum to evaluate and examine
2.35 criminal justice efficiencies and costs

3.1 savings, and may submit a report of the
3.2 findings and recommendations to the chairs
3.3 and ranking minority members of the house
3.4 of representatives and senate committees
3.5 with jurisdiction over public safety policy
3.6 and finance by February 15, 2010.

3.7 **(c) Federal Stimulus Funds.** The Supreme
3.8 Court is encouraged to apply for all available
3.9 grants for federal stimulus funds to: (1)
3.10 continue drug court programs that lose
3.11 state funding; and (2) make technological
3.12 improvements within the judicial system.

3.13 **(d) Judicial and Referee Vacancies.**
3.14 The Supreme Court shall not certify a
3.15 judicial or referee vacancy under Minnesota
3.16 Statutes, section 2.722, until it has examined
3.17 alternative options, such as temporarily
3.18 suspending certification of the vacant
3.19 position or assigning a retired judge to
3.20 temporarily fill the position. Thirty days
3.21 prior to certifying any judicial or referee
3.22 vacancy to the governor, the Supreme
3.23 Court shall submit to the chairs and
3.24 ranking minority members of the house
3.25 of representatives and senate committees
3.26 with jurisdiction over public safety and
3.27 judiciary policy and finance a report with
3.28 a detailed explanation of the alternatives
3.29 that were examined, why those alternatives
3.30 were rejected, and why certification of the
3.31 position is necessary for effective judicial
3.32 administration and adequate access to the
3.33 courts.

3.34 **Subd. 3. Civil Legal Services** 12,179,000 12,027,000

4.1	<u>Legal Services to Low-Income Clients in</u>			
4.2	<u>Family Law Matters.</u> Of this appropriation,			
4.3	<u>\$877,000 each year is to improve the</u>			
4.4	<u>access of low-income clients to legal</u>			
4.5	<u>representation in family law matters. This</u>			
4.6	<u>appropriation must be distributed under</u>			
4.7	<u>Minnesota Statutes, section 480.242, to</u>			
4.8	<u>the qualified legal services programs</u>			
4.9	<u>described in Minnesota Statutes, section</u>			
4.10	<u>480.242, subdivision 2, paragraph (a). Any</u>			
4.11	<u>unencumbered balance remaining in the first</u>			
4.12	<u>year does not cancel and is available in the</u>			
4.13	<u>second year.</u>			
4.14	Sec. 4. <u>COURT OF APPEALS</u>	<u>\$</u>	<u>10,353,000</u>	<u>\$</u> <u>10,222,000</u>
4.15	Sec. 5. <u>TRIAL COURTS</u>	<u>\$</u>	<u>251,696,000</u>	<u>\$</u> <u>248,540,000</u>
4.16	Sec. 6. <u>TAX COURT</u>	<u>\$</u>	<u>800,000</u>	<u>\$</u> <u>800,000</u>
4.17	Sec. 7. <u>UNIFORM LAWS COMMISSION</u>	<u>\$</u>	<u>51,000</u>	<u>\$</u> <u>50,000</u>
4.18	Sec. 8. <u>BOARD ON JUDICIAL STANDARDS</u>	<u>\$</u>	<u>446,000</u>	<u>\$</u> <u>446,000</u>
4.19	<u>The base budget for the Board on Judicial</u>			
4.20	<u>Standards shall be \$321,000 in fiscal year</u>			
4.21	<u>2012 and \$321,000 in fiscal year 2013.</u>			
4.22	Sec. 9. <u>BOARD OF PUBLIC DEFENSE</u>	<u>\$</u>	<u>67,628,000</u>	<u>\$</u> <u>65,028,000</u>
4.23	<u>Agency Lobbyists.</u> No portion of this			
4.24	<u>appropriation may be used to pay the salary</u>			
4.25	<u>or fee of a person retained to serve as the</u>			
4.26	<u>board's legislative liaison or lobbyist.</u>			
4.27	Sec. 10. <u>PUBLIC SAFETY</u>			
4.28	Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>160,529,000</u>	<u>\$</u> <u>160,892,000</u>
4.29	<u>Appropriations by Fund</u>			
4.30		<u>2010</u>		<u>2011</u>

5.1	<u>General</u>	<u>82,439,000</u>	<u>79,039,000</u>
5.2	<u>Special Revenue</u>	<u>9,507,000</u>	<u>9,507,000</u>
5.3	<u>State Government</u>		
5.4	<u>Special Revenue</u>	<u>66,573,000</u>	<u>70,336,000</u>
5.5	<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>
5.6	<u>Trunk Highway</u>	<u>1,941,000</u>	<u>1,941,000</u>
5.7	<u>The amounts that may be spent for each</u>		
5.8	<u>purpose are specified in the following</u>		
5.9	<u>subdivisions.</u>		
5.10	<u>(a) Agency Lobbyists. No portion of this</u>		
5.11	<u>appropriation may be used to pay the salary</u>		
5.12	<u>or fee of a person retained to serve as the</u>		
5.13	<u>agency's legislative liaison or lobbyist.</u>		
5.14	<u>(b) Employees of the Governor. Any</u>		
5.15	<u>personnel costs attributable to the Office</u>		
5.16	<u>of the Governor must be accounted for</u>		
5.17	<u>through an appropriation to the Office of</u>		
5.18	<u>the Governor. The commissioner may not</u>		
5.19	<u>enter into agreements with the Office of the</u>		
5.20	<u>Governor under which personnel costs in</u>		
5.21	<u>the office of the governor are supported by</u>		
5.22	<u>appropriations to the agency.</u>		
5.23	<u>(c) Car Fleet. By January 1, 2010, the</u>		
5.24	<u>commissioner must reduce the department's</u>		
5.25	<u>fleet of cars in the seven-county metropolitan</u>		
5.26	<u>area by 20 percent.</u>		
5.27	<u>Subd. 2. Emergency Management</u>	<u>2,583,000</u>	<u>2,583,000</u>
5.28	<u>Appropriations by Fund</u>		
5.29	<u>General</u>	<u>1,910,000</u>	<u>1,910,000</u>
5.30	<u>Special Revenue</u>	<u>604,000</u>	<u>604,000</u>
5.31	<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>
5.32	<u>Hazmat and Chemical Assessment Teams.</u>		
5.33	<u>\$604,000 each year is appropriated from the</u>		
5.34	<u>fire safety account in the special revenue</u>		
5.35	<u>fund. These amounts must be used to</u>		

6.1 fund the hazardous materials and chemical
 6.2 assessment teams.

6.3 Subd. 3. **Criminal Apprehension** 43,763,000 42,063,000

6.4 Appropriations by Fund
 6.5 General 41,815,000 40,115,000
 6.6 State Government
 6.7 Special Revenue 7,000 7,000
 6.8 Trunk Highway 1,941,000 1,941,000

6.9 (a) **Forensic Scientists.** When formulating
 6.10 the budget and the need for additional
 6.11 scientists for the state's crime labs, the
 6.12 commissioner, in consultation with the
 6.13 superintendent of the Bureau of Criminal
 6.14 Apprehension, must consider the number
 6.15 and capacity of scientists employed in labs
 6.16 operated by local units of government.

6.17 (b) **DWI Lab Analysis; Trunk Highway**
 6.18 **Fund.** Notwithstanding Minnesota Statutes,
 6.19 section 161.20, subdivision 3, \$1,941,000
 6.20 each year is appropriated from the trunk
 6.21 highway fund for laboratory analysis related
 6.22 to driving while impaired cases.

6.23 Subd. 4. **Fire Marshal** 8,000,000 8,000,000

6.24 This appropriation is from the fire safety
 6.25 account in the special revenue fund.
 6.26 Of this amount, \$5,732,000 each year is for
 6.27 activities under Minnesota Statutes, section
 6.28 299F.012, and \$2,268,000 each year is for
 6.29 transfer to the general fund under Minnesota
 6.30 Statutes, section 297I.06, subdivision 3.

6.31 Subd. 5. **Alcohol and Gambling Enforcement** 2,538,000 2,538,000

6.32 Appropriations by Fund
 6.33 General 1,635,000 1,635,000
 6.34 Special Revenue 903,000 903,000

7.1 This appropriation is from the alcohol
7.2 enforcement account in the special revenue
7.3 fund. Of this appropriation, \$750,000 each
7.4 year shall be transferred to the general fund.
7.5 The transfer amount for fiscal year 2012 and
7.6 fiscal year 2013 shall be \$500,000 per year.

7.7	<u>Subd. 6. Office of Justice Programs</u>	<u>37,175,000</u>	<u>35,475,000</u>
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7.8	<u>Appropriations by Fund</u>		
7.9	<u>General</u>	<u>37,079,000</u>	<u>35,379,000</u>
7.10	<u>State Government</u>		
7.11	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>

7.12 (a) Federal Stimulus Funds; Report.
7.13 By June 1, 2009, the Office of Justice
7.14 Programs shall submit to the chairs and
7.15 ranking minority members of the house
7.16 of representatives and senate committees
7.17 with jurisdiction over public safety policy
7.18 and finance a detailed plan outlining the
7.19 competitive grant process to be used to
7.20 administer the federal stimulus funds. The
7.21 plan must describe: (1) the administrative
7.22 process in accepting and reviewing
7.23 applications, (2) the criteria used in
7.24 awarding grants, and (3) program reporting
7.25 requirements.

7.26 The Office of Justice Programs must consider
7.27 awarding grants for federal stimulus funds
7.28 for the following activities and programs:

7.29 (i) trafficking victim programs, including
7.30 legal advocacy clinics, training programs,
7.31 public awareness initiatives, and victim
7.32 services hotlines;

7.33 (ii) nonprofit organizations dedicated
7.34 to providing immediate and long-term
7.35 emotional support and practical help for

8.1 families and friends of persons who have
8.2 died traumatically;

8.3 (iii) organizations that provide mentoring
8.4 grants for children of incarcerated parents;

8.5 (iv) youth intervention programs, as defined
8.6 under Minnesota Statutes, section 299A.73,
8.7 with an emphasis on those programs that
8.8 provide early intervention youth services to
8.9 children in their communities;

8.10 (v) programs that seek to develop and
8.11 increase juvenile detention alternatives;

8.12 (vi) re-entry programs for offenders;

8.13 (vii) restorative justice programs, as defined
8.14 in Minnesota Statutes, section 611A.775,
8.15 except that a program that receives federal
8.16 funds shall not use the funds for cases
8.17 involving domestic assault; and

8.18 (viii) judicial branch efficiency programs,
8.19 including e-citation and fine management
8.20 and collection program improvements.

8.21 By October 1, 2009, the Office of Justice
8.22 Programs must submit to the chairs and
8.23 ranking minority members of the house of
8.24 representatives and senate committees with
8.25 jurisdiction over public safety policy and
8.26 finance a list of all the grants awarded by
8.27 the Office of Justice Programs using federal
8.28 stimulus funds, including the name of the
8.29 grantee, the amount awarded, the funded
8.30 activities or programs, and the length of the
8.31 grant.

8.32 For purposes of this section, "federal
8.33 stimulus funds" means funding provided to

9.1 the state under the American Recovery and
9.2 Reinvestment Act of 2009.

9.3 **(b) Crime Victim and Youth Intervention**
9.4 **Programs.** For the biennium ending June
9.5 30, 2011, funding for the following programs
9.6 must not be reduced by more than three
9.7 percent from the level of state funding
9.8 provided for the biennium ending June
9.9 30, 2009: (1) crime victim reparations;
9.10 (2) battered women's shelters; (3) general
9.11 crime victim programs; (4) sexual assault
9.12 victim programs; and (5) youth intervention
9.13 programs.

9.14	<u>Subd. 7. Emergency Communication Networks</u>	<u>66,470,000</u>	<u>70,233,000</u>
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9.15 This appropriation is from the state
9.16 government special revenue fund for 911
9.17 emergency telecommunications services.

9.18 **(a) Public Safety Answering Points.**
9.19 \$13,664,000 each year is to be distributed
9.20 as provided in Minnesota Statutes, section
9.21 403.113, subdivision 2.

9.22 **(b) Medical Resource Communication**
9.23 **Centers.** \$683,000 each year is for grants
9.24 to the Minnesota Emergency Medical
9.25 Services Regulatory Board for the Metro
9.26 East and Metro West Medical Resource
9.27 Communication Centers that were in
9.28 operation before January 1, 2000.

9.29 **(c) ARMER Debt Service.** \$17,557,000 the
9.30 first year and \$23,261,000 the second year
9.31 are to the commissioner of finance to pay
9.32 debt service on revenue bonds issued under
9.33 Minnesota Statutes, section 403.275.

10.1 Any portion of this appropriation not needed
10.2 to pay debt service in a fiscal year may be
10.3 used by the commissioner of public safety to
10.4 pay cash for any of the capital improvements
10.5 for which bond proceeds were appropriated
10.6 by Laws 2005, chapter 136, article 1, section
10.7 9, subdivision 8, or Laws 2007, chapter 54,
10.8 article 1, section 10, subdivision 8.

10.9 **(d) Metropolitan Council Debt Service.**
10.10 \$1,410,000 each year is to the commissioner
10.11 of finance for payment to the Metropolitan
10.12 Council for debt service on bonds issued
10.13 under Minnesota Statutes, section 403.27.

10.14 **(e) ARMER State Backbone Operating**
10.15 **Costs.** \$5,060,000 each year is to the
10.16 commissioner of transportation for costs
10.17 of maintaining and operating the first and
10.18 third phases of the statewide radio system
10.19 backbone.

10.20 **(f) ARMER Improvements.** \$1,000,000
10.21 each year is for the Statewide Radio Board
10.22 for costs of design, construction, maintenance
10.23 of, and improvements to those elements
10.24 of the statewide public safety radio and
10.25 communication system that support mutual
10.26 aid communications and emergency medical
10.27 services or provide enhancement of public
10.28 safety communication interoperability.

10.29 **(g) Next Generation 911.** \$3,431,000 in
10.30 fiscal year 2010 and \$6,490,000 in fiscal year
10.31 2011 is to replace the current system with the
10.32 Next Generation Internet Protocol (IP) based
10.33 network. The base level of funding for fiscal
10.34 year 2012 shall be \$2,965,000.

11.1	<u>(h) Emergency Communication System.</u>			
11.2	<u>\$5,000,000 the first year is to be used by</u>			
11.3	<u>the commissioner for any purpose related</u>			
11.4	<u>to the effective operation of the emergency</u>			
11.5	<u>communication system in the state, including</u>			
11.6	<u>the cost of personnel who prepare for and</u>			
11.7	<u>respond to emergencies.</u>			
11.8	Sec. 11. <u>PEACE OFFICER STANDARDS</u>			
11.9	<u>AND TRAINING BOARD (POST)</u>	\$	<u>4,162,000</u>	\$ <u>4,162,000</u>
11.10	<u>(a) Excess Amounts Transferred. This</u>			
11.11	<u>appropriation is from the peace officer</u>			
11.12	<u>training account in the special revenue fund.</u>			
11.13	<u>Any new receipts credited to that account in</u>			
11.14	<u>the first year in excess of \$4,162,000 must be</u>			
11.15	<u>transferred and credited to the general fund.</u>			
11.16	<u>Any new receipts credited to that account in</u>			
11.17	<u>the second year in excess of \$4,162,000 must</u>			
11.18	<u>be transferred and credited to the general</u>			
11.19	<u>fund.</u>			
11.20	<u>(b) Peace Officer Training</u>			
11.21	<u>Reimbursements. \$3,009,000 each</u>			
11.22	<u>year is for reimbursements to local</u>			
11.23	<u>governments for peace officer training costs.</u>			
11.24	<u>(c) Agency Lobbyists. No portion of this</u>			
11.25	<u>appropriation may be used to pay the salary</u>			
11.26	<u>or fee of a person retained to serve as the</u>			
11.27	<u>board's legislative liaison or lobbyist.</u>			
11.28	Sec. 12. <u>PRIVATE DETECTIVE BOARD</u>	\$	<u>125,000</u>	\$ <u>125,000</u>
11.29	Sec. 13. <u>HUMAN RIGHTS</u>	\$	<u>3,534,000</u>	\$ <u>3,418,000</u>
11.30	<u>The base budget for the Department of</u>			
11.31	<u>Human Rights shall be \$3,368,000 in fiscal</u>			
11.32	<u>year 2012 and \$3,368,000 in fiscal year 2013.</u>			

12.1	Sec. 14. <u>DEPARTMENT OF CORRECTIONS</u>			
12.2	<u>Subdivision 1. Total Appropriation</u>	\$	<u>466,339,000</u>	\$ <u>466,759,000</u>
12.3	<u>Appropriations by Fund</u>			
12.4		<u>2010</u>	<u>2011</u>	
12.5	<u>General</u>	<u>446,449,000</u>	<u>446,869,000</u>	
12.6	<u>Special Revenue</u>	<u>890,000</u>	<u>890,000</u>	
12.7	<u>Federal</u>	<u>19,000,000</u>	<u>19,000,000</u>	
12.8	<u>The amounts that may be spent for each</u>			
12.9	<u>purpose are specified in the following</u>			
12.10	<u>subdivisions.</u>			
12.11	<u>(a) Agency Lobbyists. No portion of this</u>			
12.12	<u>appropriation may be used to pay the salary</u>			
12.13	<u>or fee of a person retained to serve as the</u>			
12.14	<u>agency's legislative liaison or lobbyist.</u>			
12.15	<u>(b) Employees of the Governor. Any</u>			
12.16	<u>personnel costs attributable to the Office</u>			
12.17	<u>of the Governor must be accounted for</u>			
12.18	<u>through an appropriation to the Office of</u>			
12.19	<u>the Governor. The commissioner may not</u>			
12.20	<u>enter into agreements with the Office of the</u>			
12.21	<u>Governor under which personnel costs in</u>			
12.22	<u>the Office of the Governor are supported by</u>			
12.23	<u>appropriations to the agency.</u>			
12.24	<u>(c) Car Fleet. By January 1, 2010, the</u>			
12.25	<u>commissioner must reduce the department's</u>			
12.26	<u>fleet of cars by 20 percent.</u>			
12.27	<u>Subd. 2. Correctional Institutions</u>		<u>328,336,000</u>	<u>333,363,000</u>
12.28	<u>Appropriations by Fund</u>			
12.29	<u>General</u>	<u>308,756,000</u>	<u>313,783,000</u>	
12.30	<u>Special Revenue</u>	<u>580,000</u>	<u>580,000</u>	
12.31	<u>Federal</u>	<u>19,000,000</u>	<u>19,000,000</u>	
12.32	<u>\$19,000,000 each year is from the fiscal</u>			
12.33	<u>stabilization account in the American</u>			
12.34	<u>Recovery and Reinvestment Act of 2009.</u>			
12.35	<u>This is a onetime appropriation.</u>			

13.1 The general fund base for this program shall
13.2 be \$331,546,000 in fiscal year 2012 and
13.3 \$336,085,000 in fiscal year 2013.

13.4 **(a) Treatment Alternatives; Report.** By
13.5 December 15, 2009, the commissioner
13.6 must submit a report to the chairs and
13.7 ranking minority members of the house of
13.8 representatives and senate committees with
13.9 jurisdiction over public safety policy and
13.10 finance concerning alternative chemical
13.11 dependency treatment opportunities.

13.12 The report must identify alternatives
13.13 that represent best practices in chemical
13.14 dependency treatment of offenders. The
13.15 report must contain suggestions for
13.16 reducing the length of time between
13.17 offender commitment to the custody of the
13.18 commissioner and graduation from chemical
13.19 dependency treatment. To the extent
13.20 possible, the report shall identify options
13.21 that will (1) reduce the cost of treatment;
13.22 (2) expand the number of treatment beds;
13.23 (3) improve treatment outcomes; and (4)
13.24 lower the rate of substance abuse relapse and
13.25 criminal recidivism.

13.26 **(b) Challenge Incarceration; Maximum**
13.27 **Occupancy.** The commissioner shall work to
13.28 fill all available challenge incarceration beds
13.29 for both male and female offenders. If the
13.30 commissioner fails to fill at least 90 percent
13.31 of the available challenge incarceration beds
13.32 by December 1, 2009, the commissioner
13.33 must submit a report to the chairs and
13.34 ranking minority members of the house of
13.35 representatives and senate committees with
13.36 jurisdiction over public safety policy and

14.1 finance by January 15, 2010, explaining what
14.2 steps the commissioner has taken to fill the
14.3 beds and why those steps failed to reach the
14.4 goal established by the legislature.

14.5 **(c) Performance Measures; Per Diem**

14.6 **Reduction; Report to the Legislature.** The
14.7 commissioner of corrections must reduce the
14.8 fiscal year 2008 average adult facility per
14.9 diem of \$89.77 by one percent. The base
14.10 is cut by \$2,850,000 in the first year and
14.11 \$2,850,000 in the second year to reflect a
14.12 one percent reduction in the projected adult
14.13 facility per diem.

14.14 In reducing the projected adult facility per
14.15 diem, the commissioner must consider the
14.16 following:

14.17 (1) cooperating with the state of Wisconsin
14.18 to obtain economies of scale;

14.19 (2) increasing the bed capacity of the
14.20 challenge incarceration program;

14.21 (3) increasing the number of nonviolent drug
14.22 offenders who are granted conditional release
14.23 under Minnesota Statutes, section 244.055;

14.24 (4) increasing the use of compassionate
14.25 release or less costly detention alternatives
14.26 for elderly and infirm offenders;

14.27 (5) implementing corrections best practices;
14.28 and

14.29 (6) implementing cost-saving measures used
14.30 by other states and the federal government.

14.31 The commissioner must not eliminate
14.32 correctional officer positions or implement
14.33 any other measure that will jeopardize public
14.34 safety to achieve the mandated cost savings.

15.1	<u>The commissioner also must not eliminate</u>		
15.2	<u>treatment beds to achieve the mandated cost</u>		
15.3	<u>savings.</u>		
15.4	<u>If the commissioner fails to reduce the per</u>		
15.5	<u>diem by one percent, the commissioner must:</u>		
15.6	<u>(i) reduce the funding for operations support</u>		
15.7	<u>by the amount of unrealized savings; and</u>		
15.8	<u>(ii) submit a report by February 15,</u>		
15.9	<u>2010, to the chairs and ranking minority</u>		
15.10	<u>members of the house of representatives</u>		
15.11	<u>and senate committees with jurisdiction</u>		
15.12	<u>over public safety policy and finance that</u>		
15.13	<u>contains descriptions of what efforts the</u>		
15.14	<u>commissioner made to reduce the per diem,</u>		
15.15	<u>explanations for why those steps failed to</u>		
15.16	<u>reduce the per diem by one percent, proposed</u>		
15.17	<u>legislative options that would assist the</u>		
15.18	<u>commissioner in reducing the adult facility</u>		
15.19	<u>per diem, and descriptions of the specific</u>		
15.20	<u>actions the commissioner took to reduce</u>		
15.21	<u>funding in operations support.</u>		
15.22	<u>If the commissioner reduces the per diem</u>		
15.23	<u>by more than one percent, the commissioner</u>		
15.24	<u>must use the savings to provide treatment to</u>		
15.25	<u>offenders.</u>		
15.26	<u>(d) Drug Court Bed Savings. The</u>		
15.27	<u>commissioner must consider the bed impact</u>		
15.28	<u>savings of drug courts in formulating its</u>		
15.29	<u>prison bed projections.</u>		
15.30	<u>Subd. 3. Community Services</u>	<u>115,044,000</u>	<u>111,837,000</u>
15.31	<u>Appropriations by Fund</u>		
15.32	<u>General</u>	<u>114,944,000</u>	<u>111,737,000</u>
15.33	<u>Special Revenue</u>	<u>100,000</u>	<u>100,000</u>

16.1 (a) Short-Term Offenders. \$1,607,000 in
16.2 the first year is for costs associated with the
16.3 housing and care of short-term offenders
16.4 sentenced prior to June 30, 2009, and housed
16.5 in local jails. The commissioner may use
16.6 up to ten percent of the total amount of the
16.7 appropriation for inpatient medical care
16.8 for short-term offenders with less than six
16.9 months to serve as affected by the changes
16.10 made to Minnesota Statutes, section 609.105,
16.11 by Laws 2003, First Special Session chapter
16.12 2, article 5, sections 7 to 9. All funds not
16.13 expended for inpatient medical care shall be
16.14 added to and distributed with the housing
16.15 funds. These funds shall be distributed
16.16 proportionately based on the total number of
16.17 days short-term offenders are placed locally,
16.18 not to exceed the fiscal year 2009 per diem.
16.19 All funds remaining after reimbursements are
16.20 made shall be transferred to the department's
16.21 institution base budget to offset the costs
16.22 of housing short-term offenders who are
16.23 sentenced on or after July 1, 2009, and
16.24 incarcerated in state correctional facilities.
16.25 Short-term offenders sentenced before July
16.26 1, 2009, may be housed in a state correctional
16.27 facility at the discretion of the commissioner.
16.28 This does not preclude the commissioner
16.29 from contracting with local jails to house
16.30 offenders committed to the custody of the
16.31 commissioner.
16.32 The Department of Corrections is exempt
16.33 from the state contracting process for the
16.34 purposes of Minnesota Statutes, section
16.35 609.105, as amended by Laws 2003, First

17.1	<u>Special Session chapter 2, article 5, sections</u>		
17.2	<u>7 to 9.</u>		
17.3	<u>(b) Federal Grants. The commissioner</u>		
17.4	<u>must apply for all available grants for federal</u>		
17.5	<u>funds under the American Recovery and</u>		
17.6	<u>Reinvestment Act of 2009 and the Second</u>		
17.7	<u>Chance Act that the department is eligible to</u>		
17.8	<u>receive to continue and expand re-entry and</u>		
17.9	<u>restorative justice programs.</u>		
17.10	<u>Subd. 4. Operations Support</u>	<u>22,959,000</u>	<u>21,559,000</u>
17.11	<u>Appropriations by Fund</u>		
17.12	<u>General</u>	<u>22,749,000</u>	<u>21,349,000</u>
17.13	<u>Special Revenue</u>	<u>210,000</u>	<u>210,000</u>
17.14	<u>The general fund base for this program</u>		
17.15	<u>shall be \$20,949,000 in fiscal year 2012 and</u>		
17.16	<u>\$20,949,000 in fiscal year 2013.</u>		
17.17	Sec. 15. <u>SENTENCING GUIDELINES</u>	<u>\$ 591,000</u>	<u>\$ 591,000</u>

ARTICLE 2

COURTS AND PUBLIC DEFENDERS

Section 1. Minnesota Statutes 2008, section 2.722, subdivision 4, is amended to read:

Subd. 4. **Determination of a judicial vacancy.** (a) When a judge of the district court dies, resigns, retires, or is removed from office, the Supreme Court, in consultation with judges and attorneys in the affected district, shall determine ~~within 90 days of~~ after receiving notice of a vacancy from the governor whether the vacant office is necessary for effective judicial administration or is necessary for adequate access to the courts. In determining whether the position is necessary for adequate access to the courts, the Supreme Court shall consider whether abolition or transfer of the position would result in a county having no chambered judge. The Supreme Court may continue the position, may order the position abolished, or may transfer the position to a judicial district where need for additional judges exists, designating the position as either a county, county/municipal or district court judgeship. The Supreme Court shall certify any vacancy to the governor, who shall fill it in the manner provided by law.

(b) If a judge of district court fails to timely file an affidavit of candidacy and filing fee or petition in lieu of a fee, the official with whom the affidavits of candidacy are required to be filed shall notify the Supreme Court that the incumbent judge is not seeking reelection. Within five days of receipt of the notice, the Supreme Court shall determine whether the judicial position is necessary for effective judicial administration or adequate access to the courts and notify the official responsible for certifying the election results of its determination. In determining whether the position is necessary for adequate access to the courts, the Supreme Court shall consider whether abolition or transfer of the position would result in a county having no chambered judge. The Supreme Court may continue the position, may order the position abolished, or may transfer the position to a judicial district where the need for additional judgeships exists. If the position is abolished or transferred, the election may not be held. If the position is transferred, the court shall also notify the governor of the transfer. Upon transfer, the position is vacant and the governor shall fill it in the manner provided by law. An order abolishing or transferring a position is effective the first Monday in the next January.

Sec. 2. Minnesota Statutes 2008, section 2.722, subdivision 4a, is amended to read:

Subd. 4a. **Referee vacancy; conversion to judgeship.** When a referee of the district court dies, resigns, retires, or is voluntarily removed from the position, the chief judge of the district shall notify the Supreme Court and may petition to request that the position be converted to a judgeship. The Supreme Court shall determine ~~within 90 days of the petition~~ whether to order the position abolished or convert the position to a judgeship in the affected or another judicial district. The Supreme Court shall certify any judicial vacancy to the governor, who shall fill it in the manner provided by law. The conversion of a referee position to a judgeship under this subdivision shall not reduce the total number of judges and referees hearing cases in the family and juvenile courts.

Sec. 3. Minnesota Statutes 2008, section 2.724, subdivision 2, is amended to read:

Subd. 2. **Procedure.** To promote and secure more efficient administration of justice, the chief justice of the Supreme Court of the state shall supervise and coordinate the work of the courts of the state. The Supreme Court may provide by rule that the chief justice not be required to write opinions as a member of the Supreme Court. Its rules may further provide for it to hear and consider cases in divisions. It may by rule assign temporarily any retired justice of the Supreme Court or one judge of the Court of Appeals or district court judge at a time to act as a justice of the Supreme Court or any number of justices or retired justices of the Supreme Court to act as judges of the Court of Appeals. Upon

the assignment of a Court of Appeals judge or a district court judge to act as a justice of the Supreme Court, a judge previously acting as a justice may complete unfinished duties of that position. Any number of justices may disqualify themselves from hearing and considering a case, in which event the Supreme Court may assign temporarily a retired justice of the Supreme Court, a Court of Appeals judge, or a district court judge to hear and consider the case in place of each disqualified justice. ~~A retired justice who is acting as a justice of the Supreme Court or judge of the Court of Appeals under this section shall receive, in addition to retirement pay, out of the general fund of the state, an amount to make the retired justice's total compensation equal to the same salary as a justice or judge of the court on which the justice is acting.~~

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 4. Minnesota Statutes 2008, section 2.724, subdivision 3, is amended to read:

Subd. 3. Retired justices and judges. (a) The chief justice of the Supreme Court may assign a retired justice of the Supreme Court to act as a justice of the Supreme Court pursuant to subdivision 2 or as a judge of any other court. The chief justice may assign a retired judge of any court to act as a judge of any court except the Supreme Court. The chief justice of the Supreme Court shall determine the pay and expenses to be received by a justice or judge acting pursuant to this paragraph.

(b) A judge who has been elected to office and who has retired as a judge in good standing and is not practicing law may also be appointed to serve as judge of any court except the Supreme Court. A retired judge acting under this paragraph will receive pay and expenses in the amount established by the Supreme Court.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 5. Minnesota Statutes 2008, section 86B.705, subdivision 2, is amended to read:

Subd. 2. Fines and bail money. (a) All fines, installment payments, and forfeited bail money collected from persons convicted of violations of this chapter or rules adopted thereunder, or of a violation of section 169A.20 involving a motorboat, shall be ~~paid to the county treasurer of the county where the violation occurred by the court administrator or other person collecting the money within 15 days after the last day of the month the money was collected~~ deposited in the state treasury.

(b) One-half of the receipts shall be credited to the general revenue fund ~~of the county.~~ The other one-half of the receipts shall be transmitted ~~by the county treasurer to~~

20.1 the commissioner of natural resources ~~to be deposited in the state treasury~~ and credited to
20.2 the water recreation account for the purpose of boat and water safety.

20.3 **EFFECTIVE DATE.** This section is effective July 1, 2009.

20.4 Sec. 6. Minnesota Statutes 2008, section 134A.09, subdivision 2a, is amended to read:

20.5 Subd. 2a. **Petty misdemeanor cases and criminal convictions; fee assessment.** In
20.6 Hennepin County and Ramsey County, the district court administrator or a designee may,
20.7 upon the recommendation of the board of trustees and by standing order of the judges
20.8 of the district court, include in the costs or disbursements assessed against a defendant
20.9 convicted in the district court of the violation of a statute or municipal ordinance, a county
20.10 law library fee. This fee may be collected in all petty misdemeanor cases and criminal
20.11 prosecutions in which, upon conviction, the defendant may be subject to the payment of
20.12 the costs or disbursements in addition to a fine or other penalty. When a defendant is
20.13 convicted of more than one offense in a case, the county law library fee shall be imposed
20.14 only once in that case.

20.15 **EFFECTIVE DATE.** This section is effective July 1, 2009.

20.16 Sec. 7. Minnesota Statutes 2008, section 134A.10, subdivision 3, is amended to read:

20.17 Subd. 3. **Petty misdemeanor cases and criminal convictions; fee assessment.**
20.18 The judge of district court may, upon the recommendation of the board of trustees and
20.19 by standing order, include in the costs or disbursements assessed against a defendant
20.20 convicted in the district court of the violation of any statute or municipal ordinance, in
20.21 all petty misdemeanor cases and criminal prosecutions in which, upon conviction, the
20.22 defendant may be subject to the payment of the costs or disbursements in addition to a fine
20.23 or other penalty a county law library fee. When a defendant is convicted of more than one
20.24 offense in a case, the county law library fee shall be imposed only once in that case. The
20.25 item of costs or disbursements may not be assessed for any offense committed prior to the
20.26 establishment of the county law library.

20.27 **EFFECTIVE DATE.** This section is effective July 1, 2009.

20.28 Sec. 8. Minnesota Statutes 2008, section 152.025, subdivision 1, is amended to read:

20.29 Subdivision 1. **Sale crimes.** (a) A person is guilty of controlled substance crime in
20.30 the fifth degree and if convicted may be sentenced to imprisonment for not more than five
20.31 years or to payment of a fine of not more than \$10,000, or both if:

(1) the person unlawfully sells one or more mixtures containing marijuana or tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or

(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule IV.

(b) If a person is guilty of controlled substance crime in the fifth degree and the conviction is a subsequent controlled substance conviction, the person convicted shall be committed to the commissioner of corrections or to a local correctional authority for not less than six months nor more than ten years and, in addition, may be sentenced to payment of a fine of not more than \$20,000 if:

(1) the person unlawfully sells one or more mixtures containing marijuana or tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or

(2) the person unlawfully sells one or more mixtures containing a controlled substance classified in schedule IV.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 9. Minnesota Statutes 2008, section 152.025, subdivision 2, is amended to read:

Subd. 2. **Possession and other crimes.** (a) A person is guilty of controlled substance crime in the fifth degree and if convicted 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:

(1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in schedule I, II, III, or IV, except a small amount of marijuana; or

(2) the person procures, attempts to procure, possesses, or has control over a controlled substance by any of the following means:

(i) fraud, deceit, misrepresentation, or subterfuge;

(ii) using a false name or giving false credit; or

(iii) falsely assuming the title of, or falsely representing any person to be, a manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of obtaining a controlled substance.

(b) If a person is guilty of controlled substance crime in the fifth degree and the conviction is a subsequent controlled substance conviction, the person convicted shall be committed to the commissioner of corrections or to a local correctional authority for not less than six months nor more than ten years and, in addition, may be sentenced to payment of a fine of not more than \$20,000 if:

(1) the person unlawfully possesses one or more mixtures containing a controlled substance classified in schedule I, II, III, or IV, except a small amount of marijuana; or

22.1 (2) the person procures, attempts to procure, possesses, or has control over a
22.2 controlled substance by any of the following means:
22.3 (i) fraud, deceit, misrepresentation, or subterfuge;
22.4 (ii) using a false name or giving false credit; or
22.5 (iii) falsely assuming the title of, or falsely representing any person to be, a
22.6 manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice
22.7 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
22.8 obtaining a controlled substance.

22.9 **EFFECTIVE DATE.** This section is effective July 1, 2009.

22.10 Sec. 10. Minnesota Statutes 2008, section 152.0262, subdivision 1, is amended to read:

22.11 Subdivision 1. **Possession of precursors.** (a) A person is guilty of a crime if the
22.12 person possesses any chemical reagents or precursors with the intent to manufacture
22.13 methamphetamine and if convicted may be sentenced to imprisonment for not more than
22.14 ten years or to payment of a fine of not more than \$20,000, or both.

22.15 (b) A person is guilty of a crime if the person possesses any chemical reagents or
22.16 precursors with the intent to manufacture methamphetamine and may be sentenced to
22.17 imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000,
22.18 or both, if the conviction is for a subsequent controlled substance conviction.

22.19 As used in this section and section 152.021, "chemical reagents or precursors"
22.20 includes any of the following substances, or any similar substances that can be used to
22.21 manufacture methamphetamine, or the salts, isomers, and salts of isomers of a listed or
22.22 similar substance:

- 22.23 (1) ephedrine;
22.24 (2) pseudoephedrine;
22.25 (3) phenyl-2-propanone;
22.26 (4) phenylacetone;
22.27 (5) anhydrous ammonia;
22.28 (6) organic solvents;
22.29 (7) hydrochloric acid;
22.30 (8) lithium metal;
22.31 (9) sodium metal;
22.32 (10) ether;
22.33 (11) sulfuric acid;
22.34 (12) red phosphorus;
22.35 (13) iodine;

- 23.1 (14) sodium hydroxide;
- 23.2 (15) benzaldehyde;
- 23.3 (16) benzyl methyl ketone;
- 23.4 (17) benzyl cyanide;
- 23.5 (18) nitroethane;
- 23.6 (19) methylamine;
- 23.7 (20) phenylacetic acid;
- 23.8 (21) hydriodic acid; or
- 23.9 (22) hydriotic acid.

23.10 **EFFECTIVE DATE.** This section is effective July 1, 2009.

23.11 Sec. 11. Minnesota Statutes 2008, section 169A.20, subdivision 1, is amended to read:

23.12 Subdivision 1. **Driving while impaired crime; motor vehicles.** It is a crime for
23.13 any person to drive, operate, or be in physical control of any motor vehicle, as defined
23.14 in section 169A.03, subdivision 15, except for motorboats in operation and off-road
23.15 recreational vehicles, within this state or on any boundary water of this state when:

- 23.16 (1) ~~when~~ the person is under the influence of alcohol;
- 23.17 (2) ~~when~~ the person is under the influence of a controlled substance;
- 23.18 (3) ~~when~~ the person is knowingly under the influence of a hazardous substance that
23.19 affects the nervous system, brain, or muscles of the person so as to substantially impair
23.20 the person's ability to drive or operate the motor vehicle;

- 23.21 (4) ~~when~~ the person is under the influence of a combination of any two or more of
23.22 the elements named in clauses (1), ~~(2)~~, ~~and~~ to (3);

- 23.23 (5) ~~when~~ the person's alcohol concentration at the time, or as measured within
23.24 two hours of the time, of driving, operating, or being in physical control of the motor
23.25 vehicle is 0.08 or more;

- 23.26 (6) ~~when~~ the vehicle is a commercial motor vehicle and the person's alcohol
23.27 concentration at the time, or as measured within two hours of the time, of driving,
23.28 operating, or being in physical control of the commercial motor vehicle is 0.04 or more; or

- 23.29 (7) ~~when~~ the person's body contains any amount of a controlled substance listed in
23.30 schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

23.31 **EFFECTIVE DATE.** This section is effective July 1, 2009.

23.32 Sec. 12. Minnesota Statutes 2008, section 169A.20, is amended by adding a
23.33 subdivision to read:

24.1 Subd. 1a. **Driving while impaired crime; motorboat in operation.** It is a crime
24.2 for any person to operate or be in physical control of a motorboat in operation on any
24.3 waters or boundary water of this state when:

24.4 (1) the person is under the influence of alcohol;
24.5 (2) the person is under the influence of a controlled substance;
24.6 (3) the person is knowingly under the influence of a hazardous substance that affects
24.7 the nervous system, brain, or muscles of the person so as to substantially impair the
24.8 person's ability to drive or operate the motorboat;

24.9 (4) the person is under the influence of a combination of any two or more of the
24.10 elements named in clauses (1) to (3);

24.11 (5) the person's alcohol concentration at the time, or as measured within two hours
24.12 of the time, of driving, operating, or being in physical control of the motorboat is 0.08 or
24.13 more; or

24.14 (6) the person's body contains any amount of a controlled substance listed in
24.15 schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

24.16 **EFFECTIVE DATE.** This section is effective July 1, 2009.

24.17 Sec. 13. Minnesota Statutes 2008, section 169A.20, is amended by adding a
24.18 subdivision to read:

24.19 Subd. 1b. **Driving while impaired crime; snowmobile and all-terrain vehicle.** It
24.20 is a crime for any person to operate or be in physical control of a snowmobile as defined in
24.21 section 84.81, subdivision 3, or all-terrain vehicle as defined in section 84.92, subdivision
24.22 8, anywhere in this state or on the ice of any boundary water of this state when:

24.23 (1) the person is under the influence of alcohol;
24.24 (2) the person is under the influence of a controlled substance;
24.25 (3) the person is knowingly under the influence of a hazardous substance that affects
24.26 the nervous system, brain, or muscles of the person so as to substantially impair the
24.27 person's ability to drive or operate the snowmobile or all-terrain vehicle;

24.28 (4) the person is under the influence of a combination of any two or more of the
24.29 elements named in clauses (1) to (3);

24.30 (5) the person's alcohol concentration at the time, or as measured within two hours
24.31 of the time, of driving, operating, or being in physical control of the snowmobile or
24.32 all-terrain vehicle is 0.08 or more; or

24.33 (6) the person's body contains any amount of a controlled substance listed in
24.34 schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

25.1 **EFFECTIVE DATE.** This section is effective July 1, 2009.

25.2 Sec. 14. Minnesota Statutes 2008, section 169A.20, is amended by adding a
25.3 subdivision to read:

25.4 Subd. 1c. **Driving while impaired crime; off-highway motorcycle and off-road**
25.5 **vehicle.** It is a crime for any person to operate or be in physical control of any off-highway
25.6 motorcycle as defined in section 84.787, subdivision 7, or any off-road vehicle as defined
25.7 in section 84.797, subdivision 7, anywhere in this state or on the ice of any boundary
25.8 water of this state when:

25.9 (1) the person is under the influence of alcohol;

25.10 (2) the person is under the influence of a controlled substance;

25.11 (3) the person is knowingly under the influence of a hazardous substance that affects
25.12 the nervous system, brain, or muscles of the person so as to substantially impair the
25.13 person's ability to drive or operate the off-highway motorcycle or off-road vehicle;

25.14 (4) the person is under the influence of a combination of any two or more of the
25.15 elements named in clauses (1) to (3);

25.16 (5) the person's alcohol concentration at the time, or as measured within two hours of
25.17 the time, of driving, operating, or being in physical control of the off-highway motorcycle
25.18 or off-road vehicle is 0.08 or more; or

25.19 (6) the person's body contains any amount of a controlled substance listed in
25.20 schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

25.21 **EFFECTIVE DATE.** This section is effective July 1, 2009.

25.22 Sec. 15. Minnesota Statutes 2008, section 169A.25, subdivision 1, is amended to read:

25.23 Subdivision 1. **Degree described.** (a) A person who violates section 169A.20,
25.24 subdivision 1, 1a, 1b, or 1c (driving while impaired crime), is guilty of second-degree
25.25 driving while impaired if two or more aggravating factors were present when the violation
25.26 was committed.

25.27 (b) A person who violates section 169A.20, subdivision 2 (refusal to submit to
25.28 chemical test crime), is guilty of second-degree driving while impaired if one aggravating
25.29 factor was present when the violation was committed.

25.30 **EFFECTIVE DATE.** This section is effective July 1, 2009.

25.31 Sec. 16. Minnesota Statutes 2008, section 169A.26, subdivision 1, is amended to read:

26.1 Subdivision 1. **Degree described.** (a) A person who violates section 169A.20,
26.2 subdivision 1, 1a, 1b, or 1c (driving while impaired crime), is guilty of third-degree driving
26.3 while impaired if one aggravating factor was present when the violation was committed.

26.4 (b) A person who violates section 169A.20, subdivision 2 (refusal to submit to
26.5 chemical test crime), is guilty of third-degree driving while impaired.

26.6 **EFFECTIVE DATE.** This section is effective July 1, 2009.

26.7 Sec. 17. Minnesota Statutes 2008, section 169A.27, subdivision 1, is amended to read:

26.8 Subdivision 1. **Degree described.** A person who violates section 169A.20,
26.9 subdivision 1, 1a, 1b, or 1c (driving while impaired crime), is guilty of fourth-degree
26.10 driving while impaired.

26.11 **EFFECTIVE DATE.** This section is effective July 1, 2009.

26.12 Sec. 18. Minnesota Statutes 2008, section 169A.28, subdivision 2, is amended to read:

26.13 Subd. 2. **Permissive consecutive sentences; multiple offenses.** (a) When a person
26.14 is being sentenced for a violation of a provision listed in paragraph (e), the court may
26.15 sentence the person to a consecutive term of imprisonment for a violation of any other
26.16 provision listed in paragraph (e), notwithstanding the fact that the offenses arose out of the
26.17 same course of conduct, subject to the limitation on consecutive sentences contained in
26.18 section 609.15, subdivision 2, and except as provided in paragraphs (b) and (c).

26.19 (b) When a person is being sentenced for a violation of section 171.09 (violation
26.20 of condition of restricted license), 171.20 (operation after revocation, suspension,
26.21 cancellation, or disqualification), 171.24 (driving without valid license), or 171.30
26.22 (violation of condition of limited license), the court may not impose a consecutive sentence
26.23 for another violation of a provision in chapter 171 (drivers' licenses and training schools).

26.24 (c) When a person is being sentenced for a violation of section 169.791 (failure to
26.25 provide proof of insurance) or 169.797 (failure to provide vehicle insurance), the court
26.26 may not impose a consecutive sentence for another violation of a provision of sections
26.27 169.79 to 169.7995.

26.28 (d) This subdivision does not limit the authority of the court to impose consecutive
26.29 sentences for crimes arising on different dates or to impose a consecutive sentence when
26.30 a person is being sentenced for a crime and is also in violation of the conditions of
26.31 a stayed or otherwise deferred sentence under section 609.135 (stay of imposition or
26.32 execution of sentence).

(e) This subdivision applies to misdemeanor and gross misdemeanor violations of the following if the offender has two or more prior impaired driving convictions within the past ten years:

(1) section 169A.20, subdivision 1, 1a, 1b, or 1c (driving while impaired; impaired driving offenses);

(2) section 169A.20, subdivision 2 (driving while impaired; test refusal offense);

(3) section 169.791;

(4) section 169.797;

(5) section 171.09 (violation of condition of restricted license);

(6) section 171.20, subdivision 2 (operation after revocation, suspension, cancellation, or disqualification);

(7) section 171.24; and

(8) section 171.30.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 19. Minnesota Statutes 2008, section 169A.284, is amended to read:

**169A.284 CHEMICAL DEPENDENCY ASSESSMENT CHARGE;
SURCHARGE.**

Subdivision 1. **When required.** (a) When a court sentences a person convicted of an offense enumerated in section 169A.70, subdivision 2 (chemical use assessment; requirement; form), it shall order the person to pay the cost of the assessment directly to the entity conducting the assessment or providing the assessment services in an amount determined by the entity conducting or providing the service and shall impose a chemical dependency assessment charge of ~~\$125~~ \$25. The court may waive the \$25 assessment charge, but may not waive the cost for the assessment paid directly to the entity conducting the assessment or providing assessment services. A person shall pay an additional surcharge of \$5 if the person is convicted of a violation of section 169A.20 (driving while impaired) within five years of a prior impaired driving conviction or a prior conviction for an offense arising out of an arrest for a violation of section 169A.20 or Minnesota Statutes 1998, section 169.121 (driver under influence of alcohol or controlled substance) or 169.129 (aggravated DWI-related violations; penalty). This section applies when the sentence is executed, stayed, or suspended. The court may not waive payment or authorize payment of the assessment charge and surcharge in installments unless it makes written findings on the record that the convicted person is indigent or that the

assessment charge and surcharge would create undue hardship for the convicted person or that person's immediate family.

(b) The chemical dependency assessment charge and surcharge required under this section are in addition to the surcharge required by section 357.021, subdivision 6 (surcharges on criminal and traffic offenders).

Subd. 2. **Distribution of money.** ~~The county court administrator shall collect and forward to the commissioner of finance \$25 of the chemical dependency assessment charge and the \$5 surcharge, if any, within 60 days after sentencing or explain to the commissioner in writing why the money was not forwarded within this time period. The commissioner shall credit the money to the commissioner of finance to be deposited in the state treasury and credited to the general fund. The county shall collect and keep \$100 of the chemical dependency assessment charge.~~

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 20. Minnesota Statutes 2008, section 169A.46, subdivision 1, is amended to read:

Subdivision 1. **Impairment occurred after driving ceased.** If proven by a preponderance of the evidence, it is an affirmative defense to a violation of section 169A.20, subdivision 1, clause (5); 1a, clause (5); 1b, clause (5); or 1c, clause (5) (driving while impaired, alcohol concentration within two hours of driving), or 169A.20 by a person having an alcohol concentration of 0.20 or more as measured at the time, or within two hours of the time, of the offense, that the defendant consumed a sufficient quantity of alcohol after the time of the violation and before the administration of the evidentiary test to cause the defendant's alcohol concentration to exceed the level specified in the applicable clause. Evidence that the defendant consumed alcohol after the time of the violation may not be admitted in defense to any alleged violation of section 169A.20, unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the matter.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 21. Minnesota Statutes 2008, section 169A.54, subdivision 1, is amended to read:

Subdivision 1. **Revocation periods for DWI convictions.** Except as provided in subdivision 7, the commissioner shall revoke the driver's license of a person convicted of violating section 169A.20 (driving while impaired) or an ordinance in conformity with it, as follows:

(1) for an offense under section 169A.20, subdivision 1 (driving while impaired crime): not less than 30 days;

(2) for an offense under section 169A.20, subdivision 2 (refusal to submit to chemical test crime): not less than 90 days;

(3) for an offense occurring within ten years of a qualified prior impaired driving incident:

(i) if the current conviction is for a violation of section 169A.20, subdivision 1, 1a, 1b, or 1c, not less than 180 days and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169A.70 (chemical use assessments); or

(ii) if the current conviction is for a violation of section 169A.20, subdivision 2, not less than one year and until the court has certified that treatment or rehabilitation has been successfully completed where prescribed in accordance with section 169A.70;

(4) for an offense occurring within ten years of the first of two qualified prior impaired driving incidents: not less than one year, together with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established in accordance with standards established by the commissioner; or

(5) for an offense occurring within ten years of the first of three or more qualified prior impaired driving incidents: not less than two years, together with denial under section 171.04, subdivision 1, clause (10), until rehabilitation is established in accordance with standards established by the commissioner.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 22. Minnesota Statutes 2008, section 299D.03, subdivision 5, is amended to read:

Subd. 5. **Traffic fines and forfeited bail money.** (a) All fines and forfeited bail money, ~~from traffic and motor vehicle law violations,~~ collected from persons apprehended or arrested by officers of the State Patrol, shall be ~~paid~~ transmitted by the person or officer collecting the fines, forfeited bail money, or installments thereof, on or before the tenth day after the last day of the month in which these moneys were collected, to the ~~county treasurer of the county where the violation occurred.~~ commissioner of finance. Except where a different disposition is required in this paragraph, paragraph (b), section 387.213, or otherwise provided by law, three-eighths of these receipts shall be credited to the general revenue fund of the county, except that in a county in a judicial district under section 480.181, subdivision 1, paragraph (b), this three-eighths share must be transmitted to the commissioner of finance for deposit deposited in the state treasury and credited to the state general fund. The other five-eighths of these receipts ~~shall be transmitted by that~~

~~officer to the commissioner of finance and~~ must be deposited in the state treasury and credited as follows: (1) the first \$600,000 in each fiscal year must be credited to the Minnesota grade crossing safety account in the special revenue fund, and (2) remaining receipts must be credited to the state trunk highway fund. If, however, the violation occurs within a municipality and the city attorney prosecutes the offense, and a plea of not guilty is entered, one-third of the receipts shall be deposited in the state treasury and credited to the state general revenue fund of the county, one-third of the receipts shall be paid to the municipality prosecuting the offense, and one-third shall be ~~transmitted to the commissioner of finance as provided in this subdivision.~~ deposited in the state treasury and credited to the Minnesota grade crossing safety account or the state trunk highway fund as provided in this paragraph. When section 387.213 also is applicable to the fine, section 387.213 shall be applied before this paragraph is applied. All costs of participation in a nationwide police communication system chargeable to the state of Minnesota shall be paid from appropriations for that purpose.

(b) Notwithstanding any other provisions of law, all fines and forfeited bail money from violations of statutes governing the maximum weight of motor vehicles, collected from persons apprehended or arrested by employees of the state of Minnesota, by means of stationary or portable scales operated by these employees, shall be ~~paid~~ transmitted by the person or officer collecting the fines or forfeited bail money, on or before the tenth day after the last day of the month in which the collections were made, to the ~~county treasurer of the county where the violation occurred~~ commissioner of finance. Five-eighths of these receipts shall be ~~transmitted by that officer to the commissioner of finance and shall be~~ deposited in the state treasury and credited to the state highway user tax distribution fund. Three-eighths of these receipts shall be deposited in the state treasury and credited to the state general revenue fund of the county, except that in a county in a judicial district under section 480.181, subdivision 1, paragraph (b), ~~this three-eighths share must be transmitted to the commissioner of finance for deposit in the state treasury and credited to the general fund.~~

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 23. Minnesota Statutes 2008, section 357.021, subdivision 2, is amended to read:

Subd. 2. **Fee amounts.** The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,

31.1 petitioner, or other moving party shall pay, when the first paper is filed for that party in said
31.2 action, a fee of ~~\$240~~ \$300, except in marriage dissolution actions the fee is ~~\$270~~ \$330.

31.3 The defendant or other adverse or intervening party, or any one or more of several
31.4 defendants or other adverse or intervening parties appearing separately from the others,
31.5 shall pay, when the first paper is filed for that party in said action, a fee of ~~\$240~~ \$300,
31.6 except in marriage dissolution actions the fee is ~~\$270~~ \$330.

31.7 The party requesting a trial by jury shall pay ~~\$75~~ \$100.

31.8 The fees above stated shall be the full trial fee chargeable to said parties irrespective
31.9 of whether trial be to the court alone, to the court and jury, or disposed of without trial,
31.10 and shall include the entry of judgment in the action, but does not include copies or
31.11 certified copies of any papers so filed or proceedings under chapter 103E, except the
31.12 provisions therein as to appeals.

31.13 (2) Certified copy of any instrument from a civil or criminal proceeding, ~~\$10~~ \$14,
31.14 and ~~\$5~~ \$8 for an uncertified copy.

31.15 (3) Issuing a subpoena, ~~\$12~~ \$16 for each name.

31.16 (4) Filing a motion or response to a motion in civil, family, excluding child support,
31.17 and guardianship cases, ~~\$55~~ \$100.

31.18 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment,
31.19 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not
31.20 specifically mentioned, ~~\$40~~ \$55.

31.21 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of
31.22 judgment from another court, ~~\$30~~ \$40.

31.23 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment
31.24 of judgment, \$5.

31.25 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each
31.26 name certified to.

31.27 (9) Filing and indexing trade name; or recording basic science certificate;
31.28 or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or
31.29 optometrists, \$5.

31.30 (10) For the filing of each partial, final, or annual account in all trusteeships, ~~\$40~~ \$55.

31.31 (11) For the deposit of a will, ~~\$20~~ \$27.

31.32 (12) For recording notary commission, \$100, of which, notwithstanding subdivision
31.33 1a, paragraph (b), \$80 must be forwarded to the commissioner of finance to be deposited
31.34 in the state treasury and credited to the general fund.

31.35 (13) Filing a motion or response to a motion for modification of child support,
31.36 a fee of ~~\$55~~ \$100.

(14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

(15) In addition to any other filing fees under this chapter, a surcharge in the amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (5) need not be paid by a public authority or the party the public authority represents.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 24. Minnesota Statutes 2008, section 357.021, subdivision 6, is amended to read:

Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided in this paragraph, the court shall impose and the court administrator shall collect a \$75 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking, for which there shall be a ~~\$4~~ \$5 surcharge. When a defendant is convicted of more than one offense in a case, the surcharge shall be imposed only once in that case. In the Second Judicial District, the court shall impose, and the court administrator shall collect, an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person is convicted of a petty misdemeanor for which no fine is imposed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge, and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the commissioner of finance.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the

33.1 correctional facility in which the convicted person is incarcerated shall collect the
33.2 surcharge from any earnings the inmate accrues from work performed in the facility
33.3 or while on conditional release. The chief executive officer shall forward the amount
33.4 collected to the ~~commissioner of finance~~ court administrator or other entity collecting the
33.5 surcharge imposed by the court.

33.6 **EFFECTIVE DATE.** This section is effective July 1, 2009.

33.7 Sec. 25. Minnesota Statutes 2008, section 357.021, subdivision 7, is amended to read:

33.8 Subd. 7. **Disbursement of surcharges by commissioner of finance.** (a) Except
33.9 as provided in paragraphs (b), (c), and (d), the commissioner of finance shall disburse
33.10 surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

33.11 (1) one percent shall be credited to the game and fish fund to provide peace officer
33.12 training for employees of the Department of Natural Resources who are licensed under
33.13 sections 626.84 to 626.863, and who possess peace officer authority for the purpose of
33.14 enforcing game and fish laws;

33.15 (2) 39 percent shall be credited to the peace officers training account in the special
33.16 revenue fund; and

33.17 (3) 60 percent shall be credited to the general fund.

33.18 (b) The commissioner of finance shall credit \$3 of each surcharge received under
33.19 subdivision 6 and section 97A.065, subdivision 2, to the general fund.

33.20 (c) In addition to any amounts credited under paragraph (a), the commissioner
33.21 of finance shall credit \$47 of each surcharge received under subdivision 6 and section
33.22 97A.065, subdivision 2, and the ~~\$4~~\$5 parking surcharge, to the general fund.

33.23 (d) If the Ramsey County Board of Commissioners authorizes imposition of
33.24 the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court
33.25 administrator in the Second Judicial District shall transmit the surcharge to the
33.26 commissioner of finance. The \$1 special surcharge is deposited in a Ramsey County
33.27 surcharge account in the special revenue fund and amounts in the account are appropriated
33.28 to the trial courts for the administration of the petty misdemeanor diversion program
33.29 operated by the Second Judicial District Ramsey County Violations Bureau.

33.30 **EFFECTIVE DATE.** This section is effective July 1, 2009.

33.31 Sec. 26. Minnesota Statutes 2008, section 357.022, is amended to read:

33.32 **357.022 CONCILIATION COURT FEE.**

The court administrator in every county shall charge and collect a filing fee of ~~\$50~~ \$65 from every plaintiff and from every defendant when the first paper for that party is filed in any conciliation court action. This section does not apply to conciliation court actions filed by the state. The court administrator shall transmit the fees monthly to the commissioner of finance for deposit in the state treasury and credit to the general fund.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 27. Minnesota Statutes 2008, section 357.08, is amended to read:

357.08 PAID BY APPELLANT IN APPEAL.

There shall be paid to the clerk of the appellate courts by the appellant, or moving party or person requiring the service, in all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, when initially filed with the clerk of the appellate courts, the sum of ~~\$500~~ \$550 to the clerk of the appellate courts. An additional filing fee of \$100 shall be required for a petition for accelerated review by the Supreme Court. A filing fee of ~~\$500~~ \$550 shall be paid to the clerk of the appellate courts upon the filing of a petition for review from a decision of the Court of Appeals. A filing fee of ~~\$500~~ \$550 shall be paid to the clerk of the appellate courts upon the filing of a petition for permission to appeal. A filing fee of \$100 shall be paid to the clerk of the appellate courts upon the filing by a respondent of a notice of review. The clerk shall transmit the fees to the commissioner of finance for deposit in the state treasury and credit to the general fund.

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment has been made for it. The clerk shall pay the sum into the state treasury as provided for by section 15A.01.

The charges provided for shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or furnished to the district judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 28. Minnesota Statutes 2008, section 364.08, is amended to read:

364.08 PRACTICE OF LAW; EXCEPTION.

35.1 This chapter shall not apply to the practice of law or judicial branch employment;
35.2 but nothing in this section shall be construed to preclude the Supreme Court, in its
35.3 discretion, from adopting the policies set forth in this chapter.

35.4 **EFFECTIVE DATE.** This section is effective July 1, 2009.

35.5 Sec. 29. Minnesota Statutes 2008, section 375.14, is amended to read:

35.6 **375.14 OFFICES AND SUPPLIES FURNISHED FOR COUNTY OFFICERS.**

35.7 The county board shall provide offices at the county seat for the auditor, treasurer,
35.8 county recorder, sheriff, court administrator of the district court, and an office for the
35.9 county engineer at a site determined by the county board, with suitable furniture and
35.10 safes and vaults for the security and preservation of the books and papers of the offices,
35.11 and provide heating, lighting, and maintenance of the offices. The board shall furnish
35.12 all county officers with all books, stationery, letterheads, envelopes, postage, telephone
35.13 service, office equipment, electronic technology, and supplies necessary to the discharge
35.14 of their respective duties ~~and make like provision for the judges of the district court~~
35.15 ~~as necessary to the discharge of their duties within the county or concerning matters~~
35.16 ~~arising in it.~~ The board is not required to furnish any county officer with professional or
35.17 technical books or instruments except when the board deems them directly necessary to
35.18 the discharge of official duties as part of the permanent equipment of the office.

35.19 **EFFECTIVE DATE.** This section is effective July 1, 2009.

35.20 Sec. 30. Minnesota Statutes 2008, section 480.15, is amended by adding a subdivision
35.21 to read:

35.22 **Subd. 10c. Uniform collections policies and procedures for courts.** (a)
35.23 Notwithstanding chapter 16D, the state court administrator under the direction of the
35.24 Judicial Council may promulgate uniform collections policies and procedures for the
35.25 courts and may contract with credit bureaus, public and private collection agencies, the
35.26 Department of Revenue, and other public or private entities providing collection services
35.27 as necessary for the collection of court debts. The court collection process and procedures
35.28 are not subject to section 16A.125 or chapter 16D.

35.29 (b) Court debt means an amount owed to the state directly or through the judicial
35.30 branch on account of a fee, duty, rent, service, overpayment, fine, assessment, surcharge,
35.31 court cost, penalty, restitution, damages, interest, bail bond, forfeiture, reimbursement,
35.32 liability owed, an assignment to the judicial branch, recovery of costs incurred by the
35.33 judicial branch, or any other source of indebtedness to the judicial branch as well as

amounts owed to other public or private entities for which the judicial branch acts in providing collection services, or any other amount owed to the judicial branch.

(c) The courts must pay for the collection services of public or private collection entities as well as the cost of one or more court employees to provide collection interface services between the Department of Revenue, the courts, and one or more collection entities from the money collected. The portion of the money collected which must be paid to the collection entity as collection fees and costs and the portion of the money collected which must be paid to the courts or Department of Revenue for collection services are appropriated from the fund to which the collected money is due.

(d) As determined by the state court administrator, collection costs shall be added to the debts referred to a public or private collection entity for collection.

Collection costs shall include the fees of the collection entity, and may include, if separately provided, skip tracing fees, credit bureau reporting charges, fees assessed by any public entity for obtaining information necessary for debt collection, or other collection-related costs. Collection costs shall also include the costs of one or more court employees employed by the state court administrator to provide a collection interface between the collection entity, the Department of Revenue, and the courts.

If the collection entity collects an amount less than the total due, the payment is applied proportionally to collection costs and the underlying debt. Collection costs in excess of collection agency fees and court employee collection interface costs must be deposited in the general fund as nondedicated receipts.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 31. Minnesota Statutes 2008, section 484.85, is amended to read:

**484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY;
ACCOUNTS; RAMSEY COUNTY DISTRICT COURT.**

~~(a) In the event the Ramsey County District Court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town in Ramsey County, all fines, penalties, and forfeitures collected shall be paid over to the county treasurer except where a different disposition is provided by law, and the following fees shall be taxed to the state or governmental subdivision other than a city or town within Ramsey County which would be entitled to payment of the fines, forfeitures, or penalties in any case, and shall be paid to the administrator of the court for disposal of the matter. The administrator shall deduct the fees from any fine collected for the state of Minnesota or a governmental subdivision other than a city or town within~~

~~Ramsey County and transmit the balance in accordance with the law, and the deduction of the total of the fees each month from the total of all the fines collected is hereby expressly made an appropriation of funds for payment of the fees:~~

~~(1) in all cases where the defendant is brought into court and pleads guilty and is sentenced, or the matter is otherwise disposed of without a trial, \$5;~~

~~(2) in arraignments where the defendant waives a preliminary examination, \$10;~~

~~(3) in all other cases where the defendant stands trial or has a preliminary examination by the court, \$15; and~~

~~(4) the court shall have the authority to waive the collection of fees in any particular case.~~

~~(b) On or before the last day of each month, the county treasurer shall pay over to the treasurer of the city of St. Paul two-thirds of all fines, penalties, and forfeitures collected and to the treasurer of each other municipality or subdivision of government in Ramsey County one-half of all fines or penalties collected during the previous month from those imposed for offenses committed within the treasurer's municipality or subdivision of government in violation of a statute; an ordinance; or a charter provision, rule, or regulation of a city. All other fines and forfeitures and all fees and costs collected by the district court shall be paid to the treasurer of Ramsey County, who shall dispense the same as provided by law.~~

(a) In all cases prosecuted in Ramsey County District Court by an attorney for a municipality or subdivision of government within Ramsey County for violation of a statute; an ordinance; or a charter provision, rule, or regulation of a city; all fines, penalties, and forfeitures collected by the court administrator shall be forwarded to the commissioner of finance and distributed according to this paragraph. Except where a different disposition is provided by section 299D.03, subdivision 5, or other law, on or before the last day of each month, the commissioner of finance shall pay over all fines, penalties, and forfeitures collected by the court administrator during the previous month as follows:

(1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer of the city of St. Paul and one-third deposited in the state treasury and credited to the general fund; and

(2) for offenses committed within any other municipality or subdivision of government within Ramsey County, one-half to the treasurer of the municipality or subdivision of government and one-half deposited in the state treasury and credited to the general fund.

All other fines, penalties, and forfeitures collected by the district court shall be forwarded to the commissioner of finance, who shall distribute them as provided by law.

(b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a) when:

(1) a city contracts with the county attorney for prosecutorial services under section 484.87, subdivision 3; or

(2) the attorney general provides assistance to the city attorney under section 484.87, subdivision 5.

(c) The court administrator shall provide the commissioner of finance with the name of the municipality or other subdivision of government where the offense was committed and the total amount of fines or penalties collected for each city, town, or other subdivision of government, for the county, or for the state.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 32. Minnesota Statutes 2008, section 484.90, subdivision 6, is amended to read:

~~Subd. 6. **Allocation.** The court administrator shall provide the county treasurer with the name of the municipality or other subdivision of government where the offense was committed which employed or provided by contract the arresting or apprehending officer and the name of the municipality or other subdivision of government which employed the prosecuting attorney or otherwise provided for prosecution of the offense for each fine or penalty and the total amount of fines or penalties collected for each municipality or other subdivision of government. On or before the last day of each month, the county treasurer shall pay over to the treasurer of each municipality or subdivision of government within the county all fines or penalties for parking violations for which complaints and warrants have not been issued and one-third of all fines or penalties collected during the previous month for offenses committed within the municipality or subdivision of government from persons arrested or issued citations by officers employed by the municipality or subdivision or provided by the municipality or subdivision by contract. An additional one-third of all fines or penalties shall be paid to the municipality or subdivision of government providing prosecution of offenses of the type for which the fine or penalty is collected occurring within the municipality or subdivision, imposed for violations of state statute or of an ordinance, charter provision, rule, or regulation of a city whether or not a guilty plea is entered or bail is forfeited. Except as provided in section 299D.03, subdivision 5, or as otherwise provided by law, all other fines and forfeitures and all fees and statutory court costs collected by the court administrator shall be paid to the county treasurer of the county in which the funds were collected who shall dispense them as provided by law. In a county in a judicial district under section 480.181, subdivision 1, paragraph (b), all other fines, forfeitures, fees, and statutory court costs must be paid to~~

~~the commissioner of finance for deposit in the state treasury and credited to the general fund.~~ (a) In all cases prosecuted in district court by an attorney for a municipality or

other subdivision of government within the county for violations of state statute, or of an ordinance; or charter provision, rule, or regulation of a city; all fines, penalties, and forfeitures collected shall be forwarded to the commissioner of finance and distributed according to this paragraph. Except where a different disposition is provided by section 299D.03, subdivision 5, 484.841, 484.85, or other law, on or before the last day of each month, the commissioner of finance shall pay over all fines, penalties, and forfeitures collected by the court administrator during the previous month as follows:

(1) 100 percent of all fines or penalties for parking violations for which complaints and warrants have not been issued to the treasurer of the city or town in which the offense was committed; and

(2) two-thirds of all other fines to the treasurer of the city or town in which the offense was committed and one-third deposited in the state treasury and credited to the general fund.

All other fines, penalties, and forfeitures collected by the court administrator shall be forwarded to the commissioner of finance, who shall distribute them as provided by law.

(b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a) when:

(1) a city contracts with the county attorney for prosecutorial services under section 484.87, subdivision 3;

(2) a city has a population of 600 or less and has given the duty to prosecute cases to the county attorney under section 484.87; or

(3) the attorney general provides assistance to the county attorney as permitted by law.

(c) The court administrator shall provide the commissioner of finance with the name of the city, town, or other subdivision of government where the offense was committed and the total amount of fines or penalties collected for each city, town, or other subdivision of government, for the county, or for the state.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 33. Minnesota Statutes 2008, section 491A.02, subdivision 9, is amended to read:

Subd. 9. **Judgment debtor disclosure.** Notwithstanding any contrary provision in rule 518 of the Conciliation Court Rules, unless the parties have otherwise agreed, if a conciliation court judgment or a judgment of district court on removal from conciliation court has been docketed in district court, the judgment creditor's attorney as an officer of

the court may or the district court in the county in which the judgment originated shall, upon request of the judgment creditor, order the judgment debtor to mail to the judgment creditor information as to the nature, amount, identity, and locations of all the debtor's assets, liabilities, and personal earning. The information must be provided on a form prescribed by the Supreme Court, and the information shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and earnings of the judgment debtor. The order must contain a notice that failure to complete the form and mail it to the judgment creditor within ten days after service of the order may result in a citation for civil contempt of court. Cash bail posted as a result of being cited for civil contempt of court order under this section may be ordered payable to the creditor to satisfy the judgment, either partially or fully.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 34. Minnesota Statutes 2008, section 525.091, subdivision 1, is amended to read:

Subdivision 1. **Original documents.** The court administrator of any county upon order of the judge exercising probate jurisdiction may destroy all the original documents in any probate proceeding of record in the office ~~five years~~ after the file in such proceeding has been closed provided the original or a Minnesota state archives commission approved photographic, photostatic, microphotographic, microfilmed, or similarly reproduced copy of the original of the following enumerated documents in the proceeding are on file in the office.

Enumerated original documents:

(a) In estates, the jurisdictional petition and proof of publication of the notice of hearing thereof; will and certificate of probate; letters; inventory and appraisal; orders directing and confirming sale, mortgage, lease, or for conveyance of real estate; order setting apart statutory selection; receipts for federal estate taxes and state estate taxes; orders of distribution and general protection; decrees of distribution; federal estate tax closing letter, consent to discharge by commissioner of revenue and order discharging representative; and any amendment of the listed documents.

When an estate is deemed closed as provided in clause (d) of this subdivision, the enumerated documents shall include all claims of creditors.

(b) In guardianships or conservatorships, the jurisdictional petition and order for hearing thereof with proof of service; letters; orders directing and confirming sale, mortgage, lease or for conveyance of real estate; order for restoration to capacity and order discharging guardian; and any amendment of the listed documents.

(c) In mental, inebriety, and indigent matters, the jurisdictional petition; report of examination; warrant of commitment; notice of discharge from institution, or notice of death and order for restoration to capacity; and any amendment of the listed documents.

(d) Except for the enumerated documents described in this subdivision, the court administrator may destroy all other original documents in any probate proceeding without retaining any reproduction of the document. For the purpose of this subdivision, a proceeding is deemed closed if no document has been filed in the proceeding for a period of 15 years, except in the cases of wills filed for safekeeping and those containing wills of decedents not adjudicated upon.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 35. Minnesota Statutes 2008, section 549.09, subdivision 1, is amended to read:

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

(b) Except as otherwise provided by contract or allowed by law, preverdict, preaward, or prereport interest on pecuniary damages shall be computed as provided in paragraph (c) from the time of the commencement of the action or a demand for arbitration, or the time of a written notice of claim, whichever occurs first, except as provided herein. The action must be commenced within two years of a written notice of claim for interest to begin to accrue from the time of the notice of claim. If either party serves a written offer of settlement, the other party may serve a written acceptance or a written counteroffer within 30 days. After that time, interest on the judgment or award shall be calculated by the judge or arbitrator in the following manner. The prevailing party shall receive interest on any judgment or award from the time of commencement of the action or a demand for arbitration, or the time of a written notice of claim, or as to special damages from the time when special damages were incurred, if later, until the time of verdict, award, or report only if the amount of its offer is closer to the judgment or award than the amount of the opposing party's offer. If the amount of the losing party's offer was closer to the judgment or award than the prevailing party's offer, the prevailing party shall receive interest only on the amount of the settlement offer or the judgment or award, whichever is less, and only from the time of commencement of the action or a demand for arbitration, or the time of a written notice of claim, or as to special damages from when the special damages were incurred, if later, until the time the settlement offer

was made. Subsequent offers and counteroffers supersede the legal effect of earlier offers and counteroffers. For the purposes of clause (2), the amount of settlement offer must be allocated between past and future damages in the same proportion as determined by the trier of fact. Except as otherwise provided by contract or allowed by law, preverdict, preaward, or prereport interest shall not be awarded on the following:

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

(2) judgments or awards for future damages;

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

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

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

(c)(1) For a judgment or award of \$50,000 or less, 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 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.

(2) For a judgment or award over \$50,000, the interest rate shall be ten percent per year.

(3) 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 August 1, 2009, and applies to judgments and awards finally entered on or after that date.

Sec. 36. Minnesota Statutes 2008, section 550.011, is amended to read:

550.011 JUDGMENT DEBTOR DISCLOSURE.

Unless the parties have otherwise agreed, if a judgment has been docketed in district court for at least 30 days, and the judgment is not satisfied, the judgment creditor's attorney as an officer of the court may or the district court in the county in which the judgment originated shall, upon request of the judgment creditor, order the judgment debtor to mail by certified mail to the judgment creditor information as to the nature, amount, identity, and locations of all the debtor's assets, liabilities, and personal earnings. The information must be provided on a form prescribed by the Supreme Court, and the information shall be sufficiently detailed to enable the judgment creditor to obtain satisfaction of the judgment by way of execution on nonexempt assets and earnings of the judgment debtor. The order must contain a notice that failure to complete the form and mail it to the judgment creditor within ten days after service of the order may result in a citation for civil contempt of court. Cash bail posted as a result of being cited for civil contempt of court order under this section may be ordered payable to the creditor to satisfy the judgment, either partially or fully.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 37. Minnesota Statutes 2008, section 609.035, subdivision 2, is amended to read:

Subd. 2. Consecutive sentences. (a) When a person is being sentenced for a violation of a provision listed in paragraph (e), the court may sentence the person to a consecutive term of imprisonment for a violation of any other provision listed in paragraph (e), notwithstanding the fact that the offenses arose out of the same course of conduct, subject to the limitation on consecutive sentences contained in section 609.15, subdivision 2, and except as provided in paragraphs (b), (c), and (f) of this subdivision.

(b) When a person is being sentenced for a violation of section 171.09, 171.20, 171.24, or 171.30, the court may not impose a consecutive sentence for another violation of a provision in chapter 171.

(c) When a person is being sentenced for a violation of section 169.791 or 169.797, the court may not impose a consecutive sentence for another violation of a provision of sections 169.79 to 169.7995.

(d) This subdivision does not limit the authority of the court to impose consecutive sentences for crimes arising on different dates or to impose a consecutive sentence when a person is being sentenced for a crime and is also in violation of the conditions of a stayed or otherwise deferred sentence under section 609.135.

(e) This subdivision applies to misdemeanor and gross misdemeanor violations of the following if the offender has two or more prior impaired driving convictions as defined in section 169A.03 within the past ten years:

- (1) section 169A.20, subdivision 1, 1a, 1b, or 1c, driving while impaired;
- (2) section 169A.20, subdivision 2, test refusal;
- (3) section 169.791, failure to provide proof of insurance;
- (4) section 169.797, failure to provide vehicle insurance;
- (5) section 171.09, violation of condition of restricted license;
- (6) section 171.20, subdivision 2, operation after revocation, suspension, cancellation, or disqualification;
- (7) section 171.24, driving without valid license; and
- (8) section 171.30, violation of condition of limited license.

(f) When a court is sentencing an offender for a violation of section 169A.20 and a violation of an offense listed in paragraph (e), and the offender has five or more qualified prior impaired driving incidents, as defined in section 169A.03, within the past ten years, the court shall sentence the offender to serve consecutive sentences for the offenses, notwithstanding the fact that the offenses arose out of the same course of conduct.

Sec. 38. Minnesota Statutes 2008, section 609.10, subdivision 1, is amended to read:

Subdivision 1. **Sentences available.** (a) Upon conviction of a felony and compliance with the other provisions of this chapter the court, if it imposes sentence, may sentence the defendant to the extent authorized by law as follows:

- (1) to life imprisonment; or
- (2) to imprisonment for a fixed term of years set by the court; or
- (3) to both imprisonment for a fixed term of years and payment of a fine; or

(4) to payment of a fine without imprisonment ~~or to imprisonment for a fixed term of years if the fine is not paid~~ or as an intermediate sanction on a stayed sentence; or

(5) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both; or

(6) to payment of a local correctional fee as authorized under section 609.102 in addition to any other sentence imposed by the court.

(b) If the court imposes a fine or orders restitution under paragraph (a), payment is due on the date imposed unless the court otherwise establishes a due date or a payment plan.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 39. Minnesota Statutes 2008, section 609.101, subdivision 4, is amended to read:

Subd. 4. **Minimum fines; other crimes.** Notwithstanding any other law:

(1) when a court sentences a person convicted of a felony that is not listed in subdivision 2 or 3, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law; and

(2) when a court sentences a person convicted of a gross misdemeanor or misdemeanor that is not listed in subdivision 2, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law, unless the fine is set at a lower amount on a uniform fine schedule established by the Judicial Council in consultation with affected state and local agencies. ~~This schedule shall be promulgated not later than September 1 of each year and shall become effective on January 1 of the next year unless the legislature, by law, provides otherwise according to section 609.1315.~~

The minimum fine required by this subdivision is in addition to the surcharge or assessment required by section 357.021, subdivision 6, and is in addition to any sentence of imprisonment or restitution imposed or ordered by the court.

~~The court shall collect the fines mandated in this subdivision and, except for fines for traffic and motor vehicle violations governed by section 169.871 and section 299D.03 and fish and game violations governed by section 97A.065, forward 20 percent of the revenues to the commissioner of finance for deposit in the general fund.~~

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 40. **[609.104] FINE AND SURCHARGE COLLECTION.**

Subdivision 1. **Failure to pay restitution or fine.** (a) Any portion of a fine, surcharge, court cost, restitution, or fee that the defendant fails to pay by the due date may be referred for collection under section 480.15, subdivision 10c. If the defendant has agreed to a payment plan but fails to pay an installment when due, the entire amount remaining becomes due and payable and may be referred for collection under section 480.15, subdivision 10c.

(b) The defendant may contest the referral for collection based on inability to pay by requesting a hearing no later than the due date. The defendant shall be notified in writing at sentencing that under section 480.15, subdivision 10c, the court may refer the case for collection for nonpayment, and collection costs may be added to the amount due. The defendant shall also be notified in writing of the right to contest a referral for collection. The state court administrator shall develop the notice language.

Subd. 2. **Fine and surcharge collection.** (a) A defendant's obligation to pay court-ordered fines, surcharges, court costs, restitution, and fees shall survive after the due date for a period set by the Judicial Council.

(b) Any change in the collection period established by the Judicial Council shall be effective on court-ordered fines, surcharges, court costs, restitution, and fees imposed on or after the effective date of this section.

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

(d) 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, 2009.

Sec. 41. Minnesota Statutes 2008, section 609.125, subdivision 1, is amended to read:

Subdivision 1. **Sentences available.** (a) Upon conviction of a misdemeanor or gross misdemeanor the court, if sentence is imposed, may, to the extent authorized by law, sentence the defendant:

(1) to imprisonment for a definite term; or

(2) to payment of a fine, ~~or to imprisonment for a specified term if the fine is not paid without imprisonment or as an intermediate sanction on a stayed sentence;~~ or

(3) to both imprisonment for a definite term and payment of a fine; or

(4) to payment of court-ordered restitution in addition to either imprisonment or payment of a fine, or both; or

(5) to payment of a local correctional fee as authorized under section 609.102 in addition to any other sentence imposed by the court; or

(6) to perform work service in a restorative justice program in addition to any other sentence imposed by the court.

(b) If the court imposes a fine or orders restitution under paragraph (a), payment is due on the date imposed unless the court otherwise establishes a due date or a payment plan.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 42. Minnesota Statutes 2008, section 609.131, subdivision 3, is amended to read:

Subd. 3. **Use of conviction for enhancement.** Notwithstanding any other law, a conviction for a violation that was originally charged as a misdemeanor and was treated as a petty misdemeanor under subdivision 1 or the Rules of Criminal Procedure, or was treated as a petty misdemeanor by inclusion on the uniform fine schedule, may not be used as the basis for charging a subsequent violation as a gross misdemeanor rather than a misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to violations committed on or after that date.

Sec. 43. **[609.1315] UNIFORM FINE SCHEDULE.**

Subdivision 1. Establishment and effective date. The Judicial Council shall establish a uniform fine schedule in consultation with affected state and local agencies. The uniform fine schedule may include petty misdemeanor and misdemeanor offenses, but shall not include targeted misdemeanors as defined in section 299C.10. The uniform fine schedule shall set a fine that may be paid for each offense in lieu of a court appearance. The uniform fine schedule and any modifications shall be submitted to the legislature for approval by January 1 of each year and shall become effective on July 1 of that year unless the legislature, by law, provides otherwise.

Subd. 2. Effect on misdemeanor offenses. Any misdemeanors included on the uniform fine schedule shall be treated as petty misdemeanors, unless on the third or subsequent offense the charge is brought by a formal complaint or, for offenses committed under chapter 169, the violation was committed in a manner or under circumstances so as to endanger or be likely to endanger any person or property. Nothing in this subdivision limits the authority of a peace officer to make an arrest for offenses included on the

48.1 uniform fine schedule. Nothing in this section limits the operation of section 169.89,
48.2 subdivision 1. This subdivision expires on July 1, 2011.

48.3 Subd. 3. **Notice.** A defendant must be advised in writing that payment of the fine for
48.4 an offense on the uniform fine schedule constitutes a plea of guilty, waiver of the right to
48.5 trial, and waiver of the right to counsel.

48.6 **EFFECTIVE DATE.** Subdivision 2 is effective July 1, 2009, and applies to acts
48.7 committed on or after that date.

48.8 Sec. 44. Minnesota Statutes 2008, section 609.135, subdivision 1, is amended to read:

48.9 Subdivision 1. **Terms and conditions.** (a) Except when a sentence of life
48.10 imprisonment is required by law, or when a mandatory minimum sentence is required by
48.11 section 609.11, any court may stay imposition or execution of sentence and:

48.12 (1) may order intermediate sanctions without placing the defendant on probation; or

48.13 (2) may place the defendant on probation with or without supervision and on the
48.14 terms the court prescribes, including intermediate sanctions when practicable. The court
48.15 may order the supervision to be under the probation officer of the court, or, if there is
48.16 none and the conviction is for a felony or gross misdemeanor, by the commissioner of
48.17 corrections, or in any case by some other suitable and consenting person. Unless the court
48.18 directs otherwise, state parole and probation agents and probation officers may impose
48.19 community work service or probation violation sanctions, consistent with section 243.05,
48.20 subdivision 1; sections 244.196 to 244.199; or 401.02, subdivision 5.

48.21 No intermediate sanction may be ordered performed at a location that fails to
48.22 observe applicable requirements or standards of chapter 181A or 182, or any rule
48.23 promulgated under them.

48.24 (b) For purposes of this subdivision, subdivision 6, and section 609.14, the term
48.25 "intermediate sanctions" includes but is not limited to incarceration in a local jail or
48.26 workhouse, home detention, electronic monitoring, intensive probation, sentencing to
48.27 service, reporting to a day reporting center, chemical dependency or mental health
48.28 treatment or counseling, restitution, fines, day-fines, community work service, work
48.29 service in a restorative justice program, work in lieu of or to work off fines and, with the
48.30 victim's consent, work in lieu of or to work off restitution.

48.31 (c) A court may not stay the revocation of the driver's license of a person convicted
48.32 of violating the provisions of section 169A.20.

48.33 (d) If the court orders a fine, day-fine, or restitution as an intermediate sanction,
48.34 payment is due on the date imposed unless the court otherwise establishes a due date
48.35 or a payment plan.

49.1 **EFFECTIVE DATE.** This section is effective July 1, 2009.

49.2 Sec. 45. Minnesota Statutes 2008, section 609.135, subdivision 1a, is amended to read:

49.3 Subd. 1a. **Failure to pay restitution ~~or fine~~.** If the court orders payment of
49.4 restitution ~~or a fine~~ as a condition of probation and if the defendant fails to pay the
49.5 restitution ~~or a fine~~ in accordance with the payment schedule or structure established
49.6 by the court or the probation officer, the prosecutor or the defendant's probation officer
49.7 may, on the prosecutor's or the officer's own motion or at the request of the victim,
49.8 ask the court to hold a hearing to determine whether or not the conditions of probation
49.9 should be changed or probation should be revoked. The defendant's probation officer
49.10 shall ask for the hearing if the restitution ~~or fine~~ ordered has not been paid prior to 60
49.11 days before the term of probation expires. The court shall schedule and hold this hearing
49.12 and take appropriate action, including action under subdivision 2, paragraph (g), before
49.13 the defendant's term of probation expires.

49.14 Nothing in this subdivision limits the court's ability to refer the case to collections
49.15 under section 609.104 when a defendant fails to pay court-ordered restitution.

49.16 **EFFECTIVE DATE.** This section is effective July 1, 2009.

49.17 Sec. 46. Minnesota Statutes 2008, section 609.135, subdivision 2, is amended to read:

49.18 Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony
49.19 other than section 609.21, subdivision 1a, paragraph (b) or (c), the stay shall be for not
49.20 more than four years or the maximum period for which the sentence of imprisonment
49.21 might have been imposed, whichever is longer.

49.22 (b) If the conviction is for a gross misdemeanor violation of section 169A.20
49.23 or 609.21, subdivision 1a, paragraph (d), or for a felony described in section 609.21,
49.24 subdivision 1a, paragraph (b) or (c), the stay shall be for not more than six years. The
49.25 court shall provide for unsupervised probation for the last year of the stay unless the court
49.26 finds that the defendant needs supervised probation for all or part of the last year.

49.27 (c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the
49.28 stay shall be for not more than two years.

49.29 (d) If the conviction is for any misdemeanor under section 169A.20; 609.746,
49.30 subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or
49.31 609.224, subdivision 1, in which the victim of the crime was a family or household
49.32 member as defined in section 518B.01, the stay shall be for not more than two years. The
49.33 court shall provide for unsupervised probation for the second year of the stay unless the
49.34 court finds that the defendant needs supervised probation for all or part of the second year.

(e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay shall be for not more than one year.

(f) The defendant shall be discharged six months after the term of the stay expires, unless the stay has been revoked or extended under paragraph (g), or the defendant has already been discharged.

(g) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to one year if it finds, at a hearing conducted under subdivision 1a, that:

(1) the defendant has not paid court-ordered restitution ~~or a fine~~ in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution ~~or fine~~ the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution ~~or a fine~~ may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution ~~or fine~~ that the defendant owes.

Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104.

(h) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1c, that:

(1) the defendant has failed to complete court-ordered treatment successfully; and

(2) the defendant is likely not to complete court-ordered treatment before the term of probation expires.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 47. Minnesota Statutes 2008, section 611.17, is amended to read:

**611.17 FINANCIAL INQUIRY; STATEMENTS; CO-PAYMENT;
STANDARDS FOR DISTRICT PUBLIC DEFENSE ELIGIBILITY.**

(a) Each judicial district must screen requests for representation by the district public defender. A defendant is financially unable to obtain counsel if:

(1) the defendant, or any dependent of the defendant who resides in the same household as the defendant, receives means-tested governmental benefits; or

(2) the defendant, through any combination of liquid assets and current income, would be unable to pay the reasonable costs charged by private counsel in that judicial district for a defense of the same matter.

(b) Upon a request for the appointment of counsel, the court shall make appropriate inquiry into the financial circumstances of the applicant, who shall submit a financial statement under oath or affirmation setting forth the applicant's assets and liabilities, including the value of any real property owned by the applicant, whether homestead or otherwise, less the amount of any encumbrances on the real property, the source or sources of income, and any other information required by the court. The applicant shall be under a continuing duty while represented by a public defender to disclose any changes in the applicant's financial circumstances that might be relevant to the applicant's eligibility for a public defender. The state public defender shall furnish appropriate forms for the financial statements. The forms must contain conspicuous notice of the applicant's continuing duty to disclose to the court changes in the applicant's financial circumstances. The forms must also contain conspicuous notice of the applicant's obligation to make a co-payment for the services of the district public defender, as specified under paragraph (c). The information contained in the statement shall be confidential and for the exclusive use of the court and the public defender appointed by the court to represent the applicant except for any prosecution under section 609.48. A refusal to execute the financial statement or produce financial records constitutes a waiver of the right to the appointment of a public defender. The court shall not appoint a district public defender to a defendant who is financially able to retain private counsel but refuses to do so.

An inquiry to determine financial eligibility of a defendant for the appointment of the district public defender shall be made whenever possible prior to the court appearance and by such persons as the court may direct. This inquiry may be combined with the prerelease investigation provided for in Minnesota Rule of Criminal Procedure 6.02, subdivision 3. In no case shall the district public defender be required to perform this inquiry or investigate the defendant's assets or eligibility. The court has the sole duty to conduct a financial inquiry. The inquiry must include the following:

- (1) the liquidity of real estate assets, including the defendant's homestead;
- (2) any assets that can be readily converted to cash or used to secure a debt;
- (3) the determination of whether the transfer of an asset is voidable as a fraudulent conveyance; and

(4) the value of all property transfers occurring on or after the date of the alleged offense. The burden is on the accused to show that he or she is financially unable to afford counsel. Defendants who fail to provide information necessary to determine eligibility

52.1 shall be deemed ineligible. The court must not appoint the district public defender as
52.2 advisory counsel.

52.3 (c) Upon disposition of the case, an individual who has received public defender
52.4 services shall pay to the court a ~~\$28~~ \$75 co-payment for representation provided by a
52.5 public defender, unless the co-payment is, or has been, waived by the court.

52.6 The co-payment must be credited to the general fund. If a term of probation is
52.7 imposed as a part of an offender's sentence, the co-payment required by this section must
52.8 not be made a condition of probation. The co-payment required by this section is a civil
52.9 obligation and must not be made a condition of a criminal sentence.

52.10 **EFFECTIVE DATE.** This section is effective July 1, 2009.

52.11 Sec. 48. Minnesota Statutes 2008, section 631.48, is amended to read:

52.12 **631.48 SENTENCE; COSTS OF PROSECUTION.**

52.13 In a criminal action, upon conviction of the defendant, the court may order as part of
52.14 the sentence that defendant shall pay the whole or any part of the disbursements of the
52.15 prosecution, including disbursements made to extradite a defendant. The court may order
52.16 this payment in addition to any other penalty authorized by law which it may impose. The
52.17 payment of the disbursements of prosecution may be enforced in the same manner as the
52.18 sentence, or by execution against property. When collected, the disbursements ~~must be~~
52.19 ~~paid into the treasury of the county of conviction, but~~ of ordered prosecution costs shall be
52.20 paid to the municipality or subdivision of government which employed the prosecuting
52.21 attorney or otherwise provided for prosecution of the case. This payment may not interfere
52.22 with the payment of officers', witnesses', or jurors' fees.

52.23 **EFFECTIVE DATE.** This section is effective July 1, 2009.

52.24 Sec. 49. **PUBLIC DEFENDER FEE; PUBLIC DEFENDER FEE ACCOUNT.**

52.25 Subdivision 1. Creation of fee. The state court administrator, through the lawyer
52.26 registration office, may assess a public defender fee on each licensed attorney in the state.
52.27 The fee must be equal to or greater than the civil legal services fee that licensed attorneys
52.28 are required to pay pursuant to the rules of the Supreme Court on lawyer registration.

52.29 Subd. 2. Creation of account. A public defender fee account is created in the
52.30 special revenue fund. The public defender fee is deposited in the public defender fee
52.31 account in the special revenue fund. The amounts in the account are appropriated to the
52.32 Board of Public Defense.

Subd. 3. **Purpose of account.** The purpose of the public defender fee account is to provide funding for the Board of Public Defense.

Subd. 4. **Prohibition on nonpublic defender transfers from account.** Notwithstanding any law to the contrary, money in the public defender fee account shall be appropriated solely for the purpose of funding the Board of Public Defense.

EFFECTIVE DATE. This section is effective July 1, 2009.

Sec. 50. **REPEALER.**

Minnesota Statutes 2008, sections 152.025, subdivision 3; 152.0262, subdivision 2; 484.90, subdivisions 1, 2, and 3; 487.08, subdivisions 1, 2, 3, and 5; and 609.135, subdivision 8, are repealed.

EFFECTIVE DATE. This section is effective July 1, 2009.

ARTICLE 3

PUBLIC SAFETY AND CORRECTIONS

Section 1. Minnesota Statutes 2008, section 152.025, subdivision 3, is amended to read:

Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 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.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections or to a local correctional authority for not less than six months nor more than ten years and, in addition, may be sentenced to payment of a fine of not more than \$20,000. Prior to the time of sentencing, the prosecutor may file a motion to have the person sentenced without regard to the mandatory minimum sentence established by this paragraph. The motion must be accompanied by a statement on the record of the reasons for it. When presented with the motion, or on its own motion, the court may sentence the person without regard to the mandatory minimum sentence if the court finds, on the record, substantial and compelling reasons to do so. Sentencing a person in this manner is a departure from the sentencing guidelines.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2008, section 171.29, subdivision 2, is amended to read:

Subd. 2. **Reinstatement fees and surcharges allocated and appropriated.** (a)

An individual whose driver's license has been revoked as provided in subdivision 1, except under section 169A.52, 169A.54, or 609.21, must pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52, 169A.54, or 609.21, must pay a \$250 fee plus a \$430 surcharge before the driver's license is reinstated, except as provided in paragraph (f). The \$250 fee is to be credited as follows:

(1) Twenty percent must be credited to the driver services operating account in the special revenue fund as specified in section 299A.705.

(2) Sixty-seven percent must be credited to the general fund.

(3) Eight percent must be credited to a separate account to be known as the Bureau of Criminal Apprehension account. Money in this account ~~may be~~ is annually appropriated to the commissioner of public safety and the appropriated amount must be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Five percent must be credited to a separate account to be known as the vehicle forfeiture account, which is created in the special revenue fund. The money in the account is annually appropriated to the commissioner for costs of handling vehicle forfeitures.

(c) The revenue from \$50 of the surcharge must be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. The revenue from \$50 of the surcharge on a reinstatement under paragraph (f) is credited from the first installment payment to the traumatic brain injury and spinal cord injury account. The money in the account is annually appropriated to the commissioner of health to be used as follows: 83 percent for contracts with a qualified community-based organization to provide information, resources, and support to assist persons with traumatic brain injury and their families to access services, and 17 percent to maintain the traumatic brain injury and spinal cord injury registry created in section 144.662. For the purposes of this paragraph, a "qualified community-based organization" is a private, not-for-profit organization of consumers of traumatic brain injury services and their family members. The organization must be registered with the United States Internal Revenue Service under section 501(c)(3) as a tax-exempt organization and must have as its purposes:

(1) the promotion of public, family, survivor, and professional awareness of the incidence and consequences of traumatic brain injury;

(2) the provision of a network of support for persons with traumatic brain injury, their families, and friends;

(3) the development and support of programs and services to prevent traumatic brain injury;

(4) the establishment of education programs for persons with traumatic brain injury; and

(5) the empowerment of persons with traumatic brain injury through participation in its governance.

A patient's name, identifying information, or identifiable medical data must not be disclosed to the organization without the informed voluntary written consent of the patient or patient's guardian or, if the patient is a minor, of the parent or guardian of the patient.

(d) The remainder of the surcharge must be credited to a separate account to be known as the remote electronic alcohol-monitoring program account. The commissioner shall transfer the balance of this account to the commissioner of finance on a monthly basis for deposit in the general fund.

(e) When these fees are collected by a licensing agent, appointed under section 171.061, a handling charge is imposed in the amount specified under section 171.061, subdivision 4. The reinstatement fees and surcharge must be deposited in an approved depository as directed under section 171.061, subdivision 4.

(f) A person whose driver's license has been revoked as provided in subdivision 1 under section 169A.52 or 169A.54 and who the court certifies as being financially eligible for a public defender under section 611.17, may choose to pay 50 percent and an additional \$25 of the total amount of the surcharge and 50 percent of the fee required under paragraph (b) to reinstate the person's driver's license, provided the person meets all other requirements of reinstatement. If a person chooses to pay 50 percent of the total and an additional \$25, the driver's license must expire after two years. The person must pay an additional 50 percent less \$25 of the total to extend the license for an additional two years, provided the person is otherwise still eligible for the license. After this final payment of the surcharge and fee, the license may be renewed on a standard schedule, as provided under section 171.27. A handling charge may be imposed for each installment payment. Revenue from the handling charge is credited to the driver services operating account in the special revenue fund and is appropriated to the commissioner.

(g) Any person making installment payments under paragraph (f), whose driver's license subsequently expires, or is canceled, revoked, or suspended before payment of 100 percent of the surcharge and fee, must pay the outstanding balance due for the initial reinstatement before the driver's license is subsequently reinstated. Upon payment of the outstanding balance due for the initial reinstatement, the person may pay any new

56.1 surcharge and fee imposed under paragraph (b) in installment payments as provided
56.2 under paragraph (f).

56.3 **EFFECTIVE DATE.** This section is effective July 1, 2009.

56.4 Sec. 3. Minnesota Statutes 2008, section 241.016, subdivision 1, is amended to read:

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

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

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

56.14 (3) department annual statistics as outlined in the departmental policies and
56.15 procedures; and

56.16 (4) information about prison-based mental health programs, including, but not
56.17 limited to, the availability of these programs, participation rates, and completion rates.

56.18 (b) The department shall maintain recidivism rates for adult facilities on an annual
56.19 basis. In addition, each year the department shall, on an alternating basis, complete a
56.20 recidivism analysis of adult facilities, juvenile services, and the community services
56.21 divisions and include a three-year recidivism analysis in the report described in paragraph
56.22 (a). The recidivism analysis must: (1) assess education programs, vocational programs,
56.23 treatment programs, including mental health programs, industry, and employment; and (2)
56.24 assess statewide re-entry policies and funding, including postrelease treatment, education,
56.25 training, and supervision. In addition, when reporting recidivism for the department's
56.26 adult and juvenile facilities, the department shall report on the extent to which offenders it
56.27 has assessed as chemically dependent commit new offenses, with separate recidivism rates
56.28 reported for persons completing and not completing the department's treatment programs.

56.29 (c) By August 31 of each odd-numbered year, the commissioner must present to
56.30 the legislature a report that lists and describes the performance measures and targets the
56.31 department will include in the biennial performance report. The measures and targets
56.32 must include a budget target for the next two years and a history of the department's
56.33 performance for the previous five years. At a minimum, the report must include measures
56.34 and targets for the data and information identified in paragraphs (a) and (b) regarding per
56.35 diem, statistics, inmate programming, and recidivism, and the following:

- 57.1 (1) average statutory per diem for adult offenders, female offenders, and juvenile
57.2 offenders;
- 57.3 (2) community corrections;
- 57.4 (3) staffing and salaries for both department divisions and institutions;
- 57.5 (4) the use of private and local institutions to house persons committed to the
57.6 commissioner;
- 57.7 (5) the cost of inmate health and dental care;
- 57.8 (6) implementation and use of corrections best practices; and
- 57.9 (7) the challenge incarceration program.

57.10 **EFFECTIVE DATE.** This section is effective June 1, 2009.

57.11 Sec. 4. Minnesota Statutes 2008, section 244.055, subdivision 2, is amended to read:

57.12 Subd. 2. **Conditional release of certain nonviolent controlled substance**

57.13 **offenders.** An offender who has been committed to the commissioner's custody may
57.14 petition the commissioner for conditional release from prison before the offender's
57.15 scheduled supervised release date or target release date if:

57.16 (1) the offender is serving a sentence for violating section 152.021, subdivision 2 or
57.17 2a; 152.022, subdivision 2; 152.023; 152.024; or 152.025;

57.18 (2) the offender committed the crime as a result of a controlled substance addiction,
57.19 and not primarily for profit;

57.20 (3) the offender has served at least 36 months or one-half of the offender's term of
57.21 imprisonment, whichever is less;

57.22 (4) the offender successfully completed a chemical dependency treatment program
57.23 of the type described in this section while in prison;

57.24 (5) the offender has not previously been conditionally released under this section; ~~and~~

57.25 (6) the offender has not within the past ten years been convicted or adjudicated
57.26 delinquent for a violent crime as defined in section 609.1095 other than the current
57.27 conviction for the controlled substance offense; and

57.28 (7) the offender has access upon release to aftercare, community-based chemical
57.29 dependency treatment, and housing.

57.30 **EFFECTIVE DATE.** This section is effective July 1, 2009.

57.31 Sec. 5. Minnesota Statutes 2008, section 244.055, subdivision 11, is amended to read:

57.32 Subd. 11. **Sunset.** This section expires July 1, ~~2009~~ 2011.

57.33 **EFFECTIVE DATE.** This section is effective July 1, 2009.

58.1 Sec. 6. Minnesota Statutes 2008, section 299A.01, subdivision 1a, is amended to read:

58.2 Subd. 1a. **Mission; efficiency.** It is part of the department's mission that within the
58.3 department's resources the commissioner shall endeavor to:

58.4 (1) prevent the waste or unnecessary spending of public money;

58.5 (2) use innovative fiscal and human resource practices to manage the state's
58.6 resources and operate the department as efficiently as possible;

58.7 (3) coordinate the department's activities wherever appropriate with the activities
58.8 of other governmental agencies;

58.9 (4) use technology where appropriate to increase agency productivity, improve
58.10 customer service, increase public access to information about government, and increase
58.11 public participation in the business of government;

58.12 (5) utilize constructive and cooperative labor-management practices to the extent
58.13 otherwise required by chapters 43A and 179A; and

58.14 ~~(6) report to the legislature on the performance of agency operations and the~~
58.15 ~~accomplishment of agency goals in the agency's biennial budget according to section~~
58.16 ~~16A.10, subdivision 1; and~~

58.17 ~~(7)~~ (6) recommend to the legislature appropriate changes in law necessary to carry
58.18 out the mission and improve the performance of the department.

58.19 Sec. 7. Minnesota Statutes 2008, section 299A.01, is amended by adding a subdivision
58.20 to read:

58.21 Subd. 1c. **Performance report; performance measures and targets.** (a)

58.22 The commissioner, as part of the department's mission and within the department's
58.23 resources, shall report to the legislature on the performance of agency operations and the
58.24 accomplishment of agency goals in the agency's biennial budget according to paragraph
58.25 (b) and section 16A.10, subdivision 1. The purpose of the report is to determine the extent
58.26 to which each program is accomplishing the program's mission, goals, and objectives.

58.27 The report may address:

58.28 (1) factors that limited or delayed achievement of objectives or goals;

58.29 (2) resources used or saved and efficiencies achieved in reaching program objectives
58.30 and goals;

58.31 (3) information from customers and partners of the agency regarding the quality of
58.32 service and effectiveness of the agency and the agency's programs;

58.33 (4) recommendations on elimination of unnecessary or obsolete mandated reports;

58.34 and

58.35 (5) major cases, events, or circumstances that required an agency response.

59.1 (b) By June 30 of each odd-numbered year, the commissioner must present to the
59.2 legislature a report that states the mission, goals, and objectives of each program and lists
59.3 and describes the performance measures and targets the department will include in the
59.4 performance report required under paragraph (a). The report must include information
59.5 on how program goals and objectives were created and who participated in formulating
59.6 them. The measures and targets must include a history of the department's performance
59.7 for the previous five years. At a minimum, the report must include measures and targets
59.8 for the following:

59.9 (1) staffing and salaries for divisions within the agency;

59.10 (2) caseloads and responsibilities of Bureau of Criminal Apprehension agents;

59.11 (3) development and funding of the Allied Radio Matrix for Emergency Response
59.12 (ARMER);

59.13 (4) grant programs administered under the Office of Justice Programs and Homeland
59.14 Security and Emergency Management;

59.15 (5) receipt and expenditure of federal grant funds;

59.16 (6) expenditure of the fire safety insurance surcharge;

59.17 (7) emergency preparedness;

59.18 (8) crime lab operations; and

59.19 (9) assistance provided to crime victims.

59.20 **EFFECTIVE DATE.** This section is effective June 1, 2009.

59.21 Sec. 8. Minnesota Statutes 2008, section 403.11, subdivision 1, is amended to read:

59.22 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each
59.23 customer of a wireless or wire-line switched or packet-based telecommunications service
59.24 provider connected to the public switched telephone network that furnishes service capable
59.25 of originating a 911 emergency telephone call is assessed a fee based upon the number
59.26 of wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
59.27 maintenance and related improvements for trunking and central office switching equipment
59.28 for 911 emergency telecommunications service, to offset administrative and staffing costs
59.29 of the commissioner related to managing the 911 emergency telecommunications service
59.30 program, to make distributions provided for in section 403.113, ~~and~~ to offset the costs,
59.31 including administrative and staffing costs, incurred by the State Patrol Division of the
59.32 Department of Public Safety in handling 911 emergency calls made from wireless phones,
59.33 and for any other purpose the commissioner determines is related to the effective operation
59.34 of the emergency telecommunications system in the state.

60.1 (b) Money remaining in the 911 emergency telecommunications service account
60.2 after all other obligations are paid must not cancel and is carried forward to subsequent
60.3 years and may be appropriated from time to time to the commissioner to provide financial
60.4 assistance to counties for the improvement of local emergency telecommunications
60.5 services. The improvements may include providing access to 911 service for
60.6 telecommunications service subscribers currently without access and upgrading existing
60.7 911 service to include automatic number identification, local location identification,
60.8 automatic location identification, and other improvements specified in revised county
60.9 911 plans approved by the commissioner.

60.10 (c) The fee may not be less than eight cents nor more than 65 cents a month until
60.11 June 30, 2008, not less than eight cents nor more than 75 cents a month until June 30,
60.12 2009, not less than eight cents nor more than 85 cents a month until June 30, 2010, and
60.13 not less than eight cents nor more than 95 cents a month on or after July 1, 2010, for
60.14 each customer access line or other basic access service, including trunk equivalents as
60.15 designated by the Public Utilities Commission for access charge purposes and including
60.16 wireless telecommunications services. With the approval of the commissioner of finance,
60.17 the commissioner of public safety shall establish the amount of the fee within the limits
60.18 specified and inform the companies and carriers of the amount to be collected. When the
60.19 revenue bonds authorized under section 403.27, subdivision 1, have been fully paid or
60.20 defeased, the commissioner shall reduce the fee to reflect that debt service on the bonds is
60.21 no longer needed. The commissioner shall provide companies and carriers a minimum of
60.22 45 days' notice of each fee change. The fee must be the same for all customers.

60.23 (d) The fee must be collected by each wireless or wire-line telecommunications
60.24 service provider subject to the fee. Fees are payable to and must be submitted to the
60.25 commissioner monthly before the 25th of each month following the month of collection,
60.26 except that fees may be submitted quarterly if less than \$250 a month is due, or annually if
60.27 less than \$25 a month is due. Receipts must be deposited in the state treasury and credited
60.28 to a 911 emergency telecommunications service account in the special revenue fund. The
60.29 money in the account may only be used for 911 telecommunications services.

60.30 (e) This subdivision does not apply to customers of interexchange carriers.

60.31 (f) The installation and recurring charges for integrating wireless 911 calls into
60.32 enhanced 911 systems are eligible for payment by the commissioner if the 911 service
60.33 provider is included in the statewide design plan and the charges are made pursuant to
60.34 contract.

60.35 (g) Competitive local exchanges carriers holding certificates of authority from the
60.36 Public Utilities Commission are eligible to receive payment for recurring 911 services.

61.1 (h) The revisions made to paragraph (a) in 2009 expire on June 30, 2011.

61.2 **EFFECTIVE DATE.** This section is effective July 1, 2009.

61.3 Sec. 9. Minnesota Statutes 2008, section 609.105, subdivision 1, is amended to read:

61.4 Subdivision 1. ~~Sentence to less than 180 days more than one year. In~~ A felony
61.5 sentence to imprisonment, ~~when the remaining term of imprisonment is for 180 days~~
61.6 ~~or less, the defendant~~ more than one year shall be committed commit the defendant to
61.7 the custody of the commissioner of corrections and must serve the remaining term of
61.8 imprisonment at a workhouse, work farm, county jail, or other place authorized by law.

61.9 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to offenders
61.10 sentenced on or after that date.

61.11 Sec. 10. **COUNTY-BASED REVOCATION CENTER PILOT PROJECT;**
61.12 **REPORT.**

61.13 (a) Dodge, Fillmore, Olmsted, and Ramsey Counties and Tri-county and Hennepin
61.14 Community Corrections, and any other county or community corrections department
61.15 that requests to participate shall develop a proposal for a pilot project for a secure
61.16 residential center and supervision of persons facing revocation of their supervised release
61.17 or execution of a stayed prison sentence. The proposal must address the care, custody, and
61.18 programming for offenders assigned to the facility as an intermediate sanction prior to
61.19 revocation or execution of a stayed prison sentence.

61.20 (b) The counties must consider the following factors in developing the proposal:

61.21 (1) type and length of programming for offenders, including supervision, mental
61.22 health and chemical dependency treatment options, and educational and employment
61.23 readiness opportunities;

61.24 (2) medical care;

61.25 (3) the transport of offenders to and from any facility;

61.26 (4) detailed current and future costs and per diems associated with the facility;

61.27 (5) admission and release procedures of the proposed facility;

61.28 (6) intended outcomes of the pilot project; and

61.29 (7) other factors deemed appropriate for consideration by the counties.

61.30 (c) By December 1, 2009, the counties of Dodge, Fillmore, Olmsted, and Ramsey
61.31 and Tri-county and Hennepin County Community Corrections shall report the pilot project
61.32 proposal to the chairs and ranking minority members of the legislative committees having
61.33 jurisdiction over public safety policy and finance.

62.1 **EFFECTIVE DATE.** This section is effective July 1, 2009.

62.2 Sec. 11. **REPEALER.**

62.3 Minnesota Statutes 2008, section 609.105, subdivisions 1a and 1b, are repealed.

62.4 **EFFECTIVE DATE.** This section is effective July 1, 2009.

APPENDIX
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152.025 CONTROLLED SUBSTANCE CRIME IN THE FIFTH DEGREE.

Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 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.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections or to a local correctional authority for not less than six months nor more than ten years and, in addition, may be sentenced to payment of a fine of not more than \$20,000.

152.0262 POSSESSION OF SUBSTANCES WITH INTENT TO MANUFACTURE METHAMPHETAMINE CRIME.

Subd. 2. **Penalty.** (a) A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

484.90 FEES PAYABLE TO COURT ADMINISTRATOR.

Subdivision 1. **Fees.** The fees payable to the court administrator for the following services in petty misdemeanors or criminal actions are governed by the following provisions:

In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town within the county court district; all fines, penalties and forfeitures collected shall be paid over to the treasurer of the governmental subdivision which submitted a case for prosecution except where a different disposition is provided by law, in which case payment shall be made to the public official entitled thereto. The following fees for services in petty misdemeanor or criminal actions shall be taxed to the state or governmental subdivision which would be entitled to payment of the fines, forfeiture or penalties in any case, and shall be retained by the court administrator for disposing of the matter but in no case shall the fee that is taxed exceed the fine that is imposed. The court administrator shall deduct the fees from any fine collected and transmit the balance in accordance with the law, and the deduction of the total of such fees each month from the total of all such fines collected is hereby expressly made an appropriation of funds for payment of such fees:

(1) in all cases where the defendant pleads guilty at or prior to first appearance and sentence is imposed or the matter is otherwise disposed of without a trial, \$5;

(2) where the defendant pleads guilty after first appearance or prior to trial, \$10;

(3) in all other cases where the defendant is found guilty by the court or jury or pleads guilty during trial, \$15; and

(4) the court shall have the authority to waive the collection of fees in any particular case.

The fees set forth in this subdivision shall not apply to parking violations for which complaints and warrants have not been issued.

Subd. 2. **Miscellaneous fees.** Fees payable to the court administrator for all other services shall be fixed by court rule.

Subd. 3. **Payment in advance.** Except as provided in subdivision 1, fees are payable to the court administrator in advance.

487.08 JUDICIAL OFFICERS; OFFICE ABOLISHED.

Subdivision 1. **Abolish office.** The office of judicial officer is abolished.

Subd. 2. **Exception.** Persons holding the office of judicial officer full time or part time on January 1, 1981, in St. Louis County, Steele County and Carlton County may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. The chief judge of the district may fill vacancies arising in the office of judicial officer, which office was in existence on January 1, 1981.

Subd. 3. **Grandfather clause.** The persons holding the office of judicial officer in Nobles and Rock, Brown, Nicollet, Morrison, Goodhue and Wabasha, Scott, and Polk Counties on January 1, 1978, may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointments.

Subd. 5. **Subject to chief judge's authority.** All judicial officers are subject to the administrative authority and assignment power of the chief judge of the district as provided in

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section 484.69, subdivision 3. They shall be learned in the law, and shall hear and try matters as assigned to them by the chief judge. Their salary shall be fixed by the chief judge within the range established under section 480.181 and must not exceed the salary for referees under section 15A.083, subdivision 6. The Supreme Court must not approve aggregate performance increases for these employees that exceed an average of five percent per year.

609.105 SENTENCE OF IMPRISONMENT.

Subd. 1a. **Definitions.** (a) The terms in this subdivision apply to this section.

(b) "Remaining term of imprisonment" as applied to inmates whose crimes were committed before August 1, 1993, is the period of time for which an inmate is committed to the custody of the commissioner of corrections minus earned good time and jail credit, if any.

(c) "Remaining term of imprisonment" as applied to inmates whose crimes were committed on or after August 1, 1993, is the period of time equal to two-thirds of the inmate's executed sentence, minus jail credit, if any.

Subd. 1b. **Sentence to more than 180 days.** A felony sentence to imprisonment when the warrant of commitment has a remaining term of imprisonment for more than 180 days shall commit the defendant to the custody of the commissioner of corrections.

609.135 STAY OF IMPOSITION OR EXECUTION OF SENTENCE.

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

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