

A bill for an act

relating to public safety; requiring inmates to co-pay a set minimum amount for health care provider visits; reauthorizing certain short-term commitments to commissioner of corrections be served in county jails; amending human rights education and program development requirements and certificates of compliance provisions; providing for indeterminate sentencing for certain convicted sex offenders; modifying frequency of in-service training in police pursuits; limiting medical aid payments in county jails; requiring a corrections reform working group; establishing the Juvenile Justice Reform Advisory Task Force; establishing the Sex Offender Policy Task Force; acquiring an easement for the correctional facility in Faribault; modifying certain provisions relating to courts and sentencing, public defenders, sexually exploited youth, and prostitution crimes; providing for a statewide victim services model for sexually exploited youth or youth at risk of sexual exploitation; requiring a study; requiring reports; providing for penalties; appropriating money for public safety, corrections, human rights, courts, civil legal services, Guardian Ad Litem Board, Uniform Laws Commission, Board On Judicial Standards, Board of Public Defense, and sentencing guidelines; amending Minnesota Statutes 2010, sections 169.79, subdivision 6; 169.797, subdivision 4; 243.212; 260B.007, subdivisions 6, 16; 260C.007, subdivisions 6, 11, by adding a subdivision; 260C.331, subdivision 3; 297I.06, subdivision 3; 357.021, subdivision 6; 363A.06, subdivision 1; 363A.36, subdivision 1; 563.01, subdivision 3; 609.105, subdivision 1, by adding subdivisions; 609.131, subdivision 1; 609.321, subdivisions 4, 8, 9; 609.324, subdivisions 2, 3, by adding subdivisions; 609.3241; 611.16; 611.17; 611.18; 611.20, subdivisions 3, 4; 611.27, subdivisions 1, 5; 626.558, subdivision 2a; 626.8458, subdivision 5; 641.15, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 609; repealing Minnesota Statutes 2010, sections 260B.141, subdivision 5; 260C.141, subdivision 6; 363A.36, subdivision 5; 611.20, subdivision 6.

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>2011</u>	<u>2012</u>	<u>2013</u>	<u>Total</u>
<u>General</u>	\$ <u>1,226,000</u>	\$ <u>890,553,000</u>	\$ <u>878,837,000</u>	\$ <u>1,770,616,000</u>
<u>State</u>				
<u>Government</u>				
<u>Special</u>				
<u>Revenue</u>		<u>72,651,000</u>	<u>70,036,000</u>	<u>142,687,000</u>
<u>Environmental</u>		<u>69,000</u>	<u>69,000</u>	<u>138,000</u>
<u>Special</u>				
<u>Revenue</u>		<u>11,674,000</u>	<u>11,674,000</u>	<u>23,348,000</u>
<u>Trunk</u>				
<u>Highway</u>		<u>1,941,000</u>	<u>1,941,000</u>	<u>3,882,000</u>
<u>Total</u>	\$ <u>1,226,000</u>	\$ <u>976,888,000</u>	\$ <u>962,557,000</u>	\$ <u>1,940,671,000</u>

Sec. 2. APPROPRIATIONS.

The sums shown in the columns marked "Appropriations" are appropriated to the agencies and for the purposes specified in this article. The appropriations are from the general fund, or another named fund, and are available for the fiscal years indicated for each purpose. The figures "2012" and "2013" used in this article mean that the appropriations listed under them are available for the fiscal year ending June 30, 2012, or June 30, 2013, respectively. "The first year" is fiscal year 2012. "The second year" is fiscal year 2013. "The biennium" is fiscal years 2012 and 2013. Appropriations for the fiscal year ending June 30, 2011, are effective the day following final enactment.

	<u>APPROPRIATIONS</u> <u>Available for the Year</u> <u>Ending June 30</u>		
	<u>2011</u>	<u>2012</u>	<u>2013</u>

Sec. 3. PUBLIC SAFETY

Subdivision 1. Total

<u>Appropriation</u>	\$ <u>1,226,000</u>	\$ <u>153,340,000</u>	\$ <u>150,725,000</u>
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	<u>Appropriations by Fund</u>		
	<u>2011</u>	<u>2012</u>	<u>2013</u>
<u>General</u>	<u>1,226,000</u>	<u>71,665,000</u>	<u>71,665,000</u>
<u>Special Revenue</u>		<u>7,014,000</u>	<u>7,014,000</u>
<u>State Government</u>			
<u>Special Revenue</u>		<u>72,651,000</u>	<u>70,036,000</u>

2.37	<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>	
2.38	<u>Trunk Highway</u>	<u>1,941,000</u>	<u>1,941,000</u>	
3.1	<u>The amounts that may be spent for each</u>			
3.2	<u>purpose are specified in the following</u>			
3.3	<u>subdivisions.</u>			
3.4	<u>Subd. 2. Emergency</u>			
3.5	<u>Management</u>	<u>1,226,000</u>	<u>2,525,000</u>	<u>2,525,000</u>
3.6	<u>Appropriations by Fund</u>			
3.7	<u>General</u>	<u>1,226,000</u>	<u>1,852,000</u>	<u>1,852,000</u>
3.8	<u>Special Revenue</u>	<u>604,000</u>	<u>604,000</u>	
3.9	<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>	
3.10	<u>(a) Disaster Match. \$1,226,000 in fiscal year</u>			
3.11	<u>2011 is appropriated from the general fund to</u>			
3.12	<u>provide a state match for Federal Emergency</u>			
3.13	<u>Management Agency (FEMA) disaster</u>			
3.14	<u>assistance to state agencies and political</u>			
3.15	<u>subdivisions under Minnesota Statutes,</u>			
3.16	<u>section 12.221, in the area designated</u>			
3.17	<u>under Presidential Declaration of Major</u>			
3.18	<u>Disaster, FEMA-1830-DR, for the flooding</u>			
3.19	<u>in Minnesota in the spring of 2009, whether</u>			
3.20	<u>included in the original declaration or added</u>			
3.21	<u>later by federal government action. This is a</u>			
3.22	<u>onetime appropriation. This appropriation is</u>			
3.23	<u>available until expended.</u>			
3.24	<u>(b) Hazmat and Chemical Assessment</u>			
3.25	<u>Teams. \$604,000 each year is appropriated</u>			
3.26	<u>from the fire safety account in the special</u>			
3.27	<u>revenue fund. These amounts must be used</u>			
3.28	<u>to fund the hazardous materials and chemical</u>			
3.29	<u>assessment teams.</u>			
3.30	<u>Subd. 3. Criminal</u>			
3.31	<u>Apprehension</u>		<u>41,887,000</u>	<u>41,887,000</u>
3.32	<u>Appropriations by Fund</u>			
3.33	<u>General</u>	<u>39,939,000</u>	<u>39,939,000</u>	

3.34	<u>State Government</u>		
3.35	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
3.36	<u>Trunk Highway</u>	<u>1,941,000</u>	<u>1,941,000</u>
4.1	<u>DWI Lab Analysis; Trunk Highway Fund.</u>		
4.2	<u>Notwithstanding Minnesota Statutes, section</u>		
4.3	<u>161.20, subdivision 3, \$1,941,000 each year</u>		
4.4	<u>is appropriated from the trunk highway fund</u>		
4.5	<u>for laboratory analysis related to driving</u>		
4.6	<u>while impaired cases.</u>		
4.7	<u>Subd. 4. Fire Marshal</u>	<u>5,757,000</u>	<u>5,757,000</u>
4.8	<u>This appropriation is from the fire safety</u>		
4.9	<u>account in the special revenue fund and is for</u>		
4.10	<u>activities under Minnesota Statutes, section</u>		
4.11	<u>299F.012.</u>		
4.12	<u>Subd. 5. Alcohol and</u>		
4.13	<u>Gambling Enforcement</u>	<u>2,236,000</u>	<u>2,236,000</u>
4.14	<u>Appropriations by Fund</u>		
4.15	<u>General</u>	<u>1,583,000</u>	<u>1,583,000</u>
4.16	<u>Special Revenue</u>	<u>653,000</u>	<u>653,000</u>
4.17	<u>This appropriation is from the alcohol</u>		
4.18	<u>enforcement account in the special revenue</u>		
4.19	<u>fund. Of this appropriation, \$500,000 each</u>		
4.20	<u>year shall be transferred to the general fund.</u>		
4.21	<u>The transfer amount for fiscal year 2014 and</u>		
4.22	<u>fiscal year 2015 shall be \$500,000 per year.</u>		
4.23	<u>Subd. 6. Office of Justice</u>		
4.24	<u>Programs</u>	<u>28,387,000</u>	<u>28,387,000</u>
4.25	<u>Appropriations by Fund</u>		
4.26	<u>General</u>	<u>28,291,000</u>	<u>28,291,000</u>
4.27	<u>State Government</u>		
4.28	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>
4.29	<u>(a) Domestic Abuse Shelters. The</u>		
4.30	<u>commissioner may not reduce grants to</u>		
4.31	<u>domestic abuse shelters more than 11 percent</u>		
4.32	<u>from the base.</u>		

4.33 (b) Administration Costs. Up to 2.5 percent
4.34 of the grant money appropriated in this
5.1 subdivision may be used to administer the
5.2 grant program.

5.3 Subd. 7. Emergency
5.4 Communication Networks 72,548,000 69,933,000

5.5 This appropriation is from the state
5.6 government special revenue fund for 911
5.7 emergency telecommunications services.

5.8 (a) Public Safety Answering Points.
5.9 \$13,664,000 each year is to be distributed
5.10 as provided in Minnesota Statutes, section
5.11 403.113, subdivision 2.

5.12 (b) Medical Resource Communication
5.13 Centers. \$683,000 each year is for grants
5.14 to the Minnesota Emergency Medical
5.15 Services Regulatory Board for the Metro
5.16 East and Metro West Medical Resource
5.17 Communication Centers that were in
5.18 operation before January 1, 2000.

5.19 (c) ARMER Debt Service. \$23,261,000
5.20 each year is to the commissioner of
5.21 management and budget to pay debt service
5.22 on revenue bonds issued under Minnesota
5.23 Statutes, section 403.275.

5.24 Any portion of this appropriation not needed
5.25 to pay debt service in a fiscal year may be
5.26 used by the commissioner of public safety to
5.27 pay cash for any of the capital improvements
5.28 for which bond proceeds were appropriated
5.29 by Laws 2005, chapter 136, article 1, section
5.30 9, subdivision 8, or Laws 2007, chapter 54,
5.31 article 1, section 10, subdivision 8.

5.32 (d) Metropolitan Council Debt Service.
5.33 \$1,410,000 each year is to the commissioner

5.34 of management and budget for payment to
5.35 the Metropolitan Council for debt service
6.1 on bonds issued under Minnesota Statutes,
6.2 section 403.27.

6.3 **(e) ARMER State Backbone Operating**
6.4 **Costs.** \$8,300,000 the first year and
6.5 \$8,650,000 the second year are to the
6.6 commissioner of transportation for costs
6.7 of maintaining and operating the statewide
6.8 radio system backbone.

6.9 **(f) ARMER Improvements.** \$1,000,000
6.10 each year is for the Statewide Radio Board
6.11 for costs of design, construction, maintenance
6.12 of, and improvements to those elements
6.13 of the statewide public safety radio and
6.14 communication system that support mutual
6.15 aid communications and emergency medical
6.16 services or provide enhancement of public
6.17 safety communication interoperability.

6.18 **(g) Transfer.** \$2,600,000 each year is
6.19 transferred to the general fund. This is a
6.20 onetime transfer.

6.21	<u>Sec. 4. PEACE OFFICER STANDARDS AND</u>			
6.22	<u>TRAINING (POST) BOARD</u>	<u>\$</u>	<u>3,770,000</u>	<u>\$ 3,770,000</u>

6.23 **(a) Excess Amounts Transferred.** This
6.24 appropriation is from the peace officer
6.25 training account in the special revenue fund.
6.26 Any new receipts credited to that account in
6.27 the first year in excess of \$3,770,000 must be
6.28 transferred and credited to the general fund.
6.29 Any new receipts credited to that account in
6.30 the second year in excess of \$3,770,000 must
6.31 be transferred and credited to the general
6.32 fund.

6.33 (b) Peace Officer Training

6.34 **Reimbursements.** \$2,634,000 each

7.1 year is for reimbursements to local

7.2 governments for peace officer training costs.

7.3	Sec. 5. PRIVATE DETECTIVE BOARD	\$	120,000	\$	120,000
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7.4	Sec. 6. HUMAN RIGHTS	\$	1,170,000	\$	1,170,000
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7.5 **Mission Priority.** The commissioner shall

7.6 dedicate the department's appropriation

7.7 under this section to enforcement measures.

7.8 **Sec. 7. DEPARTMENT OF CORRECTIONS**

7.9 Subdivision 1. **Total**

7.10	Appropriation	\$ 455,185,000	\$ 441,427,000
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7.11 Appropriations by Fund

7.12	General	454,295,000	440,537,000
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7.13	Special Revenue	890,000	890,000
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7.14 The amounts that may be spent for each

7.15 purpose are specified in the following

7.16 subdivisions.

7.17 Subd. 2. **Correctional**

7.18	Institutions	325,759,000	312,001,000
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7.19 Appropriations by Fund

7.20	General	325,179,000	311,421,000
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7.21	Special Revenue	580,000	580,000
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7.22 (a) **Position Reductions.** The commissioner

7.23 shall realize the cuts to correctional

7.24 institutions by eliminating management

7.25 positions within the department's facilities,

7.26 particularly duplicate positions. The

7.27 commissioner may not eliminate line officer

7.28 positions. The commissioner shall focus the

7.29 reductions in areas that will not compromise

7.30 line officer or public safety.

7.31 **(b) Inmate Medical Cost Savings; Report.**

7.32 The commissioner shall reduce the inmate
8.1 medical per diem by at least five percent.
8.2 By January 15, 2012, the commissioner
8.3 shall submit a report to the chairs and
8.4 ranking minority members of the house
8.5 of representatives and senate committees
8.6 with jurisdiction over public safety finance
8.7 detailing how the commissioner achieved
8.8 the cost savings. If the commissioner fails
8.9 to realize five percent savings on inmate
8.10 medical costs, the report shall contain a
8.11 detailed explanation of why the savings were
8.12 not realized.

8.13 **(c) Juvenile Facilities; Report. By**
8.14 December 1, 2011, the commissioner of
8.15 corrections shall report to the chairs and
8.16 ranking minority members of the house of
8.17 representatives and senate committees with
8.18 jurisdiction over public safety finance on
8.19 the continued operation of the department's
8.20 two juvenile facilities. In the report, the
8.21 commissioner shall evaluate the cost savings
8.22 to the department and state of closing one or
8.23 both of the facilities. If the commissioner
8.24 determines one or both of the facilities
8.25 should remain open, the commissioner shall
8.26 make recommendations on how to operate
8.27 the facilities in the most cost-effective
8.28 manner possible. If the commissioner
8.29 recommends the closing of one or both of the
8.30 juvenile facilities, the report shall contain
8.31 recommendations for alternative placements
8.32 for juvenile offenders and alternative uses
8.33 for the facilities.

8.34 **(d) Reform Working Group; Report. (1)**

8.35 The commissioner of corrections shall form a
8.36 working group to study the following topics:

9.1 (i) adoption of an earned credit program for
9.2 inmates in the state correctional facilities
9.3 similar to the programs in 36 other states;

9.4 (ii) the federal immigration and customs
9.5 enforcement rapid REPAT program and the
9.6 potential for the state to participate in the
9.7 program;

9.8 (iii) expanding the use of medical and other
9.9 forms of early release; and

9.10 (iv) the feasibility of closing a wing or an
9.11 entire state facility or leasing vacant prison
9.12 space to house inmates from other states.

9.13 (2) The working group shall consist of
9.14 corrections personnel, the state public
9.15 defender, an individual representing victim
9.16 services, a representative from the county
9.17 attorneys association, a majority and
9.18 minority member of the house Public Safety
9.19 Committee and a majority and minority
9.20 member of the senate Judiciary and Public
9.21 Safety Committee, and any other members
9.22 that the commissioner deems necessary.

9.23 (3) The working group shall issue a report
9.24 to the chair and ranking minority member
9.25 of the house Public Safety Finance and
9.26 Policy Committee and the chair and
9.27 ranking minority member of the senate
9.28 Judiciary and Public Safety Committee by
9.29 January 15, 2012. The report must contain
9.30 recommendations for each of the areas
9.31 of study under paragraph (1) and specific

9.32 recommendations concerning the use of
9.33 earned credits for inmates that address:
9.34 (i) the feasibility of an earned credit policy;
10.1 (ii) the type and amount of earned credit that
10.2 could be offered;
10.3 (iii) the type of inmates to include and
10.4 exclude from an earned credit program; and
10.5 (iv) any potential cost savings that would
10.6 result from issuing earned credit.

10.7	<u>Subd. 3. Community</u>		
10.8	<u>Services</u>	<u>109,082,000</u>	<u>109,082,000</u>

10.9	<u>Appropriations by Fund</u>		
10.10	<u>General</u>	<u>108,982,000</u>	<u>108,982,000</u>
10.11	<u>Special Revenue</u>	<u>100,000</u>	<u>100,000</u>

10.12 **Probation Revocation Reform; Report.**
10.13 The commissioner of corrections, in
10.14 consultation with staff of the Sentencing
10.15 Guidelines Commission and representatives
10.16 from community corrections agencies,
10.17 shall develop performance incentives for
10.18 counties to reduce the number of probation
10.19 revocations by at least ten percent. The
10.20 commissioner is encouraged to review
10.21 policies in states that have implemented
10.22 performance incentive programs. The
10.23 commissioner shall also examine and
10.24 consider:
10.25 (1) the revocation rate differences between
10.26 counties;
10.27 (2) granting earned compliance credits for
10.28 offenders on probation;
10.29 (3) recent innovations in probation services,
10.30 such as the HOPE program and the
10.31 Georgia model, to determine the feasibility

10.32 of implementing similar programs in
10.33 Minnesota;
10.34 (4) limiting prison time for first time
10.35 probation revocations; and
11.1 (5) the impact of adopting one, unified
11.2 probation and supervised release delivery
11.3 system in the state.
11.4 The commissioner shall submit a report to
11.5 the chairs and ranking minority members
11.6 of the house of representatives and senate
11.7 committees with jurisdiction over public
11.8 safety finance by January 15, 2012.
11.9 Subd. 4. Operations
11.10 Support 20,344,000 20,344,000
11.11 Appropriations by Fund
11.12 General 20,134,000 20,134,000
11.13 Special Revenue 210,000 210,000
11.14 Position Reductions. At least 50 percent
11.15 of the reductions in operations support must
11.16 come from the elimination of, or reduction
11.17 in benefits for, management positions. The
11.18 commissioner shall focus the reductions
11.19 in areas such as information technology,
11.20 finance, and other areas that will not
11.21 compromise line officer or public safety. The
11.22 commissioner shall also work to eliminate
11.23 positions that duplicate the duties of other
11.24 department employees.
11.25 Subd. 5. Transfers
11.26 (a) MINNCOR. Notwithstanding Minnesota
11.27 Statutes, section 241.27, the commissioner
11.28 of management and budget shall transfer
11.29 \$600,000 the first year and \$600,000 the
11.30 second year from the Minnesota correctional

11.31 industries revolving fund to the general fund.

11.32 These are onetime transfers.

11.33 **(b) Various Special Revenue Accounts.**

11.34 Notwithstanding any law to the contrary,

11.35 the commissioner of management and

12.1 budget shall transfer \$400,000 the first year

12.2 and \$400,000 the second year from the

12.3 Department of Corrections' special revenue

12.4 accounts to the general fund. These are

12.5 onetime transfers. The commissioner of

12.6 corrections shall adjust expenditures to stay

12.7 within the remaining revenues.

12.8 Sec. 8. SUPREME COURT

12.9	Subdivision 1. Total Appropriation	\$ 41,274,000	\$ 39,575,000
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12.10 The amounts that may be spent for each

12.11 purpose are specified in the following

12.12 subdivisions.

12.13	Subd. 2. Supreme Court Operations	30,458,000	30,759,000
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12.14 **(a) Contingent Account.** \$5,000 each year

12.15 is for a contingent account for expenses

12.16 necessary for the normal operation of the

12.17 court for which no other reimbursement is

12.18 provided.

12.19 **(b) Employee Health Care.** The chief

12.20 justice of the Supreme Court shall study and

12.21 report to the chairs and ranking minority

12.22 members of the house of representatives and

12.23 senate committees with jurisdiction over

12.24 judiciary finance by January 15, 2012, on

12.25 the advantages and disadvantages of having

12.26 judicial branch officials and employees

12.27 leave the state employee group insurance

12.28 program and form their own group benefit

12.29 plan, including the option of shifting to a

12.30	<u>plan based on high-deductible health savings</u>		
12.31	<u>accounts.</u>		
12.32	<u>Subd. 3. Civil Legal Services</u>	<u>10,816,000</u>	<u>8,816,000</u>
12.33	<u>(a) Legal Services to Low-Income</u>		
12.34	<u>Clients in Family Law Matters. Of this</u>		
13.1	<u>appropriation, \$877,000 each year is to</u>		
13.2	<u>improve the access of low-income clients to</u>		
13.3	<u>legal representation in family law matters.</u>		
13.4	<u>This appropriation must be distributed</u>		
13.5	<u>under Minnesota Statutes, section 480.242,</u>		
13.6	<u>to the qualified legal services programs</u>		
13.7	<u>described in Minnesota Statutes, section</u>		
13.8	<u>480.242, subdivision 2, paragraph (a). Any</u>		
13.9	<u>unencumbered balance remaining in the first</u>		
13.10	<u>year does not cancel and is available in the</u>		
13.11	<u>second year.</u>		
13.12	<u>(b) Limits on Services. No portion of the</u>		
13.13	<u>funds appropriated may be used to represent</u>		
13.14	<u>or serve clients: (1) in federal civil or</u>		
13.15	<u>criminal matters outside the jurisdiction of</u>		
13.16	<u>the state courts or agencies; (2) in suing a</u>		
13.17	<u>state or federal entity; and (3) in advocating</u>		
13.18	<u>at the legislature for or against current or</u>		
13.19	<u>proposed policy and law.</u>		
13.20	<u>Sec. 9. COURT OF APPEALS</u>	<u>\$ 10,106,000</u>	<u>\$ 10,228,000</u>
13.21	<u>Sec. 10. TRIAL COURTS</u>	<u>\$ 233,347,000</u>	<u>\$ 236,966,000</u>
13.22	<u>Sec. 11. GUARDIAN AD LITEM BOARD</u>	<u>\$ 11,988,000</u>	<u>\$ 11,988,000</u>
13.23	<u>Case priority. The board shall assign</u>		
13.24	<u>guardians to clients who are entitled by</u>		
13.25	<u>statute to representation prior to clients for</u>		
13.26	<u>whom the courts request guardians but who</u>		
13.27	<u>are not entitled to a guardian under statute.</u>		

13.28	Sec. 12. <u>TAX COURT</u>	\$	<u>790,000</u>	\$	<u>790,000</u>
13.29	<u>Operating schedule.</u> At least one tax court				
13.30	<u>judge shall hold hearings and meetings or</u>				
13.31	<u>otherwise conduct regular business on all</u>				
14.1	<u>days that executive branch agencies are open</u>				
14.2	<u>for business.</u>				
14.3	Sec. 13. <u>UNIFORM LAWS COMMISSION</u>	\$	<u>30,000</u>	\$	<u>30,000</u>
14.4	<u>Membership dues.</u> This appropriation is				
14.5	<u>to pay the state's membership dues to the</u>				
14.6	<u>National Uniform Laws Commission. No</u>				
14.7	<u>portion of this appropriation may be used to</u>				
14.8	<u>fund the travel or expenses of members of</u>				
14.9	<u>the commission.</u>				
14.10	Sec. 14. <u>BOARD ON JUDICIAL</u>	\$	<u>456,000</u>	\$	<u>456,000</u>
14.11	<u>STANDARDS</u>				
14.12	Sec. 15. <u>BOARD OF PUBLIC DEFENSE</u>	\$	<u>64,726,000</u>	\$	<u>64,726,000</u>
14.13	<u>Public defense corporations</u>				
14.14	<u>representation.</u> Funds appropriated				
14.15	<u>to public defense corporations shall</u>				
14.16	<u>only be used to defend clients who are</u>				
14.17	<u>constitutionally or statutorily entitled to a</u>				
14.18	<u>public defender and who meet the income</u>				
14.19	<u>eligibility standards in Minnesota Statutes,</u>				
14.20	<u>section 611.17.</u>				
14.21	Sec. 16. <u>SENTENCING GUIDELINES</u>	\$	<u>586,000</u>	\$	<u>586,000</u>
14.22	Sec. 17. <u>PROHIBITION ON USE OF</u>				
14.23	<u>APPROPRIATIONS</u>				
14.24	<u>No portion of the appropriations in sections 8 to 16 may be used for the purchase of</u>				
14.25	<u>motor vehicles or out-of-state travel that is not directly connected with and necessary to</u>				
14.26	<u>carry out the core functions of the organizations funded in this article.</u>				
14.27	Sec. 18. <u>SALARY FREEZE.</u>				

(a) Effective July 1, 2011, a state employee funded in sections 8 to 16 may not receive a salary or wage increase. This section prohibits any increases, including but not limited to: across-the-board increases; cost-of-living adjustments; increases based on longevity; step increases; increases in the form of lump-sum payments; increases in employer contributions to deferred compensation plans; or any other pay grade adjustments of any kind. This section does not prohibit an increase in the rate of salary and wages for an employee who is promoted or transferred to a position with greater responsibilities and with a higher salary or wage rate.

(b) This section expires on June 30, 2013.

Sec. 19. **CAPPING MILEAGE REIMBURSEMENT.**

For entities funded by an appropriation in sections 8 to 16, no official or employee may be reimbursed for mileage expenses at a rate that exceeds 51 cents per mile.

ARTICLE 2

PUBLIC SAFETY, CORRECTIONS, AND HUMAN RIGHTS POLICY

Section 1. Minnesota Statutes 2010, section 243.212, is amended to read:

243.212 CO-PAYMENTS FOR HEALTH SERVICES.

Any inmate of an adult correctional facility under the control of the commissioner of corrections shall incur co-payment obligations for health care services provided. The co-payment shall be at least \$5 per visit to a health care provider. The co-payment will be paid from the inmate account of earnings and other funds, as provided in section 243.23, subdivision 3. The funds paid under this subdivision are appropriated to the commissioner of corrections for the delivery of health care services to inmates.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 2. Minnesota Statutes 2010, section 297I.06, subdivision 3, is amended to read:

Subd. 3. **Fire safety account, annual transfers, allocation.** A special account, to be known as the fire safety account, is created in the state treasury. The account consists of the proceeds under subdivisions 1 and 2. \$468,000 in fiscal year 2008, \$4,268,000 in fiscal year 2009, \$9,268,000 in fiscal year 2010, \$5,968,000 in fiscal year 2011, \$6,618,000 in fiscal year 2012, \$6,618,000 in fiscal year 2013, and \$2,368,000 in each year thereafter is transferred from the fire safety account in the special revenue fund to the general fund to offset the loss of revenue caused by the repeal of the one-half of one percent tax on fire insurance premiums.

15.29 Sec. 3. Minnesota Statutes 2010, section 363A.06, subdivision 1, is amended to read:

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

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

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

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

16.7 ~~(4)~~ (3) employ attorneys, clerks, and other employees and agents as the
16.8 commissioner may deem necessary and prescribe their duties;

16.9 ~~(5)~~ (4) to the extent permitted by federal law and regulation, utilize the records of
16.10 the Department of Employment and Economic Development of the state when necessary
16.11 to effectuate the purposes of this chapter;

16.12 ~~(6)~~ (5) obtain upon request and utilize the services of all state governmental
16.13 departments and agencies;

16.14 ~~(7)~~ (6) adopt suitable rules for effectuating the purposes of this chapter;

16.15 ~~(8)~~ (7) issue complaints, receive and investigate charges alleging unfair
16.16 discriminatory practices, and determine whether or not probable cause exists for hearing;

16.17 ~~(9)~~ (8) subpoena witnesses, administer oaths, take testimony, and require the
16.18 production for examination of any books or papers relative to any matter under
16.19 investigation or in question as the commissioner deems appropriate to carry out the
16.20 purposes of this chapter;

16.21 ~~(10)~~ (9) attempt, by means of ~~education~~, conference, conciliation, and persuasion to
16.22 eliminate unfair discriminatory practices as being contrary to the public policy of the state;

16.23 ~~(11) develop and conduct programs of formal and informal education designed to~~
16.24 ~~eliminate discrimination and intergroup conflict by use of educational techniques and~~
16.25 ~~programs the commissioner deems necessary;~~

16.26 ~~(12)~~ (10) make a written report of the activities of the commissioner to the governor
16.27 each year;

16.28 ~~(13)~~ (11) accept gifts, bequests, grants, or other payments public and private to help
16.29 finance the activities of the department;

16.30 ~~(14)~~ (12) create such local and statewide advisory committees as will in the
16.31 commissioner's judgment aid in effectuating the purposes of the Department of Human
16.32 Rights;

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

~~(16)~~ (13) develop and disseminate technical assistance to persons subject to the provisions of this chapter, and to agencies and officers of governmental and private agencies;

~~(17)~~ (14) provide staff services to such advisory committees as may be created in aid of the functions of the Department of Human Rights;

~~(18)~~ (15) make grants in aid to the extent that appropriations are made available for that purpose in aid of carrying out duties and responsibilities; and

~~(19)~~ (16) cooperate and consult with the commissioner of labor and industry regarding the investigation of violations of, and resolution of complaints regarding section 363A.08, subdivision 7. The commissioner may use nonstate funds to develop and conduct programs of formal and informal education designed to eliminate discrimination and further compliance with this chapter.

In performing these duties, the commissioner shall give priority to those duties in clauses (7), (8), and (9), ~~and (10) and to the duties in section 363A.36.~~

(b) All gifts, bequests, grants, or other payments, public and private, accepted under paragraph (a), clause ~~(13)~~ (11), must be deposited in the state treasury and credited to a special account. Money in the account is appropriated to the commissioner of human rights to help finance activities of the department.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 4. Minnesota Statutes 2010, section 363A.36, subdivision 1, is amended to read:

Subdivision 1. **Scope of application.** (a) For all contracts for goods and services in excess of ~~\$100,000~~ \$250,000, no department or agency of the state shall accept any bid or proposal for a contract or agreement from any business having more than ~~40~~ 50 full-time employees within this state on a single working day during the previous 12 months, unless the commissioner is in receipt of the business' affirmative action plan for the employment of minority persons, women, and qualified disabled individuals. No department or agency of the state shall execute any such contract or agreement until the affirmative action plan has been approved by the commissioner. Receipt of a certificate of compliance issued by

17.32 the commissioner shall signify that a firm or business has an affirmative action plan that
17.33 has been approved by the commissioner. A certificate shall be valid for a period of ~~two~~
17.34 five years. A municipality as defined in section 466.01, subdivision 1, that receives state
17.35 money for any reason is encouraged to prepare and implement an affirmative action plan
18.1 for the employment of minority persons, women, and the qualified disabled and submit the
18.2 plan to the commissioner.

18.3 (b) This paragraph applies to a contract for goods or services in excess of ~~\$100,000~~
18.4 \$250,000 to be entered into between a department or agency of the state and a business
18.5 that is not subject to paragraph (a), but that has more than ~~40~~ 50 full-time employees on
18.6 a single working day during the previous 12 months in the state where the business has
18.7 its primary place of business. A department or agency of the state may not execute a
18.8 contract or agreement with a business covered by this paragraph unless the business has a
18.9 certificate of compliance issued by the commissioner under paragraph (a) or the business
18.10 certifies that it is in compliance with federal affirmative action requirements.

18.11 (c) This section does not apply to contracts entered into by the State Board of
18.12 Investment for investment options under section 352.965, subdivision 4.

18.13 **EFFECTIVE DATE.** This section is effective July 1, 2011.

18.14 Sec. 5. Minnesota Statutes 2010, section 609.105, subdivision 1, is amended to read:

18.15 Subdivision 1. **Sentence to more than one year 60 days or less.** In a felony
18.16 sentence to imprisonment for more than one year shall commit, when the remaining term
18.17 of imprisonment is for 60 days or less, the defendant shall be committed to the custody of
18.18 the commissioner of corrections and must serve the remaining term of imprisonment at a
18.19 workhouse, work farm, county jail, or other place authorized by law.

18.20 **EFFECTIVE DATE.** This section is effective July 1, 2011.

18.21 Sec. 6. Minnesota Statutes 2010, section 609.105, is amended by adding a subdivision
18.22 to read:

18.23 **Subd. 1c. Sentence to more than 60 days.** A felony sentence to imprisonment
18.24 when the warrant of commitment has a remaining term of imprisonment for more than 60
18.25 days shall commit the defendant to the custody of the commissioner of corrections.

18.26 **EFFECTIVE DATE.** This section is effective July 1, 2011.

18.27 Sec. 7. Minnesota Statutes 2010, section 609.105, is amended by adding a subdivision
18.28 to read:

Subd. 4. **Definitions.** (a) For the purposes of this section, the terms in this subdivision have the meanings given them.

(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.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 8. **[609.3458] INDETERMINATE SENTENCE FOR PREDATORY SEX OFFENDERS.**

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

(1) "sex offense" means a violation of section 609.342, 609.343, 609.344, or 609.345;

(2) "predatory sex offender" means a person who:

(i) is unable to control the person's sexual impulses;

(ii) is dangerous to other persons; and

(iii) has a pattern of harmful sexual conduct; and

(3) "harmful sexual conduct" means sexual conduct that creates a substantial likelihood of serious physical or emotional harm to another.

Subd. 2. **Applicability.** A prosecuting attorney may charge a person under this section when probable cause exists that the person:

(1) committed a sex offense; and

(2) is a predatory sex offender.

Subd. 3. **Procedures.** A person subject to prosecution under this section shall have a bifurcated trial. The first phase of the trial shall determine the person's guilt on the sex offense charge. If the person is found guilty of the sex offense, the second phase of the trial shall determine whether the person is a predatory sex offender. In both phases of the trial, the burden of proof is on the state and the standard of proof is beyond a reasonable doubt. A person charged under this section has all of the rights of a criminal defendant in both phases of the trial.

Subd. 4. **Indeterminate sentence; minimum and maximum term specified.** (a) A person convicted of a sex offense who has been found by the fact finder to be a predatory sex offender shall be committed to the custody of the commissioner of corrections for the term required by paragraph (b).

19.32 (b) The minimum sentence of incarceration for offenders sentenced under paragraph
19.33 (a) shall be twice the presumptive sentence under the sentencing guidelines for a person
19.34 with the offender's criminal history. When the sentencing guidelines presume a stayed
19.35 sentence for the sex offense, the court shall specify a minimum sentence. Notwithstanding
20.1 any law to the contrary and the statutory maximum sentence for the offense, the maximum
20.2 sentence is 60 years.

20.3 (c) A person sentenced under this section and subsequently released shall be placed
20.4 on conditional release as provided for in subdivision 9.

20.5 (d) Notwithstanding section 609.135, the court may not stay the imposition or
20.6 execution of the sentence required by this subdivision. An offender committed to the
20.7 custody of the commissioner of corrections under this section may not be released from
20.8 incarceration except as provided in this section and section 244.05, subdivision 8.

20.9 Subd. 5. **Sentence of persons not found to be predatory sex offenders.** If the
20.10 person is convicted of the sex offense but is not determined to be a predatory sex offender,
20.11 the court shall sentence the offender as otherwise provided by law.

20.12 Subd. 6. **Release authority.** The commissioner of corrections, under rules adopted
20.13 by the commissioner, may grant supervised release to offenders sentenced under this
20.14 section.

20.15 Subd. 7. **Petition for release, hearing.** (a) A person who has served the minimum
20.16 period of incarceration to which the person was sentenced may petition the commissioner
20.17 of corrections for release. The commissioner shall hold a hearing on each petition
20.18 for release prior to making any determination. Within 45 days of the hearing, the
20.19 commissioner shall give written notice of the time and place of the hearing to all interested
20.20 parties, including the petitioner, the sentencing court, the county attorney's office that
20.21 prosecuted the case, and any victims of the crime who requested notification. The hearing
20.22 must be held on the record. Upon the approval of the commissioner, the petitioner may
20.23 subpoena witnesses to appear at the hearing.

20.24 (b) If the commissioner determines the person satisfies the criteria for conditional
20.25 release, the commissioner shall release the person from incarceration no later than 14
20.26 days after making a determination.

20.27 (c) If the commissioner rejects the person's petition for release, the commissioner
20.28 must specify in writing the reasons for the rejection. The person may not petition for
20.29 release again until 24 months have elapsed since the rejection, unless the commissioner
20.30 specifies a shorter time period.

20.31 Subd. 8. **Criteria for release.** (a) A person sentenced under this section shall not
20.32 be released from incarceration unless it appears to the satisfaction of the commissioner
20.33 that the person:

20.34 (1) no longer poses a threat to the public;

20.35 (2) is no longer in need of programming in a secure facility; and

20.36 (3) is capable of reintegration with the general public.

21.1 (b) The person seeking release has the burden of showing, by clear and convincing
21.2 evidence, that the criteria in paragraph (a) have been met.

21.3 Subd. 9. **Conditional release.** (a) A person sentenced under this section shall serve,
21.4 upon release from incarceration, a conditional release term. The conditional release term
21.5 shall be the 60-year maximum term under this section less the amount of time actually
21.6 served, but the term cannot be less than ten years.

21.7 (b) The commissioner of corrections shall establish the conditions of release for a
21.8 person granted conditional release.

21.9 (c) The county attorney in the county where the conviction occurred, the person's
21.10 conditional release agent, or any other interested party may file a petition with the court
21.11 alleging that the person failed to satisfy any condition of release. If the court determines
21.12 that a person has violated a condition of release, the court may order an appropriate
21.13 sanction, including, but not limited to, incarcerating the person for a period specified by
21.14 the court in a local or state correctional facility. The period may be of any duration up to
21.15 the remainder of time left in the person's conditional release term.

21.16 **EFFECTIVE DATE.** This section is effective July 1, 2013, and applies to crimes
21.17 committed on or after that date.

21.18 Sec. 9. Minnesota Statutes 2010, section 626.8458, subdivision 5, is amended to read:

21.19 Subd. 5. **In-service training in police pursuits required.** The chief law
21.20 enforcement officer of every state and local law enforcement agency shall provide
21.21 in-service training in emergency vehicle operations and in the conduct of police pursuits
21.22 to every peace officer and part-time peace officer employed by the agency who the
21.23 chief law enforcement officer determines may be involved in a police pursuit given the
21.24 officer's responsibilities. The training shall comply with learning objectives developed
21.25 and approved by the board and shall consist of at least eight hours of classroom and
21.26 skills-based training every ~~four~~ five years.

21.27 Sec. 10. Minnesota Statutes 2010, section 641.15, subdivision 2, is amended to read:

Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board shall pay the costs of medical services provided to prisoners pursuant to this section. The amount paid by the ~~Anoka~~ county board for a medical service shall not exceed the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. ~~For all other counties,~~ In the absence of a health or medical insurance or health plan that has a contractual obligation with the provider or the prisoner, medical providers shall charge no higher than the rate negotiated between the county and the provider. In the absence of an agreement between the county and the provider, the provider may not charge ~~no more than the discounted rate the provider has negotiated with the nongovernmental third-party payer that provided the most revenue to the provider during the previous calendar year~~ an amount that exceeds the maximum allowed medical assistance payment rate for the service, as determined by the commissioner of human services. The county is entitled to reimbursement from the prisoner for payment of medical bills to the extent that the prisoner to whom the medical aid was provided has the ability to pay the bills. The prisoner shall, at a minimum, incur co-payment obligations for health care services provided by a county correctional facility. The county board shall determine the co-payment amount. Notwithstanding any law to the contrary, the co-payment shall be deducted from any of the prisoner's funds held by the county, to the extent possible. If there is a disagreement between the county and a prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant shall determine the extent, if any, of the prisoner's ability to pay for the medical services. If a prisoner is covered by health or medical insurance or other health plan when medical services are provided, the medical provider shall bill that health or medical insurance or other plan. If the county providing the medical services for a prisoner that has coverage under health or medical insurance or other plan, that county has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical services to the prisoner that are covered by the policy of insurance or health plan, in accordance with the benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or health plan. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program or the general assistance medical care program.

EFFECTIVE DATE. This section is effective July 1, 2011.

Sec. 11. **JUVENILE JUSTICE REFORM ADVISORY TASK FORCE.**

Subdivision 1. Creation; duties. (a) A task force is established to study, evaluate, and analyze issues related to juvenile justice reform. At a minimum, the task force shall

22.29 examine the following issues and assess whether and how a change to law, rule, or practice
22.30 would best serve public safety, address the needs of juvenile offenders, and promote
22.31 cost-efficiency or cost-savings in the juvenile justice system:

22.32 (1) the purpose and intent of the delinquency and child protection provisions of
22.33 the Juvenile Court Act;

22.34 (2) the age at which a juvenile who is alleged of committing a felony may be
22.35 certified as an adult or prosecuted as an extended jurisdiction juvenile;

23.1 (3) the minimum age at which a juvenile may be prosecuted for committing a
23.2 delinquent act or a petty juvenile offense;

23.3 (4) the age at which the juvenile court's jurisdiction over the following individuals
23.4 should terminate: delinquent children, juvenile petty offenders, and extended jurisdiction
23.5 juveniles;

23.6 (5) laws relating to juvenile records, including data classifications, retention periods,
23.7 expungement provisions, effect on future juvenile and adult sentencing, and restrictions on
23.8 the release of records by different agencies and the courts;

23.9 (6) laws which prevent youth involved with the CHIPs, juvenile justice, or adult
23.10 court systems from later being employed in various jobs;

23.11 (7) laws relating to continuances and stays of adjudication in juvenile delinquency
23.12 cases, including length of continuance or stay, extensions, collateral consequences, and
23.13 disposition of such cases; and

23.14 (8) laws relating to diversion in juvenile cases, including eligibility, program
23.15 components, and diversion alternatives.

23.16 (b) In addition, the task force shall:

23.17 (1) identify the types of dispositions, including treatment and counseling, that
23.18 have been most and least successful in reforming and treating juvenile offenders and in
23.19 detering juvenile offenders from committing specific crimes; and

23.20 (2) identify the types of dispositions, including treatment and counseling, that have
23.21 been the most and least cost-effective in reforming, treating, and deterring juvenile
23.22 offenders.

23.23 (c) In its evaluation and analysis, the task force shall consider approaches taken
23.24 by other states in these areas and may examine other issues that the task force or
23.25 commissioner of corrections finds relevant.

23.26 Subd. 2. **Membership.** The task force consists of the following members:

23.27 (1) the commissioner of corrections, or the commissioner's designee;

23.28 (2) the commissioner of public safety, or the commissioner's designee;

23.29 (3) the commissioner of human services, or the commissioner's designee;

(4) the chairs and ranking minority members of the house of representatives and senate committees having jurisdiction over criminal justice policy, or their designees;

(5) a county attorney selected by the Minnesota County Attorneys Association;

(6) a representative from the Board of Public Defense, selected by that board;

(7) a representative of the Minnesota Chiefs of Police Association;

(8) a representative of the Minnesota Sheriffs Association;

(9) a juvenile probation officer selected by the commissioner of corrections;

(10) a member of the Juvenile Justice Advisory Committee, selected by that committee;

(11) a member of the Juvenile Justice Coalition, selected by that coalition; and

(12) a law professor who is knowledgeable in juvenile justice issues, selected by the commissioner of corrections.

Subd. 3. **Meetings.** The commissioner of corrections, or the commissioner's designee, shall convene the initial meeting of the task force. The members of the task force must elect a chair or co-chairs at the initial meeting. The task force shall meet sufficiently enough to accomplish the tasks identified in this section.

Subd. 4. **Terms; compensation; removal; vacancies.** The expiration, membership terms, removal of members, and filling of vacancies on the task force shall be as provided in Minnesota Statutes, section 15.059. Members shall serve without compensation and expense reimbursement. The task force expires June 30, 2012.

Subd. 5. **Report.** By January 15, 2012, the task force shall submit its report, including any proposed legislative changes, to the chairs and ranking minority members of the house of representatives and senate committees with jurisdiction over criminal justice policy and funding.

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

Sec. 12. **SEX OFFENDER POLICY TASK FORCE.**

Subdivision 1. **Creation; duties.** (a) A task force is established to study, evaluate, and analyze issues related to sex offenders. At a minimum, the task force shall examine and make recommendations on the following issues:

(1) sex offender sentencing, including expanded use of indeterminate sentencing and implementation of section 8;

(2) sex offender treatment, both in prison and in the community;

(3) sex offender civil commitment, including less costly alternatives;

(4) the effectiveness in cost and outcomes of the Minnesota sex offender program;

24.28 (5) best practices for supervising sex offenders such as intensive supervised release,
24.29 specialized caseloads, and other innovative methods; ideal caseload sizes for supervising
24.30 agents; and methods to implement this in a manner that does not negatively impact the
24.31 supervision of other types of offenders;

24.32 (6) sex offender community notification and registration, including the effectiveness
24.33 of posting offender information on the Internet; and

24.34 (7) any other issues related to sex offender management and treatment that the task
24.35 force deems appropriate.

25.1 (b) In its evaluation and analysis, the task force shall consider approaches taken by
25.2 other states in the areas in paragraph (a).

25.3 Subd. 2. **Membership.** The task force consists of the following members:

25.4 (1) the commissioner of public safety, or the commissioner's designee;

25.5 (2) the commissioner of corrections, or the commissioner's designee;

25.6 (3) the commissioner of human services, or the commissioner's designee;

25.7 (4) the chairs and ranking minority members of the house of representatives and
25.8 senate committees having jurisdiction over public safety finance and human services
25.9 finance, or their designees;

25.10 (5) a county attorney, selected by the Minnesota County Attorneys Association;

25.11 (6) one representative from the Board of Public Defense, selected by that board;

25.12 (7) a representative of the Minnesota Chiefs of Police Association;

25.13 (8) a representative of the Minnesota Sheriffs Association;

25.14 (9) a probation officer, selected by the commissioner of corrections; and

25.15 (10) a sex offender treatment provider who is privately employed, selected by the
25.16 commissioner of human services.

25.17 Subd. 3. **Meetings.** The commissioner of public safety, or the commissioner's
25.18 designee, shall convene the initial meeting of the task force and serve as the chair. The
25.19 task force shall meet sufficiently enough to accomplish the tasks identified in this section.

25.20 Subd. 4. **Terms; compensation; removal; vacancies.** The expiration, membership
25.21 terms, removal of members, and filling of vacancies on the task force shall be as provided
25.22 in Minnesota Statutes, section 15.059. Members shall serve without compensation and
25.23 expense reimbursement. The task force expires June 30, 2012.

25.24 Subd. 5. **Report.** By January 15, 2012, the task force shall submit its report,
25.25 including any proposed legislative changes, to the chairs and ranking minority members of
25.26 the house of representatives and senate committees with jurisdiction over public safety
25.27 policy and finance and human services policy and finance.

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

Sec. 13. **ACQUISITION OF EASEMENT; MINNESOTA CORRECTIONAL FACILITY IN FARIBAULT.**

Notwithstanding Minnesota Statutes, section 16B.31, subdivision 5, the commissioner of administration may acquire an easement for utility and access purposes to serve the Minnesota correctional facility in the city of Faribault by any of the acquisition methods permitted by that subdivision even in the absence of a specific appropriation to the commissioner to acquire the easement.

Sec. 14. **REPEALER.**

Minnesota Statutes 2010, section 363A.36, subdivision 5, is repealed.

EFFECTIVE DATE. This section is effective July 1, 2011.

ARTICLE 3

COURTS AND SENTENCING

Section 1. Minnesota Statutes 2010, section 169.79, subdivision 6, is amended to read:

Subd. 6. **Other motor vehicles.** If the motor vehicle is any kind of motor vehicle other than those provided for in subdivisions 2 to 4, ~~one plate~~ two plates must be displayed ~~on~~. One plate must be displayed at the front and one on the rear of the vehicle and one at the back. The two plates must either be mounted on the front and rear bumpers of the vehicle or on the front and back of the vehicle exterior in places designed to hold a license plate.

Sec. 2. Minnesota Statutes 2010, section 169.797, subdivision 4, is amended to read:

Subd. 4. **Penalty.** (a) A person who violates this section is guilty of a misdemeanor. A person is guilty of a gross misdemeanor who violates this section within ten years of the first of two prior convictions under this section, section 169.791, or a statute or ordinance in conformity with one of those sections. The operator of a vehicle who violates subdivision 3 and who causes or contributes to causing a vehicle accident that results in the death of any person or in substantial bodily harm to any person, as defined in section 609.02, subdivision 7a, is guilty of a gross misdemeanor. The same prosecuting authority who is responsible for prosecuting misdemeanor violations of this section is responsible for prosecuting gross misdemeanor violations of this section. In addition to any sentence of imprisonment that the court may impose on a person convicted of violating this section, the court shall impose a fine of not less than \$200 nor more than the maximum amount

26.25 authorized by law. The court may allow community service in lieu of any fine imposed if
26.26 the defendant is indigent.

26.27 (b) A driver who is the owner of the vehicle may, no later than the date and time
26.28 specified in the citation for the driver's first court appearance, produce proof of insurance
26.29 stating that security had been provided for the vehicle that was being operated at the time
26.30 of demand to the court administrator. The required proof of insurance may be sent by mail
26.31 by the driver as long as it is received no later than the date and time specified in the
26.32 citation for the driver's first court appearance. If a citation is issued, no person shall be
26.33 convicted of violating this section if the court administrator receives the required proof of
27.1 insurance no later than the date and time specified in the citation for the driver's first court
27.2 appearance. If the charge is made other than by citation, no person shall be convicted of
27.3 violating this section if the person presents the required proof of insurance at the person's
27.4 first court appearance after the charge is made.

27.5 (c) If the driver is not the owner of the vehicle, the driver shall, no later than the
27.6 date and time specified in the citation for the driver's first court appearance, provide the
27.7 district court administrator with proof of insurance or the name and address of the owner.
27.8 Upon receipt of the name and address of the owner, the district court administrator shall
27.9 communicate the information to the law enforcement agency.

27.10 (d) If the driver is not the owner of the vehicle, the officer may send or provide a
27.11 notice to the owner of the vehicle requiring the owner to produce proof of insurance for
27.12 the vehicle that was being operated at the time of the demand. Notice by mail is presumed
27.13 to be received five days after mailing and shall be sent to the owner's current address or the
27.14 address listed on the owner's driver's license. Within ten days after receipt of the notice,
27.15 the owner shall produce the required proof of insurance to the place stated in the notice
27.16 received by the owner. The required proof of insurance may be sent by mail by the owner
27.17 as long as it is received within ten days. Any owner who fails to produce proof of insurance
27.18 within ten days of an officer's request under this subdivision is guilty of a misdemeanor.
27.19 The peace officer may mail the citation to the owner's current address or address stated
27.20 on the owner's driver's license. It is an affirmative defense to a charge against the owner
27.21 that the driver used the owner's vehicle without consent, if insurance would not have been
27.22 required in the absence of the unauthorized use by the driver. It is not a defense that a
27.23 person failed to notify the Department of Public Safety of a change of name or address as
27.24 required under section 171.11. The citation may be sent after the ten-day period.

27.25 ~~(b)~~ (e) The court may impose consecutive sentences for offenses arising out of a
27.26 single course of conduct as permitted in section 609.035, subdivision 2.

27.27 ~~(e)~~ (f) In addition to the criminal penalty, the driver's license of an operator convicted
27.28 under this section shall be revoked for not more than 12 months. If the operator is also an
27.29 owner of the vehicle, the registration of the vehicle shall also be revoked for not more
27.30 than 12 months. Before reinstatement of a driver's license or registration, the operator
27.31 shall file with the commissioner of public safety the written certificate of an insurance
27.32 carrier authorized to do business in this state stating that security has been provided by the
27.33 operator as required by section 65B.48.

27.34 ~~(d)~~ (g) The commissioner shall include a notice of the penalties contained in this
27.35 section on all forms for registration of vehicles required to maintain a plan of reparation
27.36 security.

28.1 Sec. 3. Minnesota Statutes 2010, section 260C.331, subdivision 3, is amended to read:

28.2 Subd. 3. **Court expenses.** The following expenses are a charge upon the county
28.3 in which proceedings are held upon certification of the judge of juvenile court or upon
28.4 such other authorization provided by law:

28.5 (1) the fees and mileage of witnesses, and the expenses and mileage of officers
28.6 serving notices and subpoenas ordered by the court, as prescribed by law;

28.7 (2) the expense of transporting a child to a place designated by a child-placing agency
28.8 for the care of the child if the court transfers legal custody to a child-placing agency;

28.9 (3) the expense of transporting a minor to a place designated by the court;

28.10 (4) reasonable compensation for an attorney appointed by the court to serve as
28.11 counsel.

28.12 The State Guardian Ad Litem Board shall pay for guardian ad litem expenses
28.13 and reasonable compensation for an attorney to serve as counsel for a guardian ad
28.14 litem, if necessary. In no event may the court order that guardian ad litem expenses or
28.15 compensation for an attorney serving as counsel for a guardian ad litem be charged to
28.16 a county.

28.17 Sec. 4. Minnesota Statutes 2010, section 357.021, subdivision 6, is amended to read:

28.18 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided
28.19 in this paragraph, the court shall impose and the court administrator shall collect a \$75
28.20 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
28.21 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
28.22 parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more
28.23 than one offense in a case, the surcharge shall be imposed only once in that case. In the
28.24 Second Judicial District, the court shall impose, and the court administrator shall collect,

28.25 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,
28.26 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance
28.27 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the
28.28 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to
28.29 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person
28.30 is convicted of a petty misdemeanor for which no fine is imposed.

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

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

29.3 (d) The court administrator or other entity collecting a surcharge shall forward it to
29.4 the commissioner of management and budget.

29.5 (e) If the convicted person is sentenced to imprisonment and has not paid the
29.6 surcharge before the term of imprisonment begins, the chief executive officer of the
29.7 correctional facility in which the convicted person is incarcerated shall collect the
29.8 surcharge from any earnings the inmate accrues from work performed in the facility
29.9 or while on conditional release. The chief executive officer shall forward the amount
29.10 collected to the court administrator or other entity collecting the surcharge imposed by
29.11 the court.

29.12 (f) A person who ~~successfully completes a diversion or similar program~~ enters
29.13 a diversion program, continuance without prosecution, continuance for dismissal, or
29.14 stay of adjudication for a violation of chapter 169 must pay the surcharge described in
29.15 this subdivision. A surcharge imposed under this paragraph shall be imposed only once
29.16 per case.

29.17 (g) The surcharge does not apply to administrative citations issued pursuant to
29.18 section 169.999.

29.19 Sec. 5. Minnesota Statutes 2010, section 563.01, subdivision 3, is amended to read:

29.20 Subd. 3. **Authorization of forma pauperis.** (a) Any court of the state of Minnesota
29.21 or any political subdivision thereof may authorize the commencement or defense of any
29.22 civil action, or appeal therein, without prepayment of fees, costs and security for costs by
29.23 a natural person who makes affidavit stating (a) the nature of the action, defense or appeal,

29.24 (b) a belief that affiant is entitled to redress, and (c) that affiant is financially unable to
29.25 pay the fees, costs and security for costs.

29.26 (b) Upon a finding by the court that the action is not of a frivolous nature, the court
29.27 shall allow the person to proceed in forma pauperis if the affidavit is substantially in the
29.28 language required by this subdivision and is not found by the court to be untrue. Persons
29.29 meeting the requirements of this subdivision include, but are not limited to, a person who
29.30 is receiving public assistance, who is represented by an attorney on behalf of a civil legal
29.31 services program or a volunteer attorney program based on indigency, or who has an
29.32 annual income not greater than 125 percent of the poverty line established under United
29.33 States Code, title 42, section 9902(2), except as otherwise provided by section 563.02.

30.1 (c) If, at or following commencement of the action, the party is or becomes able
30.2 to pay a portion of the fees, costs, and security for costs, the court may order any of
30.3 the following:

30.4 (1) payment of a fee of not less than \$75;

30.5 (2) partial payment of fees, costs, and security for costs; or

30.6 (3) reimbursement of all or a portion of fees, costs, and security for costs paid in
30.7 monthly payments as directed by the court.

30.8 The court administrator shall transmit any fees or payments to the commissioner of
30.9 management and budget for deposit in the state treasury and credit them to the general
30.10 fund.

30.11 **EFFECTIVE DATE.** This section is effective July 1, 2011.

30.12 **ARTICLE 4**

30.13 **PUBLIC DEFENDERS**

30.14 Section 1. Minnesota Statutes 2010, section 609.131, subdivision 1, is amended to read:

30.15 Subdivision 1. **General rule.** Except as provided in subdivision 2, an alleged
30.16 misdemeanor violation must be treated as a petty misdemeanor if the prosecuting attorney
30.17 believes that it is in the interest of justice that the defendant not be imprisoned if convicted
30.18 and certifies that belief to the court at or before the time of arraignment or pretrial hearing,
30.19 and the court approves of the certification motion. Prior to the appointment of a public
30.20 defender to represent a defendant charged with a misdemeanor, the court shall inquire of
30.21 the prosecutor whether the prosecutor intends to certify the case as a petty misdemeanor.
30.22 The defendant's consent to the certification is not required. When an offense is certified
30.23 as a petty misdemeanor under this section, the defendant's eligibility for court-appointed

30.24 ~~counsel must be evaluated as though the offense were a misdemeanor~~ defendant is not
30.25 eligible for the appointment of a public defender.

30.26 Sec. 2. Minnesota Statutes 2010, section 611.16, is amended to read:

30.27 **611.16 REQUEST FOR APPOINTMENT OF PUBLIC DEFENDER.**

30.28 Any person described in section 611.14 ~~or any other person entitled by law to~~
30.29 ~~representation by counsel~~, may at any time request the court in which the matter is pending,
30.30 or the court in which the conviction occurred, to appoint a public defender to represent the
30.31 person. In a proceeding defined by ~~clause (2) of~~ section 611.14, clause (2), application for
30.32 the appointment of a public defender may also be made to a judge of the Supreme Court.

31.1 Sec. 3. Minnesota Statutes 2010, section 611.17, is amended to read:

31.2 **611.17 FINANCIAL INQUIRY; STATEMENTS; CO-PAYMENT;**
31.3 **STANDARDS FOR DISTRICT PUBLIC DEFENSE ELIGIBILITY.**

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

31.6 (1) ~~the defendant, or any dependent of the defendant who resides in the same~~
31.7 ~~household as the defendant, receives means-tested governmental benefits; or~~ is charged
31.8 with a misdemeanor and has an annual household income not greater than 125 percent of
31.9 the poverty guidelines updated periodically in the Federal Register by the United States
31.10 Department of Health and Human Services under the authority of United States Code,
31.11 title 42, section 9902(2);

31.12 (2) the defendant is charged with a gross misdemeanor and has an annual household
31.13 income not greater than 150 percent of the poverty guidelines updated periodically in the
31.14 Federal Register by the United States Department of Health and Human Services under
31.15 the authority of United States Code, title 42, section 9902(2);

31.16 (3) the defendant is charged with a felony and has an annual household income not
31.17 greater than 175 percent of the poverty guidelines updated periodically in the Federal
31.18 Register by the United States Department of Health and Human Services under the
31.19 authority of United States Code, title 42, section 9902(2); or

31.20 ~~(2)~~ (4) the court determines that the defendant, through any combination of liquid
31.21 assets and current income, would be unable to pay the reasonable costs charged by private
31.22 counsel in that judicial district for a defense of the same matter.

31.23 (b) Upon a request for the appointment of counsel, the court shall make an
31.24 appropriate inquiry into the determination of financial circumstances eligibility under
31.25 paragraph (a) of the applicant, who shall submit a financial statement under oath or

31.26 affirmation setting forth the applicant's assets and liabilities, including the value of any
31.27 real property owned by the applicant, whether homestead or otherwise, less the amount of
31.28 any encumbrances on the real property, the source or sources of income, and any other
31.29 information required by the court. The applicant shall be under a continuing duty while
31.30 represented by a public defender to disclose any changes in the applicant's financial
31.31 circumstances ~~that might be relevant to the applicant's eligibility for a public defender.~~
31.32 The state public defender shall furnish appropriate forms for the financial statements,
31.33 which must be used by the district courts throughout the state. The forms must contain
31.34 conspicuous notice of the applicant's continuing duty to disclose to the court changes in
31.35 the applicant's financial circumstances. The forms must also contain conspicuous notice
31.36 of the applicant's obligation to make a co-payment for the services of the district public
32.1 defender, as specified under paragraph (c). The information contained in the statement
32.2 shall be confidential and for the exclusive use of the court and the public defender
32.3 ~~appointed by the court to represent the applicant~~ except for any prosecution under
32.4 section 609.48. A refusal to execute the financial statement or produce financial records
32.5 constitutes a waiver of the right to the appointment of a public defender. The court shall
32.6 not appoint a district public defender to a defendant who is financially able to retain
32.7 private counsel but refuses to do so.

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

- 32.15 (1) the liquidity of real estate assets, including the defendant's homestead;
32.16 (2) any assets that can be readily converted to cash or used to secure a debt;
32.17 (3) the determination of whether the transfer of an asset is voidable as a fraudulent
32.18 conveyance; and
32.19 (4) the value of all property transfers occurring on or after the date of the alleged
32.20 offense. The burden is on the accused to show that the accused is financially unable
32.21 to afford counsel. Defendants who fail to provide information necessary to determine
32.22 eligibility shall be deemed ineligible. The court must not appoint the district public
32.23 defender as advisory counsel.

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

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

(d) The court shall not appoint a public defender to a defendant who is financially able to retain counsel but refuses to do so, refuses to execute the financial statement or refuses to provide information necessary to determine financial eligibility under this section, or waives appointment of a public defender under section 611.19.

Sec. 4. Minnesota Statutes 2010, section 611.18, is amended to read:

611.18 APPOINTMENT OF PUBLIC DEFENDER.

If it appears to a court that a person requesting the appointment of counsel satisfies the requirements of this chapter, the court shall order the ~~appropriate~~ public defender to represent the person ~~at all further stages of the proceeding through appeal, if any.~~ For a person appealing from a conviction, or a person pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, according to the standards of sections 611.14, clause (2), and 611.25, subdivision 1, paragraph (a), clause (2), the ~~state~~ chief appellate public defender shall be appointed. For a person covered by section 611.14, clause (1), a (3), or (4), the chief district public defender shall be appointed to represent that person. ~~If (a) conflicting interests exist, (b) the district public defender for any other reason is unable to act, or (c) the interests of justice require, the state public defender may be ordered to represent a person. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender.~~ If at any stage of the proceedings; ~~including an appeal,~~ the court finds that the defendant is financially unable to pay counsel whom the defendant had retained, the court may appoint the ~~appropriate~~ public defender to represent the defendant, as provided in this section. Prior to any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, ~~and shall continue to represent the person unless it is subsequently determined that the person is financially able to obtain counsel.~~ The representation may be made available at the discretion of the public defender, ~~upon the request of the person or someone on the person's behalf. Any law enforcement officer may notify the public defender of the arrest of any such person.~~

33.25 Sec. 5. Minnesota Statutes 2010, section 611.20, subdivision 3, is amended to read:

33.26 Subd. 3. **Reimbursement.** In each fiscal year, the commissioner of management
33.27 and budget shall deposit the payments in the special revenue fund and credit them to a
33.28 separate account with the Board of Public Defense. The amount credited to this account is
33.29 appropriated to the Board of Public Defense.

33.30 The balance of this account does not cancel but is available until expended.
33.31 Expenditures by the board from this account for each judicial district public defense office
33.32 must be based on the amount of the payments received by the state from the courts in
33.33 each judicial district. ~~A district public defender's office that receives money under this~~
33.34 ~~subdivision shall use the money to supplement office overhead payments to part-time~~
33.35 ~~attorneys providing public defense services in the district.~~ By January 15 of each year,
34.1 the Board of Public Defense shall report to the chairs and ranking minority members of
34.2 the senate and house of representatives divisions having jurisdiction over criminal justice
34.3 funding on the amount appropriated under this subdivision, the number of cases handled
34.4 by each district public defender's office, the number of cases in which reimbursements
34.5 were ordered, and the average amount of reimbursement ordered, ~~and the average amount~~
34.6 ~~of money received by part-time attorneys under this subdivision.~~

34.7 **EFFECTIVE DATE.** This section is effective July 1, 2011.

34.8 Sec. 6. Minnesota Statutes 2010, section 611.20, subdivision 4, is amended to read:

34.9 Subd. 4. **Employed defendants; ability to pay.** (a) A court shall order a defendant
34.10 who is employed when a public defender is appointed, or who becomes employed while
34.11 represented by a public defender, or who is or becomes able to make partial payments
34.12 for counsel, to reimburse the state for the cost of the public defender. If reimbursement
34.13 is required under this subdivision, the court shall order the reimbursement when a
34.14 public defender is first appointed or as soon as possible after the court determines that
34.15 reimbursement is required. The court may accept partial reimbursement from the
34.16 defendant if the defendant's financial circumstances warrant a reduced reimbursement
34.17 schedule. ~~The court may consider the guidelines in subdivision 6 in determining a~~
34.18 ~~defendant's reimbursement schedule.~~ If a defendant does not agree to make payments,
34.19 the court may order the defendant's employer to withhold a percentage of the defendant's
34.20 income to be turned over to the court. ~~The percentage to be withheld may be determined~~
34.21 ~~under subdivision 6~~ In determining the percentage to be withheld, the court shall consider
34.22 the income and assets of the defendant based on the financial statement provided by the
34.23 defendant when applying for the public defender under section 611.17.

34.24 (b) If a court determines under section 611.17 that a defendant is financially unable to
34.25 pay the reasonable costs charged by private counsel due to the cost of a private retainer fee,
34.26 the court shall evaluate the defendant's ability to make partial payments or reimbursement.

34.27 Sec. 7. Minnesota Statutes 2010, section 611.27, subdivision 1, is amended to read:

34.28 Subdivision 1. **County payment responsibility District public defender budget.**

34.29 (a) A chief district public defender shall annually submit a comprehensive budget to
34.30 the state Board of Public Defense. The budget shall be in compliance with standards
34.31 and forms required by the board. The chief district public defender shall, at times and
34.32 in the form required by the board, submit reports to the board concerning its operations,
34.33 including the number of cases handled and funds expended for these services.

35.1 (b) Money appropriated to the state Board of Public Defense for the board's
35.2 administration, for the state public defender, for the judicial district public defenders,
35.3 and for the public defense corporations shall be expended as determined by the board.
35.4 In distributing funds to district public defenders, the board shall consider the geographic
35.5 distribution of public defenders, the equity of compensation among the judicial districts,
35.6 public defender case loads, and the results of the weighted case load study.

35.7 Sec. 8. Minnesota Statutes 2010, section 611.27, subdivision 5, is amended to read:

35.8 Subd. 5. **District public defender budgets and county payment responsibility.**

35.9 The board of public defense ~~may only~~ shall fund all those items and services ~~in necessary~~
35.10 for the district public defender budgets which were included in the original budgets of
35.11 district public defender offices as of January 1, 1990. All other public defense related
35.12 costs remain the responsibility of the counties unless the state specifically appropriates
35.13 for these. The cost of additional state funding of these items and services must be offset
35.14 by reductions in local aids in the same manner as the original state takeover. to satisfy
35.15 its obligations under this chapter. Except as provided in section 611.26, subdivision 3a,
35.16 counties shall not pay and no court shall order any county to pay for representation of
35.17 individuals charged with a crime.

35.18 Sec. 9. **REPEALER.**

35.19 Minnesota Statutes 2010, section 611.20, subdivision 6, is repealed.

ARTICLE 5

SEXUALLY EXPLOITED YOUTH

Section 1. Minnesota Statutes 2010, section 260B.007, subdivision 6, is amended to read:

Subd. 6. **Delinquent child.** (a) Except as otherwise provided in ~~paragraph~~
paragraphs (b) and (c), "delinquent child" means a child:

(1) who has violated any state or local law, except as provided in section 260B.225, subdivision 1, and except for juvenile offenders as described in subdivisions 16 to 18;

(2) who has violated a federal law or a law of another state and whose case has been referred to the juvenile court if the violation would be an act of delinquency if committed in this state or a crime or offense if committed by an adult;

(3) who has escaped from confinement to a state juvenile correctional facility after being committed to the custody of the commissioner of corrections; or

(4) who has escaped from confinement to a local juvenile correctional facility after being committed to the facility by the court.

(b) The term delinquent child does not include a child alleged to have committed murder in the first degree after becoming 16 years of age, but the term delinquent child does include a child alleged to have committed attempted murder in the first degree.

(c) The term delinquent child does not include a child who is alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct.

EFFECTIVE DATE. This section is effective August 1, 2014, and applies to offenses committed on or after that date.

Sec. 2. Minnesota Statutes 2010, section 260B.007, subdivision 16, is amended to read:

Subd. 16. **Juvenile petty offender; juvenile petty offense.** (a) "Juvenile petty offense" includes a juvenile alcohol offense, a juvenile controlled substance offense, a violation of section 609.685, or a violation of a local ordinance, which by its terms prohibits conduct by a child under the age of 18 years which would be lawful conduct if committed by an adult.

(b) Except as otherwise provided in paragraph (c), "juvenile petty offense" also includes an offense that would be a misdemeanor if committed by an adult.

(c) "Juvenile petty offense" does not include any of the following:

36.21 (1) a misdemeanor-level violation of section 518B.01~~;~~ 588.20~~;~~ 609.224~~;~~ 609.2242~~;~~
36.22 609.324, subdivision 2 or 3; 609.5632~~;~~ 609.576~~;~~ 609.66~~;~~ 609.746~~;~~ 609.748~~;~~ 609.79~~;~~
36.23 or 617.23;

36.24 (2) a major traffic offense or an adult court traffic offense, as described in section
36.25 260B.225;

36.26 (3) a misdemeanor-level offense committed by a child whom the juvenile court
36.27 previously has found to have committed a misdemeanor, gross misdemeanor, or felony
36.28 offense; or

36.29 (4) a misdemeanor-level offense committed by a child whom the juvenile court
36.30 has found to have committed a misdemeanor-level juvenile petty offense on two or
36.31 more prior occasions, unless the county attorney designates the child on the petition
36.32 as a juvenile petty offender notwithstanding this prior record. As used in this clause,
36.33 "misdemeanor-level juvenile petty offense" includes a misdemeanor-level offense that
36.34 would have been a juvenile petty offense if it had been committed on or after July 1, 1995.

37.1 (d) A child who commits a juvenile petty offense is a "juvenile petty offender." The
37.2 term juvenile petty offender does not include a child alleged to have violated any law
37.3 relating to being hired, offering to be hired, or agreeing to be hired by another individual
37.4 to engage in sexual penetration or sexual conduct which, if committed by an adult, would
37.5 be a misdemeanor.

37.6 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
37.7 offenses committed on or after that date.

37.8 Sec. 3. Minnesota Statutes 2010, section 260C.007, subdivision 6, is amended to read:

37.9 Subd. 6. **Child in need of protection or services.** "Child in need of protection or
37.10 services" means a child who is in need of protection or services because the child:

37.11 (1) is abandoned or without parent, guardian, or custodian;

37.12 (2)(i) has been a victim of physical or sexual abuse as defined in section 626.556,
37.13 subdivision 2, (ii) resides with or has resided with a victim of child abuse as defined in
37.14 subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or
37.15 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or
37.16 child abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment
37.17 as defined in subdivision 15;

37.18 (3) is without necessary food, clothing, shelter, education, or other required care
37.19 for the child's physical or mental health or morals because the child's parent, guardian,
37.20 or custodian is unable or unwilling to provide that care;

37.21 (4) is without the special care made necessary by a physical, mental, or emotional
37.22 condition because the child's parent, guardian, or custodian is unable or unwilling to
37.23 provide that care;

37.24 (5) is medically neglected, which includes, but is not limited to, the withholding of
37.25 medically indicated treatment from a disabled infant with a life-threatening condition. The
37.26 term "withholding of medically indicated treatment" means the failure to respond to the
37.27 infant's life-threatening conditions by providing treatment, including appropriate nutrition,
37.28 hydration, and medication which, in the treating physician's or physicians' reasonable
37.29 medical judgment, will be most likely to be effective in ameliorating or correcting all
37.30 conditions, except that the term does not include the failure to provide treatment other
37.31 than appropriate nutrition, hydration, or medication to an infant when, in the treating
37.32 physician's or physicians' reasonable medical judgment:

37.33 (i) the infant is chronically and irreversibly comatose;

38.1 (ii) the provision of the treatment would merely prolong dying, not be effective in
38.2 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be
38.3 futile in terms of the survival of the infant; or

38.4 (iii) the provision of the treatment would be virtually futile in terms of the survival
38.5 of the infant and the treatment itself under the circumstances would be inhumane;

38.6 (6) is one whose parent, guardian, or other custodian for good cause desires to be
38.7 relieved of the child's care and custody, including a child who entered foster care under a
38.8 voluntary placement agreement between the parent and the responsible social services
38.9 agency under section 260C.212, subdivision 8;

38.10 (7) has been placed for adoption or care in violation of law;

38.11 (8) is without proper parental care because of the emotional, mental, or physical
38.12 disability, or state of immaturity of the child's parent, guardian, or other custodian;

38.13 (9) is one whose behavior, condition, or environment is such as to be injurious or
38.14 dangerous to the child or others. An injurious or dangerous environment may include, but
38.15 is not limited to, the exposure of a child to criminal activity in the child's home;

38.16 (10) is experiencing growth delays, which may be referred to as failure to thrive, that
38.17 have been diagnosed by a physician and are due to parental neglect;

38.18 (11) ~~has engaged in prostitution as defined in section 609.321, subdivision 9~~ is a
38.19 sexually exploited youth as defined in subdivision 31;

38.20 (12) has committed a delinquent act or a juvenile petty offense before becoming
38.21 ten years old;

38.22 (13) is a runaway;

38.23 (14) is a habitual truant;

(15) has been found incompetent to proceed or has been found not guilty by reason of mental illness or mental deficiency in connection with a delinquency proceeding, a certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a proceeding involving a juvenile petty offense; or

(16) has a parent whose parental rights to one or more other children were involuntarily terminated or whose custodial rights to another child have been involuntarily transferred to a relative and there is a case plan prepared by the responsible social services agency documenting a compelling reason why filing the termination of parental rights petition under section 260C.301, subdivision 3, is not in the best interests of the child.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 4. Minnesota Statutes 2010, section 260C.007, subdivision 11, is amended to read:

Subd. 11. **Delinquent child.** "Delinquent child" ~~means a child:~~

~~(1) who has violated any state or local law, except as provided in section 260B.225, subdivision 1, and except for juvenile offenders as described in subdivisions 19 and 28; or~~

~~(2) who has violated a federal law or a law of another state and whose case has been referred to the juvenile court if the violation would be an act of delinquency if committed in this state or a crime or offense if committed by an adult~~ has the meaning given in section 260B.007, subdivision 6.

EFFECTIVE DATE. This section is effective August 1, 2011.

Sec. 5. Minnesota Statutes 2010, section 260C.007, is amended by adding a subdivision to read:

Subd. 31. **Sexually exploited youth.** "Sexually exploited youth" means an individual who:

(1) is alleged to have engaged in conduct which would, if committed by an adult, violate any federal, state, or local law relating to being hired, offering to be hired, or agreeing to be hired by another individual to engage in sexual penetration or sexual conduct;

(2) is a victim of a crime described in section 609.342, 609.343, 609.345, 609.3451, 609.3453, 609.352, 617.246, or 617.247;

(3) is a victim of a crime described in United States Code, title 18, section 2260; 2421; 2422; 2423; 2425; 2425A; or 2256; or

(4) is a sex trafficking victim as defined in section 609.321, subdivision 7b.

EFFECTIVE DATE. This section is effective August 1, 2011.

39.22 Sec. 6. Minnesota Statutes 2010, section 609.321, subdivision 8, is amended to read:

39.23 Subd. 8. **Prostitute.** "Prostitute" means an individual 18 years of age or older who
39.24 engages in prostitution.

39.25 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes
39.26 committed on or after that date.

39.27 Sec. 7. Minnesota Statutes 2010, section 609.3241, is amended to read:

39.28 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

39.29 (a) When a court sentences an adult convicted of violating section 609.322 or
39.30 609.324, while acting other than as a prostitute, the court shall impose an assessment of
39.31 not less than ~~\$250~~ \$500 and not more than ~~\$500~~ \$750 for a violation of section 609.324,
40.1 subdivision 2, or a misdemeanor violation of section 609.324, subdivision 3; otherwise
40.2 the court shall impose an assessment of not less than ~~\$500~~ \$750 and not more than
40.3 \$1,000. ~~The mandatory minimum portion of the assessment is to be used for the purposes~~
40.4 ~~described in section 626.558, subdivision 2a, shall be distributed as provided in paragraph~~
40.5 (c) and is in addition to the surcharge required by section 357.021, subdivision 6. ~~Any~~
40.6 ~~portion of the assessment imposed in excess of the mandatory minimum amount shall be~~
40.7 ~~deposited in an account in the special revenue fund and is appropriated annually to the~~
40.8 ~~commissioner of public safety. The commissioner, with the assistance of the General~~
40.9 ~~Crime Victims Advisory Council, shall use money received under this section for grants to~~
40.10 ~~agencies that provide assistance to individuals who have stopped or wish to stop engaging~~
40.11 ~~in prostitution. Grant money may be used to provide these individuals with medical care,~~
40.12 ~~child care, temporary housing, and educational expenses.~~

40.13 (b) The court may not waive payment of the minimum assessment required by
40.14 this section. If the defendant qualifies for the services of a public defender or the court
40.15 finds on the record that the convicted person is indigent or that immediate payment of
40.16 the assessment would create undue hardship for the convicted person or that person's
40.17 immediate family, the court may reduce the amount of the minimum assessment to not
40.18 less than \$100. The court also may authorize payment of the assessment in installments.

40.19 (c) The assessment collected under paragraph (a) must be distributed as follows:

40.20 (1) 40 percent of the assessment shall be forwarded to the political subdivision that
40.21 employs the arresting officer for use in enforcement, training, and education activities
40.22 related to combating sexual exploitation of youth, or if the arresting officer is an employee
40.23 of the state, this portion shall be forwarded to the commissioner of public safety for those
40.24 purposes identified in clause (3);

40.25 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that
40.26 handled the case for use in training and education activities relating to combating sexual
40.27 exploitation activities of youth; and

40.28 (3) 40 percent of the assessment must be forwarded to the commissioner of public
40.29 safety to be deposited in the safe harbor for youth account in the special revenue fund
40.30 and are appropriated to the commissioner for distribution to crime victims services
40.31 organizations that provide services to sexually exploited youth, as defined in section
40.32 260C.007, subdivision 31.

40.33 (d) A safe harbor for youth account is established as a special account in the state
40.34 treasury.

40.35 **EFFECTIVE DATE.** This section is effective August 1, 2011.

41.1 Sec. 8. Minnesota Statutes 2010, section 626.558, subdivision 2a, is amended to read:

41.2 Subd. 2a. ~~Juvenile prostitution~~ **Sexually exploited youth outreach program.** A
41.3 multidisciplinary child protection team may assist the local welfare agency, local law
41.4 enforcement agency, or an appropriate private organization in developing a program of
41.5 outreach services for ~~juveniles who are engaging in prostitution~~ sexually exploited youth,
41.6 including homeless, runaway, and truant youth who are at risk of sexual exploitation.
41.7 For the purposes of this subdivision, at least one representative of a youth intervention
41.8 program or, where this type of program is unavailable, one representative of a nonprofit
41.9 agency serving youth in crisis, shall be appointed to and serve on the multidisciplinary
41.10 child protection team in addition to the standing members of the team. These services may
41.11 include counseling, medical care, short-term shelter, alternative living arrangements, and
41.12 drop-in centers. ~~The county may finance these services by means of the penalty assessment~~
41.13 ~~authorized by section 609.3241.~~ A juvenile's receipt of intervention services under this
41.14 subdivision may not be conditioned upon the juvenile providing any evidence or testimony.

41.15 **EFFECTIVE DATE.** This section is effective August 1, 2011.

41.16 Sec. 9. **SAFE HARBOR FOR SEX TRAFFICKED YOUTH; SEXUALLY**
41.17 **EXPLOITED YOUTH; STATEWIDE VICTIM SERVICES MODEL.**

41.18 (a) If sufficient funding from outside sources is donated, the commissioner of public
41.19 safety shall develop a statewide model as provided in this section. By June 30, 2012, the
41.20 commissioner of public safety, in consultation with the commissioners of health and
41.21 human services, shall develop a victim services model to address the needs of sexually
41.22 exploited youth and youth at risk of sexual exploitation. The commissioner shall take into

41.23 consideration the findings and recommendations as reported to the legislature on the
41.24 results of the safe harbor for sexually exploited youth pilot project authorized by Laws
41.25 2006, chapter 282, article 13, section 4, paragraph (b). In addition, the commissioner
41.26 shall seek recommendations from prosecutors, public safety officials, public health
41.27 professionals, child protection workers, and service providers.

41.28 (b) By January 15, 2013, the commissioner of public safety shall report to the chairs
41.29 and ranking minority members of the senate and house of representatives divisions having
41.30 jurisdiction over health and human services and criminal justice funding and policy on the
41.31 development of the statewide model, including recommendations for additional legislation
41.32 or funding for services for sexually exploited youth or youth at risk of sexual exploitation.

41.33 (c) As used in this section, "sexually exploited youth" has the meaning given in
41.34 section 260C.007, subdivision 31.

42.1 **EFFECTIVE DATE.** This section is effective August 1, 2011.

42.2 Sec. 10. **REPEALER.**

42.3 Minnesota Statutes 2010, sections 260B.141, subdivision 5; and 260C.141,
42.4 subdivision 6, are repealed.

42.5 **EFFECTIVE DATE.** This section is effective August 1, 2014.

42.6 **ARTICLE 6**

42.7 **PROSTITUTION CRIMES**

42.8 Section 1. Minnesota Statutes 2010, section 609.321, subdivision 4, is amended to read:

42.9 Subd. 4. **Patron.** "Patron" means an individual who ~~hires or offers or agrees~~
42.10 engages in prostitution by hiring, offering to hire, or agreeing to hire another individual to
42.11 engage in sexual penetration or sexual contact.

42.12 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
42.13 committed on or after that date.

42.14 Sec. 2. Minnesota Statutes 2010, section 609.321, subdivision 8, is amended to read:

42.15 Subd. 8. **Prostitute.** "Prostitute" means an individual who engages in prostitution
42.16 by being hired, offering to be hired, or agreeing to be hired by another individual to
42.17 engage in sexual penetration or sexual contact.

42.18 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
42.19 committed on or after that date.

42.20 Sec. 3. Minnesota Statutes 2010, section 609.321, subdivision 9, is amended to read:

42.21 Subd. 9. **Prostitution.** "Prostitution" means ~~engaging or offering or agreeing to~~
42.22 ~~engage for hire~~ hiring, offering to hire, or agreeing to hire another individual to engage in
42.23 sexual penetration or sexual contact, or being hired, offering to be hired, or agreeing to be
42.24 hired by another individual to engage in sexual penetration or sexual contact.

42.25 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
42.26 committed on or after that date.

42.27 Sec. 4. Minnesota Statutes 2010, section 609.324, subdivision 2, is amended to read:

43.1 Subd. 2. **Prostitution in public place; penalty for patrons.** Whoever, while acting
43.2 as a patron, intentionally does any of the following while in a public place is guilty of a
43.3 gross misdemeanor:

43.4 (1) engages in prostitution with an individual 18 years of age or older; or

43.5 (2) hires ~~or~~ offers to hire, or agrees to hire an individual 18 years of age or older to
43.6 engage in sexual penetration or sexual contact.

43.7 Except as otherwise provided in subdivision 4, a person who is convicted of violating this
43.8 subdivision ~~while acting as a patron~~ must, at a minimum, be sentenced to pay a fine
43.9 of at least \$1,500.

43.10 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
43.11 committed on or after that date.

43.12 Sec. 5. Minnesota Statutes 2010, section 609.324, subdivision 3, is amended to read:

43.13 Subd. 3. **General prostitution crimes; penalties for patrons.** (a) Whoever, while
43.14 acting as a patron, intentionally does any of the following is guilty of a misdemeanor:

43.15 (1) engages in prostitution with an individual 18 years of age or ~~above~~ older; or

43.16 (2) hires ~~or~~ offers to hire, or agrees to hire an individual 18 years of age or ~~above~~
43.17 older to engage in sexual penetration or sexual contact. Except as otherwise provided in
43.18 subdivision 4, a person who is convicted of violating this paragraph ~~while acting as a~~
43.19 ~~patron~~ must, at a minimum, be sentenced to pay a fine of at least \$500.

43.20 (b) Whoever violates the provisions of this subdivision within two years of a
43.21 previous prostitution conviction for violating this section or section 609.322 is guilty
43.22 of a gross misdemeanor. Except as otherwise provided in subdivision 4, a person who
43.23 is convicted of violating this paragraph ~~while acting as a patron~~ must, at a minimum,
43.24 be sentenced as follows:

43.25 (1) to pay a fine of at least \$1,500; and

43.26 (2) to serve 20 hours of community work service.

43.27 The court may waive the mandatory community work service if it makes specific,
43.28 written findings that the community work service is not feasible or appropriate under the
43.29 circumstances of the case.

43.30 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
43.31 committed on or after that date.

43.32 Sec. 6. Minnesota Statutes 2010, section 609.324, is amended by adding a subdivision
43.33 to read:

44.1 Subd. 6. **Prostitution in public place; penalty for prostitutes.** Whoever, while
44.2 acting as a prostitute, intentionally does any of the following while in a public place is
44.3 guilty of a gross misdemeanor:

44.4 (1) engages in prostitution with an individual 18 years of age or older; or

44.5 (2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age
44.6 or older to engage in sexual penetration or sexual contact.

44.7 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
44.8 committed on or after that date.

44.9 Sec. 7. Minnesota Statutes 2010, section 609.324, is amended by adding a subdivision
44.10 to read:

44.11 Subd. 7. **General prostitution crimes; penalties for prostitutes.** (a) Whoever,
44.12 while acting as a prostitute, intentionally does any of the following is guilty of a
44.13 misdemeanor:

44.14 (1) engages in prostitution with an individual 18 years of age or older; or

44.15 (2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age
44.16 or older to engage in sexual penetration or sexual contact.

44.17 (b) Whoever violates the provisions of this subdivision within two years of a
44.18 previous prostitution conviction for violating this section or section 609.322 is guilty
44.19 of a gross misdemeanor.

44.20 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
44.21 committed on or after that date.