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State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 1

07/19/2011 Authored by Cornish and Smith  
The bill was read for the first time.

1.1 A bill for an act  
1.2 relating to public safety; modifying certain provisions relating to public safety,  
1.3 courts and sentencing, sexually exploited youth, and prostitution crimes;  
1.4 requesting studies; requesting reports; providing for penalties; appropriating  
1.5 money for public safety, corrections, human rights, courts, civil legal services,  
1.6 Guardian Ad Litem Board, Uniform Laws Commission, Board on Judicial  
1.7 Standards, and sentencing guidelines; amending Minnesota Statutes 2010,  
1.8 sections 169.797, subdivision 4; 243.212; 260B.007, subdivisions 6, 16;  
1.9 260C.007, subdivisions 6, 11, by adding a subdivision; 260C.331, subdivision  
1.10 3; 297I.06, subdivision 3; 357.021, subdivision 6; 563.01, subdivision 3;  
1.11 609.321, subdivisions 4, 8, 9; 609.324, subdivisions 2, 3, by adding subdivisions;  
1.12 609.3241; 626.558, subdivision 2a; 626.8458, subdivision 5; 641.15, subdivision  
1.13 2; proposing coding for new law in Minnesota Statutes, chapter 609.

1.14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.15 ARTICLE 1  
1.16 APPROPRIATIONS

1.17 Section 1. SUMMARY OF APPROPRIATIONS.

1.18 The amounts shown in this section summarize direct appropriations, by fund, made  
1.19 in this article.

	<u>2012</u>	<u>2013</u>	<u>Total</u>
1.20			
1.21	\$ <u>901,449,000</u>	\$ <u>905,908,000</u>	\$ <u>1,807,357,000</u>
1.22			
1.23			
1.24			
1.25	<u>70,051,000</u>	<u>67,436,000</u>	<u>137,487,000</u>
1.26	<u>69,000</u>	<u>69,000</u>	<u>138,000</u>
1.27			
1.28	<u>15,901,000</u>	<u>15,902,000</u>	<u>31,803,000</u>

2.1	<u>Trunk</u>			
2.2	<u>Highway</u>		<u>1,941,000</u>	<u>1,941,000</u> <u>3,882,000</u>
2.3	<b><u>Total</u></b>	<b>\$</b>	<b><u>989,411,000</u></b>	<b>\$</b> <b><u>991,256,000</u></b> <b>\$</b> <b><u>1,980,667,000</u></b>

2.4      Sec. 2. **APPROPRIATIONS.**

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

2.12		<b><u>APPROPRIATIONS</u></b>
2.13		<b><u>Available for the Year</u></b>
2.14		<b><u>Ending June 30</u></b>
2.15		<b><u>2012</u></b> <b><u>2013</u></b>

2.16      Sec. 3. **SUPREME COURT**

2.17	<u>Subdivision 1. <b>Total Appropriation</b></u>	<b>\$</b>	<b><u>41,474,000</u></b>	<b>\$</b>	<b><u>41,775,000</u></b>
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2.18      The amounts that may be spent for each  
2.19 purpose are specified in the following  
2.20 subdivisions.

2.21	<u>Subd. 2. <b>Supreme Court Operations</b></u>		<u>30,458,000</u>		<u>30,759,000</u>
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2.22      (a) **Contingent Account.** \$5,000 each year  
2.23 is for a contingent account for expenses  
2.24 necessary for the normal operation of the  
2.25 court for which no other reimbursement is  
2.26 provided.

2.27      (b) **Employee Health Care.** The chief justice  
2.28 of the Supreme Court is requested to study  
2.29 and report to the chairs and ranking minority  
2.30 members of the house of representatives and  
2.31 senate committees with jurisdiction over  
2.32 judiciary finance by January 15, 2012, on  
2.33 the advantages and disadvantages of having  
2.34 judicial branch officials and employees

3.1 leave the state employee group insurance  
 3.2 program and form their own group benefit  
 3.3 plan, including the option of shifting to a  
 3.4 plan based on high-deductible health savings  
 3.5 accounts.

3.6 **(c) Judicial and Referee Vacancies.**

3.7 The Supreme Court shall not certify a  
 3.8 judicial or referee vacancy under Minnesota  
 3.9 Statutes, section 2.722, until it has examined  
 3.10 alternative options, such as temporarily  
 3.11 suspending certification of the vacant  
 3.12 position or assigning a retired judge to  
 3.13 temporarily fill the position.

3.14 **Subd. 3. Civil Legal Services** 11,016,000 11,016,000

3.15 **(a) Legal Services to Low-Income**

3.16 **Clients in Family Law Matters.** Of this  
 3.17 appropriation, \$877,000 each year is to  
 3.18 improve the access of low-income clients to  
 3.19 legal representation in family law matters.

3.20 This appropriation must be distributed  
 3.21 under Minnesota Statutes, section 480.242,  
 3.22 to the qualified legal services programs  
 3.23 described in Minnesota Statutes, section  
 3.24 480.242, subdivision 2, paragraph (a). Any  
 3.25 unencumbered balance remaining in the first  
 3.26 year does not cancel and is available in the  
 3.27 second year.

3.28 **(b) Case Priorities.** For legal services  
 3.29 funded by state funds, priority must be  
 3.30 given to clients with civil matters within the  
 3.31 jurisdiction of the state courts or agencies.

3.32 **Sec. 4. COURT OF APPEALS** **\$ 10,106,000 \$ 10,228,000**

3.33 **Sec. 5. TRIAL COURTS** **\$ 233,511,000 \$ 236,828,000**

4.1	Sec. 6. <b><u>GUARDIAN AD LITEM BOARD</u></b>	<b><u>\$</u></b>	<b><u>12,067,000</u></b>	<b><u>\$</u></b>	<b><u>12,067,000</u></b>
4.2	<b><u>Case priority.</u></b> The board shall assign				
4.3	<u>guardians to clients who are entitled by</u>				
4.4	<u>statute to representation prior to clients for</u>				
4.5	<u>whom the courts request guardians but who</u>				
4.6	<u>are not entitled to a guardian under statute.</u>				
4.7	Sec. 7. <b><u>TAX COURT</u></b>	<b><u>\$</u></b>	<b><u>825,000</u></b>	<b><u>\$</u></b>	<b><u>825,000</u></b>
4.8	<b><u>Operating schedule.</u></b> At least one tax court				
4.9	<u>judge shall hold hearings and meetings or</u>				
4.10	<u>otherwise conduct regular business on all</u>				
4.11	<u>days that executive branch agencies are open</u>				
4.12	<u>for business.</u>				
4.13	Sec. 8. <b><u>UNIFORM LAWS COMMISSION</u></b>	<b><u>\$</u></b>	<b><u>49,000</u></b>	<b><u>\$</u></b>	<b><u>49,000</u></b>
4.14	Sec. 9. <b><u>BOARD ON JUDICIAL STANDARDS</u></b>	<b><u>\$</u></b>	<b><u>746,000</u></b>	<b><u>\$</u></b>	<b><u>456,000</u></b>
4.15	<u>(a) \$290,000 in fiscal year 2012 is for the</u>				
4.16	<u>Board on Judicial Standards for deficiencies</u>				
4.17	<u>occurring in fiscal year 2011.</u>				
4.18	<u>(b) \$125,000 each year is for special</u>				
4.19	<u>investigative and hearing costs for major</u>				
4.20	<u>disciplinary actions undertaken by the</u>				
4.21	<u>board. This appropriation does not cancel.</u>				
4.22	<u>Any encumbered and unspent balances</u>				
4.23	<u>remain available for these expenditures in</u>				
4.24	<u>subsequent fiscal years.</u>				
4.25	Sec. 10. <b><u>BOARD OF PUBLIC DEFENSE</u></b>	<b><u>\$</u></b>	<b><u>65,976,000</u></b>	<b><u>\$</u></b>	<b><u>65,976,000</u></b>
4.26	<u>The Board must use additional state funding</u>				
4.27	<u>beyond the projected fiscal year 2012</u>				
4.28	<u>and 2013 baseline appropriation for any</u>				
4.29	<u>or all of the following: constitutionally</u>				
4.30	<u>mandated services required under Padilla v.</u>				
4.31	<u>Kentucky, 130 S. Ct. 1473 (2010), increased</u>				

5.1 transcript costs, expert witness costs, and  
 5.2 investigations, and to alleviate caseloads by  
 5.3 hiring additional public defenders. The board  
 5.4 may prioritize expenditures as it deems most  
 5.5 appropriate.

5.6 Sec. 11. **PUBLIC SAFETY**

5.7 **Subdivision 1. Total**

5.8 **Appropriation** **\$ 159,987,000** **\$ 157,373,000**

5.9 Appropriations by Fund

	<u>2012</u>	<u>2013</u>
5.11 <u>General</u>	<u>76,685,000</u>	<u>76,685,000</u>
5.12 <u>Special Revenue</u>	<u>11,241,000</u>	<u>11,242,000</u>
5.13 <u>State Government</u>		
5.14 <u>Special Revenue</u>	<u>70,051,000</u>	<u>67,436,000</u>
5.15 <u>Environmental</u>	<u>69,000</u>	<u>69,000</u>
5.16 <u>Trunk Highway</u>	<u>1,941,000</u>	<u>1,941,000</u>

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

5.20 **Subd. 2. Emergency**  
 5.21 **Management**

2,525,000 2,525,000

5.22 Appropriations by Fund

5.23 <u>General</u>	<u>1,852,000</u>	<u>1,852,000</u>
5.24 <u>Special Revenue</u>	<u>604,000</u>	<u>604,000</u>
5.25 <u>Environmental</u>	<u>69,000</u>	<u>69,000</u>

5.26 **Hazmat and Chemical Assessment Teams.**

5.27 \$604,000 each year is appropriated from the  
 5.28 fire safety account in the special revenue  
 5.29 fund. These amounts must be used to  
 5.30 fund the hazardous materials and chemical  
 5.31 assessment teams.

5.32 **Subd. 3. Criminal**  
 5.33 **Apprehension**

42,237,000 42,237,000

5.34 Appropriations by Fund

5.35 <u>General</u>	<u>40,289,000</u>	<u>40,289,000</u>
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6.1	<u>State Government</u>		
6.2	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
6.3	<u>Trunk Highway</u>	<u>1,941,000</u>	<u>1,941,000</u>
6.4	<b><u>DWI Lab Analysis; Trunk Highway Fund.</u></b>		
6.5	<u>Notwithstanding Minnesota Statutes, section</u>		
6.6	<u>161.20, subdivision 3, \$1,941,000 each year</u>		
6.7	<u>is appropriated from the trunk highway fund</u>		
6.8	<u>for laboratory analysis related to driving</u>		
6.9	<u>while impaired cases.</u>		
6.10	<b><u>Subd. 4. Fire Marshal</u></b>		<u>9,984,000</u> <u>9,985,000</u>
6.11	<u>This appropriation is from the fire safety</u>		
6.12	<u>account in the special revenue fund and is for</u>		
6.13	<u>activities under Minnesota Statutes, section</u>		
6.14	<u>299F.012.</u>		
6.15	<u>Of this amount: (1) \$5,757,000 each year</u>		
6.16	<u>is for activities under Minnesota Statutes,</u>		
6.17	<u>section 299F.012; and (2) \$4,227,000 the first</u>		
6.18	<u>year and \$4,228,000 the second year are for</u>		
6.19	<u>transfers to the general fund under Minnesota</u>		
6.20	<u>Statutes, section 297I.06, subdivision 3.</u>		
6.21	<b><u>Subd. 5. Alcohol and</u></b>		
6.22	<b><u>Gambling Enforcement</u></b>		<u>2,236,000</u> <u>2,236,000</u>
6.23	<u>Appropriations by Fund</u>		
6.24	<u>General</u>	<u>1,583,000</u>	<u>1,583,000</u>
6.25	<u>Special Revenue</u>	<u>653,000</u>	<u>653,000</u>
6.26	<u>This appropriation is from the alcohol</u>		
6.27	<u>enforcement account in the special revenue</u>		
6.28	<u>fund. Of this appropriation, \$500,000 each</u>		
6.29	<u>year shall be transferred to the general fund.</u>		
6.30	<u>The transfer amount for fiscal year 2014 and</u>		
6.31	<u>fiscal year 2015 shall be \$500,000 per year.</u>		
6.32	<b><u>Subd. 6. Office of Justice</u></b>		
6.33	<b><u>Programs</u></b>		<u>33,057,000</u> <u>33,057,000</u>

7.1	<u>Appropriations by Fund</u>		
7.2	<u>General</u>	<u>32,961,000</u>	<u>32,961,000</u>
7.3	<u>State Government</u>		
7.4	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>
7.5	<b><u>Administration Costs.</u></b> Up to 2.5 percent		
7.6	of the grant money appropriated in this		
7.7	subdivision may be used to administer the		
7.8	grant program.		
7.9	<b><u>Subd. 7. Emergency</u></b>		
7.10	<b><u>Communication Networks</u></b>	<u>69,948,000</u>	<u>67,333,000</u>
7.11	<u>This appropriation is from the state</u>		
7.12	<u>government special revenue fund for 911</u>		
7.13	<u>emergency telecommunications services.</u>		
7.14	<b><u>(a) Public Safety Answering Points.</u></b>		
7.15	<u>\$13,664,000 each year is to be distributed</u>		
7.16	<u>as provided in Minnesota Statutes, section</u>		
7.17	<u>403.113, subdivision 2.</u>		
7.18	<b><u>(b) Medical Resource Communication</u></b>		
7.19	<b><u>Centers.</u></b> \$683,000 each year is for grants		
7.20	<u>to the Minnesota Emergency Medical</u>		
7.21	<u>Services Regulatory Board for the Metro</u>		
7.22	<u>East and Metro West Medical Resource</u>		
7.23	<u>Communication Centers that were in</u>		
7.24	<u>operation before January 1, 2000.</u>		
7.25	<b><u>(c) ARMER Debt Service.</u></b> \$23,261,000		
7.26	<u>each year is to the commissioner of</u>		
7.27	<u>management and budget to pay debt service</u>		
7.28	<u>on revenue bonds issued under Minnesota</u>		
7.29	<u>Statutes, section 403.275.</u>		
7.30	<u>Any portion of this appropriation not needed</u>		
7.31	<u>to pay debt service in a fiscal year may be</u>		
7.32	<u>used by the commissioner of public safety to</u>		
7.33	<u>pay cash for any of the capital improvements</u>		
7.34	<u>for which bond proceeds were appropriated</u>		
7.35	<u>by Laws 2005, chapter 136, article 1, section</u>		

8.1 9, subdivision 8, or Laws 2007, chapter 54,  
8.2 article 1, section 10, subdivision 8.

8.3 **(d) Metropolitan Council Debt Service.**

8.4 \$1,410,000 each year is to the commissioner  
8.5 of management and budget for payment to  
8.6 the Metropolitan Council for debt service  
8.7 on bonds issued under Minnesota Statutes,  
8.8 section 403.27.

8.9 **(e) ARMER State Backbone Operating**

8.10 **Costs.** \$8,300,000 the first year and  
8.11 \$8,650,000 the second year are to the  
8.12 commissioner of transportation for costs  
8.13 of maintaining and operating the statewide  
8.14 radio system backbone.

8.15 **(f) ARMER Improvements.** \$1,000,000

8.16 each year is for the Statewide Radio Board  
8.17 for costs of design, construction, maintenance  
8.18 of, and improvements to those elements  
8.19 of the statewide public safety radio and  
8.20 communication system that support mutual  
8.21 aid communications and emergency medical  
8.22 services or provide enhancement of public  
8.23 safety communication interoperability.

8.24 **Sec. 12. PEACE OFFICER STANDARDS**  
8.25 **AND TRAINING (POST) BOARD**

**\$ 3,770,000 \$ 3,770,000**

8.26 **(a) Excess Amounts Transferred.** This

8.27 appropriation is from the peace officer  
8.28 training account in the special revenue fund.  
8.29 Any new receipts credited to that account in  
8.30 the first year in excess of \$3,770,000 must be  
8.31 transferred and credited to the general fund.  
8.32 Any new receipts credited to that account in  
8.33 the second year in excess of \$3,770,000 must  
8.34 be transferred and credited to the general  
8.35 fund.

9.1 **(b) Peace Officer Training**  
 9.2 **Reimbursements.** \$2,634,000 each  
 9.3 year is for reimbursements to local  
 9.4 governments for peace officer training costs.

9.5 Sec. 13. **PRIVATE DETECTIVE BOARD**        \$            **120,000** \$            **120,000**

9.6 Sec. 14. **HUMAN RIGHTS**                        \$            **3,171,000** \$            **3,171,000**

9.7 Sec. 15. **DEPARTMENT OF CORRECTIONS**

9.8 **Subdivision 1. Total**

9.9 **Appropriation**                                        \$            **457,023,000** \$            **458,032,000**

9.10                                        Appropriations by Fund

9.11		<u>2012</u>	<u>2013</u>
9.12	<u>General</u>	<u>456,133,000</u>	<u>457,142,000</u>
9.13	<u>Special Revenue</u>	<u>890,000</u>	<u>890,000</u>

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

9.17 **Subd. 2. Correctional**  
 9.18 **Institutions**

327,182,000            328,191,000

9.19                                        Appropriations by Fund

9.20	<u>General</u>	<u>326,602,000</u>	<u>327,611,000</u>
9.21	<u>Special Revenue</u>	<u>580,000</u>	<u>580,000</u>

9.22 The general fund base for this program shall  
 9.23 be \$330,000,000 in fiscal year 2014 and  
 9.24 \$332,852,000 in fiscal year 2015.

9.25 **Correctional Study.** In implementing  
 9.26 this appropriation the commissioner of  
 9.27 corrections shall consider studying the  
 9.28 following topics:

9.29 (1) adoption of an earned credit program for  
 9.30 inmates in the state correctional facilities  
 9.31 similar to the programs in 36 other states;

10.1 (2) the federal immigration and customs  
 10.2 enforcement rapid REPAT program and the  
 10.3 potential for the state to participate in the  
 10.4 program;

10.5 (3) expanding the use of medical and other  
 10.6 forms of early release;

10.7 (4) the feasibility of closing a wing or an  
 10.8 entire state facility or leasing vacant prison  
 10.9 space to house inmates from other states;

10.10 (5) reducing inmate medical costs; and

10.11 (6) reforming the department's role in the  
 10.12 juvenile justice system including closing  
 10.13 juvenile facilities.

10.14 **Subd. 3. Community**  
 10.15 **Services**

108,937,000

108,937,000

10.16 Appropriations by Fund

10.17 General 108,837,000 108,837,000

10.18 Special Revenue 100,000 100,000

10.19 **Probation Revocation Reform. In**  
 10.20 implementing this appropriation the  
 10.21 commissioner of corrections, in consultation  
 10.22 with staff of the Sentencing Guidelines  
 10.23 Commission and representatives from  
 10.24 community corrections agencies, shall  
 10.25 consider developing performance incentives  
 10.26 for counties to reduce the number of  
 10.27 probation revocations. The commissioner  
 10.28 is encouraged to review policies in states  
 10.29 that have implemented performance  
 10.30 incentive programs. In implementing  
 10.31 this appropriation the commissioner shall  
 10.32 consider examining:

10.33 (1) the revocation rate differences between  
 10.34 counties;

11.1 (2) granting earned compliance credits for  
 11.2 offenders on probation;  
 11.3 (3) recent innovations in probation services,  
 11.4 such as the HOPE program and the  
 11.5 Georgia model, to determine the feasibility  
 11.6 of implementing similar programs in  
 11.7 Minnesota;  
 11.8 (4) limiting prison time for first time  
 11.9 probation revocations; and  
 11.10 (5) the impact of adopting one, unified  
 11.11 probation and supervised release delivery  
 11.12 system in the state.

11.13 **Subd. 4. Operations**  
 11.14 **Support**

20,904,000

20,904,000

11.15 Appropriations by Fund

11.16 <u>General</u>	<u>20,694,000</u>	<u>20,694,000</u>
11.17 <u>Special Revenue</u>	<u>210,000</u>	<u>210,000</u>

11.18 **Subd. 5. Transfers**

11.19 (a) MINNCOR. Notwithstanding Minnesota  
 11.20 Statutes, section 241.27, the commissioner  
 11.21 of management and budget shall transfer  
 11.22 \$600,000 the first year and \$600,000 the  
 11.23 second year from the Minnesota correctional  
 11.24 industries revolving fund to the general fund.  
 11.25 These are onetime transfers.

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

11.27 Notwithstanding any law to the contrary,  
 11.28 the commissioner of management and  
 11.29 budget shall transfer \$400,000 the first year  
 11.30 and \$400,000 the second year from the  
 11.31 Department of Corrections' special revenue  
 11.32 accounts to the general fund. These are  
 11.33 onetime transfers. The commissioner of  
 11.34 corrections shall adjust expenditures to stay  
 11.35 within the remaining revenues.



13.1 safety account in the special revenue fund to the general fund to offset the loss of revenue  
 13.2 caused by the repeal of the one-half of one percent tax on fire insurance premiums.

13.3 Sec. 3. Minnesota Statutes 2010, section 626.8458, subdivision 5, is amended to read:

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

13.12 Sec. 4. Minnesota Statutes 2010, section 641.15, subdivision 2, is amended to read:

13.13 Subd. 2. **Medical aid.** Except as provided in section 466.101, the county board  
 13.14 shall pay the costs of medical services provided to prisoners pursuant to this section.  
 13.15 The amount paid by the ~~Anoka~~ county board for a medical service shall not exceed the  
 13.16 maximum allowed medical assistance payment rate for the service, as determined by  
 13.17 the commissioner of human services. ~~For all other counties,~~ In the absence of a health  
 13.18 or medical insurance or health plan that has a contractual obligation with the provider or  
 13.19 the prisoner, medical providers shall charge no higher than the rate negotiated between  
 13.20 the county and the provider. In the absence of an agreement between the county and the  
 13.21 provider, the provider may not charge ~~no more than the discounted rate the provider~~  
 13.22 ~~has negotiated with the nongovernmental third-party payer that provided the most~~  
 13.23 ~~revenue to the provider during the previous calendar year~~ an amount that exceeds the  
 13.24 maximum allowed medical assistance payment rate for the service, as determined by  
 13.25 the commissioner of human services. The county is entitled to reimbursement from the  
 13.26 prisoner for payment of medical bills to the extent that the prisoner to whom the medical  
 13.27 aid was provided has the ability to pay the bills. The prisoner shall, at a minimum, incur  
 13.28 co-payment obligations for health care services provided by a county correctional facility.  
 13.29 The county board shall determine the co-payment amount. Notwithstanding any law to the  
 13.30 contrary, the co-payment shall be deducted from any of the prisoner's funds held by the  
 13.31 county, to the extent possible. If there is a disagreement between the county and a prisoner  
 13.32 concerning the prisoner's ability to pay, the court with jurisdiction over the defendant shall  
 13.33 determine the extent, if any, of the prisoner's ability to pay for the medical services. If  
 13.34 a prisoner is covered by health or medical insurance or other health plan when medical

14.1 services are provided, the medical provider shall bill that health or medical insurance or  
 14.2 other plan. If the county providing the medical services for a prisoner that has coverage  
 14.3 under health or medical insurance or other plan, that county has a right of subrogation to  
 14.4 be reimbursed by the insurance carrier for all sums spent by it for medical services to the  
 14.5 prisoner that are covered by the policy of insurance or health plan, in accordance with the  
 14.6 benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or  
 14.7 health plan. The county may maintain an action to enforce this subrogation right. The  
 14.8 county does not have a right of subrogation against the medical assistance program or the  
 14.9 general assistance medical care program.

14.10 Sec. 5. **ACQUISITION OF EASEMENT; MINNESOTA CORRECTIONAL**  
 14.11 **FACILITY IN FARIBAULT.**

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

14.17 Sec. 6. **EFFECTIVE DATE.**

14.18 Sections 1 to 5 are effective the day following final enactment.

14.19 **ARTICLE 3**

14.20 **COURTS AND SENTENCING**

14.21 Section 1. Minnesota Statutes 2010, section 169.797, subdivision 4, is amended to read:

14.22 Subd. 4. **Penalty.** (a) A person who violates this section is guilty of a misdemeanor.  
 14.23 A person is guilty of a gross misdemeanor who violates this section within ten years  
 14.24 of the first of two prior convictions under this section, section 169.791, or a statute or  
 14.25 ordinance in conformity with one of those sections. The operator of a vehicle who violates  
 14.26 subdivision 3 and who causes or contributes to causing a vehicle accident that results in  
 14.27 the death of any person or in substantial bodily harm to any person, as defined in section  
 14.28 609.02, subdivision 7a, is guilty of a gross misdemeanor. The same prosecuting authority  
 14.29 who is responsible for prosecuting misdemeanor violations of this section is responsible  
 14.30 for prosecuting gross misdemeanor violations of this section. In addition to any sentence  
 14.31 of imprisonment that the court may impose on a person convicted of violating this section,  
 14.32 the court shall impose a fine of not less than \$200 nor more than the maximum amount

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

15.3 (b) A driver who is the owner of the vehicle may, no later than the date and time  
15.4 specified in the citation for the driver's first court appearance, produce proof of insurance  
15.5 stating that security had been provided for the vehicle that was being operated at the time  
15.6 of demand to the court administrator. The required proof of insurance may be sent by mail  
15.7 by the driver as long as it is received no later than the date and time specified in the  
15.8 citation for the driver's first court appearance. If a citation is issued, no person shall be  
15.9 convicted of violating this section if the court administrator receives the required proof of  
15.10 insurance no later than the date and time specified in the citation for the driver's first court  
15.11 appearance. If the charge is made other than by citation, no person shall be convicted of  
15.12 violating this section if the person presents the required proof of insurance at the person's  
15.13 first court appearance after the charge is made.

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

15.19 (d) If the driver is not the owner of the vehicle, the officer may send or provide a  
15.20 notice to the owner of the vehicle requiring the owner to produce proof of insurance for  
15.21 the vehicle that was being operated at the time of the demand. Notice by mail is presumed  
15.22 to be received five days after mailing and shall be sent to the owner's current address or the  
15.23 address listed on the owner's driver's license. Within ten days after receipt of the notice,  
15.24 the owner shall produce the required proof of insurance to the place stated in the notice  
15.25 received by the owner. The required proof of insurance may be sent by mail by the owner  
15.26 as long as it is received within ten days. Any owner who fails to produce proof of insurance  
15.27 within ten days of an officer's request under this subdivision is guilty of a misdemeanor.  
15.28 The peace officer may mail the citation to the owner's current address or address stated  
15.29 on the owner's driver's license. It is an affirmative defense to a charge against the owner  
15.30 that the driver used the owner's vehicle without consent, if insurance would not have been  
15.31 required in the absence of the unauthorized use by the driver. It is not a defense that a  
15.32 person failed to notify the Department of Public Safety of a change of name or address as  
15.33 required under section 171.11. The citation may be sent after the ten-day period.

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

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

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

16.11 Sec. 2. Minnesota Statutes 2010, section 260C.331, subdivision 3, is amended to read:

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

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

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

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

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

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

16.27 Sec. 3. Minnesota Statutes 2010, section 357.021, subdivision 6, is amended to read:

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

17.1 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,  
17.2 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance  
17.3 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the  
17.4 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to  
17.5 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person  
17.6 is convicted of a petty misdemeanor for which no fine is imposed.

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

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

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

17.16 (e) If the convicted person is sentenced to imprisonment and has not paid the  
17.17 surcharge before the term of imprisonment begins, the chief executive officer of the  
17.18 correctional facility in which the convicted person is incarcerated shall collect the  
17.19 surcharge from any earnings the inmate accrues from work performed in the facility  
17.20 or while on conditional release. The chief executive officer shall forward the amount  
17.21 collected to the court administrator or other entity collecting the surcharge imposed by  
17.22 the court.

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

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

17.30 Sec. 4. Minnesota Statutes 2010, section 563.01, subdivision 3, is amended to read:

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

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

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

18.11 (c) If, at or following commencement of the action, the party is or becomes able to  
18.12 pay all or a portion of the fees, costs, and security for costs, the court may order payment  
18.13 of a fee of \$75 or reimbursement or partial payment of all or a portion of the fees, costs,  
18.14 and security for costs, to be paid as directed by the court.

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

18.17 Sec. 5. **EFFECTIVE DATE.**

18.18 Sections 1 to 4 are effective the day following final enactment.

## 18.19 ARTICLE 4

### 18.20 SEXUALLY EXPLOITED YOUTH

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

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

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

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

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

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

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

19.4 (c) The term delinquent child does not include a child under the age of 16 years  
 19.5 alleged to have engaged in conduct which would, if committed by an adult, violate any  
 19.6 federal, state, or local law relating to being hired, offering to be hired, or agreeing to be  
 19.7 hired by another individual to engage in sexual penetration or sexual conduct.

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

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

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

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

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

19.19 (1) a misdemeanor-level violation of section 518B.01, 588.20, 609.224, 609.2242,  
 19.20 609.324, 609.5632, 609.576, 609.66, 609.746, 609.748, 609.79, or 617.23;

19.21 (2) a major traffic offense or an adult court traffic offense, as described in section  
 19.22 260B.225;

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

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

19.32 (d) A child who commits a juvenile petty offense is a "juvenile petty offender." The  
 19.33 term juvenile petty offender does not include a child under the age of 16 years alleged  
 19.34 to have violated any law relating to being hired, offering to be hired, or agreeing to be

20.1 hired by another individual to engage in sexual penetration or sexual conduct which, if  
 20.2 committed by an adult, would be a misdemeanor.

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

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

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

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

20.9 (2)(i) has been a victim of physical or sexual abuse as defined in section 626.556,  
 20.10 subdivision 2, (ii) resides with or has resided with a victim of child abuse as defined in  
 20.11 subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or  
 20.12 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or  
 20.13 child abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment  
 20.14 as defined in subdivision 15;

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

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

20.21 (5) is medically neglected, which includes, but is not limited to, the withholding of  
 20.22 medically indicated treatment from a disabled infant with a life-threatening condition. The  
 20.23 term "withholding of medically indicated treatment" means the failure to respond to the  
 20.24 infant's life-threatening conditions by providing treatment, including appropriate nutrition,  
 20.25 hydration, and medication which, in the treating physician's or physicians' reasonable  
 20.26 medical judgment, will be most likely to be effective in ameliorating or correcting all  
 20.27 conditions, except that the term does not include the failure to provide treatment other  
 20.28 than appropriate nutrition, hydration, or medication to an infant when, in the treating  
 20.29 physician's or physicians' reasonable medical judgment:

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

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

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

- 21.1 (6) is one whose parent, guardian, or other custodian for good cause desires to be  
 21.2 relieved of the child's care and custody, including a child who entered foster care under a  
 21.3 voluntary placement agreement between the parent and the responsible social services  
 21.4 agency under section 260C.212, subdivision 8;
- 21.5 (7) has been placed for adoption or care in violation of law;
- 21.6 (8) is without proper parental care because of the emotional, mental, or physical  
 21.7 disability, or state of immaturity of the child's parent, guardian, or other custodian;
- 21.8 (9) is one whose behavior, condition, or environment is such as to be injurious or  
 21.9 dangerous to the child or others. An injurious or dangerous environment may include, but  
 21.10 is not limited to, the exposure of a child to criminal activity in the child's home;
- 21.11 (10) is experiencing growth delays, which may be referred to as failure to thrive, that  
 21.12 have been diagnosed by a physician and are due to parental neglect;
- 21.13 (11) has engaged in prostitution as defined in section 609.321, subdivision 9;
- 21.14 (12) has committed a delinquent act or a juvenile petty offense before becoming  
 21.15 ten years old;
- 21.16 (13) is a runaway;
- 21.17 (14) is a habitual truant;
- 21.18 (15) has been found incompetent to proceed or has been found not guilty by reason  
 21.19 of mental illness or mental deficiency in connection with a delinquency proceeding, a  
 21.20 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a  
 21.21 proceeding involving a juvenile petty offense; ~~or~~
- 21.22 (16) has a parent whose parental rights to one or more other children were  
 21.23 involuntarily terminated or whose custodial rights to another child have been involuntarily  
 21.24 transferred to a relative and there is a case plan prepared by the responsible social services  
 21.25 agency documenting a compelling reason why filing the termination of parental rights  
 21.26 petition under section 260C.301, subdivision 3, is not in the best interests of the child; or  
 21.27 (17) is a sexually exploited youth.

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

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

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

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

21.33 ~~(2) who has violated a federal law or a law of another state and whose case has been~~  
 21.34 ~~referred to the juvenile court if the violation would be an act of delinquency if committed~~

22.1 ~~in this state or a crime or offense if committed by an adult~~ has the meaning given in  
 22.2 section 260B.007, subdivision 6.

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

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

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

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

22.12 (2) is a victim of a crime described in section 609.342, 609.343, 609.345, 609.3451,  
 22.13 609.3453, 609.352, 617.246, or 617.247;

22.14 (3) is a victim of a crime described in United States Code, title 18, section 2260;  
 22.15 2421; 2422; 2423; 2425; 2425A; or 2256; or

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

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

22.18 Sec. 6. **[609.093] JUVENILE PROSTITUTES; DIVERSION OR CHILD**  
 22.19 **PROTECTION PROCEEDINGS.**

22.20 **Subdivision 1. First-time prostitution offense; applicability; procedure.** (a) This  
 22.21 section applies to a 16 or 17 year old child alleged to have engaged in prostitution as  
 22.22 defined in section 609.321, subdivision 9, who:

22.23 (1) has not been previously adjudicated delinquent for engaging in prostitution as  
 22.24 defined in section 609.321, subdivision 9;

22.25 (2) has not previously participated in or completed a diversion program for engaging  
 22.26 in prostitution as defined in section 609.321, subdivision 9;

22.27 (3) has not previously been placed on probation without an adjudication or received  
 22.28 a continuance under section 260B.198, subdivision 7, for engaging in prostitution as  
 22.29 defined in section 609.321, subdivision 9;

22.30 (4) has not previously been found to be a child in need of protection or services for  
 22.31 engaging in prostitution as defined in section 609.321, subdivision 9, or because the child is  
 22.32 a sexually exploited youth as defined in section 260C.007, subdivision 31, clause (1); and

23.1 (5) agrees to successfully complete a diversion program under section 388.24 or  
 23.2 fully comply with a disposition order under section 260C.201.

23.3 (b) The prosecutor shall refer a child described in paragraph (a) to a diversion  
 23.4 program under section 388.24 or file a petition under section 260C.141 alleging the child  
 23.5 to be in need of protection or services.

23.6 Subd. 2. **Failure to comply.** If a child fails to successfully complete diversion or  
 23.7 fails to fully comply with a disposition order under section 260C.201, the child may be  
 23.8 referred back to the court for further proceedings under chapter 260B.

23.9 Subd. 3. **Dismissal of charge.** The court shall dismiss the charge against the child if  
 23.10 any of the following apply:

23.11 (1) the prosecutor referred the child to diversion program and the prosecutor notifies  
 23.12 the court that the child successfully completed the program;

23.13 (2) the prosecutor filed a petition under section 260C.141 and the court does not find  
 23.14 that the child is in need of protection or services; or

23.15 (3) the prosecutor filed a petition under section 260C.141, the court entered an order  
 23.16 under section 260C.201, and the child fully complied with the order.

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

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

23.20 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

23.21 (a) When a court sentences an adult convicted of violating section 609.322 or  
 23.22 609.324, while acting other than as a prostitute, the court shall impose an assessment of  
 23.23 not less than ~~\$250~~ \$500 and not more than ~~\$500~~ \$750 for a violation of section 609.324,  
 23.24 subdivision 2, or a misdemeanor violation of section 609.324, subdivision 3; otherwise  
 23.25 the court shall impose an assessment of not less than ~~\$500~~ \$750 and not more than  
 23.26 \$1,000. ~~The mandatory minimum portion of the assessment is to be used for the purposes~~  
 23.27 ~~described in section 626.558, subdivision 2a,~~ shall be distributed as provided in paragraph  
 23.28 (c) and is in addition to the surcharge required by section 357.021, subdivision 6. ~~Any~~  
 23.29 ~~portion of the assessment imposed in excess of the mandatory minimum amount shall be~~  
 23.30 ~~deposited in an account in the special revenue fund and is appropriated annually to the~~  
 23.31 ~~commissioner of public safety. The commissioner, with the assistance of the General~~  
 23.32 ~~Crime Victims Advisory Council, shall use money received under this section for grants to~~  
 23.33 ~~agencies that provide assistance to individuals who have stopped or wish to stop engaging~~

24.1 ~~in prostitution. Grant money may be used to provide these individuals with medical care,~~  
 24.2 ~~child care, temporary housing, and educational expenses.~~

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

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

24.10 (1) 40 percent of the assessment shall be forwarded to the political subdivision that  
 24.11 employs the arresting officer for use in enforcement, training, and education activities  
 24.12 related to combating sexual exploitation of youth, or if the arresting officer is an employee  
 24.13 of the state, this portion shall be forwarded to the commissioner of public safety for those  
 24.14 purposes identified in clause (3);

24.15 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that  
 24.16 handled the case for use in training and education activities relating to combating sexual  
 24.17 exploitation activities of youth; and

24.18 (3) 40 percent of the assessment must be forwarded to the commissioner of public  
 24.19 safety to be deposited in the safe harbor for youth account in the special revenue fund  
 24.20 and are appropriated to the commissioner for distribution to crime victims services  
 24.21 organizations that provide services to sexually exploited youth, as defined in section  
 24.22 260C.007, subdivision 31.

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

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

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

24.27 Subd. 2a. ~~Juvenile prostitution~~ Sexually exploited youth outreach program. A  
 24.28 multidisciplinary child protection team may assist the local welfare agency, local law  
 24.29 enforcement agency, or an appropriate private organization in developing a program of  
 24.30 outreach services for ~~juveniles who are engaging in prostitution~~ sexually exploited youth,  
 24.31 including homeless, runaway, and truant youth who are at risk of sexual exploitation.

24.32 For the purposes of this subdivision, at least one representative of a youth intervention  
 24.33 program or, where this type of program is unavailable, one representative of a nonprofit  
 24.34 agency serving youth in crisis, shall be appointed to and serve on the multidisciplinary  
 24.35 child protection team in addition to the standing members of the team. These services may

25.1 include counseling, medical care, short-term shelter, alternative living arrangements, and  
 25.2 drop-in centers. ~~The county may finance these services by means of the penalty assessment~~  
 25.3 ~~authorized by section 609.3241.~~ A juvenile's receipt of intervention services under this  
 25.4 subdivision may not be conditioned upon the juvenile providing any evidence or testimony.

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

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

25.8 (a) If sufficient funding from outside sources is donated, the commissioner of public  
 25.9 safety shall develop a statewide model as provided in this section. By June 30, 2012, the  
 25.10 commissioner of public safety, in consultation with the commissioners of health and  
 25.11 human services, shall develop a victim services model to address the needs of sexually  
 25.12 exploited youth and youth at risk of sexual exploitation. The commissioner shall take into  
 25.13 consideration the findings and recommendations as reported to the legislature on the  
 25.14 results of the safe harbor for sexually exploited youth pilot project authorized by Laws  
 25.15 2006, chapter 282, article 13, section 4, paragraph (b). In addition, the commissioner  
 25.16 shall seek recommendations from prosecutors, public safety officials, public health  
 25.17 professionals, child protection workers, and service providers.

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

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

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

25.26 **ARTICLE 5**

25.27 **PROSTITUTION CRIMES**

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

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

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

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

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

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

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

26.10 Subd. 9. **Prostitution.** "Prostitution" means ~~engaging or offering or agreeing to~~  
 26.11 ~~engage for hire~~ hiring, offering to hire, or agreeing to hire another individual to engage in  
 26.12 sexual penetration or sexual contact, or being hired, offering to be hired, or agreeing to be  
 26.13 hired by another individual to engage in sexual penetration or sexual contact.

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

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

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

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

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

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

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

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

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

27.1 (1) engages in prostitution with an individual 18 years of age or ~~above~~ older; or  
 27.2 (2) hires ~~or~~ offers to hire, or agrees to hire an individual 18 years of age or ~~above~~  
 27.3 older to engage in sexual penetration or sexual contact. Except as otherwise provided in  
 27.4 subdivision 4, a person who is convicted of violating this paragraph ~~while acting as a~~  
 27.5 ~~patron~~ must, at a minimum, be sentenced to pay a fine of at least \$500.

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

- 27.11 (1) to pay a fine of at least \$1,500; and  
 27.12 (2) to serve 20 hours of community work service.

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

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

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

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

- 27.23 (1) engages in prostitution with an individual 18 years of age or older; or  
 27.24 (2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age  
 27.25 or older to engage in sexual penetration or sexual contact.

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

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

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

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

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

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

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

APPENDIX  
Article locations in 11-3659

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