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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2415

02/22/2012 Authored by Cornish

The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; permitting victim notification regarding offenders by
1.3 Department of Corrections to include electronic notification in addition to written
1.4 notification; amending Minnesota Statutes 2010, sections 253B.18, subdivision
1.5 5a; 253B.185, subdivision 10; 611A.06, subdivisions 1, 2.

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

1.7 Section 1. Minnesota Statutes 2010, section 253B.18, subdivision 5a, is amended to
1.8 read:

1.9 Subd. 5a. **Victim notification of petition and release; right to submit statement.**

1.10 (a) As used in this subdivision:

1.11 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and
1.12 includes criminal sexual conduct in the fifth degree and offenses within the definition of
1.13 "crime against the person" in section 253B.02, subdivision 4a, and also includes offenses
1.14 listed in section 253B.02, subdivision 7a, paragraph (b), regardless of whether they are
1.15 sexually motivated;

1.16 (2) "victim" means a person who has incurred loss or harm as a result of a crime
1.17 the behavior for which forms the basis for a commitment under this section or section
1.18 253B.185; and

1.19 (3) "convicted" and "conviction" have the meanings given in section 609.02,
1.20 subdivision 5, and also include juvenile court adjudications, findings under Minnesota
1.21 Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved,
1.22 and findings in commitment cases under this section or section 253B.185 that an act or
1.23 acts constituting a crime occurred.

1.24 (b) A county attorney who files a petition to commit a person under this section
1.25 or section 253B.185 shall make a reasonable effort to provide prompt notice of filing

2.1 the petition to any victim of a crime for which the person was convicted. In addition,
 2.2 the county attorney shall make a reasonable effort to promptly notify the victim of the
 2.3 resolution of the petition.

2.4 (c) Before provisionally discharging, discharging, granting pass-eligible status,
 2.5 approving a pass plan, or otherwise permanently or temporarily releasing a person
 2.6 committed under this section from a treatment facility, the head of the treatment facility
 2.7 shall make a reasonable effort to notify any victim of a crime for which the person was
 2.8 convicted that the person may be discharged or released and that the victim has a right
 2.9 to submit a written statement regarding decisions of the medical director, special review
 2.10 board, or commissioner with respect to the person. To the extent possible, the notice
 2.11 must be provided at least 14 days before any special review board hearing or before
 2.12 a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the
 2.13 commissioner shall provide the judicial appeal panel with victim information in order to
 2.14 comply with the provisions of this section. The judicial appeal panel shall ensure that the
 2.15 data on victims remains private as provided for in section 611A.06, subdivision 4.

2.16 (d) This subdivision applies only to victims who have requested notification through
 2.17 the Department of Corrections electronic victim notification system, or by contacting, in
 2.18 writing, the county attorney in the county where the conviction for the crime occurred.
 2.19 A request for notice under this subdivision received by the commissioner of corrections
 2.20 through the Department of Corrections electronic victim notification system shall be
 2.21 promptly forwarded to the prosecutorial authority with jurisdiction over the offense to
 2.22 which the notice relates or, following commitment, the head of the treatment facility. A
 2.23 county attorney who receives a request for notification under this paragraph following
 2.24 commitment shall promptly forward the request to the commissioner of human services.

2.25 (e) The rights under this subdivision are in addition to rights available to a victim
 2.26 under chapter 611A. This provision does not give a victim all the rights of a "notified
 2.27 person" or a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section
 2.28 253B.185, subdivision 10.

2.29 Sec. 2. Minnesota Statutes 2010, section 253B.185, subdivision 10, is amended to read:

2.30 Subd. 10. **Victim notification of petition and release; right to submit statement.**

2.31 (a) As used in this subdivision:

2.32 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and
 2.33 includes criminal sexual conduct in the fifth degree and offenses within the definition of
 2.34 "crime against the person" in section 253B.02, subdivision 4a, and also includes offenses

3.1 listed in section 253B.02, subdivision 7a, paragraph (b), regardless of whether they are
3.2 sexually motivated;

3.3 (2) "victim" means a person who has incurred loss or harm as a result of a crime,
3.4 the behavior for which forms the basis for a commitment under this section or section
3.5 253B.18; and

3.6 (3) "convicted" and "conviction" have the meanings given in section 609.02,
3.7 subdivision 5, and also include juvenile court adjudications, findings under Minnesota
3.8 Rules of Criminal Procedure, rule 20.02, that the elements of a crime have been proved,
3.9 and findings in commitment cases under this section or section 253B.18, that an act or
3.10 acts constituting a crime occurred.

3.11 (b) A county attorney who files a petition to commit a person under this section shall
3.12 make a reasonable effort to provide prompt notice of filing the petition to any victim of a
3.13 crime for which the person was convicted. In addition, the county attorney shall make a
3.14 reasonable effort to promptly notify the victim of the resolution of the petition.

3.15 (c) Before provisionally discharging, discharging, granting pass-eligible status,
3.16 approving a pass plan, or otherwise permanently or temporarily releasing a person
3.17 committed under this section from a treatment facility, the head of the treatment facility
3.18 shall make a reasonable effort to notify any victim of a crime for which the person was
3.19 convicted that the person may be discharged or released and that the victim has a right
3.20 to submit a written statement regarding decisions of the head of the treatment facility or
3.21 designee, or special review board, with respect to the person. To the extent possible, the
3.22 notice must be provided at least 14 days before any special review board hearing or before
3.23 a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the
3.24 commissioner shall provide the judicial appeal panel with victim information in order to
3.25 comply with the provisions of this section. The judicial appeal panel shall ensure that the
3.26 data on victims remains private as provided for in section 611A.06, subdivision 4.

3.27 (d) This subdivision applies only to victims who have requested notification through
3.28 the Department of Corrections electronic victim notification system, or by contacting, in
3.29 writing, the county attorney in the county where the conviction for the crime occurred or
3.30 where the civil commitment was filed or, following commitment, the head of the treatment
3.31 facility. A request for notice under this subdivision received by the commissioner of
3.32 corrections through the Department of Corrections electronic victim notification system
3.33 shall be promptly forwarded to the prosecutorial authority with jurisdiction over the
3.34 offense to which the notice relates or, following commitment, the head of the treatment
3.35 facility. A county attorney who receives a request for notification under this paragraph

4.1 following commitment shall promptly forward the request to the commissioner of human
4.2 services.

4.3 (e) Rights under this subdivision are in addition to rights available to a victim under
4.4 chapter 611A. This provision does not give a victim all the rights of a "notified person"
4.5 or a person "entitled to statutory notice" under subdivision 12 or 13 or section 253B.18,
4.6 subdivision 4a, 4b, or 5.

4.7 Sec. 3. Minnesota Statutes 2010, section 611A.06, subdivision 1, is amended to read:

4.8 Subdivision 1. **Notice of release required.** The commissioner of corrections or
4.9 other custodial authority shall make a good faith effort to notify the victim that the
4.10 offender is to be released from imprisonment or incarceration, including release on
4.11 extended furlough and for work release; released from a juvenile correctional facility;
4.12 released from a facility in which the offender was confined due to incompetency, mental
4.13 illness, or mental deficiency, or commitment under section 253B.18 or 253B.185; or if
4.14 the offender's custody status is reduced, if the victim has mailed to the commissioner of
4.15 corrections or to the head of the facility in which the offender is confined a written request
4.16 for this notice, or the victim has made a request for this notice to the commissioner of
4.17 corrections through the Department of Corrections electronic victim notification system.
4.18 The good faith effort to notify the victim must occur prior to the offender's release or when
4.19 the offender's custody status is reduced. For a victim of a felony crime against the person
4.20 for which the offender was sentenced to imprisonment for more than 18 months, the good
4.21 faith effort to notify the victim must occur 60 days before the offender's release.

4.22 Sec. 4. Minnesota Statutes 2010, section 611A.06, subdivision 2, is amended to read:

4.23 Subd. 2. **Contents of notice.** The notice given to a victim of a crime against a
4.24 person must include the conditions governing the offender's release, and either the identity
4.25 of the corrections agent who will be supervising the offender's release or a means to
4.26 identify the court services agency that will be supervising the offender's release. The
4.27 commissioner or other custodial authority complies with this section upon mailing the
4.28 notice of impending release to the victim at the address which the victim has most recently
4.29 provided to the commissioner or authority in writing, or by providing electronic notice to
4.30 the victim who requested this notice through the Department of Corrections electronic
4.31 victim notification system.