

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 470

01/23/2017 Authored by Cornish and Johnson, B.,
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance
03/01/2017 Adoption of Report: Re-referred to the Committee on Ways and Means
03/14/2017 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time
05/12/2017 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments
05/18/2017 Returned to the House as Amended by the Senate
Refused to concur and a Conference Committee was appointed

1.1 A bill for an act
1.2 relating to public safety; creating the crime of tampering with a public safety motor
1.3 vehicle; establishing criminal penalties; amending Minnesota Statutes 2016, section
1.4 609.595, subdivisions 1, 2, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2016, section 609.595, subdivision 1, is amended to read:

1.7 Subdivision 1. **Criminal damage to property in the first degree.** Whoever intentionally
1.8 causes damage to physical property of another without the latter's consent may be sentenced
1.9 to imprisonment for not more than five years or to payment of a fine of not more than
1.10 \$10,000, or both, if:

1.11 (1) the damage to the property caused a reasonably foreseeable risk of bodily harm; or

1.12 (2) the property damaged was a public safety motor vehicle, the defendant knew or
1.13 should have known the vehicle was a public safety motor vehicle, and the damage to the
1.14 vehicle caused a substantial interruption or impairment of public safety service or a
1.15 reasonably foreseeable risk of bodily harm; or

1.16 (3) the property damaged belongs to a common carrier and the damage impairs the
1.17 service to the public rendered by the carrier; or

1.18 ~~(3)~~ (4) the damage reduces the value of the property by more than \$1,000 measured by
1.19 the cost of repair and replacement; or

1.20 ~~(4)~~ (5) the damage reduces the value of the property by more than \$500 measured by
1.21 the cost of repair and replacement and the defendant has been convicted within the preceding
1.22 three years of an offense under this subdivision or subdivision 2.

In any prosecution under clause ~~(3)~~ (4), the value of any property damaged by the defendant in violation of that clause within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2016, section 609.595, subdivision 2, is amended to read:

Subd. 2. **Criminal damage to property in the third degree.** (a) Except as otherwise provided in subdivision 1a, whoever intentionally causes damage to another person's physical property without the other person's consent may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both, if:

(1) the damage reduces the value of the property by more than \$500 but not more than \$1,000 as measured by the cost of repair and replacement; or

(2) the damage was to a public safety motor vehicle and the defendant knew or should have known the vehicle was a public safety motor vehicle.

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

(c) In any prosecution under paragraph (a), clause (1), the value of property damaged by the defendant in violation of that paragraph within any six-month period may be aggregated and the defendant charged accordingly in applying this section. When two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2016, section 609.595, is amended by adding a subdivision to read:

Subd. 4. Definitions. (a) As used in this section, "public safety motor vehicle" includes:

(1) marked vehicles used by law enforcement agencies and specially marked vehicles permitted under section 169.98, subdivision 2a, owned or leased by the state or a political subdivision;

(2) fire apparatuses, including fire-suppression support vehicles, owned or leased by the state or a political subdivision;

(3) ambulances owned or leased by the state or a political subdivision;

(4) vehicles owned by ambulance services licensed under section 144E.10 that are equipped and specifically intended for emergency response or providing ambulance services; and

(5) marked vehicles used by conservation officers of the Division of Enforcement and Field Service of the Department of Natural Resources.

(b) As used in subdivision 1, clause (2), and subdivision 2, paragraph (a), clause (2), "damage" includes tampering with a public safety motor vehicle and acts that obstruct or interfere with the vehicle's use.

EFFECTIVE DATE. This section is effective August 1, 2017, and applies to crimes committed on or after that date.