

## CHAPTER 298—S.F.No.486

[Coded in Part]

*An act relating to highway traffic regulations; requiring counties to establish presentence investigation and counseling alcohol safety programs and alcohol safety enforcement programs; requiring presentence investigation reports for certain driving offenses; appropriating money; amending Minnesota Statutes 1974, Section 169.121, Subdivision 6; and Chapter 169, by adding sections.*

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

Section 1. Minnesota Statutes 1974, Chapter 169, is amended by adding a section to read:

**[169.124] HIGHWAY TRAFFIC REGULATIONS; ALCOHOL SAFETY PROGRAM; FINANCING.** Subdivision 1. The county board of every county having a population of more than 10,000 shall and the county board of every county having a population of less than 10,000 may establish an alcohol safety program designed to provide presentence investigation and evaluation of persons convicted of one of the offenses enumerated in section 4, subdivision 1, of this act.

Subd. 2. The presentence investigation shall be conducted under the direction of the court and by such persons or agencies as the court deems qualified to provide the investigation and report as described in section 4 of this act. The presentence investigation may be conducted by court services probation officers having the required knowledge and skills in the assessment of alcohol problems, by alcoholism counselors, by persons conducting court sponsored driver improvement clinics if in the judgment of the court such persons have the required knowledge and skills in the assessment of alcohol problems, by appropriate staff members of public or private alcohol treatment programs and agencies or mental health clinics, by court approved volunteer workers such as members of Alcoholics Anonymous, or by such other qualified persons as the court may direct. The commissioner of public safety shall provide the courts with information and assistance in establishing presentence investigation programs suited to the needs of the area served by each court. The commissioner shall consult with the alcohol and other drug abuse section in the department of public welfare and with local community mental health boards in providing such information and assistance to the courts. The commissioner of public safety shall promulgate rules and standards, consistent with this subdivision, for reimbursement under the provisions of subdivision 3 of this section. The promulgation of such rules and standards shall not be subject to Minnesota Statutes, Chapter 15.

Subd. 3. The cost of presentence investigation outlined in section 1 shall be borne by the county. Upon application by the county to the

Changes or additions indicated by underline deletions by ~~strikeout~~

commissioner of public safety, the commissioner shall reimburse the county up to 50 percent of the cost of each presentence investigation not to exceed \$25 in each case. Payments shall be made annually and prorated if insufficient funds are appropriated.

Sec. 2. Minnesota Statutes 1974, Section 169.121, Subdivision 6, is amended to read:

Subd. 6. The court may stay imposition or execution of any sentence authorized by subdivision 3 or 4 ~~upon a medical recommendation and~~ on the condition that the convicted person submit to ~~medical treatment in a suitable~~ by a public or private institution or a facility providing rehabilitation for chemical dependency licensed by the department of public welfare. A stay of imposition or execution shall be in the manner provided in section 609.135. The court shall report to the commissioner of public safety any stay of imposition or execution of sentence granted under the provisions of this section.

Sec. 3. Minnesota Statutes 1974, Chapter 169, is amended by adding a section to read:

**[169.125] COUNTY COOPERATION.** County boards may enter into an agreement to establish a regional presentence investigation alcohol safety program. County boards may contract with other counties and agencies for presentence investigation services.

Sec. 4. Minnesota Statutes 1974, Chapter 169, is amended by adding a section to read:

**[169.126] PRESENTENCE INVESTIGATION.** Subdivision 1. A presentence investigation shall be conducted in counties of more than 10,000 population and a report submitted to the court by the county agency administering the alcohol safety counseling program when:

(a) The defendant is convicted of an offense described in section 169.121; or

(b) The defendant is arrested for committing an offense described in section 169.121, is not convicted therefor, but is convicted of another offense arising out of the circumstances surrounding such arrest.

Subd. 2. The report shall contain an evaluation of the convicted defendant concerning his prior traffic record, characteristics and history of alcohol problems, and amenability to rehabilitation through the alcohol safety program. The report shall include a recommendation as to a treatment or rehabilitation program for the defendant. The report shall be classified as private data on individuals as defined in Minnesota Statutes, Section 15.162, Subdivision 5a.

Subd. 3. The report required by this section shall be prepared by a  
Changes or additions indicated by underline deletions by strikethrough

person knowledgeable in diagnosis of chemical dependency.

Subd. 4. The court before imposing sentence after conviction for one of the offenses described in subdivision 1 shall give due consideration to the agency's report.

Subd. 5. Whenever a person is convicted of a second or subsequent offense described in subdivision 1 and the court is either provided with an appropriate treatment or rehabilitation recommendation from sources other than the presentence investigation provided for in this section, or has sufficient knowledge both of the person's need for treatment and an appropriate treatment or rehabilitation plan, and the court finds that requiring a presentence investigation would not substantially aid the court in sentencing, such a presentence investigation need not be conducted.

Subd. 6. This section shall not apply to persons who are not residents of the state of Minnesota at the time of the offense and at the time of the presentence investigation.

Sec. 5. APPROPRIATIONS. There is hereby appropriated from the general fund to the commissioner of public safety such amounts as are necessary to administer the provisions of this act, not to exceed \$250,000.

The commissioner of public safety is directed to seek funding for this program under the provisions of the national law enforcement assistance act and the national traffic and highway safety act and this appropriation shall be decreased to the extent that such federal funding is provided.

Approved April 13, 1976.

---

#### CHAPTER 299—S.F.No.551

*An act relating to correctional facilities; providing for the establishment of minimum standards for facility management and physical condition; providing the powers and duties of the commissioner of corrections; amending Minnesota Statutes 1974, Sections 241.021, Subdivisions 1 and 3; 641.21; 641.26; 642.01; and 642.02, Subdivision 1.*

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

Section 1. Minnesota Statutes 1974, Section 241.021, Subdivision 1, is amended to read:

**241.021 CORRECTIONS; LICENSING AND SUPERVISION OF INSTITUTIONS AND FACILITIES. Subdivision 1. SUPERVISION**

Changes or additions indicated by underline deletions by ~~strikeout~~