

Subd. 10. DATA RETENTION. Nothing in this section shall require law enforcement agencies to create, collect or maintain data which is not required to be created, collected or maintained by any other applicable rule or statute.

Sec. 37. [15.792] PHOTOGRAPHIC NEGATIVES.

Photographic negatives obtained by the department of public safety in the process of issuing drivers licenses or Minnesota identification cards shall be private data on individuals pursuant to section 15.162, subdivision 5a.

Sec. 38. [15.793] EXTENSION OF CERTAIN TEMPORARY CLASSIFICATIONS.

Court services data, criminal history data, and corrections and detention data classified by temporary classifications granted prior to January 1, 1981, pursuant to Minnesota Statutes, Section 15.1642, shall retain their temporary classification until July 1, 1982.

Sec. 39. REVISOR'S INSTRUCTIONS.

The revisor of statutes shall codify the provisions of sections 1 to 44 and recodify the provisions of Minnesota Statutes 1980, Sections 15.1611 to 15.1699 in an appropriate place in the next edition of Minnesota Statutes. He shall also correct all statutory cross references to provisions of sections 15.1611 to 15.1699.

Sec. 40. REPEALER.

Minnesota Statutes 1980, Section 15.162, Subdivision 1a is repealed.

Sec. 41. EFFECTIVE DATE.

Sections 1 to 40 are effective the day following final enactment.

Approved May 29, 1981

CHAPTER 312 — S.F.No. 476

An act relating to crimes; providing the court with discretion to require a presentence investigation in the case of felony convictions; requiring a presentence sentencing worksheet for a defendant convicted of a felony; specifying the crime of fleeing from a peace officer by use of a motor vehicle; providing that whoever flees a peace officer in a motor vehicle shall be liable for any loss caused by such flight; prescribing penalties; amending Minnesota Statutes 1980, Section 609.115, Subdivision 1, and by adding a subdivision; proposing new law coded in Minnesota Statutes, Chapters 65B and 609.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

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

Section 1. Minnesota Statutes 1980, Section 609.115, Subdivision 1, is amended to read:

Subdivision 1. When a defendant has been convicted of a misdemeanor or ~~of~~ gross misdemeanor, or felony the court may ~~and when the defendant has been convicted of a felony the court shall~~, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused thereby to others and to the community. If the court so directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.

When a defendant has been convicted of a felony, and before sentencing, the court shall cause a sentencing worksheet to be completed to facilitate the application of the Minnesota sentencing guidelines. If a presentence investigation is ordered by the court, the worksheet shall be submitted as part of the presentence investigation report. If a presentence investigation is not ordered by the court, the worksheet shall nonetheless be submitted.

The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections.

Pending the presentence investigation and report, the court with the consent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.

Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, Minnesota Statutes, Section 244.10, upon its effective date, and Rule 27 of the rules of criminal procedure.

Sec. 2. Minnesota Statutes 1980, Section 609.115, is amended by adding a subdivision to read:

Subd. 1a. CONTENTS OF WORKSHEET. The supreme court shall promulgate rules uniformly applicable to all district courts for the form and contents of sentencing worksheets. These rules shall be promulgated by and effective on January 2, 1982.

Sec. 3. **[65B.605] LIABILITY FOR LOSS SUFFERED AS A RESULT OF PEACE OFFICER PURSUIT; PROHIBITING INSURANCE POLICY EXCLUSION; PENALTIES.**

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subdivision 1. FLEE; DEFINITION. For purposes of this section, the term "flee" means to increase speed, extinguish motor vehicle headlights or taillights, or to use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle.

Subd. 2. PEACE OFFICER; DEFINITION. For purposes of this section, "peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed by the Minnesota board of peace officer standards and training, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol.

Subd. 3. LIABILITY FOR LOSS. If a peace officer is acting in the lawful discharge of an official duty, a person fleeing the peace officer by means of a motor vehicle or motorcycle is liable for all bodily injury and property damage suffered by any other person, except another person fleeing from a peace officer, arising out of the operation or use of a pursuing peace officer's vehicle, unless the peace officer is not exercising reasonable care.

Sec. 4. [609.487] FLEEING A PEACE OFFICER IN A MOTOR VEHICLE.

Subdivision 1. FLEE; DEFINITION. For purposes of this section, the term "flee" means to increase speed, extinguish motor vehicle headlights or taillights, or to use other means with intent to attempt to elude a peace officer following a signal given by any peace officer to the driver of a motor vehicle.

Subd. 2. PEACE OFFICER; DEFINITION. For purposes of this section, "peace officer" means an employee of a political subdivision or state law enforcement agency who is licensed by the Minnesota board of peace officer standards and training, charged with the prevention and detection of crime and the enforcement of the general criminal laws of the state and who has the full power of arrest, and shall also include the Minnesota highway patrol.

Subd. 3. FLEEING AN OFFICER. Whoever by means of a motor vehicle flees or attempts to flee a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer, may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.

Subd. 4. FLEEING AN OFFICER; DEATH; BODILY INJURY. Whoever flees or attempts to flee by means of a motor vehicle a peace officer who is acting in the lawful discharge of an official duty, and the perpetrator knows or should reasonably know the same to be a peace officer, and who in the course of fleeing causes the death of a human being not constituting murder or manslaughter or any bodily injury to any person other than himself may be sentenced to imprisonment as follows:

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(a) If the course of fleeing results in death, to imprisonment for ten years or to payment of a fine of not more than \$10,000, or both; or

(b) If the course of fleeing results in great bodily harm, to imprisonment for five years or to payment of a fine of not more than \$5,000, or both; or

(c) If the course of fleeing results in substantial bodily harm, to imprisonment for three years or to payment of a fine of not more than \$3,000, or both.

Sec. 5. EFFECTIVE DATE.

Section 1 is effective January 2, 1982 and applies to all felony sentencing proceedings commenced on or after that date.

Sections 3 and 4 are effective August 1, 1981 and apply to all crimes committed on or after that date.

Approved May 29, 1981

CHAPTER 313 — S.F.No. 574

An act relating to judicial procedures; changing certain provisions relating to guardianship, conservatorship, and actions brought on behalf of minor children; amending Minnesota Statutes 1980, Sections 525.539, by adding a subdivision; 525.54; 525.541; 525.542; 525.543; 525.55; 525.551; 525.5515; 525.56, Subdivisions 3 and 4; 525.58; 525.591, Subdivisions 2 and 3; 525.618, Subdivision 1; 525.6185; 525.619; 525.6192; 525.6196; 525.6198; 525.62; 525.67; 525.69; 525.703; and 540.08; proposing new law coded in Minnesota Statutes, Chapter 525; repealing Minnesota Statutes 1980, Section 525.504.

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

Section 1. Minnesota Statutes 1980, Section 525.539, is amended by adding a subdivision to read:

Subd. 6. VISITOR. "Visitor" means a person who is trained in law, health care, or social work and is an officer, employee, or special appointee of the court with no personal interest in the proceedings.

Sec. 2. Minnesota Statutes 1980, Section 525.54, is amended to read:

525.54 ADULTS SUBJECT TO GUARDIANSHIP AND CONSERVATORSHIP.

Subdivision 1. **ADULTS SUBJECT TO GUARDIANSHIP AND CONSERVATORSHIP.** Upon petition as provided in this chapter, the court, if satisfied of the need therefor, may appoint one or two persons suitable and

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