

a psychotherapist and patient, evidence of the patient's personal or medical history is not admissible except when:

(1) the ~~defendant~~ accused requests a hearing at least three business days prior to trial and makes an offer of proof of the relevancy of the history; and

(2) the court finds that the history is relevant and that the probative value of the history outweighs its prejudicial value.

(b) The court shall allow the admission only of specific information or examples of conduct of the ~~complainant~~ victim that are determined by the court to be relevant. The court's order shall detail the information or conduct that is admissible and no other evidence of the history may be introduced.

(c) Violation of the terms of the order is grounds for mistrial but does not prevent the retrial of the ~~defendant~~ accused.

Subd. 7. EFFECT OF STATUTE ON RULES. Rule 404, paragraph (c) of the Rules of Evidence is superseded to the extent of its conflict with this section.

#### Sec. 2. EFFECTIVE DATE.

Section 1 is effective August 1, 1987, and applies to proceedings commenced on or after that date.

Approved May 14, 1987

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### CHAPTER 115—S.F.No. 1097

*An act relating to crimes; domestic assault; requiring courts to issue written orders for conditional release; requiring arrest on violation of conditions of release; providing for notice to alleged victims of conditions of release; amending Minnesota Statutes 1986, section 629.72, subdivision 2, and by adding subdivisions.*

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

Section 1. Minnesota Statutes 1986, section 629.72, subdivision 2, is amended to read:

Subd. 2. **JUDICIAL REVIEW; RELEASE; BAIL.** The judge before whom the arrested person is brought shall review the facts surrounding the arrest and detention. The arrested person must be ordered released pending trial or hearing on the person's personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release (1) will be inimical to public safety, (2) will create a threat of bodily harm to the arrested person, the victim of the alleged assault, or another, or (3) will not reasonably assure the appearance of the arrested person at subse-

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

quent proceedings. If the judge determines release is not advisable, the judge may impose any conditions of release that will reasonably assure the appearance of the person for subsequent proceedings, or will protect the victim of the alleged assault, or may fix the amount of money bail without other conditions upon which the arrested person may obtain release. If conditions of release are imposed, the judge shall issue a written order for conditional release. The court administrator shall immediately distribute a copy of the order for conditional release to the agency having custody of the arrested person and shall provide the agency having custody of the arrested person with any available information on the location of the victim in a manner that protects the victim's safety. Either the court or its designee or the agency having custody of the arrested person shall serve upon the defendant a copy of the order. Failure to serve the arrested person with a copy of the order for conditional release does not invalidate the conditions of release.

Sec. 2. Minnesota Statutes 1986, section 629.72, is amended by adding a subdivision to read:

**Subd. 5. VIOLATIONS OF CONDITIONS OF RELEASE.** The judge who released the arrested person shall issue a warrant directing that the person be arrested and taken immediately before the judge, if:

(1) the judge receives an application alleging that the arrested person has violated the conditions of release; and

(2) the judge finds that probable cause exists to believe that the conditions of release have been violated.

Sec. 3. Minnesota Statutes 1986, section 629.72, is amended by adding a subdivision to read:

**Subd. 6. NOTICE TO VICTIM REGARDING RELEASE OF ARRESTED PERSON.** (a) Immediately after the issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make a reasonable and good faith effort to inform orally the alleged victim of:

(1) the conditions of release, if any;

(2) the time of release;

(3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and

(4) the location and telephone number of the area battered women's shelter as designated by the department of corrections.

(b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in clauses (2) and (3).

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

**Sec. 4. EFFECTIVE DATE.**

Sections 1 to 3 are effective August 1, 1987, and apply to crimes committed on or after that date.

Approved May 14, 1987

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**CHAPTER 116—S.F.No. 1183**

*An act relating to alcoholic beverages; authorizing the city of Minneapolis to issue an on-sale liquor license to the American Swedish Institute.*

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

**Section 1. AMERICAN SWEDISH INSTITUTE LIQUOR LICENSE.**

The city of Minneapolis may issue an on-sale intoxicating liquor license to the governing body of the American Swedish Institute, for the premises known as the American Swedish Institute. The license shall be in addition to any other licenses authorized by law and shall authorize sales on all days of the week to members and their guests. All provisions of Minnesota Statutes, chapter 340A not inconsistent with this section shall apply to the license.

**Sec. 2. LOCAL APPROVAL.**

Section 1 is effective upon approval by the Minneapolis city council and compliance with Minnesota Statutes, section 645.021.

Approved May 14, 1987

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**CHAPTER 117—S.F.No. 1204**

*An act relating to community dispute resolution programs; authorizing the state and municipalities to make grants to programs; proposing coding for new law in Minnesota Statutes, chapter 494.*

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

**Section 1. [494.04] GRANT PROGRAMS.**

Subdivision 1. AUTHORITY. The state or a municipality may contract with or make grants to a person carrying out a community dispute resolution program for the furnishing of program services provided by the person. The community dispute resolution program may be established under this chapter or otherwise. The grants may be in amounts as the state or municipality

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