

runway and other construction at the airport, fuller use of reliever airports, and improvements in air traffic control; and

(2) the effect of various capacity enhancements on the physical and environmental capacity of the airport, the neighboring communities, and the airport's potential economic and transportation function and benefit.

Sec. 5. APPLICATION.

Sections 1 to 4 apply in the counties of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington.

Approved May 26, 1987

CHAPTER 224—H.F.No. 674

An act relating to crimes; dictating circumstances in which the court may stay execution of sentence following conviction for a second or subsequent offense relating to criminal sexual conduct; providing that information regarding a sexual assault victim is private; amending Minnesota Statutes 1986, sections 609.346, subdivisions 2 and 3; and 611A.06.

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

Section 1. Minnesota Statutes 1986, section 609.346, subdivision 2, is amended to read:

Subd. 2. **SUBSEQUENT OFFENSE; PENALTY.** If a person is convicted of a second or subsequent offense under sections 609.342 to 609.345 within 15 years of the prior conviction, the court shall commit the defendant to the commissioner of corrections for imprisonment for a term of not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding the provisions of sections 242.19, 243.05, 609.11, 609.12 and 609.135. The court may stay the execution of the sentence imposed under this section only if it finds that a professional assessment indicates the offender is accepted by and can respond to treatment at a long-term inpatient program exclusively treating sex offenders and approved by the commissioner of corrections. If the court stays the execution of a sentence, it shall include the following as conditions of probation: (1) incarceration in a local jail or workhouse; and (2) a requirement that the offender successfully complete the treatment program and aftercare as directed by the court.

Sec. 2. Minnesota Statutes 1986, section 609.346, subdivision 3, is amended to read:

Subd. 3. **PRIOR CONVICTIONS UNDER SIMILAR STATUTES.** For the purposes of this section, an offense is considered a second or subsequent offense if; ~~prior to conviction of the second or subsequent actor for the offense;~~

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

follows or coincides with a conviction of the actor has been at any time convicted under sections 609.342 to 609.345 or under any similar statute of the United States, or this or any other state.

Sec. 3. Minnesota Statutes 1986, section 611A.06, is amended to read:

611A.06 RIGHT TO NOTICE OF RELEASE.

The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim that the offender is to be released from imprisonment or incarceration, including release on extended furlough and for work release, or released from a facility in which the offender was confined due to incompetency, mental illness, or mental deficiency, or commitment under section 253B.18, prior to the release if the victim has mailed to the commissioner of corrections or to the head of the facility in which the offender is confined a written request for this notice. The commissioner or other custodial authority complies with this section upon mailing the notice of impending release to the victim at the address which the victim has most recently provided to the commissioner or authority in writing. All identifying information regarding the victim, including the victim's request and the notice provided by the commissioner or custodial authority, is classified as private data on individuals as defined in section 13.02, subdivision 12, and is accessible only to the victim.

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 26, 1987

CHAPTER 225—H.F.No. 690

An act relating to traffic regulations; requiring a blood or urine test when there is probable cause to believe there is impairment by a controlled substance; requiring alternative test to be offered under certain conditions; providing for a study to determine the necessity of certain other testing; amending Minnesota Statutes 1986, section 169.123, subdivisions 2 and 2a.

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

Section 1. Minnesota Statutes 1986, section 169.123, subdivision 2, is amended to read:

Subd. 2. **IMPLIED CONSENT; CONDITIONS; ELECTION AS TO TYPE OF TEST.** (a) Any person who drives, operates, or is in physical control of a motor vehicle within this state or upon the ice of any boundary water of this state consents, subject to the provisions of this section and section 169.121, to a

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