

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

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**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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chemical test of that person's blood, breath, or urine for the purpose of determining the presence of alcohol or a controlled substance. The test shall be administered at the direction of a peace officer. The test may be required of a person when an officer has probable cause to believe the person was driving, operating, or in physical control of a motor vehicle in violation of section 169.121 and one of the following conditions exist: (1) the person has been lawfully placed under arrest for violation of section 169.121, or an ordinance in conformity with it; or (2) the person has been involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death; or (3) the person has refused to take the screening test provided for by section 169.121, subdivision 6; or (4) the screening test was administered and recorded an alcohol concentration of 0.10 or more.

(b) At the time a test is requested, the person shall be informed:

(1) that Minnesota law requires the person to take a test to determine if the person is under the influence of alcohol or a controlled substance;

(2) that if testing is refused, the person's right to drive will be revoked for a minimum period of one year or, if the person is under the age of 18 years, for a period of one year or until the person reaches the age of 18 years, whichever is greater;

(3) that if a test is taken and the results indicate that the person is under the influence of alcohol or a controlled substance, the person will be subject to criminal penalties and the person's right to drive may be revoked for a minimum period of 90 days or, if the person is under the age of 18 years, for a period of six months or until the person reaches the age of 18 years, whichever is greater;

(4) that after submitting to testing, the person has the right to consult with an attorney and to have additional tests made by someone of the person's own choosing; and

(5) that if the person refuses to take a test, the refusal will be offered into evidence against the person at trial.

(c) The peace officer who requires a test pursuant to this subdivision may direct whether the test shall be of blood, breath, or urine. ~~However, if the officer directs that the test shall be of a person's blood or urine, the person may choose whether the test shall be of blood or urine~~ Action may be taken against a person who refuses to take a blood test only if an alternative test was offered and action may be taken against a person who refuses to take a urine test only if an alternative test was offered.

Sec. 2. Minnesota Statutes 1986, section 169.123, subdivision 2a, is amended to read:

Subd. 2a. **REQUIREMENT OF URINE OR BLOOD TEST.** Notwith-

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standing subdivision 2, if there ~~are reasonable and probable grounds is probable cause~~ to believe there is impairment by a controlled substance ~~which that~~ is not subject to testing by a ~~blood or~~ breath test, a urine or blood test may be required even after a ~~blood or~~ breath test has been administered. Action may be taken against a person who refuses to take a blood test under this subdivision only if a urine test was offered and action may be taken against a person who refuses to take a urine test only if a blood test was offered.

**Sec. 3. STUDY OF NEED FOR ADDITIONAL TESTING FOR CONTROLLED SUBSTANCES.**

The commissioner of public safety shall study the need for requiring persons suspected of driving under the influence, and persons involved in motor vehicle accidents, to submit to blood or urine tests for controlled substances, in addition to breath tests. The commissioner must report the results of the study to the appropriate committees of the legislature by December 1, 1987. The study must evaluate whether requiring testing for controlled substances would:

(1) improve the accuracy of statistics kept by the department on the number of accidents and driving under the influence cases that involve controlled substances; and

(2) increase the likelihood of convicting persons driving under the influence of controlled substances.

Approved May 26, 1987

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**CHAPTER 226—H.F.No. 834**

*An act relating to natural resources; providing for the deposit of receipts from private forest management services into the forest management fund; appropriating money; amending Minnesota Statutes 1986, sections 88.79, subdivision 2; and 89.04.*

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

Section 1. Minnesota Statutes 1986, section 88.79, subdivision 2, is amended to read:

Subd. 2. **CHARGE FOR SERVICE; RECEIPTS TO ~~GENERAL FOREST MANAGEMENT~~ FUND.** The commissioner of natural resources may charge the owner receiving such services such sums as the commissioner shall determine to be fair and reasonable. The receipts from such services shall be ~~deposited in~~ credited to the ~~general forest management~~ fund.

Sec. 2. Minnesota Statutes 1986, section 89.04, is amended to read:

**89.04 FOREST MANAGEMENT FUND.**

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