

\$10,000 is appropriated to the agency from the motor vehicle transfer fund for transfer to the vehicle emission inspection account.

Sec. 8. APPROPRIATION.

\$200,000 is appropriated to the agency from the motor vehicle transfer fund for transfer to the vehicle emission inspection account.

Sec. 9. APPROVED COMPLEMENT.

The approved complement of the agency is increased by four classified positions. The positions approved by this section must be paid from the vehicle emission inspection account.

Sec. 10. STUDY.

The agency shall study and report to the legislature on the effectiveness, costs, and benefits of requiring the use of alternative fuels and of extending the requirements of section 2 to other vehicles registered in the metropolitan area and to other pollution by these vehicles.

Sec. 11. EFFECTIVE DATE.

Sections 1 to 7 and 9 are effective the day following final enactment. Section 8 is effective July 1, 1988.

Approved April 26, 1988

CHAPTER 662—S.F.No. 1871

An act relating to family law; prohibiting certain false allegations of child abuse; regulating child custody hearings; prescribing the penalty of murder in the first degree for the new crime of causing the death of a child while committing child abuse; requiring members of the clergy to report maltreatment of children; providing penalties; amending Minnesota Statutes 1986, sections 518.17, by adding a subdivision; 609.185; Minnesota Statutes 1987 Supplement, section 626.556, subdivision 3; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Section 1. Minnesota Statutes 1986, section 518.17, is amended by adding a subdivision to read:

Subd. 1a. EVIDENCE OF FALSE ALLEGATIONS OF CHILD ABUSE. The court shall consider evidence of a violation of section 3 in determining the best interests of the child.

Sec. 2. Minnesota Statutes 1986, section 609.185, is amended to read:

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609.185 MURDER IN THE FIRST DEGREE.

Whoever does any of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:

(1) Causes the death of a human being with premeditation and with intent to effect the death of the person or of another;

(2) Causes the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;

(3) Causes the death of a human being with intent to effect the death of the person or another, while committing or attempting to commit burglary, aggravated robbery, kidnapping, arson in the first or second degree, tampering with a witness in the first degree, or escape from custody; ~~or~~

(4) Causes the death of a peace officer or a guard employed at a Minnesota state correctional facility, with intent to effect the death of that person or another, while the peace officer or guard is engaged in the performance of official duties; or

(5) Causes the death of a minor under circumstances other than those described in clause (1) or (2) while committing or attempting to commit child abuse, when the perpetrator has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life.

For purposes of clause (5), "child abuse" means an act committed against a minor victim that constitutes a violation of section 609.221, 609.222, 609.223, 609.224, 609.342, 609.343, 609.344, 609.345, 609.377, or 609.378.

Sec. 3. [609.507] FALSELY REPORTING CHILD ABUSE.

A person is guilty of a misdemeanor who:

(1) informs another person that a person has committed sexual abuse, physical abuse, or neglect of a child, as defined in section 626.556, subdivision 2;

(2) knows that the allegation is false or is without reason to believe that the alleged abuser committed the abuse or neglect; and

(3) has the intent that the information influence a child custody hearing.

Sec. 4. Minnesota Statutes 1987 Supplement, section 626.556, subdivision 3, is amended to read:

Subd. 3. **PERSONS MANDATED TO REPORT.** (a) ~~A professional or the professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement person~~ who knows or has reason to believe

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a child is being neglected or physically or sexually abused, or has been neglected or physically or sexually abused within the preceding three years, shall immediately report the information to the local welfare agency, police department, or the county sheriff if the person is:

(1) a professional or professional's delegate who is engaged in the practice of the healing arts, social services, hospital administration, psychological or psychiatric treatment, child care, education, or law enforcement; or

(2) employed as a member of the clergy and received the information while engaged in ministerial duties, provided that a member of the clergy is not required by this subdivision to report information that is otherwise privileged under section 595.02, subdivision 1, paragraph (c).

The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency orally and in writing. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff orally and in writing. The county sheriff and the head of every local welfare agency and police department shall each designate a person within their agency, department, or office who is responsible for ensuring that the notification duties of this paragraph and paragraph (b) are carried out. Nothing in this subdivision shall be construed to require more than one report from any institution, facility, school, or agency.

(b) Any person may voluntarily report to the local welfare agency, police department, or the county sheriff if the person knows, has reason to believe, or suspects a child is being or has been neglected or subjected to physical or sexual abuse. The police department or the county sheriff, upon receiving a report, shall immediately notify the local welfare agency orally and in writing. The local welfare agency, upon receiving a report, shall immediately notify the local police department or the county sheriff orally and in writing.

(c) A person mandated to report physical or sexual child abuse or neglect occurring within a licensed facility shall report the information to the agency responsible for licensing the facility. A health or corrections agency receiving a report may request the local welfare agency to provide assistance pursuant to subdivisions 10, 10a, and 10b.

(d) Any person mandated to report shall, upon request to the local welfare agency, receive a summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child. Any person who is not mandated to report shall, upon request to the local welfare agency, receive a concise summary of the disposition of any report made by that reporter, unless release would be detrimental to the best interests of the child.

(e) For purposes of this subdivision, "immediately" means as soon as possible but in no event longer than 24 hours.

Approved April 26, 1988

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