

Sec. 2. [116.802] INCINERATION OF INFECTIOUS WASTE; ENVIRONMENTAL IMPACT.

Until the pollution control agency adopts revisions to its air emission rules for incinerators, a new or expanded facility for the incineration of infectious waste that is subject to the permit requirement in section 1 may not receive a permit until an environmental impact statement for the facility has been prepared and approved. The pollution control agency is the governmental unit responsible for preparation of an environmental impact statement required under this section.

Sec. 3. EFFECTIVE DATE.

Section 1 is effective March 1, 1991, and applies to construction begun on or after that date. Section 2 is effective the day following final enactment.

Presented to the governor May 24, 1991

Signed by the governor May 28, 1991, 10:38 a.m.

CHAPTER 232—H.F.No. 345

An act relating to sexual abuse; extending the statute of limitations for intentional torts involving sexual abuse; eliminating the statute of limitations in criminal sexual conduct cases involving a minor victim and in certain criminal sexual conduct cases involving an adult victim; amending Minnesota Statutes 1990, sections 541.073; 609.3461; and 628.26.

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

Section 1. Minnesota Statutes 1990, section 541.073, is amended to read:

541.073 ACTIONS FOR DAMAGES DUE TO SEXUAL ABUSE; SPECIAL PROVISIONS.

Subdivision 1. DEFINITION. As used in this section, "sexual abuse" means conduct described in sections 609.342 to 609.345.

Subd. 2. LIMITATIONS PERIOD. (a) An action for damages based on personal injury caused by sexual abuse must be commenced; ~~in the case of an intentional tort, within two years, or, in the case of an action for negligence,~~ within six years of the time the plaintiff knew or had reason to know that the injury was caused by the sexual abuse.

(b) The plaintiff need not establish which act in a continuous series of sexual abuse acts by the defendant caused the injury.

(c) The knowledge of a parent or guardian may not be imputed to a minor.

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(d) This section does not affect the suspension of the statute of limitations during a period of disability under section 541.15.

As used in this section, "sexual abuse" means conduct described in sections 609.342 to 609.345.

Subd. 3. APPLICABILITY. This section applies to an action for damages commenced against a person who caused the plaintiff's personal injury either by (1) committing sexual abuse against the plaintiff, or (2) negligently permitting sexual abuse against the plaintiff to occur.

Sec. 2. Minnesota Statutes 1990, section 609.3461, is amended to read:

609.3461 DNA ANALYSIS OF SEX OFFENDERS REQUIRED.

Subdivision 1. UPON SENTENCING. When a court sentences a person convicted of violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345, or sentences a person as a patterned sex offender under section 609.1352, or the juvenile court adjudicates a person a delinquent child for violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345, it shall order the person to provide a biological specimen for the purpose of DNA analysis as defined in section 299C.155. The biological specimen or the results of the analysis shall be maintained by the bureau of criminal apprehension as provided in section 299C.155.

Subd. 2. BEFORE RELEASE. If a person convicted of violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345, or sentenced as a patterned sex offender under section 609.1352, and committed to the custody of the commissioner of corrections for a term of imprisonment, has not provided a biological specimen for the purpose of DNA analysis, the commissioner of corrections or local corrections authority shall order the person to provide a biological specimen for the purpose of DNA analysis before completion of the person's term of imprisonment. The commissioner of corrections or local corrections authority shall forward the sample to the bureau of criminal apprehension.

Sec. 3. Minnesota Statutes 1990, section 628.26, is amended to read:

628.26 LIMITATIONS.

(a) Indictments or complaints for murder may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for violation of section 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(c) Indictments or complaints for violation of sections 609.342 to 609.345 if the victim was under the age of 18 years at the time the offense was committed, shall be found or made and filed in the proper court within seven years after the commission of the offense or, if the victim failed to report the offense within this

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limitation period, within ~~two~~ three years after the offense was reported to law enforcement authorities; ~~but in no event may an indictment or complaint be found or made after the victim attains the age of 25 years.~~

(d) Indictments or complaints for violation of sections 609.342 to 609.344 if the victim was 18 years old or older at the time the offense was committed, shall be found or made and filed in the proper court within seven years after the commission of the offense.

(e) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, clause (3)(c) shall be found or made and filed in the proper court within six years after the commission of the offense.

(f) Indictments or complaints for violation of section 609.52, subdivision 2, clause (3), items (a) and (b), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(g) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(h) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense; but the time during which the defendant shall not be an inhabitant of, or usually resident within, this state, shall not constitute any part of the limitations imposed by this section.

Sec. 4. EFFECTIVE DATE.

Section 1 is effective the day following final enactment, and applies to actions pending on or commenced on or after that date. Section 3 is effective August 1, 1991, and applies to crimes committed on or after that date, and to crimes committed before that date if the limitations period for the crime under Minnesota Statutes 1990 did not expire before August 1, 1991.

Sec. 5. APPLICABILITY.

Notwithstanding any other provision of law, a plaintiff whose claim would otherwise be time-barred under Minnesota Statutes 1990 has until August 1, 1992, to commence a cause of action for damages based on personal injury caused by sexual abuse.

Presented to the governor May 24, 1991

Signed by the governor May 28, 1991, 10:40 a.m.

New language is indicated by underline, deletions by ~~strikeout~~.