

Subd. 4. PERMITS; DECALS. (a) The commissioner shall design a distinctive decal to be issued to permit holders under this section. Each decal is valid for one year from the date of issuance. No person may operate a limousine that provides limousine service unless the limousine has such a decal conspicuously displayed.

(b) During the period July 1, 1991, to June 30, 1992, the fee for each decal issued under this section is \$150. After June 30, 1992, the fee for each decal is \$80. The fee for each permit issued under this section is \$150. The commissioner shall deposit all fees under this section in the trunk highway fund.

Sec. 8. APPROPRIATION.

\$75,000 for the fiscal year ending June 30, 1992, and \$47,000 for the fiscal year ending June 30, 1993, is appropriated from the trunk highway fund to the commissioner of transportation for the purposes of section 7. The complement of the department of transportation in the fiscal year ending June 30, 1993, is increased by 1.5 positions.

Sec. 9. EFFECTIVE DATE.

Section 1 is effective the day following final enactment.

Presented to the governor May 29, 1991

Became law without the governor's signature June 2, 1991

[Revisor's Note: While the governor attempted to veto this chapter, the Ramsey County District Court found the attempted veto to be invalid.]

CHAPTER 285—S.F.No. 371

An act relating to crimes; child abduction; requiring certain convicted sex and kidnapping offenders to report a current address to probation officer following release from prison; requiring the publication of missing children bulletins; requiring training concerning the investigation of missing children cases; providing law enforcement officers access to medical and dental records of missing children; extending DNA analysis requirements to persons sentenced as patterned sex offenders; changing times for filing and dismissal of certain felony charges; appropriating money; amending Minnesota Statutes 1990, sections 13.82, by adding subdivisions; 299C.52, subdivisions 1, 3, and 6; 609.26, subdivision 5; and 609.3461; proposing coding for new law in Minnesota Statutes, chapters 243 and 299C.

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

Section 1. Minnesota Statutes 1990, section 13.82, is amended by adding a subdivision to read:

Subd. 14a. DATA ON REGISTERED CRIMINAL OFFENDERS. Data described in section 3 shall be classified as described in that section.

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

Sec. 2. Minnesota Statutes 1990, section 13.82, is amended by adding a subdivision to read:

Subd. 14b. DATA IN MISSING CHILDREN BULLETINS. Data described in section 7 shall be classified as described in that section.

Sec. 3. [243.166] REGISTRATION OF SEX OFFENDERS.

Subdivision 1. REGISTRATION REQUIRED. A person shall comply with this section after being released from prison if:

(1) the person was sentenced to imprisonment following a conviction for kidnapping under section 609.25, criminal sexual conduct under section 609.342, 609.343, 609.344, or 609.345, solicitation of children to engage in sexual conduct under section 609.352, use of minors in a sexual performance under section 617.246, or solicitation of children to practice prostitution under section 609.322, and the offense was committed against a victim who was a minor;

(2) the person is not now required to register under section 243.165; and

(3) ten years have not yet elapsed since the person was released from imprisonment.

Subd. 2. NOTICE. When a person who is required to register under this section is released, the commissioner of corrections shall tell the person of the duty to register under section 243.165 and this section. The commissioner shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. The commissioner shall obtain the address where the person expects to reside upon release and shall report within three days the address to the bureau of criminal apprehension. The commissioner shall give one copy of the form to the person, and shall send one copy to the bureau of criminal apprehension and one copy to the appropriate law enforcement agency having local jurisdiction where the person expects to reside upon release.

Subd. 3. REGISTRATION PROCEDURE. (a) The person shall, within 14 days after the end of the term of supervised release, register with the probation officer assigned to the person at the end of that term.

(b) If the person changes residence address, the person shall give the new address to the last assigned probation officer in writing within ten days. The probation officer shall, within three days after receipt of this information, forward it to the bureau of criminal apprehension.

Subd. 4. CONTENTS OF REGISTRATION. The registration provided to the probation officer must consist of a statement in writing signed by the person, giving information required by the bureau of criminal apprehension, and a fingerprint card and photograph of the person if these have not already been obtained in connection with the offense that triggers registration. Within three days, the probation officer shall forward the statement, fingerprint card, and photograph to the bureau of criminal apprehension.

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

Subd. 5. CRIMINAL PENALTY. A person required to register under this section who violates any of its provisions is guilty of a misdemeanor.

Subd. 6. REGISTRATION PERIOD. (a) Notwithstanding the provisions of section 609.165, subdivision 1, a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person was released from imprisonment.

(b) If a person required to register under this section fails to register following a change in address, the commissioner of public safety may require the person to continue to register for an additional period of five years.

Subd. 7. USE OF INFORMATION. The information provided under this section is private data on individuals under section 13.01, subdivision 12. The information may be used only for law enforcement purposes.

Sec. 4. Minnesota Statutes 1990, section 299C.52, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** As used in sections 299C.52 and ~~299C.53~~ to section 9, the following terms have the meanings given them:

(a) "Child" means any person under the age of 18 years or any person certified or known to be mentally incompetent;

(b) "CJIS" means Minnesota criminal justice information system;

(c) "Missing" means the status of a child after a law enforcement agency that has received a report of a missing child has conducted a preliminary investigation and determined that the child cannot be located; and

(d) "NCIC" means National Crime Information Center.

Sec. 5. Minnesota Statutes 1990, section 299C.52, subdivision 3, is amended to read:

Subd. 3. **COMPUTER EQUIPMENT AND PROGRAMS.** The commissioner shall provide the necessary computer hardware and computer programs to enter, modify, and cancel information on missing children in the NCIC computer through the CJIS. These programs must provide for search and retrieval of information using the following identifiers: physical description, name and date of birth, name and social security number, name and driver's license number, vehicle license number, and vehicle identification number. The commissioner shall also provide a system for regional, statewide, multistate, and nationwide broadcasts of information on missing children. These broadcasts shall be made by local law enforcement agencies where possible or, in the case of statewide or nationwide broadcasts, by the bureau of criminal apprehension upon request of the local law enforcement agency.

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

Sec. 6. Minnesota Statutes 1990, section 299C.52, subdivision 6, is amended to read:

Subd. 6. **RULES.** The commissioner may adopt rules in conformance with sections 299C.52 and ~~299C.53~~ to section 9 to provide for the orderly collection and entry of missing child information and requests for retrieval of missing child information.

Sec. 7. **[299C.54] MISSING CHILDREN BULLETINS.**

Subdivision 1. MISSING CHILDREN BULLETIN. The commissioner shall distribute a missing children bulletin on a quarterly basis to local law enforcement agencies, county attorneys, and public and nonpublic schools. The commissioner shall also make this information accessible to other parties involved in efforts to locate missing children and to other persons as the commissioner considers appropriate.

Subd. 2. PHOTOGRAPHS. The commissioner shall provide appropriate local law enforcement agencies with a list of missing children, with an appropriate waiver form to assist the agency in obtaining a photograph of each missing child. Local agencies shall obtain the most recent photograph available for missing children and forward those photographs to the commissioner. The commissioner shall include these photographs, as they become available, in the quarterly bulletins.

Subd. 3. INCLUDED WITH MAILINGS. State and local elected officials and agencies may enclose in their mailings information regarding missing children obtained from law enforcement agencies or from any organization that is recognized as a nonprofit, tax-exempt organization under state or federal law and has an ongoing missing children program. Elected officials and commissioners of state agencies are urged to develop policies to enclose missing children information in mailings when it will not increase postage costs and is otherwise considered appropriate.

Subd. 4. DATA CLASSIFICATION. The information included in the missing children bulletin is public data as defined in section 13.01, subdivision 15.

Sec. 8. **[299C.55] TRAINING.**

The commissioner shall adopt standards for training appropriate personnel concerning the investigation of missing children cases.

Sec. 9. **[299C.56] RELEASE OF MEDICAL DATA.**

Subdivision 1. DEFINITIONS. (a) For purposes of this section, the following terms have the meanings given.

(b) "Health care facility" means the office of a dentist or physician, or another medical facility, that is in possession of identifying data.

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

(c) "Identifying data" means dental or skeletal X-rays, or both, and related information, previously created in the course of providing dental or medical care to a child who has now been reported as missing.

Subd. 2. WRITTEN DECLARATION. If a child is reported missing, a law enforcement agency may execute a written declaration, stating that an active investigation seeking the location of the missing child is being conducted, and that the identifying data are necessary for the exclusive purpose of furthering the investigation. Notwithstanding chapter 13 or section 144.651, subdivision 16, when a written declaration executed under this subdivision, signed by a peace officer, is presented to a health care facility, the facility shall provide access to the missing child's identifying data to the law enforcement agency.

Sec. 10. Minnesota Statutes 1990, section 609.26, subdivision 5, is amended to read:

Subd. 5. **DISMISSAL OF CHARGE.** A felony charge brought under this section shall be dismissed if:

(a) the person voluntarily returns the child within ~~14 days~~ 48 hours after taking, detaining, or failing to return the child in violation of this section; or

(b)(1) the person taking the action and the child have not left the state of Minnesota; and (2) within a period of ~~14 seven~~ days after taking the action, (i) a motion or proceeding under chapter 518, 518A, 518B, or 518C is commenced by the person taking the action, or (ii) the attorney representing the person taking the action has consented to service of process by the party whose rights are being deprived, for any motion or action pursuant to chapter 518, 518A, 518B, or 518C.

Clause (a) does not apply if the person returns the child as a result of being located by law enforcement authorities.

This subdivision does not prohibit the filing of felony charges or an offense report before the expiration of the ~~14 days~~ 48 hours.

Sec. 11. Minnesota Statutes 1990, section 609.3461, is amended to read:

609.3461 DNA ANALYSIS OF SEX OFFENDERS REQUIRED.

When a court sentences a person convicted of violating or attempting to violate section 609.342, 609.343, 609.344, or 609.345, or when a court sentences a person as a patterned sex offender pursuant to 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. 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

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

pursuant to 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. 12. **APPROPRIATION.**

\$314,000 is appropriated to the commissioner of public safety, bureau of criminal apprehension, to implement sections 1 to 9. \$228,000 is for fiscal year 1992 and \$86,000 is for fiscal year 1993. The approved complement of the department of public safety is increased by two positions.

Sec. 13. **EFFECTIVE DATE.**

(a) Section 3 is effective August 1, 1991, and applies to offenders released from imprisonment on or after that date. However, if the application of section 3 to offenders for crimes committed before August 1, 1991, is held unconstitutional under the ex post facto provisions of the Minnesota or United States constitutions, section 3 applies only to offenders who committed crimes listed in section 3 after August 1, 1991.

(b) Sections 1, 2, and 4 to 11 are effective August 1, 1991, and apply to crimes committed and persons reported missing on or after that date.

Presented to the governor May 29, 1991

Signed by the governor June 1, 1991, 4:00 p.m.

CHAPTER 286—S.F.No. 774

An act relating to health; defining "admitted assets"; clarifying licensing requirements for certain residential programs for persons with chemical dependency; establishing procedures for contesting a transfer or discharge from a nursing home; setting a time limit for appeals of civil penalties under the nursing home licensing laws; providing procedures for contesting findings under the vulnerable adults act; appropriating money; amending Minnesota Statutes 1990, sections 62D.044; 62D.045, subdivision 1; 144.50, subdivision 6; 144.653, subdivision 5; 144A.10, subdivisions 4 and 6d; 144A.135; 144A.45, subdivision 2; 144A.46, subdivision 2, and by adding a subdivision; 144A.53, subdivision 1; 144A.61, subdivisions 3, 3a, and 6a; 144A.611, subdivisions 1 and 2; proposing coding for new law in Minnesota Statutes, chapter 144A.

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

Section 1. Minnesota Statutes 1990, section 62D.044, is amended to read:

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