

CHAPTER 379—H.F.No. 2330

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CHAPTER 380—S.F.No. 2275

An act relating to crime; requiring victim's account of domestic assault or harassment to be considered in determining arrested person's release; requiring notice to certain law enforcement agencies, battered women's programs, and sexual assault programs of release of arrested persons; requiring notice of bail hearings to victims of domestic assault and harassment; amending Minnesota Statutes 1994, section 629.72, by adding a subdivision; Minnesota Statutes 1995 Supplement, section 629.72, subdivisions 2 and 6.

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

Section 1. Minnesota Statutes 1995 Supplement, section 629.72, subdivision 2, is amended to read:

Subd. 2. **JUDICIAL REVIEW; RELEASE; BAIL.** (a) The judge before whom the arrested person is brought shall review the facts surrounding the arrest and detention. The prosecutor or other appropriate person shall present relevant information involving the victim's or the victim's family's account of the alleged crime to the judge to be considered in determining the arrested person's release. The arrested person must be ordered released pending trial or hearing on the person's personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release (1) will be inimical to public safety, (2) will create a threat of bodily harm to the arrested person, the victim of the alleged harassment or domestic abuse, or another, or (3) will not reasonably assure the appearance of the arrested person at subsequent proceedings.

(b) If the judge determines release is not advisable, the judge may impose any conditions of release that will reasonably assure the appearance of the person for subsequent proceedings, or will protect the victim of the alleged harassment or domestic abuse, or may fix the amount of money bail without other conditions upon which the arrested person may obtain release. If conditions of release are imposed, the judge shall issue a written order for conditional release. The court administrator shall immediately distribute a copy of the order for conditional release to the agency having custody of the arrested person and shall provide the agency having custody of the arrested person with any available information on the location of the victim in a manner that protects the victim's safety. Either the court or its designee or the agency having custody of the arrested person shall serve upon the defendant a copy of the order. Failure to serve the arrested person with a copy of the order for conditional release does not invalidate the conditions of release.

(c) If the judge imposes as a condition of release a requirement that the person have no contact with the victim of the alleged harassment or domestic abuse, the judge may also, on its own motion or that of the prosecutor or on request of the victim, issue an ex

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