

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

Subd. 7. **REPORTS.** By January 15 of each odd-numbered year, each prosecutor shall report to the supreme court and the chairs of the senate and house committees having jurisdiction over criminal justice policy on the operation of any pretrial diversion program established under this section. The report must include a description of the program, the number of offenders participating in the program, the number and characteristics of the offenders who successfully complete the program, the number and characteristics of the offenders who fail to complete the program, and an evaluation of the program's effect on the operation of the criminal justice system within the prosecutor's jurisdiction.

**Sec. 7. EFFECTIVE DATE.**

Sections 1 and 6 are effective August 1, 1999. Sections 2 to 5 are effective August 1, 1999, and apply to crimes committed on or after that date.

Presented to the governor May 21, 1999

Signed by the governor May 24, 1999, 9:46 a.m.

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**CHAPTER 219—S.F.No. 346**

*An act relating to child custody; expanding provisions for relative ex parte temporary custody; amending Minnesota Statutes 1998, section 518.158, subdivisions 1 and 2.*

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

Section 1. Minnesota Statutes 1998, section 518.158, subdivision 1, is amended to read:

Subdivision 1. **FACTORS.** (a) It is presumed to be in the best interests of the child for the court to grant temporary custody to a relative under subdivision 2 if a minor child has resided with the relative for a period of 12 months or more and the following circumstances exist without good cause:

(1) the parent has had no contact with the child on a regular basis and no demonstrated, consistent participation in the child's well-being for six months; or

(2) the parent, during the time the child resided with the relative, has refused or neglected to comply with the duties imposed upon the parent by the parent and child relationship, including but not limited to providing the child necessary food, clothing, shelter, health care, education, and other care and control necessary for the child's physical, mental, or emotional health and development.

(b) It is also presumed to be in the best interests of the child for the court to grant temporary custody to a relative under subdivision 2 if the relative has permanent custody of a sibling of the child and:

(1) the child is currently residing with the relative and a factor in paragraph (a), clause (1) or (2), is present, regardless of duration; or

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

(2) the application alleges an immediate and present danger to the physical safety of the child in the home of the parent.

Sec. 2. Minnesota Statutes 1998, section 518.158, subdivision 2, is amended to read:

Subd. 2. **EMERGENCY CUSTODY HEARING.** If the parent seeks to remove the child from the home of the relative or if the relative seeks to remove the child from the home of the parent and the applicable factors in subdivision 1 exist, the relative may apply for an ex parte temporary order for custody of the child. The application must include an affidavit made under oath that states with particularity the specific facts and circumstances on which the application is based. The court shall grant temporary custody if it finds, based on the application, that the applicable factors in subdivision 1 exist. If it finds that the factors in subdivision 1 do not exist, the court shall order that the child be returned to or remain with the parent. An ex parte temporary custody order under this subdivision is effective for a fixed period not to exceed 14 days. A temporary custody hearing under this chapter must be set for not later than seven days after issuance of the ex parte temporary custody order, except that if the ex parte temporary custody order is based on the grounds under subdivision 1, paragraph (b), clause (2), the temporary custody hearing must be set for not later than 72 hours, excluding Saturdays, Sundays, and holidays, after issuance of the order. The parent must be promptly served with a copy of the ex parte order and the petition and notice of the date for the hearing.

Presented to the governor May 21, 1999

Signed by the governor May 24, 1999, 9:56 a.m.

## CHAPTER 220—S.F.No. 145

*An act relating to ethics in government; clarifying and simplifying the law related to lobbyist registration, conflicts of interest, and campaign finance; eliminating invalid provisions; amending Minnesota Statutes 1998, sections 10A.01; 10A.02, as amended; 10A.03; 10A.04; 10A.05; 10A.06; 10A.065, subdivisions 1, 1a, and 3; 10A.08; 10A.09; 10A.10; 10A.11; 10A.12; 10A.13; 10A.14; 10A.15; 10A.16; 10A.17; 10A.18; 10A.19; 10A.20; 10A.22, subdivisions 6 and 7; 10A.23; 10A.24; 10A.241; 10A.242; 10A.25; 10A.255, subdivisions 1 and 3; 10A.265; 10A.27; 10A.275, subdivision 1; 10A.28; 10A.29; 10A.30, subdivision 1; 10A.31; 10A.315; 10A.321; 10A.322; 10A.323; 10A.324, subdivisions 1 and 3; 10A.34; 200.02, by adding a subdivision; and 290.06, subdivision 23; proposing coding for new law in Minnesota Statutes, chapter 10A; repealing Minnesota Statutes 1998, sections 10A.065, subdivision 5; 10A.22, subdivisions 1, 4, and 5; 10A.255, subdivision 2; 10A.275, subdivisions 2 and 3; 10A.324, subdivisions 2 and 4; 10A.325; 10A.335; 10A.40; 10A.41; 10A.42; 10A.43; 10A.44; 10A.45; 10A.46; 10A.47; 10A.48; 10A.49; 10A.50; and 10A.51.*

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

Section 1. Minnesota Statutes 1998, section 10A.01, is amended to read:

### 10A.01 DEFINITIONS.

Subdivision 1. **SCOPE APPLICATION.** For the purposes of sections 10A.01 to 10A.34, the terms defined in this section have the meanings given them unless the context clearly indicates otherwise.

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