

Subdivision 1. **SUSPENSION OF ~~VISITATION PARENTING TIME RIGHTS; TRANSFER OF CUSTODY.~~** (a) If a person who has court-ordered custody of a child or visitation parenting time rights is convicted of a crime listed in subdivision 2 and if no action is pending regarding custody or visitation parenting time, the sentencing court shall refer the matter to the appropriate family court for action under this section. The family court shall:

(1) grant temporary custody to the noncustodial parent, unless it finds that another custody arrangement is in the best interests of the child; or

(2) suspend visitation parenting time rights, unless it finds that visitation parenting time with the convicted person is in the best interests of the child.

The family court shall expedite proceedings under this section. The defendant has the burden of proving that continued custody or visitation parenting time with the defendant is in the best interests of the child. If the victim of the crime was a family or household member as defined in section 518B.01, subdivision 2, the standard of proof is clear and convincing evidence. A guardian ad litem must be appointed in any case to which this section applies.

(b) If a person who has child custody or visitation parenting time rights was convicted of a crime listed in subdivision 2 before July 1, 1990, then any interested party may petition the sentencing court for relief under paragraph (a) if:

(1) the defendant is currently incarcerated, on probation, or under supervised release for the offense; or

(2) the victim of the crime was a family or household member as defined in section 518B.01, subdivision 2.

#### Sec. 50. **EFFECTIVE DATE.**

The provisions of sections 6 and 8 relating to commencement of certain actions without an adjudication of parentage are effective August 1, 2000. The remaining provisions of this article are effective January 1, 2001.

Presented to the governor April 25, 2000

Signed by the governor April 27, 2000, 11:40 a.m.

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#### CHAPTER 445—S.F.No. 3178

*An act relating to public safety; authorizing commissioner of public safety to award public safety grants; continuing certain rule authority of commissioner of public safety; changing per diem payments to members of the board of private detectives and protective agents; requiring changes in rules regarding training programs; establishing guidelines for the administration of battered women's shelter per diem funding by the Minnesota center for crime victims services; changing the designation of battered women's advisory council to advisory council on battered women and domestic abuse; authorizing support services to domestic abuse victims; amending*

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*Minnesota Statutes 1998, sections 13.82, subdivision 3b; 15.0591, subdivision 2; 119A.37, subdivision 4; 120B.22, subdivision 1; 257.75, subdivision 6; 299A.01, subdivision 2, and by adding a subdivision; 326.33, subdivision 6; 326.3361, subdivision 1; 518B.01, subdivision 21; 611A.07, subdivision 1; 611A.32, subdivisions 1, 2, 3, and 5; 611A.33; 611A.34, subdivisions 1, 2, and 3; 611A.345; 611A.35; 611A.36, subdivisions 1 and 2; 629.342, subdivision 2; and 629.72, subdivision 6; Minnesota Statutes 1999 Supplement, sections 13.99, subdivision 108; 15.059, subdivision 5a; and 626.558, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 611A.*

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

## ARTICLE 1

Section 1. Minnesota Statutes 1998, section 299A.01, subdivision 2, is amended to read:

Subd. 2. **DUTIES OF COMMISSIONER.** The duties of the commissioner shall include the following:

(a) the coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(b) the execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(c) the development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(d) the publication and award of grant contracts with state agencies, local units of government, and other entities for programs that will benefit the safety of the public; and

(e) the establishment of a planning bureau within the department.

Sec. 2. Minnesota Statutes 1998, section 299A.01, is amended by adding a subdivision to read:

Subd. 7. **RULES REMAIN IN EFFECT.** Notwithstanding sections 14.05, subdivision 1, and 645.36 or other law to the contrary, the rules adopted under the authority of Minnesota Statutes 1996, section 299A.01, subdivision 6, paragraph (a), remain in effect on and after July 1, 1997, until further amended or repealed.

Sec. 3. Minnesota Statutes 1998, section 326.33, subdivision 6, is amended to read:

Subd. 6. **COMPENSATION TO BOARD MEMBERS.** Members of the board of private detective and protective agent services shall receive, in addition to necessary traveling and lodging expenses, \$35 a per diem payment as specified in section 214.09,

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subdivision 3, per day for each day actually engaged in board activities, provided, however, members of the board who are state employees will be governed by state rules regarding travel expense and per diem payments.

Sec. 4. Minnesota Statutes 1998, section 326.3361, subdivision 1, is amended to read:

Subdivision 1. **RULES.** The board shall, by rule, prescribe the requirements, duration, contents, and standards for successful completion of certified training programs for license holders, qualified representatives, Minnesota managers, partners, and employees, including:

(1) first aid and firearms training required for armed employees, including training in the legal limitations on the justifiable use of force and deadly force as specified in sections 609.06 and 609.065;

(2) training in risks and dangers arising from the use of weapons other than firearms, including, but not limited to, bludgeons, nightsticks, batons, chemical weapons, and electronic incapacitation devices, and in the use of restraint or immobilization techniques, including the carotid neck restraint;

(3) training in alternatives to the use of force;

(4) standards for weapons and equipment issued to or carried or used by license holders, qualified representatives, Minnesota managers, partners, and employees;

(5) preassignment or on-the-job training, or its equivalent, required before applicants may be certified as having completed training; and

(6) continuing training for license holders, qualified representatives, Minnesota managers, partners, employees, and armed employees.

Sec. 5. **EFFECTIVE DATE.**

Section 2 is effective retroactively from July 1, 1997.

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## ARTICLE 2

### BATTERED WOMEN AND DOMESTIC ABUSE

Section 1. Minnesota Statutes 1998, section 13.82, subdivision 3b, is amended to read:

Subd. 3b. **DOMESTIC ABUSE DATA.** The written police report required by section 629.341, subdivision 4, of an alleged incident described in section 629.341, subdivision 1, and arrest data, request for service data, and response or incident data described in subdivision 2, 3, or 4 that arise out of this type of incident or out of an alleged violation of an order for protection must be released upon request at no cost to an organization designated by the Minnesota center for crime victims services, the department of corrections, or the department of public safety as providing services to

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victims of domestic abuse. The executive director or the commissioner of the appropriate state agency shall develop written criteria for this designation in consultation with the battered women's advisory council on battered women and domestic abuse.

Sec. 2. Minnesota Statutes 1999 Supplement, section 13.99, subdivision 108, is amended to read:

Subd. 108. ~~BATTERED WOMEN VICTIMS OF DOMESTIC ABUSE.~~ Data on battered women and victims of domestic abuse maintained by grantees and recipients of per diem payments for emergency shelter for battered women and support services for battered women and victims of domestic abuse are governed by section sections 611A.32, subdivision 5, and 611A.371, subdivision 3.

Sec. 3. Minnesota Statutes 1999 Supplement, section 15.059, subdivision 5a, is amended to read:

Subd. 5a. **LATER EXPIRATION.** Notwithstanding subdivision 5, the advisory councils and committees listed in this subdivision do not expire June 30, 1997. These groups expire June 30, 2001, unless the law creating the group or this subdivision specifies an earlier expiration date.

Investment advisory council, created in section 11A.08;

Intergovernmental information systems advisory council, created in section 16B.42, expires June 30, 1999;

Feedlot and manure management advisory committee, created in section 17.136;

Aquaculture advisory committee, created in section 17.49;

Dairy producers board, created in section 17.76;

Pesticide applicator education and examination review board, created in section 18B.305;

Advisory seed potato certification task force, created in section 21.112;

Food safety advisory committee, created in section 28A.20;

Minnesota organic advisory task force, created in section 31.95;

Public programs risk adjustment work group, created in section 62Q.03;

Workers' compensation self-insurers' advisory committee, created in section 79A.02;

Youth corps advisory committee, created in section 84.0887;

Iron range off-highway vehicle advisory committee, created in section 85.013;

Mineral coordinating committee, created in section 93.002;

Game and fish fund citizen advisory committees, created in section 97A.055;

Wetland heritage advisory committee, created in section 103G.2242;

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Wastewater treatment technical advisory committee, created in section 115.54;  
Solid waste management advisory council, created in section 115A.12;  
Nuclear waste council, created in section 116C.711;  
Genetically engineered organism advisory committee, created in section 116C.93;  
Environment and natural resources trust fund advisory committee, created in section 116P.06;  
Child abuse prevention advisory council, created in section 119A.13;  
Chemical abuse and violence prevention council, created in section 119A.293;  
Youth neighborhood centers advisory board, created in section 119A.295;  
Interagency coordinating council, created in section 125A.28, expires June 30, 1999;  
Desegregation/integration advisory board, created in section 124D.892;  
Nonpublic education council, created in section 123B.445;  
Permanent school fund advisory committee, created in section 127A.30;  
Indian scholarship committee, created in section 124D.84, subdivision 2;  
American Indian education committees, created in section 124D.80;  
Summer scholarship advisory committee, created in section 124D.95;  
Multicultural education advisory committee, created in section 124D.894;  
Male responsibility and fathering grants review committee, created in section 124D.33;  
Library for the blind and physically handicapped advisory committee, created in section 134.31;  
Higher education advisory council, created in section 136A.031;  
Student advisory council, created in section 136A.031;  
Cancer surveillance advisory committee, created in section 144.672;  
Maternal and child health task force, created in section 145.881;  
State community health advisory committee, created in section 145A.10;  
Mississippi River Parkway commission, created in section 161.1419;  
School bus safety advisory committee, created in section 169.435;  
Advisory council on workers' compensation, created in section 175.007;  
Code enforcement advisory council, created in section 175.008;  
Medical services review board, created in section 176.103;  
Apprenticeship advisory council, created in section 178.02;

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OSHA advisory council, created in section 182.656;

Health professionals services program advisory committee, created in section 214.32;

Rehabilitation advisory council for the blind, created in section 248.10;

American Indian advisory council, created in section 254A.035;

Alcohol and other drug abuse advisory council, created in section 254A.04;

Medical assistance drug formulary committee, created in section 256B.0625;

Home care advisory committee, created in section 256B.071;

Preadmission screening, alternative care, and home and community-based services advisory committee, created in section 256B.0911;

Traumatic brain injury advisory committee, created in section 256B.093;

Minnesota commission serving deaf and hard-of-hearing people, created in section 256C.28;

American Indian child welfare advisory council, created in section 260.835;

Juvenile justice advisory committee, created in section 268.29;

Northeast Minnesota economic development fund technical advisory committees, created in section 298.2213;

Iron range higher education committee, created in section 298.2214;

Northeast Minnesota economic protection trust fund technical advisory committee, created in section 298.297;

~~Battered women's Advisory council on battered women and domestic abuse~~, created in section 611A.34.

Sec. 4. Minnesota Statutes 1998, section 15.0591, subdivision 2, is amended to read:

Subd. 2. **BODIES AFFECTED.** A member meeting the qualifications in subdivision 1 must be appointed to the following boards, commissions, advisory councils, task forces, or committees:

- (1) advisory council on battered women and domestic abuse;
- (2) advisory task force on the use of state facilities;
- (3) alcohol and other drug abuse advisory council;
- (4) board of examiners for nursing home administrators;
- (5) board on aging;
- (6) chiropractic examiners board;
- (7) consumer advisory council on vocational rehabilitation;

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- (8) council on disability;
- (9) council on affairs of Chicano/Latino people;
- (10) council on Black Minnesotans;
- (11) dentistry board;
- (12) department of economic security advisory council;
- (13) higher education services office;
- (14) housing finance agency;
- (15) Indian advisory council on chemical dependency;
- (16) medical practice board;
- (17) medical policy directional task force on mental health;
- (18) Minnesota employment and economic development task force;
- (19) Minnesota office of citizenship and volunteer services advisory committee;
- (20) Minnesota state arts board;
- (21) nursing board;
- (22) optometry board;
- (23) pharmacy board;
- (24) physical therapists council;
- (25) podiatry board;
- (26) psychology board;
- (27) veterans advisory committee.

Sec. 5. Minnesota Statutes 1998, section 119A.37, subdivision 4, is amended to read:

Subd. 4. **ADDITIONAL SERVICES.** Each family visitation center may provide parenting and child development classes, and offer support groups to participating custodial parents and hold regular classes designed to assist children who have experienced domestic violence and abuse. Each family visitation center must have available an individual knowledgeable about or experienced in the provision of services to battered women and domestic abuse victims on its staff, its board of directors, or otherwise available to it for consultation.

Sec. 6. Minnesota Statutes 1998, section 120B.22, subdivision 1, is amended to read:

Subdivision 1. **VIOLENCE PREVENTION CURRICULUM.** (a) The commissioner of children, families, and learning, in consultation with the commissioners of health and human services, state minority councils, battered women's and domestic abuse programs, battered women's shelters, sexual assault centers, representatives of

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religious communities, and the assistant commissioner of the office of drug policy and violence prevention, shall assist districts on request in developing or implementing a violence prevention program for students in kindergarten to grade 12 that can be integrated into existing curriculum. The purpose of the program is to help students learn how to resolve conflicts within their families and communities in nonviolent, effective ways.

(b) Each district is encouraged to integrate into its existing curriculum a program for violence prevention that includes at least:

(1) a comprehensive, accurate, and age appropriate curriculum on violence prevention, nonviolent conflict resolution, sexual, racial, and cultural harassment, and student hazing that promotes equality, respect, understanding, effective communication, individual responsibility, thoughtful decision making, positive conflict resolution, useful coping skills, critical thinking, listening and watching skills, and personal safety;

(2) planning materials, guidelines, and other accurate information on preventing physical and emotional violence, identifying and reducing the incidence of sexual, racial, and cultural harassment, and reducing child abuse and neglect;

(3) a special parent education component of early childhood family education programs to prevent child abuse and neglect and to promote positive parenting skills, giving priority to services and outreach programs for at-risk families;

(4) involvement of parents and other community members, including the clergy, business representatives, civic leaders, local elected officials, law enforcement officials, and the county attorney;

(5) collaboration with local community services, agencies, and organizations that assist in violence intervention or prevention, including family-based services, crisis services, life management skills services, case coordination services, mental health services, and early intervention services;

(6) collaboration among districts and service cooperatives;

(7) targeting early adolescents for prevention efforts, especially early adolescents whose personal circumstances may lead to violent or harassing behavior;

(8) opportunities for teachers to receive in-service training or attend other programs on strategies or curriculum designed to assist students in intervening in or preventing violence in school and at home; and

(9) administrative policies that reflect, and a staff that models, nonviolent behaviors that do not display or condone sexual, racial, or cultural harassment or student hazing.

(c) The department may provide assistance at a neutral site to a nonpublic school participating in a district's program.

Sec. 7. Minnesota Statutes 1998, section 257.75, subdivision 6, is amended to read:

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Subd. 6. **PATERNITY EDUCATIONAL MATERIALS.** The commissioner of human services shall prepare educational materials for new and prospective parents that describe the benefits and effects of establishing paternity. The materials must include a description and comparison of the procedures for establishment of paternity through a recognition of parentage under this section and an adjudication of paternity under sections 257.51 to 257.74. The commissioner shall consider the use of innovative audio or visual approaches to the presentation of the materials to facilitate understanding and presentation. In preparing the materials, the commissioner shall consult with child advocates and support workers, battered women's advocates and advocates for domestic abuse victims, social service providers, educators, attorneys, hospital representatives, and people who work with parents in making decisions related to paternity. The commissioner shall consult with representatives of communities of color. On and after January 1, 1994, the commissioner shall make the materials available without cost to hospitals, requesting agencies, and other persons for distribution to new parents.

Sec. 8. Minnesota Statutes 1998, section 518B.01, subdivision 21, is amended to read:

Subd. 21. **ORDER FOR PROTECTION FORMS.** The state court administrator, in consultation with the advisory council on battered women and domestic abuse, city and county attorneys, and legal advocates who work with victims, shall develop a uniform order for protection form that will facilitate the consistent enforcement of orders for protection throughout the state.

Sec. 9. Minnesota Statutes 1998, section 611A.07, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** The commissioner of corrections, after considering the recommendations of the ~~battered women~~ advisory council on battered women and domestic abuse and the sexual assault advisory council, and in collaboration with the commissioner of public safety, shall adopt standards governing electronic monitoring devices used to protect victims of domestic abuse. In developing proposed standards, the commissioner shall consider the experience of the courts in the tenth judicial district in the use of the devices to protect victims of domestic abuse. These standards shall promote the safety of the victim and shall include measures to avoid the disparate use of the device with communities of color, product standards, monitoring agency standards, and victim disclosure standards.

Sec. 10. Minnesota Statutes 1998, section 611A.32, subdivision 1, is amended to read:

Subdivision 1. **GRANTS AWARDED.** The commissioner shall award grants to programs which provide emergency shelter services to battered women and support services to battered women and domestic abuse victims and their children. The commissioner shall also award grants for training, technical assistance, and for the development and implementation of education programs to increase public awareness of the causes of battering, the solutions to preventing and ending domestic violence, and the problems faced by battered women and domestic abuse victims. Grants shall

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be awarded in a manner that ensures that they are equitably distributed to programs serving metropolitan and nonmetropolitan populations. By July 1, 1995, community-based domestic abuse advocacy and support services programs must be established in every judicial assignment district.

Sec. 11. Minnesota Statutes 1998, section 611A.32, subdivision 2, is amended to read:

Subd. 2. **APPLICATIONS.** Any public or private nonprofit agency may apply to the commissioner for a grant to provide emergency shelter services to battered women, support services to domestic abuse victims, or both, to battered women and their children. The application shall be submitted in a form approved by the commissioner by rule adopted under chapter 14, after consultation with the advisory council, and shall include:

(1) a proposal for the provision of emergency shelter services for battered women, support services for domestic abuse victims, or both, for battered women and their children;

(2) a proposed budget;

(3) evidence of an ability to integrate into the proposed program the uniform method of data collection and program evaluation established under sections 611A.33 and 611A.34;

(4) evidence of an ability to represent the interests of battered women and domestic abuse victims and their children to local law enforcement agencies and courts, county welfare agencies, and local boards or departments of health;

(5) evidence of an ability to do outreach to unserved and underserved populations and to provide culturally and linguistically appropriate services; and

(6) any other content the commissioner may require by rule adopted under chapter 14, after considering the recommendations of the advisory council.

Programs which have been approved for grants in prior years may submit materials which indicate changes in items listed in clauses (1) to (6), in order to qualify for renewal funding. Nothing in this subdivision may be construed to require programs to submit complete applications for each year of renewal funding.

Sec. 12. Minnesota Statutes 1998, section 611A.32, subdivision 3, is amended to read:

Subd. 3. **DUTIES OF GRANTEES.** Every public or private nonprofit agency which receives a grant to provide emergency shelter services to battered women and support services to battered women and domestic abuse victims shall comply with all rules of the commissioner related to the administration of the pilot programs.

Sec. 13. Minnesota Statutes 1998, section 611A.32, subdivision 5, is amended to read:

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Subd. 5. **CLASSIFICATION OF DATA COLLECTED BY GRANTEES.** Personal history information and other information collected, used or maintained by a grantee from which the identity or location of any ~~battered woman~~ victim of domestic abuse may be determined is private data on individuals, as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in accordance with the provisions of chapter 13.

Sec. 14. Minnesota Statutes 1998, section 611A.33, is amended to read:

**611A.33 DUTIES OF COMMISSIONER.**

The commissioner shall:

(1) Review applications for and award grants to a program pursuant to section 611A.32, subdivision 1, after considering the recommendation of the advisory council;

(2) Appoint the members of the advisory council created under section 611A.34, and provide consultative staff and other administrative services to the advisory council;

(3) After considering the recommendation of the advisory council, appoint a program director to perform the duties set forth in section 611A.35;

(4) Design and implement a uniform method of collecting data on ~~battered women~~ domestic abuse victims to be used to evaluate the programs funded under section 611A.32;

(5) Provide technical aid to applicants in the development of grant requests and provide technical aid to programs in meeting the data collection requirements established by the commissioner; and

(6) Adopt, under chapter 14, all rules necessary to implement the provisions of sections 611A.31 to 611A.36.

Sec. 15. Minnesota Statutes 1998, section 611A.34, subdivision 1, is amended to read:

Subdivision 1. **GENERALLY.** The commissioner shall appoint a 12-member advisory council to advise the commissioner on the implementation and continued operation of sections 611A.31 to 611A.36. ~~The battered women's advisory council on battered women and domestic abuse~~ shall also serve as a liaison between the commissioner and organizations that provide services to battered women and domestic abuse victims. Section 15.059 governs the filling of vacancies and removal of members of the advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Notwithstanding section 15.059, the council shall not expire. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.

Sec. 16. Minnesota Statutes 1998, section 611A.34, subdivision 2, is amended to read:

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Subd. 2. **MEMBERSHIP.** Persons appointed shall be knowledgeable about and have experience or interest in issues concerning battered women and domestic abuse victims, including the need for effective advocacy services. The membership of the council shall broadly represent the interests of battered women and domestic abuse victims in Minnesota. No more than six of the members of the ~~battered women's~~ advisory council on battered women and domestic abuse may be representatives of community or governmental organizations that provide services to battered women and domestic abuse victims. One-half of the council's members shall reside in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver counties, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

Sec. 17. Minnesota Statutes 1998, section 611A.34, subdivision 3, is amended to read:

Subd. 3. **DUTIES.** The advisory council shall:

(1) advise the commissioner on all planning, development, data collection, rulemaking, funding, and evaluation of programs and services for battered women and domestic abuse victims that are funded under section 611A.32, other than matters of a purely administrative nature;

(2) advise the commissioner on the adoption of rules under chapter 14 governing the award of grants to ensure that funded programs are consistent with section 611A.32, subdivision 1;

(3) recommend to the commissioner the names of five applicants for the position of battered women's domestic abuse program director;

(4) advise the commissioner on the rules adopted under chapter 14 pursuant to section 611A.33;

(5) review applications received by the commissioner for grants under section 611A.32 and make recommendations on the awarding of grants; and

(6) advise the program director in the performance of duties in the administration and coordination of the programs funded under section 611A.32.

Sec. 18. Minnesota Statutes 1998, section 611A.345, is amended to read:

**611A.345 ADVISORY COUNCIL RECOMMENDATIONS.**

The commissioner shall consider the advisory council's recommendations before awarding grants or adopting policies regarding the planning, development, data collection, rulemaking, funding or evaluation of programs and services for battered women and domestic abuse victims funded under section 611A.32. Before taking action on matters related to programs and services for battered women and domestic abuse victims and their children, except day-to-day administrative operations, the commissioner shall notify the advisory council of the intended action. Notification of

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grant award decisions shall be given to the advisory council in time to allow the council to request reconsideration.

Sec. 19. Minnesota Statutes 1998, section 611A.35, is amended to read:

**611A.35 BATTERED WOMEN'S ADVISORY COUNCIL ON BATTERED WOMEN AND DOMESTIC ABUSE PROGRAM DIRECTOR.**

The commissioner shall appoint a program director. In appointing the program director the commissioner shall give due consideration to the list of applicants submitted to the commissioner pursuant to section 611A.34, subdivision 3, clause (3). The program director shall administer the funds appropriated for sections 611A.31 to 611A.36, consult with and provide staff to the advisory council, and perform other duties related to battered women's and domestic abuse programs as the commissioner may assign. The program director shall serve at the pleasure of the commissioner in the unclassified service.

Sec. 20. Minnesota Statutes 1998, section 611A.36, subdivision 1, is amended to read:

Subdivision 1. **FORM PRESCRIBED.** The commissioner shall, by rule adopted under chapter 14, after considering the recommendations of the advisory council, prescribe a uniform form and method for the collection of data on battered women domestic abuse victims. The method and form of data collection shall be designed to document the incidence of assault on battered women domestic abuse victims as defined in section 611A.31, subdivision 2. All data collected by the commissioner pursuant to this section shall be summary data within the meaning of section 13.02, subdivision 19.

Sec. 21. Minnesota Statutes 1998, section 611A.36, subdivision 2, is amended to read:

Subd. 2. **MANDATORY DATA COLLECTION.** Every local law enforcement agency shall collect data related to battered women domestic abuse victims in the form required by the commissioner. The data shall be collected and transmitted to the commissioner at such times as the commissioner shall, by rule, require.

Sec. 22. **[611A.37] DEFINITIONS.**

Subdivision 1. **SCOPE.** For purposes of sections 23 to 27, the terms defined have the meanings given them unless otherwise provided or indicated by the context.

Subd. 2. **DIRECTOR.** "Director" means the director of the Minnesota center for crime victim services or a designee.

Subd. 3. **CENTER.** "Center" means the Minnesota center for crime victim services.

Subd. 4. **SHELTER FACILITY.** "Shelter facility" means a secure crisis shelter, housing network, safe home, or other facility operated by a nonprofit organization and designated by the center for the purpose of providing food, lodging, safety, and 24-hour coverage for battered women and their children.

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Subd. 5. DESIGNATED SHELTER FACILITY. "Designated shelter facility" means a facility that has applied to, and been approved by, the center to provide shelter and services to battered women and their children.

Subd. 6. PER DIEM RATE. "Per diem rate" means a daily charge per person for providing food, lodging, safety, and 24-hour coverage for battered women and their children.

Subd. 7. RESERVE AMOUNT. "Reserve amount" means the amount the center has reserved for each shelter facility.

Subd. 8. BATTERED WOMAN. "Battered woman" has the meaning given in section 611A.31, subdivision 2.

### **Sec. 23. [611A.371] PROGRAM OPERATION.**

Subdivision 1. PURPOSE. The purpose of the per diem program is to provide reimbursement in a timely, efficient manner to local programs for the reasonable and necessary costs of providing battered women and their children with food, lodging, and safety. Per diem funding may not be used for other purposes.

Subd. 2. NONDISCRIMINATION. Designated shelter facilities are prohibited from discriminating against a battered woman or her children on the basis of race, color, creed, religion, national origin, marital status, status with regard to public assistance, disability, or sexual orientation.

Subd. 3. DATA. Personal history information collected, used, or maintained by a designated shelter facility from which the identity or location of any battered woman may be determined is private data on individuals, as defined in section 13.02, subdivision 12, and the facility shall maintain the data in accordance with the provisions of chapter 13.

### **Sec. 24. [611A.372] DUTIES OF THE DIRECTOR.**

In addition to any other duties imposed by law, the director, with the approval of the commissioner of public safety, shall:

(1) supervise the administration of per diem payments to designated shelter facilities;

(2) collect data on shelter facilities;

(3) conduct an annual evaluation of the per diem program;

(4) report to the governor and the legislature on the need for emergency secure shelter; and

(5) develop an application process for shelter facilities to follow in seeking reimbursement under the per diem program.

### **Sec. 25. [611A.373] PAYMENTS.**

Subdivision 1. PAYMENT REQUESTS. Designated shelter facilities may submit requests for payment monthly based on the number of persons housed. Upon

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approval of the request for payment by the center, payments shall be made directly to designated shelter facilities from per diem funds on behalf of women and their children who reside in the shelter facility. Payments made to a designated shelter facility must not exceed the annual reserve amount for that facility unless approved by the director. These payments must not affect the eligibility of individuals who reside in shelter facilities for public assistance benefits, except when required by federal law or regulation.

Subd. 2. RESERVE AMOUNT. The center shall calculate annually the reserve amount for each designated shelter facility. This calculation may be based upon program type, average occupancy rates, and licensed capacity limits. The total of all reserve amounts shall not exceed the legislative per diem appropriation.

**Sec. 26. [611A.375] APPEAL PROCESS.**

(a) Except as provided in paragraph (b), a designated shelter facility may, within 30 days after receiving a decision by the center to deny payment, request reconsideration. A designated shelter facility which is denied payment upon reconsideration is entitled to a contested case hearing within the meaning of chapter 14.

(b) A facility may not appeal a decision by the center to deny payments in excess of the facility's reserve amount.

Sec. 27. Minnesota Statutes 1999 Supplement, section 626.558, subdivision 1, is amended to read:

Subdivision 1. **ESTABLISHMENT OF THE TEAM.** A county shall establish a multidisciplinary child protection team that may include, but not be limited to, the director of the local welfare agency or designees, the county attorney or designees, the county sheriff or designees, representatives of health and education, representatives of mental health or other appropriate human service or community-based agencies, and parent groups. As used in this section, a "community-based agency" may include, but is not limited to, schools, social service agencies, family service and mental health collaboratives, early childhood and family education programs, Head Start, or other agencies serving children and families. A member of the team must be designated as the lead person of the team responsible for the planning process to develop standards for its activities with battered women's and domestic abuse programs and services.

Sec. 28. Minnesota Statutes 1998, section 629.342, subdivision 2, is amended to read:

Subd. 2. **POLICIES REQUIRED.** (a) By July 1, 1993, each law enforcement agency shall develop, adopt, and implement a written policy regarding arrest procedures for domestic abuse incidents. In the development of a policy, each law enforcement agency shall consult with domestic abuse advocates, community organizations, and other law enforcement agencies with expertise in the recognition and handling of domestic abuse incidents. The policy shall discourage dual arrests, include consideration of whether one of the parties acted in self defense, and provide guidance to officers concerning instances in which officers should remain at the scene of a

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domestic abuse incident until the likelihood of further imminent violence has been eliminated.

(b) The bureau of criminal apprehension, the board of peace officer standards and training, and the ~~battered women's~~ battered women and domestic abuse advisory council on battered women and domestic abuse appointed by the commissioner of corrections under section 611A.34, in consultation with the Minnesota chiefs of police association, the Minnesota sheriffs association, and the Minnesota police and peace officers association, shall develop a written model policy regarding arrest procedures for domestic abuse incidents for use by local law enforcement agencies. Each law enforcement agency may adopt the model policy in lieu of developing its own policy under the provisions of paragraph (a).

(c) Local law enforcement agencies that have already developed a written policy regarding arrest procedures for domestic abuse incidents before July 1, 1992, are not required to develop a new policy but must review their policies and consider the written model policy developed under paragraph (b).

Sec. 29. Minnesota Statutes 1998, section 629.72, subdivision 6, is amended to read:

Subd. 6. **NOTICE REGARDING RELEASE OF ARRESTED PERSON.** (a) Immediately after issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make a reasonable and good faith effort to inform orally the alleged victim, local law enforcement agencies known to be involved in the case, if different from the agency having custody, and, at the victim's request any local battered women's and domestic abuse programs established under section 611A.32 or sexual assault programs of:

- (1) the conditions of release, if any;
- (2) the time of release;
- (3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and
- (4) if the arrested person is charged with domestic abuse, the location and telephone number of the area battered women's shelter as designated by the department of corrections.

(b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in paragraph (a), clauses (2) and (3).

Sec. 30. **EFFECTIVE DATE.**

Article 2 is effective July 1, 2000.

Presented to the governor April 25, 2000

Signed by the governor April 26, 2000, 2:35 p.m.

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