

(3) the duties of the position must involve significant discretion and substantial involvement in the development, interpretation, or implementation of city or department policy;

(4) the duties of the position must not primarily require technical expertise for which continuity in the position would be significant; and

(5) there is a need for the person occupying the position to be accountable and loyal to, and compatible with, the mayor, the city council, and the department head.

The city council may establish positions in the unclassified service only if it determines that the criteria in this section have been met.

Sec. 2. CITY CHARTER.

Section 1 does not apply to a department head position appointed under authority contained in the Minneapolis city charter.

Sec. 3. EFFECTIVE DATE; LOCAL APPROVAL.

Sections 1 and 2 are effective 90 days after the Minneapolis city council and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Presented to the governor May 23, 2003

Signed by the governor May 25, 2003, 10:41 p.m.

CHAPTER 116—S.F.No. 964

An act relating to crime prevention; defining terms in the predatory offender registration law; allowing crime victims to have input earlier in the plea process; imposing conditions on the disclosure of videotaped interviews of child abuse victims; clarifying the rape examination law; amending Minnesota Statutes 2002, sections 13.821; 243.166, subdivision 4a; 609.35; 611A.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 611A; 634.

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

Section 1. Minnesota Statutes 2002, section 13.821, is amended to read:

13.821 VIDEOTAPES OF CHILD ABUSE VICTIMS.

(a) Notwithstanding section 13.04, subdivision 3, an individual subject of data may not obtain a copy of a videotape in which a child victim or alleged victim is alleging, explaining, denying, or describing an act of physical or sexual abuse without a court order under section 13.03, subdivision 6, or 611A.90. The definitions of physical abuse and sexual abuse in section 626.556, subdivision 2, apply to this section, except that abuse is not limited to acts by a person responsible for the child's care or in a significant relationship with the child or position of authority.

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

(b) This section does not limit other rights of access to data by an individual under section 13.04, subdivision 3, other than the right to obtain a copy of the videotape, nor ~~limit~~ prohibit rights of access pursuant to discovery in a court proceeding.

Sec. 2. Minnesota Statutes 2002, section 243.166, subdivision 4a, is amended to read:

Subd. 4a. **INFORMATION REQUIRED TO BE PROVIDED.** (a) As used in this section:

(1) “motor vehicle” has the meaning given “vehicle” in section 169.01, subdivision 2;

(2) “primary residence” means any place where the person resides longer than 14 days or that is deemed a primary residence by a person’s corrections agent, if one is assigned to the person; and

(3) “secondary residence” means any place where the person regularly stays overnight when not staying at the person’s primary residence, and includes, but is not limited to:

(i) the person’s parent’s home if the person is a student and stays at the home at times when the person is not staying at school, including during the summer; and

(ii) the home of someone with whom the person has a minor child in common where the child’s custody is shared.

(b) A person required to register under this section shall provide to the corrections agent or law enforcement authority the following information:

(1) the address of the person’s primary residence;

(2) the addresses of all the person’s secondary residences in Minnesota, including all addresses used for residential or recreational purposes;

(3) the addresses of all Minnesota property owned, leased, or rented by the person;

(4) the addresses of all locations where the person is employed;

(5) the addresses of all residences where the person resides while attending school; and

(6) the year, model, make, license plate number, and color of all motor vehicles owned or regularly driven by the person. “Motor vehicle” has the meaning given “vehicle” in section 169.01, subdivision 2.

(b) (c) The person shall report to the agent or authority the information required to be provided under paragraph (a) (b), clauses (2) to (6), within five days of the date the clause becomes applicable. If because of a change in circumstances a clause no longer applies to previously reported information, the person shall immediately inform the agent or authority that the information is no longer valid.

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

Sec. 3. Minnesota Statutes 2002, section 609.35, is amended to read:

609.35 COSTS OF MEDICAL EXAMINATION.

(a) Costs incurred by a county, city, or private hospital or other emergency medical facility or by a private physician for the examination of a ~~complainant~~ victim of criminal sexual conduct when the examination is performed for the purpose of gathering evidence shall be paid by the county in which the ~~alleged offense was committed~~ criminal sexual conduct occurred. ~~Reasonable~~ These costs of the examination include, but are not limited to, full cost of the rape kit examination, associated tests relating to the complainant's sexually transmitted disease status, and pregnancy status.

(b) Nothing in this section shall be construed to limit the duties, responsibilities, or liabilities of any insurer, whether public or private. However, a county may seek insurance reimbursement from the victim's insurer only if authorized by the victim. This authorization may only be sought after the examination is performed. When seeking this authorization, the county shall inform the victim that if the victim does not authorize this, the county is required by law to pay for the examination and that the victim is in no way liable for these costs or obligated to authorize the reimbursement.

(c) The applicability of this section does not depend upon whether the victim reports the offense to law enforcement or the existence or status of any investigation or prosecution.

Sec. 4. Minnesota Statutes 2002, section 611A.03, subdivision 1, is amended to read:

Subdivision 1. **PLEA AGREEMENTS; NOTIFICATION OF VICTIM.** Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall make a reasonable and good faith effort to inform the victim of:

(a) the contents of the plea agreement recommendation, including the amount of time recommended for the defendant to serve in jail or prison if the court accepts the agreement; and

(b) the right to be present at the sentencing hearing and at the hearing during which the plea is presented to the court and to express orally or in writing, at the victim's option, any objection to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated objections to the prosecuting attorney, the prosecuting attorney shall make these objections known to the court.

Sec. 5. [611A.0301] RIGHT TO SUBMIT STATEMENT AT PLEA PRESENTATION HEARING.

A victim has the rights described in section 611A.03, subdivision 1, paragraph (b), at a plea presentation hearing.

Sec. 6. [634.35] VIDEOTAPES OF CHILD VICTIMS; CONDITIONS OF DISCLOSURE.

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

(a) If a videotaped interview of a child victim of physical or sexual abuse is disclosed by a prosecuting attorney to a defendant or the defendant's attorney, the following applies:

(1) no more than two copies of the tape or any portion of the tape may be made by the defendant or the defendant's attorney, investigator, expert, or any other representative or agent of the defendant;

(2) the tapes may not be used for any purpose other than to prepare for the defense in the criminal action against the defendant;

(3) the tapes may not be publicly exhibited, shown, displayed, used for educational, research, or demonstrative purposes, or used in any other fashion, except in judicial proceedings in the criminal action against the defendant;

(4) the tapes may be viewed only by the defendant, the defendant's attorney, and the attorney's employees, investigators, and experts;

(5) no transcript of the tapes, nor the substance of any portion of the tapes, may be divulged to any person not authorized to view the tapes;

(6) no person may be granted access to the tapes, any transcription of the tapes, or the substance of any portion of the tapes unless the person has first signed a written agreement that the person is aware of this statute and acknowledges that the person is subject to the court's contempt powers for any violation of it; and

(7) upon final disposition of the criminal case against the defendant, the tapes and any transcripts of the tapes must be returned to the prosecuting attorney.

(b) The court may hold a person who violates this section in contempt.

Sec. 7. **EFFECTIVE DATE.**

Sections 1 to 6 are effective August 1, 2003, and apply to crimes committed and persons subject to registration on or after that date.

Presented to the governor May 23, 2003

Signed by the governor May 27, 2003, 3:50 p.m.

CHAPTER 117—H.F.No. 754

An act relating to eminent domain; changing the definition of displaced person to correspond to federal law; amending Minnesota Statutes 2002, section 117.50, subdivision 3.

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

Section 1. Minnesota Statutes 2002, section 117.50, subdivision 3, is amended to read:

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