

of domicile whose employee may receive benefits under section 176.041, subdivision 4, provided the operations of the employer are for fewer than 30 consecutive days in this state and provided the employer has no other significant contacts with this state.

(c) This section does not apply to a fund established under section 16B.85, subdivision 2.

Sec. 2. Laws 2002, chapter 331, section 19, is amended to read:

Sec. 19. **EFFECTIVE DATE.**

Sections 16 and 17 are effective July 1, 2003 2004.

Sec. 3. **AMBULANCE SERVICE LIABILITY INSURANCE STUDY.**

The commissioner of commerce shall study the availability and cost to ambulance services of vehicle and malpractice insurance and the factors influencing cost increases. The commissioner shall report the results of this study and recommendations on means to ensure continued availability of affordable insurance to the legislature by January 10, 2004.

Sec. 4. **REPEALER.**

Minnesota Statutes, sections 155A.03, subdivisions 14 and 15; and 155A.07, subdivision 9, are repealed.

Presented to the governor May 24, 2003

Signed by the governor May 28, 2003, 4:10 p.m.

CHAPTER 2—S.F.No. 2

An act relating to criminal justice; appropriating money for the courts, public defenders, public safety, corrections, and other criminal justice agencies; establishing, funding, modifying, and regulating public safety, criminal justice, judiciary, law enforcement, corrections, crime victims, CrimNet, and driving while impaired policies, programs, duties, activities, or practices; requiring studies and reports; clarifying the reporting requirements of predatory registration law; imposing criminal and civil penalties; setting or increasing fines, surcharges, and fees; amending Minnesota Statutes 2002, sections 13.87, subdivision 3; 15A.0815, subdivision 3; 16A.151, subdivision 2; 152.021, subdivisions 2a, 3; 169A.03, subdivision 21, by adding a subdivision; 169A.20, subdivision 2; 169A.25, subdivision 1; 169A.26, subdivision 1; 169A.27, subdivision 1; 169A.275, subdivisions 3, 4, by adding a subdivision; 169A.40, subdivision 3; 169A.44; 169A.51, subdivision 5; 169A.53, subdivision 3; 169A.54, subdivision 6; 169A.60, subdivisions 8, 13; 241.016, subdivision 1; 243.166, subdivisions 3, 4a; 243.48, subdivision 1; 243.53, subdivision 1; 260B.105, subdivisions 1, 2; 260B.143, subdivision 1; 260C.163, subdivision 5; 270A.03, subdivision 5; 271.06, subdivision 4; 299A.42; 299A.44, subdivision 1; 299A.465, subdivision 4; 299C.05; 299C.06; 299C.10, subdivision 4, by adding a subdivision; 299C.48; 299F.46, subdivision 1, by adding subdivisions; 299M.01, by adding subdivisions; 299M.03, by adding

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

subdivisions; 299M.04; 299M.11, subdivisions 1, 2; 340A.301, by adding a subdivision; 357.021, subdivisions 2, 6, 7; 357.022; 357.08; 363.073, by adding a subdivision; 590.05; 609.101, subdivision 4; 609.105, subdivision 1, by adding subdivisions; 609.119; 609.135, subdivisions 1, 2; 609.145, by adding a subdivision; 609.2231, by adding a subdivision; 609.322, by adding a subdivision; 609.3241; 609.527, subdivision 3; 609.5312, subdivisions 3, 4; 609.66, subdivision 1a, by adding a subdivision; 609.68; 609.681; 609.748, subdivisions 3, 4, 5; 611.14; 611.17; 611.18; 611.25, subdivision 1; 611.26, subdivision 6; 611.272; 624.22, subdivision 1; 629.471, by adding a subdivision; 641.14; 641.263, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 169A; 243; 244; 256B; 299F; 609; 611A; repealing Minnesota Statutes 2002, sections 13.855; 123B.73; 152.135, subdivision 4; 241.41; 241.42; 241.43; 241.44; 241.441; 241.45; 244.19, subdivision 3a; Laws 2002, chapter 220, article 6, section 6.

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

ARTICLE 1

APPROPRIATIONS

Section 1. CRIMINAL JUSTICE APPROPRIATIONS.

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another named fund, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "2003," "2004," and "2005," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 2003, June 30, 2004, or June 30, 2005, respectively. The term "first year" means the fiscal year ending June 30, 2004, and the term "second year" means the fiscal year ending June 30, 2005.

SUMMARY BY FUND

	2003	2004	2005	TOTAL
General	\$379,000	\$ 709,621,000	\$ 724,439,000	\$1,434,439,000
State Government Special Revenue		7,000	7,000	14,000
Environmental Fund		49,000	49,000	98,000
Special Revenue Fund		5,578,000	5,578,000	11,156,000

Trunk				
Highway		361,000	361,000	722,000
TOTAL	\$379,000	\$ 715,616,000	\$ 730,434,000	\$1,446,429,000

APPROPRIATIONS
Available for the Year
Ending June 30

	2004	2005
Sec. 2. SUPREME COURT	38,806,000	36,439,000

REPORT ON COURT FEES. The state court administrator shall review and report back on the financial consequences of policy changes made in the following areas: (1) criminal and traffic offender surcharges; (2) public defender co-pays; and (3) the use of revenue recapture to collect the public defender co-pay. The report shall also list the local governmental units that employ administrative procedures to collect fines for ordinance violations. The state court administrator must submit the report to the chairs and ranking minority members on the committees that have jurisdiction over court funding by January 15 of each year.

\$5,000 each year is for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.

LEGAL SERVICES TO LOW-INCOME CLIENTS IN FAMILY LAW MATTERS. Of this appropriation, \$877,000 each year is to improve the access of low-income clients to legal representation in family law matters. This appropriation must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services programs described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first

year does not cancel and is available in the second year.

Of this appropriation, \$355,000 in fiscal year 2005 is for the implementation of the Minnesota Child Support Act and is contingent upon its enactment. This is a one-time appropriation.

Sec. 3. COURT OF APPEALS	7,898,000	7,939,000
Sec. 4. DISTRICT COURTS	175,287,000	196,633,000

The court administrator in each county shall make all reasonable and diligent efforts to promptly collect public defender co-payments. If the court administrator is unable to collect the co-payment, the court administrator shall timely submit a claim for revenue recapture.

Sec. 5. TAX COURT	726,000	726,000
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Sec. 6. UNIFORM LAWS COMMISSION	38,000	39,000
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Sec. 7. BOARD ON JUDICIAL STANDARDS	252,000	252,000
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Sec. 8. BOARD OF PUBLIC DEFENSE	53,763,000	46,082,000
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Sec. 9. PUBLIC SAFETY

Subdivision 1. Total Appropriation	70,065,000	70,525,000
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Summary by Fund

	2004	2005
General	69,013,000	69,473,000
Special Revenue	635,000	635,000
State Government Special Revenue	7,000	7,000
Environmental	49,000	49,000
Trunk Highway	361,000	361,000

APPROPRIATIONS FOR PROGRAMS. The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Emergency
Management

	2,903,000	2,903,000
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EQUIPMENT; EMERGENCY RESPONSE TEAMS; DULUTH, MOORHEAD, ST. PAUL, ROCHESTER. The commissioner of public safety may not relocate or reassign to another location or emergency response team the equipment currently housed or stored in or around Duluth, Moorhead, St. Paul, or Rochester and intended for use by the emergency response teams responsible for responding to incidents in and around Duluth, Moorhead, St. Paul, or Rochester.

Summary by Fund

General	2,854,000	2,854,000
Environmental	49,000	49,000

NONPROFIT AND FAITH-BASED ORGANIZATIONS; ANTI-TERRORISM GRANTS. Notwithstanding any law to the contrary, nonprofit and faith-based organizations may apply for and receive any funds or grants, whether federal or state, made available for anti-terrorism efforts that are not distributed or encumbered for distribution to public safety entities within a year of receipt by the department of public safety. These organizations must be considered under the same criteria applicable to any other eligible entity and must be given equal consideration.

\$430,000 is canceled from the fiscal year 2003 appropriation for terrorism response-

related equipment in Laws 2003, chapter 401, article 2, section 1, subdivision 2.

Subd. 3. Criminal Apprehension		36,207,000	36,874,000
	Summary by Fund		
General	35,204,000	35,871,000	
Special Revenue	635,000	635,000	
State Government Special Revenue	7,000	7,000	
Trunk Highway	361,000	361,000	

\$1,066,000 the first year and \$546,000 the second year are to enable the bureau of criminal apprehension to establish and maintain an Internet Web site containing public criminal history data. This is a onetime appropriation and does not become part of the base. If the appropriation for the first year is not sufficient, the appropriation for the second year is available for use in the first year. \$28,000 is added to the base for fiscal year 2006 and \$28,000 is added to the base for fiscal year 2007 for ongoing support and maintenance of the Web site.

COOPERATIVE INVESTIGATION OF CROSS-JURISDICTIONAL CRIMINAL ACTIVITY. \$135,000 each year from the bureau of criminal apprehension account in the special revenue fund is for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

LABORATORY ACTIVITIES. \$500,000 the first year and \$500,000 the second year from the bureau of criminal apprehension account in the special revenue fund are appropriated for laboratory activities.

DWI LAB ANALYSIS; TRUNK HIGHWAY FUND. Notwithstanding Minnesota Statutes, section 161.20, subdivision 3, \$361,000 the first year and \$361,000 the second year are appropriated from the trunk highway fund for laboratory analysis related to driving while impaired cases.

CRIMNET. The commissioner of public safety shall develop a plan for using the base funds appropriated for the CriMNet policy group, the CriMNet backbone, and CriMNet suspense file reductions to further completion of the CriMNet program. The commissioner shall consult with the criminal and juvenile justice information policy group and other interested parties on the development of this plan.

Subd. 4. Fire Marshal	2,430,000	2,444,000
Subd. 5. Alcohol and Gambling Enforcement	1,622,000	1,622,000
Subd. 6. Crime Victims Services Center	24,839,000	24,623,000

Of this appropriation, \$945,000 the first year and \$945,000 the second year are for the abused children program.

The office of justice programs must convene a focus group in every judicial district to assess crime victim needs and program effectiveness. The office must convene focus groups on a biennial basis in order to ensure ongoing, broad-based stakeholder and public input.

Subd. 7. Law Enforcement and Community Grants	2,064,000	2,059,000
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The base for this program shall be \$2,054,000 for fiscal year 2006 and \$2,049,000 for fiscal year 2007.

GANG STRIKE FORCE. By January 15, 2004, the commissioner of public safety must submit a report on a plan to combine the gang strike force and the narcotics task force to the senate and house chairs of committees with jurisdiction over criminal justice.

JUVENILE ASSESSMENT ACCOUNT. The balance of the funds in the juvenile assessment account in the special revenue fund is transferred to the state fire marshal hotel inspection dedicated special revenue account on July 1, 2003.

ADMINISTRATION COSTS. Up to 2.5 percent of the grant funds appropriated in this subdivision may be used to administer the grant programs.

The office of drug policy and violence prevention must give priority to programs dealing with school truancy and after-school activity.

Sec. 10. PEACE OFFICERS STANDARDS BOARD (POST)	3,943,000	3,943,000
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This appropriation is from the peace officers training account in the special revenue fund. Any receipts credited to that account in the first year in excess of \$3,943,000 must be transferred and credited to the general fund. Any receipts credited to that account in the second year in excess of \$3,943,000 must be transferred and credited to the general fund.

Sec. 11. PRIVATE DETECTIVE BOARD	126,000	126,000
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Sec. 12. HUMAN RIGHTS	3,520,000	3,490,000
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Sec. 13. CORRECTIONS

Subdivision 1. Total Appropriation	359,600,000	363,804,000
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Summary by Fund

General Fund	358,600,000	362,804,000
Special Revenue	1,000,000	1,000,000

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

FEASIBILITY OF DOUBLE BUNKING AT LOCAL JAILS. The commissioner of corrections must work with the Minnesota Sheriff's Association, the Association of Minnesota Counties, and Community Corrections Act counties to review capacities at local jail facilities and to determine the feasibility of increasing capacity by double bunking inmates.

Subd. 2. Correctional
Institutions

237,309,000 240,427,000

Summary by Fund

General Fund	236,679,000	239,797,000
Special Revenue	630,000	630,000

CONTRACT FOR BEDS AT RUSH CITY. If the commissioner contracts with other states, local units of government, or the federal government to rent beds in the Rush City correctional facility, the commissioner shall charge a per diem under the contract, to the extent possible, that is equal to or greater than the per diem cost of housing Minnesota inmates in the facility. The per diem cost for housing inmates of other states, local units of government, or the federal government at this facility shall be based on the assumption that the facility is at or near capacity.

The commissioner may use the per diem appropriation, up to \$300,000, for the pre-design of the renovation and 1,161 bed expansion at the Minnesota Correctional

Facility-Faribault. By January 15, 2004, the commissioner of corrections shall report to the chairs and ranking members of the legislative committees having jurisdiction over corrections and capital investment on the pre-design. Notwithstanding any laws to the contrary, the commissioner may use the remaining per diem appropriation to operate the state correctional system.

Subd. 3. Juvenile Services	13,035,000	13,035,000
Subd. 4. Community Services	94,359,000	95,445,000

Summary by Fund

General Fund	94,239,000	95,325,000
Special Revenue	120,000	120,000

MILLE LACS COUNTY PROBATION SERVICES. \$373,000 the first year and \$373,000 the second year are for an increase in probation services provided to Mille Lacs County. It is anticipated that the county will reimburse the state for these costs and that these proceeds will be deposited in the general fund.

BELTRAMI COUNTY PROBATION SERVICES. \$61,000 the first year and \$61,000 the second year are for an increase in probation support services provided to Beltrami County. It is anticipated that the county will reimburse the state for these costs and that these proceeds will be deposited in the general fund.

\$1,207,000 each year is appropriated to the commissioner of corrections for costs associated with the housing and care of short-term offenders. The commissioner may use up to 20 percent of the total amount of the appropriation for inpatient medical care for short-term offenders with less than six months to serve as affected by the changes

made to Minnesota Statutes, section 609.105, in this act. The commissioner shall establish and implement policy governing the admission, housing, medical care, and release of this population. All funds remaining at the end of the fiscal year not expended for inpatient medical care shall be added to and distributed with the housing funds. These funds shall be distributed proportionately based on the total number of days short-term offenders are placed locally, not to exceed \$70 per day. Short-term offenders may be housed in a state correctional facility at the discretion of the commissioner. The department of corrections is exempt from the state contracting process for the purposes of the changes made to Minnesota Statutes, section 609.105, in this act.

Subd. 5. Operations Support		14,897,000	14,897,000
	Summary by Fund		
General Fund	14,647,000	14,647,000	
Special Revenue	250,000	250,000	
Sec. 14. SENTENCING GUIDELINES		436,000	436,000

REPORT ON DRUG OFFENDER SENTENCING. The sentencing guidelines commission, in consultation with the commissioner of corrections, shall prepare a report and make recommendations regarding the following drug offender sentencing issues:

- (1) the evolution of Minnesota's drug sentencing laws, the annual proportion and number of prisoners incarcerated for drug crimes in Minnesota state prisons, the annual cost of incarcerating drug offenders in Minnesota state prisons, the effectiveness of drug courts, and current programs that employ alternatives to incarceration for drug offenders in Minnesota state prisons;

(2) the average and the range of criminal history scores for each level of drug offender currently incarcerated in Minnesota state prisons;

(3) the proportionality of Minnesota's drug sentencing provisions when compared to sentencing provisions for other crimes in Minnesota;

(4) the proportionality of Minnesota's drug sentencing provisions when compared to other states' drug sentencing provisions;

(5) the type and quantity of Minnesota correctional resources that are dedicated to all drug offenders;

(6) the projected annual cost to the department of corrections of incarcerating all drug offenders in state prisons over the next ten years;

(7) the cost savings to the department of corrections by not incarcerating nonviolent drug offenders and sending them to non-custodial drug treatment instead providing that the length of their sentence is not reduced; and

(8) the recidivism rate for drug offenders, in Minnesota and other states, who are sent to noncustodial drug treatment rather than incarceration.

The sentencing guidelines commission must present the report and recommendations to the chairs and ranking minority members of the house and senate committees having jurisdiction over criminal justice policy and financing by January 15, 2004.

Sec. 15. DEPARTMENT OF
HUMAN SERVICES

1,156,000

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Of this appropriation, \$770,000 in fiscal year 2004 is for the implementation of the Minnesota Child Support Act and is contingent upon its enactment. This is a one-time appropriation.

Of this appropriation, \$386,000 is for costs associated with the alternative placement of offenders with serious and persistent mental illness initiative contained in article 5.

Sec. 16. DEFICIENCY
APPROPRIATION

FISCAL YEAR 2003

General 35,000

SPECIAL HEARING COSTS. This appropriation for fiscal year 2003 is added to the appropriation in Laws 2001, First Special Session chapter 8, article 4, section 5, to the board on judicial standards and is to fund costs of a public hearing for a judge. This appropriation is available the day following final enactment and is available until June 30, 2003.

Sec. 17. SUNSET OF UNCODIFIED
LANGUAGE

All uncodified language contained in this article expires on June 30, 2005, unless a different expiration date is explicit.

ARTICLE 2

COURT POLICY

Section 1. Minnesota Statutes 2002, section 271.06, subdivision 4, is amended to read:

Subd. 4. **APPEAL FEE.** At the time of filing the notice of appeal the appellant shall pay to the court administrator of the tax court an appeal fee equal to the fee

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

provided for civil actions in the district court under section 357.021, subdivision 2, clause (1); except that no appeal fee shall be required of the commissioner of revenue, the attorney general, the state or any of its political subdivisions. In small claims division, the appeal fee shall be ~~\$25~~ \$150. The provisions of chapter 563, providing for proceedings in forma pauperis, shall also apply for appeals to the tax court.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 2. Minnesota Statutes 2002, section 357.021, subdivision 2, is amended to read:

Subd. 2. **FEE AMOUNTS.** The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the tax court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of ~~\$135~~ \$235.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of ~~\$135~~ \$235.

The party requesting a trial by jury shall pay \$75.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103B, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$10, and \$5 for an uncertified copy.

(3) Issuing a subpoena, ~~\$3~~ \$12 for each name.

(4) Filing a motion or response to a motion in civil, family, excluding child support, and guardianship cases, \$55.

(5) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, ~~\$10~~ \$40.

~~(5)~~ (6) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, ~~\$7.50~~ \$30.

(6) (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.

~~(7)~~ (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.

~~(8)~~ (9) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists, \$5.

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(9) (10) For the filing of each partial, final, or annual account in all trusteeships, ~~\$10~~ \$40.

(10) (11) For the deposit of a will, ~~\$5~~ \$20.

(11) (12) For recording notary commission, ~~\$25~~ \$100, of which, notwithstanding subdivision 1a, paragraph (b), ~~\$20~~ \$80 must be forwarded to the state treasurer to be deposited in the state treasury and credited to the general fund.

(12) (13) Filing a motion or response to a motion for modification of child support, a fee fixed by rule or order of the supreme court.

(13) (14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

(14) (15) In addition to any other filing fees under this chapter, a surcharge in the amount of ~~\$75~~ must be assessed in accordance with section 259.52, subdivision 14, for each adoption petition filed in district court to fund the fathers' adoption registry under section 259.52.

The fees in clauses (3) and (4) (5) need not be paid by a public authority or the party the public authority represents.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 3. Minnesota Statutes 2002, section 357.022, is amended to read:

357.022 CONCILIATION COURT FEE.

The court administrator in every county shall charge and collect a filing fee of ~~\$25~~ where the amount demanded is less than \$2,000 and ~~\$35~~ where the amount demanded is ~~\$2,000 or more~~ \$50 from every plaintiff and from every defendant when the first paper for that party is filed in any conciliation court action. This section does not apply to conciliation court actions filed by the state. The court administrator shall transmit the fees monthly to the state treasurer for deposit in the state treasury and credit to the general fund.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 4. Minnesota Statutes 2002, section 357.08, is amended to read:

357.08 PAID BY APPELLANT IN APPEAL.

There shall be paid to the clerk of the appellate courts by the appellant, or moving party or person requiring the service, in all cases of appeal, certiorari, habeas corpus, mandamus, injunction, prohibition, or other original proceeding, when initially filed with the clerk of the appellate courts, the sum of ~~\$250~~ \$500 to the clerk of the appellate courts. An additional filing fee of \$100 shall be required for a petition for accelerated review by the supreme court. A filing fee of ~~\$250~~ \$500 shall be paid to the clerk of the appellate courts upon the filing of a petition for review from a decision of the court of appeals. A filing fee of ~~\$250~~ \$500 shall be paid to the clerk of the appellate courts upon

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

the filing of a petition for permission to appeal. A filing fee of \$100 shall be paid to the clerk of the appellate courts upon the filing by a respondent of a notice of review. The clerk shall transmit the fees to the state treasurer for deposit in the state treasury and credit to the general fund.

The clerk shall not file any paper, issue any writ or certificate, or perform any service enumerated herein, until the payment has been made for it. The clerk shall pay the sum into the state treasury as provided for by section 15A.01.

The charges provided for shall not apply to disbarment proceedings, nor to an action or proceeding by the state taken solely in the public interest, where the state is the appellant or moving party, nor to copies of the opinions of the court furnished by the clerk to the parties before judgment, or furnished to the district judge whose decision is under review, or to such law library associations in counties having a population exceeding 50,000, as the court may direct.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 5. Minnesota Statutes 2002, section 363.073, is amended by adding a subdivision to read:

Subd. 1a. **FILING FEE; ACCOUNT; APPROPRIATION.** The commissioner shall collect a \$75 fee for each certificate of compliance issued by the commissioner or the commissioner's designated agent. The proceeds of the fee must be deposited in a human rights fee special revenue account. Money in the account is appropriated to the commissioner to fund the cost of issuing certificates and investigating grievances.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 6. Minnesota Statutes 2002, section 609.101, subdivision 4, is amended to read:

Subd. 4. **MINIMUM FINES; OTHER CRIMES.** Notwithstanding any other law:

(1) when a court sentences a person convicted of a felony that is not listed in subdivision 2 or 3, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law; and

(2) when a court sentences a person convicted of a gross misdemeanor or misdemeanor that is not listed in subdivision 2, it must impose a fine of not less than 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law, unless the fine is set at a lower amount on a uniform fine schedule established by the conference of chief judges in consultation with affected state and local agencies. This schedule shall be promulgated not later than ~~January~~ September 1 of each year and shall become effective on ~~August~~ January 1 of ~~that~~ the next year unless the legislature, by law, provides otherwise.

The minimum fine required by this subdivision is in addition to the surcharge or assessment required by section 357.021, subdivision 6, and is in addition to any

New language is indicated by underline, deletions by strikeout.

sentence of imprisonment or restitution imposed or ordered by the court.

The court shall collect the fines mandated in this subdivision and, except for fines for traffic and motor vehicle violations governed by section 169.871 and section 299D.03 and fish and game violations governed by section 97A.065, forward 20 percent of the revenues to the state treasurer for deposit in the general fund.

EFFECTIVE DATE. This section is effective July 1, 2003.

ARTICLE 3

PUBLIC DEFENSE

Section 1. Minnesota Statutes 2002, section 270A.03, subdivision 5, is amended to read:

Subd. 5. **DEBT.** "Debt" means a legal obligation of a natural person to pay a fixed and certain amount of money, which equals or exceeds \$25 and which is due and payable to a claimant agency. The term includes criminal fines imposed under section 609.10 or 609.125 and restitution. The term also includes the co-payment for the appointment of a district public defender imposed under section 611.17, paragraph (c). A debt may arise under a contractual or statutory obligation, a court order, or other legal obligation, but need not have been reduced to judgment.

A debt includes any legal obligation of a current recipient of assistance which is based on overpayment of an assistance grant where that payment is based on a client waiver or an administrative or judicial finding of an intentional program violation; or where the debt is owed to a program wherein the debtor is not a client at the time notification is provided to initiate recovery under this chapter and the debtor is not a current recipient of food stamps, transitional child care, or transitional medical assistance.

A debt does not include any legal obligation to pay a claimant agency for medical care, including hospitalization if the income of the debtor at the time when the medical care was rendered does not exceed the following amount:

- (1) for an unmarried debtor, an income of \$8,800 or less;
- (2) for a debtor with one dependent, an income of \$11,270 or less;
- (3) for a debtor with two dependents, an income of \$13,330 or less;
- (4) for a debtor with three dependents, an income of \$15,120 or less;
- (5) for a debtor with four dependents, an income of \$15,950 or less; and
- (6) for a debtor with five or more dependents, an income of \$16,630 or less.

The income amounts in this subdivision shall be adjusted for inflation for debts incurred in calendar years 2001 and thereafter. The dollar amount of each income level that applied to debts incurred in the prior year shall be increased in the same manner

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

as provided in section 1(f) of the Internal Revenue Code of 1986, as amended through December 31, 2000, except that for the purposes of this subdivision the percentage increase shall be determined from the year starting September 1, 1999, and ending August 31, 2000, as the base year for adjusting for inflation for debts incurred after December 31, 2000.

Debt also includes an agreement to pay a MinnesotaCare premium, regardless of the dollar amount of the premium authorized under section 256L.15, subdivision 1a.

EFFECTIVE DATE. This section is effective July 1, 2003, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2002, section 590.05, is amended to read:

590.05 INDIGENT PETITIONERS.

A person financially unable to obtain counsel who desires to pursue the remedy provided in section 590.01 may apply for representation by the state public defender. The state public defender shall represent such person under the applicable provisions of sections 611.14 to 611.27, if the person has not already had a direct appeal of the conviction. If, however, the person pled guilty and received a presumptive sentence or a downward departure in sentence, and the state public defender reviewed the person's case and determined that there was no basis for an appeal of the conviction or of the sentence, then the state public defender may decline to represent the person in a postconviction remedy case. The state public defender may represent, without charge, all other persons pursuing a postconviction remedy under section 590.01, who are financially unable to obtain counsel.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 3. Minnesota Statutes 2002, section 611.14, is amended to read:

611.14 RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.

The following persons who are financially unable to obtain counsel are entitled to be represented by a public defender:

(1) a person charged with a felony, gross misdemeanor, or misdemeanor including a person charged under sections 629.01 to 629.29;

(2) a person appealing from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor, who is pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, but if the person pled guilty and received a presumptive sentence or a downward departure in sentence, and the state public defender reviewed the person's case and determined that there was no basis for an appeal of the conviction or of the sentence, then the state public defender may decline to represent the person in a postconviction remedy case;

(3) a person who is entitled to be represented by counsel under section 609.14, subdivision 2; or

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(4) a minor ten years of age or older who is entitled to be represented by counsel under section 260B.163, subdivision 4, or 260C.163, subdivision 3.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 4. Minnesota Statutes 2002, section 611.17, is amended to read:

611.17 FINANCIAL INQUIRY; STATEMENTS; CO-PAYMENT.

Subdivision 1. **STANDARDS FOR DISTRICT PUBLIC DEFENSE ELIGIBILITY.** (a) Each judicial district must screen requests under paragraph (b) for representation by the district public defender. A defendant is financially unable to obtain counsel if:

(1) the defendant, or any dependent of the defendant who resides in the same household as the defendant, receives means-tested governmental benefits; or

(2) the defendant, through any combination of liquid assets and current income, would be unable to pay the reasonable costs charged by private counsel in that judicial district for a defense of the same matter.

(b) Upon a request for the appointment of counsel, the court shall make appropriate inquiry into the financial circumstances of the applicant, who shall submit a financial statement under oath or affirmation setting forth the applicant's assets and liabilities, including the value of any real property owned by the applicant, whether homestead or otherwise, less the amount of any encumbrances on the real property, the source or sources of income, and any other information required by the court. The applicant shall be under a continuing duty while represented by a public defender to disclose any changes in the applicant's financial circumstances that might be relevant to the applicant's eligibility for a public defender. The state public defender shall furnish appropriate forms for the financial statements. The forms must contain conspicuous notice of the applicant's continuing duty to disclose to the court changes in the applicant's financial circumstances. The forms must also contain conspicuous notice of the applicant's obligation to make a co-payment for the services of the district public defender, as specified under paragraph (c). The information contained in the statement shall be confidential and for the exclusive use of the court and the public defender appointed by the court to represent the applicant except for any prosecution under section 609.48. A refusal to execute the financial statement or produce financial records constitutes a waiver of the right to the appointment of a public defender. The court shall not appoint a district public defender to a defendant who is financially able to retain private counsel but refuses to do so.

An inquiry to determine financial eligibility of a defendant for the appointment of the district public defender shall be made whenever possible prior to the court appearance and by such persons as the court may direct. This inquiry may be combined with the pre-release investigation provided for in Minnesota Rule of Criminal Procedure 6.02, subdivision 3. In no case shall the district public defender be required to perform this inquiry or investigate the defendant's assets or eligibility. The court has the sole duty to conduct a financial inquiry. The inquiry must include the following:

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- (1) the liquidity of real estate assets, including the defendant's homestead;
- (2) any assets that can be readily converted to cash or used to secure a debt;
- (3) the determination of whether the transfer of an asset is voidable as a fraudulent conveyance; and
- (4) the value of all property transfers occurring on or after the date of the alleged offense. The burden is on the accused to show that he or she is financially unable to afford counsel. Defendants who fail to provide information necessary to determine eligibility shall be deemed ineligible. The court must not appoint the district public defender as advisory counsel.

(c) Upon disposition of the case appointment of the public defender, an individual who has received receives public defender services shall be obligated to pay to the court a \$28 co-payment for representation provided by a public defender, unless the co-payment is, or has been, waived by the court. The co-payment shall be according to the following schedule:

- (1) if the person was charged with a felony, \$200;
- (2) if the person was charged with a gross misdemeanor, \$100; or
- (3) if the person was charged with a misdemeanor, \$50.

If the person is a child and was appointed counsel under the provisions of section 260B.163, subdivision 4, the parents of the child shall pay to the court a co-payment of \$100. If the person is a parent of a child and the parent was appointed counsel under the provisions of section 260C.163, subdivision 3, the parent shall pay to the court a co-payment of \$200.

The co-payment shall be deposited in the state general fund. If a term of probation is imposed as a part of an offender's sentence, the co-payment required by this section must not be made a condition of probation. The co-payment required by this section is a civil obligation and must not be made a condition of a criminal sentence. Collection of the co-payment may be made through the provisions of chapter 270A, the Revenue Recapture Act.

(d) All public defender co-pay revenue collected under paragraph (c) and revenues less statutory fees collected under chapter 270A shall be deposited in the public defender co-pay account in the special revenue fund.

The first \$2,740,000 deposited in the public defender co-pay account must be transferred to the general fund. This is not an annual transfer. Receipts in excess of the first \$2,740,000 are appropriated to the board of public defense for public defender services.

EFFECTIVE DATE. This section is effective July 1, 2003, and applies to crimes committed on or after that date.

New language is indicated by underline, deletions by strikeout.

Sec. 5. Minnesota Statutes 2002, section 611.18, is amended to read:

611.18 APPOINTMENT OF PUBLIC DEFENDER.

If it appears to a court that a person requesting the appointment of counsel satisfies the requirements of this chapter, the court shall order the appropriate public defender to represent the person at all further stages of the proceeding through appeal, if any. For a person appealing from a conviction, or a person pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, according to the standards of sections 611.14 and 611.25, subdivision 1, paragraph (a), clause (2), the state public defender shall be appointed. For a person covered by section 611.14, clause (1), a district public defender shall be appointed to represent that person. If (a) conflicting interests exist, (b) the district public defender for any other reason is unable to act, or (c) the interests of justice require, the state public defender may be ordered to represent a person. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender. If at any stage of the proceedings, including an appeal, the court finds that the defendant is financially unable to pay counsel whom the defendant had retained, the court may appoint the appropriate public defender to represent the defendant, as provided in this section. Prior to any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, and shall continue to represent the person unless it is subsequently determined that the person is financially able to obtain counsel. The representation may be made available at the discretion of the public defender, upon the request of the person or someone on the person's behalf. Any law enforcement officer may notify the public defender of the arrest of any such person.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 6. Minnesota Statutes 2002, section 611.25, subdivision 1, is amended to read:

Subdivision 1. **REPRESENTATION.** (a) The state public defender shall represent, without charge:

(1) a defendant or other person appealing from a conviction of a felony or gross misdemeanor;

(2) a person convicted of a felony or gross misdemeanor who is pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, but if the person pled guilty and received a presumptive sentence or a downward departure in sentence, and the state public defender reviewed the person's case and determined that there was no basis for an appeal of the conviction or of the sentence, then the state public defender may decline to represent the person in a postconviction remedy case; and

(3) a child who is appealing from a delinquency adjudication or from an extended jurisdiction juvenile conviction.

(b) The state public defender may represent, without charge, all other persons pursuing a postconviction remedy under section 590.01, who are financially unable to obtain counsel.

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(c) The state public defender shall represent any other person, who is financially unable to obtain counsel, when directed to do so by the supreme court or the court of appeals, except that the state public defender shall not represent a person in any action or proceeding in which a party is seeking a monetary judgment, recovery or award. When requested by a district public defender or appointed counsel, the state public defender may assist the district public defender, appointed counsel, or an organization designated in section 611.216 in the performance of duties, including trial representation in matters involving legal conflicts of interest or other special circumstances, and assistance with legal research and brief preparation. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 7. Minnesota Statutes 2002, section 611.26, subdivision 6, is amended to read:

Subd. 6. **PERSONS DEFENDED.** The district public defender shall represent, without charge, a defendant charged with a felony, a gross misdemeanor, or misdemeanor when so directed by the district court. The district public defender shall also represent a minor ten years of age or older in the juvenile court when so directed by the juvenile court. The district public defender must not serve as advisory counsel. The juvenile court may not order the district public defender to represent a minor who is under the age of ten years, to serve as a guardian ad litem, or to represent a guardian ad litem.

Sec. 8. Minnesota Statutes 2002, section 611.272, is amended to read:

611.272 ACCESS TO GOVERNMENT DATA.

The district public defender, the state public defender, or an attorney working for a public defense corporation under section 611.216 has access to the criminal justice data communications network described in section 299C.46, as provided in this section. Access to data under this section is limited to data regarding the public defender's own client as necessary to prepare criminal cases in which the public defender has been appointed, including, but not limited to, criminal history data under section 13.87; juvenile offender data under section 299C.095; warrant information data under section 299C.115; incarceration data under section 299C.14; conditional release data under section 299C.147; and diversion program data under section 299C.46, subdivision 5. The public defender does not have access to law enforcement active investigative data under section 13.82, subdivision 7; data protected under section 13.82, subdivision 17; or confidential arrest warrant indices data under section 13.82, subdivision 19. The public defender has access to the data at no charge, except for the monthly network access charge under section 299C.46, subdivision 3, paragraph (b), and a reasonable installation charge for a terminal. Notwithstanding section 13.87, subdivision 3; 299C.46, subdivision 3, paragraph (b); 299C.48, or any other law to the contrary, there shall be no charge to public defenders for Internet access to public

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~~criminal history data the criminal justice data communications network.~~

EFFECTIVE DATE. This section is effective July 1, 2003.

ARTICLE 4

PUBLIC SAFETY

Section 1. Minnesota Statutes 2002, section 13.87, subdivision 3, is amended to read:

Subd. 3. **INTERNET ACCESS.** (a) The bureau of criminal apprehension shall establish and maintain an Internet Web site containing public criminal history data by July 1, 2004.

(b) Notwithstanding section 13.03, subdivision 3, paragraph (a), the bureau of criminal apprehension may charge a fee for Internet access to public criminal history data provided through August 1, 2003 2005. The fee may not exceed \$5 per inquiry or the amount needed to recoup the actual cost of implementing and providing Internet access, whichever is less. Fees collected must be deposited in the general fund as a nondedicated receipt.

(c) The Web site must include a notice to the subject of data of the right to contest the accuracy or completeness of data, as provided under section 13.04, subdivision 4, and provide a telephone number and address that the subject may contact for further information on this process.

(d) The Web site must include the effective date of data that is posted.

(e) The Web site must include a description of the types of criminal history data not available on the site, including arrest data, juvenile data, criminal history data from other states, federal data, data on convictions where 15 years have elapsed since discharge of the sentence, and other data that are not accessible to the public.

(f) A person who intends to access the Web site to obtain information regarding an applicant for employment, housing, or credit should must disclose to the applicant the intention to do so. The Web site must include a notice that a person obtaining such access should must notify the applicant that when a background check using this Web site may be has been conducted. This paragraph does not create a civil cause of action on behalf of the data subject.

(g) This subdivision does not create a civil cause of action on behalf of the data subject.

(h) This subdivision expires July 31, 2007.

Sec. 2. Minnesota Statutes 2002, section 299A.42, is amended to read:

299A.42 **PUBLIC SAFETY OFFICER'S BENEFIT ACCOUNT.**

New language is indicated by underline, deletions by strikeout.

The public safety officer's benefit account is created in the state treasury. Money in the account consists of money transferred and appropriated to that account. Money in the account that is not expended in the fiscal year in which it is transferred or appropriated does not revert to the general fund until claims for reimbursement under section 299A.465 that are submitted in that fiscal year are either paid or denied.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. Minnesota Statutes 2002, section 299A.44, subdivision 1, is amended to read:

Subdivision 1. **PAYMENT REQUIRED.** (a) On certification to the governor by the commissioner of public safety that a public safety officer employed within this state has been killed in the line of duty, leaving a spouse or one or more eligible dependents, the commissioner of finance shall pay \$100,000 from the public safety officer's benefit account, as follows:

(1) if there is no dependent child, to the spouse;

(2) if there is no spouse, to the dependent child or children in equal shares;

(3) if there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;

(4) if there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares; or

(5) if there is no surviving spouse, dependent child, or dependent parent, ~~then no payment may be made from the public safety officer's benefit fund to the public safety officer's estate.~~

(b) If there are both a spouse and one or more dependent children under age 18, the spouse, at the spouse's discretion, may spend a maximum of one-third of a child's share on medical or dental treatment for the child or the child's education. Expenditures under this paragraph on behalf of a child do not diminish the shares of any other children. In addition, a spouse, at the spouse's discretion, may expend money from a child's share to pay state and federal taxes on any interest accrued on the share.

EFFECTIVE DATE. This section is effective retroactively from July 1, 2002.

Sec. 4. Minnesota Statutes 2002, section 299A.465, subdivision 4, is amended to read:

Subd. 4. **PUBLIC EMPLOYER REIMBURSEMENT.** A public employer subject to this section may annually apply to the commissioner of public safety for reimbursement to help defray a portion of its costs of complying with this section. Applications must be submitted by August 1 for claims relating to the preceding fiscal year. The commissioner shall provide reimbursement to the public employer out of the public safety officer's benefit account. Reimbursement may be less than the total claim and may be prorated based on the number of eligible peace officers, firefighters, and qualifying dependents. An individual share must not exceed the actual cost to a public

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employer to provide coverage for an individual under this section.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. Minnesota Statutes 2002, section 299C.05, is amended to read:

299C.05 DIVISION OF CRIMINAL STATISTICS.

There is hereby established within the bureau a division of criminal statistics, and the superintendent, within the limits of membership herein prescribed, shall appoint a qualified statistician and one assistant to be in charge thereof. It shall be the duty of this division to collect, and preserve as a record of the bureau, information concerning the number and nature of offenses known to have been committed in the state, of the legal steps taken in connection therewith from the inception of the complaint to the final discharge of the defendant, and such other information as may be useful in the study of crime and the administration of justice. The information so collected and preserved shall include such data as may be requested by the United States department of justice, at Washington, under its national system of crime reporting. To the extent possible, the superintendent must utilize a nationally recognized system or standard approved by the Federal Bureau of Investigation to collect and preserve crime data.

EFFECTIVE DATE. This section is effective August 1, 2003.

Sec. 6. Minnesota Statutes 2002, section 299C.06, is amended to read:

299C.06 DIVISION POWERS AND DUTIES; COOPERATION.

It shall be the duty of all sheriffs, chiefs of police, city marshals, constables, prison wardens, superintendents of insane hospitals, reformatories and correctional schools, probation and parole officers, school attendance officers, coroners, county attorneys, court clerks, the commissioner of public safety, the commissioner of transportation, and the state fire marshal to furnish to the division statistics and information regarding the number of crimes reported and discovered, arrests made, complaints, informations, and indictments, filed and the disposition made of same, pleas, convictions, acquittals, probations granted or denied, conditional release information, receipts, transfers, and discharges to and from prisons, reformatories, correctional schools, and other institutions, paroles granted and revoked, commutation of sentences and pardons granted and rescinded, and all other data useful in determining the cause and amount of crime in this state and to form a basis for the study of crime, police methods, court procedure, and penal problems. Such statistics and information shall be furnished upon the request of the division and upon such forms as may be prescribed and furnished by it. Unless otherwise required or permitted by the superintendent of the bureau of criminal apprehension, an agency or person furnishing information under this section must utilize a nationally recognized system or standard approved by the Federal Bureau of Investigation for reporting statistics and information. The division shall have the power to inspect and prescribe the form and substance of the records kept by those officials from which the information is so furnished.

EFFECTIVE DATE. This section is effective August 1, 2003.

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Sec. 7. Minnesota Statutes 2002, section 299C.10, subdivision 4, is amended to read:

Subd. 4. **FEE FOR BACKGROUND CHECK; ACCOUNT; APPROPRIATION.** The superintendent shall collect a fee in an amount to cover the expense for each background check provided for a purpose not directly related to the criminal justice system or required by section 624.7131, 624.7132, or 624.714. The proceeds of the fee must be deposited in a special account. Money in the account is annually appropriated to the commissioner to maintain and improve the quality of the criminal record system in Minnesota. The superintendent shall collect an additional handling fee of \$7 for FBI background fingerprint checks.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 8. Minnesota Statutes 2002, section 299C.10, is amended by adding a subdivision to read:

Subd. 5. **FEE FOR TAKING FINGERPRINTS; ACCOUNT APPROPRIATION.** The superintendent may charge a fee of \$10 to take fingerprints for the public when required by an employer or government entity for either employment or licensing. No fee will be charged when there is a question whether the person is the subject of a criminal history record. The proceeds of the fee must be deposited in an account in the special revenue fund. Money in the account is annually appropriated to the commissioner to maintain and improve the quality of the criminal record system in Minnesota.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 9. Minnesota Statutes 2002, section 299C.48, is amended to read:

299C.48 CONNECTION BY AUTHORIZED AGENCY; STANDING APPROPRIATION.

(a) An agency authorized under section 299C.46, subdivision 3, may connect with and participate in the criminal justice data communications network upon approval of the commissioner of public safety; provided, that the agency shall first agree to pay installation charges as may be necessary for connection and monthly operational charges as may be established by the commissioner of public safety. Before participation by a criminal justice agency may be approved, the agency must have executed an agreement with the commissioner providing for security of network facilities and restrictions on access to data supplied to and received through the network.

(b) In addition to any fee otherwise authorized, the commissioner of public safety shall impose a fee for providing secure dial-up or Internet access for criminal justice agencies and noncriminal justice agencies. The following monthly fees apply:

(1) criminal justice agency accessing via Internet, \$15;

(2) criminal justice agency accessing via dial-up, \$35;

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(3) noncriminal justice agency accessing via Internet, \$35; and

(4) noncriminal justice agency accessing via dial-up, \$35.

(c) The installation and monthly operational charges collected by the commissioner of public safety under ~~paragraph~~ paragraphs (a) and (b) are annually appropriated to the commissioner to administer sections 299C.46 to 299C.50.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 10. Minnesota Statutes 2002, section 299F.46, subdivision 1, is amended to read:

Subdivision 1. **HOTEL INSPECTION.** (a) It shall be the duty of the commissioner of public safety to inspect, or cause to be inspected, at least once every three years, every hotel in this state; and, for that purpose, the commissioner, or the commissioner's deputies, or designated alternates or agents shall have the right to enter or have access thereto at any reasonable hour; and, when, upon such inspection, it shall be found that the hotel so inspected does not conform to or is not being operated in accordance with the provisions of sections 157.011 and 157.15 to 157.22, in so far as the same relate to fire prevention or fire protection of hotels, or the rules promulgated thereunder, or is being maintained or operated in such manner as to violate the ~~Uniform Fire Code~~ Minnesota State Fire Code promulgated pursuant to section 299F.011 or any other law of this state relating to fire prevention and fire protection of hotels, the commissioner and the deputies or designated alternates or agents shall report such a situation to the hotel inspector who shall proceed as provided for in chapter 157.

(b) The word "hotel", as used in this subdivision, has the meaning given in section 299F.391.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 11. Minnesota Statutes 2002, section 299F.46, is amended by adding a subdivision to read:

Subd. 3. **INSPECTION FEES.** (a) For each hotel required to have a fire inspection according to subdivision 1, the commissioner of public safety may charge each hotel a triennial inspection fee of \$435 and a per room charge of \$5 for one to 18 units; \$6 for 19 to 35 units; \$7 for 36 to 100 units, and \$8 for 100 or more units. The fee includes one follow-up inspection. The commissioner shall charge each resort a triennial inspection fee of \$435 and a per room charge of \$5 for one to 10 units; \$6 for 11 to 25 units; and \$7 for 26 or more units.

The commissioner shall charge a fee of \$225 for each additional follow-up inspection for hotels and resorts, conducted in each three-year cycle that is necessary to bring the hotel or resort into compliance with the state fire code.

(b) Nothing in this subdivision prevents the designated agent from continuing to charge an inspection fee or from establishing a new inspection fee.

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(c) Hotels and motels with fewer than 35 rooms and resorts classified as 1c under section 273.13 are exempt from the fee requirements of this subdivision.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 12. Minnesota Statutes 2002, section 299F.46, is amended by adding a subdivision to read:

Subd. 4. **SPECIAL ACCOUNT.** Money received by the state fire marshal division for this program must be deposited in the state treasury and credited to a state fire marshal hotel inspection dedicated account in the special revenue fund. All money in the state fire marshal hotel inspection dedicated account is annually appropriated to the commissioner of public safety to operate and administer this program.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 13. [299F.47] **PUBLIC SCHOOL INSPECTIONS.**

Subdivision 1. **INSPECTION REQUIRED.** The state fire marshal shall develop a plan to inspect once every three years every public school facility used for educational purposes. The state fire marshal shall charge school districts \$0.014 per square foot for each school building inspected. These rates shall include two follow-up inspections or on-site consultations. If additional follow-up inspections or consultations are needed, the state fire marshal shall charge \$0.005 per square foot for each additional follow-up inspection to each applicable building in which a follow-up inspection is needed.

Subd. 2. **CHARTER SCHOOLS.** The state fire marshal shall charge charter schools \$100 for each school building inspected. This rate shall include two follow-up inspections or on-site consultations. If additional follow-up inspections or consultations are needed, the state fire marshal shall charge \$50 for each additional follow-up inspection to each applicable building in which a follow-up inspection is needed.

Subd. 3. **SPECIAL ACCOUNT.** Money received by the state fire marshal division for this program must be deposited in the state treasury and credited to a state fire marshal school inspection dedicated account in the special revenue fund. All money in the state fire marshal school inspection account is annually appropriated to the commissioner of public safety for purposes of operating and administering this program.

Subd. 4. **LOCAL INSPECTIONS.** If inspections of public school buildings and charter schools were conducted by local units of government between January 1, 1987, and January 1, 1990, then inspections may continue to be provided by the local unit of government.

Subd. 5. **VARIANCE.** Notwithstanding section 299F.011, subdivisions 5a and 5b, a variance from the code must be approved by the state fire marshal before taking effect.

EFFECTIVE DATE. This section is effective July 1, 2003.

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

Sec. 14. Minnesota Statutes 2002, section 299M.01, is amended by adding a subdivision to read:

Subd. 8a. MULTIPURPOSE POTABLE WATER PIPING SYSTEM CONTRACTOR. “Multipurpose potable water piping system contractor” means a person who contracts to sell, design, install, modify, or inspect a multipurpose potable water piping system, its parts, or related equipment.

EFFECTIVE DATE. This section is effective July 1, 2004.

Sec. 15. Minnesota Statutes 2002, section 299M.01, is amended by adding a subdivision to read:

Subd. 8b. MULTIPURPOSE POTABLE WATER PIPING SYSTEM. “Multipurpose potable water piping system” means a potable water piping system that is intended to serve both domestic and fire protection needs throughout a one- or two-family dwelling unit. No person may install a multipurpose potable water piping system unless that person is licensed pursuant to section 326.40 and is certified pursuant to section 299M.03.

EFFECTIVE DATE. This section is effective July 1, 2004.

Sec. 16. Minnesota Statutes 2002, section 299M.01, is amended by adding a subdivision to read:

Subd. 8c. MULTIPURPOSE POTABLE WATER PIPING SYSTEM INSTALLER. “Multipurpose potable water piping system installer” means a person who is certified as competent to engage in installing, connecting, altering, repairing, or adding to a residential multipurpose potable water piping system in a one- or two-family dwelling unit.

EFFECTIVE DATE. This section is effective July 1, 2004.

Sec. 17. Minnesota Statutes 2002, section 299M.03, is amended by adding a subdivision to read:

Subd. 1a. MULTIPURPOSE POTABLE WATER PIPING SYSTEM CONTRACTOR LICENSE. Except for residential installations by the owner-occupant of a one- or two-family dwelling, a person may not sell, design, install, modify, or inspect a multipurpose potable water piping system, its parts, or related equipment, or offer to do so, unless annually licensed to perform these duties as a multipurpose potable water piping system contractor. No license is required under this section for a person licensed as a professional engineer under section 326.03 who is competent in fire protection system design.

EFFECTIVE DATE. This section is effective July 1, 2004.

Sec. 18. Minnesota Statutes 2002, section 299M.03, is amended by adding a subdivision to read:

New language is indicated by underline, deletions by strikeout.

Subd. 3. MULTIPURPOSE POTABLE WATER PIPING SYSTEM INSTALLER CERTIFICATE. Except for residential installations by the owner-occupant of a one- or two-family dwelling, a person may not install, connect, alter, repair, or add to a multipurpose potable water piping system, unless annually certified to perform these duties as a multipurpose potable water piping system installer. A multipurpose potable water piping system installer certificate only allows the certificate holder to work on one- and two-family residential units.

EFFECTIVE DATE. This section is effective July 1, 2004.

Sec. 19. Minnesota Statutes 2002, section 299M.03, is amended by adding a subdivision to read:

Subd. 4. CERTIFICATION FEE; ANNUAL APPROPRIATION. The state fire marshal shall charge \$55 to conduct and administer the journeyman sprinkler fitter certification process. Money received by the state fire marshal division for the administration of this program must be deposited in the state treasury and credited to a state fire marshal dedicated account in the special revenue fund. All money in the state fire marshal account is annually appropriated to the commissioner of public safety to administer this program.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 20. Minnesota Statutes 2002, section 299M.04, is amended to read:

299M.04 RULES, FEES, ORDERS, PENALTIES.

The commissioner shall adopt permanent rules for operation of the council; regulation by municipalities; qualifications, examination, and licensing of fire protection contractors; licensing of multipurpose potable water piping system contractors; certification of multipurpose potable water piping system installers; certification of journeyman sprinkler fitters; registration of apprentices; and the administration and enforcement of this chapter. Permit fees must be a percentage of the total cost of the fire protection work.

The commissioner may issue a cease and desist order to cease an activity considered an immediate risk to public health or public safety. The commissioner shall adopt permanent rules governing when an order may be issued; how long the order is effective; notice requirements; and other procedures and requirements necessary to implement, administer, and enforce the provisions of this chapter.

The commissioner, in place of or in addition to licensing sanctions allowed under this chapter, may impose a civil penalty not greater than \$1,000 for each violation of this chapter or rule adopted under this chapter, for each day of violation. The commissioner shall adopt permanent rules governing and establishing procedures for implementation, administration, and enforcement of this paragraph.

EFFECTIVE DATE. This section is effective July 1, 2004.

Sec. 21. Minnesota Statutes 2002, section 299M.11, subdivision 1, is amended to read:

New language is indicated by underline, deletions by strikeout.

Subdivision 1. **LICENSING FEE.** A person required to be licensed under section 299M.03, subdivision 1 or 1a, shall, before receipt of the license and before causing fire protection-related work or multipurpose potable water piping system work to be performed, pay the commissioner an annual license fee.

EFFECTIVE DATE. This section is effective July 1, 2004.

Sec. 22. Minnesota Statutes 2002, section 299M.11, subdivision 2, is amended to read:

Subd. 2. **CERTIFICATION FEE.** Employees required to be certified under section 299M.03, subdivision 2 or 3, shall, before performing fire protection-related work or multipurpose potable water piping system work, pay the commissioner an annual certification fee.

EFFECTIVE DATE. This section is effective July 1, 2004.

Sec. 23. Minnesota Statutes 2002, section 340A.301, is amended by adding a subdivision to read:

Subd. 6a. **PERMITS AND FEES.** Any person engaged in the purchase, sale, or use for any purpose other than personal consumption of intoxicating alcoholic beverages or ethyl alcohol shall obtain the appropriate regulatory permit and identification card from the commissioner as provided in this subdivision. The fee for each permit, other than one issued to a state or federal agency, is \$35 and must be submitted together with the appropriate application form provided by the commissioner. Identification cards and permits must be issued for a period coinciding with that of the appropriate state or municipal license and are not transferable. In instances where there is no annual license period, cards and permits expire one year after the date of issuance. The authority to engage in the purchase, sale, or use granted by the card or permit may be revoked by the commissioner upon evidence of a violation by the holder of such a card or permit of any of the provisions of chapter 340A or any rule of the commissioner made pursuant to law.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 24. Minnesota Statutes 2002, section 609.119, is amended to read:

609.119 ADDITIONAL COLLECTION OF BIOLOGICAL SPECIMENS FOR DNA TESTING.

(a) From July 1, ~~2002~~ 2003, to June 30, ~~2003~~ 2005, the court shall order an offender to provide a biological specimen for the purpose of future DNA analysis as described in section 299C.155 when:

(1) the court sentences a person charged with committing or attempting to commit a felony offense not described in section 609.117, subdivision 1, and the person is convicted of that offense or of any felony offense arising out of the same set of circumstances; or

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(2) the juvenile court adjudicates a person a delinquent child who is petitioned for committing or attempting to commit a felony offense not described in section 609.117, subdivision 1, and is adjudicated delinquent for that offense or any felony-level offense arising out of the same set of circumstances.

The biological specimen shall be maintained by the bureau of criminal apprehension as provided in section 299C.155.

(b) From July 1, ~~2002~~ 2003, to June 30, ~~2003~~ 2005, the commissioner of corrections or local corrections authority shall order a person to provide a biological specimen for the purpose of future DNA analysis as described in section 299C.155 before completion of the person's term of imprisonment when the person has not provided a biological specimen for the purpose of DNA analysis, and the person:

(1) was initially charged with committing or attempting to commit a felony offense not described in section 609.117, subdivision 1, and was convicted of that offense or of any felony offense arising out of the same set of circumstances; or

(2) is serving a term of imprisonment in this state under a reciprocal agreement although convicted in another state of committing or attempting to commit a felony offense not described in section 609.117, subdivision 1, or of any felony offense arising out of the same set of circumstances if the person was initially charged with committing or attempting to commit a felony offense not described in section 609.117, subdivision 1.

The commissioner of corrections or local corrections authority shall forward the sample to the bureau of criminal apprehension.

(c) From July 1, ~~2002~~ 2003, to June 30, ~~2003~~ 2005, when the state accepts an offender from another state under the interstate compact authorized by section 243.16 or 243.1605, the acceptance is conditional on the offender providing a biological specimen for the purposes of future DNA analysis as described in section 299C.155, if the offender was initially charged with committing or attempting to commit a felony offense not described in section 609.117, subdivision 1, and was convicted of that offense or of any felony offense arising out of the same set of circumstances. The specimen must be provided under supervision of staff from the department of corrections or a Community Corrections Act county within 15 business days after the offender reports to the supervising agent. The cost of obtaining the biological specimen is the responsibility of the agency providing supervision.

EFFECTIVE DATE. This section is effective July 1, 2003 and applies to offenders sentenced, released from incarceration, or accepted for supervision on or after that date.

Sec. 25. Minnesota Statutes 2002, section 609.5312, subdivision 3, is amended to read:

Subd. 3. **VEHICLE FORFEITURE FOR PROSTITUTION OFFENSES.** (a) A motor vehicle is subject to forfeiture under this subdivision if it was used to commit or facilitate, or used during the commission of, a violation of section 609.324 or a

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violation of a local ordinance substantially similar to section 609.324. A motor vehicle is subject to forfeiture under this subdivision only if the offense is established by proof of a criminal conviction for the offense. Except as otherwise provided in this subdivision, a forfeiture under this subdivision is governed by sections 609.531, 609.5312, and 609.5313.

(b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance of a judicial forfeiture order, a hearing before a judge or referee must be held within 96 hours of the seizure. Notice of the hearing must be given to the registered owner within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of the hearing, that it has filed or intends to file charges against the alleged violator for violating section 609.324 or a local ordinance substantially similar to section 609.324. After conducting the hearing, the court shall order that the motor vehicle be returned to the owner if:

(1) the prosecutor has failed to make the certification required by paragraph (b);

(2) the owner of the motor vehicle has demonstrated to the court's satisfaction that the owner has a defense to the forfeiture, including but not limited to the defenses contained in subdivision 2; or

(3) the court determines that seizure of the vehicle creates or would create an undue hardship for members of the owner's family.

(c) If the defendant is acquitted or prostitution charges against the defendant are dismissed, neither the owner nor the defendant is responsible for paying any costs associated with the seizure or storage of the vehicle.

(d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of 180 days or less is not subject to forfeiture under this subdivision.

(e) For purposes of this subdivision, seizure occurs either:

(1) at the date at which personal service of process upon the registered owner is made; or

(2) at the date when the registered owner has been notified by certified mail at the address listed in the Minnesota Department of Public Safety computerized motor vehicle registration records.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 26. Minnesota Statutes 2002, section 609.5312, subdivision 4, is amended to read:

Subd. 4. **VEHICLE FORFEITURE FOR FLEEING A PEACE OFFICER.** (a) A motor vehicle is subject to forfeiture under this subdivision if it was used to commit a violation of section 609.487 and endanger life or property. A motor vehicle is subject to forfeiture under this subdivision only if the offense is established by proof of a criminal conviction for the offense. Except as otherwise provided in this subdivision,

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a forfeiture under this subdivision is governed by sections 609.531, 609.5312, 609.5313, and 609.5315, subdivision 6.

(b) When a motor vehicle subject to forfeiture under this subdivision is seized in advance of a judicial forfeiture order, a hearing before a judge or referee must be held within 96 hours of the seizure. Notice of the hearing must be given to the registered owner within 48 hours of the seizure. The prosecuting authority shall certify to the court, at or in advance of the hearing, that it has filed or intends to file charges against the alleged violator for violating section 609.487. After conducting the hearing, the court shall order that the motor vehicle be returned to the owner if:

(1) the prosecutor has failed to make the certification required by this paragraph;

(2) the owner of the motor vehicle has demonstrated to the court's satisfaction that the owner has a defense to the forfeiture, including but not limited to the defenses contained in subdivision 2; or

(3) the court determines that seizure of the vehicle creates or would create an undue hardship for members of the owner's family.

(c) If the defendant is acquitted or the charges against the defendant are dismissed, neither the owner nor the defendant is responsible for paying any costs associated with the seizure or storage of the vehicle.

(d) A vehicle leased or rented under section 168.27, subdivision 4, for a period of 180 days or less is not subject to forfeiture under this subdivision.

(e) A motor vehicle that is an off-road recreational vehicle as defined in section 169A.03, subdivision 16, or a motorboat as defined in section 169A.03, subdivision 13, is not subject to paragraph (b).

(f) For purposes of this subdivision, seizure occurs either:

(1) at the date at which personal service of process upon the registered owner is made; or

(2) at the date when the registered owner has been notified by certified mail at the address listed in the Minnesota Department of Public Safety computerized motor vehicle registration records.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 27. [609.776] INTERFERENCE WITH EMERGENCY COMMUNICATIONS.

Whoever, without prior authorization, broadcasts or transmits on, interferes with, blocks, or cross-patches another frequency onto a law enforcement, firefighting, emergency medical services, emergency radio frequency or channel, any assigned or alternate emergency frequency or channel, or an official cellular telephone communication of a law enforcement agency, a fire department, or emergency medical services

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provider, knowing, or having reason to know that the act creates a risk of obstructing, preventing, or misdirecting official law enforcement, firefighting, or emergency medical services communications, is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$10,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 28. Minnesota Statutes 2002, section 624.22, subdivision 1, is amended to read:

Subdivision 1. **GENERAL REQUIREMENTS; PERMIT; INVESTIGATION; FEE.** (a) Sections 624.20 to 624.25 do not prohibit the supervised display of fireworks by a statutory or home rule charter city, fair association, amusement park, or other organization, except that:

(1) a fireworks display may be conducted only when supervised by an operator certified by the state fire marshal; and

(2) a fireworks display must either be given by a municipality or fair association within its own limits, or by any other organization, whether public or private, only after a permit for the display has first been secured.

(b) An application for a permit for an outdoor fireworks display must be made in writing to the municipal clerk at least 15 days in advance of the date of the display and must list the name of an operator who is certified by the state fire marshal and will supervise the display. The application must be promptly referred to the chief of the fire department, who shall make an investigation to determine whether the operator of the display is competent and is certified by the state fire marshal, and whether the display is of such a character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The fire chief shall report the results of this investigation to the clerk. If the fire chief reports that the operator is certified, that in the chief's opinion the operator is competent, and that the fireworks display as planned will conform to the safety guidelines of the state fire marshal provided for in paragraph ~~(e)~~ (f), the clerk shall issue a permit for the display when the applicant pays a permit fee.

(c) When the supervised outdoor fireworks display for which a permit is sought is to be held outside the limits of an incorporated municipality, the application must be made to the county auditor, and the auditor shall perform duties imposed by sections 624.20 to 624.25 upon the clerk of the municipality. When an application is made to the auditor, the county sheriff shall perform the duties imposed on the fire chief of the municipality by sections 624.20 to 624.25.

(d) An application for an indoor fireworks display permit must be made in writing to the state fire marshal by the operator of the facility in which the display is to occur at least 15 days in advance of the date of any performance, show, or event which will include the discharge of fireworks inside a building or structure. The application must

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list the name of an operator who is certified by the state fire marshal and will supervise the display. The state fire marshal shall make an investigation to determine whether the operator of the display is competent and is properly certified and whether the display is of such a character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. If the state fire marshal determines that the operator is certified and competent, that the indoor fireworks display as planned will conform to the safety guidelines provided for in paragraph (f), and that adequate notice will be given to inform patrons of the indoor fireworks display, the state fire marshal shall issue a permit for the display when the applicant pays an indoor fireworks fee of \$150 and reimburses the fire marshal for costs of inspection. Receipts from the indoor fireworks fee and inspection reimbursements must be deposited in the general fund as a nondedicated receipt. The state fire marshal may issue a single permit for multiple indoor fireworks displays when all of the displays are to take place at the same venue as part of a series of performances by the same performer or group of performers. A copy of the application must be promptly conveyed to the chief of the local fire department, who shall make appropriate preparations to ensure public safety in the vicinity of the display. The operator of a facility where an indoor fireworks display occurs must provide notice in a prominent place as approved by the state fire marshal to inform patrons attending a performance when indoor fireworks will be part of that performance. The state fire marshal may grant a local fire chief the authority to issue permits for indoor fireworks displays. Before issuing a permit, a local fire chief must make the determinations required in this paragraph.

(e) After a permit has been granted under either paragraph (b) or (d), sales, possession, use and distribution of fireworks for a display are lawful for that purpose only. A permit is not transferable.

(e) (f) The state fire marshal shall adopt and disseminate to political subdivisions rules establishing guidelines on fireworks display safety that are consistent with sections 624.20 to 624.25 and the most recent editions of the Minnesota Uniform Fire Code and the National Fire Protection Association Standards, to insure that fireworks displays are given safely. In the guidelines, the state fire marshal shall allow political subdivisions to exempt the use of relatively safe fireworks for theatrical special effects, ceremonial occasions, and other limited purposes, as determined by the state fire marshal.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 29. PILOT PROJECT FOR ENHANCED COMMUNITY POLICING.

Subdivision 1. PILOT PROJECT ESTABLISHED. The Minnesota alternative policing strategies (MAPS) program is hereby established for the purpose of enhancing community policing efforts throughout the state of Minnesota.

Subd. 2. GRANT PROGRAM. The commissioner of public safety shall make grants to up to six law enforcement agencies, consisting of no more than two urban, two suburban, and two rural law enforcement agencies, based upon applications

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submitted by law enforcement agencies explaining how they will use the grants for enhanced community policing initiatives.

Subd. 3. ELIGIBILITY FOR GRANT PROGRAM. (a) To be eligible for a grant under this program, the law enforcement agency must be located in an area with a high crime rate and gang, drug, or prostitution activity. The agency also must:

(1) provide a detailed plan for how the agency will use the grant to promote education and awareness in the community about law enforcement's activities, including providing education and training for both peace officers and the community on community policing initiatives;

(2) agree to use a portion of the funding to hire additional peace officers;

(3) agree to assign designated peace officers for a period of at least one year to work exclusively in the area where the enhanced community policing efforts will take place;

(4) provide a plan for holding community meetings at least monthly with law enforcement, including the designated peace officers, prosecuting authorities, judges with jurisdiction in the area, and community members to further law enforcement outreach efforts; and

(5) agree to implement a system in which the designated peace officers will be responsible for as many emergency 911 calls in their area as reasonably possible, while relieving these officers from responsibility for answering emergency 911 calls in other areas absent extremely urgent circumstances.

(b) A law enforcement agency receiving funding under Minnesota Statutes, section 299A.62, the community-oriented policing (COPS) program, is eligible to compete for a grant under this section.

Subd. 4. REPORTS. (a) Each law enforcement agency receiving a grant under this section shall provide a written report to the commissioner of public safety describing how the grant was used and evaluating the effectiveness of the enhanced community policing provided under this grant. Each agency shall provide its report by September 30, 2004.

(b) The commissioner of public safety shall report to the chairs and ranking minority leaders of the house and senate committees with jurisdiction over criminal justice policy and funding on distribution of grants under this section. This report also shall summarize the information provided by law enforcement agencies under paragraph (a). This report shall be provided by December 15, 2004.

Subd. 5. ROLE OF DEPARTMENT. The commissioner shall assist applicants seeking federal community oriented policing services (COPS) grants under this section. This assistance shall include, but is not limited to, pursuing a waiver of the local match requirement.

EFFECTIVE DATE. This section is effective July 1, 2003.

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Sec. 30. HOTEL AND RESORT FIRE SAFETY INSPECTION FEE TASK FORCE.

The commissioner of public safety shall appoint a task force concerning the assessment and administration of hotel and resort inspection fees. The task force may look at alternative fees and payment options and report back to the chairs of the house judiciary committee and the senate state government operations committee on any recommendations put forth by the task force by January 15, 2004. The task force membership shall consist of a representative of the state fire marshal's office, a representative of the local fire marshal's, and representatives of the hotel, resort, restaurant, and bed and breakfast association.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 31. APPROPRIATION.

\$344,000 is appropriated from the general fund in fiscal year 2003 to the commissioner of public safety for the purposes of this article. This is a onetime appropriation.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 32. REPEALER.

Minnesota Statutes 2002, section 123B.73 is repealed.

EFFECTIVE DATE. This section is effective July 1, 2003.

ARTICLE 5**CORRECTIONS POLICY PROVISIONS**

Section 1. Minnesota Statutes 2002, section 15A.0815, subdivision 3, is amended to read:

Subd. 3. **GROUP II SALARY LIMITS.** The salaries for positions in this subdivision may not exceed 85 percent of the salary of the governor:

- Ombudsman for corrections;
- Executive director of gambling control board;
- Commissioner, iron range resources and rehabilitation board;
- Commissioner, bureau of mediation services;
- Ombudsman for mental health and retardation;
- Chair, metropolitan council;
- Executive director of pari-mutuel racing;
- Executive director, public employees retirement association;

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Commissioner, public utilities commission;
Executive director, state retirement system; and
Executive director, teachers retirement association.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 2. Minnesota Statutes 2002, section 241.016, subdivision 1, is amended to read:

Subdivision 1. **ANNUAL BIENNIAL REPORT.** (a) The department of corrections shall submit a performance report to the chairs and ranking minority members of the senate and house committees and divisions having jurisdiction over criminal justice funding by January 15 of each year, 2005, and every other year thereafter. The issuance and content of the report must include the following:

- (1) department strategic mission, goals, and objectives;
- (2) the department-wide per diem, adult facility-specific per diems, and an average per diem, reported in a standard calculated method as outlined in the departmental policies and procedures; and
- (3) department annual statistics as outlined in the departmental policies and procedures.

(b) The department shall maintain recidivism rates for adult facilities on an annual basis. In addition, each year the department shall, on an alternating basis, complete a recidivism analysis of adult facilities, juvenile services, and the community services divisions and include a three-year recidivism analysis in the report described in paragraph (a). When appropriate, the recidivism analysis must include education programs, vocational programs, treatment programs, industry, and employment.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 3. Minnesota Statutes 2002, section 243.48, subdivision 1, is amended to read:

Subdivision 1. **GENERAL SEARCHES.** The commissioner of corrections, the governor, lieutenant governor, members of the legislature, and state officers, and the ~~corrections ombudsman~~, may visit the inmates at pleasure, but no other persons without permission of the chief executive officer of the facility, under rules prescribed by the commissioner. A moderate fee may be required of visitors, other than those allowed to visit at pleasure. All fees so collected shall be reported and remitted to the state treasurer under rules as the commissioner may deem proper, and when so remitted shall be placed to the credit of the general fund.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 4. Minnesota Statutes 2002, section 243.53, subdivision 1, is amended to read:

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Subdivision 1. **SEPARATE CELLS.** (a) When there are sufficient cells available, each inmate shall be confined in a separate cell. Each inmate shall be confined in a separate cell in institutions classified by the commissioner as custody level five and six institutions. This requirement does not apply to the following:

- (1) geriatric dormitory-type facilities;
- (2) honor dormitory-type facilities; and

(3) any other multiple occupancy facility at a custody level five or six institution that confines inmates who could be confined in an institution at custody level four or lower.

(b) Correctional institutions classified by the commissioner as custody level one, two, three, or four institutions must permit multiple occupancy, except segregation units, to the greatest extent possible.

(c) Correctional institutions classified by the commissioner as custody level five must permit multiple occupancy not to exceed the limits of facility infrastructure and programming space.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 5. [243.557] INMATE MEALS.

Where inmates in a state correctional facility are not routinely absent from the facility for work or other purposes, the commissioner must make three meals available Monday through Friday, excluding holidays, and at least two meals available on Saturdays, Sundays, and holidays.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 6. [256B.0596] MENTAL HEALTH CASE MANAGEMENT.

Counties shall contract with eligible providers willing to provide mental health case management services under section 256B.0625, subdivision 20. In order to be eligible, in addition to general provider requirements under this chapter, the provider must:

- (1) be willing to provide the mental health case management services; and
- (2) have a minimum of at least one contact with the client per week.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 7. Minnesota Statutes 2002, section 609.105, subdivision 1, is amended to read:

Subdivision 1. In a felony sentence to imprisonment, when the remaining term of imprisonment is for more than one year 180 days or less, the defendant shall commit the defendant be committed to the custody of the commissioner of corrections and must serve the remaining term of imprisonment at a workhouse, work farm, county jail, or other place authorized by law.

EFFECTIVE DATE. This section is effective July 1, 2003.

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Sec. 8. Minnesota Statutes 2002, section 609.105, is amended by adding a subdivision to read:

Subd. 1a. DEFINITIONS. (a) The terms in this subdivision apply to this section.

(b) "Remaining term of imprisonment" as applied to inmates whose crimes were committed before August 1, 1993, is the period of time for which an inmate is committed to the custody of the commissioner of corrections minus earned good time and jail credit, if any.

(c) "Remaining term of imprisonment" as applied to inmates whose crimes were committed on or after August 1, 1993, is the period of time equal to two-thirds of the inmate's executed sentence, minus jail credit, if any.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 9. Minnesota Statutes 2002, section 609.105, is amended by adding a subdivision to read:

Subd. 1b. SENTENCE TO MORE THAN 180 DAYS. A felony sentence to imprisonment when the warrant of commitment has a remaining term of imprisonment for more than 180 days shall commit the defendant to the custody of the commissioner of corrections.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 10. [609.1055] OFFENDERS WITH SERIOUS AND PERSISTENT MENTAL ILLNESS; ALTERNATIVE PLACEMENT.

When a court intends to commit an offender with a serious and persistent mental illness, as defined in section 245.462, subdivision 20, paragraph (c), to the custody of the commissioner of corrections for imprisonment at a state correctional facility, either when initially pronouncing a sentence or when revoking an offender's probation, the court, when consistent with public safety, may instead place the offender on probation or continue the offender's probation and require as a condition of the probation that the offender successfully complete an appropriate supervised alternative living program having a mental health treatment component. This section applies only to offenders who would have a remaining term of imprisonment after adjusting for credit for prior imprisonment, if any, of more than one year.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 11. Minnesota Statutes 2002, section 609.145, is amended by adding a subdivision to read:

Subd. 3. CREDIT. When a person is to be committed to the commissioner, the person's probation officer must provide to the court, prior to the sentencing hearing, the amount of time the person has in credit for prior imprisonment. The court must pronounce credit for prior imprisonment at the time of sentencing.

EFFECTIVE DATE. This section is effective July 1, 2003.

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Sec. 12. Minnesota Statutes 2002, section 641.14, is amended to read:

641.14 JAILS; SEPARATION OF PRISONERS.

The sheriff of each county is responsible for the operation and condition of the jail. If construction of the jail permits, the sheriff may permit multiple occupancy but the sheriff shall maintain strict separation of prisoners to the extent that separation is consistent with prisoners' security, safety, health, and welfare. The sheriff shall not keep in the same room or section of the jail:

(1) a minor under 18 years old and a prisoner who is 18 years old or older, unless:

(i) the minor has been committed to the commissioner of corrections under section 609.105;

(ii) the minor has been referred for adult prosecution and the prosecuting authority has filed a notice of intent to prosecute the matter for which the minor is being held under section 260B.125; or

(iii) the minor is 16 or 17 years old and has been indicted for murder in the first degree;

(2) a female prisoner and a male prisoner; and

(3) a minor under 18 years old and an extended jurisdiction juvenile 18 years old or older who is alleged to have violated the conditions of the stay of execution.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 13. Minnesota Statutes 2002, section 641.263, is amended by adding a subdivision to read:

Subd. 5. MULTIPLE OCCUPANCY CELLS. If construction of the jail permits, the board may, by resolution, authorize multiple occupancy, but the superintendent must maintain strict separation of prisoners to the extent that separation is necessary to ensure prisoners' security, safety, health, and welfare.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 14. ALTERNATIVE LIVING PROGRAMS FOR CERTAIN OFFENDERS WITH MENTAL ILLNESS.

The commissioner of corrections shall cooperate with nonprofit entities to establish supervised alternative living programs for offenders with serious and persistent mental illness, as defined in Minnesota Statutes, section 245.462, subdivision 20, paragraph (c). Each program must be structured to accommodate between eight and 13 offenders who are required to successfully complete the program as a condition of probation. Each program must provide a residential component and include mental health treatment and counseling, living and employment skills development, and supported employment. Program directors shall report program violations by participating offenders to the offender's correctional agent.

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By January 15, 2006, the commissioners of corrections and human services shall evaluate the alternative placements provided to offenders with mental illness under Minnesota Statutes, section 609.1055. The evaluation shall address the following issues: number of offenders who obtain and maintain employment in the community, number sentenced to prison, costs, and other issues deemed appropriate by the commissioners. The commissioners shall identify barriers to successful implementation and recommend any legislative changes needed. The evaluation and other information required under this section must be provided to the chairs of the house of representatives and senate finance and policy committees having jurisdiction over corrections and human services issues by the date specified in this section.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 15. RULE 36, MINNESOTA RULES, PARTS 9520.0500 TO 9520.0690, LICENSURE FOR ALTERNATIVE LIVING PROGRAMS FOR CERTAIN OFFENDERS WITH MENTAL ILLNESS.

The commissioner of human services shall approve additional Rule 36 licenses in order to accommodate alternative living programs for certain offenders with mental illness if:

- (1) the provider meets applicable licensing standards; and
- (2) additional Rule 36 programs are necessary to meet the demand for alternative living programs for certain offenders with mental illness.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 16. FINANCING FOR RULE 36 PROGRAMS FOR ALTERNATIVE LIVING PROGRAMS FOR CERTAIN OFFENDERS WITH MENTAL ILLNESS.

Applicants for licensure of a Rule 36 program to provide an alternative living program for certain offenders with mental illness must be given special consideration and priority from the Minnesota housing finance agency, as allowed, in order to secure home loans for an alternative living program for certain offenders with mental illness.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 17. CORRECTIONS OMBUDSMAN DATA.

Prior to July 1, 2003, the corrections ombudsman must arrange for and cooperate in the transfer or other disposition of the ombudsman's data and the government records, as defined in Minnesota Statutes, section 138.17, subdivision 1, as directed or provided under Minnesota Statutes, sections 138.161 to 138.25.

EFFECTIVE DATE. This section is effective the day following final enactment.

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Sec. 18. REPEALER.

Laws 2002, chapter 220, article 6, section 6, is repealed.

Minnesota Statutes 2002, sections 13.855; 241.41; 241.42; 241.43; 241.44; 241.441; and 241.45, are repealed.

EFFECTIVE DATE. This section is effective July 1, 2003.

ARTICLE 6**PROBATION****Section 1. [244.196] DEFINITIONS.**

Subdivision 1. DEFINITIONS. As used in sections 244.196 to 244.199, the following terms have the meanings given them.

Subd. 2. PROBATION. "Probation" has the meaning given in section 609.02, subdivision 15.

Subd. 3. PROBATION VIOLATION SANCTION. "Probation violation sanction" includes, but is not limited to, electronic monitoring, intensive probation, sentencing to service, reporting to a day reporting center, chemical dependency or mental health treatment or counseling, community work service, remote electronic alcohol monitoring, random drug testing, and participation in an educational or restorative justice program. A probation violation sanction does not include any type of custodial sanction, including, but not limited to, detention and incarceration.

Subd. 4. SANCTIONS CONFERENCE. "Sanctions conference" means a voluntary conference at which the county probation officer, offender, and, if appropriate, other interested parties meet to discuss the probation violation sanction for the offender's technical violation of probation.

Subd. 5. SANCTIONS CONFERENCE FORM. "Sanctions conference form" means a form developed by the chief executive officer of a local corrections agency with the approval of the district court that explains the sanctions conference and the offender's option to elect to participate in the sanctions conference or to proceed to a judicial hearing.

Subd. 6. TECHNICAL VIOLATION. "Technical violation" means any violation of a court order of probation, except an allegation of a subsequent criminal act that is alleged in a formal complaint, citation, or petition.

Sec. 2. [244.197] INITIATION OF SANCTIONS CONFERENCE.

Subdivision 1. AUTHORITY. Unless the district court directs otherwise, a probation agency may use a sanctions conference to address an offender's technical violation of probation.

Subd. 2. NOTICE OF VIOLATION. When a probation agency has reason to believe that an offender has committed a technical violation of probation, the agency

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shall notify the offender in writing of the specific nature of the technical violation and the scheduling of a sanctions conference, including the date, time, and location of the sanctions conference. The notice shall also state that if the offender fails to appear at the sanctions conference, the probation agency may apprehend and detain the offender under section 244.195 and ask the court to commence revocation proceedings under section 609.14 and rule 27.04 of the Rules of Criminal Procedure. To the extent feasible, the sanctions conference must take place within seven days of mailing of the notice to the offender.

Subd. 3. SANCTIONS CONFERENCE. At the sanctions conference, the county probation officer shall provide the offender with a copy of a sanctions conference form explaining the sanctions conference and the offender's options for proceeding. The offender must stipulate, in writing, that the offender has received a copy of the sanctions conference form and that the offender understands the information contained in the form and the options available to the offender. The offender also must declare, in writing, the offender's decision to either participate in the sanctions conference or proceed with a judicial hearing.

Sec. 3. [244.198] PARTICIPATION IN SANCTIONS CONFERENCE.

Subdivision 1. ELECTION TO PARTICIPATE. If the offender elects to participate in the sanctions conference, the county probation officer shall inform the offender, orally and in writing, of the probation violation sanction that the county probation officer is recommending for the technical violation of probation. The county probation officer shall inform the offender that the probation violation sanction becomes effective upon confirmation by a judge of the district court.

Subd. 2. REPORT TO DISTRICT COURT. If the offender elects to participate in the sanctions conference, the county probation officer conducting the sanctions conference shall provide a report to the district court containing:

- (1) the specific nature of the technical violation of probation;
- (2) the notice provided to the offender of the technical violation of probation and the scheduling of the sanctions conference;
- (3) a copy of the offender's signed stipulation indicating that the offender received a copy of the sanctions conference form and understood it;
- (4) a copy of the offender's written declaration to participate in the sanctions conference; and
- (5) the recommended probation violation sanction.

The recommended probation violation sanction becomes effective when confirmed by a judge. The order of the court shall be proof of such confirmation.

Subd. 3. RESPONSE TO DISTRICT COURT ACTION. (a) Upon the county probation officer's receipt of a confirmed order by the judge, the county probation officer shall notify the offender and the prosecuting authority in writing that the

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probation violation sanction has been approved by the court.

(b) If the court does not confirm the recommendation of the county probation officer, the probation violation sanction shall not go into effect. The county probation officer shall notify the offender that the court has not confirmed the sanction.

(c) If the court does not confirm the recommendation, the county probation officer may ask the court to commence revocation proceedings under section 609.14.

Subd. 4. APPEAL. An offender may appeal the judge's confirmation of the probation violation sanction as provided in rule 28.05 of the Rules of Criminal Procedure.

Sec. 4. [244.199] ELECTION NOT TO PARTICIPATE.

If the offender elects not to participate in the sanctions conference, the county probation officer may ask the court to initiate revocation proceedings or refer the matter to the appropriate prosecuting authority for action under section 609.14. The county probation officer also may take action to apprehend and detain the offender under section 244.195.

Sec. 5. Minnesota Statutes 2002, section 609.135, subdivision 1, is amended to read:

Subdivision 1. **TERMS AND CONDITIONS.** (a) Except when a sentence of life imprisonment is required by law, or when a mandatory minimum sentence is required by section 609.11, any court may stay imposition or execution of sentence and:

(1) may order intermediate sanctions without placing the defendant on probation;
or

(2) may place the defendant on probation with or without supervision and on the terms the court prescribes, including intermediate sanctions when practicable. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in any case by some other suitable and consenting person. Unless the court directs otherwise, state parole and probation agents and probation officers may impose community work service for an offender's or probation violation sanctions, consistent with section 243.05, subdivision 1; ~~244.19, subdivision 3a~~ sections 244.196 to 244.199; or 401.02, subdivision 5.

No intermediate sanction may be ordered performed at a location that fails to observe applicable requirements or standards of chapter 181A or 182, or any rule promulgated under them.

(b) For purposes of this subdivision, subdivision 6, and section 609.14, the term "intermediate sanctions" includes but is not limited to incarceration in a local jail or workhouse, home detention, electronic monitoring, intensive probation, sentencing to service, reporting to a day reporting center, chemical dependency or mental health treatment or counseling, restitution, fines, day-fines, community work service, work

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service in a restorative justice program, work in lieu of or to work off fines and, with the victim's consent, work in lieu of or to work off restitution.

(c) A court may not stay the revocation of the driver's license of a person convicted of violating the provisions of section 169A.20.

Sec. 6. [244.1995] SANCTIONS CONFERENCE PROCEDURES.

The chief executive officer of a local corrections agency, with approval of the district court, shall develop procedures for the sanctions conference identified in sections 244.196 to 244.199, and develop a sanctions conference form that includes notice to the offender:

(1) of the specific court-ordered condition of release that the offender has allegedly violated, the probation officer's authority to ask the court to revoke the offender's probation for the technical violation, and the offender's right to elect to participate in a sanctions conference to address the technical violation in lieu of the probation officer asking the court to revoke the offender's probation;

(2) that participation in the sanctions conference is in lieu of a court hearing under section 609.14, and that, if the offender elects to participate in the sanctions conference, the offender must admit, or agree not to contest, the alleged technical violation and must waive the right to contest the violation at a judicial hearing, present evidence, call witnesses, cross-examine the state's witnesses, and be represented by counsel;

(3) that, if the offender chooses, the offender has a right to a hearing before the court under section 609.14, for a determination of whether the offender committed the alleged violation, including the right to be present at the hearing, to cross-examine witnesses, to have witnesses subpoenaed for the offender, to have an attorney present or to have an attorney appointed if the offender cannot afford one, and to require the state to prove the allegations against the offender;

(4) that if, after a hearing, the court finds the violations have been proven, the court may continue the sentence, subject to the same, modified, or additional conditions, or order a sanction that may include incarceration, additional fines, revocation of the stay of sentence, imposition of sentence, or other sanctions;

(5) that the decision to participate in the sanctions conference will not result in the probation officer recommending revocation of the offender's stay of sentence, unless the offender fails to successfully complete the probation violation sanction;

(6) that various types of probation violation sanctions may be imposed and that the probation violation sanctions imposed on the offender will depend on the nature of the technical violation, the offender's criminal history, and the offender's level of supervision;

(7) that the probation violation sanctions supplement any existing conditions of release; and

(8) that participation in the sanctions conference requires completion of all probation violation sanctions imposed by the probation agency, and that failure to

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successfully complete the imposed probation violation sanctions could result in additional sanctions or the commencement of revocation proceedings under section 609.14.

Sec. 7. **REPEALER.**

Minnesota Statutes 2002, section 244.19, subdivision 3a, is repealed.

Sec. 8. **EFFECTIVE DATE.**

Sections 1 to 7 are effective August 1, 2003, and apply to technical violations of probation that occur on or after that date.

ARTICLE 7

JUVENILE LAW POLICY

Section 1. Minnesota Statutes 2002, section 260B.105, subdivision 1, is amended to read:

Subdivision 1. **VENUE.** Except where otherwise provided, venue for any proceedings under section 260B.101 shall be in the county where the child is found, or the county of the child's residence. If delinquency, a juvenile petty offense, or a juvenile traffic offense is alleged, proceedings shall be brought in the county of residence or the county where the alleged delinquency, juvenile petty offense, or juvenile traffic offense occurred.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to offenses committed on or after that date.

Sec. 2. Minnesota Statutes 2002, section 260B.105, subdivision 2, is amended to read:

Subd. 2. **TRANSFER.** The judge of the juvenile court may transfer any proceedings brought under section 260B.101, to the juvenile court of a county having venue as provided in subdivision 1, ~~at any stage of the proceedings~~ and in the following manner. When it appears that the best interests of the child, society, or the convenience of proceedings will be served by a transfer, the court may transfer the case to the juvenile court of the county of the child's residence. With the consent of the receiving court, the court may also transfer the case to the juvenile court of the county where the child is found ~~or~~. If delinquency, a juvenile petty offense, or a juvenile traffic offense is alleged, ~~to the county where the alleged delinquency, juvenile petty offense, or juvenile traffic offense occurred~~ the court shall first hear the case and then may transfer the case to the juvenile court of the county of the child's residence for disposition after a finding or admission of guilt. The court transfers the case by ordering a continuance and by forwarding to the court administrator of the appropriate juvenile court a certified copy of all papers filed, together with an order of transfer. ~~The judge of the receiving court may accept the findings of the transferring court or may direct the filing~~

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of a new petition or notice under section ~~260B.007~~, subdivision 18, or ~~260B.143~~ and hear the case anew.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to offenses committed on or after that date.

Sec. 3. Minnesota Statutes 2002, section 260B.143, subdivision 1, is amended to read:

Subdivision 1. **NOTICE.** When a peace officer has probable cause to believe that a child:

(1) is a juvenile petty offender; or

(2) has committed a delinquent act that would be a petty misdemeanor or misdemeanor if committed by an adult,

the officer may issue a notice to the child to appear in juvenile court in the county in which the child is found or in the county of the child's residence or, in the case of a juvenile petty offense, or a petty misdemeanor or misdemeanor delinquent act, the county in which the offense was committed is alleged to have committed the offense. The officer shall file a copy of the notice to appear with the juvenile court of the appropriate county. If a child fails to appear in response to the notice, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it necessary to take the child into custody, sections 260B.175 and 260B.176 shall apply.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to offenses committed on or after that date.

Sec. 4. Minnesota Statutes 2002, section 260C.163, subdivision 5, is amended to read:

Subd. 5. **GUARDIAN AD LITEM.** (a) The court shall appoint a guardian ad litem to protect the interests of the minor when it appears, at any stage of the proceedings, that the minor is without a parent or guardian, or that the minor's parent is a minor or incompetent, or that the parent or guardian is indifferent or hostile to the minor's interests, and in every proceeding alleging a child's need for protection or services under section 260C.007, subdivision 6, except proceedings where the sole allegation is that the child is a runaway or habitual truant. In any other case the court may appoint a guardian ad litem to protect the interests of the minor when the court feels that such an appointment is desirable. The court shall appoint the guardian ad litem on its own motion or in the manner provided for the appointment of a guardian ad litem in the district court. The court may appoint separate counsel for the guardian ad litem if necessary.

(b) A guardian ad litem shall carry out the following responsibilities:

(1) conduct an independent investigation to determine the facts relevant to the situation of the child and the family, which must include, unless specifically excluded

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by the court, reviewing relevant documents; meeting with and observing the child in the home setting and considering the child's wishes, as appropriate; and interviewing parents, caregivers, and others with knowledge relevant to the case;

(2) advocate for the child's best interests by participating in appropriate aspects of the case and advocating for appropriate community services when necessary;

(3) maintain the confidentiality of information related to a case, with the exception of sharing information as permitted by law to promote cooperative solutions that are in the best interests of the child;

(4) monitor the child's best interests throughout the judicial proceeding; and

(5) present written reports on the child's best interests that include conclusions and recommendations and the facts upon which they are based.

(c) Except in cases where the child is alleged to have been abused or neglected, the court may waive the appointment of a guardian ad litem pursuant to clause (a), whenever counsel has been appointed pursuant to subdivision 2 or is retained otherwise, and the court is satisfied that the interests of the minor are protected.

(d) In appointing a guardian ad litem pursuant to clause (a), the court shall not appoint the party, or any agent or employee thereof, filing a petition pursuant to section 260C.141.

(e) The following factors shall be considered when appointing a guardian ad litem in a case involving an Indian or minority child:

(1) whether a person is available who is the same racial or ethnic heritage as the child or, if that is not possible;

(2) whether a person is available who knows and appreciates the child's racial or ethnic heritage.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to offenses committed on or after that date.

ARTICLE 8

CRIMINAL JUSTICE

Section 1. Minnesota Statutes 2002, section 16A.151, subdivision 2, is amended to read:

Subd. 2. **EXCEPTIONS.** (a) If a state official litigates or settles a matter on behalf of specific injured persons or entities, this section does not prohibit distribution of money to the specific injured persons or entities on whose behalf the litigation or settlement efforts were initiated. If money recovered on behalf of injured persons or entities cannot reasonably be distributed to those persons or entities because they cannot readily be located or identified or because the cost of distributing the money

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would outweigh the benefit to the persons or entities, the money must be paid into the general fund.

(b) Money recovered on behalf of a fund in the state treasury other than the general fund may be deposited in that fund.

(c) This section does not prohibit a state official from distributing money to a person or entity other than the state in litigation or potential litigation in which the state is a defendant or potential defendant.

(d) State agencies may accept funds as directed by a federal court for any restitution or monetary penalty under United States Code, title 18, section 3663(a)(3) or United States Code, title 18, section 3663A(a)(3). Funds received must be deposited in a special revenue account and are appropriated to the commissioner of the agency for the purpose as directed by the federal court.

Sec. 2. Minnesota Statutes 2002, section 152.021, subdivision 2a, is amended to read:

Subd. 2a. **MANUFACTURE CRIMES.** (a) Notwithstanding subdivision 1, sections 152.022, subdivision 1, 152.023, subdivision 1, and 152.024, subdivision 1, a person is guilty of controlled substance crime in the first degree if the person manufactures any amount of methamphetamine.

(b) Notwithstanding paragraph (a) and section 609.17, a person is guilty of attempted manufacture of methamphetamine if the person possesses any chemical reagents or precursors with the intent to manufacture methamphetamine. As used in this section, "chemical reagents or precursors" refers to one or more of the following substances, or their salts, isomers, and salts of isomers:

- (1) ephedrine;
- (2) pseudoephedrine;
- (3) phenyl-2-propanone;
- (4) phenylacetone;
- (5) anhydrous ammonia, as defined in section 18C.005, subdivision 1a;
- (6) organic solvents;
- (7) hydrochloric acid;
- (8) lithium metal;
- (9) sodium metal;
- (10) ether;
- (11) sulfuric acid;
- (12) red phosphorus;
- (13) iodine;

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- (14) sodium hydroxide;
- (15) benzaldehyde;
- (16) benzyl methyl ketone;
- (17) benzyl cyanide;
- (18) nitroethane;
- (19) methylamine;
- (20) phenylacetic acid;
- (21) hydriodic acid; or
- (22) hydriotic acid.

EFFECTIVE DATE. This section is effective for crimes committed on or after August 1, 2003.

Sec. 3. Minnesota Statutes 2002, section 152.021, subdivision 3, is amended to read:

Subd. 3. **PENALTY.** (a) A person convicted under subdivisions 1 to 2a, paragraph (a), may be sentenced to imprisonment for not more than 30 years or to payment of a fine of not more than \$1,000,000, or both; a person convicted under subdivision 2a, paragraph (b), may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivisions 1 to 2a, paragraph (a), shall be committed to the commissioner of corrections for not less than four years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$1,000,000; a person convicted under subdivision 2a, paragraph (b), may be sentenced to imprisonment for not more than four years or to payment of a fine of not more than \$5,000, or both.

(c) In a prosecution under subdivision 1 involving sales by the same person in two or more counties within a 90-day period, the person may be prosecuted for all of the sales in any county in which one of the sales occurred.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2002, section 243.166, subdivision 3, is amended to read:

Subd. 3. **REGISTRATION PROCEDURE.** (a) A person required to register under this section shall register with the corrections agent as soon as the agent is assigned to the person. If the person does not have an assigned corrections agent or is unable to locate the assigned corrections agent, the person shall register with the law enforcement agency that has jurisdiction in the area of the person's residence.

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(b) At least five days before the person starts living at a new primary address, including living in another state, the person shall give written notice of the new primary living address to the assigned corrections agent or to the law enforcement authority with which the person currently is registered. If the person will be living in a new state and that state has a registration requirement, the person shall also give written notice of the new address to the designated registration agency in the new state. A person required to register under this section shall also give written notice to the assigned corrections agent or to the law enforcement authority that has jurisdiction in the area of the person's residence that the person is no longer living or staying at an address, immediately after the person is no longer living or staying at that address. The corrections agent or law enforcement authority shall, within two business days after receipt of this information, forward it to the bureau of criminal apprehension. The bureau of criminal apprehension shall, if it has not already been done, notify the law enforcement authority having primary jurisdiction in the community where the person will live of the new address. If the person is leaving the state, the bureau of criminal apprehension shall notify the registration authority in the new state of the new address. If the person's obligation to register arose under subdivision 1, paragraph (b), the person's registration requirements under this section terminate when the person begins living in the new state.

(c) A person required to register under subdivision 1, paragraph (b), because the person is working or attending school in Minnesota shall register with the law enforcement agency that has jurisdiction in the area where the person works or attends school. In addition to other information required by this section, the person shall provide the address of the school or of the location where the person is employed. A person must comply with this paragraph within five days of beginning employment or school. A person's obligation to register under this paragraph terminates when the person is no longer working or attending school in Minnesota.

(d) A person required to register under this section who works or attends school outside of Minnesota shall register as a predatory offender in the state where the person works or attends school. The person's corrections agent, or if the person does not have an assigned corrections agent, the law enforcement authority that has jurisdiction in the area of the person's residence shall notify the person of this requirement.

EFFECTIVE DATE. Section 4 is effective July 1, 2003, and applies to persons released from confinement, sentenced, subject to registration, or who commit offenses on or after that date.

Sec. 5. Minnesota Statutes 2002, section 243.166, subdivision 4a, is amended to read:

Subd. 4a. **INFORMATION REQUIRED TO BE PROVIDED.** (a) 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;

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(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) The person shall report to the agent or authority the information required to be provided under paragraph (a), clauses (2) to (6), within five days of the date the clause becomes applicable. If because of a change in circumstances a ~~clause~~ any information reported under clauses (1) to (6) no longer applies to previously reported information, the person shall immediately inform the agent or authority that the information is no longer valid.

EFFECTIVE DATE. Section 5 is effective July 1, 2003, and applies to persons released from confinement, sentenced, subject to registration, or who commit offenses on or after that date.

Sec. 6. Minnesota Statutes 2002, section 357.021, subdivision 6, is amended to read:

Subd. 6. SURCHARGES ON CRIMINAL AND TRAFFIC OFFENDERS. (a) The court shall impose and the court administrator shall collect a ~~\$35~~ \$60 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle parking, for which there shall be a \$3 surcharge. The surcharge shall be imposed whether or not the person is sentenced to imprisonment or the sentence is stayed.

(b) If the court fails to impose a surcharge as required by this subdivision, the court administrator shall show the imposition of the surcharge, collect the surcharge and correct the record.

(c) The court may not waive payment of the surcharge required under this subdivision. Upon a showing of indigency or undue hardship upon the convicted person or the convicted person's immediate family, the sentencing court may authorize payment of the surcharge in installments.

(d) The court administrator or other entity collecting a surcharge shall forward it to the state treasurer.

(e) If the convicted person is sentenced to imprisonment and has not paid the surcharge before the term of imprisonment begins, the chief executive officer of the correctional facility in which the convicted person is incarcerated shall collect the

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surcharge from any earnings the inmate accrues from work performed in the facility or while on conditional release. The chief executive officer shall forward the amount collected to the state treasurer.

EFFECTIVE DATE. This section is effective July 1, 2003, and applies to crimes committed on or after that date.

Sec. 7. Minnesota Statutes 2002, section 357.021, subdivision 7, is amended to read:

Subd. 7. DISBURSEMENT OF SURCHARGES BY STATE TREASURER.

(a) Except as provided in paragraphs (b) and (c), the state treasurer shall disburse surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

(1) one percent shall be credited to the game and fish fund to provide peace officer training for employees of the department of natural resources who are licensed under sections 626.84 to 626.863, and who possess peace officer authority for the purpose of enforcing game and fish laws;

(2) 39 percent shall be credited to the peace officers training account in the special revenue fund; and

(3) 60 percent shall be credited to the general fund.

(b) The state treasurer shall credit \$3 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, to a ~~criminal justice special projects account in the special revenue fund. This account is available for appropriation to the commissioner of public safety for grants to law enforcement agencies and for other purposes authorized by the legislature~~ the general fund.

(c) In addition to any amounts credited under paragraph (a), the state treasurer shall credit ~~\$7~~ \$32 of each surcharge received under subdivision 6 and section 97A.065, subdivision 2, and the \$3 parking surcharge, to the general fund.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 8. Minnesota Statutes 2002, section 609.2231, is amended by adding a subdivision to read:

Subd. 7. COMMUNITY CRIME PREVENTION GROUP MEMBERS. (a) A person is guilty of a gross misdemeanor who:

(1) assaults a community crime prevention group member while the member is engaged in neighborhood patrol;

(2) should reasonably know that the victim is a community crime prevention group member engaged in neighborhood patrol; and

(3) inflicts demonstrable bodily harm.

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(b) As used in this subdivision, "community crime prevention group" means a community group focused on community safety and crime prevention that:

(1) is organized for the purpose of discussing community safety and patrolling community neighborhoods for criminal activity;

(2) is designated and trained by the local law enforcement agency as a community crime prevention group; or

(3) interacts with local law enforcement regarding community safety issues.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to crimes committed on or after that date.

Sec. 9. Minnesota Statutes 2002, section 609.527, subdivision 3, is amended to read:

Subd. 3. **PENALTIES.** A person who violates subdivision 2 may be sentenced as follows:

(1) if the offense involves a single direct victim and the total, combined loss to the direct victim and any indirect victims is \$250 or less, the person may be sentenced as provided in section 609.52, subdivision 3, clause (5);

(2) if the offense involves a single direct victim and the total, combined loss to the direct victim and any indirect victims is more than \$250 but not more than \$500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (4);

(3) if the offense involves two or three direct victims or the total, combined loss to the direct and indirect victims is more than \$500 but not more than \$2,500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (3); and

(4) if the offense involves ~~four or~~ more than three but not more than seven direct victims, or if the total, combined loss to the direct and indirect victims is more than \$2,500, the person may be sentenced as provided in section 609.52, subdivision 3, clause (2); and

(5) if the offense involves eight or more direct victims, or if the total, combined loss to the direct and indirect victims is more than \$35,000, the person may be sentenced as provided in section 609.52, subdivision 3, clause (1).

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 10. Minnesota Statutes 2002, section 609.66, subdivision 1a, is amended to read:

Subd. 1a. **FELONY CRIMES; SILENCERS PROHIBITED; RECKLESS DISCHARGE.** (a) Except as otherwise provided in subdivision 1h, whoever does any of the following is guilty of a felony and may be sentenced as provided in paragraph (b):

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(1) sells or has in possession any device designed to silence or muffle the discharge of a firearm;

(2) intentionally discharges a firearm under circumstances that endanger the safety of another; or

(3) recklessly discharges a firearm within a municipality.

(b) A person convicted under paragraph (a) may be sentenced as follows:

(1) if the act was a violation of paragraph (a), clause (2), or if the act was a violation of paragraph (a), clause (1) or (3), and was committed in a public housing zone, as defined in section 152.01, subdivision 19, a school zone, as defined in section 152.01, subdivision 14a, or a park zone, as defined in section 152.01, subdivision 12a, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both; or

(2) otherwise, to imprisonment for not more than two years or to payment of a fine of not more than \$5,000, or both.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 11. Minnesota Statutes 2002, section 609.66, is amended by adding a subdivision to read:

Subd. 1h. SILENCERS; AUTHORIZED FOR LAW ENFORCEMENT PURPOSES. Notwithstanding subdivision 1a, paragraph (a), clause (1), licensed peace officers may use devices designed to silence or muffle the discharge of a firearm for tactical emergency response operations. Tactical emergency response operations include execution of high risk search and arrest warrants, incidents of terrorism, hostage rescue, and any other tactical deployments involving high risk circumstances. The chief law enforcement officer of a law enforcement agency that has the need to use silencing devices must establish and enforce a written policy governing the use of the devices.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 12. Minnesota Statutes 2002, section 609.68, is amended to read:

609.68 UNLAWFUL DEPOSIT OF GARBAGE, LITTER, OR LIKE.

Whoever unlawfully deposits garbage, rubbish, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, shoreland areas adjacent to rivers or streams as defined by section 103F.205, public lands, or, without the consent of the owner, private lands or water or ice thereon, is guilty of a petty misdemeanor.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

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

Sec. 13. Minnesota Statutes 2002, section 609.681, is amended to read:

609.681 UNLAWFUL SMOKING.

A person is guilty of a petty misdemeanor if the person intentionally smokes in a building, area, or common carrier in which "no smoking" notices have been prominently posted, or when requested not to by the operator of the common carrier.

EFFECTIVE DATE. This section is effective August 1, 2003 and applies to crimes committed on or after that date.

Sec. 14. Minnesota Statutes 2002, section 609.748, subdivision 3, is amended to read:

Subd. 3. **CONTENTS OF PETITION; HEARING; NOTICE.** (a) A petition for relief must allege facts sufficient to show the following:

- (1) the name of the alleged harassment victim;
- (2) the name of the respondent; and
- (3) that the respondent has engaged in harassment.

The petition shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section and shall advise the petitioner of the right to sue in forma pauperis under section 563.01. The court shall advise the petitioner of the right to request a hearing. If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing. Upon receipt of the petition and a request for a hearing by the petitioner, the court shall order a hearing, ~~which must be held not later than 14 days from the date of the order.~~ Personal service must be made upon the respondent not less than five days before the hearing. If personal service cannot be completed in time to give the respondent the minimum notice required under this paragraph, the court may set a new hearing date. Nothing in this section shall be construed as requiring a hearing on a matter that has no merit.

(b) Notwithstanding paragraph (a), the order for a hearing and a temporary order issued under subdivision 4 may be served on the respondent by means of a one-week published notice under section 645.11, if:

- (1) the petitioner files an affidavit with the court stating that an attempt at personal service made by a sheriff was unsuccessful because the respondent is avoiding service by concealment or otherwise; and
- (2) a copy of the petition and order for hearing and any temporary restraining order has been mailed to the respondent at the respondent's residence or place of business, if the respondent is an organization, or the respondent's residence or place of business is not known to the petitioner.

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(c) Regardless of the method of service, if the respondent is a juvenile, whenever possible, the court also shall have notice of the pendency of the case and of the time and place of the hearing served by mail at the last known address upon any parent or guardian of the juvenile respondent who is not the petitioner.

(d) A request for a hearing under this subdivision must be made within 45 days of the filing or receipt of the petition.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2002, section 609.748, subdivision 4, is amended to read:

Subd. 4. **TEMPORARY RESTRAINING ORDER.** (a) The court may issue a temporary restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact with that person if the petitioner files a petition in compliance with subdivision 3 and if the court finds reasonable grounds to believe that the respondent has engaged in harassment. When a petition alleges harassment as defined by subdivision 1, paragraph (a), clause (1), the petition must further allege an immediate and present danger of harassment before the court may issue a temporary restraining order under this section.

(b) Notice need not be given to the respondent before the court issues a temporary restraining order under this subdivision. A copy of the restraining order must be served on the respondent along with the order for hearing and petition, as provided in subdivision 3. If the respondent is a juvenile, whenever possible, a copy of the restraining order, along with notice of the pendency of the case and the time and place of the hearing, shall also be served by mail at the last known address upon any parent or guardian of the juvenile respondent who is not the petitioner. A temporary restraining order may be entered only against the respondent named in the petition.

(c) The temporary restraining order is in effect until a hearing is held on the issuance of a restraining order under subdivision 5. The court shall hold the hearing on the issuance of a restraining order within 14 days after the temporary restraining order is issued unless (1) the time period is extended upon written consent of the parties; or (2) the time period is extended if the petitioner requests a hearing. The hearing may be continued by the court for one additional 14-day period upon a showing that the respondent has not been served with a copy of the temporary restraining order despite the exercise of due diligence or if service is made by published notice under subdivision 3 and the petitioner files the affidavit required under that subdivision.

(d) If the temporary restraining order has been issued and the respondent requests a hearing, the hearing shall be scheduled by the court upon receipt of the respondent's request. Service of the notice of hearing must be made upon the petitioner not less than five days prior to the hearing. The court shall serve the notice of the hearing upon the petitioner by mail in the manner provided in the rules of civil procedure for pleadings subsequent to a complaint and motions and shall also mail notice of the date and time

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of the hearing to the respondent. In the event that service cannot be completed in time to give the respondent or petitioner the minimum notice required under this subdivision, the court may set a new hearing date.

(e) A request for a hearing under this subdivision must be made within 45 days after the temporary restraining order is issued.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 16. Minnesota Statutes 2002, section 609.748, subdivision 5, is amended to read:

Subd. 5. **RESTRAINING ORDER.** (a) The court may grant a restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact with that person if all of the following occur:

(1) the petitioner has filed a petition under subdivision 3;

(2) the sheriff has served respondent with a copy of the temporary restraining order obtained under subdivision 4, and with notice of the time and place of the right to request a hearing, or service has been made by publication under subdivision 3, paragraph (b); and

(3) the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.

A restraining order may be issued only against the respondent named in the petition; except that if the respondent is an organization, the order may be issued against and apply to all of the members of the organization. Relief granted by the restraining order must be for a fixed period of not more than two years. When a referee presides at the hearing on the petition, the restraining order becomes effective upon the referee's signature.

(b) An order issued under this subdivision must be personally served upon the respondent.

EFFECTIVE DATE. This section is effective July 1, 2003.

Sec. 17. **[611A.0392] NOTICE TO COMMUNITY CRIME PREVENTION GROUP.**

Subdivision 1. DEFINITIONS. (a) As used in this section, the following terms have the meanings given them.

(b) "Cities of the first class" has the meaning given in section 410.01.

(c) "Community crime prevention group" means a community group focused on community safety and crime prevention that:

(1) meets regularly for the purpose of discussing community safety and patrolling community neighborhoods for criminal activity;

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(2) is previously designated by the local law enforcement agency as a community crime prevention group; and

(3) interacts regularly with the police regarding community safety issues.

Subd. 2. **NOTICE.** (a) A law enforcement agency that is responsible for arresting individuals who commit crimes within cities of the first class shall make reasonable efforts to disclose certain information in a timely manner to the designated leader of a community crime prevention group that has reported criminal activity, excluding petty misdemeanors, to law enforcement. The law enforcement agency shall make reasonable efforts to disclose information on the final outcome of the investigation into the criminal activity including, but not limited to, where appropriate, the decision to arrest or not arrest the person and whether the matter was referred to a prosecuting authority. If the matter is referred to a prosecuting authority, the law enforcement agency must notify the prosecuting authority of the community crime prevention group's request for notice under this subdivision.

(b) A prosecuting authority who is responsible for filing charges against or prosecuting a person arrested for a criminal offense in cities of the first class shall make reasonable efforts to disclose certain information in a timely manner to the designated leader of a community crime prevention group that has reported specific criminal activity to law enforcement. The prosecuting authority shall make reasonable efforts to disclose information on the final outcome of the criminal proceeding that resulted from the arrest including, but not limited to, where appropriate, the decision to dismiss or not file charges against the arrested person.

(c) A community crime prevention group that would like to receive written or Internet notice under this subdivision must request the law enforcement agency and the prosecuting authority where the specific alleged criminal conduct occurred to provide notice to the community crime prevention group leader. The community crime prevention group must provide the law enforcement agency with the name, address, and telephone number of the community crime prevention group leader and the preferred method of communication.

EFFECTIVE DATE. This section is effective July 1, 2003, and applies to crimes committed on or after that date.

Sec. 18. SENTENCING GUIDELINES MODIFICATIONS REQUIRED; AGGRAVATING FACTOR; IDENTITY THEFT.

By August 1, 2003, the sentencing guidelines commission shall modify Minnesota Sentencing Guidelines, section II.D., by adding to the list of the aggravating factors that may be used as a basis for a sentencing departure, the offender's use of another's identity without authorization to commit a crime. This aggravating factor may not be used when the use of another's identity is an element of the offense.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

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

Sec. 19. REPEALER.

Minnesota Statutes 2002, section 152.135, subdivision 4, is repealed.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

ARTICLE 9**DRIVING WHILE IMPAIRED PROVISIONS**

Section 1. Minnesota Statutes 2002, section 169A.03, subdivision 21, is amended to read:

Subd. 21. PRIOR IMPAIRED DRIVING-RELATED LOSS OF LICENSE.

(a) “Prior impaired driving-related loss of license” includes a driver’s license suspension, revocation, cancellation, denial, or disqualification under:

(1) section 169A.31 (alcohol-related school bus or Head Start bus driving); 169A.50 to 169A.53 (implied consent law); 169A.54 (impaired driving convictions and adjudications; administrative penalties); 171.04 (persons not eligible for drivers’ licenses); 171.14 (cancellation); 171.16 (court may recommend suspension); 171.165 (commercial driver’s license, disqualification); 171.17 (revocation); or 171.18 (suspension); because of an alcohol-related incident;

(2) section 609.21 (criminal vehicular homicide and injury, substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to (6); subdivision 2a, clauses (2) to (6); subdivision 2b, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4, clauses (2) to (6);

(3) Minnesota Statutes 1998, section 169.121 (driver under influence of alcohol or controlled substance); 169.1211 (alcohol-related driving by commercial vehicle drivers); or 169.123 (chemical tests for intoxication); or

(4) an ordinance from this state, or a statute or ordinance from another state, in conformity with any provision listed in clause (1), (2), or (3).

(b) “Prior impaired driving-related loss of license” also includes the revocation of snowmobile or all-terrain vehicle operating privileges under section 84.911 (chemical testing), or motorboat operating privileges under section 86B.335 (testing for alcohol and controlled substances), for violations that occurred on or after August 1, 1994; the revocation of snowmobile or all-terrain vehicle operating privileges under section 84.91 (operation of snowmobiles and all-terrain vehicles by persons under the influence of alcohol or controlled substances); or the revocation of motorboat operating privileges under section 86B.331 (operation while using alcohol or drugs or with a physical or mental disability).

(c) “Prior impaired driving-related loss of license” does not include any license action stemming solely from a violation of section 169A.33 (underage drinking and

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driving), 171.09 (conditions of a restricted license), or 340A.503 (persons under the age of 21, illegal acts).

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 2. Minnesota Statutes 2002, section 169A.03, is amended by adding a subdivision to read:

Subd. 5a. **CONTROL ANALYSIS.** “Control analysis” means a procedure involving a solution that yields a predictable alcohol concentration reading.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 3. Minnesota Statutes 2002, section 169A.20, subdivision 2, is amended to read:

Subd. 2. **REFUSAL TO SUBMIT TO CHEMICAL TEST CRIME.** It is a crime for any person to refuse to submit to a chemical test of the person's blood, breath, or urine under section 169A.51 (chemical tests for intoxication), or 169A.52 (test refusal or failure; revocation of license).

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 4. Minnesota Statutes 2002, section 169A.25, subdivision 1, is amended to read:

Subdivision 1. **DEGREE DESCRIBED.** (a) A person who violates section 169A.20, subdivision 1 (driving while impaired crime), is guilty of second-degree driving while impaired if two or more aggravating factors were present when the violation was committed.

(b) A person who violates section 169A.20, subdivision 2 (refusal to submit to chemical test crime), is guilty of second-degree driving while impaired if one aggravating factor was present when the violation was committed.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 5. Minnesota Statutes 2002, section 169A.26, subdivision 1, is amended to read:

Subdivision 1. **DEGREE DESCRIBED.** (a) A person who violates section 169A.20, subdivision 1 (driving while impaired crime), is guilty of third-degree driving while impaired if one aggravating factor was present when the violation was committed.

(b) A person who violates section 169A.20, subdivision 2 (refusal to submit to chemical test crime), is guilty of third-degree driving while impaired.

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EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 6. Minnesota Statutes 2002, section 169A.27, subdivision 1, is amended to read:

Subdivision 1. **DEGREE DESCRIBED.** A person who violates section 169A.20, subdivision 1 (driving while impaired crime), is guilty of fourth-degree driving while impaired.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 7. Minnesota Statutes 2002, section 169A.275, subdivision 3, is amended to read:

Subd. 3. **FOURTH OFFENSE.** (a) Unless the court commits the person to the custody of the commissioner of corrections as provided in section 169A.276 (mandatory penalties; felony violations), the court shall sentence a person who is convicted of a violation of section 169A.20 (driving while impaired) within ten years of the first of three qualified prior impaired driving incidents to either:

(1) a minimum of 180 days of incarceration, at least 30 days of which must be served consecutively in a local correctional facility; ~~or~~

(2) a program of intensive supervision of the type described in section 169A.74 (pilot programs of intensive probation for repeat DWI offenders) that requires the person to consecutively serve at least six days in a local correctional facility; or

(3) a program of staggered sentencing involving a minimum of 180 days of incarceration, at least 30 days of which must be served consecutively in a local correctional facility.

(b) The court may order that the person serve not more than 150 days of the minimum penalty under paragraph (a), clause (1), on home detention or in an intensive probation program described in section 169A.74. Notwithstanding section 609.135, the penalties in this subdivision must be imposed and executed.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 8. Minnesota Statutes 2002, section 169A.275, subdivision 4, is amended to read:

Subd. 4. **FIFTH OFFENSE OR MORE.** (a) Unless the court commits the person to the custody of the commissioner of corrections as provided in section 169A.276 (mandatory penalties; felony violations), the court shall sentence a person who is convicted of a violation of section 169A.20 (driving while impaired) within ten years of the first of four or more qualified prior impaired driving incidents to either:

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(1) a minimum of one year of incarceration, at least 60 days of which must be served consecutively in a local correctional facility; or

(2) a program of intensive supervision of the type described in section 169A.74 (pilot programs of intensive probation for repeat DWI offenders) that requires the person to consecutively serve at least six days in a local correctional facility; or

(3) a program of staggered sentencing involving a minimum of one year of incarceration, at least 60 days of which must be served consecutively in a local correctional facility.

(b) The court may order that the person serve the remainder of the minimum penalty under paragraph (a), clause (1), on intensive probation using an electronic monitoring system or, if such a system is unavailable, on home detention. Notwithstanding section 609.135, the penalties in this subdivision must be imposed and executed.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 9. Minnesota Statutes 2002, section 169A.275, is amended by adding a subdivision to read:

Subd. 6. DEFINITIONS. (a) For purposes of this section, the following terms have the meanings given.

(b) “Staggered sentencing” means a sentencing procedure in which the court sentences a person convicted of a gross misdemeanor or felony violation of section 169A.20 (driving while impaired) to an executed sentence of incarceration in a local correctional facility, to be served in equal segments in three or more consecutive years. Before reporting for any subsequent segment of incarceration after the first segment, the offender shall be regularly involved in a structured sobriety group and may bring a motion before the court requesting to have that segment of incarceration stayed. The motion must be brought before the same judge who initially pronounced the sentence. Before bringing the motion, the offender shall participate for 30 days in a remote electronic alcohol-monitoring program under the direction of the person’s probation agent. It is within the court’s discretion to stay the second or subsequent segment of remote electronic alcohol monitoring or incarceration that has previously been ordered. The court shall consider any alcohol-monitoring results and the recommendation of the probation agent, together with any other factors deemed relevant by the court, in deciding whether to modify the sentence by ordering a stay of the next following segment of remote electronic alcohol monitoring or incarceration that the court had initially ordered to be executed.

(c) When the court stays a segment of incarceration that it has previously ordered to be executed, that portion of the sentence must be added to the total number of days the defendant is subject to serving in custody if the person subsequently violates any of the conditions of that stay of execution.

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(d) A structured sobriety group is an organization that has regular meetings focusing on sobriety and includes, but is not limited to, Alcoholics Anonymous.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 10. Minnesota Statutes 2002, section 169A.40, subdivision 3, is amended to read:

Subd. 3. **FIRST-DEGREE AND SECOND-DEGREE CERTAIN DWI OFFENDERS; CUSTODIAL ARREST.** Notwithstanding rule 6.01 of the Rules of Criminal Procedure, a peace officer acting without a warrant who has decided to proceed with the prosecution of a person for violating section 169A.20 (driving while impaired), shall arrest and take the person into custody, and the person must be detained until the person's first court appearance, if the officer has reason to believe that the violation occurred:

(1) under the circumstances described in section 169A.24 (first-degree driving while impaired) or 169A.25 (second-degree driving while impaired);

(2) under the circumstances described in section 169A.26 (third-degree driving while impaired) if the person is under the age of 19;

(3) in the presence of an aggravating factor described in section 169A.03, subdivision 3, clause (2) or (3); or

(4) while the person's driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (10) (persons not eligible for drivers' licenses, inimical to public safety).

The person shall be detained until the person's first court appearance.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 11. Minnesota Statutes 2002, section 169A.44, is amended to read:

169A.44 CONDITIONAL RELEASE.

Subdivision 1. NONFELONY VIOLATIONS. (a) This section subdivision applies to a person charged with:

(1) a nonfelony violation of section 169A.20 (driving while impaired) within ten years of the first of two or more prior impaired driving convictions;

(2) a violation of section 169A.20, if the person is under the age of 19 years and has previously been convicted of violating section 169A.20 or Minnesota Statutes 1998, section 169.121 (driver under the influence of alcohol or controlled substance);

(3) a violation of section 169A.20, while the person's driver's license or driving privileges have been canceled under section 171.04, subdivision 1, clause (10) (persons not eligible for drivers' licenses, inimical to public safety); or

New language is indicated by underline, deletions by strikeout.

(4) a violation of section 169A.20 by a person having an alcohol concentration of 0.20 or more as measured at the time, or within two hours of the time, of the offense under circumstances described in section 169A.40, subdivision 3 (certain DWI offenders; custodial arrest).

(b) Unless maximum bail is imposed under section 629.471, a person described in paragraph (a) may be released from detention only if the person agrees to:

(1) abstain from alcohol; and

(2) submit to a program of electronic alcohol monitoring, involving at least daily measurements of the person's alcohol concentration, pending resolution of the charge.

Clause (2) applies only when electronic alcohol-monitoring equipment is available to the court. The court shall require partial or total reimbursement from the person for the cost of the electronic alcohol-monitoring, to the extent the person is able to pay.

~~(e) Unless maximum bail is imposed under section 629.471, subdivision 2,~~

Subd. 2. FELONY VIOLATIONS. (a) A person charged with violating section 169A.20 within ten years of the first of three or more qualified prior impaired driving convictions incidents may be released from detention only if the following conditions are imposed in addition to the condition imposed:

(1) the conditions described in subdivision 1, paragraph (b), if applicable, and any other conditions of release ordered by the court;

~~(4) (2) the impoundment of the registration plates of the vehicle used to commit the violation, unless already impounded;~~

~~(2) (3) if the vehicle used to commit the violation was an off-road recreational vehicle or a motorboat, the impoundment of the off-road recreational vehicle or motorboat;~~

~~(3) (4) a requirement that the person report weekly to a probation agent;~~

~~(4) (5) a requirement that the person abstain from consumption of alcohol and controlled substances and submit to random alcohol tests or urine analyses at least weekly; and~~

~~(5) (6) a requirement that, if convicted, the person reimburse the court or county for the total cost of these services; and~~

(7) any other conditions of release ordered by the court.

(b) In addition to setting forth conditions of release under paragraph (a), if required by court rule, the court shall also fix the amount of money bail without other conditions upon which the defendant may obtain release.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

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

Sec. 12. Minnesota Statutes 2002, section 169A.51, subdivision 5, is amended to read:

Subd. 5. **BREATH TEST USING INFRARED BREATH-TESTING INSTRUMENT.** (a) In the case of a breath test administered using an infrared breath-testing instrument, the test must consist of analyses in the following sequence: one adequate breath-sample analysis, one ~~calibration standard~~ control analysis, and a second, adequate breath-sample analysis.

(b) In the case of a test administered using an infrared breath-testing instrument, a sample is adequate if the instrument analyzes the sample and does not indicate the sample is deficient.

(c) For purposes of section 169A.52 (revocation of license for test failure or refusal), when a test is administered using an infrared breath-testing instrument, failure of a person to provide two separate, adequate breath samples in the proper sequence constitutes a refusal.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 13. Minnesota Statutes 2002, section 169A.53, subdivision 3, is amended to read:

Subd. 3. **HEARING; ISSUES; ORDER; APPEAL.** (a) A judicial review hearing under this section must be before a district judge in any county in the judicial district where the alleged offense occurred. The hearing is to the court and may be conducted at the same time and in the same manner as hearings upon pretrial motions in the criminal prosecution under section 169A.20 (driving while impaired), if any. The hearing must be recorded. The commissioner shall appear and be represented by the attorney general or through the prosecuting authority for the jurisdiction involved. ~~The hearing must be held at the earliest practicable date, and in any event no later than 60 days following the filing of the petition for review.~~ The judicial district administrator shall establish procedures to ensure efficient compliance with this subdivision. To accomplish this, the administrator may, whenever possible, consolidate and transfer review hearings among the locations within the judicial district where terms of district court are held.

(b) The scope of the hearing is limited to the issues in clauses (1) to (10):

(1) Did the peace officer have probable cause to believe the person was driving, operating, or in physical control of a motor vehicle or commercial motor vehicle in violation of section 169A.20 (driving while impaired)?

(2) Was the person lawfully placed under arrest for violation of section 169A.20?

(3) Was the person involved in a motor vehicle accident or collision resulting in property damage, personal injury, or death?

(4) Did the person refuse to take a screening test provided for by section 169A.41 (preliminary screening test)?

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(5) If the screening test was administered, did the test indicate an alcohol concentration of 0.10 or more?

(6) At the time of the request for the test, did the peace officer inform the person of the person's rights and the consequences of taking or refusing the test as required by section 169A.51, subdivision 2?

(7) Did the person refuse to permit the test?

(8) If a test was taken by a person driving, operating, or in physical control of a motor vehicle, did the test results indicate at the time of testing:

(i) an alcohol concentration of 0.10 or more; or

(ii) the presence of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols?

(9) If a test was taken by a person driving, operating, or in physical control of a commercial motor vehicle, did the test results indicate an alcohol concentration of 0.04 or more at the time of testing?

(10) Was the testing method used valid and reliable and were the test results accurately evaluated?

(c) It is an affirmative defense for the petitioner to prove that, at the time of the refusal, the petitioner's refusal to permit the test was based upon reasonable grounds.

(d) Certified or otherwise authenticated copies of laboratory or medical personnel reports, records, documents, licenses, and certificates are admissible as substantive evidence.

(e) The court shall order that the revocation or disqualification be either rescinded or sustained and forward the order to the commissioner. ~~The court shall file its order within 14 days following the hearing.~~ If the revocation or disqualification is sustained, the court shall also forward the person's driver's license or permit to the commissioner for further action by the commissioner if the license or permit is not already in the commissioner's possession.

(f) Any party aggrieved by the decision of the reviewing court may appeal the decision as provided in the rules of appellate procedure.

(g) The civil hearing under this section shall not give rise to an estoppel on any issues arising from the same set of circumstances in any criminal prosecution.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 14. Minnesota Statutes 2002, section 169A.54, subdivision 6, is amended to read:

Subd. 6. **APPLICABILITY OF IMPLIED CONSENT REVOCATION.** (a) Any person whose license has been revoked pursuant to section 169A.52 (license

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revocation for test failure or refusal) as the result of the same incident, and who does not have a qualified prior impaired driving incident, is subject to the mandatory revocation provisions of subdivision 1, clause (1) or (2), in lieu of the mandatory revocation provisions of section 169A.52.

(b) Paragraph (a) does not apply to:

(1) a person whose license has been revoked under subdivision 2 (driving while impaired by person under age 21); or

(2) a person whose driver's license has been revoked for, or who is charged with violating, a violation of section 169A.20 (driving while impaired) with the an aggravating factor of having an alcohol concentration of 0.20 or more as measured at the time, or within two hours of the time, of the offense, and the person is convicted of that offense or any other offense described in section 169A.20 arising out of the same set of circumstances; or

(3) a person charged with violating section 169A.20 (driving while impaired) with the aggravating factor of having a child under the age of 16 in the vehicle and the child is more than 36 months younger than the offender, and the person is convicted of that offense or any other offense described in section 169A.20 arising out of the same set of circumstances described in section 169A.03, subdivision 3, clause (2) or (3).

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 15. Minnesota Statutes 2002, section 169A.60, subdivision 8, is amended to read:

Subd. 8. **REISSUANCE OF REGISTRATION PLATES.** (a) The commissioner shall rescind the impoundment order of a person subject to an order under this section, other than the violator, if:

(1) the violator had a valid driver's license on the date of the plate impoundment violation and the person files with the commissioner an acceptable sworn statement containing the following information:

(i) that the person is the registered owner of the vehicle from which the plates have been impounded under this section;

(ii) that the person is the current owner and possessor of the vehicle used in the violation;

(iii) the date on which the violator obtained the vehicle from the registered owner;

(iv) the residence addresses of the registered owner and the violator on the date the violator obtained the vehicle from the registered owner;

(v) that the person was not a passenger in the vehicle at the time of the plate impoundment violation; and

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

(vi) that the person knows that the violator may not drive, operate, or be in physical control of a vehicle without a valid driver's license; or

(2) the violator did not have a valid driver's license on the date of the plate impoundment violation and the person made a report to law enforcement before the violation stating that the vehicle had been taken from the person's possession or was being used without permission.

(b) A person who has failed to make a report as provided in paragraph (a), clause (2), may be issued special registration plates under subdivision 13 for a period of one year from the effective date of the impoundment order. ~~At the next registration renewal~~ Following this period, the person may apply for regular registration plates.

(c) If the order is rescinded, the owner shall receive new registration plates at no cost, if the plates were seized and destroyed.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 16. Minnesota Statutes 2002, section 169A.60, subdivision 13, is amended to read:

Subd. 13. **SPECIAL REGISTRATION PLATES.** (a) At any time during the effective period of an impoundment order, a violator or registered owner may apply to the commissioner for new registration plates, which must bear a special series of numbers or letters so as to be readily identified by traffic law enforcement officers. The commissioner may authorize the issuance of special plates if:

- (1) the violator has a qualified licensed driver whom the violator must identify;
- (2) the violator or registered owner has a limited license issued under section 171.30;
- (3) the registered owner is not the violator and the registered owner has a valid or limited driver's license;
- (4) a member of the registered owner's household has a valid driver's license; or
- (5) the violator has been reissued a valid driver's license.

(b) The commissioner may not issue new registration plates for that vehicle subject to plate impoundment for a period of at least one year from the date of the impoundment order ~~and until the next regularly scheduled registration date following the impoundment period.~~ In addition, if the owner is the violator, new registration plates may not be issued for the vehicle unless the person has been reissued a valid driver's license in accordance with chapter 171.

(c) A violator may not apply for new registration plates for a vehicle at any time before the person's driver's license is reinstated.

(d) The commissioner may issue the special plates on payment of a \$50 fee for each vehicle for which special plates are requested.

New language is indicated by underline, deletions by strikeout.

(e) Paragraphs (a) to (d) notwithstanding, the commissioner must issue upon request new registration plates for a vehicle for which the registration plates have been impounded if:

(1) the impoundment order is rescinded;

(2) the vehicle is transferred in compliance with subdivision 14; or

(3) the vehicle is transferred to a Minnesota automobile dealer licensed under section 168.27, a financial institution that has submitted a repossession affidavit, or a government agency.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 17. [169A.78] AIDING AND ABETTING.

Every person who commits or attempts to commit, conspires to commit, or aids or abets in the commission of any act declared in this chapter to be an offense, whether individually or in connection with one or more other persons or as principal, agent, or accessory, is guilty of that offense, and every person who falsely, fraudulently, forcibly, or willfully induces, causes, coerces, requires, permits, or directs another to violate any provision of this chapter is likewise guilty of that offense.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 18. Minnesota Statutes 2002, section 609.135, subdivision 2, is amended to read:

Subd. 2. **STAY OF SENTENCE MAXIMUM PERIODS.** (a) If the conviction is for a felony other than section 609.21, subdivision 2, 2a, or 4, the stay shall be for not more than four years or the maximum period for which the sentence of imprisonment might have been imposed, whichever is longer.

(b) If the conviction is for a gross misdemeanor violation of section 169A.20 or 609.21, subdivision 2b, or for a felony described in section 609.21, subdivision 2, 2a, or 4, the stay shall be for not more than six years. The court shall provide for unsupervised probation for the last year of the stay unless the court finds that the defendant needs supervised probation for all or part of the last year.

(c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the stay shall be for not more than two years.

(d) If the conviction is for any misdemeanor under section 169A.20; 609.746, subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or 609.224, subdivision 1, in which the victim of the crime was a family or household member as defined in section 518B.01, the stay shall be for not more than two years. The court shall provide for unsupervised probation for the second year of the stay unless the court finds that the defendant needs supervised probation for all or part of the second year.

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(e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay shall be for not more than one year.

(f) The defendant shall be discharged six months after the term of the stay expires, unless the stay has been revoked or extended under paragraph (g), or the defendant has already been discharged.

(g) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to one year if it finds, at a hearing conducted under subdivision 1a, that:

(1) the defendant has not paid court-ordered restitution or a fine in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution or fine the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution or a fine may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution or fine that the defendant owes.

(h) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1c, that:

(1) the defendant has failed to complete court-ordered treatment successfully; and

(2) the defendant is likely not to complete court-ordered treatment before the term of probation expires.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 19. Minnesota Statutes 2002, section 629.471, is amended by adding a subdivision to read:

Subd. 4. NOT APPLICABLE FOR FELONY DWI. This section does not apply to persons charged with a felony violation under section 169A.20.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to violations committed on or after that date.

Sec. 20. CLARIFYING LEGISLATIVE INTENT.

During the year 2000 recodification of Minnesota's impaired driving statutes, now codified in Minnesota Statutes 2002, chapter 169A, it was the intention of the legislature to continue the policy of accountability for previous convictions of impaired driving-related offenses and previous impaired driving-related driver's license actions. Specifically, it was the intention of the legislature to count as aggravating factors all qualified prior impaired driving incidents occurring within the past ten years of an incident for purposes of any criminal or civil sanctions under Minnesota Statutes 2002,

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chapter 169A, whether a prior incident occurred before, during, or after 1998 or 1996. The references to "Minnesota Statutes 1998" and "Minnesota Statutes 1996" in Minnesota Statutes 2002, section 169A.03, subdivisions 20 and 21, follow standard editorial practice in drafting legislation and are used to refer the reader to the most recent printing of Minnesota statutes that contained the relevant provisions of statute as they existed prior to recodification, and are not intended to limit the look-back period.

EFFECTIVE DATE. This section is effective the day following final enactment.

ARTICLE 10

PROSTITUTION

Section 1. Minnesota Statutes 2002, section 609.322, is amended by adding a subdivision to read:

Subd. 1c. **AGGREGATION OF CASES.** Acts by the defendant in violation of any one or more of the provisions in this section within any six-month period may be aggregated and the defendant charged accordingly in applying the provisions of this section; provided that when two or more offenses are committed by the same person in two or more counties, the accused may be prosecuted in any county in which one of the offenses was committed for all of the offenses aggregated under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2003, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2002, section 609.3241, is amended to read:

609.3241 **PENALTY ASSESSMENT AUTHORIZED.**

When a court sentences an adult convicted of violating section 609.322 or 609.324, while acting other than as a prostitute, the court shall impose an assessment of not less than \$250 and not more than \$500 for a violation of section 609.324, subdivision 2, or a misdemeanor violation of section 609.324, subdivision 3; otherwise the court shall impose an assessment of not less than \$500 and not more than \$1,000. The mandatory minimum portion of the assessment is to be used for the purposes described in section 626.558, subdivision 2a, and is in addition to the surcharge required by section 357.021, subdivision 6. Any portion of the assessment imposed in excess of the mandatory minimum amount shall be forwarded to the general fund and is appropriated annually to the commissioner of corrections public safety. The commissioner, with the assistance of the general crime victims advisory council, shall use money received under this section for grants to agencies that provide assistance to individuals who have stopped or wish to stop engaging in prostitution. Grant money

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may be used to provide these individuals with medical care, child care, temporary housing, and educational expenses.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 3. COLLECTION OF INFORMATION AND STUDY ON CERTAIN PROSTITUTION CASES; REPORT.

Subdivision 1. DEFINITIONS. (a) The following terms have the meanings given them.

(b) "Intermediate sanctions" has the meaning given in Minnesota Statutes, section 609.135, subdivision 1, paragraph (b).

(c) "Patron" has the meaning given in Minnesota Statutes, section 609.321, subdivision 4.

(d) "Promotes the prostitution of an individual" has the meaning given in Minnesota Statutes, section 609.321, subdivision 7.

(e) "Prostitute" has the meaning given in Minnesota Statutes, section 609.321, subdivision 8.

(f) "Prostitution crime" means a violation of Minnesota Statutes, section 609.322 or 609.324.

Subd. 2. COLLECTION OF INFORMATION. (a) The following attorneys or their designees and the following law enforcement representatives or their designees shall oversee the collection of information on the investigation and prosecution of prostitution crimes committed within the jurisdiction of each individual's office, commencing January 1, 2002, and ending December 31, 2002:

- (1) the Hennepin county attorney;
- (2) the Minneapolis city attorney;
- (3) the Ramsey county attorney;
- (4) the St. Paul city attorney;
- (5) the Hennepin county sheriff;
- (6) the chief of police of the Minneapolis police department;
- (7) the Ramsey county sheriff; and
- (8) the chief of police of the St. Paul police department.

(b) The information collected under paragraph (a) must include:

- (1) information on the neighborhood and city where the offense was committed or allegedly committed and information on the neighborhood and city where the offender or alleged offender resides;

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(2) the number of calls to law enforcement and the number of complaints made directly to law enforcement regarding alleged prostitution crimes;

(3) the number of arrests made for prostitution crimes and a breakdown of the age, race, and gender of the individuals arrested;

(4) the number of citations, tab charges, and complaints issued for prostitution crimes;

(5) the types of charges filed in each case, if any, including whether the person was acting as a patron or prostitute, or promoting the prostitution of an individual; and

(6) the disposition of each case in which prosecution was commenced, including the amount of any fine or penalty assessment imposed; the incarceration imposed on the offender, if any; the intermediate sanctions, if relevant, or conditions of probation imposed on the offender, if any; and whether the offender was referred to a restorative justice program, diversion program, or alternative sentencing program.

Subd. 3. PREPARATION OF SUMMARY AND REPORT. The law enforcement authorities specified in subdivision 2, paragraph (a), shall provide the information required by subdivision 2, paragraph (b), to the prosecuting authorities in their jurisdictions by August 15, 2003. The prosecuting authorities specified in subdivision 2, paragraph (a), shall cooperate in preparing a summary of the information collected under subdivision 2, paragraph (b), and in preparing a report for the chairs and ranking minority leaders of the house and senate committees and divisions with jurisdiction over criminal justice policy and funding. The report shall be provided to the legislature and filed in the legislative reference library no later than December 15, 2003.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 4. REPORTS ON PENALTY ASSESSMENTS FOR PROSTITUTION CRIMES.

Subdivision 1. COMMISSIONER OF PUBLIC SAFETY; REPORT. By December 15, 2003, the commissioner of public safety shall submit a report to the chairs and ranking minority leaders of the house and senate committees and divisions with jurisdiction over criminal justice policy and funding on the amount of money appropriated to the commissioner of public safety under Minnesota Statutes, section 609.3241, since the beginning of fiscal year 1998. In preparing this report, the commissioner of public safety shall determine whether any penalty assessments were appropriated to the commissioner of corrections during this time and, if so, how much was appropriated. The commissioner of corrections shall cooperate with the commissioner of public safety in providing this information. The report also shall contain information on the use of money appropriated during this time period, including, but not limited to, the ways in which the money has been used to assist individuals who have stopped or wish to stop engaging in prostitution. The report shall be filed with the legislative reference library no later than December 15, 2003.

Subd. 2. SUPREME COURT; REPORT. By December 15, 2003, the supreme court is requested to report to the chairs and ranking minority leaders of the house and

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senate committees and divisions with jurisdiction over criminal justice policy and funding concerning the use of money collected since the beginning of fiscal year 1998 from penalty assessments under Minnesota Statutes, section 609.3241, and use for the purposes described in Minnesota Statutes, section 626.558, subdivision 2a. The report is requested to be filed with the legislative reference library no later than December 15, 2003.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 5. REVISOR'S INSTRUCTION.

In the next edition of Minnesota Statutes, the revisor shall change the headnotes for Minnesota Statutes, section 609.324, as follows:

(1) the section headnote from "OTHER PROHIBITED ACTS" to "OTHER PROSTITUTION CRIMES; PATRONS, PROSTITUTES, AND INDIVIDUALS HOUSING INDIVIDUALS ENGAGED IN PROSTITUTION; PENALTIES";

(2) the subdivision 1 headnote from "CRIME DEFINED" to "ENGAGING IN, HIRING, OR AGREEING TO HIRE A MINOR TO ENGAGE IN PROSTITUTION; PENALTIES";

(3) the subdivision 1a headnote from "MINOR ENGAGED IN PROSTITUTION" to "HOUSING AN UNRELATED MINOR ENGAGED IN PROSTITUTION; PENALTIES";

(4) the subdivision 2 headnote from "SOLICITATION IN PUBLIC PLACE" to "SOLICITATION OR ACCEPTANCE OF SOLICITATION TO ENGAGE IN PROSTITUTION; PENALTY"; and

(5) the subdivision 3 headnote from "HIRE TO ENGAGE IN PROSTITUTION" to "ENGAGING IN, HIRING, OR AGREEING TO HIRE AN ADULT TO ENGAGE IN PROSTITUTION; PENALTIES."

Presented to the governor May 24, 2003

Signed by the governor May 28, 2003, 12:46 p.m.

CHAPTER 3—S.F.No. 18

An act relating to unemployment insurance; modifying provisions to increase the solvency of the trust fund; making policy and technical changes; amending Minnesota Statutes 2002, sections 268.035, subdivisions 15, 23; 268.044, subdivision 1, by adding a subdivision; 268.051, subdivisions 1, 2, 3, 5, 6, by adding a subdivision; 268.052, subdivision 1; 268.057, subdivision 5; 268.067; 268.07, subdivision 2; 268.085, subdivision 3; 268.086, subdivision 2; 268.095, subdivisions 1, 2, 6, 11; 268.105, subdivision 7; 268.18, subdivisions 1, 4; proposing coding for

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