

## CHAPTER 212--H.F.No. 3017

*An act relating to public safety; amending and repealing outdated and redundant statutes; requiring a report on collection of data on victims of domestic abuse; amending Minnesota Statutes 2012, sections 13.823; 15.0591, subdivision 2; 299C.05; 299C.111; 403.025, subdivision 7; 403.05, subdivision 1; 403.08, subdivision 10; 518B.01, subdivision 21; 611A.0311, subdivision 2; 611A.37, subdivision 5; 611A.76; 629.342, subdivision 2; Minnesota Statutes 2013 Supplement, sections 13.82, subdivision 5; 403.11, subdivision 1; 611A.02, subdivisions 2, 3; proposing coding for new law in Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 2012, sections 237.83, subdivision 4; 299A.63; 299C.01, subdivision 1; 299C.04; 299C.145, subdivision 4; 299C.19; 299C.20; 299C.215; 299C.30; 299C.31; 299C.32; 299C.33; 299C.34; 299C.49; 299F.01, subdivision 1; 299F.04, subdivision 3a; 299F.37; 403.02, subdivision 15; 611A.02, subdivision 1; 611A.0311, subdivision 3; 611A.21; 611A.22; 611A.221; 611A.36; 611A.41; 611A.43; 611A.78.*

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

### ARTICLE 1

#### OFFICE OF JUSTICE PROGRAMS

Section 1. Minnesota Statutes 2013 Supplement, section 13.82, subdivision 5, is amended to read:

Subd. 5. **Domestic abuse data.** The written police report required by section 629.341, subdivision 4, of an alleged incident described in section 629.341, subdivision 1, and arrest data, request for service data, and response or incident data described in subdivision 2, 3, or 6 that arise out of this type of incident or out of an alleged violation of an order for protection must be released upon request at no cost to the victim of domestic abuse, the victim's attorney, or an organization designated by the Office of Justice Programs in the Department of Public Safety as providing services to victims of domestic abuse. The executive director or the commissioner of the appropriate state agency shall develop written criteria for this designation in consultation with the Advisory Council on Battered Women and Domestic Abuse.

Sec. 2. Minnesota Statutes 2012, section 13.823, is amended to read:

#### **13.823 DOMESTIC ABUSE OR SEXUAL ATTACK PROGRAMS.**

Subdivision 1. **Definitions.** For purposes of this section:

- (1) "domestic abuse" has the meaning given in section 518B.01, subdivision 2; and
- (2) "sexual ~~attaek~~ assault" has the meaning given in section ~~611A.21~~ 611A.211, subdivision ~~2~~ 4.

Subd. 2. **Provisions not applicable.** Except as otherwise provided in this subdivision, a program that provides shelter or support services to victims of domestic abuse or a sexual ~~attaek~~ assault and whose employees or volunteers are not under the direct supervision of a government entity is not subject to this

chapter, except that the program shall comply with sections 13.822, 611A.32, subdivision 5, 611A.371, subdivision 3, and 611A.46.

Sec. 3. Minnesota Statutes 2012, section 15.0591, subdivision 2, is amended to read:

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

- (1) ~~Advisory Council on Battered Women and Domestic Abuse;~~
- (2) (1) Advisory Task Force on the Use of State Facilities;
- (3) (2) Alcohol and Other Drug Abuse Advisory Council;
- (4) (3) Board of Examiners for Nursing Home Administrators;
- (5) (4) Board on Aging;
- (6) (5) Chiropractic Examiners Board;
- (7) (6) Council on Disability;
- (8) (7) Council on Affairs of Chicano/Latino People;
- (9) (8) Council on Black Minnesotans;
- (10) (9) Dentistry Board;
- (11) (10) Minnesota Office of Higher Education;
- (12) (11) Housing Finance Agency;
- (13) (12) Indian Advisory Council on Chemical Dependency;
- (14) (13) Medical Practice Board;
- (15) (14) Minnesota State Arts Board;
- (16) (15) Nursing Board;
- (17) (16) Optometry Board;
- (18) (17) Pharmacy Board;
- (19) (18) Board of Physical Therapy;
- (20) (19) Podiatry Board;
- (21) (20) Psychology Board.

Sec. 4. Minnesota Statutes 2012, section 518B.01, subdivision 21, is amended to read:

Subd. 21. **Order for protection forms.** The state court administrator, in consultation with ~~the Advisory Council on Battered Women and Domestic Abuse~~, city and county attorneys, and legal advocates who work

with victims, shall ~~develop a~~ update the uniform order for protection form that ~~will facilitate~~ facilitates the consistent enforcement of orders for protection throughout the state.

Sec. 5. Minnesota Statutes 2013 Supplement, section 611A.02, subdivision 2, is amended to read:

Subd. 2. **Victims' rights.** (a) The Office of Justice Programs in the Department of Public Safety shall ~~develop~~ update the two model notices of the rights of crime victims.

(b) The initial notice of the rights of crime victims must be distributed by a peace officer to each victim, as defined in section 611A.01, at the time of initial contact with the victim. The notice must inform a victim of:

(1) the victim's right to apply for reparations to cover losses, not including property losses, resulting from a violent crime and the telephone number to call to request an application;

(2) the victim's right to request that the law enforcement agency withhold public access to data revealing the victim's identity under section 13.82, subdivision 17, paragraph (d);

(3) the additional rights of domestic abuse victims as described in section 629.341;

(4) information on the nearest crime victim assistance program or resource;

(5) the victim's rights, if an offender is charged, to be informed of and participate in the prosecution process, including the right to request restitution; and

(6) in homicide cases, information on rights and procedures available under sections 524.2-803, 524.3-614, and 524.3-615.

(c) A supplemental notice of the rights of crime victims must be distributed by the city or county attorney's office to each victim, within a reasonable time after the offender is charged or petitioned. This notice must inform a victim of all the rights of crime victims under this chapter.

Sec. 6. Minnesota Statutes 2013 Supplement, section 611A.02, subdivision 3, is amended to read:

Subd. 3. **Notice of rights of victims in juvenile court.** (a) The Office of Justice Programs in the Department of Public Safety shall ~~develop a~~ update the notice of the rights of victims in juvenile court that explains:

(1) the rights of victims in the juvenile court;

(2) when a juvenile matter is public;

(3) the procedures to be followed in juvenile court proceedings; and

(4) other relevant matters.

(b) The juvenile court shall distribute a copy of the notice to each victim of juvenile crime who attends a juvenile court proceeding, along with a notice of services for victims available in that judicial district.

Sec. 7. Minnesota Statutes 2012, section 611A.0311, subdivision 2, is amended to read:

Subd. 2. **Contents of plan.** Each county and city attorney shall develop and implement a written plan to expedite and improve the efficiency and just disposition of domestic abuse cases brought to the prosecuting

authority. Domestic abuse advocates, law enforcement officials, and other interested members of the public must have an opportunity to assist in the development or adaptation of the plans in each jurisdiction. The commissioner shall make the ~~model~~ plan and related training and technical assistance available to all city and county attorneys. All plans must state goals and contain policies and procedures to address the following matters:

(1) early assignment of a trial prosecutor who has the responsibility of handling the domestic abuse case through disposition, whenever feasible, or, where applicable, probation revocation; and early contact between the trial prosecutor and the victim;

(2) procedures to facilitate the earliest possible contact between the prosecutor's office and the victim for the purpose of acquainting the victim with the criminal justice process, the use of subpoenas, the victim's role as a witness in the prosecution, and the domestic abuse or victim services that are available;

(3) procedures to coordinate the trial prosecutor's efforts with those of the domestic abuse advocate or victim advocate, where available, and to facilitate the early provision of advocacy services to the victim;

(4) procedures to encourage the prosecution of all domestic abuse cases where a crime can be proven;

(5) methods that will be used to identify, gather, and preserve evidence in addition to the victim's in-court testimony that will enhance the ability to prosecute a case when a victim is reluctant to assist, including but not limited to physical evidence of the victim's injury, evidence relating to the scene of the crime, eyewitness testimony, and statements of the victim made at or near the time of the injury;

(6) procedures for educating local law enforcement agencies about the contents of the plan and their role in assisting with its implementation;

(7) the use for subpoenas to victims and witnesses, where appropriate;

(8) procedures for annual review of the plan to evaluate whether it is meeting its goals effectively and whether improvements are needed; and

(9) a timetable for implementation.

#### Sec. 8. [611A.211] PROGRAMS FOR VICTIMS OF SEXUAL ASSAULT.

Subdivision 1. **Grants.** The commissioner of public safety shall award grants to programs which provide support services to victims of sexual assault. The commissioner shall also award grants for training, technical assistance, and for the development and implementation of education programs to increase public awareness of the causes of sexual assault, the solutions to preventing and ending sexual assault, and the problems faced by sexual assault victims.

Subd. 2. **Applications.** Any public or private nonprofit agency may apply to the commissioner for a grant to provide services to victims of sexual assault. The application shall be submitted in a form approved by the commissioner.

Subd. 3. **Duties of grantees.** Every public or private nonprofit agency which receives a grant to provide services to victims of sexual assault shall comply with rules of the commissioner related to the administration of the grant programs.

Subd. 4. **Sexual assault.** For the purposes of this section, "sexual assault" means any violation of sections 609.342 to 609.3453.

Sec. 9. Minnesota Statutes 2012, section 611A.37, subdivision 5, is amended to read:

Subd. 5. **Designated shelter facility.** "Designated shelter facility" means a facility that has applied to, and been approved by, the center Office of Justice Programs to provide shelter and services to battered women and their children.

Sec. 10. **[611A.45] PROGRAMS FOR VICTIMS OF CRIME.**

Subdivision 1. **Grants.** The commissioner of public safety shall award grants to programs which provide support services to victims of crime.

Subd. 2. **Applications.** Any public or private nonprofit agency may apply to the commissioner for a grant to provide services to victims of crime. The application shall be submitted in a form approved by the commissioner.

Subd. 3. **Duties of grantees.** Every public or private nonprofit agency which receives a grant to provide services to victims of crime shall comply with rules of the commissioner related to the administration of the grant programs.

Sec. 11. Minnesota Statutes 2012, section 611A.76, is amended to read:

**611A.76 CRIME VICTIM SERVICES TELEPHONE LINE.**

The commissioner of public safety shall ~~operate~~ fund at least one statewide toll-free 24-hour telephone line for the purpose of providing crime victims with referrals for victim services and resources.

Sec. 12. Minnesota Statutes 2012, section 629.342, subdivision 2, is amended to read:

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

(b) ~~The Bureau of Criminal Apprehension, and the Board of Peace Officer Standards and Training, and the Advisory Council on Battered Women and Domestic Abuse appointed by the commissioner of corrections under section 611A.34,~~ in consultation with the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, and the Minnesota Police and Peace Officers Association, and a domestic violence statewide coalition shall develop a update the written model policy regarding arrest procedures for domestic abuse incidents for use by local law enforcement agencies. Each law enforcement agency may adopt the model policy in lieu of developing its own policy under the provisions of paragraph (a).

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

Sec. 13. **DATA COLLECTION; DOMESTIC ABUSE.**

The commissioner of public safety, in consultation with the Minnesota Peace Officer Standards and Training Board, and representatives from state, county, and municipal law enforcement agencies, prosecutors' offices, and programs providing services to domestic abuse victims, shall develop recommendations for the collection and reporting of comprehensive, statewide data on victims of domestic abuse as defined in Minnesota Statutes, section 518B.01, subdivision 2, including data related to law enforcement response, arrests, and prosecution. These recommendations shall be submitted to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over data practices by January 15, 2016.

Sec. 14. **REVISOR'S INSTRUCTION.**

In the next and subsequent editions of Minnesota Statutes, the revisor of statutes shall change the headnote of section 13.823 from "DOMESTIC ABUSE OR SEXUAL ATTACK PROGRAMS" to "DOMESTIC ABUSE OR SEXUAL ASSAULT PROGRAMS."

Sec. 15. **REPEALER.**

Minnesota Statutes 2012, sections 299A.63; 611A.02, subdivision 1; 611A.0311, subdivision 3; 611A.21; 611A.22; 611A.221; 611A.36; 611A.41; 611A.43; and 611A.78, are repealed.

## ARTICLE 2

### EMERGENCY COMMUNICATION NETWORKS

Section 1. Minnesota Statutes 2012, section 403.025, subdivision 7, is amended to read:

Subd. 7. **Contractual requirements.** (a) The state shall contract with the county or other governmental agencies operating public safety answering points and with the appropriate wire-line telecommunications service providers or other entities determined by the commissioner to be capable of providing effective and efficient components of the 911 system for the operation, maintenance, enhancement, and expansion of the 911 system.

~~(b) The state shall contract with the appropriate wireless telecommunications service providers for maintaining, enhancing, and expanding the 911 system.~~

~~(b)~~ (b) The contract language or subsequent amendments to the contract must include a description of the services to be furnished to the county or other governmental agencies operating public safety answering points. The contract language or subsequent amendments must include the terms of compensation based on the effective tariff or price list filed with the Public Utilities Commission or the prices agreed to by the parties.

~~(c)~~ (c) The contract language or subsequent amendments to contracts between the parties must contain a provision for resolving disputes.

Sec. 2. Minnesota Statutes 2012, section 403.05, subdivision 1, is amended to read:

Subdivision 1. **Operate and maintain.** Each county or any other governmental agency shall operate and maintain its 911 system to meet the requirements of governmental agencies whose services are available

through the 911 system and to permit future expansion or enhancement of the system. ~~Each county or any other governmental agency shall ensure that a 911 emergency call made with a wireless access device is automatically connected to and answered by the appropriate public safety answering point.~~

Sec. 3. Minnesota Statutes 2012, section 403.08, subdivision 10, is amended to read:

Subd. 10. **Plan integration.** Counties shall incorporate the statewide design when modifying county 911 plans to provide for integrating wireless 911 service into existing county 911 systems. ~~The commissioner shall contract with the involved wireless service providers and 911 emergency telecommunications service providers to integrate cellular and other wireless services into existing 911 systems where feasible.~~

Sec. 4. Minnesota Statutes 2013 Supplement, section 403.11, subdivision 1, is amended to read:

Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each customer of a wireless or wire-line switched or packet-based telecommunications service provider connected to the public switched telephone network that furnishes service capable of originating a 911 emergency telephone call is assessed a fee based upon the number of wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing maintenance and related improvements for trunking and central office switching equipment for 911 emergency telecommunications service, to offset administrative and staffing costs of the commissioner related to managing the 911 emergency telecommunications service program, to make distributions provided for in section 403.113, and to offset the costs, including administrative and staffing costs, incurred by the State Patrol Division of the Department of Public Safety in handling 911 emergency calls made from wireless phones.

(b) Money remaining in the 911 emergency telecommunications service account after all other obligations are paid must not cancel and is carried forward to subsequent years and may be appropriated from time to time to the commissioner to provide financial assistance to counties for the improvement of local emergency telecommunications services. ~~The improvements may include providing access to 911 service for telecommunications service subscribers currently without access and upgrading existing 911 service to include automatic number identification, local location identification, automatic location identification, and other improvements specified in revised county 911 plans approved by the commissioner.~~

(c) The fee may not be less than eight cents nor more than 65 cents a month until June 30, 2008, not less than eight cents nor more than 75 cents a month until June 30, 2009, not less than eight cents nor more than 85 cents a month until June 30, 2010, and not less than eight cents nor more than 95 cents a month on or after July 1, 2010, for each customer access line or other basic access service, including trunk equivalents as designated by the Public Utilities Commission for access charge purposes and including wireless telecommunications services. With the approval of the commissioner of management and budget, the commissioner of public safety shall establish the amount of the fee within the limits specified and inform the companies and carriers of the amount to be collected. When the revenue bonds authorized under section 403.27, subdivision 1, have been fully paid or defeased, the commissioner shall reduce the fee to reflect that debt service on the bonds is no longer needed. The commissioner shall provide companies and carriers a minimum of 45 days' notice of each fee change. The fee must be the same for all customers, except that the fee imposed under this subdivision does not apply to prepaid wireless telecommunications service, which is instead subject to the fee imposed under section 403.161, subdivision 1, paragraph (a).

(d) The fee must be collected by each wireless or wire-line telecommunications service provider subject to the fee. Fees are payable to and must be submitted to the commissioner monthly before the 25th of each month following the month of collection, except that fees may be submitted quarterly if less than \$250 a

month is due, or annually if less than \$25 a month is due. Receipts must be deposited in the state treasury and credited to a 911 emergency telecommunications service account in the special revenue fund. The money in the account may only be used for 911 telecommunications services.

~~(e) This subdivision does not apply to customers of interexchange carriers.~~

~~(f) The installation and recurring charges for integrating wireless 911 calls into enhanced 911 systems are eligible for payment by the commissioner if the 911 service provider is included in the statewide design plan and the charges are made pursuant to contract.~~

~~(g)~~ (e) Competitive local exchanges carriers holding certificates of authority from the Public Utilities Commission are eligible to receive payment for recurring 911 services.

Sec. 5. **REPEALER.**

Minnesota Statutes 2012, section 403.02, subdivision 15, is repealed.

**ARTICLE 3**

**STATE FIRE MARSHAL**

Section 1. **REPEALER.**

Minnesota Statutes 2012, sections 299F.01, subdivision 1; 299F.04, subdivision 3a; and 299F.37, are repealed.

**ARTICLE 4**

**BUREAU OF CRIMINAL APPREHENSION**

Section 1. Minnesota Statutes 2012, 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.

Sec. 2. Minnesota Statutes 2012, section 299C.111, is amended to read:

**299C.111 SUSPENSE FILE REPORTING.**



~~(a) By June 1 and December 1 of each year, the superintendent shall:~~

~~(1) provide an entity or individual having responsibility regarding identification data under section 299C.10 and the Criminal and Juvenile Justice Information Policy Group with summary data on the number of disposition records pertaining to the entity or individual that have not been linked to an arrest record; and~~

~~(2) provide the Criminal and Juvenile Justice Information Policy Group with the number of identification records not entered on the automated fingerprint identification system and the criminal history files.~~

(b) The superintendent shall immediately notify the appropriate entity or individual when a disposition record is received that cannot be linked to an arrest record.

Sec. 3. **REPEALER.**

Minnesota Statutes 2012, sections 237.83, subdivision 4; 299C.01, subdivision 1; 299C.04; 299C.145, subdivision 4; 299C.19; 299C.20; 299C.215; 299C.30; 299C.31; 299C.32; 299C.33; 299C.34; and 299C.49, are repealed.

## ARTICLE 5

### REVISOR'S INSTRUCTION

Section 1. **REVISOR'S INSTRUCTION.**

The revisor of statutes, in consultation with the Department of Public Safety, shall prepare draft legislation showing technical and other necessary changes to Minnesota Statutes resulting from the repealers in articles 1, 2, 3, and 4, and submit it to the chairs and ranking minority members of the house of representatives and senate committees and divisions with jurisdiction over public safety and criminal justice by January 1, 2015.

Presented to the governor May 6, 2014

Signed by the governor May 9, 2014, 10:24 a.m.