

CHAPTER 263--S.F.No. 2736

An act relating to public safety; authorizing counties to establish pilot projects to use GPS to monitor domestic abuse offenders; requiring reports; amending Minnesota Statutes 2012, sections 609.135, subdivision 5a; 629.72, subdivision 2a; repealing Minnesota Statutes 2012, section 609.02, subdivision 14.

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

Section 1. Minnesota Statutes 2012, section 609.135, subdivision 5a, is amended to read:

Subd. 5a. **Domestic abuse victims; electronic monitoring; pilot project.** (a) ~~Until the commissioner of corrections~~ a judicial district has adopted standards under section 629.72, subdivision 2a, paragraph (b), governing electronic monitoring devices used to protect victims of domestic abuse, ~~the~~ a court within the judicial district, as a condition of a stay of imposition or execution of a sentence, may not order an offender convicted of a crime described in paragraph (b) to use an electronic monitoring device to protect a victim's safety.

(b) This subdivision applies to the following crimes, if committed by the defendant against a family or household member as defined in section 518B.01, subdivision 2:

- (1) violations of orders for protection issued under chapter 518B;
- (2) assault in the first, second, third, or fifth degree under section 609.221, 609.222, 609.223, or 609.224; or domestic assault under section 609.2242;
- (3) criminal damage to property under section 609.595;
- (4) disorderly conduct under section 609.72;
- (5) harassing telephone calls under section 609.79;
- (6) burglary under section 609.582;
- (7) trespass under section 609.605;
- (8) criminal sexual conduct in the first, second, third, fourth, or fifth degree under section 609.342, 609.343, 609.344, 609.345, or 609.3451; ~~and~~
- (9) terroristic threats under section 609.713₂;
- (10) stalking under section 609.749;
- (11) violations of harassment restraining orders under section 609.748;
- (12) violations of domestic abuse no contact orders under section 629.75; and
- (13) interference with an emergency call under section 609.78, subdivision 2.

(c) Notwithstanding paragraph (a), the judges in the Tenth Judicial District may order, as a condition of a stay of imposition or execution of a sentence, a defendant convicted of a crime described in paragraph (b), to use an electronic monitoring device to protect the victim's safety. The judges shall make data on the use of electronic monitoring devices to protect a victim's safety in the Tenth Judicial District available to the commissioner of corrections to evaluate and to aid in development of standards for the use of devices to protect victims of domestic abuse. The location data associated with the victim and offender are security information as defined in section 13.37. Location data maintained by a law enforcement agency, probation authority, prosecutorial agency, or court services department may be shared among those agencies to develop and monitor conditions of a stayed sentence under this section.

(d) A violation of a location restriction by an offender in a situation involving a victim and offender who are both mobile does not automatically constitute a violation of the conditions of the offender's stayed sentence.

EFFECTIVE DATE; SUNSET. (a) This section is effective the day following final enactment.

(b) The amendments to this section expire on August 1, 2017.

Sec. 2. Minnesota Statutes 2012, section 629.72, subdivision 2a, is amended to read:

Subd. 2a. **Electronic monitoring; condition of pretrial release; pilot project.** (a) Until the commissioner of corrections a judicial district has adopted standards under paragraph (b) governing electronic monitoring devices used to protect victims of domestic abuse, the a court within the judicial district, as a condition of release, may not order a person arrested for a crime described in section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring device to protect a victim's safety.

(b) Notwithstanding paragraph (a), district courts in the Tenth Judicial District may order, as a condition of a release, a person arrested on a charge of a crime described in section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring device to protect the victim's safety. The courts shall make data on the use of electronic monitoring devices to protect a victim's safety in the Tenth Judicial District available to the commissioner of corrections to evaluate and to aid in development of standards for the use of devices to protect victims of domestic abuse. The chief judge of a judicial district may appoint and convene an advisory group to develop and biennially update standards for the use of electronic monitoring and global positioning system devices to protect victims of domestic abuse. The advisory group must be comprised of representatives from law enforcement, prosecutors, defense attorneys, corrections, court administrators, probation, judges, and crime victim organizations, and include an industry representative with expertise in global positioning system devices. At a minimum, the standards must:

(1) require a judge to order only the use of active, real-time monitoring;

(2) require that the victim and defendant be provided with information on the risks and benefits of using active, real-time monitoring and a notice outlining the district's standards;

(3) require informed, voluntary consent by the victim before the defendant may be released on electronic monitoring, and provide for time-sensitive procedures if a victim withdraws consent;

(4) address financial costs, accessibility, and implications to the defendants and victims;

(5) provide for ongoing training and consultation with the advisory group members to continually improve victim safety and defendant accountability; and

(6) require that in situations involving a victim and defendant who are both mobile, the monitoring entity, and not the victim, determines if a material violation may have occurred and how to respond.

(c) The location data associated with the victim and defendant are security information as defined in section 13.37. Location data maintained by a law enforcement agency, probation authority, prosecutorial agency, or court services department may be shared among those agencies to develop and monitor conditions of release under this section.

(d) A violation of a location restriction by a defendant in a situation involving a victim and defendant who are both mobile does not automatically constitute a violation of the conditions of the defendant's release.

EFFECTIVE DATE; SUNSET. (a) This section is effective retroactively from January 15, 2014.

(b) The amendments to this section expire on August 1, 2017.

Sec. 3. **REPORT REQUIRED.**

(a) The district court administrator of a judicial district participating in a pilot project authorized by this act shall report to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy on the district's pilot project one year after the date of implementation. For purposes of this paragraph, implementation begins on the date the first defendant is placed on electronic monitoring under the pilot project.

(b) Notwithstanding paragraph (a), the Second Judicial District court administrator shall submit an interim report by January 15, 2015, and a final report by January 15, 2017, to the legislators described in paragraph (a), if the Second Judicial District participates in the pilot project authorized by this act.

Sec. 4. **REPEALER.**

Minnesota Statutes 2012, section 609.02, subdivision 14, is repealed.

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

Presented to the governor May 14, 2014

Signed by the governor May 16, 2014, 10:47 a.m.