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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 1648

02/13/2023

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The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to public safety; clarifying and removing outdated statutory language

1.3 regarding duty of Office of Justice Programs to designate services to domestic

1.4 abuse victims; amending Minnesota Statutes 2022, sections 256I.04, subdivision

1.5 2g; 629.341, subdivisions 3, 4; 629.72, subdivision 6; repealing Minnesota Statutes

1.6 2022, section 518B.02, subdivision 3.

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

1.8 Section 1. Minnesota Statutes 2022, section 256I.04, subdivision 2g, is amended to read:

1.9 Subd. 2g. **Crisis shelters.** Secure crisis shelters for battered women and their children

1.10 designated by the Minnesota Department of ~~Corrections~~ Public Safety are not eligible for

1.11 housing support under this chapter.

1.12 Sec. 2. Minnesota Statutes 2022, section 629.341, subdivision 3, is amended to read:

1.13 Subd. 3. **Notice of rights.** The peace officer shall tell the victim whether a shelter or

1.14 other services are available in the community and give the victim immediate notice of the

1.15 legal rights and remedies available. The notice must include furnishing the victim a copy

1.16 of the following statement:

1.17 "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or

1.18 county attorney to file a criminal complaint. You also have the right to go to court and file

1.19 a petition requesting an order for protection from domestic abuse. The order could include

1.20 the following:

1.21 (1) an order restraining the abuser from further acts of abuse;

1.22 (2) an order directing the abuser to leave your household;

2.1 (3) an order preventing the abuser from entering your residence, school, business, or
2.2 place of employment;

2.3 (4) an order awarding you or the other parent custody of or parenting time with your
2.4 minor child or children; or

2.5 (5) an order directing the abuser to pay support to you and the minor children if the
2.6 abuser has a legal obligation to do so."

2.7 The notice must include the resource listing, including telephone number, for the area
2.8 ~~battered women's~~ program that provides services to victims of domestic abuse as shelter,
2.9 ~~to be~~ designated by the Office of Justice Programs in the Department of Corrections Public
2.10 Safety.

2.11 Sec. 3. Minnesota Statutes 2022, section 629.341, subdivision 4, is amended to read:

2.12 Subd. 4. **Report required.** Whenever a peace officer investigates an allegation that an
2.13 incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer
2.14 shall make a written police report of the alleged incident. The report must contain at least
2.15 the following information: the name, address and telephone number of the victim, if provided
2.16 by the victim, a statement as to whether an arrest occurred, the name of the arrested person,
2.17 and a brief summary of the incident. Data that identify a victim who has made a request
2.18 under section 13.82, subdivision 17, paragraph (d), and that are private data under that
2.19 subdivision, shall be private in the report required by this section. A copy of this report must
2.20 be provided upon request, at no cost, to the victim of domestic abuse, the victim's attorney,
2.21 or organizations designated by the Office of Justice Programs in the Department of Public
2.22 Safety ~~or the commissioner of corrections~~ that are providing services to victims of domestic
2.23 abuse. The officer shall submit the report to the officer's supervisor or other person to whom
2.24 the employer's rules or policies require reports of similar allegations of criminal activity to
2.25 be made.

2.26 Sec. 4. Minnesota Statutes 2022, section 629.72, subdivision 6, is amended to read:

2.27 Subd. 6. **Notice; release of arrested person.** (a) Immediately after issuance of a citation
2.28 in lieu of continued detention under subdivision 1, or the entry of an order for release under
2.29 subdivision 2, but before the arrested person is released, the agency having custody of the
2.30 arrested person or its designee must make a reasonable and good faith effort to inform orally
2.31 the alleged victim, local law enforcement agencies known to be involved in the case, if
2.32 different from the agency having custody, and, at the victim's request any local battered

3.1 women's and domestic abuse programs established under section 611A.32 or sexual assault
3.2 programs of:

3.3 (1) the conditions of release, if any;

3.4 (2) the time of release;

3.5 (3) the time, date, and place of the next scheduled court appearance of the arrested person
3.6 and the victim's right to be present at the court appearance; and

3.7 (4) if the arrested person is charged with domestic abuse, the location and telephone
3.8 number of the area ~~battered women's shelter~~ program that provides services to victims of
3.9 domestic abuse as designated by the Office of Justice Programs in the Department of Public
3.10 Safety.

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

3.15 (c) Data on the victim and the notice provided by the custodial authority are private data
3.16 on individuals as defined in section 13.02, subdivision 12, and are accessible only to the
3.17 victim.

3.18 Sec. 5. **REPEALER.**

3.19 Minnesota Statutes 2022, section 518B.02, subdivision 3, is repealed.

518B.02 DOMESTIC ABUSE COUNSELING PROGRAM OR EDUCATIONAL PROGRAM REQUIRED.

Subd. 3. **Program accountability.** The Office of Justice Programs in the Department of Public Safety will consult with domestic abuse counseling and educational programs, the court, probation departments, and the interagency task force on the prevention of domestic and sexual abuse on acceptable measures to ensure program accountability. By December 30, 2001, the center shall make recommendations to the house of representatives and senate committees and divisions with jurisdiction over criminal justice policy and funding on agreed-upon accountability measures including outcome studies.