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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2295

02/25/2014 Authored by Johnson, C.; Savick; Halverson; Moran and Clark

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; authorizing judicial districts to establish standards
1.3 for using GPS to monitor domestic violence offenders; amending Minnesota
1.4 Statutes 2012, sections 609.135, subdivision 5a; 629.72, by adding a subdivision;
1.5 repealing Minnesota Statutes 2012, section 629.72, subdivision 2a.

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

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

1.8 Subd. 5a. **Domestic abuse victims; electronic monitoring.** (a) ~~Until the~~
1.9 ~~commissioner of corrections has adopted standards governing electronic monitoring~~
1.10 ~~devices used to protect victims of domestic abuse, the court, as a condition of a stay of~~
1.11 ~~imposition or execution of a sentence, may not order an offender convicted of a crime~~
1.12 ~~described in paragraph (b) to use an electronic monitoring device to protect a victim's~~
1.13 ~~safety. A judge in a judicial district that has adopted standards under paragraph (c) may~~
1.14 ~~order, as a condition of a stay of imposition or execution of a sentence, an offender~~
1.15 ~~convicted of a crime described in paragraph (b) to use an electronic monitoring device to~~
1.16 ~~protect a victim's safety.~~

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

- 1.19 (1) violations of orders for protection issued under chapter 518B;
- 1.20 (2) assault in the first, second, third, or fifth degree under section 609.221, 609.222,
1.21 609.223, or 609.224; or domestic assault under section 609.2242;
- 1.22 (3) criminal damage to property under section 609.595;
- 1.23 (4) disorderly conduct under section 609.72;
- 1.24 (5) harassing telephone calls under section 609.79;
- 1.25 (6) burglary under section 609.582;

2.1 (7) trespass under section 609.605;

2.2 (8) criminal sexual conduct in the first, second, third, fourth, or fifth degree under
2.3 section 609.342, 609.343, 609.344, 609.345, or 609.3451; and

2.4 (9) terroristic threats under section 609.713.

2.5 (c) ~~Notwithstanding paragraph (a), the judges in the Tenth Judicial District may~~
2.6 ~~order, as a condition of a stay of imposition or execution of a sentence, a defendant~~
2.7 ~~convicted of a crime described in paragraph (b), to use an electronic monitoring device~~
2.8 ~~to protect the victim's safety. The judges shall make data on the use of electronic~~
2.9 ~~monitoring devices to protect a victim's safety in the Tenth Judicial District available to~~
2.10 ~~the commissioner of corrections to evaluate and to aid in development of standards for the~~
2.11 ~~use of devices to protect victims of domestic abuse. The chief judge of a judicial district~~
2.12 ~~may develop and implement standards for the use of electronic monitoring and global~~
2.13 ~~positioning system devices to protect victims of domestic abuse.~~

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

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

2.17 Subd. 2b. **Electronic monitoring; condition of pretrial release.** In a judicial
2.18 district that has adopted standards under section 609.135, subdivision 5a, paragraph (c),
2.19 a judge, as a condition of release, may order a person arrested for a crime described in
2.20 section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring device to
2.21 protect a victim's safety.

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

2.23 Sec. 3. **REPEALER.**

2.24 Minnesota Statutes 2012, section 629.72, subdivision 2a, is repealed.

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

629.72 BAIL; DOMESTIC ABUSE; HARASSMENT; VIOLATION OF ORDER FOR PROTECTION; OR NO CONTACT ORDER.

Subd. 2a. **Electronic monitoring; condition of pretrial release.** (a) Until the commissioner of corrections has adopted standards governing electronic monitoring devices used to protect victims of domestic abuse, the court, 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), the chief judge of a judicial district may appoint and convene an advisory group comprised of representatives from law enforcement, prosecutors, defense attorneys, corrections, court administrators, judges, and battered women's organizations to develop standards for the use of electronic monitoring and global positioning system devices to protect victims of domestic abuse and for evaluating the effectiveness of electronic monitoring. After the advisory group does this, the chief judge, in consultation with the advisory group, may conduct a pilot project for implementation of the electronic monitoring standards. A judicial district that conducts a pilot project shall report on the standards and the pilot project to the chairs and ranking minority members of the senate and house of representatives committees having jurisdiction over criminal justice policy and the state court administrator's office.