

**HOUSE OF REPRESENTATIVES**

**EIGHTY-EIGHTH SESSION**

**H. F. No. 2295**

02/25/2014 Authored by Johnson, C.; Savick; Halverson; Moran; Clark and others  
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy  
03/13/2014 Adoption of Report: Amended and re-referred to the Committee on Civil Law  
03/17/2014 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Policy  
03/20/2014 Adoption of Report: Placed on the General Register  
Read Second Time

1.1 A bill for an act  
1.2 relating to public safety; requiring judicial districts to establish minimum  
1.3 standards as a condition to using GPS to monitor domestic abuse offenders;  
1.4 protecting victim and defendant location data; amending Minnesota Statutes  
1.5 2012, sections 609.135, subdivision 5a; 629.72, subdivision 2a; repealing  
1.6 Minnesota Statutes 2012, section 611A.07, subdivision 1.

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

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

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

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

- 1.17 (1) violations of orders for protection issued under chapter 518B;
- 1.18 (2) assault in the first, second, third, or fifth degree under section 609.221, 609.222,  
1.19 609.223, or 609.224; or domestic assault under section 609.2242;
- 1.20 (3) criminal damage to property under section 609.595;
- 1.21 (4) disorderly conduct under section 609.72;
- 1.22 (5) harassing telephone calls under section 609.79;
- 1.23 (6) burglary under section 609.582;
- 1.24 (7) trespass under section 609.605;

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

2.3 (9) terroristic threats under section 609.713;

2.4 (10) stalking under section 609.749;

2.5 (11) violations of harassment restraining orders under section 609.748;

2.6 (12) violations of domestic abuse no contact orders under section 629.75; and

2.7 (13) interference with an emergency call under section 609.78, subdivision 2.

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

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

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

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

2.27 (b) ~~Notwithstanding paragraph (a), district courts in the Tenth Judicial District may~~  
 2.28 ~~order, as a condition of a release, a person arrested on a charge of a crime described~~  
 2.29 ~~in section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring~~  
 2.30 ~~device to protect the victim's safety. The courts shall make data on the use of electronic~~  
 2.31 ~~monitoring devices to protect a victim's safety in the Tenth Judicial District available to~~  
 2.32 ~~the commissioner of corrections to evaluate and to aid in development of standards for the~~  
 2.33 ~~use of devices to protect victims of domestic abuse. The chief judge of a judicial district~~  
 2.34 may appoint and convene an advisory group to develop and biennially update standards  
 2.35 for the use of electronic monitoring and global positioning system devices to protect

3.1 victims of domestic abuse. The advisory group must be comprised of representatives  
3.2 from law enforcement, prosecutors, defense attorneys, corrections, court administrators,  
3.3 probation, judges, and crime victim organizations, and include an industry representative  
3.4 with expertise in global positioning system devices. At a minimum, the standards must:  
3.5 (1) require a judge to order only the use of active, real-time monitoring;  
3.6 (2) require that the victim and defendant be provided with information on the risks and  
3.7 benefits of using active, real-time monitoring and a notice outlining the district's standards;  
3.8 (3) require informed, voluntary consent by the victim before the defendant may be  
3.9 released on electronic monitoring, and provide for time-sensitive procedures if a victim  
3.10 withdraws consent;  
3.11 (4) address financial costs to the defendants and victims;  
3.12 (5) promote policies and procedures that eliminate disproportionate impact adverse  
3.13 to underrepresented groups and populations; and  
3.14 (6) provide for ongoing training and consultation with the advisory group members  
3.15 to continually improve victim safety and defendant accountability.  
3.16 (c) The location data associated with the victim and defendant are security  
3.17 information as defined in section 13.37. Location data maintained by a law enforcement  
3.18 agency, probation authority, prosecutorial agency, or court services department may be  
3.19 shared among those agencies to develop and monitor conditions of release under this  
3.20 section.

3.21 **EFFECTIVE DATE.** This section is effective retroactively from January 15, 2014.

3.22 **Sec. 3. REPEALER.**

3.23 Minnesota Statutes 2012, section 611A.07, subdivision 1, is repealed.

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

**611A.07 ELECTRONIC MONITORING TO PROTECT DOMESTIC ABUSE  
VICTIMS; STANDARDS.**

Subdivision 1. **Generally.** The commissioner of corrections, after considering the recommendations of the Advisory Council on Battered Women and Domestic Abuse and the Sexual Assault Advisory Council, and in collaboration with the commissioner of public safety, shall adopt standards governing electronic monitoring devices used to protect victims of domestic abuse. In developing proposed standards, the commissioner shall consider the experience of the courts in the Tenth Judicial District in the use of the devices to protect victims of domestic abuse. These standards shall promote the safety of the victim and shall include measures to avoid the disparate use of the device with communities of color, product standards, monitoring agency standards, and victim disclosure standards.