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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 3017

- 03/12/2014 Authored by Paymar, Cornish and Lesch
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
- 03/17/2014 Adoption of Report: Re-referred to the Committee on Government Operations
- 03/26/2014 Adoption of Report: Amended and re-referred to the Committee on Civil Law
- 03/28/2014 Adoption of Report: Placed on the General Register
Read Second Time
- 04/09/2014 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
 1.2 relating to public safety; amending and repealing outdated and redundant statutes;
 1.3 modifying provisions related to the Violent Crime Coordinating Council;
 1.4 providing grants for support services to victims of sexual assault and victims of
 1.5 crime; requiring a report on collection of data on victims of domestic abuse;
 1.6 amending Minnesota Statutes 2012, sections 13.823; 15.0591, subdivision 2;
 1.7 299A.642, subdivisions 1, 3; 299C.05; 299C.111; 403.025, subdivision 7; 403.05,
 1.8 subdivision 1; 403.08, subdivision 10; 518B.01, subdivision 21; 611A.0311,
 1.9 subdivision 2; 611A.37, subdivision 5; 611A.76; 629.342, subdivision 2;
 1.10 Minnesota Statutes 2013 Supplement, sections 13.82, subdivision 5; 403.11,
 1.11 subdivision 1; 611A.02, subdivisions 2, 3; proposing coding for new law in
 1.12 Minnesota Statutes, chapter 611A; repealing Minnesota Statutes 2012, sections
 1.13 237.83, subdivision 4; 299A.63; 299C.01, subdivision 1; 299C.04; 299C.145,
 1.14 subdivision 4; 299C.19; 299C.20; 299C.215; 299C.30; 299C.31; 299C.32;
 1.15 299C.33; 299C.34; 299C.49; 299F.01, subdivision 1; 299F.04, subdivision 3a;
 1.16 299F.37; 403.02, subdivision 15; 611A.02, subdivision 1; 611A.0311, subdivision
 1.17 3; 611A.21; 611A.22; 611A.221; 611A.36; 611A.41; 611A.43; 611A.78.

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

1.19 ARTICLE 1

1.20 OFFICE OF JUSTICE PROGRAMS

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

1.23 Subd. 5. **Domestic abuse data.** The written police report required by section
 1.24 629.341, subdivision 4, of an alleged incident described in section 629.341, subdivision
 1.25 1, and arrest data, request for service data, and response or incident data described in
 1.26 subdivision 2, 3, or 6 that arise out of this type of incident or out of an alleged violation of
 1.27 an order for protection must be released upon request at no cost to the victim of domestic
 1.28 abuse, the victim's attorney, or an organization designated by the Office of Justice
 1.29 Programs in the Department of Public Safety as providing services to victims of domestic

2.1 abuse. The executive director or the commissioner of the appropriate state agency shall
2.2 develop written criteria for this designation ~~in consultation with the Advisory Council~~
2.3 ~~on Battered Women and Domestic Abuse.~~

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

2.5 **13.823 DOMESTIC ABUSE OR SEXUAL ATTACK PROGRAMS.**

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

2.7 (1) "domestic abuse" has the meaning given in section 518B.01, subdivision 2; and

2.8 (2) "sexual ~~attaek~~ assault" has the meaning given in section ~~611A.21~~ 611A.211,
2.9 subdivision ~~2~~ 4.

2.10 Subd. 2. **Provisions not applicable.** Except as otherwise provided in this
2.11 subdivision, a program that provides shelter or support services to victims of domestic
2.12 abuse or a sexual ~~attaek~~ assault and whose employees or volunteers are not under the
2.13 direct supervision of a government entity is not subject to this chapter, except that
2.14 the program shall comply with sections 13.822, 611A.32, subdivision 5, 611A.371,
2.15 subdivision 3, and 611A.46.

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

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

2.20 ~~(1) Advisory Council on Battered Women and Domestic Abuse;~~

2.21 ~~(2)~~ (1) Advisory Task Force on the Use of State Facilities;

2.22 ~~(3)~~ (2) Alcohol and Other Drug Abuse Advisory Council;

2.23 ~~(4)~~ (3) Board of Examiners for Nursing Home Administrators;

2.24 ~~(5)~~ (4) Board on Aging;

2.25 ~~(6)~~ (5) Chiropractic Examiners Board;

2.26 ~~(7)~~ (6) Council on Disability;

2.27 ~~(8)~~ (7) Council on Affairs of Chicano/Latino People;

2.28 ~~(9)~~ (8) Council on Black Minnesotans;

2.29 ~~(10)~~ (9) Dentistry Board;

2.30 ~~(11)~~ (10) Minnesota Office of Higher Education;

2.31 ~~(12)~~ (11) Housing Finance Agency;

2.32 ~~(13)~~ (12) Indian Advisory Council on Chemical Dependency;

2.33 ~~(14)~~ (13) Medical Practice Board;

2.34 ~~(15)~~ (14) Minnesota State Arts Board;

- 3.1 ~~(16)~~ (15) Nursing Board;
- 3.2 ~~(17)~~ (16) Optometry Board;
- 3.3 ~~(18)~~ (17) Pharmacy Board;
- 3.4 ~~(19)~~ (18) Board of Physical Therapy;
- 3.5 ~~(20)~~ (19) Podiatry Board;
- 3.6 ~~(21)~~ (20) Psychology Board.

3.7 Sec. 4. Minnesota Statutes 2012, section 299A.642, subdivision 1, is amended to read:

3.8 Subdivision 1. **Coordinating council established.** The Violent Crime Coordinating
 3.9 Council is established to provide guidance to law enforcement, prosecutors, and the
 3.10 Department of Public Safety on issues related to the investigation and prosecution of
 3.11 gang and drug crime. For the purposes of this section, "gang and drug crime" includes
 3.12 violent crimes associated with gang activity.

3.13 Sec. 5. Minnesota Statutes 2012, section 299A.642, subdivision 3, is amended to read:

3.14 Subd. 3. **Coordinating council's duties.** The coordinating council shall ~~develop~~
 3.15 ~~an overall strategy~~ carry out the following duties in a manner that serves to ameliorate
 3.16 the harm caused to the public by gang and drug crime within the state of Minnesota:
 3.17 ~~Additionally, the coordinating council shall:~~

3.18 (1) subject to approval by the commissioner of public safety, ~~develop~~ update
 3.19 an operating procedures and policies manual to investigate gang and drug crime in a
 3.20 multijurisdictional manner;

3.21 (2) identify and recommend a candidate or candidates for statewide coordinator to
 3.22 the commissioner of public safety;

3.23 (3) assist the Department of Public Safety in ~~developing~~ updating grant eligibility
 3.24 criteria and operating an objective and conflict-free grant review application process;

3.25 (4) make recommendations to the commissioner of public safety to terminate grant
 3.26 funding for multijurisdictional entities if an entity no longer operates in accordance with
 3.27 subdivision 4, or no longer functions in a manner consistent with the best interests of
 3.28 the state or public;

3.29 (5) assist in developing and updating a process to collect and share information to
 3.30 improve the investigation and prosecution of gang and drug offenses;

3.31 (6) ~~develop and approve an operational budget for the coordinating council;~~

3.32 ~~(7) develop and update~~ develop and update policies that prohibit the improper use of personal
 3.33 characteristics such as race, color, national origin, gender, or religion to target individuals
 3.34 for law enforcement action, prosecution, or forfeiture action; and

4.1 ~~(8)~~ (7) subject to approval by the commissioner of public safety, adopt narrowly
4.2 tailored, objective criteria and identifying characteristics for use in determining whether
4.3 individuals are or may be members of gangs involved in criminal activity. The council
4.4 shall review and update the criteria and characteristics adopted under this clause every two
4.5 years with the objective to ensure effectiveness and relevance to the accurate identification
4.6 of subjects actively involved in criminal gang activity. As part of its review process, the
4.7 council shall obtain input from members of communities that are impacted by criminal
4.8 gang activity. Before adopting any changes under this clause, the council must submit its
4.9 recommendations to the commissioner of public safety for approval.

4.10 Actions taken by the council, including related comments, must be limited in scope
4.11 to the duties prescribed under clauses (1) to (7).

4.12 Sec. 6. Minnesota Statutes 2012, section 518B.01, subdivision 21, is amended to read:

4.13 Subd. 21. **Order for protection forms.** The state court administrator, in
4.14 consultation with ~~the Advisory Council on Battered Women and Domestic Abuse~~, city and
4.15 county attorneys, and legal advocates who work with victims, shall ~~develop a~~ update the
4.16 uniform order for protection form that ~~will facilitate~~ facilitates the consistent enforcement
4.17 of orders for protection throughout the state.

4.18 Sec. 7. Minnesota Statutes 2013 Supplement, section 611A.02, subdivision 2, is
4.19 amended to read:

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

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

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

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

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

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

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

5.1 (6) in homicide cases, information on rights and procedures available under sections
5.2 524.2-803, 524.3-614, and 524.3-615.

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

5.7 Sec. 8. Minnesota Statutes 2013 Supplement, section 611A.02, subdivision 3, is
5.8 amended to read:

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

- 5.12 (1) the rights of victims in the juvenile court;
5.13 (2) when a juvenile matter is public;
5.14 (3) the procedures to be followed in juvenile court proceedings; and
5.15 (4) other relevant matters.

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

5.19 Sec. 9. Minnesota Statutes 2012, section 611A.0311, subdivision 2, is amended to read:

5.20 Subd. 2. **Contents of plan.** Each county and city attorney shall develop and
5.21 implement a written plan to expedite and improve the efficiency and just disposition of
5.22 domestic abuse cases brought to the prosecuting authority. Domestic abuse advocates,
5.23 law enforcement officials, and other interested members of the public must have an
5.24 opportunity to assist in the development or adaptation of the plans in each jurisdiction.
5.25 The commissioner shall make the ~~model~~ plan and related training and technical assistance
5.26 available to all city and county attorneys. All plans must state goals and contain policies
5.27 and procedures to address the following matters:

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

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

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

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

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

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

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

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

6.16 (9) a timetable for implementation.

6.17 **Sec. 10. [611A.211] PROGRAMS FOR VICTIMS OF SEXUAL ASSAULT.**

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

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

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

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

6.32 Sec. 11. Minnesota Statutes 2012, section 611A.37, subdivision 5, is amended to read:

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

7.4 Sec. 12. **[611A.45] PROGRAMS FOR VICTIMS OF CRIME.**

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

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

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

7.13 Sec. 13. Minnesota Statutes 2012, section 611A.76, is amended to read:

7.14 **611A.76 CRIME VICTIM SERVICES TELEPHONE LINE.**

7.15 The commissioner of public safety shall ~~operate~~ fund at least one statewide toll-free
7.16 24-hour telephone line for the purpose of providing crime victims with referrals for victim
7.17 services and resources.

7.18 Sec. 14. Minnesota Statutes 2012, section 629.342, subdivision 2, is amended to read:

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

7.28 (b) The Bureau of Criminal Apprehension; and the Board of Peace Officer Standards
7.29 and Training, ~~and the Advisory Council on Battered Women and Domestic Abuse~~
7.30 ~~appointed by the commissioner of corrections under section 611A.34,~~ in consultation with
7.31 the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, ~~and the~~
7.32 Minnesota Police and Peace Officers Association, and a domestic violence statewide
7.33 coalition shall ~~develop a~~ update the written ~~model~~ policy regarding arrest procedures

8.1 for domestic abuse incidents for use by local law enforcement agencies. Each law
 8.2 enforcement agency may adopt the model policy in lieu of developing its own policy
 8.3 under the provisions of paragraph (a).

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

8.8 **Sec. 15. DATA COLLECTION; DOMESTIC ABUSE.**

8.9 The commissioner of public safety, in consultation with the Minnesota Peace
 8.10 Officers Standards and Training Board and representatives from state, county, and
 8.11 municipal law enforcement agencies; prosecutors' offices; and programs providing
 8.12 services to domestic abuse victims, shall develop recommendations for the collection
 8.13 and reporting of comprehensive, statewide data on victims of domestic abuse as defined
 8.14 in Minnesota Statutes, section 518B.01, subdivision 2, including data related to law
 8.15 enforcement response, arrests, and prosecution. These recommendations shall be
 8.16 submitted to the legislature by January 15, 2016.

8.17 **Sec. 16. REVISOR'S INSTRUCTION.**

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

8.22 (b) The revisor of statutes shall make any necessary cross reference changes
 8.23 consistent with the renumbering of clauses in section 5.

8.24 **Sec. 17. REPEALER.**

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

8.28 **ARTICLE 2**

8.29 **EMERGENCY COMMUNICATION NETWORKS**

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

8.31 Subd. 7. **Contractual requirements.** (a) The state shall contract with the county
 8.32 or other governmental agencies operating public safety answering points and with the

9.1 appropriate wire-line telecommunications service providers or other entities determined by
9.2 the commissioner to be capable of providing effective and efficient components of the 911
9.3 system for the operation, maintenance, enhancement, and expansion of the 911 system.

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

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

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

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

9.14 Subdivision 1. **Operate and maintain.** Each county or any other governmental
9.15 agency shall operate and maintain its 911 system to meet the requirements of governmental
9.16 agencies whose services are available through the 911 system and to permit future
9.17 expansion or enhancement of the system. ~~Each county or any other governmental agency~~
9.18 ~~shall ensure that a 911 emergency call made with a wireless access device is automatically~~
9.19 ~~connected to and answered by the appropriate public safety answering point.~~

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

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

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

9.28 Subdivision 1. **Emergency telecommunications service fee; account.** (a) Each
9.29 customer of a wireless or wire-line switched or packet-based telecommunications service
9.30 provider connected to the public switched telephone network that furnishes service capable
9.31 of originating a 911 emergency telephone call is assessed a fee based upon the number
9.32 of wired or wireless telephone lines, or their equivalent, to cover the costs of ongoing
9.33 maintenance and related improvements for trunking and central office switching equipment

10.1 for 911 emergency telecommunications service, to offset administrative and staffing costs
10.2 of the commissioner related to managing the 911 emergency telecommunications service
10.3 program, to make distributions provided for in section 403.113, and to offset the costs,
10.4 including administrative and staffing costs, incurred by the State Patrol Division of the
10.5 Department of Public Safety in handling 911 emergency calls made from wireless phones.

10.6 (b) Money remaining in the 911 emergency telecommunications service account
10.7 after all other obligations are paid must not cancel and is carried forward to subsequent
10.8 years and may be appropriated from time to time to the commissioner to provide financial
10.9 assistance to counties for the improvement of local emergency telecommunications
10.10 services. ~~The improvements may include providing access to 911 service for~~
10.11 ~~telecommunications service subscribers currently without access and upgrading existing~~
10.12 ~~911 service to include automatic number identification, local location identification,~~
10.13 ~~automatic location identification, and other improvements specified in revised county~~
10.14 ~~911 plans approved by the commissioner.~~

10.15 (c) The fee may not be less than eight cents nor more than 65 cents a month until
10.16 June 30, 2008, not less than eight cents nor more than 75 cents a month until June 30,
10.17 2009, not less than eight cents nor more than 85 cents a month until June 30, 2010, and
10.18 not less than eight cents nor more than 95 cents a month on or after July 1, 2010, for
10.19 each customer access line or other basic access service, including trunk equivalents as
10.20 designated by the Public Utilities Commission for access charge purposes and including
10.21 wireless telecommunications services. With the approval of the commissioner of
10.22 management and budget, the commissioner of public safety shall establish the amount of
10.23 the fee within the limits specified and inform the companies and carriers of the amount to
10.24 be collected. When the revenue bonds authorized under section 403.27, subdivision 1,
10.25 have been fully paid or defeased, the commissioner shall reduce the fee to reflect that debt
10.26 service on the bonds is no longer needed. The commissioner shall provide companies and
10.27 carriers a minimum of 45 days' notice of each fee change. The fee must be the same for all
10.28 customers, except that the fee imposed under this subdivision does not apply to prepaid
10.29 wireless telecommunications service, which is instead subject to the fee imposed under
10.30 section 403.161, subdivision 1, paragraph (a).

10.31 (d) The fee must be collected by each wireless or wire-line telecommunications
10.32 service provider subject to the fee. Fees are payable to and must be submitted to the
10.33 commissioner monthly before the 25th of each month following the month of collection,
10.34 except that fees may be submitted quarterly if less than \$250 a month is due, or annually if
10.35 less than \$25 a month is due. Receipts must be deposited in the state treasury and credited

11.1 to a 911 emergency telecommunications service account in the special revenue fund. The
 11.2 money in the account may only be used for 911 telecommunications services.

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

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

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

11.10 Sec. 5. **REPEALER.**

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

11.12 **ARTICLE 3**

11.13 **STATE FIRE MARSHAL**

11.14 Section 1. **REPEALER.**

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

11.17 **ARTICLE 4**

11.18 **BUREAU OF CRIMINAL APPREHENSION**

11.19 Section 1. Minnesota Statutes 2012, section 299C.05, is amended to read:

11.20 **299C.05 DIVISION OF CRIMINAL STATISTICS.**

11.21 ~~There is hereby established within the bureau a Division of Criminal Statistics, and~~
 11.22 ~~the superintendent, within the limits of membership herein prescribed, shall appoint a~~
 11.23 ~~qualified statistician and one assistant to be in charge thereof. It shall be the duty of~~
 11.24 ~~this division to collect, and preserve as a record of the bureau, information concerning~~
 11.25 ~~the number and nature of offenses known to have been committed in the state, of the~~
 11.26 ~~legal steps taken in connection therewith from the inception of the complaint to the final~~
 11.27 ~~discharge of the defendant, and such other information as may be useful in the study~~
 11.28 ~~of crime and the administration of justice. The information so collected and preserved~~
 11.29 ~~shall include such data as may be requested by the United States Department of Justice,~~
 11.30 ~~at Washington, under its national system of crime reporting. To the extent possible, the~~
 11.31 ~~superintendent must utilize a nationally recognized system or standard approved by the~~
 11.32 ~~Federal Bureau of Investigation to collect and preserve crime data.~~

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

12.2 **299C.111 SUSPENSE FILE REPORTING.**

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

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

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

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

12.13 Sec. 3. **REPEALER.**

12.14 Minnesota Statutes 2012, sections 237.83, subdivision 4; 299C.01, subdivision 1;
12.15 299C.04; 299C.145, subdivision 4; 299C.19; 299C.20; 299C.215; 299C.30; 299C.31;
12.16 299C.32; 299C.33; 299C.34; and 299C.49, are repealed.

12.17 **ARTICLE 5**

12.18 **REVISOR'S INSTRUCTION**

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

12.20 The revisor of statutes, in consultation with the Department of Public Safety, shall
12.21 prepare draft legislation showing technical and other necessary changes to Minnesota
12.22 Statutes resulting from the repealers in articles 1, 2, 4, and 5, and submit it to the chairs
12.23 and ranking minority members of the house of representatives and senate committees and
12.24 divisions with jurisdiction over public safety and criminal justice by January 1, 2015.

APPENDIX
Article locations in H3017-2

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237.83 DISCLOSURE OF CALL LOCATION INFORMATION; EMERGENCY SITUATIONS.

Subd. 4. **Provider contact information.** The Bureau of Criminal Apprehension shall obtain contact information for all wireless telecommunications service providers authorized to do business in Minnesota or submitting to the jurisdiction of this state in order to facilitate a request from a law enforcement agency for call location information under this section. The bureau shall disseminate this information on a quarterly basis, or immediately as changes occur, to all public safety answer points in the state.

299A.63 WEED AND SEED GRANT PROGRAM.

Subdivision 1. **Establishment.** A grant program is established under the administration of the commissioner of public safety to assist local communities in their efforts to eradicate violent crime, illegal drug activity, and illegal gang activity in targeted neighborhoods, and to revitalize these targeted neighborhoods economically and physically.

Subd. 2. **Awarding grant.** The commissioner of public safety shall act as fiscal agent for the grant program and shall be responsible for receiving applications for grants and awarding grants under this section. Before any grants are awarded, a committee consisting of the attorney general, and representatives from the Minnesota Chiefs of Police Association, the Minnesota Sheriffs Association, and the Minnesota Police and Peace Officers Association, shall evaluate the grant applications. Before grants are awarded, the commissioner shall meet and consult with the committee concerning its evaluation of and recommendations on grant proposals. At least 50 percent of the grants awarded under this section must be awarded to the cities of Minneapolis and St. Paul.

Subd. 3. **Grant process.** (a) A city may apply for a grant under this section by submitting an application to the commissioner of public safety on a form prescribed by the commissioner. The application shall:

(1) identify the neighborhood within the city that has been proposed by the city's mayor as a targeted site;

(2) describe the problems to be corrected within the targeted neighborhood and the strengths that make the targeted neighborhood a suitable candidate for funding; and

(3) contain the city's plan for use of the grant funds. This plan must:

(i) be prepared in consultation with residents of the targeted neighborhood;

(ii) describe the specific law enforcement, community policing, prevention, intervention, treatment, and neighborhood revitalization activities that the city intends to undertake; and

(iii) include a reporting and evaluation component.

(b) A city may apply for more than one grant under this section; however, each grant may target only one neighborhood.

Subd. 4. **Attorney general duties.** (a) The attorney general may assist cities and local law enforcement officials in developing and implementing anticrime and neighborhood community revitalization strategies and may assist local prosecutors in prosecuting crimes occurring in the targeted neighborhoods that receive funding under this section. Upon request of the local prosecuting authority, the attorney general may appear in court in those civil and criminal cases arising as a result of this section that the attorney general deems appropriate. For the purposes of this section, the attorney general may appear in court in nuisance actions under chapter 617, and misdemeanor prosecutions under chapter 609.

(b) The attorney general may assist cities in developing appropriate applications to the United States Department of Justice for federal weed and seed grants for use in conjunction with grants awarded under this section.

299C.01 CRIMINAL BUREAU.

Subdivision 1. **Powers transferred to commissioner.** All the powers and duties now vested in or imposed upon the Bureau of Criminal Apprehension or the superintendent of the Bureau of Criminal Apprehension as prescribed by chapter 626, or any other law, are hereby transferred to, vested in, and imposed upon the commissioner of public safety. The Bureau of Criminal Apprehension and the Office of the Superintendent of the Bureau of Criminal Apprehension as heretofore constituted are abolished.

299C.04 EMPLOYEES, CIVIL SERVICE; EXPENSES.

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The superintendent is hereby authorized to appoint, in the manner provided, and to remove as provided by the state civil service law, and to prescribe the duties of such skilled and unskilled employees, including an identification expert, as may be necessary to carry out the work of the bureau; provided, that the appointment and removal of such skilled and unskilled employees shall be in the manner provided by the state civil service law. The superintendent and all officers and employees of the bureau shall, in addition to their compensation, receive their actual and necessary expenses incurred in the discharge of their duties, provided that the total expense of the bureau during any year shall not exceed the appropriation therefor.

299C.145 DISTINCTIVE PHYSICAL MARK IDENTIFICATION SYSTEM.

Subd. 4. **Rules.** The bureau may adopt rules to provide for the orderly collection, entry, and retrieval of data contained in the distinctive physical mark identification system.

299C.19 EMPLOYEES INCLUDED IN WORKERS' COMPENSATION LAWS.

Every employee of the bureau shall be deemed an employee of the state within the meaning of the workers' compensation laws of this state and entitled to the benefit of all the provisions of those laws applicable to state employees.

299C.20 STATUTORY CONSTRUCTION.

It is hereby declared that sections 299C.03 to 299C.20 are necessary for the public safety, peace and welfare, are remedial in nature, shall be construed liberally, and that, in case any part thereof shall be declared unconstitutional, it shall not in any way affect any other part.

299C.215 REPORT OF 30-DAY STORAGE OF MOTOR VEHICLE.

Every operator of a structure or place where motor vehicles are stored shall report in writing to the Bureau of Criminal Apprehension the fact that any motor vehicle has been continuously stored in such structure or place more than 30 days without having been removed therefrom when the owner thereof is not personally known to such operator and no contract exists between such operator and owner for such term storage. Such report shall be in form prescribed by such bureau, furnishing identification of such vehicle.

Any person violating this section shall be guilty of a misdemeanor.

299C.30 RADIO BROADCASTING STATION MAY BE INSTALLED.

The commissioner of administration is hereby authorized to purchase, secure the necessary air privilege, lease or otherwise acquire, and install one or more radio broadcasting stations to be used for police purposes only, under the direction of the Bureau of Criminal Apprehension.

299C.31 BUREAU TO MAINTAIN STATION.

The bureau is hereby charged with the maintenance, operation, and conduct of all radio broadcasting stations established under the provisions of sections 299C.30 to 299C.38.

299C.32 POLICE CAR TO HAVE RADIO.

When the broadcasting station or stations authorized by sections 299C.30 to 299C.38 have been established and are ready for operation, the bureau shall notify immediately the board of county commissioners in each county of the state that such radio service has been established; and forthwith the board shall provide for the purchase and installation in the office of the sheriff and at such other places within each county as it may direct, and in at least one motor vehicle used by the sheriff in the conduct of the sheriff's office, a locked-in radio receiving set of the character prescribed by the bureau for use in connection with the broadcasting station or stations so established.

299C.33 RECEIVING STATION IN CITY.

The council of each city in the state shall, and the council of each statutory city in the state may, purchase, install, and maintain in such place as the council may determine, at least one such locked-in radio receiving set, as may be prescribed by the bureau for use in law

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enforcement and police work in such city or statutory city in connection with the broadcasting system thereby established.

299C.34 COMMISSIONER TO SUPPLY BROADCASTING SET.

The commissioner of administration shall purchase and supply the Bureau of Criminal Apprehension with such locked-in radio receiving sets as are deemed necessary by the superintendent.

299C.49 GRANT REVIEW.

The commissioner of public safety, after consultation with representatives of criminal justice agencies, shall review all grant requests for federal and state funds from the Governor's Commission on Crime Prevention and Control or its successor for criminal justice information systems and recommend action to the commission.

299F.01 FIRE MARSHAL.

Subdivision 1. **Commissioner's powers and duties transferred.** All the powers and duties now vested in or imposed upon the commissioner of commerce as ex officio state fire marshal as prescribed in Minnesota Statutes, chapters 73, 74, 75, 76, and any other law, are hereby transferred to, vested in, and imposed upon the commissioner of public safety. The duties and responsibilities of the commissioner of commerce as ex officio state fire marshal as heretofore constituted are abolished.

299F.04 ORIGIN OF FIRE INVESTIGATED; COMPUTERIZED ARSON DATA.

Subd. 3a. **Arson investigative data system.** (a) As used in this section, "criminal justice agency" means state and local prosecution authorities, state and local law enforcement agencies, local fire departments, and the Office of State Fire Marshal.

(b) The state fire marshal shall administer and maintain a computerized arson investigative data system for the purpose of assisting criminal justice agencies in the investigation and prosecution of suspected arson violations. This data system is separate from the reporting system maintained by the Department of Public Safety under section 299F.05, subdivision 2. The system consists of data on individuals who are 14 years old or older who law enforcement agencies determine are or may be engaged in arson activity. Notwithstanding section 260B.171, subdivision 5, data in the system on adults and juveniles may be maintained together. Data in the system must be submitted and maintained as provided in this subdivision.

(c) Subject to the provisions of paragraph (d), a criminal justice agency may submit the following data on suspected arson violations to the arson investigative data system:

- (1) the suspect's name, known aliases, if any, and other identifying characteristics;
- (2) the modus operandi used to commit the violation, including means of ignition;
- (3) any known motive for the violation;
- (4) any other crimes committed as part of the same behavioral incident;
- (5) the address of the building, the building owner's identity, and the building occupant's identity; and

(6) the name of the reporting agency and a contact person.

A criminal justice agency that reports data to the arson investigative data system shall maintain records documenting the data in its own records system for at least the time period specified in paragraph (e).

(d) The state fire marshal shall maintain in the arson investigative data system any of the data reported under paragraph (c) that the fire marshal believes will assist in the investigation and prosecution of arson cases. In lieu of or in connection with any of these data, the state fire marshal may include in the data system a reference to the criminal justice agency that originally reported the data, with a notation to system users that the agency is the repository of more detailed information on the particular suspected arson violation.

(e) Notwithstanding section 138.17, the state fire marshal shall destroy data on juveniles entered into the system when three years have elapsed since the data were entered into the system, except as otherwise provided in this paragraph. If the fire marshal has information that, since entry of data into the system, the juvenile has been convicted as an adult or has been adjudicated or has a stayed adjudication as a juvenile for an offense that would be a crime if committed by an adult, the data must be maintained until three years have elapsed since the last record of a conviction, adjudication, or stayed adjudication of the individual. Upon request of the criminal

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justice agency that submitted data to the system, the state fire marshal shall destroy the data regardless of whether three years have elapsed since the data were entered into the system.

(f) Data in the arson investigative data system are confidential data on individuals as defined in section 13.02, subdivision 3, but are accessible to criminal justice agencies.

299F.37 UNIFORM FIRE HOSE THREADS AND FITTINGS.

All fire hose fittings, apparatus fittings, 1-1/2 and 2-1/2 inches in diameter, purchased or procured after January 1, 1970, by fire departments operating in Minnesota, shall be of the national standard hose thread as adopted by the National Fire Protection Association. Any person selling nonstandard hose couplings, fittings, or apparatus fittings, 1-1/2 and 2-1/2 inches in diameter, for fire department use in Minnesota, after January 1, 1970, shall be guilty of a misdemeanor.

403.02 DEFINITIONS.

Subd. 15. **Local location identification.** "Local location identification" means the process of locating the origin of calls to a 911 system by means of a periodically updated database located and maintained at the public safety answering point.

611A.02 NOTIFICATION OF VICTIM SERVICES AND VICTIMS' RIGHTS.

Subdivision 1. **Victim services.** The commissioner of corrections, in cooperation with the executive director of the Crime Victims Reparations Board, shall develop a plan to provide victims with information concerning victim services in the geographic area where the crime occurred. This information shall include, but need not be limited to, information about available victim crisis centers, programs for victims of sexual assault, victim witness programs, elderly victims projects, victim assistance hotlines, incest abuse programs, and domestic violence shelters and programs.

The plan shall take into account the fact that some counties currently have informational service systems and victim or witness services or programs.

This plan shall be presented to the appropriate standing committees of the legislature no later than February 1, 1984.

611A.0311 DOMESTIC ABUSE PROSECUTIONS PLAN AND PROCEDURES; PILOT PROGRAM.

Subd. 3. **Notice filed with Department of Public Safety.** Each city and county attorney shall file a notice that a prosecution plan has been adopted with the commissioner of public safety by June 1, 1994.

611A.21 DEVELOPMENT OF STATEWIDE PROGRAM; DEFINITION; SERVICES.

Subdivision 1. **Program.** The commissioner of corrections shall develop a community based, statewide program to aid victims of reported sexual attacks.

Subd. 2. **Sexual attack.** As used in sections 611A.21 and 611A.221, a "sexual attack" means any nonconsensual act of rape, sodomy, or indecent liberties.

Subd. 3. **Program services.** The program developed by the commissioner of corrections may include, but not be limited to, provision of the following services:

(1) Voluntary counseling by trained personnel to begin as soon as possible after a sexual attack is reported. The counselor shall be of the same sex as the victim and shall, if requested, accompany the victim to the hospital and to other proceedings concerning the alleged attack, including police questioning, police investigation, and court proceedings. The counselor shall also inform the victim of hospital procedures, police and court procedures, the possibility of contracting venereal disease, the possibility of pregnancy, expected emotional reactions and any other relevant information; and shall make appropriate referrals for any assistance desired by the victim.

(2) Payment of all costs of any medical examinations and medical treatment which the victim may require as a result of the sexual attack if the victim is not otherwise reimbursed for these expenses or is ineligible to receive compensation under any other law of this state or of the United States.

611A.22 POWERS OF COMMISSIONER.

In addition to developing the statewide program, the commissioner of corrections may:

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(1) assist and encourage county attorneys to assign prosecuting attorneys trained in sensitivity and understanding of victims of sexual attacks;

(2) assist the Peace Officers Training Board and municipal police forces to develop programs to provide peace officers training in sensitivity and understanding of victims of sexual attacks; and encourage the assignment of trained peace officers of the same sex as the victim to conduct all necessary questioning of the victim;

(3) encourage hospital administrators to place a high priority on the expeditious treatment of victims of sexual attacks; and to retain personnel trained in sensitivity and understanding of victims of sexual attacks.

611A.221 ADDITIONAL POWER.

The Department of Corrections victim service unit is authorized to accept and expend funds received from other state agencies, other units of governments and other agencies, that result from the distribution of resource materials.

611A.36 DATA COLLECTION.

Subdivision 1. **Form prescribed.** The commissioner shall, by rule adopted under chapter 14, after considering the recommendations of the advisory council, prescribe a uniform form and method for the collection of data on domestic abuse victims. The method and form of data collection shall be designed to document the incidence of assault on domestic abuse victims as defined in section 611A.31, subdivision 2. All data collected by the commissioner pursuant to this section shall be summary data within the meaning of section 13.02, subdivision 19.

Subd. 2. **Mandatory data collection.** Every local law enforcement agency shall collect data related to domestic abuse victims in the form required by the commissioner. The data shall be collected and transmitted to the commissioner at such times as the commissioner shall, by rule, require.

Subd. 3. **Immunity from liability.** Any person participating in good faith and exercising due care in the collection and transmission of data pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of the person's action.

611A.41 CRIME VICTIM CRISIS CENTER.

Subdivision 1. **Center.** For the purposes of sections 611A.41 to 611A.44, "center" means a crime victim crisis center providing services to victims of crime.

Subd. 2. **Operational centers.** The commissioner of corrections, not later than January 1, 1978, shall establish at least two operational centers. The commissioner of corrections may contract with a public or private agency for the purposes of planning, implementing and evaluating the centers established herein.

611A.43 FUNCTIONS.

The centers shall:

- (1) provide direct crisis intervention to crime victims;
- (2) provide transportation for crime victims to assist them in obtaining necessary emergency services;
- (3) investigate the availability of insurance or other financial resources available to the crime victims;
- (4) refer crime victims to public or private agencies providing existing needed services;
- (5) encourage the development of services which are not already being provided by existing agencies;
- (6) coordinate the services which are already being provided by various agencies;
- (7) facilitate the general education of crime victims about the criminal justice process;
- (8) educate the public as to program availability;
- (9) encourage educational programs which will serve to reduce victimization and which will diminish the extent of trauma where victimization occurs; and
- (10) provide other appropriate services.

611A.78 CRIME VICTIM SERVICES ROUNDTABLE.

Subdivision 1. **Membership.** A crime victim services roundtable is created and shall be convened by the commissioner of administration or a designee. The roundtable membership

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shall include representatives from the following: the Departments of Health; Human Services; Corrections; and Public Safety; the Supreme Court; the Minnesota Planning Agency; the Office of the Attorney General; the Office of Crime Victim Ombudsman; the County Attorneys Association; and the Office of Dispute Resolution. The roundtable membership shall also include one person representing the four councils designated in sections 3.922, 3.9223, 3.9225, and 3.9226.

Subd. 2. **Duties.** The crime victim services roundtable shall meet at least four times each year to discuss issues concerning victim services, including, but not limited to, methods for improving the delivery of and securing increased funding for victim services. The roundtable shall present to the legislature any initiatives, including those for increasing efficiency in the administration of services, which require legislative action.