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State of Minnesota
HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1649

02/25/2021

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

- 1.1 A bill for an act
- 1.2 relating to public safety; clarifying certain civil commitment notification statutes;
- 1.3 improving postconviction notification to crime victims; amending Minnesota
- 1.4 Statutes 2020, sections 253B.18, subdivision 5a; 253D.14, subdivisions 2, 3, by
- 1.5 adding a subdivision; 611A.039, subdivision 1; 611A.06, subdivision 1; repealing
- 1.6 Minnesota Statutes 2020, sections 253D.14, subdivision 4; 611A.0385.
- 1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.8 Section 1. Minnesota Statutes 2020, section 253B.18, subdivision 5a, is amended to read:
- 1.9 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)
- 1.10 As used in this subdivision:
- 1.11 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes
- 1.12 criminal sexual conduct in the fifth degree and offenses within the definition of "crime
- 1.13 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in
- 1.14 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually
- 1.15 motivated;
- 1.16 (2) "victim" means a person who has incurred loss or harm as a result of a crime the
- 1.17 behavior for which forms the basis for a commitment under this section or chapter 253D;
- 1.18 and
- 1.19 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision
- 1.20 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal
- 1.21 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in
- 1.22 commitment cases under this section or chapter 253D that an act or acts constituting a crime
- 1.23 occurred or were part of their course of harmful sexual conduct.

(b) A county attorney who files a petition to commit a person under this section or chapter 253D shall make a reasonable effort to provide prompt notice of filing the petition to any victim of a crime for which the person was convicted. In addition, the county attorney shall make a reasonable effort to promptly notify the victim of the resolution of the petition and the process for requesting notification of an individual's change in status as provided in paragraph (c).

(c) A victim may request notification of an individual's discharge or release as provided in paragraph (d) by submitting a written request for notification to the executive director of the facility in which the individual is confined. The Department of Corrections or a county attorney who receives a request for notification from a victim under this section shall promptly forward the request to the executive director of the treatment facility in which the individual is confined.

~~(e)~~ (d) Before provisionally discharging, discharging, granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily releasing a person committed under this section from a state-operated treatment program or treatment facility, the head of the state-operated treatment program or head of the treatment facility shall make a reasonable effort to notify any victim of a crime for which the person was convicted that the person may be discharged or released and that the victim has a right to submit a written statement regarding decisions of the medical director, special review board, or commissioner with respect to the person. To the extent possible, the notice must be provided at least 14 days before any special review board hearing or before a determination on a pass plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial appeal panel with victim information in order to comply with the provisions of this section. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4. These notices shall only be provided to victims who have submitted a written request for notification as provided in paragraph (c).

~~(d) This subdivision applies only to victims who have requested notification through the Department of Corrections electronic victim notification system, or by contacting, in writing, the county attorney in the county where the conviction for the crime occurred. A request for notice under this subdivision received by the commissioner of corrections through the Department of Corrections electronic victim notification system shall be promptly forwarded to the prosecutorial authority with jurisdiction over the offense to which the notice relates or, following commitment, the head of the state-operated treatment program or head of the treatment facility. A county attorney who receives a request for notification~~

3.1 ~~under this paragraph following commitment shall promptly forward the request to the~~
3.2 ~~commissioner of human services.~~

3.3 (e) The rights under this subdivision are in addition to rights available to a victim under
3.4 chapter 611A. This provision does not give a victim all the rights of a "notified person" or
3.5 a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

3.6 Sec. 2. Minnesota Statutes 2020, section 253D.14, subdivision 2, is amended to read:

3.7 Subd. 2. **Notice of filing petition.** A county attorney who files a petition to commit a
3.8 person under this chapter shall make a reasonable effort to provide prompt notice of filing
3.9 the petition to any victim of a crime for which the person was convicted or was listed as a
3.10 victim in the petition of commitment. In addition, the county attorney shall make a reasonable
3.11 and good faith effort to promptly notify the victim of the resolution of the petition process
3.12 for requesting the notification of an individual's change in status as provided in section
3.13 253D.14, subdivision 3.

3.14 Sec. 3. Minnesota Statutes 2020, section 253D.14, is amended by adding a subdivision to
3.15 read:

3.16 Subd. 2a. **Requesting notification.** A victim may request notification of an individual's
3.17 discharge or release as outlined in subdivision 3 by submitting a written request for
3.18 notification to the executive director of the facility in which the individual is confined. The
3.19 Department of Corrections or a county attorney who receives a request for notification from
3.20 a victim under this section following an individual's civil commitment shall promptly forward
3.21 the request to the executive director of the treatment facility in which the individual is
3.22 confined.

3.23 Sec. 4. Minnesota Statutes 2020, section 253D.14, subdivision 3, is amended to read:

3.24 Subd. 3. **Notice of discharge or release.** Before provisionally discharging, discharging,
3.25 granting pass-eligible status, approving a pass plan, or otherwise permanently or temporarily
3.26 releasing a person committed under this chapter from a treatment facility, the executive
3.27 director shall make a reasonable effort to notify any victim of a crime for which the person
3.28 was convicted that the person may be discharged or released and that the victim has a right
3.29 to submit a written statement regarding decisions of the executive director, or special review
3.30 board, with respect to the person. To the extent possible, the notice must be provided at
3.31 least 14 days before any special review board hearing or before a determination on a pass
3.32 plan. Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the

judicial appeal panel with victim information in order to comply with the provisions of this chapter. The judicial appeal panel shall ensure that the data on victims remains private as provided for in section 611A.06, subdivision 4. This subdivision applies only to victims who have submitted a written request for notification as provided in subdivision 2a.

Sec. 5. Minnesota Statutes 2020, section 611A.039, subdivision 1, is amended to read:

Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2, within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts to provide to each affected crime victim oral or written notice of the final disposition of the case and of the victim rights under section 611A.06. When the court is considering modifying the sentence for a felony or a crime of violence or an attempted crime of violence, the court or its designee shall make a reasonable and good faith effort to notify the victim of the crime. If the victim is incapacitated or deceased, notice must be given to the victim's family. If the victim is a minor, notice must be given to the victim's parent or guardian. The notice must include:

(1) the date and approximate time of the review;

(2) the location where the review will occur;

(3) the name and telephone number of a person to contact for additional information;

and

(4) a statement that the victim and victim's family may provide input to the court concerning the sentence modification.

(b) The Office of Justice Programs in the Department of Public Safety shall develop and update a model notice of postconviction rights under this subdivision and section 611A.06.

(c) As used in this section, "crime of violence" has the meaning given in section 624.712, subdivision 5, and also includes gross misdemeanor violations of section 609.224, and nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

Sec. 6. Minnesota Statutes 2020, section 611A.06, subdivision 1, is amended to read:

Subdivision 1. **Notice of release required.** (a) The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim that the offender is to be released from imprisonment or incarceration, including release on extended furlough and for work release; ~~released and release from a juvenile correctional facility; released from a facility in which the offender was confined due to incompetency, mental illness, or~~

~~mental deficiency, or commitment under section 253B.18 or chapter 253D;~~ or if the offender's custody status is reduced, ~~if the victim has mailed to the commissioner of corrections or.~~ These notices shall only be provided to victims who have submitted a written request for notification to the head of the county correctional facility in which the offender is confined ~~a written request for this notice, or the victim has made~~ if committed to the Department of Corrections, submitted a written request for this notice to the commissioner of corrections or electronic request through the Department of Corrections electronic victim notification system. The good faith effort to notify the victim must occur prior to the offender's release or when the offender's custody status is reduced. For a victim of a felony crime against the person for which the offender was sentenced to imprisonment for more than 18 months, the good faith effort to notify the victim must occur 60 days before the offender's release.

(b) The commissioner of human services shall make a good faith effort to notify the victim in writing that the offender is to be released from confinement in a facility due to incompetency, mental illness, or mental deficiency, or commitment under section 253B.18 or chapter 253D if the victim has submitted a written request for notification to the executive director of the facility in which the individual is confined.

Sec. 7. **REPEALER.**

Minnesota Statutes 2020, sections 253D.14, subdivision 4; and 611A.0385, are repealed.

253D.14 VICTIM NOTIFICATION OF PETITION AND RELEASE; RIGHT TO SUBMIT STATEMENT.

Subd. 4. **Electronic notice.** This section applies only to victims who have requested notification through the Department of Corrections electronic victim notification system, or by contacting, in writing, the county attorney in the county where the conviction for the crime occurred or where the civil commitment was filed or, following commitment, the executive director. A request for notice under this section received by the commissioner of corrections through the Department of Corrections electronic victim notification system shall be promptly forwarded to the prosecutorial authority with jurisdiction over the offense to which the notice relates or, following commitment, the executive director. A county attorney who receives a request for notification under this section following commitment shall promptly forward the request to the commissioner of human services.

611A.0385 SENTENCING; IMPLEMENTATION OF RIGHT TO NOTICE OF OFFENDER RELEASE AND EXPUNGEMENT.

At the time of sentencing or the disposition hearing in a case in which there is an identifiable victim, the court or its designee shall make reasonable good faith efforts to inform each affected victim of the offender notice of release and notice of expungement provisions of section 611A.06. If the victim is a minor, the court or its designee shall, if appropriate, also make reasonable good faith efforts to inform the victim's parent or guardian of the right to notice of release and notice of expungement. The state court administrator, in consultation with the commissioner of corrections and the prosecuting authorities, shall prepare a form that outlines the notice of release and notice of expungement provisions under section 611A.06 and describes how a victim should complete and submit a request to the commissioner of corrections or other custodial authority to be informed of an offender's release or submit a request to the prosecuting authorities to be informed of an offender's petition for expungement. The state court administrator shall make these forms available to court administrators who shall assist the court in disseminating right to notice of offender release and notice of expungement information to victims.