

## CHAPTER 299A

## DEPARTMENT OF PUBLIC SAFETY

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**299A.01 DEPARTMENT OF PUBLIC SAFETY; CREATION, ORGANIZATION.***[For text of subds 1 and 1a, see M.S.1998]*

Subd. 1b. **Department advertising sales; appropriation.** The commissioner may accept paid advertising for departmental publications. Advertising revenues received are appropriated to the commissioner to be used to defray costs of publications, media productions, or other informational materials. The commissioner may not accept paid advertising from an elected official or candidate for elective office.

*[For text of subds 2 to 5, see M.S.1998]***History:** 1999 c 238 art 2 s 69**299A.015 DUTIES TRANSFERRED FROM OTHER AGENCY.**

The powers and duties of the department of children, families, and learning with respect to the office of drug policy and violence prevention and community advisory violence prevention council under Minnesota Statutes 1998, sections 119A.25, 119A.26, 119A.27, 119A.28, 119A.29, 119A.31, 119A.32, 119A.33, and 119A.34, are transferred to the department of public safety under section 15.039.

**History:** 1999 c 216 art 2 s 12**299A.291 DEFINITIONS.**

Subdivision 1. **Applicability.** For purposes of sections 299A.291 to 299A.298, the following terms have the meanings given them in this section.

Subd. 2. **Chemical abuse.** "Chemical abuse" means the use of a controlled substance or the abuse of alcoholic beverages.

Subd. 3. **Controlled substance.** "Controlled substance" has the meaning given in section 152.01, subdivision 4.

Subd. 4. **Prevention activity.** "Prevention activity" means an activity carried on by a government agency that is designed to reduce chemical abuse and dependency, including education, prevention, treatment, and rehabilitation programs.

Subd. 5. **Supply reduction activity.** "Supply reduction activity" means an activity carried on by a government agency that is designed to reduce the supply or use of controlled substances, including law enforcement, eradication, and prosecutorial activities.

**History:** 1989 c 290 art 9 s 1; 1989 c 356 s 56; 1991 c 279 s 10-13; 1999 c 216 art 2 s 28; 1999 c 241 art 10 s 8**299A.292 OFFICE OF DRUG POLICY AND VIOLENCE PREVENTION.**

Subdivision 1. **Office.** The office of drug policy and violence prevention is an office in the department of public safety, headed by the commissioner. The commissioner may ap-

point other employees. The commissioner shall coordinate the violence prevention activities and the prevention and supply reduction activities of state and local agencies and use the resources of the office to conduct activities related to crime prevention and enforcement as deemed necessary.

Subd. 2. **Duties.** (a) The commissioner shall:

(1) gather, develop, and make available throughout the state information and educational materials on preventing and reducing violence in the family and in the community, both directly and by serving as a clearinghouse for information and educational materials from schools, state and local agencies, community service providers, and local organizations;

(2) foster collaboration among schools, state and local agencies, community service providers, and local organizations that assist in violence intervention or prevention;

(3) assist schools, state and local agencies, service providers, and organizations, on request, with training and other programs designed to educate individuals about violence and reinforce values that contribute to ending violence;

(4) after consulting with all state agencies involved in preventing or reducing violence within the family or community, develop a statewide strategy for preventing and reducing violence that encompasses the efforts of those agencies and takes into account all money available for preventing or reducing violence from any source;

(5) submit the strategy to the governor by January 15 of each calendar year, along with a summary of activities occurring during the previous year to prevent or reduce violence experienced by children, young people, and their families;

(6) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of activities to prevent or reduce violence within the family or community; and

(7) take other actions deemed necessary to reduce the incidence of crime.

The commissioner also may, through this program, support activities and strategies of the criminal gang council and strike force as specified in sections 299A.64, 299A.65, and 299A.66.

(b) The commissioner shall gather and make available information on prevention and supply reduction activities throughout the state, foster cooperation among involved state and local agencies, and assist agencies and public officials in training and other programs designed to improve the effectiveness of prevention and supply reduction activities.

(c) The commissioner shall coordinate the distribution of funds received by the state of Minnesota through the federal Anti-Drug Abuse Act. The commissioner shall determine recipients of grants under section 299A.33, after consultation with the chemical abuse prevention resource council.

(d) The commissioner shall:

(1) after consultation with all state agencies involved in prevention or supply reduction activities, develop a state chemical abuse and dependency strategy encompassing the efforts of those agencies and taking into account all money available for prevention and supply reduction activities, from any source;

(2) submit the strategy to the governor by January 15 of each year, along with a summary of prevention and supply reduction activities during the preceding calendar year;

(3) assist appropriate professional and occupational organizations, including organizations of law enforcement officers, prosecutors, and educators, in developing and operating informational and training programs to improve the effectiveness of prevention and supply reduction activities;

(4) provide information, including information on drug trends, and assistance to state and local agencies, both directly and by functioning as a clearinghouse for information from other agencies;

(5) facilitate cooperation among drug program agencies; and

(6) in coordination with the chemical abuse prevention resource council, review, approve, and coordinate the administration of prevention, criminal justice, and treatment grants.

**History:** 1989 c 290 art 9 s 2; 1991 c 328 art 2 s 14; 1991 c 279 s 14; 1991 c 345 art 2 s 51; 1992 c 571 art 10 s 20; 1Sp1995 c 3 art 16 s 13; 1997 c 7 art 2 s 10; 1999 c 86 art 1 s 28; 1999 c 216 art 2 s 1,28; 1999 c 241 art 10 s 8

### 299A.293 CHEMICAL ABUSE AND VIOLENCE PREVENTION COUNCIL.

**Subdivision 1. Establishment; membership.** A chemical abuse and violence prevention council consisting of 19 members is established. The commissioners of public safety, children, families, and learning, health, corrections, and human services, the director of the office of strategic and long-range planning, and the attorney general shall each appoint one member from among their employees. The speaker of the house of representatives and the subcommittee on committees of the senate shall each appoint a legislative member. The governor shall appoint an additional ten members who shall represent the demographic and geographic composition of the state and, to the extent possible, shall represent the following: public health; education including preschool, elementary, and higher education; social services; financial aid services; chemical dependency treatment; law enforcement; prosecution; defense; the judiciary; corrections; treatment research professionals; drug abuse prevention professionals; the business sector; religious leaders; representatives of racial and ethnic minority communities; and other community representatives. The members shall designate one of the governor's appointees as chair of the council. Compensation and removal of members are governed by section 15.059.

**Subd. 2. Acceptance of funds and donations.** The council may accept federal money, gifts, donations, and bequests for the purpose of performing the duties set forth in this section and section 299A.294. The council shall use its best efforts to solicit funds from private individuals and organizations to match state appropriations.

**History:** 1989 c 290 art 9 s 3; 1991 c 279 s 15; 1991 c 345 art 2 s 52; 1992 c 571 art 10 s 21; 1994 c 636 art 9 s 2; 1Sp1995 c 3 art 16 s 13; 1999 c 216 art 2 s 28; 1999 c 241 art 10 s 8

**NOTE:** See section 15.059, subdivision 5a, for expiration of council.

### 299A.294 RESPONSIBILITIES OF COUNCIL.

**Subdivision 1. Purpose of council.** The general purpose of the council is to serve as an advisory body to the governor and the legislature on all aspects of alcohol and drug abuse.

**Subd. 2. Specific duties and responsibilities.** In furtherance of the general purpose specified in subdivision 1, the council shall:

- (1) assist state agencies in the coordination of drug policies and programs and in the provision of services to other units of government, communities, and citizens;
- (2) promote among state agencies policies to achieve uniformity in state and federal grant programs and to streamline those programs;
- (3) oversee comprehensive data collection and research and evaluation of alcohol and drug program activities;
- (4) seek the advice and counsel of appropriate interest groups and advise the commissioner of public safety;
- (5) seek additional private funding for community-based programs and research and evaluation;
- (6) evaluate whether law enforcement narcotics task forces should be reduced in number and increased in geographic size, and whether new sources of funding are available for the task forces;
- (7) continue to promote clarity of roles among federal, state, and local law enforcement activities; and
- (8) establish criteria to evaluate law enforcement drug programs.

**Subd. 3. Grant programs.** The council shall, in coordination with the commissioner, review and approve state agency plans regarding the use of federal funds for programs to

reduce chemical abuse or reduce the supply of controlled substances. The appropriate state agencies would have responsibility for management of state and federal drug grant programs.

**History:** 1989 c 290 art 9 s 4; 1991 c 279 s 16; 1992 c 571 art 10 s 22,23; 1994 c 636 art 9 s 3; 1999 c 216 art 2 s 2,3,28; 1999 c 241 art 10 s 8

## **299A.295 YOUTH NEIGHBORHOOD CENTERS; PILOT PROJECTS ESTABLISHED.**

**Subdivision 1. Establishment; requirements.** The commissioner of public safety may establish pilot projects at neighborhood centers serving youths between the ages of 11 to 21. The centers may offer recreational activities, social services, meals, job skills and career services, and provide referrals for youths to other available services outside the centers. The commissioner may consult with other appropriate agencies and, to the extent possible, use existing resources and staff in creating the programs. The commissioner shall ensure that the programs, if offered, are adequately staffed by specially trained personnel and outreach street workers. Each center may integrate community volunteers into the program's activities and services and cooperate with local law enforcement agencies. The centers must be open during hours convenient to youths including evenings, weekends, and extended summer hours. However, there may not be any conflicts with truancy laws. Each center must have a plan for evaluation designed to measure the program's effectiveness in aiding youths.

**Subd. 2. Advisory board.** The commissioner shall establish an advisory board to help develop plans and programs for the youth centers established in subdivision 1. The commissioner shall encourage both youths and their families to participate on the board.

**History:** 1995 c 226 art 3 s 44; 1Sp1995 c 3 art 16 s 13; 1996 c 408 art 2 s 4; 1999 c 216 art 2 s 4,28; 1999 c 241 art 10 s 8

**NOTE:** See section 15.059, subdivision 5a, for expiration of the youth neighborhood services advisory board.

## **299A.296 COMMUNITY CRIME PREVENTION PROGRAMS; GRANTS.**

**Subdivision 1. Programs.** The commissioner shall, in consultation with the chemical abuse and violence prevention council, administer a grant program to fund community-based programs that are designed to enhance the community's sense of personal security and to assist the community in its crime control and prevention efforts. Examples of qualifying programs include, but are not limited to, the following:

(1) community-based programs designed to provide services for children under 14 years of age who are juvenile offenders or who are at risk of becoming juvenile offenders. The programs must give priority to:

- (i) juvenile restitution;
- (ii) prearrest or pretrial diversion, including through mediation;
- (iii) probation innovation;
- (iv) teen courts, community service; or

(v) post incarceration alternatives to assist youth in returning to their communities;

(2) community-based programs designed to provide at-risk children and youth under 14 years of age with after-school and summer enrichment activities;

(3) community-based programs designed to discourage young people from involvement in unlawful drug or street gang activities such as neighborhood youth centers;

(4) neighborhood block clubs and innovative community-based crime prevention programs;

(5) community- and school-based programs designed to enrich the educational, cultural, or recreational opportunities of at-risk children and youth, including programs designed to keep at-risk youth from dropping out of school and encourage school dropouts to return to school;

(6) community-based programs designed to intervene with juvenile offenders who are identified as likely to engage in repeated criminal activity in the future unless intervention is undertaken;

(7) community-based collaboratives that coordinate multiple programs and funding sources to address the needs of at-risk children and youth, including, but not limited to, collaboratives that address the continuum of services for juvenile offenders and those who are at risk of becoming juvenile offenders;

(8) programs that are proven successful at increasing the rate of school success or the rate of post-secondary education attendance for high-risk students;

(9) community-based programs that provide services to homeless youth;

(10) programs designed to reduce truancy;

(11) other community- and school-based crime prevention programs that are innovative and encourage substantial involvement by members of the community served by the program;

(12) community-based programs that attempt to prevent and ameliorate the effects of teenage prostitution;

(13) programs for mentoring at-risk youth, including youth at risk of gang involvement; and

(14) programs operated by community violence prevention councils.

Subd. 2. **Grant procedure.** A local unit of government or a nonprofit community-based entity may apply for a grant by submitting an application with the commissioner. The applicant shall specify the following in its application:

(1) a description of each program for which funding is sought;

(2) outcomes and performance indicators for the program;

(3) a description of the planning process that identifies local community needs, surveys existing programs, provides for coordination with existing programs, and involves all affected sectors of the community;

(4) the geographical area to be served by the program;

(5) statistical information as to the number of arrests in the geographical area for violent crimes and for crimes involving schedule I and II controlled substances. "Violent crime" includes a violation of or an attempt or conspiracy to violate any of the following laws: sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228; 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662; 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268; 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1; 609.561; 609.562; 609.582, subdivision 1; 609.687; or any provision of chapter 152 that is punishable by a maximum sentence greater than ten years; and

(6) the number of economically disadvantaged youth in the geographical areas to be served by the program.

The commissioner shall give priority to funding community-based collaboratives, programs that demonstrate substantial involvement by members of the community served by the program and programs that either serve the geographical areas that have the highest crime rates, as measured by the data supplied under clause (4), or serve geographical areas that have the largest concentrations of economically disadvantaged youth. Up to 2.5 percent of the appropriation may be used by the commissioner to administer the program.

**History:** 1989 c 290 art 9 s 7; 1990 c 499 s 4; 1991 c 279 s 18; 1993 c 326 art 12 s 4,5; art 13 s 18; 1994 c 576 s 38,39; 1994 c 636 art 6 s 22; art 9 s 5; 1995 c 226 art 4 s 4; 1996 c 408 art 2 s 5; 1997 c 2 s 5; 1997 c 162 art 2 s 10; 1999 c 216 art 2 s 28; 1999 c 241 art 10 s 8

## 299A.297 OTHER DUTIES.

The commissioner of public safety, in consultation with the chemical abuse and violence prevention council, shall:

- (1) provide information and assistance upon request to school preassessment teams established under section 121A.26 and school and community advisory teams established under section 121A.27;
- (2) provide information and assistance upon request to the state board of pharmacy with respect to the board's enforcement of chapter 152;
- (3) cooperate with and provide information and assistance upon request to the alcohol and other drug abuse section in the department of human services;
- (4) coordinate the policy of the office with that of the narcotic enforcement unit in the bureau of criminal apprehension; and
- (5) coordinate the activities of the regional drug task forces, provide assistance and information to them upon request, and assist in the formation of task forces in areas of the state in which no task force operates.

**History:** 1989 c 290 art 9 s 8; 1989 c 356 s 57; 1991 c 279 s 19; 1992 c 571 art 10 s 25; 1994 c 636 art 9 s 6; 1998 c 397 art 11 s 3; 1999 c 216 art 2 s 6,28; 1999 c 241 art 10 s 8

### 299A.298 COOPERATION OF OTHER AGENCIES.

State agencies, and agencies and governing bodies of political subdivisions, shall cooperate with the commissioner of public safety and shall provide any public information requested by the commissioner.

**History:** 1989 c 290 art 9 s 9; 1999 c 216 art 2 s 7,28; 1999 c 241 art 10 s 8

### 299A.299 MULTIDISCIPLINARY CHEMICAL ABUSE PREVENTION TEAM.

**Subdivision 1. Establishment of team.** A county, a multicounty organization of counties formed by an agreement under section 471.59, or a city with a population of no more than 50,000, may establish a multidisciplinary chemical abuse prevention team. The chemical abuse prevention team may include, but not be limited to, representatives of health, mental health, public health, law enforcement, educational, social service, court service, community education, religious, and other appropriate agencies, and parent and youth groups. For purposes of this section, "chemical abuse" has the meaning given in Minnesota Rules, part 9530.6605, subpart 6. When possible the team must coordinate its activities with existing local groups, organizations, and teams dealing with the same issues the team is addressing.

**Subd. 2. Duties of team.** (a) A multidisciplinary chemical abuse prevention team shall:

- (1) assist in coordinating chemical abuse prevention and treatment services provided by various groups, organizations, and agencies in the community;
- (2) disseminate information on the chemical abuse prevention and treatment services that are available within the community in which the team is established;
- (3) develop and conduct educational programs on chemical abuse prevention for adults and youth within the community in which the team is established;
- (4) conduct activities to address other high-risk behaviors related to chemical abuse, including, but not limited to, suicide, delinquency, and family violence; and
- (5) conduct other appropriate chemical abuse prevention activities.

(b) The team, in carrying out its duties under this subdivision, must focus on chemical abuse issues and needs unique to the community in which the team is established. In defining the needs and goals of the team, the team shall consult with the governmental body of the city or county in which the team is established. When a team is established in a multicounty area, the team shall consult with representatives of the county boards of each county.

(c) The team, in carrying out its duties, shall comply with the Government Data Practices Act in chapter 13, and requirements for confidentiality of records under Code of Federal Regulations, title 42, sections 2.1 to 2.67, as amended through December 31, 1988, and section 254A.09.

**Subd. 3. Grants for demonstration program.** The commissioner of public safety may award a grant to a county, multicounty organization, or city, as described in subdivision 1, for establishing and operating a multidisciplinary chemical abuse prevention team. The com-

missioner may approve up to five applications for grants under this subdivision. The grant funds must be used to establish a multidisciplinary chemical abuse prevention team to carry out the duties in subdivision 2.

**Subd. 4. Administration of grants.** The commissioner shall develop a process for administering grants under subdivision 3. The process must be compatible with the community grant program under the Drug Free Schools and Communities Act, Public Law Number 100-690. The process for administering the grants must include establishing criteria the commissioner shall apply in awarding grants. The commissioner shall issue requests for proposals for grants under subdivision 3. The request must be designed to obtain detailed information about the applicant and other information the commissioner considers necessary to evaluate and select a grant recipient. The applicant shall submit a proposal for a grant on a form and in a manner prescribed by the commissioner. The commissioner shall award grants under this section so that 50 percent of the funds appropriated for the grants go to the metropolitan area comprised of Anoka, Carver, Dakota, Hennepin, Ramsey, Scott, and Washington counties, and 50 percent of the funds go to the area outside the metropolitan area. The process for administering the grants must also include procedures for monitoring the recipients' use of grant funds and reporting requirements for grant recipients.

**History:** 1989 c 290 art 12 s 1; 1991 c 345 art 2 s 53; 1999 c 216 art 2 s 8,9,28; 1999 c 241 art 10 s 8

## **299A.2994 ASIAN-AMERICAN JUVENILE CRIME INTERVENTION AND PREVENTION GRANT PROGRAM.**

**Subdivision 1. Grant program.** The commissioner of public safety shall establish a grant program for coordinated, family-based crime intervention and prevention services for Asian-American youth. The commissioners of human services, children, families, and learning, and public safety shall work together to coordinate grant activities.

**Subd. 2. Grant recipients.** The commissioner, in consultation with the Asian-Pacific council, shall award grants in amounts up to \$150,000 to agencies based in the Asian-American community that have experience providing coordinated, family-based community services to Asian-American youth and families.

**Subd. 3. Project design.** Projects eligible for grants under this section must provide coordinated crime intervention, prevention, and educational services that include:

(1) education for Asian-American parents, including parenting methods in the United States and information about the United States legal and educational systems;

(2) crime intervention and prevention programs for Asian-American youth, including employment and career-related programs and guidance and counseling services;

(3) family-based services, including support networks, language classes, programs to promote parent-child communication, access to education and career resources, and conferences for Asian-American children and parents;

(4) coordination with public and private agencies to improve communication between the Asian-American community and the community at large; and

(5) hiring staff to implement the services in clauses (1) to (4).

**Subd. 4. Use of grant money to match federal funds.** Grant money awarded under this section may be used to satisfy any state or local match requirement that must be satisfied in order to receive federal funds.

**Subd. 5. Annual report.** Grant recipients must report to the commissioner by June 30 of each year on the services and programs provided, expenditures of grant money, and an evaluation of the program's success in reducing crime among Asian-American youth.

**History:** 1992 c 571 art 10 s 16; 1993 c 326 art 12 s 3; 1Sp1995 c 3 art 16 s 13; 1999 c 216 art 2 s 10,11,28; 1999 c 241 art 10 s 8

## **299A.411 POSTTRAUMATIC STRESS SYNDROME BENEFIT.**

(a) A law enforcement agency shall provide benefits to any peace officer, as defined in section 626.84, subdivision 1, paragraph (c), employed by the agency who:

(1) suffers a debilitating psychological reaction to a traumatic event;

(2) is diagnosed by a psychiatrist or a licensed psychologist as suffering from posttraumatic stress syndrome; and

(3) is determined by a psychiatrist or a licensed psychologist to be unable to perform other peace officer job duties offered by the employer through reassignment.

A peace officer who meets all of the conditions of this paragraph is entitled to the benefits described in paragraph (b). A peace officer who meets the conditions in clauses (1) and (2) is entitled to the benefits in paragraph (b), clause (2). The availability of benefits does not depend on whether there is also an accompanying physical injury or physical cause of the condition.

(b) The benefits provided by the law enforcement agency shall include:

(1) payment by the employer for unreimbursed loss of wages during the time period the officer is disabled, but not to exceed one year; and

(2) payment by the employer for unreimbursed expenses for medical treatment, including psychiatric or psychological counseling, to cure and relieve the effects of the posttraumatic stress syndrome during the time period the officer is disabled, but not to exceed one year.

(c) The employer may request a peace officer to undergo an examination by a psychiatrist or licensed psychologist selected by the employer.

(d) As used in this section, "traumatic event" means an event involving the employee lawfully taking the life of or causing great bodily harm, as defined in section 609.02, subdivision 8, to another by force or violence. "Debilitating psychological reaction" means that, following the traumatic event, the peace officer is unable to perform the essential functions of the peace officer's job without reassignment.

**History:** 1999 c 216 art 5 s 3

## 299A.465 CONTINUED HEALTH INSURANCE COVERAGE.

*[For text of subd 1, see M.S.1998]*

**Subd. 2. Officer or firefighter killed in line of duty.** (a) This subdivision applies when a peace officer or firefighter is killed while on duty and discharging the officer's or firefighter's duties as a peace officer or firefighter.

(b) The officer's or firefighter's employer shall continue to cover the deceased officer's or firefighter's dependents, including the officer's or firefighter's spouse:

(1) if the officer or firefighter was receiving dependent coverage at the time of the officer's or firefighter's death under the employer's group health plan; or

(2) if the officer's or firefighter's spouse was not covered as a dependent at the time of the officer's or firefighter's death, but at that time was eligible, or afterward becomes eligible, to be a dependent on the employer's group health plan.

(c) The employer is responsible for the employer's contribution for the coverage of the officer's or firefighter's dependents. Coverage must continue for a dependent of the officer or firefighter for the period of time that the person is a dependent up to the age of 65.

*[For text of subds 3 to 5, see M.S.1998]*

**History:** 1999 c 12 s 1

## 299A.62 COMMUNITY-ORIENTED POLICING (COPS) GRANT PROGRAM.

**Subdivision 1. Program established.** A community-oriented policing grant program is established under the administration of the commissioner of public safety. Grants may be awarded as provided in subdivision 2 for the following purposes:

(1) to enable local law enforcement agencies to hire law enforcement officers. The grants must be used by law enforcement agencies to increase the complement of officers in the agency by paying the salaries of new officers who replace an existing officer who has been reassigned primarily to investigate and prevent juvenile crime or to perform community-oriented policing duties;



(2) to enable local law enforcement agencies to assign overtime officers to high crime areas within their jurisdictions; and

(3) to enable local law enforcement agencies to implement or expand community-oriented policing projects, liaison efforts with local school districts, and other innovative community policing initiatives.

*[For text of subds 2 to 4, see M.S.1998]*

**History:** 1999 c 216 art 2 s 13

#### **299A.64 CRIMINAL GANG COUNCIL AND STRIKE FORCE.**

*[For text of subds 1 to 9, see M.S.1998]*

Subd. 10. **Required report.** By February 1 of each year, the council shall report to the chairs of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding on the activities of the council and strike force. This annual report shall include:

(1) a description of the council's goals for the previous year and for the coming year;

(2) a description of the outcomes the council achieved or did not achieve during the preceding year and a description of the outcomes the council will seek to achieve during the coming year; and

(3) any legislative recommendations the council has including, where necessary, a description of the specific legislation needed to implement the recommendations.

**History:** 1999 c 216 art 5 s 4