

## Public Safety

## CHAPTER 299A

## DEPARTMENT OF PUBLIC SAFETY

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## 299A.01 DEPARTMENT OF PUBLIC SAFETY; CREATION, ORGANIZATION.

Subdivision 1. **Creation; commissioner and deputy commissioner.** The Department of Public Safety is created under the supervision and control of the commissioner of public safety, which office is established. The commissioner of public safety is appointed by the governor under the provisions of section 15.06. The commissioner may appoint a deputy commissioner.

Subd. 1a. **Mission; efficiency.** It is part of the department's mission that within the department's resources the commissioner shall endeavor to:

- (1) prevent the waste or unnecessary spending of public money;
- (2) use innovative fiscal and human resource practices to manage the state's resources and operate the department as efficiently as possible;

(3) coordinate the department's activities wherever appropriate with the activities of other governmental agencies;

(4) use technology where appropriate to increase agency productivity, improve customer service, increase public access to information about government, and increase public participation in the business of government;

(5) utilize constructive and cooperative labor-management practices to the extent otherwise required by chapters 43A and 179A;

(6) report to the legislature on the performance of agency operations and the accomplishment of agency goals in the agency's biennial budget according to section 16A.10, subdivision 1; and

(7) recommend to the legislature appropriate changes in law necessary to carry out the mission and improve the performance of the department.

**Subd. 1b. Department advertising sales; appropriation.** The commissioner may accept paid advertising for departmental publications, media productions, or other informational materials. 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.

**Subd. 2. Duties of commissioner.** The duties of the commissioner shall include the following:

(1) the coordination, development and maintenance of services contracts with existing state departments and agencies assuring the efficient and economic use of advanced business machinery including computers;

(2) the execution of contracts and agreements with existing state departments for the maintenance and servicing of vehicles and communications equipment, and the use of related buildings and grounds;

(3) the development of integrated fiscal services for all divisions, and the preparation of an integrated budget for the department;

(4) the publication and award of grant contracts with state agencies, local units of government, and other entities for programs that will benefit the safety of the public; and

(5) the establishment of a planning bureau within the department.

**Subd. 3. Delegation; classified employees.** (a) No delegation or assignment of a power or duty by the commissioner to an employee of the department shall be made in respect to, or in a manner resulting in a reenactment of, the powers, duties or responsibilities contained in section 299C.03, and acts amendatory thereof, except to the Division of the Bureau of Criminal Apprehension.

(b) Employees of the Department of Public Safety are in the classified civil service except where otherwise specifically provided for by law.

Subd. 4. [Repealed, 1976 c 5 s 12]

Subd. 5. [Renumbered section 16B.875]

Subd. 6. [Repealed, 1997 c 239 art 8 s 36]

**Subd. 7. Rules remain in effect.** Notwithstanding sections 14.05, subdivision 1, and 645.36 or other law to the contrary, the rules adopted under the authority of Minnesota Statutes 1996, section 299A.01, subdivision 6, paragraph (a), remain in effect on and after July 1, 1997, until further amended or repealed.

**History:** 1969 c 1129 art 1 s 1; 1976 c 5 s 1; 1977 c 305 s 35,36; 1981 c 356 s 248; 1982 c 424 s 130; 1983 c 289 s 115 subd 1; 1985 c 248 s 70; 1Sp1985 c 10 s 87; 1987 c 312 art 1 s 26 subd 2; 1993 c 163 art 1 s 29; 1995 c 248 art 11 s 21; 1998 c 366 s 68; 1999 c 238 art 2 s 69; 2000 c 445 art 1 s 1,2; 1Sp2001 c 8 art 2 s 65

## 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; 2003 c 130 s 12

## LIQUOR CONTROL

### 299A.02 LIQUOR CONTROL FUNCTIONS.

Subdivision 1. **Conflict of interest.** No employee of the Department of Public Safety or the Department of Revenue having any responsibility for the administration or enforcement of chapter 297G or 340A shall have a direct or indirect interest, except through ownership or investment in pension or mutual funds, in the manufacture, transportation or sale of intoxicating liquor or any malt or vinous beverages, intoxicating, nonintoxicating, or commercial or industrial alcohol. The commissioner of public safety or the commissioner of revenue may remove an employee in the unclassified civil service for any intentional violation of any provision of chapter 297G or 340A. Intentional violation of a provision of chapter 297G or 340A by a classified employee of one of the departments may be grounds for removal of that employee pursuant to section 43A.33.

Subd. 2. **General powers.** The commissioner shall administer and enforce the provisions of chapters 297G and 340A through the director of alcohol and gambling enforcement, except for those provisions thereof for which administration and enforcement are reserved to the commissioner of revenue.

Subd. 3. **Reports; rules.** The commissioner shall have power to require periodic factual reports from all licensed importers, manufacturers, wholesalers and retailers of intoxicating liquors and to make all reasonable rules to effect the object of chapters 297G and 340A. The rules shall include provisions for assuring the purity of intoxicating liquors and the true statement of its contents and proper labeling thereof with regard to all forms of sale. No rule may require the use of new containers in aging whiskey. No rule may require cordials or liqueurs to contain in excess of 2-1/2 percent by weight of sugar or dextrose or both.

Subd. 4. **Subpoena.** In all matters relating to official duties, the commissioner shall have the powers possessed by courts of law to issue subpoenas and cause them to be served and enforced. All public officials, and their respective deputies and employees, and all individuals, partnerships, firms, corporations, incorporated and unincorporated associations, and others who manufacture, transport, or sell intoxicating liquor, or are connected therewith in any manner, shall at all times attend and answer under oath the commissioner's lawful inquiries, produce and exhibit such books, accounts, documents and property as the commissioner may desire to inspect, and in all things aid the commissioner in the performance of the commissioner's duties.

**History:** 1976 c 5 s 2; 1977 c 407 s 1; 1981 c 210 s 54; 1985 c 305 art 12 s 2; 1986 c 444; 1987 c 381 s 1; 1987 c 383 s 15; 1997 c 129 art 2 s 3-5; 2000 c 260 s 52

**299A.03** [Repealed, 1981 c 356 s 247]

**299A.04** [Rnumbered 116J.405]

## WHEELCHAIR SECUREMENT

### 299A.11 VEHICLE TRANSPORTING WHEELCHAIR USER; DEFINITIONS.

Subdivision 1. **Scope.** The following terms have the definitions given them for the purposes of sections 299A.11 to 299A.18.

Subd. 2. **Operator.** "Operator" means any person, firm, partnership, corporation, service club, public or private agency, city, town or county. Section 299A.15 does not apply to any school bus as defined in section 169.01, subdivision 6.

Subd. 3. **Transit vehicle.** "Transit vehicle" means a bus that is not a school bus as defined in section 169.01, subdivision 6, with a gross vehicle weight rating greater than 15,000 pounds.

Subd. 4. **Transportation service.** "Transportation service" means the transportation by motor vehicle, other than a school bus manufactured before January 1, 1988, of any sick, injured, invalid, incapacitated, or handicapped individual while occupying a wheelchair, which transportation is offered or provided by any operator to the public or to its employees or in connection with any other service offered by the operator including schooling or nursing home, convalescent or child care services.

Subd. 5. **Wheelchair securement device.** "Wheelchair securement device" or "securment device" means an apparatus installed in a transit vehicle or other motor vehicle for the purpose of securing an occupied wheelchair into a location in the vehicle and preventing movement of that wheelchair while the vehicle is in motion.

**History:** 1978 c 752 s 1; 1987 c 383 s 16; 1991 c 163 s 1

## 299A.12 WHEELCHAIR SECUREMENT DEVICE.

Subdivision 1. **General requirements.** Except as provided in subdivision 4, any vehicle used by an operator to provide transportation service shall be equipped with wheelchair securement devices which are approved by the commissioner of public safety as meeting the specifications of subdivisions 1 and 2. A wheelchair securement device shall prevent any forward, backward, or lateral movement of an occupied wheelchair when the device is engaged and the vehicle is in motion, accelerating or braking, and shall attach to the frame of the wheelchair without damaging it. Wheelchair securement devices installed in any vehicle shall be maintained in working order.

Subd. 2. **Strength requirements.** The strength requirements for securing the part of a wheelchair that is forward in the vehicle shall be one-half of those required for the rear. Where the wheelchair securement device and the seat belt are combined in a common system, those parts which provide the combined restraining force shall have a combined strength of both according to the strength requirements of each as adopted by the commissioner of public safety.

Subd. 3. **Maximum number of persons transported.** A vehicle used to provide transportation service shall carry only as many persons seated in wheelchairs as the number of securement devices approved by the commissioner of public safety as meeting the specifications of subdivisions 1 and 2 with which the vehicle is equipped, and each occupied wheelchair shall be secured by such a securement device before the vehicle is set in motion.

Subd. 4. **Transit vehicle; rules.** A transit vehicle used to provide transportation services may be equipped with wheelchair securement devices that may be engaged and released by the user or the user's assistant. The commissioner of public safety shall adopt rules as necessary to set standards for the operation, strength, and use of these wheelchair securement devices.

**History:** 1978 c 752 s 2; 1989 c 204 s 5; 1991 c 163 s 2,3

## 299A.13 ADDITIONAL SAFETY REQUIREMENTS.

Subdivision 1. **Seat belt.** Any vehicle used to provide transportation service shall be equipped with seat belts which are approved by the commissioner of public safety. The seat belts required by this subdivision shall be adequate to secure the occupant of a wheelchair who is being transported by the vehicle. These seat belts shall be used only to secure the person and shall not be used to secure the wheelchair unless the wheelchair securement force is not cumulative to the seat belt. The seat belts shall meet all other applicable state and federal requirements for safety.

Subd. 2. **Electric wheelchair.** When transportation service is provided to an individual in an electrically powered wheelchair, the main power switch of the

wheelchair shall be placed in the "off" position at all times while the vehicle is in motion.

**History:** 1978 c 752 s 3; 1989 c 204 s 6

#### 299A.14 VEHICLE INSPECTION.

Subdivision 1. **Inspection certificate required.** No person shall drive and no operator shall knowingly permit or cause a vehicle to be used for transportation service unless there is displayed thereon a certificate issued upon inspection by the commissioner of public safety as provided in this section.

Subd. 2. **Wheelchair securement device.** Inspection shall be made by personnel in the department of public safety assigned to the State Patrol. An operator of transportation services shall submit a vehicle for inspection after the installation of a wheelchair securement device in the vehicle and before using the vehicle for transportation service, but not later than one month after the date of installation. Evidence of the date of installation shall be provided by the operator at the inspection.

Subd. 3. **Standards.** The inspection shall be made to determine that the vehicle complies with the provisions of sections 299A.12, subdivisions 1 and 4, and 299A.13, subdivision 1; that the securement device is in working order; and that the securement device is not in need of obvious repair. The inspection may include testing the use of a securement device while the vehicle is in motion.

Subd. 4. **Certificate display and contents.** A certificate furnished by the commissioner shall be issued upon completion of inspection if the vehicle complies with the requirements set forth in subdivision 3. The certificate shall be affixed to the lower left corner of the windshield. It shall note compliance with this section, record the number of wheelchairs which may be simultaneously carried in the vehicle, and note the month and year in which the next inspection is required.

Subd. 5. **When inspections required.** Subsequent inspections shall be made annually. If additional securement devices are installed in a vehicle already equipped with a securement device, inspection is required as specified in subdivision 2.

**History:** 1978 c 752 s 4; 1981 c 37 s 2; 1991 c 163 s 4

#### 299A.15 AID AND LICENSE WITHHELD.

No agency of the state, political subdivision or other public agency shall grant or approve any financial assistance to any operator for the purchase or operation of any vehicle used for transportation service or grant any permit or license otherwise required by law for operation of that service unless the operator of the transportation service complies with the provisions of sections 299A.11 to 299A.14.

**History:** 1978 c 752 s 5

#### 299A.16 EVIDENCE.

Proof of the installation or failure to install wheelchair securement devices, or proof of faulty installation of wheelchair securement devices, or proof of the maintenance or failure to properly maintain wheelchair securement devices, or proof of the use or failure to use wheelchair securement devices is admissible in evidence in any litigation involving personal injuries or property damage arising out of the use or operation of a vehicle providing transportation service. For the purposes of this section "wheelchair securement device" means such a device approved by the commissioner of public safety.

**History:** 1978 c 752 s 6

#### 299A.17 MISDEMEANOR.

For each failure to comply with any requirement of section 299A.12, 299A.13 or 299A.14 an operator is guilty of a misdemeanor.

**History:** 1978 c 752 s 7

**299A.18 RULES; APPROVAL OF WHEELCHAIR SECUREMENT DEVICE.**

The commissioner of public safety shall, no later than July 1, 1979, adopt rules containing standards for wheelchair securement devices that meet the requirements of sections 299A.12, subdivision 1, and 299A.13, subdivision 1, and shall approve or disapprove of securement devices that meet those standards.

**History:** 1978 c 752 s 8

**299A.20** [Renumbered 257.80]

**299A.21** [Renumbered 257.801]

**299A.22** [Renumbered 257.802]

**299A.23** [Renumbered 257.803]

**299A.24** [Renumbered 257.804]

**299A.25** [Renumbered 257.805]

**299A.26** [Renumbered 257.806]

**299A.27** [Renumbered 257.807]

**MCGRUFF SAFE HOUSE PROGRAM****299A.28 MCGRUFF SAFE HOUSE PROGRAM.**

Subdivision 1. **Symbol.** The symbol of “McGruff” with the phrase “McGruff House” is the symbol to designate a house in this state where a child may seek help when threatened.

Subd. 2. **Duties of commissioner.** The commissioner of public safety shall:

(1) design or adopt a standard symbol to designate a safe house that is the “McGruff” symbol used in other states;

(2) make available written information about the safe house program and “McGruff” symbols to school districts and law enforcement agencies;

(3) publicize the safe house program in as many ways as is reasonably practical;

(4) require the appropriate local law enforcement agency to maintain a register of safe houses;

(5) either directly or through cooperation with the appropriate law enforcement agencies conduct background checks on persons who apply to have their house be a safe house.

Subd. 3. **Display of symbol.** A person displaying the “McGruff” symbol so that it is visible from the outside of their house must be approved as a safe house by the appropriate local law enforcement agency. The appropriate law enforcement agency must supply the symbol to the person. The symbol is the property of the law enforcement agency, and a person must return the symbol to the law enforcement agency if the agency determines that the house no longer qualifies as a “McGruff” house. Violation of this subdivision is a misdemeanor.

Subd. 4. **Safe houses; requirements.** The appropriate law enforcement agency must provide “McGruff” symbols to persons who apply for symbols if they agree in writing to follow the terms of the safe house program and pass a background check by the appropriate local law enforcement agency.

Subd. 5. **Exclusive symbol.** The safe house symbol provided by this section is the exclusive symbol for safe houses in this state.

Subd. 6. **Rules.** The commissioner of public safety may adopt rules necessary to implement this section.

**History:** 1987 c 208 s 1

### DRUG POLICY AND VIOLENCE PREVENTION

#### 299A.29 Subdivision 1. [Renumbered 119A.25, subdivision 1]

Subd. 1a. [Renumbered 119A.25, subd 2]

Subd. 2. [Repealed, 1991 c 279 s 41]

Subd. 3. [Renumbered 119A.25, subd 3]

Subd. 4. [Repealed, 1991 c 279 s 41]

Subd. 4a. [Renumbered 119A.25, subd 4]

Subd. 5. [Renumbered 119A.25, subd 5]

#### 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 appoint 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, education, 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 gover-



nor'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; 2003 c 130 s 12

## 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.

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. [Repealed, 2001 c 161 s 58]

**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

## 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 postsecondary 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) 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.

(b) 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 paragraph (a), 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 commissioner 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 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 PREVENTION.**

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, education, 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; 2003 c 130 s 12

**299A.30** [Renumbered 119A.26]

**299A.31** [Renumbered 119A.27]

**299A.32** [Renumbered 119A.28]

**299A.325** [Repealed, 1993 c 326 art 12 s 19]

**299A.326** [Renumbered 119A.29]

**299A.33 DRUG ABUSE RESISTANCE EDUCATION (DARE) PROGRAM.**

Subdivision 1. **Program.** The drug abuse resistance education program assists law enforcement agencies or school districts by providing grants to enable peace officers to undergo the training described in subdivision 3. Grants may be used to cover the cost of the training as well as reimbursement for actual, reasonable travel and living expenses incurred in connection with the training. The commissioner shall administer the program, shall promote it throughout the state, and is authorized to receive money from public and private sources for use in carrying it out. For purposes of this section, "law enforcement agency" means a police department or sheriff's office.

Subd. 2. **Grant.** A law enforcement agency or a school district may apply to the commissioner for a grant under subdivision 1.

Subd. 3. **Training program.** The Bureau of Criminal Apprehension shall develop a program to train peace officers to teach a curriculum on drug abuse resistance in schools. The training program must be approved by the commissioner.

Subd. 4. **Availability of peace officer training.** The training described in subdivision 3 is available on a voluntary basis to local law enforcement agencies and school districts.

Subd. 5. **Coordination of activities.** If the commissioner receives grant requests from more than one applicant for programs to be conducted in a single school district, the commissioner shall require the applicants to submit a plan for coordination of their training and programs.

Subd. 6. **Report.** The commissioner may require grant recipients to account to the director at reasonable time intervals regarding the use of the grants and the training and programs provided.

**History:** 1989 c 290 art 9 s 5

#### **299A.331 DARE ADVISORY COUNCIL.**

Subdivision 1. **Membership.** The Advisory Council on Drug Abuse Resistance Education consists of:

- (1) the attorney general who shall serve as chair;
- (2) the commissioner of public safety;
- (3) the commissioner of education;
- (4) three representatives of law enforcement appointed by the commissioner of public safety;
- (5) three representatives of education appointed by the commissioner of education;
- (6) a representative of the DARE Officers Association appointed by the Peace Officer Standards and Training Board from among recommendations of the association; and
- (7) seven citizens appointed by the attorney general.

Subd. 2. **Duties.** The council shall:

- (1) advise the Bureau of Criminal Apprehension in establishing a drug abuse resistance education training program for peace officers;
- (2) promote the drug abuse resistance education program throughout the state;
- (3) monitor the drug abuse resistance education officer training program in conjunction with the Bureau of Criminal Apprehension;
- (4) provide coordination and assistance to local communities who wish to implement drug abuse resistance education programs in their local school systems;
- (5) encourage parental and community involvement in drug abuse resistance education programs;
- (6) develop a private and public partnership to provide for continuation and funding for the drug abuse resistance education program; and
- (7) receive money from public and private sources for use in the drug abuse resistance education program.

**History:** 1990 c 565 s 31; 1Sp1995 c 3 art 16 s 13; 2003 c 130 s 12

**299A.34** [Renumbered 119A.30]

**299A.35** [Renumbered 119A.31]

**299A.36** [Renumbered 119A.32]

**299A.37** [Renumbered 119A.33]

#### **SOFT BODY ARMOR REIMBURSEMENT**

#### **299A.38 SOFT BODY ARMOR REIMBURSEMENT.**

Subdivision 1. **Definitions.** As used in this section:

- (a) "Commissioner" means the commissioner of public safety.

(b) "Peace officer" means a person who is licensed under section 626.84, subdivision 1, paragraph (c).

(c) "Vest" means bullet-resistant soft body armor that is flexible, concealable, and custom fitted to the peace officer to provide ballistic and trauma protection.

Subd. 2. **State and local reimbursement.** Peace officers and heads of local law enforcement agencies who buy vests for the use of peace officer employees may apply to the commissioner for reimbursement of funds spent to buy vests. On approving an application for reimbursement, the commissioner shall pay the applicant an amount equal to the lesser of one-half of the vest's purchase price or \$300, as adjusted according to subdivision 2a. The political subdivision that employs the peace officer shall pay at least the lesser of one-half of the vest's purchase price or \$300, as adjusted according to subdivision 2a. The political subdivision may not deduct or pay its share of the vest's cost from any clothing, maintenance, or similar allowance otherwise provided to the peace officer by the law enforcement agency.

Subd. 2a. **Adjustment of reimbursement amount.** On October 1, 1997, the commissioner of public safety shall adjust the \$300 reimbursement amounts specified in subdivision 2, and in each subsequent year, on October 1, the commissioner shall adjust the reimbursement amount applicable immediately preceding that October 1 date. The adjusted rate must reflect the annual percentage change in the Consumer Price Index for all urban consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year period ending on the preceding June 1.

Subd. 3. **Eligibility requirements.** (a) Only vests that either meet or exceed the requirements of standard 0101.03 of the National Institute of Justice or that meet or exceed the requirements of that standard, except wet armor conditioning, are eligible for reimbursement.

(b) Eligibility for reimbursement is limited to vests bought after December 31, 1986, by or for peace officers (1) who did not own a vest meeting the requirements of paragraph (a) before the purchase, or (2) who owned a vest that was at least six years old.

Subd. 4. **Rules.** The commissioner may adopt rules under chapter 14 to administer this section.

Subd. 5. **Limitation of liability.** A state agency, political subdivision of the state, or state or local government employee that provides reimbursement for purchase of a vest under this section is not liable to a peace officer or the peace officer's heirs for negligence in the death of or injury to the peace officer because the vest was defective or deficient.

Subd. 6. **Right to benefits unaffected.** A peace officer who is reimbursed for the purchase of a vest under this section and who suffers injury or death because the officer failed to wear the vest, or because the officer wore a vest that was defective or deficient, may not lose or be denied a benefit or right, including a benefit under section 299A.44, to which the officer, or the officer's heirs, is otherwise entitled.

**History:** 1989 c 290 art 9 s 10; 1991 c 8 s 1; 1991 c 199 art 2 s 1; 1994 c 636 art 4 s 16; 1995 c 226 art 2 s 3; 1995 c 265 art 2 s 25; 1997 c 159 art 2 s 40, 41

**299A.40** [Renumbered 119A.34]

## PUBLIC SAFETY OFFICER'S SURVIVOR BENEFITS

### 299A.41 DEFINITIONS.

Subdivision 1. **Scope.** The definitions used in this section apply to sections 299A.41 to 299A.46.

Subd. 2. **Dependent child.** A "dependent child" means a person who is unmarried and who was either living with or was receiving support contributions from the public safety officer at the time of death, including a child by birth, a stepchild, an adopted child, or a posthumous child, and who is:

- (1) under 18 years of age;
- (2) over 18 years of age and incapable of self-support because of physical or mental disability; or
- (3) over 18 years of age and a student as defined by United States Code, title 5, section 8101.

Subd. 3. **Killed in the line of duty.** "Killed in the line of duty" does not include deaths from natural causes. In the case of a peace officer, "killed in the line of duty" includes the death of an officer caused by accidental means while the peace officer is acting in the course and scope of duties as a peace officer.

Subd. 4. **Public safety officer.** "Public safety officer" includes:

- (1) a peace officer defined in section 626.84, subdivision 1, paragraph (c) or (f);
- (2) a correction officer employed at a correctional facility and charged with maintaining the safety, security, discipline, and custody of inmates at the facility;
- (3) an individual employed on a full-time basis by the state or by a fire department of a governmental subdivision of the state, who is engaged in any of the following duties:
  - (i) fire fighting;
  - (ii) emergency motor vehicle operation;
  - (iii) investigation into the cause and origin of fires;
  - (iv) the provision of emergency medical services; or
  - (v) hazardous material responder;
- (4) a legally enrolled member of a volunteer fire department or member of an independent nonprofit fire-fighting corporation who is engaged in the hazards of fire fighting;
- (5) a good samaritan while complying with the request or direction of a public safety officer to assist the officer;
- (6) a reserve police officer or a reserve deputy sheriff while acting under the supervision and authority of a political subdivision;
- (7) a driver or attendant with a licensed basic or advanced life support transportation service who is engaged in providing emergency care;
- (8) a first responder who is certified by the emergency medical services regulatory board to perform basic emergency skills before the arrival of a licensed ambulance service and who is a member of an organized service recognized by a local political subdivision to respond to medical emergencies to provide initial medical care before the arrival of an ambulance; and
- (9) a person, other than a state trooper, employed by the commissioner of public safety and assigned to the State Patrol, whose primary employment is the enforcement of commercial motor vehicle laws and regulations.

Subd. 5. **Spouse.** "Spouse" means a person legally married to the decedent at the time of the decedent's death.

**History:** 1990 c 591 art 5 s 1; 1991 c 199 art 1 s 66; 1992 c 523 s 1,2; 1992 c 553 s 1; 1Sp2001 c 8 art 2 s 66

## 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.42 PUBLIC SAFETY OFFICER'S BENEFIT ACCOUNT.**

The public safety officer's benefit account is created in the state treasury. Money in the account consists of money transferred and appropriated to that account. Money in the account that is not expended in the fiscal year in which it is transferred or appropriated does not revert to the general fund until claims for reimbursement under section 299A.465 that are submitted in that fiscal year are either paid or denied.

**History:** 1990 c 591 art 5 s 2; 1Sp2003 c 2 art 4 s 2

#### **299A.43 ELIGIBILITY DETERMINATION; CONTESTED CASE.**

A challenge to a determination of eligibility by the commissioner of public safety must be heard as a contested case, except that the decision of the administrative law judge is binding on the parties to the proceeding. The order of the administrative law judge is the final decision of the commissioner. The hearing must be conducted according to sections 14.56 to 14.62 and is subject to appeal according to sections 14.63 to 14.68.

**History:** 1990 c 591 art 5 s 3

#### **299A.44 DEATH BENEFIT.**

Subdivision 1. **Payment required.** (a) On certification to the governor by the commissioner of public safety that a public safety officer employed within this state has been killed in the line of duty, the commissioner of finance shall pay \$100,000 from the public safety officer's benefit account, as follows:

- (1) if there is no dependent child, to the spouse;
- (2) if there is no spouse, to the dependent child or children in equal shares;
- (3) if there are both a spouse and one or more dependent children, one-half to the spouse and one-half to the child or children, in equal shares;
- (4) if there is no surviving spouse or dependent child or children, to the parent or parents dependent for support on the decedent, in equal shares; or
- (5) if there is no surviving spouse, dependent child, or dependent parent, to the public safety officer's estate.

(b) If there are both a spouse and one or more dependent children under age 18, the spouse, at the spouse's discretion, may spend a maximum of one-third of a child's share on medical or dental treatment for the child or the child's education. Expendi-

tures under this paragraph on behalf of a child do not diminish the shares of any other children. In addition, a spouse, at the spouse's discretion, may expend money from a child's share to pay state and federal taxes on any interest accrued on the share.

Subd. 2. **Adjustment of benefit.** On October 1 of each year beginning after July 1, 1995, the commissioner of public safety shall adjust the level of the benefit payable immediately before October 1 under subdivision 1, to reflect the annual percentage change in the Consumer Price Index for all urban consumers, published by the federal Bureau of Labor Statistics, occurring in the one-year period ending on June 1 immediately preceding such October 1.

**History:** 1990 c 591 art 5 s 4; 1995 c 133 s 1; 1995 c 226 art 2 s 4; 1995 c 265 art 2 s 26; 1Sp2003 c 2 art 4 s 3

## 299A.45 EDUCATION BENEFIT.

Subdivision 1. **Eligibility.** Following certification under section 299A.44 and compliance with this section and rules of the commissioner of public safety and the higher education services office, dependent children less than 23 years of age and the surviving spouse of a public safety officer killed in the line of duty on or after January 1, 1973, are eligible to receive educational benefits under this section. To qualify for an award, they must be enrolled in undergraduate degree or certificate programs after June 30, 1990, at an eligible Minnesota institution as provided in section 136A.101, subdivision 4. Persons who have received a baccalaureate degree or have been enrolled full time or the equivalent of ten semesters or the equivalent, whichever occurs first, are no longer eligible.

Subd. 2. **Award amount.** (a) The amount of the award is the lesser of:

- (1) the average tuition and fees charged by the institution; or
- (2) the tuition maximums established by law for the state grant program under section 136A.121.

(b) An award under this subdivision must not affect a recipient's eligibility for a state grant under section 136A.121.

(c) For the purposes of this subdivision, "fees" include only those fees that are mandatory and charged to all students attending the institution.

Subd. 3. **Payment.** On proof of eligibility for this program, an eligible institution, on behalf of the student, shall request payment of the award from the higher education services office. An institution must not request payment unless the student is enrolled in or has completed the term for which the payment is intended.

Subd. 4. **Renewal.** Each award must be given for one academic year and is renewable for a maximum of eight semesters or the equivalent. An award must not be given to a dependent child who is 23 years of age or older on the first day of the academic year.

**History:** 1990 c 591 art 5 s 5; 1991 c 356 art 8 s 22; 1995 c 212 art 3 s 59; 1Sp2001 c 1 art 2 s 20,21; 2003 c 133 art 3 s 26

## 299A.46 RULES.

The commissioner of public safety may adopt rules under chapter 14 to implement, coordinate, and administer sections 299A.41 to 299A.44. The Higher Education Services Office may adopt rules to implement, coordinate, and administer section 299A.45.

**History:** 1990 c 591 art 5 s 6; 1995 c 212 art 3 s 59; 1995 c 233 art 2 s 56

## 299A.465 CONTINUED HEALTH INSURANCE COVERAGE.

Subdivision 1. **Officer or firefighter disabled in line of duty.** (a) This subdivision applies when a peace officer or firefighter suffers a disabling injury that:

- (1) results in the officer's or firefighter's retirement or separation from service;

(2) occurs while the officer or firefighter is acting in the course and scope of duties as a peace officer or firefighter; and

(3) the officer or firefighter has been approved to receive the officer's or firefighter's duty-related disability pension.

(b) The officer's or firefighter's employer shall continue to provide health coverage for:

(1) the officer or firefighter; and

(2) the officer's or firefighter's dependents if the officer or firefighter was receiving dependent coverage at the time of the injury under the employer's group health plan.

(c) The employer is responsible for the continued payment of the employer's contribution for coverage of the officer or firefighter and, if applicable, the officer's or firefighter's dependents. Coverage must continue for the officer or firefighter and, if applicable, the officer's or firefighter's dependents until the officer or firefighter reaches the age of 65. However, coverage for dependents does not have to be continued after the person is no longer a dependent.

**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.

**Subd. 3. Coordination of benefits.** Health insurance benefits payable to the officer or firefighter and the officer's or firefighter's dependents from any other source provide the primary coverage, and coverage available under this section is secondary.

**Subd. 4. Public employer reimbursement.** A public employer subject to this section may annually apply by August 1 for the preceding fiscal year to the commissioner of public safety for reimbursement to help defray a portion of its costs of complying with this section. The commissioner shall provide an equal pro rata share to the public employer out of the public safety officer's benefit account based on the availability of funds for each eligible officer, firefighter, and qualifying dependents. Individual shares must not exceed the actual costs of providing coverage under this section by a public employer.

**Subd. 5. Definition.** For purposes of this section:

(a) "Peace officer" or "officer" has the meaning given in section 626.84, subdivision 1, paragraph (c).

(b) "Dependent" means a person who meets the definition of dependent in section 62L.02, subdivision 11, at the time of the officer's or firefighter's injury or death. A person is not a dependent for purposes of this section during the period of time the person is covered under another group health plan.

(c) "Firefighter" has the meaning given in Minnesota Statutes 2000, section 424.03, but does not include volunteer firefighters.

**History:** 1997 c 239 art 8 s 6; 1999 c 12 s 1; 2002 c 392 art 1 s 8; 1Sp2003 c 2 art 4 s 4; 1Sp2003 c 19 art 2 s 49

**299A.47 CLAIMS LIMITATION.**

Claims for benefits from the public safety officer's death benefit account made by or on behalf of a survivor of a public safety officer must be filed within two years after the date of death of the officer.

**History:** 1992 c 523 s 3

**HAZARDOUS MATERIALS INCIDENT RESPONSE****299A.48 CITATION.**

Sections 299A.48 to 299A.52 and 299K.095 may be cited as the "Minnesota Hazardous Materials Incident Response Act."

**History:** 1992 c 593 art 2 s 3

**299A.49 DEFINITIONS.**

Subdivision 1. **Scope.** For the purposes of sections 299A.48 to 299A.52 and 299K.095, the following terms have the meanings given them.

Subd. 2. **Chemical assessment team.** "Chemical assessment team" means a team (1) trained, equipped, and authorized to evaluate and, when possible, provide simple mitigation to a hazardous materials incident and (2) required to recommend to the local incident manager the best means of controlling the hazard after consideration of life safety concerns, environmental effects, exposure hazards, quantity and type of hazardous material, availability of resources, or other relevant factors.

Subd. 3. **Commissioner.** "Commissioner" means the commissioner of public safety.

Subd. 4. **Hazardous materials.** "Hazardous materials" means substances or materials that, because of their chemical, physical, or biological nature, pose a potential risk to life, health, or property if they are released. "Hazardous materials" includes any substance or material in a particular form or quantity that may pose an unreasonable risk to health, safety, and property, or any substance or material in a quantity or form that may be harmful to humans, animals, crops, water systems, or other elements of the environment if accidentally or intentionally released. Hazardous substances so designated may include explosives, radioactive materials, etiologic agents, flammable liquids or solids, combustible liquids or solids, poisons, oxidizing or corrosive materials, chemical and biological substances, and toxic or flammable gases.

Subd. 5. **Local unit of government.** "Local unit of government" means a county, home rule charter or statutory city, or town.

Subd. 6. **Person.** "Person" means any individual, partnership, association, public or private corporation or other entity including the United States government, any interstate body, the state, and any agency, department, or political subdivision of the state.

Subd. 7. **Regional hazardous materials response team.** "Regional hazardous materials response team" means a team trained and equipped to respond to and mitigate a hazardous materials release. A regional hazardous materials response team may include strategically located chemical assessment teams.

**History:** 1992 c 593 art 2 s 4; 2003 c 39 s 1,2

**299A.50 RESPONSE PLAN.**

Subdivision 1. **Elements of plan; rules.** After consultation with the commissioners of natural resources, agriculture, transportation, and the Pollution Control Agency, the state fire marshal, the Emergency Response Commission, appropriate technical emergency response representatives, and representatives of affected parties, the commissioner shall adopt rules to implement a statewide hazardous materials incident response plan. The plan must include:

(1) the locations of up to five regional hazardous materials response teams, based on the location of hazardous materials, response time, proximity to large population centers, and other factors;

(2) the number and qualifications of members on each team;

(3) the responsibilities of regional hazardous materials response teams;

(4) equipment needed for regional hazardous materials response teams;

(5) procedures for selecting and contracting with local governments or nonpublic persons to establish regional hazardous materials response teams;

(6) procedures for dispatching teams at the request of local governments;

(7) a fee schedule for reimbursing local governments or nonpublic persons responding to an incident; and

(8) coordination with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, and other nonpublic persons.

Subd. 2. **Contract and agreement.** The commissioner may cooperate with and enter into contracts with other state departments and agencies, local units of government, other states, Indian tribes, the federal government, or nonpublic persons to implement the response plan.

Subd. 3. **Long-term oversight; transition.** When a regional hazardous materials response team has completed its response to an incident, the commissioner shall notify the commissioner of the Pollution Control Agency, which is responsible for assessing environmental damage caused by the incident and providing oversight of monitoring and remediation of that damage from the time the response team has completed its activities.

**History:** 1992 c 593 art 2 s 5; 1993 c 341 art 2 s 6

## 299A.51 LIABILITY AND WORKERS' COMPENSATION.

Subdivision 1. **Liability.** During operations authorized under section 299A.50, members of a regional hazardous materials team operating outside their geographic jurisdiction are "employees of the state" as defined in section 3.736.

Subd. 2. **Workers' compensation.** During operations authorized under section 299A.50, members of a regional hazardous materials team operating outside their geographic jurisdiction are considered employees of the Department of Public Safety for purposes of chapter 176.

Subd. 3. **Limitation.** A person who provides personnel and equipment to assist at the scene of a hazardous materials response incident outside the person's geographic jurisdiction or property, at the request of the state or a local unit of government, is not liable for any civil damages resulting from acts or omissions in providing the assistance, unless the person acts in a willful and wanton or reckless manner in providing the assistance.

**History:** 1992 c 593 art 2 s 6; 1995 c 226 art 4 s 5; 2003 c 39 s 3,4

## 299A.52 RESPONSIBLE PERSON.

Subdivision 1. **Response liability.** A responsible person, as described in section 115B.03, is liable for the reasonable and necessary costs, including legal and administrative costs, of response to a hazardous materials incident incurred by a regional hazardous materials response team or local unit of government. For the purposes of this section, "hazardous substance" as used in section 115B.03 means "hazardous material" as defined in section 299A.49.

Subd. 2. **Expense recovery.** The commissioner shall assess the responsible person for the regional hazardous materials response team costs of response. The commissioner may bring an action for recovery of unpaid costs, reasonable attorney fees, and any additional court costs.

Subd. 3. **Attempted avoidance of liability.** For purposes of sections 299A.48 to 299A.52 and 299K.095, a responsible person may not avoid liability by conveying any

right, title, or interest in real property or by any indemnification, hold harmless agreement, or similar agreement.

**History:** 1992 c 593 art 2 s 7

**299A.60** [Repealed, 1996 c 408 art 2 s 16]

## ANTICRIME PROGRAMS

### 299A.61 CRIMINAL ALERT NETWORK.

Subdivision 1. **Establishment.** The commissioner of public safety, in cooperation with the commissioner of administration, shall develop and maintain an integrated criminal alert network to facilitate the communication of crime prevention information by electronic means among state agencies, law enforcement officials, and the private sector. The network shall disseminate data regarding the commission of crimes, including information on missing and endangered children, and attempt to reduce theft and other crime by the use of electronic transmission of information. In addition, the commissioner shall evaluate the feasibility of using the network to disseminate data regarding the use of fraudulent checks and the coordination of security and antiterrorism efforts with the Federal Bureau of Investigation. If the commissioner determines that one or both of these uses are feasible, the commissioner shall ensure that the network disseminates data in the area or areas determined to be feasible.

Subd. 2. **Data on members.** Data that identify individuals or businesses as members of the criminal alert network, including names, addresses, telephone and fax numbers, are private data on individuals or nonpublic data, as defined in section 13.02, subdivision 9 or 12.

Subd. 3. **Limit on liability of financial institution.** A financial institution, including its employees or company agents, that provides or reasonably attempts to provide stolen, forged, or fraudulent check information for use by the crime alert network, check verification services, consumer reporting agencies, or by law enforcement agencies that are investigating a crime is not liable to any person for disclosing the information, provided that the financial institution is acting in good faith.

Subd. 4. **Fee authorized.** The commissioner of public safety may charge a fee to members of the network for the services that the network provides. Money collected from these fees is appropriated to the commissioner of public safety and must be used for network expenses.

**History:** 1995 c 226 art 4 s 6; 1995 c 244 s 6; 1996 c 440 art 1 s 48; 1997 c 239 art 8 s 7; 1998 c 337 s 1; 1998 c 367 art 11 s 8; 2000 c 354 s 1

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

Subdivision 1. **Program established.** (a) A community-oriented policing grant program is established under the administration of the commissioner of public safety.

(b) 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.

Subd. 2. **Awarding grant.** Grants under this section shall be awarded by the commissioner of public safety. 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. A grant under subdivision 1, paragraph (b), clause (1), may be awarded only to a law enforcement agency that demonstrates in its application that it currently has a need for an additional officer to be assigned to: (1) community-oriented policing duties; or (2) the investigation and prevention of juvenile crime, based on the juvenile crime rate in the area over which the agency has jurisdiction. More than one grant under subdivision 1, paragraph (b), clause (1), may be awarded to an agency; however, each grant may fund only one position. At least 50 percent of the grants awarded under subdivision 1, paragraph (b), clause (1), must be awarded to the cities of Minneapolis and St. Paul.

**Subd. 3. Amount of grant to hire officer.** A grant awarded under subdivision 1, paragraph (b), clause (1), must reimburse up to 150 percent of the entry level salary and benefits of a law enforcement officer, not to exceed \$75,000. However, the money may not be used to pay for equipment or uniforms for the officer. The grant is intended to be used for the salary of the officer over a three-year period.

**Subd. 4. Conditions of grant to hire officer.** (a) Grant recipients who receive grants under subdivision 1, paragraph (b), clause (1), shall continue to employ a law enforcement officer hired with money granted under this section for at least a three-year period. If for any reason during the three-year period the employment relationship ends, the agency shall hire an additional officer so that the total number of officers employed by the agency does not change.

(b) A law enforcement agency that fails to comply with this subdivision shall reimburse the commissioner as follows:

(1) if the failure occurs during the first year, the agency shall reimburse the full amount of the grant;

(2) if the failure occurs during the second year, the agency shall reimburse two-thirds of the grant; or

(3) if the failure occurs during the third year but prior to the three-year anniversary of the officer's hiring, the agency shall reimburse one-third of the grant.

The commissioner shall deposit the reimbursement in the state treasury and credit it to the general fund.

**History:** 1996 c 408 art 2 s 6; 1999 c 216 art 2 s 13

## 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.

**History:** 1996 c 408 art 2 s 7; 1997 c 239 art 8 s 11

## CRIMINAL GANG COUNCIL AND STRIKE FORCE

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

**Subdivision 1. Membership of council.** The Criminal Gang Oversight Council consists of the following individuals or their designees: the commissioner of public safety; the commissioner of corrections; the superintendent of the Bureau of Criminal Apprehension; the attorney general; the chief law enforcement officers for Minneapolis, St. Paul, St. Cloud, and Duluth; a chief of police selected by the president of the Minnesota Chiefs of Police Association; two sheriffs, one from a county in the seven-county metropolitan area other than Hennepin or Ramsey County and the other from a county outside the metropolitan area, both selected by the president of the Minnesota Sheriffs Association; and the Hennepin, Ramsey, St. Louis, and Olmsted County sheriffs. The council may select a chair from among its members.

**Subd. 2. Statewide gang strategy.** (a) The council shall develop an overall strategy to eliminate the harm caused to the public by criminal gangs and their illegal activities within the state of Minnesota. In developing the strategy, the council shall consult with representatives from the Community Services Division of the Minnesota Department of Corrections and federal probation officers employed by the United States District Court of Minnesota. As far as practicable, the strategy must address all criminal gangs operating in the state regardless of location or the motivation or ethnicity of the gangs' members. The strategy must address criminal gangs in both the metropolitan area and greater Minnesota. The council shall consult with and take into account the needs of law enforcement agencies and prosecutorial offices in greater Minnesota in developing the strategy. The strategy must target individuals or groups based on their criminal behavior, not their physical appearance. The strategy must take into account the rights of groups and individuals that the strike force may target and protect against abuses of these rights.



(b) In addition to developing the strategy described in paragraph (a), the council shall develop criteria and identifying characteristics for use in determining whether individuals are or may be members of gangs involved in criminal activity. The council shall also develop procedures and criteria for the investigation of criminal gangs and crimes committed by those gangs throughout the state.

**Subd. 3. Criminal Gang Strike Force.** The council shall oversee the organization and deployment of a statewide Criminal Gang Strike Force. The strike force must consist of law enforcement officers, Bureau of Criminal Apprehension agents, an assistant attorney general, and a communications and intelligence network. The council shall select the members of the strike force who shall serve at the pleasure of the council. The council shall ensure that all law enforcement officers selected to join the strike force are licensed peace officers or federal law enforcement agents found by the Minnesota Board of Peace Officer Standards and Training to have equivalent qualifications. In selecting members of the strike force, the council shall consult with chiefs of local law enforcement agencies, sheriffs, and other interested parties. The council shall request these individuals to recommend willing and experienced persons under their jurisdiction who would help the strike force and to permit those persons to join it. To the greatest extent possible, entities contributing members to the strike force are encouraged to also contribute equipment and other support. The council shall attempt to ensure that these entities do so.

**Subd. 4. Strike force duties.** The strike force shall implement the strategy developed by the council and is responsible for tactical decisions regarding implementation of the strategy. In addition and upon request, the strike force shall assist and train local governmental units, law enforcement agencies, and prosecutors' offices in methods to identify criminal gangs and gang members. To the greatest extent possible, the strike force shall operate as a cohesive unit exclusively for the purposes listed in this section. If regional units are established under subdivision 7, the council shall ensure that the existence and operation of these units do not impair the overall goal of a uniform statewide strategy to combat crimes committed by gangs.

**Subd. 5. Service; transfer.** To the greatest extent possible, members of the strike force shall serve on the force for the entirety of its existence. Members continue to be employed by the same entity by which they were employed before joining the strike force. While serving on the strike force, however, members are under the exclusive command of the strike force. A member who desires to be transferred back to the position the member held before joining the strike force may request a transfer from the council. The council shall approve and arrange for the requested transfer as soon as is practicable. The person in charge of the organization from which the member came also may request that a member be transferred back. In these instances, the council shall approve and arrange for the requested transfer immediately or as soon as is practicable. If a member is transferred from the strike force, the person in charge of the organization from which the member came shall arrange for an experienced individual, acceptable to the council, to replace the transferred person on the strike force. If this arrangement cannot be made, any grant received under section 299A.66, subdivision 1, must be repaid on a prorated basis.

**Subd. 6. Commanders.** The council shall designate a member of the strike force to be its commander and may appoint an individual assigned to a regional unit established under subdivision 7 to be the commander of the regional unit.

**Subd. 7. Regional units.** If the council at any time determines that it would be more effective and efficient to have distinct units within the strike force concentrating on specific areas, it may establish regional units within the strike force and select their members. If the council chooses to do so, the other provisions of this section still apply to the individual units, and the council still has the duty and authority to develop necessary procedures and criteria for and to oversee the operation of each individual unit. The council may continue to alter the structure of the strike force and any units composing it in any way designed to further its effectiveness and to carry out the intent of this section.

Subd. 8. **Role of assistant attorney general.** The assistant attorney general assigned to the strike force shall generally advise the council on any matters that the council deems appropriate. The council may seek advice from other attorneys and, if the council decides it would be appropriate, may retain outside counsel. The assistant attorney general shall train local prosecutors in prosecuting cases involving criminal gangs and in interviewing witnesses and victims and shall cooperate with other strike force members in developing and building strong cases.

Subd. 9. **Attorney general; community liaison.** (a) The attorney general or a designee shall serve as a liaison between the Criminal Gang Oversight Council and the councils created in sections 3.922, 3.9223, 3.9225, and 3.9226. The attorney general or the designee will be responsible for:

(1) informing the councils of the Criminal Gang Oversight Council's plans, activities, and decisions and hearing their reactions to those plans, activities, and decisions; and

(2) providing the Criminal Gang Oversight Council with information about the councils' position on the oversight council's plans, activities, and decisions.

(b) In no event is the Criminal Gang Oversight Council required to disclose the names of individuals identified by it to the councils referenced in this subdivision.

(c) Nothing in this subdivision changes the data classification of any data held by the oversight council.

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:** 1997 c 239 art 8 s 8; 1999 c 216 art 5 s 4; 1Sp2001 c 8 art 5 s 4

## 299A.65 JURISDICTION AND LIABILITY.

Subdivision 1. **Statewide jurisdiction.** Law enforcement officers who are members of the Criminal Gang Strike Force have statewide jurisdiction to conduct criminal investigations and possess the same powers of arrest as those possessed by a sheriff.

Subd. 2. **Liability and workers' compensation.** While operating under the scope of this section, members of the strike force are "employees of the state" as defined in section 3.736 and are considered employees of the Department of Public Safety for purposes of chapter 176.

**History:** 1997 c 239 art 8 s 9

## 299A.66 GRANT PROGRAMS.

Subdivision 1. **Reimbursement grant authorized.** The commissioner of public safety, upon recommendation of the council, may award grants to local law enforcement agencies, sheriff's offices, and other organizations that have contributed members to the Criminal Gang Strike Force to hire new persons to replace those who have joined the force. A grant may cover a two-year period and reimburse the recipient for a maximum of 100 percent of the salary of the person contributed to the strike force. A recipient of a grant under this subdivision must use the money to hire a new person to replace the person who has joined the strike force, thus keeping its complement of employees at the same level. The money may not be used to pay for equipment or uniforms.

Subd. 2. **Grant to expand local capacity to combat criminal gangs.** (a) The commissioner of public safety, upon recommendation of the council, may award grants to local law enforcement agencies and city and county attorneys' offices to expand the agency's or office's capacity to successfully investigate and prosecute crimes committed by criminal gangs.

(b) Grant applicants under this subdivision shall submit to the commissioner and the council a detailed plan describing the uses for which the money will be put. The commissioner and the council shall evaluate grant applications and award grants in a manner that will best ensure positive results. The commissioner may award grants to purchase necessary equipment and to develop or upgrade computer systems if the commissioner determines that those uses would best aid the recipient's attempts to combat criminal gangs. The commissioner shall require recipients of grants to provide follow-up reports to the council detailing the success of the recipient in combating criminal gangs.

(c) The commissioner shall condition grants made under this subdivision to require that recipients agree to cooperate with the council and the Bureau of Criminal Apprehension in establishing and expanding the criminal gang investigative data system described in section 299C.091 and in implementing the strategy developed by the council to combat criminal gangs. Grant recipients must agree to provide the council and bureau with any requested information regarding the activities and characteristics of criminal gangs and gang members operating within their jurisdictions.

**History:** 1997 c 239 art 8 s 10

## FINANCIAL CRIMES INVESTIGATION

### 299A.68 MINNESOTA FINANCIAL CRIMES TASK FORCE.

Subdivision 1. **Task force established.** The Minnesota Financial Crimes Task Force is established to investigate major financial crimes. Local law enforcement agencies, federal law enforcement agencies, and state and federal prosecutor's offices may join the Minnesota Financial Crimes Task Force, subject to the provisions of this section.

Subd. 2. **Task force's duties.** (a) The task force shall investigate consumer identity theft cases and reported financial crimes from individuals and businesses that are victims of such crimes.

(b) The task force shall focus on financial crimes including, but not limited to, statewide crimes such as: theft, fraud, and forgery crimes, including identity theft, check forgery, fraud in obtaining credit, financial transaction card fraud, theft from merchants, possession or sale of stolen or counterfeit checks, issuance of dishonored checks, creation or use of counterfeit state identification, obtaining counterfeit state identification, fraudulent Internet transactions, fraudulent merchandise returns, investment fraud, insurance fraud, vehicle insurance fraud, financial institution fraud, fraud related to state or federal programs, tax fraud, mail and wire fraud, and other related financial crimes.

(c) In particular, the task force shall investigate individuals and organizations, based on their criminal activity, that:

- (1) commit multiple, cross-jurisdictional, financial crimes;
- (2) employ computers and other sophisticated technology to counterfeit documents or commit fraud; or
- (3) illegally obtain consumer information for identity theft.

Subd. 3. **Role of participating agencies.** (a) The agencies that participate in the statewide Financial Crimes Task Force shall oversee the task force's operation by establishing procedures and guidelines in an agreement. The agreement must be addressed in a memorandum of understanding and signed by the person in charge of each participating agency of government. The memorandum of understanding must address the following:

- (1) the command structure of the task force;

- (2) acquisition and liquidation of equipment, office space, and transportation;
- (3) procedures for contracting for necessary administrative support;
- (4) selection and assignment of members;
- (5) transfer of task force members;
- (6) resolution of disputes between participating agencies;
- (7) requirements and procedures for all workers' compensation and other liability to remain the responsibility of each member's employing agency;
- (8) disposition of assets and debts if the task force is disbanded; and
- (9) all other issues deemed pertinent by the participating agencies.

(b) Federal law enforcement agencies participating in the task force must be signatories to the memorandum of understanding. Federal law enforcement agencies and officers participating in the task force may not participate in the selection of the statewide commander or receive any funding for agents' salaries, benefits, or overtime.

**Subd. 4. Statewide commander.** The participating local agencies shall select a commander to direct the task force. The commander shall make tactical decisions regarding the commencement, continuation, and conclusion of investigations of crimes in consultation with agencies participating in the task force. The commander shall also report annually to the commissioner of public safety as required in subdivision 10.

**Subd. 5. Members; employment status.** All law enforcement officers selected to join the task force must be licensed peace officers under section 626.84, subdivision 1, or qualified federal law enforcement officers as defined in section 626.8453. Members remain employees of the same entity that employed them before joining the task force. Compensation, personnel evaluations, grievances, merit increases, and liability insurance coverage, such as general, personal, vehicle, and professional liability insurance, must be covered by each member's employing agency. Members of the Financial Crimes Task Force are not employees of the state.

**Subd. 6. Jurisdiction and powers.** Law enforcement officers who are members of the task force have statewide jurisdiction to conduct criminal investigations into financial crimes as described in subdivision 2.

Officers assigned to the Financial Crimes Task Force shall follow their county arrest procedures, booking processes, reporting processes, county attorney charging requirements, and appropriate notification protocols to local and county sheriff agencies where arrests are made and search warrants executed. The commander of the task force is responsible for ensuring compliance with applicable local practices and procedures.

**Subd. 6a. Regional offices.** The commander, as funding permits, may establish seven regional offices of the task force to investigate financial crimes throughout the state and the regional areas. The regional offices must originally be established based on current state judicial districts, with one regional office covering the First, Second, Fourth, and Tenth Judicial Districts. The commander must establish a separate regional office in each of the Third, Fifth, Sixth, Seventh, Eighth, and Ninth Judicial Districts. The regional offices must be composed of participating agencies from each of the designated geographic areas. In consultation with the commander, the participating agencies of each regional office must select a supervisor to direct the office. The regional office supervisors must report to the commander. If necessary, the advisory committee established in subdivision 8 may modify the geographic boundary of a regional office.

**Subd. 7. Collaboration with other prosecutorial and law enforcement offices.** To the greatest degree possible, the task force shall cooperate and collaborate with existing prosecutorial offices and law enforcement agencies.

**Subd. 8. Budget; advisory committee; fund allocation and use.** (a) The statewide commander shall establish an operational budget and present it to an advisory committee for approval. Grants awarded to participating local agencies must be approved by the advisory committee. The advisory committee must be composed of the statewide commander, a county attorney from the metro area, a county attorney from

greater Minnesota, and the three chiefs of police or sheriffs from the local law enforcement agencies that have the longest continuous participation in the task force. The committee shall appoint a chair from among its members. The statewide commander must not be the chair of the committee. The committee may adopt procedures to govern its conduct if necessary. A committee member may appoint a designee to take the member's place. The advisory committee shall oversee and select a fiscal agent qualified to handle financial accounting of task force funding. The task force shall be assigned an originating reporting number for case tracking and reporting purposes.

(b) A participating local agency may seek a grant for reimbursement for the time and resources that a peace officer, investigator, detective, prosecutor, and administrative staff dedicate to the task force, or for any other task force-related purposes as described in paragraph (d). In order to receive a grant under this subdivision, a participating local agency must provide a 20 percent match in nonstate funds or in-kind contributions either directly from its budget or from businesses directly donating support. A participating employee shall remain an employee of the contributing agency.

(c) For purposes of this subdivision, an "in-kind contribution" means any asset contribution or personnel costs not funded by this section, including office supplies, furniture, office space, computers, software, equipment, surveillance tools, and personnel benefits. It also includes contributions from federal agencies, businesses, nonprofit organizations, individuals, or legal entities used for general operations support and not directed toward the case of a particular victim or business.

(d) Task force funds may be used for any task force-related purpose including salaries, overtime, administration, office costs, law enforcement equipment, computers, software, vehicle expenses, travel, and training.

(e) The commissioner shall transfer all funds to the task force from financial contributions and grants designated to the task force for the purposes described in this section.

**Subd. 9. Forfeiture.** Property seized by the task force is subject to forfeiture pursuant to sections 609.531, 609.532, 609.533, and 609.535 if ownership cannot be established. The task force shall receive the proceeds from the sale of all property that it properly seizes and that is forfeited.

**Subd. 10. Required reports.** Beginning July 1, 2003, the commander of the task force shall report annually to the commissioner on the activities of the task force.

**Subd. 11. Task force is permanent.** Notwithstanding section 15.059, this section does not expire.

**Subd. 12. Matching federal dollars.** The task force may accept grants or contributions from any federal source or legal business or entity.

**History:** *1Sp2001 c 8 art 5 s 5; 2003 c 36 s 1*

## MOTOR VEHICLE ACCOUNT

### 299A.70 PUBLIC SAFETY MOTOR VEHICLE ACCOUNT.

The public safety motor vehicle account is created in the special revenue fund, consisting of the fees collected under section 168A.29, subdivision 1, paragraph (b). Money in the account is annually appropriated to the commissioner for purchasing and equipping department vehicles.

**History:** *1997 c 159 art 2 s 42*

## JUVENILE PROSTITUTION LAW ENFORCEMENT TRAINING

### 299A.71 COMBATING JUVENILE PROSTITUTION; PREVENTION GRANTS.

**Subdivision 1. Establishment.** A grant program is established for enhanced law enforcement efforts and peace officer education and training to combat juvenile prostitution. The goal of the grants is to provide peace officers with the knowledge and

skills to recognize individuals who sexually exploit youth, charge and prosecute these individuals for promotion and solicitation of prostitution, and effectively communicate with the victims of juvenile prostitution.

**Subd. 2. Eligibility.** The commissioner of public safety shall make juvenile prostitution prevention grants to local law enforcement agencies to provide enhanced efforts targeted to juvenile prostitution and training and staff development relating to the prevention of juvenile prostitution. The law enforcement agency must utilize all of the grant funding received for efforts to combat juvenile prostitution.

**Subd. 3. Grant application.** A local law enforcement agency must submit an application to the commissioner of public safety in the form and manner the commissioner establishes.

**History:** 2000 c 488 art 6 s 6

## JUVENILE JUSTICE AND YOUTH INTERVENTION

### 299A.72 JUVENILE JUSTICE PROGRAM.

The governor shall designate the Department of Public Safety as the sole agency responsible for supervising the preparation and administration of the state plan for juvenile justice required by the Juvenile Justice and Delinquency Prevention Act of 1974, as amended.

The governor shall designate the Juvenile Justice Advisory Committee as the supervisory board for the Department of Public Safety with respect to preparation and administration of the state plan and award of grants.

The governor shall appoint members to the Juvenile Justice Advisory Committee in accordance with the membership requirements of the Juvenile Justice and Delinquency Prevention Act of 1974, as amended. Section 15.059, subdivision 3, governs the compensation of the members.

**History:** 1987 c 312 art 1 s 22; 1994 c 483 s 1; 2001 c 161 s 51; 2004 c 206 s 43,52

### 299A.75 [Renumbered 65B.84]

## SUICIDE STATISTICS

### 299A.76 SUICIDE STATISTICS.

(a) The commissioner of public safety shall not:

(1) include any statistics on committing suicide or attempting suicide in any compilation of crime statistics published by the commissioner; or

(2) label as a crime statistic, any data on committing suicide or attempting suicide.

(b) This section does not apply to the crimes of aiding suicide under section 609.215, subdivision 1, or aiding attempted suicide under section 609.215, subdivision 2, or to statistics on a suicide directly related to the commission of a crime.

**History:** 1Sp2001 c 9 art 13 s 17; 2002 c 379 art 1 s 113

## ALCOHOL ENFORCEMENT ACCOUNT

### 299A.77 ALCOHOL ENFORCEMENT ACCOUNT; APPROPRIATION.

(a) An alcohol enforcement account is created in the special revenue fund, consisting of money credited to the account by law. Money in the account may be appropriated by law for (1) costs of the Alcohol and Gambling Division related to administration and enforcement of sections 340A.403, subdivision 4; 340A.414, subdivision 1a; and 340A.504, subdivision 7; and (2) costs of the State Patrol.

(b) The commissioner shall transfer from the account to the trunk highway fund \$3,500,000 in fiscal year 2004 and \$3,700,000 in fiscal year 2005, or so much thereof as is necessary to pay costs of adding State Patrol positions.

**History:** 1Sp2003 c 19 art 2 s 50

**NOTE:** This section as added by Laws 2003, First Special Session chapter 19, article 2, section 50, is repealed July 1, 2005, provided that the commissioner of revenue has made the report to the secretary of state of the determination described in Laws 2003, First Special Session chapter 19, article 2, section 76, paragraph (b), by that date. If no such determination has been made by that date, this section remains in effect. Laws 2003, First Special Session chapter 19, article 2, section 79, subdivision 3.

## ADMINISTRATIVE PENALTIES AND REMEDIES

**299A.80 ADMINISTRATIVE POWERS AND PENALTIES; GENERAL.**

Subdivision 1. **Definitions.** (a) For purposes of sections 299A.80 to 299A.802, the terms defined in this subdivision have the meanings given them.

(b) "Administrative agent" means a person or entity licensed by or granted authority by the commissioner of public safety under:

- (1) section 168.33 as a deputy registrar;
- (2) section 168C.11 as a deputy registrar of bicycles; or
- (3) section 171.061 as a driver's license agent.

(c) "Other authority" means licenses, orders, stipulation agreements, settlements, or compliance agreements adopted or issued by the commissioner of public safety.

(d) "Commissioner" means the commissioner of public safety.

(e) "License" means a license, permit, registration, appointment, or certificate issued or granted to an administrative agent by the commissioner of public safety.

Subd. 2. **Applicability.** Sections 299A.80 to 299A.802 apply to administrative agents licensed by or subject to other authority of the commissioner.

Subd. 3. **Cumulative remedy.** The authority of the commissioner to issue a corrective order or assess an administrative penalty under sections 299A.80 to 299A.802 is in addition to other remedies available under statutory or common law, except that the state may not seek a civil penalty under any other law for a violation covered by an administrative penalty order. The payment of a penalty does not preclude the use of other enforcement provisions, under which civil fines are not assessed, in connection with the violation for which the penalty was assessed.

Subd. 4. **Access to information and property.** The commissioner, an employee, or an agent authorized by the commissioner, upon presentation of credentials, may:

- (1) examine and copy any books, papers, records, memoranda, or data of an administrative agent; and
- (2) enter upon any property where an administrative agent conducts its place of business to take actions authorized under statute, rule, or other authority, including (i) obtaining information from an administrative agent who has a duty to provide information under statute, rule, or other authority, (ii) taking steps to remedy violations, or (iii) conducting surveys or investigations.

Subd. 5. **False information.** (a) An administrative agent may not:

- (1) make a false material statement, representation, or certification in a required document;
- (2) omit material information from a required document; or
- (3) alter, conceal, or fail to file or maintain a required document.

(b) In this section, "required document" means a notice, application, record, report, plan, or other document required under statute, rule, or other authority.

Subd. 6. **Enforcement.** (a) The attorney general may proceed on behalf of the state to enforce administrative penalties that are due and payable under section 299A.802 in any manner provided by law for the collection of debts.

(b) The attorney general may petition the district court to file a final administrative penalty order as an order of the court. At any court hearing to enforce a final administrative penalty order, the only issues the parties may contest are procedural and notice issues. Once entered, the administrative penalty order may be enforced in the same manner as a final judgment of the district court. This paragraph does not preclude district court review of the merits of an administrative penalty order if the order is appealed by the administrative agent under section 299A.802, subdivision 5.

(c) If an administrative agent fails to pay an administrative penalty, the attorney general may bring a civil action in district court seeking payment of the penalty, injunctive relief, or other appropriate relief including monetary damages, attorney fees, costs, and interest.

**Subd. 7. Recovery of reasonable costs and attorney fees.** (a) In any judicial action brought by the attorney general for civil penalties, injunctive relief, or an action to compel performance pursuant to this section, if the state finally prevails, and if the proven violation was willful, the state, in addition to other penalties provided by law, may be allowed an amount determined by the court to be the reasonable value of all or part of the costs and attorney fees incurred by the state or the prevailing party. In determining the amount of the reasonable costs and attorney fees to be allowed, the court must give consideration to the economic circumstances of the defendant.

(b) However, if a defendant prevails, the court may award the reasonable value of all or part of the reasonable costs and attorney fees incurred by the defendant.

**Subd. 8. Education and compliance account; money allocated.** An education and compliance account is created for the deposit of administrative penalty order receipts. Of the funds deposited in this account, \$5,000 each year is appropriated to the commissioner for education and compliance activities related to the regulated parties affected by this chapter. At the end of each biennium, all money not expended lapses to the general fund.

**Subd. 9. Plan for using penalty order or cease and desist authority.** The commissioner shall prepare a plan for using the administrative penalty order and cease and desist authority in this section. The commissioner shall provide a 30-day period for public comment on the plan. The plan must be finalized by July 1, 2004, and may be modified as necessary upon subsequent notice and opportunity for comment.

**History:** *1Sp2003 c 19 art 2 s 51*

## **299A.801 CORRECTIVE ORDERS AND INJUNCTIONS.**

**Subdivision 1. Corrective order.** (a) Before seeking an administrative penalty order under section 299A.802, the commissioner must issue a corrective order that requires the administrative agent to correct the violation of statute, rule, or other authority. The corrective order must state the deficiencies that constitute the violation of the specific statute, rule, or other authority, and the time by which the violation must be corrected. In addition to service by certified mail on the administrative agent, a copy of the corrective order must be given to the county auditor in the county where the administrative agent is located.

(b) The administrative agent to whom the corrective order was issued shall provide information to the commissioner, by the due date stated in the corrective order, demonstrating that the violation has been corrected or that the administrative agent has developed a corrective plan acceptable to the commissioner. The commissioner must determine whether the violation has been corrected and notify the administrative agent subject to the order of the commissioner's determination.

(c) If the administrative agent believes that the information contained in the commissioner's corrective order is in error, the administrative agent may ask the commissioner to reconsider the parts of the corrective order that are alleged to be in error. The request must:

- (1) be in writing;
- (2) be delivered to the commissioner by certified mail within seven calendar days after receipt of the corrective order;
- (3) specify which parts of the corrective order are alleged to be in error and explain why they are in error; and
- (4) provide documentation to support the allegation of error.

(d) The commissioner shall respond to requests made under paragraph (c) within 15 calendar days after receiving a request. A request for reconsideration does not stay the corrective order; however, after reviewing the request for reconsideration, the



commissioner may provide additional time to comply with the order if necessary. The commissioner's disposition of a request for reconsideration of a corrective order is final.

**Subd. 2. Cease and desist order.** The commissioner, or an employee of the department designated by the commissioner, may issue an order to cease an activity otherwise authorized by statute, rule, or other authority if continuation of the activity would result in an immediate risk to public safety. A cease and desist order issued under this subdivision is effective for a maximum of 72 hours. In conjunction with issuing the cease and desist order, the commissioner may post a sign to cease an activity until the cease and desist order is lifted and the sign is removed by the commissioner. To restrain activities for a period beyond 72 hours, the commissioner must seek an injunction or take other administrative action authorized by law. The issuance of a cease and desist order does not preclude the commissioner from pursuing any other enforcement action available to the commissioner.

**Subd. 3. Action for injunctive relief.** In addition to any other remedy provided by law, the commissioner may bring an action for injunctive relief in the District Court in Ramsey County or, at the commissioner's discretion, in the district court in the county in which a violation of a statute, rule, or other authority has occurred to enjoin the violation.

**History:** *1Sp2003 c 19 art 2 s 52*

## **299A.802 ADMINISTRATIVE PENALTY ORDER.**

**Subdivision 1. Authority; maximum penalty amount; notice.** The commissioner may issue an administrative penalty order for a violation of statute, rule, or other authority if an administrative agent has failed to comply with a corrective order issued under section 299A.801 related to that violation. The maximum amount of an administrative penalty order is \$10,000 for each administrative agent for all violations identified in an inspection or review of compliance. In addition to service by certified mail on the administrative agent, a copy of the administrative penalty order must be given to the county auditor in the county where the administrative agent is located.

**Subd. 2. Amount of penalty; considerations.** (a) In determining the amount of a penalty to be assessed under this section, the commissioner may consider:

- (1) the willfulness of the violation;
- (2) the gravity of the violation, including damage to consumers or the state;
- (3) the history of past violations;
- (4) the number of violations;
- (5) the economic benefit gained by the administrative agent by allowing or committing the violation; and
- (6) other factors as justice may require, if the commissioner specifically identifies the additional factors in the commissioner's order.

(b) If an administrative agent violates a corrective order after a violation of a previous corrective order, the commissioner, in determining the amount of a penalty, must consider the factors in paragraph (a) and the following factors:

- (1) similarity of the most recent previous violation of a corrective order and the violation to be penalized;
- (2) time elapsed since the last violation of a corrective order;
- (3) number of previous violations; and
- (4) response of the administrative agent to the most recent previous violation identified.

**Subd. 3. Contents of order.** An administrative penalty order under this section must include:

- (1) a concise statement of the facts alleged to constitute a violation;
- (2) a reference to the portion of the statute, rule, variance, order, or stipulation agreement or the term or condition of a permit that has been violated;
- (3) a description of the violation of the corrective order that forms the basis for issuance of the administrative penalty order;

(4) a statement of the amount of the administrative penalty to be imposed and the factors upon which the penalty is based; and

(5) a statement of the administrative agent's right to review and appeal of the administrative penalty order.

Subd. 4. **Due date.** (a) Unless the administrative agent requests review of the administrative penalty order under subdivision 5 before the penalty is due, the penalty in the order is due and payable on the 31st day after the administrative penalty order was received, if the administrative agent subject to the order fails to provide information to the commissioner showing that the violation has been corrected or that appropriate steps have been taken toward correcting the violation. These requirements may be waived or extended by the commissioner.

(b) Interest at the rate established in section 549.09 begins to accrue on penalties under this subdivision on the 31st day after the order with the penalty was received, unless waived by the commissioner.

Subd. 5. **Expedited administrative hearing.** (a) Within 30 days after receiving an administrative penalty order, the administrative agent subject to an order under this section may request an expedited hearing, using the procedures of Minnesota Rules, parts 1400.8510 to 1400.8612, or their successor rules, to review the commissioner's action. The hearing request must specifically state the reasons for seeking review of the administrative penalty order. The administrative agent to whom the administrative penalty order is directed and the commissioner are the parties to the expedited hearing. At least 15 days before the hearing, the commissioner shall notify the administrative agent to whom the administrative penalty order is directed of the time and place of the hearing. The expedited hearing must be held within 30 days after a request for hearing has been filed with the commissioner unless the parties agree to a later date.

(b) All written arguments must be submitted within ten days following the close of the hearing. The hearing must be conducted under Minnesota Rules, parts 1400.8510 to 1400.8612, or their successor rules, as modified by this subdivision. The Office of Administrative Hearings, in consultation with the agency, may adopt rules specifically applicable to cases under this section.

(c) Within 30 days following the close of the record, the administrative law judge shall issue a report making recommendations about the commissioner's action to the commissioner. The administrative law judge may not recommend a change in the amount of the proposed administrative penalty unless the administrative law judge determines that, based on the factors in subdivision 1, the amount of the administrative penalty is unreasonable.

(d) If the administrative law judge makes a finding that the hearing was requested solely for purposes of delay or that the hearing request was frivolous, the commissioner may add to the amount of the administrative penalty the costs charged to the agency by the Office of Administrative Hearings for the hearing.

(e) If a hearing has been held, the commissioner may not issue a final order until at least five days after receipt of the report of the administrative law judge. Within those five days, the administrative agent to whom an administrative penalty order is issued may comment to the commissioner on the recommendations and the commissioner shall consider the comments. The final administrative penalty order may be appealed to the district court for a de novo review of the order.

(f) If a hearing has been held and a final administrative penalty order issued by the commissioner, the administrative penalty must be paid by 30 days after the date the final order is received unless it is appealed to the district court. If an appeal is not taken or the administrative penalty order is upheld on appeal, the amount due is the administrative penalty, together with interest accruing from 31 days after the original order was received, at the rate established in section 549.09.

Subd. 6. **Mediation.** In addition to review under subdivision 5, the commissioner may enter into mediation concerning an order issued under this section if the commissioner and the administrative agent to whom the order is issued both agree to mediation.

**History:** *1Sp2003 c 19 art 2 s 53*