

CHAPTER 611A

CRIME VICTIMS: RIGHTS, PROGRAMS, AGENCIES

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611A.036 PROHIBITION AGAINST EMPLOYER RETALIATION.

[For text of subd 1, see M.S.2006]

Subd. 2. Victim's spouse or immediate family members. An employer must allow a victim of a violent crime, as well as the victim's spouse or immediate family members, reasonable time off from work to attend criminal proceedings related to the victim's case.

[For text of subds 3 to 6, see M.S.2006]

Subd. 7. Definition. As used in this section, "violent crime" means a violation or attempt to violate any of the following: section 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.21 (criminal vehicular homicide and injury); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.2241 (knowing transfer of communicable disease); 609.2242 (domestic assault); 609.2245 (female genital mutilation); 609.2247 (domestic assault by strangulation); 609.228 (great bodily harm caused by distribution of drugs); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse); 609.233 (criminal neglect); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.265 (abduction); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.2672 (assault of an unborn child in the third degree); 609.268 (injury or death of an unborn child in commission of a crime); 609.282 (labor trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.561, subdivision 1, (arson in the first degree; dwelling); 609.582, subdivision 1, paragraph (a) or (c), (burglary in the first degree; occupied dwelling or involving an assault); or 609.66, subdivision 1e, paragraph (b), (drive-by shooting; firing at or toward a person, or an occupied building or motor vehicle).

History: 2007 c 54 art 4 s 5,6

611A.19 TESTING OF SEX OFFENDER FOR HUMAN IMMUNODEFICIENCY VIRUS.

[For text of subd 1, see M.S.2006]

Subd. 2. **Disclosure of test results.** The date and results of a test performed under subdivision 1 are private data as defined in section 13.02, subdivision 12, when maintained by a person subject to chapter 13, or may be released only with the subject's consent, if maintained by a person not subject to chapter 13. The results are available, on request, to the victim or, if the victim is a minor, to the victim's parent or guardian and positive test results shall be reported to the commissioner of health. Unless the subject of the test is an inmate at a state correctional facility, any test results given to a victim or victim's parent or guardian shall be provided by a health professional who is trained to provide the counseling described in section 144.7414. If the subject of the test is an inmate at a state correctional facility, test results shall be given by the Department of Corrections' medical director to the victim's health care provider who shall give the results to the victim or victim's parent or guardian. Data regarding administration and results of the test are not accessible to any other person for any purpose and shall not be maintained in any record of the court or court services or any other record. After the test results are given to the victim or the victim's parent or guardian, data on the test must be removed from any medical data or health records maintained under sections 13.384 or 144.291 to 144.298 and destroyed, except for those medical records maintained by the Department of Corrections.

History: 2007 c 147 art 10 s 15

611A.201 DIRECTOR OF PREVENTION OF DOMESTIC VIOLENCE AND SEXUAL ASSAULT.

[For text of subds 1 and 2, see M.S.2006]

Subd. 3. [Repealed, 2007 c 13 art 2 s 14]

[For text of subds 4 and 5, see M.S.2006]

611A.25 Subdivision 1. [Repealed, 2007 c 133 art 2 s 13]

Subd. 2. [Repealed, 2007 c 133 art 2 s 13]

Subd. 3. [Repealed, 2007 c 133 art 2 s 13]

Subd. 4. [Repealed, 1991 c 272 s 20; 2007 c 133 art 2 s 13]

Subd. 5. [Repealed, 2007 c 133 art 2 s 13]

611A.26 POLYGRAPH EXAMINATIONS; CRIMINAL SEXUAL CONDUCT COMPLAINTS; LIMITATIONS.

Subdivision 1. **Polygraph prohibition.** No law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging, or prosecution of such offense.

Subd. 2. **Law enforcement inquiry.** A law enforcement agency or prosecutor may not ask that a complainant of a criminal sexual conduct offense submit to a polygraph examination as part of the investigation, charging, or prosecution of such offense unless the complainant has been referred to, and had the opportunity to exercise the option of consulting with a sexual assault counselor as defined in section 595.02, subdivision 1, paragraph (k).

Subd. 3. **Informed consent requirement.** At the request of the complainant, a law enforcement agency may conduct a polygraph examination of the complainant only with the complainant's written, informed consent as provided in this subdivision.

Subd. 4. **Informed consent.** To consent to a polygraph, a complainant must be informed in writing that:

- (1) the taking of the polygraph examination is voluntary and solely at the victim's request;
- (2) a law enforcement agency or prosecutor may not ask or require that the complainant submit to a polygraph examination;
- (3) the results of the examination are not admissible in court; and

(4) the complainant's refusal to take a polygraph examination may not be used as a basis by the law enforcement agency or prosecutor not to investigate, charge, or prosecute the offender.

Subd. 5. **Polygraph refusal.** A complainant's refusal to submit to a polygraph examination shall not prevent the investigation, charging, or prosecution of the offense.

Subd. 6. **Definitions.** For the purposes of this section, the following terms have the meanings given.

(a) "Criminal sexual conduct" means a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3451.

(b) "Complainant" means a person reporting to have been subjected to criminal sexual conduct.

(c) "Polygraph examination" means any mechanical or electrical instrument or device of any type used or allegedly used to examine, test, or question individuals for the purpose of determining truthfulness.

History: 2007 c 54 art 4 s 7

NOTE: This section, as added by Laws 2007, chapter 54, article 4, section 7, is effective July 1, 2008. Laws 2007, chapter 54, article 4, section 7, the effective date.

611A.361 Subdivision 1. [Repealed, 2007 c 133 art 2 s 13]

Subd. 2. [Repealed, 2007 c 133 art 2 s 13]

Subd. 3. [Repealed, 2007 c 133 art 2 s 13]

Subd. 4. [Repealed, 1991 c 272 s 20; 2007 c 133 art 2 s 13]

611A.55 CRIME VICTIMS REPARATIONS BOARD.

Subdivision 1. **Creation of board.** There is created in the Department of Public Safety, for budgetary and administrative purposes, the Crime Victims Reparations Board, which shall consist of five members appointed by the commissioner of public safety. One of the members shall be designated as chair by the commissioner of public safety and serve as such at the commissioner's pleasure. At least one member shall be a medical or osteopathic physician licensed to practice in this state, and at least one member shall be a victim, as defined in section 611A.01.

Subd. 2. **Membership, terms and compensation.** The membership terms, compensation, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575.

[For text of subd 3, see M.S.2006]

History: 2007 c 13 art 1 s 17,18

611A.675 FUND FOR EMERGENCY NEEDS OF CRIME VICTIMS.

Subdivision 1. **Grants authorized.** The commissioner of public safety shall make grants to prosecutors and victim assistance programs for the purpose of providing emergency assistance to victims. As used in this section, "emergency assistance" includes but is not limited to:

(1) replacement of necessary property that was lost, damaged, or stolen as a result of the crime;

(2) purchase and installation of necessary home security devices;

(3) transportation to locations related to the victim's needs as a victim, such as medical facilities and facilities of the criminal justice system;

(4) cleanup of the crime scene;

(5) reimbursement for reasonable travel and living expenses the victim incurred to attend court proceedings that were held at a location other than the place where the crime occurred due to a change of venue; and

(6) reimbursement of towing and storage fees incurred due to impoundment of a recovered stolen vehicle.

Subd. 2. Application for grants. (a) A city or county attorney's office or victim assistance program may apply to the commissioner of public safety for a grant for any of the purposes described in subdivision 1 or for any other emergency assistance purpose approved by the commissioner. The application must be on forms and pursuant to procedures developed by the commissioner. The application must describe the type or types of intended emergency assistance, estimate the amount of money required, and include any other information deemed necessary by the commissioner.

(b) A city or county attorney's office or victim assistance program that applies for a grant for the purpose described in subdivision 1, clause (6), must make the application on a separate form and pursuant to procedures developed by the commissioner. The application must estimate the amount of money required for reimbursement costs, estimate the amount of money required for administrative costs, and include any other information deemed necessary by the commissioner. An applicant may not spend in any fiscal year more than five percent of the grant awarded for administrative costs.

Subd. 2a. Awards; limitations. (a) No award may be granted under subdivision 1, clause (6), to a victim that fails to provide proof of insurance stating that security had been provided for the vehicle at the time the vehicle was stolen. As used in this paragraph, "proof of insurance" has the meaning given it in section 169.791, subdivision 1, paragraph (g).

(b) An award paid to a victim under subdivision 1, clause (6), shall compensate the victim for actual costs incurred but shall not exceed \$300.

Subd. 3. Reporting by local agencies required. A city or county attorney's office or victim assistance program that receives a grant under this section shall file an annual report with the commissioner of public safety itemizing the expenditures made during the preceding year, the purpose of those expenditures, and the ultimate disposition, if any, of each assisted victim's criminal case.

Subd. 4. Report to legislature. By February 1, 2008, the commissioner of public safety shall report to the chairs and ranking members of the senate and house committees and divisions having jurisdiction over criminal justice policy and funding on the implementation, use, and administration of the grant programs created under this section.

History: 2007 c 54 art 4 s 8-12

611A.90 RELEASE OF VIDEOTAPES OF CHILD ABUSE VICTIMS.

[For text of subs 1 and 2, see M.S.2006]

Subd. 3. Petition. An individual subject of data, as defined in section 13.02, or a patient, as defined in sections 144.291 to 144.298, who is seeking a copy of a videotape governed by this section may petition the district court in the county where the alleged abuse took place or where the custodian of the videotape resides for an order releasing a copy of the videotape under subdivision 2. Nothing in this section establishes a right to obtain access to a videotape by any other person nor limits a right of a person to obtain access if access is otherwise authorized by law or pursuant to discovery in a court proceeding.

History: 2007 c 147 art 10 s 15