

amounts stated in this paragraph are based upon the value of that index for July, 1995, which is the reference base index for purposes of this paragraph. The dollar amounts in this paragraph shall change effective January 1 of each odd-numbered year based upon the percentage difference between the index for July of the preceding year and the reference base index, calculated to the nearest whole percentage point. The commissioner shall announce and publish, on or before September 30 of the preceding year, the changes in the dollar amounts required by this paragraph to take effect on January 1 of each odd-numbered year. The commissioner shall use the most recent revision of the July index available as of September 1. Changes in the dollar amounts must be in increments of \$5,000, and no change shall be made in a dollar amount until the change in the index requires at least a \$5,000 change. If the United States Bureau of Labor Statistics changes the base year upon which the CPI-U is based, the commissioner shall make the calculations necessary to convert from the old base year to the new base year. If the CPI-U is discontinued, the commissioner shall use the available index that is most similar to the CPI-U.

Sec. 2. EFFECTIVE DATE; APPLICATION.

Section 1 is effective August 1, 1995. The provision relating to the determination of when a vehicle is rented applies to plans of reparation security issued or renewed on or after that date and the remainder of the act applies to causes of action arising from incidents occurring on or after that date.

Presented to the governor May 23, 1995

Signed by the governor May 25, 1995, 8:44 a.m.

CHAPTER 226—H.F.No. 1700

An act relating to the organization and operation of state government; appropriating money for the judicial branch, public safety, public defense, corrections, and related purposes; providing for the implementation of, clarifying, and modifying certain criminal and juvenile provisions; providing for the implementation of, clarifying, and modifying certain penalty provisions; increasing the number of judges; establishing and expanding pilot programs, grant programs, task forces, committees, and studies; directing that rules be adopted and amended; providing for the implementation of, clarifying, and modifying certain provisions regarding truancy and school safety; providing penalties; amending Minnesota Statutes 1994, sections 2.722, subdivision 1, and by adding a subdivision; 3.732, subdivision 1; 16A.285; 120.14; 120.73, by adding a subdivision; 125.05, by adding a subdivision; 125.09, subdivision 1; 127.20; 127.27, subdivision 10; 145A.05, subdivision 7a; 152.18, subdivision 1; 171.04, subdivision 1; 171.29, subdivision 2; 176.192; 179A.03, subdivision 7; 242.31, subdivision 1; 243.166; 243.23, subdivision 3; 243.51, subdivisions 1 and 3; 243.88, by adding a subdivision; 260.015, subdivision 21; 260.115, subdivision 1; 260.125; 260.126, subdivision 5; 260.131, subdivision 4, and by adding a subdivision; 260.132, subdivisions 1, 4, and by adding a sub-

New language is indicated by underline, deletions by ~~strikeout~~.

division; 260.155, subdivisions 2 and 4; 260.161, subdivision 3; 260.181, subdivision 4; 260.185, by adding subdivisions; 260.191, subdivision 1; 260.193, subdivision 4; 260.195, subdivision 3, and by adding a subdivision; 260.215, subdivision 1; 260.291, subdivision 1; 271.06, subdivision 4; 299A.35, subdivision 1; 299A.38, subdivision 2; 299A.44; 299A.51, subdivision 2; 299C.065, subdivisions 1a, 3, and 3a; 299C.10, subdivision 1, and by adding a subdivision; 299C.62, subdivision 4; 357.021, subdivision 2; 364.09; 388.24, subdivision 4; 401.065, subdivision 3a; 466.03, by adding a subdivision; 480.30; 481.01; 494.03; 518.165, by adding a subdivision; 518B.01, subdivisions 2, 4, 8, 14, and by adding a subdivision; 563.01, subdivision 3; 609.055, subdivision 2; 609.101, subdivisions 1, 2, and 3; 609.135, by adding a subdivision; 609.1352, subdivisions 3, 5, and by adding a subdivision; 609.152, subdivision 1; 609.19; 609.341, subdivision 11; 609.3451, subdivision 1; 609.485, subdivisions 2 and 4; 609.605, subdivision 4; 609.746, subdivision 1; 609.748, subdivision 3a; 609.749, subdivision 5; 611.17; 611.20, subdivision 3, and by adding subdivisions; 611.27, subdivision 4; 611.35, subdivision 1; 611A.01; 611A.04, subdivision 1; 611A.19, subdivision 1; 611A.31, subdivision 2; 611A.53, subdivision 2; 611A.71, subdivision 7; 611A.73, subdivision 3; 611A.74; 617.23; 624.22; 624.712, subdivision 5; 626.13; 626.841; 626.843, subdivision 1; 626.861, subdivisions 1 and 4; 628.26; 629.341, subdivision 1; 629.715, subdivision 1; 629.72, subdivisions 1, 2, and 6; 641.14; and 641.15, subdivision 2; Laws 1993, chapter 146, article 2, section 31; Laws 1993, chapter 255, sections 1, subdivisions 1 and 4; and 2; and Laws 1994, chapter 643, section 79, subdivisions 1, 3, and 4; proposing coding for new law in Minnesota Statutes, chapters 8; 16B; 120; 127; 243; 244; 257; 260; 299A; 299C; 388; 504; 563; 609; 611A; 626; and 629; proposing coding for new law as Minnesota Statutes, chapter 260A; repealing Minnesota Statutes 1994, sections 126.25; and 611A.61, subdivision 3; Laws 1994, chapter 576, section 1.

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

ARTICLE 1

APPROPRIATIONS

Section 1. CRIMINAL JUSTICE APPROPRIATIONS.

The sums shown in the columns marked "APPROPRIATIONS" are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified in this act, to be available for the fiscal years indicated for each purpose. The figures "1996" and "1997," where used in this act, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 1996, or June 30, 1997, respectively.

SUMMARY BY FUND

	1996	1997	TOTAL
General	\$ 438,334,000	\$ 429,192,000	\$ 867,526,000
Environmental	40,000	40,000	80,000
Special Revenue	4,859,000	4,848,000	9,707,000
Trunk Highway	1,694,000	1,696,000	3,390,000
TOTAL	\$ 444,927,000	\$ 435,776,000	\$ 880,703,000

New language is indicated by underline, deletions by ~~strikeout~~.

APPROPRIATIONS
Available for the Year
Ending June 30
1996 1997

Sec. 2. SUPREME COURT

Subdivision 1. Total Appropriation	\$ 20,340,000	\$ 19,434,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. Supreme Court Operations	
3,975,000	3,987,000

\$2,500 the first year and \$2,500 the second year are for a contingent account for expenses necessary for the normal operation of the court for which no other reimbursement is provided.

Subd. 3. Civil Legal Services	
5,007,000	5,007,000

This appropriation is for legal service to low-income clients and for family farm legal assistance under Minnesota Statutes, section 480.242. Any unencumbered balance remaining in the first year does not cancel but is available for the second year of the biennium. A qualified legal services program, as defined in Minnesota Statutes, section 480.24, subdivision 3, may provide legal services to persons eligible for family farm legal assistance under Minnesota Statutes, section 480.242.

The supreme court is requested to create a joint committee including representatives from the supreme court, the Minnesota state bar association, and the Minnesota legal services coalition to prepare recommendations for state funding changes or other alternatives to maintain an adequate level of funding and voluntary services that will address the critical civil legal needs of low income persons as a result of reductions

in federal government funding for such programs. The recommendations should be submitted to the chairs of the judiciary finance committee in the house of representatives and the crime prevention committee in the senate by December 31, 1995.

Subd. 4. Family Law Legal Services
877,000 877,000

This appropriation is to improve the access of low-income clients to legal representation in family law matters and must be distributed under Minnesota Statutes, section 480.242, to the qualified legal services programs described in Minnesota Statutes, section 480.242, subdivision 2, paragraph (a). Any unencumbered balance remaining in the first year does not cancel and is available for the second year of the biennium.

Subd. 5. State Court Administration
8,507,000 7,574,000

The nonfelony enforcement advisory committee may seek additional funding from public and private sources.

\$500,000 the first year and \$50,000 the second year are for the statewide juvenile criminal history system, extended juvenile justice data, statewide misdemeanor system, and the tracking system for domestic abuse orders for protection.

\$73,000 the first year and \$64,000 the second year are to administer the statewide criminal and juvenile justice community model including salary expenses.

\$374,000 the first year is to implement the electronic livescan/cardscan fingerprint technology for the statewide designated court locations in accordance

with the Minnesota criminal and juvenile justice task force recommendations.

\$125,000 the first year and \$125,000 the second year are to fund the activities of the juvenile violence prevention and enforcement unit.* (The preceding paragraph beginning "\$125,000" was vetoed by the governor.)

Subd. 6. Community Dispute Resolution

245,000	245,000
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Subd. 7. Law Library Operations

1,729,000	1,744,000
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Sec. 3. COURT OF APPEALS

5,814,000	5,832,000
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Sec. 4. DISTRICT COURTS

66,854,000	67,020,000
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\$180,000 the first year and \$180,000 the second year are for two referees in the fourth judicial district, if a law is enacted providing for a homestead agricultural and credit assistance offset in the same amount.

Sec. 5. BOARD OF JUDICIAL STANDARDS

209,000	209,000
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Sec. 6. TAX COURT

592,000	592,000
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Sec. 7. PUBLIC SAFETY

Subdivision 1. Total Appropriation

31,209,000	28,798,000
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Summary by Fund

1996

1997

General	28,991,000
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26,564,000

Special Revenue	484,000
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498,000

Trunk Highway	1,694,000
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1,696,000

Environmental	40,000
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40,000

The commissioner shall distribute additional federal Byrne grant funds received in federal fiscal year 1995 in accordance with the commissioner of public safety's May 12, 1995, letter to the chairs of the house judiciary finance committee and senate crime prevention finance division.

Subd. 2. Emergency Management

2,520,000 1,985,000

Summary by Fund

General	2,480,000	1,945,000
Environmental	40,000	40,000

Subd. 3. Driver and Vehicle Services

12,000 -0-

\$12,000 the first year is for improvements to the department's driving records computer system to better indicate to a peace officer whether to impound the vehicle registration plates of an individual pursuant to Minnesota Statutes, section 168.042.

Subd. 4. Criminal Apprehension

17,197,000 16,292,000

Summary by Fund

General	15,019,000	14,098,000
Special Revenue	484,000	498,000
Trunk Highway	1,694,000	1,696,000

Notwithstanding any other law to the contrary, the bureau of criminal apprehension shall be responsible for the following duties in addition to its other duties:

(1) it shall administer and maintain the computerized criminal history record system;

(2) it shall administer and maintain the fingerprint record system, including the automated fingerprint identification system;

(3) it shall administer and maintain the electronic livescan receipt of fingerprints system;

(4) it shall administer and maintain the criminal justice data communications network;

(5) it shall collect and preserve statistics on crimes committed in this state;

(6) it shall maintain a criminal justice information system (CJIS) that provides a capability for federal, state, and local criminal justice agencies to enter, store, and retrieve documented information relating to wanted persons, missing persons, and stolen property;

(7) it shall be responsible for performing criminal background checks on employees, applicants for employment, and volunteers, as otherwise required by law;

(8) it shall be responsible for reporting to the federal bureau of investigation under the interstate identification index system; and

(9) it shall administer and maintain the forensic science laboratory.

The bureau of criminal apprehension shall make public criminal history data in its possession accessible to law enforcement agencies by means of the internet. A prototype for making public criminal history data accessible by means of the internet shall be available by March 31, 1996.

\$500,000 the first year and \$50,000 the second year are for integration and development of the statewide juvenile criminal history system, extended juvenile justice data system, statewide misdemeanor system, and the tracking system for domestic abuse orders for protection with the bureau's centralized computer systems.

Up to \$1,000,000 from dedicated non-criminal justice records fees may be used to implement the electronic live-scan/cardscan fingerprint technology for the statewide arrest/booking locations in accordance with the Minnesota criminal and juvenile justice task force recommendations.

\$751,000 the first year and \$510,000 the second year are to upgrade the bureau's forensic laboratory to implement new methods of DNA testing.

\$60,000 the first year and \$60,000 the second year are to provide the reimbursements authorized by Minnesota Statutes, section 299C.063, subdivision 2.* (The preceding paragraph beginning "\$60,000" was vetoed by the governor.)

\$387,000 the first year and \$398,000 the second year from the bureau of criminal apprehension account in the special revenue fund are for laboratory activities.

\$200,000 the first year and \$200,000 the second year are for use by the bureau of criminal apprehension for the purpose of investigating cross-jurisdictional criminal activity.

\$97,000 the first year and \$100,000 the second year from the bureau of criminal apprehension account in the special revenue fund are for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity. Any unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$250,000 the first year is for the continuation of the crime fax integrated criminal alert network project.

\$206,000 the first year and \$206,000 the second year are for improvements in the bureau's internal systems support functions.

Subd. 5. Fire Marshal

2,631,000	2,619,000
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The commissioner of health shall transfer \$333,000 the first year and \$333,000 the second year from the state govern-

ment special revenue fund to the general fund to reimburse the general fund for costs of fire safety inspections performed by the state fire marshal.

Of this appropriation, \$14,000 is appropriated from the general fund to the commissioner of public safety to implement and administer the fireworks display operator certification program under Minnesota Statutes, section 624.22.

Subd. 6. Capitol Security

1,436,000	1,436,000
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Subd. 7. Liquor Control

490,000	490,000
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Subd. 8. Gambling Enforcement

1,137,000	1,140,000
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Subd. 9. Drug Policy and Violence Prevention

3,571,000	2,621,000
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Of this appropriation, \$852,000 in each year of the biennium is to be distributed by the commissioner of public safety after consulting with the chemical abuse and violence prevention council. Amounts not expended in the first year of the biennium do not cancel but may be expended in the second year of the biennium.

\$300,000 the first year is for grants to local law enforcement jurisdictions to develop three truancy service centers under Minnesota Statutes, proposed section 260A.04. Applicants must provide a one-to-one funding match. If the commissioner has received applications from fewer than three counties by the application deadline, the commissioner may make unallocated funds from this appropriation available to an approved grantee that can provide the required one-to-one funding match for the additional funds.* (The preceding paragraph

beginning "\$300,000" was vetoed by the governor.)

Of this appropriation, not less than \$75,000 in the first year and not less than \$75,000 in the second year are appropriated to the commissioner of public safety for transfer to the commissioner of education for grants to cities, counties, and school boards for community violence prevention councils. During the biennium, councils shall identify community needs and resources for violence prevention and development services that address community needs related to violence prevention. Any of the funds awarded to school districts but not expended in fiscal year 1996, are available to the award recipient in fiscal year 1997 for the same purposes and activities. Any portion of the 1996 appropriation not spent in 1996 is available in 1997. One hundred percent of this aid must be paid in the current fiscal year in the same manner as specified in Minnesota Statutes, section 124.195, subdivision 9.

Of this appropriation, \$225,000 in each year is for targeted early intervention pilot project grants.

\$50,000 the first year is for a grant to a statewide program to create and develop theatrical plays, workshops, and educational resources based on a peer education model that promotes increased awareness and prevention of sexual abuse, interpersonal violence, and sexual harassment. This appropriation is available until June 30, 1997.

\$25,000 the first year and \$25,000 the second year are to establish youth neighborhood centers.

\$100,000 the first year and \$100,000 the second year are for a grant to the

Northwest Hennepin Human Services Council to administer and expand the Northwest law enforcement project to municipal and county law enforcement agencies throughout the metropolitan area.

\$100,000 the first year is for grants for truancy reduction pilot programs.

\$500,000 the first year is for grants to local law enforcement agencies for law enforcement officers assigned to schools. The grants may be used to expand the assignment of law enforcement officers to middle schools, junior high schools, and high schools. The grants may be used to provide the local share required for eligibility for federal funding for these positions. The amount of the state grant must be matched by at least an equal amount of money from nonstate sources.

Subd. 10. Crime Victims Services

2,012,000	2,012,000
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Of this amount, \$50,000 may be used to hire or contract with an attorney to obtain and collect judgments for amounts owed to victims by offenders.

Subd. 11. Crime Victims Ombudsman

203,000	203,000
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Sec. 8. BOARD OF PRIVATE
DETECTIVE AND PROTECTIVE
AGENT SERVICES

102,000	115,000
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Of this appropriation, \$10,000 is appropriated for the biennium ending June 30, 1997, for the purpose of completing the adoption of agency rules concerning training requirements and training programs. This appropriation shall not become part of the base funding for the 1998-1999 biennium.

Sec. 9. BOARD OF PEACE OFFICER
STANDARDS AND TRAINING

4,375,000	4,350,000
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This appropriation is from the peace officers training account in the special revenue fund. Any receipts credited to the peace officer training account in the special revenue fund in the first year in excess of \$4,375,000 must be transferred and credited to the general fund. Any receipts credited to the peace officer training account in the special revenue fund in the second year in excess of \$4,350,000 must be transferred and credited to the general fund.

\$850,000 the first year and \$850,000 the second year are for law enforcement educational programs provided by the state colleges and universities.

\$100,000 the first year and \$100,000 the second year are for the development of an advanced law enforcement degree at the existing school of law enforcement at Metropolitan State University.*
(The preceding paragraph beginning "\$100,000" was vetoed by the governor.)

\$203,000 the first year and \$203,000 the second year shall be made available to law enforcement agencies to pay educational expenses and other costs of students who have been given conditional offers of employment by the agency and who are enrolled in the licensing core of a professional peace officer education program. No more than \$5,000 may be expended on a single student.

\$2,300,000 the first year and \$2,300,000 the second year are to reimburse local law enforcement for the cost of administering board-approved continuing education to peace officers.

\$50,000 in the first year and \$50,000 in the second year shall be used to provide DARE officer training.

\$50,000 the first year and \$25,000 the second year are for transfers to the

crime victim and witness account in the state treasury for the purposes specified in Minnesota Statutes, section 611A.675. This sum is available until expended.* (The preceding paragraph beginning "\$50,000" was vetoed by the governor.)

The remaining money shall be spent for the board's operations.

Sec. 10. BOARD OF PUBLIC DEFENSE

Subdivision 1. Total Appropriation	37,593,000	38,731,000
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None of this appropriation shall be used to pay for lawsuits against public agencies or public officials to change social or public policy.

The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Subd. 2. State Public Defender	
3,012,000	2,981,000

Subd. 3. District Public Defense	
33,836,000	35,009,000

\$904,000 the first year and \$904,000 the second year are for grants to the five existing public defense corporations under Minnesota Statutes, section 611.216.

Subd. 4. Board of Public Defense	
745,000	741,000

For fiscal year 1997, the state board of public defense shall provide pay equity for the salaries of state employed assistant district public defenders and provide overhead compensation to state employed part-time assistant district public defenders, consistent with the legislative proposal based on the April 1995 house research department study entitled Minnesota's Public Defender Salaries: A Research Study.

The appropriation to the board of public defense in Laws 1995, chapter 48, section 2, does not expire and is available until expended.

Sec. 11. CORRECTIONS

Subdivision 1. Total Appropriation

276,085,000	269,576,000
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The amounts that may be spent from this appropriation for each program are specified in the following subdivisions.

Any unencumbered balances remaining in the first year do not cancel but are available for the second year of the biennium.

Positions and administrative money may be transferred within the department of corrections as the commissioner considers necessary, upon the advance approval of the commissioner of finance.

For the biennium ending June 30, 1997, the commissioner of corrections may, with the approval of the commissioner of finance, transfer funds to or from salaries.

Subd. 2. Correctional Institutions

186,467,000	179,533,000
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\$50,000 is appropriated the first year for a youth placement profile study.

The commissioner of corrections, in consultation with the commissioner of human services and the veterans homes board, shall investigate alternatives for housing geriatric inmates in the custody of the commissioner of corrections.

The commissioner of corrections shall consider the cost-effectiveness of various housing alternatives, the possibility of federal reimbursement under various alternatives, the impact on existing correctional institutions, any impact on cli-

ents served by facilities operated by the departments of human services and veterans affairs, and the impact on existing employees and the physical plant at alternative sites. The commissioner of corrections shall consult with bargaining units that represent state employees affected by an alternative housing proposal.

The commissioner of corrections shall report findings and recommendations to the legislature by January 15, 1996.

During the biennium ending June 30, 1997, if it is necessary to reduce services or staffing within a correctional facility, the commissioner or his designee shall meet with affected exclusive representatives. The commissioner shall make every reasonable effort to retain correctional officer and prison industry employees should reductions be necessary.

Subd. 3. Community Services

71,076,000	71,481,000
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Of this appropriation, \$400,000 shall be used for the biennium ending June 30, 1997, to provide operational subsidies under Minnesota Statutes, section 241.0221, subdivision 5, paragraph (c), to eight-day temporary holdover facilities in Washington and Carver counties.

Of this appropriation, \$250,000 is available in each year of the biennium for grants to counties under Minnesota Statutes, section 169.1265, to pay the costs of developing and operating intensive probation programs for repeat DWI offenders; provided that at least one-half of this appropriation shall be used for grants to counties seeking to develop new programs.

The commissioner of public safety shall impose a surcharge of \$10 on each fee

charged for driver license reinstatement under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), and shall forward these surcharges to the commissioner of finance on a monthly basis. Upon receipt, the commissioner of finance shall credit the surcharges to the remote electronic alcohol monitoring pilot program account in the general fund of the state treasury. Of the money in this account, up to \$250,000 shall be available to the commissioner of corrections in each year of the biennium for the remote electronic alcohol monitoring pilot program. The unencumbered balance remaining in the first year does not cancel but is available for the second year.

\$3,586,000 the first year and \$7,314,000 the second year are for a statewide probation and supervised release caseload reduction grant program. Counties that deliver correctional services through Minnesota Statutes, chapter 260, and that qualify for new probation officers under this program shall receive full reimbursement for the officers' salaries and reimbursement for the officers' benefits and support as set forth in the probations standards task force report, not to exceed \$70,000 per officer annually. Positions funded by this appropriation may not supplant existing services. Position control numbers for these positions must be annually reported to the commissioner of corrections.

Notwithstanding Minnesota Statutes, section 401.10, in fiscal year 1996 the commissioner shall allocate \$27,912,000 in community corrections act base funding so that no county receives less money in fiscal year 1996 than it received in fiscal year 1995.

The chairs of the house judiciary finance committee and the senate crime

prevention finance division or their designees shall convene a work group to review the current community corrections equalization formula contained in Minnesota Statutes, section 401.10 and to develop a new formula that is more fair and equitable. The work group shall include representatives from the legislature, the department of corrections, and the Minnesota association of community corrections act counties. The work group shall develop the new formula by September 1, 1995, and present it for consideration to the 1996 legislature.

In fiscal year 1997, if the legislature enacts a new community corrections act formula, the commissioner shall allocate all community corrections act funding according to the new formula.

In fiscal year 1996, the commissioner shall distribute money appropriated for state and county probation officer caseload reduction, increased intensive supervised release and probation services, and county probation officer reimbursement according to the formula contained in Minnesota Statutes, section 401.10. These appropriations may not be used to supplant existing state or county probation officer positions or existing correctional services or programs. The money appropriated under this provision is intended to reduce state and county probation officer workload overcrowding and to increase supervision of individuals sentenced to probation at the county level. This increased supervision may be accomplished through a variety of methods, including but not limited to: (1) innovative technology services, such as automated probation reporting systems and electronic monitoring; (2) prevention and diversion programs; (3) intergovernmental cooperation agreements between local governments and

appropriate community resources; and
(4) traditional probation program services.

Of this appropriation, \$75,000 in the first year is to be transferred by the commissioner of corrections to the legislative auditor for a weighted workload study to be used as a basis for fund distributions across all three probation delivery systems, based on uniform workload standards and level of risk of individual offenders, and to make ongoing outcome data available on cases.

The study must recommend to the legislature by January 10, 1996, a statewide, uniform workload system and definitions of levels of risk; a standardized data collection system using the uniform definitions of workload and risk and a timeline for reporting data; and a new mechanism or formula for aid distribution based on the data, that could be operational by July 1, 1996.

In fiscal year 1997, the commissioner shall distribute money appropriated for state and county probation officer case-load reduction, increased intensive supervised release and reimbursement according to uniform workload standards and definitions of levels of risk adopted by the legislature after review of the legislative auditor's weighted workload study.

Of this appropriation, \$3,400,000 the first year and \$3,400,000 the second year are for the extended jurisdiction juvenile partnership program subsidy. Each county will be charged a sum equal to the per diem cost of confinement of those juveniles under 18 years of age convicted as extended jurisdiction juveniles and committed to the commissioner after July 1, 1995, and confined in a state correctional facility.

Provided, however, that the amount charged a county for the costs of confinement shall not exceed the extended jurisdiction juvenile subsidy to which the county is eligible. All charges shall be upon the county of commitment. Nothing in this section shall relieve counties participating in the community corrections act from the requirement to pay per diem costs as prescribed in Minnesota Statutes, chapter 401.

\$1,000,000 the first year and \$1,000,000 the second year are for grants for a comprehensive continuum of care for juveniles at high risk to become extended jurisdiction juveniles and for extended jurisdiction juveniles.

The sentencing to service program shall include at least three work crews whose primary function is the removal of graffiti and other defacing signs and symbols from public property and from the property of requesting private property owners.

\$500,000 in the first year is for grants to family services collaboratives to establish youth service center pilot projects for juveniles under the jurisdiction of the juvenile court. The centers may provide medical, educational, job-related and social service programs. At least two-thirds of the funds appropriated shall be awarded to collaboratives in the first, third, fifth, sixth, seventh, eighth, ninth, or tenth judicial districts. A written report, detailing the impact of the projects, shall be presented to the legislature on January 1, 1997.

\$2,161,000 is appropriated from the general fund for the fiscal biennium ending June 30, 1997, to develop and implement the productive day initiative program established in Minnesota Statutes, section 241.275. Of this amount,

11 percent shall be distributed to Anoka county and 11 percent to Olmsted county. The remainder shall be distributed pro rata to Hennepin and Ramsey counties and to Arrowhead regional corrections. The recipients must provide an equal match of local government resources.

\$200,000 for the biennium ending June 30, 1997, is to be used by the commissioner of corrections to develop a grant for the development and implementation of a criterion-related cross validation study designed to measure outcomes of placing juveniles in out-of-home placement programs. The study must be completed in two years. The goals of the study are to:

- (1) provide outcome data as a result of out-of-home placement intervention for juveniles;
- (2) provide a measurement to predict the future behavior of juveniles; and
- (3) identify the particular character traits of juveniles that each program treats most effectively so as to place juveniles in facilities that are best suited to providing effective treatment.

\$12,000 the first year is to adopt rules and administer the advisory committee on juvenile facility programming rules.

\$25,000 the first year is to conduct a study on the use of secure treatment facilities for juveniles.

None of this appropriation shall be used to pay for biomedical intervention for sex offenders.

Subd. 4. Management Services

18,542,000	18,562,000
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Of this appropriation, \$200,000 is appropriated for the biennium ending

June 30, 1997, to be transferred to the ombudsman for crime victims.

During the biennium ending June 30, 1997, when awarding grants for victim's programs and services, the commissioner shall give priority to geographic areas that are unserved or underserved by programs or services.

Of this appropriation \$325,000 is appropriated from the general fund to the commissioner of corrections for the purpose of funding battered women's services under Minnesota Statutes, section 611A.32. The services to be funded include:

- (1) Asian battered women's shelter;
- (2) African-American battered women's shelter;
- (3) child advocacy services in battered women programs; and
- (4) community-based domestic abuse advocacy and support services programs in judicial districts not currently receiving grants from the commissioner.

Of this appropriation, \$325,000 is appropriated in fiscal years 1996 and 1997 from the general fund to the commissioner of corrections to be used to fund grants to sexual assault programs. Grant money for sexual assault programs may be used to:

- (1) establish and maintain sexual assault services;
- (2) increase the funding base for providers of services to victims of sexual assault;
- (3) establish and maintain six new programs to serve unserved and underserved populations; and

(4) fund special need programs.

\$100,000 the first year and \$100,000 the second year are to develop a continuum of care for juvenile female offenders. The commissioner of corrections shall collaborate with the commissioners of human services, health, economic security, planning, education, and public safety and with representatives of the private sector to develop a comprehensive continuum of care to address the gender-specific needs of juvenile female offenders.

Of this amount, \$455,000 the first year and \$375,000 the second year are for increased rent for an increase in space and for the destruction of building No. 30 at the Minnesota Correctional Facility, Willow River - Moose Lake. When the department of human services receives federal reimbursement for the destruction of building No. 30, the department of human services must transfer the federal funds it receives to the department of corrections.

The department of corrections shall develop options for achieving equity in its employee pension program by December 1, 1995. The plan must consider financially responsible mechanisms to achieve pension equity, including but not limited to, changing participation rates, age of retirement, and benefits provided under the plan. The departments of corrections and human services shall consult with affected employee unions in developing a plan and shall bear the cost of any actuarial studies needed to establish the cost of possible options. The department shall propose legislation during the 1996 regular session to implement a plan.

Sec. 12. CORRECTIONS OMBUDSMAN

530,000 530,000

Sec. 13. SENTENCING GUIDELINES COMMISSION

369,000 371,000

Sec. 14. ATTORNEY GENERAL

125,000 125,000

\$125,000 the first year and \$125,000 the second year are for the advisory council on drug abuse resistance education for drug abuse resistance education programs under Minnesota Statutes, section 299A.331.

Sec. 15. HUMAN SERVICES

150,000 93,000

\$100,000 is appropriated from the general fund to the commissioner of human services for the fiscal biennium ending June 30, 1997, to provide grants to agencies for interdisciplinary training of criminal justice officials who conduct forensic interviews of children who report being sexually abused.

\$93,000 is appropriated from the general fund to the commissioner of human services for the child abuse help line established under this act to be available until June 30, 1997.

\$25,000 the first year and \$25,000 the second year are for a grant to a non-profit, statewide child abuse prevention organization whose primary focus is parental self-help and support.

Sec. 16. EDUCATION

500,000 -0-

\$500,000 the first year is for grants to school districts for alternative programming for at-risk and in-risk students.*
(The preceding section was vetoed by the governor.)

Sec. 17. HEALTH

80,000 -0-

This amount is for expanded projects for the Institute of Child and Adolescent Sexual Health.

Sec. 18. Minnesota Statutes 1994, section 16A.285, is amended to read:

16A.285 ALLOWED APPROPRIATION TRANSFERS.

An agency in the executive, legislative, or judicial branch may transfer state agency operational money between programs within the same fund if: (1) the agency first notifies the commissioner as to the type and intent of the transfer; and (2) the transfer is consistent with legislative intent. If an amount is specified for an item within an activity, that amount must not be transferred or used for any other purpose.

The commissioner shall report the transfers to the chairs of the senate finance and house of representatives ways and means committees.

Sec. 19. Minnesota Statutes 1994, section 243.51, subdivision 1, is amended to read:

Subdivision 1. The commissioner of corrections is hereby authorized to contract with agencies and bureaus of the United States ~~attorney general~~ and with the proper officials of other states or a county of this state for the custody, care, subsistence, education, treatment and training of persons convicted of criminal offenses constituting felonies in the courts of this state, the United States, or other states of the United States. Such contracts shall provide for reimbursing the state of Minnesota for all costs or other expenses involved. Funds received under such contracts shall be deposited in the state treasury ~~to the credit of the facility in which such persons may be confined and are appropriated to the commissioner of corrections for correctional purposes.~~ Any prisoner transferred to the state of Minnesota pursuant to this subdivision shall be subject to the terms and conditions of the prisoner's original sentence as if the prisoner were serving the same within the confines of the state in which the conviction and sentence was had or in the custody of the United States ~~attorney general~~. Nothing herein shall deprive such inmate of the right to parole or the rights to legal process in the courts of this state.

Sec. 20. Minnesota Statutes 1994, section 243.51, subdivision 3, is amended to read:

Subd. 3. **TEMPORARY DETENTION.** The commissioner of corrections is authorized to contract with agencies and bureaus of the United States ~~attorney general~~ and with the appropriate officials of any other state or county of this state for the temporary detention of any person in custody pursuant to any process issued under the authority of the United States, other states of the United States, or the district courts of this state. The contract shall provide for reimbursement to the state of Minnesota for all costs and expenses involved. Money received under contracts shall be deposited in the state treasury ~~to the credit of the facility in which the persons may be confined and are appropriated to the commissioner of corrections for correctional purposes.~~

Sec. 21. Minnesota Statutes 1994, section 626.861, subdivision 4, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 4. **PEACE OFFICERS TRAINING ACCOUNT.** (a) Receipts from penalty assessments must be credited to a peace officer officers training account in the special revenue fund. The peace officers standards and training board shall make the following allocations from appropriated funds, net of operating expenses:

(1) for fiscal year 1994:

(i) at least 25 percent for reimbursement to board-approved skills courses; and

(ii) at least 13.5 percent for the school of law enforcement;

(2) for fiscal year 1995:

(i) at least 17 percent to the community college system for one-time start-up costs associated with the transition to an integrated academic program;

(ii) at least eight percent for reimbursement to board-approved skills courses in the technical college system; and

(iii) at least 13.5 percent for the school of law enforcement.

The balance in each year may be used to pay each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount must be used exclusively for reimbursement of the cost of in-service training required under this chapter and chapter 214.

(b) The board must not reduce allocations to law enforcement agencies or higher education systems or institutions to fund legal costs or other board-operating expenses not presented in the board's biennial legislative budget request.

(c) No school in Minnesota certified by the board shall provide a nondegree professional peace officer education program for any state agency or local law enforcement agency after December 31, 1994, without affirmative legislative approval.

Sec. 22. CONSOLIDATION OF VICTIM SERVICES.

Notwithstanding any provision to the contrary, the funds appropriated for the fiscal year ending June 30, 1997 to the department of corrections for victim services, the department of public safety for crime victim services and the supreme court for community dispute resolution shall not be available unless the departments of corrections and public safety and the supreme court provide a plan to the legislature by January 1, 1996. The plan shall be developed in consultation with affected constituent groups and shall include the following:

(1) An agreed upon staffing structure to be implemented no later than July 1, 1996, that places all of the named victim services programs in one agency; and

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(2) Recommendations on a structure for constituent advisory participation in administering programs in the victim services unit, including functions of the sexual assault advisory council under section 611A.32, the battered women advisory council under section 611A.34, the general crime victims advisory council under section 611A.361, the abused children advisory council under section 611A.365, and the crime victim and witness advisory council under section 611A.71.

Until an advisory structure is implemented, members of existing councils may receive expense reimbursements as specified in Minnesota Statutes, section 15.059.

The plan shall be submitted to the chairs of the house judiciary committee and the senate crime prevention committee.

ARTICLE 2

CRIME

Section 1. Minnesota Statutes 1994, section 145A.05, subdivision 7a, is amended to read:

Subd. 7a. **CURFEW.** A county board may adopt an ordinance establishing a countywide curfew for unmarried persons under 17 18 years of age. If the county board of a county located in the seven-county metropolitan area adopts a curfew ordinance under this subdivision, the ordinance shall contain an earlier curfew for children under the age of 12 than for older children.

Sec. 2. Minnesota Statutes 1994, section 152.18, subdivision 1, is amended to read:

Subdivision 1. If any person who has not previously participated in or completed a diversion program authorized under section 401.065 or who has not previously been placed on probation without a judgment of guilty and thereafter been discharged from probation under this section is found guilty of a violation of section 152.024, subdivision 2, 152.025, subdivision 2, or 152.027, subdivision 2, 3, or 4, for possession of a controlled substance, after trial or upon a plea of guilty, and the court determines that the violation does not qualify as a subsequent controlled substance conviction under section 152.01, subdivision 16a, the court may, without entering a judgment of guilty and with the consent of the person, defer further proceedings and place the person on probation upon such reasonable conditions as it may require and for a period, not to exceed the maximum sentence provided for the violation. The court may give the person the opportunity to attend and participate in an appropriate program of education regarding the nature and effects of alcohol and drug abuse as a stipulation of probation. Upon violation of a condition of the probation, the court may enter an adjudication of guilt and proceed as otherwise provided. The court may, in

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its discretion, dismiss the proceedings against the person and discharge the person from probation before the expiration of the maximum period prescribed for the person's probation. If during the period of probation the person does not violate any of the conditions of the probation, then upon expiration of the period the court shall discharge the person and dismiss the proceedings against that person. Discharge and dismissal under this subdivision shall be without court adjudication of guilt, but a not public record of it shall be retained by the department of public safety for the purpose of use by the courts in determining the merits of subsequent proceedings against the person. The not public record may also be opened only upon court order for purposes of a criminal investigation, prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections authorities, the department shall notify the requesting party of the existence of the not public record and the right to seek a court order to open it pursuant to this section. The court shall forward a record of any discharge and dismissal under this subdivision to the department of public safety who shall make and maintain the not public record of it as provided under this subdivision. The discharge or dismissal shall not be deemed a conviction for purposes of disqualifications or disabilities imposed by law upon conviction of a crime or for any other purpose.

For purposes of this subdivision, "not public" has the meaning given in section 13.02, subdivision 8a.

Sec. 3. Minnesota Statutes 1994, section 299A.38, subdivision 2, is amended to read:

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-third~~ one-half of the vest's purchase price or ~~\$165~~ \$300. The political subdivision that employs the peace officer shall pay at least the lesser of ~~one-third~~ one-half of the vest's purchase price or ~~\$165~~ \$300. 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.

Sec. 4. Minnesota Statutes 1994, section 299A.44, is amended to read:

299A.44 DEATH BENEFIT.

Subdivision 1. PAYMENT REQUIRED. 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, leaving a spouse or one or more eligible dependents, 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;

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- (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, then no payment may be made from the public safety officer's benefit fund.

Subd. 2. ADJUSTMENT OF BENEFIT. On October 1 of each year beginning after the effective date of this subdivision, 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.

Sec. 5. [388.25] SEX OFFENDER SENTENCING; TRAINING FOR PROSECUTORS AND PEACE OFFICERS.

The county attorneys association, in conjunction with the attorney general's office and the bureau of criminal apprehension, shall conduct an annual training course for prosecutors, public defenders, and peace officers on the specific sentencing statutes and sentencing guidelines applicable to persons convicted of sex offenses and crimes that are sexually motivated. The training shall focus on the sentencing provisions applicable to repeat sex offenders and patterned sex offenders. The course may be combined with other training conducted by the county attorneys association or other groups.

Sec. 6. Minnesota Statutes 1994, section 480.30, is amended to read:

480.30 JUDICIAL TRAINING.

Subdivision 1. CHILD ABUSE; DOMESTIC ABUSE; HARASSMENT. The supreme court's judicial education program must include ongoing training for district court judges on child and adolescent sexual abuse, domestic abuse, harassment, stalking, and related civil and criminal court issues. The program must include information about the specific needs of victims. The program must include education on the causes of sexual abuse and family violence and culturally responsive approaches to serving victims. The program must emphasize the need for the coordination of court and legal victim advocacy services and include education on sexual abuse and domestic abuse programs and policies within law enforcement agencies and prosecuting authorities as well as the court system.

Subd. 2. SEXUAL VIOLENCE. The supreme court's judicial education program must include ongoing training for judges, judicial officers, court services personnel, and sex offender assessors on the specific sentencing statutes and sentencing guidelines applicable to persons convicted of sex offenses and

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other crimes that are sexually motivated. The training shall focus on the sentencing provisions applicable to repeat sex offenders and patterned sex offenders.

Subd. 3. BAIL EVALUATIONS. The supreme court's judicial education program also must include training for judges, judicial officers, and court services personnel on how to assure that their bail evaluations and decisions are racially and culturally neutral.

Sec. 7. Minnesota Statutes 1994, section 494.03, is amended to read:

494.03 EXCLUSIONS.

The guidelines shall exclude:

(1) any dispute involving violence against persons, including in which incidents arising out of situations that would support charges under sections 609.221 to 609.2231, 609.342 to 609.345, or 609.365, or any other felony charges;

(2) any matter involving ~~a person who has been adjudicated incompetent or relating to guardianship, conservatorship competency, or civil commitment;~~

(3) any matter involving a person who has been adjudicated incompetent or relating to guardianship or conservatorship unless the incompetent person is accompanied by a competent advocate or the respondent in a guardianship or conservatorship matter is represented by an attorney, guardian ad litem, or other representative appointed by the court;

(4) any matter involving neglect or dependency, or involving termination of parental rights arising under sections 260.221 to 260.245; and

(4) (5) any matter arising under section 626.557 or sections 144.651 to 144.652, or any dispute subject to chapters 518; ~~518A, and 518B, and 518C,~~ whether or not an action is pending, except for postdissolution property distribution matters and postdissolution visitation matters. This shall not restrict the present authority of the court or departments of the court from accepting for resolution a dispute arising under chapters 518; ~~518A, and 518C~~ 518B, or from referring disputes arising under chapters 518, and 518A to for-profit mediation.

Sec. 8. Minnesota Statutes 1994, section 609.101, subdivision 1, is amended to read:

Subdivision 1. SURCHARGES AND ASSESSMENTS. (a) When a court sentences a person convicted of a felony, gross misdemeanor, or misdemeanor, other than a petty misdemeanor such as a traffic or parking violation, and if the sentence does not include payment of a fine, the court shall impose an assessment of not less than \$25 nor more than \$50. If the sentence for the felony, gross misdemeanor, or misdemeanor includes payment of a fine of any amount, including a fine of less than \$100, the court shall impose a surcharge on the fine of 20 percent of the fine. This section applies whether or not the person is sentenced to imprisonment and when the sentence is suspended.

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(b) In addition to the assessments in paragraph (a), the court shall assess the following surcharges a surcharge of \$20 after a person is convicted:

(1) ~~for a person charged with a felony, \$25;~~

(2) ~~for a person charged with a gross misdemeanor, \$15;~~

(3) ~~for a person charged with a misdemeanor other than a traffic, parking, or local ordinance violation, \$10; and~~

(4) ~~for a person charged with a local ordinance violation other than a parking or traffic violation, \$5 of a violation of state law or local ordinance, other than a traffic or parking violation.~~

~~The surcharge must be assessed for the original charge, whether or not it is subsequently reduced.~~ A person charged on more than one count may be assessed only one surcharge under this paragraph, but must be assessed for the most serious offense. This paragraph applies whether or not the person is sentenced to imprisonment and when the sentence is suspended.

(c) If the court fails to impose an assessment required by paragraph (a), the court administrator shall correct the record to show imposition of an assessment of \$25 if the sentence does not include payment of a fine, or if the sentence includes a fine, to show an imposition of a surcharge of ten percent of the fine. If the court fails to impose an assessment required by paragraph (b), the court administrator shall correct the record to show imposition of the assessment described in paragraph (b).

(d) Except for assessments and surcharges imposed on persons convicted of violations described in section 97A.065, subdivision 2, the court shall collect and forward to the commissioner of finance the total amount of the assessments or surcharges and the commissioner shall credit all money so forwarded to the general fund.

(e) If the convicted person is sentenced to imprisonment, the chief executive officer of the correctional facility in which the convicted person is incarcerated may collect the assessment or surcharge from any earnings the inmate accrues for work performed in the correctional facility and forward the amount to the commissioner of finance, indicating the part that was imposed for violations described in section 97A.065, subdivision 2, which must be credited to the game and fish fund.

Sec. 9. Minnesota Statutes 1994, section 609.101, subdivision 2, is amended to read:

Subd. 2. **MINIMUM FINES.** Notwithstanding any other law:

~~(1),~~ when a court sentences a person convicted of violating section 609.221, 609.222, 609.223, 609.2231, 609.224, 609.267, or 609.2671, 609.2672, 609.342, 609.343, 609.344, or 609.345, it must impose a fine of not less than \$500 30

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percent of the maximum fine authorized by law nor more than the maximum fine authorized by law;

(2) when a court sentences a person convicted of violating section 609.222, 609.223, 609.2671, 609.343, 609.344, or 609.345, it must impose a fine of not less than \$300 nor more than the maximum fine authorized by law; and

(3) when a court sentences a person convicted of violating section 609.2231, 609.224, or 609.2672, it must impose a fine of not less than \$100 nor more than the maximum fine authorized by law.

The court shall collect the portion of the fine mandated by this subdivision and forward 70 percent of it to a local victim assistance program that provides services locally in the county in which the crime was committed. The court shall forward the remaining 30 percent to the commissioner of finance to be credited to the general fund. If more than one victim assistance program serves the county in which the crime was committed, the court may designate on a case-by-case basis which program will receive the fine proceeds, giving consideration to the nature of the crime committed, the types of victims served by the program, and the funding needs of the program. If no victim assistance program serves that county, the court shall forward 100 percent of the fine proceeds to the commissioner of finance to be credited to the general fund. Fine proceeds received by a local victim assistance program must be used to provide direct services to crime victims.

The minimum fine required by this subdivision is in addition to the surcharge or assessment required by subdivision 1 and is in addition to any sentence of imprisonment or restitution imposed or ordered by the court.

As used in this subdivision, "victim assistance program" means victim witness programs within county attorney offices or any of the following programs: crime victim crisis centers, victim-witness programs, battered women shelters and nonshelter programs, and sexual assault programs.

Sec. 10. Minnesota Statutes 1994, section 609.101, subdivision 3, is amended to read:

Subd. 3. **CONTROLLED SUBSTANCE OFFENSES; MINIMUM FINES.** (a) Notwithstanding any other law, when a court sentences a person convicted of a controlled substance crime under sections 152.021 to 152.025, it must impose a fine of not less than ~~20~~ 30 percent of the maximum fine authorized by law nor more than the maximum fine authorized by law.

(b) The minimum fine required by this subdivision is in addition to the surcharge or assessment required by subdivision 1 and is in addition to any sentence of imprisonment or restitution imposed or ordered by the court.

(c) The court shall collect the fine mandated by this subdivision and forward 70 percent of it to a local drug abuse prevention program existing or being

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implemented in the county in which the crime was committed. The court shall forward the remaining 30 percent to the state treasurer to be credited to the general fund. If more than one drug abuse prevention program serves the county in which the crime was committed, the court may designate on a case-by-case basis which program will receive the fine proceeds, giving consideration to the community in which the crime was committed, the funding needs of the program, the number of peace officers in each community certified to teach the program, and the number of children served by the program in each community. If no drug abuse prevention program serves communities in that county, the court shall forward 100 percent of the fine proceeds to the state treasurer to be credited to the general fund.

(d) The minimum fines required by this subdivision shall be collected as are other fines. Fine proceeds received by a local drug abuse prevention program must be used to support that program, and may be used for salaries of peace officers certified to teach the program. The drug abuse resistance education program must report receipt and use of money generated under this subdivision as prescribed by the drug abuse resistance education advisory council.

(e) As used in this subdivision, "drug abuse prevention program" and "program" include:

(1) the drug abuse resistance education program described in sections 299A.33 and 299A.331; and

(2) any similar drug abuse education and prevention program that includes the following components:

(A) instruction for students enrolled in kindergarten through grade six that is designed to teach students to recognize and resist pressures to experiment with controlled substances and alcohol;

(B) provisions for parental involvement;

(C) classroom instruction by uniformed law enforcement personnel;

(D) the use of positive student leaders to influence younger students not to use drugs; and

(E) an emphasis on activity-oriented techniques designed to encourage student-generated responses to problem-solving situations.

Sec. 11. Minnesota Statutes 1994, section 609.135, is amended by adding a subdivision to read:

Subd. 8. FINE AND SURCHARGE COLLECTION. A defendant's obligation to pay court-ordered fines, surcharges, court costs, and fees shall survive for a period of six years from the date of the expiration of the defendant's stayed sentence for the offense for which the fines, surcharges, court costs, and fees were imposed, or six years from the imposition or due date of the fines, surcharges, court costs, and fees, whichever is later. Nothing in this subdivision extends the period of a defendant's stay of sentence imposition or execution.

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Sec. 12. Minnesota Statutes 1994, section 609.1352, is amended by adding a subdivision to read:

Subd. 1a. STATUTORY MAXIMUMS LENGTHENED. If the factfinder determines, at the time of the trial or the guilty plea, that a predatory offense was motivated by, committed in the course of, or committed in furtherance of sexual contact or penetration, as defined in section 609.341, and the court is imposing a sentence under subdivision 1, the statutory maximum imprisonment penalty for the offense is 40 years, notwithstanding the statutory maximum imprisonment penalty otherwise provided for the offense.

Sec. 13. Minnesota Statutes 1994, section 609.1352, subdivision 3, is amended to read:

Subd. 3. DANGER TO PUBLIC SAFETY. The court shall base its finding that the offender is a danger to public safety on ~~either~~ any of the following factors:

(1) the crime involved an aggravating factor that would justify a durational departure from the presumptive sentence under the sentencing guidelines; ~~or~~

(2) the offender previously committed or attempted to commit a predatory crime or a violation of section 609.224, including:

(i) an offense committed as a juvenile that would have been a predatory crime or a violation of section 609.224 if committed by an adult; or

(ii) a violation or attempted violation of a similar law of any other state or the United States; or

(3) the offender planned or prepared for the crime prior to its commission.

Sec. 14. Minnesota Statutes 1994, section 609.1352, subdivision 5, is amended to read:

Subd. 5. CONDITIONAL RELEASE. At the time of sentencing under subdivision 1, the court shall provide that after the offender has completed the sentence imposed, less any good time earned by an offender whose crime was committed before August 1, 1993, the commissioner of corrections shall place the offender on conditional release for the remainder of the statutory maximum period or for ten years, whichever is longer.

The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. Before the offender is released, the commissioner shall notify the sentencing court, the prosecutor in the jurisdiction where the offender was sentenced and the victim of the offender's crime, where available, of the terms of the offender's conditional release. If the offender fails to meet any condition of release, the commissioner may revoke the offend-

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er's conditional release and order that the offender serve all or a part of the remaining portion of the conditional release term in prison. The commissioner shall not dismiss the offender from supervision before the conditional release term expires.

Conditional release granted under this subdivision is governed by provisions relating to supervised release, except as otherwise provided in this subdivision, section 244.04, subdivision 1, or 244.05.

Sec. 15. Minnesota Statutes 1994, section 609.152, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** (a) As used in this section, the following terms have the meanings given.

(b) "Conviction" means any of the following accepted and recorded by the court: a plea of guilty, a verdict of guilty by a jury, or a finding of guilty by the court. The term includes a conviction by any court in Minnesota or another jurisdiction.

(c) "Prior conviction" means a conviction that occurred before the offender committed the next felony resulting in a conviction and before the offense for which the offender is being sentenced under this section.

(d) "Violent crime" means a violation of or an attempt or conspiracy to violate any of the following laws of this state or any similar laws of the United States or any other state: section 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; 609.855, subdivision 5; any provision of sections 609.229; 609.377; 609.378; and 609.749 that is punishable by a felony penalty; or any provision of chapter 152 that is punishable by a maximum sentence of 15 years or more.

Sec. 16. Minnesota Statutes 1994, section 609.19, is amended to read:

609.19 MURDER IN THE SECOND DEGREE.

Whoever does any of the following is guilty of murder in the second degree and may be sentenced to imprisonment for not more than 40 years:

(1) causes the death of a human being with intent to effect the death of that person or another, but without premeditation;

(2) causes the death of a human being, without intent to effect the death of any person, while committing or attempting to commit a felony offense other than criminal sexual conduct in the first or second degree with force or violence; or

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(3) causes the death of a human being without intent to effect the death of any person, while intentionally inflicting or attempting to inflict bodily harm upon the victim, when the perpetrator is restrained under an order for protection issued under chapter 518B and the victim is a person designated to receive protection under the order. As used in this clause, "order for protection" includes an order for protection issued under chapter 518B; a harassment restraining order issued under section 609.748; a court order setting conditions of pretrial release or conditions of a criminal sentence or juvenile court disposition; a restraining order issued in a marriage dissolution action; and any order issued by a court of another state or of the United States that is similar to any of these orders.

Sec. 17. [609.2241] KNOWING TRANSFER OF COMMUNICABLE DISEASE.

Subdivision 1. DEFINITIONS. As used in this section, the following terms have the meanings given:

(a) "Communicable disease" means a disease or condition that causes serious illness, serious disability, or death; the infectious agent of which may pass or be carried from the body of one person to the body of another through direct transmission.

(b) "Direct transmission" means predominately sexual or blood borne transmission.

(c) "A person who knowingly harbors an infectious agent" refers to a person who receives from a physician or other health professional:

(1) advice that the person harbors an infectious agent for a communicable disease;

(2) educational information about behavior which might transmit the infectious agent; and

(3) instruction of practical means of preventing such transmission.

(d) "Transfer" means to engage in behavior that has been demonstrated epidemiologically to be a mode of direct transmission of an infectious agent which causes the communicable disease.

(e) "Sexual penetration" means any of the acts listed in section 609.341, subdivision 12, when the acts described are committed without the use of a latex or other effective barrier.

Subd. 2. CRIME. It is a crime, which may be prosecuted under section 609.17, 609.185, 609.19, 609.221, 609.222, 609.223, 609.2231, or 609.224, for a person who knowingly harbors an infectious agent to transfer, if the crime involved:

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(1) sexual penetration with another person without having first informed the other person that the person has a communicable disease;

(2) transfer of blood, sperm, organs, or tissue, except as deemed necessary for medical research or if disclosed on donor screening forms; or

(3) sharing of nonsterile syringes or needles for the purpose of injecting drugs.

Subd. 3. AFFIRMATIVE DEFENSE. It is an affirmative defense to prosecution, if it is proven by a preponderance of the evidence, that:

(1) the person who knowingly harbors an infectious agent for a communicable disease took practical means to prevent transmission as advised by a physician or other health professional; or

(2) the person who knowingly harbors an infectious agent for a communicable disease is a health care provider who was following professionally accepted infection control procedures.

Nothing in this section shall be construed to be a defense to a criminal prosecution that does not allege a violation of subdivision 2.

Subd. 4. HEALTH DEPARTMENT DATA. Data protected by section 13.38 and information collected as part of a health department investigation under sections 144.4171 to 144.4186 may not be accessed or subpoenaed by law enforcement authorities or prosecutors without the consent of the subject of the data.

Sec. 18. Minnesota Statutes 1994, section 609.341, subdivision 11, is amended to read:

Subd. 11. (a) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to ~~(k)~~ (l), includes any of the following acts committed without the complainant's consent, except in those cases where consent is not a defense, and committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts, or

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts effected by coercion or the use of a position of authority, or by inducement if the complainant is under 13 years of age or mentally impaired, or

(iii) the touching by another of the complainant's intimate parts effected by coercion or the use of a position of authority, or

(iv) in any of the cases above, the touching of the clothing covering the immediate area of the intimate parts.

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(b) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (g) and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts committed with sexual or aggressive intent:

(i) the intentional touching by the actor of the complainant's intimate parts;

(ii) the touching by the complainant of the actor's, the complainant's, or another's intimate parts;

(iii) the touching by another of the complainant's intimate parts; or

(iv) in any of the cases listed above, touching of the clothing covering the immediate area of the intimate parts.

(c) "Sexual contact with a person under 13" means the intentional touching of the complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

Sec. 19. Minnesota Statutes 1994, section 609.3451, subdivision 1, is amended to read:

Subdivision 1. **CRIME DEFINED.** A person is guilty of criminal sexual conduct in the fifth degree:

(1) if the person engages in nonconsensual sexual contact; or

(2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.

For purposes of this section, "sexual contact" has the meaning given in section 609.341, subdivision 11, paragraph (a), clauses (i) and (iv), but does not include the intentional touching of the clothing covering the immediate area of the buttocks. Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, if the action is performed with sexual or aggressive intent.

Sec. 20. Minnesota Statutes 1994, section 609.485, subdivision 2, is amended to read:

Subd. 2. **ACTS PROHIBITED.** Whoever does any of the following may be sentenced as provided in subdivision 4:

(1) escapes while held in lawful custody on a charge or conviction of a crime, or while held in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age;

(2) transfers to another, who is in lawful custody on a charge or conviction of a crime, or introduces into an institution in which the latter is confined, anything usable in making such escape, with intent that it shall be so used;

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(3) having another in lawful custody on a charge or conviction of a crime, intentionally permits the other to escape; ~~or~~

(4) escapes while in a facility designated under section 253B.18, subdivision 1, pursuant to a court commitment order after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a. Notwithstanding section 609.17, no person may be charged with or convicted of an attempt to commit a violation of this clause; or

(5) escapes while in a facility designated under section 253B.18, subdivision 1, pursuant to a court commitment order under section 253B.185 or 526.10.

For purposes of clause (1), "escapes while held in lawful custody" includes absconding from electronic monitoring or absconding after removing an electronic monitoring device from the person's body.

Sec. 21. Minnesota Statutes 1994, section 609.485, subdivision 4, is amended to read:

Subd. 4. **SENTENCE.** (a) Except as otherwise provided in subdivision 3a, whoever violates this section may be sentenced as follows:

(1) if the person who escapes is in lawful custody on a charge or conviction of a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

(2) if the person who escapes is in lawful custody after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a, or pursuant to a court commitment order under section 253B.185 or 526.10, to imprisonment for not more than one year and one day or to payment of a fine of not more than \$3,000, or both; or

(3) if such charge or conviction is for a gross misdemeanor or misdemeanor, or if the person who escapes is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) If the escape was a violation of subdivision 2, clause (1), (2), or (3), and was effected by violence or threat of violence against a person, the sentence may be increased to not more than twice those permitted in paragraph (a), clauses (1) and (3).

(c) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when the person escaped.

(d) Notwithstanding paragraph (c), if a person who was committed to the commissioner of corrections under section 260.185 escapes from the custody of

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the commissioner while 18 years of age, the person's sentence under this section shall commence on the person's 19th birthday or on the person's date of discharge by the commissioner of corrections, whichever occurs first. However, if the person described in this clause is convicted under this section after becoming 19 years old and after having been discharged by the commissioner, the person's sentence shall commence upon imposition by the sentencing court.

(e) Notwithstanding paragraph (c), if a person who is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age escapes from a local juvenile correctional facility, the person's sentence under this section begins on the person's 19th birthday or on the person's date of discharge from the jurisdiction of the juvenile court, whichever occurs first. However, if the person described in this paragraph is convicted after becoming 19 years old and after discharge from the jurisdiction of the juvenile court, the person's sentence begins upon imposition by the sentencing court.

Sec. 22. Minnesota Statutes 1994, section 609.746, subdivision 1, is amended to read:

Subdivision 1. SURREPTITIOUS INTRUSION; OBSERVATION DEVICE. (a) A person is guilty of a misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(b) A person is guilty of a misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(c) A person is guilty of a misdemeanor who:

(1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

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(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

(d) A person is guilty of a misdemeanor who:

(1) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

(e) A person is guilty of a gross misdemeanor if the person violates this subdivision after a previous conviction under this subdivision or section 609.749.

(d) Paragraph (b) does (f) Paragraphs (b) and (d) do not apply to law enforcement officers or corrections investigators, or to those acting under their direction, while engaged in the performance of their lawful duties. Paragraphs (c) and (d) do not apply to conduct in: (1) a medical facility; or (2) a commercial establishment if the owner of the establishment has posted conspicuous signs warning that the premises are under surveillance by the owner or the owner's employees.

Sec. 23. Minnesota Statutes 1994, section 609.749, subdivision 5, is amended to read:

Subd. 5. **PATTERN OF HARASSING CONDUCT.** (a) A person who engages in a pattern of harassing conduct with respect to a single victim or one or more members of a single household in a manner that would cause a reasonable person under the circumstances to feel terrorized or to fear bodily harm and that does cause this reaction on the part of the victim, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) For purposes of this subdivision, a "pattern of harassing conduct" means two or more acts within a five-year period that violate the provisions of any of the following:

- (1) this section;
- (2) section 609.713;
- (3) section 609.224;
- (4) section 518B.01, subdivision 14;

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- (5) section 609.748, subdivision 6;
- (6) section 609.605, subdivision 1, paragraph (b), ~~clause~~ clauses (3), (4), and (7);
- (7) section 609.79; ~~or~~
- (8) section 609.795;
- (9) section 609.582; or
- (10) section 609.595.

Sec. 24. Minnesota Statutes 1994, section 611.17, is amended to read:

611.17 FINANCIAL INQUIRY; STATEMENTS.

(a) Each judicial district must screen requests under paragraph (b).

(b) Upon a request for the appointment of counsel, the court shall make appropriate inquiry into the financial circumstances of the applicant, who shall submit a financial statement under oath or affirmation setting forth the applicant's assets and liabilities, including the value of any real property owned by the applicant, whether homestead or otherwise, less the amount of any encumbrances on the real property, the source or sources of income, and any other information required by the court. The applicant shall be under a continuing duty while represented by a public defender to disclose any changes in the applicant's financial circumstances that might be relevant to the applicant's eligibility for a public defender. The state public defender shall furnish appropriate forms for the financial statements. The forms must contain conspicuous notice of the applicant's continuing duty to disclose to the court changes in the applicant's financial circumstances. The information contained in the statement shall be confidential and for the exclusive use of the court and the public defender appointed by the court to represent the applicant except for any prosecution under section 609.48. A refusal to execute the financial statement or produce financial records constitutes a waiver of the right to the appointment of a public defender.

Sec. 25. Minnesota Statutes 1994, section 611.20, subdivision 3, is amended to read:

Subd. 3. **REIMBURSEMENT.** In each fiscal year, the state treasurer shall deposit the first \$180,000 in the general fund. Payments in excess of \$180,000 shall be deposited in the general fund and credited to a separate account with the board of public defense. The amount credited to this account is appropriated to the board of public defense ~~to reimburse the costs of attorneys providing part-time public defense services.~~

The balance of this account does not cancel but is available until expended. Expenditures by the board from this account for each judicial district public

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defense office must be based on the amount of the payments received by the state from the courts in each judicial district.

Sec. 26. Minnesota Statutes 1994, section 611.20, is amended by adding a subdivision to read:

Subd. 4. EMPLOYED DEFENDANTS. A defendant who is employed when a public defender is appointed, or who becomes employed while represented by a public defender, shall reimburse the state for the cost of the public defender. The court may accept partial reimbursement from the defendant if the defendant's financial circumstances warrant a reduced reimbursement schedule. The court may consider the guidelines in subdivision 6 in determining a defendant's reimbursement schedule. If a defendant does not agree to make payments, the court may order the defendant's employer to withhold a percentage of the defendant's income to be turned over to the court. The percentage to be withheld may be determined under subdivision 6.

Sec. 27. Minnesota Statutes 1994, section 611.20, is amended by adding a subdivision to read:

Subd. 5. REIMBURSEMENT RATE. Legal fees required to be reimbursed under subdivision 4, shall be determined by multiplying the total number of hours worked on the case by a public defender by \$30 per hour. The public defender assigned to the defendant's case shall provide to the court, upon the court's request, a written statement containing the total number of hours worked on the defendant's case up to the time of the request.

Sec. 28. Minnesota Statutes 1994, section 611.20, is amended by adding a subdivision to read:

Subd. 6. REIMBURSEMENT SCHEDULE GUIDELINES. In determining a defendant's reimbursement schedule, the court may derive a specific dollar amount per month by multiplying the defendant's net income by the percent indicated by the following guidelines:

<u>Net Income Per Month of Defendant</u>	<u>Number of Dependents Not Including Defendant</u>				
	<u>4 or more</u>	<u>3</u>	<u>2</u>	<u>1</u>	<u>0</u>
<u>\$200 and Below</u>	<u>Percentage based on the ability of the defendant to pay as determined by the court.</u>				
<u>\$200 - 350</u>	<u>8%</u>	<u>9.5%</u>	<u>11%</u>	<u>12.5%</u>	<u>14%</u>
<u>\$351 - 500</u>	<u>9%</u>	<u>11%</u>	<u>12.5%</u>	<u>14%</u>	<u>15%</u>
<u>\$501 - 650</u>	<u>10%</u>	<u>12%</u>	<u>14%</u>	<u>15%</u>	<u>17%</u>
<u>\$651 - 800</u>	<u>11%</u>	<u>13.5%</u>	<u>15.5%</u>	<u>17%</u>	<u>19%</u>
<u>\$801 and above</u>	<u>12%</u>	<u>14.5%</u>	<u>17%</u>	<u>19%</u>	<u>20%</u>

"Net income" shall have the meaning given it in section 518.551, subdivision 5.

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Sec. 29. Minnesota Statutes 1994, section 611.20, is amended by adding a subdivision to read:

Subd. 7. INCOME WITHHOLDING. (a) Whenever an obligation for reimbursement of public defender costs is ordered by a court under this section, the amount of reimbursement as determined by court order must be withheld from the income of the person obligated to pay. The court shall serve a copy of the reimbursement order on the defendant's employer. Notwithstanding any law to the contrary, the order is binding on the employer when served. Withholding must begin no later than the first pay period that occurs after 14 days following the date of the notice. The employer shall withhold from the income payable to the defendant the amount specified in the order and shall remit, within ten days of the date the defendant is paid the remainder of the income, the amounts withheld to the court.

(b) An employer shall not discharge, or refuse to hire, or otherwise discipline an employee as a result of a wage or salary withholding authorized by this section. The employer shall be liable to the court for any amounts required to be withheld. An employer that fails to withhold or transfer funds in accordance with this section is also liable for interest on the funds at the rate applicable to judgments under section 549.09, computed from the date the funds were required to be withheld. An employer that has failed to comply with the requirements of this section is subject to contempt of court.

(c) Amounts withheld under this section do not supersede or have priority over amounts withheld pursuant to other sections of law.

Sec. 30. Minnesota Statutes 1994, section 611.35, subdivision 1, is amended to read:

Subdivision 1. Any person who is represented by a public defender or appointive counsel shall, if financially able to pay, reimburse the governmental unit chargeable with the compensation of such public defender or appointive counsel for the actual costs to the governmental unit in providing the services of the public defender or appointive counsel. The court in hearing such matter shall ascertain the amount of such costs to be charged to the defendant and shall direct reimbursement over a period of not to exceed six months, unless the court for good cause shown shall extend the period of reimbursement. If a term of probation is imposed as a part of a sentence, reimbursement of costs as required by this subdivision ~~may~~ chapter must not be made a condition of probation. Reimbursement of costs as required by this chapter is a civil obligation and must not be made a condition of a criminal sentence.

Sec. 31. Minnesota Statutes 1994, section 617.23, is amended to read:

617.23 INDECENT EXPOSURE; PENALTIES.

Every (a) A person is guilty of a misdemeanor who shall in any public place, or in any place where others are present:

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(1) willfully and lewdly ~~expose~~ exposes the person's body, or the private parts thereof; ~~in any public place, or in any place where others are present, or shall procure;~~

(2) procures another to expose private parts; ~~and every person who shall be guilty of;~~ or

(3) engages in any open or gross lewdness or lascivious behavior, or any public indecency other than ~~hereinbefore~~ behavior specified; ~~shall be guilty of a misdemeanor in clause (1) or (2) or this clause.~~

(b) A person is guilty of a gross misdemeanor if:

(1) the person violates this section in the presence of a minor under the age of 16; or

(2) the person violates this section after having been previously convicted of violating this section, sections 609.342 to 609.3451, or a statute from another state in conformity with any of those sections.

Sec. 32. Minnesota Statutes 1994, section 624.712, subdivision 5, is amended to read:

Subd. 5. **CRIME OF VIOLENCE.** "Crime of violence" includes murder in the first, second, and third degrees, manslaughter in the first and second degrees, aiding suicide, aiding attempted suicide, felony violations of assault in the first, second, third, and fourth degrees, assaults motivated by bias under section 609.2231, subdivision 4, terroristic threats, use of drugs to injure or to facilitate crime, crimes committed for the benefit of a gang, commission of a crime while wearing or possessing a bullet-resistant vest, simple robbery, aggravated robbery, kidnapping, false imprisonment, criminal sexual conduct in the first, second, third, and fourth degrees, theft of a firearm, arson in the first and second degrees, riot, burglary in the first, second, third, and fourth degrees, harassment and stalking, shooting at a public transit vehicle or facility, reckless use of a gun or dangerous weapon, intentionally pointing a gun at or towards a human being, setting a spring gun, and unlawfully owning, possessing, operating a machine gun or short-barreled shotgun, and an attempt to commit any of these offenses, as each of those offenses is defined in chapter 609. "Crime of violence" also includes felony violations of the following: malicious punishment of a child; neglect or endangerment of a child; and chapter 152.

Sec. 33. Minnesota Statutes 1994, section 626.13, is amended to read:

626.13 SERVICE; PERSONS MAKING.

A search warrant may in all cases be served anywhere within the issuing judge's county by any of the officers mentioned in its directions, but by no other person, except in aid of the officer on the officer's requiring it, the officer being present and acting in its execution. If the warrant is to be served by an agent of the bureau of criminal apprehension, an agent of the division of gambling

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enforcement, a state patrol trooper, or a conservation officer, the agent, state patrol trooper, or conservation officer shall notify the chief of police of an organized full-time police department of the municipality or, if there is no such local chief of police, the sheriff or a deputy sheriff of the county in which service is to be made prior to execution.

Sec. 34. Minnesota Statutes 1994, section 626.861, subdivision 1, is amended to read:

Subdivision 1. **LEVY OF ASSESSMENT.** There is levied a penalty assessment of 15 percent on each fine imposed and collected by the courts of this state for traffic offenses in violation of chapters 168 to 173 or equivalent local ordinances, other than a fine or forfeiture for a violation of a local ordinance or other law relating to the parking of a vehicle. In cases where the defendant is convicted but a fine is not imposed, or execution of the fine is stayed, the court shall impose a penalty assessment of not less than \$5 nor more than \$10 when the conviction is for a ~~misdemeanor~~ or petty misdemeanor, and shall impose a penalty assessment of not less than ~~\$10~~ \$25 but not more than \$50 when the conviction is for a misdemeanor, gross misdemeanor, or felony. Where multiple offenses are involved, the penalty assessment shall be assessed separately on each offense for which the defendant is sentenced. If imposition or execution of sentence is stayed for all of the multiple offenses, the penalty assessment shall be based upon the most serious offense of which the defendant was convicted. Where the court suspends a portion of a fine, the suspended portion shall not be counted in determining the amount of the penalty assessment unless the offender is ordered to pay the suspended portion of the fine. Suspension of an entire fine shall be treated as a stay of execution for purposes of computing the amount of the penalty assessment.

Sec. 35. Minnesota Statutes 1994, section 628.26, is amended to read:

628.26 LIMITATIONS.

(a) Indictments or complaints for murder may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for violation of section 609.42, subdivision 1, clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(c) Indictments or complaints for violation of sections 609.342 to 609.345 if the victim was under the age of 18 years at the time the offense was committed, shall be found or made and filed in the proper court within ~~seven~~ nine years after the commission of the offense or, if the victim failed to report the offense within this limitation period, within three years after the offense was reported to law enforcement authorities.

(d) Indictments or complaints for violation of sections 609.342 to 609.344 if the victim was 18 years old or older at the time the offense was committed, shall

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be found or made and filed in the proper court within ~~seven~~ nine years after the commission of the offense.

(e) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision 2, clause (3)(c) shall be found or made and filed in the proper court within six years after the commission of the offense.

(f) Indictments or complaints for violation of section 609.52, subdivision 2, clause (3), items (a) and (b), (4), (15), or (16), 609.631, or 609.821, where the value of the property or services stolen is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(g) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section 609.671 shall be found or made and filed in the proper court within five years after the commission of the offense.

(h) Indictments or complaints for violation of sections 609.561 to 609.563, shall be found or made and filed in the proper court within five years after the commission of the offense.

(i) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense.

(j) The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

(k) The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated under a written agreement in a pretrial diversion program relating to that offense.

(l) The limitations periods contained in this section shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

Sec. 36. Laws 1993, chapter 146, article 2, section 31, is amended to read:

Sec. 31. **REPEALER.**

~~Section 20, subdivision 3, is repealed June 30, 1997.~~ Minnesota Statutes 1992, section 270B.14, subdivision 12, is repealed June 30, 1995.

Sec. 37. **ELECTRONIC ALCOHOL MONITORING OF DWI OFFENDERS; PILOT PROGRAM.**

Subdivision 1. DEFINITIONS. As used in this section, the following terms have the meaning given them in this subdivision.

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(a) "Breath analyzer unit" means a device that performs breath alcohol testing and is connected to a remote electronic alcohol monitoring system.

(b) "Remote electronic alcohol monitoring system" means a system that electronically monitors the alcohol concentration of individuals in their homes to ensure compliance with court-ordered conditions of pretrial release, supervised release, or probation.

Subd. 2. PILOT PROGRAM ESTABLISHED. In cooperation with the conference of chief judges, the state court administrator, and the commissioner of public safety, the commissioner of corrections shall establish a three-year pilot program to evaluate the effectiveness of using breath analyzer units to monitor DWI offenders who are ordered to abstain from alcohol use as a condition of pretrial release, supervised release, or probation. The pilot program must include procedures ensuring that violators of this condition of release receive swift consequences for the violation.

The commissioner of corrections shall select at least two judicial districts to participate in the pilot program. Offenders who are ordered to use a breath analyzer unit shall also be ordered to pay the per diem cost of the monitoring unless the offender is indigent. The commissioner of corrections shall reimburse the judicial districts for any costs the districts incur in participating in the program.

After three years, the commissioner of corrections shall evaluate the effectiveness of the program and shall report the results of this evaluation to the conference of chief judges, the state court administrator, the commissioner of public safety, and the chairs of the house of representatives and senate committees having jurisdiction over criminal justice policy and finance.

Sec. 38. EFFECTIVE DATES.

Sections 5 and 6 are effective the day following final enactment. Sections 20 and 21 are effective the day following final enactment and apply to crimes committed on or after that date. Section 35 is effective July 1, 1995, and applies to crimes committed on or after that date, and to crimes committed before that date if the limitations period for the offense did not expire before July 1, 1995. Sections 8 to 19, 22, 23, 31, 32, and 34, are effective July 1, 1995, and apply to crimes committed on or after that date. Sections 1 to 4, 7, 24 to 30, 33, 36, and 37, are effective July 1, 1995.

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ARTICLE 3

JUVENILE JUSTICE

Section 1. [8.36] ANNUAL REPORT ON SCHOOL SAFETY.

On or before January 15 of each year, the attorney general shall prepare a report on safety in secondary and post-secondary schools. The report must include an assessment and evaluation of the impact of existing laws and programs on school safety and antiviolenence and include recommendations for changes in law or policy that would increase the safety of schools and curb violence. The report must be submitted to the chairs of the senate and house of representatives committees with jurisdiction over education and crime issues.

Sec. 2. [120.1045] BACKGROUND CHECK.

Subdivision 1. BACKGROUND CHECK REQUIRED. A school hiring authority shall request a criminal history background check from the superintendent of the bureau of criminal apprehension on all individuals who are offered employment in the school. In order to be eligible for employment, an individual who is offered employment must provide an executed criminal history consent form and a money order or cashier's check payable to the bureau of criminal apprehension for the fee for conducting the criminal history background check. A school may charge a person offered employment an additional fee of up to \$2 to cover the school's costs under this section. The superintendent shall perform the background check by retrieving criminal history data maintained in the criminal justice information system computers.

Subd. 2. CONDITIONAL HIRING; DISCHARGE. A school hiring authority may hire an individual pending completion of a background check under subdivision 1 but shall notify the individual that the individual's employment may be terminated based on the result of the background check. A school hiring authority is not liable for failing to hire or for terminating an individual's employment based on the result of a background check under this section.

Subd. 3. EXEMPTION. The requirements of this section do not apply to hiring authorities of home schools.

Sec. 3. Minnesota Statutes 1994, section 120.14, is amended to read:

120.14 ATTENDANCE OFFICERS.

The board of any district may authorize the employment of attendance officers, who shall investigate truancy or nonattendance at school, make complaints, serve notice and process, and attend to the enforcement of all laws and district rules regarding school attendance. When any attendance officer learns of any case of habitual truancy or continued nonattendance of any child required to attend school the officer shall immediately notify the person having control of such child to forthwith send to and keep the child in school. The attendance

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officer shall also refer a habitual truant child as defined in section 260.015, subdivision 19, and the child's parent or legal guardian to appropriate services and procedures under chapter 260A, if available within the school district. Attendance officers or other designated school officials shall ensure that the notice required by section 260A.03 for a child who is a continuing truant is sent. The officer shall act under the general supervision of the district superintendent.

Sec. 4. [120.1811] RESIDENTIAL TREATMENT FACILITIES; EDUCATION.

Subdivision 1. EDUCATIONAL SCREENING. Secure and nonsecure residential treatment facilities licensed by the department of human services or the department of corrections shall screen each juvenile who is held in a facility for at least 72 hours, excluding weekends or holidays, using an educational screening tool identified by the department of education, unless the facility determines that the juvenile has a current individual education plan and obtains a copy of it. The department of education shall develop or identify an education screening tool for use in residential facilities. The tool must include a life skills development component.

Subd. 2. RULEMAKING. The state board of education may, in consultation with the commissioners of corrections and human services, make or amend rules relating to education programs in residential treatment facilities, if necessary, to implement this section.

Sec. 5. Minnesota Statutes 1994, section 120.73, is amended by adding a subdivision to read:

Subd. 2b. SCHOOL UNIFORMS. Notwithstanding section 120.74, a school board may require students to furnish or purchase clothing that constitutes a school uniform if the board has adopted a uniform requirement or program for the student's school. In adopting a uniform requirement, the board shall promote student, staff, parent, and community involvement in the program and account for the financial ability of students to purchase uniforms.

Sec. 6. Minnesota Statutes 1994, section 125.05, is amended by adding a subdivision to read:

Subd. 8. BACKGROUND CHECKS. (a) The board of teaching and the state board of education shall request a criminal history background check from the superintendent of the bureau of criminal apprehension on all applicants for initial licenses under their jurisdiction. An application for a license under this section must be accompanied by:

- (1) an executed criminal history consent form, including fingerprints; and
- (2) a money order or cashier's check payable to the bureau of criminal apprehension for the fee for conducting the criminal history background check.
- (b) The superintendent of the bureau of criminal apprehension shall per-

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form the background check required under paragraph (a) by retrieving criminal history data maintained in the criminal justice information system computers and shall also conduct a search of the national criminal records repository, including the criminal justice data communications network. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent shall recover the cost to the bureau of a background check through the fee charged to the applicant under paragraph (a).

(c) The board of teaching or the state board of education may issue a license pending completion of a background check under this subdivision, but shall notify the individual that the individual's license may be revoked based on the result of the background check.

Sec. 7. Minnesota Statutes 1994, section 125.09, subdivision 1, is amended to read:

Subdivision 1. **GROUND FOR REVOCATION, SUSPENSION, OR DENIAL.** The board of teaching or the state board of education, whichever has jurisdiction over a teacher's licensure, may, on the written complaint of the school board employing a teacher, ~~or of a teacher organization, or of any other~~ interested person, which complaint shall specify the nature and character of the charges, refuse to issue, refuse to renew, suspend, or revoke ~~such a~~ teacher's license to teach for any of the following causes:

- (1) Immoral character or conduct;
- (2) Failure, without justifiable cause, to teach for the term of the teacher's contract;
- (3) Gross inefficiency or willful neglect of duty; or
- (4) Failure to meet licensure requirements; or
- (5) Fraud or misrepresentation in obtaining a license.

For purposes of this subdivision, the board of teaching is delegated the authority to suspend or revoke coaching licenses under the jurisdiction of the state board of education.

Sec. 8. Minnesota Statutes 1994, section 127.20, is amended to read:

127.20 VIOLATIONS; PENALTIES.

Any person who fails or refuses to provide for instruction of a child of whom the person has legal custody, and who is required by section 120.101, subdivision 5, to receive instruction, when notified so to do by a truant officer or other official, or any person who induces or attempts to induce any such child unlawfully to be absent from school, or who knowingly harbors or employs, while school is in session, any child unlawfully absent from school, shall be

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guilty of a misdemeanor ~~and, upon conviction, shall be punished by a fine of not more than \$50, or by imprisonment for not more than 30 days. All Any fines, when collected,~~ shall be paid into the county treasury for the benefit of the school district in which the offense is committed.

Sec. 9. Minnesota Statutes 1994, section 127.27, subdivision 10, is amended to read:

Subd. 10. "Suspension" means an action taken by the school administration, under rules promulgated by the school board, prohibiting a pupil from attending school for a period of no more than five ten school days. If a suspension is longer than five days, the suspending administrator must provide the superintendent with a reason for the longer suspension. This definition does not apply to dismissal from school for one school day or less. Each suspension action shall include a readmission plan. The readmission plan shall include, where appropriate, a provision for alternative programs to be implemented upon readmission. Suspension may not be consecutively imposed against the same pupil for the same course of conduct, or incident of misconduct, except where the pupil will create an immediate and substantial danger to surrounding persons or property. In no event shall suspension exceed 15 school days, provided that an alternative program shall be implemented to the extent that suspension exceeds five days.

Sec. 10. **[127.282] EXPULSION FOR POSSESSION OF FIREARM.**

(a) Notwithstanding the time limitation in section 127.27, subdivision 5, a school board must expel for a period of at least one year a pupil who is determined to have brought a firearm to school except the board may modify this expulsion requirement for a pupil on a case-by-case basis. For the purposes of this section, firearm is as defined in United States Code, title 18, section 921.

(b) Notwithstanding chapter 13, a student's expulsion or withdrawal or transfer from a school after an expulsion action is initiated against the student for a weapons violation under paragraph (a) may be disclosed by the school district initiating the expulsion proceeding. Unless the information is otherwise public, the disclosure may be made only to another school district in connection with the possible admission of the student to the other district.

Sec. 11. **[127.47] SCHOOL LOCKER POLICY.**

Subdivision 1. POLICY. It is the policy of the state of Minnesota that:

"School lockers are the property of the school district. At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or

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school rules. As soon as practicable after the search of a student's personal possessions, the school authorities must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials."

Subd. 2. DISSEMINATION. The locker policy must be disseminated to parents and students in the way that other policies of general application to students are disseminated. A copy of the policy must be provided to a student the first time after the policy is effective that the student is given the use of a locker.

Sec. 12. [127.48] POLICY TO REFER FIREARMS POSSESSOR.

Each school board must have a policy requiring the appropriate school official to, as soon as practicable, refer to the criminal justice or juvenile delinquency system, as appropriate, any pupil who brings a firearm to school unlawfully.

Sec. 13. Minnesota Statutes 1994, section 171.04, subdivision 1, is amended to read:

Subdivision 1. **PERSONS NOT ELIGIBLE.** The department shall not issue a driver's license hereunder:

(1) To any person who is under the age of 16 years; to any person under 18 years unless such person shall have successfully completed a course in driver education, including both classroom and behind-the-wheel instruction, approved by the state board of education for courses offered through the public schools, or, in the case of a course offered by a private, commercial driver education school or institute, by the department of public safety; except when such person has completed a course of driver education in another state or has a previously issued valid license from another state or country; nor to any person under 18 years unless the application of license is approved by either parent when both reside in the same household as the minor applicant, otherwise the parent or spouse of the parent having custody or with whom the minor is living in the event there is no court order for custody, or guardian having the custody of such minor, or in the event a person under the age of 18 has no living father, mother or guardian, the license shall not be issued to such person unless the application therefor is approved by the person's employer. Driver education courses offered in any public school shall be open for enrollment to persons between the ages of 15 and 18 years residing in the school district or attending school therein. Any public school offering driver education courses may charge an enrollment fee for the driver education course which shall not exceed the actual cost thereof to the public school and the school district. The approval required herein shall contain a verification of the age of the applicant;

(2) To any person whose license has been suspended during the period of suspension except that a suspended license may be reinstated during the period of suspension upon the licensee furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act;

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(3) To any person whose license has been revoked except upon furnishing proof of financial responsibility in the same manner as provided in the Minnesota no-fault automobile insurance act and if otherwise qualified;

(4) To any person who is a drug dependent person as defined in section 254A.02, subdivision 5;

(5) To any person who has been adjudged legally incompetent by reason of mental illness, mental deficiency, or inebriation, and has not been restored to capacity, unless the department is satisfied that such person is competent to operate a motor vehicle with safety to persons or property;

(6) To any person who is required by this chapter to take an examination, unless such person shall have successfully passed such examination;

(7) To any person who is required under the provisions of the Minnesota no-fault automobile insurance act of this state to deposit proof of financial responsibility and who has not deposited such proof;

(8) To any person when the commissioner has good cause to believe that the operation of a motor vehicle on the highways by such person would be inimical to public safety or welfare;

(9) To any person when, in the opinion of the commissioner, such person is afflicted with or suffering from such physical or mental disability or disease as will affect such person in a manner to prevent the person from exercising reasonable and ordinary control over a motor vehicle while operating the same upon the highways; nor to a person who is unable to read and understand official signs regulating, warning, and directing traffic;

(10) To a child for whom a court has ordered denial of driving privileges under section 260.191, subdivision 1, or 260.195, subdivision 3a, until the period of denial is completed; or

(11) To any person whose license has been canceled, during the period of cancellation.

Sec. 14. Minnesota Statutes 1994, section 242.31, subdivision 1, is amended to read:

Subdivision 1. Whenever a person who has been committed to the custody of the commissioner of corrections upon conviction of a crime following certification ~~to district court~~ under the provisions of section 260.125 is finally discharged by order of the commissioner, that discharge shall restore the person to all civil rights and, if so ordered by the commissioner of corrections, also shall have the effect of setting aside the conviction, nullifying it and purging the person of it. The commissioner shall file a copy of the order with the district court of the county in which the conviction occurred; upon receipt, the court shall order the conviction set aside. An order setting aside a conviction for a crime of violence as defined in section 624.712, subdivision 5, must provide that the per-

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son is not entitled to ship, transport, possess, or receive a firearm until ten years have elapsed since the order was entered and during that time the person was not convicted of any other crime of violence. A person whose conviction was set aside under this section and who thereafter has received a relief of disability under United States Code, title 18, section 925, shall not be subject to the restrictions of this subdivision.

Sec. 15. Minnesota Statutes 1994, section 260.015, subdivision 21, is amended to read:

Subd. 21. **JUVENILE PETTY OFFENDER; JUVENILE PETTY OFFENSE.** (a) "Juvenile petty offense" includes a juvenile alcohol offense, a juvenile controlled substance offense, a violation of section 609.685, or a violation of a local ordinance, which by its terms prohibits conduct by a child under the age of 18 years which would be lawful conduct if committed by an adult.

(b) "Juvenile petty offense" also includes an offense, other than a violation of section 609.224, 609.324, 609.563, 609.576, or 617.23, that would be a misdemeanor if committed by an adult if:

(1) the child has not been found to be a juvenile petty offender on more than two prior occasions for a misdemeanor-level offense;

(2) the child has not previously been found to be delinquent for a misdemeanor, gross misdemeanor, or felony offense; or

(3) the county attorney designates the child on the petition as a juvenile petty offender, notwithstanding the child's prior record of misdemeanor-level juvenile petty offenses.

(c) A child who commits a juvenile petty offense is a "juvenile petty offender."

Sec. 16. **[260.042] ORIENTATION AND EDUCATIONAL PROGRAM.**

The court shall make an orientation and educational program available for juveniles and their families in accordance with the program established, if any, by the supreme court.

Sec. 17. Minnesota Statutes 1994, section 260.115, subdivision 1, is amended to read:

Subdivision 1. **TRANSFERS REQUIRED.** Except where a juvenile court has certified an alleged violation ~~to district court~~ in accordance with the provisions of section 260.125, the child is alleged to have committed murder in the first degree after becoming 16 years of age, or a court has original jurisdiction of a child who has committed an adult court traffic offense, as defined in section 260.193, subdivision 1, clause (c), a court other than a juvenile court shall immediately transfer to the juvenile court of the county the case of a minor who appears before the court on a charge of violating any state or local law or ordi-

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nance and who is under 18 years of age or who was under 18 years of age at the time of the commission of the alleged offense.

Sec. 18. Minnesota Statutes 1994, section 260.125, is amended to read:

260.125 CERTIFICATION ~~TO DISTRICT COURT.~~

Subdivision 1. When a child is alleged to have committed, after becoming 14 years of age, an offense that would be a felony if committed by an adult, the juvenile court may enter an order certifying the proceeding ~~to the district court~~ for action ~~under the criminal laws~~ under the laws and court procedures controlling adult criminal violations.

Subd. 2. **ORDER OF CERTIFICATION; REQUIREMENTS.** Except as provided in subdivision 3a or 3b, the juvenile court may order a certification ~~to district court~~ only if:

(1) a petition has been filed in accordance with the provisions of section 260.131;

(2) a motion for certification has been filed by the prosecuting authority;

(3) notice has been given in accordance with the provisions of sections 260.135 and 260.141;

(4) a hearing has been held in accordance with the provisions of section 260.155 within 30 days of the filing of the certification motion, unless good cause is shown by the prosecution or the child as to why the hearing should not be held within this period in which case the hearing shall be held within 90 days of the filing of the motion;

(5) the court finds that there is probable cause, as defined by the rules of criminal procedure promulgated pursuant to section 480.059, to believe the child committed the offense alleged by delinquency petition; and

(6) the court finds either:

(i) that the presumption of certification created by subdivision 2a applies and the child has not rebutted the presumption by clear and convincing evidence demonstrating that retaining the proceeding in the juvenile court serves public safety; or

(ii) that the presumption of certification does not apply and the prosecuting authority has demonstrated by clear and convincing evidence that retaining the proceeding in the juvenile court does not serve public safety. If the court finds that the prosecutor has not demonstrated by clear and convincing evidence that retaining the proceeding in juvenile court does not serve public safety, the court shall retain the proceeding in juvenile court.

Subd. 2a. **PRESUMPTION OF CERTIFICATION.** It is presumed that a

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proceeding involving an offense committed by a child will be certified to ~~district court~~ if:

(1) the child was 16 or 17 years old at the time of the offense; and

(2) the delinquency petition alleges that the child committed an offense that would result in a presumptive commitment to prison under the sentencing guidelines and applicable statutes, or that the child committed any felony offense while using, whether by brandishing, displaying, threatening with, or otherwise employing, a firearm.

If the court determines that probable cause exists to believe the child committed the alleged offense, the burden is on the child to rebut this presumption by demonstrating by clear and convincing evidence that retaining the proceeding in the juvenile court serves public safety. If the court finds that the child has not rebutted the presumption by clear and convincing evidence, the court shall certify the ~~child to district court~~ proceeding.

Subd. 2b. **PUBLIC SAFETY.** In determining whether the public safety is served by certifying a ~~child to district court~~ the matter, the court shall consider the following factors:

(1) the seriousness of the alleged offense in terms of community protection, including the existence of any aggravating factors recognized by the sentencing guidelines, the use of a firearm, and the impact on any victim;

(2) the culpability of the child in committing the alleged offense, including the level of the child's participation in planning and carrying out the offense and the existence of any mitigating factors recognized by the sentencing guidelines;

(3) the child's prior record of delinquency;

(4) the child's programming history, including the child's past willingness to participate meaningfully in available programming;

(5) the adequacy of the punishment or programming available in the juvenile justice system; and

(6) the dispositional options available for the child.

In considering these factors, the court shall give greater weight to the seriousness of the alleged offense and the child's prior record of delinquency than to the other factors listed in this subdivision.

Subd. 3a. **PRIOR CERTIFICATION; EXCEPTION.** Notwithstanding the provisions of subdivisions 2, 2a, and 2b, the court shall order a certification in any felony case if the prosecutor shows that the child has been previously prosecuted on a felony charge by an order of certification issued pursuant to either a hearing held under subdivision 2 or pursuant to the waiver of the right to such a hearing, other than a prior certification in the same case.

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This subdivision only applies if the child is convicted of the offense or offenses for which the child was prosecuted pursuant to the order of certification or of a lesser-included offense which is a felony.

This subdivision does not apply to juvenile offenders who are subject to criminal court jurisdiction under section 609.055.

Subd. 3b. **ADULT CHARGED WITH JUVENILE OFFENSE.** The juvenile court has jurisdiction to hold a certification hearing on motion of the prosecuting authority to certify the matter ~~to district court~~ if:

(1) an adult is alleged to have committed an offense before the adult's 18th birthday; and

(2) a petition is filed under section 260.131 before expiration of the time for filing under section 628.26.

The court may not certify the matter ~~to district court~~ under this subdivision if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

Subd. 4. **EFFECT OF ORDER.** When the juvenile court enters an order certifying an alleged violation ~~to district court~~, the prosecuting authority shall proceed with the case as if the jurisdiction of the juvenile court had never attached.

Subd. 5. **WRITTEN FINDINGS; OPTIONS.** The court shall decide whether to order certification ~~to district court~~ within 15 days after the certification hearing was completed, unless additional time is needed, in which case the court may extend the period up to another 15 days. If the juvenile court orders certification, and the presumption described in subdivision 2a does not apply, the order shall contain in writing, findings of fact and conclusions of law as to why public safety is not served by retaining the proceeding in the juvenile court. If the juvenile court, after a hearing conducted pursuant to subdivision 2, decides not to order certification ~~to district court~~, the decision shall contain, in writing, findings of fact and conclusions of law as to why certification is not ordered. If the juvenile court decides not to order certification in a case in which the presumption described in subdivision 2a applies, the court shall designate the proceeding an extended jurisdiction juvenile prosecution and include in its decision written findings of fact and conclusions of law as to why the retention of the proceeding in juvenile court serves public safety, with specific reference to the factors listed in subdivision 2b. If the court decides not to order certification in a case in which the presumption described in subdivision 2a does not apply, the court may designate the proceeding an extended jurisdiction juvenile prosecution, pursuant to the hearing process described in section 260.126, subdivision 2.

Subd. 6. **FIRST-DEGREE MURDER.** When a motion for certification has been filed in a case in which the petition alleges that the child committed mur-

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der in the first degree, the prosecuting authority shall present the case to the grand jury for consideration of indictment under chapter 628 within 14 days after the petition was filed.

Subd. 7. **INAPPLICABILITY TO CERTAIN OFFENDERS.** This section does not apply to a child excluded from the definition of delinquent child under section 260.015, subdivision 5, paragraph (b).

Sec. 19. Minnesota Statutes 1994, section 260.126, subdivision 5, is amended to read:

Subd. 5. **EXECUTION OF ADULT SENTENCE.** When it appears that a person convicted as an extended jurisdiction juvenile has violated the conditions of the stayed sentence, or is alleged to have committed a new offense, the court may, without notice, revoke the stay and probation and direct that the offender be taken into immediate custody. The court shall notify the offender in writing of the reasons alleged to exist for revocation of the stay of execution of the adult sentence. If the offender challenges the reasons, the court shall hold a summary hearing on the issue at which the offender is entitled to be heard and represented by counsel. After the hearing, if the court finds that reasons exist to revoke the stay of execution of sentence, the court shall treat the offender as an adult and order any of the adult sanctions authorized by section 609.14, subdivision 3. If the offender was convicted of an offense described in subdivision 1, clause (2), and the court finds that reasons exist to revoke the stay, the court must order execution of the previously imposed sentence unless the court makes written findings regarding the mitigating factors that justify continuing the stay. Upon revocation, the offender's extended jurisdiction status is terminated and juvenile court jurisdiction is terminated. The ongoing jurisdiction for any adult sanction, other than commitment to the commissioner of corrections, is with the adult court.

Sec. 20. Minnesota Statutes 1994, section 260.131, is amended by adding a subdivision to read:

Subd. 1b. **CHILD IN NEED OF PROTECTION OR SERVICES; HABITUAL TRUANT.** If there is a school attendance review board or county attorney mediation program operating in the child's school district, a petition alleging that a child is in need of protection or services as a habitual truant under section 260.015, subdivision 2a, clause (12), may not be filed until the applicable procedures under section 260A.06 or 260A.07 have been exhausted.

Sec. 21. Minnesota Statutes 1994, section 260.131, subdivision 4, is amended to read:

Subd. 4. **DELINQUENCY PETITION; EXTENDED JURISDICTION JUVENILE.** When a prosecutor files a delinquency petition alleging that a child committed a felony offense for which there is a presumptive commitment to prison according to the sentencing guidelines and applicable statutes or in which the child used a firearm, after reaching the age of 16 years, the prosecutor shall

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indicate in the petition whether the prosecutor designates the proceeding an extended jurisdiction juvenile prosecution. When a prosecutor files a delinquency petition alleging that a child aged 14 to 17 years committed a felony offense, the prosecutor may request that the court designate the proceeding an extended jurisdiction juvenile prosecution.

Sec. 22. Minnesota Statutes 1994, section 260.132, subdivision 1, is amended to read:

Subdivision 1. **NOTICE.** When a peace officer, or attendance officer in the case of a habitual truant, has probable cause to believe that a child:

(1) is in need of protection or services under section 260.015, subdivision 2a, clause (11) or (12);

(2) is a juvenile petty offender; or

(3) has committed a delinquent act that would be a petty misdemeanor or misdemeanor if committed by an adult;

the officer may issue a notice to the child to appear in juvenile court in the county in which the child is found or in the county of the child's residence or, in the case of a juvenile petty offense, or a petty misdemeanor or misdemeanor delinquent act, the county in which the offense was committed. If there is a school attendance review board or county attorney mediation program operating in the child's school district, a notice to appear in juvenile court for a habitual truant may not be issued until the applicable procedures under section 260A.06 or 260A.07 have been exhausted. The officer shall file a copy of the notice to appear with the juvenile court of the appropriate county. If a child fails to appear in response to the notice, the court may issue a summons notifying the child of the nature of the offense alleged and the time and place set for the hearing. If the peace officer finds it necessary to take the child into custody, sections 260.165 and 260.171 shall apply.

Sec. 23. Minnesota Statutes 1994, section 260.132, is amended by adding a subdivision to read:

Subd. 3a. **NO RIGHT TO COUNSEL AT PUBLIC EXPENSE.** A child alleged to be a juvenile petty offender may be represented by counsel, but does not have a right to appointment of a public defender or other counsel at public expense.

Sec. 24. Minnesota Statutes 1994, section 260.132, subdivision 4, is amended to read:

Subd. 4. **TRUANT.** When a peace officer or probation officer has probable cause to believe that a child is currently under age 16 and absent from school without lawful excuse, the officer may transport the child to the child's home and deliver the child to the custody of the child's parent or guardian, transport the child to the child's school of enrollment and deliver the child to the custody

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of a school superintendent or teacher or transport the child to a truancy service center under section 260A.04, subdivision 3. ~~For purposes of this subdivision, a truancy service center is a facility that receives truant students from peace officers or probation officers and takes appropriate action including one or more of the following:~~

- (1) ~~assessing the truant's attendance situation;~~
- (2) ~~assisting in coordinating intervention efforts where appropriate;~~
- (3) ~~contacting the parents or legal guardian of the truant and releasing the truant to the custody of the parent or guardian; and~~
- (4) ~~facilitating the truant's earliest possible return to school.~~

Sec. 25. Minnesota Statutes 1994, section 260.155, subdivision 2, is amended to read:

Subd. 2. **APPOINTMENT OF COUNSEL.** (a) The child, parent, guardian or custodian ~~have~~ has the right to effective assistance of counsel in connection with a proceeding in juvenile court unless the child is charged with a juvenile petty offense as defined in section 260.015, subdivision 21. ~~Before a child who is charged by delinquency petition with a misdemeanor offense waives the right to counsel or enters a plea, the child shall consult in person with counsel who shall provide a full and intelligible explanation of the child's rights. The court shall appoint counsel, or stand-by counsel if the child waives the right to counsel, for a child who is:~~

- (1) ~~charged by delinquency petition with a gross misdemeanor or felony offense; or~~
- (2) ~~the subject of a delinquency proceeding in which out-of-home placement has been proposed.~~

(b) If they desire counsel but are unable to employ it, the court shall appoint counsel to represent the child or the parents or guardian in any ~~other~~ case in which it feels that such an appointment is desirable, except a juvenile petty offense as defined in section 260.015, subdivision 21.

Sec. 26. Minnesota Statutes 1994, section 260.161, subdivision 3, is amended to read:

Subd. 3. **PEACE OFFICER RECORDS OF CHILDREN.** (a) Except for records relating to an offense where proceedings are public under section 260.155, subdivision 1, peace officers' records of children who are or may be delinquent or who may be engaged in criminal acts shall be kept separate from records of persons 18 years of age or older and are private data but shall be disseminated: (1) by order of the juvenile court, (2) as required by section 126.036, (3) as authorized under section 13.82, subdivision 2, (4) to the child or the child's parent or guardian unless disclosure of a record would interfere with an

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ongoing investigation, or (5) as otherwise provided in this subdivision. Except as provided in paragraph (c), no photographs of a child taken into custody may be taken without the consent of the juvenile court unless the child is alleged to have violated section 169.121 or 169.129. Peace officers' records containing data about children who are victims of crimes or witnesses to crimes must be administered consistent with section 13.82, subdivisions 2, 3, 4, and 10. Any person violating any of the provisions of this subdivision shall be guilty of a misdemeanor.

In the case of computerized records maintained about juveniles by peace officers, the requirement of this subdivision that records about juveniles must be kept separate from adult records does not mean that a law enforcement agency must keep its records concerning juveniles on a separate computer system. Law enforcement agencies may keep juvenile records on the same computer as adult records and may use a common index to access both juvenile and adult records so long as the agency has in place procedures that keep juvenile records in a separate place in computer storage and that comply with the special data retention and other requirements associated with protecting data on juveniles.

(b) Nothing in this subdivision prohibits the exchange of information by law enforcement agencies if the exchanged information is pertinent and necessary to the requesting agency in initiating, furthering, or completing a criminal investigation.

(c) A photograph may be taken of a child taken into custody pursuant to section 260.165, subdivision 1, clause (b), provided that the photograph must be destroyed when the child reaches the age of 19 years. The commissioner of corrections may photograph juveniles whose legal custody is transferred to the commissioner. Photographs of juveniles authorized by this paragraph may be used only for institution management purposes, case supervision by parole agents, and to assist law enforcement agencies to apprehend juvenile offenders. The commissioner shall maintain photographs of juveniles in the same manner as juvenile court records and names under this section.

(d) Traffic investigation reports are open to inspection by a person who has sustained physical harm or economic loss as a result of the traffic accident. Identifying information on juveniles who are parties to traffic accidents may be disclosed as authorized under section 13.82, subdivision 4, and accident reports required under section 169.09 may be released under section 169.09, subdivision 13, unless the information would identify a juvenile who was taken into custody or who is suspected of committing an offense that would be a crime if committed by an adult, or would associate a juvenile with the offense, and the offense is not a minor traffic offense under section 260.193.

(e) A law enforcement agency shall notify the principal or chief administrative officer of a juvenile's school of an incident occurring within the agency's jurisdiction if:

(1) the agency has probable cause to believe that the juvenile has committed

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an offense that would be a crime if committed as an adult, that the victim of the offense is a student or staff member of the school, and that notice to the school is reasonably necessary for the protection of the victim; or

(2) the agency has probable cause to believe that the juvenile has committed an offense described in subdivision 1b, paragraph (a), clauses (1) to (3), that would be a crime if committed by an adult, regardless of whether the victim is a student or staff member of the school.

A law enforcement agency is not required to notify the school under this paragraph if the agency determines that notice would jeopardize an ongoing investigation. Notwithstanding section 138.17, data from a notice received from a law enforcement agency under this paragraph must be destroyed when the juvenile graduates from the school or at the end of the academic year when the juvenile reaches age 23, whichever date is earlier. For purposes of this paragraph, "school" means a public or private elementary, middle, or secondary school.

(f) In any county in which the county attorney operates or authorizes the operation of a juvenile prepetition or pretrial diversion program, a law enforcement agency or county attorney's office may provide the juvenile diversion program with data concerning a juvenile who is a participant in or is being considered for participation in the program.

(g) Upon request of a local social service agency, peace officer records of children who are or may be delinquent or who may be engaged in criminal acts may be disseminated to the agency to promote the best interests of the subject of the data.

Sec. 27. [260.1735] EXTENSION OF DETENTION PERIOD.

Before July 1, 1997, and pursuant to a request from an eight-day temporary holdover facility, as defined in section 241.0221, the commissioner of corrections, or the commissioner's designee, may grant a one-time extension per child to the eight-day limit on detention under this chapter. This extension may allow such a facility to detain a child for up to 30 days including weekends and holidays. Upon the expiration of the extension, the child may not be transferred to another eight-day temporary holdover facility. The commissioner shall develop criteria for granting extensions under this section. These criteria must ensure that the child be transferred to a long-term juvenile detention facility as soon as such a transfer is possible. Nothing in this section changes the requirements in section 260.172 regarding the necessity of detention hearings to determine whether continued detention of the child is proper.

Sec. 28. Minnesota Statutes 1994, section 260.181, subdivision 4, is amended to read:

Subd. 4. **TERMINATION OF JURISDICTION.** (a) The court may dismiss the petition or otherwise terminate its jurisdiction on its own motion or on

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the motion or petition of any interested party at any time. Unless terminated by the court, and except as otherwise provided in this subdivision, the jurisdiction of the court shall continue until the individual becomes 19 years of age if the court determines it is in the best interest of the individual to do so. Court jurisdiction under section 260.015, subdivision 2a, clause (12), may not continue past the child's 17th birthday.

(b) The jurisdiction of the court over an extended jurisdiction juvenile, with respect to the offense for which the individual was convicted as an extended jurisdiction juvenile, extends until the offender becomes 21 years of age, unless the court terminates jurisdiction before that date.

(c) The juvenile court has jurisdiction to designate the proceeding an extended jurisdiction juvenile prosecution, to hold a certification hearing, or to conduct a trial, receive a plea, or impose a disposition under section 260.126, subdivision 4, if:

(1) an adult is alleged to have committed an offense before the adult's 18th birthday; and

(2) a petition is filed under section 260.131 before expiration of the time for filing under section 628.26 and before the adult's 21st birthday.

The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

(d) The district court has original and exclusive jurisdiction over a proceeding:

(1) that involves an adult who is alleged to have committed an offense before the adult's 18th birthday; and

(2) in which a criminal complaint is filed before expiration of the time for filing under section 628.26 and after the adult's 21st birthday.

The juvenile court retains jurisdiction if the adult demonstrates that the delay in filing a criminal complaint was purposefully caused by the state in order to gain an unfair advantage.

(e) The juvenile court has jurisdiction over a person who has been adjudicated delinquent until the person's 21st birthday if the person fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under a juvenile court order. The juvenile court has jurisdiction over a convicted extended jurisdiction juvenile who fails to appear at any juvenile court hearing or fails to appear at or absconds from any placement under section 260.126, subdivision 4. The juvenile court lacks jurisdiction under this paragraph if the adult demonstrates that the delay was purposefully caused by the state in order to gain an unfair advantage.

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Sec. 29. Minnesota Statutes 1994, section 260.185, is amended by adding a subdivision to read:

Subd. 1b. COMMITMENT TO SECURE FACILITY; LENGTH OF STAY; TRANSFERS. An adjudicated juvenile may not be placed in a licensed juvenile secure treatment facility unless the placement is approved by the juvenile court. However, the program administrator may determine the juvenile's length of stay in the secure portion of the facility. The administrator shall notify the court of any movement of juveniles from secure portions of facilities. However, the court may, in its discretion, order that the juveniles be moved back to secure portions of the facility.

Sec. 30. Minnesota Statutes 1994, section 260.185, is amended by adding a subdivision to read:

Subd. 1c. PLACEMENT OF JUVENILES IN SECURE FACILITIES; REQUIREMENTS. Before a postadjudication placement of a juvenile in a secure treatment facility either inside or outside the state, the court may:

(1) consider whether the juvenile has been adjudicated for a felony offense against the person or that in addition to the current adjudication, the juvenile has failed to appear in court on one or more occasions or has run away from home on one or more occasions;

(2) conduct a subjective assessment to determine whether the child is a danger to self or others or would abscond from a nonsecure facility or if the child's health or welfare would be endangered if not placed in a secure facility;

(3) conduct a culturally appropriate psychological evaluation which includes a functional assessment of anger and abuse issues; and

(4) conduct an educational and physical assessment of the juvenile.

In determining whether to order secure placement, the court shall consider the necessity of:

(1) protecting the public;

(2) protecting program residents and staff; and

(3) preventing juveniles with histories of absconding from leaving treatment programs.

Sec. 31. Minnesota Statutes 1994, section 260.191, subdivision 1, is amended to read:

Subdivision 1. **DISPOSITIONS.** (a) If the court finds that the child is in need of protection or services or neglected and in foster care, it shall enter an order making any of the following dispositions of the case:

(1) place the child under the protective supervision of the local social ser-

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vices agency or child-placing agency in the child's own home under conditions prescribed by the court directed to the correction of the child's need for protection or services;

(2) transfer legal custody to one of the following:

(i) a child-placing agency; or

(ii) the local social services agency.

In placing a child whose custody has been transferred under this paragraph, the agencies shall follow the order of preference stated in section 260.181, subdivision 3;

(3) if the child is in need of special treatment and care for reasons of physical or mental health, the court may order the child's parent, guardian, or custodian to provide it. If the parent, guardian, or custodian fails or is unable to provide this treatment or care, the court may order it provided. The court shall not transfer legal custody of the child for the purpose of obtaining special treatment or care solely because the parent is unable to provide the treatment or care. If the court's order for mental health treatment is based on a diagnosis made by a treatment professional, the court may order that the diagnosing professional not provide the treatment to the child if it finds that such an order is in the child's best interests; or

(4) if the court believes that the child has sufficient maturity and judgment and that it is in the best interests of the child, the court may order a child 16 years old or older to be allowed to live independently, either alone or with others as approved by the court under supervision the court considers appropriate, if the county board, after consultation with the court, has specifically authorized this dispositional alternative for a child.

(b) If the child was adjudicated in need of protection or services because the child is a runaway or habitual truant, the court may order any of the following dispositions in addition to or as alternatives to the dispositions authorized under paragraph (a):

(1) counsel the child or the child's parents, guardian, or custodian;

(2) place the child under the supervision of a probation officer or other suitable person in the child's own home under conditions prescribed by the court, including reasonable rules for the child's conduct and the conduct of the parents, guardian, or custodian, designed for the physical, mental, and moral well-being and behavior of the child; or with the consent of the commissioner of corrections, place the child in a group foster care facility which is under the commissioner's management and supervision;

(3) subject to the court's supervision, transfer legal custody of the child to one of the following:

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(i) a reputable person of good moral character. No person may receive custody of two or more unrelated children unless licensed to operate a residential program under sections 245A.01 to 245A.16; or

(ii) a county probation officer for placement in a group foster home established under the direction of the juvenile court and licensed pursuant to section 241.021;

(4) require the child to pay a fine of up to \$100. The court shall order payment of the fine in a manner that will not impose undue financial hardship upon the child;

(5) require the child to participate in a community service project;

(6) order the child to undergo a chemical dependency evaluation and, if warranted by the evaluation, order participation by the child in a drug awareness program or an inpatient or outpatient chemical dependency treatment program;

(7) if the court believes that it is in the best interests of the child and of public safety that the child's driver's license or instruction permit be canceled, the court may ~~recommend to order~~ the commissioner of public safety ~~that to cancel~~ the child's license ~~be canceled or permit~~ for any period up to the child's 18th birthday. If the child does not have a driver's license or permit, the court may order a denial of driving privileges for any period up to the child's 18th birthday. The court shall forward an order issued under this clause to the commissioner is authorized to, who shall cancel the license or permit or deny driving privileges without a hearing for the period specified by the court. At any time before the expiration of the period of cancellation or denial, the court may, for good cause, ~~recommend to order~~ the commissioner of public safety ~~that to allow~~ the child ~~be authorized~~ to apply for a new license or permit, and the commissioner ~~may shall~~ so authorize; ~~or~~

(8) order that the child's parent or legal guardian deliver the child to school at the beginning of each school day for a period of time specified by the court; or

(9) require the child to perform any other activities or participate in any other treatment programs deemed appropriate by the court.

(c) If a child who is 14 years of age or older is adjudicated in need of protection or services because the child is a habitual truant and truancy procedures involving the child were previously dealt with by a school attendance review board or county attorney mediation program under section 260A.06 or 260A.07, the court shall order a cancellation or denial of driving privileges under paragraph (b), clause (7), for any period up to the child's 18th birthday.

Sec. 32. Minnesota Statutes 1994, section 260.193, subdivision 4, is amended to read:

Subd. 4. **ORIGINAL JURISDICTION; JUVENILE COURT.** The juve-

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nile court shall have original jurisdiction if the child is alleged to have committed both major and adult court traffic offenses in the same behavioral incident over:

(1) all juveniles age 15 and under alleged to have committed any traffic offense; and

(2) 16- and 17-year-olds alleged to have committed any major traffic offense, except that the adult court has original jurisdiction over:

(i) petty traffic misdemeanors not a part of the same behavioral incident of a misdemeanor being handled in juvenile court; and

(ii) violations of sections 169.121 (drivers under the influence of alcohol or controlled substance) and 169.129 (aggravated driving while intoxicated), and any other misdemeanor or gross misdemeanor level traffic violations committed as part of the same behavioral incident of a violation of section 169.121 or 169.129.

Sec. 33. Minnesota Statutes 1994, section 260.195, is amended by adding a subdivision to read:

Subd. 2a. NO RIGHT TO COUNSEL AT PUBLIC EXPENSE. A child alleged to be a juvenile petty offender may be represented by counsel, but does not have a right to appointment of a public defender or other counsel at public expense.

Sec. 34. Minnesota Statutes 1994, section 260.195, subdivision 3, is amended to read:

Subd. 3. **DISPOSITIONS.** If the juvenile court finds that a child is a petty offender, the court may:

(a) require the child to pay a fine of up to \$100;

(b) require the child to participate in a community service project;

(c) require the child to participate in a drug awareness program;

(d) place the child on probation for up to six months;

(e) order the child to undergo a chemical dependency evaluation and if warranted by this evaluation, order participation by the child in an ~~inpatient or~~ outpatient chemical dependency treatment program; ~~or~~

(f) order the child to make restitution to the victim; or

(g) perform any other activities or participate in any other outpatient treatment programs deemed appropriate by the court.

In all cases where the juvenile court finds that a child has purchased or

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attempted to purchase an alcoholic beverage in violation of section 340A.503, if the child has a driver's license or permit to drive, and if the child used a driver's license, permit or Minnesota identification card to purchase or attempt to purchase the alcoholic beverage, the court shall forward its finding in the case and the child's driver's license or permit to the commissioner of public safety. Upon receipt, the commissioner shall suspend the child's license or permit for a period of 90 days.

None of the dispositional alternatives described in clauses (a) to ~~(e)~~ (f) shall be imposed by the court in a manner which would cause an undue hardship upon the child.

Sec. 35. Minnesota Statutes 1994, section 260.215, subdivision 1, is amended to read:

Subdivision 1. **CERTAIN VIOLATIONS NOT CRIMES.** A violation of a state or local law or ordinance by a child before becoming 18 years of age is not a crime unless the juvenile court:

(1) certifies the matter ~~to the district court~~ in accordance with the provisions of section 260.125;

(2) transfers the matter to a court in accordance with the provisions of section 260.193; or

(3) convicts the child as an extended jurisdiction juvenile and subsequently executes the adult sentence under section 260.126, subdivision 5.

Sec. 36. Minnesota Statutes 1994, section 260.291, subdivision 1, is amended to read:

Subdivision 1. **PERSONS ENTITLED TO APPEAL; PROCEDURE.** (a) An appeal may be taken by the aggrieved person from a final order of the juvenile court affecting a substantial right of the aggrieved person, including but not limited to an order adjudging a child to be in need of protection or services, neglected and in foster care, delinquent, or a juvenile traffic offender. The appeal shall be taken within 30 days of the filing of the appealable order. The court administrator shall notify the person having legal custody of the minor of the appeal. Failure to notify the person having legal custody of the minor shall not affect the jurisdiction of the appellate court. The order of the juvenile court shall stand, pending the determination of the appeal, but the reviewing court may in its discretion and upon application stay the order.

(b) An appeal may be taken by an aggrieved person from an order of the juvenile court on the issue of certification of a ~~child to district court~~ matter for prosecution under the laws and court procedures controlling adult criminal violations. Certification appeals shall be expedited as provided by applicable rules.

Sec. 37. **[260A.01] TRUANCY PROGRAMS AND SERVICES.**

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The programs in this chapter are designed to provide a continuum of intervention and services to support families and children in keeping children in school and combating truancy and educational neglect. School districts, county attorneys, and law enforcement may establish the programs and coordinate them with other community-based truancy services in order to provide the necessary and most effective intervention for children and their families. This continuum of intervention and services involves progressively intrusive intervention, beginning with strong service-oriented efforts at the school and community level and involving the court's authority only when necessary.

Sec. 38. [260A.02] DEFINITIONS.

Subdivision 1. SCOPE. The definitions in this section apply to this chapter.

Subd. 2. BOARD. "Board" means a school attendance review board created under section 260A.05.

Subd. 3. CONTINUING TRUANT. "Continuing truant" means a child who is subject to the compulsory instruction requirements of section 120.101 and is absent from instruction in a school, as defined in section 120.05, without valid excuse within a single school year for:

(1) three days if the child is in elementary school; or

(2) three or more class periods on three days if the child is in middle school, junior high school, or high school.

A child is not a continuing truant if the child is withdrawn from school by the child's parents because of a dispute with the school concerning the provision of special education services under the Individuals with Disabilities Education Act or accommodations and modifications under the Americans with Disabilities Act, if the parent makes good faith efforts to provide the child educational services from any other source. No parent who withdraws a child from school during a dispute with the school concerning the provision of special education services or accommodations and modifications is required to file home school papers, if the parent provides written notice to the department of education or the district of the plan for the child's education.

Nothing in this section shall prevent a school district from notifying a truant child's parent or legal guardian of the child's truancy or otherwise addressing a child's attendance problems prior to the child becoming a continuing truant.

Sec. 39. [260A.03] NOTICE TO PARENT OR GUARDIAN WHEN CHILD IS A CONTINUING TRUANT.

Upon a child's initial classification as a continuing truant, the school attendance officer or other designated school official shall notify the child's parent or legal guardian, by first-class mail or other reasonable means, of the following:

(1) that the child is truant;

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(2) that the parent or guardian should notify the school if there is a valid excuse for the child's absences;

(3) that the parent or guardian is obligated to compel the attendance of the child at school pursuant to section 120.101 and parents or guardians who fail to meet this obligation may be subject to prosecution under section 127.20;

(4) that this notification serves as the notification required by section 127.20;

(5) that alternative educational programs and services may be available in the district;

(6) that the parent or guardian has the right to meet with appropriate school personnel to discuss solutions to the child's truancy;

(7) that if the child continues to be truant, the parent and child may be subject to juvenile court proceedings under chapter 260;

(8) that if the child is subject to juvenile court proceedings, the child may be subject to suspension, restriction, or delay of the child's driving privilege pursuant to section 260.191; and

(9) that it is recommended that the parent or guardian accompany the child to school and attend classes with the child for one day.

Sec. 40. [260A.04] COMMUNITY-BASED TRUANCY PROJECTS AND SERVICE CENTERS.

Subdivision 1. ESTABLISHMENT. (a) Community-based truancy projects and service centers may be established to:

(1) provide for identification of students with school attendance problems;

(2) facilitate the provision of services geared to address the underlying issues that are contributing to a student's truant behavior; and

(3) provide facilities to receive truant students from peace officers and probation officers.

(b) Truancy projects and service centers may provide any of these services and shall provide for referral of children and families to other appropriate programs and services.

Subd. 2. COMMUNITY-BASED ACTION PROJECTS. Schools, community agencies, law enforcement, parent associations, and other interested groups may cooperate to provide coordinated intervention, prevention, and educational services for truant students and their families. Services may include:

(1) assessment for underlying issues that are contributing to the child's truant behavior;

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(2) referral to other community-based services for the child and family, such as individual or family counseling, educational testing, psychological evaluations, tutoring, mentoring, and mediation;

(3) transition services to integrate the child back into school and to help the child succeed once there;

(4) culturally sensitive programming and staffing; and

(5) increased school response, including in-school suspension, better attendance monitoring and enforcement, after-school study programs, and in-service training for teachers and staff.

Subd. 3. TRUANCY SERVICE CENTERS. (a) Truancy service centers may be established as facilities to receive truant students from peace officers and probation officers and provide other appropriate services. A truancy service center may:

(1) assess a truant student's attendance situation, including enrollment status, verification of truancy, and school attendance history;

(2) assist in coordinating intervention efforts where appropriate, including checking with juvenile probation and children and family services to determine whether an active case is pending and facilitating transfer to an appropriate facility, if indicated; and evaluating the need for and making referral to a health clinic, chemical dependency treatment, protective services, social or recreational programs, or other school or community-based services and programs described in subdivision 2;

(3) contact the parents or legal guardian of the truant student and release the truant student to the custody of the parents, guardian, or other suitable person; and

(4) facilitate the student's earliest possible return to school.

(b) Truancy service centers may not accept:

(1) juveniles taken into custody for violations of law that would be crimes if committed by adults;

(2) intoxicated juveniles;

(3) ill or injured juveniles; or

(4) juveniles older than mandatory school attendance age.

(c) Truancy service centers may expand their service capability in order to receive curfew violators and take appropriate action, such as coordination of intervention efforts, contacting parents, and developing strategies to ensure that parents assume responsibility for their children's curfew violations.

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Sec. 41. [260A.05] SCHOOL ATTENDANCE REVIEW BOARDS.

Subdivision 1. ESTABLISHMENT. A school district may establish one or more school attendance review boards to exercise the powers and duties in this section. The school district board shall appoint the members of the school attendance review board and designate the schools within the board's jurisdiction. Members of a school attendance review board may include:

(1) the superintendent of the school district or the superintendent's designee;

(2) a principal and one or more other school officials from within the district;

(3) parent representatives;

(4) representatives from community agencies that provide services for truant students and their families;

(5) a juvenile probation officer;

(6) school counselors and attendance officers; and

(7) law enforcement officers.

Subd. 2. GENERAL POWERS AND DUTIES. A school attendance review board shall prepare an annual plan to promote interagency and community cooperation and to reduce duplication of services for students with school attendance problems. The plan shall include a description of truancy procedures and services currently in operation within the board's jurisdiction, including the programs and services under section 260A.04. A board may provide consultant services to, and coordinate activities of, truancy programs and services.

Subd. 3. OVERSIGHT OF TRUANT STUDENTS. A school attendance review board shall oversee referrals of truant students and provide appropriate intervention and services under section 260A.06. The board shall establish procedures for documenting student attendance and verifying actions and interventions with respect to truant students and their families.

Sec. 42. [260A.06] REFERRAL OF TRUANT STUDENTS TO SCHOOL ATTENDANCE REVIEW BOARD.

Subdivision 1. REFERRAL; NOTICE. An attendance officer or other school official may refer a student who is a continuing truant to the school attendance review board. The person making the referral shall provide a written notice by first class mail or other reasonable means to the student and the student's parent or legal guardian. The notice must include the name and address of the board to which the student has been referred and the reason for the referral and indicate that the student, parent or legal guardian, and the referring person will meet with the board to determine a proper disposition of the referral.

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Subd. 2. MEETING; COMMUNITY SERVICES. The school attendance review board shall schedule the meeting described in subdivision 1 and provide notice of the meeting by first class mail or other reasonable means to the student, parent or guardian, and referring person. If the board determines that available community services may resolve the attendance problems of the truant student, the board shall refer the student or the student's parent or guardian to participate in the community services. The board may develop an agreement with the student and parent or guardian that specifies the actions to be taken. The board shall inform the student and parent or guardian that failure to comply with any agreement or to participate in appropriate community services will result in a referral to the county attorney under subdivision 3. The board may require the student or parent or guardian to provide evidence of participation in available community services or compliance with any agreement.

Subd. 3. REFERRAL TO COUNTY ATTORNEY; OTHER APPROPRIATE ACTION. If the school attendance review board determines that available community services cannot resolve the attendance problems of the truant student or if the student or the parent or guardian has failed to comply with any referrals or agreements under subdivision 2 or to otherwise cooperate with the board, the board may:

(1) refer the matter to the county attorney under section 260A.07, if the county attorney has elected to participate in the truancy mediation program; or

(2) if the county attorney has not elected to participate in the truancy mediation program, refer the matter for appropriate legal action against the child or the child's parent or guardian under chapter 260 or section 127.20.

Sec. 43. [260A.07] COUNTY ATTORNEY TRUANCY MEDIATION PROGRAM.

Subdivision 1. ESTABLISHMENT; REFERRALS. A county attorney may establish a truancy mediation program for the purpose of resolving truancy problems without court action. If a student is in a school district that has established a school attendance review board, the student may be referred to the county attorney under section 260A.06, subdivision 3. If the student's school district has not established a board, the student may be referred to the county attorney by the school district if the student continues to be truant after the parent or guardian has been sent or conveyed the notice under section 260A.03.

Subd. 2. MEETING; NOTICE. The county attorney may request the parent or legal guardian and the child referred under subdivision 1 to attend a meeting to discuss the possible legal consequences of the minor's truancy. The notice of the meeting must be served personally or by certified mail at least five days before the meeting on each person required to attend the meeting. The notice must include:

(1) the name and address of the person to whom the notice is directed;

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(2) the date, time, and place of the meeting;

(3) the name of the minor classified as a truant;

(4) the basis for the referral to the county attorney;

(5) a warning that a criminal complaint may be filed against the parents or guardians pursuant to section 127.20 for failure to compel the attendance of the minor at school or that action may be taken in juvenile court; and

(6) a statement that the meeting is voluntary.

Sec. 44. [299A.326] YOUTH NEIGHBORHOOD CENTERS; PILOT PROJECTS ESTABLISHED.

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

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

Sec. 45. Minnesota Statutes 1994, section 364.09, is amended to read:

364.09 EXCEPTIONS.

(a) This chapter does not apply to the licensing process for peace officers; to law enforcement agencies as defined in section 626.84, subdivision 1, paragraph (h); to fire protection agencies; to eligibility for a private detective or protective agent license; to eligibility for a family day care license, a family foster care license, or a home care provider license; to eligibility for school bus driver endorsements; or to eligibility for special transportation service endorsements. This chapter also shall not apply ~~to eligibility for a license issued or renewed by the board of teaching or state board of education or to eligibility for juvenile corrections employment, where the offense involved child physical or sexual abuse or criminal sexual conduct.~~

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(b) This chapter does not apply to a school district or to eligibility for a license issued or renewed by the board of teaching or the state board of education.

(c) Nothing in this section precludes the Minnesota police and peace officers training board or the state fire marshal from recommending policies set forth in this chapter to the attorney general for adoption in the attorney general's discretion to apply to law enforcement or fire protection agencies.

Sec. 46. Minnesota Statutes 1994, section 466.03, is amended by adding a subdivision to read:

Subd. 18. SCHOOL BUILDING SECURITY. Any claim based on injury arising out of a decision by a school or school district to obtain a fire code variance for purposes of school building security, if the decision was made in good faith and in accordance with applicable law governing variances.

Sec. 47. Minnesota Statutes 1994, section 609.055, subdivision 2, is amended to read:

Subd. 2. ADULT PROSECUTION. (a) Except as otherwise provided in paragraph (b), children of the age of 14 years or over but under 18 years may be prosecuted for a felony offense if the alleged violation is duly certified ~~to the district court for prosecution under the laws and court procedures controlling adult criminal violations~~ or may be designated an extended jurisdiction juvenile in accordance with the provisions of chapter 260. A child who is 16 years of age or older but under 18 years of age is capable of committing a crime and may be prosecuted for a felony if:

(1) the child has been previously certified ~~to the district court~~ on a felony charge pursuant to a hearing under section 260.125, subdivision 2, or pursuant to the waiver of the right to such a hearing, or prosecuted pursuant to this subdivision; and

(2) the child was convicted of the felony offense or offenses for which the child was prosecuted or of a lesser included felony offense.

(b) A child who is alleged to have committed murder in the first degree after becoming 16 years of age is capable of committing a crime and may be prosecuted for the felony. This paragraph does not apply to a child alleged to have committed attempted murder in the first degree after becoming 16 years of age.

Sec. 48. Minnesota Statutes 1994, section 609.605, subdivision 4, is amended to read:

Subd. 4. TRESPASSES ON SCHOOL PROPERTY. (a) It is a misdemeanor for a person to enter or be found in a public or nonpublic elementary, middle, or secondary school building unless the person:

(1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district;

New language is indicated by underline, deletions by ~~strikeout~~.

(2) has permission or an invitation from a school official to be in the building;

(3) is attending a school event, class, or meeting to which the person, the public, or a student's family is invited; or

(4) has reported the person's presence in the school building in the manner required for visitors to the school.

(b) It is a gross misdemeanor for a group of three or more persons to enter or be found in a public or nonpublic elementary, middle, or secondary school building unless one of the persons:

(1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee of the school or school district;

(2) has permission or an invitation from a school official to be in the building;

(3) is attending a school event, class, or meeting to which the person, the public, or a student's family is invited; or

(4) has reported the person's presence in the school building in the manner required for visitors to the school.

(c) It is a misdemeanor for a person to enter or be found on school property within six months after being told by the school principal or the principal's designee to leave the property and not to return, unless the principal or the principal's designee has given the person permission to return to the property. As used in this paragraph, "school property" has the meaning given in section 152.01, subdivision 14a, clauses (1) and (3).

(e) (d) A school principal or a school employee designated by the school principal to maintain order on school property, who has reasonable cause to believe that a person is violating this subdivision may detain the person in a reasonable manner for a reasonable period of time pending the arrival of a peace officer. A school principal or designated school employee is not civilly or criminally liable for any action authorized under this paragraph if the person's action is based on reasonable cause.

(d) (e) A peace officer may arrest a person without a warrant if the officer has probable cause to believe the person violated this subdivision within the preceding four hours. The arrest may be made even though the violation did not occur in the peace officer's presence.

Sec. 49. Minnesota Statutes 1994, section 641.14, is amended to read:

641.14 JAILS; SEPARATION OF PRISONERS.

The sheriff of each county is responsible for the operation and condition of

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the jail. If construction of the jail permits, the sheriff shall maintain strict separation of prisoners to the extent that separation is consistent with prisoners' security, safety, health, and welfare. The sheriff shall not keep in the same room or section of the jail:

(1) a minor under 18 years old and a prisoner who is 18 years old or older, unless;

(i) the minor has been committed to the commissioner of corrections under section 609.105 ~~or~~;

(ii) the minor has been referred for adult prosecution and the prosecuting authority has filed a notice of intent to prosecute the matter for which the minor is being held under section 260.125; or

(iii) the minor is 16 or 17 years old and has been indicted for murder in the first degree; and

(2) a female prisoner and a male prisoner; and

(3) a minor under 18 years old and an extended jurisdiction juvenile 18 years old or older who is alleged to have violated the conditions of the stay of execution.

Sec. 50. AMENDMENTS TO RULES DIRECTED.

The commissioners of corrections and human services shall jointly amend their licensing rules to:

(1) allow residential facilities to admit 18- and 19-year-old extended jurisdiction juveniles;

(2) require licensed facilities to develop policies and procedures for appropriate programming and housing separation of residents according to age; and

(3) allow the commissioners the authority to approve the policies and procedures authorized by clause (2) for the facilities over which they have licensing authority.

Sec. 51. COMMISSIONERS TO ADOPT RULES REGARDING SECURE TREATMENT FACILITIES.

The commissioners of corrections and human services shall jointly adopt licensing rules requiring all facilities to develop operating policies and procedures for the continued use of secure treatment placement. These policies and procedures must include timelines for the review of individual cases to determine the continuing need for secure placement and criteria for movement of juveniles to less restrictive parts of the facilities.

Sec. 52. EDUCATIONAL PROGRAM FOR JUVENILE COURT PROCESS.

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The supreme court is requested to establish, by January 1, 1997, an educational program explaining the juvenile court system for use in juvenile courts under Minnesota Statutes, section 260.042. The program may include information on court protocol and process. The court, in developing the program, may invite input from juveniles and their families and may consult with attorneys, judges, representatives of communities of color, and agencies and organizations with expertise in the area of juvenile justice.

The court, in conjunction with these individuals and organizations, may develop materials such as videos and handbooks to be used in the program and may direct that all professionals involved in the juvenile justice system assume responsibility for the program's implementation.

Sec. 53. WORK GROUP CREATED.

The commissioner of human services shall convene a work group to develop a mechanism for including child maltreatment reports in the criminal history background checks that are required to be performed on school employee and teacher license applicants under Minnesota Statutes, sections 120.1045 and 125.05, subdivision 8. The work group also shall consider the data privacy issues raised by including these reports in the background checks and any other related issues.

The work group shall include representatives of the state board of education, the board of teaching, the school boards association, the commissioner of education, and the superintendent of the bureau of criminal apprehension. The work group shall report its findings and recommendations to the legislature by January 15, 1996.

Sec. 54. COMMISSIONER OF CORRECTIONS; GRANTS TO COUNTIES FOR JUVENILE PROGRAMMING.

The commissioner of corrections shall provide grants to counties to provide a comprehensive continuum of care to juveniles at high risk to become extended jurisdiction juveniles or who are extended jurisdiction juveniles under the county's jurisdiction.

Counties may apply to the commissioner for grants in a manner specified by the commissioner but must identify the following in writing:

(1) the amount of money currently being spent by the county for juvenile programming;

(2) what gaps currently exist in providing a comprehensive continuum of care to juveniles within the county;

(3) what specific steps will be taken and what specific changes will be made to existing programming to reduce the juvenile reoffense rate;

(4) what new programming will be provided to fill the gaps identified in clause (2) and how it will lower the juvenile reoffense rate;

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(5) how the new programming and services will address the culturally specific needs of juvenile offenders of color; and

(6) how the new programming and services will address the needs of female juvenile offenders.

Counties that receive grants under this section shall inform the commissioner by October 15, 1996, about the use of the grant money and their experiences with the new programs and services funded by the grants. The commissioner shall evaluate the grant program based on the information the commissioner receives from counties and on any other information the commissioner has and shall forward findings and recommendations to the chairs of the senate crime prevention finance division and the house judiciary finance committee by January 15, 1997.

For purposes of this section, a comprehensive continuum of care may include:

(1) secondary prevention programs or services that minimize the effect of characteristics which identify individuals as members of high-risk groups;

(2) tertiary prevention programs or services that are provided after violence or antisocial conduct has occurred and which are designed to prevent its recurrence;

(3) programs or services that are treatment focused and offer an opportunity for rehabilitation;

(4) punishment of juveniles, as provided by applicable law, including long-term secure postadjudication placement; and

(5) transition programs or services designed to reintegrate juveniles discharged from residential programs into the community.

The commissioner shall encourage nongovernmental, community-based services and programs to apply for grants under this section. None of the money may be used to pay for current programs and services or for county attorney pre-adjudicated juvenile diversion programs.

Sec. 55. **YOUTH PLACEMENT PROFILE STUDY.**

The commissioner of corrections shall solicit proposals from juvenile justice research agencies to study the profiles of juveniles placed at Red Wing and Sauk Centre. By August 1, 1995, the commissioner shall contract to have the study conducted. The agency selected to perform the study shall use a validated risk-assessment instrument that determines the level of risk a juvenile presents based on the seriousness of the offense and past delinquency history and assesses the juvenile's treatment needs. The study must specifically examine the type of offender placed in the facilities, make recommendations on whether current placement policy makes optimal use of the facilities, and, if necessary, recommend changes in placement policies. By February 15, 1996, the commissioner shall report to the chairs of the senate crime prevention and house judiciary committees on the results of the study.

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Sec. 56. TASK FORCE ON JUVENILE FACILITY ALTERNATIVES.

Subdivision 1. TASK FORCE ESTABLISHED. A task force is established to study how services are provided to juveniles in residential facilities. The task force shall study various residential juvenile offender programs, both public and private. The task force shall develop plans addressing alternative methods by which the services, programs, and responsibilities for the class of juvenile offenders currently sent to the department of corrections facilities at Red Wing and Sauk Centre may be provided.

Subd. 2. REPORT REQUIRED. The task force shall report its findings and recommendations to the chairs of the senate crime prevention and house of representatives judiciary committees by February 15, 1996. The report must include an analysis of the programmatic and demographic differences with special emphasis on those methods and programs which have demonstrated rates of success. The report must also outline how the programs, services, control, and supervision of juvenile offenders served by the state facilities at Red Wing and Sauk Centre could be delivered in ways that have the potential of reducing the reoffense rates. The report must also include the cost-effectiveness and feasibility of options, including private contracts for programs and services or local government delivery of services and programs, the delivery of new and creative programs and services to these juveniles by the state, or any combination which has the potential of reducing the rate of reoffending among this group of juvenile offenders.

Subd. 3. POSSIBLE PROGRAM PHASE OUT. If the task force recommends the phasing out of juvenile offender programs at Red Wing or Sauk Centre, or both, then the task force shall also recommend alternative programming and locations for serving this class of juveniles and recommend alternative cost-effective uses for the facilities. The question of the future use of either the Red Wing or Sauk Centre facility is reserved until the 1996 legislative session has considered the report of the task force.

Subd. 4. MEMBERSHIP. By July 1, 1995, the speaker of the house of representatives and majority leader of the senate shall appoint individuals who have demonstrated experience in the juvenile justice field and who are representatives or designees of the following to serve as members of the task force:

- (1) the commissioner of corrections;
- (2) a public defender;
- (3) a prosecutor;
- (4) two juvenile corrections specialists from nonpublic service providers;
- (5) a juvenile court judge;
- (6) a community corrections county;

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(7) a noncommunity corrections county;

(8) two public members, at least one of whom is a parent of a child who was a client in the juvenile justice system;

(9) an educator; and

(10) one staff member from each facility, one of whom represents the unionized employees selected by the exclusive representative of that facility.

In addition, at least one majority and one minority member of the senate and one majority and one minority member of the house of representatives shall serve on the task force. After consultation with the commissioner of corrections, the legislative members of the task force shall select its chair.

Sec. 57. PLAN FOR TRACKING JUVENILE REOFFENSE RATE; REPORT.

The criminal and juvenile justice information policy group, in cooperation with the supreme court, the commissioner of corrections, and the superintendent of the bureau of criminal apprehension, shall develop a plan for obtaining and compiling the names of juvenile offenders and for tracking and reporting juvenile reoffense rates. This plan must examine the initial analysis and design work done by the supreme court under Laws 1994, chapter 576, section 67, subdivision 8, to determine a timetable for implementing the plan and whether additional technology will be necessary. By January 15, 1996, the criminal and juvenile justice information policy group shall report to the chairs of the senate crime prevention and house judiciary committees on the plan.

Sec. 58. INSTITUTE FOR CHILD AND ADOLESCENT SEXUAL HEALTH.

Subdivision 1. EXPANDED PROJECTS. The Institute for Child and Adolescent Sexual Health shall continue to provide intervention services for children aged 8 to 10 who are exhibiting sexually aggressive behavior and who are not currently receiving any treatment. The institute shall establish at least one pilot project to develop and implement an earlier intervention strategies program for younger children identified as high risk to become sex offenders.

Subd. 2. REPORT. The Institute for Child and Adolescent Sexual Health shall report to the chairs of the senate crime prevention and house of representatives judiciary committees before March 1, 1996, on the status and preliminary findings of the pilot project.

Sec. 59. RAMSEY COUNTY; JUVENILE VIOLENCE PREVENTION AND ENFORCEMENT UNIT; MEMBERS; DUTIES.

The county of Ramsey may establish a pilot project that creates a juvenile violence prevention and enforcement unit consisting of one prosecutor, one investigating officer, one legal assistant, and one victim/witness coordinator.

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The juvenile violence prevention and enforcement unit shall:

(1) target, investigate, and prosecute juveniles who commit crimes using dangerous weapons, as defined in Minnesota Statutes, section 609.02, subdivision 6;

(2) identify, track, investigate, and prosecute persons who furnish dangerous weapons to juveniles;

(3) work closely with other members of the criminal justice system, including other local jurisdictions, the Bureau of Alcohol, Tobacco, and Firearms of the United States Treasury Department, and out-of-state agencies involved in investigating and prosecuting juvenile violence; and

(4) develop a collaborative relationship with neighborhoods and communities that are involved with the juvenile violence prevention problem.

Sec. 60. SECURE AND NONSECURE RESIDENTIAL TREATMENT FACILITIES.

Subdivision 1. RULES REQUIRED; COMMITTEE ESTABLISHED. The commissioners of corrections and human services shall jointly adopt licensing and programming rules for the secure and nonsecure residential treatment facilities that they license and shall establish an advisory committee to develop these rules. The committee shall develop consistent general licensing requirements for juvenile residential care, enabling facilities to provide appropriate services to juveniles with single or multiple problems. The rules shall establish program standards with an independent auditing process by July 1997.

Subd. 2. STANDARDS. The standards to be developed in the rules must require:

(1) standards for the management of the program including:

(i) a board of directors or advisory committee for each facility which represents the interests, concerns, and needs of the clients and community being served;

(ii) appropriate grievance and appeal procedures for clients and families; and

(iii) use of an ongoing internal program evaluation and quality assurance effort at each facility to monitor program effectiveness and guide the improvement of services provided, evaluate client and family satisfaction with each facilities' services, and collect demographic information on clients served and outcome measures relative to the success of services; and

(2) standards for programming including:

(i) specific identifiable criteria for admission and discharge;

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(ii) written measurable goals for each client;

(iii) development of a no-eject policy by which youths are discharged based on successful completion of individual goals and not automatically discharged for behavioral transgressions;

(iv) individual plans for transitional services that involve youths, their families, and community resources to accomplish community integration and family reunification where appropriate;

(v) cultural sensitivity, including the provision of interpreters and English language skill development to meet the needs of the facilities' population;

(vi) use of staff who reflect the ethnicity of the clients served, wherever possible;

(vii) provision of staff training in cultural sensitivity and disability awareness;

(viii) capability to respond to persons with disabilities; and

(ix) uniform education programs that provide for year-round instruction; and

(3) a program audit procedure which requires regular unbiased program audits and reviews to determine if the facilities continue to meet the standards established in statute and rule and the needs of the clients and community.

Subd. 3. MEMBERSHIP. The commissioners of corrections and human services or their designee shall serve as co-chairs of the rulemaking committee. The co-chairs shall invite individuals who have demonstrated experience in the juvenile justice field to serve on the committee; including, but not limited to, representatives or designees of the departments of corrections, human services, and education, the private sector, and other juvenile facility stakeholders. The commissioners shall ensure that family members of juveniles, representatives of communities of color, and members of advocacy groups serve on the rulemaking committee and shall schedule committee meetings at times and places that ensure representation by these individuals.

Subd. 4. TIME LINES. By December 1, 1996, the rulemaking committee shall submit draft rule parts which address the program standards, evaluation, and auditing standards and procedures to the chairs of the senate crime prevention and house of representatives judiciary committee for review. By July 31, 1997, the licensing and programming rulemaking process shall be completed.

Subd. 5. LICENSING. The commissioners of corrections and human services may not license facilities that fail to meet programming standards after they are adopted.

Sec. 61. STUDY OF SECURE TREATMENT FACILITIES.

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The commissioner of corrections, in consultation with the commissioner of human services, shall conduct a study on the use of secure treatment facilities for juveniles in the state and shall submit a written report to the governor and the legislature by January 15, 1997. The report must contain the commissioners' findings, along with demographic data and recommendations concerning the use of admission criteria.

Sec. 62. CRIME PREVENTION; TARGETED EARLY INTERVENTION.

Subdivision 1. ESTABLISHMENT. The commissioner of public safety in cooperation with the commissioners of education, human services, and corrections, shall establish a demonstration project to address the needs of children under the age of ten whose behaviors indicate that they are at high risk of future delinquency. The project will be designed to develop standards and model programming for targeted early intervention to prevent crime and delinquency.

Subd. 2. PROGRAM REQUIREMENTS. Counties eligible for grants under this section shall develop projects which operate out of the office of the county attorney or the local social services agency and include:

(1) a provision for joint service delivery involving schools, law enforcement, social services, county attorney, and community corrections to address multiple needs of children and the family, demonstrate improved methods of service delivery, and prevent delinquent behavior;

(2) identification of children at risk that can be made from existing target populations including, but not limited to, delinquents under age ten, elementary truant, and children under age five receiving mental health services due to their violent behavior; police, schools, and community agencies may also identify children at risk;

(3) demonstration of standards and model programming including, but not limited to, model case planning, correlation of at-risk behaviors and factors to correct those behaviors, clear identification and use of factors which are predictive of delinquency, indices of child well-being, success measures tied to child well-being, time frames for achievement of success measures, a plan for progressively intrusive intervention, and use of juvenile court intervention and criminal court intervention; and

(4) a comprehensive review of funding and other sources available to children under this demonstration project in order to identify fiscal incentives and disincentives to successful service delivery.

Subd. 3. REPORT. The commissioner of public safety, at the end of the project, shall report findings and recommendations to the legislature on the standards and model programming developed under the demonstration project to guide the design of targeted early intervention services to prevent crime and delinquency.

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Sec. 63. TRUANCY REDUCTION GRANT PILOT PROGRAM.

Subdivision 1. ESTABLISHMENT. A truancy reduction grant pilot program is established to help school districts, county attorneys, and law enforcement officials work collaboratively to improve school attendance and to reduce truancy.

Subd. 2. EXPECTED OUTCOMES. Grant recipients shall use the funds for programs designed to assist truant students and their families in resolving attendance problems without court intervention. Recipient programs must be designed to reduce truancy and educational neglect, and improve school attendance rates, by:

(1) providing early intervention and a continuum of intervention;

(2) supporting parental involvement and responsibility in solving attendance problems;

(3) working with students, families, school personnel, and community resources to provide appropriate services that address the underlying causes of truancy; and

(4) providing a speedy and effective alternative to juvenile court intervention in truancy cases.

Subd. 3. GRANT ELIGIBILITY, APPLICATIONS, AND AWARDS. A county attorney, together with a school district or group of school districts and law enforcement, may apply for a truancy reduction grant. The commissioner of public safety, in collaboration with the commissioner of education, shall prescribe the form and manner of applications by July 1, 1995, and shall award grants to applicants likely to meet the outcomes in subdivision 2. At least two grants must be awarded; one to a county in the seven-county metropolitan area and one to a county outside the metropolitan area. Grants must be awarded for the implementation of programs in the 1995-1996 school year. At minimum, each applicant group must have a plan for implementing an early intervention truancy program at the school district or building level, as well as a county attorney truancy mediation program under Minnesota Statutes, section 260A.07.

Subd. 4. EVALUATION. The attorney general shall make a preliminary report on the effectiveness of the pilot programs as part of its 1996 annual report under Minnesota Statutes, section 8.36, and a final report as part of its 1997 annual report under that section.

Sec. 64. REPEALER.

Minnesota Statutes 1994, section 126.25, is repealed.

Laws 1994, chapter 576, section 1, is repealed.

Section 1 is repealed effective August 1, 1997.

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Sec. 65. EFFECTIVE DATE.

Sections 2 and 6 are effective on January 1, 1996. Section 11 is effective beginning with the 1995-1996 school year. Sections 16, 50 to 53, and 55 to 57 are effective the day following final enactment. Sections 3, 7 to 10, 13 to 15, 17 to 25, 28 to 36, 38, 39, 41 to 43, 47 to 49, 60, and 61 are effective on July 1, 1995, and apply to acts committed on or after that date. The remaining sections of this article are effective on July 1, 1995.

ARTICLE 4**LAW ENFORCEMENT AND SAFETY**

Section 1. Minnesota Statutes 1994, section 3.732, subdivision 1, is amended to read:

Subdivision 1. **DEFINITIONS.** As used in this section and section 3.736 the terms defined in this section have the meanings given them.

(1) "State" includes each of the departments, boards, agencies, commissions, courts, and officers in the executive, legislative, and judicial branches of the state of Minnesota and includes but is not limited to the housing finance agency, the higher education coordinating board, the higher education facilities authority, the health technology advisory committee, the armory building commission, the zoological board, the iron range resources and rehabilitation board, the state agricultural society, the University of Minnesota, state universities, community colleges, state hospitals, and state penal institutions. It does not include a city, town, county, school district, or other local governmental body corporate and politic.

(2) "Employee of the state" means all present or former officers, members, directors, or employees of the state, members of the Minnesota national guard, members of a bomb disposal unit approved by the commissioner of public safety and employed by a municipality defined in section 466.01 when engaged in the disposal or neutralization of bombs or other similar hazardous explosives, as defined in section 299C.063, outside the jurisdiction of the municipality but within the state, or persons acting on behalf of the state in an official capacity, temporarily or permanently, with or without compensation. It does not include either an independent contractor or members of the Minnesota national guard while engaged in training or duty under United States Code, title 10, or title 32, section 316, 502, 503, 504, or 505, as amended through December 31, 1983. Notwithstanding sections 43A.02 and 611.263, for purposes of this section and section 3.736 only, "employee of the state" includes a district public defender or assistant district public defender in the second or fourth judicial district and a member of the health technology advisory committee.

(3) "Scope of office or employment" means that the employee was acting on

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behalf of the state in the performance of duties or tasks lawfully assigned by competent authority.

(4) "Judicial branch" has the meaning given in section 43A.02, subdivision 25.

Sec. 2. Minnesota Statutes 1994, section 176.192, is amended to read:

176.192 BOMB DISPOSAL UNIT EMPLOYEES.

For purposes of this chapter, a member of a bomb disposal unit approved by the commissioner of public safety and employed by a municipality defined in section 466.01, is considered a state an employee of the department of public safety solely for the purposes of this chapter when disposing of or neutralizing bombs or other similar hazardous explosives, as defined in section 299C.063, for another municipality or otherwise outside the jurisdiction of the employer-municipality but within the state.

Sec. 3. Minnesota Statutes 1994, section 243.166, is amended to read:

243.166 REGISTRATION OF PREDATORY OFFENDERS.

Subdivision 1. **REGISTRATION REQUIRED.** (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate any of the following, and convicted of or adjudicated delinquent for that offense or of another offense arising out of the same set of circumstances:

(i) murder under section 609.185, clause (2);

(ii) kidnapping under section 609.25, involving a minor victim; or

(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; or 609.345; or

(2) the person was convicted of a predatory crime as defined in section 609.1352, and the offender was sentenced as a patterned sex offender or the court found on its own motion or that of the prosecutor that the crime was part of a predatory pattern of behavior that had criminal sexual conduct as its goal; or

(3) the person was convicted of or adjudicated delinquent for violating a law of the United States similar to the offenses described in clause (1) or (2).

(b) A person also shall register under this section if:

(1) the person was convicted of or adjudicated delinquent in another state for an offense that would be a violation of a law described in paragraph (a) if committed in this state;

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(2) the person enters and remains in this state for 30 days or longer; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration.

Subd. 2. **NOTICE.** When a person who is required to register under ~~this section~~ subdivision 1, paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the court shall tell the person of the duty to register under this section. The court shall require the person to read and sign a form stating that the duty of the person to register under this section has been explained. If a person required to register under ~~this section~~ subdivision 1, paragraph (a), was not notified by the court of the registration requirement at the time of sentencing or disposition, the assigned corrections agent shall notify the person of the requirements of this section.

Subd. 3. **REGISTRATION PROCEDURE.** (a) ~~The~~ A person required to register under this section shall register with the corrections agent as soon as the agent is assigned to the person. If the person does not have an assigned corrections agent or is unable to locate the assigned corrections agent, the person shall register with the law enforcement agency that has jurisdiction in the area of the person's residence.

(b) At least five days before the person changes residence, including changing residence to another state, the person shall give written notice of the address of the new residence to the ~~current or last~~ assigned corrections agent or to the law enforcement authority with which the person currently is registered. An offender is deemed to change residence when the offender remains at a new address for longer than three days and evinces an intent to take up residence there. The corrections agent or law enforcement authority shall, within two business days after receipt of this information, forward it to the bureau of criminal apprehension.

Subd. 4. **CONTENTS OF REGISTRATION.** (a) The registration provided to the corrections agent or law enforcement authority, must consist of a statement in writing signed by the person, giving information required by the bureau of criminal apprehension, ~~and~~ a fingerprint card, and photograph of the person if these have not already been obtained in connection with the offense that triggers registration taken at the time of the person's release from incarceration or, if the person was not incarcerated, at the time the person initially registered under this section.

(b) Within three days, the corrections agent or law enforcement authority shall forward the statement, fingerprint card, and photograph to the bureau of criminal apprehension. The bureau shall ascertain whether the person has registered with the law enforcement authority where the person resides. If the person has not registered with the law enforcement authority, the bureau shall send one copy to the appropriate law enforcement authority that will have jurisdiction where the person will reside on release or discharge that authority.

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Subd. 5. **CRIMINAL PENALTY.** A person required to register under this section who knowingly violates any of its provisions or intentionally provides false information to a corrections agent, law enforcement authority, or the bureau of criminal apprehension is guilty of a gross misdemeanor. A person convicted of or adjudicated delinquent for violating this section who previously has been convicted under this section is guilty of a felony. A violation of this section may be prosecuted either where the person resides or where the person was last assigned to a Minnesota corrections agent.

Subd. 6. **REGISTRATION PERIOD.** (a) Notwithstanding the provisions of section 609.165, subdivision 1, a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person ~~was initially assigned to a corrections agent~~ initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.185, the ten-year registration period does not include the period of commitment.

(b) If a person required to register under this section fails to register following a change in residence, the commissioner of public safety may require the person to continue to register for an additional period of five years.

Subd. 7. **USE OF INFORMATION.** The information provided under this section is private data on individuals under section 13.01, subdivision 12. The information may be used only for law enforcement purposes.

Subd. 8. **LAW ENFORCEMENT AUTHORITY.** For purposes of this section, a law enforcement authority means, with respect to a home rule charter or statutory city, the chief of police, and with respect to an unincorporated area, the sheriff of the county.

Subd. 9. **OFFENDERS FROM OTHER STATES.** When the state accepts an offender from another state under a reciprocal agreement under the interstate compact authorized by section 243.16 or under any authorized interstate agreement, the acceptance is conditional on the offender agreeing to register under this section when the offender is living in Minnesota.

Sec. 4. Minnesota Statutes 1994, section 299A.35, subdivision 1, is amended to read:

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 efforts. Examples of qualifying programs include, but are not limited to, the following:

(1) programs to provide security systems for residential buildings serving low-income persons, elderly persons, and persons who have physical or mental disabilities;

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(2) community-based programs designed to discourage young people from involvement in unlawful drug or street gang activities;

(3) neighborhood block clubs and innovative community-based crime watch programs;

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

(5) support services for a municipal curfew enforcement program including, but not limited to, rent for drop-off centers, staff, supplies, equipment, and the referral of children who may be abused or neglected;

(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 five or more programs designed to enrich the educational, cultural, or recreational opportunities of at-risk elementary or secondary school age youth, including programs designed to keep at-risk youth from dropping out of school and to encourage school dropouts to return to school;

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

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

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

Sec. 5. Minnesota Statutes 1994, section 299A.51, subdivision 2, is amended to read:

Subd. 2. **WORKERS' COMPENSATION.** During operations authorized under section 299A.50, members of a regional hazardous materials response team operating outside their geographic jurisdiction are considered ~~state~~ employees of the department of public safety for purposes of chapter 176.

Sec. 6. [299A.61] CRIMINAL ALERT NETWORK.

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.

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Sec. 7. [299C.063] BOMB DISPOSAL EXPENSE REIMBURSEMENT.

Subdivision 1. DEFINITIONS. The terms used in this section have the meanings given them in this subdivision:

(a) "Bomb disposal unit" means a commissioner-approved unit consisting of persons who are trained and equipped to dispose of or neutralize bombs or other similar hazardous explosives and who are employed by a municipality.

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

(c) "Municipality" has the meaning given it in section 466.01.

(d) "Hazardous explosives" means explosives as defined in section 299F.72, subdivision 2, explosive devices and incendiary devices as defined in section 609.668, subdivision 1, and all materials subject to regulation under United States Code, title 18, chapter 40.

Subd. 2. EXPENSE REIMBURSEMENT. The commissioner may reimburse bomb disposal units for reasonable expenses incurred to dispose of or neutralize bombs or other similar hazardous explosives for their employer-municipality or for another municipality outside the jurisdiction of the employer-municipality but within the state. Reimbursement is limited to the extent of appropriated funds.

Subd. 3. AGREEMENTS. The commissioner may enter into contracts or agreements with bomb disposal units to implement and administer this section.

Sec. 8. Minnesota Statutes 1994, section 299C.065, subdivision 3, is amended to read:

Subd. 3. INVESTIGATION REPORT. A report shall be made to the commissioner at the conclusion of an investigation for which a grant was made under subdivision 1 stating: (1) the number of persons arrested, (2) the nature of charges filed against them, (3) the nature and value of controlled substances or contraband purchased or seized, (4) the amount of money paid to informants during the investigation, and (5) a separate accounting of the amount of money spent for expenses, other than "buy money", of bureau and local law enforcement personnel during the investigation. The commissioner shall prepare and submit to the chairs of the committees in the senate and house of representatives with jurisdiction over criminal justice policy by January 1 of each even-numbered year a report of investigations receiving grants under subdivision 1.

Sec. 9. Minnesota Statutes 1994, section 299C.065, subdivision 3a, is amended to read:

Subd. 3a. ACCOUNTING REPORT. The head of a law enforcement agency that receives a grant under subdivision 1a shall file a report with the commissioner at the conclusion of the case detailing the specific purposes for which the money was spent. The commissioner shall prepare and submit to the

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chairs of the committees in the senate and house of representatives with jurisdiction over criminal justice policy by January 1 of each even-numbered year a summary report of witness assistance services provided under this section.

Sec. 10. Minnesota Statutes 1994, section 299C.10, subdivision 1, is amended to read:

Subdivision 1. **LAW ENFORCEMENT DUTY.** (a) It is hereby made the duty of the sheriffs of the respective counties and of the police officers in cities of the first, second, and third classes, under the direction of the chiefs of police in such cities, to take or cause to be taken immediately finger and thumb prints, photographs, distinctive physical mark identification data, and such other identification data as may be requested or required by the superintendent of the bureau; of all persons arrested for a felony, gross misdemeanor, of all juveniles committing felonies as distinguished from those committed by adult offenders, of all persons reasonably believed by the arresting officer to be fugitives from justice, of all persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes, and within 24 hours thereafter to forward such fingerprint records and other identification data on such forms and in such manner as may be prescribed by the superintendent of the bureau of criminal apprehension.

(b) Effective August 1, 1997, the identification reporting requirements shall also apply to persons committing misdemeanor offenses, including violent and enhanceable crimes, and juveniles committing gross misdemeanors.

Sec. 11. Minnesota Statutes 1994, section 299C.10, is amended by adding a subdivision to read:

Subd. 4. FEE FOR BACKGROUND CHECK; ACCOUNT; APPROPRIATION. The superintendent shall collect a fee in an amount to cover the expense for each background check provided for a purpose not directly related to the criminal justice system or required by section 624.7131, 624.7132, or 624.714. The proceeds of the fee must be deposited in a special account. Until July 1, 1997, money in the account is appropriated to the commissioner to maintain and improve the quality of the criminal record system in Minnesota.

Sec. 12. Minnesota Statutes 1994, section 299C.62, subdivision 4, is amended to read:

Subd. 4. **RESPONSE OF BUREAU.** The superintendent shall respond to a background check request within a reasonable time after receiving the signed, written document described in subdivision 2. The superintendent's response shall be limited to a statement that the background check crime information contained in the document is or is not complete and accurate. The superintendent shall provide the children's service provider with a copy of the applicant's criminal record or a statement that the applicant is not the subject of a criminal history record at the bureau. It is the responsibility of the service provider to

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determine if the applicant qualifies as an employee or volunteer under this section.

Sec. 13. [299C.66] CITATION.

Sections 299C.66 to 299C.71 may be cited as the "Kari Koskinen manager background check act."

Sec. 14. [299C.67] DEFINITIONS.

Subdivision 1. TERMS. The definitions in this section apply to sections 299C.66 to 299C.71.

Subd. 2. BACKGROUND CHECK CRIME. "Background check crime" means:

(a)(1) a felony violation of section 609.185 (first degree murder); 609.19 (second degree murder); 609.20 (first degree manslaughter); 609.221 (first degree assault); 609.222 (second degree assault); 609.223 (third degree assault); 609.25 (kidnapping); 609.342 (first degree criminal sexual conduct); 609.343 (second degree criminal sexual conduct); 609.344 (third degree criminal sexual conduct); 609.345 (fourth degree criminal sexual conduct); 609.561 (first degree arson); or 609.749 (harassment and stalking);

(2) an attempt to commit a crime in clause (1); or

(3) a conviction for a crime in another jurisdiction that would be a violation under clause (1) or an attempt under clause (1) in this state; or

(b)(1) a felony violation of section 609.195 (third degree murder); 609.205 (second degree manslaughter); 609.21 (criminal vehicular homicide and injury); 609.2231 (fourth degree assault); 609.224 (fifth degree assault); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.255 (false imprisonment); 609.52 (theft); 609.582, subdivision 1 or 2 (burglary); 609.713 (terroristic threats); or a nonfelony violation of section 609.749 (harassment and stalking);

(2) an attempt to commit a crime in clause (1); or

(3) a conviction for a crime in another jurisdiction that would be a violation under clause (1) or an attempt under clause (1) in this state.

Subd. 3. CJIS. "CJIS" means the Minnesota criminal justice information system.

Subd. 4. MANAGER. "Manager" means an individual who is hired or is applying to be hired by an owner and who has or would have the means, within the scope of the individual's duties, to enter tenants' dwelling units. "Manager" does not include a person who is hired on a casual basis and not in the ongoing course of the business of the owner.

Subd. 5. OWNER. "Owner" has the meaning given in section 566.18, sub-

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division 3. However, "owner" does not include a person who owns, operates, or is in control of a health care facility or a home health agency licensed by the commissioner of health or human services under chapter 144, 144A, or 245A.

Subd. 6. SUPERINTENDENT. "Superintendent" means the superintendent of the bureau of criminal apprehension.

Subd. 7. TENANT. "Tenant" has the meaning given in section 566.18, subdivision 2.

Sec. 15. [299C.68] BACKGROUND CHECKS ON MANAGERS.

Subdivision 1. WHEN REQUIRED. Before hiring a manager, an owner shall request the superintendent to conduct a background check under this section. An owner may employ a manager after requesting a background check under this section before receipt of the background check report, provided that the owner complies with section 299C.69. An owner may request a background check for a currently employed manager under this section. By July 1, 1996, an owner shall request the superintendent to conduct a background check under this section for managers hired before July 1, 1995, who are currently employed.

Subd. 2. PROCEDURES. The superintendent shall develop procedures to enable an owner to request a background check to determine whether a manager is the subject of a reported conviction for a background check crime. The superintendent shall perform the background check by retrieving and reviewing data on background check crimes maintained in the CJIS computers. If the manager has resided in Minnesota for less than five years or upon request of the owner, the superintendent shall also conduct a search of the national criminal records repository, including the criminal justice data communications network. The superintendent is authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal history check. The superintendent shall recover the cost of a background check through a fee charged to the owner.

Subd. 3. FORM. The superintendent shall develop a standardized form to be used for requesting a background check, which must include:

(1) a notification to the manager that the owner will request the superintendent to perform a background check under this section;

(2) a notification to the manager of the manager's rights under subdivision 4; and

(3) a signed consent by the manager to conduct the background check.

If the manager has resided in Minnesota for less than five years, or if the owner is requesting a search of the national criminal records repository, the form must be accompanied by the fingerprints of the manager on whom the background check is to be performed.

Subd. 4. MANAGER'S RIGHTS. (a) The owner shall notify the manager of the manager's rights under paragraph (b).

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(b) A manager who is the subject of a background check request has the following rights:

(1) the right to be informed that the owner will request a background check on the manager to determine whether the manager has been convicted of a crime specified in section 299C.67, subdivision 2;

(2) the right to be informed by the owner of the superintendent's response to the background check and to obtain from the owner a copy of the background check report;

(3) the right to obtain from the superintendent any record that forms the basis for the report;

(4) the right to challenge the accuracy and completeness of information contained in the report or record under section 13.04, subdivision 4; and

(5) the right to be informed by the owner if the manager's application to be employed by the owner or to continue as an employee has been denied because of the result of the background check.

Subd. 5. RESPONSE OF BUREAU. The superintendent shall respond to a background check request within a reasonable time not to exceed ten working days after receiving the signed form under subdivision 3. If a search is being done of the national criminal records repository and that portion of the background check is not completed, the superintendent shall notify the owner that the background check is not complete and shall provide that portion of the background check to the owner as soon as it is available. The superintendent's response must indicate whether the manager has ever been convicted of a background check crime and, if so, a description of the crime, date and jurisdiction of conviction, and date of discharge of the sentence.

Subd. 6. EQUIVALENT BACKGROUND CHECK. (a) An owner may satisfy the requirements of this section by obtaining a background check from a private business or a local law enforcement agency rather than the superintendent if the scope of the background check provided by the private business or local law enforcement agency is at least as broad as that of a background check performed by the superintendent and the response to the background check request occurs within a reasonable time not to exceed ten working days after receiving the signed form described in subdivision 3. Local law enforcement agencies may access the criminal justice data network to perform the background check.

(b) A private business or local law enforcement agency providing a background check under this section must use a notification form similar to the form described in subdivision 3, except that the notification form must indicate that the background check will be performed by the private business or local law enforcement agency using records of the superintendent and other data sources.

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Sec. 16. [299C.69] OWNER DUTIES IF MANAGER CONVICTED OF BACKGROUND CHECK CRIME.

(a) If the superintendent's response indicates that the manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a), the owner may not hire the manager or, if the manager was hired pending completion of the background check, shall terminate the manager's employment. Except as provided in paragraph (c), if an owner otherwise knows that a manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (a), the owner shall terminate the manager's employment.

(b) If the superintendent's response indicates that the manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (b), the owner may not hire the manager unless more than ten years have elapsed since the date of discharge of the sentence. If the manager was hired pending completion of the background check, the owner shall terminate the manager's employment unless more than ten years have elapsed since the date of discharge of the sentence. Except as provided in paragraph (c), if an owner otherwise knows that a manager has been convicted of a background check crime defined in section 299C.67, subdivision 2, paragraph (b), the owner shall terminate the manager's employment unless more than ten years have elapsed since the date of discharge of the sentence.

(c) If an owner knows that a manager hired before July 1, 1995, was convicted of a background check crime for an offense committed before July 1, 1995, the owner may continue to employ the manager. However, the owner shall notify all tenants and prospective tenants whose dwelling units would be accessible to the manager of the crime for which the manager has been convicted and of the right of a current tenant to terminate the tenancy under this paragraph, if the manager was convicted of a background check crime defined in:

(1) section 299C.67, subdivision 2, paragraph (a); or

(2) section 299C.67, subdivision 2, paragraph (b), unless more than ten years have elapsed since the sentence was discharged.

Notwithstanding a lease provision to the contrary, a current tenant who receives a notice under this paragraph may terminate the tenancy within 60 days of receipt of the notice by giving the owner at least 14 days' advance notice of the termination date.

(d) The owner shall notify the manager of any action taken under this subdivision.

(e) If an owner is required to terminate a manager's employment under paragraph (a) or (b), or terminates a manager's employment in lieu of notifying tenants under paragraph (c), the owner is not liable under any law, contract, or agreement, including liability for unemployment compensation claims, for ter-

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minating the manager's employment in accordance with this section. Notwithstanding a lease or agreement governing termination of the tenancy, if the manager whose employment is terminated is also a tenant, the owner may terminate the tenancy immediately upon giving notice to the manager. An unlawful detainer action to enforce the termination of the tenancy must be treated as a priority writ under sections 566.05, 566.07, 566.09, subdivision 1, 566.16, subdivision 2, and 566.17, subdivision 1a.

Sec. 17. [299C.70] PENALTY.

An owner who knowingly fails to comply with the requirements of section 299C.68 or 299C.69 is guilty of a petty misdemeanor.

Sec. 18. [299C.71] BUREAU OF CRIMINAL APPREHENSION IMMUNITY.

The bureau of criminal apprehension is immune from any civil or criminal liability that might otherwise arise under section 299C.68, based on the accuracy or completeness of records it receives from the Federal Bureau of Investigation, if the bureau acts in good faith.

Sec. 19. Minnesota Statutes 1994, section 388.24, subdivision 4, is amended to read:

Subd. 4. **REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).** Effective August 1, 1997, every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

- (1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;
- (2) the date on which the individual began to participate in the diversion program;
- (3) the date on which the individual is expected to complete the diversion program;
- (4) the date on which the individual successfully completed the diversion program, where applicable; and
- (5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

Sec. 20. Minnesota Statutes 1994, section 401.065, subdivision 3a, is amended to read:

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Subd. 3a. **REPORTING OF DATA TO CRIMINAL JUSTICE INFORMATION SYSTEM (CJIS).** (a) Every county attorney who establishes a diversion program under this section shall report the following information to the bureau of criminal apprehension:

(1) the name and date of birth of each diversion program participant and any other identifying information the superintendent considers necessary;

(2) the date on which the individual began to participate in the diversion program;

(3) the date on which the individual is expected to complete the diversion program;

(4) the date on which the individual successfully completed the diversion program, where applicable; and

(5) the date on which the individual was removed from the diversion program for failure to successfully complete the individual's goals, where applicable.

The superintendent shall cause the information described in this subdivision to be entered into and maintained in the criminal history file of the Minnesota criminal justice information system.

(b) Effective August 1, 1997, the reporting requirements of this subdivision shall apply to misdemeanor offenses.

Sec. 21. **[504.183] TENANT'S RIGHT TO PRIVACY.**

Subdivision 1. DEFINITIONS. For purposes of this section, the following terms have the meanings given them.

(a) "Building" has the meaning given in section 566.18, subdivision 7.

(b) "Landlord" means the owner as defined in section 566.18, subdivision 3, the owner's agent, or other person acting under the owner's direction and control.

(c) "Tenant" has the meaning given in section 566.18, subdivision 2.

Subd. 2. ENTRY BY LANDLORD. Except as provided in subdivision 4, a landlord may enter the premises rented by a tenant only for a reasonable business purpose and after making a good faith effort to give the tenant reasonable notice under the circumstances of the intent to enter. A tenant may not waive and the landlord may not require the tenant to waive the tenant's right to prior notice of entry under this section as a condition of entering into or maintaining the lease.

Subd. 3. REASONABLE PURPOSE. For purposes of subdivision 2, a reasonable business purpose includes, but is not limited to:

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(1) showing the unit to prospective tenants during the notice period before the lease terminates or after the current tenant has given notice to move to the owner or owner's agent;

(2) showing the unit to a prospective buyer or to an insurance representative;

(3) performing maintenance work;

(4) allowing inspections by state, county, or city officials charged in the enforcement of health, housing, building, fire prevention, or housing maintenance codes;

(5) the tenant is causing a disturbance within the unit;

(6) the landlord has a reasonable belief that the tenant is violating the lease within the tenant's unit;

(7) the landlord has a reasonable belief that the unit is being occupied by an individual without a legal right to occupy it; or

(8) the tenant has vacated the unit.

Subd. 4. EXCEPTION TO NOTICE REQUIREMENT. Notwithstanding subdivision 2, a landlord may enter the premises rented by a tenant to inspect or take appropriate action without prior notice to the tenant if the landlord reasonably suspects that:

(1) immediate entry is necessary to prevent injury to persons or property because of conditions relating to maintenance, building security, or law enforcement;

(2) immediate entry is necessary to determine a tenant's safety; or

(3) immediate entry is necessary in order to comply with local ordinances regarding unlawful activity occurring within the tenant's premises.

Subd. 5. ENTRY WITHOUT TENANT'S PRESENCE. If the landlord enters when the tenant is not present and prior notice has not been given, the landlord shall disclose the entry by placing a written disclosure of the entry in a conspicuous place in the premises.

Subd. 6. PENALTY. If a landlord substantially violates subdivision 2, the tenant is entitled to a penalty which may include a rent reduction up to full rescission of the lease, recovery of any damage deposit less any amount retained under section 504.20, and up to a \$100 civil penalty for each violation. If a landlord violates subdivision 5, the tenant is entitled to up to a \$100 civil penalty for each violation. A tenant shall follow the procedures in sections 566.18 to 566.33 to enforce the provisions of this section.

Subd. 7. EXEMPTION. This section does not apply to tenants and landlords of manufactured home parks as defined in section 327C.01.

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Sec. 22. [609.5051] CRIMINAL ALERT NETWORK; DISSEMINATION OF FALSE OR MISLEADING INFORMATION PROHIBITED.

Whoever uses the criminal alert network under section 299A.61 to disseminate information regarding the commission of a crime knowing that it is false or misleading, is guilty of a misdemeanor.

Sec. 23. Minnesota Statutes 1994, section 624.22, is amended to read:

624.22 PUBLIC DISPLAYS OF FIREWORKS BY MUNICIPALITIES EXCEPTED DISPLAYS; PERMIT; OPERATOR CERTIFICATION.

Subdivision 1. GENERAL REQUIREMENTS; PERMIT; INVESTIGATION; FEE. (a) Sections 624.20 to 624.25 shall not prohibit the supervised public displays display of fireworks by cities, fair associations, amusement parks, and other organizations. a statutory or home rule charter city, fair association, amusement park, or other organization, except when such that:

(1) a fireworks display may be conducted only when supervised by an operator certified by the state fire marshal; and

(2) a fireworks display is must either be given by a municipality or fair association within its own limits, no display shall be given unless or by any other organization, whether public or private, only after a permit therefor for the display has first been secured.

(b) Every application for such a permit shall be made in writing to the municipal clerk at least 15 days in advance of the date of the display and shall list the name of an operator who (1) is certified by the state fire marshal and (2) will supervise the display. The application shall be promptly referred to the chief of the fire department who shall make an investigation to determine whether the operator of the display is competent and is certified by the state fire marshal, and whether the display is of such a character and is to be so located, discharged, or fired that it will not be hazardous to property or endanger any person. The fire chief shall report the results of this investigation to the clerk. If the fire chief reports that the operator is certified, that in the chief's opinion the operator is competent, and that the fireworks display as planned will conform to the safety requirements, including the rules guidelines of the state fire marshal hereinafter provided for in paragraph (c), the clerk shall issue a permit for the display when the applicant pays a permit fee of \$2.

(c) When the supervised public fireworks display for which a permit is sought is to be held outside the limits of an incorporated municipality, the application shall be made to the county auditor and the duties imposed by such sections 624.20 to 624.25 upon the clerk of the municipality shall be performed in such case by the county auditor. The duties imposed on the fire chief of the municipality by such sections 624.20 to 624.25 shall be performed in such case by the county sheriff.

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(d) After such permit shall have been granted, sales, possession, use and distribution of fireworks for such display shall be lawful for that purpose only. No permit so granted shall be transferable.

(e) By January 1, 1996, the state fire marshal shall adopt and disseminate to political subdivisions reasonable rules not inconsistent with the provisions of such guidelines on fireworks display safety, which are exempt from chapter 14, that are consistent with sections 624.20 to 624.25 and the most recent editions of the Minnesota Uniform Fire Code and the National Fire Protection Association Standards, to insure that fireworks displays are given safely. In the guidelines, the state fire marshal shall allow political subdivisions to exempt the use of relatively safe fireworks for theatrical special effects, ceremonial occasions, and other limited purposes, as determined by the state fire marshal.

Subd. 2. OPERATOR CERTIFICATION REQUIREMENTS. (a) An applicant to be a supervising operator of a fireworks display shall meet the requirements of this subdivision before the applicant is certified by the state fire marshal.

(b) An applicant must be at least 21 years old.

(c) An applicant must have completed a written examination, administered or approved by the state fire marshal, and achieved a passing score of at least 70 percent. The state fire marshal must be satisfied that achieving a passing score on the examination satisfactorily demonstrates the applicant's knowledge of statutes, codes, and nationally recognized standards concerning safe practices for the discharge and display of fireworks.

(d) An applicant shall apply in writing to the state fire marshal by completing and signing an application form provided by the state fire marshal.

(e) An applicant shall submit evidence of experience, which must include active participation as an assistant or operator in the performance of at least five fireworks displays, at least one of which must have occurred in the current or preceding year.

Subd. 3. CERTIFICATION APPLICATION; FEE. An applicant shall submit a completed initial application form including references and evidence of experience and successful completion of the written examination. Applicants shall pay a certification fee of \$100 to the state fire marshal division of the department of public safety. The state fire marshal shall review the application and send to the applicant written confirmation or denial of certification within 30 days of receipt of the application. Certification is valid for a period of four years from the date of issuance.

Subd. 4. CLASSIFICATION. When an applicant has met the requirements of subdivisions 2 and 3, the state fire marshal shall certify and classify the operator for supervising proximate audience displays, including indoor fireworks displays, for supervising traditional outdoor fireworks displays, or for supervising both types of displays, based on the operator's documented experience.

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Subd. 5. RESPONSIBILITIES OF OPERATOR. The operator is responsible for ensuring the fireworks display is organized and operated in accordance with the state fire marshal's guidelines described in subdivision 1.

Subd. 6. REPORTS. (a) The certified operator shall submit a written report to the state fire marshal within ten days following a fireworks display conducted by the operator if any of the following occurred:

- (1) an injury to any person resulting from the display of fireworks;
- (2) a fire or damage to property resulting from the display of fireworks; or
- (3) an unsafe or defective pyrotechnic product or equipment was used or observed.

(b) The certified operator shall submit a written report to the state fire marshal within 30 days following any other fireworks displays supervised by the operator.

(c) The state fire marshal may require other information from operators relating to fireworks displays.

Subd. 7. OPERATOR CERTIFICATION RENEWAL. An applicant shall submit a completed renewal application form prepared and provided by the state fire marshal, which must include at least the dates, locations, and authorities issuing the permits for at least three fireworks displays participated in or supervised by the applicant and conducted during the past four years. An applicant shall pay a certification renewal fee of \$100 to the state fire marshal division of the department of public safety. The state fire marshal shall review the application and send to the applicant written confirmation or denial of certification renewal within 30 days of receipt of the application. Certification is valid for a period of four years from the date of issuance.

Subd. 8. SUSPENSION, REVOCATION, OR REFUSAL TO RENEW CERTIFICATION. The state fire marshal may suspend, revoke, or refuse to renew certification of an operator if the operator has:

- (1) submitted a fraudulent application;
- (2) caused or permitted a fire or safety hazard to exist or occur during the storage, transportation, handling, preparation, or use of fireworks;
- (3) conducted a display of fireworks without receipt of a permit required by the state or a political subdivision;
- (4) conducted a display of fireworks with assistants who were not at least 18 years of age, properly instructed, and continually supervised; or
- (5) otherwise failed to comply with any federal or state law or regulation, or the guidelines, relating to fireworks.

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Subd. 9. DATABASE. The commissioner of public safety shall maintain a database of the information required under this section for purposes of (1) law enforcement, (2) investigative inquiries made under subdivision 1, and (3) the accumulation and statistical analysis of information relative to fireworks displays.

Sec. 24. Minnesota Statutes 1994, section 626.841, is amended to read:

626.841 BOARD; MEMBERS.

The board of peace officer standards and training shall be composed of the following 15 members:

(a) Two members to be appointed by the governor from among the county sheriffs in Minnesota;

(b) Four members to be appointed by the governor from among peace officers in Minnesota municipalities, at least two of whom shall be chiefs of police;

(c) Two members to be appointed by the governor from among peace officers, at least one of whom shall be a member of the Minnesota state patrol association;

(d) The superintendent of the Minnesota bureau of criminal apprehension or a designee;

(e) Two members appointed by the governor ~~experienced in law enforcement at a local, state, or federal level from among peace officers, or former peace officers, who are not currently employed as~~ on a full-time basis in a professional peace officers officer education program;

(f) Two members to be appointed by the governor, one member to be appointed from among administrators of Minnesota colleges or universities that offer professional peace officer education, and one member to be appointed from among the elected city officials in statutory or home rule charter cities of under 5,000 population outside the metropolitan area, as defined in section 473.121, subdivision 2;

(g) Two members appointed by the governor from among the general public.

A chair shall be appointed by the governor from among the members. In making appointments the governor shall strive to achieve representation from among the geographic areas of the state.

Sec. 25. Minnesota Statutes 1994, section 626.843, subdivision 1, is amended to read:

Subdivision 1. **RULES REQUIRED.** The board shall adopt rules with respect to:

(a) The certification of peace officer training schools, programs, or courses

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including training schools for the Minnesota state patrol. Such schools, programs and courses shall include those administered by the state, county, school district, municipality, or joint or contractual combinations thereof, and shall include preparatory instruction in law enforcement and minimum basic training courses;

(b) Minimum courses of study, attendance requirements, and equipment and facilities to be required at each certified peace officers training school located within the state;

(c) Minimum qualifications for instructors at certified peace officer training schools located within this state;

(d) Minimum standards of physical, mental, and educational fitness which shall govern the recruitment and licensing of peace officers within the state, by any state, county, municipality, or joint or contractual combination thereof, including members of the Minnesota state patrol;

(e) Minimum standards of conduct which would affect the individual's performance of duties as a peace officer;

These standards shall be established and published ~~on or before July 1, 1979.~~ The board shall review the minimum standards of conduct described in this paragraph for possible modification in 1998 and every three years after that time.

(f) Minimum basic training which peace officers appointed to temporary or probationary terms shall complete before being eligible for permanent appointment, and the time within which such basic training must be completed following any such appointment to a temporary or probationary term;

(g) Minimum specialized training which part-time peace officers shall complete in order to be eligible for continued employment as a part-time peace officer or permanent employment as a peace officer, and the time within which the specialized training must be completed;

(h) Content of minimum basic training courses required of graduates of certified law enforcement training schools or programs. Such courses shall not duplicate the content of certified academic or general background courses completed by a student but shall concentrate on practical skills deemed essential for a peace officer. Successful completion of such a course shall be deemed satisfaction of the minimum basic training requirement;

(i) Grading, reporting, attendance and other records, and certificates of attendance or accomplishment;

(j) The procedures to be followed by a part-time peace officer for notifying the board of intent to pursue the specialized training for part-time peace officers who desire to become peace officers pursuant to clause (g), and section 626.845, subdivision 1, clause (g);

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(k) The establishment and use by any political subdivision or state law enforcement agency which employs persons licensed by the board of procedures for investigation and resolution of allegations of misconduct by persons licensed by the board. The procedures shall be in writing and shall be established on or before October 1, 1984;

(l) The issues that must be considered by each political subdivision and state law enforcement agency that employs persons licensed by the board in establishing procedures under section 626.5532 to govern the conduct of peace officers who are in pursuit of a vehicle being operated in violation of section 609.487, and requirements for the training of peace officers in conducting pursuits. The adoption of specific procedures and requirements is within the authority of the political subdivision or agency;

(m) Supervision of part-time peace officers and requirements for documentation of hours worked by a part-time peace officer who is on active duty. These rules shall be adopted by December 31, 1993; and

(n) Such other matters as may be necessary consistent with sections 626.84 to 626.855. Rules promulgated by the attorney general with respect to these matters may be continued in force by resolution of the board if the board finds the rules to be consistent with sections 626.84 to 626.855.

Sec. 26. [626.8431] AUTOMATIC LICENSE REVOCATION.

The license of a peace officer convicted of a felony is automatically revoked. For purposes of this section, "conviction" includes a finding of guilt, whether or not the adjudication of guilt is stayed or executed, an admission of guilt, or a no contest plea.

Sec. 27. [626.8555] PEACE OFFICER EDUCATION PROGRAMS.

Metropolitan State University and Minneapolis Community College, in consultation with the board of peace officer standards and training and state and local law enforcement agencies in the seven-county metropolitan area, shall provide core law enforcement courses in an accelerated time period. The schools shall grant priority admission to students who have a bona fide offer of employment from a Minnesota law enforcement agency. These courses shall be available at the beginning of the 1995-1996 academic year and are contingent on sufficient program enrollment.

The board, Metropolitan State University, and Minneapolis Community College shall evaluate the accelerated law enforcement education program and report their findings to the 1997 legislature.

Sec. 28. TRAINING COMMITTEE MEMBERSHIP.

At least one person shall be appointed to the peace officer standards and training board's training committee from among higher education representatives of Minnesota colleges or universities that offer professional peace officer education.

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Sec. 29. PEACE OFFICER STANDARDS AND TRAINING BOARD; INFORMATION AND REPORTS REQUIRED.

Subdivision 1. INFORMATION REQUIRED TO BE COMPILED BY THE PEACE OFFICER STANDARDS AND TRAINING BOARD. The peace officer standards and training board shall compile summary, statistical information on peace officers alleged to have violated Minnesota Statutes, sections 609.224, subdivision 1; 518B.01, subdivision 14; 609.748, subdivision 6; or 609.749. This information must include a brief description of the facts of each incident, and a brief description of the final disposition of the case, including any disciplinary action taken or referrals made to mental health professionals. The information compiled by the board shall not include the names of the individual officers involved in the incidents.

Subd. 2. REPORT REQUIRED. The board shall report to the legislature by January 1, 1997, regarding the information compiled under subdivision 1.

Subd. 3. CHIEF LAW ENFORCEMENT OFFICERS REQUIRED TO PROVIDE INFORMATION. Chief law enforcement officers shall cooperate with the board by providing it the information described in subdivision 1. Information provided to the board from which individual peace officers could be identified is classified as private data on individuals.

Sec. 30. PROFESSIONAL CONDUCT OF PEACE OFFICERS.

Subdivision 1. MODEL POLICY TO BE DEVELOPED. By March 1, 1996, the peace officer standards and training board shall develop and distribute to all chief law enforcement officers a model policy regarding the professional conduct of peace officers. The policy must address issues regarding professional conduct not addressed by the standards of conduct under Minnesota Rules, part 6700.1600. The policy must define unprofessional conduct to include, but not be limited to, conduct prohibited by Minnesota Statutes, section 609.43, whether or not there has been a conviction for a violation of that section. The policy must also describe the procedures that a local law enforcement agency may follow in investigating and disciplining peace officers alleged to have behaved unprofessionally.

Subd. 2. CHIEF LAW ENFORCEMENT OFFICERS; WRITTEN POLICY REQUIRED. By July 1, 1996, all chief law enforcement officers shall establish and implement a written policy defining unprofessional conduct and governing the investigation and disposition of cases involving alleged unprofessional conduct by peace officers. A chief law enforcement officer shall adopt a policy identical or substantially similar to the model policy developed by the board under subdivision 1.

Subd. 3. REPORT ON ALLEGED MISCONDUCT. A chief law enforcement officer shall report annually to the board summary data regarding the investigation and disposition of cases involving alleged misconduct, indicating the total number of investigations, the total number by each subject matter, the

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number dismissed as unfounded, and the number dismissed on grounds that the allegation was unsubstantiated.

Sec. 31. STUDY DIRECTED.

The peace officer standards and training board, in consultation with chief law enforcement officers and peace officers, shall conduct a study to determine what statewide resources are available to peace officers in need of job-related professional counseling. The study must determine to what extent existing resources are used, what impediments exist to the resources' use, how resources could be better used, and what additional resources are required. The board shall report its findings to the legislature by March 1, 1996.

Sec. 32. CHILD ABUSE HELPLINE.

Subdivision 1. PLAN. The commissioner of human services, in consultation with the commissioner of public safety, shall develop a plan for an integrated statewide toll-free 24-hour telephone helpline to provide consultative services to parents, family members, law enforcement personnel, and social service professionals regarding the physical and sexual abuse of children. The plan must:

- (1) identify methods for implementing the telephone helpline;
- (2) identify existing services regarding child abuse provided by state and local governmental agencies, nonprofit organizations, and others;
- (3) consider strategies to coordinate existing services into an integrated telephone helpline;
- (4) consider the practicality of retraining and redirecting existing professionals to staff the telephone helpline on a 24-hour basis;
- (5) determine what new services, if any, would be required for the telephone helpline;
- (6) determine the costs of implementing the telephone helpline and ways to reduce costs through coordination of existing services; and
- (7) determine methods of marketing and advertisement to make the general public aware of the telephone helpline.

Subd. 2. PILOT PROJECT. In conjunction with the planning process under subdivision 1, the commissioner of human services shall implement at least two pilot project telephone helplines. One of the pilots must be in the seven-county metropolitan area and one must be in greater Minnesota.

Subd. 3. REPORT. The commissioner of human services shall report to the legislature by January 15, 1996, concerning the details of the plan and the status of the pilot projects.

Subd. 4. COORDINATOR. The commissioner of human services may hire a person to coordinate and implement the requirements of this section.

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Sec. 33. DATA ACCESS ON INTERNET.

The criminal justice information policy group shall develop a plan for providing databases containing private or confidential data to law enforcement agencies on the Internet with appropriate security provisions.

Sec. 34. CRIMINAL AND JUVENILE INFORMATION POLICY GROUP REPORT.

By January 15, 1996, the criminal and juvenile information policy group shall report to the chairs of the senate crime prevention committee and house of representatives judiciary committee on recommendations for additional offenses to be subject to identification reporting requirements of Minnesota Statutes, section 299C.10, subdivision 1, and on processes for expungement, correction of inaccurate records, destruction of records, and other matters relating to the privacy interests of individuals as they relate to the development of the juvenile criminal history system, the statewide misdemeanor system, and the tracking system for domestic abuse orders for protection.

Sec. 35. COMMUNITY NOTIFICATION WORK GROUP.

(a) A 15-member work group is created to study issues relating to laws and proposed legislation authorizing community notification of information about convicted sex offenders, including offenders who have been or are about to be released from incarceration and offenders who have been sentenced to stayed prison sentences.

(b) The work group consists of three members of the senate appointed by the chair of the committee on crime prevention and three members of the house of representatives appointed by the chair of the committee on judiciary. Legislative membership from each body shall consist of two members of the majority caucus and one member of the minority caucus. The work group also consists of the commissioner of corrections or the commissioner's designee, the attorney general or the attorney general's designee, and of the following additional members approved by the legislative membership:

(1) one sheriff nominated by the Minnesota sheriffs association;

(2) one chief of police nominated by the Minnesota chiefs of police association;

(3) one county attorney nominated by the county attorneys association;

(4) one defense attorney nominated by the state public defender;

(5) one sex offender treatment professional nominated by the commissioner of human services;

(6) the crime victim ombudsman or a representative of sexual assault victims nominated by the ombudsman; and

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(7) one member of the public appointed by the chairs of the senate crime prevention committee and the house judiciary committee.

Members of the work group should represent a cross-section of regions within the state. The work group shall select a chair from among its membership.

The chairs of the senate crime prevention committee and the house judiciary committee may authorize alternate legislative members to attend sessions of the work group when an appointed legislative member is unable to attend.

(c) The work group shall be convened no later than August 1, 1995, and shall study the implementation of community notification laws in other states, the positive and negative aspects of community notification laws, the costs of implementing the laws, the social and constitutional issues raised by the laws, and any anticipated federal requirements concerning community notification.

(d) The work group shall report its findings and recommendations to the chairs of the house judiciary committee and the senate crime prevention committee by January 31, 1996.

Sec. 36. EFFECTIVE DATES.

(a) Section 23, subdivision 1, paragraph (e); and subdivision 2 are effective the day following final enactment. The remaining provisions of section 23 are effective January 1, 1996.

(b) Section 3 is effective July 1, 1995, and applies to persons who are released from prison on or after that date, or who are under supervision as of that date, or who enter this state on or after that date. Section 3, subdivision 5 is effective July 1, 1995, and applies to crimes committed on or after that date.

(c) Section 21 is effective for oral and written leases entered into or renewed on or after July 1, 1995.

(d) Sections 24, 27, and 28 are effective July 1, 1995, and apply to appointments made and contracts entered into on or after that date.

(e) Section 22 is effective July 1, 1995, and applies to crimes committed on or after that date.

(f) Sections 29 to 31, and 33 to 35 are effective the day following final enactment.

(g) The remaining sections in this article are effective July 1, 1995.

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ARTICLE 5
CORRECTIONS

Section 1. **[16B.181] PURCHASES FROM CORRECTIONS INDUSTRIES.**

(a) The commissioner, in consultation with the commissioner of corrections, shall prepare a list of products and services that are available for purchase from department of corrections industries. After publication of the product and service list by the commissioner, state agencies and institutions shall purchase the listed products and services from department of corrections industries if the products and services are equivalent in price and quality to products and services available from other sources unless the commissioner of corrections certifies that the correctional institutions cannot provide them at a price within five percent of the fair market price for comparable level of quality and within a reasonable delivery time. In determining the fair market price, the commissioner of administration shall use competitive bidding or consider open market bid prices in previous years for similar products and services, plus inflationary increases.

(b) The commissioner of administration shall ensure that state agency specifications are not unduly restrictive as to prevent corrections industries from providing products or services that meet the needs of the purchasing department, institution, or agency.

(c) The commissioners of administration and corrections shall appoint a joint task force to explore additional methods that support the philosophy of providing a substantial market opportunity to correctional industries that maximizes inmate work opportunities. The task force shall develop a plan and prepare a set of criteria with which to evaluate the effectiveness of the recommendations and initiatives in the plan.

Sec. 2. Minnesota Statutes 1994, section 171.29, subdivision 2, is amended to read:

Subd. 2. **FEES, ALLOCATION.** (a) A person whose driver's license has been revoked as provided in subdivision 1, except under section 169.121 or 169.123, shall pay a \$30 fee before the driver's license is reinstated.

(b) A person whose driver's license has been revoked as provided in subdivision 1 under section 169.121 or 169.123 shall pay a \$250 fee plus a \$10 surcharge before the driver's license is reinstated; The \$250 fee is to be credited as follows:

(1) Twenty percent shall be credited to the trunk highway fund.

(2) Fifty-five percent shall be credited to the general fund.

(3) Eight percent shall be credited to a separate account to be known as the bureau of criminal apprehension account. Money in this account may be appro-

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prorated to the commissioner of public safety and the appropriated amount shall be apportioned 80 percent for laboratory costs and 20 percent for carrying out the provisions of section 299C.065.

(4) Twelve percent shall be credited to a separate account to be known as the alcohol-impaired driver education account. Money in the account may be appropriated to the commissioner of education for programs in elementary and secondary schools.

(5) Five percent shall be credited to a separate account to be known as the traumatic brain injury and spinal cord injury account. \$100,000 is annually appropriated from the account to the commissioner of human services for traumatic brain injury case management services. The remaining money in the account is annually appropriated to the commissioner of health to establish and maintain the traumatic brain injury and spinal cord injury registry created in section 144.662 and to reimburse the commissioner of economic security for the reasonable cost of services provided under section 268A.03, clause (o).

(c) The \$10 surcharge shall be credited to a separate account to be known as the remote electronic alcohol monitoring pilot program account. Up to \$250,000 is annually appropriated from this account to the commissioner of corrections for a remote electronic alcohol monitoring pilot program. The unencumbered balance remaining in the first year of the biennium does not cancel but is available for the second year.

Sec. 3. [243.212] COPAYMENTS FOR HEALTH SERVICES.

Any inmate of an adult correctional facility under the control of the commissioner of corrections shall incur copayment and coinsurance obligations for health care services received in the amounts established for adult enrollees of the MinnesotaCare program established under section 256.9353, subdivision 7, to the extent the inmate has available funds.

Sec. 4. Minnesota Statutes 1994, section 243.23, subdivision 3, is amended to read:

Subd. 3. **EXCEPTIONS.** Notwithstanding sections 241.26, subdivision 5, and 243.24, subdivision 1, the commissioner may ~~promulgate rules for the disbursement of~~ make deductions from funds earned under subdivision 1, or other funds in an inmate account, and section 243.88, subdivision 2. The commissioner shall ~~first~~ make deductions for the following expenses in the following order of priority:

(1) federal and state taxes;

(2) repayment of advances;

(3) ~~gate money as provided in section 243.24; and, where applicable, mandatory savings as provided by United States Code, title 48, section 1761, as amended. The commissioner's rules may then provide for disbursements to be made in the following order of priority:~~

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- (1) for the
- (4) support of families and dependent relatives of the respective inmates;
- (2) for the
- (5) payment of court-ordered restitution;
- (3) for
- (6) room and board or other costs of confinement;
- (7) medical expenses incurred under section 243.212;
- (8) payment of fees and costs in a civil action commenced by an inmate;
- (9) payment of fines, surcharges, or other fees assessed or ordered by a court;
- (4) for
- (10) contribution to ~~any programs established by law to aid victims of crime~~ the crime victims reparations board created under section 611A.55, provided that the contribution shall not be more than 20 percent of an inmate's gross wages;
- (5) for
- (11) the payment of restitution to the commissioner ordered by prison disciplinary hearing officers for damage to property caused by an inmate's conduct; and
- (6) for the
- (12) discharge of any legal obligations arising out of litigation under this subdivision.

The commissioner may authorize the payment of court-ordered restitution from an inmate's wages when the restitution was ordered by the court as a sanction for the conviction of an offense which is not the offense of commitment, including offenses which occurred prior to the offense for which the inmate was committed to the commissioner. An inmate of an adult correctional facility under the control of the commissioner is subject to actions for the enforcement of support obligations and reimbursement of any public assistance rendered the dependent family and relatives. The commissioner may conditionally release an inmate who is a party to an action under this subdivision and provide for the inmate's detention in a local detention facility convenient to the place of the hearing when the inmate is not engaged in preparation and defense.

Sec. 5. Minnesota Statutes 1994, section 243.88, is amended by adding a subdivision to read:

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Subd. 5. DEDUCTIONS. Notwithstanding any other law to the contrary, any compensation paid to inmates under this section is subject to section 243.23, subdivisions 2 and 3, and rules of the commissioner of corrections.

Sec. 6. Minnesota Statutes 1994, section 641.15, subdivision 2, is amended to read:

Subd. 2. **MEDICAL AID.** Except as provided in section 466.101, the county board shall pay the costs of medical services provided to prisoners. The county is entitled to reimbursement from the prisoner for payment of medical bills to the extent that the prisoner to whom the medical aid was provided has the ability to pay the bills. If the prisoner does not have the ability to pay the prisoner's entire medical bill, the prisoner shall, at a minimum, incur copayment and coinsurance obligations for health care services received in the amounts established for adult enrollees of the MinnesotaCare program established under section 256.9353, subdivision 7, to the extent the prisoner has available funds. If there is a disagreement between the county and a prisoner concerning the prisoner's ability to pay, the court with jurisdiction over the defendant shall determine the extent, if any, of the prisoner's ability to pay for the medical services. If a prisoner is covered by health or medical insurance or other health plan when medical services are provided, the county providing the medical services has a right of subrogation to be reimbursed by the insurance carrier for all sums spent by it for medical services to the prisoner that are covered by the policy of insurance or health plan, in accordance with the benefits, limitations, exclusions, provider restrictions, and other provisions of the policy or health plan. The county may maintain an action to enforce this subrogation right. The county does not have a right of subrogation against the medical assistance program or the general assistance medical care program.

Sec. 7. Laws 1994, chapter 643, section 79, subdivision 1, is amended to read:

Subdivision 1. **GRANTS AUTHORIZED.** The commissioner of corrections shall make grants to Hennepin county, Ramsey county, or groups of counties, excluding counties in the joint powers board operating the northwestern Minnesota juvenile training center for grants made in 1994 or 1995, for up to 75 percent of the construction cost of secure juvenile detention and treatment facilities. The commissioner shall ensure that grants are distributed so that facilities are available for both male and female juveniles, and that the needs of very young offenders can be met. The commissioner shall also require that programming in the facilities be culturally specific and sensitive. To the extent possible, grants should be made for facilities or living units of 15 beds or fewer. No more than one grant shall be made in each judicial district. However, grant proposals may include more than one site, and funds may be authorized to each county in which a site is contained.

Sec. 8. Laws 1994, chapter 643, section 79, subdivision 3, is amended to read:

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Subd. 3. **ELIGIBILITY.** Applicants must include a cooperative plan for the secure detention and treatment of juveniles among the applicant counties. The cooperative plan must identify the location of facilities. Facilities must be located within ~~45~~ 20 miles of a permanent chambers within the judicial district, as specified in section 2.722, or at the site of an existing county home facility, as authorized in section 260.094, or at the site of an existing detention home, as authorized in section 260.101.

Sec. 9. Laws 1994, chapter 643, section 79, subdivision 4, is amended to read:

Subd. 4. **ALLOCATION FORMULA.** (a) The commissioner must determine the amount available for grants for counties in each judicial district under this subdivision.

(b) Five percent of the money appropriated for these grants shall be allocated for the counties in each judicial district for a mileage distribution allowance in proportion to the percent each county's surface area comprises of the total surface area of the state. Ninety-five percent of the money appropriated for these grants shall be allocated for the counties in each judicial district using the formula in section 401.10.

(c) The amount allocated for all counties within a judicial district shall be totaled to determine the amount available for ~~a grant~~ grants within that judicial district. Amounts attributable to a county which the commissioner has authorized to cooperate in a grant with a county or counties in an adjacent judicial district shall be reallocated to that judicial district.

Sec. 10. INTERSTATE COMPACT FOR SUPERVISION OF PAROLEES AND PROBATIONERS; DATA COLLECTION.

Subdivision 1. DATA COLLECTION REQUIRED. The commissioner of corrections shall collect, maintain, and analyze background and recidivism data on all individuals received by or sent from Minnesota under Minnesota Statutes, section 243.16, the interstate compact for the supervision of parolees and probationers.

Subd. 2. SCOPE OF DATA. (a) The data collected shall include:

(1) the number of individuals the commissioner is requested to receive from each state, the number of individuals which the commissioner agrees to receive from each state, and the basis of the commissioner's decision to receive or reject an individual; and

(2) the number of individuals the commissioner requests each state to receive, the number of individuals each state agrees to receive, and the basis of the commissioner's decision to request another state to receive an individual.

(b) For each individual transferred or received by the commissioner, the commissioner shall collect the following data:

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(1) the initial and ongoing costs incurred by Minnesota resulting from the individual's transfer;

(2) the amount of money Minnesota receives from the sending state to reimburse Minnesota for these costs;

(3) the individual's criminal record;

(4) whether the individual violates the terms of probation or parole; and

(5) if the individual violates the terms of probation or parole and commits a new offense in Minnesota, whether the individual is arrested, convicted, incarcerated in Minnesota, or returned to the sending state.

Subd. 3. REPORTS. The commissioner of corrections shall collect the data required under subdivision 2 for all years beginning in 1990. The commissioner shall report to the legislature by February 15, 1996, the data collected for years 1990 to 1995. The commissioner shall report data collected for each subsequent year to the legislature by January 15 of each odd-numbered year.

Sec. 11. CORRECTIONAL FACILITY AUTHORIZED.

The commissioner of corrections may establish an adult correctional facility for geriatric and medical care at the Ah Gwah Ching facility or at another suitable facility operated by the commissioner of human services. The commissioner of corrections is authorized to enter into negotiations and contracts with the department of human services to establish the facility.

Sec. 12. CORRECTIONAL FACILITY AUTHORIZED.

The commissioner of corrections may establish a minimum security adult correctional facility for men at Camp Ripley. The commissioner is authorized to enter into negotiations and contracts with appropriate parties to establish the facility.

Sec. 13. EFFECTIVE DATES.

(a) Section 4, clause (10), is effective the day following final enactment.

(b) Sections 3; 4, clause (7); and 6, are effective July 1, 1996.

(c) The remaining provisions of this article are effective July 1, 1995.

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ARTICLE 6

COURTS

Section 1. Minnesota Statutes 1994, section 2.722, subdivision 1, is amended to read:

Subdivision 1. **DESCRIPTION.** Effective July 1, 1959, the state is divided into ten judicial districts composed of the following named counties, respectively, in each of which districts judges shall be chosen as hereinafter specified:

1. Goodhue, Dakota, Carver, Le Sueur, McLeod, Scott, and Sibley; 28 judges; and four permanent chambers shall be maintained in Red Wing, Hastings, Shakopee, and Glencoe and one other shall be maintained at the place designated by the chief judge of the district;

2. Ramsey; 24 judges;

3. Wabasha, Winona, Houston, Rice, Olmsted, Dodge, Steele, Waseca, Freeborn, Mower, and Fillmore; 22 judges; and permanent chambers shall be maintained in Faribault, Albert Lea, Austin, Rochester, and Winona;

4. Hennepin; 57 judges;

5. Blue Earth, Watonwan, Lyon, Redwood, Brown, Nicollet, Lincoln, Cottonwood, Murray, Nobles, Pipestone, Rock, Faribault, Martin, and Jackson; 17 judges; and permanent chambers shall be maintained in Marshall, Windom, Fairmont, New Ulm, and Mankato;

6. Carlton, St. Louis, Lake, and Cook; 15 judges;

7. Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker, and Wadena; 22 judges; and permanent chambers shall be maintained in Moorhead, Fergus Falls, Little Falls, and St. Cloud;

8. Chippewa, Kandiyohi, Lac qui Parle, Meeker, Renville, Swift, Yellow Medicine, Big Stone, Grant, Pope, Stevens, Traverse, and Wilkin; 11 judges; and permanent chambers shall be maintained in Morris, Montevideo, and Willmar;

9. Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching; 20 judges; and permanent chambers shall be maintained in Crookston, Thief River Falls, Bemidji, Brainerd, Grand Rapids, and International Falls;

10. Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington; ~~34~~ 35 judges; and permanent chambers shall be maintained in Anoka, Stillwater, and other places designated by the chief judge of the district.

Sec. 2. Minnesota Statutes 1994, section 2.722, is amended by adding a subdivision to read:

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Subd. 4a. REFEREE VACANCY; CONVERSION TO JUDGESHIP.

When a referee of the district court dies, resigns, retires, or is voluntarily removed from the position, the chief judge of the district shall notify the supreme court and may petition to request that the position be converted to a judgeship. The supreme court shall determine within 90 days of the petition whether to order the position abolished or convert the position to a judgeship in the affected or another judicial district. The supreme court shall certify any judicial vacancy to the governor, who shall fill it in the manner provided by law. The conversion of a referee position to a judgeship under this subdivision shall not reduce the total number of judges and referees hearing cases in the family and juvenile courts.

Sec. 3. Minnesota Statutes 1994, section 179A.03, subdivision 7, is amended to read:

Subd. 7. ESSENTIAL EMPLOYEE. "Essential employee" means firefighters, peace officers subject to licensure under sections 626.84 to 626.855, guards at correctional facilities, confidential employees, supervisory employees, assistant county attorneys, principals, and assistant principals. However, for state employees, "essential employee" means all employees in law enforcement, health care professionals, correctional guards, professional engineering, and supervisory collective bargaining units, irrespective of severance, and no other employees. For University of Minnesota employees, "essential employee" means all employees in law enforcement, nursing professional and supervisory units, irrespective of severance, and no other employees. "Firefighters" means salaried employees of a fire department whose duties include, directly or indirectly, controlling, extinguishing, preventing, detecting, or investigating fires.

Sec. 4. [243.241] CIVIL ACTION MONEY DAMAGES.

Money damages recovered in a civil action by an inmate confined in a state correctional facility or released from a state correctional facility under section 244.065 or 244.07 shall be deposited in the inmate's inmate account and disbursed according to the priorities in section 243.23, subdivision 3.

Sec. 5. [244.035] SANCTIONS RELATED TO LITIGATION.

The commissioner shall develop disciplinary sanctions to provide infraction penalties for an inmate who submits a frivolous or malicious claim as determined under section 563.02, subdivision 3, or who is determined by the court to have testified falsely or to have submitted false evidence to a court. Infraction penalties may include loss of privileges, punitive segregation, loss of good time, or adding discipline confinement time.

Sec. 6. Minnesota Statutes 1994, section 260.155, subdivision 4, is amended to read:

Subd. 4. GUARDIAN AD LITEM. (a) The court shall appoint a guardian ad litem to protect the interests of the minor when it appears, at any stage of the

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proceedings, that the minor is without a parent or guardian, or that the minor's parent is a minor or incompetent, or that the parent or guardian is indifferent or hostile to the minor's interests, and in every proceeding alleging a child's need for protection or services under section 260.015, subdivision 2a, clauses (1) to (10). In any other case the court may appoint a guardian ad litem to protect the interests of the minor when the court feels that such an appointment is desirable. The court shall appoint the guardian ad litem on its own motion or in the manner provided for the appointment of a guardian ad litem in the district court.

(b) A guardian ad litem shall carry out the following responsibilities:

(1) conduct an independent investigation to determine the facts relevant to the situation of the child and the family, which must include, unless specifically excluded by the court, reviewing relevant documents; meeting with and observing the child in the home setting and considering the child's wishes, as appropriate; and interviewing parents, caregivers, and others with knowledge relevant to the case;

(2) advocate for the child's best interests by participating in appropriate aspects of the case and advocating for appropriate community services when necessary;

(3) maintain the confidentiality of information related to a case, with the exception of sharing information as permitted by law to promote cooperative solutions that are in the best interests of the child;

(4) monitor the child's best interests throughout the judicial proceeding; and

(5) present written reports on the child's best interests that include conclusions and recommendations and the facts upon which they are based.

(c) The court may waive the appointment of a guardian ad litem pursuant to clause (a), whenever counsel has been appointed pursuant to subdivision 2 or is retained otherwise, and the court is satisfied that the interests of the minor are protected.

(e) ~~(d)~~ In appointing a guardian ad litem pursuant to clause (a), the court shall not appoint the party, or any agent or employee thereof, filing a petition pursuant to section 260.131.

~~(d)~~ (e) The following factors shall be considered when appointing a guardian ad litem in a case involving an Indian or minority child:

(1) whether a person is available who is the same racial or ethnic heritage as the child or, if that is not possible;

(2) whether a person is available who knows and appreciates the child's racial or ethnic heritage.

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Sec. 7. Minnesota Statutes 1994, section 271.06, subdivision 4, is amended to read:

Subd. 4. **APPEAL FEE.** At the time of filing the notice of appeal the appellant shall pay to the court administrator of the tax court an appeal fee ~~of \$50 equal to the fee provided for civil actions in the district court under section 357.021, subdivision 2, clause (1); provided, except~~ that no appeal fee shall be required of the commissioner of revenue, the attorney general, the state or any of its political subdivisions. In small claims division, the appeal fee shall be ~~\$5~~ \$25. The provisions of chapter 563, providing for proceedings in forma pauperis, shall also apply for appeals to the tax court.

Sec. 8. Minnesota Statutes 1994, section 357.021, subdivision 2, is amended to read:

Subd. 2. **FEE AMOUNTS.** The fees to be charged and collected by the court administrator shall be as follows:

(1) In every civil action or proceeding in said court, including any case arising under the tax laws of the state that could be transferred or appealed to the tax court, the plaintiff, petitioner, or other moving party shall pay, when the first paper is filed for that party in said action, a fee of \$122.

The defendant or other adverse or intervening party, or any one or more of several defendants or other adverse or intervening parties appearing separately from the others, shall pay, when the first paper is filed for that party in said action, a fee of \$122.

The party requesting a trial by jury shall pay \$75.

The fees above stated shall be the full trial fee chargeable to said parties irrespective of whether trial be to the court alone, to the court and jury, or disposed of without trial, and shall include the entry of judgment in the action, but does not include copies or certified copies of any papers so filed or proceedings under chapter 103E, except the provisions therein as to appeals.

(2) Certified copy of any instrument from a civil or criminal proceeding, \$10, and \$5 for an uncertified copy.

(3) Issuing a subpoena, \$3 for each name.

(4) Issuing an execution and filing the return thereof; issuing a writ of attachment, injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not specifically mentioned, \$10.

(5) Issuing a transcript of judgment, or for filing and docketing a transcript of judgment from another court, \$7.50.

(6) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment of judgment, \$5.

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(7) Certificate as to existence or nonexistence of judgments docketed, \$5 for each name certified to.

(8) Filing and indexing trade name; or recording basic science certificate; or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or optometrists, \$5.

(9) For the filing of each partial, final, or annual account in all trusteeships, \$10.

(10) For the deposit of a will, \$5.

(11) For recording notary commission, \$25, of which, notwithstanding subdivision 1a, paragraph (b), \$20 must be forwarded to the state treasurer to be deposited in the state treasury and credited to the general fund.

(12) When a defendant pleads guilty to or is sentenced for a petty misdemeanor other than a parking violation, the defendant shall pay a fee of \$11.

(13) Filing a motion or response to a motion for modification of child support, a fee fixed by rule or order of the supreme court.

(14) All other services required by law for which no fee is provided, such fee as compares favorably with those herein provided, or such as may be fixed by rule or order of the court.

The fees in clauses (3) and (4) need not be paid by a public authority or the party the public authority represents.

Sec. 9. Minnesota Statutes 1994, section 481.01, is amended to read:

481.01 BOARD OF LAW EXAMINERS; EXAMINATIONS; ALTERNATIVE DISPUTE FEES.

The supreme court shall, by rule from time to time, prescribe the qualifications of all applicants for admission to practice law in this state, and shall appoint a board of law examiners, which shall be charged with the administration of ~~such the~~ rules and with the examination of all applicants for admission to practice law. The board shall consist of not less than three, nor more than seven, attorneys at law, who shall be appointed each for the term of three years and until a successor qualifies. The supreme court may fill any vacancy in the board for the unexpired term and in its discretion may remove any member ~~thereof~~ of it. The board shall have a seal and shall keep a record of its proceedings, of all applications for admission to practice, and of persons admitted to practice upon its recommendation. At least two times a year the board shall hold examinations and report the result ~~thereof~~ of them, with its recommendations, to the supreme court. Upon consideration of ~~such the~~ report, the supreme court shall enter an order in the case of each person examined, directing the board to reject or to issue to the person a certificate of admission to practice. The board shall have such officers as may, from time to time, be prescribed and designated

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by the supreme court. The fee for examination shall be fixed, from time to time, by the supreme court, but shall not exceed \$50. ~~Such fees~~ This fee, and any other fees which may be received pursuant to ~~such~~ any rules as the supreme court ~~may promulgate~~ promulgates governing the practice of law and court-related alternative dispute resolution practices shall be paid to the state treasurer and shall constitute a special fund in the state treasury. The moneys in ~~such~~ this fund are appropriated annually to the supreme court for the payment of compensation and expenses of the members of the board of law examiners and for otherwise regulating the practice of law. The moneys in ~~such~~ the fund shall never cancel. Payments ~~therefrom~~ from it shall be made by the state treasurer, upon warrants of the commissioner of finance issued upon vouchers signed by one of the justices of the supreme court. The members of the board shall have ~~such~~ compensation and ~~such~~ allowances for expenses as may, from time to time, be fixed by the supreme court.

Sec. 10. Minnesota Statutes 1994, section 518.165, is amended by adding a subdivision to read:

Subd. 2a. RESPONSIBILITIES OF GUARDIAN AD LITEM. A guardian ad litem shall carry out the following responsibilities:

(1) conduct an independent investigation to determine the facts relevant to the situation of the child and the family, which must include, unless specifically excluded by the court, reviewing relevant documents; meeting with and observing the child in the home setting and considering the child's wishes, as appropriate; and interviewing parents, caregivers, and others with knowledge relevant to the case;

(2) advocate for the child's best interests by participating in appropriate aspects of the case and advocating for appropriate community services when necessary;

(3) maintain the confidentiality of information related to a case, with the exception of sharing information as permitted by law to promote cooperative solutions that are in the best interests of the child;

(4) monitor the child's best interests throughout the judicial proceeding; and

(5) present written reports on the child's best interests that include conclusions and recommendations and the facts upon which they are based.

Sec. 11. Minnesota Statutes 1994, section 563.01, subdivision 3, is amended to read:

Subd. 3. Any court of the state of Minnesota or any political subdivision thereof may authorize the commencement or defense of any civil action, or appeal therein, without prepayment of fees, costs and security for costs by a natural person who makes affidavit stating (a) the nature of the action, defense or appeal, (b) a belief that affiant is entitled to redress, and (c) that affiant is financially unable to pay the fees, costs and security for costs.

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Upon a finding by the court that the action is not of a frivolous nature, the court shall allow the person to proceed in forma pauperis if the affidavit is substantially in the language required by this subdivision and is not found by the court to be untrue. Persons meeting the requirements of this subdivision include, but are not limited to, a person who is receiving public assistance, who is represented by an attorney on behalf of a civil legal services program or a volunteer attorney program based on indigency, or who has an annual income not greater than 125 percent of the poverty line established under United States Code, title 42, section 9902(2), except as otherwise provided by section 563.02.

Sec. 12. [563.02] INMATE LIABILITY FOR FEES AND COSTS.

Subdivision 1. DEFINITION. For purposes of this section, "inmate" means a person who is not represented by counsel, who has been convicted of a felony, who is committed to the custody of the commissioner of corrections, and is:

- (1) confined in a state correctional facility; or
- (2) released from a state correctional facility under section 244.065 or 244.07.

Subd. 2. INMATE REQUEST TO PROCEED IN FORMA PAUPERIS.
(a) An inmate who wishes to commence a civil action by proceeding in forma pauperis must meet the following requirements, in addition to the requirements of section 563.01, subdivision 3:

(1) exhaust the inmate complaint procedure developed under the commissioner of corrections policy and procedure before commencing a civil action against the department, and state in the application to proceed in forma pauperis that the inmate has done so; and

(2) include the following information in an affidavit submitted under section 563.01:

(i) a statement that the inmate's claim is not substantially similar to a previous claim brought by the inmate against the same party, arising from the same operative facts, and in which there was an action that operated as an adjudication on the merits;

(ii) complete information on the inmate's identity, the nature and amount of the inmate's income, spouse's income, if available to the inmate, real property owned by the inmate, and the inmate's bank accounts, debts, monthly expenses, and number of dependents; and

(iii) the most recent monthly statement provided by the commissioner of corrections showing the balance in the inmate's inmate account.

The inmate shall also attach a written authorization for the court to obtain at any time during pendency of the present action, without further authorization from the inmate, a current statement of the inmate's inmate account balance, if

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needed to determine eligibility to proceed with bringing a civil action in forma pauperis. An inmate who has no funds in an inmate account satisfies the requirement of section 563.01, subdivision 3, clause (c).

(b) An inmate who seeks to proceed as a plaintiff in forma pauperis must file with the court the complaint in the action and the affidavit under this section before serving the complaint on an opposing party.

(c) An inmate who has funds in an inmate account may only proceed as a plaintiff in a civil action by paying the lesser of:

(1) the applicable court filing fee; or

(2) 50 percent of the balance shown in the inmate's account according to the statement filed with the court under this subdivision, consistent with the requirements of section 243.23, subdivision 3.

If an inmate elects to proceed under this paragraph, the court shall notify the commissioner of corrections to withdraw from the inmate's account the amount required under this section and forward the amount to the court administrator in the county where the action was commenced. The court shall also notify the commissioner of corrections of the amount of the filing fee remaining unpaid. The commissioner shall continue making withdrawals from the inmate's account and forwarding the amounts withdrawn to the court administrator, at intervals as the applicable funds in the inmate's account equal at least \$10, until the entire filing fee and any costs have been paid in full.

Subd. 3. DISMISSAL OF ACTION. (a) The court may, as provided by this subdivision, dismiss, in whole or in part, an action in which an affidavit has been filed under section 563.01 by an inmate seeking to proceed as a plaintiff. The action shall be dismissed without prejudice on a finding that the allegation of financial inability to pay fees, costs, and security for costs is false. The action shall be dismissed with prejudice if it is frivolous or malicious. In determining whether an action is frivolous or malicious, the court may consider whether:

(1) the claim has no arguable basis in law or fact; or

(2) the claim is substantially similar to a previous claim that was brought against the same party, arises from the same operative facts, and in which there was an action that operated as an adjudication on the merits.

An order dismissing the action or specific claims asserted in the action may be entered before or after service of process, and with or without holding a hearing.

If the court dismisses a specific claim in the action, it shall designate any issue and defendant on which the action is to proceed without the payment of fees and costs. An order under this subdivision is not subject to interlocutory appeal.

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(b) To determine whether the allegation of financial inability to pay fees, costs, and security for costs is false or whether the claim is frivolous or malicious, the court may:

(1) request the commissioner of corrections to file a report under oath responding to the issues described in paragraph (a), clause (1) or (2);

(2) order the commissioner of corrections to furnish information on the balance in the inmate's inmate account, if authorized by the inmate under subdivision 2; or

(3) hold a hearing at the correctional facility where the inmate is confined on the issue of whether the allegation of financial inability to pay is false, or whether the claim is frivolous or malicious.

Subd. 4. DEFENSE WITHOUT FEES OR COSTS. A natural person who is named as a defendant in a civil action brought by an inmate may appear and defend the action, including any appeal in the action, without prepayment of the filing fee. If the action is dismissed under rule 12 or 56 of the rules of civil procedure, the inmate is liable for the person's fees and costs, including reasonable attorney fees. In all other instances, the defendant shall pay the defendant's filing fee at the conclusion of the action or when ordered by the court.

Sec. 13. Minnesota Statutes 1994, section 609.748, subdivision 3a, is amended to read:

Subd. 3a. **FILING FEE WAIVED; COST OF SERVICE.** The filing fees for a restraining order under this section are waived for the petitioner if the petition alleges acts that would constitute a violation of section 609.749, subdivision 2 or 3. The court administrator and the sheriff of any county in this state shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when the sheriff is unavailable or if service is made by publication; ~~without requiring the petitioner to make application under section 563.01.~~ The court may direct a respondent to pay to the court administrator the petitioner's filing fees and reasonable costs of service of process if the court determines that the respondent has the ability to pay the petitioner's fees and costs.

Sec. 14. Minnesota Statutes 1994, section 611.27, subdivision 4, is amended to read:

Subd. 4. **COUNTY PORTION OF COSTS.** That portion of subdivision 1 directing counties to pay the costs of public defense service shall not be in effect between January 1, 1995, and July 1, ~~1995~~ 1997. This subdivision only relates to costs associated with felony, gross misdemeanor, juvenile, and misdemeanor public defense services. Notwithstanding the provisions of this subdivision, in the first, fifth, seventh, ninth, and tenth judicial districts, the cost of juvenile and misdemeanor public defense services for cases opened prior to January 1, 1995,

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shall remain the responsibility of the respective counties in those districts, even though the cost of these services may occur after January 1, 1995.

Sec. 15. [611A.08] BARRING PERPETRATORS OF CRIMES FROM RECOVERING FOR INJURIES SUSTAINED DURING CRIMINAL CONDUCT.

Subdivision 1. DEFINITIONS. As used in this section:

(1) "perpetrator" means a person who has engaged in criminal conduct and includes a person convicted of a crime;

(2) "victim" means a person who was the object of another's criminal conduct and includes a person at the scene of an emergency who gives reasonable assistance to another person who is exposed to or has suffered grave physical harm;

(3) "course of criminal conduct" includes the acts or omissions of a victim in resisting criminal conduct; and

(4) "convicted" includes a finding of guilt, whether or not the adjudication of guilt is stayed or executed, an unwithdrawn judicial admission of guilt or guilty plea, a no contest plea, a judgment of conviction, an adjudication as a delinquent child, an admission to a juvenile delinquency petition, or a disposition as an extended jurisdiction juvenile.

Subd. 2. PERPETRATOR'S ASSUMPTION OF THE RISK. A perpetrator assumes the risk of loss, injury, or death resulting from or arising out of a course of criminal conduct involving a violent crime, as defined in this section, engaged in by the perpetrator or an accomplice, as defined in section 609.05, and the crime victim is immune from and not liable for any civil damages as a result of acts or omissions of the victim if the victim used reasonable force as authorized in sections 609.06 or 609.065.

Subd. 3. EVIDENCE. Notwithstanding other evidence which the victim may adduce relating to the perpetrator's conviction of the violent crime involving the parties to the civil action, a certified copy of: a guilty plea; a court judgment of guilt; a court record of conviction as specified in sections 599.24, 599.25, or 609.041; an adjudication as a delinquent child; or a disposition as an extended jurisdiction juvenile pursuant to section 260.126 is conclusive proof of the perpetrator's assumption of the risk.

Subd. 4. ATTORNEY'S FEES TO VICTIM. If the perpetrator does not prevail in a civil action that is subject to this section, the court may award reasonable expenses, including attorney's fees and disbursements, to the victim.

Subd. 5. STAY OF CIVIL ACTION. Except to the extent needed to preserve evidence, any civil action in which the defense set forth in subdivision 1 or 2 is raised shall be stayed by the court on the motion of the defendant during the pendency of any criminal action against the plaintiff based on the alleged violent crime.

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Subd. 6. VIOLENT CRIME; DEFINITION. For purposes of this section, "violent crime" means an offense named in sections 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.342; 609.343; 609.344; 609.345; 609.561; 609.562; 609.563; and 609.582, or an attempt to commit any of these offenses. "Violent crime" includes crimes in other states or jurisdictions which would have been within the definition set forth in this subdivision if they had been committed in this state.

Sec. 16. REPORT.

The state court administrator shall report to the chairs of the judiciary committees in the house of representatives and the senate by February 15, 1996, on the implementation of the 1995 report of the legislative auditor on guardians ad litem. The report shall address revision of the guidelines and adoption of rules to deal with:

- (1) guardian ad litem selection, training, evaluation, and removal;
- (2) distinguishing the roles of guardians ad litem and custody investigators;
- (3) developing procedures for guardians ad litem to work with parents who have an order for protection;
- (4) requiring judges to write more detailed appointment orders defining their expectations of the guardian ad litem role;
- (5) ascertaining and communicating to the court the wishes of the child regarding matters before the court;
- (6) standards for contact between the guardian ad litem and the child, specifying when limited or no contact with the child may be appropriate;
- (7) developing a procedure for bringing complaints against a guardian ad litem; and
- (8) specifying selection criteria, responsibilities, and necessary training for a guardian ad litem program coordinator.

The report shall also describe how the supreme court will educate parents, judges, attorneys, and other professionals about the purpose and role of guardians ad litem.

In addressing the revision of the guidelines and adoption of rules, the supreme court is requested to consult with interest groups, advocacy groups, and the public.

Sec. 17. Laws 1993, chapter 255, section 1, subdivision 1, is amended to read:

Section 1. NONFELONY ENFORCEMENT ADVISORY COMMITTEE.

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Subdivision 1. **DUTIES.** The nonfelony enforcement advisory committee shall study current enforcement and prosecution of all nonfelony offenses under Minnesota law. The committee shall evaluate the effect of prosecutorial jurisdiction over misdemeanor and gross misdemeanor crimes against the person on effective law enforcement and public safety. The committee shall analyze the relative penalty levels for nonfelony crimes against the person and, low-level felony property crimes, and crimes for which there are both felony and nonfelony penalties. The committee shall recommend any necessary changes in Minnesota law to achieve the following goals:

- (1) proportionality of penalties for gross misdemeanors, misdemeanors, and petty misdemeanors;
- (2) effective enforcement and prosecution of these offenses; and
- (3) efficient use of the resources of the criminal justice system.

Sec. 18. Laws 1993, chapter 255, section 1, subdivision 4, is amended to read:

Subd. 4. **REPORT.** By ~~October 1, 1995~~ January 15, 1997, the committee shall report its findings and recommendations for revisions in Minnesota law to the chairs of the senate committee on crime prevention and the house committee on judiciary.

Sec. 19. Laws 1993, chapter 255, section 2, is amended to read:

Sec. 2. **REPEALER.**

Section 1 is repealed effective ~~October 15, 1995~~ December 30, 1996.

Sec. 20. **EFFECTIVE DATES.**

(a) Sections 16 to 19 are effective the day following final enactment.

(b) Section 1 is effective September 1, 1995.

(c) Sections 7 and 8 are effective July 1, 1995, for filings on and after that date.

(d) Section 4 is effective July 1, 1995, and applies to causes of action arising on or after that date.

(e) Sections 12 and 15 are effective July 1, 1995, and apply to actions filed on or after that date.

(f) The remaining provisions of this article are effective July 1, 1995.

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ARTICLE 7

CRIME VICTIMS

Section 1. [257.81] TRAINING FOR INTERVIEWERS OF MAL-TREATED CHILDREN; COMMISSIONER OF HUMAN SERVICES DUTIES.

The commissioner of human services shall develop training programs designed to provide specialized interviewer training to persons who interview allegedly maltreated children. The training must include information on interviewing adolescents and address the best methods of so doing. All training shall be presented within a child development model framework and include information on working with children of color and children with special needs. To accomplish this objective, the commissioner shall:

- (1) establish criteria for adequately trained interviewers;
- (2) determine the number of trained interviewers and evaluate the extent of the need for interviewer training;
- (3) offer forums and tuition to county professionals for specialized interviewer training where the need exists; and
- (4) encourage counties to assess local needs and assist counties in making interviewer training available to meet those needs.

Sec. 2. Minnesota Statutes 1994, section 299C.065, subdivision 1a, is amended to read:

Subd. 1a. **WITNESS AND VICTIM PROTECTION FUND.** A witness and victim protection fund is created under the administration of the commissioner of public safety. The commissioner may make grants to local officials to provide for the relocation or other protection of a victim, witness, or potential witness who is involved in a criminal prosecution and who the commissioner has reason to believe is or is likely to be the target of a violent crime or a violation of section 609.498 or 609.713, in connection with that prosecution. The awarding of grants under this subdivision is not limited to the crimes and investigations described in subdivision 1. The commissioner may award grants for any of the following actions in connection with the protection of a witness or victim under this subdivision:

- (1) to provide suitable documents to enable the person to establish a new identity or otherwise protect the person;
- (2) to provide housing for the person;
- (3) to provide for the transportation of household furniture and other personal property to the person's new residence;

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(4) to provide the person with a payment to meet basic living expenses for a time period the commissioner deems necessary;

(5) to assist the person in obtaining employment; and

(6) to provide other services necessary to assist the person in becoming self-sustaining.

Sec. 3. Minnesota Statutes 1994, section 518B.01, subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** As used in this section, the following terms shall have the meanings given them:

(a) "Domestic abuse" means the following, if committed against a family or household member by a family or household member:

(i) (1) physical harm, bodily injury, or assault; ~~or;~~

(2) the infliction of fear of imminent physical harm, bodily injury, or assault; ~~between family or household members; or~~

(ii) (3) terroristic threats, within the meaning of section 609.713, subdivision 1, or criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, or 609.345; ~~committed against a family or household member by a family or household member.~~

(b) "Family or household members" means:

(1) spouses; and former spouses;

(2) parents and children;

(3) persons related by blood; and;

(4) persons who are presently residing together or who have resided together in the past; and;

(5) persons who have a child in common regardless of whether they have been married or have lived together at any time: ~~"Family or household member" also includes;~~

(6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and

(7) persons involved in a significant romantic or sexual relationship.

Issuance of an order for protection on this the ground in clause (6) does not affect a determination of paternity under sections 257.51 to 257.74. In determining whether persons are or have been involved in a significant romantic or sexual relationship under clause (7), the court shall consider the length of time of

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the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, length of time since the termination.

Sec. 4. Minnesota Statutes 1994, section 518B.01, subdivision 4, is amended to read:

Subd. 4. **ORDER FOR PROTECTION.** There shall exist an action known as a petition for an order for protection in cases of domestic abuse.

(a) A petition for relief under this section may be made by any family or household member personally or by a family or household member, a guardian as defined in section 524.1-201, clause (20), or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older on behalf of minor family or household members. A minor age 16 or older may make a petition on the minor's own behalf against a spouse or former spouse, or a person with whom the minor has a child in common, if the court determines that the minor has sufficient maturity and judgment and that it is in the best interests of the minor.

(b) A petition for relief shall allege the existence of domestic abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(c) A petition for relief must state whether the petitioner has ever had an order for protection in effect against the respondent.

(d) A petition for relief must state whether there is an existing order for protection in effect under this chapter governing both the parties and whether there is a pending lawsuit, complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B, or 518C. The court administrator shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A subsequent order in a separate action under this chapter may modify only the provision of an existing order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition for relief may be granted, regardless of whether there is a pending action between the parties.

~~(d)~~ (e) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

~~(e)~~ (f) The court shall advise a petitioner under paragraph ~~(d)~~ (e) of the right to file a motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist with the writing and filing of the motion and affidavit.

~~(f)~~ (g) The court shall advise a petitioner under paragraph ~~(d)~~ (e) of the right to serve the respondent by published notice under subdivision 5, paragraph (b), if the respondent is avoiding personal service by concealment or otherwise, and shall assist with the writing and filing of the affidavit.

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~~(g)~~ (h) The court shall advise the petitioner of the right to seek restitution under the petition for relief.

Sec. 5. Minnesota Statutes 1994, section 518B.01, is amended by adding a subdivision to read:

Subd. 6a. SUBSEQUENT ORDERS AND EXTENSIONS. Upon application, notice to all parties, and hearing, the court may extend the relief granted in an existing order for protection or, if a petitioner's order for protection is no longer in effect when an application for subsequent relief is made, grant a new order. The court may extend the terms of an existing order or, if an order is no longer in effect, grant a new order upon a showing that:

(1) the respondent has violated a prior or existing order for protection;

(2) the petitioner is reasonably in fear of physical harm from the respondent; or

(3) the respondent has engaged in acts of harassment or stalking within the meaning of section 609.749, subdivision 2.

A petitioner does not need to show that physical harm is imminent to obtain an extension or a subsequent order under this subdivision.

Sec. 6. Minnesota Statutes 1994, section 518B.01, subdivision 8, is amended to read:

Subd. 8. **SERVICE; ALTERNATE SERVICE; PUBLICATION.** (a) The petition and any order issued under this section shall be served on the respondent personally.

(b) When service is made out of this state and in the United States, it may be proved by the affidavit of the person making the service. When service is made outside the United States, it may be proved by the affidavit of the person making the service, taken before and certified by any United States minister, charge d'affaires, commissioner, consul, or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in the other country, including all deputies or other representatives of the officer authorized to perform their duties; or before an office authorized to administer an oath with the certificate of an officer of a court of record of the country in which the affidavit is taken as to the identity and authority of the officer taking the affidavit.

(c) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means, or by publication, which publication must be made as in other actions. The application for alternate service must include the last known location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

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The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. ~~Also, the court may require the petitioner to make efforts to locate the respondent by telephone calls to appropriate persons.~~ Service shall be deemed complete ~~24~~ 14 days after mailing or ~~24~~ 14 days after court-ordered publication.

Sec. 7. Minnesota Statutes 1994, section 518B.01, subdivision 14, is amended to read:

Subd. 14. **VIOLATION OF AN ORDER FOR PROTECTION.** (a) Whenever an order for protection is granted pursuant to this section, and the respondent or person to be restrained knows of the order, violation of the order for protection is a misdemeanor. Upon conviction, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. If the court stays imposition or execution of the jail sentence and the defendant refuses or fails to comply with the court's treatment order, the court must impose and execute the stayed jail sentence. A person is guilty of a gross misdemeanor who violates this paragraph during the time period between a previous conviction under this paragraph; sections 609.221 to 609.224; 609.713, subdivision 1 or 3; 609.748, subdivision 6; 609.749; or a similar law of another state and the end of the five years following discharge from sentence for that conviction. Upon conviction, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(b) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The person shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

(c) A violation of an order for protection shall also constitute contempt of court and be subject to the penalties therefor.

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(d) If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial resources of the respondent, and not to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.

(e) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated any order for protection granted pursuant to this section, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation. The court also shall refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (a).

(f) If it is alleged that the respondent has violated an order for protection issued under subdivision 6 and the court finds that the order has expired between the time of the alleged violation and the court's hearing on the violation, the court may grant a new order for protection under subdivision 6 based solely on the respondent's alleged violation of the prior order, to be effective until the hearing on the alleged violation of the prior order. If the court finds that the respondent has violated the prior order, the relief granted in the new order for protection shall be extended for a fixed period, not to exceed one year, except when the court determines a longer fixed period is appropriate.

(g) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection.

A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by paragraph (b).

Sec. 8. Minnesota Statutes 1994, section 611A.01, is amended to read:

611A.01 DEFINITIONS.

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For the purposes of sections 611A.01 to ~~611A.04~~ and 611A.06:

(a) "Crime" means conduct that is prohibited by local ordinance and results in bodily harm to an individual; or conduct that is included within the definition of "crime" in section 609.02, subdivision 1, or would be included within that definition but for the fact that (i) the person engaging in the conduct lacked capacity to commit the crime under the laws of this state, or (ii) the act was alleged or found to have been committed by a juvenile;

(b) "Victim" means a natural person who incurs loss or harm as a result of a crime, including a good faith effort to prevent a crime, and for purposes of sections 611A.04 and 611A.045, also includes a corporation that incurs loss or harm as a result of a crime. If the victim is a natural person and is deceased, "victim" means the deceased's surviving spouse or next of kin; and

(c) "Juvenile" has the same meaning as given to the term "child" in section 260.015, subdivision 2.

Sec. 9. Minnesota Statutes 1994, section 611A.04, subdivision 1, is amended to read:

Subdivision 1. **REQUEST; DECISION.** (a) A victim of a crime has the right to receive restitution as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender if the offender is convicted or found delinquent. The court, or a person or agency designated by the court, shall request information from the victim to determine the amount of restitution owed. The court or its designee shall obtain the information from the victim in affidavit form or by other competent evidence. Information submitted relating to restitution must describe the items or elements of loss, itemize the total dollar amounts of restitution claimed, and specify the reasons justifying these amounts, if restitution is in the form of money or property. A request for restitution may include, but is not limited to, any out-of-pocket losses resulting from the crime, including medical and therapy costs, replacement of wages and services, expenses incurred to return a child who was a victim of a crime under section 609.26 to the child's parents or lawful custodian, and funeral expenses. An actual or prospective civil action involving the alleged crime shall not be used by the court as a basis to deny a victim's right to obtain court-ordered restitution under this section. In order to be considered at the sentencing or dispositional hearing, all information regarding restitution must be received by the court administrator of the appropriate court at least three business days before the sentencing or dispositional hearing. The court administrator shall provide copies of this request to the prosecutor and the offender or the offender's attorney at least 24 hours before the sentencing or dispositional hearing. The issue of restitution may be reserved or the sentencing or dispositional hearing or hearing on the restitution request may be continued if the victim's affidavit or other competent evidence submitted by the victim is not received in time. At the sentencing or dispositional hearing, the court shall give the offender an opportunity to respond to specific items of restitution and their dollar amounts in accordance with the procedures established in section 611A.045, subdivision 3.

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(b) The court may amend or issue an order of restitution after the sentencing or dispositional hearing if:

(1) the offender is on probation, committed to the commissioner of corrections, or on supervised release;

(2) information regarding restitution was submitted as required under paragraph (a); and

(3) the true extent of the victim's loss was not known at the time of the sentencing or dispositional hearing, or hearing on the restitution request.

If the court holds a hearing on the restitution request, the court must notify the offender, the offender's attorney, the victim, and the prosecutor at least five business days before the hearing. The court's restitution decision is governed by this section and section 611A.045.

(c) The court shall grant or deny restitution or partial restitution and shall state on the record its reasons for its decision on restitution if information relating to restitution has been presented. If the court grants partial restitution it shall also specify the full amount of restitution that may be docketed as a civil judgment under subdivision 3. The court may not require that the victim waive or otherwise forfeit any rights or causes of action as a condition of granting restitution or partial restitution. In the case of a defendant who is on probation, the court may not refuse to enforce an order for restitution solely on the grounds that the order has been docketed as a civil judgment.

Sec. 10. Minnesota Statutes 1994, section 611A.19, subdivision 1, is amended to read:

Subdivision 1. **TESTING ON REQUEST OF VICTIM.** (a) Upon the request or with the consent of the victim, the prosecutor shall make a motion in camera and the sentencing court may shall issue an order requiring a person an adult convicted of a violent crime, as defined in section 609.152, or a juvenile adjudicated delinquent for violating section 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), or 609.345 (criminal sexual conduct in the fourth degree), or any other violent crime, as defined in section 609.152, to submit to testing to determine the presence of human immunodeficiency virus (HIV) antibody if:

(1) the prosecutor moves for the test order in camera crime involved sexual penetration, however slight, as defined in section 609.341, subdivision 12; or

(2) the victim requests the test; and

(3) evidence exists that the broken skin or mucous membrane of the victim was exposed to or had contact with the offender's semen or blood during commission of the crime in a manner which has been demonstrated epidemiologically to transmit the HIV virus evidence exists that the broken skin or mucous membrane of the victim was exposed to or had contact with the offender's

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semen or blood during the commission of the crime in a manner which has been demonstrated epidemiologically to transmit the human immunodeficiency virus (HIV).

(b) If When the court ~~grants the prosecutor's motion orders an offender to submit to testing under paragraph (a)~~, the court shall order that the test be performed by an appropriate health professional who is trained to provide the counseling described in section 144.763, and that no reference to the test, the motion requesting the test, the test order, or the test results may appear in the criminal record or be maintained in any record of the court or court services.

Sec. 11. Minnesota Statutes 1994, section 611A.31, subdivision 2, is amended to read:

Subd. 2. "Battered woman" means a woman who is being or has been victimized by domestic abuse as defined in section 518B.01, subdivision 2; ~~except that "family or household members" includes persons with whom the woman has had a continuing relationship.~~

Sec. 12. Minnesota Statutes 1994, section 611A.53, subdivision 2, is amended to read:

Subd. 2. No reparations shall be awarded to a claimant otherwise eligible if:

(a) the crime was not reported to the police within 30 days of its occurrence or, if it could not reasonably have been reported within that period, within 30 days of the time when a report could reasonably have been made. A victim of criminal sexual conduct in the first, second, third, or fourth degree who does not report the crime within 30 days of its occurrence is deemed to have been unable to have reported it within that period;

(b) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials;

(c) the victim or claimant was the offender or an accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice;

(d) the victim or claimant was in the act of committing a crime at the time the injury occurred;

(e) no claim was filed with the board within two years of victim's injury or death; except that (1) if the claimant was unable to file a claim within that period, then the claim can be made within two years of the time when a claim could have been filed; and (2) if the victim's injury or death was not reasonably discoverable within two years of the injury or death, then the claim can be made within two years of the time when the injury or death is reasonably discoverable. The following circumstances do not render a claimant unable to file a claim for the purposes of this clause: (1) lack of knowledge of the existence of the Minnesota crime victims reparations act, (2) the failure of a law enforcement agency to

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provide information or assistance to a potential claimant under section 611A.66, (3) the incompetency of the claimant if the claimant's affairs were being managed during that period by a guardian, guardian ad litem, conservator, authorized agent, or parent, or (4) the fact that the claimant is not of the age of majority; or

(f) the claim is less than \$50.

The limitations contained in clauses (a) and (e) do not apply to victims of domestic child abuse as defined in section 260.015, subdivision 24. In those cases the two-year limitation period commences running with the report of the crime to the police; ~~provided that no claim as a result of loss due to domestic child abuse may be paid when the claimant is 21 years of age or older at the time the claim is filed.~~

Sec. 13. **[611A.612] CRIME VICTIMS ACCOUNT.**

A crime victim account is established as a special account in the state treasury. Amounts collected by the state under section 611A.61 or paid to the crime victims reparations board under section 611A.04, subdivision 1a, shall be credited to this account. Money credited to this account is annually appropriated to the department of public safety for use for crime victim reparations under sections 611A.51 to 611A.67.

Sec. 14. **[611A.675] FUND FOR EMERGENCY NEEDS OF CRIME VICTIMS.**

Subdivision 1. GRANTS AUTHORIZED. The crime victims reparations board shall make grants to local law enforcement agencies 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; and

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

Subd. 2. APPLICATION FOR GRANTS. A county sheriff or the chief administrative officer of a municipal police department may apply to the board for a grant for any of the purposes described in subdivision 1 or for any other emergency assistance purpose approved by the board. The application must be on forms and pursuant to procedures developed by the board. 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 board.

Subd. 3. REPORTING BY LOCAL AGENCIES REQUIRED. A county sheriff or chief administrative officer of a municipal police department who

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receives a grant under this section shall report all expenditures to the board on a quarterly basis. The sheriff or chief administrative officer shall also file an annual report with the board 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. On or before February 1, 1997, the board shall report to the chairs of the senate crime prevention and house of representatives judiciary committees on the implementation, use, and administration of the grant program created under this section.

Sec. 15. Minnesota Statutes 1994, section 611A.71, subdivision 7, is amended to read:

Subd. 7. EXPIRATION. The council expires on June 30, ~~1995~~ 1997.

Sec. 16. Minnesota Statutes 1994, section 611A.73, subdivision 3, is amended to read:

Subd. 3. ELEMENTS OF THE CRIMINAL JUSTICE SYSTEM. "Elements of the criminal justice system" refers to ~~county~~ prosecuting attorneys and members of their staff; peace officers; probation and corrections officers; city, state, and county officials involved in the criminal justice system; and does not include the judiciary.

Sec. 17. Minnesota Statutes 1994, section 611A.74, is amended to read:

611A.74 CRIME VICTIM OMBUDSMAN; CREATION.

Subdivision 1. CREATION. The office of crime victim ombudsman for Minnesota is created. The ombudsman shall be appointed by the commissioner of public safety with the advice of the advisory council, and shall serve in the unclassified service at the pleasure of the commissioner. No person may serve as ombudsman while holding any other public office. The ombudsman is directly accountable to the commissioner of public safety and shall have the authority to investigate decisions, acts, and other matters of the criminal justice system so as to promote the highest attainable standards of competence, efficiency, and justice for crime victims in the criminal justice system.

Subd. 2. DUTIES. The crime victim ombudsman may investigate complaints concerning possible violation of the rights of crime victims or witnesses provided under this chapter, the delivery of victim services by victim assistance programs, the administration of the crime victims reparations act, and other complaints of mistreatment by elements of the criminal justice system or victim assistance programs. The ombudsman shall act as a liaison, when the ombudsman deems necessary, between agencies, either in the criminal justice system or in victim assistance programs, and victims and witnesses. The ombudsman may be concerned with activities that strengthen procedures and practices which lessen the risk that objectionable administrative acts will occur. The ombuds-

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man must be made available through the use of a toll free telephone number and shall answer questions concerning the criminal justice system and victim services put to the ombudsman by victims and witnesses in accordance with the ombudsman's knowledge of the facts or law, unless the information is otherwise restricted. The ombudsman shall establish a procedure for referral to the crime victim crisis centers, the crime victims reparations board, and other victim assistance programs when services are requested by crime victims or deemed necessary by the ombudsman.

The ombudsman's files are confidential data as defined in section 13.02, subdivision 3, during the course of an investigation or while the files are active. Upon completion of the investigation or when the files are placed on inactive status, they are private data on individuals as defined in section 13.02, subdivision 12.

Subd. 3. **POWERS.** The crime victim ombudsman has those powers necessary to carry out the duties set out in subdivision 1, including:

(a) The ombudsman may investigate, with or without a complaint, any action of an element of the criminal justice system or a victim assistance program included in subdivision 2.

(b) The ombudsman may request and shall be given access to information pertaining to a complaint and assistance the ombudsman considers necessary for the discharge of responsibilities. The ombudsman may inspect, examine, and be provided copies of records and documents of all elements of the criminal justice system and victim assistance programs. The ombudsman may request and shall be given access to police reports pertaining to juveniles and juvenile delinquency petitions, notwithstanding section 260.161. Any information received by the ombudsman retains its data classification under chapter 13 while in the ombudsman's possession. Juvenile records obtained under this subdivision may not be released to any person.

(c) The ombudsman may prescribe the methods by which complaints are to be made, received, and acted upon; may determine the scope and manner of investigations to be made; and subject to the requirements of sections 611A.72 to 611A.74, may determine the form, frequency, and distribution of ombudsman conclusions, recommendations, and proposals.

(d) After completing investigation of a complaint, the ombudsman shall inform in writing the complainant, the investigated person or entity, and other appropriate authorities; ~~including the attorney general;~~ of the action taken. If the complaint involved the conduct of an element of the criminal justice system in relation to a criminal or civil proceeding, the ombudsman's findings shall be forwarded to the court in which the proceeding occurred.

(e) Before announcing a conclusion or recommendation that expressly or impliedly criticizes an administrative agency or any person, the ombudsman shall consult with that agency or person.

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Subd. 4. **NO COMPELLED TESTIMONY.** Neither the ombudsman nor any member of the ombudsman's staff may be compelled to testify or produce evidence in any ~~court~~ judicial or administrative proceeding with respect to matters involving the exercise of official duties except as may be necessary to enforce the provisions of this section.

Subd. 5. **RECOMMENDATIONS.** (a) On finding a complaint valid after duly considering the complaint and whatever material the ombudsman deems pertinent, the ombudsman may recommend action to the appropriate authority.

(b) If the ombudsman makes a recommendation to an appropriate authority for action, the authority shall, within a reasonable time period, but not more than 30 days, inform the ombudsman about the action taken or the reasons for not complying with the recommendation.

(c) The ombudsman may publish conclusions and suggestions by transmitting them to the governor, the legislature or any of its committees, the press, and others who may be concerned. When publishing an opinion adverse to an administrative agency, the ombudsman shall include any statement the administrative agency may have made to the ombudsman by way of explaining its past difficulties or its present rejection of the ombudsman's proposals.

Subd. 6. **REPORTS.** In addition to whatever reports the ombudsman may make from time to time, the ombudsman shall biennially report to the legislature and to the governor concerning the exercise of ombudsman functions during the preceding biennium. The biennial report is due on or before the beginning of the legislative session following the end of the biennium.

Sec. 18. Minnesota Statutes 1994, section 629.341, subdivision 1, is amended to read:

Subdivision 1. **ARREST.** Notwithstanding section 629.34 or any other law or rule, a peace officer may arrest a person anywhere without a warrant, including at the person's residence, if the peace officer has probable cause to believe that within the preceding 12 hours the person within the preceding four hours has assaulted, threatened with a dangerous weapon, or placed in fear of immediate bodily harm the person's spouse, former spouse, other person with whom the person resides or has formerly resided, or other person with whom the person has a child or an unborn child in common, regardless of whether they have been married or have lived together at any time has committed domestic abuse, as defined in section 518B.01, subdivision 2. The arrest may be made even though the assault did not take place in the presence of the peace officer.

Sec. 19. Minnesota Statutes 1994, section 629.715, subdivision 1, is amended to read:

Subdivision 1. **JUDICIAL REVIEW; RELEASE.** (a) When a person is arrested for a crime against the person, the judge before whom the arrested person is taken shall review the facts surrounding the arrest and detention. If the person was arrested or detained for committing a crime of violence, as defined

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in section 629.725, the prosecutor or other appropriate person shall present relevant information involving the victim or the victim's family's account of the alleged crime to the judge to be considered in determining the arrested person's release. The arrested person must be ordered released pending trial or hearing on the person's personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release (1) will be inimical to public safety, (2) will create a threat of bodily harm to the arrested person, the victim of the alleged crime, or another, or (3) will not reasonably assure the appearance of the arrested person at subsequent proceedings.

(b) If the judge determines release under paragraph (a) is not advisable, the judge may impose any conditions of release that will reasonably assure the appearance of the person for subsequent proceedings, or will protect the victim of the alleged crime, or may fix the amount of money bail without other conditions upon which the arrested person may obtain release.

Sec. 20. Minnesota Statutes 1994, section 629.72, subdivision 1, is amended to read:

Subdivision 1. **DEFINITION; ALLOWING DETENTION IN LIEU OF CITATION; RELEASE.** (a) For purposes of this section, "domestic abuse" has the meaning given in section 518B.01, subdivision 2.

(b) Notwithstanding any other law or rule, an arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with harassment or charged with assaulting the individual's spouse or other individual with whom the charged person resides domestic abuse.

(c) Notwithstanding any other law or rule, an individual who is arrested on a charge of harassing any person or of assaulting the individual's spouse or other person with whom the individual resides domestic abuse must be brought to the police station or county jail. The officer in charge of the police station or the county sheriff in charge of the jail shall issue a citation in lieu of continued detention unless it reasonably appears to the officer or sheriff that detention is necessary to prevent bodily harm to the arrested person or another, or there is a substantial likelihood the arrested person will fail to respond to a citation.

(d) If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff, the arrested person must be brought before the nearest available judge of the district court in the county in which the alleged harassment or assault domestic abuse took place without unnecessary delay as provided by court rule.

Sec. 21. Minnesota Statutes 1994, section 629.72, subdivision 2, is amended to read:

Subd. 2. **JUDICIAL REVIEW; RELEASE; BAIL.** (a) The judge before whom the arrested person is brought shall review the facts surrounding the

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arrest and detention. The arrested person must be ordered released pending trial or hearing on the person's personal recognizance or on an order to appear or upon the execution of an unsecured bond in a specified amount unless the judge determines that release (1) will be inimical to public safety, (2) will create a threat of bodily harm to the arrested person, the victim of the alleged harassment or ~~assault~~ domestic abuse, or another, or (3) will not reasonably assure the appearance of the arrested person at subsequent proceedings.

(b) If the judge determines release is not advisable, the judge may impose any conditions of release that will reasonably assure the appearance of the person for subsequent proceedings, or will protect the victim of the alleged harassment or ~~assault~~ domestic abuse, or may fix the amount of money bail without other conditions upon which the arrested person may obtain release. If conditions of release are imposed, the judge shall issue a written order for conditional release. The court administrator shall immediately distribute a copy of the order for conditional release to the agency having custody of the arrested person and shall provide the agency having custody of the arrested person with any available information on the location of the victim in a manner that protects the victim's safety. Either the court or its designee or the agency having custody of the arrested person shall serve upon the defendant a copy of the order. Failure to serve the arrested person with a copy of the order for conditional release does not invalidate the conditions of release.

(c) If the judge imposes as a condition of release a requirement that the person have no contact with the victim of the alleged harassment or ~~assault~~ domestic abuse, the judge may also, on its own motion or that of the prosecutor or on request of the victim, issue an ex parte temporary restraining order under section 609.748, subdivision 4, or an ex parte temporary order for protection under section 518B.01, subdivision 7. Notwithstanding section 518B.01, subdivision 7, paragraph (b), or 609.748, subdivision 4, paragraph (c), the temporary order is effective until the defendant is convicted or acquitted, or the charge is dismissed, provided that upon request the defendant is entitled to a full hearing on the restraining order under section 609.748, subdivision 5, or on the order for protection under section 518B.01. The hearing must be held within seven days of the defendant's request.

Sec. 22. Minnesota Statutes 1994, section 629.72, subdivision 6, is amended to read:

Subd. 6. NOTICE TO VICTIM REGARDING RELEASE OF ARRESTED PERSON. (a) Immediately after issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make a reasonable and good faith effort to inform orally the alleged victim of:

- (1) the conditions of release, if any;
- (2) the time of release;

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(3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and

(4) if the arrested person is charged with domestic ~~assault~~ abuse, the location and telephone number of the area battered women's shelter as designated by the department of corrections.

(b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in clauses (2) and (3).

Sec. 23. [629.725] NOTICE TO CRIME VICTIM REGARDING BAIL HEARING OF ARRESTED OR DETAINED PERSON.

When a person arrested or a juvenile detained for a crime of violence or an attempted crime of violence is scheduled to be reviewed under section 629.715 for release from pretrial detention, the court shall make a reasonable and good faith effort to notify the victim of the alleged crime. If the victim is incapacitated or deceased, notice must be given to the victim's family. If the victim is a minor, notice must be given to the victim's parent or guardian. The notification must include:

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

(2) the location where the review will occur;

(3) the name and telephone number of a person that can be contacted for additional information; and

(4) a statement that the victim and the victim's family may attend the review.

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

Sec. 24. [629.735] NOTICE TO LOCAL LAW ENFORCEMENT AGENCY REGARDING RELEASE OF ARRESTED OR DETAINED PERSON.

When a person arrested or a juvenile detained for a crime of violence or an attempted crime of violence is about to be released from pretrial detention, the agency having custody of the arrested or detained person or its designee shall make a reasonable and good faith effort before release to inform any local law enforcement agencies known to be involved in the case, if different from the agency having custody, of the following matters:

(1) the conditions of release, if any;

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(2) the time of release; and

(3) the time, date, and place of the next scheduled court appearance of the arrested or detained person.

Sec. 25. **INSTRUCTION TO REVISOR.**

In each section of Minnesota Statutes referred to in column A, the revisor of statutes shall delete the reference in column B every time it occurs and insert a reference to section 611A.68.

Column A

611A.51

611A.52

611A.66

611A.68

Column B

611A.67

611A.67

611A.67

611A.67

Sec. 26. **REPEALER.**

Minnesota Statutes 1994, section 611A.61, subdivision 3, is repealed.

Sec. 27. **EFFECTIVE DATES.**

Section 10 is effective the day following final enactment. The remaining provisions of this article are effective July 1, 1995.

Presented to the governor May 23, 1995

Signed by the governor May 25, 1995, 3:32 p.m.

CHAPTER 227—H.F.No. 365

An act relating to insurance; no-fault auto; regulating priorities of coverage for taxis; requiring a report; amending Minnesota Statutes 1994, section 65B.47, subdivision 1a.

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

Section 1. Minnesota Statutes 1994, section 65B.47, subdivision 1a, is amended to read:

Subd. 1a. **EXEMPTIONS.** Subdivision 1 does not apply to:

(1) a commuter van;

(2) a vehicle being used to transport children as part of a family or group family day care program;

(3) a vehicle being used to transport children to school or to a school-sponsored activity; or

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