

**Senate Counsel, Research,
and Fiscal Analysis**

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Senate

State of Minnesota

S.F. No. 992 -Expanding the Crime of Identity Theft

Author: Senator Wes Skoglund`

Prepared by: Chris Turner, Senate Research (651/296-4350) *CT*

Date: March 1, 2005

Section 1 expands the crime of identity theft by creating a 20-year felony for crimes involving the possession or distribution of child pornography (Minnesota Statutes, sections 609.246 and 609.247).

Section 2 requires the court to order an offender to pay restitution of not less than \$1,000 to each direct victim of an identity theft. In addition, upon the written request of a direct victim or the prosecutor, the court shall provide a copy of the complaint, the judgment of conviction, and an order setting forth the facts and circumstances of the offense.

Section 3 provides an August 1, 2005 effective date and applies to crimes committed on or after that date.

CT:vs

Senator Skoglund introduced--

S.F. No. 992: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act

2 relating to crimes; modifying penalties for identity
3 theft; requiring minimum restitution payments and
4 providing information to victims of identity theft;
5 amending Minnesota Statutes 2004, section 609.527,
6 subdivisions 3, 4.

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

8 Section 1. Minnesota Statutes 2004, section 609.527,
9 subdivision 3, is amended to read:

10 Subd. 3. [PENALTIES.] A person who violates subdivision 2
11 may be sentenced as follows:

12 (1) if the offense involves a single direct victim and the
13 total, combined loss to the direct victim and any indirect
14 victims is \$250 or less, the person may be sentenced as provided
15 in section 609.52, subdivision 3, clause (5);

16 (2) if the offense involves a single direct victim and the
17 total, combined loss to the direct victim and any indirect
18 victims is more than \$250 but not more than \$500, the person may
19 be sentenced as provided in section 609.52, subdivision 3,
20 clause (4);

21 (3) if the offense involves two or three direct victims or
22 the total, combined loss to the direct and indirect victims is
23 more than \$500 but not more than \$2,500, the person may be
24 sentenced as provided in section 609.52, subdivision 3, clause
25 (3);

26 (4) if the offense involves more than three but not more

1 than seven direct victims, or if the total combined loss to the
2 direct and indirect victims is more than \$2,500, the person may
3 be sentenced as provided in section 609.52, subdivision 3,
4 clause (2); and

5 (5) if the offense involves eight or more direct victims;
6 or if the total, combined loss to the direct and indirect
7 victims is more than \$35,000; or if the offense is related to
8 possession or distribution of pornographic work in violation of
9 section 617.246 or 617.247; the person may be sentenced as
10 provided in section 609.52, subdivision 3, clause (1).

11 Sec. 2. Minnesota Statutes 2004, section 609.527,
12 subdivision 4, is amended to read:

13 Subd. 4. [RESTITUTION; ITEMS PROVIDED TO VICTIM.] (a) A
14 direct or indirect victim of an identity theft crime shall be
15 considered a victim for all purposes, including any rights that
16 accrue under chapter 611A and rights to court-ordered
17 restitution.

18 (b) The court shall order a person convicted under this
19 subdivision to pay restitution of not less than \$1,000 to each
20 direct victim of the offense.

21 (c) Upon the written request of a direct victim or the
22 prosecutor setting forth with specificity the facts and
23 circumstances of the offense in a proposed order, the court
24 shall provide to the victim, without cost, a copy of the
25 complaint filed in the matter, the judgment of conviction, and
26 an order setting forth the facts and circumstances of the
27 offense.

28 Sec. 3. [EFFECTIVE DATE.]

29 Sections 1 and 2 are effective August 1, 2005, and apply to
30 crimes committed on or after that date.

1 Senator moves to amend S.F. No. 992 as follows:

2 Page 2, lines 18 and 19, delete "under this subdivision"

3 and insert "of violating subdivision 2"

4 Page 2, line 24, before "copy" insert "certified"

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**S.F. No. 781 -Requiring the Review of Hunting Licensees' Eligibility
to Possess a Firearm**

Author: Senator Wes Skoglund

Prepared by: Chris Turner, Senate Research (651/296-4350) CT

Date: March 1, 2005

Section 1 requires the Commissioner of Public Safety to review information on individuals who possess a hunting license and determine whether any of them are ineligible to possess a firearm. By October 1 of each year, the commissioner shall forward the names of potential matches to the Commissioner of Natural Resources, the Superintendent of the BCA, the State Court Administrator, the Commissioner of Corrections, any relevant law enforcement officers, and, if applicable, correctional agents.

Section 2 provides an August 1, 2005 effective date.

CT:vs

Senators Skoglund, Betzold, Lourey, Dille and Foley introduced--
S.F. No. 781: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act

2 relating to public safety; requiring the commissioner
3 of public safety to determine whether hunting
4 licensees are ineligible to possess a firearm and, if
5 so, to notify specified governmental officials;
6 proposing coding for new law in Minnesota Statutes,
7 chapter 299A.

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

9 Section 1. [299A.90] [HUNTING LICENSEES; INELIGIBILITY TO
10 POSSESS FIREARMS.]

11 (a) The commissioner of public safety shall review
12 information on individuals who possess a license to take game by
13 firearm and determine whether any of these individuals are
14 ineligible to possess a firearm under state or federal law.

15 (b) By October 1 of each year, the commissioner shall
16 forward the names of potential matches and other pertinent
17 information on individuals identified under paragraph (a) to the
18 commissioner of natural resources, the superintendent of the
19 Bureau of Criminal Apprehension, the state court administrator,
20 the commissioner of corrections, the chief law enforcement
21 officer of the law enforcement agency having jurisdiction over
22 where the individual resides, and, if applicable, the
23 individual's correctional agent and the chief law enforcement
24 officer of any law enforcement agency having an outstanding
25 warrant for the individual.

26 [EFFECTIVE DATE.] This section is effective August 1, 2005.

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**S.F. No. 336 - Prohibiting the Electronic Use of a False Pretense to
Obtain the Identity of Another**

Author: Senator Steve Kelley

Prepared by: Chris Turner, Senate Research (651/296-4350) CT

Date: March 1, 2005

Section 1 defines, for the purposes of the bill, "false pretense" as any false, fictitious, misleading, or fraudulent information depicting or including the name, logo, Web site address, e-mail address, postal address, or telephone number of a for-profit or not-for-profit business or organization or of a government agency, to which the user has not legitimate claim of right.

Section 2 expands the crime of identity theft (Minnesota Statutes, section 609.527) by creating a five-year felony for using a false pretense in an electronic communication with the intent to obtain the identity of another. Failure to obtain, use, or gain from the identity is not a defense.

Section 3 provides that the venue for prosecuting such crimes includes the county or place of residence of the person whose identity was obtained or sought.

Section 4 provides an August 1, 2005 effective date and applies to crimes committed on or after that date.

CT:vs

Senators Kelley, Foley, Skoglund, Scheid and Limmer introduced--

S.F. No. 336: Referred to the Committee on Crime Prevention and Public Safety.

1

A bill for an act

2 relating to crimes; prohibiting using a false pretense
3 in an e-mail to obtain the identity of another;
4 imposing penalties; amending Minnesota Statutes 2004,
5 section 609.527, subdivisions 1, 6, by adding a
6 subdivision.

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

8 Section 1. Minnesota Statutes 2004, section 609.527,
9 subdivision 1, is amended to read:

10 Subdivision 1. [DEFINITIONS.] (a) As used in this section,
11 the following terms have the meanings given them in this
12 subdivision.

13 (b) "Direct victim" means any person or entity described in
14 section 611A.01, paragraph (b), whose identity has been
15 transferred, used, or possessed in violation of this section.

16 (c) "False pretense" means any false, fictitious,
17 misleading, or fraudulent information or pretense or pretext
18 depicting or including the name, logo, Web site address, e-mail
19 address, postal address, telephone number, or any other
20 identifying information of a for-profit or not-for-profit
21 business or organization or of a government agency, to which the
22 user has no legitimate claim of right.

23 (d) "Identity" means any name, number, or data transmission
24 that may be used, alone or in conjunction with any other
25 information, to identify a specific individual or entity,
26 including any of the following:

1 (1) a name, Social Security number, date of birth, official
2 government-issued driver's license or identification number,
3 government passport number, or employer or taxpayer
4 identification number;

5 (2) unique electronic identification number, address,
6 account number, or routing code; or

7 (3) telecommunication identification information or access
8 device.

9 ~~(d)~~ (e) "Indirect victim" means any person or entity
10 described in section 611A.01, paragraph (b), other than a direct
11 victim.

12 ~~(e)~~ (f) "Loss" means value obtained, as defined in section
13 609.52, subdivision 1, clause (3), and expenses incurred by a
14 direct or indirect victim as a result of a violation of this
15 section.

16 ~~(f)~~ (g) "Unlawful activity" means:

17 (1) any felony violation of the laws of this state or any
18 felony violation of a similar law of another state or the United
19 States; and

20 (2) any nonfelony violation of the laws of this state
21 involving theft, theft by swindle, forgery, fraud, or giving
22 false information to a public official, or any nonfelony
23 violation of a similar law of another state or the United States.

24 Sec. 2. Minnesota Statutes 2004, section 609.527, is
25 amended by adding a subdivision to read:

26 Subd. 5a. [CRIME OF ELECTRONIC USE OF FALSE PRETENSE TO
27 OBTAIN IDENTITY.] (a) A person who, with intent to obtain the
28 identity of another, uses a false pretense in an e-mail to
29 another person or in a Web page, electronic communication,
30 advertisement, or any other communication on the Internet, is
31 guilty of a crime.

32 (b) Whoever commits such offense may be sentenced to
33 imprisonment for not more than five years or to payment of a
34 fine of not more than \$10,000, or both.

35 (c) In a prosecution under this subdivision, it is not a
36 defense that:

1 (1) the person committing the offense did not obtain the
2 identity of another;

3 (2) the person committing the offense did not use the
4 identity; or

5 (3) the offense did not result in financial loss or any
6 other loss to any person.

7 Sec. 3. Minnesota Statutes 2004, section 609.527,
8 subdivision 6, is amended to read:

9 Subd. 6. [VENUE.] Notwithstanding anything to the contrary
10 in section 627.01, an offense committed under subdivision 2 or
11 5a may be prosecuted in:

12 (1) the county where the offense occurred; ~~or~~

13 (2) the county of residence or place of business of the
14 direct victim or indirect victim; or

15 (3) in the case of a violation of subdivision 5a, the
16 county or place of residence of the person whose identity was
17 obtained or sought.

18 Sec. 4. [EFFECTIVE DATE.]

19 Sections 1 to 3 are effective August 1, 2005, and apply to
20 crimes committed on or after that date.

1 Senator moves to amend S.F. No. 336 as follows:

2 Page 1, line 18, after "including" insert "or deceptively

3 similar to"

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S.F. No. 607 -Creation of a Table Containing Cross-References to Collateral Sanctions to be Published in Minnesota Statutes

Author: Senator Leo T. Foley

Prepared by: Chris Turner, Senate Research (651/296-4350) *CT*

Date: March 1, 2005

The bill requires the Revisor of Statutes to create and publish a table containing cross-references to collateral sanction laws located throughout Minnesota Statutes.

Section 1, subdivision 1, defines two terms for the purposes of the bill. "Automatically" means either by operation of law or by the mandated action of a designated official or agency. "Collateral sanction" means a legal penalty, disability, or disadvantage automatically imposed on a person who is convicted of or found to have committed a crime, even if the sanction is not included in the sentence. It does not include direct consequences for a crime, or the required submission of a biological specimen or fingerprints for analysis, or submission to any form of assessment or testing.

Subdivision 2 requires the Revisor of Statutes to create a table in Minnesota Statutes that contains cross-references to Minnesota laws imposing collateral sanctions. The Revisor may consider, but is not limited to, using the following collateral sanction categories in the table: driving and motor vehicles, public safety, eligibility for services and benefits, property rights, civil rights and remedies, and recreational activities.

Subdivision 3 requires the Revisor of Statutes to include cautionary language at the beginning of the table to forewarn users that the chapter is intended to be comprehensive but not necessarily complete or definitive, and without substantive legal effects.

Subdivision 4 requires the Revisor of Statutes to consult with legislative staff and the chairs of the Senate and House of Representatives committee having jurisdiction over criminal justice matters when developing the table.

1 cross-references to Minnesota laws imposing collateral
2 sanctions. The revisor shall create a structure that
3 categorizes these laws in a useful way to users and provides
4 them with quick access to the cross-referenced laws. The
5 revisor may consider, but is not limited to, using the following
6 categories in the new table:

7 (1) collateral sanctions relating to employment and
8 occupational licensing;

9 (2) collateral sanctions relating to driving and motor
10 vehicles;

11 (3) collateral sanctions relating to public safety;

12 (4) collateral sanctions relating to eligibility for
13 services and benefits;

14 (5) collateral sanctions relating to property rights;

15 (6) collateral sanctions relating to civil rights and
16 remedies; and

17 (7) collateral sanctions relating to recreational
18 activities.

19 Subd. 3. [CAUTIONARY LANGUAGE.] The revisor shall include
20 appropriate cautionary language with the table that notifies
21 users of the following types of issues:

22 (1) that the list of collateral sanctions laws is intended
23 to be comprehensive but is not necessarily complete;

24 (2) that the inclusion or exclusion of a collateral
25 sanction is not intended to have any substantive legal effect;

26 (3) that the cross-references used are intended solely to
27 indicate the contents of the cross-referenced section or
28 subdivision and are not part of the cross-referenced statute;

29 (4) that the cross-references are not substantive and may
30 not be used to construe or limit the meaning of any statutory
31 language; and

32 (5) that users must consult the language of each
33 cross-referenced law to fully understand the scope and effect of
34 the collateral sanction it imposes.

35 Subd. 4. [CONSULTATION WITH LEGISLATORS AND LEGISLATIVE
36 STAFF.] The revisor shall consult with legislative staff and the

12/29/04

[REVISOR] RPK/SK 05-0975

- 1 chairs of the senate and house committees having jurisdiction
- 2 over criminal justice matters to identify laws that impose
- 3 collateral sanctions and develop the appropriate categories and
- 4 cross-references to use in the new table.

1 Senator moves to amend S.F. No. 607 as follows:

2 Page 1, line 9, delete "PUBLISHING A TABLE" and insert
3 "CREATION OF A NEW CHAPTER"

4 Page 1, line 10, delete "DEFINITION" and insert
5 "DEFINITIONS"

6 Page 1, line 26, delete "publish a table" and insert
7 "create a new chapter"

8 Page 2, line 2, after "structure" insert "within this new
9 chapter"

10 Page 2, line 6, delete "table" and insert "chapter"

11 Page 2, after line 18, insert:

12 "If possible, the revisor shall locate the new chapter in
13 proximity to Minnesota Statutes, chapter 609, the Minnesota
14 Criminal Code."

15 Page 2, line 20, delete "with the table" and insert "at the
16 beginning of the new chapter"

17 Page 2, line 22, after "laws" insert "contained in the
18 chapter"

19 Page 2, line 25, after "sanction" insert "in the chapter"

20 Page 2, line 26, after "used" insert "in the chapter"

21 Page 3, line 4, delete "table" and insert "chapter"

22 Page 3, after line 4, insert:

23 "Sec. 2. [REPORT OF COLLATERAL SANCTIONS LAWS.]

24 Each state or local governmental agency having
25 responsibility to impose a collateral sanction shall prepare a
26 list that identifies all of the collateral sanctions within the
27 authority's statutory jurisdiction. The agency shall submit the
28 list to the Office of the Revisor of Statutes no later than
29 September 1, 2005. State and local agencies covered by this
30 section include, but are not limited to, state agencies, the
31 judiciary, the state public defender's office, the attorney
32 general's office, and county attorneys."

33 Amend the title as follows:

34 Page 1, line 4, delete "publish a table" and insert "create
35 a new statutory chapter"

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S.F. No. 855 -Public Defender Provisions

Author: Senator Leo T. Foley

Prepared by: Chris Turner, Senate Research (651/296-4350) *CT*

Date: March 1, 2005

Section 1 prohibits the provision of public defender services for anyone other than those persons described in this section (Minnesota Statutes, section 611.14).

Sections 2 and 3 strike archaic language regarding persons eligible for public defender services.

Section 4 authorizes public defenders to obtain records of criminal convictions of witnesses in a criminal case, whether accessed via CrimNet or other methods. Clarifies that public defenders do not have access to data systems maintained by a prosecuting attorney.

Section 5 repeals Minnesota Statutes, section 611.18, regarding appointment of public defenders.

CT:vs

Senators Foley, Neuville, Betzold, Skoglund and Limmer introduced—

S. F. No. 855 Referred to the Committee on Crime Prevention & Public Safety

A bill for an act

relating to public defense; limiting representation by public defenders to statutorily designated persons; providing for public defender access to certain data; amending Minnesota Statutes 2004, sections 611.14; 611.16; 611.25, subdivision 1; 611.272; repealing Minnesota Statutes 2004, section 611.18.

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

Section 1. Minnesota Statutes 2004, section 611.14, is amended to read:

611.14 [RIGHT TO REPRESENTATION BY PUBLIC DEFENDER.]

The following persons who are financially unable to obtain counsel are entitled to be represented by a public defender:

(1) a person charged with a felony, gross misdemeanor, or misdemeanor including a person charged under sections 629.01 to 629.29;

(2) a person appealing from a conviction of a felony or gross misdemeanor, or a person convicted of a felony or gross misdemeanor, who is pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, but if the person pled guilty and received a presumptive sentence or a downward departure in sentence, and the state public defender reviewed the person's case and determined that there was no basis for an appeal of the conviction or of the sentence, then the state public defender may decline to represent the person in a postconviction remedy case;

1 (3) a person who is entitled to be represented by counsel
2 under section 609.14, subdivision 2; or

3 (4) a minor ten years of age or older who is entitled to be
4 represented by counsel under section 260B.163, subdivision 4, or
5 260C.163, subdivision 3.

6 The Board of Public Defense must not provide or pay for
7 public defender services to persons other than those entitled to
8 representation under this section.

9 [EFFECTIVE DATE.] This section is effective July 1, 2005.

10 Sec. 2. Minnesota Statutes 2004, section 611.16, is
11 amended to read:

12 611.16 [REQUEST FOR APPOINTMENT OF PUBLIC DEFENDER.]

13 Any person described in section 611.14 ~~or any other person~~
14 ~~entitled by law to representation by counsel,~~ may at any time
15 request the court in which the matter is pending, or the court
16 in which the conviction occurred, to appoint a public defender
17 to represent the person. In a proceeding defined by clause (2)
18 of section 611.14, application for the appointment of a public
19 defender may also be made to a judge of the Supreme Court.

20 [EFFECTIVE DATE.] This section is effective July 1, 2005,
21 and applies to crimes committed on or after that date.

22 Sec. 3. Minnesota Statutes 2004, section 611.25,
23 subdivision 1, is amended to read:

24 Subdivision 1. [REPRESENTATION.] (a) The state public
25 defender shall represent, without charge:

26 (1) a defendant or other person appealing from a conviction
27 of a felony or gross misdemeanor;

28 (2) a person convicted of a felony or gross misdemeanor who
29 is pursuing a postconviction proceeding and who has not already
30 had a direct appeal of the conviction, but if the person pled
31 guilty and received a presumptive sentence or a downward
32 departure in sentence, and the state public defender reviewed
33 the person's case and determined that there was no basis for an
34 appeal of the conviction or of the sentence, then the state
35 public defender may decline to represent the person in a
36 postconviction remedy case; and

1 (3) a child who is appealing from a delinquency
 adjudication or from an extended jurisdiction juvenile
 3 conviction.

4 (b) The state public defender may represent, without
 5 charge, all other persons pursuing a postconviction remedy under
 6 section 590.01, who are financially unable to obtain counsel.

7 ~~(c) The state public defender shall represent any other~~
 8 ~~person, who is financially unable to obtain counsel, when~~
 9 ~~directed to do so by the Supreme Court or the Court of Appeals,~~
 10 except that The state public defender shall not represent a
 11 person in any action or proceeding in which a party is seeking a
 12 monetary judgment, recovery or award. When requested by a
 13 district public defender or appointed counsel, the state public
 14 defender may assist the district public defender, appointed
 15 counsel, or an organization designated in section 611.216 in the
 16 performance of duties, including trial representation in matters
 17 involving legal conflicts of interest or other special
 18 circumstances, and assistance with legal research and brief
 19 preparation. ~~When the state public defender is directed by a~~
 20 ~~court to represent a defendant or other person, the state public~~
 21 ~~defender may assign the representation to any district public~~
 22 ~~defender.~~

23 [EFFECTIVE DATE.] This section is effective July 1, 2005,
 24 and applies to crimes committed on or after that date.

25 Sec. 4. Minnesota Statutes 2004, section 611.272, is
 26 amended to read:

27 611.272 [ACCESS TO GOVERNMENT DATA.]

28 The district public defender, the state public defender, or
 29 an attorney working for a public defense corporation under
 30 section 611.216 has access to the criminal justice data
 31 communications network described in section 299C.46, as provided
 32 in this section. Access to data under this section is limited
 33 to data ~~regarding the public defender's own client as~~ necessary
 34 to prepare criminal cases in which the public defender has been
 35 appointed, including as follows:

36 (1) access to data about witnesses in a criminal case shall

1 be limited to records of criminal convictions; and
2 (2) access to data regarding the public defender's own
3 client which includes, but is not limited to, criminal history
4 data under section 13.87; juvenile offender data under section
5 299C.095; warrant information data under section 299C.115;
6 incarceration data under section 299C.14; conditional release
7 data under section 299C.147; and diversion program data under
8 section 299C.46, subdivision 5.
9 The public defender has access to data under this section,
10 whether accessed via CrimNet or other methods. The public
11 defender does not have access to law enforcement active
12 investigative data under section 13.82, subdivision 7; data
13 protected under section 13.82, subdivision 17; or confidential
14 arrest warrant indices data under section 13.82, subdivision 19;
15 or data systems maintained by a prosecuting attorney. The
16 public defender has access to the data at no charge, except for
17 the monthly network access charge under section 299C.46,
18 subdivision 3, paragraph (b), and a reasonable installation
19 charge for a terminal. Notwithstanding section 13.87,
20 subdivision 3; 299C.46, subdivision 3, paragraph (b); 299C.48,
21 or any other law to the contrary, there shall be no charge to
22 public defenders for Internet access to the criminal justice
23 data communications network.

24 [EFFECTIVE DATE.] This section is effective July 1, 2005.

25 Sec. 5. [REPEALER.]

26 Minnesota Statutes 2004, section 611.18, is repealed
27 effective July 1, 2005.

APPENDIX
Repealed Minnesota Statutes for 05-1152

611.18 APPOINTMENT OF PUBLIC DEFENDER.

If it appears to a court that a person requesting the appointment of counsel satisfies the requirements of this chapter, the court shall order the appropriate public defender to represent the person at all further stages of the proceeding through appeal, if any. For a person appealing from a conviction, or a person pursuing a postconviction proceeding and who has not already had a direct appeal of the conviction, according to the standards of sections 611.14 and 611.25, subdivision 1, paragraph (a), clause (2), the state public defender shall be appointed. For a person covered by section 611.14, clause (1), a district public defender shall be appointed to represent that person. If (a) conflicting interests exist, (b) the district public defender for any other reason is unable to act, or (c) the interests of justice require, the state public defender may be ordered to represent a person. When the state public defender is directed by a court to represent a defendant or other person, the state public defender may assign the representation to any district public defender. If at any stage of the proceedings, including an appeal, the court finds that the defendant is financially unable to pay counsel whom the defendant had retained, the court may appoint the appropriate public defender to represent the defendant, as provided in this section. Prior to any court appearance, a public defender may represent a person accused of violating the law, who appears to be financially unable to obtain counsel, and shall continue to represent the person unless it is subsequently determined that the person is financially able to obtain counsel. The representation may be made available at the discretion of the public defender, upon the request of the person or someone on the person's behalf. Any law enforcement officer may notify the public defender of the arrest of any such person.

1 Senator moves to amend S.F. No. 855 as follows:

2 Page 2, line 8, after "section" insert "or section 611.25"

3 Page 2, line 9, after "2005" insert ", and applies to
4 crimes committed on or after that date"

5 Page 2, line 36, strike "and"

6 Page 3, line 3, before the period, insert: ";

7 (4) a person on parole, or supervised or conditional
8 release, who is the subject of a release revocation process; and

9 (5) a person requesting an administrative review hearing
10 under the end-of-confinement review process for predatory
11 offenders under section 244.052"

12 Page 4, line 27, delete everything before the period and
13 after the period, insert:

14 "[EFFECTIVE DATE.] This section is effective July 1, 2005,
15 and applies to crimes committed on or after that date."



metropolitan inter-county association

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February 28, 2005

Senator Leo Foley
Chairman
Senate Crime Prevention Committee
G-24 State Capitol
St. Paul, MN 55155

Re: SF 855, Restriction on Public Defender Representation

Dear Senator Foley,

Metropolitan Inter-County Association (MICA) on behalf of its 12 member counties opposes SF 855 restricting public defender representation. MICA has supported the increases in the public defender budget with the understanding that the representation obligations of public defenders would not change. This proposed legislation would significantly alter the responsibilities for representation of the indigent and would shift much of this responsibility onto county property taxpayers.

If the provisions of SF 855 were to become law, the current statute (Minn. Stat. Sect. 260C.331, Subd. 3) dictates that these costs would revert to the county. Because most of these cases will involve representation of adults involved in CHIPS, these costs are likely to be borne by county social service departments. If this legislation is adapted, it will create a significant unfunded mandate on county property taxpayers.

While counties share concerns regarding budget constraints facing the public defenders, we ask you to forego passage of these provisions. Counties, too, are facing mounting fiscal pressures. County social services agencies have experienced significant budget reductions for the 2004-05 biennium, and simply cannot absorb additional cost shifts to the local level.

Attached you will find a local fiscal impact estimate for the cost of shifting representation of adults in CHIPS cases to counties prepared last year when these provisions were also proposed. **The estimated statewide fiscal impact on county social service budgets for this provision was \$6.8 million.**

Sincerely,

John Fuma,
Government Relations
Public Safety and Corrections

**Estimated Annual Cost of Legal
Representation for Adult CHIPS Cases,
by County**

<i>County</i>	<i>Reported Cost</i>	<i>Population</i>	<i>Pop. of Counties Reporting</i>
Aitkin	\$20,000	15,495	15,495
Anoka	\$150,000	308,171	308,171
Becker	\$35,000	30,646	30,646
Beltrami	\$61,560	40,959	40,959
Benton		36,355	
Big Stone		5,683	
Blue Earth	\$94,200	57,053	57,053
Brown		26,740	
Carlton		32,547	
Carver	\$90,000	75,312	75,312
Cass		27,825	
Chippewa	\$30,000	12,994	12,994
Chisago	\$426,600	44,780	44,780
Clay	\$97,000	52,024	52,024
Clearwater	\$12,000	8,389	8,389
Cook		5,223	
Cottonwood	\$30,000	12,026	12,026
Crow Wing	\$170,000	57,132	57,132
Dakota	\$430,000	369,593	369,593
Dodge	\$5,000	18,575	18,575
Douglas		33,795	
Faribault/Martin	\$29,250	37,369	37,369
Fillmore	\$3,000	21,418	21,418
Freeborn	\$25,850	32,206	32,206
Goodhue	\$11,550	45,070	45,070
Grant		6,266	
Hennepin	\$0	1,130,880	1,130,880
Houston		19,907	
Hubbard		18,480	
Isanti	\$77,700	33,757	33,757
Itasca	\$30,000	44,191	44,191

Jackson	\$7,725	11,245	11,245
Kanabec	\$80,000	15,468	15,468
Kandiyohi	\$400,000	41,307	41,307
Kittson		5,111	
Koochiching		13,990	
Lac qui Parle		7,973	
Lake	\$32,000	11,088	11,088
Lake of the Woods		4,404	
Le Sueur	\$30,000	25,987	25,987
Lincoln, Lyon, Murray	\$68,000	40,679	40,679
Mahnomen		5,139	
Marshall		9,916	
McLeod	\$50,000	35,500	35,500
Meeker		22,875	
Mille Lacs	\$36,000	23,531	23,531
Morrison	\$68,000	32,356	32,356
Mower	\$65,000	38,940	38,940
Nicollet		30,471	
Nobles	\$8,000	20,532	20,532
Norman	\$13,000	7,326	7,326
Olmsted	\$150,000	129,804	129,804
Otter Tail	\$74,250	57,992	57,992
Pennington	\$30,000	13,563	13,563
Pine	\$41,400	27,340	27,340
Pipestone	\$11,250	9,840	9,840
Polk		31,253	
Pope		11,216	
Ramsey	\$650,000	514,748	514,748
Red Lake		4,296	
Redwood		16,519	
Renville	\$16,000	17,076	17,076
Rice		58,628	
Rock		9,809	
Roseau	\$63,360	16,251	16,251
Scott	\$48,750	99,488	99,488
Sherburne	\$90,000	71,537	71,537
Sibley	\$17,900	15,435	15,435

St. Louis	\$750,000	199,805	199,805
Stearns	\$204,880	136,452	136,452
Steele	\$13,125	34,429	34,429
Stevens		10,011	
Swift	\$8,100	11,556	11,556
Todd		24,465	
Traverse	\$4,000	3,965	3,965
Wabasha		21,883	
Wadena	\$40,750	13,674	13,674
Waseca		19,541	
Washington	\$1,000,000	210,724	210,724
Watonwan		11,789	
Wilkin	\$2,880	7,020	7,020
Winona		49,623	
Wright		98,410	
Yellow Medicine	\$6,000	10,820	10,820
STATEWIDE TOTAL (of counties reporting)	\$5,909,080	5,033,661	4,353,518

**PRORATED STATEWIDE TO INCLUDE
COUNTIES NOT REPORTING**

Percent of counties responding	86.49%
Percent of counties not responding	13.51%
Estimated impact for counties not responding	\$923,166
EST. FISCAL IMPACT FOR ALL 87 COUNTIES	\$6,832,246

Questions? Please contact Meghan Kelley Mohs, MACSSA,
Assn. of MN Counties, 651-224-3344.