



# MINNESOTA SUPREME COURT

## CHEMICAL DEPENDENCY TASK FORCE –

Revised Version for Public Safety Budget Division (4/13/05)

### Alcohol and Other Drugs in the Minnesota Criminal Justice System

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## AOD Offenders

- The Minnesota Department of Corrections approximates that 60 - 70% of their prison population is chemically dependent, while 90% of that same group could get either an abuse or dependency diagnosis.
- Statistics from the National Institute of Justice show that 60 - 70% of the crimes that people commit are under the influence of alcohol and/or other drugs. The estimated rate of chemically dependent arrestees is anywhere from 25 to 50%.

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## Statewide Felony Drug Convictions

Data Provided by: Minnesota Sentencing Guidelines Commission

Drug Type	1988	1990	1995	2000	2003
Unknown	73 (6%)	1 (0%)	55 (3%)	66 (3%)	90 (2%)
Marijuana	365 (31%)	564 (31%)	355 (21%)	421 (16%)	386 (10%)
Amphetamines (includes Meth)	84 (7%)	95 (5%)	276 (16%)	688 (27%)	1733 (45%)
Powder Cocaine	423 (36%)	580 (32%)	259 (15%)	380 (15%)	503 (13%)

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## Statewide Felony Drug Convictions

Data Provided by: Minnesota Sentencing Guidelines Commission

Drug Type	1988	1990	1995	2000	2003
Crack Cocaine	101 (9%)	313 (17%)	612 (36%)	852 (33%)	848 (22%)
Cocaine (Type Unknown)	---	---	13 (1%)	6 (0%)	---
Anhydrous Ammonia	---	---	---	---	51 (1%)
Other	134 (11%)	258 (14%)	149 (9%)	183 (7%)	285 (7%)
<b>Total</b>	<b>1180 (100%)</b>	<b>1811 (100%)</b>	<b>1719 (100%)</b>	<b>2596 (100%)</b>	<b>3896 (100%)</b>

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## Blue Earth County – Snapshot of Statistics from a County Jail

- 2002 – Total 1585
  - Narcotics Offenses: 102 (7%)
    - M - 14, G - 10, F - 78
  - Drunk Driving: 460 (29%)
- 2003 – Total 1577
  - Narcotics Offenses: 151 (10%)
    - M - 51, G - 39, F - 61
  - Drunk Driving: 417 (26%)
- 2004 – Total 1506
  - Narcotics Offenses: 173 (11.5%)
    - M - 10, G - 30, F - 133
  - Drunk Driving: 386 (25.5%)

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## Minnesota's Sentencing Guidelines – 1989 Changes

Information taken from: Minnesota Sentencing Guidelines Report to Legislature (2004)

- Creation of the five degrees (1<sup>st</sup> through 5<sup>th</sup>) for drug offenses
- 1<sup>st</sup>, 2<sup>nd</sup>, and 3<sup>rd</sup> degree offenders were presumed to be drug dealers – regardless of possession, intent to sell, or actually being convicted of selling drugs.
- The severity levels also increased: 1<sup>st</sup> degree offenses were now ranked at severity level VIII (86 months in prison); 2<sup>nd</sup> degree – severity level VII (48 months in prison)

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## State v. Russell (1991)

Information taken from: Minnesota Sentencing Guidelines Report to Legislature (2004)

In this landmark case, the Minnesota Supreme Court held that the disparate treatment of powder cocaine and crack cocaine violated the equal protection clause of the Minnesota Constitution. The disparity: African-Americans primarily committed crack cocaine offenses, while Caucasians primarily committed powder cocaine offenses. The decision decreased penalties for crack cocaine to those of powder cocaine and also called into question, without actually ruling, the assumption that people in possession of large amounts of drugs were necessarily drug dealers. ***The Legislature quickly responded by increasing powder cocaine penalties to those of crack cocaine.***

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## Minnesota Sentencing Guidelines Report - 2004

- ✦ In 1990, drug offenders represented nearly 12 percent of new prison admissions; by 2002, the figure was 30 percent.
- ✦ The number of offenders sentenced for felony drug offenses has grown from 801 in 1981 to 3,425 in 2002.
- ✦ Between 2001 and 2002 alone, the number of felony drug sentences increased 32%. The number of drug offenders sentenced in 2002 increased more than the number of offenders in any other offense group

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## Minnesota Sentencing Guidelines Report – 2004

- \* The number of drug offenders admitted to Minnesota correctional facilities reached an historic high in 2002. Drug offenders accounted for 9% of the prison population in 1990; in 2002 they represented 23%
- \* Downward departure rates under the sentencing guidelines are higher for drug offenses than any other offense category
- \* When departure rates for Minnesota are compared with other sentencing guidelines states, Minnesota has one of the highest mitigated departure rates of all states examined.

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## Alcohol

- \* Of all drugs, alcohol has the greatest impact on Minnesota communities
- \* A 1999 report by the Minnesota Department of Public Safety showed Minnesota's overall alcohol use to be considerably higher than the national average.
- \* A recent 2001 Minnesota Department of Health study estimated the economic cost of alcohol use in Minnesota to now be \$4.5 billion, 19 times greater than the sales and excise tax revenues collected from alcohol sales, and amounting to \$900 for every person in the state.

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## Impact of DWIs in Minnesota - an Overview of 2003 Data

Data Provided by: Office of Traffic Safety, DPS

Alcohol-Related Traffic Deaths	255
Alcohol-Related Traffic Injuries (2002)	5652
Minnesota residents with DWI record	427,849
Economic Impact of Deaths, Injuries, and Property Damage (2002)	\$344,237,400

In 2003, there were **32,266** DWI incidents and **26,210** convictions

In 2003, there were **6,000** convictions of 2nd time violators

In 2003, there were **2,737** convictions of 3rd time violators

In 2003, there were **2,562** convictions of 4th+ time violators

No other offense in Minnesota occurs among a greater frequency of the population (10%) and so consistently has so many re-offenders.

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## Percentage Distribution of Primary Substance of Abuse by Public Clients in Minnesota Chemical Health Regions CY 2003-2004

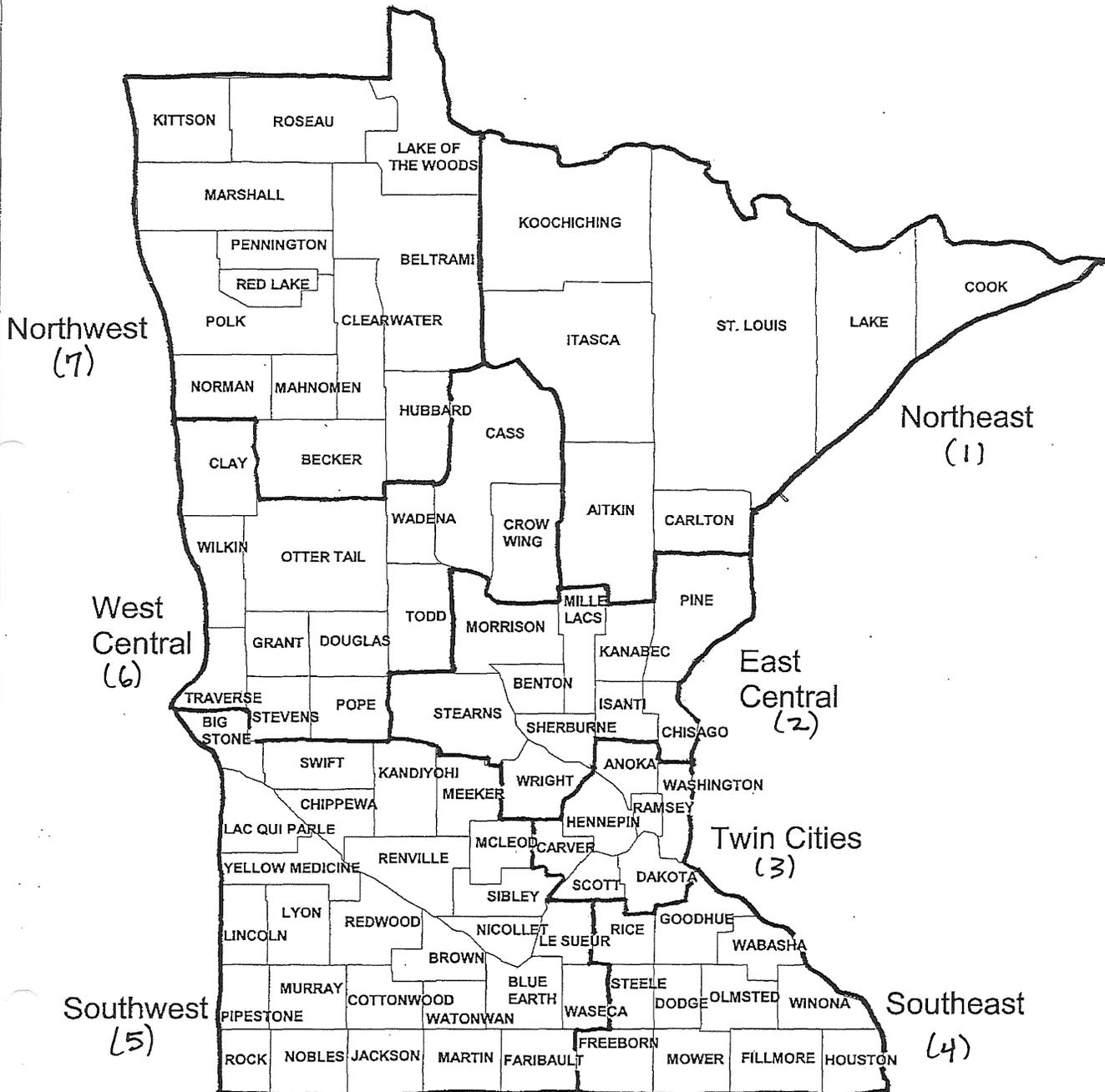
Primary Substance	No. East	E. Central	Metr	So. East	So. West	W. Central	No. West	Tot.
Meth	13.0	27.0	11.3	14.8	20.4	19.2	7.1	14.2
Alcohol	54.3	43.2	43.4	46.8	44.6	49.6	61.1	46.4
Cocaine	2.5	1.8	3.3	6.1	2.4	1.0	1.5	2.9
Crack	3.0	3.1	18.8	5.5	1.9	2.0	1.6	10.9
Marijuana	21.5	20.0	16.3	21.9	28.0	21.8	24.8	19.8
Heroin	0.7	1.0	4.5	1.6	0.5	0.6	0.4	2.7

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**Percentage Distribution of Primary Substance of Abuse  
by Gender for Public Clients CY 2003-2004**

<b>Primary Substance</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Methamphetamine	12.1	18.6	14.2
Alcohol	48.8	41.3	46.4
Cocaine	2.7	3.3	2.9
Crack	10.0	12.9	10.9
Marijuana	21.6	16.1	19.8
Heroin	2.6	2.7	2.7
Other	2.3	5.1	3.2
<b>Total</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

# Chemical Health Planning Regions



MN Department of Human Services

STATE OF MINNESOTA

IN SUPREME COURT

ADM-05-8002

OFFICE OF  
APPELLATE COURTS

MAR 17 2005

FILED

**ORDER ESTABLISHING THE MINNESOTA SUPREME COURT CHEMICAL  
DEPENDENCY TASK FORCE**

**WHEREAS**, persons who suffer from alcohol and other drug (AOD) addiction and dependency represent a pervasive and growing challenge for Minnesota's judicial branch, and in particular its criminal justice system;

**WHEREAS**, the problem and impact of AOD dependency is not confined to any one case type or group of case types, but pervades all case types in the judicial branch;

**WHEREAS**, in recent years alternative and demonstrably more effective judicial approaches for dealing with AOD-dependent persons, and particularly criminal offenders, have evolved both in Minnesota and other states;

**WHEREAS**, increasing resources exist at both the state and national level to support the development of such alternative approaches;

**WHEREAS**, Minnesota courts would benefit from a more deliberate and coordinated effort to investigate the current extent of the problem of AOD-dependent persons who come in to the courts, and to assess available strategies and approaches for addressing that problem;

**WHEREAS**, on November 30, 2004, the Conference of Chief Judges unanimously voted to recommend that this Court establish a task force charged with exploring the problem of chemical dependency and identifying potential approaches and resources for addressing that problem.

**NOW, THEREFORE, IT IS HEREBY ORDERED** that the Minnesota Supreme Court Chemical Dependency Task Force is established.

**IT IS FURTHER ORDERED** that the Task Force shall:

1. Conduct background research on specific issues concerning AOD-dependent persons, and particularly AOD-related offenders, including:
  - a. The current extent of the problem of AOD-dependent persons, and particularly AOD offenders, in the Minnesota judicial branch;
  - b. The cost(s) of the problem and benefit(s) of proposed solutions;
  - c. Identification and assessment of current judicial strategies to address the problem of AOD-dependent persons, and particularly AOD offenders, both in Minnesota and other states;
  - d. Determination of the current and potential effectiveness of drug courts and other alternative approaches in Minnesota.
2. Conduct an inventory of current multi-agency, state-level AOD efforts in Minnesota as well as in other states, including:
  - a. Identification of promising practices;
  - b. Identification of gaps and redundancies.
3. Identify and recommend approaches, solutions, and opportunities for collaboration.

**IT IS FURTHER ORDERED** that the Task Force shall submit two (2) reports to the Supreme Court, which will include the results of its research and its recommendations for optimal development of alternative judicial approaches for dealing with AOD-dependent persons who come in to the Minnesota judicial branch. An initial report focusing specifically on AOD-related criminal and juvenile offenders shall be submitted by January 1, 2006; and a Final Report focusing on the overall impact of AOD dependency across all case types shall be submitted by September 30, 2006.

**IT IS FURTHER ORDERED** that the Honorable Joanne Smith is appointed Task Force Chair; and the Honorable Gary Schurrer is appointed Task Force Vice Chair.

**IT IS FURTHER ORDERED** that the following persons are appointed as members of the Task Force:

Honorable Joanne Smith, Ramsey County, Chair  
Honorable Gary Schurrer, Washington County, Vice-Chair  
Jim Backstrom, Dakota County Attorney  
Lynda Boudreau, Deputy Commissioner, Minnesota Department of Human Services  
Chris Bray, Assistant Commissioner, Minnesota Department of Corrections  
Mary Ellison, Deputy Commissioner, Minnesota Department of Public Safety  
Jim Frank, Sheriff, Washington County  
John Harrington, Chief, St. Paul Police  
Pat Hass, Director, Pine County Health and Human Services  
Brian Jones, Assistant District Administrator, First Judicial District  
Fred LaFleur, Director, Hennepin County Community Corrections  
Honorable Gary Larson, Hennepin County  
Bob Olander, Human Services Area Manager, Hennepin County  
Shane Price, Director, African American Men's Project  
Honorable Robert Rancourt, Chisago County  
Senator Jane Ranum, Minnesota Senate  
Commissioner Terry Sluss, Crow Wing County  
Representative Steve Smith, Minnesota House of Representatives  
John Stuart, State Public Defender  
Kathy Swanson, Director, Office of Traffic Safety, Minnesota Dept. of Public Safety  
Honorable Paul Widick, Stearns County

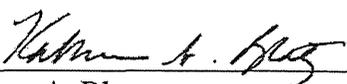
Associate Justice Helen Meyer (Supreme Court Liaison)

**IT IS FURTHER ORDERED** that Task Force vacancies shall be filled by Order of this Court.

**IT IS FURTHER ORDERED** that staff for the Task Force shall be provided by the Court Services Division of the State Court Administrator's Office.

DATE: March 16, 2005

BY THE COURT:

  
\_\_\_\_\_  
Kathleen A. Blatz  
Chief Justice

Madame Chairwoman, members of the Committee thank you giving me the opportunity to address the committee and offer my support for SF 1926. My name is Roxanne Bartsh and I've worked as a probation officer for 24 years in Wabasha County. Because we are a small County in addition to my duties as administrator for the 5-agent office, I also get the privilege of continuing to carry an active caseload.

I can safely say without hesitation that alcohol / chemical abuse and dependency is the most common contributing factor relating to the causes of the crimes for the people we supervise. As most of you know the disease of addiction is disease that erodes a persons social and emotional supports. Often by the time an offender is placed on probation their addiction has not only caused them legal problems but also loss of family, jobs, housing, etc. They are without self worth and lack many of the social structures needed to be successful.

Starting out as a probation officer several years ago, I had great aspirations of changing the world of all the people I worked with. Luckily, my mother had given me her gift of optimism. With this optimism I re-directed my hope into seeing success in the small victories of not all but of some my clients. What did I learn from these success stories, particularly as it relates to the chemically dependent client?

1. Good probation is connecting with a client, forming a relationship based on trust. Believing in the client before they can believe in themselves and giving them the tools to be successful.
2. It takes time, creativity and a collaborative approach to do good probation work. I need to not only know my client, but their family, their counselor, employer, local police officer, social worker, and other support networks in their life.

3. Finally, as a probation officer I must wear many hats;
  - a. I am an evaluator, determining the needs of the client
  - b. I am a coach, helping them to stay in the game
  - c. I am a cop, enforcing discipline when necessary for their benefit and of most importance to protect public safety
  - d. I'm DEX from the yellow pages, finding the proper resources to meet their varied and unique needs.

Probation caseloads are in a crisis with the exception of some very good efforts put towards sex offender supervision caseloads. The numbers on probation continue to soar but unfortunately the funding for new probation officers has not kept up with the growing caseloads. The end result is that probation officers have caseloads that are too high and we're not able to provide the essential elements of effective case management. Probation officers today spend far too much time locked behind a computer, or putting out fires.

Research and my experience have taught me that we can make a difference with the chemically dependent offender if we can offer quality probation services. Providing proper services will cost money. Policy makers have made attempts to seek revenue through increased driver's license reinstatement fees and probation fees. Tho these efforts certainly seem logical, the reality is that as I stated before, by the time these people come to our attention, they have experienced many other hardships in their life, and often this includes financial loss/problems, therefore collecting these fees becomes difficult if not impossible. SF 1926 takes the alternative approach of collecting the money on the front end before they enter the criminal justice system. Some would argue this places an unfair fee on the law abiding socially responsible alcohol consumer. However one can quickly review research from such institutions as the American Medical Association, and the Bureau of Justice and see the huge cost the average taxpayer pays for the

chemically dependent offender through higher insurance premiums, incarceration costs, job loss etc.

I couldn't keep doing this work for all these years without hope; in recent years some excellent research based programs have shown great promise in working with the chemically dependent offender. These programs include intensive supervision programs (ISP) for DWI offenders and Drug Court programs, These programs include the same basic principles for effective probation that I learned early on in my career but also stress the importance of the following elements:

1. Intensive probation supervision (frequent contact / over a long period,
2. Qualitative risk / needs assessment and effective case plans
3. Frequent drug/ alcohol testing
4. treatment / including close supervision of aftercare components
5. Collaboration and active participation with stakeholders in developing and maintaining case plans that meet the clients needs.
6. Swift and immediate consequences targeted at the behavior

Recently Wabasha County started a Substance Abuse Court/ referrals for this program include both gross misdemeanor and felony offenses. The target population is people with serious substance abuse problems. Although this program is relatively new for our County this model has been used in other areas in our State and across the Country and show great promise in reducing recidivism and providing for a huge economic savings for tax payers. We have a small federal grant to help get our program off the ground. In the near future as our program becomes more established and grows, and these start up funds diminish, we will need funds for probation supervision and treatment costs. SF 1926 speaks to the heart of programs like this and would generate funds that could help sustain programs that can make a positive impact

on the lives of the offenders that far too often keep showing up again and again into our criminal justice system.

I've brought with me today a client who I have supervised for the past year. Yesterday we were discussing our schedules this week and trying to figure out a time to meet, when I told him I would at the Capital on Wednesday morning and casually said maybe he should come along, he responded without hesitation that he would be glad to speak to the committee. In January of this year he was looking at a one-year jail term after coming back to the Court for his 3<sup>rd</sup> or 4<sup>th</sup> probation violation. He chose to go to substance abuse court and although he still has long journey with his recovery, I have strong belief he will be successful. His willingness to be here today is something he would have never considered three months ago. Nate is here today to share with you his journey of addiction and recovery.

## Scott Simmons

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**From:** Scott Simmons  
**Sent:** Friday, April 08, 2005 8:47 AM  
**To:** Scott Simmons  
**Subject:** Narrative for Washington County Graphs



Senate.ppt

While the first graph seems to show relatively flat growth, the Breakdown by Offense is another story. Using some basic workload measures, the county would have needed 9.2 staff to keep up with the change in workload. Instead, it lost 1.5 staff during that time. Probation case loads were over crowded then and they are even more over crowded today. We can provide high levels of supervision only when we are staffed to accomplish the task.

I am not aware of a Commissioner since 1995 that said we had staffed probation adequately. The Probation Standards Report done 10 years ago called for dramatic investments in probation officers. In the years since then the number of probationers have risen dramatically and the staff increases have not come close to keeping up. What was supposed to be an increase of over 40 million dollars, for probation from the state, never got to the 18 million dollar mark and was then reduced. By any reasonable measure probation case loads remain significantly overcrowded.

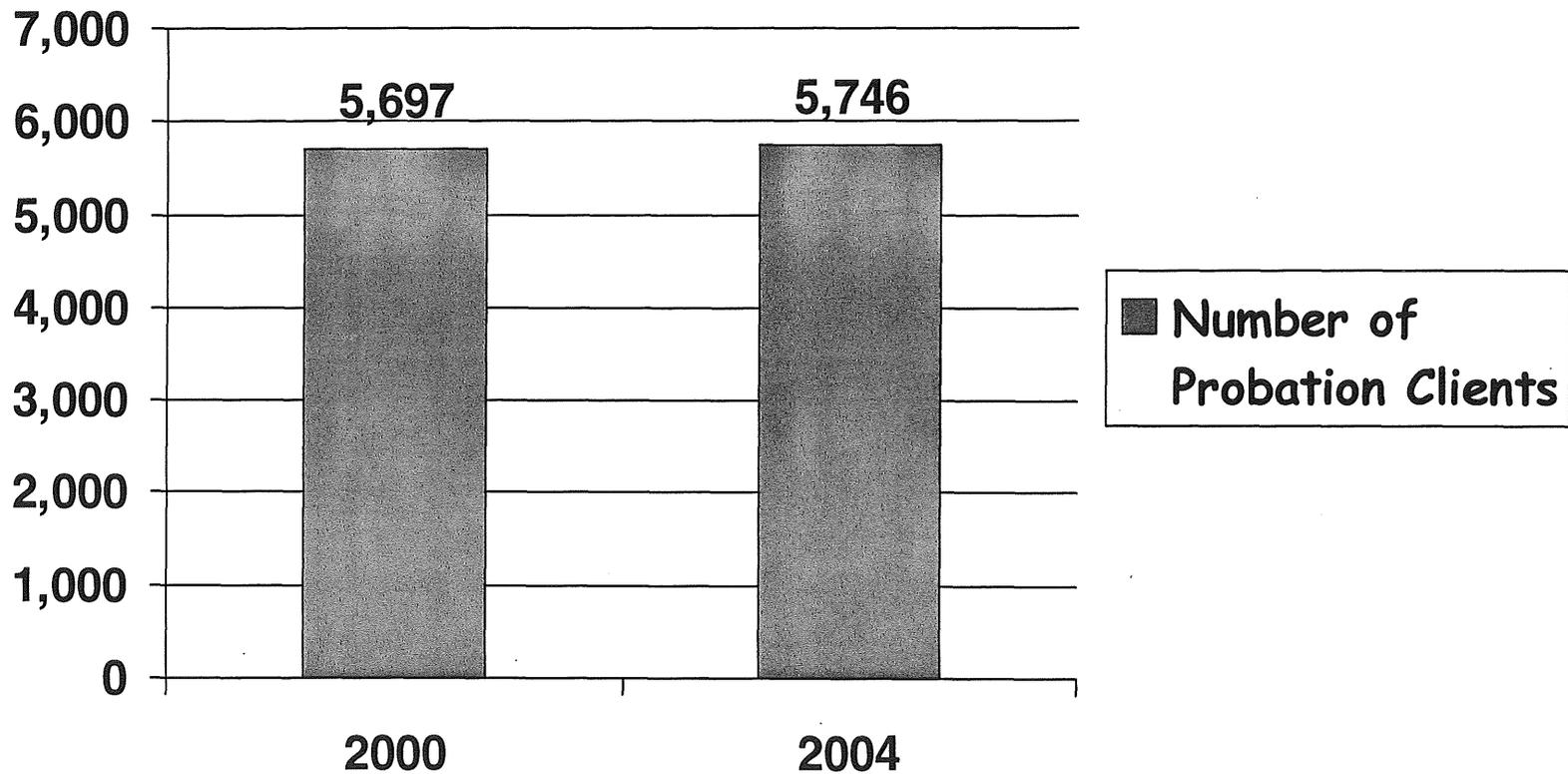
The DOC Annual Probation Survey shows:

1995 All Probationers 99,433  
2003 All Probationers 126,710

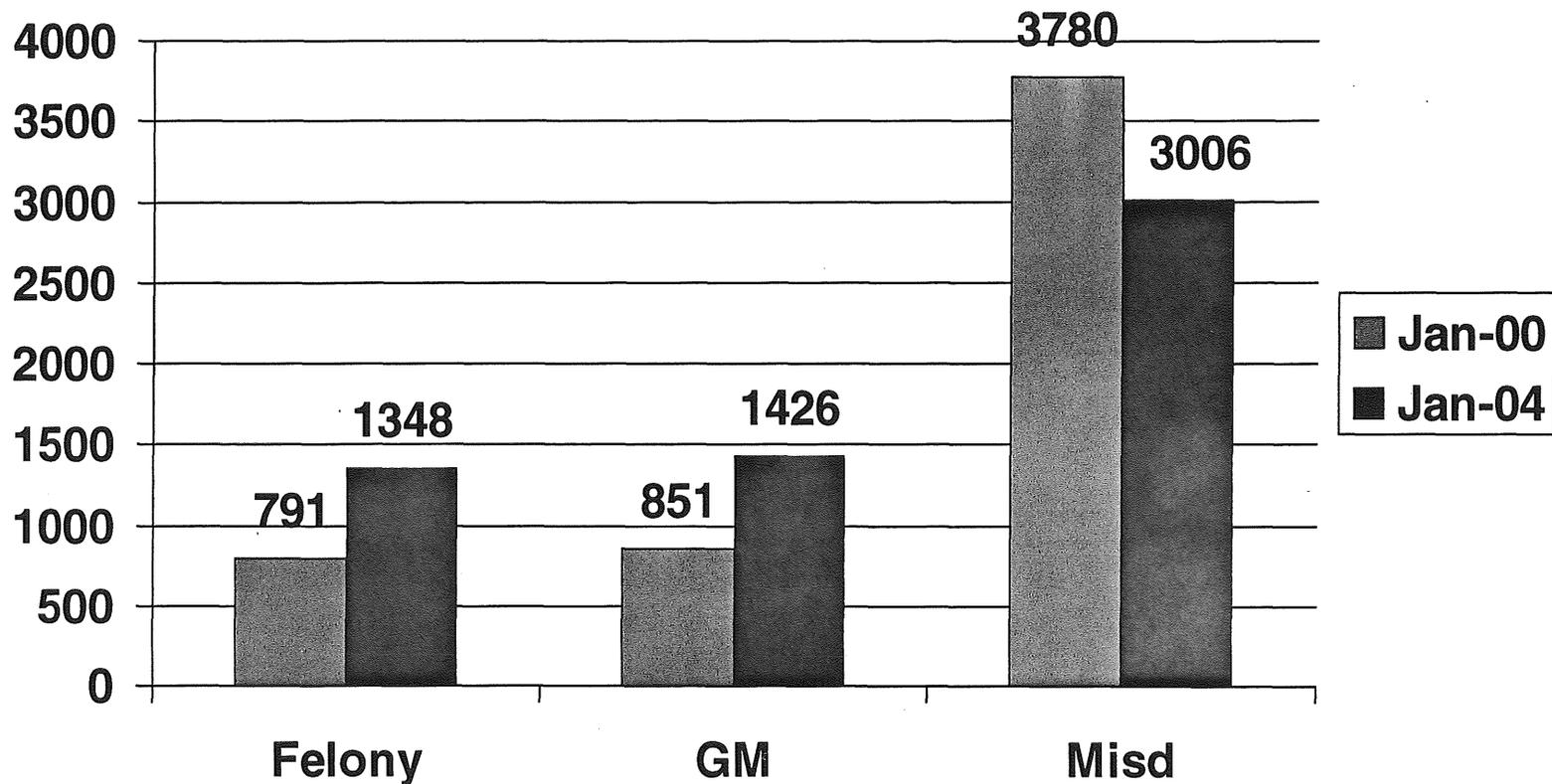
	1995	2003
Adult Felons	26,114	38,130
Adult GM	19,966	31,877
Adult Misd.	37,698	40,726

Tom Adkins, Director  
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# Comparison of Total Probation Caseload

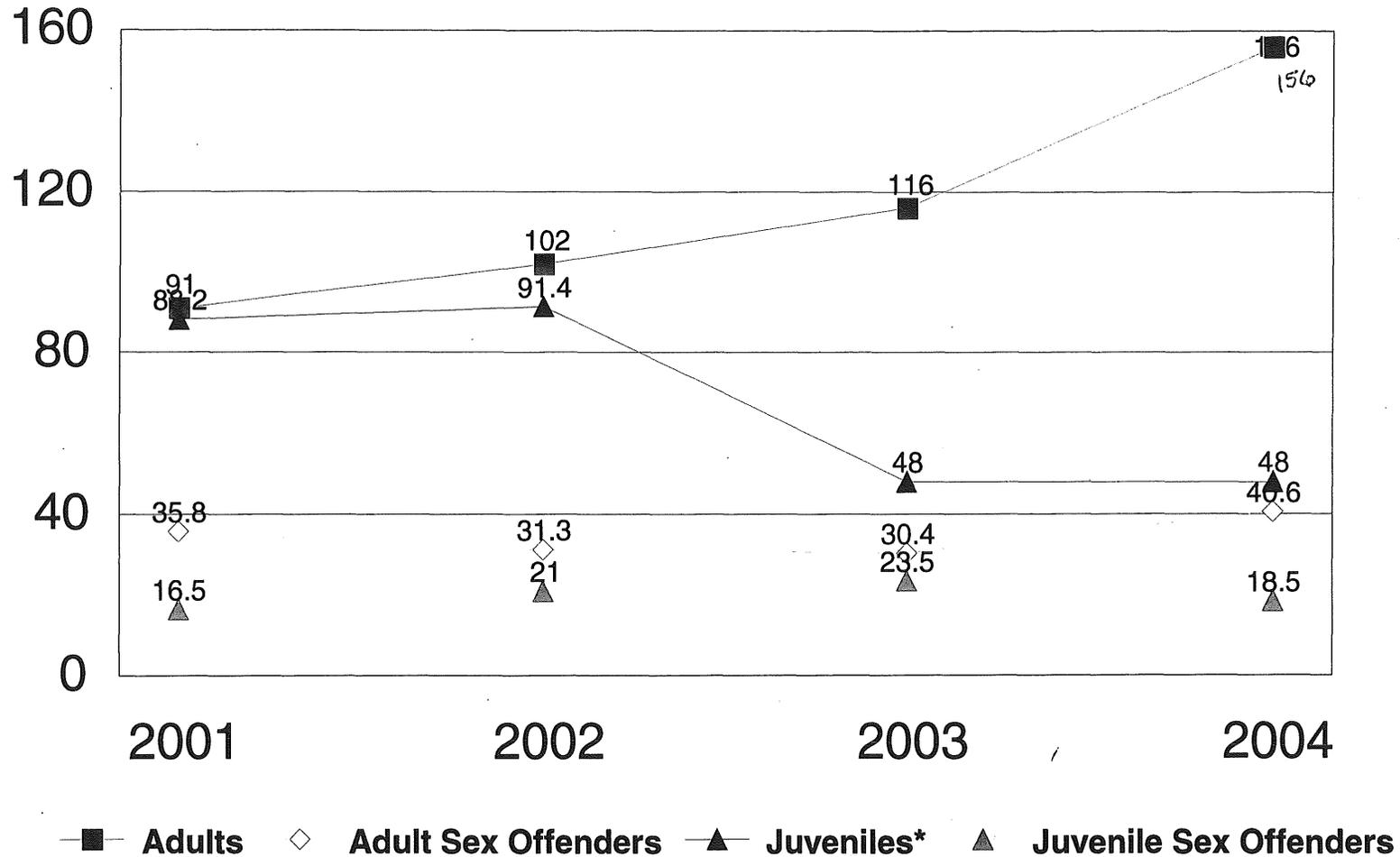


# Breakdown by Offense Level



Total clients under community supervision by most serious offense

## Probation Caseload Trends - DFO Community Corrections 2001-2004



In Olmsted County, Social Services has picked up the cost of  
 THREE juvenile probation officers, and ONE juvenile sex offender agent  
 This dramatically reduced average caseload sizes for juvenile agents. LSI threshold for adult supervision has been raised from 17 to 21.

## Scott Simmons

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**To:** Scott Simmons

**Subject:** RE: DFO Caseload trends

While the juvenile numbers have dropped I would attribute that to social services paying for four juvenile agents as well as an administrative decision to discontinue active supervision of many types of low level juvenile offenders.

Adult numbers show 18 1/4 agents in 2001 and 14 1/2 in 2004. The offender totals are 2,038 in 2001 and 2,216 in 2004.

Andy Erickson

Director

DFO Community Corrections and

Many Rivers Residential and Detention Services

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## Caseload Numbers for Stearns County

### Total Adult Clients

Dec 31	2001	2002	2003	2004
Clients	2,009	2,754 (+37%)	3,086 (+12%)	3,333 (+8%)

Note: Adult client totals for 2001, 2002, and 2003 include adult diversion clients. The diversion program was transferred to the County Attorney's Office in January of 2004. So, there are no adult diversion cases in the 2004 figure of 3,333.

Source: Data taken from the Court Services Tracing System (CSTSxp) for All Adult Clients on hand on December 31<sup>st</sup> for the year noted.

### Specialized Caseloads

Dec 31	2001	2002	2003	2004
ISP	71	74	84	94
SOP	110	124	124	148
DC	Started July 1 <sup>st</sup> , 2002	32	37	39

Note: ISP – Intensive Supervision Program for third time or more DUI Offenders

SOP – Sex Offender Program for all adult sex offenders

DC – Drug Court started July 1<sup>st</sup> 2002.

Source: Data taken from the Court Services Tracing System (CSTSxp) for All Adult Clients in Specialized Caseloads on hand on December 31<sup>st</sup> for the year noted.

### Level of Offense for all Adult Cases

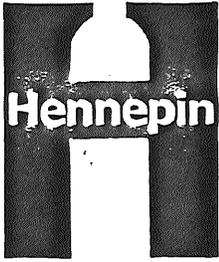
Dec 31	2000	2001	2002	2003
Felony	34%	36%	40%	46%
GM	27%	28%	26%	24%
Misd.	39%	36%	34%	30%

Source: Data taken from the Statewide Supervision System, Probation Survey Reports for 2000, 2001, 2002 and 2003.

### Total Juvenile Clients

Dec 31	2001	2002	2003	2004
Clients	258	458	473	301

Note: Juvenile client totals for 2001, 2002 and 2003 include juvenile diversion clients. The diversion program was transferred to the County Attorney's Office in January of 2004. So, there are no juvenile diversion cases in the 2004 figure of 301.



## Hennepin County Memo

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**To:** Senator Jane Ranum  
**From:** Ron Wiborg *RW*  
**Date:** April 5, 2005  
**Subject:** Sex Offender Supervision

As a follow-up to my 3/18/05 memo, Hennepin County Department of Community Corrections supervises approximately 1,100 sex offenders, 300 of whom have 'levels'.

These 1,100 sex offenders are all under supervision ranging from Intensive Supervised Release to traditional probation/supervised release. As of 3/31/05 the caseload numbers were as follows:

**Intensive Supervised Release** 80

All offenders assigned to this unit are supervised releasees. Caseload; 15/agent.

**Sex Offender Supervision Unit** 820

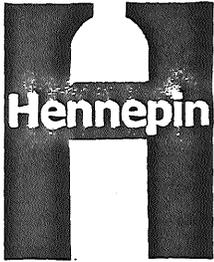
A) Supervised Release - This is a specialty supervision unit that supervises only adult sex offenders who are on supervised release, many of whom were initially on ISR. Caseload; 60/agent. 180

B) Probation - This is a specialty supervision unit that supervises only adult sex offenders who are on probation, some of whom have served time in the ACF. Caseload; 60/agent. 640

**Traditional Supervision Unit** 200

This unit provides traditional supervision to low risk adult sex offender probationers, and to offenders who have progressed through one or both of the two specialized supervision units, above. Caseload; 100/agent, 16 of which are sex offenders.

If we can be of further assistance, please let me know.



## Hennepin County Memo

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**To:** Senator Jane Ranum  
**From:** Ron Wiborg  
**Date:** 3/18/05  
**Subject:** Sex Offenders Under Supervision

In response to your earlier request for information regarding the number of sex offenders under supervision, the Hennepin County Department of Community Corrections is currently supervising approximately 1,100 convicted sex offenders. Of that number, approximately 300 (27%) are supervised release cases 'with levels'. 61 (20%) are classified as level three offenders, 90 (30%) are level two, and 150 are level one offenders.

If we can be of further assistance, please let me know.

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State of Minnesota  
Minnesota Department of Corrections

March 29, 2005

Honorable Senator Ranum, Chair  
Public Safety Finance Committee  
120 State Capitol  
Saint Paul, MN 55155

Dear Senator Ranum:

I am writing to provide follow-up information on issues raised at the Department of Corrections budget presentation March 9. My staff and I appreciated the amount of interest shown that day in the work we do. Please let me know if you have any additional questions about community supervision programs. The questions asked were as follows:

**1. How many probation officers are there statewide?**

There are 1491 probation officers in Minnesota including those that supervise juvenile offenders.

**2. How many probation officers have been cut since 2002?**

As noted in the chart below there has been a slight increase in the overall number of probation officers statewide after a small decrease in 2002. It has been reported that the vast majority of cuts were made in the areas of training, travel, equipment, etc.

**SUPERVISION AGENTS**

<u>Year</u>	<u>CCA</u>	<u>DOC</u>	<u>CPO</u>	<u>Total</u>
2001	1087	216	164	1467
2002	1080	216	165	1461
2003	1098	218	170	1486
2004	1099	218	174	1491

### OFFENDERS UNDER SUPERVISION

<u>Year</u>	<u>Offenders</u> (Adult & Juvenile Probation Supervised Release as of 12/31)	<u>Average Caseload Size</u>
2001	133,437	91
2002	142,673	98
2003	130,144	88
2004	Not Available	N/A

### 3. What's driving caseloads?

#### Probation Caseloads

- o Between 12/31/2000 and 12/31/2003 the number of offenders on probation decreased by 5000. This followed a steady increase over the previous 5 years. Some of this decrease can be attributed to the "cleanup" of cases where there was possible double counting of offenders. It appears that the majority of the decrease was in the misdemeanor category.
- o During this time period felony level probation increased by 1426 or 4 percent. Gross Misdemeanors increased by 1988 or 7 percent and Misdemeanors decreased by 7863 or 16 percent. Juvenile offenders on probation decreased by 718 or 4 percent.
- o During this same period, the DOC which is representative of rural Minnesota saw an increase in the number of offenders on probation in all three levels of crime as well as juvenile. Hennepin saw a slight decrease in felony probation, an increase in Gross Misdemeanor and decreases in Misdemeanor of Juvenile. Ramsey saw slight decreases felony probation and juvenile with increases in both Gross Misdemeanor and Misdemeanor. Anoka had increases in Felony and Gross with slight decreases in Misdemeanor and Juvenile.

- Dakota had increases in all categories except Misdemeanor, which experienced a decrease.

In summary, overall populations decreased with Felony going up in suburban and rural counties based on the DOC's, Anoka's and Dakota's experience. Hennepin and Ramsey had decreases, but not significant ones.

- From 12/31/2000 to 12/31/2002 the number of adult felony sex offenders on probation decreased each year slightly. Thus, these numbers are not driving caseload sizes.
- During the same time period, the number of adult felony drug probationers rose slightly.
- During this time period the majority of the DOC felony increase was due to drugs and felony DWI.

In conclusion, probation caseloads did not change dramatically during the years 2000 through 2003. The change that does exist seems to be in rural areas. The significant decreases are in the misdemeanor category.

#### Supervised Release Caseloads

- Between 7/1/2000 and 7/1/2004 the number of offenders released on Supervised Release and other supervision programs increased from 3416 to 5013. This is a 47% increase. While the numbers of Supervised Releases is significantly less than probation, these are the offenders that require greater supervision efforts and would have a significant impact on caseloads.
- The responsibility for the supervision of Supervised Releasees lies with the DOC and CCA. The DOC provides non-intensive supervision in 56 counties and intensive in all but 6 CCA counties. CCA provides non-Intensive Supervision in 31 counties.

Page Four  
Community Services Questions  
March 29, 2005

**4. How many sex offender beds are there?**

The department does not fund any residential treatment beds in the community. Department grants, are, however, used to fund outpatient treatment. In 2004 these grants funded treatment for 1,281 offenders. 143 of these offenders were juveniles.

**5. How many sex offenders are there by level?**

As of January 1, 2005 risk level determinations had been made for 3,520 offenders.

Level 1 – 2,173 (62%)

Level 2 – 879 (25%)

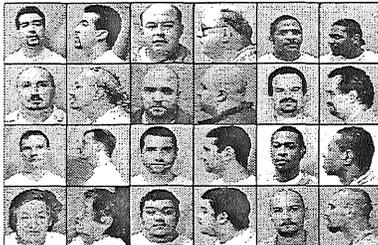
Level 3 – 468 (13%)

Again, thank you for your support of the role field services plays in keeping Minnesotans safe. I look forward to working with you throughout the budget process.

Best Regards,



Harley Nelson, Deputy Commissioner  
Community Services Division



### Community Supervision of Sex Offenders

January 25, 2005

1



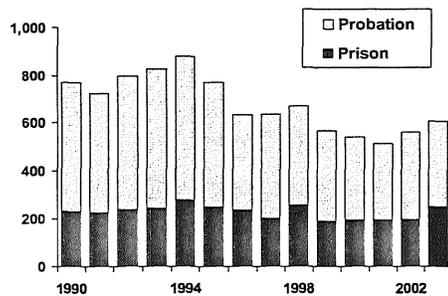
### Issues We Addressed

- Nature and frequency of supervision
- Policy coordination
- Assessment of need for treatment
- Availability of treatment
- Transitional housing
- Protection of potential victims

2



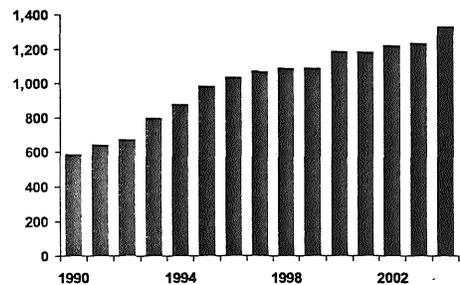
### Felony Sex Offense Sentences



3



### Sex Offenders in Minnesota Prisons



4



### Length of Community Correctional Supervision

- Increasing periods of supervision following prison, due to
  - Longer prison sentences (thus, longer periods of "supervised release")
  - "Conditional release" (since 1998) \*
- Average length of probation sentences for sex offenders have remained fairly constant (about 13 years)

5



### Supervising Agencies

- Adult felons: 16 local corrections agencies plus the Department of Corrections
- Juveniles: 41 local corrections agencies plus the Department of Corrections
- No statewide administrative policies on sex offender supervision

6

**OLA "Predatory Offender" Registration**

- 1991 law
- Statewide registry of offender information
- Verification letters sent to offenders annually
- Required to register for at least 10 years from date of conviction or release from prison

7

**OLA Community Notification**

- 1996 law
- Pertains to predatory offenders released from prison
- Classified as Levels I, II, or III (based on risk to reoffend), with corresponding notification provisions in law
- Notification requirements continue for as long as a person is required to register as a predatory offender

8

**OLA Registration, Correctional Supervision, and Notification**

Registered Offenders

Correctional Supervision?

NO

YES

Level I, II, III

9

**OLA Correctional Supervision of Sex Offenders**

Type of Supervising Agent	Percentage of Sex Offenders
Intensive Supervised Release Agents	7%
Specialized Sex Offender Agents	65
Regular Agents	28

10

**OLA Caseloads of Specialized Sex Offender Agents**

- Starting in 1999, state funding for "enhanced" supervision (including caseload reduction)
- Goal: Average caseloads of 35 to 40 offenders
- Average caseload of specialized agents was 45 offenders in 2004

11

**OLA Intensive Supervised Release**

- Need for intensive supervision determined on case-by-case basis
- Not available in all counties, and assignment to ISR is sometimes capped to limit caseloads
- Typically lasts for a year, but agencies would prefer longer duration for some sex offenders
- Surveillance of offenders on ISR is generally consistent with state policies

12

**OLA Median Agent-Offender Contacts With Sex Offenders Annually**

<u>Supervision Level</u>	<u>Home visits</u>	<u>Other visits</u>
ISR	70	35
"Enhanced"/"High"	3	16
"Medium"	0	10
"Low"	0	4
Administrative	0	0

13

- OLA General Observations Regarding Agent-Offender Contacts**
- After Intensive Supervised Release, frequency of contact often declines significantly
  - Agencies have varying standards regarding offender contacts, and standards are not always met
  - Home visits can play a critical role in sex offender supervision, but they are too infrequent
- 14

- OLA Most Corrections Directors...**
- |   |   |
|---|---|
| <p><u>Prefer more:</u></p> <ul style="list-style-type: none"> <li>• Unannounced home visits</li> <li>• Surveillance checks on offenders</li> <li>• Reviews of offender computer use</li> <li>• Polygraphs of offenders</li> </ul> | <p><u>Prefer no change in:</u></p> <ul style="list-style-type: none"> <li>• Visits to treatment or offender workplaces</li> <li>• Random drug and alcohol tests</li> <li>• Pre-arranged visits to offenders' homes</li> <li>• Use of electronic monitoring</li> </ul> |
|---|---|
- 15

- OLA Policy Coordination**
- Multiple agencies supervise offenders, and there are few statewide policies
  - Need more communication and information-sharing
  - *Recommendation: Develop state supervision policies in various areas (DOC or a sex offender policy board)*
  - *Recommendation: Conduct external reviews of supervision practices*
- 16

- OLA Determining Offenders' Treatment Needs**
- Some mandatory post-conviction assessments have been delayed  
*Recommendation: Law should clarify that assessments should be completed prior to sentencing*
  - Courts have not referred all repeat sex offenders for state-required assessments at St. Peter facility  
*Recommendation: Courts should be reminded of statutory requirement*
- 17

- OLA Determining Offenders' Treatment Needs (continued)**
- Community agencies do not routinely receive prison records (treatment, medical, mental health) of offenders they supervise after release  
*Recommendation: State law should require DOC to provide relevant prison records to agencies that assume supervision responsibilities*
- 18

**OLA** **Determining Offenders' Treatment Needs (continued)**

- Sentences and prison release plans do not always specify individual offenders' treatment needs

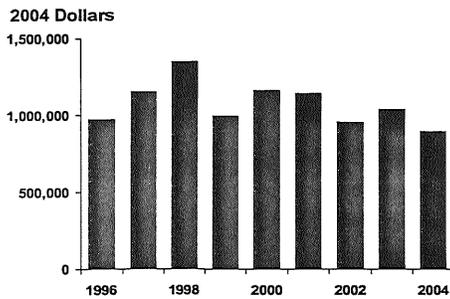
*Recommendation: State rules should define components of outpatient sex offender "treatment"*

*Recommendation: Courts (for probationers) and DOC (for supervised releasees) should specify offenders' need for "treatment," not just the need for programming in general*

**OLA** **Availability of Sex Offender Treatment**

- *In prison:* The number of inmates completing treatment is modest, and the length of the program often exceeds offenders' time in prison
- *In the community:* Agencies are dissatisfied with availability of treatment, particularly for offenders on supervised release

**OLA** **State Sex Offender Treatment Spending**



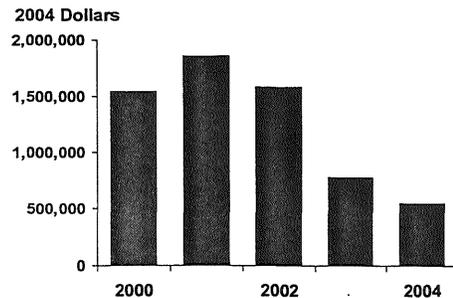
**OLA** **Other Treatment Recommendations**

- Additional funding, particularly to fulfill state's obligation for offenders on supervised release
- Funding should "follow the offenders"
- Clarify statutory requirement for DOC to collect information on treatment participation and outcomes

**OLA** **Transitional Housing**

- DOC and local corrections agencies share responsibility for helping offenders find suitable housing after prison
- Most halfway house beds have been occupied by sex offenders
- Community corrections agencies said that halfway house beds have been insufficient to meet their needs

**OLA** **State Halfway House Spending**



**OLA** **Additional Protections for Potential Sex Offense Victims**

- Most victims are under age 18
- Corrections agencies often determine when sex offenders may live in households with children

*Recommendation:* Law should require notification of child protection agencies before sex offenders are authorized to live with children

*Recommendation:* Corrections agents should be "mandated reporters" of possible maltreatment

25

**OLA** **Additional Protections for Potential Sex Offense Victims**

- Some sex offenders live in care facilities; supervising agents do not always know this

*Recommendation:* Offenders should be required to disclose additional information to agents and care facilities

*Recommendation:* Corrections and law enforcement agents should be required to inform care facilities if they know that a predatory offender is living at a facility

26

**OLA** **Priorities for Additional Funding**

- State-required assessments
- Treatment and transitional housing for sex offenders on supervised release
- Expansion of "intensive" and "enhanced" supervision

27

**OLA** **Overall**

- Supervision practices need more state-level coordination
- Important tools such as home visits and polygraphs should be used more often
- Treatment should be better funded, regulated, and evaluated
- Making appropriate housing arrangements is a key part of sex offender supervision

28

**OLA**

**The Community Supervision of Sex Offenders report is available at:**

[www.auditor.leg.state.mn.us](http://www.auditor.leg.state.mn.us)

29

# Minnesota

The crime rate for the state of Minnesota is 17.86% lower than the national average. There are 136,200 adults under correctional supervision (prisons, jails, probation, and parole) in Minnesota and the correctional supervision rate (number of offenders supervised per 100,000) is 20.05% higher than the national average.

## Corrections Statistics (per 100,000)

	Minnesota	National Average	Highest State	Lowest State
<b>Crime Rates (2003)</b>	<b>3,535</b>	4,119	6,386	2,220
Violent Crimes	<b>268</b>	495	822	78
Property Crimes	<b>3,268</b>	3,624	5,833	2,059
<b>Corrections Population (2003)</b>	<b>3,654</b>	2,999	4,682	960
<b>Incarceration Rate (2003)</b>	<b>150</b>	429	803	148
<b>Community Corrections (2003)</b>				
Probationers	<b>3,237</b>	1,840	3,819	387
Parolees	<b>91</b>	311	1,037	2
<b>Cost Per Inmate (2001)</b>	<b>\$36,836</b>	\$24,053	\$44,379	\$8,128

## General Information

### Jails

Minnesota has 81 jail facilities for 87 counties with a rated capacity of 6,840. The Dept. of Corrections inspects jails and enforces compliance with state standards.

### Prisons

The Dept. of Corrections manages 7,865 inmates in 8 adult institutions. The DOC also operates 2 juvenile facilities and has a staff of 3,146.

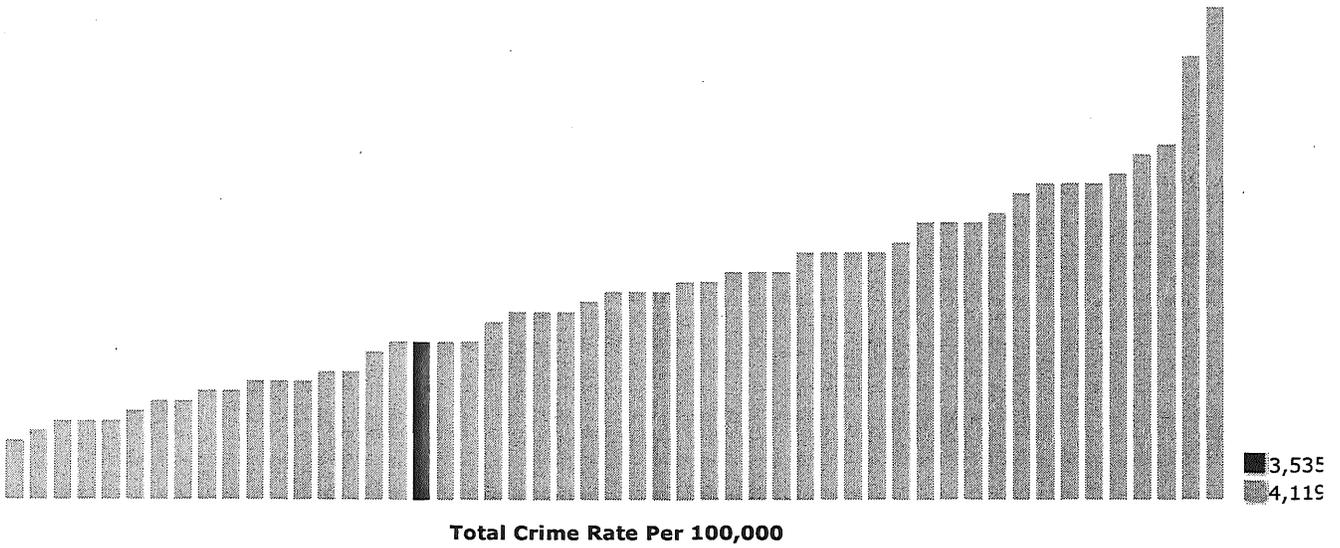
### Community Corrections

31 of Minnesota's 87 counties participate in the Community Corrections Act and have agencies to supervise probation and parole cases. The DOC supervises felony and gross misdemeanor probation cases in other counties. There are 120,638 probationers and 3,403 parolees (called "supervised release").

**At-A-Glance**

The following graph displays Minnesota's rankings compared to all U.S. states.

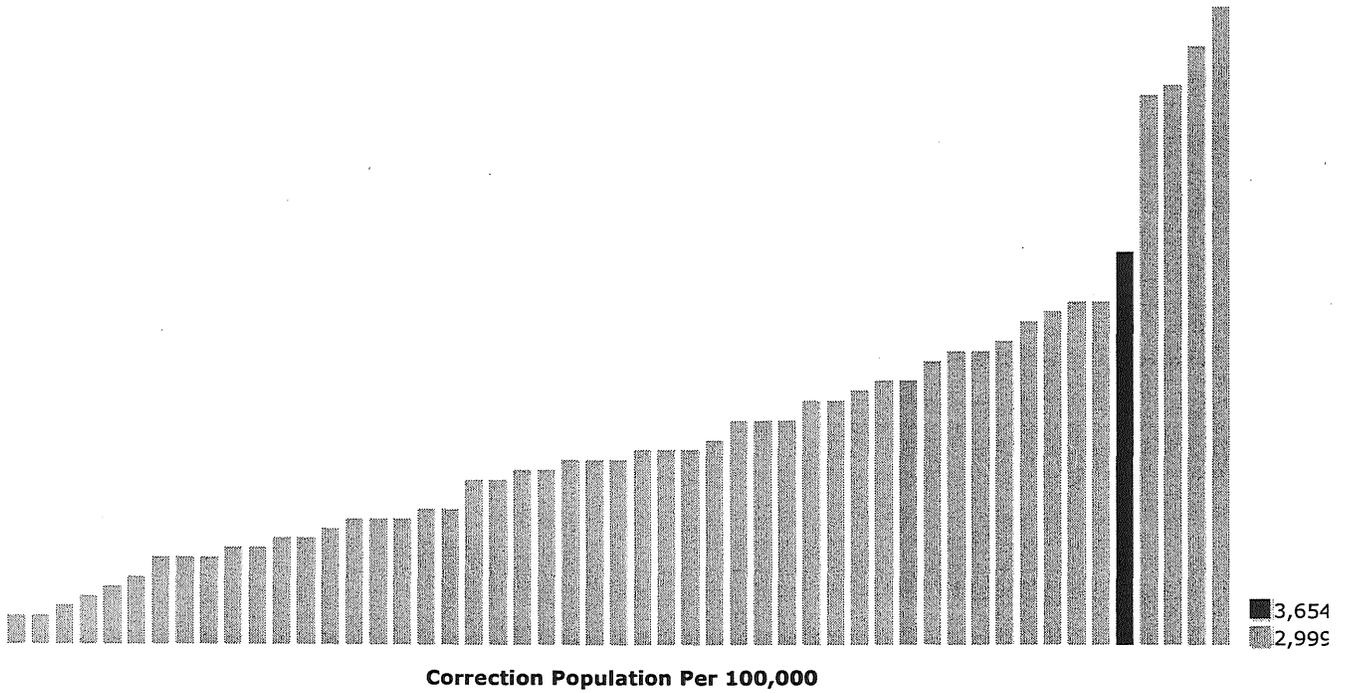
- Minnesota's Rates (per 100,000)
- U.S. National Average (per 100,000)



**At-A-Glance**

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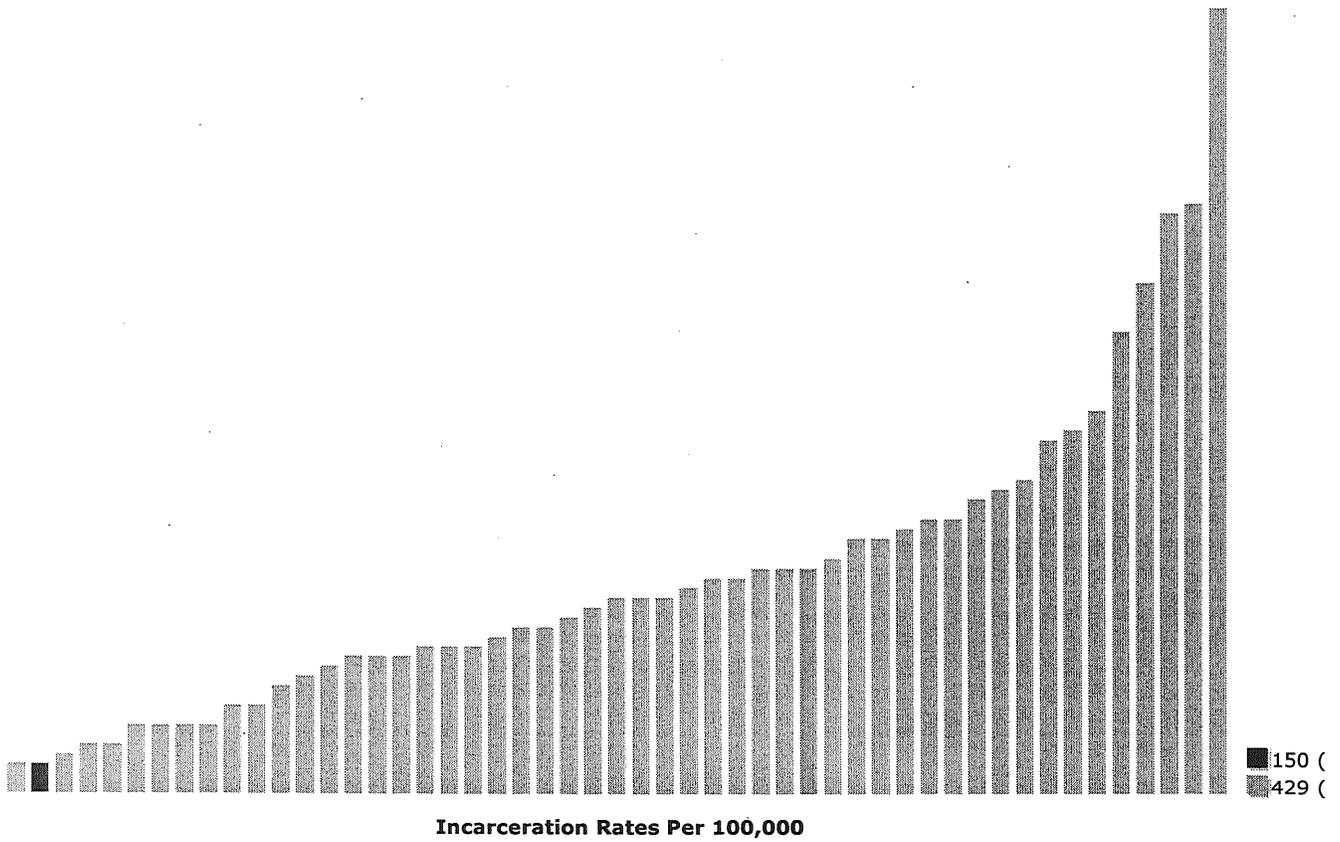
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- ▒ **U.S. National Average (per 100,000)**



**At-A-Glance**

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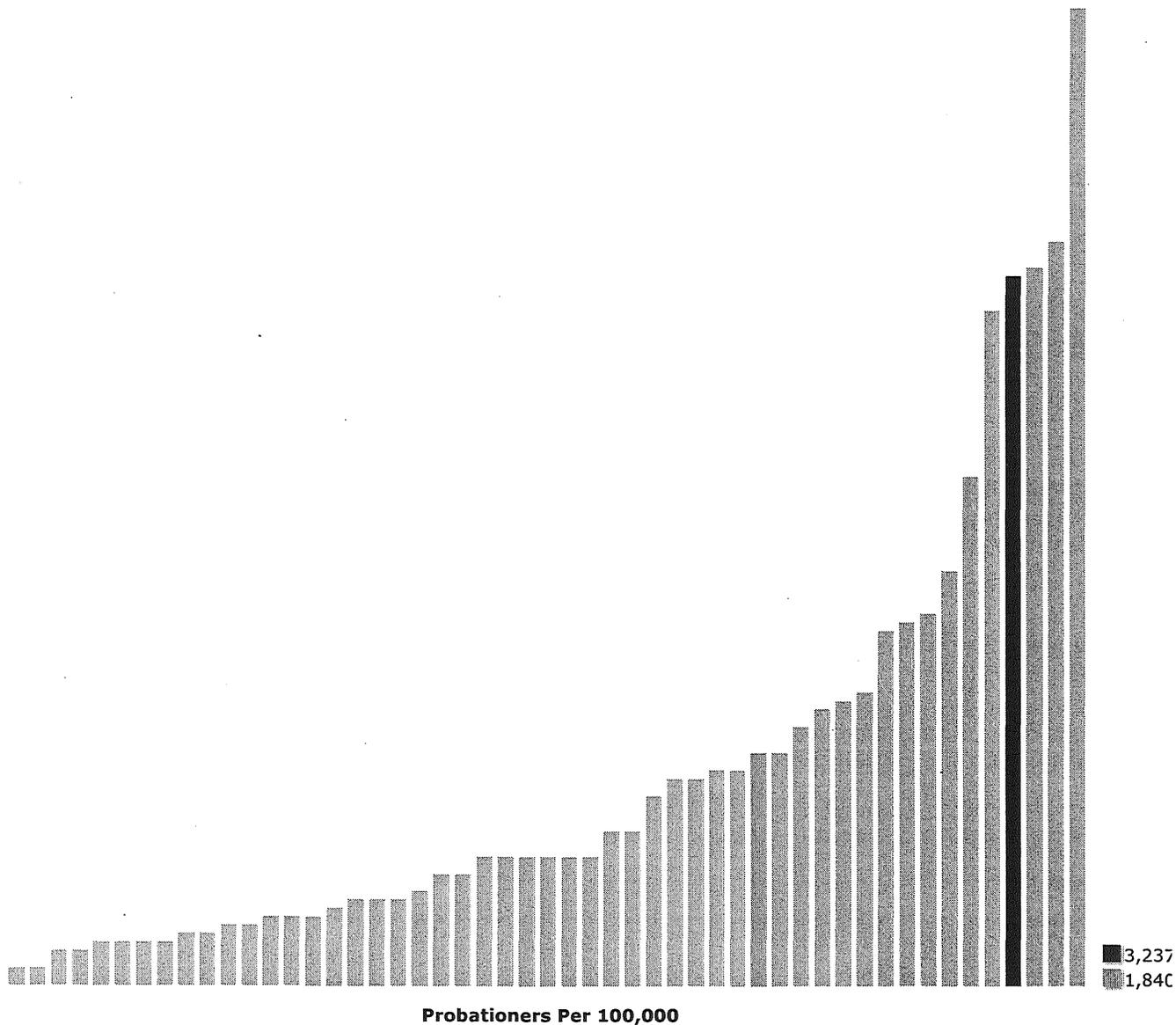
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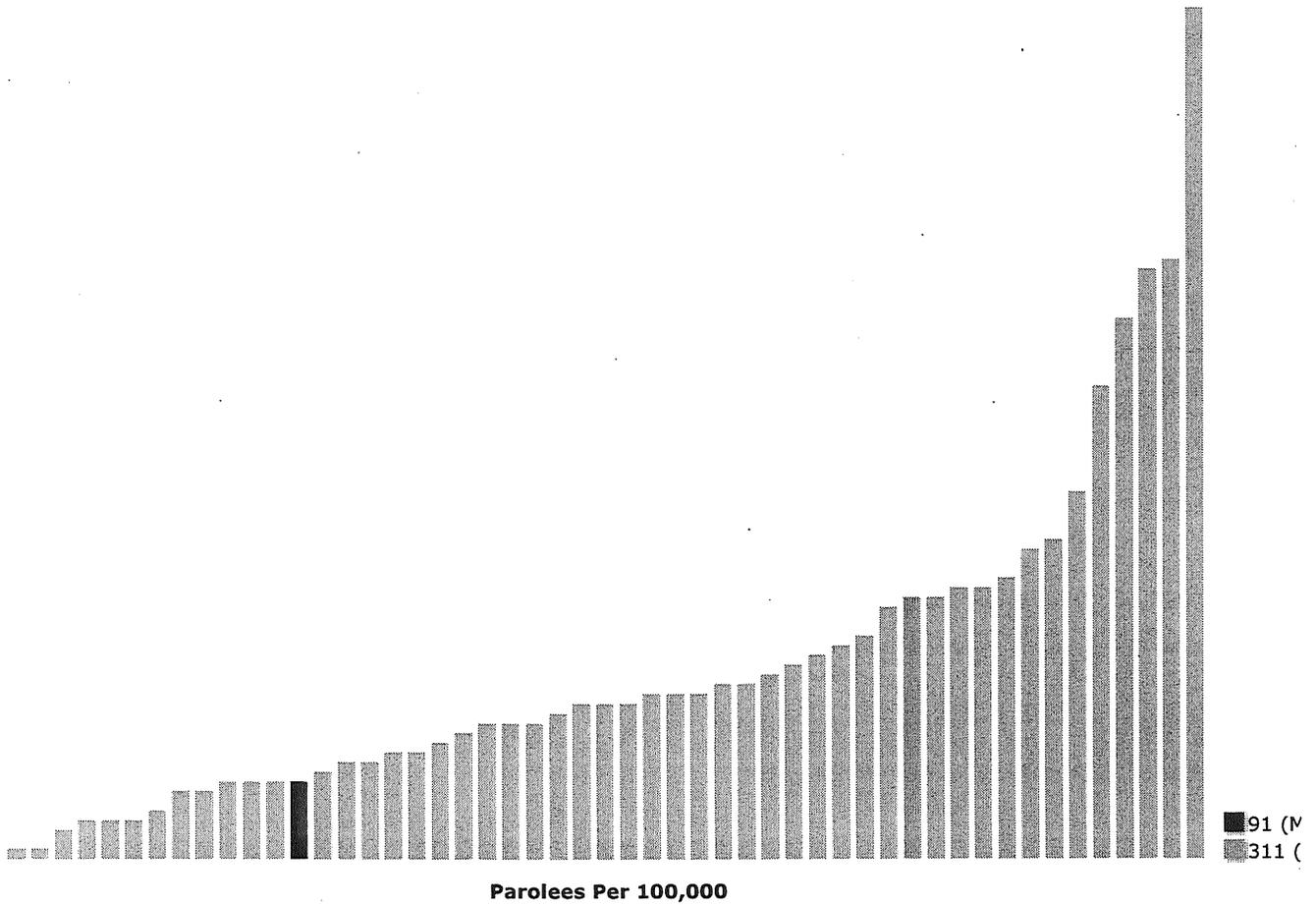
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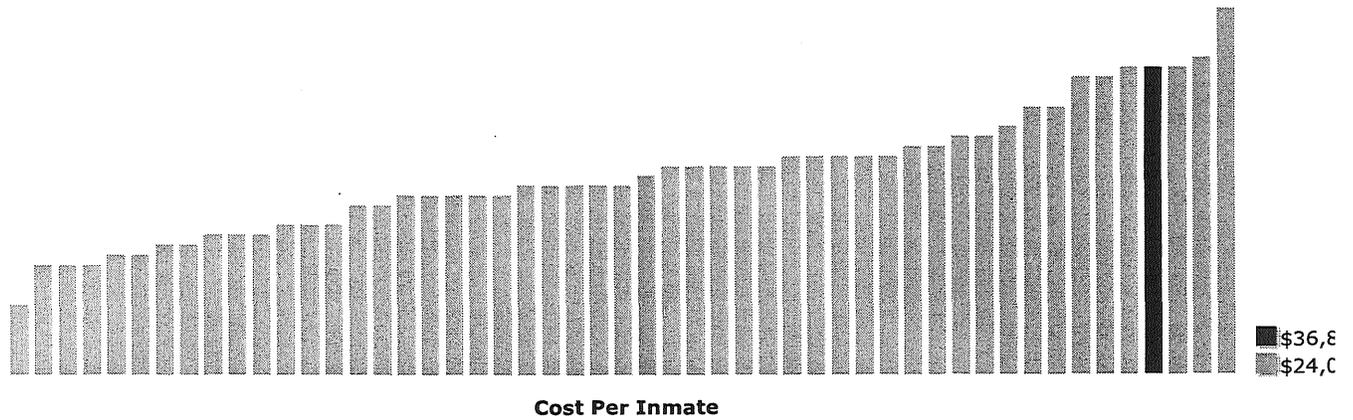
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**At-A-Glance**

The following graph displays Minnesota's rankings compared to all U.S. states.

- Minnesota's Rates (per 100,000)
- U.S. National Average (per 100,000)





## metropolitan inter-county association

161 st. anthony avenue • suite 850 • st. paul, minnesota 55103 • (651) 222-8737 • fax (651) 222-8747  
internet: [www.mica.org](http://www.mica.org) • email: [mail@mica.org](mailto:mail@mica.org)

anoka • blue earth • carver • dakota • olmsted • rice • st. louis • scott • sherburne • stearns • washington • winona

April 12, 2005

Senator Jane B. Ranum  
Minnesota Senate  
120 Capitol  
St. Paul, MN 55155-1606

Dear Senator Ranum:

### Re: Senate Omnibus Public Safety Finance Bill

We would appreciate the opportunity to express some concerns regarding the Senate Omnibus Public Safety Finance Bill (SF1875) from the county corrections perspective. MICA has been in communication with its public safety and corrections leaders regarding some of the provisions of the bill. Counties appreciate the effort to address the issue of civil commitment costs in the legislation by increasing sentences and using indeterminate sentencing for repeat and/or serious violent sex offenders.

Nonetheless, there are a few provisions that cause our correctional directors from particularly the larger CCA counties some concern. Working off the legislation as it was introduced, the following are the concerns expressed:

1. Statutorily mandated face-to-face visits and caseload size will cause unnecessary depletion of our resources. On its face these requirements seem appropriate, but without taking into account risk management and best practices this will cause our resources to be focused on the wrong class of offenders. Requiring face-to-face visits for individuals who are not displaying any known risks on our best assessment tools will divert our assets from those offenders who are displaying inappropriate behavior. One of our directors stated this distinctly as follows:

"Good policy with offenders that are high risk and granted, Level II and particularly Level III are high risk at time of release from prison. But, if they have completed treatment or are required to be in treatment, eventually, we need to be able to evaluate the level of risk and reduce the number of face-to-face contacts, etc."

2. If treatment will be a mandatory condition of release will the state pay for the cost?

3. The directors question whether it is good use of state or county resources to mandate weekly assessments of chemical dependency by "urinalysis and breath tests to detect the presence of controlled substances or alcohol". Chemical dependency is not always the issue and this mandate would cost \$120 a week. Page 18 line 27.

4. If mandatory conditions of release are placed in statute, the commissioner should also require the search of an offender's computer under the required searches on page 18 line 25.

Though we understand the desire of the Legislature to mandate the terms and conditions of release for sex offenders, it does create a long-term depletion of county resources. There's no way anyone can guarantee complete public safety from these offenders, but when good risk management tools are used it allows probation officers to focus on the worst of the worst. There is no indication that the present crisis that precipitated this overview of sex offenders was a result of community corrections' use of risk assessments.

Counties will continue to do their best to ensure that their communities are safe from sex offenders. One of the best things the state can do to reduce the risk caused by sex offenders is to increase funding to counties for supervision and treatment. Over the last two years funding of the caseload workload reduction formula and sex offender supervision grants have been reduced. If your goal is to maintain strong supervision and ensure that our property taxes do not go through the roof, the Senate needs to increase these two programs.

Senator Jane B. Ranum  
Page 2  
April 12, 2005

We look forward to working with you over the next few weeks in developing the state budget. We understand the constraints you're under, but funding simply needs to be increased in this area to provide better assurances of public safety. We would hope the state recognizes its duty to partner in this endeavor to provide the best public safety for communities.

If you have any questions or would like to have further input from the public safety and corrections leaders and our counties, please feel free to contact John Tuma at 612-991-1093

Sincerely,

A handwritten signature in cursive script that reads "Keith Carlson".

Keith Carlson  
Executive Director

Cc: Sen. Leo Foley  
Sen. Dean Johnson  
Sen. Tom Neville  
Sen. Dave Kleis

**Bill Summary****Senate**

Senate Counsel &amp; Research

State of Minnesota

**S.F. No. 1926 - Chemical Dependency Treatment Services Expansion**

**Author:** Senator Steve Murphy  
**Prepared by:** Joan White, Senate Counsel (651/296-3814)  
**Date:** April 5, 2005

**Section 1 (254B.01, subdivision 1)** updates cross-references.

**Section 2 (254B.01, subdivision 3)** strikes language to conform with changes made later in the bill.

**Section 3 (254B.02, subdivision 1)** strikes language that allowed the collocation to fund two positions for licensing of cotreatment and rehabilitation programs. Strikes outdated language

**Section 4, 5, 6, and 7 (254B.02, subdivision 4; 254B.03, subdivision 1; 254B.03, subdivision 2; 254B.03, subdivision 5)** make confirming changes, and updates references.

**Section 8 (254B.04, subdivision 1)** specifies Tier I, Tier II, and Tier III eligibility under the chemical dependency treatment fund.

**Section 9 (254B.11)** establishes a section of law for chemical dependency treatment services funding allocation. The funds are from an increase in the excise tax in section 10 on distilled spirits and wine.

**Subdivision 1** specifies that the fund must be distributed according to subdivisions 2 to 5.

**Subdivision 2** requires 62 percent of the funds must be deposited in the chemical dependency fund. The funds must be used to fund Tier I and II benefits. No county maintenance of effort is required to receive funding under this subdivision.

**Subdivision 3** provides 18.5 percent for grants to counties for treatment support, including local relapse programs and supportive housing and transportation initiatives for offenders whose offenses involved alcohol or controlled substances.

**Subdivision 4** provides 16 percent for grants to counties for detoxification services. To receive a grant under this section, a county must contribute funding of at least 50 percent of the grant for the same purposes.

**Subdivision 5** provides 3.5 percent for grants to local community health boards to provide health assessments and supportive services to children and vulnerable adults who reside or are otherwise subjected to health risks at the site where methamphetamine is manufactured.

**Section 10 (297G.03, subdivision 1)** increases the excise tax on distilled spirits and wine.

**Section 11 (297G.03, subdivision 2)** increases the tax on distilled spirits and miniatures from 14 to 19 cents per bottle.

**Section 12 (297G.04, subdivision 1)** increases the excise tax on malt beverages.

**Section 13 (297G.04, subdivision 2)** increases the tax credit for a qualified brewer producing fermented malt beverages from \$4.60 per barrel to \$21.06 per barrel.

**Section 14 (297G.10), subdivision 1**, requires that the increase in taxes under the previous sections be deposited in the county alcohol and chemical dependency costs account in the general fund for purposes specified in subdivision 2.

**Subdivision 2** creates the county alcohol and chemical dependency costs account in the general fund. The fund consists of liquor tax proceeds deposited in the account under subdivision 1. Annually, the funds must be appropriated as follows: 30 percent to the Commissioner of Corrections for purposes of Minnesota Statutes, section 401.25, and 70 percent to the Commissioner of Human Services and Health as provided in section 254B.11.

**Section 15 (297G.12, subdivision 7)** provides that refunds are appropriated from accounts in the general fund in the same proportions as they are deposited into it.

**Section 16 (401.25)** establishes the section of law related to grants for counties for county probation services, which specifies that funds appropriated under section 14 must be used for grants to counties to increase probation supervision of all offenders whose offenses involved alcohol or controlled substance abuse. This section also provides the process for the distribution of funds, the requirements to receive a grant, the review and approval of plans submitted by the county by the Commissioner of Corrections, and the payment of the grants.

**Section 17** repeals sections 254.B02, subdivision 2 (Chemical Dependency Allocation Process; County Maximum Allocation); and 254B.03, subdivision 4 (Chemical Dependency Division of Costs).

JW:rdr

[Check on the status of this bill](#)

[Back to Senate Counsel and Research Bill Summaries page](#)

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*Last review or update: 04/8/2005*

*If you see any errors on this page, please e-mail us at [webmaster@senate.mn](mailto:webmaster@senate.mn).*

# MINNESOTA REVENUE

## ALCOHOLIC BEVERAGE EXCISE TAX Rate Increases

April 12, 2005

	Yes	No
Separate Official Fiscal Note Requested	X	
<b>Fiscal Impact</b>		
DOR Administrative Costs/Savings	X	

Department of Revenue

Analysis of S.F. 1926 (Murphy) / H.F. 2232 (Ellison) – Sections 10 through 15 Only

**Analysis Revised to Correct Calculation of Excise Tax Estimates**

	<b>Fund Impact</b>			
	<u>F.Y. 2006</u>	<u>F.Y. 2007</u>	<u>F.Y. 2008</u>	<u>F.Y. 2009</u>
	(000's)			
Net Impact of Excise Tax Rate Increase*	\$117,986	\$130,261	\$131,573	\$133,206
Sales Tax on Alcoholic Beverages	\$5,046	\$4,603	\$4,648	\$4,704
Appropriation to Corrections	(\$35,396)	(\$39,078)	(\$39,472)	(\$39,962)
Appropriation to Human Services / Health	(\$82,590)	(\$91,183)	(\$92,101)	(\$93,244)
<b>General Fund Net Impact</b>	<b>\$5,046</b>	<b>\$4,603</b>	<b>\$4,648</b>	<b>\$4,704</b>

\* Includes adjustments for refunds, small brewers credit, and miniatures

Assumed to be effective for taxes imposed after June 30, 2005.

### EXPLANATION OF THE BILL

The bill would increase the excise tax on beer, wine, and spirits (see chart). A county alcohol and chemical dependency costs account is created in the general fund. The funds from the alcoholic beverages excise tax rate increases are deposited in this new fund, with 30% annually appropriated to the Commissioner of Corrections for county probation services grants to increase supervision of offenders whose offenses involved alcohol or controlled substance abuse or dependency, and 70% appropriated to the Commissioners of Human Services and Health for specified treatment services, treatment support services, detoxification, and health assessments.

#### Summary of Excise Tax Rate Changes:

	<u>Current</u>	<u>Proposed</u>
3.2 Beer (per 31-gallon barrel)	\$2.40	\$18.86
Regular Beer (per 31-gallon barrel)	\$4.60	\$21.06
Cider (per liter)	\$.04	\$.32
Regular Wine (per liter)	\$.08	\$.36
Strong Wine (per liter)	\$.25	\$.53
Sparkling Wine (per liter)	\$.48	\$.76
Spirits (per liter)	\$1.33	\$3.03

**EXPLANATION OF THE BILL (continued)**

Also, the small brewer's tax credit on 25,000 barrels per fiscal year is increased from \$4.60 to \$21.06 per barrel, with no change in the maximum credit of \$115,000. The tax on miniatures is increased from 14 cents per bottle to 19 cents per bottle.

**REVENUE ANALYSIS DETAIL**

- Baseline revenues are the February 2005 forecast for the alcohol beverage excise taxes.
- Minnesota excise tax collection information provides quantities sold for each beverage type.
- The 9% sales tax on alcoholic beverages is reported separately. Minnesota retail sales of alcoholic beverages are derived from the forecast of the sales tax on alcoholic beverages.
- Retail sales by type are based on national retail sales information for beer, wine, and spirits.
- Elasticity factors were used as follows: -0.278 for beer, -0.680 for wine, and -0.571 for spirits. New sales and excise tax revenue amounts were calculated using price and quantity information resulting from the proposed additional excise tax rates.
- Indian alcohol tax refunds are assumed to grow at a proportional rate to the proposed additional tax.
- Because this law becomes effective July 1, 2005, 11 months of collections of the additional alcohol excise tax would be realized in fiscal year 2006.
- The credit to small brewers impacts approximately 140,000 barrels annually.
- The estimated effect for the increased sales tax from the additional excise tax on alcoholic beverages includes adjustments for the effective date of the proposal and current law rate change from 9% to 6.5% effective for sales and purchases after December 31, 2005.

**NUMBER OF TAXPAYERS AFFECTED:** 135 distributors of beer and 65 distributors of wine and distilled spirits.

Source: Minnesota Department of Revenue  
Tax Research Division  
[http://www.taxes.state.mn.us/taxes/legal\\_policy](http://www.taxes.state.mn.us/taxes/legal_policy)

Senators Murphy, Marty and Ranum introduced--

S.F. No. 1926: Referred to the Committee on Taxes.

1 A bill for an act

2 relating to taxation; increasing the tax on alcoholic  
3 beverages; dedicating the proceeds of the increase to  
4 provide grants to counties to provide probation  
5 supervision and treatment services for certain  
6 offenders; appropriating money; amending Minnesota  
7 Statutes 2004, sections 254B.01, subdivisions 1, 3;  
8 254B.02, subdivisions 1, 4; 254B.03, subdivisions 1,  
9 2, 5; 254B.04, subdivision 1; 297G.03, subdivisions 1,  
10 2; 297G.04, subdivisions 1, 2; 297G.10; 297G.12,  
11 subdivision 7; proposing coding for new law in  
12 Minnesota Statutes, chapters 254B; 401; repealing  
13 Minnesota Statutes 2004, sections 254B.02,  
14 subdivisions 2, 3; 254B.03, subdivision 4.

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

16 Section 1. Minnesota Statutes 2004, section 254B.01,  
17 subdivision 1, is amended to read:

18 Subdivision 1. [APPLICABILITY.] The definitions in this  
19 section apply to ~~Laws-19867-chapter-3947-sections-8-to-20~~  
20 sections 254B.01 to 254B.11.

21 Sec. 2. Minnesota Statutes 2004, section 254B.01,  
22 subdivision 3, is amended to read:

23 Subd. 3. [CHEMICAL DEPENDENCY SERVICES.] "Chemical  
24 dependency services" means a planned program of care for the  
25 treatment of chemical dependency or chemical abuse to minimize  
26 or prevent further chemical abuse by the person. ~~Diagnostic7~~  
27 ~~evaluation7-prevention7-referral7-detoxification7-and-aftercare~~  
28 ~~services-that-are-not-part-of-a-program-of-care-licensable-as-a~~  
29 ~~residential-or-nonresidential-chemical-dependency-treatment~~  
30 ~~program-are-not-chemical-dependency-services-for-purposes-of~~

1 ~~this-section.~~ For pregnant and postpartum women, chemical  
2 dependency services include halfway house services, aftercare  
3 services, psychological services, and case management.

4 Sec. 3. Minnesota Statutes 2004, section 254B.02,  
5 subdivision 1, is amended to read:

6 Subdivision 1. [CHEMICAL DEPENDENCY TREATMENT ALLOCATION.]

7 The chemical dependency funds appropriated for allocation shall  
8 be placed in a special revenue account. The commissioner shall  
9 annually transfer funds from the chemical dependency fund to pay  
10 for operation of the drug and alcohol abuse normative evaluation  
11 ~~system and-to-pay-for-all-costs-incurred-by-adding-two-positions~~  
12 ~~for-licensing-of-chemical-dependency-treatment-and~~  
13 ~~rehabilitation-programs-located-in-hospitals-for-which-funds-are~~  
14 ~~not-otherwise-appropriated.---For-each-year-of-the-biennium~~  
15 ~~ending-June-30,1999,--the-commissioner-shall-allocate-funds-to~~  
16 ~~the-American-Indian-chemical-dependency-tribal-account-for~~  
17 ~~treatment-of-American-Indians-by-eligible-vendors-under-section~~  
18 ~~254B.05, equal-to-the-amount-allocated-in-fiscal-year-1997.~~ The  
19 commissioner shall annually divide the money available in the  
20 chemical dependency fund that is not ~~held-in-reserve-by-counties~~  
21 ~~from-a-previous-allocation,--or~~ allocated to the American Indian  
22 chemical dependency tribal account. Six percent of the  
23 remaining money must be reserved for the nonreservation American  
24 Indian chemical dependency allocation for treatment of American  
25 Indians by eligible vendors under section 254B.05, subdivision  
26 1. The remainder of the money must be allocated among the  
27 counties according to the following formula, using state  
28 demographer data and other data sources determined by the  
29 commissioner:

30 (a) For purposes of this formula, American Indians and  
31 children under age 14 are subtracted from the population of each  
32 county to determine the restricted population.

33 (b) The amount of chemical dependency fund expenditures for  
34 entitled persons for services not covered by prepaid plans  
35 governed by section 256B.69 in the previous year is divided by  
36 the amount of chemical dependency fund expenditures for entitled

1 persons for all services to determine the proportion of exempt  
2 service expenditures for each county.

3 (c) The prepaid plan months of eligibility is multiplied by  
4 the proportion of exempt service expenditures to determine the  
5 adjusted prepaid plan months of eligibility for each county.

6 (d) The adjusted prepaid plan months of eligibility is  
7 added to the number of restricted population fee for service  
8 months of eligibility for the Minnesota family investment  
9 program, general assistance, and medical assistance and divided  
10 by the county restricted population to determine county per  
11 capita months of covered service eligibility.

12 (e) The number of adjusted prepaid plan months of  
13 eligibility for the state is added to the number of fee for  
14 service months of eligibility for the Minnesota family  
15 investment program, general assistance, and medical assistance  
16 for the state restricted population and divided by the state  
17 restricted population to determine state per capita months of  
18 covered service eligibility.

19 (f) The county per capita months of covered service  
20 eligibility is divided by the state per capita months of covered  
21 service eligibility to determine the county welfare caseload  
22 factor.

23 (g) The median married couple income for the most recent  
24 three-year period available for the state is divided by the  
25 median married couple income for the same period for each county  
26 to determine the income factor for each county.

27 (h) The county restricted population is multiplied by the  
28 sum of the county welfare caseload factor and the county income  
29 factor to determine the adjusted population.

30 (i) \$15,000 shall be allocated to each county.

31 (j) The remaining funds shall be allocated proportional to  
32 the county adjusted population.

33 Sec. 4. Minnesota Statutes 2004, section 254B.02,  
34 subdivision 4, is amended to read:

35 Subd. 4. [~~ALLOCATION-SPENDING-LIMITS~~ REALLOCATION OF  
36 UNSPENT FUNDS.] Money allocated according to subdivision 1 and

1 section 254B.09, subdivision 4, is available for payments for up  
 2 to two years. ~~The commissioner shall deduct payments from the~~  
 3 ~~most recent year allocation in which money is available.~~  
 4 Allocations under this section that are not used within two  
 5 years ~~must~~ may be reallocated to the ~~reserve account for~~  
 6 ~~payments under subdivision 3.~~ ~~Allocations under section~~  
 7 ~~254B.09, subdivision 4, that are not used within two years must~~  
 8 ~~be reallocated for payments under section 254B.09, subdivision 5~~  
 9 other counties under subdivision 1.

10 Sec. 5. Minnesota Statutes 2004, section 254B.03,  
 11 subdivision 1, is amended to read:

12 Subdivision 1. [LOCAL AGENCY DUTIES.] (a) Every local  
 13 agency shall provide chemical dependency services to persons  
 14 residing within its jurisdiction who meet the criteria  
 15 established by the commissioner for ~~placement in a~~ chemical  
 16 ~~dependency residential or nonresidential treatment~~  
 17 ~~service~~ services. Chemical dependency money must be  
 18 administered by the local agencies according to law and rules  
 19 adopted by the commissioner under sections 14.001 to 14.69.

20 (b) In order to contain costs, the county board shall, with  
 21 the approval of the commissioner of human services, select  
 22 eligible vendors of chemical dependency services who can provide  
 23 economical and appropriate treatment. Unless the local agency  
 24 is a social services department directly administered by a  
 25 county or human services board, the local agency shall not be an  
 26 eligible vendor under section 254B.05. The commissioner may  
 27 approve proposals from county boards to provide services in an  
 28 economical manner or to control utilization, with safeguards to  
 29 ensure that necessary services are provided. If a county  
 30 implements a demonstration or experimental medical services  
 31 funding plan, the commissioner shall transfer the money as  
 32 appropriate. If a county selects a vendor located in another  
 33 state, the county shall ensure that the vendor is in compliance  
 34 with the rules governing licensure of programs located in the  
 35 state.

36 (c) The calendar year 2002 rate for vendors may not

1 increase more than three percent above the rate approved in  
2 effect on January 1, 2001. The calendar year 2003 rate for  
3 vendors may not increase more than three percent above the rate  
4 in effect on January 1, 2002. The calendar years 2004 and 2005  
5 rates may not exceed the rate in effect on January 1, 2003.

6 (d) A culturally specific vendor that provides assessments  
7 under a variance under Minnesota Rules, part 9530.6610, shall be  
8 allowed to provide assessment services to persons not covered by  
9 the variance.

10 Sec. 6. Minnesota Statutes 2004, section 254B.03,  
11 subdivision 2, is amended to read:

12 Subd. 2. [CHEMICAL DEPENDENCY FUND PAYMENT.] (a) Payment  
13 from the chemical dependency fund is limited to payments for  
14 services ~~other-than-detoxification~~ that, if located outside of  
15 federally recognized tribal lands, would be required to be  
16 licensed by the commissioner as a chemical dependency treatment  
17 or rehabilitation program under sections 245A.01 to 245A.16, and  
18 services ~~other-than-detoxification~~ provided in another state  
19 that would be required to be licensed as a chemical dependency  
20 program if the program were in the state. Out of state vendors  
21 must also provide the commissioner with assurances that the  
22 program complies substantially with state licensing requirements  
23 and possesses all licenses and certifications required by the  
24 host state to provide chemical dependency treatment. Except for  
25 chemical dependency transitional rehabilitation programs,  
26 vendors receiving payments from the chemical dependency fund  
27 must not require co-payment from a recipient of benefits for  
28 services provided under this subdivision. Payment from the  
29 chemical dependency fund shall be made for necessary room and  
30 board costs provided by vendors certified according to section  
31 254B.05, or in a community hospital licensed by the commissioner  
32 of health according to sections 144.50 to 144.56 to a client who  
33 is:

34 (1) determined to meet the criteria for placement in a  
35 residential chemical dependency treatment program according to  
36 rules adopted under section 254A.03, subdivision 3; and

1 (2) concurrently receiving a chemical dependency treatment  
2 service in a program licensed by the commissioner and reimbursed  
3 by the chemical dependency fund.

4 (b) A county may, from its own resources, provide chemical  
5 dependency services for which state payments are not made. A  
6 county may elect to use the same invoice procedures and obtain  
7 the same state payment services as are used for chemical  
8 dependency services for which state payments are made under this  
9 section if county payments are made to the state in advance of  
10 state payments to vendors. When a county uses the state system  
11 for payment, the commissioner shall make monthly billings to the  
12 county using the most recent available information to determine  
13 the anticipated services for which payments will be made in the  
14 coming month. Adjustment of any overestimate or underestimate  
15 based on actual expenditures shall be made by the state agency  
16 by adjusting the estimate for any succeeding month.

17 (c) The commissioner shall coordinate chemical dependency  
18 services and determine whether there is a need for any proposed  
19 expansion of chemical dependency treatment services. The  
20 commissioner shall deny vendor certification to any provider  
21 that has not received prior approval from the commissioner for  
22 the creation of new programs or the expansion of existing  
23 program capacity. The commissioner shall consider the  
24 provider's capacity to obtain clients from outside the state  
25 based on plans, agreements, and previous utilization history,  
26 when determining the need for new treatment services.

27 Sec. 7. Minnesota Statutes 2004, section 254B.03,  
28 subdivision 5, is amended to read:

29 Subd. 5. [RULES; APPEAL.] The commissioner shall adopt  
30 rules as necessary to implement ~~laws-19867-chapter-3947-sections~~  
31 ~~8-to-20.---The-commissioner-shall-ensure-that-the-rules-are~~  
32 ~~effective-on-July-17-1987~~ sections 254B.02 to 254B.11. The  
33 commissioner shall establish an appeals process for use by  
34 recipients when services certified by the county are disputed.  
35 The commissioner shall adopt rules and standards for the appeal  
36 process to assure adequate redress for persons referred to

1 inappropriate services.

2 Sec. 8. Minnesota Statutes 2004, section 254B.04,  
3 subdivision 1, is amended to read:

4 Subdivision 1. [ELIGIBILITY.] (a) Persons eligible for  
5 Tier I benefits under Code of Federal Regulations, title 25,  
6 part 20, persons eligible for medical assistance benefits under  
7 sections 256B.055, 256B.056, and 256B.057, subdivisions 1, 2, 5,  
8 and 6, or who meet the income standards of section 256B.056,  
9 subdivision 4, and persons eligible for general assistance  
10 medical care under section 256D.03, subdivision 3, are entitled  
11 to chemical dependency fund services. State money appropriated  
12 for this paragraph must be placed in a separate account  
13 established for this purpose.

14 Persons with dependent children who are determined to be in  
15 need of chemical dependency treatment pursuant to an assessment  
16 under section 626.556, subdivision 10, or a case plan under  
17 section 260C.201, subdivision 6, or 260C.212, shall be assisted  
18 by the local agency to access needed treatment services.  
19 Treatment services must be appropriate for the individual or  
20 family, which may include long-term care treatment or treatment  
21 in a facility that allows the dependent children to stay in the  
22 treatment facility. The county shall pay for out-of-home  
23 placement costs, if applicable.

24 (b) A person not entitled to services under paragraph (a),  
25 but with family income that is less than 215 percent of the  
26 federal poverty guidelines for the applicable family size, shall  
27 be eligible to receive Tier II chemical dependency fund services  
28 within the limit of funds appropriated for this group for the  
29 fiscal year. If notified by the state agency of limited funds,  
30 a county must give preferential treatment to persons with  
31 dependent children who are in need of chemical dependency  
32 treatment pursuant to an assessment under section 626.556,  
33 subdivision 10, or a case plan under section 260C.201,  
34 subdivision 6, or 260C.212. A county may spend money from its  
35 own sources to serve persons under this paragraph. State money  
36 appropriated for this paragraph must be placed in a separate

1 account established for this purpose.

2 (c) Persons whose income is between 215 percent and 412  
3 percent of the federal poverty guidelines for the applicable  
4 family size shall be eligible for Tier III chemical dependency  
5 services on a sliding fee basis, within the limit of funds  
6 appropriated for this group for the fiscal year. Persons  
7 eligible under this paragraph must contribute to the cost of  
8 services according to the sliding fee scale established under  
9 subdivision 3. A county may spend money from its own sources to  
10 provide services to persons under this paragraph. State money  
11 appropriated for this paragraph must be placed in a separate  
12 account established for this purpose.

13 Sec. 9. [254B.11] [TREATMENT SERVICES.]

14 Subdivision 1. [DISTRIBUTION OF APPROPRIATED FUNDS.] Funds  
15 appropriated to the commissioners of human services and health  
16 under section 297G.11 must be distributed as provided in  
17 subdivisions 2 to 5.

18 Subd. 2. [TREATMENT SERVICES.] Sixty-two percent must be  
19 deposited in the chemical dependency fund under section 254B.02  
20 for allocation and distribution by the commissioner of human  
21 services to counties under the formula provided in section  
22 254B.02, subdivision 1. Notwithstanding any other law, funds  
23 distributed under this section must be used by the counties to  
24 fund Tier I and Tier II benefits under section 254B.04,  
25 subdivision 1, paragraphs (a) and (b), for treatment of alcohol  
26 and all controlled substances dependencies, including  
27 detoxification and long-term treatments, including inpatient  
28 treatment for longer than 28 days, when necessary for successful  
29 treatment. No county maintenance effort is required to receive  
30 funding under this subdivision.

31 Subd. 3. [TREATMENT SUPPORT SERVICES.] 18.5 percent is  
32 appropriated to the commissioner of human services to make  
33 grants to counties for treatment support including local relapse  
34 programs and supportive housing and transportation initiatives  
35 for alcohol or controlled substances offenders.

36 Subd. 4. [DETOXIFICATION.] Sixteen percent is appropriated

1 to the commissioner of human services to make grants to counties  
 2 for detoxification services, including transportation. To  
 3 receive a grant under this section, a county must contribute  
 4 funding of at least 50 percent of the grant for the same  
 5 purposes.

6 Subd. 5. [HEALTH ASSESSMENTS.] 3.5 percent is appropriated  
 7 to the commissioner of health for grants to local community  
 8 health boards to provide health assessments and supportive  
 9 services to children and vulnerable adults who reside or are  
 10 otherwise subjected to health risks at the site where  
 11 methamphetamine is manufactured.

12 Sec. 10. Minnesota Statutes 2004, section 297G.03,  
 13 subdivision 1, is amended to read:

14 Subdivision 1. [GENERAL RATE; DISTILLED SPIRITS AND WINE.]  
 15 The following excise tax is imposed on all distilled spirits and  
 16 wine manufactured, imported, sold, or possessed in this state:

	Standard	Metric
17 (a) Distilled spirits,	<del>\$5.03</del> <u>\$11.36</u>	<del>\$1.33</del> <u>\$3.03</u>
18 liqueurs, cordials,	per gallon	per liter
19 and specialties regardless		
20 of alcohol content		
21 (excluding ethyl alcohol)		
22 (b) Wine containing	<del>\$-.30</del> <u>\$1.35</u>	<del>\$-.08</del> <u>\$ .36</u>
23 14 percent or less	per gallon	per liter
24 alcohol by volume		
25 (except cider as defined		
26 in section 297G.01,		
27 subdivision 3a)		
28 (c) Wine containing	<del>\$-.95</del> <u>\$1.98</u>	<del>\$-.25</del> <u>\$ .53</u>
29 more than 14 percent	per gallon	per liter
30 but not more than 21		
31 percent alcohol by volume		
32 (d) Wine containing more	<del>\$1.82</del> <u>\$2.85</u>	<del>\$-.48</del> <u>\$ .76</u>
33 than 21 percent but not	per gallon	per liter
34 more than 24 percent		
35 alcohol by volume		

1	(e) Wine containing more	<del>\$3.52</del> <u>\$4.54</u>	<del>\$-.93</del> <u>\$1.21</u>
2	than 24 percent alcohol	per gallon	per liter
3	by volume		
4	(f) Natural and	<del>\$1.82</del> <u>\$2.85</u>	<del>\$-.48</del> <u>\$ .76</u>
5	artificial sparkling wines	per gallon	per liter
6	containing alcohol		
7	(g) Cider as defined in	<del>\$-.15</del> <u>\$1.20</u>	<del>\$-.04</del> <u>\$ .32</u>
8	section 297G.01,	per gallon	per liter
9	subdivision 3a		
10	(h) Low alcohol dairy	\$ .08 per gallon	\$ .02 per liter
11	cocktails		

12 In computing the tax on a package of distilled spirits or  
 13 wine, a proportional tax at a like rate on all fractional parts  
 14 of a gallon or liter must be paid, except that the tax on a  
 15 fractional part of a gallon less than 1/16 of a gallon is the  
 16 same as for 1/16 of a gallon.

17 Sec. 11. Minnesota Statutes 2004, section 297G.03,  
 18 subdivision 2, is amended to read:

19 Subd. 2. [TAX ON MINIATURES; DISTILLED SPIRITS.] The tax  
 20 on miniatures is ~~14~~ 19 cents per bottle.

21 Sec. 12. Minnesota Statutes 2004, section 297G.04,  
 22 subdivision 1, is amended to read:

23 Subdivision 1. [TAX IMPOSED.] The following excise tax is  
 24 imposed on all fermented malt beverages that are imported,  
 25 directly or indirectly sold, or possessed in this state:

26 (1) on fermented malt beverages containing not more than  
 27 3.2 percent alcohol by weight, ~~\$2.40~~ \$18.86 per 31-gallon  
 28 barrel; and

29 (2) on fermented malt beverages containing more than 3.2  
 30 percent alcohol by weight, ~~\$4.60~~ \$21.06 per 31-gallon barrel.

31 For fractions of a 31-gallon barrel, the tax rate is  
 32 calculated proportionally.

33 Sec. 13. Minnesota Statutes 2004, section 297G.04,  
 34 subdivision 2, is amended to read:

35 Subd. 2. [TAX CREDIT.] A qualified brewer producing  
 36 fermented malt beverages is entitled to a tax credit

1 of ~~\$4-60~~ \$21.06 per barrel on 25,000 barrels sold in any fiscal  
2 year beginning July 1, regardless of the alcohol content of the  
3 product. Qualified brewers may take the credit on the 18th day  
4 of each month, but the total credit allowed may not exceed in  
5 any fiscal year the lesser of:

- 6 (1) the liability for tax; or
- 7 (2) \$115,000.

8 For purposes of this subdivision, a "qualified brewer"  
9 means a brewer, whether or not located in this state,  
10 manufacturing less than 100,000 barrels of fermented malt  
11 beverages in the calendar year immediately preceding the  
12 calendar year for which the credit under this subdivision is  
13 claimed. In determining the number of barrels, all brands or  
14 labels of a brewer must be combined. All facilities for the  
15 manufacture of fermented malt beverages owned or controlled by  
16 the same person, corporation, or other entity must be treated as  
17 a single brewer.

18 Sec. 14. Minnesota Statutes 2004, section 297G.10, is  
19 amended to read:

20 297G.10 [DEPOSIT OF PROCEEDS.]

21 Subdivision 1. [GENERAL FUND.] All tax revenues and other  
22 receipts payable to the state under this chapter must be paid  
23 into the state treasury and credited to the general fund. The  
24 increase in taxes under sections 10 to 13 must be deposited in  
25 the county alcohol and chemical dependency costs account in the  
26 general fund for the purposes specified in subdivision 2.

27 Subd. 2. [ALCOHOL AND CHEMICAL DEPENDENCY ACCOUNT;  
28 APPROPRIATION.] A county alcohol and chemical dependency costs  
29 account is created in the general fund. The account consists of  
30 liquor tax proceeds deposited in it under subdivision 1. Funds  
31 in the account are annually appropriated as follows: 30 percent  
32 to the commissioner of corrections for the purposes of section  
33 401.25, and 70 percent to the commissioners of human services  
34 and health as provided in section 254B.11.

35 Sec. 15. Minnesota Statutes 2004, section 297G.12,  
36 subdivision 7, is amended to read:

1 Subd. 7. [SOURCE OF REFUND.] There is appropriated  
2 annually from the general fund to the commissioner the sums  
3 necessary to make the refunds provided by this section. Refunds  
4 are appropriated from accounts in the general fund in the same  
5 proportions as they are deposited to it.

6 Sec. 16. [401.25] [COUNTY PROBATION SERVICES GRANTS.]

7 Subdivision 1. [USE OF FUNDS.] Funds appropriated to the  
8 commissioner of corrections under section 297G.10, subdivision  
9 2, must be used to make grants to counties to increase probation  
10 supervision of all offenders whose offenses involved alcohol or  
11 controlled substance abuse or dependency, including:

12 (1) development of case plans based on assessments and  
13 risk/needs instruments;

14 (2) development of continuums of probation supervision  
15 levels, including intensive supervision programs;

16 (3) expansion of electronic home alcohol monitoring for  
17 both presentencing and postsentencing;

18 (4) support of local cognitive restructuring programs; and

19 (5) provision of treatment support services as part of the  
20 case plan for probation supervision.

21 Subd. 2. [DISTRIBUTION OF FUNDS.] To determine the amount  
22 of the grant to be paid to each qualifying county, the  
23 commissioner of corrections shall apply the formula contained in  
24 section 401.10, subdivision 1, except that each county's "base  
25 funding amount" under section 401.10, subdivision 1, clause (8),  
26 and the "aggregate base funding amount" under section 401.10,  
27 subdivision 1, clause (9), must be determined using fiscal year  
28 2006. For purposes of section 401.10, subdivision 1, clause  
29 (8), "fiscal year 2007" must be used instead of "fiscal year  
30 1997."

31 Subd. 3. [REQUIREMENTS FOR GRANT.] To be eligible to  
32 receive a grant under this section, the county must develop and  
33 submit to the commissioner a plan for use of the funds based on  
34 the purposes for which funds may be used under subdivision 1 and  
35 their local needs. The plan must incorporate best correctional  
36 practices. The plan must include the planned expenditures. No

1 county may receive a grant unless its plan has been determined  
2 to be in compliance with this section and approved by the  
3 commissioner.

4 Subd. 4. [REVIEW AND APPROVAL BY COMMISSIONER.] The  
5 commissioner shall annually review the plans submitted by the  
6 counties before allocating the grants. The review must  
7 determine whether the plan and the planned expenditures comply  
8 with the requirements of this section. The commissioner may  
9 require changes or adjustments to the plan and to the planned  
10 expenditures implementing the plan before approving an annual  
11 grant to the county.

12 Subd. 5. [PAYMENT OF GRANTS.] The commissioner of  
13 corrections shall make payments of grants in installments, and  
14 may make payment adjustments, as provided in sections 401.14,  
15 subdivisions 2 and 3, and 401.15.

16 In counties where the probation services under the plan  
17 will be provided by both county and Department of Corrections  
18 employees, a collaborative plan must be developed. The  
19 commissioner of corrections shall specify the manner in which  
20 the grant money allocated to the county shall be distributed  
21 between the county and Department of Corrections providers.

22 Sec. 17. [REPEALER.]

23 Minnesota Statutes 2004, sections 254B.02, subdivisions 2,  
24 3; and 254B.03, subdivision 4, are repealed.

APPENDIX  
Repealed Minnesota Statutes for 05-2571

**254B.02 CHEMICAL DEPENDENCY ALLOCATION PROCESS.**

Subd. 2. **County adjustment; maximum allocation.** The commissioner shall determine the state money used by each county in fiscal year 1986, using all state data sources. If available records do not provide specific chemical dependency expenditures for every county, the commissioner shall determine the amount of state money using estimates based on available data. In state fiscal year 1988, a county must not be allocated more than 150 percent of the state money spent by or on behalf of the county in fiscal year 1986 for chemical dependency treatment services eligible for payment under section 254B.05 but not including expenditures made for persons eligible for placement under section 254B.09, subdivision 6. The allocation maximums must be increased by 25 percent each year. After fiscal year 1992, there must be no allocation maximum. The commissioner shall reallocate the excess over the maximum to counties allocated less than the fiscal year 1986 state money, using the following process:

(a) The allocation is divided by 1986 state expenditures to determine percentage of prior expenditure, and counties are ranked by percentage of prior expenditure less expenditures for persons eligible for placement under section 254B.09, subdivision 6.

(b) The allocation of the lowest ranked county is raised to the same percentage of prior expenditure as the second lowest ranked county. The allocation of these two counties is then raised to the percentage of prior expenditures of the third lowest ranked county.

(c) The operations under paragraph (b) are repeated with each county by ranking until the money in excess of the allocation maximum has been allocated.

Subd. 3. **Reserve account.** The commissioner shall allocate money from the reserve account to counties that, during the current fiscal year, have met or exceeded the base level of expenditures for eligible chemical dependency services from local money. The commissioner shall establish the base level for fiscal year 1988 as the amount of local money used for eligible services in calendar year 1986. In later years, the base level must be increased in the same proportion as state appropriations to implement Laws 1986, chapter 394, sections 8 to 20, are increased. The base level must be decreased if the fund balance from which allocations are made under section 254B.02, subdivision 1, is decreased in later years. The local match rate for the reserve account is the same rate as applied to the initial allocation. Reserve account payments must not be included when calculating the county adjustments made according to subdivision 2. For counties providing medical assistance or general assistance medical care through managed care plans on January 1, 1996, the base year is fiscal year 1995. For counties beginning provision of managed care after January 1, 1996, the base year is the most recent fiscal year before enrollment in managed care begins. For counties providing managed care, the base level will be increased or decreased in proportion to changes in the fund balance from which allocations are made under subdivision 2, but will be additionally increased or decreased in proportion to the change in county adjusted population made in subdivision 1, paragraphs (b) and (c). Effective July 1, 2001, at the end of each biennium, any funds deposited in the reserve account funds in excess of those needed

APPENDIX  
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to meet obligations incurred under this section and sections 254B.06 and 254B.09 shall cancel to the general fund.

**254B.03 RESPONSIBILITY TO PROVIDE CHEMICAL DEPENDENCY TREATMENT.**

Subd. 4. Division of costs. Except for services provided by a county under section 254B.09, subdivision 1, or services provided under section 256B.69 or 256D.03, subdivision 4, paragraph (b), the county shall, out of local money, pay the state for 15 percent of the cost of chemical dependency services, including those services provided to persons eligible for medical assistance under chapter 256B and general assistance medical care under chapter 256D. Counties may use the indigent hospitalization levy for treatment and hospital payments made under this section. Fifteen percent of any state collections from private or third-party pay, less 15 percent of the cost of payment and collections, must be distributed to the county that paid for a portion of the treatment under this section. If all funds allocated according to section 254B.02 are exhausted by a county and the county has met or exceeded the base level of expenditures under section 254B.02, subdivision 3, the county shall pay the state for 15 percent of the costs paid by the state under this section. The commissioner may refuse to pay state funds for services to persons not eligible under section 254B.04, subdivision 1, if the county financially responsible for the persons has exhausted its allocation.

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**Bill Summary**

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**Senate**

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Senate Counsel &amp; Research

State of Minnesota

**S.F. No. 606 -Increasing the Tax on Alcoholic Beverages; Fully Funding Chemical Dependency Treatment Programs; Impaired Driving and Chemical Use Assessment Provisions (First Engrossment)**

**Author:** Senator John Marty  
**Prepared by:** Chris Turner, Senate Research (651/296-4350)  
**Date:** March 30, 2005

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**Section 1** provides legislative findings on the cost of drug and alcohol abuse to society and the legislative intent to defray those costs with an increase in the alcohol excise tax.

**Section 2** requires all DUI offenders, as well as offenders convicted of another offense arising out of the circumstances surrounding the arrest, to submit to the level of care recommended in their chemical use assessments. Under current law, only repeat offenders and offenders with a blood alcohol content of 0.20 or more must comply with the recommendations of the chemical use assessment.

**Section 3** is a technical conforming amendment with section 5.

**Section 4** provides that chemical use assessments authorized by the commissioner, when a driver's record shows a second or subsequent report of a blood alcohol content of 0.07 or more within two years of a prior recorded report, comply with the assessment requirements in Minnesota Statutes, section 169.70.

**Section 5** provides that persons convicted of a violent crime must undergo a chemical use assessment. Defines "violent crime" as the crimes listed in Minnesota Statutes, section 609.1095, plus assault in the fourth degree, assault in the fifth degree, and domestic assault.

**Section 6** requires that chemical use assessments include the defendant's prior criminal record, a diagnosis of the nature of the offender's chemical and alcohol involvement, an assessment of the offender's placement needs, and recommendations for other appropriate remedial action or care, including aftercare.

**Section 7** prohibits the court and the Department of Public Safety from using chemical dependency assessments that do not meet the requirements specified in Minnesota Statutes, section 169A.70.

**Section 8** provides that chemical use assessments be completed at the earliest time possible, preferably while the offender is being initially held in custody after arrest.

**Section 9** allows the court to require a chemical use assessment of any person under its jurisdiction in a

juvenile, criminal, or civil proceeding.

**Sections 10 to 17** strike, and **section 30** repeal current law under Minnesota Statutes, chapter 254B, regarding the current chemical dependency treatment funding allocation to conform with the full funding of chemical dependency treatment programs by the Department of Human Services in section 29, paragraph (c).

Under the bill, local agency chemical dependency treatment duties remain the same (section 12) while the county share of treatment costs falls from 15 percent to five percent (sections 13 and 17). Income requirements for nonentitlement services are eliminated (section 14), though the sliding fee for nonentitlement services remains in place (sections 15 and 16).

**Sections 18 and 19** increase the alcohol excise tax on all distilled spirits and wine manufactured, imported, sold, or possessed in the state. The excise tax increase is intended to be the equivalent of a point-of-sale increase of ten cents per drink.

**Section 20** increases the alcohol excise tax on all fermented malt beverages that are imported, directly or indirectly sold, or possessed in the state. The excise tax increase is intended to be the equivalent of a point-of-sale increase of ten cents per drink.

**Section 21** increases the brewer's tax credit to conform with the increase in the excise tax on beer. The tax credit applies brewers who manufacture less than 100,000 barrels of beer annually.

**Sections 22 and 23** expand the funding criteria for the community-oriented policing grant program under the Department of Public Safety to include the hiring of extra peace officers to investigate and prevent impaired driving and domestic violence crimes and grants for community policing in areas with high crime rates, gang, drug or prostitution activity. Grants for the latter must include education and training for peace officers and the community, the assignment of designated peace officers for at least a year in an exclusive area, and community outreach programs.

**Section 24** requires the state to fund and the counties to provide comprehensive chemical dependency treatment programs and services to individuals within the criminal justice system.

**Sections 25 and 26** require that presentence investigations for persons convicted of a violent crime as defined in Minnesota Statutes, section 609.1095, subdivision 1, assault in the fourth degree, assault in the fifth degree, or domestic assault, include chemical use assessments. The offender is liable for the cost of the assessment. Payment is in addition to the criminal surcharge under Minnesota Statutes, section 357.021, subdivision 6, and is not waivable.

**Section 27** requires persons convicted of a violent crime as defined in section 26, but whose sentence has been stayed by the court, to submit to the level of care recommended in the chemical use assessment described in Minnesota Statutes, section 169A.70, as a condition of their probation, unless there are compelling reasons to do otherwise.

**Section 28** requires the Supreme Court to include training on a judge's powers and duties relating to chemical use assessments in its judicial education program.

**Section 29, paragraph (a)**, contains blank appropriations to the Commissioner of Public Safety to fund the following:

- more state troopers;
- community-oriented policing grants to combat impaired driving;
- community-oriented policing grants to combat domestic abuse; and
- liquor license compliance checks.

**Paragraph (b)** contains blank appropriations to the Commissioner of Corrections to fund the following:

- grants to counties for the incarceration of and programming for impaired drivers;
- incarceration of and programming for felony DUI offenders in state facilities;
- grants to counties for DUI repeat offender programs;
- increased chemical dependency treatment in the state prison system; and
- increased chemical dependency treatment for offenders on supervised release.

**Paragraph (c)** contains blank appropriations to the Commissioner of Human Services to fully fund chemical dependency treatment programs under Minnesota Statutes, section 254B.04, subdivision 1, and to reimburse counties for detoxification and detoxification transportation services.

**Paragraph (d)** contains blank appropriations to the chief justice of the Supreme Court to fund the following:

- increased judicial training regarding chemical use assessments; and
- grants to counties for costs related to conducting chemical use assessments.

**Paragraph (e)** contains blank appropriations to the Commissioner of Health to fund the following:

- health screenings for children and vulnerable adults residing or found at methamphetamine manufacturing sites;
- grants to county health boards for methamphetamine abuse prevention efforts; and
- education and prevention initiatives designed to eliminate underage drinking.

**Section 30** repeals Minnesota Statutes 2004, sections 254B.02, subdivisions 2, 3 and 4; and 254B.09, subdivisions 4, 5 and 7, relating to chemical dependency treatment funding allocation.

**Section 31** provides effective dates for the bill.

CT:vs

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*Last review or update: 04/1/2005*

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# MINNESOTA REVENUE

## ALCOHOLIC BEVERAGE EXCISE TAX Rate Increases

April 12, 2005

	Yes	No
Separate Official Fiscal Note Requested	X	
<b>Fiscal Impact</b>		
DOR Administrative Costs/Savings	X	

Department of Revenue  
Analysis of S.F. 606 (Marty) 1<sup>st</sup> Engrossment – Sections 18 to 21 Only

	<b>Fund Impact</b>			
	<u>F.Y. 2006</u>	<u>F.Y. 2007</u>	<u>F.Y. 2008</u>	<u>F.Y. 2009</u>
	(000's)			
Net Impact of Tax Rate Increase*	\$228,968	\$252,769	\$255,465	\$258,675
Sales Tax on Alcoholic Beverages	<u>\$9,516</u>	<u>\$8,679</u>	<u>\$8,773</u>	<u>\$8,881</u>
<b>General Fund Total</b>	<b>\$238,484</b>	<b>\$261,448</b>	<b>\$264,238</b>	<b>\$267,556</b>

\* Includes adjustments for refunds, small brewers credit, and miniatures

Effective for taxes imposed after June 30, 2005.

### EXPLANATION OF THE BILL

The bill would increase the excise tax on beer, wine, and spirits:

	<u>Current</u>	<u>Proposed</u>
3.2 Beer (per 31-gallon barrel)	\$2.40	\$35.32
Regular Beer (per 31-gallon barrel)	\$4.60	\$37.52
Cider (per liter)	\$.04	\$.60
Regular Wine (per liter)	\$.08	\$.64
Strong Wine (per liter)	\$.25	\$.81
Sparkling Wine (per liter)	\$.48	\$1.04
Spirits (per liter)	\$1.33	\$4.73

Also, the small brewer tax credit on up to 25,000 barrels per year is increased from \$4.60 per barrel to \$37.52 per barrel, with no change in the maximum credit of \$115,000. The tax on miniatures is increased from 14 cents per bottle to 24 cents per bottle.

## REVENUE ANALYSIS DETAIL

- Baseline revenues are the February 2005 forecast for the alcohol beverage excise taxes.
- Minnesota excise tax collection information provides quantities sold for each beverage type.
- The 9% sales tax on alcoholic beverages is reported separately. Minnesota retail sales of alcoholic beverages are derived from the forecast of the sales tax on alcoholic beverages.
- Retail sales by type are based on national retail sales information for beer, wine, and spirits.
- Elasticity factors were used as follows: -0.278 for beer, -0.680 for wine, and -0.571 for spirits. New sales and excise tax revenue amounts were calculated using price and quantity information resulting from the proposed additional excise tax rates.
- Indian alcohol tax refunds are assumed to grow at a proportional rate to the proposed additional tax. All refunds would continue to be paid from the general fund.
- Because this law becomes effective July 1, 2005, 11 months of collections of the additional alcohol excise tax would be realized in fiscal year 2006.
- The credit to small brewers impacts approximately 140,000 barrels annually.
- The estimated effect for the increased sales tax from the additional excise tax on alcoholic beverages includes adjustments for the effective date of the proposal and current law rate change from 9% to 6.5% effective for sales and purchases after December 31, 2005.

**NUMBER OF TAXPAYERS AFFECTED:** 135 distributors of beer and 65 distributors of wine and distilled spirits.

Source: Minnesota Department of Revenue  
Tax Research Division  
[http://www.taxes.state.mn.us/taxes/legal\\_policy](http://www.taxes.state.mn.us/taxes/legal_policy)

## 1 A bill for an act

2 relating to crime prevention; providing for an  
3 aggressive initiative against impaired driving and  
4 chemical dependency; increasing the tax on alcoholic  
5 beverages to fund this initiative; eliminating  
6 obsolete language and making technical corrections;  
7 appropriating money; amending Minnesota Statutes 2004,  
8 sections 169A.275, subdivision 5; 169A.284,  
9 subdivision 1; 169A.54, subdivision 11; 169A.70,  
10 subdivisions 2, 3, by adding subdivisions; 254B.01,  
11 subdivision 2; 254B.02, subdivision 1; 254B.03,  
12 subdivisions 1, 4; 254B.04, subdivisions 1, 3;  
13 254B.06, subdivisions 1, 2; 297G.03, subdivisions 1,  
14 2; 297G.04, subdivisions 1, 2; 299A.62, subdivisions  
15 1, 2; 609.115, subdivision 8; 609.135, by adding a  
16 subdivision; proposing coding for new law in Minnesota  
17 Statutes, chapters 373; 609; repealing Minnesota  
18 Statutes 2004, sections 254B.02, subdivisions 2, 3, 4;  
19 254B.09, subdivisions 4, 5, 7.

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

21 Section 1. [LEGISLATIVE FINDINGS AND INTENT.]

22 The legislature finds that:

23 (1) impaired driving offenses kill and injure more

24 Minnesotans than any other crime;

25 (2) many violent crimes are committed by offenders who are

26 under the influence of alcohol, methamphetamine, and other

27 drugs; and

28 (3) alcohol and drug abuse contribute to domestic violence

29 and destroy families.

30 The legislature considers the need to address the problem of

1 alcohol abuse to be a high priority. Furthermore, the

32 legislature determines that the costs of fighting alcohol abuse

1 should be funded by those who abuse alcohol and those who profit  
2 from its sale. Consequently, the legislature is increasing the  
3 tax on the sale of alcohol to fund aggressive efforts to reduce  
4 impaired driving offenses and generally prevent crime, injury,  
5 and loss of life through chemical dependency prevention,  
6 screening, and treatment and through increased law enforcement,  
7 prosecution, and incarceration efforts.

8 Sec. 2. Minnesota Statutes 2004, section 169A.275,  
9 subdivision 5, is amended to read:

10 Subd. 5. [LEVEL OF CARE RECOMMENDED IN CHEMICAL USE  
11 ASSESSMENT.] Unless the court commits the person to the custody  
12 of the commissioner of corrections as provided in section  
13 169A.276 (mandatory penalties; felony violations), in addition  
14 to other penalties required under this section, if the person  
15 has not already done so, the court shall order a person to  
16 submit to the level of care recommended in the chemical use  
17 assessment conducted under section 169A.70 (alcohol safety  
18 program; chemical use assessments) if the person: (1) is  
19 convicted of violating section 169A.20 (driving while  
20 impaired) while-having-an-alcohol-concentration-of-0.20-or-more  
21 as-measured-at-the-time,7-or-within-two-hours-of-the-time,7-of-the  
22 offense-or-if-the-violation-occurs-within-ten-years-of-one-or  
23 more-qualified-prior-impaired-driving-incidents; or (2) is  
24 arrested for violating section 169A.20, but is convicted of  
25 another offense arising out of the circumstances surrounding the  
26 arrest.

27 Sec. 3. Minnesota Statutes 2004, section 169A.284,  
28 subdivision 1, is amended to read:

29 Subdivision 1. [WHEN REQUIRED.] (a) When a court sentences  
30 a person convicted of an offense enumerated in section 169A.70,  
31 subdivision 2, paragraph (b), clause (1) or (2), (chemical use  
32 assessment; requirement; form), it shall impose a chemical  
33 dependency assessment charge of \$125. A person shall pay an  
34 additional surcharge of \$5 if the person is convicted of a  
35 violation of section 169A.20 (driving while impaired) within  
36 five years of a prior impaired driving conviction or a prior

1 conviction for an offense arising out of an arrest for a  
2 violation of section 169A.20 or Minnesota Statutes 1998, section  
3 169.121 (driver under influence of alcohol or controlled  
4 substance) or 169.129 (aggravated DWI-related violations;  
5 penalty). This section applies when the sentence is executed,  
6 stayed, or suspended. The court may not waive payment or  
7 authorize payment of the assessment charge and surcharge in  
8 installments unless it makes written findings on the record that  
9 the convicted person is indigent or that the assessment charge  
10 and surcharge would create undue hardship for the convicted  
11 person or that person's immediate family.

12 (b) The chemical dependency assessment charge and surcharge  
13 required under this section are in addition to the surcharge  
14 required by section 357.021, subdivision 6 (surcharges on  
15 criminal and traffic offenders).

16 Sec. 4. Minnesota Statutes 2004, section 169A.54,  
17 subdivision 11, is amended to read:

18 Subd. 11. [CHEMICAL USE ASSESSMENT.] When the evidentiary  
19 test shows an alcohol concentration of 0.07 or more, that result  
20 must be reported to the commissioner. The commissioner shall  
21 record that fact on the driver's record. When the driver's  
22 record shows a second or subsequent report of an alcohol  
23 concentration of 0.07 or more within two years of a recorded  
24 report, the commissioner may require that the driver have a  
25 chemical use assessment meeting the commissioner's  
26 requirements and those of section 169A.70. The assessment must  
27 be at the driver's expense. In no event shall the commissioner  
28 deny the license of a person who refuses to take the assessment  
29 or to undertake treatment, if treatment is indicated by the  
30 assessment, for longer than 90 days. If an assessment is made  
31 pursuant to this section, the commissioner may waive the  
32 assessment required by section 169A.70.

33 Sec. 5. Minnesota Statutes 2004, section 169A.70,  
34 subdivision 2, is amended to read:

35 Subd. 2. [CHEMICAL USE ASSESSMENT REQUIREMENT.] (a) As  
36 used in this subdivision, "violent crime" has the meaning given

1 in section 609.133, subdivision 1.

2 (b) A chemical use assessment must be conducted and an  
3 assessment report submitted to the court and to the Department  
4 of Public Safety by the county agency administering the alcohol  
5 safety program when:

6 (1) the defendant is convicted of an offense described in  
7 section 169A.20 (driving while impaired), 169A.31  
8 (alcohol-related school bus and Head Start bus driving), or  
9 360.0752 (impaired aircraft operation); or

10 (2) the defendant is arrested for committing an offense  
11 described in clause (1) but is convicted of another offense  
12 arising out of the circumstances surrounding the arrest; or

13 (3) the defendant is convicted of a violent crime.

14 Sec. 6. Minnesota Statutes 2004, section 169A.70,  
15 subdivision 3, is amended to read:

16 Subd. 3. [ASSESSMENT REPORT.] (a) The assessment and  
17 assessment report for this section must ~~be on a form prescribed~~  
18 ~~by the commissioner and shall contain an evaluation of the~~  
19 ~~convicted defendant concerning the defendant's prior traffic~~  
20 ~~record, characteristics and history of alcohol and chemical use~~  
21 ~~problems, and amenability to rehabilitation through the alcohol~~  
22 ~~safety program. The report is classified as private data on~~  
23 ~~individuals as defined in section 13.02, subdivision 12.~~

24 ~~(b) The assessment report must include:~~

25 ~~(1) a recommended level of care for the offender in~~  
26 ~~accordance with the criteria contained in rules adopted by the~~  
27 ~~commissioner of human services under section 254A.03,~~  
28 ~~subdivision 3 (chemical dependency treatment rules);~~

29 ~~(2) recommendations for other appropriate remedial action~~  
30 ~~or care that may consist of educational programs, one-on-one~~  
31 ~~counseling, a program or type of treatment that addresses mental~~  
32 ~~health concerns, or a combination of them, or~~

33 ~~(3) a specific explanation why no level of care or action~~  
34 ~~was recommended~~ meet the requirements of section 254A.03 and  
35 rules adopted under the authority granted in section 254A.10.

36 Additionally, the assessment must include access to and review

1 of criminal records and most recent arrest reports.

2 Sec. 7. Minnesota Statutes 2004, section 169A.70, is  
3 amended by adding a subdivision to read:

4 Subd. 6. [PRECONVICTION ASSESSMENT.] (a) The court may not  
5 accept a chemical use assessment conducted before conviction as  
6 a substitute for the assessment required by this section unless  
7 the court ensures that the preconviction assessment meets the  
8 standards set by sections 254A.03 and 254A.10.

9 (b) If the commissioner of public safety is making a  
10 decision regarding reinstating a person's driver's license based  
11 on a chemical use assessment, the commissioner shall ensure that  
12 the assessment meets the standards described in this section.

13 Sec. 8. Minnesota Statutes 2004, section 169A.70, is  
14 amended by adding a subdivision to read:

15 Subd. 7. [TIMING OF ASSESSMENT.] It is a strong preference  
16 that the interview with the offender be conducted while the  
17 offender is being initially held in custody after arrest.

18 Sec. 9. Minnesota Statutes 2004, section 169A.70, is  
19 amended by adding a subdivision to read:

20 Subd. 8. [COURT'S AUTHORITY TO REQUIRE ASSESSMENTS IN  
21 OTHER INSTANCES.] A court having jurisdiction over a person in a  
22 juvenile, criminal, or civil proceeding may order that the  
23 person submit to a chemical use assessment under this section if  
24 the court has reason to believe that the person may have a  
25 chemical dependency problem.

26 Sec. 10. Minnesota Statutes 2004, section 254B.01,  
27 subdivision 2, is amended to read:

28 Subd. 2. [AMERICAN INDIAN.] For purposes of services  
29 provided under ~~section-254B-097-subdivision-7~~ this chapter,  
30 "American Indian" means (1) a person who is a member of an  
31 Indian tribe, and the commissioner shall use the definitions of  
32 "Indian" and "Indian tribe" and "Indian organization" provided  
33 in Public Law 93-638--For-purposes-of-services-provided-under  
34 section-254B-097-subdivision-4--"American-Indian"-means or (2) a  
35 resident of federally recognized tribal lands who is recognized  
36 as an Indian person by the federally recognized tribal governing

1 body.

2 Sec. 11. Minnesota Statutes 2004, section 254B.02,  
3 subdivision 1, is amended to read:

4 Subdivision 1. [CHEMICAL DEPENDENCY TREATMENT ALLOCATION.]

5 The chemical dependency funds appropriated for allocation shall  
6 be placed in a special revenue account. The commissioner shall  
7 annually transfer funds from the chemical dependency fund to pay  
8 for operation of the drug and alcohol abuse normative evaluation  
9 system and to pay for all costs incurred by adding two positions  
10 for licensing of chemical dependency treatment and  
11 rehabilitation programs located in hospitals for which funds are  
12 not otherwise appropriated. ~~For each year of the biennium  
13 ending June 30, 1999, the commissioner shall allocate funds to  
14 the American Indian chemical dependency tribal account for  
15 treatment of American Indians by eligible vendors under section  
16 254B.05, equal to the amount allocated in fiscal year 1997. The  
17 commissioner shall annually divide the money available in the  
18 chemical dependency fund that is not held in reserve by counties  
19 from a previous allocation, or allocated to the American Indian  
20 chemical dependency tribal account. Six percent of the  
21 remaining money must be reserved for the nonreservation American  
22 Indian chemical dependency allocation for treatment of American  
23 Indians by eligible vendors under section 254B.05, subdivision  
24 1. The remainder of the money must be allocated among the  
25 counties according to the following formula, using state  
26 demographer data and other data sources determined by the  
27 commissioner:~~

28 ~~(a) For purposes of this formula, American Indians and  
29 children under age 14 are subtracted from the population of each  
30 county to determine the restricted population.~~

31 ~~(b) The amount of chemical dependency fund expenditures for  
32 entitled persons for services not covered by prepaid plans  
33 governed by section 256B.69 in the previous year is divided by  
34 the amount of chemical dependency fund expenditures for entitled  
35 persons for all services to determine the proportion of exempt  
36 service expenditures for each county.~~

1 ~~{c}-The-prepaid-plan-months-of-eligibility-is-multiplied-by~~  
2 ~~the-proportion-of-exempt-service-expenditures-to-determine-the~~  
3 ~~adjusted-prepaid-plan-months-of-eligibility-for-each-county.~~

4 ~~{d}-The-adjusted-prepaid-plan-months-of-eligibility-is~~  
5 ~~added-to-the-number-of-restricted-population-fee-for-service~~  
6 ~~months-of-eligibility-for-the-Minnesota-family-investment~~  
7 ~~program,general-assistance,and-medical-assistance-and-divided~~  
8 ~~by-the-county-restricted-population-to-determine-county-per~~  
9 ~~capita-months-of-covered-service-eligibility.~~

10 ~~{e}-The-number-of-adjusted-prepaid-plan-months-of~~  
11 ~~eligibility-for-the-state-is-added-to-the-number-of-fee-for~~  
12 ~~service-months-of-eligibility-for-the-Minnesota-family~~  
13 ~~investment-program,general-assistance,and-medical-assistance~~  
14 ~~for-the-state-restricted-population-and-divided-by-the-state~~  
15 ~~restricted-population-to-determine-state-per-capita-months-of~~  
16 ~~covered-service-eligibility.~~

17 ~~{f}-The-county-per-capita-months-of-covered-service~~  
18 ~~eligibility-is-divided-by-the-state-per-capita-months-of-covered~~  
19 ~~service-eligibility-to-determine-the-county-welfare-caseload~~  
20 ~~factor.~~

21 ~~{g}-The-median-married-couple-income-for-the-most-recent~~  
22 ~~three-year-period-available-for-the-state-is-divided-by-the~~  
23 ~~median-married-couple-income-for-the-same-period-for-each-county~~  
24 ~~to-determine-the-income-factor-for-each-county.~~

25 ~~{h}-The-county-restricted-population-is-multiplied-by-the~~  
26 ~~sum-of-the-county-welfare-caseload-factor-and-the-county-income~~  
27 ~~factor-to-determine-the-adjusted-population.~~

28 ~~{i}-\$15,000-shall-be-allocated-to-each-county.~~

29 ~~{j}-The-remaining-funds-shall-be-allocated-proportional-to~~  
30 ~~the-county-adjusted-population.~~

31 Sec. 12. Minnesota Statutes 2004, section 254B.03,  
32 subdivision 1, is amended to read:

33 Subdivision 1. [LOCAL AGENCY DUTIES.] (a) Every local  
34 agency shall provide chemical dependency services to persons  
35 residing within its jurisdiction who meet criteria established  
36 by the commissioner for placement in a chemical dependency

1 residential or nonresidential treatment service. Chemical  
2 dependency money must be administered by the local agencies  
3 according to law and rules adopted by the commissioner under  
4 sections 14.001 to 14.69.

5 (b) In order to contain costs, the county board shall, with  
6 the approval of the commissioner of human services, select  
7 eligible vendors of chemical dependency services who can provide  
8 economical and appropriate treatment. Unless the local agency  
9 is a social services department directly administered by a  
10 county or human services board, the local agency shall not be an  
11 eligible vendor under section 254B.05. The commissioner may  
12 approve proposals from county boards to provide services in an  
13 economical manner or to control utilization, with safeguards to  
14 ensure that necessary services are provided. If a county  
15 implements a demonstration or experimental medical services  
16 funding plan, the commissioner shall transfer the money as  
17 appropriate. If a county selects a vendor located in another  
18 state, the county shall ensure that the vendor is in compliance  
19 with the rules governing licensure of programs located in the  
20 state.

21 ~~(c) The calendar year 2002 rate for vendors may not~~  
22 ~~increase more than three percent above the rate approved in~~  
23 ~~effect on January 17, 2001. The calendar year 2003 rate for~~  
24 ~~vendors may not increase more than three percent above the rate~~  
25 ~~in effect on January 17, 2002. The calendar years 2004 and 2005~~  
26 ~~rates may not exceed the rate in effect on January 17, 2003.~~

27 (d) A culturally specific vendor that provides assessments  
28 under a variance under Minnesota Rules, part 9530.6610, shall be  
29 allowed to provide assessment services to persons not covered by  
30 the variance.

31 Sec. 13. Minnesota Statutes 2004, section 254B.03,  
32 subdivision 4, is amended to read:

33 Subd. 4. [DIVISION OF COSTS.] Except for services provided  
34 by a county under section 254B.09, subdivision 1, or services  
35 provided under section 256B.69 or 256D.03, subdivision 4,  
36 paragraph (b), the county shall, out of local money, pay the

1 state for ~~±5~~ five percent of the cost of chemical dependency  
2 services, including those services provided to persons eligible  
3 for medical assistance under chapter 256B and general assistance  
4 medical care under chapter 256D. Counties may use the indigent  
5 hospitalization levy for treatment and hospital payments made  
6 under this section. ~~Fifteen~~ Five percent of any state  
7 collections from private or third-party pay, less ~~±5~~ five  
8 percent of the cost of payment and collections, must be  
9 distributed to the county that paid for a portion of the  
10 treatment under this section. ~~if-all-funds-allocated-according~~  
11 ~~to-section-254B.02-are-exhausted-by-a-county-and-the-county-has~~  
12 ~~met-or-exceeded-the-base-level-of-expenditures-under-section~~  
13 ~~254B.027-subdivision-37-the-county-shall-pay-the-state-for-±5~~  
14 ~~percent-of-the-costs-paid-by-the-state-under-this-section.--The~~  
15 ~~commissioner-may-refuse-to-pay-state-funds-for-services-to~~  
16 ~~persons-not-eligible-under-section-254B.047-subdivision-17-if~~  
17 ~~the-county-financially-responsible-for-the-persons-has-exhausted~~  
18 ~~its-allocation.~~

19 Sec. 14. Minnesota Statutes 2004, section 254B.04,  
20 subdivision 1, is amended to read:

21 Subdivision 1. [ELIGIBILITY.] (a) Persons eligible for  
22 benefits under Code of Federal Regulations, title 25, part 20,  
23 persons eligible for medical assistance benefits under sections  
24 256B.055, 256B.056, and 256B.057, subdivisions 1, 2, 5, and 6,  
25 or who meet the income standards of section 256B.056,  
26 subdivision 4, and persons eligible for general assistance  
27 medical care under section 256D.03, subdivision 3, are entitled  
28 to chemical dependency fund services. ~~State-money-appropriated~~  
29 ~~for-this-paragraph-must-be-placed-in-a-separate-account~~  
30 ~~established-for-this-purpose.~~

31 Persons with dependent children who are determined to be in  
32 need of chemical dependency treatment pursuant to an assessment  
33 under section 626.556, subdivision 10, or a case plan under  
34 section 260C.201, subdivision 6, or 260C.212, shall be assisted  
35 by the local agency to access needed treatment services.  
36 Treatment services must be appropriate for the individual or

1 family, which may include long-term care treatment or treatment  
2 in a facility that allows the dependent children to stay in the  
3 treatment facility. The county shall pay for out-of-home  
4 placement costs, if applicable.

5 (b) A person not entitled to services under paragraph (a) ~~7~~  
6 ~~but-with-family-income-that-is-less-than-215-percent-of-the~~  
7 ~~federal-poverty-guidelines-for-the-applicable-family-size, shall~~  
8 ~~be-eligible-to-receive-chemical-dependency-fund-services-within~~  
9 ~~the-limit-of-funds-appropriated-for-this-group-for-the-fiscal~~  
10 ~~year.--If-notified-by-the-state-agency-of-limited-funds, a~~  
11 ~~county-must-give-preferential-treatment-to-persons-with~~  
12 ~~dependent-children-who-are-in-need-of-chemical-dependency~~  
13 ~~treatment-pursuant-to-an-assessment-under-section-626.556~~  
14 ~~subdivision-10, or a case plan under section-260C.201~~  
15 ~~subdivision-6, or-260C.212.--A-county-may-spend-money-from-its~~  
16 ~~own-sources-to-serve-persons-under-this-paragraph.--State-money~~  
17 ~~appropriated-for-this-paragraph-must-be-placed-in-a-separate~~  
18 ~~account-established-for-this-purpose.~~

19 (c) ~~Persons-whose-income-is-between-215-percent-and-412~~  
20 ~~percent-of-the-federal-poverty-guidelines-for-the-applicable~~  
21 ~~family-size shall be eligible for chemical dependency services~~  
22 ~~on a sliding fee basis, within-the-limit-of-funds-appropriated~~  
23 ~~for-this-group-for-the-fiscal-year. Persons eligible under this~~  
24 ~~paragraph must contribute to the cost of services according to~~  
25 ~~the sliding fee scale established under subdivision 3. A-county~~  
26 ~~may-spend-money-from-its-own-sources-to-provide-services-to~~  
27 ~~persons-under-this-paragraph.--State-money-appropriated-for-this~~  
28 ~~paragraph-must-be-placed-in-a-separate-account-established-for~~  
29 ~~this-purpose.~~

30 Sec. 15. Minnesota Statutes 2004, section 254B.04,  
31 subdivision 3, is amended to read:

32 Subd. 3. [AMOUNT OF CONTRIBUTION.] The commissioner shall  
33 adopt a sliding fee scale to determine the amount of  
34 contribution to be required from persons under this section.  
35 The commissioner may adopt rules to amend existing fee scales.  
36 The commissioner may establish a separate fee scale for

1 recipients of chemical dependency transitional and extended care  
2 rehabilitation services that provides for the collection of fees  
3 for board and lodging expenses. The fee schedule shall ensure  
4 that employed persons are allowed the income disregards and  
5 savings accounts that are allowed residents of community mental  
6 illness facilities under section 256D.06, subdivisions 1 and  
7 ~~lb. The fee scale must not provide assistance to persons whose~~  
8 ~~income is more than 115 percent of the state median income.~~  
9 Payments of liabilities under this section are medical expenses  
10 for purposes of determining spenddown under sections 256B.055,  
11 256B.056, 256B.06, and 256D.01 to 256D.21. The required amount  
12 of contribution established by the fee scale in this subdivision  
13 is also the cost of care responsibility subject to collection  
14 under section 254B.06, subdivision 1.

15 Sec. 16. Minnesota Statutes 2004, section 254B.06,  
16 subdivision 1, is amended to read:

17 Subdivision 1. [STATE COLLECTIONS.] The commissioner is  
18 responsible for all collections from persons determined to be  
19 partially responsible for the cost of care of an eligible person  
20 receiving services under ~~Laws-19867-chapter-3947-sections-8-to~~  
21 ~~20~~ this chapter. The commissioner may initiate, or request the  
22 attorney general to initiate, necessary civil action to recover  
23 the unpaid cost of care. The commissioner may collect all  
24 third-party payments for chemical dependency services provided  
25 under ~~Laws-19867-chapter-3947-sections-8-to-20~~ this chapter,  
26 including private insurance and federal Medicaid and Medicare  
27 financial participation. The commissioner shall deposit in a  
28 dedicated account a percentage of collections to pay for the  
29 cost of operating the chemical dependency consolidated treatment  
30 fund invoice processing and vendor payment system, billing, and  
31 collections. The remaining receipts must be deposited in the  
32 chemical dependency fund.

33 Sec. 17. Minnesota Statutes 2004, section 254B.06,  
34 subdivision 2, is amended to read:

35 Subd. 2. [ALLOCATION OF COLLECTIONS.] The commissioner  
36 shall allocate all federal financial participation collections

1 to the ~~reserve~~ chemical dependency fund under section 254B.02,  
 2 subdivision 3 1. The commissioner shall retain 85 95 percent of  
 3 patient payments and third-party payments and allocate the  
 4 collections to the treatment allocation for the county that is  
 5 financially responsible for the person. ~~Fifteen~~ Five percent of  
 6 patient and third-party payments must be paid to the county  
 7 financially responsible for the patient. Collections for  
 8 patient payment and third-party payment for services provided  
 9 under section 254B.09 shall be allocated to the allocation of  
 10 the tribal unit which placed the person. Collections of federal  
 11 financial participation for services provided under section  
 12 254B.09 shall be allocated to the ~~tribal-reserve-account~~  
 13 chemical dependency fund under section ~~254B-09~~ 254B.02,  
 14 subdivision 5 1.

15 Sec. 18. Minnesota Statutes 2004, section 297G.03,  
 16 subdivision 1, is amended to read:

17 Subdivision 1. [GENERAL RATE; DISTILLED SPIRITS AND WINE.]  
 18 The following excise tax is imposed on all distilled spirits and  
 19 wine manufactured, imported, sold, or possessed in this state:

	Standard	Metric
21 (a) Distilled spirits,	<del>\$5-03</del> <u>\$17.69</u>	<del>\$1-33</del> <u>\$4.73</u>
22 liqueurs, cordials,	per gallon	per liter
23 and specialties regardless		
24 of alcohol content		
25 (excluding ethyl alcohol)		
26 (b) Wine containing	<del>\$-730</del> <u>\$2.40</u>	<del>\$-708</del> <u>\$0.64</u>
27 14 percent or less	per gallon	per liter
28 alcohol by volume		
29 (except cider as defined		
30 in section 297G.01,		
31 subdivision 3a)		
32 (c) Wine containing	<del>\$-795</del> <u>\$3.01</u>	<del>\$-725</del> <u>\$0.81</u>
33 more than 14 percent	per gallon	per liter
34 but not more than 21		
35 percent alcohol by volume		
36 (d) Wine containing more	<del>\$1-82</del> <u>\$3.88</u>	<del>\$-748</del> <u>\$1.04</u>

1	than 21 percent but not	per gallon	per liter
2	more than 24 percent		
3	alcohol by volume		
4	(e) Wine containing more	<del>\$3.52</del> <u>\$5.56</u>	<del>\$--.93</del> <u>\$1.49</u>
5	than 24 percent alcohol	per gallon	per liter
6	by volume		
7	(f) Natural and	<del>\$1.82</del> <u>\$3.88</u>	<del>\$--.48</del> <u>\$1.04</u>
8	artificial sparkling wines	per gallon	per liter
9	containing alcohol		
10	(g) Cider as defined in	<del>\$--.15</del> <u>\$2.25</u>	<del>\$--.04</del> <u>\$0.60</u>
11	section 297G.01,	per gallon	per liter
12	subdivision 3a		
13	(h) Low alcohol dairy	\$ .08 per gallon	\$ .02 per liter
14	cocktails		

15 In computing the tax on a package of distilled spirits or  
 16 wine, a proportional tax at a like rate on all fractional parts  
 17 of a gallon or liter must be paid, except that the tax on a  
 18 fractional part of a gallon less than 1/16 of a gallon is the  
 19 same as for 1/16 of a gallon.

20 Sec. 19. Minnesota Statutes 2004, section 297G.03,  
 21 subdivision 2, is amended to read:

22 Subd. 2. [TAX ON MINIATURES; DISTILLED SPIRITS.] The tax  
 23 on miniatures is ~~14~~ 24 cents per bottle.

24 Sec. 20. Minnesota Statutes 2004, section 297G.04,  
 25 subdivision 1, is amended to read:

26 Subdivision 1. [TAX IMPOSED.] The following excise tax is  
 27 imposed on all fermented malt beverages that are imported,  
 28 directly or indirectly sold, or possessed in this state:

29 (1) on fermented malt beverages containing not more than  
 30 3.2 percent alcohol by weight, ~~\$2.40~~ \$35.32 per 31-gallon  
 31 barrel; and

32 (2) on fermented malt beverages containing more than 3.2  
 33 percent alcohol by weight, ~~\$4.60~~ \$37.52 per 31-gallon barrel.

34 For fractions of a 31-gallon barrel, the tax rate is  
 35 calculated proportionally.

36 Sec. 21. Minnesota Statutes 2004, section 297G.04,

1 subdivision 2, is amended to read:

2 Subd. 2. [TAX CREDIT.] A qualified brewer producing  
3 fermented malt beverages is entitled to a tax credit  
4 of ~~\$4-60~~ \$37.52 per barrel on 25,000 barrels sold in any fiscal  
5 year beginning July 1, regardless of the alcohol content of the  
6 product. Qualified brewers may take the credit on the 18th day  
7 of each month, but the total credit allowed may not exceed in  
8 any fiscal year the lesser of:

9 (1) the liability for tax; or

10 (2) \$115,000.

11 For purposes of this subdivision, a "qualified brewer"  
12 means a brewer, whether or not located in this state,  
13 manufacturing less than 100,000 barrels of fermented malt  
14 beverages in the calendar year immediately preceding the  
15 calendar year for which the credit under this subdivision is  
16 claimed. In determining the number of barrels, all brands or  
17 labels of a brewer must be combined. All facilities for the  
18 manufacture of fermented malt beverages owned or controlled by  
19 the same person, corporation, or other entity must be treated as  
20 a single brewer.

21 Sec. 22. Minnesota Statutes 2004, section 299A.62,  
22 subdivision 1, is amended to read:

23 Subdivision 1. [PROGRAM ESTABLISHED.] (a) A  
24 community-oriented policing grant program is established under  
25 the administration of the commissioner of public safety.

26 (b) Grants may be awarded as provided in subdivision 2 for  
27 the following purposes:

28 (1) to enable local law enforcement agencies to hire law  
29 enforcement officers. The grants must be used by law  
30 enforcement agencies to increase the complement of officers in  
31 the agency by paying the salaries of new officers who replace an  
32 existing officer who has been reassigned primarily to  
33 investigate and prevent impaired driving crimes, domestic  
34 violence crimes, or juvenile crime or to perform  
35 community-oriented policing duties;

36 (2) to enable local law enforcement agencies to assign

1 overtime officers to high crime areas within their  
2 jurisdictions; and

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

7 (c) Grants under paragraph (b), clause (3), for community  
8 policing activities must be provided for areas with high crime  
9 rates and gang, drug, or prostitution activity, for programs  
10 that:

11 (1) include education and training for both peace officers  
12 and the community on community policing initiatives;

13 (2) assign designated peace officers for a period of at  
14 least one year to work exclusively in the area where the  
15 enhanced community policing efforts will take place; and

16 (3) include regular community meetings with the designated  
17 peace officers, prosecuting authorities, judges with  
18 jurisdiction in the area, and community members to further law  
19 enforcement outreach efforts.

20 Sec. 23. Minnesota Statutes 2004, section 299A.62,  
21 subdivision 2, is amended to read:

22 Subd. 2. [AWARDING GRANT.] (a) Grants under this section  
23 ~~shall~~ must be awarded by the commissioner of public safety.

24 Before any grants are awarded, a committee consisting of the  
25 attorney general, and representatives from the Minnesota Chiefs  
26 of Police Association, the Minnesota Sheriffs Association, and  
27 the Minnesota Police and Peace Officers Association, shall  
28 evaluate the grant applications. Before grants are awarded, the  
29 commissioner shall meet and consult with the committee  
30 concerning its evaluation of and recommendations on grant  
31 proposals.

32 (b) A grant under subdivision 1, paragraph (b), clause (1),  
33 may be awarded only to a law enforcement agency that  
34 demonstrates in its application that it currently has a need for  
35 an additional officer to be assigned to:

36 (1) community-oriented policing duties; or

1 (2) the investigation and prevention of juvenile crime,  
2 based on the juvenile crime rate in the area over which the  
3 agency has jurisdiction;

4 (3) the investigation and prevention of impaired driving  
5 crimes; or

6 (4) the investigation and prevention of domestic violence  
7 crimes.

8 (c) More than one grant under subdivision 1, paragraph (b),  
9 clause (1), may be awarded to an agency; however, each grant may  
10 fund only one position. At least 50 percent of the grants  
11 awarded under subdivision 1, paragraph (b), clause (1), must be  
12 awarded to the cities of Minneapolis and St. Paul.

13 Sec. 24. [373.50] [REQUIREMENT TO PROVIDE CHEMICAL  
14 DEPENDENCY TREATMENT.]

15 The state shall provide adequate funding for counties to  
16 provide comprehensive, needs-specific chemical dependency  
17 treatment programs and services to individuals within the  
18 county's criminal justice system. The programs and services  
19 must take into account the fact that the person has committed a  
20 criminal offense and other issues including the individual's  
21 gender, ethnic, cultural, and mental health needs.

22 Sec. 25. Minnesota Statutes 2004, section 609.115,  
23 subdivision 8, is amended to read:

24 Subd. 8. [CHEMICAL USE ASSESSMENT REQUIRED.] (a) If a  
25 person is convicted of a felony, the probation officer shall  
26 determine in the report prepared under subdivision 1 whether or  
27 not alcohol or drug use was a contributing factor to the  
28 commission of the offense. If so, the report shall contain the  
29 results of a chemical use assessment conducted in accordance  
30 with this subdivision. The probation officer shall make an  
31 appointment for the defendant to undergo the chemical use  
32 assessment if so indicated. If the person is convicted of a  
33 violent crime as defined in section 609.133, subdivision 1, the  
34 provisions of that section apply.

35 (b) The chemical use assessment report must include a  
36 recommended level of care for the defendant in accordance with

1 the criteria contained in rules adopted by the commissioner of  
2 human services under section 254A.03, subdivision 3. The  
3 assessment must be conducted by an assessor qualified under  
4 rules adopted by the commissioner of human services under  
5 section 254A.03, subdivision 3. An assessor providing a  
6 chemical use assessment may not have any direct or shared  
7 financial interest or referral relationship resulting in shared  
8 financial gain with a treatment provider. If an independent  
9 assessor is not available, the probation officer may use the  
10 services of an assessor authorized to perform assessments for  
11 the county social services agency under a variance granted under  
12 rules adopted by the commissioner of human services under  
13 section 254A.03, subdivision 3.

14 (c) A chemical use assessment and report conducted under  
15 this subdivision must meet the standards described in section  
16 169A.70.

17 Sec. 26. [609.133] [CHEMICAL DEPENDENCY TREATMENT;  
18 ASSESSMENT CHARGE.]

19 Subdivision 1. [DEFINITION.] As used in this section,  
20 "violent crime" has the meaning given in section 609.1095,  
21 subdivision 1. The term also includes violations of sections  
22 609.2231, 609.224, and 609.2242.

23 Subd. 2. [ASSESSMENT CONDUCTED.] The court shall ensure  
24 that a chemical use assessment is conducted on a person  
25 convicted of a violent crime as required in section 169A.70,  
26 subdivision 2.

27 Subd. 3. [CHARGE.] (a) When a court sentences a person  
28 convicted of a violent crime, it shall impose a chemical  
29 dependency assessment charge of \$125. The court may not waive  
30 payment or authorize payment of the assessment charge in  
31 installments unless it makes written findings on the record that  
32 the convicted person is indigent or that the assessment charge  
33 would create undue hardship for the convicted person or that  
34 person's immediate family.

35 (b) The county shall collect and forward to the  
36 commissioner of finance \$25 of the chemical dependency

1 assessment charge within 60 days after sentencing or explain to  
2 the commissioner in writing why the money was not forwarded  
3 within this time period. The commissioner shall credit the  
4 money to the general fund. The county shall collect and keep  
5 \$100 of the chemical dependency assessment charge.

6 (c) The chemical dependency assessment charge required  
7 under this section is in addition to the surcharge required by  
8 section 357.021, subdivision 6.

9 Sec. 27. Minnesota Statutes 2004, section 609.135, is  
10 amended by adding a subdivision to read:

11 Subd. 9. [CERTAIN PERSONS TO RECEIVE MANDATORY CHEMICAL  
12 DEPENDENCY TREATMENT.] If a court stays the imposition or  
13 execution of sentence for a person convicted of a violent crime  
14 as defined in section 609.133, subdivision 1, as a condition of  
15 probation and in addition to any other conditions imposed, the  
16 court shall order the person to submit to the level of care  
17 recommended in the chemical use assessment described in section  
18 169A.70, unless there are compelling reasons to do otherwise.

19 Sec. 28. [JUDICIAL TRAINING.]

20 The Supreme Court shall include in its judicial education  
21 program training relating to a judge's powers and duties  
22 regarding chemical use assessments.

23 Sec. 29. [APPROPRIATIONS.]

24 (a) \$..... for the fiscal year ending June 30, 2006,  
25 which is the first year, and \$..... for the fiscal year ending  
26 June 30, 2007, which is the second year, are appropriated from  
27 the general fund to the commissioner of public safety. Of these  
28 amounts:

29 (1) \$..... the first year and \$..... the second year  
30 are to increase the complement of state troopers assigned to  
31 enforcing laws on driving while impaired;

32 (2) \$..... the first year and \$..... the second year  
33 are for grants under Minnesota Statutes, section 299A.62,  
34 subdivision 1, paragraph (b), clause (1), to hire law  
35 enforcement officers to increase law enforcement efforts  
36 targeting crimes for driving while impaired;

1       (3) \$..... the first year and \$..... the second year  
2 are for grants to local units of government to conduct  
3 compliance checks for on-sale and off-sale intoxicating liquor  
4 license holders to determine whether the license holder is  
5 complying with Minnesota Statutes, section 340A.503;

6       (4) \$..... the first year and \$..... the second year  
7 are for community policing grants under Minnesota Statutes,  
8 section 299A.62, subdivision 1, paragraph (b), clause (3); and

9       (5) \$..... the first year and \$..... the second year  
10 are for grants to prevent domestic violence and to provide  
11 services to victims of domestic violence.

12 The commissioner shall develop criteria for awarding grants  
13 under clause (3). Notwithstanding Minnesota Statutes, section  
14 299A.62, subdivision 2, more than 50 percent of the grants  
15 described in clause (2) may be made to government entities other  
16 than Minneapolis and St. Paul. By September 30, 2006, each law  
17 enforcement agency receiving a grant under clause (4) shall  
18 provide a written report to the commissioner of public safety  
19 describing how the grant was used and evaluating the  
20 effectiveness of the enhanced community policing provided under  
21 this grant. By December 15, 2006, the commissioner of public  
22 safety shall report to the chairs and ranking minority leaders  
23 of the house and senate committees with jurisdiction over  
24 criminal justice policy and funding on distribution of grants  
25 under clause (4). This report also shall summarize the  
26 information provided to the commissioner by the law enforcement  
27 agencies receiving grants.

28       (b) \$..... for the fiscal year ending June 30, 2006, the  
29 first year, and \$..... for the fiscal year ending June 30,  
30 2007, the second year, are appropriated from the general fund to  
31 the commissioner of corrections. Of these amounts:

32       (1) \$..... the first year and \$..... the second year  
33 are for grants under Minnesota Statutes, section 241.022,  
34 subdivisions 1 and 2, for costs associated with incarcerating  
35 impaired driving offenders and providing programming for these  
36 offenders;

1       (2) \$..... the first year and \$..... the second year  
2 are for the department's costs associated with incarcerating  
3 felony impaired driving offenders and providing programs for  
4 these offenders;

5       (3) \$..... the first year and \$..... the second year  
6 are for grants to counties to establish and operate intensive  
7 probation programs for repeat impaired driving offenders under  
8 Minnesota Statutes, section 169A.74; and

9       (4) \$..... the first year and \$..... the second year  
10 are:

11       (i) for increased chemical dependency treatment programs at  
12 state prisons; and

13       (ii) to provide appropriate chemical dependency treatment,  
14 including aftercare services in Minnesota Statutes, section  
15 254B.01, subdivision 3, for offenders on supervised release.

16 The commissioner shall cooperate with the commissioners of  
17 public safety and human services as required in Minnesota  
18 Statutes, section 169A.74, subdivision 1, when making the grants  
19 described in clause (3).

20       (c) \$..... for the fiscal year ending June 30, 2006, and  
21 \$..... for the fiscal year ending June 30, 2007, are  
22 appropriated from the general fund to the commissioner of human  
23 services. Of these amounts:

24       (1) \$..... the first year and \$..... the second year  
25 are to reimburse counties for detoxification and detoxification  
26 transportation services; and

27       (2) \$..... the first year and \$..... the second year  
28 are for the purpose of fully funding Minnesota Statutes, section  
29 254B.04, subdivision 1. This appropriation must become part of  
30 the base appropriation for this program.

31       (d) \$..... for the fiscal year ending June 30, 2006, the  
32 first year, and \$..... for the fiscal year ending June 30,  
33 2007, the second year, are appropriated from the general fund to  
34 the chief justice of the Supreme Court. Of these amounts:

35       (1) \$..... the first year and \$..... the second year  
36 are for the increased training described in section 30; and

1       (2) \$..... the first year and \$..... the second year  
2 are for grants to counties for court services and correctional  
3 costs related to conducting chemical use assessments.

4       (e) \$..... for the fiscal year ending June 30, 2006, and  
5 \$..... for the fiscal year ending June 30, 2007, are  
6 appropriated from the general fund to the commissioner of  
7 health. Of these amounts:

8       (1) \$..... the first year and \$..... the second year  
9 are for health screenings for children and vulnerable adults  
10 residing or found at methamphetamine manufacturing sites;

11       (2) \$..... the first year and \$..... the second year  
12 are for grants to county health boards for methamphetamine abuse  
13 prevention efforts; and

14       (3) \$..... the first year and \$..... the second year  
15 are for education and prevention initiatives designed to  
16 eliminate underage drinking.

17       Sec. 30. [REPEALER.]

18       Minnesota Statutes 2004, sections 254B.02, subdivisions 2,  
19 3, and 4; and 254B.09, subdivisions 4, 5, and 7, are repealed.

20       Sec. 31. [EFFECTIVE DATE.]

21       Sections 2 to 9 and 25 to 27 are effective August 1, 2005,  
22 and apply to crimes committed on or after that date. Sections  
23 18 to 21 are effective for taxes imposed after June 30, 2005.

APPENDIX  
Repealed Minnesota Statutes for S0606-1

**254B.02 CHEMICAL DEPENDENCY ALLOCATION PROCESS.**

Subd. 2. **County adjustment; maximum allocation.** The commissioner shall determine the state money used by each county in fiscal year 1986, using all state data sources. If available records do not provide specific chemical dependency expenditures for every county, the commissioner shall determine the amount of state money using estimates based on available data. In state fiscal year 1988, a county must not be allocated more than 150 percent of the state money spent by or on behalf of the county in fiscal year 1986 for chemical dependency treatment services eligible for payment under section 254B.05 but not including expenditures made for persons eligible for placement under section 254B.09, subdivision 6. The allocation maximums must be increased by 25 percent each year. After fiscal year 1992, there must be no allocation maximum. The commissioner shall reallocate the excess over the maximum to counties allocated less than the fiscal year 1986 state money, using the following process:

(a) The allocation is divided by 1986 state expenditures to determine percentage of prior expenditure, and counties are ranked by percentage of prior expenditure less expenditures for persons eligible for placement under section 254B.09, subdivision 6.

(b) The allocation of the lowest ranked county is raised to the same percentage of prior expenditure as the second lowest ranked county. The allocation of these two counties is then raised to the percentage of prior expenditures of the third lowest ranked county.

(c) The operations under paragraph (b) are repeated with each county by ranking until the money in excess of the allocation maximum has been allocated.

Subd. 3. **Reserve account.** The commissioner shall allocate money from the reserve account to counties that, during the current fiscal year, have met or exceeded the base level of expenditures for eligible chemical dependency services from local money. The commissioner shall establish the base level for fiscal year 1988 as the amount of local money used for eligible services in calendar year 1986. In later years, the base level must be increased in the same proportion as state appropriations to implement Laws 1986, chapter 394, sections 8 to 20, are increased. The base level must be decreased if the fund balance from which allocations are made under section 254B.02, subdivision 1, is decreased in later years. The local match rate for the reserve account is the same rate as applied to the initial allocation. Reserve account payments must not be included when calculating the county adjustments made according to subdivision 2. For counties providing medical assistance or general assistance medical care through managed care plans on January 1, 1996, the base year is fiscal year 1995. For counties beginning provision of managed care after January 1, 1996, the base year is the most recent fiscal year before enrollment in managed care begins. For counties providing managed care, the base level will be increased or decreased in proportion to changes in the fund balance from which allocations are made under subdivision 2, but will be additionally increased or decreased in proportion to the change in county adjusted population made in subdivision 1, paragraphs (b) and (c). Effective July 1, 2001, at the end of each biennium, any funds deposited in the reserve account funds in excess of those needed

APPENDIX

Repealed Minnesota Statutes for S0606-1

to meet obligations incurred under this section and sections 254B.06 and 254B.09 shall cancel to the general fund.

Subd. 4. **Allocation spending limits.** Money allocated according to subdivision 1 and section 254B.09, subdivision 4, is available for payments for up to two years. The commissioner shall deduct payments from the most recent year allocation in which money is available. Allocations under this section that are not used within two years must be reallocated to the reserve account for payments under subdivision 3. Allocations under section 254B.09, subdivision 4, that are not used within two years must be reallocated for payments under section 254B.09, subdivision 5.

**254B.09 INDIAN RESERVATION ALLOCATION OF CHEMICAL DEPENDENCY FUND.**

Subd. 4. **Tribal allocation.** Eighty-five percent of the American Indian chemical dependency tribal account must be allocated to the federally recognized American Indian tribal governing bodies that have entered into an agreement under subdivision 2 as follows: \$10,000 must be allocated to each governing body and the remainder must be allocated in direct proportion to the population of the reservation according to the most recently available estimates from the federal Bureau of Indian Affairs. When a tribal governing body has not entered into an agreement with the commissioner under subdivision 2, the county may use funds allocated to the reservation to pay for chemical dependency services for a current resident of the county and of the reservation.

Subd. 5. **Tribal reserve account.** The commissioner shall reserve 15 percent of the American Indian chemical dependency tribal account. The reserve must be allocated to those tribal units that have used all money allocated under subdivision 4 according to agreements made under subdivision 2 and to counties submitting invoices for American Indians under subdivision 1 when all money allocated under subdivision 4 has been used. An American Indian tribal governing body or a county submitting invoices under subdivision 1 may receive not more than 30 percent of the reserve account in a year. The commissioner may refuse to make reserve payments for persons not eligible under section 254B.04, subdivision 1, if the tribal governing body responsible for treatment placement has exhausted its allocation. Money must be allocated as invoices are received.

Subd. 7. **Nonreservation Indian account.** The nonreservation American Indian chemical dependency allocation must be held in reserve by the commissioner in an account for treatment of Indians not residing on lands of a reservation receiving money under subdivision 4. This money must be used to pay for services certified by county invoice to have been provided to an American Indian eligible recipient. Money allocated under this subdivision may be used for payments on behalf of American Indian county residents only if, in addition to other placement standards, the county certifies that the placement was appropriate to the cultural orientation of the client. Any funds for treatment of nonreservation Indians remaining at the end of a fiscal year shall be reallocated under section 254B.02.

*S.F. 1926 (Murphy)*  
**FIVE CENT PER DRINK ALCOHOL USER FEE PROPOSAL**  
*“Funding Recovery from Chemical Dependency”*

**The intent of this proposal is to address the impact on probation departments and county chemical dependency treatment budgets made by offenders who are abusing or are chemically dependant on alcohol and /or various controlled substances.**

**Estimated \$115 million collected.**

**70% dedicated to chemical dependency detox and treatment (\$80.5 million)**

**30% dedicated to probation supervision. (\$34.5 million)**

**Use of the funds dedicated to probation supervision of offenders - \$34.5 million**

**Supervision.**

- Increase supervision of all cases involving alcohol and/or controlled substance abuse or dependency.
- Develop a case plan based on assessments and risk/needs instruments.
- Develop a continuum of probation supervision levels.
- Expand the use of electronic home alcohol monitoring both pre and post sentence.
- Funding to subsidize local Cognitive Restructuring programs.
- Facilitate treatment support services during probation supervision as part of a case plan.  
*(Actual treatment funding comes from the other 70% of the funds.)*

**Funding Method**

- Distribute new funds to each county according to the Community Corrections Act formula. (MS 401.10)
- The funds must be given to each county as a block fund in a process similar to the existing Probation Caseload Reduction grants. ( MS 244.22)
  - Each county must develop a plan for the use of the funds based on their local needs.
  - The plan must incorporate best correctional practices.
  - In CPO and DOC contract counties, the funds would be divided based on numbers of selected types of cases supervised in that county.

**Treatment and Treatment Support Services - \$80.5 million**

- \$50 million to treatment, to be deposited in the Chemical Dependency Treatment Fund (MS 254B)
  - Distribute under current CCDTF distribution formula (MS 254B.02).
  - Funds can be used flexibly by county for both Tier I and Tier II eligible persons (MS 254B.04).
  - Treatment includes alcohol and all controlled substances.
  - Fund longer-term treatments (inpatient more than 28 days) when applicable.
  - Eliminate county match (maintenance of effort -- approximately \$16 million)
- \$15 million for treatment support services.
  - Fund local relapse programs.
  - Fund supportive housing and transportation initiatives for chemically dependent offenders.
- \$13 million for detox and detox transportation – 50% county match required.
- \$2.5 million appropriated to the Department of Health for grants to local Community Health Boards to provide health assessments and supportive services to children and vulnerable adults who reside at or are found at methamphetamine lab sites.

Subd. 4. [MANDATORY TEN-YEAR CONDITIONAL RELEASE TERM.]

17.6 Notwithstanding the statutory maximum sentence otherwise  
17.7 applicable to the offense and unless a longer conditional  
17.8 release term is required in subdivision 5, when a court commits  
17.9 an offender to the custody of the commissioner of corrections  
17.10 for a violation of section 609.342, 609.343, 609.344, 609.345,  
17.11 or 609.3453, the court shall provide that, after the offender  
17.12 has completed the sentence imposed, the commissioner shall place  
17.13 the offender on conditional release for ten years, minus the  
17.14 time the offender served on supervised release.

17.15 Subd. 5. [MANDATORY LIFETIME CONDITIONAL RELEASE TERM.] (a)  
17.16 When a court sentences an offender under subdivision 2, the  
17.17 court shall provide that, if the offender is released from  
17.18 prison, the commissioner of corrections shall place the offender  
17.19 on conditional release for the remainder of the offender's life.

17.20 (b) Notwithstanding the statutory maximum sentence  
17.21 otherwise applicable to the offense, when the court commits an  
17.22 offender to the custody of the commissioner of corrections for a  
17.23 violation of section 609.342, 609.343, 609.344, 609.345, or  
17.24 609.3453, and the offender has a previous or prior sex offense  
17.25 conviction, the court shall provide that, after the offender has  
17.26 completed the sentence imposed, the commissioner shall place the  
17.27 offender on conditional release for the remainder of the  
17.28 offender's life.

17.29 (c) Notwithstanding paragraph (b), an offender may not be  
17.30 placed on lifetime conditional release under that paragraph for  
17.31 a violation of section 609.345, unless the offender's previous  
17.32 or prior sex offense conviction that is being used as the basis  
17.33 for the placement is for a violation of section 609.342,  
17.34 609.343, 609.344, 609.3453, or any similar statute of the United  
17.35 States, this state, or any other state.

17.36 Subd. 6. [TERMS OF CONDITIONAL RELEASE; APPLICABLE TO ALL  
18.1 SEX OFFENDERS.] (a) The provisions of this subdivision apply to  
18.2 all sex offenders placed on conditional release. Except as  
18.3 provided in this subdivision, conditional release of sex  
18.4 offenders is governed by provisions relating to supervised  
18.5 release. The commissioner of corrections may not dismiss an  
18.6 offender on conditional release from supervision until the  
18.7 offender's conditional release term expires. The agent caseload  
18.8 of corrections agents supervising offenders on conditional  
18.9 release may not exceed the ratio of 30 offenders to two agents.

18.10 (b) The commissioner of corrections shall impose severe and  
18.11 meaningful sanctions for violating the terms of conditional  
18.12 release, including revocation of release for an offender who:

18.13 (1) fails to meet any condition of release;

18.14 (2) commits any misdemeanor, gross misdemeanor, or felony  
18.15 offense; or

18.16 (3) presents a risk to the public, based on the offender's  
18.17 behavior, attitude, or abuse of alcohol or controlled substances.

18.18 The revocation of conditional release is governed by the  
18.19 procedures in the commissioner's rules adopted under section  
18.20 244.05, subdivision 2. The commissioner may order an offender  
18.21 whose conditional release is revoked to serve any portion of the  
18.22 remaining conditional release term in prison up to and including  
18.23 the entire term.

18.24 (c) An offender on conditional release shall be required to  
18.25 successfully complete sex offender treatment, chemical  
18.26 dependency and mental health treatment, if appropriate, and  
18.27 aftercare in programs approved by the commissioner of  
18.28 corrections. An offender shall submit at any time to

18.29 unannounced searches of the offender's person, vehicle, or  
18.30 premises by a corrections agent. An offender shall be subjected  
18.31 at least weekly to urinalysis and breath tests to detect the  
18.32 presence of controlled substances or alcohol. The tests must be  
18.33 random and unannounced. An offender shall be under house arrest  
18.34 in a residence approved by the offender's corrections agent and  
18.35 may not move to another residence without permission for a  
18.36 period determined by the offender's agent. Following the house  
19.1 arrest period, the agent shall impose periods of decreasing  
19.2 restrictions on the offender's freedom of movement, including,  
19.3 but not limited to, modified house arrest and daily curfews.  
19.4 However, if the offender's conduct merits, the agent may impose  
19.5 stricter conditions at any time. An offender may be placed on  
19.6 electronic surveillance at any time if the offender's  
19.7 corrections agent so directs. The offender's corrections agent  
19.8 shall have at least four face-to-face contacts with the offender  
19.9 each week, including at least one in the offender's home. The  
19.10 offender shall spend at least 40 hours per week performing  
19.11 approved work, undertaking constructive activity designed to  
19.12 obtain employment, or attending a treatment or education program  
19.13 as directed by the commissioner. An offender may not spend more  
19.14 than six months in a residential treatment program that does not  
19.15 require the offender to spend at least 40 hours per week  
19.16 performing approved work or undertaking constructive activity  
19.17 designed to obtain employment. The offender's corrections agent  
19.18 shall make appropriate use of polygraphic examinations when  
19.19 supervising the offender. If an offender received a restitution  
19.20 order as part of the sentence, the offender shall make weekly  
19.21 payments as scheduled by the offender's corrections agent until  
19.22 the full amount is paid. The commissioner may include any other  
19.23 conditions on an offender that the commissioner finds necessary  
19.24 and appropriate.

19.25 (d) Upon the request of an offender's corrections agent,  
19.26 the commissioner of corrections may modify the terms of an  
19.27 offender's conditions of release relating to the frequency of  
19.28 the urinalysis and breath tests and face-to-face contacts with  
19.29 the corrections agent and the minimum hours per week in  
19.30 constructive activities. The commissioner may order such a  
19.31 modification if the commissioner determines that the offender  
19.32 has complied with these requirements for a substantial period of  
19.33 time, a modification is justified given the circumstances, and  
19.34 public safety will not be compromised. However, the number of  
19.35 face-to-face contacts may not be reduced to fewer than one per  
19.36 week and one home visit per month. The commissioner may modify  
20.1 other terms in the same manner as for supervised release.

20.2 [EFFECTIVE DATE.] This section is effective August 1, 2005.  
20.3 Subdivisions 2 to 5 apply to crimes committed on or after that  
20.4 date. Subdivision 6 applies to offenders on conditional release  
20.5 on or after that date.

20.6 Sec. 22. [REPEALER.]

20.7 Minnesota Statutes 2004, sections 609.108, subdivision 2;  
20.8 and 609.109, subdivision 7, are repealed.

20.9 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
20.10 and applies to crimes committed on or after that date.

## ARTICLE 3

## 56.23 LEGISLATIVE AUDITOR'S RECOMMENDED CHANGES

56.24 Section 1. Minnesota Statutes 2004, section 241.06, is

56.25 amended to read:

56.26 241.06 [RECORD OF INMATES; DEPARTMENT OF CORRECTIONS.]

56.27 Subdivision 1. [GENERAL.] The commissioner of corrections

56.28 shall keep in the commissioner's office, accessible only by the

56.29 commissioner's consent or on the order of a judge or court of

56.30 record, a record showing the residence, sex, age, nativity,

56.31 occupation, civil condition, and date of entrance or commitment

56.32 of every person, inmate, or convict in the facilities under the

56.33 commissioner's exclusive control, the date of discharge and

56.34 whether such discharge was final, the condition of such person

56.35 when the person left the facility, and the date and cause of all

56.36 deaths. The records shall state every transfer from one

57.1 facility to another, naming each. This information shall be

57.2 furnished to the commissioner of corrections by each facility,

57.3 with such other obtainable facts as the commissioner may from

57.4 time to time require. The chief executive officer of each such

57.5 facility, within ten days after the commitment or entrance

57.6 thereto of a person, inmate, or convict, shall cause a true copy

57.7 of the entrance record to be forwarded to the commissioner of

57.8 corrections. When a person, inmate, or convict leaves, is

57.9 discharged or transferred, or dies in any facility, the chief

57.10 executive officer, or other person in charge shall inform the

57.11 commissioner of corrections within ten days thereafter on forms

57.12 furnished by the commissioner.

57.13 The commissioner of corrections may authorize the chief

57.14 executive officer of any facility under the commissioner's

57.15 control to release to probation officers, local social services

57.16 agencies or other specifically designated interested persons or

57.17 agencies any information regarding any person, inmate, or

57.18 convict thereat, if, in the opinion of the commissioner, it will

57.19 be for the benefit of the person, inmate, or convict.

57.20 Subd. 2. [SEX OFFENDER INFORMATION PROVIDED TO SUPERVISING57.21 CORRECTIONS AGENCY.] When an offender who is required to57.22 register as a predatory offender under section 243.166 is being57.23 released from prison, the commissioner shall provide to the57.24 corrections agency that will supervise the offender, the57.25 offender's prison records relating to psychological assessments,57.26 medical and mental health issues, and treatment.57.27 [EFFECTIVE DATE.] This section is effective August 1, 2005.

57.28 Sec. 2. Minnesota Statutes 2004, section 241.67,

57.29 subdivision 7, is amended to read:

57.30 Subd. 7. [FUNDING PRIORITY; PROGRAM EFFECTIVENESS.] (a)

57.31 Unless otherwise directed by the terms of a particular

57.32 appropriations provision, the commissioner shall give priority

57.33 to the funding of juvenile sex offender programs over the

57.34 funding of adult sex offender programs.

57.35 (b) Every county or private sex offender program ~~that seeks~~57.36 ~~new or continued state funding or reimbursement~~ shall provide

58.1 the commissioner with any information relating to the program's

58.2 effectiveness that the commissioner considers necessary. The

58.3 commissioner shall deny state funding or reimbursement to any

58.4 county or private program that fails to provide this information

58.5 or that appears to be an ineffective program.

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

58.7 Sec. 3. Minnesota Statutes 2004, section 241.67,

58.8 subdivision 8, is amended to read:

58.9 Subd. 8. [COMMUNITY-BASED SEX OFFENDER PROGRAM EVALUATION

58.10 ~~PROJECT.]~~ (a) For the purposes of this ~~project~~ subdivision, a  
 58.11 sex offender is an adult who has been convicted, or a juvenile  
 58.12 who has been adjudicated, for a sex offense or a sex-related  
 58.13 offense which would require registration under section 243.166.

58.14 (b) The commissioner shall ~~develop a long-term project to~~  
 58.15 ~~accomplish the following:~~

58.16 (1) ~~provide~~ collect follow-up information on each sex  
 58.17 offender for a period of three years following the offender's  
 58.18 completion of or termination from treatment for the purpose of  
 58.19 providing periodic reports to the legislature;

58.20 (2) provide treatment programs in several geographical  
 58.21 areas in the state;

58.22 (3) provide the necessary data to form the basis to  
 58.23 recommend a fiscally sound plan to provide a coordinated  
 58.24 statewide system of effective sex offender treatment  
 58.25 programming; and

58.26 (4) provide an opportunity to local and regional  
 58.27 governments, agencies, and programs to establish models of sex  
 58.28 offender programs that are suited to the needs of that region.

58.29 (c) The commissioner shall establish an advisory task force  
 58.30 consisting of county probation officers from Community  
 58.31 Corrections Act counties and other counties, court services  
 58.32 providers, and other interested officials. The commissioner  
 58.33 shall consult with the task force ~~concerning the establishment~~  
 58.34 ~~and operation of the project~~ on how best to implement the  
 58.35 requirements of this subdivision.

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

59.1 Sec. 4. Minnesota Statutes 2004, section 243.166, is  
 59.2 amended by adding a subdivision to read:

59.3 Subd. 4b. [HEALTH CARE FACILITY; NOTICE OF STATUS.] (a) As  
 59.4 used in this subdivision, "health care facility" means a  
 59.5 hospital or other entity licensed under sections 144.50 to  
 59.6 144.58, a nursing home licensed to serve adults under section  
 59.7 144A.02, or a group residential housing facility or an  
 59.8 intermediate care facility for the mentally retarded licensed  
 59.9 under chapter 245A.

59.10 (b) Upon admittance to a health care facility, a person  
 59.11 required to register under this section shall disclose to:

59.12 (1) the health care facility employee processing the  
 59.13 admission the person's status as a registered predatory offender  
 59.14 under this section; and

59.15 (2) the person's corrections agent, or if the person does  
 59.16 not have an assigned corrections agent, the law enforcement  
 59.17 authority with whom the person is currently required to  
 59.18 register, that inpatient admission has occurred.

59.19 (c) A law enforcement authority or corrections agent who  
 59.20 receives notice under paragraph (b) or who knows that a person  
 59.21 required to register under this section has been admitted and is  
 59.22 receiving health care at a health care facility shall notify the  
 59.23 administrator of the facility.

59.24 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
 59.25 and applies to persons who are subject to predatory offender  
 59.26 registration on or after that date.

59.27 Sec. 5. [244.056] [SEX OFFENDER SEEKING HOUSING IN  
 59.28 JURISDICTION OF DIFFERENT CORRECTIONS AGENCY.]

59.29 If a corrections agency supervising an offender who is  
 59.30 required to register as a predatory offender under section  
 59.31 243.166 and who is classified by the department as a public risk  
 59.32 monitoring case has knowledge that the offender is seeking  
 59.33 housing arrangements in a location under the jurisdiction of

59.34 another corrections agency, the agency shall notify the other  
59.35 agency of this and initiate a supervision transfer request.  
59.36 [EFFECTIVE DATE.] This section is effective August 1, 2005.  
60.1 Sec. 6. [244.057] [PLACEMENT OF SEX OFFENDER IN HOUSEHOLD  
60.2 WITH CHILDREN.]  
60.3 A corrections agency supervising an offender required to  
60.4 register as a predatory offender under section 243.166 shall  
60.5 notify the appropriate child protection agency before  
60.6 authorizing the offender to live in a household where children  
60.7 are residing.  
60.8 [EFFECTIVE DATE.] This section is effective August 1, 2005.  
60.9 Sec. 7. Minnesota Statutes 2004, section 609.3452,  
60.10 subdivision 1, is amended to read:  
60.11 Subdivision 1. [ASSESSMENT REQUIRED.] When a person is  
60.12 convicted of a sex offense, the court shall order an independent  
60.13 professional assessment of the offender's need for sex offender  
60.14 treatment to be completed before sentencing. The court may  
60.15 waive the assessment if: (1) the Sentencing Guidelines provide  
60.16 a presumptive prison sentence for the offender, or (2) an  
60.17 adequate assessment was conducted prior to the conviction. An  
60.18 assessor providing an assessment for the court must be  
60.19 experienced in the evaluation and treatment of sex offenders.  
60.20 [EFFECTIVE DATE.] This section is effective August 1, 2005.  
60.21 Sec. 8. Minnesota Statutes 2004, section 626.556,  
60.22 subdivision 3, is amended to read:  
60.23 Subd. 3. [PERSONS MANDATED TO REPORT.] (a) A person who  
60.24 knows or has reason to believe a child is being neglected or  
60.25 physically or sexually abused, as defined in subdivision 2, or  
60.26 has been neglected or physically or sexually abused within the  
60.27 preceding three years, shall immediately report the information  
60.28 to the local welfare agency, agency responsible for assessing or  
60.29 investigating the report, police department, or the county  
60.30 sheriff if the person is:  
60.31 (1) a professional or professional's delegate who is  
60.32 engaged in the practice of the healing arts, social services,  
60.33 hospital administration, psychological or psychiatric treatment,  
60.34 child care, education, correctional supervision, or law  
60.35 enforcement; or  
60.36 (2) employed as a member of the clergy and received the  
61.1 information while engaged in ministerial duties, provided that a  
61.2 member of the clergy is not required by this subdivision to  
61.3 report information that is otherwise privileged under section  
61.4 595.02, subdivision 1, paragraph (c).  
61.5 The police department or the county sheriff, upon receiving  
61.6 a report, shall immediately notify the local welfare agency or  
61.7 agency responsible for assessing or investigating the report,  
61.8 orally and in writing. The local welfare agency, or agency  
61.9 responsible for assessing or investigating the report, upon  
61.10 receiving a report, shall immediately notify the local police  
61.11 department or the county sheriff orally and in writing. The  
61.12 county sheriff and the head of every local welfare agency,  
61.13 agency responsible for assessing or investigating reports, and  
61.14 police department shall each designate a person within their  
61.15 agency, department, or office who is responsible for ensuring  
61.16 that the notification duties of this paragraph and paragraph (b)  
61.17 are carried out. Nothing in this subdivision shall be construed  
61.18 to require more than one report from any institution, facility,  
61.19 school, or agency.  
61.20 (b) Any person may voluntarily report to the local welfare  
61.21 agency, agency responsible for assessing or investigating the

61.22 report, police department, or the county sheriff if the person  
 61.23 knows, has reason to believe, or suspects a child is being or  
 61.24 has been neglected or subjected to physical or sexual abuse.  
 61.25 The police department or the county sheriff, upon receiving a  
 61.26 report, shall immediately notify the local welfare agency or  
 61.27 agency responsible for assessing or investigating the report,  
 61.28 orally and in writing. The local welfare agency or agency  
 61.29 responsible for assessing or investigating the report, upon  
 61.30 receiving a report, shall immediately notify the local police  
 61.31 department or the county sheriff orally and in writing.

61.32 (c) A person mandated to report physical or sexual child  
 61.33 abuse or neglect occurring within a licensed facility shall  
 61.34 report the information to the agency responsible for licensing  
 61.35 the facility under sections 144.50 to 144.58; 241.021; 245A.01  
 61.36 to 245A.16; or chapter 245B; or a nonlicensed personal care  
 62.1 provider organization as defined in sections 256B.04,  
 62.2 subdivision 16; and 256B.0625, subdivision 19. A health or  
 62.3 corrections agency receiving a report may request the local  
 62.4 welfare agency to provide assistance pursuant to subdivisions  
 62.5 10, 10a, and 10b. A board or other entity whose licensees  
 62.6 perform work within a school facility, upon receiving a  
 62.7 complaint of alleged maltreatment, shall provide information  
 62.8 about the circumstances of the alleged maltreatment to the  
 62.9 commissioner of education. Section 13.03, subdivision 4,  
 62.10 applies to data received by the commissioner of education from a  
 62.11 licensing entity.

62.12 (d) Any person mandated to report shall receive a summary  
 62.13 of the disposition of any report made by that reporter,  
 62.14 including whether the case has been opened for child protection  
 62.15 or other services, or if a referral has been made to a community  
 62.16 organization, unless release would be detrimental to the best  
 62.17 interests of the child. Any person who is not mandated to  
 62.18 report shall, upon request to the local welfare agency, receive  
 62.19 a concise summary of the disposition of any report made by that  
 62.20 reporter, unless release would be detrimental to the best  
 62.21 interests of the child.

62.22 (e) For purposes of this subdivision, "immediately" means  
 62.23 as soon as possible but in no event longer than 24 hours.

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

62.25 Sec. 9. [WORKING GROUP ON SEX OFFENDER MANAGEMENT.]

62.26 Subdivision 1. [WORKING GROUP ESTABLISHED.] The  
 62.27 commissioner of corrections shall convene a working group of  
 62.28 individuals knowledgeable in the supervision and treatment of  
 62.29 sex offenders. The group must include individuals from both  
 62.30 inside and outside of the Department of Corrections. The  
 62.31 commissioner shall ensure broad representation in the group,  
 62.32 including representatives from all three probation systems and  
 62.33 from diverse parts of the state. The working group shall study  
 62.34 and make recommendations on the issues listed in this section.  
 62.35 To the degree feasible, the group shall consider how these  
 62.36 issues are addressed in other states.

63.1 Subd. 2. [ISSUES TO BE STUDIED.] The working group shall  
 63.2 review and make recommendations on:

63.3 (1) statewide standards regarding the minimum frequency of  
 63.4 in-person contacts between sex offenders and their correctional  
 63.5 agents, including, but not limited to, home visits;

63.6 (2) a model set of special conditions of sex offender  
 63.7 supervision that can be used by courts and corrections agencies  
 63.8 throughout Minnesota;

63.9 (3) statewide standards regarding the documentation by

63.10 correctional agents of their supervision activities;  
 63.11 (4) standards to provide corrections agencies with guidance  
 63.12 regarding sex offender assessment practices;  
 63.13 (5) policies that encourage sentencing conditions and  
 63.14 prison release plans to clearly distinguish between sex offender  
 63.15 treatment programs and other types of programs and services and  
 63.16 to clearly specify which type of program the offender is  
 63.17 required to complete;  
 63.18 (6) ways to improve the Department of Corrections' prison  
 63.19 release planning practices for sex offenders;  
 63.20 (7) methods and timetables for periodic external reviews of  
 63.21 sex offender supervision practices;  
 63.22 (8) statewide standards for the use of polygraphs by  
 63.23 corrections agencies and sex offender treatment programs;  
 63.24 (9) statewide standards specifying basic program elements  
 63.25 for community-based sex offender treatment programs, including,  
 63.26 but not limited to, staff qualifications, case planning, use of  
 63.27 polygraphs, and progress reports prepared for supervising  
 63.28 agencies;  
 63.29 (10) a statewide protocol on the sharing of sex offender  
 63.30 information between corrections agencies and child protection  
 63.31 agencies in situations where offenders are placed in households  
 63.32 where children reside; and  
 63.33 (11) any other issues related to sex offender treatment and  
 63.34 management that the working group deems appropriate.  
 63.35 Subd. 3. [REVIEW OF NEW LAWS.] The working group shall  
 63.36 also review the provisions of any laws enacted in 2005 relating  
 64.1 to sex offender supervision and treatment. The group shall make  
 64.2 recommendations on whether any changes to these provisions  
 64.3 should be considered by the legislature.  
 64.4 Subd. 4. [REPORT.] By February 15, 2006, the working group  
 64.5 shall report its recommendations to the chairs and ranking  
 64.6 minority members of the senate and house committees having  
 64.7 jurisdiction over criminal justice policy.  
 64.8 Subd. 5. [POLICIES REQUIRED.] After considering the  
 64.9 recommendations of the working group, the commissioner of  
 64.10 corrections shall implement policies and standards relating to  
 64.11 the issues described in subdivision 2 over which the  
 64.12 commissioner has jurisdiction.  
 64.13 [EFFECTIVE DATE.] This section is effective the day  
 64.14 following final enactment.  
 64.15 Sec. 10. [PRISON-BASED SEX OFFENDER TREATMENT PROGRAMS;  
 64.16 REPORT.]  
 64.17 By February 1, 2006, the commissioner of corrections shall  
 64.18 report to the chairs and ranking minority members of the senate  
 64.19 and house committees having jurisdiction over criminal justice  
 64.20 policy on prison-based sex offender treatment programs. The  
 64.21 report must:  
 64.22 (1) examine options for increasing the number of inmates  
 64.23 participating in these programs;  
 64.24 (2) examine the adequacy of funding for these programs;  
 64.25 (3) examine options for treating inmates who have limited  
 64.26 periods of time remaining in their terms of imprisonment;  
 64.27 (4) examine the merits and limitations of extending an  
 64.28 inmate's term of imprisonment for refusing to participate in  
 64.29 treatment; and  
 64.30 (5) examine any other related issues deemed relevant by the  
 64.31 commissioner.

ARTICLE 4  
SEX OFFENDERS:

## 64.34 TECHNICAL AND CONFORMING CHANGES

64.35 Section 1. Minnesota Statutes 2004, section 14.03,  
64.36 subdivision 3, is amended to read:

65.1 Subd. 3. [RULEMAKING PROCEDURES.] (a) The definition of a  
65.2 rule in section 14.02, subdivision 4, does not include:

65.3 (1) rules concerning only the internal management of the  
65.4 agency or other agencies that do not directly affect the rights  
65.5 of or procedures available to the public;

65.6 (2) an application deadline on a form; and the remainder of  
65.7 a form and instructions for use of the form to the extent that  
65.8 they do not impose substantive requirements other than  
65.9 requirements contained in statute or rule;

65.10 (3) the curriculum adopted by an agency to implement a  
65.11 statute or rule permitting or mandating minimum educational  
65.12 requirements for persons regulated by an agency, provided the  
65.13 topic areas to be covered by the minimum educational  
65.14 requirements are specified in statute or rule;

65.15 (4) procedures for sharing data among government agencies,  
65.16 provided these procedures are consistent with chapter 13 and  
65.17 other law governing data practices.

65.18 (b) The definition of a rule in section 14.02, subdivision  
65.19 4, does not include:

65.20 (1) rules of the commissioner of corrections relating to  
65.21 the release, placement, term, and supervision of inmates serving  
65.22 a supervised release or conditional release term, the internal  
65.23 management of institutions under the commissioner's control, and  
65.24 rules adopted under section 609.105 governing the inmates of  
65.25 those institutions;

65.26 (2) rules relating to weight limitations on the use of  
65.27 highways when the substance of the rules is indicated to the  
65.28 public by means of signs;

65.29 (3) opinions of the attorney general;

65.30 (4) the data element dictionary and the annual data  
65.31 acquisition calendar of the Department of Education to the  
65.32 extent provided by section 125B.07;

65.33 (5) the occupational safety and health standards provided  
65.34 in section 182.655;

65.35 (6) revenue notices and tax information bulletins of the  
65.36 commissioner of revenue;

66.1 (7) uniform conveyancing forms adopted by the commissioner  
66.2 of commerce under section 507.09; or

66.3 (8) the interpretive guidelines developed by the  
66.4 commissioner of human services to the extent provided in chapter  
66.5 245A.

66.6 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
66.7 and applies to crimes committed on or after that date.

66.8 Sec. 2. Minnesota Statutes 2004, section 244.05,  
66.9 subdivision 7, is amended to read:

66.10 Subd. 7. [SEX OFFENDERS; CIVIL COMMITMENT DETERMINATION.]

66.11 (a) Before the commissioner releases from prison any inmate  
66.12 convicted under ~~sections~~ section 609.342 to, 609.343, 609.344,  
66.13 609.345, or 609.3453, or sentenced as a patterned offender under  
66.14 section 609.108, and determined by the commissioner to be in a  
66.15 high risk category, the commissioner shall make a preliminary  
66.16 determination whether, in the commissioner's opinion, a petition  
66.17 under section 253B.185 may be appropriate.

66.18 (b) In making this decision, the commissioner shall have  
66.19 access to the following data only for the purposes of the  
66.20 assessment and referral decision:

66.21 (1) private medical data under section 13.384 or 144.335,

66.22 or welfare data under section 13.46 that relate to medical  
66.23 treatment of the offender;  
66.24 (2) private and confidential court services data under  
66.25 section 13.84;  
66.26 (3) private and confidential corrections data under section  
66.27 13.85; and  
66.28 (4) private criminal history data under section 13.87.  
66.29 (c) If the commissioner determines that a petition may be  
66.30 appropriate, the commissioner shall forward this determination,  
66.31 along with a summary of the reasons for the determination, to  
66.32 the county attorney in the county where the inmate was convicted  
66.33 no later than 12 months before the inmate's release date. If  
66.34 the inmate is received for incarceration with fewer than 12  
66.35 months remaining in the inmate's term of imprisonment, or if the  
66.36 commissioner receives additional information less than 12 months  
67.1 before release which makes the inmate's case appropriate for  
67.2 referral, the commissioner shall forward the determination as  
67.3 soon as is practicable. Upon receiving the commissioner's  
67.4 preliminary determination, the county attorney shall proceed in  
67.5 the manner provided in section 253B.185. The commissioner shall  
67.6 release to the county attorney all requested documentation  
67.7 maintained by the department.  
67.8 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
67.9 and applies to crimes committed on or after that date.  
67.10 Sec. 3. Minnesota Statutes 2004, section 244.052,  
67.11 subdivision 3, is amended to read:  
67.12 Subd. 3. [END-OF-CONFINEMENT REVIEW COMMITTEE.] (a) The  
67.13 commissioner of corrections shall establish and administer  
67.14 end-of-confinement review committees at each state correctional  
67.15 facility and at each state treatment facility where predatory  
67.16 offenders are confined. The committees shall assess on a  
67.17 case-by-case basis the public risk posed by predatory offenders  
67.18 who are about to be released from confinement.  
67.19 (b) Each committee shall be a standing committee and shall  
67.20 consist of the following members appointed by the commissioner:  
67.21 (1) the chief executive officer or head of the correctional  
67.22 or treatment facility where the offender is currently confined,  
67.23 or that person's designee;  
67.24 (2) a law enforcement officer;  
67.25 (3) a treatment professional who is trained in the  
67.26 assessment of sex offenders;  
67.27 (4) a caseworker experienced in supervising sex offenders;  
67.28 and  
67.29 (5) a victim's services professional.  
67.30 Members of the committee, other than the facility's chief  
67.31 executive officer or head, shall be appointed by the  
67.32 commissioner to two-year terms. The chief executive officer or  
67.33 head of the facility or designee shall act as chair of the  
67.34 committee and shall use the facility's staff, as needed, to  
67.35 administer the committee, obtain necessary information from  
67.36 outside sources, and prepare risk assessment reports on  
68.1 offenders.  
68.2 (c) The committee shall have access to the following data  
68.3 on a predatory offender only for the purposes of its assessment  
68.4 and to defend the committee's risk assessment determination upon  
68.5 administrative review under this section:  
68.6 (1) private medical data under section 13.384 or 144.335,  
68.7 or welfare data under section 13.46 that relate to medical  
68.8 treatment of the offender;  
68.9 (2) private and confidential court services data under

68.10 section 13.84;

68.11 (3) private and confidential corrections data under section  
68.12 13.85; and

68.13 (4) private criminal history data under section 13.87.

68.14 Data collected and maintained by the committee under this  
68.15 paragraph may not be disclosed outside the committee, except as  
68.16 provided under section 13.05, subdivision 3 or 4. The predatory  
68.17 offender has access to data on the offender collected and  
68.18 maintained by the committee, unless the data are confidential  
68.19 data received under this paragraph.

68.20 (d) (i) Except as otherwise provided in ~~item~~ items (ii),  
68.21 (iii), and (iv), at least 90 days before a predatory offender is  
68.22 to be released from confinement, the commissioner of corrections  
68.23 shall convene the appropriate end-of-confinement review  
68.24 committee for the purpose of assessing the risk presented by the  
68.25 offender and determining the risk level to which the offender  
68.26 shall be assigned under paragraph (e). The offender and the law  
68.27 enforcement agency that was responsible for the charge resulting  
68.28 in confinement shall be notified of the time and place of the  
68.29 committee's meeting. The offender has a right to be present and  
68.30 be heard at the meeting. The law enforcement agency may provide  
68.31 material in writing that is relevant to the offender's risk  
68.32 level to the chair of the committee. The committee shall use  
68.33 the risk factors described in paragraph (g) and the risk  
68.34 assessment scale developed under subdivision 2 to determine the  
68.35 offender's risk assessment score and risk level. Offenders  
68.36 scheduled for release from confinement shall be assessed by the  
69.1 committee established at the facility from which the offender is  
69.2 to be released.

69.3 (ii) If an offender is received for confinement in a  
69.4 facility with less than 90 days remaining in the offender's term  
69.5 of confinement, the offender's risk shall be assessed at the  
69.6 first regularly scheduled end of confinement review committee  
69.7 that convenes after the appropriate documentation for the risk  
69.8 assessment is assembled by the committee. The commissioner  
69.9 shall make reasonable efforts to ensure that offender's risk is  
69.10 assessed and a risk level is assigned or reassigned at least 30  
69.11 days before the offender's release date.

69.12 (iii) If the offender is subject to a mandatory life  
69.13 sentence under section 609.342, subdivision 2, paragraph (b), or  
69.14 609.3455, the commissioner of corrections shall convene the  
69.15 appropriate end-of-confinement review committee at least nine  
69.16 months before the offender's minimum term of imprisonment has  
69.17 been served. If the offender is received for confinement in a  
69.18 facility with less than nine months remaining before the  
69.19 offender's minimum term of imprisonment has been served, the  
69.20 committee shall conform its procedures to those outlined in item  
69.21 (ii) to the extent practicable.

69.22 (iv) If the offender is granted supervised release, the  
69.23 commissioner of corrections shall notify the appropriate  
69.24 end-of-confinement review committee that it needs to review the  
69.25 offender's previously determined risk level at its next  
69.26 regularly scheduled meeting. The commissioner shall make  
69.27 reasonable efforts to ensure that the offender's earlier risk  
69.28 level determination is reviewed and the risk level is confirmed  
69.29 or reassigned at least 60 days before the offender's release  
69.30 date. The committee shall give the report to the offender and  
69.31 to the law enforcement agency at least 60 days before an  
69.32 offender is released from confinement.

69.33 (e) The committee shall assign to risk level I a predatory

69.34 offender whose risk assessment score indicates a low risk of  
69.35 reoffense. The committee shall assign to risk level II an  
69.36 offender whose risk assessment score indicates a moderate risk  
70.1 of reoffense. The committee shall assign to risk level III an  
70.2 offender whose risk assessment score indicates a high risk of  
70.3 reoffense.

70.4 (f) Before the predatory offender is released from  
70.5 confinement, the committee shall prepare a risk assessment  
70.6 report which specifies the risk level to which the offender has  
70.7 been assigned and the reasons underlying the committee's risk  
70.8 assessment decision. Except for an offender subject to a  
70.9 mandatory life sentence under section 609.342, subdivision 2,  
70.10 paragraph (b), or 609.3455, who has not been granted supervised  
70.11 release, the committee shall give the report to the offender and  
70.12 to the law enforcement agency at least 60 days before an  
70.13 offender is released from confinement. If the offender is  
70.14 subject to a mandatory life sentence and has not yet served the  
70.15 entire minimum term of imprisonment, the committee shall give  
70.16 the report to the offender and to the commissioner at least six  
70.17 months before the offender is first eligible for release. If  
70.18 the risk assessment is performed under the circumstances  
70.19 described in paragraph (d), item (ii), the report shall be given  
70.20 to the offender and the law enforcement agency as soon as it is  
70.21 available. The committee also shall inform the offender of the  
70.22 availability of review under subdivision 6.

70.23 (g) As used in this subdivision, "risk factors" includes,  
70.24 but is not limited to, the following factors:

70.25 (1) the seriousness of the offense should the offender  
70.26 reoffend. This factor includes consideration of the following:

70.27 (i) the degree of likely force or harm;  
70.28 (ii) the degree of likely physical contact; and  
70.29 (iii) the age of the likely victim;

70.30 (2) the offender's prior offense history. This factor  
70.31 includes consideration of the following:

70.32 (i) the relationship of prior victims to the offender;  
70.33 (ii) the number of prior offenses or victims;  
70.34 (iii) the duration of the offender's prior offense history;  
70.35 (iv) the length of time since the offender's last prior  
70.36 offense while the offender was at risk to commit offenses; and  
71.1 (v) the offender's prior history of other antisocial acts;

71.2 (3) the offender's characteristics. This factor includes  
71.3 consideration of the following:

71.4 (i) the offender's response to prior treatment efforts; and  
71.5 (ii) the offender's history of substance abuse;  
71.6 (4) the availability of community supports to the offender.

71.7 This factor includes consideration of the following:

71.8 (i) the availability and likelihood that the offender will  
71.9 be involved in therapeutic treatment;

71.10 (ii) the availability of residential supports to the  
71.11 offender, such as a stable and supervised living arrangement in  
71.12 an appropriate location;

71.13 (iii) the offender's familial and social relationships,  
71.14 including the nature and length of these relationships and the  
71.15 level of support that the offender may receive from these  
71.16 persons; and  
71.17 (iv) the offender's lack of education or employment  
71.18 stability;

71.19 (5) whether the offender has indicated or credible evidence  
71.20 in the record indicates that the offender will reoffend if  
71.21 released into the community; and

71.22 (6) whether the offender demonstrates a physical condition  
71.23 that minimizes the risk of reoffense, including but not limited  
71.24 to, advanced age or a debilitating illness or physical condition.

71.25 (h) Upon the request of the law enforcement agency or the  
71.26 offender's corrections agent, the commissioner may reconvene the  
71.27 end-of-confinement review committee for the purpose of  
71.28 reassessing the risk level to which an offender has been  
71.29 assigned under paragraph (e). In a request for a reassessment,  
71.30 the law enforcement agency which was responsible for the charge  
71.31 resulting in confinement or agent shall list the facts and  
71.32 circumstances arising after the initial assignment or facts and  
71.33 circumstances known to law enforcement or the agent but not  
71.34 considered by the committee under paragraph (e) which support  
71.35 the request for a reassessment. The request for reassessment by  
71.36 the law enforcement agency must occur within 30 days of receipt  
72.1 of the report indicating the offender's risk level assignment.  
72.2 The offender's corrections agent, in consultation with the chief  
72.3 law enforcement officer in the area where the offender resides  
72.4 or intends to reside, may request a review of a risk level at  
72.5 any time if substantial evidence exists that the offender's risk  
72.6 level should be reviewed by an end-of-confinement review  
72.7 committee. This evidence includes, but is not limited to,  
72.8 evidence of treatment failures or completions, evidence of  
72.9 exceptional crime-free community adjustment or lack of  
72.10 appropriate adjustment, evidence of substantial community need  
72.11 to know more about the offender or mitigating circumstances that  
72.12 would narrow the proposed scope of notification, or other  
72.13 practical situations articulated and based in evidence of the  
72.14 offender's behavior while under supervision. Upon review of the  
72.15 request, the end-of-confinement review committee may reassign an  
72.16 offender to a different risk level. If the offender is  
72.17 reassigned to a higher risk level, the offender has the right to  
72.18 seek review of the committee's determination under subdivision 6.

72.19 (i) An offender may request the end-of-confinement review  
72.20 committee to reassess the offender's assigned risk level after  
72.21 three years have elapsed since the committee's initial risk  
72.22 assessment and may renew the request once every two years  
72.23 following subsequent denials. In a request for reassessment,  
72.24 the offender shall list the facts and circumstances which  
72.25 demonstrate that the offender no longer poses the same degree of  
72.26 risk to the community. In order for a request for a risk level  
72.27 reduction to be granted, the offender must demonstrate full  
72.28 compliance with supervised release conditions, completion of  
72.29 required post-release treatment programming, and full compliance  
72.30 with all registration requirements as detailed in section  
72.31 243.166. The offender must also not have been convicted of any  
72.32 felony, gross misdemeanor, or misdemeanor offenses subsequent to  
72.33 the assignment of the original risk level. The committee shall  
72.34 follow the process outlined in paragraphs (a) to (c) in the  
72.35 reassessment. An offender who is incarcerated may not request a  
72.36 reassessment under this paragraph.

73.1 (j) Offenders returned to prison as release violators shall  
73.2 not have a right to a subsequent risk reassessment by the  
73.3 end-of-confinement review committee unless substantial evidence  
73.4 indicates that the offender's risk to the public has increased.

73.5 (k) The commissioner shall establish an end-of-confinement  
73.6 review committee to assign a risk level to offenders who are  
73.7 released from a federal correctional facility in Minnesota or  
73.8 another state and who intend to reside in Minnesota, and to  
73.9 offenders accepted from another state under a reciprocal

73.10 agreement for parole supervision under the interstate compact  
73.11 authorized by section 243.16. The committee shall make  
73.12 reasonable efforts to conform to the same timelines as applied  
73.13 to Minnesota cases. Offenders accepted from another state under  
73.14 a reciprocal agreement for probation supervision are not  
73.15 assigned a risk level, but are considered downward dispositional  
73.16 departures. The probation or court services officer and law  
73.17 enforcement officer shall manage such cases in accordance with  
73.18 section 244.10, subdivision 2a. The policies and procedures of  
73.19 the committee for federal offenders and interstate compact cases  
73.20 must be in accordance with all requirements as set forth in this  
73.21 section, unless restrictions caused by the nature of federal or  
73.22 interstate transfers prevents such conformance.

73.23 (1) If the committee assigns a predatory offender to risk  
73.24 level III, the committee shall determine whether residency  
73.25 restrictions shall be included in the conditions of the  
73.26 offender's release based on the offender's pattern of offending  
73.27 behavior.

73.28 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
73.29 and applies to crimes committed on or after that date.

73.30 Sec. 4. Minnesota Statutes 2004, section 609.109,  
73.31 subdivision 2, is amended to read:

73.32 Subd. 2. [PRESUMPTIVE EXECUTED SENTENCE.] Except as  
73.33 provided in subdivision 3 or 4, if a person is convicted under  
73.34 sections 609.342 to ~~609.345~~ 609.3453, within 15 years of a  
73.35 previous sex offense conviction, the court shall commit the  
73.36 defendant to the commissioner of corrections for not less than  
74.1 three years, nor more than the maximum sentence provided by law  
74.2 for the offense for which convicted, notwithstanding the  
74.3 provisions of sections 242.19, 243.05, 609.11, 609.12, and  
74.4 609.135. The court may stay the execution of the sentence  
74.5 imposed under this subdivision only if it finds that a  
74.6 professional assessment indicates the offender is accepted by  
74.7 and can respond to treatment at a long-term inpatient program  
74.8 exclusively treating sex offenders and approved by the  
74.9 commissioner of corrections. If the court stays the execution  
74.10 of a sentence, it shall include the following as conditions of  
74.11 probation:

74.12 (1) incarceration in a local jail or workhouse; and

74.13 (2) a requirement that the offender successfully complete  
74.14 the treatment program and aftercare as directed by the court.

74.15 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
74.16 and applies to crimes committed on or after that date.

74.17 Sec. 5. Minnesota Statutes 2004, section 609.109,  
74.18 subdivision 5, is amended to read:

74.19 Subd. 5. [PREVIOUS SEX OFFENSE CONVICTIONS.] For the  
74.20 purposes of this section, a conviction is considered a previous  
74.21 sex offense conviction if the person was convicted of a sex  
74.22 offense before the commission of the present offense of  
74.23 conviction. A person has two previous sex offense convictions  
74.24 only if the person was convicted and sentenced for a sex offense  
74.25 committed after the person was earlier convicted and sentenced  
74.26 for a sex offense, both convictions preceded the commission of  
74.27 the present offense of conviction, and 15 years have not elapsed  
74.28 since the person was discharged from the sentence imposed for  
74.29 the second conviction. A "sex offense" is a violation of  
74.30 sections 609.342 to ~~609.345~~ 609.3453 or any similar statute of  
74.31 the United States, this state, or any other state.

74.32 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
74.33 and applies to crimes committed on or after that date.

74.34 Sec. 6. Minnesota Statutes 2004, section 609.117,  
74.35 subdivision 1, is amended to read:  
74.36 Subdivision 1. [UPON SENTENCING.] The court shall order an  
75.1 offender to provide a biological specimen for the purpose of DNA  
75.2 analysis as defined in section 299C.155 when:  
75.3 (1) the court sentences a person charged with violating or  
75.4 attempting to violate any of the following, and the person is  
75.5 convicted of that offense or of any offense arising out of the  
75.6 same set of circumstances:  
75.7 (i) murder under section 609.185, 609.19, or 609.195;  
75.8 (ii) manslaughter under section 609.20 or 609.205;  
75.9 (iii) assault under section 609.221, 609.222, or 609.223;  
75.10 (iv) robbery under section 609.24 or aggravated robbery  
75.11 under section 609.245;  
75.12 (v) kidnapping under section 609.25;  
75.13 (vi) false imprisonment under section 609.255;  
75.14 (vii) criminal sexual conduct under section 609.342,  
75.15 609.343, 609.344, 609.345, ~~or~~ 609.3451, subdivision 3, or  
75.16 609.3453;  
75.17 (viii) incest under section 609.365;  
75.18 (ix) burglary under section 609.582, subdivision 1; or  
75.19 (x) indecent exposure under section 617.23, subdivision 3;  
75.20 (2) the court sentences a person as a patterned sex  
75.21 offender under section 609.108; or  
75.22 (3) the juvenile court adjudicates a person a delinquent  
75.23 child who is the subject of a delinquency petition for violating  
75.24 or attempting to violate any of the following, and the  
75.25 delinquency adjudication is based on a violation of one of those  
75.26 sections or of any offense arising out of the same set of  
75.27 circumstances:  
75.28 (i) murder under section 609.185, 609.19, or 609.195;  
75.29 (ii) manslaughter under section 609.20 or 609.205;  
75.30 (iii) assault under section 609.221, 609.222, or 609.223;  
75.31 (iv) robbery under section 609.24 or aggravated robbery  
75.32 under section 609.245;  
75.33 (v) kidnapping under section 609.25;  
75.34 (vi) false imprisonment under section 609.255;  
75.35 (vii) criminal sexual conduct under section 609.342,  
75.36 609.343, 609.344, 609.345, ~~or~~ 609.3451, subdivision 3, or  
76.1 609.3453;  
76.2 (viii) incest under section 609.365;  
76.3 (ix) burglary under section 609.582, subdivision 1; or  
76.4 (x) indecent exposure under section 617.23, subdivision 3.  
76.5 The biological specimen or the results of the analysis shall be  
76.6 maintained by the Bureau of Criminal Apprehension as provided in  
76.7 section 299C.155.  
76.8 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
76.9 and applies to crimes committed on or after that date.  
76.10 Sec. 7. Minnesota Statutes 2004, section 609.117,  
76.11 subdivision 2, is amended to read:  
76.12 Subd. 2. [BEFORE RELEASE.] The commissioner of corrections  
76.13 or local corrections authority shall order a person to provide a  
76.14 biological specimen for the purpose of DNA analysis before  
76.15 completion of the person's term of imprisonment when the person  
76.16 has not provided a biological specimen for the purpose of DNA  
76.17 analysis and the person:  
76.18 (1) is currently serving a term of imprisonment for or has  
76.19 a past conviction for violating or attempting to violate any of  
76.20 the following or a similar law of another state or the United  
76.21 States or initially charged with violating one of the following

76.22 sections or a similar law of another state or the United States  
 76.23 and convicted of another offense arising out of the same set of  
 76.24 circumstances:  
 76.25 (i) murder under section 609.185, 609.19, or 609.195;  
 76.26 (ii) manslaughter under section 609.20 or 609.205;  
 76.27 (iii) assault under section 609.221, 609.222, or 609.223;  
 76.28 (iv) robbery under section 609.24 or aggravated robbery  
 76.29 under section 609.245;  
 76.30 (v) kidnapping under section 609.25;  
 76.31 (vi) false imprisonment under section 609.255;  
 76.32 (vii) criminal sexual conduct under section 609.342,  
 76.33 609.343, 609.344, 609.345, ~~or~~ 609.3451, subdivision 3, or  
 76.34 609.3453;  
 76.35 (viii) incest under section 609.365;  
 76.36 (ix) burglary under section 609.582, subdivision 1; or  
 77.1 (x) indecent exposure under section 617.23, subdivision 3;  
 77.2 or  
 77.3 (2) was sentenced as a patterned sex offender under section  
 77.4 609.108, and committed to the custody of the commissioner of  
 77.5 corrections; or  
 77.6 (3) is serving a term of imprisonment in this state under a  
 77.7 reciprocal agreement although convicted in another state of an  
 77.8 offense described in this subdivision or a similar law of the  
 77.9 United States or any other state. The commissioner of  
 77.10 corrections or local corrections authority shall forward the  
 77.11 sample to the Bureau of Criminal Apprehension.  
 77.12 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
 77.13 and applies to crimes committed on or after that date.  
 77.14 Sec. 8. Minnesota Statutes 2004, section 609.1351, is  
 77.15 amended to read:  
 77.16 609.1351 [PETITION FOR CIVIL COMMITMENT.]  
 77.17 When a court sentences a person under section 609.108,  
 77.18 609.342, 609.343, 609.344, ~~or~~ 609.345, or 609.3453, the court  
 77.19 shall make a preliminary determination whether in the court's  
 77.20 opinion a petition under section 253B.185 may be appropriate and  
 77.21 include the determination as part of the sentencing order. If  
 77.22 the court determines that a petition may be appropriate, the  
 77.23 court shall forward its preliminary determination along with  
 77.24 supporting documentation to the county attorney.  
 77.25 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
 77.26 and applies to crimes committed on or after that date.  
 77.27 Sec. 9. Minnesota Statutes 2004, section 609.347, is  
 77.28 amended to read:  
 77.29 609.347 [EVIDENCE IN CRIMINAL SEXUAL CONDUCT CASES.]  
 77.30 Subdivision 1. In a prosecution under sections 609.109 ~~or~~,  
 77.31 609.342 to 609.3451, or 609.3453, the testimony of a victim need  
 77.32 not be corroborated.  
 77.33 Subd. 2. In a prosecution under sections 609.109 ~~or~~,  
 77.34 609.342 to 609.3451, or 609.3453, there is no need to show that  
 77.35 the victim resisted the accused.  
 77.36 Subd. 3. In a prosecution under sections 609.109, 609.342  
 78.1 to 609.3451, 609.3453, or 609.365, evidence of the victim's  
 78.2 previous sexual conduct shall not be admitted nor shall any  
 78.3 reference to such conduct be made in the presence of the jury,  
 78.4 except by court order under the procedure provided in  
 78.5 subdivision 4. The evidence can be admitted only if the  
 78.6 probative value of the evidence is not substantially outweighed  
 78.7 by its inflammatory or prejudicial nature and only in the  
 78.8 circumstances set out in paragraphs (a) and (b). For the  
 78.9 evidence to be admissible under paragraph (a), subsection (i),

78.10 the judge must find by a preponderance of the evidence that the  
78.11 facts set out in the accused's offer of proof are true. For the  
78.12 evidence to be admissible under paragraph (a), subsection (ii)  
78.13 or paragraph (b), the judge must find that the evidence is  
78.14 sufficient to support a finding that the facts set out in the  
78.15 accused's offer of proof are true, as provided under Rule 901 of  
78.16 the Rules of Evidence.

78.17 (a) When consent of the victim is a defense in the case,  
78.18 the following evidence is admissible:

78.19 (i) evidence of the victim's previous sexual conduct  
78.20 tending to establish a common scheme or plan of similar sexual  
78.21 conduct under circumstances similar to the case at issue. In  
78.22 order to find a common scheme or plan, the judge must find that  
78.23 the victim made prior allegations of sexual assault which were  
78.24 fabricated; and

78.25 (ii) evidence of the victim's previous sexual conduct with  
78.26 the accused.

78.27 (b) When the prosecution's case includes evidence of semen,  
78.28 pregnancy, or disease at the time of the incident or, in the  
78.29 case of pregnancy, between the time of the incident and trial,  
78.30 evidence of specific instances of the victim's previous sexual  
78.31 conduct is admissible solely to show the source of the semen,  
78.32 pregnancy, or disease.

78.33 Subd. 4. The accused may not offer evidence described in  
78.34 subdivision 3 except pursuant to the following procedure:

78.35 (a) A motion shall be made by the accused at least three  
78.36 business days prior to trial, unless later for good cause shown,  
79.1 setting out with particularity the offer of proof of the  
79.2 evidence that the accused intends to offer, relative to the  
79.3 previous sexual conduct of the victim;

79.4 (b) If the court deems the offer of proof sufficient, the  
79.5 court shall order a hearing out of the presence of the jury, if  
79.6 any, and in such hearing shall allow the accused to make a full  
79.7 presentation of the offer of proof;

79.8 (c) At the conclusion of the hearing, if the court finds  
79.9 that the evidence proposed to be offered by the accused  
79.10 regarding the previous sexual conduct of the victim is  
79.11 admissible under subdivision 3 and that its probative value is  
79.12 not substantially outweighed by its inflammatory or prejudicial  
79.13 nature, the court shall make an order stating the extent to  
79.14 which evidence is admissible. The accused may then offer  
79.15 evidence pursuant to the order of the court;

79.16 (d) If new information is discovered after the date of the  
79.17 hearing or during the course of trial, which may make evidence  
79.18 described in subdivision 3 admissible, the accused may make an  
79.19 offer of proof pursuant to clause (a) and the court shall order  
79.20 an in camera hearing to determine whether the proposed evidence  
79.21 is admissible by the standards herein.

79.22 Subd. 5. In a prosecution under sections 609.109 ~~or~~,  
79.23 609.342 to 609.3451, or 609.3453, the court shall not instruct  
79.24 the jury to the effect that:

79.25 (a) It may be inferred that a victim who has previously  
79.26 consented to sexual intercourse with persons other than the  
79.27 accused would be therefore more likely to consent to sexual  
79.28 intercourse again; or

79.29 (b) The victim's previous or subsequent sexual conduct in  
79.30 and of itself may be considered in determining the credibility  
79.31 of the victim; or

79.32 (c) Criminal sexual conduct is a crime easily charged by a  
79.33 victim but very difficult to disprove by an accused because of

79.34 the heinous nature of the crime; or

79.35 (d) The jury should scrutinize the testimony of the victim  
79.36 any more closely than it should scrutinize the testimony of any  
80.1 witness in any felony prosecution.

80.2 Subd. 6. (a) In a prosecution under sections 609.109 ~~or~~,  
80.3 609.342 to 609.3451, or 609.3453, involving a psychotherapist  
80.4 and patient, evidence of the patient's personal or medical  
80.5 history is not admissible except when:

80.6 (1) the accused requests a hearing at least three business  
80.7 days prior to trial and makes an offer of proof of the relevancy  
80.8 of the history; and

80.9 (2) the court finds that the history is relevant and that  
80.10 the probative value of the history outweighs its prejudicial  
80.11 value.

80.12 (b) The court shall allow the admission only of specific  
80.13 information or examples of conduct of the victim that are  
80.14 determined by the court to be relevant. The court's order shall  
80.15 detail the information or conduct that is admissible and no  
80.16 other evidence of the history may be introduced.

80.17 (c) Violation of the terms of the order is grounds for  
80.18 mistrial but does not prevent the retrial of the accused.

80.19 Subd. 7. [EFFECT OF STATUTE ON RULES.] Rule 412 of the  
80.20 Rules of Evidence is superseded to the extent of its conflict  
80.21 with this section.

80.22 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
80.23 and applies to crimes committed on or after that date.

80.24 Sec. 10. Minnesota Statutes 2004, section 609.3471, is  
80.25 amended to read:

80.26 609.3471 [RECORDS PERTAINING TO VICTIM IDENTITY  
80.27 CONFIDENTIAL.]

80.28 Notwithstanding any provision of law to the contrary, no  
80.29 data contained in records or reports relating to petitions,  
80.30 complaints, or indictments issued pursuant to section 609.342+,  
80.31 609.343+, 609.344+, ~~or~~, 609.345, or 609.3453, which  
80.32 specifically identifies a victim who is a minor shall be  
80.33 accessible to the public, except by order of the court. Nothing  
80.34 in this section authorizes denial of access to any other data  
80.35 contained in the records or reports, including the identity of  
80.36 the defendant.

81.1 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
81.2 and applies to crimes committed on or after that date.

81.3 Sec. 11. Minnesota Statutes 2004, section 609.348, is  
81.4 amended to read:

81.5 609.348 [MEDICAL PURPOSES; EXCLUSION.]

81.6 Sections 609.109 ~~and~~, 609.342 to 609.3451, and 609.3453 do  
81.7 not apply to sexual penetration or sexual contact when done for  
81.8 a bona fide medical purpose.

81.9 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
81.10 and applies to crimes committed on or after that date.

81.11 Sec. 12. Minnesota Statutes 2004, section 609.353, is  
81.12 amended to read:

81.13 609.353 [JURISDICTION.]

81.14 A violation or attempted violation of section 609.342,  
81.15 609.343, 609.344, 609.345, 609.3451, 609.3453, or 609.352 may be  
81.16 prosecuted in any jurisdiction in which the violation originates  
81.17 or terminates.

81.18 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
81.19 and applies to crimes committed on or after that date.

81.20 Sec. 13. Minnesota Statutes 2004, section 631.045, is  
81.21 amended to read:

81.22 631.045. [EXCLUDING SPECTATORS FROM THE COURTROOM.]  
81.23 At the trial of a complaint or indictment for a violation  
81.24 of sections 609.109, 609.341 to 609.3451, 609.3453, or 617.246,  
81.25 subdivision 2, when a minor under 18 years of age is the person  
81.26 upon, with, or against whom the crime is alleged to have been  
81.27 committed, the judge may exclude the public from the courtroom  
81.28 during the victim's testimony or during all or part of the  
81.29 remainder of the trial upon a showing that closure is necessary  
81.30 to protect a witness or ensure fairness in the trial. The judge  
81.31 shall give the prosecutor, defendant and members of the public  
81.32 the opportunity to object to the closure before a closure order.  
81.33 The judge shall specify the reasons for closure in an order  
81.34 closing all or part of the trial. Upon closure the judge shall  
81.35 only admit persons who have a direct interest in the case.  
81.36 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
82.1 and applies to crimes committed on or after that date.  
82.2 Sec. 14. [REVISOR INSTRUCTION.]  
82.3 (a) The revisor of statutes shall renumber Minnesota  
82.4 Statutes, section 609.3452, as Minnesota Statutes, section  
82.5 609.3457, and correct cross-references. In addition, the  
82.6 revisor shall delete the reference in Minnesota Statutes,  
82.7 section 13.871, subdivision 3, paragraph (d), to Minnesota  
82.8 Statutes, section 609.3452, and insert a reference to Minnesota  
82.9 Statutes, section 609.3457. The revisor shall include a  
82.10 notation in Minnesota Statutes to inform readers of the statutes  
82.11 of the renumbering of section 609.3457.  
82.12 (b) In addition to the specific changes described in  
82.13 paragraph (a), the revisor of statutes shall make other  
82.14 technical changes necessitated by this act.

1 A bill for an act

2 relating to public safety; changing criminal  
3 sentencing for certain controlled substance possession  
4 offenses; creating a Conditional Release Board with  
5 the authority to order the conditional release from  
6 prison of certain nonviolent controlled substance  
7 offenders, if the release of these offenders does not  
8 pose a danger to the public or any individual;  
9 authorizing expungements of conviction records for  
10 these offenders; requiring the Department of  
11 Corrections to offer chemical dependency treatment to  
12 certain offenders; amending Minnesota Statutes 2004,  
13 section 609A.02, by adding a subdivision; proposing  
14 coding for new law in Minnesota Statutes, chapters  
15 152; 244.

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

17 Section 1. [152.0255] [STAYED SENTENCES FOR CERTAIN  
18 FIRST-TIME CONTROLLED SUBSTANCE POSSESSORS.]

19 Subdivision 1. [STAYED SENTENCES AUTHORIZED; FIRST-TIME  
20 SECOND-, THIRD-, FOURTH-, AND FIFTH-DEGREE CONTROLLED SUBSTANCE  
21 POSSESSORS.] (a) Notwithstanding any contrary provision of the  
22 sentencing guidelines, the court may stay the execution of  
23 sentence for an offender convicted of violating section 152.022,  
24 subdivision 2; 152.023, subdivision 2; 152.024, subdivision 2;  
25 or 152.025, subdivision 2, if the offender has not previously  
26 been convicted or adjudicated delinquent for a violation of this  
27 chapter, or an offense from another jurisdiction similar to an  
28 offense under this chapter. The court may impose appropriate  
29 terms and conditions on the offender.

30 (b) If the court stays an offender's sentence under

1 paragraph (a), it shall order the offender to successfully  
2 complete a chemical dependency treatment program designated by  
3 the court. The court shall select a program that is appropriate  
4 given the offender's chemical dependency needs. When possible,  
5 the program must be tailored specifically to the offender's  
6 specific addiction, have an inpatient and outpatient component,  
7 including aftercare, and be of a sufficient duration to  
8 adequately address the offender's chemical dependency issues.

9 (c) A sentence under this subdivision is not a departure  
10 under the sentencing guidelines.

11 Subd. 2. [COSTS.] When a court sentences an offender under  
12 this section, it may require the offender to pay the costs of  
13 the treatment program as well as other costs authorized by law.

14 Subd. 3. [PRESENTENCE INVESTIGATION.] The court shall  
15 consider the results of the presentence investigation under  
16 section 609.115, including the chemical use assessment, and any  
17 other relevant information before sentencing an offender  
18 described in this section. The court may sentence the offender  
19 under this section only if the sentence is appropriate based on  
20 the results of the assessment.

21 Subd. 4. [EXCEPTION; PRIOR VIOLENT CRIMES OR POSSESSION OF  
22 DANGEROUS WEAPON.] Except as otherwise provided in this section,  
23 this section does not apply to an offender who has previously  
24 been convicted or adjudicated delinquent for a violent crime as  
25 defined in section 609.1095 or who possessed a dangerous weapon  
26 at the time of arrest.

27 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
28 and applies to offenders sentenced on or after that date.

29 Sec. 2. [244.055] [CONDITIONAL RELEASE OF NONVIOLENT  
30 CONTROLLED SUBSTANCE OFFENDERS; OPPORTUNITY FOR DRUG TREATMENT.]

31 Subdivision 1. [CONDITIONAL RELEASE BOARD.] The  
32 Conditional Release Board has the authority to release offenders  
33 committed to the custody of the commissioner of corrections who  
34 meet the requirements of this section and of any rules adopted  
35 by the board.

36 Subd. 2. [MEMBERSHIP.] (a) The board consists of the

1 following five members:

- 2 (1) the commissioner of corrections or a designee;  
3 (2) the commissioner of public safety or a designee; and  
4 (3) three public members appointed by the governor with the  
5 advice and consent of the senate.

6 (b) Members of the board appointed by the governor under  
7 paragraph (a), clause (3), are not required to have specific  
8 academic or professional qualifications but must have knowledge  
9 of or experience in corrections or related fields and must be  
10 selected based on their sound judgment and ability to consider  
11 the needs of persons over whom the board has jurisdiction and  
12 the safety of the public. At least one of the public members  
13 must be male, at least one must be female, and at least one must  
14 be a member of a racial minority group.

15 (c) Members of the board shall serve for staggered terms  
16 and are eligible for reappointment. Of the initial appointments  
17 for the public members, one must be for a two-year term, one  
18 must be for a four-year term, and one must be for a six-year  
19 term. The term for reappointments is six years.

20 (d) The removal of members appointed by the governor under  
21 paragraph (a), clause (3), and the filling of their vacant  
22 positions is governed by section 15.0575.

23 Subd. 3. [CONDITIONAL RELEASE OF CERTAIN NONVIOLENT  
24 CONTROLLED SUBSTANCE OFFENDERS.] An offender who has been  
25 committed to the commissioner's custody may petition the board  
26 for conditional release from prison before the offender's  
27 scheduled supervised release date or target release date if:

- 28 (1) the offender is serving a sentence for violating  
29 section 152.021, 152.022, 152.023, 152.024, or 152.025;  
30 (2) the offender committed the crime as a result of a  
31 controlled substance addiction, and not primarily for profit;  
32 (3) the offender has served at least 36 months or one-half  
33 of the offender's term of imprisonment, whichever is less;  
34 (4) the offender successfully completed a chemical  
35 dependency treatment program while in prison; and  
36 (5) the offender has not previously been conditionally

1 released under this section.

2 Subd. 4. [OFFER OF CHEMICAL DEPENDENCY TREATMENT.] The  
3 commissioner shall offer all offenders meeting the criteria  
4 described in subdivision 3, clauses (1) and (2), the opportunity  
5 to begin a suitable chemical dependency treatment program within  
6 120 days after the offender's term of imprisonment begins.

7 Subd. 5. [RELEASE PROCEDURES.] The board may not grant  
8 conditional release to an offender under this section unless the  
9 board determines that the offender's release will not pose a  
10 danger to the public or an individual. In making its  
11 determination, the board shall follow the procedures contained  
12 in section 244.05, subdivision 5, and the rules adopted by the  
13 commissioner of corrections under that subdivision. The board  
14 shall also consider the offender's custody classification and  
15 level of risk of violence and the availability of appropriate  
16 community supervision for the offender. Conditional release  
17 granted under this section continues until the offender's  
18 sentence expires, unless release is rescinded under subdivision  
19 6.

20 Subd. 6. [CONDITIONAL RELEASE.] The conditions of release  
21 granted under this section are governed by the statutes and  
22 rules governing supervised release under this chapter, except  
23 that release may be rescinded without hearing by the Conditional  
24 Release Board if the board determines that continuation of the  
25 conditional release poses a danger to the public or to an  
26 individual. If the board rescinds an offender's conditional  
27 release, the offender shall be returned to prison and shall  
28 serve the remaining portion of the offender's sentence.

29 Subd. 7. [OFFENDERS SERVING OTHER SENTENCES.] An offender  
30 who is serving both a sentence for an offense described in  
31 subdivision 3 and an offense not described in subdivision 3, is  
32 not eligible for release under this section unless the offender  
33 has completed the offender's full term of imprisonment for the  
34 other offense.

35 [EFFECTIVE DATE.] This section is effective January 1,  
36 2006, and applies to offenders serving terms of imprisonment and

1 to offenders sentenced on or after that date.

2 Sec. 3. Minnesota Statutes 2004, section 609A.02, is  
3 amended by adding a subdivision to read:

4 Subd. 1a. [OTHER CONTROLLED SUBSTANCE OFFENSES;  
5 CONVICTIONS.] A petition may be filed under section 609A.03 to  
6 seal all records relating to an arrest, indictment or  
7 information, trial, or verdict for a violation of section  
8 152.022, 152.023, 152.024, or 152.025 if the actions or  
9 proceedings were not resolved in favor of the petitioner, and if:

10 (1) the petitioner was conditionally released under section  
11 244.055;

12 (2) at least five years have elapsed since the petitioner  
13 has been discharged from conditional release or since the  
14 petitioner's sentence has expired; and

15 (3) the petitioner has not been convicted of any new  
16 offense.

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

18 Sec. 4. [CONTROLLED SUBSTANCE OFFENDERS CURRENTLY IN  
19 PRISON; CONDITIONAL RELEASE.]

20 An offender meeting the criteria described in Minnesota  
21 Statutes, section 244.055, subdivision 3, clauses (1), (3), (4),  
22 and (5), and subdivision 7, may petition the Conditional Release  
23 Board under Minnesota Statutes, section 244.055, for conditional  
24 release. The provisions of Minnesota Statutes, section 244.055,  
25 apply to the petition, release decision, and conditional release  
26 of offenders under this section. However, the board shall  
27 ensure that the prosecutorial authority responsible for the  
28 offender's conviction receives reasonable advance notice of the  
29 offender's petition for conditional release. In addition to the  
30 other criteria for release, the board may not conditionally  
31 release an offender unless it determines that the offender  
32 committed the crime as a result of a controlled substance  
33 addiction, and not primarily for profit.

34 [EFFECTIVE DATE.] This section is effective January 1,  
35 2006, and applies to offenders who committed controlled  
36 substance crimes before that date.