



1 3; 609.344, subdivisions 2, 3; 609.345, subdivisions  
 2 2, 3; 609.3452, subdivision 1; 609.347; 609.3471;  
 3 609.348; 609.353; 609.485, subdivisions 2, 4; 609.50,  
 4 subdivision 1; 609.527, subdivisions 1, 3, 4, 6, by  
 5 adding a subdivision; 609.531, subdivision 1;  
 6 609.5315, subdivision 1, by adding a subdivision;  
 7 609.746, subdivision 1; 609.748, subdivisions 2, 3a;  
 8 609.749, subdivision 2; 609.79, subdivision 2;  
 9 609.795, by adding a subdivision; 617.81, subdivision  
 10 4, by adding a subdivision; 617.85; 626.556,  
 11 subdivision 3; 628.26; 631.045; proposing coding for  
 12 new law in Minnesota Statutes, chapters 152; 237; 243;  
 13 244; 299A; 299C; 325F; 357; 403; 609; repealing  
 14 Minnesota Statutes 2004, sections 18C.005,  
 15 subdivisions 1a, 35a; 18C.201, subdivisions 6, 7;  
 16 18D.331, subdivision 5; 243.166, subdivisions 1, 8;  
 17 299A.68; 299C.65, subdivisions 3, 4, 6, 7, 8, 8a, 9;  
 18 386.30; 403.30, subdivision 3; 609.108, subdivision 2;  
 19 609.109, subdivision 7; 609.725.

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

21 ARTICLE 1

22 PUBLIC SAFETY APPROPRIATIONS

23 Section 1. [APPROPRIATIONS.]

24 The sums shown in the columns marked "APPROPRIATIONS" are  
 25 added to or, if shown in parentheses, are subtracted from the  
 26 appropriations to the specified agencies in 2005 S.F. No. 1879,  
 27 article 9, if enacted. The appropriations are from the general  
 28 fund, unless another fund is named, and are available for the  
 29 fiscal year indicated for each purpose. The figures "2006" and  
 30 "2007," where used in this article, mean that the additions to  
 31 or subtractions from the appropriations listed under them are  
 32 for the fiscal year ending June 30, 2006, or June 30, 2007,  
 33 respectively. The term "first year" means the fiscal year  
 34 ending June 30, 2006, and the term "second year" means the  
 35 fiscal year ending June 30, 2007.

36 SUMMARY BY FUND

	2006	2007	TOTAL
37 GENERAL	\$ 71,233,000	\$78,853,000	\$150,086,000
38 STATE GOVERNMENT			
39 SPECIAL REVENUE	16,368,000	16,688,000	33,056,000
40 SPECIAL REVENUE	1,400,000	1,400,000	2,800,000
41 BOND PROCEEDS	62,500,000	-0-	62,500,000
42 TOTAL	\$151,501,000	\$96,941,000	\$248,442,000

44 APPROPRIATIONS  
 45 Available for the Year  
 46 Ending June 30  
 47 2006 2007

1 Sec. 2. SUPREME COURT \$ 6,090,000 \$ 6,041,000

2 [CASELOAD INCREASES.] \$1,090,000 the  
3 first year and \$1,041,000 the second  
4 year are for caseload increases.

5 [CIVIL LEGAL SERVICES.] \$5,000,000 each  
6 year is for legal services under  
7 Minnesota Statutes, sections 480.24 to  
8 480.244.

9 [PROHIBITION ON USE OF APPROPRIATIONS  
10 FOR JUDICIAL SALARY INCREASES.] No  
11 portion of these appropriations may be  
12 used for judicial salary increases.

13 Sec. 3. COURT OF APPEALS 250,000 250,000

14 For caseload increases.

15 [PROHIBITION ON USE OF APPROPRIATIONS  
16 FOR JUDICIAL SALARY INCREASES.] No  
17 portion of these appropriations may be  
18 used for judicial salary increases.

19 Sec. 4. DISTRICT COURTS 9,275,000 11,592,000

20 [CASELOAD INCREASES.] \$6,671,000 each  
21 year is for caseload increases.

22 [SEX AND METHAMPHETAMINE OFFENSES.]  
23 \$3,600,000 the first year and  
24 \$7,200,000 the second year are for the  
25 sex and methamphetamine offense  
26 sentencing changes made in this act.

27 [SPECIALTY COURTS.] \$250,000 each year  
28 is to develop or expand specialty  
29 courts such as drug courts and mental  
30 health courts.

31 By January 15, 2008, the state court  
32 administrator shall report to the  
33 chairs and ranking minority members of  
34 the senate and house committees and  
35 divisions having jurisdiction over  
36 criminal justice policy and funding on  
37 how this money was used.

38 [PROHIBITION ON USE OF APPROPRIATIONS  
39 FOR JUDICIAL SALARY INCREASES.] No  
40 portion of these appropriations may be  
41 used for judicial salary increases.

42 Sec. 5. UNIFORM LAWS COMMISSION 5,000 5,000

43 For national conference dues.

44 Sec. 6. BOARD OF PUBLIC DEFENSE 5,495,000 9,295,000

45 [CASELOAD INCREASES.] \$1,695,000 each  
46 year is for caseload increases.

47 [SEX AND METHAMPHETAMINE OFFENSES.]  
48 \$3,800,000 the first year and  
49 \$7,600,000 the second year are for the  
50 sex and methamphetamine offense  
51 sentencing changes made in this act.

52 Sec. 7. PUBLIC SAFETY

1	Subdivision 1. Total		
2	Appropriation	91,944,000	29,811,000

3 Summary by Fund

4	General	11,676,000	11,723,000
5	State Government		
6	Special Revenue	16,368,000	16,688,000
7	Special Revenue	1,400,000	1,400,000
8	Bond Proceeds	62,500,000	-0-

9	[AGENCYWIDE ADMINISTRATIVE		
10	CUT.]	(175,000)	(175,000)

11 This is an agencywide administrative  
12 cut.

13 [APPROPRIATIONS FOR PROGRAMS.] The  
14 amounts that may be spent from this  
15 appropriation for each program are  
16 specified in the following subdivisions.

17	Subd. 2. Criminal Apprehension	4,976,000	5,023,000
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18 [AUTOMATED FINGERPRINT IDENTIFICATION  
19 SYSTEM.] \$1,533,000 the first year and  
20 \$2,318,000 the second year are to  
21 replace the automated fingerprint  
22 identification system (AFIS).

23 [PREDATORY OFFENDER REGISTRATION  
24 SYSTEM.] \$1,146,000 the first year and  
25 \$564,000 the second year are to upgrade  
26 the predatory offender registration  
27 (POR) system and to increase the  
28 monitoring and tracking of registered  
29 offenders who become noncompliant with  
30 the law.

31 [CRIMINAL JUSTICE INFORMATION SYSTEMS  
32 (CJIS) AUDIT TRAIL.] \$374,000 the first  
33 year and \$203,000 the second year are  
34 for the Criminal Justice Information  
35 Systems (CJIS) audit trail.

36 [DNA ANALYSIS OF FELON OFFENDERS.]  
37 \$857,000 the first year and \$869,000  
38 the second year are to fund the  
39 analyses of biological samples from  
40 felon offenders.

41 [LIVESCAN.] \$66,000 the first year and  
42 \$69,000 the second year are to fund the  
43 ongoing costs of Livescan.

44 [TEN NEW AGENTS.] \$1,000,000 each year  
45 is for ten Bureau of Criminal  
46 Apprehension agents to be assigned  
47 exclusively to methamphetamine  
48 enforcement, including the  
49 investigation of manufacturing and  
50 distributing methamphetamine and  
51 related violence. These appropriations  
52 are intended to increase the current  
53 allocation of Bureau of Criminal  
54 Apprehension resources dedicated to  
55 methamphetamine enforcement. Positions  
56 funded by these appropriations may not

1 supplant existing agent assignments or  
2 positions.

3 Subd. 3. Fire Marshal 900,000 900,000

4 Subd. 4. Office of Justice  
5 Programs 7,375,000 7,375,000

6 Summary by Fund

7 General 5,975,000 5,975,000

8 Special Revenue 1,400,000 1,400,000

9 [CRIME VICTIM ASSISTANCE GRANTS  
10 INCREASE.] \$1,270,000 each year is to  
11 increase funding for crime victim  
12 assistance grants for abused children,  
13 sexual assault, battered women, and  
14 general crime victims.

15 [BATTERED WOMEN'S SHELTER GRANTS.]  
16 \$2,131,000 each year is to increase  
17 funding for battered women's shelters  
18 under Minnesota Statutes, section  
19 611A.32, and for safe houses.

20 [GANG STRIKE FORCE.] \$2,374,000 each  
21 year is for the criminal gang strike  
22 force.

23 The superintendent of the Bureau of  
24 Criminal Apprehension shall convene a  
25 working group of stakeholders  
26 representing the multijurisdictional  
27 narcotics task forces in operation in  
28 Minnesota, the Criminal Gang Oversight  
29 Council and Strike Force, and other  
30 individuals knowledgeable in narcotics  
31 and gang issues. The working group  
32 shall review the operational structure  
33 and organization of the narcotics task  
34 forces and Criminal Gang Oversight  
35 Council and Strike Force, the  
36 legislative authority and laws  
37 governing them, and any needs related  
38 to them. In addition, the working  
39 group shall recommend whether a merger  
40 of these entities is advisable. By  
41 January 15, 2006, the superintendent  
42 shall report the working group's  
43 findings and recommendations to the  
44 chairs and ranking minority members of  
45 the senate and house committees and  
46 divisions having jurisdiction over  
47 criminal justice policy and funding.  
48 If the working group recommends a  
49 merger, the report must include  
50 legislation to accomplish this and, at  
51 a minimum, address: methods to ensure  
52 that the current focus on criminal  
53 gangs is not lost in any merger; how  
54 money will be allocated between  
55 narcotics and gang enforcement within  
56 any merged entity; and data privacy  
57 issues related to the merger.

58 [MINNESOTA FINANCIAL CRIMES TASK  
59 FORCE.] \$1,400,000 each year is from  
60 the Minnesota Financial Crimes  
61 Oversight Council account in Minnesota

1 Statutes, section 299A.68, subdivision  
2 10, for the Minnesota Financial Crimes  
3 Task Force.

4 [HOMELESSNESS PILOT PROJECTS.] \$200,000  
5 each year is for the homelessness pilot  
6 projects described in article 9,  
7 section 38.

8 [ADMINISTRATION COSTS.] Up to 2.5  
9 percent of the grant funds appropriated  
10 in this subdivision may be used to  
11 administer the grant program.

12 Subd. 5. 911 Emergency		
13 Services/ARMER	16,368,000	16,688,000

14 This appropriation is from the state  
15 government special revenue fund for 911  
16 emergency telecommunications services.

17 The total appropriation for this  
18 purpose, consisting of this  
19 appropriation plus the appropriation in  
20 2005 S.F. No. 1879, article 9, section  
21 9, subdivision 7, if enacted, must be  
22 spent as provided in this subdivision.

23 \$3,442,000 the first year and  
24 \$3,064,000 the second year are to fund  
25 a deficiency due to prior year  
26 obligations under Minnesota Statutes,  
27 section 403.11, that were estimated in  
28 the December 2004 911 fund statement to  
29 be \$6,504,700 on July 1, 2005. "Prior  
30 year obligations" means reimbursable  
31 costs under Minnesota Statutes, section  
32 403.11, subdivision 1, incurred under  
33 the terms and conditions of a contract  
34 with the state for a fiscal year  
35 preceding fiscal year 2004, that have  
36 been certified in a timely manner in  
37 accordance with Minnesota Statutes,  
38 section 403.11, subdivision 3a, and  
39 that are not barred by statute of  
40 limitation or other defense. The  
41 appropriations needed for this purpose  
42 are estimated to be none in fiscal year  
43 2008 and thereafter.

44 \$13,640,000 the first year and  
45 \$13,664,000 the second year are to be  
46 distributed as provided in Minnesota  
47 Statutes, section 403.113, subdivision  
48 2. This appropriation may only be used  
49 for public safety answering points that  
50 have implemented phase two wireless  
51 enhanced 911 service or whose  
52 governmental agency has made a binding  
53 commitment to the commissioner of  
54 public safety to implement phase two  
55 wireless enhanced 911 service by  
56 January 1, 2008. If revenue to the  
57 account is insufficient to support all  
58 appropriations from the account for a  
59 fiscal year, this appropriation takes  
60 priority over other appropriations,  
61 except the open appropriation in  
62 Minnesota Statutes, section 403.30,  
63 subdivision 1, for debt service on  
64 bonds previously sold.

1 \$682,000 the first year and \$683,000  
 2 the second year are for grants to the  
 3 Minnesota Emergency Medical Services  
 4 Regulatory Board for the Metro East and  
 5 Metro West Medical Resource  
 6 Communication Centers that were in  
 7 operation before January 1, 2000.

8 \$6,138,000 the first year and  
 9 \$6,149,000 the second year are to the  
 10 commissioner of finance to pay debt  
 11 service on revenue bonds issued under  
 12 Minnesota Statutes, section 403.275.  
 13 Any portion of this appropriation not  
 14 needed to pay debt service in a fiscal  
 15 year may be used by the commissioner of  
 16 public safety to pay cash for any of  
 17 the capital improvements for which bond  
 18 proceeds have been appropriated in  
 19 subdivision 6.

20 Subd. 6. 800 MHz Public Safety  
 21 Radio and Communication System 62,500,000

22 The appropriations in this subdivision  
 23 are from the 911 revenue bond proceeds  
 24 account to the commissioner of public  
 25 safety for the purposes indicated, to  
 26 be available until the project is  
 27 completed or abandoned, subject to  
 28 Minnesota Statutes, section 16A.642.

29 (a) Phase 2 Subsystems 8,000,000

30 For a grant to the Metropolitan  
 31 Emergency Services Board to pay up to  
 32 50 percent of the cost to a local  
 33 government unit of building a subsystem  
 34 as part of the second phase of the  
 35 public safety radio and communication  
 36 system plan under Minnesota Statutes,  
 37 section 403.36.

38 (b) Phase 3 System Backbone 45,000,000

39 For the Statewide Radio Board to  
 40 construct the system backbone in the  
 41 third phase of the public safety radio  
 42 and communication system plan under  
 43 Minnesota Statutes, section 403.36.

44 (c) Phase 3 Subsystems 9,500,000

45 To reimburse local units of government  
 46 for up to 50 percent of the cost of  
 47 building a subsystem of the public  
 48 safety radio and communication system  
 49 established under Minnesota Statutes,  
 50 section 403.36, in the southeast or  
 51 central district of the State Patrol.

52 (d) Bond Sale Authorization

53 To provide the money appropriated in  
 54 this subdivision, the commissioner of  
 55 finance shall sell and issue bonds of  
 56 the state in an amount up to  
 57 \$62,500,000 in the manner, upon the  
 58 terms, and with the effect prescribed  
 59 by Minnesota Statutes, section 403.275.

1 Sec. 8. BOARD OF PEACE OFFICER  
2 STANDARDS AND TRAINING 300,000 300,000

3 [OPERATION OF BOARD.] \$71,000 each year  
4 is for the board's continued operation.

5 [TRAINING REIMBURSEMENTS.] \$89,000 each  
6 year is for peace officer training  
7 reimbursements to local units of  
8 government.

9 [TECHNOLOGICAL UPDATES.] \$140,000 each  
10 year is for technological updates.

11 [NOT INCLUDED IN BASE BUDGET.] These  
12 appropriations are not added to the  
13 board's base budget.

14 Sec. 9. CORRECTIONS

15 Subdivision 1. Total  
16 Appropriation 38,135,000 39,647,000

17 [APPROPRIATIONS FOR PROGRAMS.] The  
18 amounts that may be spent from this  
19 appropriation for each program are  
20 specified in the following subdivisions.

21 Subd. 2. Correctional  
22 Institutions 11,216,000 12,728,000

23 Notwithstanding any law to the  
24 contrary, the commissioner may use per  
25 diems collected under contracts for  
26 beds at MCF-Rush City to operate the  
27 state correctional system.

28 [LEVEL III OFFENDER TRACKING AND  
29 APPREHENSION.] \$70,000 each year is to  
30 track and apprehend level III predatory  
31 offenders.

32 [SEX OFFENDER TREATMENT AND  
33 TRANSITIONAL SERVICES.] \$1,500,000 each  
34 year is for sex offender treatment and  
35 transitional services.

36 [HEALTH SERVICES.] \$3,720,000 each year  
37 is for health services.

38 [SEX AND METHAMPHETAMINE OFFENSES.]  
39 \$351,000 the first year and \$1,863,000  
40 the second year are for the sex and  
41 methamphetamine offense sentencing  
42 changes made in this act.

43 [CHEMICAL DEPENDENCY TREATMENT.]  
44 \$4,500,000 each year is for chemical  
45 dependency treatment programs.

46 [MENTAL HEALTH TREATMENT.] \$2,000,000  
47 each year is for mental health  
48 treatment programs.

49 [WORKING GROUP ON INMATE LABOR.] The  
50 commissioner of corrections and the  
51 commissioner of the Minnesota Housing  
52 Finance Agency shall convene a working  
53 group to study the feasibility of using  
54 inmate labor to build low-income  
55 housing manufactured at MCF-Faribault.



1 The working group consists of: the  
 2 chief executive officer of MINNCOR  
 3 Industries; representatives from the  
 4 Builders Association of America,  
 5 Minnesota AFL-CIO, Association of  
 6 Minnesota Counties, Minnesota  
 7 Manufactured Housing Association,  
 8 Habitat for Humanity, and Minnesota  
 9 Housing Partnership, selected by those  
 10 organizations; and any other  
 11 individuals deemed appropriate by the  
 12 commissioners.

13 By January 15, 2006, the working group  
 14 shall report its findings and  
 15 recommendations to the chairs and  
 16 ranking minority members of the senate  
 17 and house of representatives committees  
 18 and divisions having jurisdiction over  
 19 criminal justice policy and funding and  
 20 jobs, housing, and community  
 21 development policy and funding.

22 Subd. 3. Community Services 27,244,000 27,244,000

23 [END OF CONFINEMENT REVIEWS.] \$94,000  
 24 each year is for end of confinement  
 25 reviews.

26 [SEX OFFENDER TRACKING.] \$162,000 each  
 27 year is for the acquisition of  
 28 bracelets equipped with tracking  
 29 devices designed to track and monitor  
 30 the movement and location of criminal  
 31 offenders. The commissioner shall use  
 32 the bracelets to monitor high-risk sex  
 33 offenders who are on supervised release  
 34 or probation to help ensure that the  
 35 offenders do not violate conditions of  
 36 their release or probation.

37 [COMMUNITY SURVEILLANCE AND  
 38 SUPERVISION.] \$1,370,000 each year is  
 39 to provide housing options to maximize  
 40 community surveillance and supervision.

41 [INCREASE IN INTENSIVE SUPERVISED  
 42 RELEASE SERVICES.] \$1,800,000 each year  
 43 is to increase intensive supervised  
 44 release services.

45 [SEX OFFENDER ASSESSMENT  
 46 REIMBURSEMENTS.] \$350,000 each year is  
 47 to provide grants to counties for  
 48 reimbursements for sex offender  
 49 assessments as required under Minnesota  
 50 Statutes, section 609.3452, subdivision  
 51 1.

52 [SEX OFFENDER TREATMENT AND  
 53 POLYGRAPHS.] \$1,250,000 each year is to  
 54 provide treatment for sex offenders on  
 55 community supervision and to pay for  
 56 polygraph testing.

57 [INCREASED SUPERVISION OF ADULT SEX  
 58 OFFENDERS, DOMESTIC VIOLENCE OFFENDERS,  
 59 AND OTHER VIOLENT OFFENDERS.]  
 60 \$19,093,000 each year is for enhanced  
 61 supervision of adult felony sex  
 62 offenders, domestic violence offenders,

1 and other violent offenders by  
2 employing additional probation officers  
3 to reduce the caseloads of probation  
4 officers supervising these offenders on  
5 probation or supervised release.

6 The commissioner shall distribute the  
7 funds with 30 percent of the money  
8 appropriated to non-Community  
9 Corrections Act counties and 70 percent  
10 appropriated to Community Corrections  
11 Act counties. The commissioner shall  
12 distribute the appropriation to  
13 Community Corrections Act counties  
14 according to the formula contained in  
15 Minnesota Statutes, section 401.10.  
16 Each Community Corrections Act  
17 jurisdiction and the department's  
18 probation and supervised release unit  
19 shall submit to the commissioner an  
20 analysis of need along with a plan to  
21 meet these needs and reduce offender  
22 caseloads. Upon approval of the plans,  
23 the non-Community Corrections Act  
24 portion of these funds shall be  
25 appropriated to the department and the  
26 distribution shall be based on  
27 statewide need. The Community  
28 Corrections Act funds shall be  
29 disbursed as grants to each Community  
30 Corrections Act jurisdiction. These  
31 appropriations may not be used to  
32 supplant existing state or county  
33 probation officer positions.

34 [CHEMICAL DEPENDENCY TREATMENT AND  
35 AFTERCARE GRANTS.] \$2,500,000 each year  
36 is for grants to counties to provide  
37 community-based chemical dependency  
38 treatment and aftercare. The  
39 commissioner shall distribute the  
40 appropriation to counties according to  
41 the formula contained in Minnesota  
42 Statutes, section 401.10. In those  
43 counties where correctional services  
44 are shared by the Department of  
45 Corrections and county court services,  
46 the commissioner shall determine the  
47 distribution of the grants. Of this  
48 appropriation, \$500,000 each year is  
49 for grants to counties for programs  
50 designed to reduce underage drinking  
51 and for treatment and supervision of  
52 juvenile substance abuse offenders.

53 The commissioner shall ensure that any  
54 part of this appropriation spent on  
55 medical assistance-eligible individuals  
56 earns the maximum medical assistance  
57 match available from the federal  
58 government.

59 [INTENSIVE SUPERVISION AND AFTERCARE  
60 FOR CONTROLLED SUBSTANCES OFFENDERS.]  
61 \$625,000 each year is for intensive  
62 supervision and aftercare services for  
63 controlled substances offenders  
64 released from prison under Minnesota  
65 Statutes, section 244.055. These  
66 appropriations are not added to the  
67 department's base budget. By January

1 15, 2008, the commissioner shall report  
2 to the chairs and ranking minority  
3 members of the senate and house  
4 committees and divisions having  
5 jurisdiction over criminal justice  
6 policy and funding on how this  
7 appropriation was spent, including an  
8 assessment on the offenders' transition  
9 from prison into the community and  
10 recidivism data.

11 [REPORT ON ELECTRONIC MONITORING OF SEX  
12 OFFENDERS.] By February 15, 2006, the  
13 commissioner of corrections shall  
14 report to the chairs and ranking  
15 minority members of the senate and  
16 house committees and divisions having  
17 jurisdiction over criminal justice  
18 policy and funding on implementing an  
19 electronic monitoring system for sex  
20 offenders who are under community  
21 supervision. The report must address  
22 the following:

23 (1) the advantages and disadvantages in  
24 implementing this, including the impact  
25 on public safety;

26 (2) the types of sex offenders who  
27 should be subject to the monitoring;

28 (3) the time period that offenders  
29 should be subject to the monitoring;

30 (4) the financial costs associated with  
31 the monitoring and who should be  
32 responsible for these costs; and

33 (5) the technology available for the  
34 monitoring.

35 Subd. 4. Operations Support (325,000) (325,000)

36 This is an agencywide administrative  
37 cut.

38 Sec. 10. BOARD OF VETERINARY  
39 MEDICINE 7,000 -0-

40 For the study on animal products that  
41 may be used in the manufacture of  
42 methamphetamine described in article 6,  
43 section 16.

44 ARTICLE 2

45 SEX OFFENDERS:

46 MANDATORY LIFE SENTENCES FOR CERTAIN EGREGIOUS AND

47 REPEAT SEX OFFENSES; CONDITIONAL RELEASE;

48 OTHER SENTENCING CHANGES

49 Section 1. Minnesota Statutes 2004, section 244.04,

50 subdivision 1, is amended to read:

51 Subdivision 1. [REDUCTION OF SENTENCE; INMATES SENTENCED

52 FOR CRIMES COMMITTED BEFORE 1993.] Notwithstanding the

1 provisions of section 609.11, subdivision 6, and section  
2 609.109, subdivision 1, the term of imprisonment of any inmate  
3 sentenced to a presumptive fixed sentence after May 1, 1980, and  
4 whose crime was committed before August 1, 1993, shall be  
5 reduced in duration by one day for each two days during which  
6 the inmate violates none of the disciplinary offense rules  
7 promulgated by the commissioner. The reduction shall accrue to  
8 the period of supervised release to be served by the inmate,  
9 except that the period of supervised release for a sex offender  
10 sentenced-and conditionally released by the commissioner under  
11 section ~~609.108, subdivision 5~~ 609.3455 is governed by that  
12 provision.

13 Except as otherwise provided in subdivision 2, if an inmate  
14 whose crime was committed before August 1, 1993, violates a  
15 disciplinary offense rule promulgated by the commissioner, good  
16 time earned prior to the violation may not be taken away, but  
17 the inmate may be required to serve an appropriate portion of  
18 the term of imprisonment after the violation without earning  
19 good time.

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

21 Sec. 2. Minnesota Statutes 2004, section 244.05,  
22 subdivision 2, is amended to read:

23 Subd. 2. [RULES.] The commissioner of corrections shall  
24 adopt by rule standards and procedures for the revocation of  
25 supervised or conditional release, and shall specify the period  
26 of revocation for each violation of supervised release.  
27 Procedures for the revocation of supervised release shall  
28 provide due process of law for the inmate.

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

31 Sec. 3. Minnesota Statutes 2004, section 244.05,  
32 subdivision 4, is amended to read:

33 Subd. 4. [MINIMUM IMPRISONMENT, LIFE SENTENCE.] An inmate  
34 serving a mandatory life sentence under section 609.106 must not  
35 be given supervised release under this section. An inmate  
36 serving a mandatory life sentence under section 609.185, clause

1 (1), (3), (5), or (6); or 609.109, subdivision 2a 3, must not be  
2 given supervised release under this section without having  
3 served a minimum term of 30 years. An inmate serving a  
4 mandatory life sentence under section 609.385 must not be given  
5 supervised release under this section without having served a  
6 minimum term of imprisonment of 17 years. An inmate serving a  
7 mandatory life sentence under section 609.342, subdivision 2,  
8 paragraph (b); 609.343, subdivision 2, paragraph (b); or  
9 609.3455 must not be given supervised release under this section  
10 without having served the minimum term of imprisonment specified  
11 by the court in its sentence.

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

14 Sec. 4. Minnesota Statutes 2004, section 244.05,  
15 subdivision 5, is amended to read:

16 Subd. 5. [SUPERVISED RELEASE, LIFE SENTENCE.] (a) The  
17 commissioner of corrections may, under rules promulgated by the  
18 commissioner, give supervised release to an inmate serving a  
19 mandatory life sentence under section 609.185, clause (1), (3),  
20 (5), or (6); 609.109, subdivision 2a 3; 609.342, subdivision 2,  
21 paragraph (b); 609.343, subdivision 2, paragraph (b); 609.3455;  
22 or 609.385 after the inmate has served the minimum term of  
23 imprisonment specified in subdivision 4.

24 (b) The commissioner shall require the preparation of a  
25 community investigation report and shall consider the findings  
26 of the report when making a supervised release decision under  
27 this subdivision. The report shall reflect the sentiment of the  
28 various elements of the community toward the inmate, both at the  
29 time of the offense and at the present time. The report shall  
30 include the views of the sentencing judge, the prosecutor, any  
31 law enforcement personnel who may have been involved in the  
32 case, and any successors to these individuals who may have  
33 information relevant to the supervised release decision. The  
34 report shall also include the views of the victim and the  
35 victim's family unless the victim or the victim's family chooses  
36 not to participate.

1 (c) The commissioner shall make reasonable efforts to  
2 notify the victim, in advance, of the time and place of the  
3 inmate's supervised release review hearing. The victim has a  
4 right to submit an oral or written statement at the review  
5 hearing. The statement may summarize the harm suffered by the  
6 victim as a result of the crime and give the victim's  
7 recommendation on whether the inmate should be given supervised  
8 release at this time. The commissioner must consider the  
9 victim's statement when making the supervised release decision.

10 (d) When considering whether to give supervised release to  
11 an inmate serving a life sentence under section 609.342,  
12 subdivision 2, paragraph (b); 609.343, subdivision 2, paragraph  
13 (b); or 609.3455, the commissioner shall consider, at a minimum,  
14 the following: the risk the inmate poses to the community if  
15 released, the inmate's progress in treatment, the inmate's  
16 behavior while incarcerated, psychological or other diagnostic  
17 evaluations of the inmate, the inmate's criminal history, and  
18 any other relevant conduct of the inmate while incarcerated or  
19 before incarceration. However, the commissioner may not give  
20 supervised release to the inmate unless:

21 (1) while in prison, the inmate has successfully completed  
22 appropriate sex offender treatment;

23 (2) while in prison, the inmate has been assessed for  
24 chemical dependency needs and, if appropriate, has successfully  
25 completed chemical dependency treatment;

26 (3) while in prison, the inmate has been assessed for  
27 mental health needs and, if appropriate, has successfully  
28 completed mental health treatment; and

29 (4) a comprehensive individual release plan is in place for  
30 the inmate that ensures that, after release, the inmate will  
31 have suitable housing and receive appropriate aftercare and  
32 community-based treatment, and includes a postprison employment  
33 or education plan for the inmate.

34 (e) As used in this subdivision, "victim" means the  
35 individual who suffered harm as a result of the inmate's crime  
36 or, if the individual is deceased, the deceased's surviving

1 spouse or next of kin.

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

4 Sec. 5. Minnesota Statutes 2004, section 244.05,  
5 subdivision 6, is amended to read:

6 Subd. 6. [INTENSIVE SUPERVISED RELEASE.] The commissioner  
7 may order that an inmate be placed on intensive supervised  
8 release for all or part of the inmate's supervised release or  
9 parole term if the commissioner determines that the action will  
10 further the goals described in section 244.14, subdivision 1,  
11 clauses (2), (3), and (4). In addition, the commissioner may  
12 order that an inmate be placed on intensive supervised release  
13 for all of the inmate's conditional or supervised release term  
14 if the inmate was convicted of a sex offense under sections  
15 609.342 to 609.345 or was sentenced under the provisions of  
16 section 609.108. The commissioner may impose appropriate  
17 conditions of release on the inmate including but not limited to  
18 unannounced searches of the inmate's person, vehicle, or  
19 premises by an intensive supervision agent; compliance with  
20 court-ordered restitution, if any; random drug testing; house  
21 arrest; daily curfews; frequent face-to-face contacts with an  
22 assigned intensive supervision agent; work, education, or  
23 treatment requirements; and electronic surveillance. In  
24 addition, any sex offender placed on intensive supervised  
25 release may be ordered to participate in an appropriate sex  
26 offender program as a condition of release. If the inmate  
27 violates the conditions of the intensive supervised release, the  
28 commissioner shall impose sanctions as provided in subdivision 3  
29 and section ~~609.108~~ 609.3455.

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

32 Sec. 6. Minnesota Statutes 2004, section 609.108,  
33 subdivision 1, is amended to read:

34 Subdivision 1. [MANDATORY INCREASED SENTENCE.] {a} A court  
35 shall commit a person to the commissioner of corrections for a  
36 period of time that is not less than double the presumptive

1 sentence under the Sentencing Guidelines and not more than the  
 2 statutory maximum, or if the statutory maximum is less than  
 3 double the presumptive sentence, for a period of time that is  
 4 equal to the statutory maximum, if:

5 (1) the court is imposing an executed sentence, ~~based on a~~  
 6 ~~Sentencing Guidelines presumptive imprisonment sentence or a~~  
 7 ~~dispositional departure for aggravating circumstances or a~~  
 8 ~~mandatory minimum sentence,~~ on a person convicted of committing  
 9 or attempting to commit a violation of section 609.342, 609.343,  
 10 609.344, or 609.345, or ~~on a person convicted of committing or~~  
 11 ~~attempting to commit any other crime listed in subdivision 3 if~~  
 12 ~~it reasonably appears to the court that the crime was motivated~~  
 13 ~~by the offender's sexual impulses or was part of a predatory~~  
 14 ~~pattern of behavior that had criminal sexual conduct as its goal~~  
 15 609.3453;

16 (2) the court ~~finds~~ fact finder determines that the  
 17 offender is a danger to public safety; and

18 (3) the court ~~finds~~ fact finder determines that the  
 19 ~~offender needs long term treatment or supervision~~ offender's  
 20 criminal sexual behavior is so engrained that the risk of  
 21 reoffending is great without intensive psychotherapeutic  
 22 intervention or other long term treatment or supervision  
 23 extending beyond the presumptive term of imprisonment and  
 24 supervised release. The finding must be based on a professional  
 25 assessment by an examiner experienced in evaluating sex  
 26 offenders that concludes that the offender is a patterned sex  
 27 offender;--The assessment must contain the facts upon which the  
 28 conclusion is based, with reference to the offense history of  
 29 the offender or the severity of the current offense, the social  
 30 history of the offender, and the results of an examination of  
 31 the offender's mental status unless the offender refuses to be  
 32 examined;--The conclusion may not be based on testing alone;--A  
 33 patterned sex offender is one whose criminal sexual behavior is  
 34 so engrained that the risk of reoffending is great without  
 35 intensive psychotherapeutic intervention or other long term  
 36 controls.



1 ~~(b)-The court shall consider imposing a sentence under this~~  
2 ~~section whenever a person is convicted of violating section~~  
3 ~~609.342 or 609.343.~~

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

6 Sec. 7. Minnesota Statutes 2004, section 609.108,  
7 subdivision 3, is amended to read:

8 Subd. 3. [PREDATORY CRIME.] ~~A predatory crime is a felony~~  
9 ~~violation of section 609.185, 609.197, 609.195, 609.207, 609.205,~~  
10 ~~609.221, 609.222, 609.223, 609.247, 609.245, 609.257, 609.255,~~  
11 ~~609.342, 609.343, 609.344, 609.345, 609.365, 609.498, 609.561,~~  
12 ~~or 609.582, subdivision 1.~~ As used in this section, "predatory  
13 crime" has the meaning given in section 609.341, subdivision 22.

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

16 Sec. 8. Minnesota Statutes 2004, section 609.108,  
17 subdivision 4, is amended to read:

18 Subd. 4. [DANGER TO PUBLIC SAFETY.] ~~The court shall base~~  
19 ~~its finding~~ fact finder shall base its determination that the  
20 offender is a danger to public safety on any of the following  
21 factors:

22 (1) the crime involved an aggravating factor that would  
23 justify a durational departure from the presumptive sentence  
24 under the Sentencing Guidelines;

25 (2) the offender previously committed or attempted to  
26 commit a predatory crime or a violation of section 609.224 or  
27 609.2242, including:

28 (i) an offense committed as a juvenile that would have been  
29 a predatory crime or a violation of section 609.224 or 609.2242  
30 if committed by an adult; or

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

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

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

1           Sec. 9. Minnesota Statutes 2004, section 609.108,  
2 subdivision 6, is amended to read:

3           Subd. 6. [CONDITIONAL RELEASE.] At the time of sentencing  
4 under subdivision 1, the court shall provide that after the  
5 offender has completed the sentence imposed, less any good time  
6 earned by an offender whose crime was committed before August 1,  
7 1993, the commissioner of corrections shall place the offender  
8 on conditional release for the remainder of the statutory  
9 maximum period, or for ten years, whichever is longer. The  
10 terms of conditional release are governed by section 609.3455.

11           ~~The conditions of release may include successful completion~~  
12 ~~of treatment and aftercare in a program approved by the~~  
13 ~~commissioner, satisfaction of the release conditions specified~~  
14 ~~in section 244.057, subdivision 6, and any other conditions the~~  
15 ~~commissioner considers appropriate. Before the offender is~~  
16 ~~released, the commissioner shall notify the sentencing court,~~  
17 ~~the prosecutor in the jurisdiction where the offender was~~  
18 ~~sentenced, and the victim of the offender's crime, where~~  
19 ~~available, of the terms of the offender's conditional release.~~  
20 ~~If the offender fails to meet any condition of release, the~~  
21 ~~commissioner may revoke the offender's conditional release and~~  
22 ~~order that the offender serve all or a part of the remaining~~  
23 ~~portion of the conditional release term in prison. The~~  
24 ~~commissioner shall not dismiss the offender from supervision~~  
25 ~~before the conditional release term expires.~~

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

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

32           Sec. 10. Minnesota Statutes 2004, section 609.341, is  
33 amended by adding a subdivision to read:

34           Subd. 22. [PREDATORY CRIME.] "Predatory crime" means a  
35 felony violation of section 609.185, 609.19, 609.195, 609.20,  
36 609.205, 609.221, 609.222, 609.223, 609.24, 609.245, 609.25,

1 609.255, 609.498, 609.561, or 609.582, subdivision 1.

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

4 Sec. 11. Minnesota Statutes 2004, section 609.342,  
5 subdivision 2, is amended to read:

6 Subd. 2. [PENALTY.] (a) Except as otherwise provided  
7 in paragraph (b); section 609.109; or 609.3455, a person  
8 convicted under subdivision 1 may be sentenced to imprisonment  
9 for not more than 30 years ~~or to a payment of a fine of not more~~  
10 ~~than \$40,000, or both.~~

11 ~~(b)~~ Unless a longer mandatory minimum sentence is otherwise  
12 required by law or the Sentencing Guidelines provide for a  
13 longer presumptive executed sentence, the court shall presume  
14 that an executed sentence of 144 months must be imposed on an  
15 offender convicted of violating this section. Sentencing a  
16 person in a manner other than that described in this paragraph  
17 is a departure from the Sentencing Guidelines.

18 (b) The court shall sentence a person to imprisonment for  
19 life if the person is convicted under subdivision 1, clause (c),  
20 (d), (e), (f), or (h), and the fact finder determines beyond a  
21 reasonable doubt that any of the following circumstances exist:

22 (1) the offender tortured the complainant;

23 (2) the offender intentionally inflicted great bodily harm  
24 upon the complainant;

25 (3) the offender intentionally mutilated the complainant;

26 (4) the offender exposed the complainant to extreme  
27 inhumane conditions;

28 (5) the offender was armed with a dangerous weapon or any  
29 article used or fashioned in a manner to lead the complainant to  
30 reasonably believe it to be a dangerous weapon and used or  
31 threatened to use the weapon or article to cause the complainant  
32 to submit;

33 (6) the offense involved sexual penetration or sexual  
34 contact with more than one victim; or

35 (7) the offense involved more than one perpetrator engaging  
36 in sexual penetration or sexual contact with the complainant.

1 The fact finder may not consider a circumstance described  
2 in clauses (1) to (7), if it is an element of the underlying  
3 specified violation of subdivision 1.

4 When sentencing an offender under this paragraph, the court  
5 shall specify a minimum term of imprisonment, based on the  
6 sentencing guidelines or any applicable mandatory minimum  
7 sentence, that must be served before the offender may be  
8 considered for supervised release.

9 (c) As used in this subdivision:

10 (1) "extreme inhumane conditions" means situations where,  
11 either before or after the sexual penetration, the offender  
12 knowingly causes or permits the complainant to be placed in a  
13 situation likely to cause the complainant severe ongoing mental,  
14 emotional, or psychological harm, or causes the complainant's  
15 death;

16 (2) "mutilation" means the intentional infliction of  
17 physical abuse designed to cause serious permanent disfigurement  
18 or permanent or protracted loss or impairment of the functions  
19 of any bodily member or organ, where the offender relishes the  
20 infliction of the abuse, evidencing debasement or perversion;  
21 and

22 (3) "torture" means the intentional infliction of extreme  
23 mental anguish, or extreme psychological or physical abuse, when  
24 committed in an especially depraved manner.

25 (d) In addition to the sentence imposed under paragraph (a)  
26 or (b), the person may also be sentenced to the payment of a  
27 fine of not more than \$40,000.

28 (e) Notwithstanding the statutory maximum sentence  
29 described in paragraph (a) or (b), the person is also subject to  
30 conditional release as provided in section 609.3455.

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

33 Sec. 12. Minnesota Statutes 2004, section 609.342,  
34 subdivision 3, is amended to read:

35 Subd. 3. [STAY.] Except when imprisonment is required  
36 under section 609.109 or 609.3455, if a person is convicted

1 under subdivision 1, clause (g), the court may stay imposition  
2 or execution of the sentence if it finds that:

3 (a) a stay is in the best interest of the complainant or  
4 the family unit; and

5 (b) a professional assessment indicates that the offender  
6 has been accepted by and can respond to a treatment program.

7 If the court stays imposition or execution of sentence, it  
8 shall include the following as conditions of probation:

9 (1) incarceration in a local jail or workhouse;

10 (2) a requirement that the offender complete a treatment  
11 program; and

12 (3) a requirement that the offender have no unsupervised  
13 contact with the complainant until the offender has successfully  
14 completed the treatment program unless approved by the treatment  
15 program and the supervising correctional agent.

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

18 Sec. 13. Minnesota Statutes 2004, section 609.343,  
19 subdivision 2, is amended to read:

20 Subd. 2. [PENALTY.] (a) Except as otherwise provided in  
21 section 609.109 or 609.3455, a person convicted under  
22 subdivision 1 may be sentenced to imprisonment for not more than  
23 ~~25 years or to a payment of a fine of not more than \$357,000, or~~  
24 both.

25 ~~(b)~~ Unless a longer mandatory minimum sentence is otherwise  
26 required by law or the Sentencing Guidelines provide for a  
27 longer presumptive executed sentence, the court shall presume  
28 that an executed sentence of 90 months must be imposed on an  
29 offender convicted of violating subdivision 1, clause (c), (d),  
30 (e), (f), or (h). Sentencing a person in a manner other than  
31 that described in this paragraph is a departure from the  
32 Sentencing Guidelines.

33 (b) The court shall sentence a person to imprisonment for  
34 life if the person is convicted under subdivision 1, clause (c),  
35 (d), (e), (f), or (h), and the fact finder determines beyond a  
36 reasonable doubt that any of the following circumstances exist:

- 1       (1) the offender tortured the complainant;  
2       (2) the offender intentionally inflicted great bodily harm  
3 upon the complainant;  
4       (3) the offender intentionally mutilated the complainant;  
5       (4) the offender exposed the complainant to extreme  
6 inhumane conditions;  
7       (5) the offender was armed with a dangerous weapon or any  
8 article used or fashioned in a manner to lead the complainant to  
9 reasonably believe it to be a dangerous weapon and used or  
10 threatened to use the weapon or article to cause the complainant  
11 to submit;  
12       (6) the offense involved sexual penetration or sexual  
13 contact with more than one victim; or  
14       (7) the offense involved more than one perpetrator engaging  
15 in sexual penetration or sexual contact with the complainant.

16       The fact finder may not consider a circumstance described  
17 in clauses (1) to (7), if it is an element of the underlying  
18 specified violation of subdivision 1.

19       When sentencing an offender under this paragraph, the court  
20 shall specify a minimum term of imprisonment, based on the  
21 sentencing guidelines or any applicable mandatory minimum  
22 sentence, that must be served before the offender may be  
23 considered for supervised release.

24       (c) As used in this subdivision:

25       (1) "extreme inhumane conditions" means situations where,  
26 either before or after the sexual penetration, the offender  
27 knowingly causes or permits the complainant to be placed in a  
28 situation likely to cause the complainant severe ongoing mental,  
29 emotional, or psychological harm, or causes the complainant's  
30 death;

31       (2) "mutilation" means the intentional infliction of  
32 physical abuse designed to cause serious permanent disfigurement  
33 or permanent or protracted loss or impairment of the functions  
34 of any bodily member or organ, where the offender relishes the  
35 infliction of the abuse, evidencing debasement or perversion;  
36 and

1       (3) "torture" means the intentional infliction of extreme  
2 mental anguish, or extreme psychological or physical abuse, when  
3 committed in an especially depraved manner.

4       (d) In addition to the sentence imposed under paragraph (a)  
5 or (b), the person may also be sentenced to the payment of a  
6 fine of not more than \$35,000.

7       (e) Notwithstanding the statutory maximum sentence  
8 described in paragraph (a) or (b), the person is also subject to  
9 conditional release as provided in section 609.3455.

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

12       Sec. 14. Minnesota Statutes 2004, section 609.343,  
13 subdivision 3, is amended to read:

14       Subd. 3. [STAY.] Except when imprisonment is required  
15 under section 609.109 or 609.3455, if a person is convicted  
16 under subdivision 1, clause (g), the court may stay imposition  
17 or execution of the sentence if it finds that:

18       (a) a stay is in the best interest of the complainant or  
19 the family unit; and

20       (b) a professional assessment indicates that the offender  
21 has been accepted by and can respond to a treatment program.

22       If the court stays imposition or execution of sentence, it  
23 shall include the following as conditions of probation:

24       (1) incarceration in a local jail or workhouse;

25       (2) a requirement that the offender complete a treatment  
26 program; and

27       (3) a requirement that the offender have no unsupervised  
28 contact with the complainant until the offender has successfully  
29 completed the treatment program unless approved by the treatment  
30 program and the supervising correctional agent.

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

33       Sec. 15. Minnesota Statutes 2004, section 609.344,  
34 subdivision 2, is amended to read:

35       Subd. 2. [PENALTY.] Except as otherwise provided in  
36 section 609.3455, a person convicted under subdivision 1 may be

1 sentenced to imprisonment for not more than 15 years or to a  
2 payment of a fine of not more than \$30,000, or  
3 both. Notwithstanding this statutory maximum sentence, the  
4 person is also subject to conditional release as provided in  
5 section 609.3455.

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

8 Sec. 16. Minnesota Statutes 2004, section 609.344,  
9 subdivision 3, is amended to read:

10 Subd. 3. [STAY.] Except when imprisonment is required  
11 under section 609.109 or 609.3455, if a person is convicted  
12 under subdivision 1, clause (f), the court may stay imposition  
13 or execution of the sentence if it finds that:

14 (a) a stay is in the best interest of the complainant or  
15 the family unit; and

16 (b) a professional assessment indicates that the offender  
17 has been accepted by and can respond to a treatment program.

18 If the court stays imposition or execution of sentence, it  
19 shall include the following as conditions of probation:

20 (1) incarceration in a local jail or workhouse;

21 (2) a requirement that the offender complete a treatment  
22 program; and

23 (3) a requirement that the offender have no unsupervised  
24 contact with the complainant until the offender has successfully  
25 completed the treatment program unless approved by the treatment  
26 program and the supervising correctional agent.

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

29 Sec. 17. Minnesota Statutes 2004, section 609.345,  
30 subdivision 2, is amended to read:

31 Subd. 2. [PENALTY.] Except as otherwise provided in  
32 section 609.3455, a person convicted under subdivision 1 may be  
33 sentenced to imprisonment for not more than ten years or to a  
34 payment of a fine of not more than \$20,000, or  
35 both. Notwithstanding this statutory maximum sentence, the  
36 person is also subject to conditional release as provided in



1 section 609.3455.

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

4 Sec. 18. Minnesota Statutes 2004, section 609.345,  
5 subdivision 3, is amended to read:

6 Subd. 3. [STAY.] Except when imprisonment is required  
7 under section 609.109 or 609.3455, if a person is convicted  
8 under subdivision 1, clause (f), the court may stay imposition  
9 or execution of the sentence if it finds that:

10 (a) a stay is in the best interest of the complainant or  
11 the family unit; and

12 (b) a professional assessment indicates that the offender  
13 has been accepted by and can respond to a treatment program.

14 If the court stays imposition or execution of sentence, it  
15 shall include the following as conditions of probation:

16 (1) incarceration in a local jail or workhouse;

17 (2) a requirement that the offender complete a treatment  
18 program; and

19 (3) a requirement that the offender have no unsupervised  
20 contact with the complainant until the offender has successfully  
21 completed the treatment program unless approved by the treatment  
22 program and the supervising correctional agent.

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

25 Sec. 19. [609.3453] [CRIMINAL SEXUAL PREDATORY CONDUCT.]

26 Subdivision 1. [CRIME DEFINED.] A person is guilty of  
27 criminal sexual predatory conduct if the person commits a  
28 predatory crime that was motivated by the offender's sexual  
29 impulses or was part of a predatory pattern of behavior that had  
30 criminal sexual conduct as its goal.

31 Subd. 2. [PENALTY.] (a) Except as provided in section  
32 609.3455, the statutory maximum sentence for a violation of  
33 subdivision 1 is: (1) 25 percent longer than for the underlying  
34 predatory crime; or (2) 50 percent longer than for the  
35 underlying predatory crime, if the violation is committed by a  
36 person with a previous sex offense conviction, as defined in

1 section 609.3455, subdivision 1.

2 (b) In addition to the sentence imposed under paragraph  
3 (a), the person may also be sentenced to the payment of a fine  
4 of not more than \$20,000.

5 (c) Notwithstanding the statutory maximum sentence  
6 described in paragraph (a), the person is also subject to  
7 conditional release as provided in section 609.3455.

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

10 Sec. 20. [609.3455] [DANGEROUS SEX OFFENDERS; LIFE  
11 SENTENCES; CONDITIONAL RELEASE.]

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

14 (b) "Conviction" includes a conviction as an extended  
15 jurisdiction juvenile under section 260B.130 for a violation of,  
16 or an attempt to violate, section 609.342, 609.343, 609.344, or  
17 609.3453.

18 (c) A conviction is considered a "previous sex offense  
19 conviction" if the offender was convicted and sentenced for a  
20 sex offense before the commission of the present offense.

21 (d) A conviction is considered a "prior sex offense  
22 conviction" if the offender was convicted of committing a sex  
23 offense before the offender has been convicted of the present  
24 offense, regardless of whether the offender was convicted for  
25 the first offense before the commission of the present offense,  
26 and the convictions involved separate behavioral incidents.

27 (e) "Sex offense" means any violation of, or attempt to  
28 violate, section 609.342, 609.343, 609.344, 609.345, 609.3451,  
29 609.3453, or any similar statute of the United States, this  
30 state, or any other state.

31 (f) An offender has "two previous sex offense convictions"  
32 only if the offender was convicted and sentenced for a sex  
33 offense committed after the offender was earlier convicted and  
34 sentenced for a sex offense and both convictions preceded the  
35 commission of the present offense of conviction.

36 Subd. 2. [MANDATORY LIFE SENTENCE.] (a) Notwithstanding

1 the statutory maximum penalty otherwise applicable to the  
2 offense, the court shall sentence an offender to imprisonment  
3 for life if the offender is convicted of violating section  
4 609.342, 609.343, 609.344, 609.345, or 609.3453 if:

5 (1) the offender has two previous sex offense convictions;

6 (2) the offender has a previous sex offense conviction and:

7 (i) the present offense involved an aggravating factor that  
8 would provide grounds for an upward departure under the  
9 sentencing guidelines other than the aggravating factor  
10 applicable to repeat criminal sexual conduct convictions;

11 (ii) the offender received an upward departure from the  
12 sentencing guidelines for the previous sex offense conviction;

13 or

14 (iii) the offender was sentenced under section 609.108 for  
15 the previous sex offense conviction; or

16 (3) the offender has two prior sex offense convictions, the  
17 prior convictions and present offense involved at least three  
18 separate victims, and:

19 (i) the present offense involved an aggravating factor that  
20 would provide grounds for an upward departure under the  
21 sentencing guidelines other than the aggravating factor  
22 applicable to repeat criminal sexual conduct convictions;

23 (ii) the offender received an upward departure from the  
24 sentencing guidelines for one of the prior sex offense  
25 convictions; or

26 (iii) the offender was sentenced under section 609.108 for  
27 one of the prior sex offense convictions.

28 (b) Notwithstanding paragraph (a), a court may not sentence  
29 an offender to imprisonment for life under that paragraph for a  
30 violation of section 609.345, unless the offender's previous or  
31 prior sex offense convictions that are being used as the basis  
32 for the sentence are for violations of section 609.342, 609.343,  
33 609.344, or 609.3453, or any similar statute of the United  
34 States, this state, or any other state.

35 Subd. 3. [LIFE SENTENCES; MINIMUM TERM OF  
36 IMPRISONMENT.] At the time of sentencing under subdivision 2,

1 the court shall specify a minimum term of imprisonment, based on  
2 the sentencing guidelines or any applicable mandatory minimum  
3 sentence, that must be served before the offender may be  
4 considered for supervised release.

5 Subd. 4. [MANDATORY TEN-YEAR CONDITIONAL RELEASE TERM.]  
6 Notwithstanding the statutory maximum sentence otherwise  
7 applicable to the offense and unless a longer conditional  
8 release term is required in subdivision 5, when a court commits  
9 an offender to the custody of the commissioner of corrections  
10 for a violation of section 609.342, 609.343, 609.344, 609.345,  
11 or 609.3453, the court shall provide that, after the offender  
12 has completed the sentence imposed, the commissioner shall place  
13 the offender on conditional release for ten years, minus the  
14 time the offender served on supervised release.

15 Subd. 5. [MANDATORY LIFETIME CONDITIONAL RELEASE TERM.] (a)  
16 When a court sentences an offender under subdivision 2 or  
17 section 609.342, subdivision 2, paragraph (b); or 609.343,  
18 subdivision 2, paragraph (b), the court shall provide that, if  
19 the offender is released from prison, the commissioner of  
20 corrections shall place the offender on conditional release for  
21 the remainder of the offender's life.

22 (b) Notwithstanding the statutory maximum sentence  
23 otherwise applicable to the offense, when the court commits an  
24 offender to the custody of the commissioner of corrections for a  
25 violation of section 609.342, 609.343, 609.344, 609.345, or  
26 609.3453, and the offender has a previous or prior sex offense  
27 conviction, the court shall provide that, after the offender has  
28 completed the sentence imposed, the commissioner shall place the  
29 offender on conditional release for the remainder of the  
30 offender's life.

31 (c) Notwithstanding paragraph (b), an offender may not be  
32 placed on lifetime conditional release under that paragraph for  
33 a violation of section 609.345, unless the offender's previous  
34 or prior sex offense conviction that is being used as the basis  
35 for the placement is for a violation of section 609.342,  
36 609.343, 609.344, or 609.3453, or any similar statute of the

1 United States, this state, or any other state.

2 Subd. 6. [TERMS OF CONDITIONAL RELEASE; APPLICABLE TO ALL  
3 SEX OFFENDERS.] (a) The provisions of this subdivision apply to  
4 all sex offenders placed on conditional release. Except as  
5 provided in this subdivision, conditional release of sex  
6 offenders is governed by provisions relating to supervised  
7 release. The commissioner of corrections may not dismiss an  
8 offender on conditional release from supervision until the  
9 offender's conditional release term expires.

10 (b) The conditions of release may include successful  
11 completion of treatment and aftercare in a program approved by  
12 the commissioner, satisfaction of the release conditions  
13 specified in section 244.05, subdivision 6, and any other  
14 conditions the commissioner considers appropriate. Before the  
15 offender is released, the commissioner shall notify the  
16 sentencing court, the prosecutor in the jurisdiction where the  
17 offender was sentenced, and the victim of the offender's crime,  
18 where available, of the terms of the offender's conditional  
19 release. If the offender fails to meet any condition of  
20 release, the commissioner may revoke the offender's conditional  
21 release and order that the offender serve all or a part of the  
22 remaining portion of the conditional release term in prison.

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

25 Sec. 21. [REPEALER.]

26 Minnesota Statutes 2004, sections 609.108, subdivision 2;  
27 and 609.109, subdivision 7, are repealed.

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

30 ARTICLE 3

31 SEX OFFENDERS: PREDATORY OFFENDER REGISTRATION;  
32 COMMUNITY NOTIFICATION; NONSENTENCING CHANGES

33 Section 1. Minnesota Statutes 2004, section 243.166, is  
34 amended to read:

35 243.166 [REGISTRATION OF PREDATORY OFFENDERS.]

36 ~~Subdivision 1. --[REGISTRATION-REQUIRED.]--(a)-A-person-shall~~

1 register-under-this-section-if:

2       (1)-the-person-was-charged-with-or-petitioned-for-a-felony

3 violation-of-or-attempt-to-violate-any-of-the-following-and

4 convicted-of-or-adjudicated-delinquent-for-that-offense-or

5 another-offense-arising-out-of-the-same-set-of-circumstances:

6       (i)-murder-under-section-609.185-clause-(2)-or

7       (ii)-kidnapping-under-section-609.25-or

8       (iii)-criminal-sexual-conduct-under-section-609.342-

9 609.343-609.344-609.345-or-609.3451-subdivision-3-or

10       (iv)-indecent-exposure-under-section-617.23-subdivision-3-

11 or

12       (2)-the-person-was-charged-with-or-petitioned-for-falsely

13 imprisoning-a-minor-in-violation-of-section-609.255-subdivision

14 2-soliciting-a-minor-to-engage-in-prostitution-in-violation-of

15 section-609.322-or-609.324-soliciting-a-minor-to-engage-in

16 sexual-conduct-in-violation-of-section-609.352-using-a-minor-in

17 a-sexual-performance-in-violation-of-section-617.246-or

18 possessing-pornographic-work-involving-a-minor-in-violation-of

19 section-617.247-and-convicted-of-or-adjudicated-delinquent-for

20 that-offense-or-another-offense-arising-out-of-the-same-set-of

21 circumstances-or

22       (3)-the-person-was-convicted-of-a-predatory-crime-as

23 defined-in-section-609.108-and-the-offender-was-sentenced-as-a

24 patterned-sex-offender-or-the-court-found-on-its-own-motion-or

25 that-of-the-prosecutor-that-the-crime-was-part-of-a-predatory

26 pattern-of-behavior-that-had-criminal-sexual-conduct-as-its

27 goal-or

28       (4)-the-person-was-convicted-of-or-adjudicated-delinquent

29 for-including-pursuant-to-a-court-martial-violating-a-law-of

30 the-United-States-including-the-Uniform-Code-of-Military

31 Justice-similar-to-the-offenses-described-in-clause-(1)-(2)-

32 or-(3)-

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

34       (1)-the-person-was-convicted-of-or-adjudicated-delinquent

35 in-another-state-for-an-offense-that-would-be-a-violation-of-a

36 law-described-in-paragraph-(a)-if-committed-in-this-state-

1       ~~(2)-the-person-enters-the-state-to-reside,or-to-work-or~~  
2 ~~attend-school,;and~~

3       ~~(3)-ten-years-have-not-elapsed-since-the-person-was~~  
4 ~~released-from-confinement-or,;if-the-person-was-not-confined,~~  
5 ~~since-the-person-was-convicted-of-or-adjudicated-delinquent-for~~  
6 ~~the-offense-that-triggers-registration,;unless-the-person-is~~  
7 ~~subject-to-lifetime-registration,;in-which-case-the-person-must~~  
8 ~~register-for-life-regardless-of-when-the-person-was-released~~  
9 ~~from-confinement,;convicted,;or-adjudicated-delinquent.~~

10 ~~For-purposes-of-this-paragraph:~~

11       ~~(i)-"school"-includes-any-public-or-private-educational~~  
12 ~~institution,;including-any-secondary-school,;trade-or~~  
13 ~~professional-institution,;or-institution-of-higher-education,~~  
14 ~~that-the-person-is-enrolled-in-on-a-full-time-or-part-time~~  
15 ~~basis,;and~~

16       ~~(ii)-"work"-includes-employment-that-is-full-time-or-part~~  
17 ~~time-for-a-period-of-time-exceeding-14-days-or-for-an-aggregate~~  
18 ~~period-of-time-exceeding-30-days-during-any-calendar-year,~~  
19 ~~whether-financially-compensated,;volunteered,;or-for-the-purpose~~  
20 ~~of-government-or-educational-benefit.~~

21       ~~(c)-A-person-also-shall-register-under-this-section-if-the~~  
22 ~~person-was-committed-pursuant-to-a-court-commitment-order-under~~  
23 ~~section-253B,;185-or-Minnesota-Statutes-1992,;section-526,;10,;or~~  
24 ~~a-similar-law-of-another-state-or-the-United-States,;regardless~~  
25 ~~of-whether-the-person-was-convicted-of-any-offense.~~

26       ~~(d)-A-person-also-shall-register-under-this-section-if:~~

27       ~~(1)-the-person-was-charged-with-or-petitioned-for-a-felony~~  
28 ~~violation-or-attempt-to-violate-any-of-the-offenses-listed-in~~  
29 ~~paragraph-(a),;clause-(1),;or-a-similar-law-of-another-state-or~~  
30 ~~the-United-States,;or-the-person-was-charged-with-or-petitioned~~  
31 ~~for-a-violation-of-any-of-the-offenses-listed-in-paragraph-(a),;~~  
32 ~~clause-(2),;or-a-similar-law-of-another-state-or-the-United~~  
33 ~~States,~~

34       ~~(2)-the-person-was-found-not-guilty-by-reason-of-mental~~  
35 ~~illness-or-mental-deficiency-after-a-trial-for-that-offense,;or~~  
36 ~~found-guilty-but-mentally-ill-after-a-trial-for-that-offense,;in~~

1 ~~states-with-a-guilty-but-mentally-ill-verdict,-and~~  
2 ~~(3)-the-person-was-committed-pursuant-to-a-court-commitment~~  
3 ~~order-under-section-253B.18-or-a-similar-law-of-another-state-or~~  
4 ~~the-United-States.~~

5 Subd. 1a. [DEFINITIONS.] (a) As used in this section,  
6 unless the context clearly indicates otherwise, the following  
7 terms have the meanings given them.

8 (b) "Bureau" means the Bureau of Criminal Apprehension.

9 (c) "Dwelling" means the building where the person lives  
10 under a formal or informal agreement to do so.

11 (d) "Incarceration" and "confinement" do not include  
12 electronic home monitoring.

13 (e) "Law enforcement authority" or "authority" means, with  
14 respect to a home rule charter or statutory city, the chief of  
15 police, and with respect to an unincorporated area, the county  
16 sheriff.

17 (f) "Motor vehicle" has the meaning given for "vehicle" in  
18 section 169.01, subdivision 2.

19 (g) "Primary address" means the mailing address of the  
20 person's dwelling. If the mailing address is different from the  
21 actual location of the dwelling, "primary address" also includes  
22 the physical location of the dwelling described with as much  
23 specificity as possible.

24 (h) "School" includes any public or private educational  
25 institution, including any secondary school, trade, or  
26 professional institution, or institution of higher education,  
27 that the person is enrolled in on a full-time basis or part-time  
28 basis.

29 (i) "Secondary address" means the mailing address of any  
30 place where the person regularly or occasionally stays overnight  
31 when not staying at the person's primary address. If the  
32 mailing address is different from the actual location of the  
33 place, "secondary address" also includes the physical location  
34 of the place described with as much specificity as possible.

35 (j) "Treatment facility" means a residential facility, as  
36 defined in section 244.052, subdivision 1, and residential



1 chemical dependency treatment programs and halfway houses  
2 licensed under chapter 245A, including, but not limited to,  
3 those facilities directly or indirectly assisted by any  
4 department or agency of the United States.

5 (k) "Work" includes employment that is full time or part  
6 time for a period of time exceeding 14 days or for an aggregate  
7 period of time exceeding 30 days during any calendar year,  
8 whether financially compensated, volunteered, or for the purpose  
9 of government or educational benefit.

10 Subd. 1b. [REGISTRATION REQUIRED.] (a) A person shall  
11 register under this section if:

12 (1) the person was charged with or petitioned for a felony  
13 violation of or attempt to violate, or aiding, abetting, or  
14 conspiracy to commit, any of the following, and convicted of or  
15 adjudicated delinquent for that offense or another offense  
16 arising out of the same set of circumstances:

17 (i) murder under section 609.185, paragraph (a), clause  
18 (2);

19 (ii) kidnapping under section 609.25;

20 (iii) criminal sexual conduct under section 609.342;  
21 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453;

22 or

23 (iv) indecent exposure under section 617.23, subdivision 3;

24 (2) the person was charged with or petitioned for a  
25 violation of or attempt to violate, or aiding, abetting, or  
26 conspiracy to commit false imprisonment in violation of section  
27 609.255, subdivision 2; soliciting a minor to engage in  
28 prostitution in violation of section 609.322 or 609.324;  
29 soliciting a minor to engage in sexual conduct in violation of  
30 section 609.352; using a minor in a sexual performance in  
31 violation of section 617.246; or possessing pornographic work  
32 involving a minor in violation of section 617.247, and convicted  
33 of or adjudicated delinquent for that offense or another offense  
34 arising out of the same set of circumstances;

35 (3) the person was sentenced as a patterned sex offender  
36 under section 609.108; or

1       (4) the person was convicted of or adjudicated delinquent  
2 for, including pursuant to a court martial, violating a law of  
3 the United States, including the Uniform Code of Military  
4 Justice, similar to the offenses described in clause (1), (2),  
5 or (3).

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

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

10       (2) the person enters the state to reside, work, or attend  
11 school, or enters the state and remains for 14 days or longer;  
12 and

13       (3) ten years have not elapsed since the person was  
14 released from confinement or, if the person was not confined,  
15 since the person was convicted of or adjudicated delinquent for  
16 the offense that triggers registration, unless the person is  
17 subject to lifetime registration, in which case the person shall  
18 register for life regardless of when the person was released  
19 from confinement, convicted, or adjudicated delinquent.

20       A person described in this paragraph shall register with  
21 the bureau within five days after the registration requirement  
22 becomes applicable.

23       (c) A person also shall register under this section if the  
24 person was committed pursuant to a court commitment order under  
25 section 253B.185 or Minnesota Statutes 1992, section 526.10, or  
26 a similar law of another state or the United States, regardless  
27 of whether the person was convicted of any offense.

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

29       (1) the person was charged with or petitioned for a felony  
30 violation or attempt to violate any of the offenses listed in  
31 paragraph (a), clause (1), or a similar law of another state or  
32 the United States, or the person was charged with or petitioned  
33 for a violation of any of the offenses listed in paragraph (a),  
34 clause (2), or a similar law of another state or the United  
35 States;

36       (2) the person was found not guilty by reason of mental

1 illness or mental deficiency after a trial for that offense, or  
2 found guilty but mentally ill after a trial for that offense, in  
3 states with a guilty but mentally ill verdict; and

4 (3) the person was committed pursuant to a court commitment  
5 order under section 253B.18 or a similar law of another state or  
6 the United States.

7 Subd. 2. [NOTICE.] When a person who is required to  
8 register under subdivision  $\pm$  lb, paragraph (a), is sentenced or  
9 becomes subject to a juvenile court disposition order, the court  
10 shall tell the person of the duty to register under this section  
11 and that, if the person fails to comply with the registration  
12 requirements, information about the offender may be made  
13 available to the public through electronic, computerized, or  
14 other accessible means. The court may not modify the person's  
15 duty to register in the pronounced sentence or disposition  
16 order. The court shall require the person to read and sign a  
17 form stating that the duty of the person to register under this  
18 section has been explained. The court shall forward the signed  
19 sex offender registration form, the complaint, and sentencing  
20 documents to the bureau of ~~Criminal Apprehension~~. If a person  
21 required to register under subdivision  $\pm$  lb, paragraph (a), was  
22 not notified by the court of the registration requirement at the  
23 time of sentencing or disposition, the assigned corrections  
24 agent shall notify the person of the requirements of this  
25 section. When a person who is required to register under  
26 subdivision  $\pm$  lb, paragraph (c) or (d), is released from  
27 commitment, the treatment facility shall notify the person of  
28 the requirements of this section. The treatment facility shall  
29 also obtain the registration information required under this  
30 section and forward it to the bureau of ~~Criminal Apprehension~~.

31 Subd. 3. [REGISTRATION PROCEDURE.] (a) Except as provided  
32 in subdivision 3a, a person required to register under this  
33 section shall register with the corrections agent as soon as the  
34 agent is assigned to the person. If the person does not have an  
35 assigned corrections agent or is unable to locate the assigned  
36 corrections agent, the person shall register with the law

1 enforcement agency authority that has jurisdiction in the area  
2 of the person's residence primary address.

3 (b) Except as provided in subdivision 3a, at least five  
4 days before the person starts living at a new primary address,  
5 including living in another state, the person shall give written  
6 notice of the new primary ~~living~~ address to the assigned  
7 corrections agent or to the law enforcement authority with which  
8 the person currently is registered. If the person will be  
9 living in a new state and that state has a registration  
10 requirement, the person shall also give written notice of the  
11 new address to the designated registration agency in the new  
12 state. A person required to register under this section shall  
13 also give written notice to the assigned corrections agent or to  
14 the law enforcement authority that has jurisdiction in the area  
15 of the person's residence primary address that the person is no  
16 longer living or staying at an address, immediately after the  
17 person is no longer living or staying at that address. The  
18 corrections agent or law enforcement authority shall, within two  
19 business days after receipt of this information, forward it to  
20 the bureau ~~of-Criminal-Apprehension~~. The bureau ~~of-Criminal~~  
21 ~~Apprehension~~ shall, if it has not already been done, notify the  
22 law enforcement authority having primary jurisdiction in the  
23 community where the person will live of the new address. If the  
24 person is leaving the state, the bureau ~~of-Criminal-Apprehension~~  
25 shall notify the registration authority in the new state of the  
26 new address. ~~if-the-person's-obligation-to-register-arose-under~~  
27 ~~subdivision-17-paragraph-(b)~~ The person's registration  
28 requirements under this section terminate when after the person  
29 begins living in the new state and the bureau has confirmed the  
30 address in the other state through the annual verification  
31 process on at least one occasion.

32 (c) A person required to register under subdivision ~~±~~ 1b,  
33 paragraph (b), because the person is working or attending school  
34 in Minnesota shall register with the law enforcement  
35 agency authority that has jurisdiction in the area where the  
36 person works or attends school. In addition to other

1 information required by this section, the person shall provide  
2 the address of the school or of the location where the person is  
3 employed. A person ~~must~~ shall comply with this paragraph within  
4 five days of beginning employment or school. A person's  
5 obligation to register under this paragraph terminates when the  
6 person is no longer working or attending school in Minnesota.

7 (d) A person required to register under this section who  
8 works or attends school outside of Minnesota shall register as a  
9 predatory offender in the state where the person works or  
10 attends school. The person's corrections agent, or if the  
11 person does not have an assigned corrections agent, the law  
12 enforcement authority that has jurisdiction in the area of the  
13 person's residence primary address shall notify the person of  
14 this requirement.

15 Subd. 3a. [REGISTRATION PROCEDURE WHEN PERSON LACKS  
16 PRIMARY ADDRESS.] (a) If a person leaves a primary address and  
17 does not have a new primary address, the person shall register  
18 with the law enforcement authority that has jurisdiction in the  
19 area where the person is staying within 24 hours of the time the  
20 person no longer has a primary address.

21 (b) A person who lacks a primary address shall register  
22 with the law enforcement authority that has jurisdiction in the  
23 area where the person is staying within 24 hours after entering  
24 the jurisdiction. Each time a person who lacks a primary  
25 address moves to a new jurisdiction without acquiring a new  
26 primary address, the person shall register with the law  
27 enforcement authority that has jurisdiction in the area where  
28 the person is staying within 24 hours after entering the  
29 jurisdiction.

30 (c) Upon registering under this subdivision, the person  
31 shall provide the law enforcement authority with all of the  
32 information the individual is required to provide under  
33 subdivision 4a. However, instead of reporting the person's  
34 primary address, the person shall describe the location of where  
35 the person is staying with as much specificity as possible.

36 (d) Except as otherwise provided in paragraph (e), if a

1 person continues to lack a primary address, the person shall  
2 report in person on a weekly basis to the law enforcement  
3 authority with jurisdiction in the area where the person is  
4 staying. This weekly report shall occur between the hours of  
5 9:00 a.m. and 5:00 p.m. The person is not required to provide  
6 the registration information required under subdivision 4a each  
7 time the offender reports to an authority, but the person shall  
8 inform the authority of changes to any information provided  
9 under subdivision 4a or this subdivision and shall otherwise  
10 comply with this subdivision.

11 (e) If the law enforcement authority determines that it is  
12 impractical, due to the person's unique circumstances, to  
13 require a person lacking a primary address to report weekly and  
14 in person as required under paragraph (d), the authority may  
15 authorize the person to follow an alternative reporting  
16 procedure. The authority shall consult with the person's  
17 corrections agent, if the person has one, in establishing the  
18 specific criteria of this alternative procedure, subject to the  
19 following requirements:

20 (1) The authority shall document, in the person's  
21 registration record, the specific reasons why the weekly  
22 in-person reporting process is impractical for the person to  
23 follow.

24 (2) The authority shall explain how the alternative  
25 reporting procedure furthers the public safety objectives of  
26 this section.

27 (3) The authority shall require the person lacking a  
28 primary address to report in person at least monthly to the  
29 authority or the person's corrections agent and shall specify  
30 the location where the person shall report. If the authority  
31 determines it would be more practical and would further public  
32 safety for the person to report to another law enforcement  
33 authority with jurisdiction where the person is staying, it may,  
34 after consulting with the other law enforcement authority,  
35 include this requirement in the person's alternative reporting  
36 process.

1       (4) The authority shall require the person to comply with  
2 the weekly, in-person reporting process required under paragraph  
3 (d), if the person moves to a new area where this process would  
4 be practical.

5       (5) The authority shall require the person to report any  
6 changes to the registration information provided under  
7 subdivision 4a and to comply with the periodic registration  
8 requirements specified under paragraph (f).

9       (6) The authority shall require the person to comply with  
10 the requirements of subdivision 3, paragraphs (b) and (c), if  
11 the person moves to a primary address.

12       (f) If a person continues to lack a primary address and  
13 continues to report to the same law enforcement authority, the  
14 person shall provide the authority with all of the information  
15 the individual is required to provide under subdivision 4a and  
16 this subdivision at least annually, unless the person is  
17 required to register under subdivision 1b, paragraph (c),  
18 following commitment pursuant to a court commitment under  
19 section 253B.185 or a similar law of another state or the United  
20 States. If the person is required to register under subdivision  
21 1b, paragraph (c), the person shall provide the law enforcement  
22 authority with all of the information the individual is required  
23 to report under subdivision 4a and this subdivision at least  
24 once every three months.

25       (g) A law enforcement authority receiving information under  
26 this subdivision shall forward registration information and  
27 changes to that information to the bureau within two business  
28 days of receipt of the information.

29       (h) For purposes of this subdivision, a person who fails to  
30 report a primary address will be deemed to be a person who lacks  
31 a primary address, and the person shall comply with the  
32 requirements for a person who lacks a primary address.

33       Subd. 4. [CONTENTS OF REGISTRATION.] (a) The registration  
34 provided to the corrections agent or law enforcement authority,  
35 must consist of a statement in writing signed by the person,  
36 giving information required by the bureau of-Criminal

1 Apprehension, a fingerprint card, and photograph of the person  
2 taken at the time of the person's release from incarceration or,  
3 if the person was not incarcerated, at the time the person  
4 initially registered under this section. The registration  
5 information also must include a written consent form signed by  
6 the person allowing a treatment facility or residential housing  
7 unit or shelter to release information to a law enforcement  
8 officer about the person's admission to, or residence in, a  
9 treatment facility or residential housing unit or shelter.  
10 Registration information on adults and juveniles may be  
11 maintained together notwithstanding section 260B.171,  
12 subdivision 3.

13 (b) For persons required to register under subdivision ~~1~~  
14 1b, paragraph (c), following commitment pursuant to a court  
15 commitment under section 253B.185 or a similar law of another  
16 state or the United States, in addition to other information  
17 required by this section, the registration provided to the  
18 corrections agent or law enforcement authority must include the  
19 person's offense history and documentation of treatment received  
20 during the person's commitment. This documentation ~~shall be~~ is  
21 limited to a statement of how far the person progressed in  
22 treatment during commitment.

23 (c) Within three days of receipt, the corrections agent or  
24 law enforcement authority shall forward the registration  
25 information to the bureau ~~of Criminal Apprehension~~. The bureau  
26 shall ascertain whether the person has registered with the law  
27 enforcement authority ~~where the person resides~~ in the area of  
28 the person's primary address, if any, or if the person lacks a  
29 primary address, where the person is staying, as required by  
30 subdivision 3a. If the person has not registered with the law  
31 enforcement authority, the bureau shall send one copy to that  
32 authority.

33 (d) The corrections agent or law enforcement authority may  
34 require that a person required to register under this section  
35 appear before the agent or authority to be photographed. The  
36 agent or authority shall require a person required to register



1 under this section who is classified as a risk level III  
2 offender under section 244.052 to appear before the agent or  
3 authority at least every six months to be photographed. The  
4 agent or authority shall forward the photograph to the bureau of  
5 ~~Criminal-Apprehension~~.

6 (e) During the period a person is required to register  
7 under this section, the following ~~shall~~ provisions apply:

8 (1) Except for persons registering under subdivision 3a,  
9 ~~the bureau of-Criminal-Apprehension~~ shall mail a verification  
10 form to the ~~last-reported-address-of-the~~ person's residence last  
11 reported primary address. This verification form ~~shall~~ must  
12 provide notice to the offender that, if the offender does not  
13 return the verification form as required, information about the  
14 offender may be made available to the public through electronic,  
15 computerized, or other accessible means. For persons who are  
16 registered under subdivision 3a, the bureau shall mail an annual  
17 verification form to the law enforcement authority where the  
18 offender most recently reported. The authority shall provide  
19 the verification form to the person at the next weekly meeting  
20 and ensure that the person completes and signs the form and  
21 returns it to the bureau.

22 (2) The person shall mail the signed verification form back  
23 to the ~~bureau of-Criminal-Apprehension~~ within ten days after  
24 receipt of the form, stating on the form the current and last  
25 address of the person's residence and the other information  
26 required under subdivision 4a.

27 (3) In addition to the requirements listed in this section,  
28 a person who, under section 244.052, is assigned to risk level  
29 II or risk level III, and who is no longer under correctional  
30 supervision, shall have an annual in-person contact with the law  
31 enforcement authority in the area of the person's primary  
32 address or, if the person has no primary address, where the  
33 person is staying. During the month of the person's birth date,  
34 the person shall report to the authority to verify the accuracy  
35 of the registration information and to be photographed. Within  
36 three days of this contact, the authority shall enter

1 information as required by the bureau into the predatory  
 2 offender registration database and submit an updated photograph  
 3 of the person to the bureau's predatory offender registration  
 4 unit. The authority may waive the photograph requirement for a  
 5 person assigned to risk level III who has recently been  
 6 photographed under paragraph (d).

7 (4) If the person fails to mail the completed and signed  
 8 verification form to the bureau ~~of-Criminal-Apprehension~~ within  
 9 ten days after receipt of the form, or if the person fails to  
 10 report to the law enforcement authority during the month of the  
 11 person's birth date, the person ~~shall-be~~ is in violation of this  
 12 section.

13 For persons required to register under subdivision ~~±~~ 1b,  
 14 paragraph (c), following commitment pursuant to a court  
 15 commitment under section 253B.185 or a similar law of another  
 16 state or the United States, the bureau shall comply with clause  
 17 (1) at least four times each year. For persons who under  
 18 section 244.052 are assigned to risk level III and who are no  
 19 longer under correctional supervision, the bureau shall comply  
 20 with clause (1) at least two times each year. For all other  
 21 persons required to register under this section, the bureau  
 22 shall comply with clause (1) each year within 30 days of the  
 23 anniversary date of the person's initial registration.

24 (f) When sending out a verification form, the bureau ~~of~~  
 25 ~~Criminal-Apprehension-must~~ shall determine whether the person to  
 26 whom the verification form is being sent has signed a written  
 27 consent form as provided for in paragraph (a). If the person  
 28 has not signed such a consent form, the bureau ~~of-Criminal~~  
 29 ~~Apprehension-must~~ shall send a written consent form to the  
 30 person along with the verification form. A person who receives  
 31 this written consent form ~~must~~ shall sign and return it to the  
 32 bureau ~~of-Criminal-Apprehension~~ at the same time as the  
 33 verification form.

34 ~~(g)-For-the-purposes-of-this-subdivision,~~ "treatment  
 35 facility"-means-a-residential-facility, ~~as-defined-in-section~~  
 36 ~~244.052,~~ subdivision-1, ~~and-residential-chemical-dependency~~

1 treatment-programs-and-halfway-houses-licensed-under-chapter  
2 245A, including, but not limited to, those facilities directly  
3 or indirectly assisted by any department or agency of the United  
4 States.

5 Subd. 4a. [ INFORMATION REQUIRED TO BE PROVIDED. ] (a) As  
6 used in this section:

7 (1) "motor vehicle" has the meaning given "vehicle" in  
8 section 169.01, subdivision 2;

9 (2) "primary residence" means any place where the person  
10 resides longer than 14 days or that is deemed a primary  
11 residence by a person's corrections agent, if one is assigned to  
12 the person; and

13 (3) "secondary residence" means any place where the person  
14 regularly stays overnight when not staying at the person's  
15 primary residence, and includes, but is not limited to:

16 (i) the person's parent's home if the person is a student  
17 and stays at the home at times when the person is not staying at  
18 school, including during the summer; and

19 (ii) the home of someone with whom the person has a minor  
20 child in common where the child's custody is shared.

21 (b) A person required to register under this section shall  
22 provide to the corrections agent or law enforcement authority  
23 the following information:

24 (1) the address of the person's primary residence address;

25 (2) the addresses of all of the person's secondary  
26 residences addresses in Minnesota, including all addresses used  
27 for residential or recreational purposes;

28 (3) the addresses of all Minnesota property owned, leased,  
29 or rented by the person;

30 (4) the addresses of all locations where the person is  
31 employed;

32 (5) the addresses of all residences schools where the  
33 person resides while attending school is enrolled; and

34 (6) the year, model, make, license plate number, and color  
35 of all motor vehicles owned or regularly driven by the person.

36 (c) (b) The person shall report to the agent or authority

1 the information required to be provided under paragraph ~~(b)~~ (a),  
2 clauses (2) to (6), within five days of the date the clause  
3 becomes applicable. If because of a change in circumstances any  
4 information reported under paragraph ~~(b)~~ (a), clauses (1) to  
5 (6), no longer applies, the person shall immediately inform the  
6 agent or authority that the information is no longer valid. If  
7 the person leaves a primary address and does not have a new  
8 primary address, the person shall register as provided in  
9 subdivision 3a.

10 Subd. 5. [CRIMINAL PENALTY.] (a) A person required to  
11 register under this section who knowingly violates any of its  
12 provisions or intentionally provides false information to a  
13 corrections agent, law enforcement authority, or the bureau of  
14 ~~Criminal-Apprehension~~ is guilty of a felony and may be sentenced  
15 to imprisonment for not more than five years or to payment of a  
16 fine of not more than \$10,000, or both.

17 (b) Except as provided in paragraph (c), a person convicted  
18 of violating paragraph (a) shall be committed to the custody of  
19 the commissioner of corrections for not less than a year and a  
20 day, nor more than five years.

21 (c) A person convicted of violating paragraph (a), who has  
22 previously been convicted of or adjudicated delinquent for  
23 violating this section or a similar law of another state or the  
24 United States, shall be committed to the custody of the  
25 commissioner of corrections for not less than two years, nor  
26 more than five years.

27 (d) Prior to the time of sentencing, the prosecutor may  
28 file a motion to have the person sentenced without regard to the  
29 mandatory minimum sentence established by this subdivision. The  
30 motion ~~shall~~ must be accompanied by a statement on the record of  
31 the reasons for it. When presented with the motion, or on its  
32 own motion, the court may sentence the person without regard to  
33 the mandatory minimum sentence if the court finds substantial  
34 and compelling reasons to do so. Sentencing a person in the  
35 manner described in this paragraph is a departure from the  
36 Sentencing Guidelines.

1 (e) A person convicted and sentenced as required by this  
2 subdivision is not eligible for probation, parole, discharge,  
3 work release, or supervised release, until that person has  
4 served the full term of imprisonment as provided by law,  
5 notwithstanding the provisions of sections 241.26, 242.19,  
6 243.05, 244.04, 609.12, and 609.135.

7 Subd. 5a. [TEN-YEAR CONDITIONAL RELEASE FOR VIOLATIONS  
8 COMMITTED BY LEVEL III OFFENDERS.] Notwithstanding the statutory  
9 maximum sentence otherwise applicable to the offense or any  
10 provision of the sentencing guidelines, when a court commits a  
11 person to the custody of the commissioner of corrections for  
12 violating subdivision 5 and, at the time of the violation, the  
13 person was assigned to risk level III under section 244.052, the  
14 court shall provide that after the person has completed the  
15 sentence imposed, the commissioner shall place the person on  
16 conditional release for ten years. The terms of conditional  
17 release are governed by section 609.3455, subdivision 6.

18 Subd. 6. [REGISTRATION PERIOD.] (a) Notwithstanding the  
19 provisions of section 609.165, subdivision 1, and except as  
20 provided in paragraphs (b), (c), and (d), a person required to  
21 register under this section shall continue to comply with this  
22 section until ten years have elapsed since the person initially  
23 registered in connection with the offense, or until the  
24 probation, supervised release, or conditional release period  
25 expires, whichever occurs later. For a person required to  
26 register under this section who is committed under section  
27 253B.18 or 253B.185, the ten-year registration period does not  
28 include the period of commitment.

29 (b) If a person required to register under this section  
30 fails to register following a change in residence the person's  
31 primary or secondary address, employment, school, or motor  
32 vehicle information; fails to report any property the person  
33 owns, leases, or rents; or fails to return the annual  
34 verification form within ten days, the commissioner of public  
35 safety may require the person to continue to register for an  
36 additional period of five years. This five-year period is added

1 to the end of the offender's registration period.

2 (c) If a person required to register under this section is  
3 subsequently incarcerated following a conviction for a new  
4 offense or following a revocation of probation, supervised  
5 release, or conditional release for that any offense, ~~or a~~  
6 ~~conviction for any new offense~~, the person shall continue to  
7 register until ten years have elapsed since the person was last  
8 released from incarceration or until the person's probation,  
9 supervised release, or conditional release period expires,  
10 whichever occurs later.

11 (d) A person shall continue to comply with this section for  
12 the life of that person:

13 (1) if the person is convicted of or adjudicated delinquent  
14 for any offense for which registration is required under  
15 subdivision ± lb, or any offense from another state or any  
16 federal offense similar to the offenses described in subdivision  
17 ± lb, and the person has a prior conviction or adjudication for  
18 an offense for which registration was or would have been  
19 required under subdivision ± lb, or an offense from another  
20 state or a federal offense similar to an offense described in  
21 subdivision ± lb;

22 (2) if the person is required to register based upon a  
23 conviction or delinquency adjudication for an offense under  
24 section 609.185, clause (2), or a similar statute from another  
25 state or the United States;

26 (3) if the person is required to register based upon a  
27 conviction for an offense under section 609.342, subdivision 1,  
28 paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision  
29 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344,  
30 subdivision 1, paragraph (a), (c), or (g); or 609.345,  
31 subdivision 1, paragraph (a), (c), or (g); or a statute from  
32 another state or the United States similar to the offenses  
33 described in this clause; or

34 (4) if the person is required to register under subdivision  
35 ± lb, paragraph (c), following commitment pursuant to a court  
36 commitment under section 253B.185 or a similar law of another

1 state or the United States.

2 Subd. 7. [USE OF INFORMATION.] Except as otherwise  
3 provided in subdivision 7a or sections 244.052 and 299C.093, the  
4 information provided under this section is private data on  
5 individuals under section 13.02, subdivision 12. The  
6 information may be used only for law enforcement purposes.

7 Subd. 7a. [AVAILABILITY OF INFORMATION ON OFFENDERS WHO  
8 ARE OUT OF COMPLIANCE WITH REGISTRATION LAW.] (a) The bureau of  
9 ~~Criminal Apprehension~~ may make information available to the  
10 public about offenders who are 16 years of age or older and who  
11 are out of compliance with this section for 30 days or longer  
12 for failure to provide the ~~address-of-the~~ offenders' primary or  
13 secondary ~~residences~~ addresses. This information may be made  
14 available to the public through electronic, computerized, or  
15 other accessible means. The amount and type of information made  
16 available ~~shall-be~~ is limited to the information necessary for  
17 the public to assist law enforcement in locating the offender.

18 (b) An offender who comes into compliance with this section  
19 after the bureau of ~~Criminal Apprehension~~ discloses information  
20 about the offender to the public may send a written request to  
21 the bureau requesting the bureau to treat information about the  
22 offender as private data, consistent with subdivision 7. The  
23 bureau shall review the request and promptly take reasonable  
24 action to treat the data as private, if the offender has  
25 complied with the requirement that the offender provide the  
26 ~~addresses-of~~ the offender's primary and secondary  
27 ~~residences~~ addresses, or promptly notify the offender that the  
28 information will continue to be treated as public information  
29 and the reasons for the bureau's decision.

30 (c) If an offender believes the information made public  
31 about the offender is inaccurate or incomplete, the offender may  
32 challenge the data under section 13.04, subdivision 4.

33 (d) The bureau of ~~Criminal Apprehension~~ is immune from any  
34 civil or criminal liability that might otherwise arise, based on  
35 the accuracy or completeness of any information made public  
36 under this subdivision, if the bureau acts in good faith.

1       Subd. 8. ~~---[LAW-ENFORCEMENT-AUTHORITY.] For purposes of this~~  
 2 ~~section, a law enforcement authority means, with respect to a~~  
 3 ~~home-rule charter or statutory city, the chief of police, and~~  
 4 ~~with respect to an unincorporated area, the sheriff of the~~  
 5 ~~county.~~

6       Subd. 9. [OFFENDERS FROM OTHER STATES.] When the state  
 7 accepts an offender from another state under a reciprocal  
 8 agreement under the interstate compact authorized by section  
 9 243.16 or 243.1605, or under any authorized interstate  
 10 agreement, the acceptance is conditional on the offender  
 11 agreeing to register under this section when the offender is  
 12 living in Minnesota.

13       Subd. 10. [VENUE; AGGREGATION.] (a) A violation of this  
 14 section may be prosecuted in any jurisdiction where an offense  
 15 takes place. However, the prosecutorial agency in the  
 16 jurisdiction where the person last registered a primary address  
 17 is initially responsible to review the case for prosecution.

18       (b) When a person commits two or more offenses in two or  
 19 more counties, the accused may be prosecuted for all of the  
 20 offenses in any county in which one of the offenses was  
 21 committed.

22       Subd. 11. [CERTIFIED COPIES AS EVIDENCE.] Certified copies  
 23 of predatory offender registration records are admissible as  
 24 substantive evidence when necessary to prove the commission of a  
 25 violation of this section.

26       [EFFECTIVE DATE.] This section is effective August 1, 2005,  
 27 and applies to persons subject to predatory offender  
 28 registration on or after that date.

29       Sec. 2. Minnesota Statutes 2004, section 243.167, is  
 30 amended to read:

31       243.167 [REGISTRATION UNDER THE PREDATORY OFFENDER  
 32 REGISTRATION LAW FOR OTHER OFFENSES.]

33       Subdivision 1. [DEFINITION.] As used in this section,  
 34 "crime against the person" means a violation of any of the  
 35 following or a similar law of another state or of the United  
 36 States: section 609.165; 609.185; 609.19; 609.195; 609.20;



1 609.205; 609.221; 609.222; 609.223; 609.2231; 609.224,  
2 subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.235;  
3 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision  
4 2; 609.498, subdivision 1; 609.582, subdivision 1; or 617.23,  
5 subdivision 2; or any felony-level violation of section 609.229;  
6 609.377; 609.749; or 624.713.

7 Subd. 2. [WHEN REQUIRED.] (a) In addition to the  
8 requirements of section 243.166, a person also shall register  
9 under section 243.166 if:

10 (1) the person is convicted of a crime against the person;  
11 and

12 (2) the person was previously convicted of or adjudicated  
13 delinquent for an offense listed in section 243.166, ~~subdivision~~  
14 ~~17-paragraph-(a)~~, but was not required to register for the  
15 offense because the registration requirements of that section  
16 did not apply to the person at the time the offense was  
17 committed or at the time the person was released from  
18 imprisonment.

19 (b) A person who was previously required to register under  
20 ~~section-243-166~~ in any state and who has completed the  
21 registration requirements of that ~~section~~ state shall again  
22 register under section 243.166 if the person commits a crime  
23 against the person.

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

26 Sec. 3. [243.95] [REPORT ON COMMUNITY CORRECTIONAL  
27 SUPERVISION.]

28 By January 15 of each year, the commissioner of corrections  
29 shall report to the chairs of the senate and house committees  
30 having jurisdiction over criminal justice policy on the number,  
31 geographic location, and aggregate and average caseloads for  
32 each caseload type of risk level II and risk level III sex  
33 offender residing in the state for the preceding calendar year.  
34 In addition, the commissioner shall provide this information for  
35 all other types of offenders. The commissioner shall compile  
36 and include in the report comparative historical data for the

1 five calendar years preceding the year included in the report.

2 Sec. 4. Minnesota Statutes 2004, section 244.052,  
3 subdivision 3, is amended to read:

4 Subd. 3. [END-OF-CONFINEMENT REVIEW COMMITTEE.] (a) The  
5 commissioner of corrections shall establish and administer  
6 end-of-confinement review committees at each state correctional  
7 facility and at each state treatment facility where predatory  
8 offenders are confined. The committees shall assess on a  
9 case-by-case basis the public risk posed by predatory offenders  
10 who are about to be released from confinement.

11 (b) Each committee shall be a standing committee and shall  
12 consist of the following members appointed by the commissioner:

13 (1) the chief executive officer or head of the correctional  
14 or treatment facility where the offender is currently confined,  
15 or that person's designee;

16 (2) a law enforcement officer;

17 (3) a treatment professional who is trained in the  
18 assessment of sex offenders;

19 (4) a caseworker experienced in supervising sex offenders;  
20 and

21 (5) a victim's services professional.

22 Members of the committee, other than the facility's chief  
23 executive officer or head, shall be appointed by the  
24 commissioner to two-year terms. The chief executive officer or  
25 head of the facility or designee shall act as chair of the  
26 committee and shall use the facility's staff, as needed, to  
27 administer the committee, obtain necessary information from  
28 outside sources, and prepare risk assessment reports on  
29 offenders.

30 (c) The committee shall have access to the following data  
31 on a predatory offender only for the purposes of its assessment  
32 and to defend the committee's risk assessment determination upon  
33 administrative review under this section:

34 (1) private medical data under section 13.384 or 144.335,  
35 or welfare data under section 13.46 that relate to medical  
36 treatment of the offender;

1 (2) private and confidential court services data under  
2 section 13.84;

3 (3) private and confidential corrections data under section  
4 13.85; and

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

6 Data collected and maintained by the committee under this  
7 paragraph may not be disclosed outside the committee, except as  
8 provided under section 13.05, subdivision 3 or 4. The predatory  
9 offender has access to data on the offender collected and  
10 maintained by the committee, unless the data are confidential  
11 data received under this paragraph.

12 (d)(i) Except as otherwise provided in item (ii), at least  
13 90 days before a predatory offender is to be released from  
14 confinement, the commissioner of corrections shall convene the  
15 appropriate end-of-confinement review committee for the purpose  
16 of assessing the risk presented by the offender and determining  
17 the risk level to which the offender shall be assigned under  
18 paragraph (e). The offender and the law enforcement agency that  
19 was responsible for the charge resulting in confinement shall be  
20 notified of the time and place of the committee's meeting. The  
21 offender has a right to be present and be heard at the meeting.  
22 The law enforcement agency may provide material in writing that  
23 is relevant to the offender's risk level to the chair of the  
24 committee. The committee shall use the risk factors described  
25 in paragraph (g) and the risk assessment scale developed under  
26 subdivision 2 to determine the offender's risk assessment score  
27 and risk level. Offenders scheduled for release from  
28 confinement shall be assessed by the committee established at  
29 the facility from which the offender is to be released.

30 (ii) If an offender is received for confinement in a  
31 facility with less than 90 days remaining in the offender's term  
32 of confinement, the offender's risk shall be assessed at the  
33 first regularly scheduled end of confinement review committee  
34 that convenes after the appropriate documentation for the risk  
35 assessment is assembled by the committee. The commissioner  
36 shall make reasonable efforts to ensure that offender's risk is

1 assessed and a risk level is assigned or reassigned at least 30  
2 days before the offender's release date.

3 (e) The committee shall assign to risk level I a predatory  
4 offender whose risk assessment score indicates a low risk of  
5 reoffense. The committee shall assign to risk level II an  
6 offender whose risk assessment score indicates a moderate risk  
7 of reoffense. The committee shall assign to risk level III an  
8 offender whose risk assessment score indicates a high risk of  
9 reoffense.

10 (f) Before the predatory offender is released from  
11 confinement, the committee shall prepare a risk assessment  
12 report which specifies the risk level to which the offender has  
13 been assigned and the reasons underlying the committee's risk  
14 assessment decision. The committee shall give the report to the  
15 offender and to the law enforcement agency at least 60 days  
16 before an offender is released from confinement. If the risk  
17 assessment is performed under the circumstances described in  
18 paragraph (d), item (ii), the report shall be given to the  
19 offender and the law enforcement agency as soon as it is  
20 available. The committee also shall inform the offender of the  
21 availability of review under subdivision 6.

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

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

- 26 (i) the degree of likely force or harm;  
27 (ii) the degree of likely physical contact; and  
28 (iii) the age of the likely victim;

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

- 31 (i) the relationship of prior victims to the offender;  
32 (ii) the number of prior offenses or victims;  
33 (iii) the duration of the offender's prior offense history;  
34 (iv) the length of time since the offender's last prior  
35 offense while the offender was at risk to commit offenses; and  
36 (v) the offender's prior history of other antisocial acts;

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

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

6 This factor includes consideration of the following:

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

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

12 (iii) the offender's familial and social relationships,  
13 including the nature and length of these relationships and the  
14 level of support that the offender may receive from these  
15 persons; and

16 (iv) the offender's lack of education or employment  
17 stability;

18 (5) whether the offender has indicated or credible evidence  
19 in the record indicates that the offender will reoffend if  
20 released into the community; and

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

24 (h) Upon the request of the law enforcement agency or the  
25 offender's corrections agent, the commissioner may reconvene the  
26 end-of-confinement review committee for the purpose of  
27 reassessing the risk level to which an offender has been  
28 assigned under paragraph (e). In a request for a reassessment,  
29 the law enforcement agency which was responsible for the charge  
30 resulting in confinement or agent shall list the facts and  
31 circumstances arising after the initial assignment or facts and  
32 circumstances known to law enforcement or the agent but not  
33 considered by the committee under paragraph (e) which support  
34 the request for a reassessment. The request for reassessment by  
35 the law enforcement agency must occur within 30 days of receipt  
36 of the report indicating the offender's risk level assignment.

1 The offender's corrections agent, in consultation with the chief  
2 law enforcement officer in the area where the offender resides  
3 or intends to reside, may request a review of a risk level at  
4 any time if substantial evidence exists that the offender's risk  
5 level should be reviewed by an end-of-confinement review  
6 committee. This evidence includes, but is not limited to,  
7 evidence of treatment failures or completions, evidence of  
8 exceptional crime-free community adjustment or lack of  
9 appropriate adjustment, evidence of substantial community need  
10 to know more about the offender or mitigating circumstances that  
11 would narrow the proposed scope of notification, or other  
12 practical situations articulated and based in evidence of the  
13 offender's behavior while under supervision. Upon review of the  
14 request, the end-of-confinement review committee may reassign an  
15 offender to a different risk level. If the offender is  
16 reassigned to a higher risk level, the offender has the right to  
17 seek review of the committee's determination under subdivision 6.

18 (i) An offender may request the end-of-confinement review  
19 committee to reassess the offender's assigned risk level after  
20 three years have elapsed since the committee's initial risk  
21 assessment and may renew the request once every two years  
22 following subsequent denials. In a request for reassessment,  
23 the offender shall list the facts and circumstances which  
24 demonstrate that the offender no longer poses the same degree of  
25 risk to the community. In order for a request for a risk level  
26 reduction to be granted, the offender must demonstrate full  
27 compliance with supervised release conditions, completion of  
28 required post-release treatment programming, and full compliance  
29 with all registration requirements as detailed in section  
30 243.166. The offender must also not have been convicted of any  
31 felony, gross misdemeanor, or misdemeanor offenses subsequent to  
32 the assignment of the original risk level. The committee shall  
33 follow the process outlined in paragraphs (a) to (c) in the  
34 reassessment. An offender who is incarcerated may not request a  
35 reassessment under this paragraph.

36 (j) Offenders returned to prison as release violators shall

1 not have a right to a subsequent risk reassessment by the  
2 end-of-confinement review committee unless substantial evidence  
3 indicates that the offender's risk to the public has increased.

4 (k) The commissioner shall establish an end-of-confinement  
5 review committee to assign a risk level to offenders who:

6 (1) are released from a any federal correctional facility  
7 in-Minnesota or from any state correctional facility of another  
8 state, and who intend to reside in Minnesota, ~~and to offenders;~~  
9 or

10 (2) are accepted from another state under a reciprocal  
11 agreement for parole supervision under the interstate compact  
12 authorized by section 243.16 or 243.1605.

13 The committee shall make reasonable efforts to conform to the  
14 same timelines as applied to Minnesota cases. Offenders  
15 accepted from another state under a reciprocal agreement for  
16 probation supervision are not assigned a risk level, but are  
17 considered downward dispositional departures. The probation or  
18 court services officer and law enforcement officer shall manage  
19 such cases in accordance with section 244.10, subdivision 2a.  
20 The policies and procedures of the committee for federal  
21 offenders and interstate compact cases must be in accordance  
22 with all requirements as set forth in this section, unless  
23 restrictions caused by the nature of federal or interstate  
24 transfers prevents such conformance.

25 (1) If the committee assigns a predatory offender to risk  
26 level III, the committee shall determine whether residency  
27 restrictions shall be included in the conditions of the  
28 offender's release based on the offender's pattern of offending  
29 behavior.

30 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
31 and applies to offenders entering the state, released from  
32 confinement, subject to community notification, or sentenced on  
33 or after that date.

34 Sec. 5. Minnesota Statutes 2004, section 244.052, is  
35 amended by adding a subdivision to read:

36 Subd. 3a. [OUT-OF-STATE OFFENDERS; NOTIFICATION

1 AUTHORIZED.] (a) This subdivision applies to offenders who move  
2 or have moved to Minnesota from other states and who:

3 (1) at the time of the move are subject to a community  
4 notification statute similar to this section in the state from  
5 which the offender is moving; and

6 (2) are not assigned a risk level under subdivision 3,  
7 paragraph (k).

8 (b) The law enforcement agency in the area where an  
9 offender described in paragraph (a) resides, expects to reside,  
10 or is regularly found, may disclose information regarding the  
11 offender consistent with subdivision 4, paragraph (a). The  
12 extent of the notification must be consistent with the  
13 notification made about the offender in the state from which the  
14 offender is moving or has moved. However, the extent of the  
15 notification may not exceed that of a risk level II offender  
16 under subdivision 4, paragraph (b), unless the requirements of  
17 paragraph (c) have been met. Except as otherwise provided in  
18 this subdivision and unless clearly inapplicable, the provisions  
19 of subdivision 4 apply to notifications made under this  
20 paragraph.

21 (c) If the notification made concerning the offender in the  
22 state from which the offender is moving or has moved is broader  
23 than that authorized for a risk level II offender under  
24 subdivision 4, paragraph (b), and the agency wants to make a  
25 broader disclosure, the agency may request the  
26 end-of-confinement review committee at the nearest state  
27 correctional or treatment facility to assign a risk level to the  
28 offender. The agency shall provide to the committee all  
29 information concerning the offender's criminal history, the risk  
30 the offender poses to the community, and other relevant  
31 information. In addition, the committee shall attempt to obtain  
32 other information relevant to determining which risk level to  
33 assign the offender. Except as provided in this subdivision and  
34 unless clearly inapplicable, the provisions of subdivision 3  
35 govern the risk assessment under this paragraph. If the  
36 committee assigns the offender to risk level III, the agency may



1 disclose information in a manner consistent with a risk level  
2 III offender under subdivision 4, paragraph (b).

3 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
4 and applies to offenders entering the state, released from  
5 confinement, subject to community notification, or sentenced on  
6 or after that date.

7 Sec. 6. Minnesota Statutes 2004, section 244.052,  
8 subdivision 4, is amended to read:

9 Subd. 4. [LAW ENFORCEMENT AGENCY; DISCLOSURE OF  
10 INFORMATION TO PUBLIC.] (a) The law enforcement agency in the  
11 area where the predatory offender resides, expects to reside, is  
12 employed, or is regularly found, shall disclose to the public  
13 any information regarding the offender contained in the report  
14 forwarded to the agency under subdivision 3, paragraph (f), that  
15 is relevant and necessary to protect the public and to  
16 counteract the offender's dangerousness, consistent with the  
17 guidelines in paragraph (b). The extent of the information  
18 disclosed and the community to whom disclosure is made must  
19 relate to the level of danger posed by the offender, to the  
20 offender's pattern of offending behavior, and to the need of  
21 community members for information to enhance their individual  
22 and collective safety.

23 (b) The law enforcement agency shall employ the following  
24 guidelines in determining the scope of disclosure made under  
25 this subdivision:

26 (1) if the offender is assigned to risk level I, the agency  
27 may maintain information regarding the offender within the  
28 agency and may disclose it to other law enforcement agencies.  
29 Additionally, the agency may disclose the information to any  
30 victims of or witnesses to the offense committed by the  
31 offender. The agency shall disclose the information to victims  
32 of the offense committed by the offender who have requested  
33 disclosure and to adult members of the offender's immediate  
34 household;

35 (2) if the offender is assigned to risk level II, the  
36 agency also may disclose the information to agencies and groups

1 that the offender is likely to encounter for the purpose of  
2 securing those institutions and protecting individuals in their  
3 care while they are on or near the premises of the institution.  
4 These agencies and groups include the staff members of public  
5 and private educational institutions, day care establishments,  
6 and establishments and organizations that primarily serve  
7 individuals likely to be victimized by the offender. The agency  
8 also may disclose the information to individuals the agency  
9 believes are likely to be victimized by the offender. The  
10 agency's belief shall be based on the offender's pattern of  
11 offending or victim preference as documented in the information  
12 provided by the department of corrections or human services;

13 (3) if the offender is assigned to risk level III, the  
14 agency shall disclose the information to the persons and  
15 entities described in clauses (1) and (2) and to other members  
16 of the community whom the offender is likely to encounter,  
17 unless the law enforcement agency determines that public safety  
18 would be compromised by the disclosure or that a more limited  
19 disclosure is necessary to protect the identity of the victim.

20 Notwithstanding the assignment of a predatory offender to  
21 risk level II or III, a law enforcement agency may not make the  
22 disclosures permitted or required by clause (2) or (3), if: the  
23 offender is placed or resides in a residential facility.

24 However, if an offender is placed or resides in a residential  
25 facility, the offender and the head of the facility shall  
26 designate the offender's likely residence upon release from the  
27 facility and the head of the facility shall notify the  
28 commissioner of corrections or the commissioner of human  
29 services of the offender's likely residence at least 14 days  
30 before the offender's scheduled release date. The commissioner  
31 shall give this information to the law enforcement agency having  
32 jurisdiction over the offender's likely residence. The head of  
33 the residential facility also shall notify the commissioner of  
34 corrections or human services within 48 hours after finalizing  
35 the offender's approved relocation plan to a permanent  
36 residence. Within five days after receiving this notification,

1 the appropriate commissioner shall give to the appropriate law  
2 enforcement agency all relevant information the commissioner has  
3 concerning the offender, including information on the risk  
4 factors in the offender's history and the risk level to which  
5 the offender was assigned. After receiving this information,  
6 the law enforcement agency shall make the disclosures permitted  
7 or required by clause (2) or (3), as appropriate.

8 (c) As used in paragraph (b), clauses (2) and (3), "likely  
9 to encounter" means that:

10 (1) the organizations or community members are in a  
11 location or in close proximity to a location where the offender  
12 lives or is employed, or which the offender visits or is likely  
13 to visit on a regular basis, other than the location of the  
14 offender's outpatient treatment program; and

15 (2) the types of interaction which ordinarily occur at that  
16 location and other circumstances indicate that contact with the  
17 offender is reasonably certain.

18 (d) A law enforcement agency or official who discloses  
19 information under this subdivision shall make a good faith  
20 effort to make the notification within 14 days of receipt of a  
21 confirmed address from the Department of Corrections indicating  
22 that the offender will be, or has been, released from  
23 confinement, or accepted for supervision, or has moved to a new  
24 address and will reside at the address indicated. If a change  
25 occurs in the release plan, this notification provision does not  
26 require an extension of the release date.

27 (e) A law enforcement agency or official who discloses  
28 information under this subdivision shall not disclose the  
29 identity or any identifying characteristics of the victims of or  
30 witnesses to the offender's offenses.

31 (f) A law enforcement agency shall continue to disclose  
32 information on an offender as required by this subdivision for  
33 as long as the offender is required to register under section  
34 243.166. This requirement on a law enforcement agency to  
35 continue to disclose information also applies to an offender who  
36 lacks a primary address and is registering under section

1 243.166, subdivision 3a.

2 (g) A law enforcement agency that is disclosing information  
3 on an offender assigned to risk level III to the public under  
4 this subdivision shall inform the commissioner of corrections  
5 what information is being disclosed and forward this information  
6 to the commissioner within two days of the agency's  
7 determination. The commissioner shall post this information on  
8 the Internet as required in subdivision 4b.

9 (h) A city council may adopt a policy that addresses when  
10 information disclosed under this subdivision must be presented  
11 in languages in addition to English. The policy may address  
12 when information must be presented orally, in writing, or both  
13 in additional languages by the law enforcement agency disclosing  
14 the information. The policy may provide for different  
15 approaches based on the prevalence of non-English languages in  
16 different neighborhoods.

17 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
18 and applies to offenders entering the state, released from  
19 confinement, subject to community notification, or sentenced on  
20 or after that date.

21 Sec. 7. Minnesota Statutes 2004, section 244.10,  
22 subdivision 2a, is amended to read:

23 Subd. 2a. [NOTICE OF INFORMATION REGARDING PREDATORY  
24 OFFENDERS.] (a) Subject to paragraph (b), in any case in which a  
25 person is convicted of an offense and the presumptive sentence  
26 under the Sentencing Guidelines is commitment to the custody of  
27 the commissioner of corrections, if the court grants a  
28 dispositional departure and stays imposition or execution of  
29 sentence, the probation or court services officer who is  
30 assigned to supervise the offender shall provide in writing to  
31 the following the fact that the offender is on probation and the  
32 terms and conditions of probation:

33 (1) a victim of and any witnesses to the offense committed  
34 by the offender, if the victim or the witness has requested  
35 notice; and

36 (2) the chief law enforcement officer in the area where the

1 offender resides or intends to reside.

2       The law enforcement officer, in consultation with the  
3 offender's probation officer, may provide all or part of this  
4 information to any of the following agencies or groups the  
5 offender is likely to encounter: public and private educational  
6 institutions, day care establishments, and establishments or  
7 organizations that primarily serve individuals likely to be  
8 victimized by the offender. The law enforcement officer, in  
9 consultation with the offender's probation officer, also may  
10 disclose the information to individuals the officer believes are  
11 likely to be victimized by the offender. The officer's belief  
12 shall be based on the offender's pattern of offending or victim  
13 preference as documented in the information provided by the  
14 Department of Corrections or Department of Human Services.

15       The probation officer is not required under this  
16 subdivision to provide any notice while the offender is placed  
17 or resides in a residential facility that is licensed under  
18 section 245A.02, subdivision 14, or 241.021, if the facility  
19 staff is trained in the supervision of sex offenders.

20       (b) Paragraph (a) applies only to offenders required to  
21 register under section 243.166, as a result of the conviction.

22       (c) The notice authorized by paragraph (a) shall be limited  
23 to data classified as public under section 13.84, subdivision 6,  
24 unless the offender provides informed consent to authorize the  
25 release of nonpublic data or unless a court order authorizes the  
26 release of nonpublic data.

27       (d) Nothing in this subdivision shall be interpreted to  
28 impose a duty on any person to use any information regarding an  
29 offender about whom notification is made under this subdivision.

30       [EFFECTIVE DATE.] This section is effective August 1, 2005,  
31 and applies to offenders entering the state, released from  
32 confinement, subject to community notification, or sentenced on  
33 or after that date.

34       Sec. 8. Minnesota Statutes 2004, section 253B.18,  
35 subdivision 5, is amended to read:

36       Subd. 5. [PETITION; NOTICE OF HEARING; ATTENDANCE; ORDER.]

1 (a) A petition for an order of transfer, discharge, provisional  
2 discharge, or revocation of provisional discharge shall be filed  
3 with the commissioner and may be filed by the patient or by the  
4 head of the treatment facility. A patient may not petition the  
5 special review board for six months following commitment under  
6 subdivision 3 or following the final disposition of any previous  
7 petition and subsequent appeal by the patient. The medical  
8 director may petition at any time.

9 (b) Fourteen days prior to the hearing, the committing  
10 court, the county attorney of the county of commitment, the  
11 designated agency, interested person, the petitioner, and the  
12 petitioner's counsel shall be given written notice by the  
13 commissioner of the time and place of the hearing before the  
14 special review board. Only those entitled to statutory notice  
15 of the hearing or those administratively required to attend may  
16 be present at the hearing. The patient may designate interested  
17 persons to receive notice by providing the names and addresses  
18 to the commissioner at least 21 days before the hearing. The  
19 board shall provide the commissioner with written findings of  
20 fact and recommendations within 21 days of the hearing. The  
21 commissioner shall issue an order no later than 14 days after  
22 receiving the recommendation of the special review board. A  
23 copy of the order shall be sent by certified mail to every  
24 person entitled to statutory notice of the hearing within five  
25 days after it is signed. No order by the commissioner shall be  
26 effective sooner than 30 days after the order is signed, unless  
27 the county attorney, the patient, and the commissioner agree  
28 that it may become effective sooner.

29 (c) The special review board shall hold a hearing on each  
30 petition prior to making its recommendation to the  
31 commissioner. The special review board proceedings are not  
32 contested cases as defined in chapter 14. Any person or agency  
33 receiving notice that submits documentary evidence to the  
34 special review board prior to the hearing shall also provide  
35 copies to the patient, the patient's counsel, the county  
36 attorney of the county of commitment, the case manager, and the

1 commissioner.

2 (d) Prior to the final decision by the commissioner, the  
3 special review board may be reconvened to consider events or  
4 circumstances that occurred subsequent to the hearing.

5 (e) In making their recommendations and order, the special  
6 review board and commissioner must consider any statements  
7 received from victims under subdivision 5a.

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

9 Sec. 9. Minnesota Statutes 2004, section 253B.18, is  
10 amended by adding a subdivision to read:

11 Subd. 5a. [VICTIM NOTIFICATION OF PETITION AND RELEASE;  
12 RIGHT TO SUBMIT STATEMENT.] (a) As used in this subdivision:

13 (1) "crime" has the meaning given to "violent crime" in  
14 section 609.1095, and includes criminal sexual conduct in the  
15 fifth degree and offenses within the definition of "crime  
16 against the person" in section 253B.02, subdivision 4a, and also  
17 includes offenses listed in section 253B.02, subdivision 7a,  
18 paragraph (b), regardless of whether they are sexually  
19 motivated;

20 (2) "victim" means a person who has incurred loss or harm  
21 as a result of a crime the behavior for which forms the basis  
22 for a commitment under this section or section 253B.185; and

23 (3) "convicted" and "conviction" have the meanings given in  
24 section 609.02, subdivision 5, and also include juvenile court  
25 adjudications, findings under Minnesota Rules of Criminal  
26 Procedure, Rule 20.02, that the elements of a crime have been  
27 proved, and findings in commitment cases under this section or  
28 section 253B.185 that an act or acts constituting a crime  
29 occurred.

30 (b) A county attorney who files a petition to commit a  
31 person under this section or section 253B.185 shall make a  
32 reasonable effort to provide prompt notice of filing the  
33 petition to any victim of a crime for which the person was  
34 convicted. In addition, the county attorney shall make a  
35 reasonable effort to promptly notify the victim of the  
36 resolution of the petition.

1 (c) Before provisionally discharging, discharging, granting  
2 pass-eligible status, approving a pass plan, or otherwise  
3 permanently or temporarily releasing a person committed under  
4 this section or section 253B.185 from a treatment facility, the  
5 head of the treatment facility shall make a reasonable effort to  
6 notify any victim of a crime for which the person was convicted  
7 that the person may be discharged or released and that the  
8 victim has a right to submit a written statement regarding  
9 decisions of the medical director, special review board, or  
10 commissioner with respect to the person. To the extent  
11 possible, the notice must be provided at least 14 days before  
12 any special review board hearing or before a determination on a  
13 pass plan.

14 (d) This subdivision applies only to victims who have  
15 requested notification by contacting, in writing, the county  
16 attorney in the county where the conviction for the crime  
17 occurred. A county attorney who receives a request for  
18 notification under this paragraph shall promptly forward the  
19 request to the commissioner of human services.

20 (e) The rights under this subdivision are in addition to  
21 rights available to a victim under chapter 611A. This provision  
22 does not give a victim all the rights of a "notified person" or  
23 a person "entitled to statutory notice" under subdivision 4a,  
24 4b, or 5.

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

26 Sec. 10. [609.3456] [USE OF POLYGRAPHS FOR SEX OFFENDERS  
27 ON PROBATION OR CONDITIONAL RELEASE.]

28 (a) A court may order as an intermediate sanction under  
29 section 609.135 and the commissioner of corrections may order as  
30 a condition of release under section 244.05 or 609.3455 that an  
31 offender under supervision for a sex offense submit to  
32 polygraphic examinations to ensure compliance with the terms of  
33 probation or conditions of release.

34 (b) The court or commissioner may order the offender to pay  
35 all or a portion of the costs of the examinations. The fee may  
36 be waived if the offender is indigent or if payment would result



1 in an economic hardship to the offender's immediate family.

2 [EFFECTIVE DATE.] This section is effective the day  
3 following final enactment.

4 Sec. 11. [PROTOCOL ON USE OF POLYGRAPHS.]

5 By September 1, 2005, the chief justice of the Supreme  
6 Court, in consultation with the Conference of Chief Judges, is  
7 requested to develop a protocol for the use of polygraphic  
8 examinations for sex offenders placed on probation under  
9 Minnesota Statutes, section 609.3456. This protocol shall be  
10 distributed to judges across the state.

11 [EFFECTIVE DATE.] This section is effective the day  
12 following final enactment.

13 Sec. 12. [SUPREME COURT STUDY ON SEXUALLY DANGEROUS PERSON  
14 AND SEXUAL PSYCHOPATHIC PERSONALITY CIVIL COMMITMENTS.]

15 Subdivision 1. [ESTABLISHMENT.] The Supreme Court is  
16 requested to study the following related to the civil commitment  
17 of sexually dangerous persons and sexual psychopathic  
18 personalities under Minnesota Statutes, section 253B.185:

19 (1) the development and use of a statewide panel of defense  
20 attorneys to represent those persons after a commitment petition  
21 is filed; and

22 (2) the development and use of a statewide panel of judges  
23 to hear these petitions.

24 Subd. 2. [REPORT.] The Supreme Court shall report its  
25 findings and recommendations to the chairs and ranking minority  
26 members of the house of representatives and senate committees  
27 and divisions having jurisdiction over criminal justice and  
28 civil law policy and funding by February 1, 2006.

29 [EFFECTIVE DATE.] This section is effective the day  
30 following final enactment.

31 Sec. 13. [REPORT ON SEX OFFENDERS BEING RELEASED FROM  
32 PRISON.]

33 By January 15, 2006, the commissioner of corrections shall  
34 report to the chairs and ranking minority members of the senate  
35 and house committees and divisions having jurisdiction over  
36 criminal justice policy and funding on the release of sex

1 offenders from prison. The report must include information on  
2 the number of offenders that the commissioner estimates will be  
3 released each year for the next five years, recommendations on  
4 how best to supervise these offenders, and recommendations on  
5 how best to fund this supervision.

6 Sec. 14. [REVISOR INSTRUCTION.]

7 The revisor of statutes shall change all references to  
8 section 243.166, subdivision 1, in Minnesota Statutes to section  
9 243.166. In addition, the revisor shall make other technical  
10 changes necessitated by this article.

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

12 Sec. 15. [REPEALER.]

13 Minnesota Statutes 2004, section 243.166, subdivisions 1  
14 and 8, are repealed.

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

16 ARTICLE 4

17 LEGISLATIVE AUDITOR'S RECOMMENDED CHANGES

18 Section 1. Minnesota Statutes 2004, section 241.06, is  
19 amended to read:

20 241.06 [RECORD OF INMATES; DEPARTMENT OF CORRECTIONS.]

21 Subdivision 1. [GENERAL.] The commissioner of corrections  
22 shall keep in the commissioner's office, accessible only by the  
23 commissioner's consent or on the order of a judge or court of  
24 record, a record showing the residence, sex, age, nativity,  
25 occupation, civil condition, and date of entrance or commitment  
26 of every person, inmate, or convict in the facilities under the  
27 commissioner's exclusive control, the date of discharge and  
28 whether such discharge was final, the condition of such person  
29 when the person left the facility, and the date and cause of all  
30 deaths. The records shall state every transfer from one  
31 facility to another, naming each. This information shall be  
32 furnished to the commissioner of corrections by each facility,  
33 with such other obtainable facts as the commissioner may from  
34 time to time require. The chief executive officer of each such  
35 facility, within ten days after the commitment or entrance  
36 thereto of a person, inmate, or convict, shall cause a true copy

1 of the entrance record to be forwarded to the commissioner of  
2 corrections. When a person, inmate, or convict leaves, is  
3 discharged or transferred, or dies in any facility, the chief  
4 executive officer, or other person in charge shall inform the  
5 commissioner of corrections within ten days thereafter on forms  
6 furnished by the commissioner.

7 The commissioner of corrections may authorize the chief  
8 executive officer of any facility under the commissioner's  
9 control to release to probation officers, local social services  
10 agencies or other specifically designated interested persons or  
11 agencies any information regarding any person, inmate, or  
12 convict thereat, if, in the opinion of the commissioner, it will  
13 be for the benefit of the person, inmate, or convict.

14 Subd. 2. [SEX OFFENDER INFORMATION PROVIDED TO SUPERVISING  
15 CORRECTIONS AGENCY.] When an offender who is required to  
16 register as a predatory offender under section 243.166 is being  
17 released from prison, the commissioner shall provide to the  
18 corrections agency that will supervise the offender, the  
19 offender's prison records relating to psychological assessments,  
20 medical and mental health issues, and treatment.

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

22 Sec. 2. Minnesota Statutes 2004, section 241.67,  
23 subdivision 7, is amended to read:

24 Subd. 7. [FUNDING PRIORITY; PROGRAM EFFECTIVENESS.] (a)  
25 Unless otherwise directed by the terms of a particular  
26 appropriations provision, the commissioner shall give priority  
27 to the funding of juvenile sex offender programs over the  
28 funding of adult sex offender programs.

29 (b) Every county or private sex offender program ~~that-seeks~~  
30 ~~new-or-continued-state-funding-or-reimbursement~~ shall provide  
31 the commissioner with any information relating to the program's  
32 effectiveness that the commissioner considers necessary. The  
33 commissioner shall deny state funding or reimbursement to any  
34 county or private program that fails to provide this information  
35 or that appears to be an ineffective program.

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

1           Sec. 3. Minnesota Statutes 2004, section 241.67,  
2 subdivision 8, is amended to read:

3           Subd. 8. [COMMUNITY-BASED SEX OFFENDER PROGRAM EVALUATION  
4 PROJECT.] (a) For the purposes of this project subdivision, a  
5 sex offender is an adult who has been convicted, or a juvenile  
6 who has been adjudicated, for a sex offense or a sex-related  
7 offense which would require registration under section 243.166.

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

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

14           (2) provide treatment programs in several geographical  
15 areas in the state;

16           (3) provide the necessary data to form the basis to  
17 recommend a fiscally sound plan to provide a coordinated  
18 statewide system of effective sex offender treatment  
19 programming; and

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

23           (c) The commissioner shall establish an advisory task force  
24 consisting of county probation officers from Community  
25 Corrections Act counties and other counties, court services  
26 providers, and other interested officials. The commissioner  
27 shall consult with the task force ~~concerning-the-establishment~~  
28 ~~and-operation-of-the-project~~ on how best to implement the  
29 requirements of this subdivision.

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

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

33           Subd. 4b. [HEALTH CARE FACILITY; NOTICE OF STATUS.] (a) As  
34 used in this subdivision, "health care facility" means a  
35 hospital or other entity licensed under sections 144.50 to  
36 144.58, a nursing home licensed to serve adults under section

1 144A.02, or a group residential housing facility or an  
2 intermediate care facility for the mentally retarded licensed  
3 under chapter 245A.

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

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

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

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

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

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

23 If a corrections agency supervising an offender who is  
24 required to register as a predatory offender under section  
25 243.166 and who is classified by the department as a public risk  
26 monitoring case has knowledge that the offender is seeking  
27 housing arrangements in a location under the jurisdiction of  
28 another corrections agency, the agency shall notify the other  
29 agency of this and initiate a supervision transfer request.

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

31 Sec. 6. [244.057] [PLACEMENT OF SEX OFFENDER IN HOUSEHOLD  
32 WITH CHILDREN.]

33 A corrections agency supervising an offender required to  
34 register as a predatory offender under section 243.166 shall  
35 notify the appropriate child protection agency before  
36 authorizing the offender to live in a household where children

1 are residing.

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

3 Sec. 7. Minnesota Statutes 2004, section 609.3452,  
4 subdivision 1, is amended to read:

5 Subdivision 1. [ASSESSMENT REQUIRED.] When a person is  
6 convicted of a sex offense, the court shall order an independent  
7 professional assessment of the offender's need for sex offender  
8 treatment to be completed before sentencing. The court may  
9 waive the assessment if: (1) the Sentencing Guidelines provide  
10 a presumptive prison sentence for the offender, or (2) an  
11 adequate assessment was conducted prior to the conviction. An  
12 assessor providing an assessment for the court must be  
13 experienced in the evaluation and treatment of sex offenders.

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

15 Sec. 8. Minnesota Statutes 2004, section 626.556,  
16 subdivision 3, is amended to read:

17 Subd. 3. [PERSONS MANDATED TO REPORT.] (a) A person who  
18 knows or has reason to believe a child is being neglected or  
19 physically or sexually abused, as defined in subdivision 2, or  
20 has been neglected or physically or sexually abused within the  
21 preceding three years, shall immediately report the information  
22 to the local welfare agency, agency responsible for assessing or  
23 investigating the report, police department, or the county  
24 sheriff if the person is:

25 (1) a professional or professional's delegate who is  
26 engaged in the practice of the healing arts, social services,  
27 hospital administration, psychological or psychiatric treatment,  
28 child care, education, correctional supervision, or law  
29 enforcement; or

30 (2) employed as a member of the clergy and received the  
31 information while engaged in ministerial duties, provided that a  
32 member of the clergy is not required by this subdivision to  
33 report information that is otherwise privileged under section  
34 595.02, subdivision 1, paragraph (c).

35 The police department or the county sheriff, upon receiving  
36 a report, shall immediately notify the local welfare agency or

1 agency responsible for assessing or investigating the report,  
2 orally and in writing. The local welfare agency, or agency  
3 responsible for assessing or investigating the report, upon  
4 receiving a report, shall immediately notify the local police  
5 department or the county sheriff orally and in writing. The  
6 county sheriff and the head of every local welfare agency,  
7 agency responsible for assessing or investigating reports, and  
8 police department shall each designate a person within their  
9 agency, department, or office who is responsible for ensuring  
10 that the notification duties of this paragraph and paragraph (b)  
11 are carried out. Nothing in this subdivision shall be construed  
12 to require more than one report from any institution, facility,  
13 school, or agency.

14 (b) Any person may voluntarily report to the local welfare  
15 agency, agency responsible for assessing or investigating the  
16 report, police department, or the county sheriff if the person  
17 knows, has reason to believe, or suspects a child is being or  
18 has been neglected or subjected to physical or sexual abuse.  
19 The police department or the county sheriff, upon receiving a  
20 report, shall immediately notify the local welfare agency or  
21 agency responsible for assessing or investigating the report,  
22 orally and in writing. The local welfare agency or agency  
23 responsible for assessing or investigating the report, upon  
24 receiving a report, shall immediately notify the local police  
25 department or the county sheriff orally and in writing.

26 (c) A person mandated to report physical or sexual child  
27 abuse or neglect occurring within a licensed facility shall  
28 report the information to the agency responsible for licensing  
29 the facility under sections 144.50 to 144.58; 241.021; 245A.01  
30 to 245A.16; or chapter 245B; or a nonlicensed personal care  
31 provider organization as defined in sections 256B.04,  
32 subdivision 16; and 256B.0625, subdivision 19. A health or  
33 corrections agency receiving a report may request the local  
34 welfare agency to provide assistance pursuant to subdivisions  
35 10, 10a, and 10b. A board or other entity whose licensees  
36 perform work within a school facility, upon receiving a

1 complaint of alleged maltreatment, shall provide information  
2 about the circumstances of the alleged maltreatment to the  
3 commissioner of education. Section 13.03, subdivision 4,  
4 applies to data received by the commissioner of education from a  
5 licensing entity.

6 (d) Any person mandated to report shall receive a summary  
7 of the disposition of any report made by that reporter,  
8 including whether the case has been opened for child protection  
9 or other services, or if a referral has been made to a community  
10 organization, unless release would be detrimental to the best  
11 interests of the child. Any person who is not mandated to  
12 report shall, upon request to the local welfare agency, receive  
13 a concise summary of the disposition of any report made by that  
14 reporter, unless release would be detrimental to the best  
15 interests of the child.

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

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

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

20 Subdivision 1. [WORKING GROUP ESTABLISHED.] The  
21 commissioner of corrections shall convene a working group of  
22 individuals knowledgeable in the supervision and treatment of  
23 sex offenders. The group must include individuals from both  
24 inside and outside of the Department of Corrections. The  
25 commissioner shall ensure broad representation in the group,  
26 including representatives from all three probation systems and  
27 from diverse parts of the state. The working group shall study  
28 and make recommendations on the issues listed in this section.  
29 To the degree feasible, the group shall consider how these  
30 issues are addressed in other states.

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

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

36 (2) a model set of special conditions of sex offender



1 supervision that can be used by courts and corrections agencies  
2 throughout Minnesota;

3 (3) statewide standards regarding the documentation by  
4 correctional agents of their supervision activities;

5 (4) standards to provide corrections agencies with guidance  
6 regarding sex offender assessment practices;

7 (5) policies that encourage sentencing conditions and  
8 prison release plans to clearly distinguish between sex offender  
9 treatment programs and other types of programs and services and  
10 to clearly specify which type of program the offender is  
11 required to complete;

12 (6) ways to improve the Department of Corrections' prison  
13 release planning practices for sex offenders, including sex  
14 offenders with chemical dependency needs or mental health needs;

15 (7) methods and timetables for periodic external reviews of  
16 sex offender supervision practices;

17 (8) statewide standards for the use of polygraphs by  
18 corrections agencies and sex offender treatment programs;

19 (9) statewide standards specifying basic program elements  
20 for community-based sex offender treatment programs, including,  
21 but not limited to, staff qualifications, case planning, use of  
22 polygraphs, and progress reports prepared for supervising  
23 agencies;

24 (10) a statewide protocol on the sharing of sex offender  
25 information between corrections agencies and child protection  
26 agencies in situations where offenders are placed in households  
27 where children reside;

28 (11) best practices for supervising sex offenders such as  
29 intensive supervised release, specialized caseloads, and other  
30 innovative methods, ideal caseload sizes for supervising agents,  
31 and methods to implement this in a manner that does not  
32 negatively impact the supervision of other types of offenders;  
33 and

34 (12) any other issues related to sex offender treatment and  
35 management that the working group deems appropriate.

36 Subd. 3. [REVIEW OF NEW LAWS.] The working group shall

1 also review the provisions of any laws enacted in 2005 relating  
 2 to sex offender supervision and treatment. The group shall make  
 3 recommendations on whether any changes to these provisions  
 4 should be considered by the legislature.

5 Subd. 4. [REPORT.] By February 15, 2006, the working group  
 6 shall report its recommendations to the chairs and ranking  
 7 minority members of the senate and house committees having  
 8 jurisdiction over criminal justice policy.

9 Subd. 5. [POLICIES REQUIRED.] After considering the  
 10 recommendations of the working group, the commissioner of  
 11 corrections shall implement policies and standards relating to  
 12 the issues described in subdivision 2 over which the  
 13 commissioner has jurisdiction.

14 [EFFECTIVE DATE.] This section is effective the day  
 15 following final enactment.

16 Sec. 10. [PRISON-BASED SEX OFFENDER TREATMENT PROGRAMS;  
 17 REPORT.]

18 By February 15, 2006, the commissioner of corrections shall  
 19 report to the chairs and ranking minority members of the senate  
 20 and house committees having jurisdiction over criminal justice  
 21 policy on prison-based sex offender treatment programs. The  
 22 report must:

23 (1) examine options for increasing the number of inmates  
 24 participating in these programs;

25 (2) examine the adequacy of funding for these programs;

26 (3) examine options for treating inmates who have limited  
 27 periods of time remaining in their terms of imprisonment;

28 (4) examine the merits and limitations of extending an  
 29 inmate's term of imprisonment for refusing to participate in  
 30 treatment; and

31 (5) examine any other related issues deemed relevant by the  
 32 commissioner.

33 **ARTICLE 5**

34 **SEX OFFENDERS:**

35 **TECHNICAL AND CONFORMING CHANGES**

36 **Section 1. Minnesota Statutes 2004, section 14.03,**

1 subdivision 3, is amended to read:

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

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

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

11 (3) the curriculum adopted by an agency to implement a  
12 statute or rule permitting or mandating minimum educational  
13 requirements for persons regulated by an agency, provided the  
14 topic areas to be covered by the minimum educational  
15 requirements are specified in statute or rule;

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

19 (b) The definition of a rule in section 14.02, subdivision  
20 4, does not include:

21 (1) rules of the commissioner of corrections relating to  
22 the release, placement, term, and supervision of inmates serving  
23 a supervised release or conditional release term, the internal  
24 management of institutions under the commissioner's control, and  
25 rules adopted under section 609.105 governing the inmates of  
26 those institutions;

27 (2) rules relating to weight limitations on the use of  
28 highways when the substance of the rules is indicated to the  
29 public by means of signs;

30 (3) opinions of the attorney general;

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

34 (5) the occupational safety and health standards provided  
35 in section 182.655;

36 (6) revenue notices and tax information bulletins of the

1 commissioner of revenue;

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

4 (8) the interpretive guidelines developed by the  
5 commissioner of human services to the extent provided in chapter  
6 245A.

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

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

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

12 (a) Before the commissioner releases from prison any inmate  
13 convicted under sections section 609.342 to, 609.343, 609.344,  
14 609.345, or 609.3453, or sentenced as a patterned offender under  
15 section 609.108, and determined by the commissioner to be in a  
16 high risk category, the commissioner shall make a preliminary  
17 determination whether, in the commissioner's opinion, a petition  
18 under section 253B.185 may be appropriate.

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

22 (1) private medical data under section 13.384 or 144.335,  
23 or welfare data under section 13.46 that relate to medical  
24 treatment of the offender;

25 (2) private and confidential court services data under  
26 section 13.84;

27 (3) private and confidential corrections data under section  
28 13.85; and

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

30 (c) If the commissioner determines that a petition may be  
31 appropriate, the commissioner shall forward this determination,  
32 along with a summary of the reasons for the determination, to  
33 the county attorney in the county where the inmate was convicted  
34 no later than 12 months before the inmate's release date. If  
35 the inmate is received for incarceration with fewer than 12  
36 months remaining in the inmate's term of imprisonment, or if the

1 commissioner receives additional information less than 12 months  
2 before release which makes the inmate's case appropriate for  
3 referral, the commissioner shall forward the determination as  
4 soon as is practicable. Upon receiving the commissioner's  
5 preliminary determination, the county attorney shall proceed in  
6 the manner provided in section 253B.185. The commissioner shall  
7 release to the county attorney all requested documentation  
8 maintained by the department.

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

11 Sec. 3. Minnesota Statutes 2004, section 244.052,  
12 subdivision 3, is amended to read:

13 Subd. 3. [END-OF-CONFINEMENT REVIEW COMMITTEE.] (a) The  
14 commissioner of corrections shall establish and administer  
15 end-of-confinement review committees at each state correctional  
16 facility and at each state treatment facility where predatory  
17 offenders are confined. The committees shall assess on a  
18 case-by-case basis the public risk posed by predatory offenders  
19 who are about to be released from confinement.

20 (b) Each committee shall be a standing committee and shall  
21 consist of the following members appointed by the commissioner:

22 (1) the chief executive officer or head of the correctional  
23 or treatment facility where the offender is currently confined,  
24 or that person's designee;

25 (2) a law enforcement officer;

26 (3) a treatment professional who is trained in the  
27 assessment of sex offenders;

28 (4) a caseworker experienced in supervising sex offenders;  
29 and

30 (5) a victim's services professional.

31 Members of the committee, other than the facility's chief  
32 executive officer or head, shall be appointed by the  
33 commissioner to two-year terms. The chief executive officer or  
34 head of the facility or designee shall act as chair of the  
35 committee and shall use the facility's staff, as needed, to  
36 administer the committee, obtain necessary information from

1 outside sources, and prepare risk assessment reports on  
2 offenders.

3 (c) The committee shall have access to the following data  
4 on a predatory offender only for the purposes of its assessment  
5 and to defend the committee's risk assessment determination upon  
6 administrative review under this section:

7 (1) private medical data under section 13.384 or 144.335,  
8 or welfare data under section 13.46 that relate to medical  
9 treatment of the offender;

10 (2) private and confidential court services data under  
11 section 13.84;

12 (3) private and confidential corrections data under section  
13 13.85; and

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

15 Data collected and maintained by the committee under this  
16 paragraph may not be disclosed outside the committee, except as  
17 provided under section 13.05, subdivision 3 or 4. The predatory  
18 offender has access to data on the offender collected and  
19 maintained by the committee, unless the data are confidential  
20 data received under this paragraph.

21 (d)(i) Except as otherwise provided in ~~item~~ items (ii),  
22 (iii), and (iv), at least 90 days before a predatory offender is  
23 to be released from confinement, the commissioner of corrections  
24 shall convene the appropriate end-of-confinement review  
25 committee for the purpose of assessing the risk presented by the  
26 offender and determining the risk level to which the offender  
27 shall be assigned under paragraph (e). The offender and the law  
28 enforcement agency that was responsible for the charge resulting  
29 in confinement shall be notified of the time and place of the  
30 committee's meeting. The offender has a right to be present and  
31 be heard at the meeting. The law enforcement agency may provide  
32 material in writing that is relevant to the offender's risk  
33 level to the chair of the committee. The committee shall use  
34 the risk factors described in paragraph (g) and the risk  
35 assessment scale developed under subdivision 2 to determine the  
36 offender's risk assessment score and risk level. Offenders

1 scheduled for release from confinement shall be assessed by the  
2 committee established at the facility from which the offender is  
3 to be released.

4 (ii) If an offender is received for confinement in a  
5 facility with less than 90 days remaining in the offender's term  
6 of confinement, the offender's risk shall be assessed at the  
7 first regularly scheduled end of confinement review committee  
8 that convenes after the appropriate documentation for the risk  
9 assessment is assembled by the committee. The commissioner  
10 shall make reasonable efforts to ensure that offender's risk is  
11 assessed and a risk level is assigned or reassigned at least 30  
12 days before the offender's release date.

13 (iii) If the offender is subject to a mandatory life  
14 sentence under section 609.342, subdivision 2, paragraph (b), or  
15 609.3455, the commissioner of corrections shall convene the  
16 appropriate end-of-confinement review committee at least nine  
17 months before the offender's minimum term of imprisonment has  
18 been served. If the offender is received for confinement in a  
19 facility with less than nine months remaining before the  
20 offender's minimum term of imprisonment has been served, the  
21 committee shall conform its procedures to those outlined in item  
22 (ii) to the extent practicable.

23 (iv) If the offender is granted supervised release, the  
24 commissioner of corrections shall notify the appropriate  
25 end-of-confinement review committee that it needs to review the  
26 offender's previously determined risk level at its next  
27 regularly scheduled meeting. The commissioner shall make  
28 reasonable efforts to ensure that the offender's earlier risk  
29 level determination is reviewed and the risk level is confirmed  
30 or reassigned at least 60 days before the offender's release  
31 date. The committee shall give the report to the offender and  
32 to the law enforcement agency at least 60 days before an  
33 offender is released from confinement.

34 (e) The committee shall assign to risk level I a predatory  
35 offender whose risk assessment score indicates a low risk of  
36 reoffense. The committee shall assign to risk level II an

1 offender whose risk assessment score indicates a moderate risk  
2 of reoffense. The committee shall assign to risk level III an  
3 offender whose risk assessment score indicates a high risk of  
4 reoffense.

5 (f) Before the predatory offender is released from  
6 confinement, the committee shall prepare a risk assessment  
7 report which specifies the risk level to which the offender has  
8 been assigned and the reasons underlying the committee's risk  
9 assessment decision. Except for an offender subject to a  
10 mandatory life sentence under section 609.342, subdivision 2,  
11 paragraph (b), or 609.3455, who has not been granted supervised  
12 release, the committee shall give the report to the offender and  
13 to the law enforcement agency at least 60 days before an  
14 offender is released from confinement. If the offender is  
15 subject to a mandatory life sentence and has not yet served the  
16 entire minimum term of imprisonment, the committee shall give  
17 the report to the offender and to the commissioner at least six  
18 months before the offender is first eligible for release. If  
19 the risk assessment is performed under the circumstances  
20 described in paragraph (d), item (ii), the report shall be given  
21 to the offender and the law enforcement agency as soon as it is  
22 available. The committee also shall inform the offender of the  
23 availability of review under subdivision 6.

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

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

- 28 (i) the degree of likely force or harm;  
29 (ii) the degree of likely physical contact; and  
30 (iii) the age of the likely victim;

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

- 33 (i) the relationship of prior victims to the offender;  
34 (ii) the number of prior offenses or victims;  
35 (iii) the duration of the offender's prior offense history;  
36 (iv) the length of time since the offender's last prior



1 offense while the offender was at risk to commit offenses; and

2 (v) the offender's prior history of other antisocial acts;

3 (3) the offender's characteristics. This factor includes

4 consideration of the following:

5 (i) the offender's response to prior treatment efforts; and

6 (ii) the offender's history of substance abuse;

7 (4) the availability of community supports to the offender.

8 This factor includes consideration of the following:

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

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

14 (iii) the offender's familial and social relationships,  
15 including the nature and length of these relationships and the  
16 level of support that the offender may receive from these  
17 persons; and

18 (iv) the offender's lack of education or employment  
19 stability;

20 (5) whether the offender has indicated or credible evidence  
21 in the record indicates that the offender will reoffend if  
22 released into the community; and

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

26 (h) Upon the request of the law enforcement agency or the  
27 offender's corrections agent, the commissioner may reconvene the  
28 end-of-confinement review committee for the purpose of  
29 reassessing the risk level to which an offender has been  
30 assigned under paragraph (e). In a request for a reassessment,  
31 the law enforcement agency which was responsible for the charge  
32 resulting in confinement or agent shall list the facts and  
33 circumstances arising after the initial assignment or facts and  
34 circumstances known to law enforcement or the agent but not  
35 considered by the committee under paragraph (e) which support  
36 the request for a reassessment. The request for reassessment by

1 the law enforcement agency must occur within 30 days of receipt  
2 of the report indicating the offender's risk level assignment.  
3 The offender's corrections agent, in consultation with the chief  
4 law enforcement officer in the area where the offender resides  
5 or intends to reside, may request a review of a risk level at  
6 any time if substantial evidence exists that the offender's risk  
7 level should be reviewed by an end-of-confinement review  
8 committee. This evidence includes, but is not limited to,  
9 evidence of treatment failures or completions, evidence of  
10 exceptional crime-free community adjustment or lack of  
11 appropriate adjustment, evidence of substantial community need  
12 to know more about the offender or mitigating circumstances that  
13 would narrow the proposed scope of notification, or other  
14 practical situations articulated and based in evidence of the  
15 offender's behavior while under supervision. Upon review of the  
16 request, the end-of-confinement review committee may reassign an  
17 offender to a different risk level. If the offender is  
18 reassigned to a higher risk level, the offender has the right to  
19 seek review of the committee's determination under subdivision 6.

20 (i) An offender may request the end-of-confinement review  
21 committee to reassess the offender's assigned risk level after  
22 three years have elapsed since the committee's initial risk  
23 assessment and may renew the request once every two years  
24 following subsequent denials. In a request for reassessment,  
25 the offender shall list the facts and circumstances which  
26 demonstrate that the offender no longer poses the same degree of  
27 risk to the community. In order for a request for a risk level  
28 reduction to be granted, the offender must demonstrate full  
29 compliance with supervised release conditions, completion of  
30 required post-release treatment programming, and full compliance  
31 with all registration requirements as detailed in section  
32 243.166. The offender must also not have been convicted of any  
33 felony, gross misdemeanor, or misdemeanor offenses subsequent to  
34 the assignment of the original risk level. The committee shall  
35 follow the process outlined in paragraphs (a) to (c) in the  
36 reassessment. An offender who is incarcerated may not request a

1 reassessment under this paragraph.

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

6 (k) The commissioner shall establish an end-of-confinement  
7 review committee to assign a risk level to offenders who are  
8 released from a federal correctional facility in Minnesota or  
9 another state and who intend to reside in Minnesota, and to  
10 offenders accepted from another state under a reciprocal  
11 agreement for parole supervision under the interstate compact  
12 authorized by section 243.16. The committee shall make  
13 reasonable efforts to conform to the same timelines as applied  
14 to Minnesota cases. Offenders accepted from another state under  
15 a reciprocal agreement for probation supervision are not  
16 assigned a risk level, but are considered downward dispositional  
17 departures. The probation or court services officer and law  
18 enforcement officer shall manage such cases in accordance with  
19 section 244.10, subdivision 2a. The policies and procedures of  
20 the committee for federal offenders and interstate compact cases  
21 must be in accordance with all requirements as set forth in this  
22 section, unless restrictions caused by the nature of federal or  
23 interstate transfers prevents such conformance.

24 (l) If the committee assigns a predatory offender to risk  
25 level III, the committee shall determine whether residency  
26 restrictions shall be included in the conditions of the  
27 offender's release based on the offender's pattern of offending  
28 behavior.

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

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

33 Subd. 2. [PRESUMPTIVE EXECUTED SENTENCE.] Except as  
34 provided in subdivision 3 or 4, if a person is convicted under  
35 sections 609.342 to ~~609.345~~ 609.3453, within 15 years of a  
36 previous sex offense conviction, the court shall commit the

1 defendant to the commissioner of corrections for not less than  
2 three years, nor more than the maximum sentence provided by law  
3 for the offense for which convicted, notwithstanding the  
4 provisions of sections 242.19, 243.05, 609.11, 609.12, and  
5 609.135. The court may stay the execution of the sentence  
6 imposed under this subdivision only if it finds that a  
7 professional assessment indicates the offender is accepted by  
8 and can respond to treatment at a long-term inpatient program  
9 exclusively treating sex offenders and approved by the  
10 commissioner of corrections. If the court stays the execution  
11 of a sentence, it shall include the following as conditions of  
12 probation:

- 13 (1) incarceration in a local jail or workhouse; and  
14 (2) a requirement that the offender successfully complete  
15 the treatment program and aftercare as directed by the court.

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

18 Sec. 5. Minnesota Statutes 2004, section 609.109,  
19 subdivision 5, is amended to read:

20 Subd. 5. [PREVIOUS SEX OFFENSE CONVICTIONS.] For the  
21 purposes of this section, a conviction is considered a previous  
22 sex offense conviction if the person was convicted of a sex  
23 offense before the commission of the present offense of  
24 conviction. A person has two previous sex offense convictions  
25 only if the person was convicted and sentenced for a sex offense  
26 committed after the person was earlier convicted and sentenced  
27 for a sex offense, both convictions preceded the commission of  
28 the present offense of conviction, and 15 years have not elapsed  
29 since the person was discharged from the sentence imposed for  
30 the second conviction. A "sex offense" is a violation of  
31 sections 609.342 to ~~609.345~~ 609.3453 or any similar statute of  
32 the United States, this state, or any other state.

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

35 Sec. 6. Minnesota Statutes 2004, section 609.115, is  
36 amended by adding a subdivision to read:

1        Subd. 2a. [INDETERMINATE AND MANDATORY LIFE SENTENCES;  
2 SENTENCING WORKSHEET.] If the defendant has been convicted of a  
3 felony crime for which any type of indeterminate sentence or  
4 mandatory life sentence is provided by law, the court shall  
5 cause a sentencing worksheet as provided in subdivision 1,  
6 paragraph (e), to be completed and forwarded to the Minnesota  
7 Sentencing Guidelines Commission.

8        Sec. 7. Minnesota Statutes 2004, section 609.117,  
9 subdivision 1, is amended to read:

10        Subdivision 1. [UPON SENTENCING.] The court shall order an  
11 offender to provide a biological specimen for the purpose of DNA  
12 analysis as defined in section 299C.155 when:

13        (1) the court sentences a person charged with violating or  
14 attempting to violate any of the following, and the person is  
15 convicted of that offense or of any offense arising out of the  
16 same set of circumstances:

17        (i) murder under section 609.185, 609.19, or 609.195;

18        (ii) manslaughter under section 609.20 or 609.205;

19        (iii) assault under section 609.221, 609.222, or 609.223;

20        (iv) robbery under section 609.24 or aggravated robbery  
21 under section 609.245;

22        (v) kidnapping under section 609.25;

23        (vi) false imprisonment under section 609.255;

24        (vii) criminal sexual conduct under section 609.342,  
25 609.343, 609.344, 609.345, or 609.3451, subdivision 3, or  
26 609.3453;

27        (viii) incest under section 609.365;

28        (ix) burglary under section 609.582, subdivision 1; or

29        (x) indecent exposure under section 617.23, subdivision 3;

30        (2) the court sentences a person as a patterned sex  
31 offender under section 609.108; or

32        (3) the juvenile court adjudicates a person a delinquent  
33 child who is the subject of a delinquency petition for violating  
34 or attempting to violate any of the following, and the  
35 delinquency adjudication is based on a violation of one of those  
36 sections or of any offense arising out of the same set of

1 circumstances:

- 2 (i) murder under section 609.185, 609.19, or 609.195;  
 3 (ii) manslaughter under section 609.20 or 609.205;  
 4 (iii) assault under section 609.221, 609.222, or 609.223;  
 5 (iv) robbery under section 609.24 or aggravated robbery  
 6 under section 609.245;  
 7 (v) kidnapping under section 609.25;  
 8 (vi) false imprisonment under section 609.255;  
 9 (vii) criminal sexual conduct under section 609.342,  
 10 609.343, 609.344, 609.345, or 609.3451, subdivision 3, or  
 11 609.3453;  
 12 (viii) incest under section 609.365;  
 13 (ix) burglary under section 609.582, subdivision 1; or  
 14 (x) indecent exposure under section 617.23, subdivision 3.

15 The biological specimen or the results of the analysis shall be  
 16 maintained by the Bureau of Criminal Apprehension as provided in  
 17 section 299C.155.

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

20 Sec. 8. Minnesota Statutes 2004, section 609.117,  
 21 subdivision 2, is amended to read:

22 Subd. 2. [BEFORE RELEASE.] The commissioner of corrections  
 23 or local corrections authority shall order a person to provide a  
 24 biological specimen for the purpose of DNA analysis before  
 25 completion of the person's term of imprisonment when the person  
 26 has not provided a biological specimen for the purpose of DNA  
 27 analysis and the person:

28 (1) is currently serving a term of imprisonment for or has  
 29 a past conviction for violating or attempting to violate any of  
 30 the following or a similar law of another state or the United  
 31 States or initially charged with violating one of the following  
 32 sections or a similar law of another state or the United States  
 33 and convicted of another offense arising out of the same set of  
 34 circumstances:

- 35 (i) murder under section 609.185, 609.19, or 609.195;  
 36 (ii) manslaughter under section 609.20 or 609.205;

1 (iii) assault under section 609.221, 609.222, or 609.223;

2 (iv) robbery under section 609.24 or aggravated robbery

3 under section 609.245;

4 (v) kidnapping under section 609.25;

5 (vi) false imprisonment under section 609.255;

6 (vii) criminal sexual conduct under section 609.342,

7 609.343, 609.344, 609.345, ~~or~~ 609.3451, subdivision 3, or

8 609.3453;

9 (viii) incest under section 609.365;

10 (ix) burglary under section 609.582, subdivision 1; or

11 (x) indecent exposure under section 617.23, subdivision 3;

12 or

13 (2) was sentenced as a patterned sex offender under section

14 609.108, and committed to the custody of the commissioner of

15 corrections; or

16 (3) is serving a term of imprisonment in this state under a

17 reciprocal agreement although convicted in another state of an

18 offense described in this subdivision or a similar law of the

19 United States or any other state. The commissioner of

20 corrections or local corrections authority shall forward the

21 sample to the Bureau of Criminal Apprehension.

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

23 and applies to crimes committed on or after that date.

24 Sec. 9. Minnesota Statutes 2004, section 609.1351, is

25 amended to read:

26 609.1351 [PETITION FOR CIVIL COMMITMENT.]

27 When a court sentences a person under section 609.108,

28 609.342, 609.343, 609.344, ~~or~~ 609.345, or 609.3453, the court

29 shall make a preliminary determination whether in the court's

30 opinion a petition under section 253B.185 may be appropriate and

31 include the determination as part of the sentencing order. If

32 the court determines that a petition may be appropriate, the

33 court shall forward its preliminary determination along with

34 supporting documentation to the county attorney.

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

36 and applies to crimes committed on or after that date.

1 Sec. 10. Minnesota Statutes 2004, section 609.347, is  
2 amended to read:

3 609.347 [EVIDENCE IN CRIMINAL SEXUAL CONDUCT CASES.]

4 Subdivision 1. In a prosecution under sections 609.109 or,  
5 609.342 to 609.3451, or 609.3453, the testimony of a victim need  
6 not be corroborated.

7 Subd. 2. In a prosecution under sections 609.109 or,  
8 609.342 to 609.3451, or 609.3453, there is no need to show that  
9 the victim resisted the accused.

10 Subd. 3. In a prosecution under sections 609.109, 609.342  
11 to 609.3451, 609.3453, or 609.365, evidence of the victim's  
12 previous sexual conduct shall not be admitted nor shall any  
13 reference to such conduct be made in the presence of the jury,  
14 except by court order under the procedure provided in  
15 subdivision 4. The evidence can be admitted only if the  
16 probative value of the evidence is not substantially outweighed  
17 by its inflammatory or prejudicial nature and only in the  
18 circumstances set out in paragraphs (a) and (b). For the  
19 evidence to be admissible under paragraph (a), subsection (i),  
20 the judge must find by a preponderance of the evidence that the  
21 facts set out in the accused's offer of proof are true. For the  
22 evidence to be admissible under paragraph (a), subsection (ii)  
23 or paragraph (b), the judge must find that the evidence is  
24 sufficient to support a finding that the facts set out in the  
25 accused's offer of proof are true, as provided under Rule 901 of  
26 the Rules of Evidence.

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

29 (i) evidence of the victim's previous sexual conduct  
30 tending to establish a common scheme or plan of similar sexual  
31 conduct under circumstances similar to the case at issue. In  
32 order to find a common scheme or plan, the judge must find that  
33 the victim made prior allegations of sexual assault which were  
34 fabricated; and

35 (ii) evidence of the victim's previous sexual conduct with  
36 the accused.



1 (b) When the prosecution's case includes evidence of semen,  
2 pregnancy, or disease at the time of the incident or, in the  
3 case of pregnancy, between the time of the incident and trial,  
4 evidence of specific instances of the victim's previous sexual  
5 conduct is admissible solely to show the source of the semen,  
6 pregnancy, or disease.

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

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

14 (b) If the court deems the offer of proof sufficient, the  
15 court shall order a hearing out of the presence of the jury, if  
16 any, and in such hearing shall allow the accused to make a full  
17 presentation of the offer of proof;

18 (c) At the conclusion of the hearing, if the court finds  
19 that the evidence proposed to be offered by the accused  
20 regarding the previous sexual conduct of the victim is  
21 admissible under subdivision 3 and that its probative value is  
22 not substantially outweighed by its inflammatory or prejudicial  
23 nature, the court shall make an order stating the extent to  
24 which evidence is admissible. The accused may then offer  
25 evidence pursuant to the order of the court;

26 (d) If new information is discovered after the date of the  
27 hearing or during the course of trial, which may make evidence  
28 described in subdivision 3 admissible, the accused may make an  
29 offer of proof pursuant to clause (a) and the court shall order  
30 an in camera hearing to determine whether the proposed evidence  
31 is admissible by the standards herein.

32 Subd. 5. In a prosecution under sections 609.109 or,  
33 609.342 to 609.3451, or 609.3453, the court shall not instruct  
34 the jury to the effect that:

35 (a) It may be inferred that a victim who has previously  
36 consented to sexual intercourse with persons other than the

1 accused would be therefore more likely to consent to sexual  
2 intercourse again; or

3 (b) The victim's previous or subsequent sexual conduct in  
4 and of itself may be considered in determining the credibility  
5 of the victim; or

6 (c) Criminal sexual conduct is a crime easily charged by a  
7 victim but very difficult to disprove by an accused because of  
8 the heinous nature of the crime; or

9 (d) The jury should scrutinize the testimony of the victim  
10 any more closely than it should scrutinize the testimony of any  
11 witness in any felony prosecution.

12 Subd. 6. (a) In a prosecution under sections 609.109 ~~or~~  
13 609.342 to 609.3451, or 609.3453, involving a psychotherapist  
14 and patient, evidence of the patient's personal or medical  
15 history is not admissible except when:

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

19 (2) the court finds that the history is relevant and that  
20 the probative value of the history outweighs its prejudicial  
21 value.

22 (b) The court shall allow the admission only of specific  
23 information or examples of conduct of the victim that are  
24 determined by the court to be relevant. The court's order shall  
25 detail the information or conduct that is admissible and no  
26 other evidence of the history may be introduced.

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

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

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

34 Sec. 11. Minnesota Statutes 2004, section 609.3471, is  
35 amended to read:

36 609.3471 [RECORDS PERTAINING TO VICTIM IDENTITY

1 CONFIDENTIAL.]

2 Notwithstanding any provision of law to the contrary, no  
3 data contained in records or reports relating to petitions,  
4 complaints, or indictments issued pursuant to section 609.342~~7~~,  
5 609.343~~7~~, 609.344~~7~~~~or~~, 609.345, or 609.3453, which  
6 specifically identifies a victim who is a minor shall be  
7 accessible to the public, except by order of the court. Nothing  
8 in this section authorizes denial of access to any other data  
9 contained in the records or reports, including the identity of  
10 the defendant.

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

13 Sec. 12. Minnesota Statutes 2004, section 609.348, is  
14 amended to read:

15 609.348 [MEDICAL PURPOSES; EXCLUSION.]

16 Sections 609.109 and, 609.342 to 609.3451, and 609.3453 do  
17 not apply to sexual penetration or sexual contact when done for  
18 a bona fide medical purpose.

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

21 Sec. 13. Minnesota Statutes 2004, section 609.353, is  
22 amended to read:

23 609.353 [JURISDICTION.]

24 A violation or attempted violation of section 609.342,  
25 609.343, 609.344, 609.345, 609.3451, 609.3453, or 609.352 may be  
26 prosecuted in any jurisdiction in which the violation originates  
27 or terminates.

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

30 Sec. 14. Minnesota Statutes 2004, section 631.045, is  
31 amended to read:

32 631.045 [EXCLUDING SPECTATORS FROM THE COURTROOM.]

33 At the trial of a complaint or indictment for a violation  
34 of sections 609.109, 609.341 to 609.3451, 609.3453, or 617.246,  
35 subdivision 2, when a minor under 18 years of age is the person  
36 upon, with, or against whom the crime is alleged to have been

1 committed, the judge may exclude the public from the courtroom  
 2 during the victim's testimony or during all or part of the  
 3 remainder of the trial upon a showing that closure is necessary  
 4 to protect a witness or ensure fairness in the trial. The judge  
 5 shall give the prosecutor, defendant and members of the public  
 6 the opportunity to object to the closure before a closure order.  
 7 The judge shall specify the reasons for closure in an order  
 8 closing all or part of the trial. Upon closure the judge shall  
 9 only admit persons who have a direct interest in the case.

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

12 Sec. 15. [REVISOR INSTRUCTION.]

13 (a) The revisor of statutes shall renumber Minnesota  
 14 Statutes, section 609.3452, as Minnesota Statutes, section  
 15 609.3457, and correct cross-references. In addition, the  
 16 revisor shall delete the reference in Minnesota Statutes,  
 17 section 13.871, subdivision 3, paragraph (d), to Minnesota  
 18 Statutes, section 609.3452, and insert a reference to Minnesota  
 19 Statutes, section 609.3457. The revisor shall include a  
 20 notation in Minnesota Statutes to inform readers of the statutes  
 21 of the renumbering of Minnesota Statutes, section 609.3457.

22 (b) In addition to the specific changes described in  
 23 paragraph (a), the revisor of statutes shall make other  
 24 technical changes necessitated by this act.

## ARTICLE 6

### CONTROLLED SUBSTANCES PROVISIONS

27 Section 1. Minnesota Statutes 2004, section 152.01,  
 28 subdivision 10, is amended to read:

29 Subd. 10. [NARCOTIC DRUG.] "Narcotic drug" means any of  
 30 the following, whether produced directly or indirectly by  
 31 extraction from substances of vegetable origin, or independently  
 32 by means of chemical synthesis, or by a combination of  
 33 extraction and chemical synthesis:

- 34 (1) opium, coca leaves, and opiates, and methamphetamine;  
 35 (2) a compound, manufacture, salt, derivative, or  
 36 preparation of opium, coca leaves, or opiates, or

1 methamphetamine;

2 (3) a substance, and any compound, manufacture, salt,  
3 derivative, or preparation thereof, which is chemically  
4 identical with any of the substances referred to in clauses (1)  
5 and (2), except that the words "narcotic drug" as used in this  
6 chapter shall not include decocainized coca leaves or extracts  
7 of coca leaves, which extracts do not contain cocaine or  
8 ecgonine.

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

11 Sec. 2. Minnesota Statutes 2004, section 152.021,  
12 subdivision 2a, is amended to read:

13 Subd. 2a. [METHAMPHETAMINE MANUFACTURE CRIMES CRIME;  
14 POSSESSION OF SUBSTANCES WITH INTENT TO MANUFACTURE

15 METHAMPHETAMINE CRIME.] (a) Notwithstanding subdivision 1,  
16 sections 152.022, subdivision 1, 152.023, subdivision 1, and  
17 152.024, subdivision 1, a person is guilty of controlled  
18 substance crime in the first degree if the person manufactures  
19 any amount of methamphetamine.

20 (b) ~~Notwithstanding paragraph (a) and section 609.177~~ A  
21 person is guilty of ~~attempted manufacture of methamphetamine a~~  
22 crime if the person possesses any chemical reagents or  
23 precursors with the intent to manufacture methamphetamine. As  
24 used in this section, "chemical reagents or precursors" ~~refers~~  
25 ~~to one or more~~ includes any of the following substances, or any  
26 similar substances that can be used to manufacture  
27 methamphetamine, or their the salts, isomers, and salts of  
28 isomers of a listed or similar substance:

29 (1) ephedrine;

30 (2) pseudoephedrine;

31 (3) phenyl-2-propanone;

32 (4) phenylacetone;

33 (5) anhydrous ammonia, ~~as defined in section 18C.0057~~  
34 ~~subdivision 1a;~~

35 (6) organic solvents;

36 (7) hydrochloric acid;

- 1 (8) lithium metal;
- 2 (9) sodium metal;
- 3 (10) ether;
- 4 (11) sulfuric acid;
- 5 (12) red phosphorus;
- 6 (13) iodine;
- 7 (14) sodium hydroxide;
- 8 (15) benzaldehyde;
- 9 (16) benzyl methyl ketone;
- 10 (17) benzyl cyanide;
- 11 (18) nitroethane;
- 12 (19) methylamine;
- 13 (20) phenylacetic acid;
- 14 (21) hydriodic acid; or
- 15 (22) hydriotic acid.

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

18 Sec. 3. Minnesota Statutes 2004, section 152.021,  
19 subdivision 3, is amended to read:

20 Subd. 3. [PENALTY.] (a) A person convicted under  
21 subdivisions 1 to 2a, paragraph (a), may be sentenced to  
22 imprisonment for not more than 30 years or to payment of a fine  
23 of not more than \$1,000,000, or both; a person convicted under  
24 subdivision 2a, paragraph (b), may be sentenced to imprisonment  
25 for not more than ~~three~~ ten years or to payment of a fine of not  
26 more than ~~\$57,000~~ \$20,000, or both.

27 (b) If the conviction is a subsequent controlled substance  
28 conviction, a person convicted under subdivisions 1 to 2a,  
29 paragraph (a), shall be committed to the commissioner of  
30 corrections for not less than four years nor more than 40 years  
31 and, in addition, may be sentenced to payment of a fine of not  
32 more than \$1,000,000; a person convicted under subdivision 2a,  
33 paragraph (b), may be sentenced to imprisonment for not more  
34 than ~~four~~ 15 years or to payment of a fine of not more than  
35 ~~\$57,000~~ \$30,000, or both.

36 (c) In a prosecution under subdivision 1 involving sales by

1 the same person in two or more counties within a 90-day period,  
2 the person may be prosecuted for all of the sales in any county  
3 in which one of the sales occurred.

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

6 Sec. 4. [152.0275] [CERTAIN CONTROLLED SUBSTANCE OFFENSES;  
7 RESTITUTION; PROHIBITIONS ON PROPERTY USE; NOTICE PROVISIONS.]

8 Subdivision 1. [RESTITUTION.] (a) As used in this  
9 subdivision:

10 (1) "clandestine lab site" means any structure or  
11 conveyance or outdoor location occupied or affected by  
12 conditions or chemicals typically associated with the  
13 manufacturing of methamphetamine;

14 (2) "emergency response" includes, but is not limited to,  
15 removing and collecting evidence, securing the site, removal,  
16 remediation, and hazardous chemical assessment or inspection of  
17 the site where the relevant offense or offenses took place,  
18 regardless of whether these actions are performed by the public  
19 entities themselves or by private contractors paid by the public  
20 entities, or the property owner;

21 (3) "remediation" means proper cleanup, treatment, or  
22 containment of hazardous substances or methamphetamine at or in  
23 a clandestine lab site, and may include demolition or disposal  
24 of structures or other property when an assessment so indicates;  
25 and

26 (4) "removal" means the removal from the clandestine lab  
27 site of precursor or waste chemicals, chemical containers, or  
28 equipment associated with the manufacture, packaging, or storage  
29 of illegal drugs.

30 (b) A court may require a person convicted of manufacturing  
31 or attempting to manufacture a controlled substance or of an  
32 illegal activity involving a precursor substance, where the  
33 response to the crime involved an emergency response, to pay  
34 restitution to all public entities that participated in the  
35 response. The restitution ordered may cover the reasonable  
36 costs of their participation in the response.

1 (c) In addition to the restitution authorized in paragraph  
2 (b), a court may require a person convicted of manufacturing or  
3 attempting to manufacture a controlled substance or of illegal  
4 activity involving a precursor substance to pay restitution to a  
5 property owner who incurred removal or remediation costs because  
6 of the crime.

7 Subd. 2. [PROPERTY-RELATED PROHIBITIONS; NOTICE; WEB  
8 SITE.] (a) As used in this subdivision:

9 (1) "clandestine lab site" has the meaning given in  
10 subdivision 1, paragraph (a);

11 (2) "property" means publicly or privately owned real  
12 property including buildings and other structures, motor  
13 vehicles as defined in section 609.487, subdivision 2a, public  
14 waters, and public rights-of-way;

15 (3) "remediation" has the meaning given in subdivision 1,  
16 paragraph (a); and

17 (4) "removal" has the meaning given in subdivision 1,  
18 paragraph (a).

19 (b) A peace officer who arrests a person at a clandestine  
20 lab site shall notify the appropriate county or local health  
21 department, state duty officer, and child protection services of  
22 the arrest and the location of the site.

23 (c) A county or local health department or sheriff shall  
24 order that any property or portion of a property that has been  
25 found to be a clandestine lab site and contaminated by  
26 substances, chemicals, or items of any kind used in the  
27 manufacture of methamphetamine or any part of the manufacturing  
28 process, or the by-products or degradates of manufacturing  
29 methamphetamine be prohibited from being occupied or used until  
30 it has been assessed and remediated as provided in the  
31 Department of Health's clandestine drug labs general cleanup  
32 guidelines. The remediation shall be accomplished by a  
33 contractor who will make the verification required under  
34 paragraph (e).

35 (d) Unless clearly inapplicable, the procedures specified  
36 in chapter 145A and any related rules adopted under that chapter



1 addressing the enforcement of public health laws, the removal  
2 and abatement of public health nuisances, and the remedies  
3 available to property owners or occupants apply to this  
4 subdivision.

5 (e) Upon the proper removal and remediation of any property  
6 used as a clandestine lab site, the contractor shall verify to  
7 the applicable authority that issued the order under paragraph  
8 (c) that the work was completed according to the Department of  
9 Health's clandestine drug labs general cleanup guidelines and  
10 best practices and that levels of contamination have been  
11 reduced to levels set forth in the guidelines. The contractor  
12 shall provide the verification to the property owner and the  
13 applicable authority within five days from the completion of the  
14 remediation. Following this, the applicable authority shall  
15 vacate its order.

16 (f) If a contractor issues a verification and the property  
17 was not remediated according to the Department of Health's  
18 clandestine drug labs general cleanup guidelines or the levels  
19 of contamination were not reduced to levels set forth in the  
20 guidelines, the contractor is liable to the property owner for  
21 the additional costs relating to the proper remediation of the  
22 property according to the guidelines and reducing the levels of  
23 contamination to levels set in the guidelines and for reasonable  
24 attorney fees for collection of costs by the property owner. An  
25 action under this paragraph must be commenced within six years  
26 from the date on which the verification was issued by the  
27 contractor.

28 (g) If the applicable authority determines under paragraph  
29 (c) that a motor vehicle has been contaminated by substances,  
30 chemicals, or items of any kind used in the manufacture of  
31 methamphetamine or any part of the manufacturing process, or the  
32 by-products or degradates of manufacturing methamphetamine and  
33 if the authority is able to obtain the certificate of title for  
34 the motor vehicle, the authority shall notify the registrar of  
35 motor vehicles of this fact and in addition, forward the  
36 certificate of title to the registrar. The authority shall also

1 notify the registrar when it vacates its order under paragraph  
2 (e).

3 (h) The applicable authority issuing an order under  
4 paragraph (c) shall record with the county recorder or registrar  
5 of titles of the county where the clandestine lab is located an  
6 affidavit containing the name of the owner, a legal description  
7 of the property where the clandestine lab was located, and a map  
8 drawn from available information showing the boundary of the  
9 property and the location of the contaminated area on the  
10 property that is prohibited from being occupied or used that  
11 discloses to any potential transferee:

12 (1) that the property, or a portion of the property, was  
13 the site of a clandestine lab;

14 (2) the location, condition, and circumstances of the  
15 clandestine lab, to the full extent known or reasonably  
16 ascertainable; and

17 (3) that the use of the property or some portion of it may  
18 be restricted as provided by paragraph (c).

19 If an inaccurate drawing or description is filed, the authority,  
20 on request of the owner or another interested person, shall file  
21 a supplemental affidavit with a corrected drawing or description.

22 If the authority vacates its order under paragraph (e), the  
23 authority shall record an affidavit that contains the recording  
24 information of the affidavit and states that the order is  
25 vacated. Upon filing the affidavit vacating the order, the  
26 affidavit and the affidavit filed under this paragraph, together  
27 with the information set forth in the affidavits, cease to  
28 constitute either actual or constructive notice.

29 (i) If proper removal and remediation has occurred on the  
30 property, an interested party may record an affidavit indicating  
31 that this has occurred. Upon filing the affidavit described in  
32 this paragraph, the affidavit and the affidavit filed under  
33 paragraph (h), together with the information set forth in the  
34 affidavits, cease to constitute either actual or constructive  
35 notice. Failure to record an affidavit under this section does  
36 not affect or prevent any transfer of ownership of the property.

1       (j) The county recorder or registrar of titles must record  
2 all affidavits presented under paragraph (h) or (i) in a manner  
3 that assures their disclosure in the ordinary course of a title  
4 search of the subject property.

5       (k) The commissioner of health shall post on the Internet  
6 contact information for each local community health services  
7 administrator.

8       (l) Each local community health services administrator  
9 shall maintain information related to property within the  
10 administrator's jurisdiction that is currently or was previously  
11 subject to an order issued under paragraph (c). The information  
12 maintained must include the name of the owner, the location of  
13 the property, the extent of the contamination, the status of the  
14 removal and remediation work on the property, and whether the  
15 order has been vacated. The administrator shall make this  
16 information available to the public either upon request or by  
17 other means.

18       (m) Before signing an agreement to sell or transfer real  
19 property, the seller or transferor must disclose in writing to  
20 the buyer or transferee if, to the seller's or transferor's  
21 knowledge, methamphetamine production has occurred on the  
22 property. If methamphetamine production has occurred on the  
23 property, the disclosure shall include a statement to the buyer  
24 or transferee informing the buyer or transferee:

25       (1) whether an order has been issued on the property as  
26 described in paragraph (c);

27       (2) whether any orders issued against the property under  
28 paragraph (c) have been vacated under paragraph (i); or

29       (3) if there was no order issued against the property and  
30 the seller or transferor is aware that methamphetamine  
31 production has occurred on the property, the status of removal  
32 and remediation on the property.

33       (n) Unless the buyer or transferee and seller or transferor  
34 agree to the contrary in writing before the closing of the sale,  
35 a seller or transferor who fails to disclose, to the best of  
36 their knowledge, at the time of sale any of the facts required,

1 and who knew or had reason to know of methamphetamine production  
2 on the property, is liable to the buyer or transferee for:

3 (1) costs relating to remediation of the property according  
4 to the Department of Health's clandestine drug labs general  
5 cleanup guidelines and best practices so that contamination is  
6 reduced to levels set forth in the guidelines; and

7 (2) reasonable attorney fees for collection of costs from  
8 the seller or transferor.

9 An action under this paragraph must be commenced within six  
10 years after the date on which the buyer or transferee closed the  
11 purchase or transfer of the real property where the  
12 methamphetamine production occurred.

13 [EFFECTIVE DATE.] This section is effective January 1,  
14 2006, and applies to crimes committed on or after that date.

15 Sec. 5. [152.136] [ANHYDROUS AMMONIA; PROHIBITED CONDUCT;  
16 CRIMINAL PENALTIES; CIVIL LIABILITY.]

17 Subdivision 1. [DEFINITIONS.] As used in this section,  
18 "tamper" means action taken by a person not authorized to take  
19 that action by law or by the owner or authorized custodian of an  
20 anhydrous ammonia container or of equipment where anhydrous  
21 ammonia is used, stored, distributed, or transported.

22 Subd. 2. [PROHIBITED CONDUCT.] (a) A person may not:

23 (1) steal or unlawfully take or carry away any amount of  
24 anhydrous ammonia;

25 (2) purchase, possess, transfer, or distribute any amount  
26 of anhydrous ammonia, knowing, or having reason to know, that it  
27 will be used to unlawfully manufacture a controlled substance;

28 (3) place, have placed, or possess anhydrous ammonia in a  
29 container that is not designed, constructed, maintained, and  
30 authorized to contain or transport anhydrous ammonia;

31 (4) transport anhydrous ammonia in a container that is not  
32 designed, constructed, maintained, and authorized to transport  
33 anhydrous ammonia;

34 (5) use, deliver, receive, sell, or transport a container  
35 designed and constructed to contain anhydrous ammonia without  
36 the express consent of the owner or authorized custodian of the

1 container; or

2 (6) tamper with any equipment or facility used to contain,  
3 store, or transport anhydrous ammonia.

4 (b) For the purposes of this subdivision, containers  
5 designed and constructed for the storage and transport of  
6 anhydrous ammonia are described in rules adopted under section  
7 18C.121, subdivision 1, or in Code of Federal Regulations, title  
8 49.

9 Subd. 3. [NO CAUSE OF ACTION.] (a) Except as provided in  
10 paragraph (b), a person tampering with anhydrous ammonia  
11 containers or equipment under subdivision 2 shall have no cause  
12 of action for damages arising out of the tampering against:

13 (1) the owner or lawful custodian of the container or  
14 equipment;

15 (2) a person responsible for the installation or  
16 maintenance of the container or equipment; or

17 (3) a person lawfully selling or offering for sale the  
18 anhydrous ammonia.

19 (b) Paragraph (a) does not apply to a cause of action  
20 against a person who unlawfully obtained the anhydrous ammonia  
21 or anhydrous ammonia container or who possesses the anhydrous  
22 ammonia or anhydrous ammonia container for any unlawful purpose.

23 Subd. 4. [CRIMINAL PENALTY.] A person who knowingly  
24 violates subdivision 2 is guilty of a felony and may be  
25 sentenced to imprisonment for not more than five years or to  
26 payment of a fine of not more than \$50,000, or both.

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

29 Sec. 6. [152.137] [METHAMPHETAMINE-RELATED CRIMES  
30 INVOLVING CHILDREN AND VULNERABLE ADULTS.]

31 Subdivision 1. [DEFINITIONS.] (a) As used in this section,  
32 the following terms have the meanings given.

33 (b) "Chemical substance" means a substance intended to be  
34 used as a precursor in the manufacture of methamphetamine or any  
35 other chemical intended to be used in the manufacture of  
36 methamphetamine.

1 (c) "Child" means any person under the age of 18 years.

2 (d) "Methamphetamine paraphernalia" means all equipment,  
3 products, and materials of any kind that are used, intended for  
4 use, or designed for use in manufacturing, injecting, ingesting,  
5 inhaling, or otherwise introducing methamphetamine into the  
6 human body.

7 (e) "Methamphetamine waste products" means substances,  
8 chemicals, or items of any kind used in the manufacture of  
9 methamphetamine or any part of the manufacturing process, or the  
10 by-products or degradates of manufacturing methamphetamine.

11 (f) "Vulnerable adult" has the meaning given in section  
12 609.232, subdivision 11.

13 Subd. 2. [PROHIBITED CONDUCT.] (a) No person may knowingly  
14 engage in any of the following activities in the presence of a  
15 child or vulnerable adult; in the residence of a child or a  
16 vulnerable adult; in a building, structure, conveyance, or  
17 outdoor location where a child or vulnerable adult might  
18 reasonably be expected to be present; in a room offered to the  
19 public for overnight accommodation; or in any multiple unit  
20 residential building:

21 (1) manufacturing or attempting to manufacture  
22 methamphetamine;

23 (2) storing any chemical substance;

24 (3) storing any methamphetamine waste products; or

25 (4) storing any methamphetamine paraphernalia.

26 (b) No person may knowingly cause or permit a child or  
27 vulnerable adult to inhale, be exposed to, have contact with, or  
28 ingest methamphetamine, a chemical substance, or methamphetamine  
29 paraphernalia.

30 Subd. 3. [CRIMINAL PENALTY.] A person who violates  
31 subdivision 2 is guilty of a felony and may be sentenced to  
32 imprisonment for not more than five years or to payment of a  
33 fine of not more than \$10,000, or both.

34 Subd. 4. [MULTIPLE SENTENCES.] Notwithstanding sections  
35 609.035 and 609.04, a prosecution for or conviction under this  
36 section is not a bar to conviction of or punishment for any

1 other crime committed by the defendant as part of the same  
2 conduct.

3 Subd. 5. [PROTECTIVE CUSTODY.] A peace officer may take  
4 any child present in an area where any of the activities  
5 described in subdivision 2, paragraph (a), clauses (1) to (4),  
6 are taking place into protective custody in accordance with  
7 section 260C.175, subdivision 1, paragraph (b), clause (2). A  
8 child taken into protective custody under this subdivision shall  
9 be provided health screening to assess potential health concerns  
10 related to methamphetamine as provided in section 260C.188. A  
11 child not taken into protective custody under this subdivision  
12 but who is known to have been exposed to methamphetamine shall  
13 be offered health screening for potential health concerns  
14 related to methamphetamine as provided in section 260C.188.

15 Subd. 6. [REPORTING MALTREATMENT OF VULNERABLE ADULT.] (a)  
16 A peace officer shall make a report of suspected maltreatment of  
17 a vulnerable adult if the vulnerable adult is present in an area  
18 where any of the activities described in subdivision 2,  
19 paragraph (a), clauses (1) to (4), are taking place, and the  
20 peace officer has reason to believe the vulnerable adult  
21 inhaled, was exposed to, had contact with, or ingested  
22 methamphetamine, a chemical substance, or methamphetamine  
23 paraphernalia. The peace officer shall immediately report to  
24 the county common entry point as described in section 626.557,  
25 subdivision 9b.

26 (b) As required in section 626.557, subdivision 9b, law  
27 enforcement is the primary agency to conduct investigations of  
28 any incident when there is reason to believe a crime has been  
29 committed. Law enforcement shall initiate a response  
30 immediately. If the common entry point notified a county agency  
31 for adult protective services, law enforcement shall cooperate  
32 with that county agency when both agencies are involved and  
33 shall exchange data to the extent authorized in section 626.557,  
34 subdivision 12b, paragraph (g). County adult protection shall  
35 initiate a response immediately.

36 (c) The county social services agency shall immediately

1 respond as required in section 626.557, subdivision 10, upon  
2 receipt of a report from the common entry point staff.

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

5 Sec. 7. [152.139] [DISPOSING OF METHAMPHETAMINE WASTE  
6 PRODUCTS; CRIME.]

7 Subdivision 1. [DEFINITIONS.] As used in this section:

8 (1) "chemical substance" means a substance intended to be  
9 used as a precursor in the manufacture of methamphetamine or any  
10 other chemical intended to be used in the manufacture of  
11 methamphetamine; and

12 (2) "methamphetamine waste product" means a substance,  
13 chemical, or item of any kind used in the manufacture or  
14 attempted manufacture of methamphetamine or any part of the  
15 manufacturing process, or the by-product or degradate of  
16 manufacturing or attempting to manufacture methamphetamine.

17 Subd. 2. [CRIMES DESCRIBED; PENALTIES.] (a) Except as  
18 provided in paragraph (b), a person who knowingly disposes of or  
19 abandons any methamphetamine waste product or chemical substance  
20 is guilty of a felony and may be sentenced to imprisonment for  
21 not more than five years or to payment of a fine of not more  
22 than \$50,000, or both.

23 (b) A person who knowingly disposes of or abandons any  
24 methamphetamine waste product or chemical substance in a manner  
25 that places another person in imminent danger of death, great  
26 bodily harm, or substantial bodily harm, is guilty of a felony  
27 and may be sentenced to imprisonment for not more than ten years  
28 or to payment of a fine of not more than \$100,000, or both.

29 Subd. 3. [EXCEPTION.] This section does not apply to:

30 (1) a peace officer acting in the course of the officer's  
31 employment; or

32 (2) a person who lawfully disposes of any product or  
33 substance in a manner approved by the Pollution Control Agency.

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

36 Sec. 8. Minnesota Statutes 2004, section 168A.05,



1 subdivision 3, is amended to read:

2 Subd. 3. [CONTENT OF CERTIFICATE.] Each certificate of  
3 title issued by the department shall contain:

4 (1) the date issued;

5 (2) the first, middle, and last names, the dates of birth,  
6 and addresses of all owners who are natural persons, the full  
7 names and addresses of all other owners;

8 (3) the names and addresses of any secured parties in the  
9 order of priority as shown on the application, or if the  
10 application is based on a certificate of title, as shown on the  
11 certificate, or as otherwise determined by the department;

12 (4) any liens filed pursuant to a court order or by a  
13 public agency responsible for child support enforcement against  
14 the owner;

15 (5) the title number assigned to the vehicle;

16 (6) a description of the vehicle including, so far as the  
17 following data exists, its make, model, year, identifying  
18 number, type of body, whether new or used, and if a new vehicle,  
19 the date of the first sale of the vehicle for use;

20 (7) with respect to motor vehicles subject to the  
21 provisions of section 325E.15, the true cumulative mileage  
22 registered on the odometer or that the actual mileage is unknown  
23 if the odometer reading is known by the owner to be different  
24 from the true mileage;

25 (8) with respect to vehicles subject to sections 325F.6641  
26 and 325F.6642, the appropriate term "flood damaged," "rebuilt,"  
27 "prior salvage," or "reconstructed"; and

28 (9) with respect to a vehicle contaminated by  
29 methamphetamine production, if the registrar has received the  
30 certificate of title and notice described in section 152.0275,  
31 subdivision 2, paragraph (g), the term "hazardous waste  
32 contaminated vehicle"; and

33 (10) any other data the department prescribes.

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

35 Sec. 9. [244.055] [CONDITIONAL RELEASE OF NONVIOLENT  
36 CONTROLLED SUBSTANCE OFFENDERS; OPPORTUNITY FOR DRUG TREATMENT.]

1       Subdivision 1. [CONDITIONAL RELEASE AUTHORITY.] The  
2 commissioner of corrections has the authority to release  
3 offenders committed to the commissioner's custody who meet the  
4 requirements of this section and of any rules adopted by the  
5 commissioner.

6       Subd. 2. [CONDITIONAL RELEASE OF CERTAIN NONVIOLENT  
7 CONTROLLED SUBSTANCE OFFENDERS.] An offender who has been  
8 committed to the commissioner's custody may petition the  
9 commissioner for conditional release from prison before the  
10 offender's scheduled supervised release date or target release  
11 date if:

12       (1) the offender is serving a sentence for violating  
13 section 152.021, 152.022, 152.023, 152.024, or 152.025;

14       (2) the offender committed the crime as a result of a  
15 controlled substance addiction, and not primarily for profit;

16       (3) the offender has served at least 36 months or one-half  
17 of the offender's term of imprisonment, whichever is less;

18       (4) the offender successfully completed a chemical  
19 dependency treatment program while in prison; and

20       (5) the offender has not previously been conditionally  
21 released under this section.

22       Subd. 3. [OFFER OF CHEMICAL DEPENDENCY TREATMENT.] The  
23 commissioner shall offer all offenders meeting the criteria  
24 described in subdivision 2, clauses (1) and (2), the opportunity  
25 to begin a suitable chemical dependency treatment program within  
26 120 days after the offender's term of imprisonment begins.

27       Subd. 4. [RELEASE PROCEDURES.] The commissioner may not  
28 grant conditional release to an offender under this section  
29 unless the commissioner determines that the offender's release  
30 will not pose a danger to the public or an individual. In  
31 making this determination, the commissioner shall follow the  
32 procedures contained in section 244.05, subdivision 5, and the  
33 rules adopted by the commissioner under that subdivision. The  
34 commissioner shall also consider the offender's custody  
35 classification and level of risk of violence and the  
36 availability of appropriate community supervision for the

1 offender. Conditional release granted under this section  
2 continues until the offender's sentence expires, unless release  
3 is rescinded under subdivision 5.

4 Subd. 5. [CONDITIONAL RELEASE.] The conditions of release  
5 granted under this section are governed by the statutes and  
6 rules governing supervised release under this chapter, except  
7 that release may be rescinded without hearing by the  
8 commissioner if the commissioner determines that continuation of  
9 the conditional release poses a danger to the public or to an  
10 individual. If the commissioner rescinds an offender's  
11 conditional release, the offender shall be returned to prison  
12 and shall serve the remaining portion of the offender's sentence.

13 Subd. 6. [OFFENDERS SERVING OTHER SENTENCES.] An offender  
14 who is serving both a sentence for an offense described in  
15 subdivision 2 and an offense not described in subdivision 2, is  
16 not eligible for release under this section unless the offender  
17 has completed the offender's full term of imprisonment for the  
18 other offense.

19 [EFFECTIVE DATE.] This section is effective July 1, 2005,  
20 and applies to persons in prison on or after that date.

21 Sec. 10. Minnesota Statutes 2004, section 260C.171, is  
22 amended by adding a subdivision to read:

23 Subd. 6. [NOTICE TO SCHOOL.] (a) As used in this  
24 subdivision, the following terms have the meanings given.  
25 "Chemical substance," "methamphetamine paraphernalia," and  
26 "methamphetamine waste products" have the meanings given in  
27 section 152.137, subdivision 1. "School" means a charter school  
28 or a school as defined in section 120A.22, subdivision 4, except  
29 a home school.

30 (b) If a child has been taken into protective custody after  
31 being found in an area where methamphetamine was being  
32 manufactured or attempted to be manufactured or where any  
33 chemical substances, methamphetamine paraphernalia, or  
34 methamphetamine waste products were stored, and the child is  
35 enrolled in school, the officer who took the child into custody  
36 shall notify the chief administrative officer of the child's

1 school of this fact.

2 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
3 and applies to acts occurring on or after that date.

4 Sec. 11. [299C.90] [CITIZEN REPORTS OF METHAMPHETAMINE  
5 VIOLATIONS.]

6 The superintendent of the Bureau of Criminal Apprehension  
7 shall maintain and publicize a toll-free telephone number to  
8 enable citizens to report information about potential  
9 methamphetamine violations, including, but not limited to,  
10 illicit methamphetamine laboratories. The agency shall take  
11 appropriate steps after receiving a citizen report after  
12 considering the nature and trustworthiness of the information  
13 reported, including, but not limited to, contacting the  
14 appropriate law enforcement agency.

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

16 Sec. 12. Minnesota Statutes 2004, section 609.1095,  
17 subdivision 1, is amended to read:

18 Subdivision 1. [DEFINITIONS.] (a) As used in this section,  
19 the following terms have the meanings given.

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

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

28 (d) "Violent crime" means a violation of or an attempt or  
29 conspiracy to violate any of the following laws of this state or  
30 any similar laws of the United States or any other state:

- 31 section sections 152.137; 609.165; 609.185; 609.19; 609.195;
- 32 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228;
- 33 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662;
- 34 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;
- 35 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1;
- 36 609.561; 609.562; 609.582, subdivision 1; 609.66, subdivision

1 le; 609.687; and 609.855, subdivision 5; any provision of  
2 sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is  
3 punishable by a felony penalty; or any provision of chapter 152  
4 that is punishable by a maximum sentence of 15 years or more.

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

7 Sec. 13. Minnesota Statutes 2004, section 617.81, is  
8 amended by adding a subdivision to read:

9 Subd. 2b. [EXCEPTION; NUISANCES INVOLVING METHAMPHETAMINE  
10 MANUFACTURE.] Notwithstanding subdivision 2, for purposes of  
11 sections 617.80 to 617.87, a public nuisance exists upon proof  
12 of one or more behavioral incidents involving the manufacturing  
13 or attempted manufacture of methamphetamine in the previous 12  
14 months within the building. The requirement of two or more  
15 behavioral incidents in subdivision 2, paragraph (b), does not  
16 apply to incidents involving the manufacturing or attempted  
17 manufacture of methamphetamine.

18 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
19 and applies to acts committed on or after that date.

20 Sec. 14. Minnesota Statutes 2004, section 617.81,  
21 subdivision 4, is amended to read:

22 Subd. 4. [NOTICE.] (a) If a prosecuting attorney has  
23 reason to believe that a nuisance is maintained or permitted in  
24 the jurisdiction the prosecuting attorney serves, and intends to  
25 seek abatement of the nuisance, the prosecuting attorney shall  
26 provide the written notice described in paragraph (b), by  
27 personal service or certified mail, return receipt requested, to  
28 the owner and all interested parties known to the prosecuting  
29 attorney.

30 (b) The written notice must:

31 (1) state that a nuisance as defined in subdivision 2 is  
32 maintained or permitted in the building and must specify the  
33 kind or kinds of nuisance being maintained or permitted;

34 (2) summarize the evidence that a nuisance is maintained or  
35 permitted in the building, including the date or dates on which  
36 nuisance-related activity or activities are alleged to have

1 occurred;

2 (3) inform the recipient that failure to abate the conduct  
3 constituting the nuisance or to otherwise resolve the matter  
4 with the prosecuting attorney within 30 days of service of the  
5 notice may result in the filing of a complaint for relief in  
6 district court that could, among other remedies, result in  
7 enjoining the use of the building for any purpose for one year  
8 or, in the case of a tenant, could result in cancellation of the  
9 lease; and

10 (4) inform the owner of the options available under section  
11 617.85.

12 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
13 and applies to acts committed on or after that date.

14 Sec. 15. Minnesota Statutes 2004, section 617.85, is  
15 amended to read:

16 617.85 [NUISANCE; MOTION TO CANCEL LEASE.]

17 Where notice is provided under section 617.81, subdivision  
18 4, that an abatement of a nuisance is sought and the  
19 circumstances that are the basis for the requested abatement  
20 involved the acts of a commercial or residential tenant or  
21 lessee of part or all of a building, the owner of the building  
22 that is subject to the abatement proceeding may file before the  
23 court that has jurisdiction over the abatement proceeding a  
24 motion to cancel the lease or otherwise secure restitution of  
25 the premises from the tenant or lessee who has maintained or  
26 conducted the nuisance. The owner may assign to the prosecuting  
27 attorney the right to file this motion. In addition to the  
28 grounds provided in chapter 566, the maintaining or conducting  
29 of a nuisance as defined in section 617.81, subdivision 2, by a  
30 tenant or lessee, is an additional ground authorized by law for  
31 seeking the cancellation of a lease or the restitution of the  
32 premises. Service of motion brought under this section must be  
33 served in a manner that is sufficient under the Rules of Civil  
34 Procedure and chapter 566.

35 It is no defense to a motion under this section by the  
36 owner or the prosecuting attorney that the lease or other

1 agreement controlling the tenancy or leasehold does not provide  
2 for eviction or cancellation of the lease upon the ground  
3 provided in this section.

4       Upon a finding by the court that the tenant or lessee has  
5 maintained or conducted a nuisance in any portion of the  
6 building, the court shall order cancellation of the lease or  
7 tenancy and grant restitution of the premises to the owner. The  
8 court must not order abatement of the premises if the court:

9       (a) cancels a lease or tenancy and grants restitution of  
10 that portion of the premises to the owner; and

11       (b) further finds that the act or acts constituting the  
12 nuisance as defined in section 617.81, subdivision 2, were  
13 committed by the tenant or lessee whose lease or tenancy has  
14 been canceled pursuant to this section and the tenant or lessee  
15 was not committing the act or acts in conjunction with or under  
16 the control of the owner.

17       [EFFECTIVE DATE.] This section is effective August 1, 2005,  
18 and applies to acts committed on or after that date.

19       Sec. 16. [BOARD OF VETERINARY MEDICINE REPORT, PRECURSOR  
20 ANIMAL PRODUCTS.]

21       The Board of Veterinary Medicine shall study and issue a  
22 report on animal products that may be used in the manufacture of  
23 methamphetamine. The report must include proposals for  
24 restricting access to such products only to legitimate users,  
25 specifically addressing the manufacturing, wholesaling,  
26 distributing, and retailing of precursor veterinary products.  
27 The board shall report its findings to the chairs and ranking  
28 minority members of the senate and house committees having  
29 jurisdiction over criminal justice and veterinary policy by  
30 February 1, 2006.

31       [EFFECTIVE DATE.] This section is effective the day  
32 following final enactment.

33       Sec. 17. [REVISOR'S INSTRUCTION.]

34       The revisor of statutes shall recodify the provisions of  
35 Minnesota Statutes, section 152.021, subdivision 2a, paragraph  
36 (b), and subdivision 3, as amended by this article, that relate

1 to the possession of chemical reagents or precursors with the  
 2 intent to manufacture methamphetamine and the penalties for  
 3 doing this into a new section of law codified as Minnesota  
 4 Statutes, section 152.0262. The revisor shall make any  
 5 necessary technical changes, including, but not limited to,  
 6 changes to statutory cross-references, to Minnesota Statutes,  
 7 section 152.021, and any other statutory sections to accomplish  
 8 this.

9 Sec. 18. [REPEALER.]

10 Minnesota Statutes 2004, sections 18C.005, subdivisions 1a  
 11 and 35a; 18C.201, subdivisions 6 and 7; and 18D.331, subdivision  
 12 5, are repealed.

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

#### 15 ARTICLE 7

#### 16 GENERAL CRIME PROVISIONS

17 Section 1. Minnesota Statutes 2004, section 244.10, is  
 18 amended by adding a subdivision to read:

19 Subd. 4. [PROOF OF AGGRAVATING FACTORS.] The court shall  
 20 allow a prosecutor seeking to prove the existence of an  
 21 aggravating factor justifying an upward departure under the  
 22 Sentencing Guidelines the opportunity to prove this to the fact  
 23 finder. The prosecutor shall provide reasonable notice to the  
 24 defendant and the court of the prosecutor's intent to seek an  
 25 upward departure and the aggravating factor on which the  
 26 prosecutor intends to rely. Upon reasonable notice, the court  
 27 shall allow the prosecutor the opportunity to prove the  
 28 aggravating factor either in a unitary or bifurcated trial.

29 [EFFECTIVE DATE.] This section is effective the day  
 30 following final enactment and applies to sentencing departures  
 31 sought on or after that date.

32 Sec. 2. [325F.696] [DEFINITIONS.]

33 Subdivision 1. [SCOPE.] For the purposes of sections  
 34 325F.696 to 325F.699, the terms in this section have the  
 35 meanings given them.

36 Subd. 2. [COMMERCIAL ELECTRONIC MAIL MESSAGE.] "Commercial



1 electronic mail message" means any electronic mail message, the  
2 primary purpose of which is the commercial advertisement or  
3 promotion of a commercial product or service, including content  
4 on an Internet Web site operated for a commercial purpose, but  
5 does not include a transactional or relationship message. The  
6 inclusion of a reference to a commercial entity or a link to the  
7 Web site of a commercial entity does not, by itself, cause that  
8 message to be treated as a commercial electronic mail message  
9 for the purpose of this section if the contents or circumstances  
10 of the message indicate a primary purpose other than commercial  
11 advertisement or promotion of a commercial product or service.

12 Subd. 3. [COMPUTER.] "Computer" means an electronic device  
13 that performs logical, arithmetic, and memory functions by the  
14 manipulation of electronic or magnetic impulses. Computer  
15 includes, but is not limited to, all input, output, processing,  
16 storage, computer program, or communication facilities that are  
17 connected or related in a computer system or network to an  
18 electronic device of that nature.

19 Subd. 4. [COMPUTER NETWORK.] "Computer network" means a  
20 set of related and remotely connected computers and  
21 communication facilities that includes more than one computer  
22 system that has the capability to transmit among the connected  
23 computers and communication facilities through the use of  
24 computer facilities.

25 Subd. 5. [COMPUTER SYSTEM.] "Computer system" means a  
26 computer and related devices, whether connected or unconnected,  
27 including, but not limited to, data input, output, and storage  
28 devices, data communication links, and computer programs and  
29 data that make the system capable of performing specified  
30 special purpose data processing tasks.

31 Subd. 6. [DOMAIN NAME.] "Domain name" means any  
32 alphanumeric designation that is registered with or assigned by  
33 any domain name registrar, domain name registry, or other domain  
34 name registration authority as part of an electronic address on  
35 the Internet.

36 Subd. 7. [ELECTRONIC MAIL.] "Electronic mail" means an

1 electronic message that is transmitted between two or more  
2 telecommunications devices or electronic devices capable of  
3 receiving electronic messages, whether or not the message is  
4 converted to hard copy format after receipt, and whether or not  
5 the message is viewed upon the transmission or stored for later  
6 retrieval. "Electronic mail" includes electronic messages that  
7 are transmitted through a local, regional, or global computer  
8 network.

9 Subd. 8. [ORIGINATING ADDRESS.] "Originating address"  
10 means the string of characters used to specify the source of any  
11 electronic mail message.

12 Subd. 9. [RECEIVING ADDRESS.] "Receiving address" means  
13 the string of characters used to specify a recipient with each  
14 receiving address creating a unique and separate recipient.

15 Subd. 10. [ELECTRONIC MAIL MESSAGE.] "Electronic mail  
16 message" means each electronic mail message addressed to a  
17 discrete addressee.

18 Subd. 11. [ELECTRONIC MAIL SERVICE PROVIDER.] "Electronic  
19 mail service provider" means any person, including an Internet  
20 service provider, that is an intermediary in sending and  
21 receiving electronic mail and that provides to the public  
22 electronic mail accounts or online user accounts from which  
23 electronic mail may be sent.

24 Subd. 12. [HEADER INFORMATION.] "Header information" means  
25 the source, destination, and routing information attached to an  
26 electronic mail message, including the originating domain name,  
27 originating address, and technical information that  
28 authenticates the sender of an electronic mail message for  
29 computer network security or computer network management  
30 purposes.

31 Subd. 13. [INITIATE THE TRANSMISSION;  
32 INITIATED.] "Initiate the transmission" or "initiated" means to  
33 originate or transmit a commercial electronic mail message or to  
34 procure the origination or transmission of that message,  
35 regardless of whether the message reaches its intended  
36 recipients, but does not include actions that constitute routine

1 conveyance of the message.

2 Subd. 14. [INTERNET.] "Internet" means collectively the  
3 myriad of computer and telecommunications facilities, including  
4 equipment and operating software, which comprise the  
5 interconnected worldwide network of networks that employ the  
6 Transmission Control Protocol/Internet Protocol, or any  
7 predecessor or successor protocols to this protocol, to  
8 communication information of all kinds by wire or radio.

9 Subd. 15. [INTERNET PROTOCOL ADDRESS.] "Internet protocol  
10 address" means the string of numbers by which locations on the  
11 Internet are identified by routers or other computers connected  
12 to the Internet.

13 Subd. 16. [MATERIALLY FALSIFY.] "Materially falsify" means  
14 to alter or conceal in a manner that would impair the ability of  
15 a recipient of an electronic mail message, an electronic mail  
16 service provider processing an electronic mail message on behalf  
17 of a recipient, a person alleging a violation of section  
18 325F.697, or a law enforcement agency to identify, locate, or  
19 respond to the person that initiated the electronic mail message  
20 or to investigate an alleged violation of this section.

21 Subd. 17. [MULTIPLE.] "Multiple" means more than ten  
22 commercial electronic mail messages during a 24-hour period,  
23 more than 100 commercial electronic mail messages during a  
24 30-day period, or more than 1,000 commercial electronic mail  
25 messages during a one-year period.

26 Subd. 18. [RECIPIENT.] "Recipient" means a person who  
27 receives a commercial electronic mail message at any one of the  
28 following receiving addresses:

29 (1) a receiving address furnished by an electronic mail  
30 service provider that bills for furnishing and maintaining that  
31 receiving address to a mailing address within this state;

32 (2) a receiving address ordinarily accessed from a computer  
33 located within this state or by a person domiciled within this  
34 state; or

35 (3) any other receiving address with respect to which this  
36 section can be imposed consistent with the United States

1 Constitution.

2 Subd. 19. [ROUTINE CONVEYANCE.] "Routine conveyance" means  
3 the transmission, routing, relaying, handling, or storing,  
4 through an automated technical process, of an electronic mail  
5 message for which another person has identified the recipients  
6 or provided the recipient addresses.

7 Subd. 20. [TRANSACTIONAL OR RELATIONSHIP  
8 MESSAGE.] "Transactional or relationship message" means an  
9 electronic mail message the primary purpose of which is to do  
10 any of the following:

11 (1) facilitate, complete, or confirm a commercial  
12 transaction that the recipient has previously agreed to enter  
13 into with the sender;

14 (2) provide warranty information, product recall  
15 information, or safety or security information with respect to a  
16 commercial product or service used or purchased by the  
17 recipient;

18 (3) provide notification concerning a change in the terms  
19 or features of; a change in the recipient's standing or status  
20 with respect to; or, at regular periodic intervals, account  
21 balance information or other type of account statement with  
22 respect to a subscription, membership, account, loan, or  
23 comparable ongoing commercial relationship involving the ongoing  
24 purchase or use by the recipient of products or services offered  
25 by the sender;

26 (4) provide information directly related to an employment  
27 relationship or related benefit plan in which the recipient is  
28 currently involved, participating, or enrolled; or

29 (5) deliver goods or services, including product updates or  
30 upgrades, that the recipient is entitled to receive under the  
31 terms of a transaction that the recipient has previously agreed  
32 to enter into with the sender.

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

35 Sec. 3. [325F.697] [FALSE, MISLEADING, OR DECEPTIVE  
36 COMMERCIAL ELECTRONIC MAIL MESSAGES PROHIBITED.]

1 No person, with regard to commercial electronic mail  
2 messages sent from or to a computer in this state, shall do any  
3 of the following:

4 (1) knowingly use a computer to relay or retransmit  
5 multiple commercial electronic mail messages, with the intent to  
6 deceive or mislead recipients or any electronic mail service  
7 provider, as to the origin of those messages;

8 (2) knowingly and materially falsify header information in  
9 multiple commercial electronic mail messages and purposely  
10 initiate the transmission of those messages;

11 (3) knowingly register, using information that materially  
12 falsifies the identity of the actual registrant, for five or  
13 more electronic mail accounts or online user accounts or two or  
14 more domain names and purposely initiate the transmission of  
15 multiple commercial electronic mail messages from one, or any  
16 combination, of those accounts or domain names; or

17 (4) knowingly falsely represent the right to use five or  
18 more Internet protocol addresses and purposely initiate the  
19 transmission of multiple commercial electronic mail messages  
20 from those addresses.

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

23 Sec. 4. [325F.698] [ILLEGAL TRANSMISSION OF MULTIPLE  
24 MESSAGES; CRIMINAL PENALTIES.]

25 (a) Whoever violates section 325F.697 is guilty of  
26 illegally transmitting multiple commercial electronic mail  
27 messages. Except as otherwise provided in paragraph (b) or  
28 section 325F.699, subdivision 3, illegally transmitting multiple  
29 commercial electronic mail messages is a misdemeanor.

30 (b) Illegally transmitting multiple commercial electronic  
31 mail messages is a gross misdemeanor if any of the following  
32 apply:

33 (1) regarding a violation of section 325F.697, clause (3),  
34 the offender, using information that materially falsifies the  
35 identity of the actual registrant, knowingly registers for 20 or  
36 more electronic mail accounts or online user accounts or ten or

1 more domain names, and purposely initiates, or conspires to  
2 initiate, the transmission of multiple commercial electronic  
3 mail messages from the accounts or domain names;

4 (2) regarding any violation of section 325F.697, the volume  
5 of commercial electronic mail messages the offender transmitted  
6 in committing the violation exceeds 250 during any 24-hour  
7 period, 2,500 during any 30-day period, or 25,000 during any  
8 one-year period;

9 (3) regarding any violation of section 325F.697, during any  
10 one-year period the aggregate loss to the victim or victims of  
11 the violation is \$500 or more, or during any one-year period the  
12 aggregate value of the property or services obtained by any  
13 offender as a result of the violation is \$500 or more;

14 (4) regarding any violation of section 325F.697, the  
15 offender committed the violation with three or more other  
16 persons with respect to whom the offender was the organizer or  
17 leader of the activity that resulted in the violation;

18 (5) regarding any violation of section 325F.697, the  
19 offender knowingly assisted in the violation through the  
20 provision or selection of electronic mail addresses to which the  
21 commercial electronic mail message was transmitted, if that  
22 offender knew that the electronic mail addresses of the  
23 recipients were obtained using an automated means from an  
24 Internet Web site or proprietary online service operated by  
25 another person, and that Web site or online service included, at  
26 the time the electronic mail addresses were obtained, a notice  
27 stating that the operator of that Web site or online service  
28 will not transfer addresses maintained by that Web site or  
29 online service to any other party for the purposes of initiating  
30 the transmission of, or enabling others to initiate the  
31 transmission of, electronic mail messages; or

32 (6) regarding any violation of section 325F.697, the  
33 offender knowingly assisted in the violation through the  
34 provision or selection of electronic mail addresses of the  
35 recipients obtained using an automated means that generates  
36 possible electronic mail addresses by combining names, letters,

1 or numbers into numerous permutations.

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

4 Sec. 5. [325F.699] [UNAUTHORIZED ACCESS TO A COMPUTER;  
5 CRIMINAL PENALTIES.]

6 Subdivision 1. [PROHIBITION.] No person, with regard to  
7 commercial electronic mail messages sent from or to a computer  
8 in this state, shall knowingly access a computer without  
9 authorization and purposely initiate the transmission of  
10 multiple commercial electronic mail messages from or through the  
11 computer.

12 Subd. 2. [GROSS MISDEMEANOR.] Except as otherwise provided  
13 in subdivision 3, whoever violates subdivision 1 is guilty of  
14 unauthorized access of a computer, a gross misdemeanor.

15 Subd. 3. [FELONY.] Illegally transmitting multiple  
16 commercial electronic mail messages and unauthorized access of a  
17 computer in violation of this section are felonies if the  
18 offender previously has been convicted of a violation of this  
19 section, or a violation of a law of another state or the United  
20 States regarding the transmission of electronic mail messages or  
21 unauthorized access to a computer, or if the offender committed  
22 the violation of this section in the furtherance of a felony.

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

25 Sec. 6. Minnesota Statutes 2004, section 518B.01,  
26 subdivision 22, is amended to read:

27 Subd. 22. [VIOLATION-OF-A DOMESTIC ABUSE NO CONTACT  
28 ORDER.] (a) A domestic abuse no contact order is an order issued  
29 by a court against a defendant in a criminal proceeding for:

30 (1) domestic abuse;  
31 (2) harassment or stalking charged under section 609.749  
32 and committed against a family or household member;

33 (3) violation of an order for protection charged under  
34 subdivision 14; or

35 (4) violation of a prior domestic abuse no contact order  
36 charged under this subdivision.

1 It includes pretrial orders before final disposition of the case  
2 and probationary orders after sentencing.

3 (b) A person who knows of the existence of a domestic abuse  
4 no contact order issued against the person and violates the  
5 order is guilty of a misdemeanor.

6 (c) A peace officer shall arrest without a warrant and take  
7 into custody a person whom the peace officer has probable cause  
8 to believe has violated a domestic abuse no contact order, even  
9 if the violation of the order did not take place in the presence  
10 of the peace officer, if the existence of the order can be  
11 verified by the officer. The person shall be held in custody  
12 for at least 36 hours, excluding the day of arrest, Sundays, and  
13 holidays, unless the person is released earlier by a judge or  
14 judicial officer. A peace officer acting in good faith and  
15 exercising due care in making an arrest pursuant to this  
16 paragraph is immune from civil liability that might result from  
17 the officer's actions.

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

19 Sec. 7. Minnesota Statutes 2004, section 609.119, is  
20 amended to read:

21 609.119 [ADDITIONAL COLLECTION OF BIOLOGICAL SPECIMENS FOR  
22 DNA TESTING.]

23 (a) ~~From July 17, 2003, to June 30, 2005,~~ The court shall  
24 order an offender to provide a biological specimen for the  
25 purpose of future DNA analysis as described in section 299C.155  
26 when:

27 (1) the court sentences a person charged with committing or  
28 attempting to commit a felony offense not described in section  
29 609.117, subdivision 1, and the person is convicted of that  
30 offense or of any felony offense arising out of the same set of  
31 circumstances; or

32 (2) the juvenile court adjudicates a person a delinquent  
33 child who is petitioned for committing or attempting to commit a  
34 felony offense not described in section 609.117, subdivision 1,  
35 and is adjudicated delinquent for that offense or any  
36 felony-level offense arising out of the same set of



1 circumstances.

2 The biological specimen shall be maintained by the Bureau of  
3 Criminal Apprehension as provided in section 299C.155.

4 (b) ~~From July 17, 2003 to June 30, 2005~~ The commissioner  
5 of corrections or local corrections authority shall order a  
6 person to provide a biological specimen for the purpose of  
7 future DNA analysis as described in section 299C.155 before  
8 completion of the person's term of imprisonment when the person  
9 has not provided a biological specimen for the purpose of DNA  
10 analysis, and the person:

11 (1) was initially charged with committing or attempting to  
12 commit a felony offense not described in section 609.117,  
13 subdivision 1, and was convicted of that offense or of any  
14 felony offense arising out of the same set of circumstances; or

15 (2) is serving a term of imprisonment in this state under a  
16 reciprocal agreement although convicted in another state of  
17 committing or attempting to commit a felony offense not  
18 described in section 609.117, subdivision 1, or of any felony  
19 offense arising out of the same set of circumstances if the  
20 person was initially charged with committing or attempting to  
21 commit a felony offense not described in section 609.117,  
22 subdivision 1.

23 The commissioner of corrections or local corrections authority  
24 shall forward the sample to the Bureau of Criminal Apprehension.

25 (c) ~~From July 17, 2003 to June 30, 2005~~ When the state  
26 accepts an offender from another state under the interstate  
27 compact authorized by section 243.16 or 243.1605, the acceptance  
28 is conditional on the offender providing a biological specimen  
29 for the purposes of future DNA analysis as described in section  
30 299C.155, if the offender was initially charged with committing  
31 or attempting to commit a felony offense not described in  
32 section 609.117, subdivision 1, and was convicted of that  
33 offense or of any felony offense arising out of the same set of  
34 circumstances. The specimen must be provided under supervision  
35 of staff from the Department of Corrections or a Community  
36 Corrections Act county within 15 business days after the

1 offender reports to the supervising agent. The cost of  
2 obtaining the biological specimen is the responsibility of the  
3 agency providing supervision.

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

5 Sec. 8. Minnesota Statutes 2004, section 609.185, is  
6 amended to read:

7 609.185 [MURDER IN THE FIRST DEGREE.]

8 (a) Whoever does any of the following is guilty of murder  
9 in the first degree and shall be sentenced to imprisonment for  
10 life:

11 (1) causes the death of a human being with premeditation  
12 and with intent to effect the death of the person or of another;

13 (2) causes the death of a human being while committing or  
14 attempting to commit criminal sexual conduct in the first or  
15 second degree with force or violence, either upon or affecting  
16 the person or another;

17 (3) causes the death of a human being with intent to effect  
18 the death of the person or another, while committing or  
19 attempting to commit burglary, aggravated robbery, kidnapping,  
20 arson in the first or second degree, a drive-by shooting,  
21 tampering with a witness in the first degree, escape from  
22 custody, or any felony violation of chapter 152 involving the  
23 unlawful sale of a controlled substance;

24 (4) causes the death of a peace officer or a guard employed  
25 at a Minnesota state or local correctional facility, with intent  
26 to effect the death of that person or another, while the peace  
27 officer or guard is engaged in the performance of official  
28 duties;

29 (5) causes the death of a minor while committing child  
30 abuse, when the perpetrator has engaged in a past pattern of  
31 child abuse upon the a child and the death occurs under  
32 circumstances manifesting an extreme indifference to human life;

33 (6) causes the death of a human being while committing  
34 domestic abuse, when the perpetrator has engaged in a past  
35 pattern of domestic abuse upon the victim or upon another family  
36 or household member and the death occurs under circumstances

1 manifesting an extreme indifference to human life; or

2 (7) causes the death of a human being while committing,  
3 conspiring to commit, or attempting to commit a felony crime to  
4 further terrorism and the death occurs under circumstances  
5 manifesting an extreme indifference to human life.

6 (b) For purposes of paragraph (a), clause (5), "child abuse"  
7 means an act committed against a minor victim that constitutes a  
8 violation of the following laws of this state or any similar  
9 laws of the United States or any other state: section 609.221;  
10 609.222; 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344;  
11 609.345; 609.377; 609.378; or 609.713.

12 (c) For purposes of paragraph (a), clause (6), "domestic  
13 abuse" means an act that:

14 (1) constitutes a violation of section 609.221, 609.222,  
15 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345,  
16 609.713, or any similar laws of the United States or any other  
17 state; and

18 (2) is committed against the victim who is a family or  
19 household member as defined in section 518B.01, subdivision 2,  
20 paragraph (b).

21 (d) For purposes of paragraph (a), clause (7), "further  
22 terrorism" has the meaning given in section 609.714, subdivision  
23 1.

24 [EFFECTIVE DATE.] This section is effective the day  
25 following final enactment and applies to crimes committed on or  
26 after that date.

27 Sec. 9. Minnesota Statutes 2004, section 609.223, is  
28 amended by adding a subdivision to read:

29 Subd. 4. [ASSAULT BY STRANGULATION OR ASPHYXIATION.] (a)  
30 As used in this subdivision, "strangulation" means intentionally  
31 impeding normal breathing or circulation of the blood by  
32 applying pressure on the throat or neck or by blocking the nose  
33 or mouth of another person.

34 (b) Unless a greater penalty is provided elsewhere, whoever  
35 assaults another by strangulation or asphyxiation is guilty of a  
36 felony and may be sentenced to imprisonment for not more than

1 five years or to payment of a fine of not more than \$10,000, or  
2 both.

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

5 Sec. 10. Minnesota Statutes 2004, section 609.2231, is  
6 amended by adding a subdivision to read:

7 Subd. 3a. [SECURE TREATMENT FACILITY PERSONNEL.] (a) As  
8 used in this subdivision, "secure treatment facility" has the  
9 meaning given in section 253B.02, subdivision 18a.

10 (b) Whoever, while committed under section 253B.185 or  
11 Minnesota Statutes 1992, section 526.10, commits either of the  
12 following acts against an employee or other individual who  
13 provides care or treatment at a secure treatment facility while  
14 the person is engaged in the performance of a duty imposed by  
15 law, policy, or rule is guilty of a felony and may be sentenced  
16 to imprisonment for not more than two years or to payment of a  
17 fine of not more than \$4,000, or both:

18 (1) assaults the person and inflicts demonstrable bodily  
19 harm; or

20 (2) intentionally throws or otherwise transfers bodily  
21 fluids or feces at or onto the person.

22 (c) The court shall commit a person convicted of violating  
23 paragraph (b) to the custody of the commissioner of corrections  
24 for not less than a year and a day. The court may not, on its  
25 own motion or the prosecutor's motion, sentence a person without  
26 regard to this paragraph. A person convicted and sentenced as  
27 required by this paragraph is not eligible for probation,  
28 parole, discharge, work release, or supervised release, until  
29 that person has served the full term of imprisonment as provided  
30 by law, notwithstanding the provisions of sections 241.26,  
31 242.19, 243.05, 244.04, 609.12, and 609.135.

32 (d) Notwithstanding the statutory maximum sentence provided  
33 in paragraph (b), when a court sentences a person to the custody  
34 of the commissioner of corrections for a violation of paragraph  
35 (b), the court shall provide that after the person has completed  
36 the sentence imposed, the commissioner shall place the person on

1 conditional release for five years. The terms of conditional  
2 release are governed by sections 244.05 and 609.109.

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

5 Sec. 11. Minnesota Statutes 2004, section 609.229,  
6 subdivision 3, is amended to read:

7 Subd. 3. [PENALTY.] (a) If the crime committed in  
8 violation of subdivision 2 is a felony, the statutory maximum  
9 for the crime is five years longer than the statutory maximum  
10 for the underlying crime. If the crime committed in violation  
11 of subdivision 2 is a felony, and the victim of the crime is a  
12 child under the age of 18 years, the statutory maximum for the  
13 crime is ten years longer than the statutory maximum for the  
14 underlying crime.

15 (b) If the crime committed in violation of subdivision 2 is  
16 a misdemeanor, the person is guilty of a gross misdemeanor.

17 (c) If the crime committed in violation of subdivision 2 is  
18 a gross misdemeanor, the person is guilty of a felony and may be  
19 sentenced to imprisonment for not more than three years or to  
20 payment of a fine of not more than \$15,000, or both.

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

23 Sec. 12. [609.281] [DEFINITIONS.]

24 Subdivision 1. [GENERALLY.] As used in sections 609.281 to  
25 609.284, the following terms have the meanings given.

26 Subd. 2. [BLACKMAIL.] "Blackmail" means a threat to expose  
27 any fact or alleged fact tending to cause shame or to subject  
28 any person to hatred, contempt, or ridicule.

29 Subd. 3. [DEBT BONDAGE.] "Debt bondage" means the status  
30 or condition of a debtor arising from a pledge by the debtor of  
31 the debtor's personal services or those of a person under the  
32 debtor's control as a security for debt, if the value of those  
33 services as reasonably assessed is not applied toward the  
34 liquidation of the debt or the length and nature of those  
35 services are not respectively limited and defined.

36 Subd. 4. [FORCED LABOR OR SERVICES.] "Forced labor or

1 services" means labor or services that are performed or provided  
2 by another person and are obtained or maintained through an  
3 actor's:

4 (1) threat, either implicit or explicit, scheme, plan, or  
5 pattern, or other action intended to cause a person to believe  
6 that, if the person did not perform or provide the labor or  
7 services, that person or another person would suffer bodily harm  
8 or physical restraint;

9 (2) physically restraining or threatening to physically  
10 restrain a person;

11 (3) abuse or threatened abuse of the legal process;

12 (4) knowingly destroying, concealing, removing,  
13 confiscating, or possessing any actual or purported passport or  
14 other immigration document, or any other actual or purported  
15 government identification document, of another person; or

16 (5) use of blackmail.

17 Subd. 5. [LABOR TRAFFICKING.] "Labor trafficking" means  
18 the recruitment, transportation, transfer, harboring,  
19 enticement, provision, obtaining, or receipt of a person by any  
20 means, whether a United States citizen or foreign national, for  
21 the purpose of:

22 (1) debt bondage or forced labor or services;

23 (2) slavery or practices similar to slavery; or

24 (3) the removal of organs through the use of coercion or  
25 intimidation.

26 Subd. 6. [LABOR TRAFFICKING VICTIM.] "Labor trafficking  
27 victim" means a person subjected to the practices in subdivision  
28 5.

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

31 Sec. 13. [609.282] [LABOR TRAFFICKING.]

32 Whoever knowingly engages in the labor trafficking of  
33 another is guilty of a crime and may be sentenced to  
34 imprisonment for not more than 15 years or to payment of a fine  
35 of not more than \$30,000, or both. In a prosecution under this  
36 section the consent or age of the victim is not a defense.

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

3        Sec. 14. [609.283] [UNLAWFUL CONDUCT WITH RESPECT TO  
4 DOCUMENTS IN FURTHERANCE OF LABOR OR SEX TRAFFICKING.]

5        Unless the person's conduct constitutes a violation of  
6 section 609.282, a person who knowingly destroys, conceals,  
7 removes, confiscates, or possesses any actual or purported  
8 passport or other immigration document, or any other actual or  
9 purported government identification document, of another person:

10        (1) in the course of a violation of section 609.282 or  
11 609.322;

12        (2) with intent to violate section 609.282 or 609.322; or

13        (3) to prevent or restrict or to attempt to prevent or  
14 restrict, without lawful authority, a person's liberty to move  
15 or travel, in order to maintain the labor or services of that  
16 person, when the person is or has been a victim of a violation  
17 of section 609.282 or 609.322;

18 is guilty of a crime and may be sentenced to imprisonment for  
19 not more than five years or to payment of a fine of not more  
20 than \$10,000, or both. In a prosecution under this section the  
21 consent or age of the victim is not a defense.

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

24        Sec. 15. [609.284] [LABOR OR SEX TRAFFICKING CRIMES;  
25 DEFENSES; CIVIL LIABILITY; CORPORATE LIABILITY.]

26        Subdivision 1. [CONSENT OR AGE OF VICTIM NOT A  
27 DEFENSE.] In an action under this section the consent or age of  
28 the victim is not a defense.

29        Subd. 2. [CIVIL LIABILITY.] A labor trafficking victim may  
30 bring a cause of action against a person who violates section  
31 609.282 or 609.283. The court may award damages, including  
32 punitive damages, reasonable attorney fees, and other litigation  
33 costs reasonably incurred by the victim. This remedy is in  
34 addition to potential criminal liability.

35        Subd. 3. [CORPORATE LIABILITY.] If a corporation or other  
36 business enterprise is convicted of violating section 609.282,

1 609.283, or 609.322, in addition to the criminal penalties  
 2 described in those sections and other remedies provided  
 3 elsewhere in law, the court may, when appropriate:

4 (1) order its dissolution or reorganization;

5 (2) order the suspension or revocation of any license,  
 6 permit, or prior approval granted to it by a state agency; or

7 (3) order the surrender of its charter if it is organized  
 8 under Minnesota law or the revocation of its certificate to  
 9 conduct business in Minnesota if it is not organized under  
 10 Minnesota law.

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

13 Sec. 16. Minnesota Statutes 2004, section 609.321,  
 14 subdivision 1, is amended to read:

15 Subdivision 1. [SCOPE.] For the purposes of sections  
 16 609.321 to ~~609.324~~ 609.325, the following terms have the  
 17 meanings given.

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

20 Sec. 17. Minnesota Statutes 2004, section 609.321,  
 21 subdivision 7, is amended to read:

22 Subd. 7. [PROMOTES THE PROSTITUTION OF AN INDIVIDUAL.]  
 23 "Promotes the prostitution of an individual" means any of the  
 24 following wherein the person knowingly:

25 (1) solicits or procures patrons for a prostitute; or

26 (2) provides, leases or otherwise permits premises or  
 27 facilities owned or controlled by the person to aid the  
 28 prostitution of an individual; or

29 (3) owns, manages, supervises, controls, keeps or operates,  
 30 either alone or with others, a place of prostitution to aid the  
 31 prostitution of an individual; or

32 (4) owns, manages, supervises, controls, operates,  
 33 institutes, aids or facilitates, either alone or with others, a  
 34 business of prostitution to aid the prostitution of an  
 35 individual; or

36 (5) admits a patron to a place of prostitution to aid the



1 prostitution of an individual; or

2 (6) transports an individual from one point within this  
3 state to another point either within or without this state, or  
4 brings an individual into this state to aid the prostitution of  
5 the individual; or

6 (7) engages in the sex trafficking of an individual.

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

9 Sec. 18. Minnesota Statutes 2004, section 609.321, is  
10 amended by adding a subdivision to read:

11 Subd. 7a. [SEX TRAFFICKING.] "Sex trafficking" means  
12 receiving, recruiting, enticing, harboring, providing, or  
13 obtaining by any means an individual to aid in the prostitution  
14 of the individual.

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

17 Sec. 19. Minnesota Statutes 2004, section 609.321, is  
18 amended by adding a subdivision to read:

19 Subd. 7b. [SEX TRAFFICKING VICTIM.] "Sex trafficking  
20 victim" means a person subjected to the practices in subdivision  
21 7a.

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

24 Sec. 20. [609.3243] [LOITERING WITH INTENT TO PARTICIPATE  
25 IN PROSTITUTION.]

26 A person who loiters in a public place with intent to  
27 participate in prostitution is guilty of a misdemeanor.

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

30 Sec. 21. Minnesota Statutes 2004, section 609.325, is  
31 amended by adding a subdivision to read:

32 Subd. 4. [AFFIRMATIVE DEFENSE.] It is an affirmative  
33 defense to a charge under section 609.324 if the defendant  
34 proves by a preponderance of the evidence that the defendant is  
35 a labor trafficking victim, as defined in section 609.281, or a  
36 sex trafficking victim, as defined in section 609.321, and that

1 the defendant committed the act only under compulsion by another  
2 who by explicit or implicit threats created a reasonable  
3 apprehension in the mind of the defendant that if the defendant  
4 did not commit the act, the person would inflict bodily harm  
5 upon the defendant.

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

8 Sec. 22. Minnesota Statutes 2004, section 609.341,  
9 subdivision 14, is amended to read:

10 Subd. 14. [COERCION.] "Coercion" means the use by the  
11 actor of words or circumstances that cause the complainant  
12 reasonably to fear that the actor will inflict bodily harm upon  
13 or-hold-in-confinement, the complainant or another, or force the  
14 use by the actor of confinement, or superior size or strength,  
15 against the complainant that causes the complainant to submit to  
16 sexual penetration or contact~~7-but~~ against the complainant's  
17 will. Proof of coercion does not require proof of a specific  
18 act or threat.

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

21 Sec. 23. Minnesota Statutes 2004, section 609.485,  
22 subdivision 2, is amended to read:

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

25 (1) escapes while held pursuant to a lawful arrest, in  
26 lawful custody on a charge or conviction of a crime, or while  
27 held in lawful custody on an allegation or adjudication of a  
28 delinquent act;

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

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

36 (4) escapes while in a facility designated under section

1 253B.18, subdivision 1, pursuant to a court commitment order  
 2 after a finding of not guilty by reason of mental illness or  
 3 mental deficiency of a crime against the person, as defined in  
 4 section 253B.02, subdivision 4a. Notwithstanding section  
 5 609.17, no person may be charged with or convicted of an attempt  
 6 to commit a violation of this clause; or

7 (5) escapes while in a facility designated under section  
 8 253B.18, subdivision 1, pursuant to a court commitment order  
 9 under section 253B.185 or Minnesota Statutes 1992, section  
 10 526.10; or

11 (6) knowingly absconds or fails to return to custody  
 12 following the revocation of provisional discharge under section  
 13 253B.18 of a person committed under section 253B.185 or  
 14 Minnesota Statutes 1992, section 526.10.

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

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

21 Sec. 24. Minnesota Statutes 2004, section 609.485,  
 22 subdivision 4, is amended to read:

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

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

29 (2) if the person who escapes is in lawful custody after a  
 30 finding of not guilty by reason of mental illness or mental  
 31 deficiency of a crime against the person, as defined in section  
 32 253B.02, subdivision 4a, or pursuant to a court commitment order  
 33 under section 253B.185 or Minnesota Statutes 1992, section  
 34 526.10, or violates subdivision 2, clause (6), to imprisonment  
 35 for not more than one year and one day or to payment of a fine  
 36 of not more than \$3,000, or both; or

1 (3) if the person who escapes is in lawful custody for a  
2 gross misdemeanor or misdemeanor, or if the person who escapes  
3 is in lawful custody on an allegation or adjudication of a  
4 delinquent act, to imprisonment for not more than one year or to  
5 payment of a fine of not more than \$3,000, or both.

6 (b) If the escape was a violation of subdivision 2, clause  
7 (1), (2), or (3), and was effected by violence or threat of  
8 violence against a person, the sentence may be increased to not  
9 more than twice those permitted in paragraph (a), clauses (1)  
10 and (3).

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

16 (d) Notwithstanding paragraph (c), if a person who was  
17 committed to the commissioner of corrections under section  
18 260B.198 escapes from the custody of the commissioner while 18  
19 years of age, the person's sentence under this section shall  
20 commence on the person's 19th birthday or on the person's date  
21 of discharge by the commissioner of corrections, whichever  
22 occurs first. However, if the person described in this clause  
23 is convicted under this section after becoming 19 years old and  
24 after having been discharged by the commissioner, the person's  
25 sentence shall commence upon imposition by the sentencing court.

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

36 (f) Notwithstanding paragraph (a), any person who escapes

1 or absconds from electronic monitoring or removes an electric  
 2 monitoring device from the person's body is guilty of a crime  
 3 and shall be sentenced to imprisonment for not more than one  
 4 year or to a payment of a fine of not more than \$3,000, or  
 5 both. A person in lawful custody for a violation of section  
 6 609.185, 609.19, 609.195, 609.20, 609.205, 609.21, 609.221,  
 7 609.222, 609.223, 609.2231, 609.342, 609.343, 609.344, 609.345,  
 8 or 609.3451 who escapes or absconds from electronic monitoring  
 9 or removes an electronic monitoring device while under sentence  
 10 may be sentenced to imprisonment for not more than five years or  
 11 to a payment of a fine of not more than \$10,000, or both.

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

14 Sec. 25. Minnesota Statutes 2004, section 609.50,  
 15 subdivision 1, is amended to read:

16 Subdivision 1. [CRIME.] Whoever intentionally does any of  
 17 the following may be sentenced as provided in subdivision 2:

18 (1) obstructs, hinders, or prevents the lawful execution of  
 19 any legal process, civil or criminal, or apprehension of another  
 20 on a charge or conviction of a criminal offense;

21 (2) obstructs, resists, or interferes with a peace officer  
 22 while the officer is engaged in the performance of official  
 23 duties;

24 (3) ~~interferes with or obstructs the prevention or~~  
 25 ~~extinguishing of a fire, or disobeys the lawful order of a~~  
 26 ~~firefighter present at the fire~~ while the firefighter is engaged  
 27 in the performance of official duties; or

28 (4) interferes with or obstructs a member of an ambulance  
 29 service personnel crew, as defined in section 144E.001,  
 30 subdivision 3a, who is providing, or attempting to provide,  
 31 emergency care; or

32 (5) by force or threat of force endeavors to obstruct any  
 33 employee of the Department of Revenue while the employee is  
 34 lawfully engaged in the performance of official duties for the  
 35 purpose of deterring or interfering with the performance of  
 36 those duties.

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

3        Sec. 26. Minnesota Statutes 2004, section 609.527,  
4 subdivision 1, is amended to read:

5        Subdivision 1. [DEFINITIONS.] (a) As used in this section,  
6 the following terms have the meanings given them in this  
7 subdivision.

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

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

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

22        (1) a name, Social Security number, date of birth, official  
23 government-issued driver's license or identification number,  
24 government passport number, or employer or taxpayer  
25 identification number;

26        (2) unique electronic identification number, address,  
27 account number, or routing code; or

28        (3) telecommunication identification information or access  
29 device.

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

33        ~~(e)~~ (f) "Loss" means value obtained, as defined in section  
34 609.52, subdivision 1, clause (3), and expenses incurred by a  
35 direct or indirect victim as a result of a violation of this  
36 section.

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

2            (1) any felony violation of the laws of this state or any  
3 felony violation of a similar law of another state or the United  
4 States; and

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

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

11        Sec. 27. Minnesota Statutes 2004, section 609.527,  
12 subdivision 3, is amended to read:

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

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

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

24            (3) if the offense involves two or three direct victims or  
25 the total, combined loss to the direct and indirect victims is  
26 more than \$500 but not more than \$2,500, the person may be  
27 sentenced as provided in section 609.52, subdivision 3, clause  
28 (3);

29            (4) if the offense involves more than three but not more  
30 than seven direct victims, or if the total combined loss to the  
31 direct and indirect victims is more than \$2,500, the person may  
32 be sentenced as provided in section 609.52, subdivision 3,  
33 clause (2); and

34            (5) if the offense involves eight or more direct victims;  
35 or if the total, combined loss to the direct and indirect  
36 victims is more than \$35,000; or if the offense is related to

1 possession or distribution of pornographic work in violation of  
2 section 617.246 or 617.247; the person may be sentenced as  
3 provided in section 609.52, subdivision 3, clause (1).

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

6 Sec. 28. Minnesota Statutes 2004, section 609.527,  
7 subdivision 4, is amended to read:

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

13 (b) Upon the written request of a direct victim or the  
14 prosecutor setting forth with specificity the facts and  
15 circumstances of the offense in a proposed order, the court  
16 shall provide to the victim, without cost, a certified copy of  
17 the complaint filed in the matter, the judgment of conviction,  
18 and an order setting forth the facts and circumstances of the  
19 offense.

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

22 Sec. 29. Minnesota Statutes 2004, section 609.527, is  
23 amended by adding a subdivision to read:

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

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

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

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



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

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

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

7       Sec. 30. Minnesota Statutes 2004, section 609.527,  
8 subdivision 6, is amended to read:

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

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

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

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

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

20       Sec. 31. Minnesota Statutes 2004, section 609.531,  
21 subdivision 1, is amended to read:

22       Subdivision 1. [DEFINITIONS.] For the purpose of sections  
23 609.531 to 609.5318, the following terms have the meanings given  
24 them.

25       (a) "Conveyance device" means a device used for  
26 transportation and includes, but is not limited to, a motor  
27 vehicle, trailer, snowmobile, airplane, and vessel and any  
28 equipment attached to it. The term "conveyance device" does not  
29 include property which is, in fact, itself stolen or taken in  
30 violation of the law.

31       (b) "Weapon used" means a dangerous weapon as defined under  
32 section 609.02, subdivision 6, that the actor used or had in  
33 possession in furtherance of a crime.

34       (c) "Property" means property as defined in section 609.52,  
35 subdivision 1, clause (1).

36       (d) "Contraband" means property which is illegal to possess

1 under Minnesota law.

2 (e) "Appropriate agency" means the Bureau of Criminal  
3 Apprehension, the Minnesota Division of Driver and Vehicle  
4 Services, the Minnesota State Patrol, a county sheriff's  
5 department, the Suburban Hennepin Regional Park District park  
6 rangers, the Department of Natural Resources Division of  
7 Enforcement, the University of Minnesota Police Department, or a  
8 city or airport police department.

9 (f) "Designated offense" includes:

10 (1) for weapons used: any violation of this chapter,  
11 chapter 152, or chapter 624;

12 (2) for driver's license or identification card  
13 transactions: any violation of section 171.22; and

14 (3) for all other purposes: a felony violation of, or a  
15 felony-level attempt or conspiracy to violate, section 325E.17;  
16 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222;  
17 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282;  
18 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f);  
19 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision  
20 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1,  
21 clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466;  
22 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53;  
23 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59;  
24 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions  
25 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88;  
26 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or  
27 felony violation of section 609.891 or 624.7181; or any  
28 violation of section 609.324.

29 (g) "Controlled substance" has the meaning given in section  
30 152.01, subdivision 4.

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

33 Sec. 32. Minnesota Statutes 2004, section 609.5315,  
34 subdivision 1, is amended to read:

35 Subdivision 1. [DISPOSITION.] (a) Subject to paragraph  
36 (b), if the court finds under section 609.5313, 609.5314, or

1 609.5318 that the property is subject to forfeiture, it shall  
2 order the appropriate agency to do one of the following:

3 (1) unless a different disposition is provided under clause  
4 (3) or (4), either destroy firearms, ammunition, and firearm  
5 accessories that the agency decides not to use for law  
6 enforcement purposes under clause (8), or sell them to federally  
7 licensed firearms dealers, as defined in section 624.7161,  
8 subdivision 1, and distribute the proceeds under subdivision  
9 5 or 5b;

10 (2) sell property that is not required to be destroyed by  
11 law and is not harmful to the public and distribute the proceeds  
12 under subdivision 5 or 5b;

13 (3) sell antique firearms, as defined in section 624.712,  
14 subdivision 3, to the public and distribute the proceeds under  
15 subdivision 5 or 5b;

16 (4) destroy or use for law enforcement purposes  
17 semiautomatic military-style assault weapons, as defined in  
18 section 624.712, subdivision 7;

19 (5) take custody of the property and remove it for  
20 disposition in accordance with law;

21 (6) forward the property to the federal drug enforcement  
22 administration;

23 (7) disburse money as provided under subdivision 5 or 5b;  
24 or

25 (8) keep property other than money for official use by the  
26 agency and the prosecuting agency.

27 (b) Notwithstanding paragraph (a), the Hennepin or Ramsey  
28 county sheriff may not sell firearms, ammunition, or firearms  
29 accessories if the policy is disapproved by the applicable  
30 county board.

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

33 Sec. 33. Minnesota Statutes 2004, section 609.5315, is  
34 amended by adding a subdivision to read:

35 Subd. 5b. [DISPOSITION OF CERTAIN FORFEITED PROCEEDS;  
36 TRAFFICKING OF PERSONS; REPORT REQUIRED.] (a) For forfeitures

1 resulting from violations of section 609.282, 609.283, or  
2 609.322, the money or proceeds from the sale of forfeited  
3 property, after payment of seizure, storage, forfeiture, and  
4 sale expenses, and satisfaction of valid liens against the  
5 property, must be distributed as follows:

6 (1) 40 percent of the proceeds must be forwarded to the  
7 appropriate agency for deposit as a supplement to the agency's  
8 operating fund or similar fund for use in law enforcement;

9 (2) 20 percent of the proceeds must be forwarded to the  
10 county attorney or other prosecuting agency that handled the  
11 forfeiture for deposit as a supplement to its operating fund or  
12 similar fund for prosecutorial purposes; and

13 (3) the remaining 40 percent of the proceeds must be  
14 forwarded to the commissioner of public safety and are  
15 appropriated to the commissioner for distribution to crime  
16 victims services organizations that provide services to victims  
17 of trafficking offenses.

18 (b) By February 15 of each year, the commissioner of public  
19 safety shall report to the chairs and ranking minority members  
20 of the senate and house committees or divisions having  
21 jurisdiction over criminal justice funding on the money  
22 collected under paragraph (a), clause (3). The report must  
23 indicate the following relating to the preceding calendar year:

24 (1) the amount of money appropriated to the commissioner;  
25 (2) how the money was distributed by the commissioner; and  
26 (3) what the organizations that received the money did with  
27 it.

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

30 Sec. 34. Minnesota Statutes 2004, section 609.746,  
31 subdivision 1, is amended to read:

32 Subdivision 1. [SURREPTITIOUS INTRUSION; OBSERVATION  
33 DEVICE.] (a) A person is guilty of a gross misdemeanor who:

34 (1) enters upon another's property;

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

1 another; and

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

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

5 (1) enters upon another's property;

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

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

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

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

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

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

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

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

34 (e) A person is guilty of a gross-misdemeanor felony and  
35 may be sentenced to imprisonment for not more than two years or  
36 to payment of a fine of not more than \$5,000, or both, if the

1 person:

2 (1) violates this subdivision after a previous conviction  
3 under this subdivision or section 609.749; or

4 (2) violates this subdivision against a minor under the age  
5 of ±6 18, knowing or having reason to know that the minor is  
6 present.

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

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

17 Sec. 35. Minnesota Statutes 2004, section 609.748,  
18 subdivision 2, is amended to read:

19 Subd. 2. [RESTRAINING ORDER; JURISDICTION.] A person who  
20 is a victim of harassment may seek a restraining order from the  
21 district court in the manner provided in this section. The  
22 parent or, guardian, or stepparent of a minor who is a victim of  
23 harassment may seek a restraining order from the district court  
24 on behalf of the minor.

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

26 Sec. 36. Minnesota Statutes 2004, section 609.748,  
27 subdivision 3a, is amended to read:

28 Subd. 3a. [FILING FEE; COST OF SERVICE.] The filing fees  
29 for a restraining order under this section are waived for the  
30 petitioner if the petition alleges acts that would constitute a  
31 violation of section 609.749, subdivision 2 or 3, or sections  
32 609.342 to 609.3451. The court administrator and the sheriff of  
33 any county in this state shall perform their duties relating to  
34 service of process without charge to the petitioner. The court  
35 shall direct payment of the reasonable costs of service of  
36 process if served by a private process server when the sheriff

1 is unavailable or if service is made by publication. The court  
2 may direct a respondent to pay to the court administrator the  
3 petitioner's filing fees and reasonable costs of service of  
4 process if the court determines that the respondent has the  
5 ability to pay the petitioner's fees and costs.

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

7 Sec. 37. Minnesota Statutes 2004, section 609.749,  
8 subdivision 2, is amended to read:

9 Subd. 2. [HARASSMENT AND STALKING CRIMES.] (a) A person  
10 who harasses another by committing any of the following acts is  
11 guilty of a gross misdemeanor:

12 (1) directly or indirectly manifests a purpose or intent to  
13 injure the person, property, or rights of another by the  
14 commission of an unlawful act;

15 (2) stalks, follows, monitors, or pursues another, whether  
16 in person or through technological or other means;

17 (3) returns to the property of another if the actor is  
18 without claim of right to the property or consent of one with  
19 authority to consent;

20 (4) repeatedly makes telephone calls, or induces a victim  
21 to make telephone calls to the actor, whether or not  
22 conversation ensues;

23 (5) makes or causes the telephone of another repeatedly or  
24 continuously to ring;

25 (6) repeatedly mails or delivers or causes the delivery by  
26 any means, including electronically, of letters, telegrams,  
27 messages, packages, or other objects; or

28 (7) knowingly makes false allegations against a peace  
29 officer concerning the officer's performance of official duties  
30 with intent to influence or tamper with the officer's  
31 performance of official duties.

32 (b) The conduct described in paragraph (a), clauses (4) and  
33 (5), may be prosecuted at the place where any call is either  
34 made or received or, additionally in the case of wireless or  
35 electronic communication, where the actor or victim resides.

36 The conduct described in paragraph (a), clause (2), may be

1 prosecuted where the actor or victim resides. The conduct  
2 described in paragraph (a), clause (6), may be prosecuted where  
3 any letter, telegram, message, package, or other object is  
4 either sent or received or, additionally in the case of wireless  
5 or electronic communication, where the actor or victim resides.

6 (c) A peace officer may not make a warrantless, custodial  
7 arrest of any person for a violation of paragraph (a), clause  
8 (7).

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

11 Sec. 38. Minnesota Statutes 2004, section 609.79,  
12 subdivision 2, is amended to read:

13 Subd. 2. [VENUE.] The offense may be prosecuted either at  
14 the place where the call is made or where it is received or,  
15 additionally in the case of wireless or electronic  
16 communication, where the sender or receiver resides.

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

19 Sec. 39. Minnesota Statutes 2004, section 609.795, is  
20 amended by adding a subdivision to read:

21 Subd. 3. [VENUE.] The offense may be prosecuted either at  
22 the place where the letter, telegram, or package is sent or  
23 received or, alternatively in the case of wireless electronic  
24 communication, where the sender or receiver resides.

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

27 Sec. 40. Minnesota Statutes 2004, section 628.26, is  
28 amended to read:

29 628.26 [LIMITATIONS.]

30 (a) Indictments or complaints for any crime resulting in  
31 the death of the victim may be found or made at any time after  
32 the death of the person killed.

33 (b) Indictments or complaints for a violation of section  
34 609.25 may be found or made at any time after the commission of  
35 the offense.

36 (c) Indictments or complaints for violation of section



1 609.282 may be found or made at any time after the commission of  
2 the offense if the victim was under the age of 18 at the time of  
3 the offense.

4 (d) Indictments or complaints for violation of section  
5 609.282 where the victim was 18 years of age or older at the  
6 time of the offense, or 609.42, subdivision 1, clause (1) or  
7 (2), shall be found or made and filed in the proper court within  
8 six years after the commission of the offense.

9 ~~(d)~~ (e) Indictments or complaints for violation of sections  
10 609.342 to 609.345 if the victim was under the age of 18 years  
11 at the time the offense was committed, shall be found or made  
12 and filed in the proper court within nine years after the  
13 commission of the offense or, if the victim failed to report the  
14 offense within this limitation period, within three years after  
15 the offense was reported to law enforcement authorities.

16 ~~(e)~~ (f) Notwithstanding the limitations in paragraph  
17 ~~(d)~~ (e), indictments or complaints for violation of sections  
18 609.342 to 609.344 may be found or made and filed in the proper  
19 court at any time after commission of the offense, if physical  
20 evidence is collected and preserved that is capable of being  
21 tested for its DNA characteristics. If this evidence is not  
22 collected and preserved and the victim was 18 years old or older  
23 at the time of the offense, the prosecution must be commenced  
24 within nine years after the commission of the offense.

25 ~~(f)~~ (g) Indictments or complaints for violation of sections  
26 609.466 and 609.52, subdivision 2, clause (3), item (iii), shall  
27 be found or made and filed in the proper court within six years  
28 after the commission of the offense.

29 ~~(g)~~ (h) Indictments or complaints for violation of section  
30 609.52, subdivision 2, clause (3), items (i) and (ii), (4),  
31 (15), or (16), 609.631, or 609.821, where the value of the  
32 property or services stolen is more than \$35,000, shall be found  
33 or made and filed in the proper court within five years after  
34 the commission of the offense.

35 ~~(h)~~ (i) Except for violations relating to false material  
36 statements, representations or omissions, indictments or

1 complaints for violations of section 609.671 shall be found or  
 2 made and filed in the proper court within five years after the  
 3 commission of the offense.

4 ~~(i)~~ (j) Indictments or complaints for violation of sections  
 5 609.561 to 609.563, shall be found or made and filed in the  
 6 proper court within five years after the commission of the  
 7 offense.

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

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

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

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

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

27 Sec. 41. [CERTAIN MINNESOTA SENTENCING GUIDELINES  
 28 COMMISSION RECOMMENDATIONS ADOPTED; OTHERS REJECTED.]

29 The following modifications proposed by the Minnesota  
 30 Sentencing Guidelines Commission in its January 2005 report to  
 31 the legislature are adopted and take effect on August 1, 2005:

32 (1) those described as "I. Modifications Related to  
 33 Blakely Decision" on pages 11 to 18 of the report; and

34 (2) those described as "II. Other Adopted Modifications"  
 35 on page 19 of the report.

36 The modifications described as "III. Adopted Modifications

1 Related to Sex Offenses" on pages 20 to 42 of the report are  
2 rejected and do not go into effect.

3 [EFFECTIVE DATE.] This section is effective the day  
4 following final enactment.

5 Sec. 42. [REPEALER.]

6 Minnesota Statutes 2004, section 609.725, is repealed.

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

9 ARTICLE 8

10 911 EMERGENCY TELECOMMUNICATIONS SERVICES

11 Section 1. [237.491] [COMBINED PER NUMBER FEE.]

12 Subdivision 1. [DEFINITIONS.] (a) The definitions in this  
13 subdivision apply to this section.

14 (b) "911 emergency and public safety communications program"  
15 means the program governed by chapter 403.

16 (c) "Minnesota telephone number" means a ten-digit  
17 telephone number being used to connect to the public switched  
18 telephone network and starting with area code 218, 320, 507,  
19 612, 651, 763, or 952, or any subsequent area code assigned to  
20 this state.

21 (d) "Service provider" means a provider doing business in  
22 this state who provides real time, two-way voice service with a  
23 Minnesota telephone number.

24 (e) "Telecommunications access Minnesota program" means the  
25 program governed by sections 237.50 to 237.55.

26 (f) "Telephone assistance program" means the program  
27 governed by sections 237.69 to 237.711.

28 Subd. 2. [PER NUMBER FEE.] (a) By January 15, 2006, the  
29 commissioner of commerce shall report to the legislature and to  
30 the senate Committee on Jobs, Energy, and Community Development  
31 and the house Committee on Regulated Industries, recommendations  
32 for the amount of and method for assessing a fee that would  
33 apply to each service provider based upon the number of  
34 Minnesota telephone numbers in use by current customers of the  
35 service provider. The fee would be set at a level calculated to  
36 generate only the amount of revenue necessary to fund:

1 (1) the telephone assistance program and the  
2 telecommunications access Minnesota program at the levels  
3 established by the commission under sections 237.52, subdivision  
4 2, and 237.70; and

5 (2) the 911 emergency and public safety communications  
6 program at the levels appropriated by law to the commissioner of  
7 public safety and the commissioner of finance for purposes of  
8 sections 403.11, 403.113, 403.27, 403.30, and 403.31 for each  
9 fiscal year.

10 (b) The recommendations must include any changes to  
11 Minnesota Statutes necessary to establish the procedures whereby  
12 each service provider, to the extent allowed under federal law,  
13 would collect and remit the fee proceeds to the commissioner of  
14 revenue. The commissioner of revenue would allocate the fee  
15 proceeds to the three funding areas in paragraph (a) and credit  
16 the allocations to the appropriate accounts.

17 (c) The recommendations must be designed to allow the  
18 combined per telephone number fee to be collected beginning July  
19 1, 2006. The per access line fee used to collect revenues to  
20 support the TAP, TAM, and 911 programs remains in effect until  
21 the statutory changes necessary to implement the per telephone  
22 number fee have been enacted into law and taken effect.

23 (d) As part of the process of developing the  
24 recommendations and preparing the report to the legislature  
25 required under paragraph (a), the commissioner of commerce must,  
26 at a minimum, consult regularly with the Departments of Public  
27 Safety, Finance, and Administration, the Public Utilities  
28 Commission, service providers, the chairs and ranking minority  
29 members of the senate and house committees, subcommittees, and  
30 divisions having jurisdiction over telecommunications and public  
31 safety, and other affected parties.

32 Sec. 2. Minnesota Statutes 2004, section 237.70,  
33 subdivision 7, is amended to read:

34 Subd. 7. [APPLICATION, NOTICE, FINANCIAL ADMINISTRATION,  
35 COMPLAINT INVESTIGATION.] The telephone assistance plan must be  
36 administered jointly by the commission, the Department of

1 Commerce, and the local service providers in accordance with the  
2 following guidelines:

3 (a) The commission and the Department of Commerce shall  
4 develop an application form that must be completed by the  
5 subscriber for the purpose of certifying eligibility for  
6 telephone assistance plan credits to the local service  
7 provider. The application must contain the applicant's Social  
8 Security number. Applicants who refuse to provide a Social  
9 Security number will be denied telephone assistance plan  
10 credits. The application form must also include a statement  
11 that the applicant household is currently eligible for one of  
12 the programs that confers eligibility for the federal Lifeline  
13 Program. The application must be signed by the applicant,  
14 certifying, under penalty of perjury, that the information  
15 provided by the applicant is true.

16 (b) Each local service provider shall annually mail a  
17 notice of the availability of the telephone assistance plan to  
18 each residential subscriber in a regular billing and shall mail  
19 the application form to customers when requested.

20 The notice must state the following:

21 YOU MAY BE ELIGIBLE FOR ASSISTANCE IN PAYING YOUR TELEPHONE  
22 BILL IF YOU RECEIVE BENEFITS FROM CERTAIN LOW-INCOME ASSISTANCE  
23 PROGRAMS. FOR MORE INFORMATION OR AN APPLICATION FORM PLEASE  
24 CONTACT .....

25 (c) An application may be made by the subscriber, the  
26 subscriber's spouse, or a person authorized by the subscriber to  
27 act on the subscriber's behalf. On completing the application  
28 certifying that the statutory criteria for eligibility are  
29 satisfied, the applicant must return the application to the  
30 subscriber's local service provider. On receiving a completed  
31 application from an applicant, the subscriber's local service  
32 provider shall provide telephone assistance plan credits against  
33 monthly charges in the earliest possible month following receipt  
34 of the application. The applicant must receive telephone  
35 assistance plan credits until the earliest possible month  
36 following the service provider's receipt of information that the

1 applicant is ineligible.

2 If the telephone assistance plan credit is not itemized on the  
3 subscriber's monthly charges bill for local telephone service,  
4 the local service provider must notify the subscriber of the  
5 approval for the telephone assistance plan credit.

6 (d) The commission shall serve as the coordinator of the  
7 telephone assistance plan and be reimbursed for its  
8 administrative expenses from the surcharge revenue pool. As the  
9 coordinator, the commission shall:

10 (1) establish a uniform statewide surcharge in accordance  
11 with subdivision 6;

12 (2) establish a uniform statewide level of telephone  
13 assistance plan credit that each local service provider shall  
14 extend to each eligible household in its service area;

15 (3) require each local service provider to account to the  
16 commission on a periodic basis for surcharge revenues collected  
17 by the provider, expenses incurred by the provider, not to  
18 include expenses of collecting surcharges, and credits extended  
19 by the provider under the telephone assistance plan;

20 (4) require each local service provider to remit surcharge  
21 revenues to the Department of Administration Public Safety for  
22 deposit in the fund; and

23 (5) remit to each local service provider from the surcharge  
24 revenue pool the amount necessary to compensate the provider for  
25 expenses, not including expenses of collecting the surcharges,  
26 and telephone assistance plan credits. When it appears that the  
27 revenue generated by the maximum surcharge permitted under  
28 subdivision 6 will be inadequate to fund any particular  
29 established level of telephone assistance plan credits, the  
30 commission shall reduce the credits to a level that can be  
31 adequately funded by the maximum surcharge. Similarly, the  
32 commission may increase the level of the telephone assistance  
33 plan credit that is available or reduce the surcharge to a level  
34 and for a period of time that will prevent an unreasonable  
35 overcollection of surcharge revenues.

36 (e) Each local service provider shall maintain adequate

1 records of surcharge revenues, expenses, and credits related to  
2 the telephone assistance plan and shall, as part of its annual  
3 report or separately, provide the commission and the Department  
4 of Commerce with a financial report of its experience under the  
5 telephone assistance plan for the previous year. That report  
6 must also be adequate to satisfy the reporting requirements of  
7 the federal matching plan.

8 (f) The Department of Commerce shall investigate complaints  
9 against local service providers with regard to the telephone  
10 assistance plan and shall report the results of its  
11 investigation to the commission.

12 Sec. 3. Minnesota Statutes 2004, section 403.02,  
13 subdivision 7, is amended to read:

14 Subd. 7. [AUTOMATIC LOCATION IDENTIFICATION.] "Automatic  
15 location identification" means the process of electronically  
16 identifying and displaying ~~on-a-special-viewing-screen~~ the name  
17 of the subscriber and the location, where available, of the  
18 calling telephone number to a person answering a 911 emergency  
19 call.

20 Sec. 4. Minnesota Statutes 2004, section 403.02,  
21 subdivision 13, is amended to read:

22 Subd. 13. [ENHANCED 911 SERVICE.] "Enhanced 911 service"  
23 means the use of ~~selective-routing~~, automatic location  
24 identification, or local location identification as part of  
25 local 911 service provided by an enhanced 911 system consisting  
26 of a common 911 network and database and customer data and  
27 network components connecting to the common 911 network and  
28 database.

29 Sec. 5. Minnesota Statutes 2004, section 403.02,  
30 subdivision 17, is amended to read:

31 Subd. 17. [911 SERVICE.] "911 service" means a  
32 telecommunications service that automatically connects a person  
33 dialing the digits 911 to an established public safety answering  
34 point. 911 service includes:

35 (1) ~~equipment-for-connecting-and-outswitching-911-calls~~  
36 ~~within-a-telephone-central-office,-trunking-facilities-from-the~~

1 ~~central-office-to-a-public-safety-answering-point~~ customer data  
2 and network components connecting to the common 911 network and  
3 database;

4 (2) common 911 network and database equipment, as  
5 appropriate, for automatically selectively routing 911 calls in  
6 ~~situations-where-one-telephone-central-office-serves-more-than~~  
7 ~~one~~ to the public safety answering point serving the caller's  
8 jurisdiction; and

9 (3) provision of automatic location identification if the  
10 public safety answering point has the capability of providing  
11 that service.

12 Sec. 6. Minnesota Statutes 2004, section 403.02, is  
13 amended by adding a subdivision to read:

14 Subd. 17a. [911 EMERGENCY TELECOMMUNICATIONS SERVICE  
15 PROVIDER.] "911 emergency telecommunications service provider"  
16 means a telecommunications service provider or other entity,  
17 determined by the commissioner to be capable of providing  
18 effective and efficient components of the 911 system, that  
19 provides all or portions of the network and database for  
20 automatically selectively routing 911 calls to the public safety  
21 answering point serving the caller's jurisdiction.

22 Sec. 7. Minnesota Statutes 2004, section 403.025,  
23 subdivision 3, is amended to read:

24 Subd. 3. [WIRE-LINE CONNECTED TELECOMMUNICATIONS SERVICE  
25 PROVIDER REQUIREMENTS.] Every owner and operator of a  
26 wire-line or wireless circuit switched or packet-based  
27 telecommunications system connected to the public switched  
28 telephone network shall design and maintain the system to dial  
29 the 911 number without charge to the caller.

30 Sec. 8. Minnesota Statutes 2004, section 403.025,  
31 subdivision 7, is amended to read:

32 Subd. 7. [CONTRACTUAL REQUIREMENTS.] (a) The state,  
33 together with the county or other governmental agencies  
34 operating public safety answering points, shall contract with  
35 the appropriate wire-line telecommunications service  
36 providers or other entities determined by the commissioner to be



1 capable of providing effective and efficient components of the  
2 911 system for the operation, maintenance, enhancement, and  
3 expansion of the 911 system.

4 (b) The state shall contract with the appropriate wireless  
5 telecommunications service providers for maintaining, enhancing,  
6 and expanding the 911 system.

7 (c) The contract language or subsequent amendments to the  
8 contract must include a description of the services to be  
9 ~~furnished by wireless and wire-line telecommunications service~~  
10 ~~providers to the county or other governmental agencies operating~~  
11 ~~public safety answering points, as well as compensation based on~~  
12 ~~the effective tariff or price list approved by the Public~~  
13 ~~Utilities Commission.~~ The contract language or subsequent  
14 amendments must include the terms of compensation based on the  
15 effective tariff or price list filed with the Public Utilities  
16 Commission or the prices agreed to by the parties.

17 (d) The contract language or subsequent amendments to  
18 contracts between the parties must contain a provision for  
19 resolving disputes.

20 Sec. 9. Minnesota Statutes 2004, section 403.05,  
21 subdivision 3, is amended to read:

22 Subd. 3. [AGREEMENTS FOR SERVICE.] Each county and any  
23 other governmental agency shall contract with the state and  
24 wire-line telecommunications service providers or other entities  
25 determined by the commissioner to be capable of providing  
26 effective and efficient components of the 911 system for the  
27 recurring and nonrecurring costs associated with operating and  
28 maintaining 911 emergency communications systems.

29 Sec. 10. Minnesota Statutes 2004, section 403.07,  
30 subdivision 3, is amended to read:

31 Subd. 3. [DATABASE.] In 911 systems that have been  
32 approved by the commissioner for a local location identification  
33 database, each wire-line telecommunications service provider  
34 shall provide current customer names, service addresses, and  
35 telephone numbers to each public safety answering point within  
36 the 911 system and shall update the information according to a

1 schedule prescribed by the county 911 plan. Information  
2 provided under this subdivision must be provided in accordance  
3 with the transactional record disclosure requirements of the  
4 federal Electronic Communications Privacy Act of ~~1986~~ 1932,  
5 United States Code, title ~~18~~ 47, section ~~2703~~ 222,  
6 subsection ~~(c)~~, ~~paragraph-(1)~~, ~~subparagraph-(B)(iv)~~ (g).

7 Sec. 11. Minnesota Statutes 2004, section 403.08,  
8 subdivision 10, is amended to read:

9 Subd. 10. [PLAN INTEGRATION.] Counties shall incorporate  
10 the statewide design when modifying county 911 plans to provide  
11 for integrating wireless 911 service into existing county 911  
12 systems. The commissioner shall contract with the involved  
13 wireless service providers and 911 emergency telecommunications  
14 service providers to integrate cellular and other wireless  
15 services into existing 911 systems where feasible.

16 Sec. 12. Minnesota Statutes 2004, section 403.11,  
17 subdivision 1, is amended to read:

18 Subdivision 1. [EMERGENCY TELECOMMUNICATIONS SERVICE FEE;  
19 ACCOUNT.] (a) Each customer of a wireless or wire-line switched  
20 or packet-based telecommunications service provider connected to  
21 the public switched telephone network that furnishes service  
22 capable of originating a 911 emergency telephone call is  
23 assessed a fee based upon the number of wired or wireless  
24 telephone lines, or their equivalent, to cover the costs of  
25 ongoing maintenance and related improvements for trunking and  
26 central office switching equipment for 911 emergency  
27 telecommunications service, plus administrative and staffing  
28 costs of the commissioner related to managing the 911 emergency  
29 telecommunications service program. Recurring charges by a  
30 wire-line telecommunications service provider for updating the  
31 information required by section 403.07, subdivision 3, must be  
32 paid by the commissioner if the wire-line telecommunications  
33 service provider is included in an approved 911 plan and the  
34 charges are made pursuant to ~~tariff, price-list, or~~ contract.  
35 The fee assessed under this section must also be used for the  
36 purpose of offsetting the costs, including administrative and

1 staffing costs, incurred by the State Patrol Division of the  
2 Department of Public Safety in handling 911 emergency calls made  
3 from wireless phones.

4 (b) Money remaining in the 911 emergency telecommunications  
5 service account after all other obligations are paid must not  
6 cancel and is carried forward to subsequent years and may be  
7 appropriated from time to time to the commissioner to provide  
8 financial assistance to counties for the improvement of local  
9 emergency telecommunications services. The improvements may  
10 include providing access to 911 service for telecommunications  
11 service subscribers currently without access and upgrading  
12 existing 911 service to include automatic number identification,  
13 local location identification, automatic location  
14 identification, and other improvements specified in revised  
15 county 911 plans approved by the commissioner.

16 (c) The fee may not be less than eight cents nor more than  
17 ~~40~~ 65 cents a month for each customer access line or other basic  
18 access service, including trunk equivalents as designated by the  
19 Public Utilities Commission for access charge purposes and  
20 including wireless telecommunications services. With the  
21 approval of the commissioner of finance, the commissioner of  
22 public safety shall establish the amount of the fee within the  
23 limits specified and inform the companies and carriers of the  
24 amount to be collected. When the revenue bonds authorized under  
25 section 403.27, subdivision 1, have been fully paid or defeased,  
26 the commissioner shall reduce the fee to reflect that debt  
27 service on the bonds is no longer needed. The commissioner  
28 shall provide companies and carriers a minimum of 45 days'  
29 notice of each fee change. The fee must be the same for all  
30 customers.

31 (d) The fee must be collected by each wireless or wire-line  
32 telecommunications service provider subject to the fee. Fees  
33 are payable to and must be submitted to the commissioner monthly  
34 before the 25th of each month following the month of collection,  
35 except that fees may be submitted quarterly if less than \$250 a  
36 month is due, or annually if less than \$25 a month is due.

1 Receipts must be deposited in the state treasury and credited to  
2 a 911 emergency telecommunications service account in the  
3 special revenue fund. The money in the account may only be used  
4 for 911 telecommunications services.

5 (e) This subdivision does not apply to customers of  
6 interexchange carriers.

7 (f) The installation and recurring charges for integrating  
8 wireless 911 calls into enhanced 911 systems must be paid by the  
9 commissioner if the 911 service provider is included in the  
10 statewide design plan and the charges are made pursuant to  
11 ~~tariff, price list, or~~ contract.

12 (g) Notwithstanding any provision of this chapter to the  
13 contrary, the commissioner need not contract for or agree to pay  
14 for any services that a wire-line or wireless telecommunication  
15 service provider is required by federal law or federal  
16 regulation to provide.

17 Sec. 13. Minnesota Statutes 2004, section 403.11,  
18 subdivision 3, is amended to read:

19 Subd. 3. [METHOD OF PAYMENT.] (a) Any wireless or  
20 wire-line telecommunications service provider incurring  
21 reimbursable costs under subdivision 1 shall submit an invoice  
22 itemizing rate elements by county or service area to the  
23 commissioner for 911 services furnished under ~~tariff, price~~  
24 ~~list, or~~ contract. Any wireless or wire-line telecommunications  
25 service provider is eligible to receive payment for 911 services  
26 rendered according to the terms and conditions specified in the  
27 contract. Competitive local exchange carriers holding  
28 certificates of authority from the Public Utilities Commission  
29 are eligible to receive payment for recurring 911 services  
30 provided after July 1, 2001. The commissioner shall pay the  
31 invoice within 30 days following receipt of the invoice unless  
32 the commissioner notifies the service provider that the  
33 commissioner disputes the invoice.

34 (b) The commissioner shall estimate the amount required to  
35 reimburse 911 emergency telecommunications service providers and  
36 wireless and wire-line telecommunications service providers for

1 the state's obligations under subdivision 1 and the governor  
2 shall include the estimated amount in the biennial budget  
3 request.

4 Sec. 14. Minnesota Statutes 2004, section 403.11,  
5 subdivision 3a, is amended to read:

6 Subd. 3a. [TIMELY CERTIFICATION.] A certification must be  
7 submitted to the commissioner no later than two-years one year  
8 after commencing a new or additional eligible 911 service. Any  
9 ~~wireless-or-wire-line-telecommunications-service-provider~~  
10 ~~incurring-reimbursable-costs-under-this-section-at-any-time~~  
11 ~~before-January-17-2003, may certify those costs for payment to~~  
12 ~~the-commissioner-according-to-this-section-for-a-period-of-90~~  
13 ~~days-after-January-17-2003. During this period, the~~  
14 ~~commissioner shall reimburse any wireless or wire-line~~  
15 ~~telecommunications service provider for approved, certified~~  
16 ~~costs without regard to any contrary provision of this~~  
17 subdivision Each applicable contract must provide that, if  
18 certified expenses under the contract deviate from estimates in  
19 the contract by more than ten percent, the commissioner may  
20 reduce the level of service without incurring any termination  
21 fees.

22 Sec. 15. Minnesota Statutes 2004, section 403.113,  
23 subdivision 1, is amended to read:

24 Subdivision 1. [FEE.] (a) Each customer receiving service  
25 from a wireless or wire-line switched or packet-based  
26 telecommunications service provider connected to the public  
27 telephone network that furnishes service capable of originating  
28 a 911 emergency telephone call is assessed a fee to fund  
29 implementation, operation, maintenance, enhancement, and  
30 expansion of enhanced 911 service, including acquisition of  
31 necessary equipment and the costs of the commissioner to  
32 administer the program. The actual fee assessed under section  
33 403.11 and the enhanced 911 service fee must be collected as one  
34 amount and may not exceed the amount specified in section  
35 403.11, subdivision 1, paragraph (c).

36 (b) The enhanced 911 service fee must be collected and

1 deposited in the same manner as the fee in section 403.11 and  
2 used solely for the purposes of paragraph (a) and subdivision 3.

3 (c) The commissioner, in consultation with counties and 911  
4 system users, shall determine the amount of the enhanced 911  
5 service fee. ~~The fee must include at least ten cents per month~~  
6 ~~to be distributed under subdivision 2.~~ The commissioner shall  
7 inform wireless and wire-line telecommunications service  
8 providers that provide service capable of originating a 911  
9 emergency telephone call of the total amount of the 911 service  
10 fees in the same manner as provided in section 403.11.

11 Sec. 16. Minnesota Statutes 2004, section 403.27,  
12 subdivision 1, is amended to read:

13 Subdivision 1. [AUTHORIZATION.] ~~(a)~~ After consulting with  
14 the commissioner of finance, the council, if requested by a vote  
15 of at least two-thirds of all of the members of the Metropolitan  
16 Radio Board, may, by resolution, authorize the issuance of its  
17 revenue bonds for any of the following purposes to:

18 (1) provide funds for regionwide mutual aid and emergency  
19 medical services communications;

20 (2) provide funds for the elements of the first phase of  
21 the regionwide public safety radio communication system that the  
22 board determines are of regionwide benefit and support mutual  
23 aid and emergency medical services communication including, but  
24 not limited to, costs of master controllers of the backbone;

25 (3) provide money for the second phase of the public safety  
26 radio communication system;

27 (4) to the extent money is available after meeting the  
28 needs described in clauses (1) to (3), provide money to  
29 reimburse local units of government for amounts expended for  
30 capital improvements to the first phase system previously paid  
31 for by the local government units; or

32 (5) refund bonds issued under this section.

33 ~~(b) After consulting with the commissioner of finance, the~~  
34 ~~council, if requested by a vote of at least two-thirds of all of~~  
35 ~~the members of the Statewide Radio Board, may, by resolution,~~  
36 ~~authorize the issuance of its revenue bonds to provide money for~~

1 ~~the third phase of the public safety radio communication system.~~

2 Sec. 17. Minnesota Statutes 2004, section 403.27,

3 subdivision 3, is amended to read:

4 Subd. 3. [LIMITATIONS.] (a) The principal amount of the  
5 bonds issued pursuant to subdivision 1, exclusive of any  
6 original issue discount, shall not exceed the amount of  
7 \$10,000,000 plus the amount the council determines necessary to  
8 pay the costs of issuance, fund reserves, debt service, and pay  
9 for any bond insurance or other credit enhancement.

10 (b) In addition to the amount authorized under paragraph  
11 (a), the council may issue bonds under subdivision 1 in a  
12 principal amount of \$3,306,300, plus the amount the council  
13 determines necessary to pay the cost of issuance, fund reserves,  
14 debt service, and any bond insurance or other credit  
15 enhancement. The proceeds of bonds issued under this paragraph  
16 may not be used to finance portable or subscriber radio sets.

17 ~~(c) In addition to the amount authorized under paragraphs  
18 (a) and (b), the council may issue bonds under subdivision 1 in  
19 a principal amount of \$18,000,000, plus the amount the council  
20 determines necessary to pay the costs of issuance, fund  
21 reserves, debt service, and any bond insurance or other credit  
22 enhancement. The proceeds of bonds issued under this paragraph  
23 must be used to pay up to 50 percent of the cost to a local  
24 government unit of building a subsystem and may not be used to  
25 finance portable or subscriber radio sets. The bond proceeds  
26 may be used to make improvements to an existing 800-MHz radio  
27 system that will interoperate with the regionwide public safety  
28 radio communication system, provided that the improvements  
29 conform to the board's plan and technical standards. The  
30 council must time the sale and issuance of the bonds so that the  
31 debt service on the bonds can be covered by the additional  
32 revenue that will become available in the fiscal year ending  
33 June 30, 2005, generated under section 403.11 and appropriated  
34 under section 403.30.~~

35 ~~(d) In addition to the amount authorized under paragraphs  
36 (a) to (c), the council may issue bonds under subdivision 1 in a~~

1 principal-amount-of-up-to-\$27,000,000, plus-the-amount-the  
 2 council-determines-necessary-to-pay-the-costs-of-issuance, fund  
 3 reserves, debt-service, and-any-bond-insurance-or-other-credit  
 4 enhancement.---The-proceeds-of-bonds-issued-under-this-paragraph  
 5 are-appropriated-to-the-commissioner-of-public-safety-for-phase  
 6 three-of-the-public-safety-radio-communication-system.---In  
 7 anticipation-of-the-receipt-by-the-commissioner-of-public-safety  
 8 of-the-bond-proceeds, the-Metropolitan-Radio-Board-may-advance  
 9 money-from-its-operating-appropriation-to-the-commissioner-of  
 10 public-safety-to-pay-for-design-and-preliminary-engineering-for  
 11 phase-three.---The-commissioner-of-public-safety-must-return  
 12 these-amounts-to-the-Metropolitan-Radio-Board-when-the-bond  
 13 proceeds-are-received.

14 Sec. 18. [403.275] [STATE 911 REVENUE BONDS.]

15 Subdivision 1. [BONDING AUTHORITY.] (a) The commissioner  
 16 of finance, if requested by a vote of at least two-thirds of all  
 17 the members of the Statewide Radio Board, shall sell and issue  
 18 state revenue bonds for the following purposes:

19 (1) to pay the costs of the statewide public safety radio  
 20 communication system that the board determines are of regional  
 21 or statewide benefit and support mutual aid and emergency  
 22 medical services communication, including, but not limited to,  
 23 costs of master controllers of the backbone;

24 (2) to pay the costs of issuance, debt service, and bond  
 25 insurance or other credit enhancements, and to fund reserves;  
 26 and

27 (3) to refund bonds issued under this section.

28 (b) The amount of bonds that may be issued for the purposes  
 29 of clause (1) will be set from time to time by law; the amount  
 30 of bonds that may be issued for the purposes of clauses (2) and  
 31 (3) is not limited.

32 (c) The bond proceeds may be used to to pay up to 50  
 33 percent of the cost to a local government unit of building a  
 34 subsystem. The bond proceeds may be used to make improvements  
 35 to an existing 800 MHz radio system that will interoperate with  
 36 the regionwide public safety radio communication system,



1 provided that the improvements conform to the board's plan and  
2 technical standards. The bond proceeds may not be used to pay  
3 for portable or subscriber radio sets.

4 Subd. 2. [PROCEDURE.] (a) The commissioner may sell and  
5 issue the bonds on the terms and conditions the commissioner  
6 determines to be in the best interests of the state. The bonds  
7 may be sold at public or private sale. The commissioner may  
8 enter any agreements or pledges the commissioner determines  
9 necessary or useful to sell the bonds that are not inconsistent  
10 with sections 403.21 to 403.40. Sections 16A.672 to 16A.675  
11 apply to the bonds. The proceeds of the bonds issued under this  
12 section must be credited to a special 911 revenue bond proceeds  
13 account in the state treasury.

14 (b) Before the proceeds are received in the 911 revenue  
15 bond proceeds account, the commissioner of finance may transfer  
16 to the account from the 911 emergency telecommunications service  
17 account amounts not exceeding the expected proceeds from the  
18 next bond sale. The commissioner of finance shall return these  
19 amounts to the 911 emergency telecommunications service account  
20 by transferring proceeds when received. The amounts of these  
21 transfers are appropriated from the 911 emergency  
22 telecommunications service account and from the 911 revenue bond  
23 proceeds account.

24 Subd. 3. [REVENUE SOURCES.] The debt service on the bonds  
25 is payable only from the following sources:

26 (1) revenue credited to the 911 emergency  
27 telecommunications service account from the fee imposed and  
28 collected under section 237.491 or 403.11, subdivision 1, or  
29 from any other source; and

30 (2) other revenues pledged to the payment of the bonds.

31 Subd. 4. [REFUNDING BONDS.] The commissioner may issue  
32 bonds to refund outstanding bonds issued under subdivision 1,  
33 including the payment of any redemption premiums on the bonds  
34 and any interest accrued or to accrue to the first redemption  
35 date after delivery of the refunding bonds. The proceeds of the  
36 refunding bonds may, in the discretion of the commissioner, be

1 applied to the purchases or payment at maturity of the bonds to  
2 be refunded, or the redemption of the outstanding bonds on the  
3 first redemption date after delivery of the refunding bonds and  
4 may, until so used, be placed in escrow to be applied to the  
5 purchase, retirement, or redemption. Refunding bonds issued  
6 under this subdivision must be issued and secured in the manner  
7 provided by the commissioner.

8 Subd. 5. [NOT A GENERAL OR MORAL OBLIGATION.] Bonds issued  
9 under this section are not public debt, and the full faith,  
10 credit, and taxing powers of the state are not pledged for their  
11 payment. The bonds may not be paid, directly in whole or in  
12 part from a tax of statewide application on any class of  
13 property, income, transaction, or privilege. Payment of the  
14 bonds is limited to the revenues explicitly authorized to be  
15 pledged under this section. The state neither makes nor has a  
16 moral obligation to pay the bonds if the pledged revenues and  
17 other legal security for them is insufficient.

18 Subd. 6. [TRUSTEE.] The commissioner may contract with and  
19 appoint a trustee for bond holders. The trustee has the powers  
20 and authority vested in it by the commissioner under the bond  
21 and trust indentures.

22 Subd. 7. [PLEDGES.] Any pledge made by the commissioner is  
23 valid and binding from the time the pledge is made. The money  
24 or property pledged and later received by the commissioner is  
25 immediately subject to the lien of the pledge without any  
26 physical delivery of the property or money or further act, and  
27 the lien of any pledge is valid and binding as against all  
28 parties having claims of any kind in tort, contract, or  
29 otherwise against the commissioner, whether or not those parties  
30 have notice of the lien or pledge. Neither the order nor any  
31 other instrument by which a pledge is created need be recorded.

32 Subd. 8. [BONDS; PURCHASE AND CANCELLATION.] The  
33 commissioner, subject to agreements with bondholders that may  
34 then exist, may, out of any money available for the purpose,  
35 purchase bonds of the commissioner at a price not exceeding (1)  
36 if the bonds are then redeemable, the redemption price then

1 applicable plus accrued interest to the next interest payment  
 2 date thereon, or (2) if the bonds are not redeemable, the  
 3 redemption price applicable on the first date after the purchase  
 4 upon which the bonds become subject to redemption plus accrued  
 5 interest to that date.

6 Subd. 9. [STATE PLEDGE AGAINST IMPAIRMENT OF CONTRACTS.]

7 The state pledges and agrees with the holders of any bonds that  
 8 the state will not limit or alter the rights vested in the  
 9 commissioner to fulfill the terms of any agreements made with  
 10 the bondholders, or in any way impair the rights and remedies of  
 11 the holders until the bonds, together with interest on them,  
 12 with interest on any unpaid installments of interest, and all  
 13 costs and expenses in connection with any action or proceeding  
 14 by or on behalf of the bondholders, are fully met and  
 15 discharged. The commissioner may include this pledge and  
 16 agreement of the state in any agreement with the holders of  
 17 bonds issued under this section.

18 Sec. 19. Minnesota Statutes 2004, section 403.30,  
 19 subdivision 1, is amended to read:

20 Subdivision 1. [STANDING APPROPRIATION; COSTS COVERED.]

21 ~~For each fiscal year beginning with the fiscal year commencing~~  
 22 ~~July 1, 1997,~~ The amount necessary to pay the following debt  
 23 service costs and reserves for bonds issued by the Metropolitan  
 24 Council under section 403.27 or by the commissioner of finance  
 25 under section 403.275 is appropriated to the commissioner of  
 26 public safety from the 911 emergency telecommunications service  
 27 account established under section 403.11.

28 ~~(1) debt service costs and reserves for bonds issued~~  
 29 ~~pursuant to section 403.27,~~

30 ~~(2) repayment of the right-of-way acquisition loans,~~

31 ~~(3) costs of design, construction, maintenance of, and~~  
 32 ~~improvements to those elements of the first, second, and third~~  
 33 ~~phases that support mutual aid communications and emergency~~  
 34 ~~medical services,~~

35 ~~(4) recurring charges for leased sites and equipment for~~  
 36 ~~those elements of the first, second, and third phases that~~

1 ~~support-mutual-aid-and-emergency-medical-communication-services;~~  
2 or

3 ~~(5)-aid-to-local-units-of-government-for-sites-and~~  
4 ~~equipment-in-support-of-mutual-aid-and-emergency-medical~~  
5 ~~communications-services~~ to the commissioner of finance. The  
6 commissioner of finance shall transmit the necessary amounts to  
7 the Metropolitan Council as requested by the council.

8 This appropriation shall be used to pay annual debt service  
9 costs and reserves for bonds issued pursuant to section  
10 403.27 or 403.275 prior to use of fee money to pay other  
11 costs ~~eligible-under-this-subdivision.--In-no-event-shall-the~~  
12 ~~appropriation-for-each-fiscal-year-exceed-an-amount-equal-to~~  
13 ~~four-cents-a-month-for-each-customer-access-line-or-other-basic~~  
14 ~~access-service,-including-trunk-equivalents-as-designated-by-the~~  
15 ~~Public-Utilities-Commission-for-access-charge-purposes-and~~  
16 ~~including-cellular-and-other-nonwire-access-services,-in-the~~  
17 ~~fiscal-year.--Beginning-July-1,-2004,-this-amount-will-increase~~  
18 ~~to-13-cents-a-month~~ or to support other appropriations.

19 Sec. 20. [REPEALER.]

20 Minnesota Statutes 2004, section 403.30, subdivision 3, is  
21 repealed.

22 Sec. 21. [EFFECTIVE DATE.]

23 Sections 1 to 20 are effective the day following final  
24 enactment and apply to contracts entered into on or after that  
25 date.

26 ARTICLE 9

27 MISCELLANEOUS PROVISIONS

28 Section 1. Minnesota Statutes 2004, section 171.06, is  
29 amended by adding a subdivision to read:

30 Subd. 2c. [\$1 SURCHARGE.] In addition to the fees required  
31 in subdivision 2, the commissioner shall collect a \$1 surcharge  
32 on every license or identification card issued under this  
33 section. The proceeds of the surcharge must be deposited in the  
34 state treasury and credited to the Minnesota Financial Crimes  
35 Oversight Council account created in section 299A.681,  
36 subdivision 10.

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

2        Sec. 2. Minnesota Statutes 2004, section 171.20,  
3 subdivision 4, is amended to read:

4        Subd. 4. [REINSTATEMENT FEE.] (a) Before the license is  
5 reinstated, (1) a person whose driver's license has been  
6 suspended under section 171.16, subdivision subdivisions 2 and  
7 3; 171.187-except-subdivision-17-clause-(10); or 171.182, or who  
8 has been disqualified from holding a commercial driver's license  
9 under section 171.165, and (2) a person whose driver's license  
10 has been suspended under section 171.186 and who is not exempt  
11 from such a fee, must pay a fee of \$20.

12        (b) Before the license is reinstated, a person whose  
13 license has been suspended under sections 169.791 to 169.798  
14 must pay a \$20 reinstatement fee.

15        (c) When fees are collected by a licensing agent appointed  
16 under section 171.061, a handling charge is imposed in the  
17 amount specified under section 171.061, subdivision 4. The  
18 reinstatement fee and surcharge must be deposited in an approved  
19 state depository as directed under section 171.061, subdivision  
20 4.

21        (d) Reinstatement fees collected under paragraph (a) for  
22 suspensions under sections 171.16, subdivision 3, and 171.18,  
23 subdivision 1, clause (10), shall be deposited in the special  
24 revenue fund and are appropriated to the Peace Officer Standards  
25 and Training Board for peace officer training reimbursement to  
26 local units of government.

27        (e) A suspension may be rescinded without fee for good  
28 cause.

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

30        Sec. 3. Minnesota Statutes 2004, section 171.26, is  
31 amended to read:

32        171.26 [MONEY CREDITED TO FUNDS.]

33        All money received under this chapter must be paid into the  
34 state treasury and credited to the trunk highway fund, except as  
35 provided in sections 171.06, subdivision 2a; 171.07, subdivision  
36 11, paragraph (g); 171.12, subdivision 8; 171.20, subdivision 4,

1 paragraph (d); and 171.29, subdivision 2, paragraph (b).

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

3 Sec. 4. Minnesota Statutes 2004, section 244.09,  
4 subdivision 11, is amended to read:

5 Subd. 11. [MODIFICATION.] The commission shall meet as  
6 necessary for the purpose of modifying and improving the  
7 guidelines. Any modification which amends the Sentencing  
8 Guidelines grid, including severity levels and criminal history  
9 scores, or which would result in the reduction of any sentence  
10 or in the early release of any inmate, with the exception of a  
11 modification mandated or authorized by the legislature or  
12 relating to a crime created or amended by the legislature in the  
13 preceding session, shall be submitted to the legislature by  
14 January  $\pm$  15 of any year in which the commission wishes to make  
15 the change and shall be effective on August 1 of that year,  
16 unless the legislature by law provides otherwise. All other  
17 modifications shall take effect according to the procedural  
18 rules of the commission. On or before January  $\pm$  15 of each  
19 year, the commission shall submit a written report to the  
20 committees of the senate and the house of representatives with  
21 jurisdiction over criminal justice policy that identifies and  
22 explains all modifications made during the preceding 12 months  
23 and all proposed modifications that are being submitted to the  
24 legislature that year.

25 [EFFECTIVE DATE.] This section is effective August 1, 2005,  
26 and applies to reports submitted on or after that date.

27 Sec. 5. Minnesota Statutes 2004, section 244.18,  
28 subdivision 2, is amended to read:

29 Subd. 2. [LOCAL CORRECTIONAL FEES.] A local correctional  
30 agency may establish a schedule of local correctional fees to  
31 charge persons ~~convicted-of-a-crime-and~~ under the supervision  
32 and control of the local correctional agency to defray costs  
33 associated with correctional services. The local correctional  
34 fees on the schedule must be reasonably related to defendants'  
35 abilities to pay and the actual cost of correctional services.

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

1 Sec. 6. Minnesota Statutes 2004, section 253B.08,  
2 subdivision 1, is amended to read:

3 Subdivision 1. [TIME FOR COMMITMENT HEARING.] The hearing  
4 on the commitment petition shall be held within 14 days from the  
5 date of the filing of the petition, except that the hearing on a  
6 commitment petition pursuant to section 253B.185 shall be held  
7 within 90 days from the date of the filing of the petition. For  
8 good cause shown, the court may extend the time of hearing up to  
9 an additional 30 days. The proceeding shall be dismissed if the  
10 proposed patient has not had a hearing on a commitment petition  
11 within the allowed time. The proposed patient, or the head of  
12 the treatment facility in which the person is held, may demand  
13 in writing at any time that the hearing be held immediately.  
14 Unless the hearing is held within five days of the date of the  
15 demand, exclusive of Saturdays, Sundays and legal holidays, the  
16 petition shall be automatically discharged if the patient is  
17 being held in a treatment facility pursuant to court order. For  
18 good cause shown, the court may extend the time of hearing on  
19 the demand for an additional ten days.

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

21 Sec. 7. Minnesota Statutes 2004, section 297G.03,  
22 subdivision 1, is amended to read:

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

	Standard	Metric
26		
27 (a) Distilled spirits,	<del>\$5.03</del> <u>\$6.30</u>	<del>\$1.33</del> <u>\$1.67</u>
28 liqueurs, cordials,	per gallon	per liter
29 and specialties regardless		
30 of alcohol content		
31 (excluding ethyl alcohol)		
32 (b) Wine containing	<del>\$-.30</del> <u>\$ .51</u>	<del>\$-.08</del> <u>\$ .14</u>
33 14 percent or less	per gallon	per liter
34 alcohol by volume		
35 (except cider as defined		
36 in section 297G.01,		

1 subdivision 3a)

2 (c) Wine containing \$~~1.95~~ \$1.16 \$~~1.25~~ \$ .31

3 more than 14 percent per gallon per liter

4 but not more than 21

5 percent alcohol by volume

6 (d) Wine containing more \$~~1.82~~ \$2.03 \$~~1.48~~ \$ .54

7 than 21 percent but not per gallon per liter

8 more than 24 percent

9 alcohol by volume

10 (e) Wine containing more \$~~3.52~~ \$3.72 \$~~1.93~~ \$ .99

11 than 24 percent alcohol per gallon per liter

12 by volume

13 (f) Natural and \$~~1.82~~ \$2.03 \$~~1.48~~ \$ .54

14 artificial sparkling wines per gallon per liter

15 containing alcohol

16 (g) Cider as defined in \$~~1.15~~ \$ .36 \$~~1.04~~ \$ .10

17 section 297G.01, per gallon per liter

18 subdivision 3a

19 (h) Low alcohol dairy \$ .08 per gallon \$ .02 per liter

20 cocktails

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

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

27 Sec. 8. Minnesota Statutes 2004, section 297G.03,  
28 subdivision 2, is amended to read:

29 Subd. 2. [TAX ON MINIATURES; DISTILLED SPIRITS.] The tax  
30 on miniatures is ~~14~~ 15 cents per bottle.

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

32 Sec. 9. Minnesota Statutes 2004, section 297G.04,  
33 subdivision 1, is amended to read:

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



1 (1) on fermented malt beverages containing not more than  
2 3.2 percent alcohol by weight, ~~\$2.40~~ \$5.69 per 31-gallon barrel;  
3 and

4 (2) on fermented malt beverages containing more than 3.2  
5 percent alcohol by weight, ~~\$4.60~~ \$7.89 per 31-gallon barrel.

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

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

9 Sec. 10. Minnesota Statutes 2004, section 297G.04,  
10 subdivision 2, is amended to read:

11 Subd. 2. [TAX CREDIT.] A qualified brewer producing  
12 fermented malt beverages is entitled to a tax credit  
13 of ~~\$4.60~~ \$7.89 per barrel on 25,000 barrels sold in any fiscal  
14 year beginning July 1, regardless of the alcohol content of the  
15 product. Qualified brewers may take the credit on the 18th day  
16 of each month, but the total credit allowed may not exceed in  
17 any fiscal year the lesser of:

18 (1) the liability for tax; or

19 (2) ~~\$115,000~~ \$197,250.

20 For purposes of this subdivision, a "qualified brewer"  
21 means a brewer, whether or not located in this state,  
22 manufacturing less than 100,000 barrels of fermented malt  
23 beverages in the calendar year immediately preceding the  
24 calendar year for which the credit under this subdivision is  
25 claimed. In determining the number of barrels, all brands or  
26 labels of a brewer must be combined. All facilities for the  
27 manufacture of fermented malt beverages owned or controlled by  
28 the same person, corporation, or other entity must be treated as  
29 a single brewer.

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

31 Sec. 11. Minnesota Statutes 2004, section 299A.38,  
32 subdivision 2, is amended to read:

33 Subd. 2. [STATE AND LOCAL REIMBURSEMENT.] Peace officers  
34 and heads of local law enforcement agencies who buy vests for  
35 the use of peace officer employees may apply to the commissioner  
36 for reimbursement of funds spent to buy vests. On approving an

1 application for reimbursement, the commissioner shall pay the  
2 applicant an amount equal to the lesser of one-half of the  
3 vest's purchase price or ~~\$300~~ \$600, as adjusted according to  
4 subdivision 2a. The political subdivision that employs the  
5 peace officer shall pay at least the lesser of one-half of the  
6 vest's purchase price or ~~\$300~~ \$600, as adjusted according to  
7 subdivision 2a. The political subdivision may not deduct or pay  
8 its share of the vest's cost from any clothing, maintenance, or  
9 similar allowance otherwise provided to the peace officer by the  
10 law enforcement agency.

11 [EFFECTIVE DATE.] This section is effective the day  
12 following final enactment.

13 Sec. 12. Minnesota Statutes 2004, section 299A.38,  
14 subdivision 2a, is amended to read:

15 Subd. 2a. [ADJUSTMENT OF REIMBURSEMENT AMOUNT.] On October  
16 1, ~~1997~~ 2006, the commissioner of public safety shall adjust  
17 the ~~\$300~~ \$600 reimbursement amounts specified in subdivision 2,  
18 and in each subsequent year, on October 1, the commissioner  
19 shall adjust the reimbursement amount applicable immediately  
20 preceding that October 1 date. The adjusted rate must reflect  
21 the annual percentage change in the Consumer Price Index for all  
22 urban consumers, published by the federal Bureau of Labor  
23 Statistics, occurring in the one-year period ending on the  
24 preceding June 1.

25 [EFFECTIVE DATE.] This section is effective the day  
26 following final enactment.

27 Sec. 13. Minnesota Statutes 2004, section 299A.38,  
28 subdivision 3, is amended to read:

29 Subd. 3. [ELIGIBILITY REQUIREMENTS.] (a) Only vests that  
30 either meet or exceed the requirements of standard 0101.03 of  
31 the National Institute of Justice or that meet or exceed the  
32 requirements of that standard, except wet armor conditioning,  
33 are eligible for reimbursement.

34 (b) Eligibility for reimbursement is limited to vests  
35 bought after December 31, 1986, by or for peace officers (1) who  
36 did not own a vest meeting the requirements of paragraph (a)

1 before the purchase, or (2) who owned a vest that was at least  
2 ~~six~~ five years old.

3 [EFFECTIVE DATE.] This section is effective the day  
4 following final enactment.

5 Sec. 14. [299A.681] [MINNESOTA FINANCIAL CRIMES OVERSIGHT  
6 COUNCIL AND TASK FORCE.]

7 Subdivision 1. [OVERSIGHT COUNCIL.] The Minnesota  
8 Financial Crimes Oversight Council shall provide guidance  
9 related to the investigation and prosecution of identity theft  
10 and financial crime.

11 Subd. 2. [MEMBERSHIP.] The oversight council consists of  
12 the following individuals, or their designees:

13 (1) the commissioner of public safety;

14 (2) the attorney general;

15 (3) two chiefs of police, selected by the Minnesota Chiefs  
16 of Police Association from police departments that participate  
17 in the Minnesota Financial Crimes Task Force;

18 (4) two sheriffs, selected by the Minnesota Sheriffs  
19 Association from sheriff departments that participate in the  
20 task force;

21 (5) the United States attorney for the district of  
22 Minnesota;

23 (6) a county attorney, selected by the Minnesota County  
24 Attorneys Association;

25 (7) a representative from the United States Postal  
26 Inspector's Office, selected by the oversight council;

27 (8) a representative from a not-for-profit retail merchants  
28 industry, selected by the oversight council;

29 (9) a representative from a not-for-profit banking and  
30 credit union industry, selected by the oversight council;

31 (10) a representative from a not-for-profit association  
32 representing senior citizens, selected by the oversight council;

33 (11) the statewide commander of the task force; and

34 (12) two additional members selected by the oversight  
35 council.

36 The oversight council may adopt procedures to govern its conduct

1 and shall select a chair from among its members.

2 Subd. 3. [DUTIES.] The oversight council shall develop an  
3 overall strategy to ameliorate the harm caused to the public by  
4 identity theft and financial crime within Minnesota. The  
5 strategy may include the development of protocols and procedures  
6 to investigate financial crimes and a structure for best  
7 addressing these issues in a multijurisdictional manner.

8 Additionally, the oversight council shall:

9 (1) establish a multijurisdictional statewide Minnesota  
10 Financial Crimes Task Force to investigate major financial  
11 crimes;

12 (2) select a statewide commander of the task force who  
13 serves at the pleasure of the oversight council;

14 (3) assist the Department of Public Safety in developing an  
15 objective grant review application process that is free from  
16 conflicts of interest;

17 (4) make funding recommendations to the commissioner of  
18 public safety on grants to support efforts to combat identity  
19 theft and financial crime;

20 (5) assist law enforcement agencies and victims in  
21 developing a process to collect and share information to improve  
22 the investigation and prosecution of identity theft and  
23 financial crime;

24 (6) develop and approve an operational budget for the  
25 office of the statewide commander and the oversight council; and

26 (7) enter into any contracts necessary to establish and  
27 maintain a relationship with retailers, financial institutions,  
28 and other businesses to deal effectively with identity theft and  
29 financial crime.

30 The task force described in clause (1) may consist of members  
31 from local law enforcement agencies, federal law enforcement  
32 agencies, state and federal prosecutors' offices, and  
33 representatives from elderly victims, retail, financial  
34 institutions, and not-for-profit organizations.

35 Subd. 4. [STATEWIDE COMMANDER.] (a) The Minnesota  
36 Financial Crimes Task Force commander under Minnesota Statutes

1 2004, section 299A.68, shall oversee the transition of that task  
2 force into the task force described in subdivision 3 and remain  
3 in place as its commander until July 1, 2008. On that date, the  
4 commissioner of public safety shall appoint as statewide  
5 commander the individual selected by the oversight council under  
6 subdivision 3. The commander serves in the unclassified service.

7 (b) The commander shall:

8 (1) coordinate and monitor all multijurisdictional identity  
9 theft and financial crime enforcement activities;

10 (2) facilitate local efforts and ensure statewide  
11 coordination with efforts to combat identity theft and financial  
12 crime;

13 (3) facilitate training for law enforcement and other  
14 personnel;

15 (4) monitor compliance with investigative protocols;

16 (5) implement an outcome evaluation and data quality  
17 control process;

18 (6) be responsible for the selection and for cause removal  
19 of assigned task force investigators who are designated  
20 participants under a memorandum of understanding or who receive  
21 grant funding;

22 (7) provide supervision of assigned task force  
23 investigators;

24 (8) submit a task force operational budget to the oversight  
25 council for approval; and

26 (9) submit quarterly task force activity reports to the  
27 oversight council.

28 Subd. 5. [PARTICIPATING OFFICERS; EMPLOYMENT STATUS.] All  
29 law enforcement officers selected to participate in the task  
30 force must be licensed peace officers as defined in section  
31 626.84, subdivision 1, or qualified federal law enforcement  
32 officers as defined in section 626.8453. Participating officers  
33 remain employees of the same entity that employed them before  
34 joining any multijurisdictional entity established under this  
35 section. Participating officers are not employees of the state.

36 Subd. 6. [JURISDICTION AND POWERS.] Law enforcement

1 officers participating in any multijurisdictional entity  
2 established under this section have statewide jurisdiction to  
3 conduct criminal investigations and have the same powers of  
4 arrest as those possessed by a sheriff. The task force shall  
5 retain from its predecessor the assigned originating reporting  
6 number for case reporting purposes.

7 Subd. 7. [GRANTS AUTHORIZED.] The commissioner of public  
8 safety, upon recommendation of the oversight council, shall make  
9 grants to state and local units of government to combat identity  
10 theft and financial crime. The commander, as funding permits,  
11 may prepare a budget to establish four regional districts and  
12 funding grant allocations programs outside the counties of  
13 Hennepin, Ramsey, Anoka, Washington, and Dakota. The budget  
14 must be reviewed and approved by the oversight council and  
15 recommended to the commissioner to support these efforts.

16 Subd. 8. [VICTIMS ASSISTANCE PROGRAM.] (a) The oversight  
17 council may establish a victims' assistance program to assist  
18 victims of economic crimes and provide prevention and awareness  
19 programs. The oversight council may retain the services of  
20 not-for-profit organizations to assist in the development and  
21 delivery systems in aiding victims of financial crime. The  
22 program may not provide any financial assistance to victims, but  
23 may assist victims in obtaining police assistance and advise  
24 victims in how to protect personal accounts and identities.  
25 Services may include a victim toll-free telephone number, fax  
26 number, Web site, Monday through Friday telephone service,  
27 e-mail response, and interfaces to other helpful Web sites.  
28 Victims' information compiled are governed under chapter 13.

29 (b) The oversight council may post or communicate through  
30 public service announcements in newspapers, radio, television,  
31 cable access, billboards, Internet, Web sites, and other normal  
32 advertising channels, a financial reward of up to \$2,000 for  
33 tips leading to the apprehension and successful prosecution of  
34 individuals committing economic crime. All rewards must meet  
35 the oversight council's standards. The release of funds must be  
36 made to an individual whose information leads to the

1 apprehension and prosecution of offenders committing economic or  
2 financial crimes against citizens or businesses in Minnesota.  
3 All rewards paid to an individual must be reported to the  
4 Department of Revenue along with the individual's Social  
5 Security number.

6 Subd. 9. [OVERSIGHT COUNCIL AND TASK FORCE IS PERMANENT.]  
7 Notwithstanding section 15.059, this section does not expire.

8 Subd. 10. [FUNDING.] (a) The Minnesota Financial Crimes  
9 Oversight Council account is created in the special revenue fund.  
10 Money received for the purposes of the council under section  
11 171.06, subdivision 2c, this subdivision, or from any other  
12 source must be credited to the account.

13 (b) The oversight council may accept lawful grants and  
14 in-kind contributions from any federal, state, or local source  
15 or legal business or individual not funded by this section for  
16 general operation support, including personnel costs. These  
17 grants or in-kind contributions are not to be directed toward  
18 the case of a particular victim or business. The oversight  
19 council's fiscal agent shall handle all funds approved by the  
20 oversight council, including in-kind contributions.

21 Subd. 11. [FORFEITURE.] Property seized by the task force  
22 is subject to forfeiture pursuant to sections 609.531, 609.5312,  
23 609.5313, and 609.5315 if ownership cannot be established. The  
24 council shall receive the proceeds from the sale of all property  
25 properly seized and forfeited.

26 Subd. 12. [TRANSFER EQUIPMENT FROM CURRENT TASK  
27 FORCE.] All equipment possessed by the task force described in  
28 Minnesota Statutes 2004, section 299A.68, is transferred to the  
29 oversight council for use by the task force described in this  
30 section.

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

32 Sec. 15. Minnesota Statutes 2004, section 299C.65,  
33 subdivision 1, is amended to read:

34 Subdivision 1. [MEMBERSHIP, DUTIES.] (a) The Criminal and  
35 Juvenile Justice Information Policy Group consists of the  
36 commissioner of corrections, the commissioner of public safety,

1 the commissioner of administration, the commissioner of finance,  
2 and four members of the judicial branch appointed by the chief  
3 justice of the Supreme Court, and the chair and first vice chair  
4 of the Criminal and Juvenile Justice Information Task Force.

5 The policy group may appoint additional, nonvoting members as  
6 necessary from time to time.

7 (b) The commissioner of public safety is designated as the  
8 chair of the policy group. The commissioner and the policy  
9 group have overall responsibility for the successful completion  
10 of statewide criminal justice information system integration  
11 (CrimNet). The policy group may hire ~~a program manager~~ an  
12 executive director to manage the CrimNet projects and to be  
13 responsible for the day-to-day operations of CrimNet. The  
14 executive director shall serve at the pleasure of the policy  
15 group in unclassified service. The policy group must ensure  
16 that generally accepted project management techniques are  
17 utilized for each CrimNet project, including:

- 18 (1) clear sponsorship;
- 19 (2) scope management;
- 20 (3) project planning, control, and execution;
- 21 (4) continuous risk assessment and mitigation;
- 22 (5) cost management;
- 23 (6) quality management reviews;
- 24 (7) communications management; and
- 25 (8) proven methodology; and
- 26 (9) education and training.

27 (c) Products and services for CrimNet project management,  
28 system design, implementation, and application hosting must be  
29 acquired using an appropriate procurement process, which  
30 includes:

- 31 (1) a determination of required products and services;
- 32 (2) a request for proposal development and identification  
33 of potential sources;
- 34 (3) competitive bid solicitation, evaluation, and  
35 selection; and
- 36 (4) contract administration and close-out.



1 (d) The policy group shall study and make recommendations  
2 to the governor, the Supreme Court, and the legislature on:

3 (1) a framework for integrated criminal justice information  
4 systems, including the development and maintenance of a  
5 community data model for state, county, and local criminal  
6 justice information;

7 (2) the responsibilities of each entity within the criminal  
8 and juvenile justice systems concerning the collection,  
9 maintenance, dissemination, and sharing of criminal justice  
10 information with one another;

11 (3) actions necessary to ensure that information maintained  
12 in the criminal justice information systems is accurate and  
13 up-to-date;

14 (4) the development of an information system containing  
15 criminal justice information on gross misdemeanor-level and  
16 felony-level juvenile offenders that is part of the integrated  
17 criminal justice information system framework;

18 (5) the development of an information system containing  
19 criminal justice information on misdemeanor arrests,  
20 prosecutions, and convictions that is part of the integrated  
21 criminal justice information system framework;

22 (6) comprehensive training programs and requirements for  
23 all individuals in criminal justice agencies to ensure the  
24 quality and accuracy of information in those systems;

25 (7) continuing education requirements for individuals in  
26 criminal justice agencies who are responsible for the  
27 collection, maintenance, dissemination, and sharing of criminal  
28 justice data;

29 (8) a periodic audit process to ensure the quality and  
30 accuracy of information contained in the criminal justice  
31 information systems;

32 (9) the equipment, training, and funding needs of the state  
33 and local agencies that participate in the criminal justice  
34 information systems;

35 (10) the impact of integrated criminal justice information  
36 systems on individual privacy rights;

1 (11) the impact of proposed legislation on the criminal  
2 justice system, including any fiscal impact, need for training,  
3 changes in information systems, and changes in processes;

4 (12) the collection of data on race and ethnicity in  
5 criminal justice information systems;

6 (13) the development of a tracking system for domestic  
7 abuse orders for protection;

8 (14) processes for expungement, correction of inaccurate  
9 records, destruction of records, and other matters relating to  
10 the privacy interests of individuals; and

11 (15) the development of a database for extended  
12 jurisdiction juvenile records and whether the records should be  
13 public or private and how long they should be retained.

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

15 Sec. 16. Minnesota Statutes 2004, section 299C.65,  
16 subdivision 2, is amended to read:

17 Subd. 2. ~~[REPORT, TASK FORCE.] (a)-The-policy-group-shall~~  
18 ~~file-an-annual-report-with-the-governor,-Supreme-Court,-and~~  
19 ~~chairs-and-ranking-minority-members-of-the-senate-and-house~~  
20 ~~committees-and-divisions-with-jurisdiction-over-criminal-justice~~  
21 ~~funding-and-policy-by-December-1-of-each-year.~~

22 ~~(b)-The-report-must-make-recommendations-concerning-any~~  
23 ~~legislative-changes-or-appropriations-that-are-needed-to-ensure~~  
24 ~~that-the-criminal-justice-information-systems-operate-accurately~~  
25 ~~and-efficiently.--To-assist-them-in-developing-their~~

26 ~~recommendations,~~ The policy group shall appoint a task force  
27 consisting to assist them in their duties. The task force shall  
28 monitor, review, and report to the policy group on

29 CrimNet-related projects and provide oversight to ongoing  
30 operations as directed by the policy group. The task force  
31 shall consist of its members or their designees and the  
32 following additional members:

33 (1) ~~the-director-of-the-Office-of-Strategic-and-Long-Range~~  
34 ~~Planning,~~

35 ~~(2) two sheriffs recommended by the Minnesota Sheriffs~~  
36 ~~Association;~~

- 1       {3} (2) two police chiefs recommended by the Minnesota  
2 Chiefs of Police Association;
- 3       {4} (3) two county attorneys recommended by the Minnesota  
4 County Attorneys Association;
- 5       {5} (4) two city attorneys recommended by the Minnesota  
6 League of Cities;
- 7       {6} (5) two public defenders appointed by the Board of  
8 Public Defense;
- 9       {7} (6) two district judges appointed by the Conference of  
10 Chief Judges, one of whom is currently assigned to the juvenile  
11 court;
- 12       {8} (7) two community corrections administrators  
13 recommended by the Minnesota Association of Counties, one of  
14 whom represents a community corrections act county;
- 15       {9} (8) two probation officers;
- 16       {10} (9) four public members, one of whom has been a victim  
17 of crime, and two who are representatives of the private  
18 business community who have expertise in integrated information  
19 systems;
- 20       {11} (10) two court administrators;
- 21       {12} (11) one member of the house of representatives  
22 appointed by the speaker of the house;
- 23       {13} (12) one member of the senate appointed by the  
24 majority leader;
- 25       {14} (13) the attorney general or a designee;
- 26       {15} ~~the commissioner of administration or a designee;~~
- 27       {16} (14) an individual recommended by the Minnesota League  
28 of Cities; and
- 29       {17} (15) an individual recommended by the Minnesota  
30 Association of Counties;
- 31       (16) the director of the Sentencing Guidelines Commission;
- 32       (17) one member appointed by the commissioner of public  
33 safety;
- 34       (18) one member appointed by the commissioner of  
35 corrections;
- 36       (19) one member appointed by the commissioner of

1 administration; and

2 (20) one member appointed by the chief justice of the  
3 Supreme Court.

4 In making these appointments, the appointing authority shall  
5 select members with expertise in integrated data systems or best  
6 practices.

7 ~~(c)~~ The commissioner of public safety may appoint  
8 additional, nonvoting members to the task force as necessary  
9 from time to time.

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

11 Sec. 17. Minnesota Statutes 2004, section 299C.65, is  
12 amended by adding a subdivision to read:

13 Subd. 3a. [REPORT.] The policy group, with the assistance  
14 of the task force, shall file an annual report with the  
15 governor, Supreme Court, and chairs and ranking minority members  
16 of the senate and house committees and divisions with  
17 jurisdiction over criminal justice funding and policy by January  
18 15 of each year. The report must provide the following:

19 (1) status and review of current integration efforts and  
20 projects;

21 (2) recommendations concerning any legislative changes or  
22 appropriations that are needed to ensure that the criminal  
23 justice information systems operate accurately and efficiently;  
24 and

25 (3) summary of the activities of the policy group and task  
26 force.

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

28 Sec. 18. Minnesota Statutes 2004, section 299C.65,  
29 subdivision 5, is amended to read:

30 Subd. 5. [REVIEW OF FUNDING AND GRANT REQUESTS.] (a) The  
31 Criminal and Juvenile Justice Information Policy Group shall  
32 review the funding requests for criminal justice information  
33 systems from state, county, and municipal government agencies.  
34 The policy group shall review the requests for compatibility to  
35 statewide criminal justice information system standards. The  
36 review shall be forwarded to the chairs and ranking minority

1 members of the house and senate committees and divisions with  
2 jurisdiction over criminal justice funding and policy.

3 ~~(b) The policy-group-shall-also-review-funding-requests-for~~  
4 ~~criminal-justice-information-systems-grants-to-be-made-by-the~~  
5 ~~commissioner-of-public-safety-as-provided-in-this-section.~~  
6 ~~Within-the-limits-of-available-appropriations, the commissioner~~  
7 ~~of-public-safety-shall-make-grants-for-projects-that-have-been~~  
8 ~~approved-by-the-policy-group. CrimNet program office, in~~  
9 ~~consultation with the Criminal and Juvenile Justice Information~~  
10 ~~Task Force and with the approval of the policy group, shall~~  
11 ~~create the requirements for any grant request and determine the~~  
12 ~~integration priorities for the grant period. The CrimNet~~  
13 ~~program office shall also review the requests submitted for~~  
14 ~~compatibility to statewide criminal justice information systems~~  
15 ~~standards.~~

16 ~~(c) If-a-funding-request-is-for-development-of-a~~  
17 ~~comprehensive-criminal-justice-information-integration-plan, the~~  
18 ~~policy-group-shall-ensure-that-the-request-contains-the~~  
19 ~~components-specified-in-subdivision-6. If-a-funding-request-is~~  
20 ~~for-implementation-of-a-plan-or-other-criminal-justice~~  
21 ~~information-systems-project, the-policy-group-shall-ensure-that:~~

22 ~~(1) the-government-agency-has-adopted-a-comprehensive-plan~~  
23 ~~that-complies-with-subdivision-6;~~

24 ~~(2) the-request-contains-the-components-specified-in~~  
25 ~~subdivision-7; and~~

26 ~~(3) the-request-demonstrates-that-it-is-consistent-with-the~~  
27 ~~government-agency's-comprehensive-plan. The task force shall~~  
28 ~~review funding requests for criminal justice information systems~~  
29 ~~grants and make recommendations to the policy group. The policy~~  
30 ~~group shall review the recommendations of the task force and~~  
31 ~~shall make a final recommendation for criminal justice~~  
32 ~~information systems grants to be made by the commissioner of~~  
33 ~~public safety. Within the limits of available state~~  
34 ~~appropriations and federal grants, the commissioner of public~~  
35 ~~safety shall make grants for projects that have been recommended~~  
36 ~~by the policy group.~~

1       (d) The policy group may approve grants only if the  
 2 applicant provides an appropriate share of matching funds as  
 3 determined by the policy group to help pay up to one-half of the  
 4 costs of the grant request. The matching requirement must be  
 5 constant for all counties. The policy group shall adopt  
 6 policies concerning the use of in-kind resources to satisfy the  
 7 match requirement and the sources from which matching funds may  
 8 be obtained. Local operational or technology staffing costs may  
 9 be considered as meeting this match requirement. Each grant  
 10 recipient shall certify to the policy group that it has not  
 11 reduced funds from local, county, federal, or other sources  
 12 which, in the absence of the grant, would have been made  
 13 available to the grant recipient to improve or integrate  
 14 criminal justice technology.

15       (e) All grant recipients shall submit to the CrimNet  
 16 program office all requested documentation including grant  
 17 status, financial reports, and a final report evaluating how the  
 18 grant funds improved the agency's criminal justice integration  
 19 priorities. The CrimNet program office shall establish the  
 20 recipient's reporting dates at the time funds are awarded.

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

22       Sec. 19. Minnesota Statutes 2004, section 340A.301,  
 23 subdivision 6, is amended to read:

24       Subd. 6. [FEES.] The annual fees for licenses under this  
 25 section are as follows:

- |   |                                      |
|---|--------------------------------------|
| 26       (a) Manufacturers (except as provided    |                                      |
| 27           in clauses (b) and (c))              | \$ <del>15,000</del> <u>\$30,000</u> |
| 28           Duplicates                           | \$ 3,000                             |
| 29       (b) Manufacturers of wines of not more   |                                      |
| 30           than 25 percent alcohol by volume    | \$ 500                               |
| 31       (c) Brewers other than those described   |                                      |
| 32           in clauses (d) and (i)               | \$ <del>2,500</del> <u>4,000</u>     |
| 33       (d) Brewers who also hold one or more    |                                      |
| 34           retail on-sale licenses and who      |                                      |
| 35           manufacture fewer than 3,500 barrels |                                      |
| 36           of malt liquor in a year, at any one |                                      |

1 licensed premises, using only wort produced  
 2 in Minnesota, the entire  
 3 production of which is solely  
 4 for consumption on tap on the  
 5 licensed premises or for off-sale  
 6 from that licensed premises.  
 7 A brewer licensed  
 8 under this clause must obtain a separate  
 9 license for each licensed premises where  
 10 the brewer brews malt liquor. A brewer  
 11 licensed under this clause may not be  
 12 licensed as an importer under this chapter \$ 500

13 (e) Wholesalers (except as provided in	
14 clauses (f), (g), and (h))	\$15,000
15 Duplicates	\$ 3,000
16 (f) Wholesalers of wines of not more	
17 than 25 percent alcohol by volume	\$ <del>27,000</del> <u>3,750</u>
18 (g) Wholesalers of intoxicating	
19 malt liquor	\$ <del>600</del> <u>1,000</u>
20 Duplicates	\$ 25
21 (h) Wholesalers of 3.2 percent	
22 malt liquor	\$ 10
23 (i) Brewers who manufacture fewer than	
24 2,000 barrels of malt liquor in a year	\$ 150

25 If a business licensed under this section is destroyed, or  
 26 damaged to the extent that it cannot be carried on, or if it  
 27 ceases because of the death or illness of the licensee, the  
 28 commissioner may refund the license fee for the balance of the  
 29 license period to the licensee or to the licensee's estate.

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

31 Sec. 20. Minnesota Statutes 2004, section 340A.302,  
 32 subdivision 3, is amended to read:

33 Subd. 3. [FEES.] Annual fees for licenses under this  
 34 section, which must accompany the application, are as follows:

35 Importers of distilled spirits, wine,	
36 or ethyl alcohol	\$420

1 Importers of malt liquor \$800  
 2 \$1,600

3 If an application is denied, \$100 of the fee shall be  
 4 retained by the commissioner to cover costs of investigation.

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

6 Sec. 21. Minnesota Statutes 2004, section 340A.311, is  
 7 amended to read:

8 340A.311 [BRAND REGISTRATION.]

9 (a) A brand of intoxicating liquor or 3.2 percent malt  
 10 liquor may not be manufactured, imported into, or sold in the  
 11 state unless the brand label has been registered with and  
 12 approved by the commissioner. A brand registration must be  
 13 renewed every three years in order to remain in effect. The fee  
 14 for an initial brand registration is ~~\$30~~ \$40. The fee for brand  
 15 registration renewal is ~~\$20~~ \$30. The brand label of a brand of  
 16 intoxicating liquor or 3.2 percent malt liquor for which the  
 17 brand registration has expired, is conclusively deemed abandoned  
 18 by the manufacturer or importer.

19 (b) In this section "brand" and "brand label" include  
 20 trademarks and designs used in connection with labels.

21 (c) The label of any brand of wine or intoxicating or  
 22 nonintoxicating malt beverage may be registered only by the  
 23 brand owner or authorized agent. No such brand may be imported  
 24 into the state for sale without the consent of the brand owner  
 25 or authorized agent. This section does not limit the provisions  
 26 of section 340A.307.

27 (d) The commissioner shall refuse to register a malt liquor  
 28 brand label, and shall revoke the registration of a malt liquor  
 29 brand label already registered, if the brand label states or  
 30 implies in a false or misleading manner a connection with an  
 31 actual living or dead American Indian leader. This paragraph  
 32 does not apply to a brand label registered for the first time in  
 33 Minnesota before January 1, 1992.

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

35 Sec. 22. Minnesota Statutes 2004, section 340A.404,  
 36 subdivision 12, is amended to read:



1 Subd. 12. [CATERER'S PERMIT.] The commissioner may issue a  
2 caterer's permit to a restaurant that holds an on-sale  
3 intoxicating liquor license issued by any municipality. The  
4 holder of a caterer's permit may sell intoxicating liquor as an  
5 incidental part of a food service that serves prepared meals at  
6 a place other than the premises for which the holder's on-sale  
7 intoxicating liquor license is issued.

8 (a) A caterer's permit is auxiliary to the primary on-sale  
9 license held by the licensee.

10 (b) The restrictions and regulations which apply to the  
11 sale of intoxicating liquor on the licensed premises also apply  
12 to the sale under the authority of a caterer's permit, and any  
13 act that is prohibited on the licensed premises is also  
14 prohibited when the licensee is operating other than on the  
15 licensed premises under a caterer's permit.

16 (c) Any act, which if done on the licensed premises would  
17 be grounds for cancellation or suspension of the on-sale  
18 licensee, is grounds for cancellation of both the on-sale  
19 license and the caterer's permit if done when the permittee is  
20 operating away from the licensed premises under the authority of  
21 the caterer's permit.

22 (d) The permittee shall notify prior to any catered event:

23 (1) the police chief of the city where the event will take  
24 place, if the event will take place within the corporate limits  
25 of a city; or

26 (2) the county sheriff of the county where the event will  
27 take place, if the event will be outside the corporate limits of  
28 any city.

29 (e) If the primary license ceases to be valid for any  
30 reason, the caterer's permit ceases to be valid.

31 (f) Permits issued under this subdivision are subject to  
32 all laws and ordinances governing the sale of intoxicating  
33 liquor except those laws and ordinances which by their nature  
34 are not applicable.

35 (g) The annual state fee for a caterer's permit  
36 is \$200 \$300.

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

2           Sec. 23. Minnesota Statutes 2004, section 340A.408,  
3 subdivision 4, is amended to read:

4           Subd. 4. [LAKE SUPERIOR, ST. CROIX RIVER, AND MISSISSIPPI  
5 RIVER TOUR BOATS; COMMON CARRIERS.] (a) The annual license fee  
6 for licensing of Lake Superior, St. Croix River, and Mississippi  
7 River tour boats under section 340A.404, subdivision 8, shall be  
8 ~~\$1,700~~ \$1,500. The commissioner shall transmit one-half of this  
9 fee to the governing body of the city that is the home port of  
10 the tour boat or to the county in which the home port is located  
11 if the home port is outside a city.

12           (b) The annual license fee for common carriers licensed  
13 under section 340A.407 is:

14           (1) \$50 for 3.2 percent malt liquor, and \$20 for a  
15 duplicate license; and

16           (2) ~~\$200~~ \$250 for intoxicating liquor, and ~~\$20~~ \$30 for a  
17 duplicate license.

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

19           Sec. 24. Minnesota Statutes 2004, section 340A.414,  
20 subdivision 6, is amended to read:

21           Subd. 6. [PERMIT FEES.] The annual fee for issuance of a  
22 permit under this section is ~~\$150~~ \$250. The governing body of a  
23 city or county where the establishment is located may impose an  
24 additional fee of not more than \$300.

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

26           Sec. 25. Minnesota Statutes 2004, section 340A.504,  
27 subdivision 3, is amended to read:

28           Subd. 3. [INTOXICATING LIQUOR; SUNDAY SALES; ON-SALE.] (a)  
29 A restaurant, club, bowling center, or hotel with a seating  
30 capacity for at least 30 persons and which holds an on-sale  
31 intoxicating liquor license may sell intoxicating liquor for  
32 consumption on the premises in conjunction with the sale of food  
33 between the hours of 12:00 noon on Sundays and 2:00 a.m. on  
34 Mondays.

35           (b) The governing body of a municipality may after one  
36 public hearing by ordinance permit a restaurant, hotel, bowling

1 center, or club to sell alcoholic beverages for consumption on  
2 the premises in conjunction with the sale of food between the  
3 hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays,  
4 provided that the licensee is in conformance with the Minnesota  
5 Clean Air Act.

6 (c) An establishment serving intoxicating liquor on Sundays  
7 must obtain a Sunday license. The license must be issued by the  
8 governing body of the municipality for a period of one year, and  
9 the fee for the license may not exceed \$200.

10 (d) A city may issue a Sunday intoxicating liquor license  
11 only if authorized to do so by the voters of the city voting on  
12 the question at a general or special election. A county may  
13 issue a Sunday intoxicating liquor license in a town only if  
14 authorized to do so by the voters of the town as provided in  
15 paragraph (e). A county may issue a Sunday intoxicating liquor  
16 license in unorganized territory only if authorized to do so by  
17 the voters of the election precinct that contains the licensed  
18 premises, voting on the question at a general or special  
19 election.

20 (e) An election conducted in a town on the question of the  
21 issuance by the county of Sunday sales licenses to  
22 establishments located in the town must be held on the day of  
23 the annual election of town officers.

24 (f) Voter approval is not required for licenses issued by  
25 the Metropolitan Airports Commission or common carrier licenses  
26 issued by the commissioner. Common carriers serving  
27 intoxicating liquor on Sunday must obtain a Sunday license from  
28 the commissioner at an annual fee of \$50 \$75, plus \$20 \$30 for  
29 each duplicate.

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

31 Sec. 26. Minnesota Statutes 2004, section 340A.504,  
32 subdivision 7, is amended to read:

33 Subd. 7. [SALES AFTER 1:00 A.M.; PERMIT FEE.] (a) No  
34 licensee may sell intoxicating liquor or 3.2 percent malt liquor  
35 on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the  
36 licensee has obtained a permit from the commissioner.

1 Application for the permit must be on a form the commissioner  
2 prescribes. Permits are effective for one year from date of  
3 issuance. For retailers of intoxicating liquor, the fee for the  
4 permit is based on the licensee's gross receipts from on-sales  
5 of alcoholic beverages in the 12 months prior to the month in  
6 which the permit is issued, and is at the following rates:

7 (1) up to \$100,000 in gross receipts, ~~\$200~~ \$300;

8 (2) over \$100,000 but not over \$500,000 in gross receipts,  
9 ~~\$500~~ \$750; and

10 (3) over \$500,000 in gross receipts, ~~\$600~~ \$1,000.

11 For a licensed retailer of intoxicating liquor who did not sell  
12 intoxicating liquor at on-sale for a full 12 months prior to the  
13 month in which the permit is issued, the fee is \$200. For a  
14 retailer of 3.2 percent malt liquor, the fee is \$200.

15 (b) The commissioner shall deposit all permit fees received  
16 under this subdivision in the alcohol enforcement account in the  
17 special revenue fund.

18 (c) Notwithstanding any law to the contrary, the  
19 commissioner of revenue may furnish to the commissioner the  
20 information necessary to administer and enforce this subdivision.

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

22 Sec. 27. Minnesota Statutes 2004, section 357.021,  
23 subdivision 2, is amended to read:

24 Subd. 2. [FEE AMOUNTS.] The fees to be charged and  
25 collected by the court administrator shall be as follows:

26 (1) In every civil action or proceeding in said court,  
27 including any case arising under the tax laws of the state that  
28 could be transferred or appealed to the Tax Court, the  
29 plaintiff, petitioner, or other moving party shall pay, when the  
30 first paper is filed for that party in said action, a fee of  
31 ~~\$235~~ \$240.

32 The defendant or other adverse or intervening party, or any  
33 one or more of several defendants or other adverse or  
34 intervening parties appearing separately from the others, shall  
35 pay, when the first paper is filed for that party in said  
36 action, a fee of \$235.

1 The party requesting a trial by jury shall pay \$75.

2 The fees above stated shall be the full trial fee  
3 chargeable to said parties irrespective of whether trial be to  
4 the court alone, to the court and jury, or disposed of without  
5 trial, and shall include the entry of judgment in the action,  
6 but does not include copies or certified copies of any papers so  
7 filed or proceedings under chapter 103E, except the provisions  
8 therein as to appeals.

9 (2) Certified copy of any instrument from a civil or  
10 criminal proceeding, \$10, and \$5 for an uncertified copy.

11 (3) Issuing a subpoena, \$12 for each name.

12 (4) Filing a motion or response to a motion in civil,  
13 family, excluding child support, and guardianship cases, \$55.

14 (5) Issuing an execution and filing the return thereof;  
15 issuing a writ of attachment, injunction, habeas corpus,  
16 mandamus, quo warranto, certiorari, or other writs not  
17 specifically mentioned, \$40.

18 (6) Issuing a transcript of judgment, or for filing and  
19 docketing a transcript of judgment from another court, \$30.

20 (7) Filing and entering a satisfaction of judgment, partial  
21 satisfaction, or assignment of judgment, \$5.

22 (8) Certificate as to existence or nonexistence of  
23 judgments docketed, \$5 for each name certified to.

24 (9) Filing and indexing trade name; or recording basic  
25 science certificate; or recording certificate of physicians,  
26 osteopaths, chiropractors, veterinarians, or optometrists, \$5.

27 (10) For the filing of each partial, final, or annual  
28 account in all trusteeships, \$40.

29 (11) For the deposit of a will, \$20.

30 (12) For recording notary commission, \$100, of which,  
31 notwithstanding subdivision 1a, paragraph (b), \$80 must be  
32 forwarded to the commissioner of finance to be deposited in the  
33 state treasury and credited to the general fund.

34 (13) Filing a motion or response to a motion for  
35 modification of child support, a fee fixed by rule or order of  
36 the Supreme Court.

1 (14) All other services required by law for which no fee is  
2 provided, such fee as compares favorably with those herein  
3 provided, or such as may be fixed by rule or order of the court.

4 (15) In addition to any other filing fees under this  
5 chapter, a surcharge in the amount of \$75 must be assessed in  
6 accordance with section 259.52, subdivision 14, for each  
7 adoption petition filed in district court to fund the fathers'  
8 adoption registry under section 259.52.

9 The fees in clauses (3) and (5) need not be paid by a  
10 public authority or the party the public authority represents.

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

12 Sec. 28. Minnesota Statutes 2004, section 357.021,  
13 subdivision 6, is amended to read:

14 Subd. 6. [SURCHARGES ON CRIMINAL AND TRAFFIC OFFENDERS.]

15 (a) The court shall impose and the court administrator shall  
16 collect a \$60 \$71 surcharge on every person convicted of any  
17 felony, gross misdemeanor, misdemeanor, or petty misdemeanor  
18 offense, other than a violation of a law or ordinance relating  
19 to vehicle parking, for which there shall be a \$3 surcharge. In  
20 the Second Judicial District, the court shall impose, and the  
21 court administrator shall collect, an additional \$1 surcharge on  
22 every person convicted of any felony, gross misdemeanor, or  
23 petty misdemeanor offense, other than a violation of a law or  
24 ordinance relating to vehicle parking, if the Ramsey County  
25 Board of Commissioners authorizes the \$1 surcharge. The  
26 surcharge shall be imposed whether or not the person is  
27 sentenced to imprisonment or the sentence is stayed.

28 (b) If the court fails to impose a surcharge as required by  
29 this subdivision, the court administrator shall show the  
30 imposition of the surcharge, collect the surcharge and correct  
31 the record.

32 (c) The court may not waive payment of the surcharge  
33 required under this subdivision. Upon a showing of indigency or  
34 undue hardship upon the convicted person or the convicted  
35 person's immediate family, the sentencing court may authorize  
36 payment of the surcharge in installments.

1 (d) The court administrator or other entity collecting a  
2 surcharge shall forward it to the commissioner of finance.

3 (e) If the convicted person is sentenced to imprisonment  
4 and has not paid the surcharge before the term of imprisonment  
5 begins, the chief executive officer of the correctional facility  
6 in which the convicted person is incarcerated shall collect the  
7 surcharge from any earnings the inmate accrues from work  
8 performed in the facility or while on conditional release. The  
9 chief executive officer shall forward the amount collected to  
10 the commissioner of finance.

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

12 Sec. 29. Minnesota Statutes 2004, section 357.021,  
13 subdivision 7, is amended to read:

14 Subd. 7. [DISBURSEMENT OF SURCHARGES BY COMMISSIONER OF  
15 FINANCE.] (a) Except as provided in paragraphs (b), (c), and

16 (d), the commissioner of finance shall disburse surcharges  
17 received under subdivision 6 and section 97A.065, subdivision 2,  
18 as follows:

19 (1) one percent shall be credited to the game and fish fund  
20 to provide peace officer training for employees of the  
21 Department of Natural Resources who are licensed under sections  
22 626.84 to 626.863, and who possess peace officer authority for  
23 the purpose of enforcing game and fish laws;

24 (2) 39 percent shall be credited to the peace officers  
25 training account in the special revenue fund; and

26 (3) 60 percent shall be credited to the general fund.

27 (b) The commissioner of finance shall credit \$3 of each  
28 surcharge received under subdivision 6 and section 97A.065,  
29 subdivision 2, to the general fund.

30 (c) In addition to any amounts credited under paragraph  
31 (a), the commissioner of finance shall credit ~~\$32~~ \$43 of each  
32 surcharge received under subdivision 6 and section 97A.065,  
33 subdivision 2, and the \$3 parking surcharge, to the general fund.

34 (d) If the Ramsey County Board of Commissioners authorizes  
35 imposition of the additional \$1 surcharge provided for in  
36 subdivision 6, paragraph (a), the court administrator in the

1 Second Judicial District shall withhold \$1 from each surcharge  
 2 collected under subdivision 6. The court administrator must use  
 3 the withheld funds solely to fund the petty misdemeanor  
 4 diversion program administered by the Ramsey County Violations  
 5 Bureau. The court administrator must transfer any unencumbered  
 6 portion of the funds received under this subdivision to the  
 7 commissioner of finance for distribution according to paragraphs  
 8 (a) to (c).

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

10 Sec. 30. Minnesota Statutes 2004, section 357.18, is  
 11 amended to read:

12 357.18 [COUNTY RECORDER.]

13 Subdivision 1. [COUNTY RECORDER FEES.] The fees to be  
 14 charged by the county recorder shall be as-fellows and not  
 15 exceed the following:

16 (1) for indexing and recording any deed or other instrument  
 17 ~~\$1-for-each-page-of-an-instrument, with a minimum fee of \$15 a~~  
 18 fee of \$46; \$10.50 shall be paid to the state treasury and  
 19 credited to the general fund; \$10 shall be deposited in the  
 20 technology fund pursuant to subdivision 3; and \$25.50 to the  
 21 county general fund;

22 (2) for documents containing multiple assignments, partial  
 23 releases or satisfactions ~~\$10-for-each-document-number-or-book~~  
 24 and-page-cited a fee of \$40; if the document cites more than  
 25 four recorded instruments, an additional fee of \$10 for each  
 26 additional instrument cited over the first four citations;

27 (3) for certified copies of any records or papers, ~~\$1-for~~  
 28 each-page-of-an-instrument-with-a-minimum-fee-of-\$5 \$10;

29 (4) for a noncertified copy of any instrument or writing on  
 30 file or recorded in the office of the county recorder, or any  
 31 specified page or part of it, an amount as determined by the  
 32 county board for each page or fraction of a page specified. If  
 33 computer or microfilm printers are used to reproduce the  
 34 instrument or writing, a like amount per image;

35 (5) for an abstract of title, the fees shall be determined  
 36 by resolution of the county board duly adopted upon the



1 recommendation of the county recorder, and the fees shall not  
2 exceed ~~\$5~~ \$10 for every entry, ~~\$50~~ \$100 for abstract  
3 certificate, \$1 per page for each exhibit included within an  
4 abstract as a part of an abstract entry, and ~~\$2~~ \$5 per name for  
5 each required name search certification;

6 ~~(5)~~ (6) for a copy of an official plat filed pursuant to  
7 section 505.08, the fee shall be ~~\$9.50~~ \$10 and an additional 50  
8 cents \$5 shall be charged for the certification of each plat;

9 ~~(6)~~ (7) for filing an amended floor plan in accordance with  
10 chapter 515, an amended condominium plat in accordance with  
11 chapter 515A, or a common interest community plat or amendment  
12 complying with section 515B.2-110, subsection (c), the fee shall  
13 be 50 cents per apartment or unit with a minimum fee of ~~\$30~~ \$50;

14 ~~(7)~~ (8) for a copy of a floor plan filed pursuant to  
15 chapter 515, a copy of a condominium plat filed in accordance  
16 with chapter 515A, or a copy of a common interest community plat  
17 complying with section 515B.2-110, subsection (c), the fee shall  
18 be \$1 for each page of the floor plan, condominium plat or  
19 common interest community plat with a minimum fee of \$10;

20 (9) for recording any plat, a fee of \$56, of which \$10.50  
21 must be paid to the state treasury and credited to the general  
22 fund, \$10 must be deposited in the technology fund pursuant to  
23 subdivision 3, and \$35.50 must be deposited in the county  
24 general fund; and

25 (10) for a noncertified copy of any document submitted for  
26 recording, if the original document is accompanied by a copy or  
27 duplicate original, \$2. Upon receipt of the copy or duplicate  
28 original and payment of the fee, a county recorder shall return  
29 it marked "copy" or "duplicate," showing the recording date and,  
30 if available, the document number assigned to the original.

31 Subd. 1a. [ABSTRACTING SERVICE FEES.] Fees fixed by or  
32 established pursuant to subdivision 1 shall be the maximum fee  
33 charged in all counties where the county recorder performs  
34 abstracting services and shall be charged by persons authorized  
35 to perform abstracting services in county buildings pursuant to  
36 section 386.18.

1 Subd. 2. [FEES FOR RECORDING INSTRUMENTS IN COUNTY  
 2 RECORDER OFFICE.] Notwithstanding the provisions of any general  
 3 or special law to the contrary, the ~~fees prescribed by this~~  
 4 ~~section shall govern the filing or recording of all instruments~~  
 5 ~~in the office of the county recorder~~ established fees pursuant  
 6 to subdivision 1 shall be the fee charged in all counties for  
 7 the specified service, other than Uniform Commercial Code  
 8 documents, and documents filed or recorded pursuant to sections  
 9 270.69, subdivision 2, paragraph (c), 272.481 to 272.488,  
 10 277.20, and 386.77.

11 ~~Subd. 3. --[SURCHARGE.]-- In addition to the fees imposed in~~  
 12 ~~subdivision 1, a \$4.50 surcharge shall be collected:-- on each~~  
 13 ~~fee charged under subdivision 1, clauses (1) and (6), and for~~  
 14 ~~each abstract certificate under subdivision 1, clause (4):~~  
 15 ~~Fifty cents of each surcharge shall be retained by the county to~~  
 16 ~~cover its administrative costs and \$4 shall be paid to the state~~  
 17 ~~treasury and credited to the general fund.~~

18 Subd. 4. [EQUIPMENT TECHNOLOGY FUND.] ~~\$1 of each~~ The \$10  
 19 fee collected under subdivision 1, clause (1), shall be  
 20 deposited in an ~~equipment~~ a technology fund ~~to for obtaining,~~  
 21 maintaining, and updating current technology and equipment to  
 22 provide services from the record system. The fund shall be  
 23 disbursed at the county recorder's discretion to provide modern  
 24 information services from the records system. The fund is a  
 25 supplemental fund and shall not be construed to diminish the  
 26 duty of the county governing body to furnish funding for  
 27 expenses and personnel necessary in the performance of the  
 28 duties of the office pursuant to section 386.015, subdivision 6,  
 29 paragraph (a), clause (2), and to comply with the requirements  
 30 of section 357.182.

31 Subd. 5. [VARIANCE FROM STANDARDS.] A document ~~that does~~  
 32 ~~not~~ should conform to the standards in section 507.093,  
 33 paragraph (a), ~~shall not be recorded except upon payment of an~~  
 34 ~~additional fee of \$10 per document~~ but should not be rejected  
 35 unless the document is not legible or cannot be archived. This  
 36 subdivision applies only to documents dated after July 31, 1997,

1 and does not apply to Minnesota uniform conveyancing  
2 ~~blanks contained in the book of forms~~ on file in the office of  
3 the commissioner of commerce provided for under section 507.09,  
4 certified copies, or any other form provided for under Minnesota  
5 Statutes.

6 Subd. 6. [REGISTRAR OF TITLES' FEES.] The fees to be  
7 charged by the registrar of titles are in sections 508.82 and  
8 508A.82.

9 Sec. 31. [357.182] [COUNTY FEES AND RECORDING STANDARDS  
10 FOR THE RECORDING OF REAL ESTATE DOCUMENTS.]

11 Subdivision 1. [APPLICATION.] Unless otherwise specified  
12 in this section and notwithstanding any other law to the  
13 contrary, effective August 1, 2005, this section applies to each  
14 county in Minnesota. Documents presented for recording within  
15 60 days after the effective date of this section and that are  
16 acknowledged, sworn to before a notary, or certified before the  
17 effective date of this section must not be rejected for failure  
18 to include the new filing fee.

19 Subd. 2. [FEE RESTRICTIONS.] Notwithstanding any local law  
20 or ordinance to the contrary, no county may charge or collect  
21 any fee, special or otherwise, or however described, other than  
22 a fee denominated or prescribed by state law, for any service,  
23 task, or step performed by any county officer or employee in  
24 connection with the receipt, recording, and return of any  
25 recordable instrument by the county recorder or registrar of  
26 titles, whether received by mail, in person, or by electronic  
27 delivery, including, but not limited to, opening mail; handling,  
28 transferring, or transporting the instrument; certifying no  
29 delinquent property taxes; payment of state deed tax, mortgage  
30 registry tax, or conservation fee; recording of approved plats,  
31 subdivision splits, or combinations; or any other prerequisites  
32 to recording, and returning the instrument by regular mail or in  
33 person to the person identified in the instrument for that  
34 purpose.

35 Subd. 3. [RECORDING REQUIREMENTS.] Each county recorder  
36 and registrar of titles shall, within 15 business days after any

1 instrument in recordable form accompanied by payment of  
2 applicable fees by customary means is delivered to the county  
3 for recording or is otherwise received by the county recorder or  
4 registrar of titles for that purpose, record and index the  
5 instrument in the manner provided by law and return it by  
6 regular mail or in person to the person identified in the  
7 instrument for that purpose, if the instrument does not require  
8 certification of no-delinquent taxes, payment of state deed tax,  
9 mortgage registry tax, or conservation fee. Each county must  
10 establish a policy for the timely handling of instruments that  
11 require certification of no-delinquent taxes, payment of state  
12 deed tax, mortgage registry tax, or conservation fee and that  
13 policy may allow up to an additional five business days at the  
14 request of the office or offices responsible to complete the  
15 payment and certification process.

16 For calendar years 2009 and 2010, the maximum time allowed  
17 for completion of the recording process for documents presented  
18 in recordable form will be 15 business days.

19 For calendar year 2011 and thereafter, the maximum time  
20 allowed for completion of the recording process for documents  
21 presented in recordable form will be ten business days.

22 Instruments recorded electronically must be returned no  
23 later than five business days after receipt by the county in a  
24 recordable format.

25 Subd. 4. [COMPLIANCE WITH RECORDING REQUIREMENTS.] For  
26 calendar year 2007, a county is in compliance with the recording  
27 requirements prescribed by subdivision 3 if at least 60 percent  
28 of all recordable instruments described in subdivision 3 and  
29 received by the county in that year are recorded and returned  
30 within the time limits prescribed in subdivision 3. In calendar  
31 year 2008, at least 70 percent of all recordable instruments  
32 must be recorded and returned in compliance with the recording  
33 requirements; for calendar year 2009, at least 80 percent of all  
34 recordable instruments must be recorded and returned in  
35 compliance with the recording requirements; and for calendar  
36 year 2010 and later years, at least 90 percent of all recordable

1 instruments must be recorded and returned in compliance with the  
2 recording requirements.

3 Subd. 5. [TEMPORARY SUSPENSION OF COMPLIANCE WITH  
4 RECORDING REQUIREMENTS.] Compliance with the requirements of  
5 subdivision 4 may be suspended for up to six months when a  
6 county undertakes material enhancements to its systems for  
7 receipt, handling, paying of deed and mortgage tax and  
8 conservation fees, recording, indexing, certification, and  
9 return of instruments. The six-month suspension may be extended  
10 for up to an additional six months if a county board finds by  
11 resolution that the additional time is necessary because of the  
12 difficulties of implementing the enhancement.

13 Subd. 6. [CERTIFICATION OF COMPLIANCE WITH RECORDING  
14 REQUIREMENTS.] Effective beginning in 2007 for the 2008 county  
15 budget and in each year thereafter, the county recorder and  
16 registrar of titles for each county shall file with the county  
17 commissioners, as part of their budget request, a report that  
18 establishes the status for the previous year of their compliance  
19 with the requirements established in subdivision 3. If the  
20 office has not achieved compliance with the recording  
21 requirements, the report must include an explanation of the  
22 failure to comply, recommendations by the recorder or registrar  
23 to cure the noncompliance and to prevent a reoccurrence, and a  
24 proposal identifying actions, deadlines, and funding necessary  
25 to bring the county into compliance.

26 Subd. 7. [RESTRICTION ON USE OF RECORDING  
27 FEEES.] Notwithstanding any law to the contrary, for county  
28 budgets adopted after January 1, 2006, each county shall  
29 segregate the additional unallocated fee authorized by sections  
30 357.18, 508.82, and 508A.82 from the application of the  
31 provisions of chapters 386, 507, 508, and 508A, in an  
32 appropriate account. This money is available as authorized by  
33 the Board of County Commissioners for supporting enhancements to  
34 the recording process, including electronic recording, to fund  
35 compliance efforts specified in subdivision 5 and for use in  
36 undertaking data integration and aggregation projects. Money

1 remains in the account until expended for any of the authorized  
2 purposes set forth in this subdivision. This money must not be  
3 used to supplant the normal operating expenses for the office of  
4 county recorder or registrar of titles.

5 Sec. 32. Minnesota Statutes 2004, section 505.08,  
6 subdivision 2, is amended to read:

7 Subd. 2. [PUBLIC CERTIFIED COPIES.] The copies of the  
8 official plat or of the exact reproducible copy shall be  
9 compared and certified to by the county recorder in the manner  
10 in which certified copies of records are issued in the  
11 recorder's office, and the copy thereof shall be bound in a  
12 proper volume for the use of the general public and anyone shall  
13 have access to and may inspect such certified copy at their  
14 pleasure. When the plat includes both registered and  
15 nonregistered land two copies thereof shall be so certified and  
16 bound, one for such general public use in each of the offices of  
17 the county recorder and registrar of titles; provided, however,  
18 that only one such copy so certified and bound shall be provided  
19 for general public use in those counties wherein the office  
20 quarters of the county recorder and registrar of titles are one  
21 and the same. When the copy, or any part thereof, shall become  
22 unintelligible from use or wear or otherwise, at the request of  
23 the county recorder it shall be the duty of the county surveyor  
24 to make a reproduction copy of the official plat, or the exact  
25 transparent reproducible copy under the direct supervision of  
26 the county recorder, who shall compare the copy, certify that it  
27 is a correct copy thereof, by proper certificate as above set  
28 forth, and it shall be bound in the volume, and under the page,  
29 and in the place of the discarded copy. In counties not having  
30 a county surveyor the county recorder shall employ a licensed  
31 land surveyor to make such reproduction copy, at the expense of  
32 the county. The county recorder shall receive as a fee for  
33 filing these plats, as aforesaid described, ~~50-cents-per-plot,~~  
34 ~~but-shall-receive-not-less-than-\$30-for-any-plat-filed-in-the~~  
35 ~~recorder's-office~~ pursuant to section 357.18, subdivision 1.  
36 Reproductions from the exact transparent reproducible copy shall

1 be available to any person upon request and the cost of such  
2 reproductions shall be paid by the person making such request.  
3 If a copy of the official plat is requested the county recorder  
4 shall prepare it and duly certify that it is a copy of the  
5 official plat and the cost of such copy shall be paid by the  
6 person making such request.

7 Sec. 33. Minnesota Statutes 2004, section 508.82, is  
8 amended to read:

9 508.82 [REGISTRAR'S REGISTRAR OF TITLES' FEES.]

10 Subdivision 1. [STANDARD DOCUMENTS.] The fees to be paid  
11 to charged by the registrar of titles shall be as follows and  
12 not exceed the following:

13 (1) of the fees provided herein, ~~five-percent~~ \$1.50 of the  
14 fees collected under clauses (3), ~~(5), (11), (13)~~ (4), (10),  
15 (12), (14), (16), and (17), for filing or memorializing shall be  
16 paid to the ~~commissioner-of-finance~~ state treasury pursuant to  
17 section 508.75 and credited to the general fund; ~~plus-a-~~\$4.50  
18 ~~surcharge-shall-be-charged-and-collected-in-addition-to-the~~  
19 ~~total-fees-charged-for-each-transaction-under-clauses-(2)-(3)~~  
20 ~~(5)-(11)-(13)-(14)-(16)-and-(17)-with-50-cents-of-this~~  
21 ~~surcharge-to-be-retained-by-the-county-to-cover-its~~  
22 ~~administrative-costs,-and-\$4-to-be-paid-to-the-state-treasury~~  
23 ~~and-credited-to-the-general-fund,~~

24 (2) for registering a first certificate of title, including  
25 issuing a copy of it, ~~\$30~~ \$46. Pursuant to clause (1),  
26 distribution of this fee is as follows:

27 (i) \$10.50 shall be paid to the state treasury and credited  
28 to the general fund;

29 (ii) \$10 shall be deposited in the technology fund pursuant  
30 to section 357.18, subdivision 3; and

31 (iii) \$25.50 shall be deposited in the county general fund;

32 (3) for registering each instrument transferring the fee  
33 simple title for which a new certificate of title is issued and  
34 for the registration of the new certificate of title, including  
35 a copy of it, ~~\$30~~ \$46. Pursuant to clause (1), distribution of  
36 this fee is as follows:

1        (i) \$12 shall be paid to the state treasury and credited to  
2 the general fund;

3        (ii) \$10 shall be deposited in the technology fund pursuant  
4 to section 357.18, subdivision 3; and

5        (iii) \$24 shall be deposited in the county general fund;

6        ~~(4) for issuance of a CECT pursuant to section 508.351,~~  
7 ~~\$15,~~

8        ~~(5) for the entry of each memorial on a~~  
9 ~~certificate, \$15~~ \$46. For multiple certificate entries, \$20  
10 thereafter. Pursuant to clause (1), distribution of this fee is  
11 as follows:

12        (i) \$12 shall be paid to the state treasury and credited to  
13 the general fund;

14        (ii) \$10 shall be deposited in the technology fund pursuant  
15 to section 357.18, subdivision 3;

16        (iii) \$24 shall be deposited in the county general fund;  
17 and

18        (iv) \$20 shall be deposited in the county general fund for  
19 each multiple entry used;

20        ~~(6) (5) for issuing each residue certificate, \$20~~ \$40;

21        ~~(7) (6) for exchange certificates, \$10~~ \$20 for each  
22 certificate canceled and \$10 \$20 for each new certificate  
23 issued;

24        ~~(8) (7) for each certificate showing condition of the~~  
25 ~~register, \$10~~ \$50;

26        ~~(9) (8) for any certified copy of any instrument or writing~~  
27 ~~on file or recorded in the registrar's registrar of titles'~~  
28 ~~office, the same fees allowed by law to county recorders for~~  
29 ~~like services~~ \$10;

30        ~~(10) (9) for a noncertified copy of any certificate of~~  
31 ~~title, other than the copies issued under clauses (2) and (3),~~  
32 ~~any instrument or writing on file or recorded in the office of~~  
33 ~~the registrar of titles, or any specified page or part of it, an~~  
34 ~~amount as determined by the county board for each page or~~  
35 ~~fraction of a page specified. If computer or microfilm printers~~  
36 ~~are used to reproduce the instrument or writing, a like amount~~



1 per image;

2 (10) for a noncertified copy of any document submitted for  
3 recording, if the original document is accompanied by a copy or  
4 duplicate original, \$2. Upon receipt of the copy or duplicate  
5 original and payment of the fee, a registrar of titles shall  
6 return it marked "copy" or "duplicate," showing the recording  
7 date and, if available, the document number assigned to the  
8 original;

9 (11) for filing two copies of any plat in the office of the  
10 registrar, ~~\$30~~ \$56. Pursuant to clause (1), distribution of  
11 this fee is as follows:

12 (i) \$12 shall be paid to the state treasury and credited to  
13 the general fund;

14 (ii) \$10 shall be deposited in the technology fund pursuant  
15 to section 357.18, subdivision 3; and

16 (iii) \$34 shall be deposited in the county general fund;

17 (12) for any other service under this chapter, such fee as  
18 the court shall determine;

19 (13) for filing an amendment to a declaration in  
20 accordance with chapter 515, ~~\$10~~ \$46 for each certificate upon  
21 which the document is registered and ~~\$30~~ for multiple  
22 certificate entries, \$20 thereafter; \$56 for an amended floor  
23 plan filed in accordance with chapter 515~~7~~. Pursuant to clause  
24 (1), distribution of this fee is as follows:

25 (i) \$12 shall be paid to the state treasury and credited to  
26 the general fund;

27 (ii) \$10 shall be deposited in the technology fund pursuant  
28 to section 357.18, subdivision 3;

29 (iii) \$24 shall be deposited in the county general fund for  
30 amendment to a declaration;

31 (iv) \$20 shall be deposited in the county general fund for  
32 each multiple entry used; and

33 (v) \$34 shall be deposited in the county general fund for  
34 an amended floor plan;

35 (14) for issuance of a CECT pursuant to section 508.351,  
36 \$40;

1       ~~(14)~~ (15) for filing an amendment to a common interest  
 2 community declaration and plat or amendment complying with  
 3 section 515B.2-110, subsection (c), ~~\$10~~ \$46 for each certificate  
 4 upon which the document is registered and ~~\$30~~ for multiple  
 5 certificate entries, \$20 thereafter and \$56 for the filing of  
 6 the condominium or common interest community plat or amendment.  
 7 Pursuant to clause (1), distribution of this fee is as follows:

8       (i) \$12 shall be paid to the state treasury and credited to  
 9 the general fund;

10       (ii) \$10 shall be deposited in the technology fund pursuant  
 11 to section 357.18, subdivision 3;

12       (iii) \$24 shall be deposited in the county general fund for  
 13 the filing of an amendment complying with section 515B.2-110,  
 14 subsection (c);

15       (iv) \$20 shall be deposited in the county general fund for  
 16 each multiple entry used; and

17       (v) \$34 shall be deposited in the county general fund for  
 18 the filing of a condominium or CIC plat or amendment;

19       ~~(15)~~ (16) for a copy of a condominium floor plan filed in  
 20 accordance with chapter 515, or a copy of a common interest  
 21 community plat complying with section 515B.2-110, subsection  
 22 (c), the fee shall be \$1 for each page of the floor plan or  
 23 common interest community plat with a minimum fee of \$10;

24       ~~(16)~~ (17) for the filing of a certified copy of a plat of  
 25 the survey pursuant to section 508.23 or 508.671, ~~\$10~~ \$46.

26 Pursuant to clause (1), distribution of this fee is as follows:

27       (i) \$12 shall be paid to the state treasury and credited to  
 28 the general fund;

29       (ii) \$10 shall be deposited in the technology fund pursuant  
 30 to section 357.18, subdivision 3; and

31       (iii) \$24 shall be deposited in the county general fund;

32       ~~(17)~~ (18) for filing a registered land survey in triplicate  
 33 in accordance with section 508.47, subdivision 4, ~~\$30~~ \$56.

34 Pursuant to clause (1), distribution of this fee is as follows:

35       (i) \$12 shall be paid to the state treasury and credited to  
 36 the general fund;

1 (ii) \$10 shall be deposited in the technology fund pursuant  
2 to section 357.18, subdivision 3; and

3 (iii) \$34 shall be deposited in the county general fund;  
4 and

5 ~~†18†~~ (19) for furnishing a certified copy of a registered  
6 land survey in accordance with section 508.47, subdivision  
7 4, ~~†10~~ \$15.

8 Subd. 1a. [FEES FOR RECORDING INSTRUMENTS WITH REGISTRAR  
9 OF TITLES' OFFICE.] Notwithstanding the provisions of any  
10 general or special law to the contrary, and pursuant to section  
11 357.182, the established fees pursuant to subdivision 1 shall be  
12 the fee charged in all counties for the specified service, other  
13 than Uniform Commercial Code documents and documents filed or  
14 recorded pursuant to sections 270.69, subdivision 2, paragraph  
15 (c); 272.481 to 272.488; 277.20; and 386.77.

16 Subd. 2. [VARIANCE FROM STANDARDS.] A document ~~that does~~  
17 ~~not~~ should conform to the standards in section 507.093,  
18 paragraph (a), ~~shall not be filed except upon payment of an~~  
19 ~~additional fee of \$10 per document~~ but should not be rejected  
20 unless the document is not legible or cannot be archived. This  
21 subdivision applies only to documents dated after July 31, 1997,  
22 and does not apply to Minnesota uniform conveyancing  
23 ~~blanks contained in the book of forms~~ on file in the office of  
24 the commissioner of commerce provided for under section 507.09,  
25 certified copies, or any other form provided for under Minnesota  
26 Statutes.

27 Sec. 34. Minnesota Statutes 2004, section 508A.82, is  
28 amended to read:

29 508A.82 [REGISTRAR'S REGISTRAR OF TITLES' FEES.]

30 Subdivision 1. [STANDARD DOCUMENTS.] The fees to be ~~paid~~  
31 to charged by the registrar of titles shall be as follows and  
32 not exceed the following:

33 (1) of the fees provided herein, ~~five-percent~~ \$1.50 of the  
34 fees collected under clauses (3), (5), (11), (13), ~~†14†~~ (15),  
35 and ~~†17†~~ (18) for filing or memorializing shall be paid to the  
36 ~~commissioner of finance~~ state treasury pursuant to section

1 508.75 and credited to the general fund; ~~plus a \$4.50 surcharge~~  
 2 ~~shall be charged and collected in addition to the total fees~~  
 3 ~~charged for each transaction under clauses (2), (3), (5), (11),~~  
 4 ~~(13), (14), and (17), with 50 cents of this surcharge to be~~  
 5 ~~retained by the county to cover its administrative costs, and \$4~~  
 6 ~~to be paid to the state treasury and credited to the general~~  
 7 ~~fund;~~

8 (2) for registering a first CPT, including issuing a copy  
 9 of it, ~~\$30,~~ \$46. Pursuant to clause (1), distribution of the  
 10 fee is as follows:

11 (i) \$10.50 shall be paid to the state treasury and credited  
 12 to the general fund;

13 (ii) \$10 shall be deposited in the technology fund pursuant  
 14 to section 357.18, subdivision 3; and

15 (iii) \$25.50 shall be deposited in the county general fund;

16 (3) for registering each instrument transferring the fee  
 17 simple title for which a new CPT is issued and for the  
 18 registration of the new CPT, including a copy of it, ~~\$30,~~ \$46.  
 19 Pursuant to clause (1), distribution of the fee is as follows:

20 (i) \$12 shall be paid to the state treasury and credited to  
 21 the general fund;

22 (ii) \$10 shall be deposited in the technology fund pursuant  
 23 to section 357.18, subdivision 3; and

24 (iii) \$24 shall be deposited in the county general fund;

25 (4) for issuance of a CECT pursuant to section 508A.351,  
 26 \$15;

27 (5) for the entry of each memorial on a CPT, ~~\$15,~~ \$46; for  
 28 multiple certificate entries, \$20 thereafter. Pursuant to  
 29 clause (1), distribution of the fee is as follows:

30 (i) \$12 shall be paid to the state treasury and credited to  
 31 the general fund;

32 (ii) \$10 shall be deposited in the technology fund pursuant  
 33 to section 357.18, subdivision 3;

34 (iii) \$24 shall be deposited in the county general fund;

35 and

36 (iv) \$20 shall be deposited in the county general fund for

1 each multiple entry used;

2 (6) for issuing each residue CPT, ~~\$20~~ \$40;

3 (7) for exchange CPTs or combined certificates of title,  
4 ~~\$10~~ \$20 for each CPT and certificate of title canceled and  
5 ~~\$10~~ \$20 for each new CPT or combined certificate of title  
6 issued;

7 (8) for each CPT showing condition of the  
8 register, ~~\$10~~ \$50;

9 (9) for any certified copy of any instrument or writing on  
10 file or recorded in the registrar's registrar of titles' office,  
11 ~~the-same-fees-allowed-by-law-to-county-recorders-for-like~~  
12 ~~services~~ \$10;

13 (10) for a noncertified copy of any CPT, other than the  
14 copies issued under clauses (2) and (3), any instrument or  
15 writing on file or recorded in the office of the registrar of  
16 titles, or any specified page or part of it, an amount as  
17 determined by the county board for each page or fraction of a  
18 page specified. If computer or microfilm printers are used to  
19 reproduce the instrument or writing, a like amount per image;

20 (11) for a noncertified copy of any document submitted for  
21 recording, if the original document is accompanied by a copy or  
22 duplicate original, \$2. Upon receipt of the copy or duplicate  
23 original and payment of the fee, a registrar of titles shall  
24 return it marked "copy" or "duplicate," showing the recording  
25 date and, if available, the document number assigned to the  
26 original;

27 (12) for filing two copies of any plat in the office of the  
28 registrar, ~~\$30,~~ \$56. Pursuant to clause (1), distribution of  
29 the fee is as follows:

30 (i) \$12 shall be paid to the state treasury and credited to  
31 the general fund;

32 (ii) \$10 shall be deposited in the technology fund pursuant  
33 to section 357.18, subdivision 3; and

34 (iii) \$34 shall be deposited in the county general fund;

35 ~~(12)~~ (13) for any other service under sections 508A.01 to  
36 508A.85, the fee the court shall determine;

1       ~~(13)~~ (14) for filing an amendment to a declaration in  
2 accordance with chapter 515, ~~\$10~~ \$46 for each certificate upon  
3 which the document is registered and ~~\$30~~ for multiple  
4 certificate entries, \$20 thereafter; \$56 for an amended floor  
5 plan filed in accordance with chapter 515. Pursuant to clause  
6 (1), distribution of the fee is as follows:

7       (i) \$12 shall be paid to the state treasury and credited to  
8 the general fund;

9       (ii) \$10 shall be deposited in the technology fund pursuant  
10 to section 357.18, subdivision 3;

11       (iii) \$24 shall be deposited in the county general fund for  
12 amendment to a declaration;

13       (iv) \$20 shall be deposited in the county general fund for  
14 each multiple entry used; and

15       (v) \$34 shall be deposited in the county general fund for  
16 an amended floor plan;

17       ~~(14)~~ (15) for issuance of a CECT pursuant to section  
18 508.351, \$40;

19       (16) for filing an amendment to a common interest community  
20 declaration and plat or amendment complying with section  
21 515B.2-110, subsection (c), and issuing a CECT if  
22 required, ~~\$10~~ \$46 for each certificate upon which the document  
23 is registered and ~~\$30~~ for multiple certificate entries, \$20  
24 thereafter; \$56 for the filing of the condominium or common  
25 interest community plat or amendment. Pursuant to clause (1),  
26 distribution of the fee is as follows:

27       (i) \$12 shall be paid to the state treasury and credited to  
28 the general fund;

29       (ii) \$10 shall be deposited in the technology fund pursuant  
30 to section 357.18, subdivision 3;

31       (iii) \$24 shall be deposited in the county general fund for  
32 the filing of an amendment complying with section 515B.2-110,  
33 subsection (c);

34       (iv) \$20 shall be deposited in the county general fund for  
35 each multiple entry used; and

36       (v) \$34 shall be deposited in the county general fund for

1 the filing of a condominium or CIC plat or amendment;

2 ~~(15)~~ (17) for a copy of a condominium floor plan filed in  
3 accordance with chapter 515, or a copy of a common interest  
4 community plat complying with section 515B.2-110, subsection  
5 (c), the fee shall be \$1 for each page of the floor plan, or  
6 common interest community plat with a minimum fee of \$10;

7 ~~(16)~~ (18) in counties in which the compensation of the  
8 examiner of titles is paid in the same manner as the  
9 compensation of other county employees, for each parcel of land  
10 contained in the application for a CPT, as the number of parcels  
11 is determined by the examiner, a fee which is reasonable and  
12 which reflects the actual cost to the county, established by the  
13 board of county commissioners of the county in which the land is  
14 located;

15 ~~(17)~~ (19) for filing a registered land survey in triplicate  
16 in accordance with section 508A.47, subdivision 4, ~~\$30~~ and \$56.  
17 Pursuant to clause (1), distribution of the fee is as follows:

18 (i) \$12 shall be paid to the state treasury and credited to  
19 the general fund;

20 (ii) \$10 shall be deposited in the technology fund pursuant  
21 to section 357.18, subdivision 3; and

22 (iii) \$34 shall be deposited in the county general fund;  
23 and

24 ~~(18)~~ (20) for furnishing a certified copy of a registered  
25 land survey in accordance with section 508A.47, subdivision  
26 4, ~~\$10~~ \$15.

27 Subd. 1a. [FEES TO RECORD INSTRUMENTS WITH REGISTRAR OF  
28 TITLES.] Notwithstanding any special law to the contrary, and  
29 pursuant to section 357.182, the established fees pursuant to  
30 subdivision 1 shall be the fee charged in all counties for the  
31 specified service, other than Uniform Commercial Code documents,  
32 and documents filed or recorded pursuant to sections 270.69,  
33 subdivision 2, paragraph (c); 272.481 to 272.488; 277.20; and  
34 386.77.

35 Subd. 2. [VARIANCE FROM STANDARDS.] A document that does  
36 not should conform to the standards in section 507.093,

1 paragraph (a), ~~shall not be filed except upon payment of an~~  
2 ~~additional fee of \$10 per document~~ but should not be rejected  
3 unless the document is not legible or cannot be archived. This  
4 subdivision applies only to documents dated after July 31, 1997,  
5 and does not apply to Minnesota uniform conveyancing  
6 blanks ~~contained in the book of forms~~ on file in the office of  
7 the commissioner of commerce provided for under section 507.09,  
8 certified copies, or any other form provided for under Minnesota  
9 Statutes.

10 Sec. 35. Minnesota Statutes 2004, section 515B.1-116, is  
11 amended to read:

12 515B.1-116 [RECORDING.]

13 (a) A declaration, bylaws, any amendment to a declaration  
14 or bylaws, and any other instrument affecting a common interest  
15 community shall be entitled to be recorded. In those counties  
16 which have a tract index, the county recorder shall enter the  
17 declaration in the tract index for each unit affected. The  
18 registrar of titles shall file the declaration in accordance  
19 with section 508.351 or 508A.351.

20 (b) The recording officer shall upon request promptly  
21 assign a number (CIC number) to a common interest community to  
22 be formed or to a common interest community resulting from the  
23 merger of two or more common interest communities.

24 (c) Documents recorded pursuant to this chapter shall in  
25 the case of registered land be filed, and references to the  
26 recording of documents shall mean filed in the case of  
27 registered land.

28 (d) Subject to any specific requirements of this chapter,  
29 if a recorded document relating to a common interest community  
30 purports to require a certain vote or signatures approving any  
31 restatement or amendment of the document by a certain number or  
32 percentage of unit owners or secured parties, and if the  
33 amendment or restatement is to be recorded pursuant to this  
34 chapter, an affidavit of the president or secretary of the  
35 association stating that the required vote or signatures have  
36 been obtained shall be attached to the document to be recorded



1 and shall constitute prima facie evidence of the representations  
2 contained therein.

3 (e) If a common interest community is located on registered  
4 land, the recording fee for any document affecting two or more  
5 units shall be ~~the then-current fee for registering the document~~  
6 ~~on the certificates of title for the first ten affected~~  
7 ~~certificates and one-third of the then-current fee for each~~  
8 ~~additional affected certificate~~ \$40 for the first ten affected  
9 certificates and \$10 for each additional affected certificate.

10 This provision shall not apply to recording fees for deeds of  
11 conveyance, with the exception of deeds given pursuant to  
12 sections 515B.2-119 and 515B.3-112.

13 (f) Except as permitted under this subsection, a recording  
14 officer shall not file or record a declaration creating a new  
15 common interest community, unless the county treasurer has  
16 certified that the property taxes payable in the current year  
17 for the real estate included in the proposed common interest  
18 community have been paid. This certification is in addition to  
19 the certification for delinquent taxes required by section  
20 272.12. In the case of preexisting common interest communities,  
21 the recording officer shall accept, file, and record the  
22 following instruments, without requiring a certification as to  
23 the current or delinquent taxes on any of the units in the  
24 common interest community: (i) a declaration subjecting the  
25 common interest community to this chapter; (ii) a declaration  
26 changing the form of a common interest community pursuant to  
27 section 515B.2-123; or (iii) an amendment to or restatement of  
28 the declaration, bylaws, or CIC plat. In order for an  
29 instrument to be accepted and recorded under the preceding  
30 sentence, the instrument must not create or change unit or  
31 common area boundaries.

32 Sec. 36. Minnesota Statutes 2004, section 604.15,  
33 subdivision 2, is amended to read:

34 Subd. 2. [ACTS CONSTITUTING.] (a) The owner of a vehicle  
35 that receives motor fuel that was not paid for is liable to the  
36 retailer for the price of the motor fuel received and a service

1 charge of ~~up-to-\$20, or the actual costs of collection not to~~  
 2 exceed \$30. This charge may be imposed immediately upon the  
 3 mailing of the notice under subdivision 3, if notice of the  
 4 service charge was conspicuously displayed on the premises from  
 5 which the motor fuel was received. The notice must include a  
 6 statement that additional civil penalties will be imposed if  
 7 payment is not received within 30 days. Only one service charge  
 8 may be imposed under this paragraph for each incident. If a law  
 9 enforcement agency obtains payment for the motor fuel on behalf  
 10 of the retailer, the service charge may be retained by the law  
 11 enforcement agency for its expenses.

12 (b) If the price of the motor fuel received is not paid  
 13 within 30 days after the retailer has mailed notice under  
 14 subdivision 3, the owner is liable to the retailer for the price  
 15 of the motor fuel received, the service charge as provided in  
 16 paragraph (a), plus a civil penalty not to exceed \$100 or the  
 17 price of the motor fuel, whichever is greater. In determining  
 18 the amount of the penalty, the court shall consider the amount  
 19 of the fuel taken and the reason for the nonpayment. The  
 20 retailer shall also be entitled to:

21 (1) interest at the legal rate for judgments under section  
 22 549.09 from the date of nonpayment; and

23 (2) reasonable attorney fees, but not to exceed \$500.

24 The civil penalty may not be imposed until 30 days after  
 25 the mailing of the notice under subdivision 3.

26 [EFFECTIVE DATE.] This section is effective July 1, 2005,  
 27 and applies to acts committed on or after that date.

28 Sec. 37. Minnesota Statutes 2004, section 604.15, is  
 29 amended by adding a subdivision to read:

30 Subd. 5. [NOT A BAR TO CRIMINAL LIABILITY.] Civil  
 31 liability under this section does not preclude criminal  
 32 liability under applicable law.

33 [EFFECTIVE DATE.] This section is effective the day  
 34 following final enactment.

35 Sec. 38. [HOMELESSNESS PILOT PROJECTS; GRANTS.]

36 Subdivision 1. [GRANTS.] The commissioner of public

1 safety, in consultation with the director of ending long-term  
2 homelessness, the Ending Long-Term Homelessness Advisory  
3 Council, and the Department of Human Services Office of Economic  
4 Opportunity, shall award grants for homeless outreach and to  
5 provide a bridge to stable housing and services. The  
6 commissioner shall award grants to qualified applicants in  
7 Hennepin County, Ramsey County, and one county outside the  
8 seven-county metropolitan area. An entity outside the  
9 seven-county metropolitan area receiving a grant under this  
10 section shall provide a 25 percent match. An entity within the  
11 seven-county metropolitan area receiving a grant under this  
12 section shall provide a 50 percent match. Grants must be used  
13 for homelessness pilot projects of a two-year duration that  
14 reduce recidivism and promote stronger communities through  
15 street and shelter outreach to connect people experiencing  
16 homelessness to housing and services.

17 Subd. 2. [APPLICATIONS.] An applicant for a grant under  
18 subdivision 1 must establish that:

19 (1) the applicant is experienced in homeless outreach  
20 services and will have staff qualified to work with people with  
21 serious mental illness, chemical dependency, and other factors  
22 contributing to homelessness;

23 (2) the applicant employs outreach staff who are trained  
24 and qualified to work with racially and culturally diverse  
25 populations;

26 (3) outreach services will be targeted to, but not limited  
27 to, people experiencing long-term homelessness, and people who  
28 have had repeated interactions with law enforcement;

29 (4) outreach services will provide intervention strategies  
30 linking people to housing and services as an alternative to  
31 arrest;

32 (5) the applicant has a plan to connect people experiencing  
33 homelessness to services for which they may be eligible such as  
34 supplemental security income, veterans benefits, health care,  
35 housing assistance, and long-term support programs for those  
36 with serious mental illness;

1 (6) the applicant's project will promote community  
2 collaboration with local law enforcement, local and county  
3 governments, social services providers, mental health crisis  
4 providers, and other community organizations to address  
5 homelessness;

6 (7) the applicant has a plan to leverage resources from the  
7 entities listed in clause (6) and other private sources to  
8 accomplish the goal of moving people into housing and services;  
9 and

10 (8) the applicant has a plan for evaluation of the  
11 applicant's pilot project that is designed to measure the  
12 program's effectiveness in connecting people experiencing  
13 homelessness to housing and services and reducing the use of  
14 public safety and corrections resources.

15 Subd. 3. [ANNUAL REPORT.] Grant recipients shall report to  
16 the commissioner by June 30, 2006, and June 30, 2007, on the  
17 services provided, expenditures of grant money, and an  
18 evaluation of the program's success in: (1) connecting  
19 individuals experiencing homelessness to housing and services;  
20 and (2) reducing the use of public safety and corrections  
21 resources. The commissioner shall submit reports to the chairs  
22 and ranking minority members of the house of representatives and  
23 senate committees having jurisdiction over public safety and  
24 health and human services by November 1, 2006, and November 1,  
25 2007. The commissioner's reports must explain how the grant  
26 proceeds were used and evaluate the effectiveness of the pilot  
27 projects funded by the grants.

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

29 Sec. 39. [SPECIAL REVENUE SPENDING AUTHORIZATION FROM  
30 CRIMINAL JUSTICE SPECIAL PROJECTS ACCOUNT.]

31 Remaining balances in the special revenue fund from  
32 spending authorized by Laws 2001, First Special Session chapter  
33 8, article 7, section 14, subdivision 1, for which spending  
34 authorization ended June 30, 2003, under Laws 2001, First  
35 Special Session chapter 8, article 7, section 14, subdivision 3,  
36 are transferred to the general fund.

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

2 Sec. 40. [MCF-FARIBAULT DEDICATION OF SPACE.]

3 While planning, designing, and constructing new facilities  
4 on the campus of the Minnesota Correctional Facility in  
5 Faribault, the commissioner of corrections shall designate a  
6 space on the campus sufficient in size to build one additional  
7 prison building. This space must be preserved and designated  
8 for the benefit of Rice County for the future construction of a  
9 county correctional facility.

10 [EFFECTIVE DATE.] This section is effective the day  
11 following final enactment and expires on July 1, 2015.

12 Sec. 41. [REPEALER.]

13 (a) Minnesota Statutes 2004, sections 299A.68; and 299C.65,  
14 subdivisions 3, 4, 6, 7, 8, 8a, and 9, are repealed.

15 (b) Minnesota Statutes 2004, section 386.30, is repealed.

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

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Article 2 SEX OFFENDERS:..... page 11  
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**18C.005 DEFINITIONS.**

Subd. 1a. **Anhydrous ammonia.** "Anhydrous ammonia" means a compound formed by the chemical combination of the elements nitrogen and hydrogen in the molar proportion of one part nitrogen to three parts hydrogen. This relationship is shown by the chemical formula,  $NH_3$ . On a weight basis, the ratio is 14 parts nitrogen to three parts hydrogen or approximately 82 percent nitrogen to 18 percent hydrogen. Anhydrous ammonia may exist in either a gaseous or a liquid state.

Subd. 35a. **Tamper.** "Tamper" means action taken by a person not authorized to take that action by law or by the owner or authorized custodian of an anhydrous ammonia container or of equipment where anhydrous ammonia is used, stored, distributed, or transported.

**18C.201 PROHIBITED FERTILIZER ACTIVITIES.**

Subd. 6. **Anhydrous ammonia.** (a) A person may not:

(1) place, have placed, or possess anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to contain or transport anhydrous ammonia;

(2) transport anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to transport anhydrous ammonia;

(3) use, deliver, receive, sell, or transport a container designed and constructed to contain anhydrous ammonia without the express consent of the owner or authorized custodian of the container; or

(4) tamper with any equipment or facility used to contain, store, or transport anhydrous ammonia.

(b) For the purposes of this subdivision, containers designed and constructed for the storage and transport of anhydrous ammonia are described in rules adopted under section 18C.121, subdivision 1, or in Code of Federal Regulations, title 49.

Subd. 7. **No cause of action.** (a) Except as provided in paragraph (b), a person tampering with anhydrous ammonia containers or equipment under subdivision 6 shall have no cause of action for damages arising out of the tampering against (1) the owner or lawful custodian of the container or equipment; (2) a person responsible for the installation or maintenance of the container or equipment; or (3) a person lawfully selling or offering for sale the anhydrous ammonia.

(b) Paragraph (a) does not apply to a cause of action against a person who unlawfully obtained the anhydrous ammonia or anhydrous ammonia container or who possesses the anhydrous ammonia or anhydrous ammonia container for any unlawful purpose.

**18D.331 CRIMINAL PENALTIES.**

Subd. 5. **Anhydrous ammonia containment, tampering, theft, transport.** A person who knowingly violates section 18C.201, subdivision 6, is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$50,000, or both.

**243.166 REGISTRATION OF PREDATORY OFFENDERS.**

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

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

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(i) murder under section 609.185, clause (2); or  
(ii) kidnapping under section 609.25; or  
(iii) criminal sexual conduct under section 609.342;  
609.343; 609.344; 609.345; or 609.3451, subdivision 3; or  
(iv) indecent exposure under section 617.23, subdivision 3;  
or

(2) the person was charged with or petitioned for falsely imprisoning a minor in violation of section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of section 609.352; using a minor in a sexual performance in violation of section 617.246; or possessing pornographic work involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances; or

(3) the person was convicted of a predatory crime as defined in section 609.108, and the offender was sentenced as a patterned sex offender or the court found on its own motion or that of the prosecutor that the crime was part of a predatory pattern of behavior that had criminal sexual conduct as its goal; or

(4) the person was convicted of or adjudicated delinquent for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3).

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

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

(2) the person enters the state to reside, or to work or attend school; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to lifetime registration, in which case the person must register for life regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

For purposes of this paragraph:

(i) "school" includes any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education, that the person is enrolled in on a full-time or part-time basis; and

(ii) "work" includes employment that is full time or part time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.

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

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in



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paragraph (a), clause (1), or a similar law of another state or the United States, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or the United States;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state or the United States.

Subd. 8. **Law enforcement authority.** For purposes of this section, a law enforcement authority means, with respect to a home rule charter or statutory city, the chief of police, and with respect to an unincorporated area, the sheriff of the county.

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

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

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

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

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

(1) commit multiple, cross-jurisdictional, financial crimes;

(2) employ computers and other sophisticated technology to counterfeit documents or commit fraud; or

(3) illegally obtain consumer information for identity theft.

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

(1) the command structure of the task force;

(2) acquisition and liquidation of equipment, office space, and transportation;

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(3) procedures for contracting for necessary administrative support;

(4) selection and assignment of members;

(5) transfer of task force members;

(6) resolution of disputes between participating agencies;

(7) requirements and procedures for all workers' compensation and other liability to remain the responsibility of each member's employing agency;

(8) disposition of assets and debts if the task force is disbanded; and

(9) all other issues deemed pertinent by the participating agencies.

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

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

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

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

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

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

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must select a supervisor to direct the office. The regional office supervisors must report to the commander. If necessary, the advisory committee established in subdivision 8 may modify the geographic boundary of a regional office.

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

Subd. 8. **Budget; advisory committee; fund allocation and use.** (a) The statewide commander shall establish an operational budget and present it to an advisory committee for approval. Grants awarded to participating local agencies must be approved by the advisory committee. The advisory committee must be composed of the statewide commander, a county attorney from the metro area, a county attorney from greater Minnesota, and the three chiefs of police or sheriffs from the local law enforcement agencies that have the longest continuous participation in the task force. The committee shall appoint a chair from among its members. The statewide commander must not be the chair of the committee. The committee may adopt procedures to govern its conduct if necessary. A committee member may appoint a designee to take the member's place. The advisory committee shall oversee and select a fiscal agent qualified to handle financial accounting of task force funding. The task force shall be assigned an originating reporting number for case tracking and reporting purposes.

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

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

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

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

Subd. 9. **Forfeiture.** Property seized by the task force is subject to forfeiture pursuant to sections 609.531, 609.5312, 609.5313, and 609.5315 if ownership cannot be established. The task force shall receive the proceeds from the sale of all property that it properly seizes and that is forfeited.

Subd. 10. **Required reports.** Beginning July 1, 2003,

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the commander of the task force shall report annually to the commissioner on the activities of the task force.

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

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

**299C.65 CRIMINAL AND JUVENILE JUSTICE INFORMATION POLICY GROUP.**

Subd. 3. **Continuing education program.** The Criminal and Juvenile Justice Information Policy Group shall explore the feasibility of developing and implementing a continuing education program for state, county, and local criminal justice information agencies. The policy group shall consult with representatives of public and private postsecondary institutions in determining the most effective manner in which the training shall be provided. The policy group shall include recommendations in the 1994 report to the legislature.

Subd. 4. **Criminal Code numbering scheme.** The policy group shall study and make recommendations on a structured numbering scheme for the Criminal Code to facilitate identification of the offense and the elements of the crime and shall include recommendations in the 1994 report to the legislature.

Subd. 6. **Development of integration plan.** (a) If a funding request is for funds to develop a comprehensive criminal justice information integration plan to integrate all systems within a jurisdiction, the requesting agency must submit to the policy group a request that contains the following components:

- (1) the vision, mission, goals, objectives, and scope of the integration plan;
- (2) a statement of need identifying problems, inefficiencies, gaps, overlaps, and barriers within the requesting agency's jurisdiction, including those related to current systems and interfaces, business practices, policies, laws, and rules;
- (3) a list of agency heads and staff who will direct the effort and a statement demonstrating collaboration among all of the agencies involved;
- (4) a statement that the integration plan would integrate all systems within the six major business functions of the criminal justice community, including incident reporting, investigation, arrest, detention, adjudication, and disposition, including postsentence supervision and treatment, and related civil, family, and human services proceedings, processes, and services, to the extent it was cost beneficial;
- (5) a statement demonstrating that the requesting agency has consulted with individuals involved in day-to-day business practices, use, and operation of current criminal justice information systems so as to identify barriers and gaps;
- (6) a planning methodology that will result in at least the following deliverables:
  - (i) an identification of problems in the state's criminal justice data model, where applicable, including data policy problems and proposed changes;
  - (ii) a function and process model that includes business process improvement and redesign opportunities, prioritized business change objectives, and short-term opportunities for improvement that can be pursued immediately while developing and

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- implementing the long-range integration plan;
- (iii) a technology model that includes network, communication, and security standards and guidelines;
  - (iv) an application architecture;
  - (v) a complete gap analysis that includes identification of gaps, omissions, and redundancies in the collection and dissemination of criminal justice information in the requesting agency's jurisdiction;
  - (vi) an assessment of current and alternative directions for business practices, applications, and technology, ranging from simple modifications to complete redesign;
  - (vii) a business process redesign model, showing existing and redesigned process and process vision, future performance targets, design principles, new process flow, and benefits; and
  - (viii) a long-range integration plan that includes time frames for the retirement, renewal, or redevelopment of systems and applications identified in clauses (i) to (vii) along with justification based on age, business processes not supported, and data deficiencies;
- (7) projected timelines for developing and executing the plan;
- (8) an estimate of the resources needed to develop, execute, operate, and maintain the integration plan;
- (9) a statement that the final integration plan will contain all the components in this subdivision in final form;
- (10) an identification of how the applicant will satisfy the match requirements of subdivision 8; and
- (11) any other matters the policy group deems necessary for successful development or implementation of the integration plan and resulting systems.

(b) An agency may submit an interim integration plan to the policy group if it identifies high priority integration tasks during the development of the integration plan. The interim plan shall identify the tasks and the business case for completing these tasks in advance of completing the entire plan.

Subd. 7. **Implementation of integration plan.** If the request is for funds to implement an integration plan, the requesting agency must submit the following to the policy group:

- (1) an integration plan containing the components described in subdivision 6;
- (2) a description of how implementation of the integration plan will improve operation of the criminal justice system in the requesting agency's jurisdiction;
- (3) an identification of how the applicant will satisfy the match requirement in subdivision 8; and
- (4) a means for evaluating outcomes of the plan's implementation.

Subd. 8. **Local match.** (a) The policy group may approve grants only if the applicant provides an appropriate share of matching funds as determined by the policy group to help pay up to one-half of the costs of developing or implementing the integration plan. The matching requirement must be a constant for all counties. The policy group shall adopt policies concerning the use of in-kind resources to satisfy the match requirement and the sources from which matching funds may be obtained. Local operational or technology staffing costs may be considered as meeting this match requirement.

(b) The policy group shall consult with the task force when

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carrying out its powers and duties under paragraph (a).

(c) Each grant recipient shall certify to the policy group that it has not reduced funds from local, county, federal, or other sources which, in the absence of the grant, would have been made available to the grant recipient to improve or integrate criminal justice technology.

**Subd. 8a. Criminal justice technology infrastructure improvements.** (a) Within 30 days of the submission of the Hennepin County integration plan funded by a grant under Laws 1999, chapter 216, article 1, section 7, subdivision 6, or September 1, 2000, whichever is earlier, the policy group shall:

(1) assess the needs of state, county, and municipal government agencies for electronic fingerprint capture technology, electronic photographic identification technology, and additional bandwidth to transfer and access the data from electronic fingerprint capture technology and electronic photographic identification technology to the state's central database; and

(2) choose locations and agencies to receive this technology.

(b) Within the limits of available appropriations, the commissioner of public safety shall purchase and distribute the technology infrastructure improvements as directed by the policy group. The commissioner shall begin the purchasing process within 30 days of receiving notice of the policy group's decisions. The commissioner shall distribute the improvements as soon as practicable after beginning the purchasing process.

(c) If feasible, the policy group shall direct the commissioner to distribute the technology infrastructure improvements described in this subdivision in 100 locations. However, no more than 30 percent of the improvements may be distributed in one county.

**Subd. 9. Documentation and reporting requirements.** Every recipient of matching funds to develop or implement an integration plan shall submit to the policy group all requested documentation, including final plans and a report evaluating whether and how the development or implementation of the integration plan improved the operation of the criminal justice system in the requesting agency's jurisdiction. The policy group shall establish the recipient's reporting dates at the time funds are awarded.

**386.30 DEEDS RECORDED WITHIN 30 DAYS.**

Each county recorder shall, within 30 days after any instrument entitled to record is left for that purpose, actually record the same in the manner provided by law and return the same in person or by mail to the person who left such instrument for record, if the person's residence is known, or to such other person and at such address as the recorder may be directed to deliver the same. Persistent failure to so record and return instruments entitled to record, upon demand therefor and payment of recording fees, shall constitute nonfeasance in office and be sufficient ground for removal therefrom. In a county in which the office of county recorder has been combined with another county office, the 30-day time period begins when the tax certifications required by chapters 272 and 287 are made, but the total period to complete the time period after receipt of the instrument by the office must not exceed 60 days.

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609.725 VAGRANCY.

Any of the following are vagrants and are guilty of a misdemeanor:

(1) a person, with ability to work, who is without lawful means of support, does not seek employment, and is not under 18 years of age; or

(2) a person found in or loitering near any structure, vehicle, or private grounds who is there without the consent of the owner and is unable to account for being there; or

(3) a prostitute who loiters on the streets or in a public place or in a place open to the public with intent to solicit for immoral purposes; or

(4) a person who derives support in whole or in part from begging or as a fortune teller or similar impostor.

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**Senate**  
State of Minnesota

**S.F. No. 2273 - Omnibus Public Safety Policy and Funding Bill**

**Author:** Senator Jane B. Ranum

**Prepared by:** Kenneth P. Backhus, Senate Counsel (651/296-4396) (KB)  
Chris Turner, Senate Research (651/296-4350) (CT)

**Date:** April 28, 2005

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**ARTICLE 1**

**Public Safety Appropriations**

Overview

**Article 1** contains the bill's appropriations, cuts, and riders.

**Section 1** summarizes the total appropriations in the bill.

**Section 2** appropriates \$12.1 million to the Supreme Court. Of this amount, \$5 million each year is for civil legal services and approximately \$1 million each year is for caseload increases. None of the money may be used for judicial salary increases.

**Section 3** appropriates \$250,000 each year to the Court of Appeals. None of the money may be used for judicial salary increases.

**Section 4** appropriates \$20.9 million to the district courts. Of this amount, \$6.7 million each year is for caseload increases. \$3.6 million the first year and \$7.2 million the second year are for sex and methamphetamine offense caseloads. \$500,000 each year is for specialty drug and mental health courts. None of the money may be used for judicial salary increases.

**Section 5** appropriates \$5,000 each year to the Uniform Laws Commission to pay national conference dues.



**Section 6** appropriates \$5.5 million the first year and \$9.3 million the second year to the Board of Public Defense for general caseload increases and sex and methamphetamine offense caseload increases, respectively.

**Section 7, subdivision 1**, appropriates \$23.4 million from the general fund, \$33.1 million from the state government special revenue fund, \$2.8 million from the special revenue fund, and \$62.5 million from the bond proceeds fund to the Department of Public Safety.

**Subdivision 2** appropriates \$10 million to the Bureau of Criminal Apprehension for agents to ensure compliance with the predatory offender law, the automated fingerprint identification system, criminal justice information system audit trail, DNA felony database analysis and ten new special agents to investigate methamphetamine crimes.

**Subdivision 3** increases Fire Marshall base funding by \$900,000 each year.

**Subdivision 4** appropriates approximately \$12 million from the general fund to the Office of Justice Programs, including \$2.5 million for increased crime victim grants, \$4.3 million for battered women’s shelters and safe houses, \$4.7 million for the Gang Strike Force, and \$400,000 for homelessness pilot projects. Appropriates \$2.8 million from the special revenue fund for the Financial Crimes Task Force. Requires a report to the Legislature on a potential merger of the Gang Strike Force and the narcotics task forces.

**Subdivision 5** makes the following appropriations, based on the 25-cent increase on the 911 fee, from the state government special revenue fund.

	2006	2007
Telephone Prior Year Obligations (5-cents)	3,442,000	3,064,000
Public Safety Answering Points (20-cents)	13,640,000	13,664,000
Medical Resource Comm. Centers (1-cent)	682,000	683,000
Debt Service and Capital Costs (9-cents)	6,138,000	6,149,000
 Total	 \$ 23,902,000	 \$ 23,560,000

The total appropriation in the bill is less than the itemized appropriations because the bill directs spending included in the base appropriation for the program in S.F. No. 1879.

**Subdivision 6** authorizes the sale of \$62.5 million in 911 revenue bonds by the Commissioner of Finance and appropriates the money in the following manner.

Phase 2 Public Safety Radio Subsystems	8,000,000
Phase 3 Public Safety Radio Backbone	45,000,000
Phase 3 Radio Subsystem Local Reimbursements	9,500,000
 Total	 \$ 62,500,000

The bill replaces the bond authorizations given to the Metropolitan Radio Board in 2002 and 2003. It reduces the bond sale amount for phase two (building local radio subsystems in the metropolitan area) to \$8 million to reflect the fact that \$13 million of federal Homeland Security money was used for this purpose in 2004. An additional \$3 million was added to include Chisago and Isanti Counties. It increases the bond sale authorization for phase three (building the system backbone of the transmission towers and related equipment in the Rochester and St. Cloud districts of the State Patrol) to \$45 million to reflect the most recent Department of Transportation cost estimate. Finally, it authorizes \$9.5 million of 911 bonds to be sold to reimburse local units of government for up to 50 percent of the cost of building subsystems in either the southeast or central district of the State Patrol.

**Section 8** makes a onetime appropriation of \$600,000 to the POST Board. Of this amount, \$142,000 is for the board's continued operation, \$178,000 is for reimbursements to local units of government for peace officer training, and \$280,000 is for technological updates.

**Section 9, subdivision 1**, appropriates a total of \$77.8 million to the Department of Corrections

**Subdivision 2** appropriates \$23.9 million to the institution's division of the department. This appropriation includes \$140,000 for tracking and apprehending level III predatory offenders, \$3 million for sex offender treatment in the prisons and transitional services, \$7.4 million for increased health services, and \$2.2 million for increased incarceration costs associated with the bill. In addition, there is a \$9 million increase for chemical dependency treatment programs and a \$4 million increase for mental health services in the institutions. Requires a working group to study and report to the Legislature on the feasibility of using inmate labor to build low-income housing manufactured at MCF-Faribault.

**Subdivision 3** appropriates \$54.5 million to the community services division of the department. Of this amount, \$188,000 is for end of confinement reviews, \$324,000 is for the GPS monitoring of sex offenders, \$2.7 million is for transitional services for sex offenders on supervised release, and \$3.6 million is for 18 new intensive supervised release agents. \$700,000 is for reimbursements to counties for sex offender assessments and \$2.5 million is for outpatient sex offender treatment and polygraph tests. Finally, \$38.2 million is for supervision caseload reduction for sex offenders, domestic abuse offenders and other violent offenders, \$5 million is for community-based chemical dependency treatment and aftercare grants, and \$1.25 million (onetime appropriation) is for intensive supervision and aftercare services for controlled substances offenders released from prison early under **article 6, section 9**. Requires the commissioner to report to the Legislature on the intensive supervision and aftercare services appropriation and on electronic monitoring of sex offenders.

**Section 10** appropriates \$7,000 to the Board of Veterinary Medicine to study animal products that may be used to manufacture methamphetamine.

## ARTICLE 2

### Sex Offenders: Mandatory Life Sentences for Certain Egregious and Repeat Sex Offenses; Conditional Release; Other Sentencing Changes

#### Overview

**Article 2** contains the sex offender sentencing changes, including the indeterminate life sentences, the conditional release changes, and the new crime of criminal sexual predatory conduct.

**Section 1** makes a conforming change related to **article 2, section 20**.

**Section 2** clarifies that the Commissioner of Corrections' rulemaking authority relating to the revocation of supervised release also applies to conditional release.

**Section 3** provides that an offender serving an indeterminate life sentence (see **article 2, sections 11, 13, and 20**) may not be given supervised release without having served the minimum term of imprisonment as specified by the sentencing court.

**Section 4** requires the Commissioner of Corrections, when considering whether to give supervised release to an offender serving an indeterminate life sentence (see **article 2, sections 11, 13, and 20**), to consider at a minimum:

- ▶ the risk the offender poses to the community if released;
- ▶ the offender's progress in treatment;
- ▶ the offender's behavior while incarcerated;
- ▶ psychological or other diagnostic evaluations of the offender;
- ▶ the offender's criminal history; and
- ▶ any other relevant conduct of the offender while incarcerated or before incarceration.

The commissioner may not give supervised release to the offender unless:

- ▶ while in prison, the offender has successfully completed appropriate sex offender treatment;
- ▶ while in prison, the offender has been assessed for chemical dependency and mental health needs and, if appropriate, has successfully completed necessary treatment; and

- ▶ a comprehensive individual release plan is in place for the offender that ensures that the offender will have suitable housing and receive appropriate aftercare and treatment, and includes an employment/education plan for the offender.

Also makes a conforming change relating to **article 2, section 3**.

**Section 5** makes a conforming change related to **article 2, section 20**.

**Sections 6 to 9** amend the patterned and predatory offender sentencing law.

**Section 6** adds a cross-reference to the new crime of criminal sexual predatory conduct (see **article 2, section 19**). Strikes language relating to court findings regarding whether the necessary prongs of the law have been met. Substitutes for this a determination by the fact finder. These changes are necessary in light of the 2004 United States Supreme court decision, Blakely v. Washington. Strikes other language that is no longer necessary in light of the changes made by this article.

**Section 7** strikes the definition of “predatory crime.” Replaces this with a cross-reference to what is essentially the same definition in **article 2, section 10**.

**Section 8** makes the same substitution of a fact finder determination for a court finding as was made in **article 2, section 6**.

**Section 9** strikes language relating to the conditional release of offenders sentenced under this law. Instead, adds a cross-reference to **article 2, section 20**.

**Section 10** defines “predatory crime” for purposes of the criminal sexual conduct laws. This definition is nearly identical to the definition stricken from the patterned and predatory offender sentencing law in **article 2, section 7**. The new definition does not include criminal sexual conduct in the first- to fourth-degrees because a reference to these crimes is unnecessary under the changes made by the article. In addition, it does not include incest.

**Sections 11 and 12** amend the first-degree criminal sexual conduct crime.

**Section 11** requires a court to sentence an offender to an indeterminate life sentence if the offender is convicted of certain clauses of the first-degree criminal sexual conduct crime involving force or violence (i.e., where circumstances exist that cause the victim to have a reasonable fear of great bodily harm; where the offender is armed with a dangerous weapon; where the offender causes personal injury to the victim under specified conditions; where the offender is aided or abetted by one or more accomplices under specified conditions; or where the offender has a family-type relationship to a victim under 16 and specified conditions exist) and the fact finder determines, beyond a reasonable doubt, that:

- ▶ the offender tortured the victim;

- ▶ the offender intentionally inflicted great bodily harm upon the victim;
- ▶ the offender intentionally mutilated the victim;
- ▶ the offender exposed the victim to extreme inhumane conditions;
- ▶ the offender was armed with a dangerous weapon and used or threatened to use the weapon to cause the victim to submit;
- ▶ the offense involved sexual penetration or sexual contact with more than one victim;  
or
- ▶ the offense involved more than one perpetrator engaging in sexual penetration or sexual contact with the victim.

Defines “extreme inhumane conditions,” “mutilation,” and “torture.” Prohibits the fact finder from considering a listed heinous factor if it was an element of the underlying first-degree criminal sexual conduct violation. Requires a court to specify a minimum term of imprisonment, based on the sentencing guidelines or applicable mandatory sentences, that must be served before the offender may be considered for supervised release. Makes other structural and conforming changes.

**Section 12** makes a conforming change relating to **article 2, section 20**.

**Sections 13 and 14** amend the second-degree criminal sexual conduct crime.

**Section 13** requires a court to sentence an offender to an indeterminate life sentence if the offender is convicted of certain clauses of the second-degree criminal sexual conduct crime involving force or violence (i.e., where circumstances exist that cause the victim to have a reasonable fear of great bodily harm; where the offender is armed with a dangerous weapon; where the offender causes personal injury to the victim under specified conditions; where the offender is aided or abetted by one or more accomplices under specified conditions; or where the offender has a family-type relationship to a victim under 16 and specified conditions exist) and the fact finder determines, beyond a reasonable doubt, that:

- ▶ the offender tortured the victim;
- ▶ the offender intentionally inflicted great bodily harm upon the victim;
- ▶ the offender intentionally mutilated the victim;
- ▶ the offender exposed the victim to extreme inhumane conditions;
- ▶ the offender was armed with a dangerous weapon and used or threatened to use the weapon to cause the victim to submit;

- ▶ the offense involved sexual penetration or sexual contact with more than one victim; or
- ▶ the offense involved more than one perpetrator engaging in sexual penetration or sexual contact with the victim.

Defines “extreme inhumane conditions,” “mutilation,” and “torture.” Prohibits the fact finder from considering a listed heinous factor if it was an element of the underlying second-degree criminal sexual conduct violation. Requires a court to specify a minimum term of imprisonment, based on the sentencing guidelines or applicable mandatory sentences, that must be served before the offender may be considered for supervised release. Makes other structural and conforming changes.

**Section 14** makes a conforming change relating to **article 2, section 20**.

**Sections 15 and 16** amend the third-degree criminal sexual conduct crime to make conforming changes related to **article 2, section 20**.

**Sections 17 and 18** amend the fourth-degree criminal sexual conduct crime to make conforming changes related to **article 2, section 20**.

**Section 19** creates a new substantive crime known as “criminal sexual predatory conduct.” This crime occurs if an offender commits a predatory crime (see definition in **article 2, section 10**) that was motivated by the offender’s sexual impulses or was committed as part of a predatory pattern of behavior that had criminal sexual conduct as its goal. Provides that the statutory maximum sentence for this offense is 25 percent longer than for the underlying predatory crime. If the violation is committed by a person with a previous sex offense conviction, as defined in **article 2, section 20**, the statutory maximum is 50 percent longer than for the underlying predatory crime. Also authorizes a fine of up to \$20,000. An offender convicted of violating this section may be subject to the life sentence and conditional release provisions of **article 2, section 20**.

**Section 20** creates a new section of law addressing indeterminate life sentences for certain repeat offenders and the conditional release of sex offenders.

**Subdivision 1** defines “conviction,” “previous sex offense conviction,” “prior sex offense conviction,” “sex offense,” and “two previous sex offense convictions.” Of note, “conviction” includes convictions as an extended jurisdiction juvenile for violations of first-through third-degree criminal sexual conduct or the new criminal sexual predatory conduct crime. “Previous sex offense conviction” is defined to be a “true prior” offense. That is to say that the offender must have committed, been convicted, and been sentenced for the previous sex offense before the commission of the present sex offense. “Prior sex offense conviction” does not require this sequencing of events. Thus, a person who has committed two sex offenses but has not been convicted of either would be considered to have a prior sex offense conviction once the offender has been convicted for the first offense even though the

present offense occurred before the actual conviction for the prior offense. "Sex offense" includes first- through fifth-degree criminal sexual conduct offenses and criminal sexual predatory conduct, and similar laws from other jurisdictions.

**Subdivision 2** provides for a mandatory indeterminate life sentence for an offender convicted of violating first- through fourth-degree criminal sexual conduct or criminal sexual predatory conduct if:

- ▶ the offender has two previous sex offense convictions (i.e., true priors);
- ▶ the offender has a previous sex offense conviction (i.e., a true prior), and:
  - the present offense involved an aggravating factor that would provide grounds for an upward sentencing departure; or
  - the offender received an upward sentencing departure for the previous sex conviction or was sentenced under the patterned and predatory sex offender sentencing law for the previous sex offense conviction; or
- ▶ the offender has two prior sex offense convictions (not necessarily true priors) and the prior convictions and present offense involved at least three separate victims, and:
  - the present offense involved an aggravating factor that would provide grounds for an upward sentencing departure; or
  - the offender received an upward sentencing departure for one of the prior sex offense convictions or was sentenced under the patterned and predatory offender sentencing law for one of the prior sex offense convictions.

Of note, if the present offense is a fourth-degree criminal sexual conduct offense, the offender is not subject to the indeterminate life sentence unless the offender's previous or prior sex offense convictions that are being used to enhance the sentence were for first- through third-degree criminal sexual conduct or criminal sexual predatory conduct.

**Subdivision 3** requires courts sentencing offenders to indeterminate life sentences under **subdivision 2** to specify a minimum term of imprisonment, based on the sentencing guidelines or applicable mandatory sentences, that must be served before the offender may be considered for release.

**Subdivision 4** provides that when an offender is released from prison for a violation of first- through fourth-degree criminal sexual conduct or criminal sexual predatory conduct, the person must be placed on conditional release for ten years. Under current law, offenders released from prison for violating first- through fourth-degree criminal sexual conduct

receive a five-year conditional release term unless the offender is a repeat offender, in which case the conditional release term is ten years.

**Subdivision 5** provides that if an offender sentenced to an indeterminate life sentence under **subdivision 2** or **section 11** or **13** is released from prison, the offender must be placed on conditional release for the remainder of the offender's life. Also provides that if an offender is released from prison for a violation of first- through fourth-degree criminal sexual conduct or criminal sexual predatory conduct, and the offender has a previous or prior sex offense conviction, the offender must be placed on conditional release for the remainder of the offender's life. Similar to the eligibility for the indeterminate life sentence in **subdivision 2**, if an offender is released from prison for a violation of fourth-degree criminal sexual conduct, the offender will only be placed on lifetime conditional release if the offender's previous or prior sex offense conviction that is being used as the basis for the lifetime conditional release term is for first- through third-degree criminal sexual conduct or criminal sexual predatory conduct.

**Subdivision 6** specifies the conditional release terms that are applicable to all sex offenders placed on conditional release (i.e., any offender released from prison after a conviction for first- through fourth-degree criminal sexual conduct or criminal sexual predatory conduct, or after being sentenced under the patterned and predatory offender sentencing law). This language is substantively the same as that being stricken from the patterned and predatory offender sentencing law in **article 2, section 9**.

**Section 21** repeals a provision of the patterned and predatory offender sentencing law providing for an increased statutory maximum penalty. This provision is no longer necessary based on the changes made in this article. Also repeals a subdivision of the repeat sex offender sentencing law addressing conditional release of sex offenders. This provision is superceded by **article 2, section 20**.

### ARTICLE 3

#### **Sex Offenders: Predatory Offender Registration; Community Notification; Nonsentencing Changes**

##### Overview

**Article 3** makes numerous substantive and technical changes to the Predatory Offender Registration Law and the Community Notification Law. In addition, it specifically authorizes the use of polygraphic examinations for sex offenders under correctional supervision and provides for victim notification in certain situations regarding the release of offenders civilly committed as mentally ill and dangerous, as having a sexual psychopathic personality, or as being a sexually dangerous person.

**Section 1** makes numerous changes to the Predatory Offender Registration (POR) Law. The primary substantive changes involve homeless predatory offenders, for whom there is presently no clearly



applicable registration procedure. Requires homeless predatory offenders who lack a primary address or who leave a primary address without having a new primary address to register with the law enforcement authority of the area in which the offender is staying within 24 hours. Each time an offender lacking a primary address moves to an area served by a different law enforcement authority, reregistration is required. If an offender continues to lack a primary address but remains in the same area, the offender must report weekly to the law enforcement authority in the area in which the offender is staying and inform the authority of any changes to the information required for predatory offender registration, with complete reregistration required annually. Offenders with no primary address whose registration is required because of a civil commitment are subject to the general homeless offender registration provisions but must completely reregister every three months. Authorizes the law enforcement authority to allow an offender to follow an alternative reporting procedure if it determines that due to an offender's unique circumstances it is impractical to require the offender to report weekly.

**Section 1** also makes the following changes to the POR Law.

- ▶ Reorganizes it by repealing subdivisions 1 (Registration Required) and 8 (Definition of Law Enforcement Authority); creating a definitions subdivision 1a (placing all definitions at the beginning of the section); recodifying subdivision 1 as subdivision 1b; and making conforming and clarifying amendments to the remainder of the section.
- ▶ Adds new definitions for "bureau," "dwelling," "incarceration," and "confinement." The existing definitions of "primary residence," "secondary residence," and "law enforcement agency" are changed to "primary address," "secondary address," and "law enforcement authority" respectively. In addition, the definitions of "primary address" and "secondary address" are substantively overhauled.
- ▶ Provides that it applies to offenders who aid, abet, or conspire to commit an offense currently requiring registration.
- ▶ Expands it to require registration for nonchild false imprisonment offenses.
- ▶ Requires offenders who enter Minnesota to reside, work, or attend school, or enter the state and remain for 14 days or longer, to register within five days of when the registration requirement becomes applicable.
- ▶ Clarifies that if a person subject to registration moves out of the state, registration with Minnesota terminates when the BCA confirms the address in the new state.
- ▶ Requires an offender subject to registration to consent to allowing the offender's residential housing unit or shelter to release information on the offender to law enforcement.

- ▶ Requires all level III predatory offenders to be photographed every six months by their supervising authority.
- ▶ Requires level II and III predatory offenders who are no longer under correctional supervision to have an annual in-person contact with the law enforcement authority with jurisdiction over where the offender lives during which the offender must be photographed and verify the accuracy of the offender's registration information.
- ▶ Requires verification of registration information by mail twice annually for level III predatory offenders who are no longer under correctional supervision (current law requires verification by mail annually).
- ▶ Authorizes the Commissioner of Public Safety to extend an offender's registration period for five additional years for failure to register a change in the offender's primary or secondary address, employment, school, or motor vehicle information; failure to report any property the offender owns, leases, or rents; or failure to return the annual verification letter within ten days.
- ▶ Provides that when determining whether an offender is a repeat offender, and thus subject to the longer mandatory minimum sentence under the POR law, violations of similar statutes from other states or the United States "count."
- ▶ Provides for a ten-year conditional release term for a violation of the POR Law by a level III predatory offender. The terms of the conditional release are governed by **article 2, section 20**.
- ▶ Provides that a violation of the POR Law may be prosecuted in any jurisdiction where an offense takes place. However, the prosecutorial agency in the jurisdiction where the offender last registered a primary address is initially responsible to review the case. When an offender commits two or more offenses in two or more counties, the offenses may be aggregated and prosecuted in any of the counties in which one of the offenses was committed.
- ▶ Provides that certified copies of predatory offender registration records are admissible as substantive evidence when necessary to prove the commission of a violation of the POR Law.
- ▶ Adds to the list of offenses that require registration a reference to the new criminal sexual predatory conduct crime created in **article 2, section 19**.
- ▶ Makes other technical and clarifying changes.

**Section 2** amends section 243.167 (registration under the POR Law for other offenses). This law requires registration under the POR Law for offenders who commit a crime against the person and

who previously registered under the POR Law but whose registration period ended or who would have had to register except the POR Law did not apply to the offender at the time of the offense. Expands the definition of "crime against the person" to include fourth-degree assault. Expands this law to apply to offenders who are convicted of a crime against the person and who previously completed registration in another state.

**Section 3** requires the Commissioner of Corrections to report annually to the Legislature as specified on community supervision of level II and level III sex offenders and on other types of offenders.

**Section 4** amends the Community Notification Law provision relating to non-Minnesotan offenders. Requires the Commissioner of Corrections to establish an end of confinement review committee to assign risk levels for offenders released from any federal correctional facility or from any state correctional facility of another state, and for offenders accepted from another state for parole supervision under the new interstate compact on adult offender supervision.

**Section 5** allows for community notification for offenders who move to Minnesota from another state who, at the time of the move, are subject to a community notification statute in the other state and who are not already assigned a risk level under the community notification law. Authorizes the law enforcement agency in the area where the offender resides, expects to reside, or is regularly found to disclose information regarding the offender. The extent of the notification must be consistent with the notification made in the state from which the offender is moving. Caps the level of notification to that of a risk level II offender, unless the notification made concerning the offender in the state from which the offender is moving is broader than that authorized for a level II offender and the end of confinement review committee at the nearest state correctional or treatment facility at the request of the agency, assigns the offender to risk level III.

**Section 6** clarifies that the Community Notification Law applies to homeless predatory offenders.

**Section 7** authorizes law enforcement to disclose the probationary status of predatory offenders granted mitigated dispositional departures (sentences where the presumptive guidelines' disposition is commitment to the Commissioner of Corrections but where this disposition is stayed by the court) to individuals that law enforcement believes may be victimized by the offender (thus, conforming this notification provision to the one in the Community Notification Law governing level II offenders).

**Section 8** amends the law relating to the civil commitment of persons as being mentally ill and dangerous. Requires the special review board and Commissioner of Human Services to consider statements received from victims under **article 3, section 9**, when making recommendations and orders regarding release.

**Section 9** amends the law relating to the civil commitment of persons as being mentally ill and dangerous. Requires a county attorney who files a civil commitment petition alleging that a person is mentally ill and dangerous, has a sexual psychopathic personality, or is a sexually dangerous person to make a reasonable effort to provide prompt notice of the filing of the petition to a victim

and to notify the victim of the resolution of the petition. Also requires the head of a treatment facility to make a reasonable effort to notify victims that a person civilly committed as being mentally ill and dangerous, as having a sexual psychopathic personality, or as being a sexually dangerous person may be discharged or released and that the victim has a right to submit a written statement regarding the release decision. Requires victims to request these notifications by contacting in writing the county attorney in the county where the conviction for the crime occurred. Defines key terms used in this section. Of note, defines "convicted" and "conviction" in a manner that includes certain mental illness procedures where the elements of the crime have been proven but the person has not actually been convicted and findings in certain civil commitment cases that the act or acts occurred.

**Section 10** authorizes a court or the Commissioner of Corrections to require a sex offender to submit to a polygraph exam as a probationary intermediate sanction or a condition of release from confinement. Allows the court or the commissioner to order all or part of the cost of the exam to be borne by the offender.

**Section 11** requests the Chief Justice of the Supreme Court, in consultation with the Conference of Chief Judges, to develop, by September 1, 2005, a protocol for the use of polygraph examinations for sex offenders on probation.

**Section 12** requests the Supreme Court to study and report to the Legislature on the development and use of a statewide panel of defense attorneys to represent persons petitioned for civil commitment for being sexually dangerous persons or sexual psychopathic personalities and a statewide panel of judges to hear these petitions.

**Section 13** requires the Commissioner of Corrections to report to the Legislature on the number of sex offenders that the commissioner estimates will be released from prison each year for the next five years, recommendations on how best to supervise these offenders, and recommendations on how best to fund the supervision.

**Section 14** requires the Revisor of Statutes to make conforming changes to statutes as necessitated by this article.

**Section 15** repeals two subdivisions in the POR Law superceded by changes made in this article.

## **ARTICLE 4**

### **Legislative Auditor's Recommended Changes**

#### Overview

**Article 4** implements the Legislative Auditor's recommendations from the auditor's 2005 report to the Legislature on sex offender supervision.

**Section 1** requires that when an offender who is subject to the POR law is being released from prison, the Commissioner of Corrections must provide the offender's prison records relating to psychological assessments, medical and mental health issues, and treatment to the corrections agency that is going to supervise the offender.

**Section 2** amends the law requiring county and private sex offender programs to provide the Commissioner of Corrections with information related to program effectiveness. Strikes language that limits this provision to programs that seek new or continued state funding or reimbursements.

**Section 3** clarifies that the law requiring the Commissioner of Corrections to provide follow-up information on sex offenders for three years following their completion or termination from treatment programs, provide treatment programs in different geographical areas of the state, provide necessary data relating to sex offender treatment programing, etc., is not a onetime project, but rather an ongoing obligation.

**Section 4** amends the POR law to require offenders subject to registration to disclose their status as a registered offender to a health care facility upon admittance. The offender must also notify the offender's corrections agent or the applicable law enforcement authority when an inpatient admission has occurred. Requires a law enforcement authority or corrections agent who has received this notice or who knows that an offender has been admitted to a health care facility to notify the administrator of the facility.

**Section 5** provides that when a corrections agency supervising an offender who is required to register under the POR law and who is classified as a public risk monitoring case has knowledge that the offender is seeking housing arrangements in a location under the jurisdiction of a different corrections agency, the supervising agency must notify the other agency of this and initiate a supervision transfer request.

**Section 6** requires a corrections agency supervising an offender who is required to register under the POR law to notify the appropriate child protection agency before authorizing the offender to live in a household where children are residing.

**Section 7** clarifies that an independent professional assessment of a sex offender's need for sex offender treatment must be conducted before sentencing.

**Section 8** adds to the list of mandatory reporters of child abuse individuals involved in correctional supervision.

**Section 9** requires the Commissioner of Corrections to convene a working group related to sex offender management and supervision. Requires the working group to study and make recommendations on specified issues. Also requires the working group to review the provisions of any laws enacted in the 2005 legislative session relating to sex offender supervision and treatment. Requires the working group to report recommendations to the Legislature. Requires the

Commissioner of Corrections to implement policies and standards relating to the issues studied by the working group over which the commissioner has jurisdiction.

**Section 10** requires the Commissioner of Corrections to report specified information to the Legislature on prison-based sex offender treatment programs.

## ARTICLE 5

### Sex Offenders: Technical and Conforming Changes

#### Overview

**Article 5** makes technical and conforming changes relating to the substantive changes made in **article 2**.

**Sections 1 to 14** make technical and conforming changes to various statutes necessitated by **article 2** of this bill. Of note, **section 1** clarifies that the definition of “rule” in chapter 14 does not include rules of the Commissioner of Corrections relating to the release or release term of inmates on supervised or conditional release. **Section 3** provides timetables for the actions of the end of confinement review committees relating to offenders subject to indeterminate life sentences under **article 2**. **Section 6** requires courts to complete and forward to the Sentencing Guidelines Commission sentencing worksheets for offenders subject to indeterminate life sentences.

**Section 14** instructs the Revisor of Statutes to renumber the sex offender assessment statute so that it does not fall numerically between fifth-degree criminal sexual conduct and the new criminal sexual predatory conduct crime created in **article 2, section 19**. Also directs the Revisor to make other technical changes to statutes necessitated by this act.

## ARTICLE 6

### Controlled Substances Provisions

#### Overview

**Article 6** makes numerous changes to laws relating to methamphetamine including: increasing methamphetamine-related criminal penalties and creating new crimes; placing property restrictions on methamphetamine laboratory sites; establishing a toll-free telephone number for citizen tips; amending the nuisance law to make it easier to establish nuisances involving methamphetamine manufacturing; and requiring the Board of Veterinary Medicine to report on animal products that may be used to manufacture methamphetamine. In addition, it amends the definition of narcotic drug in the controlled substances chapter of law to include methamphetamine, requires that schools be notified when students have been taken into protective custody after being found at methamphetamine lab sites, and recodifies the possession of methamphetamine precursors

with the intent to manufacture methamphetamine crime into a stand-alone section of law. Authorizes the Commissioner of Corrections to grant conditional early release from prison to certain nonviolent controlled substance offenders.

**Section 1** amends the definition of “narcotic drug” in the controlled substance chapter of law to specifically include methamphetamine. Doing this ensures that methamphetamine sales and possession crimes are treated the same as cocaine and heroin throughout the controlled substances laws. Currently, this occurs for the most part. However, because methamphetamine is not defined as a narcotic drug, the sale of a small amount of methamphetamine is a fourth-degree controlled substance crime. The sale of a small amount of a narcotic drug (including heroin or cocaine) is a third-degree controlled substance crime.

**Section 2** amends the attempted manufacture of methamphetamine crime enacted in the 2003 First Special Session. Makes mostly technical changes to clarify that this crime is not an “attempt crime” as much as a “possession of certain substances with intent to manufacture methamphetamine crime.” These changes are consistent with the intent of the 2003 legislation and essentially “clean up” some confusing language in the provision. Strikes the cross-referenced definition of “anhydrous ammonia.” Provides that the list of chemical reagents and precursors is not exclusive.

**Section 3** increases the maximum criminal penalty for a violation of **article 6, section 2**, from a three-year/\$5,000 felony to a ten-year/\$20,000 felony and for a repeat offense from a four-year/\$5,000 felony to a 15-year/\$30,000 felony.

**Section 4** authorizes courts to order persons convicted of manufacturing/attempting to manufacture controlled substances or of illegal activities involving precursor substances where the response to the crime involved an emergency response to pay restitution to public entities that participated in the response. Also authorizes courts to order these persons to pay restitution to property owners who incurred removal or remediation costs because of the crime.

Requires an arresting officer to notify various authorities about the location of a methamphetamine lab. Requires the local health authority to prohibit occupation of the property until it has been remediated following state health guidelines. Makes the remedial provisions of the public health law in Minnesota Statutes, chapter 145, applicable to affected property. Requires the contractor who remediates the property to verify that the work has been done to the local health authority and the owner. After notice of the remediation, the health authority is to vacate its nonoccupation order. Imposes liability for additional costs of remediation on a contractor who improperly verifies that remediation has been completed. Attorney fees are allowed in an action under the provision and a six year statute of limitation is imposed. Requires that the registrar of motor vehicles be informed if a motor vehicle has been contaminated by methamphetamine manufacture. Requires that a legal description of affected property be recorded in the county title records and that verification of remediation also be recorded. Provision is made for the correction of descriptions and for the notice effects of the record of the recording of the description and mediation verification. Allows other interested parties to file affidavits that remediation has occurred. Provides for the notice effects of the filed verification. Requires the county recorder or registrar to record the affidavits.

Requires the Commissioner of Health to post contact information on the Internet. Requires the local health authority to maintain an information file on property subject to orders and lists minimum information requirements. Requires disclosures from sellers to transferors of the methamphetamine history of affected property and imposes certain liability on the seller if the seller fails to make the required disclosures. Attorney fees may be allowed in an action and a six year statute of limitations is provided.

Defines key terms.

**Section 5** recodifies the prohibited fertilizer activities currently codified at sections 18C.201 and 18D.331. (These provisions are repealed in **article 6, section 18**.) In addition, adds two new crimes: stealing or unlawfully taking or carrying away any amount of anhydrous ammonia; and purchasing/possessing/transferring/distributing any amount of anhydrous ammonia, knowing or having reason to know that it will be used to unlawfully manufacture a controlled substance. Violation of either provision is a five-year/\$50,000 felony.

**Section 6** criminalizes various methamphetamine-related activities that may impact children or vulnerable adults. The prohibited activities include manufacturing or attempting to manufacture methamphetamine, storing chemical substances, storing methamphetamine waste products, and storing methamphetamine paraphernalia. A person may not engage in these activities in the presence of a child or vulnerable adult; in the residence of a child or vulnerable adult; in a building, structure, conveyance, or outdoor location where a child or vulnerable adult might reasonably be expected to be present; in a room offered to the public for overnight accommodation; or in any multiple unit residential building. Also prohibits persons from knowingly causing or permitting a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia. Violation of these provisions is a five-year/\$10,000 felony. Provides that a prosecution for or conviction under this section is not a bar to conviction or punishment for any other crime committed by the defendant as part of the same conduct. Authorizes peace officers to take into protective custody children present in areas where prohibited activities under this section are occurring. Provides for health screening both for children taken into protective custody and for those who were not but who are known to have been exposed to methamphetamine. Requires peace officers to make reports of suspected maltreatment of vulnerable adults in certain situations involving methamphetamine exposure. Defines key terms.

**Section 7** creates a new crime for disposing or abandoning methamphetamine waste products or chemical substances. A knowing violation is a five year/\$50,000 felony, but if it places another person in imminent danger of death, great bodily harm, or substantial bodily harm, it is a ten-year/\$100,000 felony. Provides an exception for peace officers acting in the course of their employment and persons who lawfully dispose of any product or substance in a manner approved by the Pollution Control Agency. Defines key terms.

**Section 8** requires the Registrar of Motor Vehicles to include the term "hazardous waste contaminated vehicle" on a motor vehicle's title if the Registrar has received the notice and the vehicle's title as required in **article 6, section 4**.



**Section 9, subdivision 1**, authorizes the Commissioner of Corrections to grant conditional early release to nonviolent drug offenders who have met the criteria outlined in subdivision 2.

**Subdivision 2** provides the following offender criteria for consideration for conditional early release:

- the crime of conviction must be a first- to fifth-degree controlled substance crime (Minnesota Statutes, sections 152.021 to 152.025);
- the offender must have committed the crime as a result of drug addiction and not primarily for profit;
- the offender has served at least 36 months or one-half of the offender's term of imprisonment;
- the offender has successfully completed a chemical dependency treatment program while in prison; and
- the offender has not previously been conditionally released under this section.

**Subdivision 3** requires the commissioner to offer chemical dependency treatment to the offenders described in subdivision 2 within 120 days after their term of imprisonment begins.

**Subdivision 4** requires the commissioner to make a determination that an offender does not pose a threat to public safety before the commissioner grants a conditional release. In making the determination, the commissioner must follow the release procedures established in Minnesota Statutes, section 244.05, subdivision 2, and applicable rules.

**Subdivision 5** provides that the commissioner may rescind a conditional release without a hearing if the commissioner determines that continuation of the release poses a danger to the public or to an individual.

**Subdivision 6** prohibits the conditional release of an offender serving concurrent sentences for an offense eligible for conditional release and an offense ineligible for release under this section until the offender has served the entire term of imprisonment for the ineligible offense.

**Section 10** requires that if a child who is enrolled in school is taken into protective custody after being found in an area where methamphetamine was being manufactured or where chemical substances, methamphetamine paraphernalia, or methamphetamine waste products were stored, the officer who took the child into custody must notify the chief administrative officer of the child's school of this fact. Defines key terms.

**Section 11** requires the superintendent of the Bureau of Criminal Apprehension to maintain and publicize a toll-free telephone number to enable citizens to report suspected methamphetamine crimes.

**Section 12** expands the definition of “violent crime” in the criminal code’s sentencing provision for certain dangerous and repeat felony offenders to include within it the new child/vulnerable adult methamphetamine endangerment crime created in **article 6, section 6**.

**Section 13** amends the nuisance law to allow a public nuisance involving the manufacture of methamphetamine to be established upon a showing of a single methamphetamine manufacturing incident within the building in the previous 12 months. The nuisance law generally requires two incidents to have occurred in a 12-month period.

**Sections 14 and 15** are technical changes related to **article 6, section 13**.

**Section 16** requires the Minnesota Board of Veterinary Medicine to study and issue a report to the Legislature by February 1, 2006, on animal products that may be used in the manufacture of methamphetamine.

**Section 17** directs the Revisor to recodify the possession of methamphetamine precursors with the intent to manufacture methamphetamine crime enacted in the 2003 First Special Session (as amended by **article 6, sections 2 and 3**) into a new stand-alone section of law.

**Section 18** repeals statutory provisions in chapters 18C and 18D, relating to anhydrous ammonia that are recodified by this bill in chapter 152 (see **article 6, section 5**).

## ARTICLE 7

### General Crime Provisions

#### Overview

**Article 7** contains the bill’s nonsex offense, noncontrolled substances offense changes to substantive crimes. The article creates new crimes, amends existing crimes, and increases criminal penalties. It addresses such topics as identity theft, unlawful trafficking in persons, assaults, and commercial e-mail spam. In addition, it addresses subjects closely relating to substantive crimes such as the collection of biological samples for DNA testing and responding to the U.S. Supreme Court’s Blakely decision.

**Section 1** requires a court to allow a prosecutor seeking an upward departure to prove the existence of the aggravating factor to the fact finder. This may be proven either in a unitary or bifurcated trial.

**Sections 2 to 5** relate to new criminal penalties against senders of spam e-mail messages.

**Section 2** defines key terms for the purposes of the new crimes.

**Section 3** prohibits the following actions involving an e-mail message sent from or to a computer in this state:

- relaying or retransmitting multiple commercial e-mails, with the intent to hide the origin of the messages;
- falsifying header information in multiple commercial e-mail messages and then sending them;
- registering five or more e-mail accounts or online user accounts, or two or more domain names, in a way that falsifies the identity of the registrant, and then sending commercial e-mails from them; and
- falsely representing the right to use five or more Internet protocol addresses and sending commercial e-mails from those addresses.

**Section 4** creates a misdemeanor crime of illegally transmitting multiple commercial electronic mail messages for violating any of the provisions of **article 7, section 3**.

Creates a gross misdemeanor crime of illegally transmitting multiple commercial electronic mail messages if the perpetrator does any of the following:

- uses 20 or more e-mail or online accounts or ten or more domain names;
- sends more than 250 such messages within 24 hours, 2,500 within 30 days, or 25,000 within a year;
- causes aggregate loss of \$500 or more to victims, or obtains that value of property, within a one-year period;
- commits the violation with three or more other persons, with the perpetrator as the leader;
- provides or selects e-mail addresses obtained illegally by automated means; or
- provides or selects e-mail addresses through an automated means that generates permutation of names, letters, or numbers.

**Section 5** prohibits accessing a computer without authorization and using it to send illegal e-mail messages. Creates a gross misdemeanor crime of unauthorized access of a computer for persons violating this section. Creates a felony crime of unauthorized access of a computer for second or subsequent offenses, or if the crime was committed in the furtherance of a felony.

**Section 6** amends the domestic abuse law by enlarging the definition of a “domestic abuse no contact order” to include orders in criminal proceedings relating to violations of protection orders, violations of domestic abuse no contact orders, and harassment/stalking.

**Section 7** removes the June 30, 2005, sunset on the collection of biological specimens for DNA testing for persons convicted or adjudicated delinquent for felonies.

**Section 8** expands the crime of first-degree murder for child abusers. Currently, the crime applies to offenders who cause the death of a child while committing child abuse where the offender has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life. Expands the applicability of the provision to include situations where the past pattern of child abuse was upon any child, not just the victim.

**Section 9** expands the third-degree assault law to address assault by strangulation or asphyxiation. Makes it a five-year felony to assault a person by strangulation or asphyxiation. Defines “strangulation.”

**Section 10** expands the fourth-degree assault law to include persons civilly committed as being sexually dangerous persons or having sexual psychopathic personalities who commit certain acts against an employee or other individual providing care or treatment at a secure treatment facility. The prohibited acts include assaulting the person and inflicting demonstrable bodily harm or intentionally throwing or otherwise transferring bodily fluids or feces at or onto the person. The statutory maximum sentence for this crime is imprisonment for two years and/or a fine of not more than \$4,000. Provides for a mandatory minimum prison sentence of a year and a day. Also provides that when the offender is released from prison, the offender must be placed on conditional release for five years.

**Section 11** provides for an enhanced penalty for a felony crime committed for the benefit of a gang when the victim is under the age of 18 years. The statutory maximum penalty for this crime is ten years longer than the statutory maximum for the underlying crime (as opposed to five years longer, which is the case for other felony-level gang crimes).

**Section 12** defines “blackmail,” “debt bondage,” “forced labor or services,” “labor trafficking,” and “labor trafficking victim” for purposes of **article 7, sections 13 to 15**.

**Section 13** makes it a felony (statutory maximum sentence of 15 years imprisonment and/or a \$30,000 fine) for a person to knowingly engage in the labor trafficking of another.

**Section 14** makes it a felony (statutory maximum sentence of five years imprisonment and/or a \$10,000 fine) for a person to knowingly destroy, conceal, remove, confiscate, or possess any passport, immigration document, or other government identification document of another person:

- in the course of violating **article 7, section 13**, or Minnesota Statutes, section 609.322 (solicitation, inducement, and promotion of prostitution);

- with the intent to violate those sections; or
- to prevent or restrict a person’s liberty to move or travel, in order to maintain the person’s labor or services, if that person is or has been a victim of those sections.

**Section 15** provides:

- that consent or the age of the victim is not a defense to an action under this section;
- that a labor trafficking victim may bring a civil lawsuit against a person who violates **article 7, section 13 or 14**; and
- that if a corporation or business enterprise is convicted of violating **article 7, section 13 or 14**, or Minnesota Statutes, section 609.322, in addition to other applicable criminal penalties, the court may order specified remedies relating to the entity’s business status (i.e., order its dissolution or reorganization, etc.).

**Section 16** makes a conforming change relating to **article 7, sections 20 and 21**.

**Section 17** expands the definition of promoting prostitution under Minnesota Statutes, section 609.321, by adding sex trafficking (see **article 7, section 18**).

**Section 18** amends the criminal code’s prostitution definitions to define “sex trafficking” (see **article 7, section 17**) as “receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual.” This makes sex trafficking either a 20-year or a 15-year felony under Minnesota Statutes, section 609.322, depending on the age of the victim.

**Section 19** amends the criminal code’s prostitution definitions to define “sex trafficking victim.”

**Section 20** makes it a misdemeanor to loiter in a public place with the intent to participate in prostitution. **Article 7, section 42**, repeals the vagrancy crime which contains a similar provision.

**Section 21** amends the criminal code’s prostitution provisions by providing an affirmative defense to a charge under Minnesota Statutes, section 609.324 (prostitution crime involving patrons, prostitutes, and individuals housing prostitutes). Applies if a defendant charged with violating that section proves by a preponderance of the evidence that the defendant is a labor trafficking victim (see **article 7, section 12**) or a sex trafficking victim (see **article 7, section 19**) and that the defendant committed the act only under compulsion by another who by explicit or implicit threats created a reasonable apprehension in the mind of the defendant that if the defendant did not commit act, the other person would inflict bodily harm upon the defendant.

**Section 22** amends the definition of “coercion” for the purposes of Minnesota Statutes, sections 609.341 to 609.351 (Criminal Sexual Conduct provisions). Clarifies the language by explicitly

including the use by the actor of confinement, or superior size or strength, against the victim, that causes the victim to submit to sexual penetration or contact against the victim's will.

**Section 23** expands Minnesota Statutes, section 609.485 (Escape from Custody), to include persons civilly committed as sexual psychopathic personalities and sexually dangerous persons who abscond following the revocation of provisional discharge.

**Section 24** provides that an escape described in **article 7, section 23**, is a felony offense, punishable by imprisonment for up to a year and one day.

**Section 25** expands Minnesota Statutes, section 609.50 (obstructing legal process; arrest, or firefighting), by making it a crime to interfere with or obstruct a member of an ambulance service personnel crew in the performance of their official duties. Also expands the existing crime relating to interfering with or obstructing the prevention or extinguishing of a fire or disobeying a lawful order of a firefighter present at a fire by adding broader language relating to interfering or obstructing a firefighter while the firefighter is engaged in a performance of official duties.

**Section 26** defines "false pretense" as any false, fictitious, misleading, or fraudulent information depicting or including or deceptively similar to the name, logo, Web site address, e-mail address, postal address, or telephone number of a for-profit or not-for-profit business or organization or of a government agency, to which the user has not legitimate claim of right. (See **article 7, section 29**.)

**Section 27** expands the crime of identity theft by creating a 20-year felony for crimes involving the possession or distribution of child pornography (Minnesota Statutes, sections 609.246 and 609.247).

**Section 28** requires a court, upon the written request of a direct victim or the prosecutor in the identify theft crime, to provide a copy of the complaint, the judgment of conviction, and an order setting forth the facts and circumstances of the offense.

**Section 29** expands the crime of identity theft by creating a five-year felony for using a false pretense (see **article 7, section 26**) in an electronic communication with the intent to obtain the identity of another. Failure to obtain, use, or gain from the identity is not a defense.

**Section 30** provides that the venue for prosecuting a violation of **article 7, section 29**, includes the county or place of residence of the person whose identity was obtained or sought.

**Section 31** expands the definition of "designated offense" in the criminal code's forfeiture law to include violations of **article 7, sections 13 and 14**. Generally, all personal property that is used or intended for use to commit or facilitate the commission of a designated offense is subject to forfeiture. In addition, all money and other property, real and personal, that represent the proceeds of a designated offense and all contraband property are also subject to forfeiture. A person must be convicted of a designated offense to trigger the forfeiture.

**Section 32** amends Minnesota Statutes, section 609.5315 (Disposition of Forfeited Property), by adding a cross-reference to **article 7, section 33**, regarding disposition of proceeds from prostitution and trafficking offenses.

**Section 33** creates a new subdivision under Minnesota Statutes, section 609.5315, providing that proceeds from forfeitures resulting from prostitution and trafficking offenses be distributed as follows:

- 40 percent of the proceeds must be forwarded to the appropriate local agency for the use of law enforcement;
- 20 percent must be forwarded to the prosecuting agency that handled the forfeiture; and
- 40 percent must be forwarded to the Commissioner of Public Safety for distribution to crime victim organizations providing services to victims of trafficking offenses.

Also requires the Commissioner of Public Safety to report annually to the Legislature on the money forwarded to the commissioner under this section and distributed to crime victims' organizations providing services to trafficking victims.

**Section 34** enhances the misdemeanor "interference with privacy" crime (Minnesota Statutes, section 609.746) to a gross misdemeanor, and the gross misdemeanor crime (applicable to repeat offenders and crimes involving victims under the age of 18) to a felony. Increases the maximum age from 16 to 18 of the victim for purposes of triggering the enhanced penalty.

**Section 35** provides that a stepparent of a minor who is a victim of harassment may seek a restraining order on behalf of the minor. Under current law, only a parent or guardian may act on behalf of the minor.

**Section 36** waives harassment restraining order filing fees if the petition alleges acts that would constitute a violation of Minnesota Statutes, sections 609.342 to 609.3451 (Criminal Sexual Conduct in the 1st through 5th Degrees). Under current law, filing fees are waived only if the petition alleges conduct that would violate Minnesota Statutes, section 609.749 (Harassment and Stalking).

**Section 37** expands harassment and stalking crimes to include monitoring a person, whether in person or by technological or other means. Provides that the venue for prosecution of harassment or stalking crimes using wireless or electronic communication may be where either the victim or the actor resides.

**Section 38** expands the venue for prosecution of obscene or harassing telephone calls using wireless or electronic communication to include where the sender or the receiver resides. Under current law, the offense may only be prosecuted at the place where the call is made or where it is received.

**Section 39** provides that the venue for prosecution of harassment by letter, telegram, or package be where the missive was sent or received, or, in the case of wireless electronic communication, where the sender or receiver resides.

**Section 40** amends the criminal statute of limitations law to allow a criminal case to be commenced for a violation of **article 7, section 13**, at any time if the victim was under the age of 18 at the time of the offense. If the offense did not involve a minor victim, the statute of limitations is six years.

**Section 41** specifically adopts certain modifications proposed by the Minnesota Sentencing Guidelines Commission in its 2005 report to the Legislature.

The most significant of the adopted modifications relate to the Commission's response to the U.S. Supreme Court's 2004 decision in Washington v. Blakely. They expand individual cells within the sentencing guidelines' grid to the full 15 percent range authorized by law, adopt a list of offenses for which permissive consecutive sentencing is authorized, and make changes to the guidelines text related to the Blakely decision.

In addition, specifically adopts the proposed modification relating to ranking the anhydrous ammonia tampering/theft crime as a severity level III offense.

Finally, it specifically rejects the Commission's proposed modifications relating to sex offenses (i.e., creating a separate grid for sex offenses, making changes to the way in which criminal history is calculated for sex offenders, etc.).

Minnesota Statutes, section 244.09, subdivision 11, requires the Sentencing Guidelines Commission to submit to the Legislature proposed changes to the guidelines by January 1 of the year in which the Commission wishes to make the change. These modifications go into effect automatically on the following August 1 unless the Legislature by law provides otherwise. The report in which these modifications were proposed was not submitted to the Legislature in a timely fashion. Therefore, the Legislature has to specifically adopt these modifications if they are to go into effect on August 1, 2005. Of note, **article 9, section 4**, changes the reporting deadline from January 1 to January 15.

**Section 42** repeals Minnesota Statutes, section 609.725 (Vagrancy). This statute provides a misdemeanor penalty for the following acts of vagrancy:

- a person, with ability to work, who is without lawful means of support, does not seek employment, and is not under 18 year of age;
- a person found in or loitering near any structure, vehicle, or private grounds who is there without the consent of the owner and is unable to account for being there;
- a prostitute who loiters on the streets or in a public place or in a place open to the public with intent to solicit for immoral purposes; or



- a person who derives support in whole or in part from begging or as a fortune teller or similar imposter.

## ARTICLE 8

### 911 Emergency Telecommunications Services

#### Overview

**Article 8** provides for a transition of the 911 fee from one that is based on each telephone line to one that is based on each telephone number, with the change to become effective July 1, 2006. It increases the current 911 emergency telephone services fee by 25 cents to fund the current deficiency in the costs of operating the 911 telephone system, to pay off prior year obligations of the 911 telephone fund, and to help defray the cost of operating PSAPs. It authorizes the Commissioner of Public Safety to impose certain cost controls on 911 emergency telephone services contracts. It shortens the time limit for telephone companies to certify to the Commissioner their costs for providing 911 service. It replaces the current authorization for the Metropolitan Council to sell 911 revenue bonds for phases two and three of the 800 MHz public safety radio communications system with a similar authorization for the Commissioner of Finance to sell the bonds. It reduces the bond authorization for the second phase (in the metropolitan area) and increases the bond authorization for the third phase (in the areas around Rochester and St. Cloud). Finally, it sets priorities for payment of debt service costs from the 911 account.

Bonds for phases two and three of the 800 MHz radio system were previously authorized but not sold. They were authorized by Laws 2002, ch. 401, art. 1, § 7, and Laws 2003, First Sp. Sess. ch. 1, art. 2, §§ 116, and were to be paid for with fee increases totaling nine cents authorized by Laws 2002 ch. 401, art. 1, §§ 3, 8, and Laws 2003, First Sp. Sess. ch.1, art. 2, §§ 108, 117. The bonds were not sold because the Governor chose to divert the revenue from the nine-cent fee increase to pay operating costs of the telephone service when it became clear in the February 2004 forecast that actual revenue would fall short of the amounts forecast in February 2003.

**Section 1** provides for a transition of the 911 fee from one that is based on each telephone line to one that is based on each telephone number, with the change to become effective July 1, 2006. It requires the Commissioner of Commerce to recommend to the Legislature by January 15, 2006, the new method for assessing the fee, which will become effective when enacted into law.

**Section 2** transfers administration of the telephone assistance plan (TAP) from the Department of Administration to the Department of Public Safety. This is a conforming change to reflect a transfer that has already taken place.

**Section 3** strikes a reference to a “special viewing screen” for the enhanced 911 program, which no longer uses one.

**Section 4** updates the definition of enhanced 911 service to distinguish between the common network and database and the connections to the network.

**Section 5** provides a more generic definition of the three elements of the 911 service to accommodate changing technology whereby telephones are looking more like computer networks.

**Section 6** adds a new definition of "911 emergency telecommunications service provider" to enable contracting with entities other than telephone companies.

**Section 7** adds wireless providers and packet-based telecommunication (VoIP) to the statute requiring phone companies to design their systems to provide 911 service. In spite of being included in the definition, VoIP providers like Vonage are not subject to state regulation without their consent, since they have been exempted by the FCC and federal court decisions.

**Section 8** allows the state to contract with providers other than wire-line telecommunications service providers, in recognition of the growing role of nontelephone companies in providing 911 service.

**Section 9** allows the state to contract with providers other than wire-line telecommunications service providers, in recognition of the growing role of nontelephone companies in providing 911 service.

**Section 10** replaces a reference to a specified provision in the federal Electronic Communications Privacy Act of 1986 with a reference to a specified provision in the federal Communications Act of 1932.

**Section 11** allows the state to contract with providers other than wire-line telecommunications service providers, in recognition of the growing role of nontelephone companies in providing 911 service.

**Section 12** adds a reference to packet-based telecommunications service providers and increases the 911 emergency telephone services fee from 40 to 65 cents a month, limits the payment of telephone company charges for providing 911 service to those costs set forth in the company's contract with the Commissioner of Public Safety, and authorizes the Commissioner not to contract to pay for services required by federal law or regulation.

**Section 13** limits the payment of telephone company charges for providing 911 service to those costs set forth in the company's contract with the Commissioner of Public Safety and adds a reference to include packet-based telecommunications service providers.

**Section 14** shortens from two years to one year the time limit for a telephone company to certify to the Commissioner of Public Safety its charges for providing 911 services and requires each contract to provide that the Commissioner may limit payment of costs to 110 percent of the amount estimated when the contract was signed.

**Section 15** adds a reference to include packet-based telecommunications service providers and strikes the current dedication of ten cents of the fee to paying the costs of operating PSAPs, since the future amount of the fee under the new system is unknown. The bill includes a direct appropriation of the amount raised by 20 cents of the fee, ten cents under current law plus ten cents of the increase.

**Section 16** strikes language authorizing the Metropolitan Council to sell bonds for phase three.

**Section 17** strikes language authorizing the Metropolitan Council to sell bonds for phases two and three.

**Section 18** authorizes the Commissioner of Finance to sell 911 revenue bonds to pay the costs of the 800 MHz statewide public safety radio communication system that the Statewide Radio Board determines are of regional or statewide benefit. The bonds are payable from revenue to the 911 account. This section is modeled on Minnesota Statutes, section 473I.06, baseball park revenue bonds. The authority to borrow from the 911 account in anticipation of bond proceeds is modeled on Minnesota Statutes, section 16A.641, subdivision 8(b), for state general obligation bonds.

**Section 19** provides an open appropriation for the payment of debt service on the bonds once they have been sold, and sets this appropriation as a first priority for the use of all the revenue in the 911 account so as to insure that the debt service will be paid on time.

**Section 20** is a repealer.

**Section 21** makes the article effective immediately and applies it to 911 services contracts executed on or after that date.

## ARTICLE 9

### Miscellaneous Provisions

#### Overview

**Article 9** contains miscellaneous criminal justice provisions (those unrelated to substantive crimes). This article imposes, increases, and extends various fees and surcharges relating to driver's license and state identification card issuance, driver's license reinstatements, alcoholic beverage licensing, filing civil actions in court, and criminal and traffic offenders. It also raises the alcohol excise tax. In addition, the article establishes a new Minnesota Financial Crimes Oversight Council and Task Force, makes changes related to CrimNet, addresses gasoline theft drive-offs, and creates a homelessness pilot project under the administration of the Commissioner of Public Safety.

**Section 1** imposes a \$1 surcharge on every driver's license or state identification card issued. This money is to be deposited into the Minnesota Financial Crimes Oversight Council account created in **article 9, section 14**.

**Sections 2 and 3** extend the non-DWI driver's license reinstatement fee of \$20 to driver's licenses suspended for failure to appear and for unpaid fines. The receipts are deposited into the Special Revenue Fund and dedicated to the POST Board for reimbursement of local units of government for continuing education of peace officers.

**Section 4** changes the statutory deadline for the Minnesota Sentencing Guidelines Commission to submit reports to the Legislature relating to proposed guidelines modifications from January 1 to January 15.

**Section 5** amends the provision in current law that authorizes a local jail to collect local correctional fees only from convicted offenders. Authorizes facilities to charge fees to persons who are under the control and supervision of the facility. "Local correctional fees" include fees for the following correctional services:

- (1) community service work placement and supervision;
- (2) restriction collection;
- (3) supervision;
- (4) court-ordered investigations;
- (5) any other court-ordered service;
- (6) postprison supervision or other form of release; or
- (7) supervision or other services provided to probationers or parolees.

**Section 6** provides that hearings on civil commitment petitions relating to sexually dangerous persons or persons with sexual psychopathic personalities must be held within 90 days from the date of the petition's filing. Currently, the deadline is 14 days from filing.

**Sections 7 and 8** increase the alcohol excise tax on all distilled spirits and wine manufactured, imported, sold, or possessed in this state. The excise tax increase is intended to be the equivalent of a point of sale increase of one cent per drink.

**Section 9** increases the alcohol excise tax on all fermented malt beverages that are imported, directly or indirectly sold, or possessed in this state. The excise tax increase is intended to be the equivalent of a point of sale increase of one cent per drink.

**Section 10** increases the brewer's tax credit to conform with the increase in the excise tax on beer. The tax credit applies to brewers who manufacture less than 100,000 barrels of beer annually.

**Section 11** increases from \$300 to \$600 the state reimbursement ceiling for bullet-proof vests purchased by peace officers and law enforcement agencies.

**Section 12** is a conforming amendment relating to **article 9, section 11**, indexing the reimbursement rate to the Consumer Price Index.

**Section 13** amends the provision limiting eligibility for bullet-proof vest reimbursements. Authorizes reimbursements for vests that are at least five years old (current law requires that they be at least six years old).

**Section 14** creates the Minnesota Financial Crimes Oversight Council to provide guidance related to the investigation and prosecution of identity theft and financial crimes. Provides for the oversight council's membership, specifies its duties (which includes developing an overall strategy to ameliorate the harm caused to the public by identity theft and financial crime within Minnesota and establishing a multijurisdictional statewide Minnesota Financial Crimes Task Force to investigate major financial crimes). Provides for a statewide commander for the task force and specifies the commander's responsibilities. Addresses the status of participating officers in the task force, including their powers and jurisdiction. Provides for grants to combat identity theft and financial crime. Authorizes the oversight council to establish a victims' assistance program to assist victims of economic crimes and provide prevention and awareness programs. Provides that the oversight council and task force are permanent. Creates the Minnesota Financial Crimes Oversight Council account (money from the driver's license surcharge created in **article 9, section 1**, is to be deposited into this account). Authorizes the oversight council to accept lawful grants and in-kind contributions. Provides that proceeds received from property seized by the task force and forfeited go to the oversight council. Provides that equipment possessed by the current Minnesota Financial Crimes Task Force (that is being repealed in **article 9, section 41**) are transferred to the oversight council for use by the task force created in this section.

**Section 15** adds the chair and first vice chair of the Criminal and Juvenile Justice Information Task Force to the Criminal and Juvenile Justice Information Policy Group. Authorizes the policy group to hire an executive director in the unclassified service.

**Sections 16 and 17** change the reporting requirement of the Criminal and Juvenile Justice Information Policy Group from December 1 to January 15 of each year. Amends the membership of the Criminal and Juvenile Justice Information Task Force (formed to assist the policy group with its duties) by removing the policy group members, the Director of the Office of Long-Range and Strategic Planning, and the Commissioner of Administration and adding the following members:

- the director of the Sentencing Guidelines Commission;
- one member appointed by the Commissioner of Public Safety;
- one member appointed by the Commissioner of Corrections;
- one member appointed by the Commissioner of Administration; and

- one member appointed by the Chief Justice of the Supreme Court.

The report must provide the status of current integration efforts, recommendations concerning legislative changes or appropriations, and a summary of the work of the policy group and the task force.

**Section 18** transfers authority to determine system integration priorities from the Criminal and Juvenile Justice Information Policy Group to the CrimNet program office, in consultation with the task force and the approval of the policy group. Authorizes the task force to review funding requests and make recommendations to the policy group. Reserves authority to make final grant recommendations to the policy group. Provides a grant applicant matching fund requirement of up to 50 percent, to be constant across all applicants.

**Sections 19 to 26** increase various fees relating to alcoholic beverage licensees.

**Section 27** increases the fee for filing a civil action in court from \$235 to \$240.

**Sections 28 and 29** increase the criminal/traffic surcharge from \$60 to \$71 and deposit the increase in the general fund.

**Section 30, subdivision 1**, limits fees imposed on the recording process to the fees established in this section. Imposes a flat \$46 fee to replace and supplement fees in current laws. Increases the amount going into the state general fund by \$6.50. Eliminates the per page charge. Eliminates the \$10 nonstandard document fee. Reserves \$10 of the \$46 fee for the County recorder technology fund. Adjusts miscellaneous fees.

**Subdivision 2** applies the fees established in subdivision 1 to all counties.

**Subdivision 3** establishes the technology fund where \$10 of each recording fee is deposited. The fund must be used to obtain, maintain, and update technology for recording services.

**Subdivision 4** eliminates an additional \$10 fee for nonconforming documents.

**Subdivision 5** provides a cross-reference for registrar of titles fees.

**Section 31, subdivision 1**, provides an August 1, 2005, effective date for the recording standards in this section.

**Subdivision 2** prohibits counties from charging any fees for services related to recordable instruments other than the fees authorized under state law.

**Subdivision 3** provides a 15-day limit for county recorders and registrar of titles for recording and returning properly filed instruments. This is reduced to ten days after calendar year 2011, and is limited to five days for electronic filings.

**Subdivision 4** provides increasing thresholds for counties to comply with the subdivision 3 requirements. After 2010, a county is considered in compliance if 90 percent of recordable instruments are returned in compliance with subdivision 3 time limits.

**Subdivision 5** allows counties to suspend the time limits for compliance for six months if the county is undertaking “material enhancements” to its recording systems.

**Subdivision 6** requires counties to report on their compliance with the time limits under subdivision 3.

**Subdivision 7** requires counties to segregate additional unallocated fees into a separate account for enhancements to the recording process.

**Section 32** eliminates a reference to a fee now covered by **article 9, section 30**.

**Section 33** establishes the same fee schedule and changes for Torrens property that is applied to county recorders in **article 9, section 30**, and CPT filings in **article 9, section 34**.

**Section 34** provides the same fee schedule and changes for certificate of possessory title filings that is applied to county recorders in **article 9, section 30**, and Torrens property in **article 9, section 33**.

**Section 35** modifies the fees that apply to CIC (common interest community) property filings by imposing a flat \$40 fee for the first ten certificates within the CIC property and \$10 for each additional certificate.

**Section 36** amends the law authorizing service charges and civil penalties for persons who receive gasoline and then drive off without paying. Sets the service charge at \$30 and authorizes a law enforcement agency to keep this charge when the agency obtains payment for the gasoline on behalf of the retailer. Clarifies how the civil penalty is to be set.

**Section 37** clarifies that civil liability under **article 9, section 36**, is not a bar to criminal liability for the gasoline drive-off.

**Section 38, subdivision 1**, authorizes the Commissioner of Public Safety to award two-year grants for homeless outreach programs in Hennepin County, Ramsey County and one county outside the seven-county metropolitan area. Requires a grant recipient from outside the seven-county metropolitan area to provide a 25 percent match. A grant recipient from within the seven-county metropolitan area must provide a 50 percent match.

**Subdivision 2** provides criteria for grant awards.

**Subdivision 3** requires grant recipients to report annually, by June 30, on the services provided, expenditures of grant money and effectiveness of the programs. The commissioner must submit the reports to Legislature by November 1 of each year.

**Section 39** transfers money remaining in the criminal justice special projects account in the special revenue fund to the general fund. There is currently money in this account left over from the 2001 racial profiling legislation. However, the authority to spend the money expired on June 30, 2003.

**Section 40** requires that space be kept available at MCF-Faribault to allow Rice County to construct a local correctional facility there. This section sunsets in ten years.

**Section 41** repeals Minnesota Statutes 2004, sections 299A.68 (Minnesota Financial Crimes Strike Force); and 299C.65, subdivisions 3, 4, 6, 7, 8, 8a, and 9, relating to the Criminal and Juvenile Justice Information Policy Group:

**Subdivision 3** (Continuing Education Program);

**Subdivision 4** (Criminal Code Numbering Scheme);

**Subdivision 6** (Development of Integration Plan);

**Subdivision 7** (Implementation of Integration Plan);

**Subdivision 8** (Local Match);

**Subdivision 8a** (Criminal Justice Technology Infrastructure Improvements);

**Subdivision 9** (Documentation and Reporting Requirements).

Also repeals Minnesota Statutes, section 386.30 (30-day allowance for time to record and return recordable instruments). This requirement is replaced by the changes in **article 9, section 31**.

KPB:CT:cs



# MINNESOTA - REVENUE

## INDIVIDUAL INCOME TAX Income Tax Surcharge for TY 2005 & TY 2006

April 27, 2005

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

Department of Revenue  
Analysis of H.F. 2458 (Greiling)/S.F. 2256 (Hottinger), Section 14 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)			
General Fund	\$412,400	\$236,000	\$0	\$00

Effective for tax years 2005 and 2006.

### EXPLANATION OF THE BILL

#### *Individual Income Tax Rates and Brackets*

This proposal imposes a surtax on all tax brackets for tax years 2005 and 2006. For tax year 2005, the proposal increases the bottom rate of 5.35% by .03%, the middle rate of 7.05% by .33% and the top rate of 7.85% by .43% for married-joint, married-separate, single, and head-of-household filers. For tax year 2006, the proposal increases the bottom rate of 5.35% by .05%, the middle rate of 7.05% by .65% and the top rate of 7.85% by .85% for married-joint, married-separate, single, and head-of-household filers. For tax years 2007 and later, all tax rates revert back to their current levels of 5.35%, 7.05%, and 7.85%.

The bill also provides increased funding for child care assistance, early childhood family education programs, general community education, adult basic education, special education and the general education formula allowance. It also suspends and reduces certain fees relating to child care and provides grants and appropriates money.

With the surtax, the new tax rates are presented in the table on the following page:

	Tax Year 2005					
	Current Law			Proposed Law		
Married Joint	5.35%	\$ 0	- \$29,070	5.38%	\$ 0	- \$29,070
	7.05	29,071	- 115,510	7.38	29,071	- 115,510
	7.85	Over	115,510	8.28	Over	115,510
Married Separate	5.35%	\$ 0	- \$14,540	5.38%	\$ 0	- \$14,540
	7.05	14,211	- 57,760	7.38	14,541	- 57,760
	7.85	Over	57,760	8.28	Over	57,760
Single	5.35%	\$ 0	- \$19,890	5.38%	\$ 0	- \$19,890
	7.05	19,891	- 65,330	7.38	19,891	- 65,330
	7.85	Over	65,330	8.28	Over	65,330
Head of Household	5.35%	\$ 0	- \$24,490	5.38%	\$ 0	- \$24,490
	7.05	24,491	- 98,390	7.38	24,491	- 98,390
	7.85	Over	98,390	8.28	Over	98,390

	Tax Year 2006					
	Current Law			Proposed Law		
Married Joint	5.35%	\$ 0	- \$29,780	5.4%	\$ 0	- \$29,780
	7.05	29,781	- 118,350	7.7	29,781	- 118,350
	7.85	Over	118,350	8.7	Over	118,350
Married Separate	5.35%	\$ 0	- \$14,890	5.4%	\$ 0	- \$14,890
	7.05	14,891	- 59,170	7.7	14,891	- 59,170
	7.85	Over	59,170	8.7	Over	59,170
Single	5.35%	\$ 0	- \$20,380	5.4%	\$ 0	- \$20,380
	7.05	20,381	- 66,930	7.7	20,381	- 66,930
	7.85	Over	66,930	8.7	Over	66,930
Head of Household	5.35%	\$ 0	- \$25,090	5.4%	\$ 0	- \$25,090
	7.05	25,091	- 100,810	7.7	25,091	- 100,810
	7.85	Over	100,810	8.7	Over	100,810

## REVENUE ANALYSIS DETAIL

- The House Income Tax Simulation (HITS) Model version 5.3 was used to estimate the tax year revenue impact of the proposal.
- These simulations assume the same economic conditions used by the Minnesota Department of Finance for the forecast published in February 2005. The model uses a stratified sample of tax year 2002 individual income tax returns compiled by the Minnesota Department of Revenue.
- In allocating the tax year impacts to fiscal years, a standard rule of thumb formula was applied.

**Number of Taxpayers:** Approximately 1,819,300 taxpayers would receive an average tax increase of \$115 in tax year 2005. In tax year 2006, approximately 1,922,100 taxpayers would receive an average tax increase of \$228.

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)

# MINNESOTA · REVENUE

## ALCOHOLIC BEVERAGE EXCISE TAX Rate Increases

April 28, 2005

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

Department of Revenue

Analysis of S.F. 2273 (Cohen) – Article 9, Sections 7 through 10 Only

	<u>Fund Impact</u>			
	<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*	\$24,082	\$26,592	\$26,850	\$27,184
Sales Tax on Alcoholic Beverages	<u>\$1,059</u>	<u>\$966</u>	<u>\$975</u>	<u>\$986</u>
<b>General Fund Total</b>	<b>\$25,141</b>	<b>\$27,558</b>	<b>\$27,825</b>	<b>\$28,170</b>

\* Includes adjustments for refunds and miniatures

Effective July 1, 2005.

### EXPLANATION OF THE BILL

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

Summary of Excise Tax Rate Changes:

	<u>Current</u>	<u>Proposed</u>
3.2 Beer (per 31-gallon barrel)	\$2.40	\$5.69
Regular Beer (per 31-gallon barrel)	\$4.60	\$7.89
Cider (per liter)	\$.04	\$.10
Regular Wine (per liter)	\$.08	\$.14
Strong Wine (per liter)	\$.25	\$.31
Sparkling Wine (per liter)	\$.48	\$.54
Spirits (per liter)	\$1.33	\$1.67

Also, the small brewer's tax credit on 25,000 barrels per fiscal year is increased from \$4.60 to \$7.89 per barrel, with the maximum credit increased from \$115,000 to \$197,250. The tax on miniatures is increased from 14 cents per bottle to 15 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)

Tomassoni 

04/28/05 1:07 p.m.

[COUNSEL ] KPB

SCS2273A-3

- 1 Senator ..... moves to amend S.F. No. 2273 as follows:
- 2 Pages 167 to 169, delete sections 7 to 10
- 3 Renumber the sections in sequence and correct the internal
- 4 references
- 5 Amend the title accordingly

04/28/05 1:07 p.m.

*Tomassoni*  
[COUNSEL ] KPB SCS2273A-3

~~SCS2273A~~

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- 2 Pages 167 to 169, delete sections 7 to 10
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- 5 Amend the title accordingly

## It's Common CENTS!

### Top 10 reasons for a 1¢ increase in the alcohol user fee

10. The alcohol excise tax is a true "user fee." 20% of drinkers consume 85% of all alcoholic beverages. That means that the remaining 80% of drinkers consume on average relatively little alcohol and pay a small amount of alcohol taxes.<sup>1</sup>

60-70% of all crimes are committed while the offender is under the influence of alcohol and other drugs.<sup>2</sup>
8. 90% of the Minnesota prison population is either chemically dependent or abusive of alcohol and other drugs.<sup>3</sup>
7. In 2003, 427,849 people living in Minnesota had a DWI record. 11,299 Minnesotans were convicted of a 2<sup>nd</sup>, 3<sup>rd</sup>, even 4<sup>th</sup>+ DWI offense. No other offense in Minnesota occurs among a greater percentage of the population (10%) and consistently has so many re-offenders.<sup>4</sup>
6. Of patients receiving treatment for substance abuse from state chemical health programs, nearly half (46.4%) abuse alcohol as the primary substance, compared with 14.2% for meth and 13.8% for crack/cocaine.<sup>5</sup>
5. Of all drugs, alcohol has the greatest impact on Minnesota communities. In fact, Minnesota's overall alcohol use is higher than the national average.<sup>6</sup>
4. For every \$1 of tax revenue spent on treatment, taxpayers save \$7, due mostly to reductions in crime.<sup>7</sup>
3. Alcohol use cost Minnesotans \$4.5 billion in 2001. That amounts to over \$900 for every person in the state. This is 19 times higher than taxes collected from alcohol sales.<sup>8</sup>
2. The current Minnesota alcohol excise tax is only pennies per drink and hasn't been raised since 1987. Minnesota's wine and beer excise taxes are average or below average compared with most other states.<sup>9</sup> A penny increase in the alcohol excise tax would raise about \$24.5 million per year for public safety.<sup>10</sup>
1. Three out of four Minnesotans support increasing the alcohol tax.<sup>11</sup>

<sup>1</sup> Rogers, J.D. & Greenfield, T.K. "Who Drinks Most of the Alcohol in the U.S.? The Policy Implications." *Journal of Studies on Alcohol*. 60(1) (1999).

<sup>2</sup> "2000 Arrestee Drug Abuse Monitoring: Annual Report." National Institute of Justice (April 2003).

<sup>3</sup> Minnesota Department of Corrections: 2005 presentation by Chris Bray, Assistant Commissioner of Corrections.

<sup>4</sup> Minnesota Supreme Court Chemical Dependency Task Force: Presentation for the Public Safety Budget Division, April 11, 2005. Data provided the Office of Traffic Safety, Department of Public Safety.

<sup>5</sup> Data from the Minnesota Department of Human Services: Project Management and Quality Improvement Division.

<sup>6</sup> "Creating a Safer Minnesota: Byrne Advisory Committee Report." Minnesota Department of Public Safety (1999).

<sup>7</sup> "Evaluating Recovery Services: The California Drug and Alcohol Treatment Assessment (CALDATA)." California Department of Alcohol and Drug Programs (July 1994).

<sup>8</sup> "The Human and Economic Costs of Alcohol Use in Minnesota." Minnesota Department of Health (Jan 2004).

<sup>9</sup> Minnesota House of Representatives Research, <http://www.house.leg.state.mn.us/hrd/issinfo/ssalbvtx.htm#Q5> (accessed April 20, 2005).

<sup>10</sup> Minnesota Senate Counsel, Research and Fiscal Analysis.

<sup>11</sup> AARP poll conducted Jan. 2005 (<http://www.aarp.org/research/reference/publicopinions/Articles/aresearch-import-494.html>). Robert Wood Johnson poll conducted in 1997 and 2001 ([http://www.epi.umn.edu/alcohol/pdf/2002\\_report.pdf](http://www.epi.umn.edu/alcohol/pdf/2002_report.pdf)).



## The Alcohol Excise Tax Quick Facts

### Current Minnesota Excise Taxes:

Beer: 1.4 ¢ per drink	Minnesota ranks 35 <sup>th</sup> of 50 states
Wine: 1.2 ¢ per drink	Only five states have a lower excise tax on wine*
Liquor: 5.9 ¢ per drink	Minnesota ranks 7 <sup>th</sup> out of 32 states*

\*Some states directly control the sale of alcohol through state-owned liquor stores. Revenue in these states is generated from various taxes, feed, and net profit. *Source: Federation of Tax Administrators, Jan 2005.*

The alcohol excise tax has not been raised since 1987. Revenues grow only as more liters or barrels of the taxed products are sold; they don't increase with inflation. After adjusting for inflation, the revenue from the alcohol excise tax has declined by about 40%. For revenues to keep pace with inflation, the legislature must adjust the tax rates. *Source: M.J. Hedstrom, Fiscal Analyst, Senate Tax Committee, using Bureau of Labor Statistics Consumer Price Index*

The economic burden of alcohol use in Minnesota includes costs for public safety, medical treatment, law enforcement, fire and emergency response, chemical dependency treatment, detox facilities, criminal justice, damage to personal property, and the social costs resulting from violence and abuse. Counties and cities bear most of the high costs of dealing with alcohol-related problems.

The costs of alcohol use far exceed alcohol tax revenue. Alcohol use cost \$900 for every person in the state, for a total of \$4.5 billion in 2001. Yet, Minnesota collected only \$234 million in tax revenue from alcohol sales in 2003. *Source: Minnesota Department of Health, The Human and Economic Costs of Alcohol Use in Minnesota, Jan 2004.*

Higher alcohol taxes lead to reductions in the levels and frequency of drinking among youth and lower traffic crash fatality rates, especially among young drivers. Alcohol (primarily beer) consumption among underage persons is a leading cause of school failure, violence, unwanted pregnancies, accidental deaths, and numerous other injuries and social and economic costs to society. *Sources\*\**

Governor Pawlenty supports raising alcohol taxes. His budget proposal would cancel the January 1, 2006 sunset on the alcohol sales tax, raising the tax from 6.5% to 9.0%, and generating about \$60 million annually for the general fund. *Source: State of Minnesota, Governor's Recommendation, 2006-07 Biennial Budget, Page 26.*

\*\*Coate, D., & Grossman, M. (1988). *The effects of alcoholic beverage prices and legal drinking ages on youth alcohol use. Journal of Law and Economics* 31(1):145-171.  
Grossman, M.; Coate, D.; & Arluck, G.M. (1987). *Price sensitivity of alcoholic beverages in the United States: Youth alcohol consumption. In: Holder, H., ed. Control Issues in Alcohol Abuse Prevention: Strategies for States and Communities. Greenwich, CT: JAI Press, pp. 169-198.*  
Ruhm, C.J. (1996). *Alcohol policies and highway vehicle fatalities. Journal of Health Economics* 15(4):435-454. Saffer, H., & Grossman, M. (1987). *Beer taxes, the legal drinking age, and youth motor vehicle fatalities. Journal of Legal Studies* 16(2):351-374.  
Office of Disease Prevention and Health Promotion. (2000). *Healthy People 2010: Understanding and Improving Health.* URL: [http://www.health.gov/healthypeople/Document/html/uih/uih\\_bw/uih\\_4.htm#subabuse](http://www.health.gov/healthypeople/Document/html/uih/uih_bw/uih_4.htm#subabuse). (Visited, April 28, 2005).

**TESTIMONY ON THE SENATE OMNIBUS CRIME COMMITTEE  
SENATE TAX COMMITTEE – APRIL 28, 2005**

Andy Erickson, Director Dodge-Fillmore-Olmsted Community Corrections 507.287.1686

I appreciate the opportunity to address the Senate Tax Committee this afternoon. I am speaking in favor of the penny per drink tax for public safety.

**What is the connection between a drink tax and community probation services?**

1. An estimated 85% of open probation cases are either alcohol or drug related
2. DFO has had a 28.6% increase in positive drug tests for meth since 2001
3. Greater numbers of offenders are being violated for subsequent alcohol and drug use while on probation (a 24% increase in Olmsted County probation violations from 2002-2003)
4. The legislature has enacted tougher drinking laws, i.e., .08 and felony DUI, which impact probation caseloads without state funding

**Has Public Safety been compromised of late, and additional resources needed?**

1. The risk score of those receiving active supervision has been raised in many counties in MN
2. Many offenders who would have been supervised directly by a probation officer a few years back are now on "paper" supervision or on a kiosk
3. The "contact standards" (the frequency with which offenders are seen by probation officers) have been reduced in many counties
4. The property tax has been increased to offset state reductions
5. This restores previous cuts. If the Senate Omnibus Crime Bill is enacted, most counties would only revert to the level of real dollars from the state they received in SFY2002.
6. Minnesota has the 46th lowest per capita spending on corrections in the U.S.
7. Approximately 15 offenders can be supervised safely in the community for every offender placed in prison
8. The growth in the cost for operating state prisons in MN has grown at three times the rate of increase for funding of probation services, even if this bill passes

**Four Case Studies from DFO in 2005; supervised by kiosk, not by probation officers**

1. 33 year-old white male, currently on probation for two felony counts of Violation of Order for Protection. (The second count occurred approximately two months after being sentenced for the first count). The victim is his ex-wife. He has three previous convictions for OFP violations, as well as 2 DWI's and other miscellaneous driving offenses. He was convicted of 3<sup>rd</sup> degree Burglary as a juvenile. He has been violated for failing to remain abstinent and failing to remain law-abiding. He is chemically dependent and has been through both CD treatment and domestic violence programming. We continue to get calls from the victim with concerns about her safety.

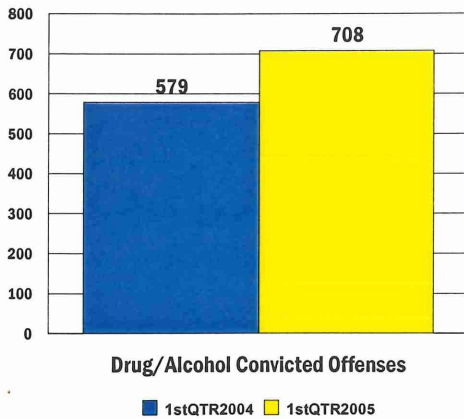
2. 38 year-old white male, currently on probation for felony 5<sup>th</sup> Degree Controlled Substance and Terroristic Threats. His wife is the victim of the terroristic threats conviction. The defendant has a lengthy criminal history, including Burglary as a juvenile, two Domestic Assault convictions, three Disorderly Conduct Convictions, two alcohol/drug related convictions, three Theft convictions, a 2<sup>nd</sup> degree Burglary conviction and 3<sup>rd</sup> degree Criminal Sexual Conduct conviction, as well as

numerous driving offenses. He has had at least 27 detox admissions, 8 chemical dependency treatment admissions as well as domestic violence programming at least twice. He has violated his current sentences by failing to remain abstinent and failing to comply with domestic violence programming.

3. 29 year-old white female, currently on probation for two counts of misdemeanor Theft and one count of misdemeanor 5<sup>th</sup> Degree Assault. Ten days after sentencing on these convictions she allegedly committed a new offense and has pending charges of 1<sup>st</sup> and 2<sup>nd</sup> degree Aggravated Robbery. The charges allege she entered the home of persons unknown to her and demanded money. When they refused she pulled a knife on them. She had her two small children with her during the commission of the crime. She has a lengthy criminal history that includes felony drug crimes, felony Fleeing a Peace Officer, felony Theft, and Prostitution. She also appears to having pending charges in Minneapolis of 1<sup>st</sup> Degree Controlled Substance. She has a history of chemical dependency.

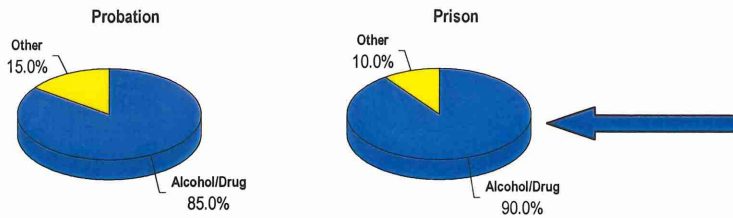
4. Corrections officers get tip from Narcotics Task Force that one of our female probationers is using/selling meth. Female probationer is on probation for DUI. Police and probation go to home of probationer to conduct a search. First three people they encounter in the home do not live there. They are stoned and in their late teens and early 20s. Husband of probationer comes out of bedroom. He has sores all over from meth use. Meth found in bedroom and appears to be the highly addictive crystal meth version. Marijuana and drug paraphernalia found under the couch in the living room. While at the home an older daughter comes home. She is concerned about the situation and about her 11 year old brother who is at school. Mom (probationer) arrives in a car with another young person. Mom tries to deny her identity. Older daughter helps confirm her identity. Young person in car with probationer is daughter of law enforcement official from another jurisdiction. Claims she does not use. Meth found in vehicle and appears to be more crystal meth. Older daughter agrees to pick up brother and care for him. Dad to jail. Mom tests positive for Meth and Cocaine. Mom goes to jail.

**Increase in Drug/Alcohol Convicted Offenses**  
**DFO Community Corrections**  
 1st quarter 2004 - 1st quarter 2005



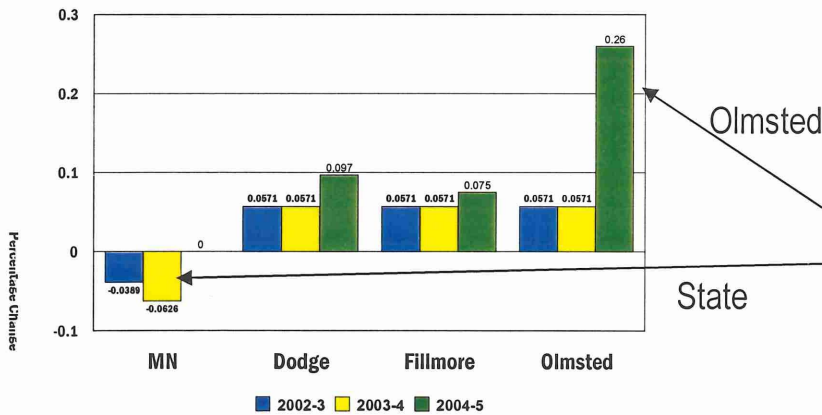
22.3% increase in DFO's convicted drug and alcohol offenses from 1 quarter 2004 to 1<sup>st</sup> quarter 2005

**The Prevalence of Alcohol/Drug Problems Among Probation and Prison Populations**



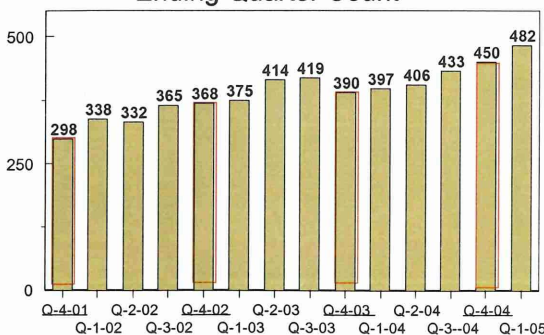
85% of probation and 90% of MN prison population with drug or alcohol problems

**Funding of DFO Community Corrections**  
 Percentage Change; MN -vs - Local Levy  
 2002-2005



The financial responsibility for funding probation services has been increasingly shifted to the property tax

**Kiosk Check-In Supervision**  
 Ending Quarter Count\*



- 61% increase in kiosk utilization (electronic, not staff-supervised)
- 40% of them are felons

\* Counts may be higher than actual active Kiosk assignments, as offenders (10-40 at any given time) are in pending status, waiting to get hooked up.

Handout #4



**Hennepin County Community Corrections**

C-2353 Government Center  
Minneapolis, Minnesota 55487-0533

612-348-6180, Phone  
612-348-6488, Fax  
www.co.hennepin.mn.us

The total budget and property tax requirement for the Hennepin County Community Corrections Department for the last five years are as follows:

	<u>Total Budget</u>	<u>Property Tax Requirement</u>
2001	\$85.0 million	\$52.3 million
2002	\$90.7 million	\$56.7 million
2003	\$91.4 million	\$58.4 million
2004	\$86.2 million	\$60.2 million
2005	\$88.5 million	\$63.0 million
% increase from 2001 to 2005: 4.1%		20.4%

County	Caseload Impact	Other Implications
Goodhue	Adult caseloads have risen from 75-80 to 100-125 in recent years	Because of State budget cuts, Goodhue Co lost one full time agent.
Carver	Despite rising caseloads of 5% a year over the past several years, there has not been a new agent added for 7 years	8% budget cut in 2005 (\$80,000.00) Other cuts: -.5 FTE Probation officer -.5 FTE STS worker -reductions in juvenile placement budget -elimination of programming for high risk offenders (cognitive skills)
Pope	One agent caseload included supervision of 77 gross misdemeanor offenders and 43 juveniles The Director of Court Services has a caseload of 70 adults in addition to all administrative functions of the office	Director states they are not adequately supervising clients. They do not have time to do home visits, drug testing collateral contacts or ANY type of intensive supervision for high risk offenders. The number of alcohol and drug offenses continues to rise each year
Wabasha	1995 Average adult caseload was 55 per agent 2003 Average adult caseload was 95 per agent 1994 504 new cases were opened 2003 997 new cases were opened	- decreased funding for State reimbursement and other grants has had significant impact on probation.
Mille-lacs	Average caseload for probation officer is 115 –150 cases (40-50 juveniles and 75-100 adults)	-State reimbursement last year was short \$27,000.00. Huge hit for a small County - no money for new agents despite growing caseloads and other growing concerns with meth problems in the County.
Scott	Adult caseloads were running at 140. These offenders were all classified as medium to high risk supervision. They have now moved all medium risk offenders to group supervision (minimum supervision) These offenders under this supervision include repeat DWI offenders and assaults.	<ul style="list-style-type: none"> <li>- Drug testing has been cut back because of limited funds</li> <li>- One position cut within the last year</li> <li>- No resources to do intensive supervision for high risk offenders</li> </ul>
Brown	Caseloads running over 100	Loss of over \$75,000.00 last year to probation in State cuts, grants etc.

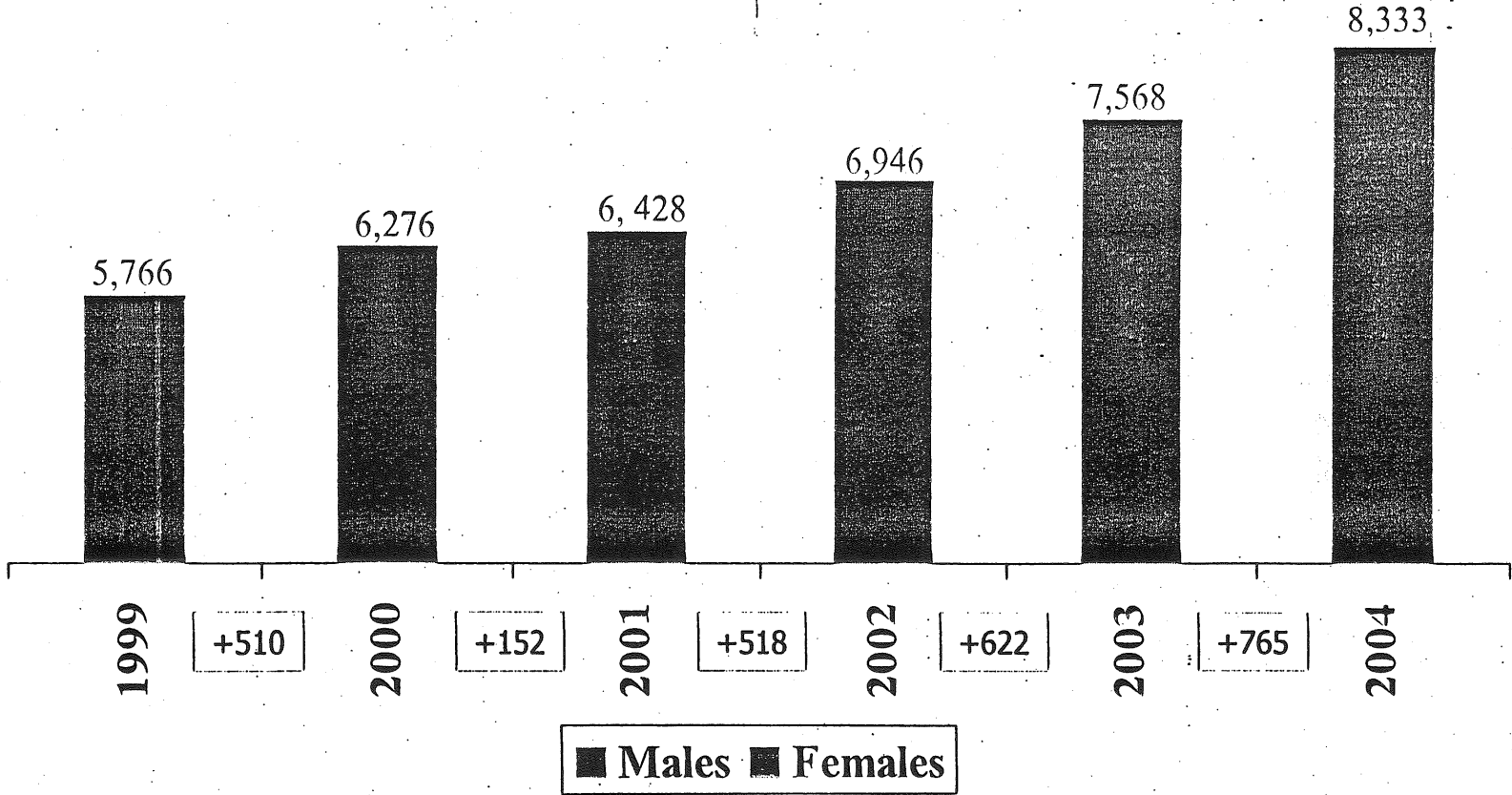
#6

# Minnesota Department of Corrections

## Actual Prison Populations\*

(July 1 of each year)

**45 Percent Overall Increase from 1999 to 2004**

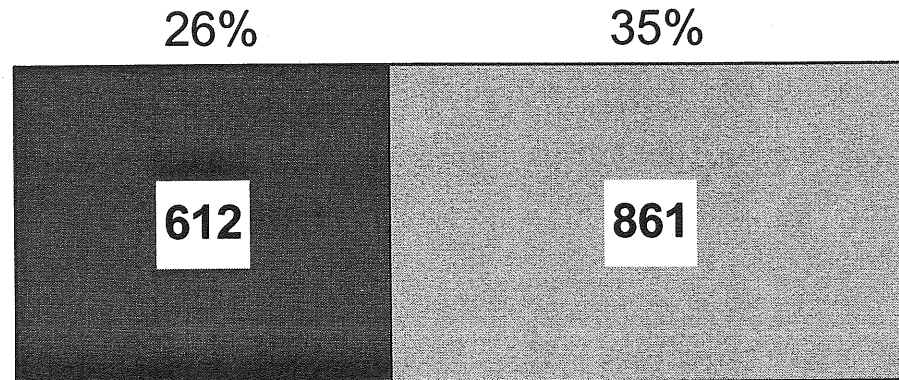


\* Actual prison population include those housed in a DOC facility or contracted to be housed in a local jail/private facility.

# Minnesota Sex Offenders

## Anticipated Prison Releases

**2,396 in prison on January 1, 2005**



**FY05**

**FY06-07**



**Biennial Budget Appropriations comparisons**  
**State criminal justice Accounts**  
**2001, 2003, 2005**  
*(in thousands \$.. add 000)*

<b>Select Appropriations</b> Accounts in criminal justice bills	<b>2001 bill</b> Spec session chapt 9, art 18	<b>2003 bill</b> Spec session chapt 2, art 1	<b>2005 House</b> HF 1, 3 <sup>rd</sup> engrossment(4-27-05)	<b>2005 Senate</b> SF1879 + SC 4098 spreadsheet (4-25-05)	<b>% House change</b> from 01-05	<b>% Senate change</b> from 01-05
<b>Public Defense Board</b>	\$50,723 & \$54,709	\$53,763 & \$46,082	\$59,857 & \$63,112	\$59,403 & \$63,251	+16.6%	+16.3%
<b>DOC management services or operations support gen. fund</b>	\$12,830 & \$13,085	\$14,647 & \$14,647	\$15,348 & \$15,348	\$15,023 & \$15,023	+18.4%	+15.9%
<b>DOC institutions gen. fund</b>	\$225,365 & \$232,584	\$236,679 & \$239,797	\$287,463 & \$302,778	\$292,936 & \$308,136	+28.9%	+31.3%
<b>Community services</b> (includes \$ for probation to counties and DOC) gen. fund.	\$109,252 & \$113,488	\$94,239 & \$95,325	\$101,023 & \$101,274	\$123,243 & \$123,394	-9.2%	+10.7%

*Thus the increases for probation services in Sen. Ranum's SC4098, paid for by the 1 cent/drink alcohol tax/fee increase, are NOT out of line with increases in other segments of the criminal justice system. All segments are impacted by changes in crime and changes in law. ALL need state financial support*

Outline Tax Committee presentation 4-29-05

**Introduction.**

Thank You Chair Pogemiller and Senate Tax Committee members for giving me the chance to speak before this Senate Tax Committee hearing.

My name is John Falconer, owner of Falconer Vineyards Winery in Red Wing, MN. And I am also a member of the Minnesota Grape Growers Association which has a membership of 642 as of Wednesday.. Presently I serve as the MGGA Vice President and the Editor of MGGA Publications.

**TAX ISSUES**

The Public Safety bill as proposed presents an undue burden upon the MN winery industry. MN Farm Wineries are presently small family owned operations.

Most start up wineries have gross sales under 50K in their first year and slowly ramp productions as their vineyards mature.

The increase in excise tax sounds small, 1 cent per serving, though the effect of the increase in tax is very significant.

5,000 gl winery would have to pay an additional 1,135	orig tax 1,514	new total 2,649
10,000 gl	“ 2,255	“ 3,028 “ 5,283
12,000 gl	“ 2,725	“ 3,634 “ 6,359

These amounts are a hardship on a small business that cannot easily pass on the additional cost to their customers. Presently MN wineries pay the highest price for grapes in the nation, over 1,000 per ton and more. These higher prices benefit the farm grape growers but also makes MN wines fairly expensive. We have to compete with the world.

Additionally the TTB Tax and Trade Bureau formally the ATF is planning on funding its operations by charging a high price for mandated services. The federal government has eliminated the TTB funding and is told to make it up with new fees. 100.00 for a COLA = mandated label approval vrs. 0 previously. The COLA approval process is frustratingly slow. With average wineries having 10 or more wines this alone will cost 1,000.00 or more. Many other fees have increased by far more. Ex. AVA 3,000.

The combined tax increases will be a hardship upon the MN wine industry.

The MN grape industry gets no subsidies as other agriculture programs, further we cannot take part in the traditional crop insurance programs as other producers.

The brewing industry is allowed an exemption from the excise tax for the first 250,000 gallons produced. I would support an exemption from the excise tax for the first 50,000 gallons of wine produced.

**LET ME BRIEFLY DESCRIBE TO YOU THE POSITIVE INFLUENCES OF OUR INDUSTRY FOR MN.**

With the development of new Winter Hardy grape varieties it is now possible to grow significant acreage of quality wine grapes in MN. These new grape varieties, Frontenac, Frontenac Gris, LaCrescent and the soon to be released yet unnamed numbers 1211 and Table Grape 1213 are products of our own University of MN plant breeding program. This benefits our State by the payment of royalties on these plants. Ex. 1 MN nursery sold 40,000 LaCrescent plants this 2005 and this is just one of their offerings. LaCrescent carries a royalty of .40 each and many nurseries throughout the US are now propagating and selling all of these new varieties.

MN has become the magnet for Northern Viticulture. Many growers, researchers, plant breeders and nurseries look to us for the expertise on growing Northern grapes. The MGGA sponsored our first annual Cold Climate Conference this past February featuring International known grape and wine personalities. The conference carried two tracks one for grape growing and one for wine making along with a trade show. The conference had an attendance of over 300 from MN, the Midwest, Canada and states as far away as CA.

Our own vineyard was visited by a Chinese grape breeding delegation last Fall. Growers from Quebec, Latvia, Hungary and many more countries come to our University and growers association symposiums to learn of the new grapes and the methods of Northern Viticulture.

Minnesota wineries are becoming known for our quality wines and are receiving gold medals in international competitions. To highlight even out state wineries are winning acclaim with MN developed grapes. Galena Cellars using Frontenac won the double gold concurrence award at the Indy International wine competition for their Frontenac Port, surpassing the Portuguese, Spanish, French and other quality port producers. This proves we have the potential to be a world class recognized wine region in the future.

We all have been hearing about the Health benefits of red wine. Interestingly the highest level of beneficial compounds are found in Northern grape varieties. Genetically our native grapes developed these beneficial compounds for disease resistance, due to our humid summer climate and abundant rainfall. These native grapes provide the foundation of the new winter hardy varieties.

Future Sales Tax Revenue from the new growing wine industry will provide significant revenue for MN.. Ex. Wollershiem in nearby Wisc. Has grown to a production of

200,000 gls of wine in just 10 years. Sales tax revenue from a similar size future winery would exceed 900,000.

The Tourism and dollars associated with our wine industry is becoming a very important part of our rural communities.

### **ENDING**

MN wineries need to have less taxation on production to further our growth and survival: At present these federal and state tax increases will take away much of the profit of our Farm wineries which would be better put to use in investing in growth.

This type of excise tax is the wrong approach for a societal problem. These remedies and cause prevention plans are wonderful but should be funded by all Minnesotans not just one industry. We do not tax Dairy Farmers and beef producers because of Cholesterol in their products.

Again please remove this excise tax as a method of funding all of the programs of the Public Safety Department.

I want to invite each of you to visit our MN wineries and experience this new fledgling developing important MN agricultural industry.

Thank You.

I am happy to answer any Questions?

# Minnesota Varieties

## RED WINES

**FOCH** - (*Fōsh*) Foch is a red wine grape, from France, which has grown to considerable popularity in parts of the U.S. At this time it is among the most widely planted grapes in the region.

**FRONTENAC** - Frontenac is the first of the University of Minnesota's new line of cold hardy grapevines. It produces a medium bodied wine with distinct cherry and black cherry flavors. It has grown in popularity very rapidly to become the No. 1 variety in Minnesota vineyards.

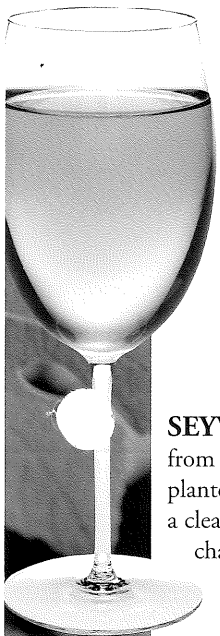
**SAINT CROIX** - A red wine variety from the work of Elmer Swenson, the godfather of Minnesota/Wisconsin viticulture. He has been hybridizing grapes at his Wisconsin dairy farm since 1943 and St. Croix is among the most popular of his releases. It produces a medium bodied red wine with good fruitiness and aroma.

## WHITE WINES

**SEYVAL** - (*Say-vahl'*) A white wine grape from France that is among the most widely planted grapes in the area. It can produce a clean, crisp white dinner wine of good character and body.

**SAINT PEPIN** - A Swenson variety that makes a clean, very fruity and grapey white wine that has become very popular.

**LACROSSE** - Another Swenson variety producing a white wine of good body and character. Often used for blending, it has also become popular as a dry, oak-aged varietal.



## For More Information Contact:

### Minnesota Grape Growers Association

John Marshall, Secretary  
35680 Hwy. 61 Blvd.  
Lake City, MN 55041  
651-345-3531  
e-mail: grapes@rconnect.com  
www.mngrapes.com

The MGGAs Book "Growing Grapes in Minnesota" is an excellent beginners manual on starting a northern vineyard and is available from the address above for \$8.50 postpaid checks made out to the MGGA. Membership in the MGGA is just \$30 and includes the above mentioned book, a quarterly newsletter and other benefits. Write for more information.

## Interested in Growing Grapes?

Those interested in growing grapes in Minnesota might contact the following nurseries for the latest varieties and information:

### Falconer Vineyards and Nursery

3572 Old Tyler Road  
Red Wing, MN 55066  
Phone 651-388-8849  
www.FalconerVineyards.com

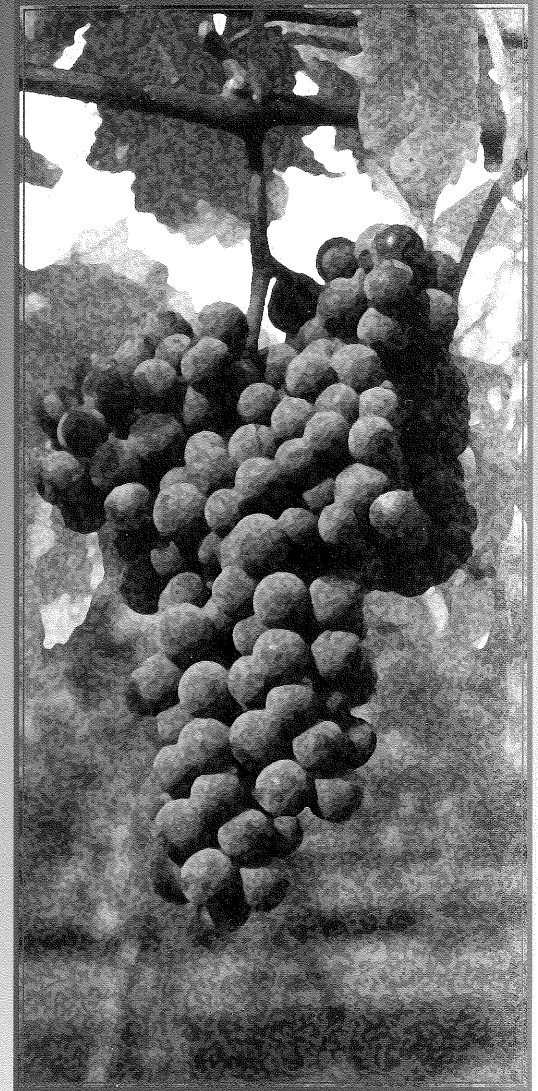
### Great River Vineyard/Nursery

35680 Hwy 61 Blvd.  
Lake City, MN 55041  
877-345-3531  
www.greatrivervineyard.com

### Winterhaven Vineyard and Nursery

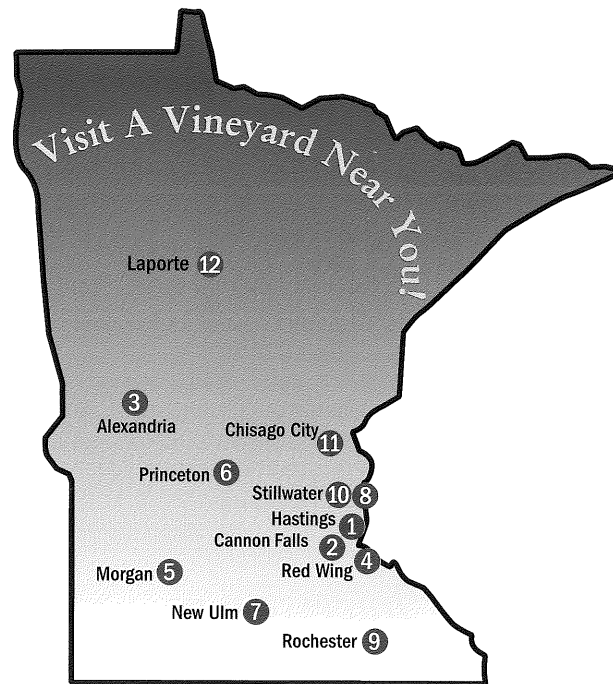
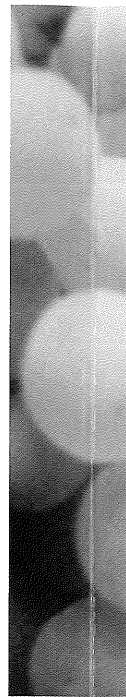
18103 628th Avenue  
Janesville, MN 56048  
507-234-5469  
e-mail: rayawinter@hotmail.com

# Wine Tour of Minnesota



# Commercial Wineries and Vineyards in Minnesota

- 1. Alexis Bailly Vineyard**  
18200 Kirby Avenue, Hastings, MN 55033  
Phone 651-437-1413  
www.abvwines.com
- 2. Cannon River Winery**  
421 Mill Street, Cannon Falls, MN 55009  
Phone 507-263-0944  
e-mail: reenmaloney@msn.com  
Opening Fall 2004
- 3. Carlos Creek Winery**  
6693 Cty. Rd. 34 NW, Alexandria, MN 56308  
Phone 320-846-5443, Fax 320-763-9290  
www.carloscreekwinery.com
- 4. Falconer Vineyards Winery**  
3572 Old Tyler Road, Red Wing, MN 55066  
Phone 651-388-8849  
www.FalconerVineyards.com
- 5. Fieldstone Vineyards**  
38577 State Hwy.68, Morgan, MN 56266  
Phone 507-249-WINE  
www.fieldstonevineyards.com
- 6. Luedke's Winery**  
16234 40th Street, Princeton, MN 55371  
Phone 763-662-2389  
e-mail: mlberry@luedkeswinery.com
- 7. Morgan Creek Vineyards**  
23707 - 478th Avenue, New Ulm, MN 56073  
Phone 507-947-3547  
www.morgancreekvineyards.com
- 8. Northern Vineyards**  
223 North Main Street, Stillwater, MN 55082  
Phone 651-430-1032  
www.northernvineyards.com
- 9. Post Town Vineyard & Winery**  
2534 Salem Road SW, Rochester, MN 55902  
Phone 507-261-5273  
www.posttownwinery.com  
Opening Spring 2005



## 10. Saint Croix Vineyards

PO Box 705, Stillwater, MN 55082  
Phone 651-430-3310  
www.scvwines.com

## 11. WineHaven Winery & Vineyard

9757 292nd St., Chisago City, MN 55013  
Phone/Fax 651-257-1017  
www.winehaven.com

## Other Fruit Wineries

### 12. Forestedge Winery

35295 State 64, Laporte, MN 56461  
Phone 218-224-3535  
www.forestedgewinery.com



## Frequently Asked Questions:

**Q: I didn't know grapes were grown in Minnesota.**

*A: Grapes have been grown in the state since pioneer times. The Lake Minnetonka area, for example, produced many tons of table grapes for local sale before 1900. It has been only since the late 1970s that any number of wine grapes have been grown in the state.*

**Q: How many wineries are there in Minnesota?**

*A: At the present time there are 11 wineries producing grape wines in the state with several additional wineries specializing in fruit and honey wines. The first wines were produced in the current era in 1978 but planning for additional wineries is ongoing and planting of vineyards continues at a rapid pace.*

**Q: Are Minnesota wines like California's wines?**

*A: No. We grow different varieties and types of grapes here than in California or France or elsewhere. Nevertheless, Minnesota wines have won awards in national competitions for many years and Minnesota winemakers are proud of the quality of their distinctive and unique wines.*

**Q: What is a good wine?**

*A: Any wine that you enjoy. If you like the wine, chances are others will enjoy it as well. Try some Minnesota wines and see!*

**General Fund Taxes, Fees and Surcharges in SF 2273 -- Allocated in Bill**

	<u>2006</u>	<u>2007</u>	<u>2006-07</u>
1 Alcohol excise tax 1-cent per drink equivalent	23,597	26,052	49,649
2 Sales tax on excise tax increase	1,009	921	1,930
3 \$10 of \$11 increase in criminal/traffic fine surcharge	4,900	6,500	11,400
4 \$4 of \$6.50 increase in recorder fee surcharge	5,877	5,923	11,800
5 Civil court filing fee	594	594	1,188
6			
7 <b>Total allocated in bill</b>	<b>35,977</b>	<b>39,990</b>	<b>75,967</b>
8			
9 Alcohol excise tax 1-cent per drink equivalent	-23597	-26052	-49,649
10 Sales tax on excise tax Increase	-1009	-921	-1,930
11			
12 <b>Total fees and surcharges without alcohol excise tax</b>	<b>11,371</b>	<b>13,017</b>	<b>24,388</b>

**General Fund Taxes, Fees and Surcharges in SF 2273 -- Allocated in Bill**

Tax, Fee or Surcharge	<u>2006</u>	<u>2007</u>	<u>2006-07</u>
1 Alcohol excise tax 1-cent per drink equivalent	23,597	26,052	49,649
2 Sales tax on excise tax Increase	1,009	921	1,930
3 \$10 of \$11 increase in criminal/traffic fine surcharge	4,900	6,500	11,400
4 \$4 of \$6.50 increase in recorder fee surcharge	5,877	5,923	11,800
5 Civil court filing fee	594	594	1,188
6			
7 Total allocated in bill	35,977	39,990	75,967

**General Fund Fees and Surcharges in SF 2273 -- Allocated Elsewhere**

Fee or Surcharge			
15 \$1 of \$11 increase in criminal/traffic fine surcharge	490	650	1,140
16 \$2.50 of \$6.50 increase in recorder fee surcharge	3,673	3,707	7,380
17 Liquor wholesale/manufacture license fee increases	757	757	1,514
18			
19 Total allocated elsewhere	4,920	5,114	10,034

**Grand Total General Fund Taxes, Fees and Surcharges in SF 2273**

25 Fees allocated in bill	35,977	39,990	75,967
26 Fees allocated elsewhere	4,920	5,114	10,034
27			
28 Grand Total Taxes and Fees in SF 2273	40,897	45,104	86,001

**Dedicated Statutory Fees and Surcharges in SF 2273**

34 Driver's License Renewal Surcharge (\$1)	1,400	1,400	2,800
35 Non-DWI Driver's License Reinstatement Fee	763	832	1,595
36 9-1-1 fee increase (25-cents both years)	16,368	16,688	33,056
37			
38 Total Dedicated Statutory Fees and Surcharges in SF 2273	18,531	18,920	37,451

The Governor's Public Safety Budget Recommendation includes the \$10 criminal/traffic surcharge increase which is deposited in the general fund (line 3, above), the non-DWI driver's license reinstatement fee, which is deposited in the special revenue fund and is dedicated to peace officer continuing education and training (line 35, above) and the 9-1-1 fee increase at 25-cents the first year and 10-cents thereafter (line 36, above). The 9-1-1 fee is deposited in the state government special revenue fund and is used for funding 9-1-1 services and infrastructure.



**ANOKA COUNTY HUMAN SERVICES**  
**Impact on Property Tax Payers Resulting From**  
**Decreased State Aid for Programs**

	2003	2004	2005
Total Budget (in 000's)	\$106,445.8	\$103,658.2	\$103,530.4
Revenues (other than taxes)	<u>73,107.7</u>	<u>68,370.6</u>	<u>66,807.0</u>
Tax Support	\$33,338.1	\$35,287.5	\$36,543.4
		+3.56%	+5.85%
Full Time Equivalent Employees	921.6	922.60	878.5
		+0.30%	-4.77%
Gross Tax Levy	\$34,743,454	\$35,914,085	\$38,411,735
		+3.37%	+6.95%
Certified Tax Levy	\$29,078,024	\$31,015,576	\$32,626,663
		+6.66	+5.19%
Net Tax Capacity (in 000's)	\$176,930	\$200,134	\$229,482
Human Services Tax Rate	16.43%	15.49%	14.22%
		-5.70%	-8.20%
Average Home Value	\$147,500	\$166,700	\$190,000
Average Home Tax Capacity	\$1,475	\$1,667	\$1,900
<b>Human Services Tax Burden</b>	<b>\$242.34</b>	<b>\$258.21</b>	<b>\$270.18</b>

So, despite a **reduction** in the Human Services budget, a **reduction** in the number of Human Services staff, and a **reduction** in the tax rate for Human Services functions, taxes for Human Services programs on a typical home **increased approximately 11.5%** from 2003 to 2005. This is partially due to reduced revenues other than taxes, which includes State and Federal program Aids. It is partially due to increased costs of providing services and an increasing number of people in need of services. It is also partially due to the tremendous growth in the market value of residential property, which shifts burden from commercial/industrial property to residential property.

The cut in County Program Aid for 2004 is reflected in the larger percentage increase in the certified levy than the increase in the gross levy. That situation was reversed for 2005, with the 'restoration' of CPA, (if it survives the legislative session).

(continued)

**Several specific examples of funding impacts in  
the 2005 Human Services Budget:**

- Increase in Targeted Case Management revenue of \$536,900, but loss of \$700,000 of Federal Medical Assistance non-Waiver Administrative funds.
- Decrease in Federal IV-E funds of \$400,000
- Decrease in State Adult Mental Health Initiative funds of \$178,200
- Savings of approximately \$1.0 million due to privatizing Achieve, but offset by additional costs to the County due to increased rates for Achieve Services Inc. totaling \$647,000
- Full year of County paying the 20% co-pay for ICF-MR costs totals \$600,000
- New Elder Network program costs \$82,500
- Increased costs of \$139,180 for Consolidated Chemical Dependency program due to increased number of methamphetamine cases.
- No increases in overall grants from State of Minnesota so increased salary and benefit costs for employees borne by the County taxpayer.
- Reduction in State funding for Corrections programs results in increased salary and benefit costs for employees borne by the County taxpayer.
- Increased medical services for inmates in Correctional Facilities totals \$144,200, not counting the Jail facility in Anoka.
- County required to pay 10% of Nursing Home costs for patients under 65 years of age after 90 days stay, results in an annual cost of \$450,000.
- Program to promote self-sufficiency for family success, a new initiative costing \$106,775 in 2005.

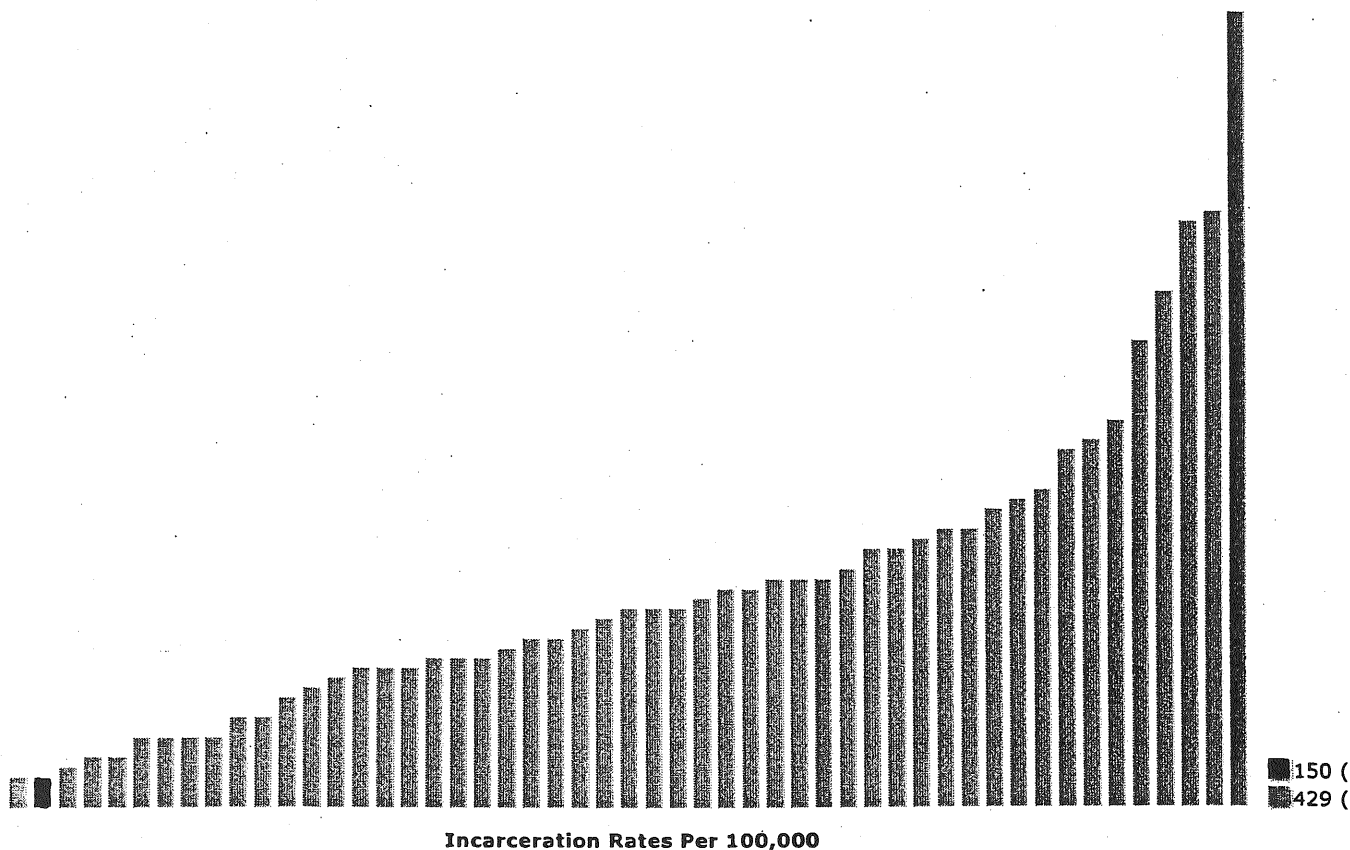
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**At-A-Glance**

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

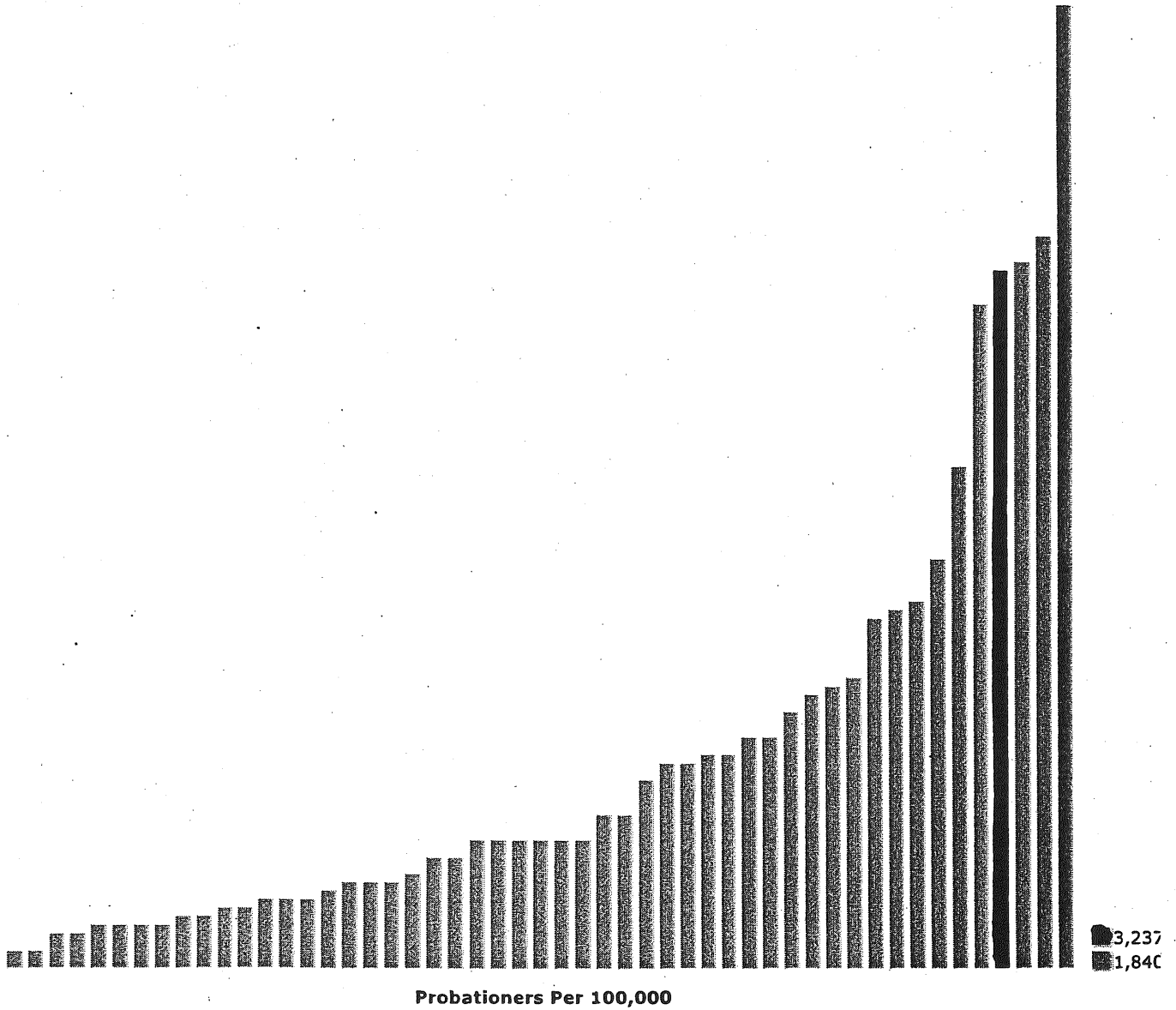
- Minnesota's Rates (per 100,000)
- U.S. National Average (per 100,000)



**At-A-Glance**

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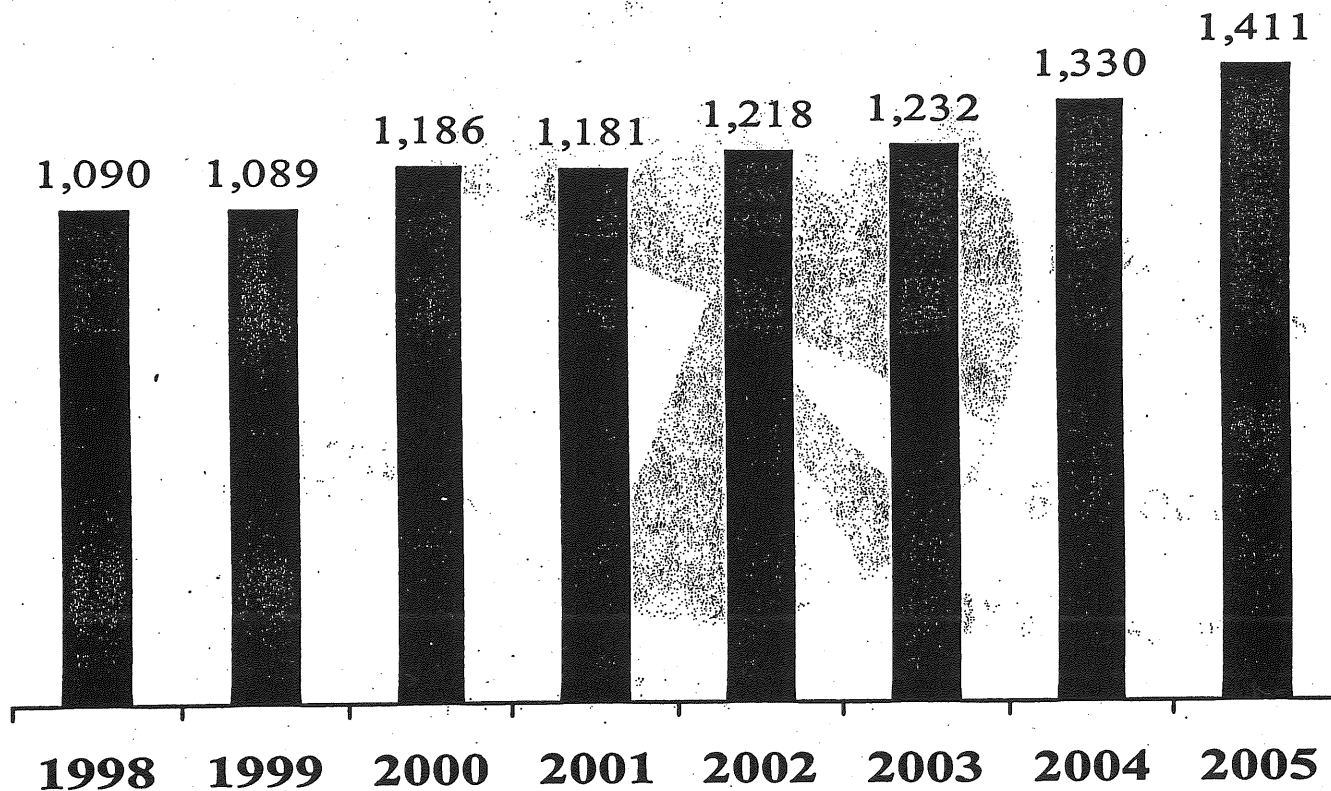


# Minnesota Prison Population

## Sex Offenders- Governing Offense

January 1, 2005

30 percent increase from 1998 to 2005

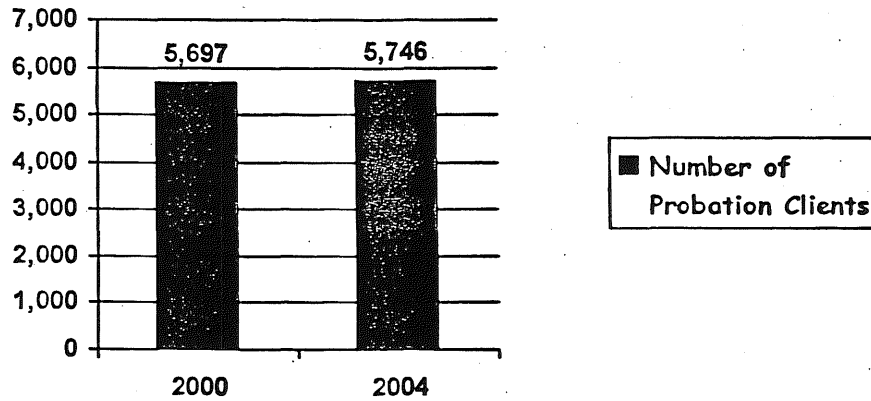


**APPENDIX**

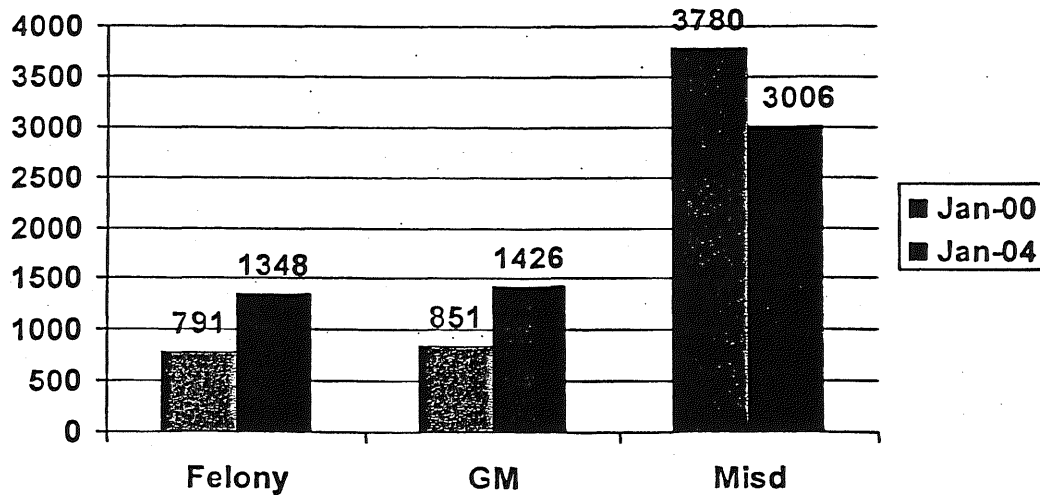
Tom Adkins, Director, Washington County Community Corrections  
Andy Erickson, Director, Dodge-Fillmore-Olmsted County Community Corrections

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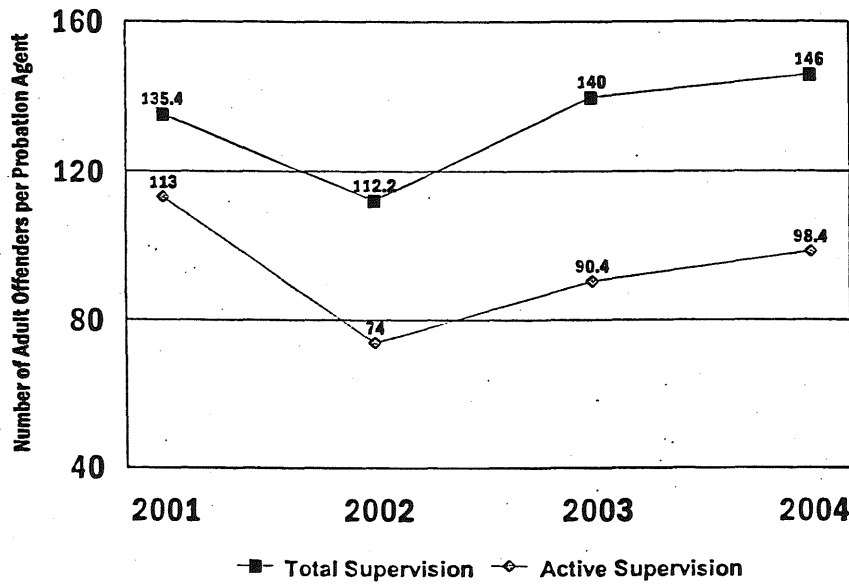
**Washington County Community Corrections  
Offenders on probation - 2000 and 2004**



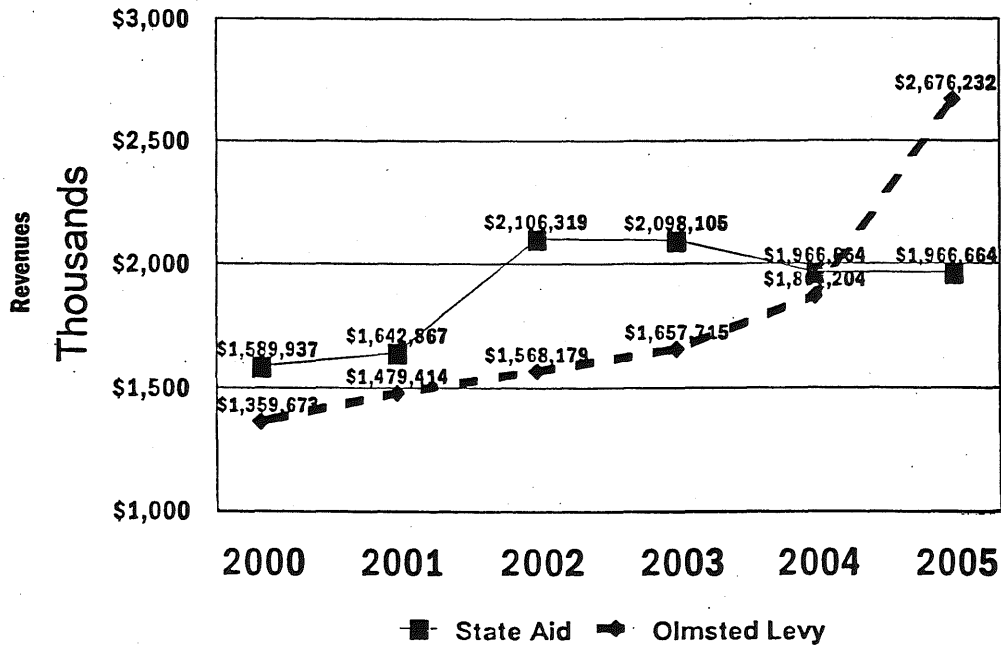
**Washington County Community Corrections  
Breakdown by Offense Level  
2000 and 2004**



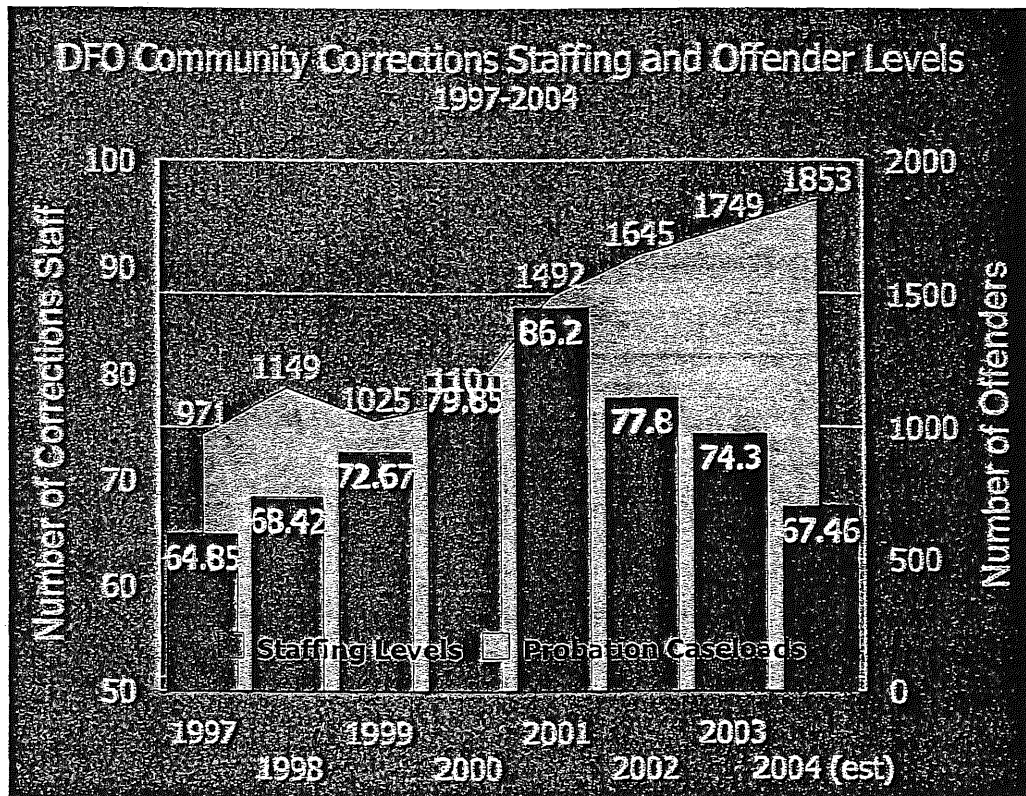
Olmsted County Adult Probation Caseload Trends - DFO Community Corrections  
 2001-2004



Funding for DFO Community Corrections  
 State Aid vs Olmsted Local Levy  
 2000-2005







**Three examples of offenders currently on kiosk supervision in DFO**

33 year-old white male, currently on probation for two felony counts of Violation of Order for Protection. (The second count occurred approximately two months after being sentenced for the first count). The victim is his ex-wife. He has three previous convictions for OFP violations, as well as 2 DWI's and other miscellaneous driving offenses. He was convicted of 3<sup>rd</sup> degree Burglary as a juvenile. He has been violated for failing to remain abstinent and failing to remain law-abiding. He is chemically dependent and has been through both CD treatment and domestic violence programming. We continue to get calls from the victim with concerns about her safety.

38 year-old white male, currently on probation for felony 5<sup>th</sup> Degree Controlled Substance and Terroristic Threats. His wife is the victim of the terroristic threats conviction. The defendant has a lengthy criminal history, including Burglary as a juvenile, two Domestic Assault convictions, three Disorderly Conduct Convictions, two alcohol/drug related convictions, three Theft convictions, a 2<sup>nd</sup> degree Burglary conviction and 3<sup>rd</sup> degree Criminal Sexual Conduct conviction, as well as numerous driving offenses. He has had at least 27 detox admissions, 8 chemical dependency treatment admissions as well as domestic violence programming at least twice. He has violated his current sentences by failing to remain abstinent and failing to comply with domestic violence programming.

29 year-old white female, currently on probation for two counts of misdemeanor Theft and one count of misdemeanor 5<sup>th</sup> Degree Assault. Ten days after sentencing on these convictions she allegedly committed a new offense and has pending charges of 1<sup>st</sup> and 2<sup>nd</sup> degree Aggravated Robbery. The charges allege she entered the home of persons unknown to her and demanded money. When they refused she pulled a knife on them. She had her two small children with her during the commission of the crime. She has a lengthy criminal history that includes felony drug crimes, felony Fleeing a Peace Officer, felony Theft, and Prostitution. She also appears to having pending charges in Minneapolis of 1<sup>st</sup> Degree Controlled Substance. She has a history of chemical dependency.

**Portrait of a Meth Case in DFO Community Corrections**  
**NOTE: this case was only supervised by our electronic kiosk**  
**February, 2005**

- Corrections officers get tip from Narcotics Task Force that one of our female probationers is using/selling meth. Female probationer is on probation for DUI.
- Police and probation go to home of probationer to conduct a search. First three people they encounter in the home do not live there. They are stoned and in their late teens and early 20s.
- Husband of probationer comes out of bedroom. He has sores all over from meth use. Meth found in bedroom and appears to be the highly addictive crystal meth version.
- Marijuana and drug paraphernalia found under the couch in the living room.
- While at the home an older daughter comes home. She is concerned about the situation and about her 11 year old brother who is at school.
- Mom (probationer) arrives in a car with another young person. Mom tries to deny her identity. Older daughter helps confirm her identity.
- Young person in car with probationer is daughter of law enforcement official from another jurisdiction. Claims she does not use. Meth found in vehicle and appears to be more crystal meth.
- Older daughter agrees to pick up brother and care for him.
- Dad to jail with new felony charges.
- Mom tests positive for Meth and Cocaine. Mom goes to jail.
- Both already have pending First Degree Controlled Substance offenses pending in a neighboring county.
- One week previous, oldest son committed to prison for a sex offense, with the probation violation being use of methamphetamine.

**How Supervision levels are Determined**

Services and supervision levels are determined by:

- Specialized assessment tools
- Offense severity
- Court ordered conditions
- Cooperation and compliance with probation

**Supervision principles**

- Community Corrections philosophy relies heavily on local decision making – the bench, community advisory panels, etc
- Utilize most resources on high-risk offenders, minimal for lower risk clients (*Best Practices*)
- Address small misbehaviors in the community before they escalate (*Broken Windows*)
- Utilize Restorative Justice Principles with a balance between victim, offender, and community risks and needs

**Offender outcomes**

- Offenders remain Law Abiding-Recidivism
- The Community Receives Restorative Services
- Restoring the Crime Victim – Victims Receive Court Ordered Restitution
- Develop Offenders Competencies and Assist Offenders to Change

Testimony on behalf Community Corrections Counties - Senate Criminal Justice Finance Committee -  
April 13, 2005

Tom Adkins, Director, Washington County Community Corrections #651-430-6902  
Andy Erickson, Director, Dodge-Fillmore-Olmsted County Community Corrections; #507-287-1686

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We appreciate this opportunity to address the Senate Omnibus Public Safety Finance Bill regarding resources available to manage offenders in the community over the past few years, and provide a preliminary response to the Department of Corrections' memo on probation caseload trends dated March 29. We are representing our respective counties as probation directors, as well as members of MACCAC, the community corrections organization. As you often hear, three quarters of the convicted offenders in Minnesota are supervised in the community, by probation staff working for a community corrections agency.

In essence, the March 29 DOC memo suggests that probation caseloads have remained relatively flat since 2001, intimating a neutral impact from the budget reductions enacted for SFY04-05.

We have several responses to the Department's memo, and to the general area of probation funding, as follows:

1. A statewide probation task force presented its report to the MN Legislature in 1995, which concluded the probation system was underfunded by \$40 million. Legislative action provided \$18 million in new dollars toward that shortfall in 2002, and has since cut that by 8%. Since the report in 1995, probation cases have grown by 27.4%.
2. Counties throughout Minnesota have relied on a variety of techniques to balance growing probation pressure with declining resources, including:
  - a. Raising the risk level of offenders who are actively supervised (DFO has raised the threshold on the LSI risk assessment from 17 to 21, Washington has raised it from 17 to 19, and Dakota has raised it from 17 to 26).
  - b. Reducing "contact standards" for agents (the frequency with which offenders who are actively supervised are seen in their office or in their homes)
  - c. Shifting increasing numbers of offenders to either kiosks or paper supervision
  - d. Reducing treatment, educational classes
3. Minnesota has the 49<sup>th</sup> lowest incarceration rate in the nation, and is 46<sup>th</sup> lowest on per capita spending on corrections. 15 offenders can be supervised safely in the community for every offender placed in state prison (on an annualized basis). Probation is cost effective and more effective in reducing offender recidivism than prison alone.
4. A number of the programs that contribute to the success of probation and supervision of offenders in the community, namely treatment and cognitive behavioral programming, have been greatly reduced as opposed to laying off probation staff
5. The impact of the state funding reductions (effective date of 07/01/03) were primarily felt in the 2004 budget year by counties. As the 2004 State Probation Survey is still unfinished, caseloads for 2004 cannot yet be calculated on a statewide basis and the true impact of those reductions is uncertain.
6. In order to stave off further staffing reductions, local governments have stepped up to the plate with - in some cases - record levy increases for corrections.
7. Not only are the cases left on probation harder to supervise (as lower risk offenders are moved to paper), but the duties of officers have grown - from DNA collection, to co-facilitation of

cognitive skills classes and sometimes treatment groups, to pretrial supervision (which does not appear in probation counts), drug testing, and assuming responsibility for apprehension of low level offenders to relieve overburdened local law enforcement.

### The Dodge-Fillmore-Olmsted Experience since 2001

1. The probationers have become more difficult to supervise
  - Today's offenders present more risk, have more violations (a DFO increase of 24% from 2002 to 2003) and are more likely to engage in behavior which results in probation revocation (which is then followed by a commitment to the DOC Commissioner and a return to the community on supervised release).
  - The outstate growth in methamphetamine production and addition:
    - There has been a significant increase in positive drug tests for meth in DFO (28.6% increase since 2001)
    - ½ of felony drug cases in last half of 2003 were meth-related
    - There has been a 35% increase in new drug felony cases since '02
2. DFO has enacted a 21% reduction in staff since 2001, with a concurrent 24% increase in offenders on probation. In order to stave off cuts to probation staff, the three counties have stepped up to the plate (26% levy increase in Olmsted, 7.5% in Fillmore, and 9.75% in Dodge County for 2005- See chart in Appendix). Had each of the counties levied their historical increase (of 5.71%), DFO would have laid off six staff.
3. DFO has enacted other measures to manage declining resources, including:
  - Raised LSI-R cut-off level from 17 to 21, increasing risk level of all caseloads
  - Decrease/eliminate service to Misdemeanor DUI offenders (men only)
  - Reduce supervision for Gross Misdemeanor property offenders
  - We have reduced our budget for cognitive skills for offenders by 40%. Our own study suggests that adult males who complete cog skills are 15% less likely to reoffend than those who don't.
  - Increased workload for Kiosk and Administrative Supervision, including handling of violations.

The initial cuts in DFO (to volunteer, program evaluation, contracted services) have had negligible impact on public safety. However, the cuts of the past two years have now begun to compromise public safety. Three specific case scenarios are provided in the appendix - these are the types of cases probation agents used to supervise (home visits, etc). All three of these cases are now on a kiosk, where they check in once per month at an electronic station.

Therefore, behind the numbers of a relatively flat caseload size average for probation agents across Minnesota lies a very different story. Adequate funding of probation needs to be considered in the context of public safety, along with law enforcement, the state department of Corrections, and state correctional facilities. Thank you.

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Tax Incidence Study--Supporting Data

2002 Income Deciles -- Effective Tax Rates -- State and Local Taxes

Income Decile	Income Range	Number of Households	Household Income	ETR State Taxes	ETR All Taxes
1	26,678 and Under	903,829	12,733,509	7.0%	11.3%
2	26,679 - 40,235	384,336	12,730,381	8.3%	11.7%
3	40,236 - 53,354	273,921	12,731,222	8.9%	12.0%
4	53,355 - 66,741	213,533	12,736,036	9.0%	11.9%
5	66,742 - 80,745	173,233	12,730,371	9.2%	11.9%
6	80,746 - 99,767	142,509	12,734,744	9.1%	11.5%
7	99,768 - 129,635	113,305	12,731,229	9.0%	11.4%
8	129,636 - 202,014	80,648	12,726,548	10.2%	12.4%
9	202,015 - 494,093	43,882	12,731,424	9.0%	10.7%
10	494,094 and over	10,874	12,725,965	7.7%	8.5%

2002 Population Deciles -- Effective Tax Rates --State Taxes

Pop. Decile	Income Range	Number of Households	Household Income	ETR State Taxes	ETR All Taxes
1	8,354 and Under	234,007	1,235,590	10.0%	18.2%
2	8,355 - 14,065	234,007	2,610,954	5.9%	10.5%
3	14,066 - 20,714	234,007	4,077,633	6.0%	10.1%
4	20,715 - 27,703	234,007	5,684,091	7.5%	11.0%
5	27,704 - 35,683	234,007	7,369,943	8.1%	11.4%
6	35,684 - 45,436	234,007	9,435,329	8.7%	11.9%
7	45,437 - 57,589	234,007	11,996,892	9.1%	12.0%
8	57,590 - 74,189	234,007	15,304,686	9.0%	11.8%
9	74,190 - 102,426	234,007	20,167,679	9.2%	11.7%
10	104,427 and Up	234,007	49,428,632	9.0%	10.7%

2007 Income Deciles -- Effective Tax Rates -- State and Local Taxes

Income Decile	Income Range	Number of Households	Household Income	ETR State Taxes	ETR All Taxes
1	32,471 and Under	984,958	16,834,017	6.4%	11.3%
2	32,472 - 49,814	412,897	16,834,595	7.9%	11.7%
3	49,815 - 66,035	291,807	16,831,525	8.3%	11.8%
4	66,036 - 82,369	228,309	16,833,767	8.5%	11.9%
5	82,370 - 100,042	185,765	16,832,556	8.6%	11.7%
6	100,043 - 123,955	151,967	16,829,927	8.5%	11.3%
7	123,956 - 165,492	119,506	16,837,380	8.5%	11.1%
8	165,493 - 269,845	82,514	16,852,152	9.6%	12.1%
9	269,846 - 700,500	42,468	16,810,770	8.3%	10.1%
10	700,501 and Over	9,634	16,828,929	7.2%	7.9%

2007 Population Deciles -- Effective Tax Rates -- State Taxes

Pop. Decile	Income Range	Number of Households	Household Income	ETR State Taxes	ETR All Taxes
1	10,053 and Under	250,982	1,563,187	8.6%	17.9%
2	10,054 - 16,799	250,982	3,359,834	5.2%	10.1%
3	16,800 - 24,825	250,982	5,226,612	5.6%	10.4%
4	24,826 - 33,259	250,982	7,307,147	7.1%	11.1%
5	33,260 - 43,196	250,982	9,564,042	7.9%	11.6%
6	43,197 - 55,645	250,982	12,343,303	8.2%	11.8%
7	55,646 - 70,318	250,982	15,716,606	8.4%	11.8%
8	70,319 - 90,052	250,982	19,989,490	8.5%	11.8%
9	90,053 - 124,563	250,982	26,316,386	8.6%	11.4%
10	124,564 and Over	250,982	66,939,010	8.4%	10.3%



Senate File 2273 Public Safety Budget Bill FY2006-07

Dollars in 000's, general fund unless otherwise noted

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			Total Pub Safety Funding Bills (Combined SF 1879/SF 2273)			Total Pub Safety Funding Bills (Combined Tails)			Difference Sen/Gov FY06-07
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	
1 SUPREME COURT														
2														
3 Supreme Court Operations		28,764	28,764	57,528				28,764	28,764	57,528	28,764	28,764	57,528	-
4 Decision Items:														
5 Caseload Increases		1,134	1,134	2,268	1,134	1,134	2,268	1,134	1,134	2,268	1,134	1,134	2,268	-
6 Judges' Salary Increase Increment Cut					(44)	(93)	(137)	(44)	(93)	(137)	(93)	(93)	(186)	(137)
7														
8 Total Supreme Court Operations		29,898	29,898	59,796	1,090	1,041	2,131	29,854	29,805	59,659	29,805	29,805	59,610	(137)
9														
10 Civil Legal Services		7,320	7,320	14,640				7,320	7,320	14,640	7,320	7,320	14,640	-
11 Decision Items:														
12 Increased Funding (from surcharge fee increase)					5,000	5,000	10,000	5,000	5,000	10,000	5,000	5,000	10,000	10,000
13														
14 Total Civil Legal Services		7,320	7,320	14,640	5,000	5,000	10,000	12,320	12,320	24,640	12,320	12,320	24,640	10,000
15														
16 Total Supreme Court		37,218	37,218	74,436	6,090	6,041	12,131	42,174	42,125	84,299	42,125	42,125	84,250	9,863
17														
18 Total Supreme Court		37,218	37,218	74,436	6,090	6,041	12,131	42,174	42,125	84,299	42,125	42,125	84,250	9,863
19														
20 COURT OF APPEALS		7,939	7,939	15,878				7,939	7,939	15,878	7,939	7,939	15,878	-
21														
22 Decision Items:														
23 Caseload Increases		250	250	500	250	250	500	250	250	500	250	250	500	-
24														
25 Total Court of Appeals		8,189	8,189	16,378	250	250	500	8,189	8,189	16,378	8,189	8,189	16,378	-
26														
27 DISTRICT COURTS		220,191	220,221	440,412				220,191	220,221	440,412	220,221	220,221	440,442	-
28														
29 Decision Items:														
30 Caseload Increases		6,921	6,921	13,842	6,671	6,671	13,342	6,671	6,671	13,342	6,671	6,671	13,342	(500)
31 SF 2273 Sentencing Changes		3,600	7,200	10,800	3,600	7,200	10,800	3,600	7,200	10,800	7,200	7,200	14,400	-
32 Specialty Drug and Mental Health Courts					250	250	500	250	250	500	250	250	500	500
33 Judges' Salary Increase Increment Cut					(1,246)	(2,529)	(3,775)	(1,246)	(2,529)	(3,775)	(2,529)	(2,529)	(5,058)	(3,775)
34														
35 Total District Courts		230,712	234,342	465,054	9,275	11,592	20,867	229,466	231,813	461,279	231,813	231,813	463,626	(3,775)
36														
37 TAX COURT		726	726	1,452				726	726	1,452	726	726	1,452	-
38														
39 Total Tax Court		726	726	1,452				726	726	1,452	726	726	1,452	-

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			(Combined SF 1879/SF 2273)			(Combined Tails)			Sen/Gov FY06-07
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	
40														
41														
42														
43														
44														
45														
46														
47														
48														
49														
50														
51														
52														
53														
54														
55														
56														
57														
58														
59														
60	EN													
61	GF													
62														
63														
64														
65	GF													
66	EN													
67														
68														
69	SGSR													
70	SR													
71	TH													
72	GF													
73														
74														
75														
76														
77														
78														
79														
80														
81														
82	GF													
83	SGSR													
84	SR													
	TH													

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			(Combined SF 1879/SF 2273)			(Combined Tails)			Sen/Gov	
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	FY06-07	
85															
86	Fire Marshal		2,445	2,432	4,877				2,445	2,432	4,877	2,432	2,432	4,864	-
87	Decision Items:														
88	Additional Funding					900	900	1,800	900	900	1,800	900	900	1,800	1,800
89															
90	Total Fire Marshal		2,445	2,432	4,877	900	900	1,800	3,345	3,332	6,677	3,332	3,332	6,664	1,800
91		SR	150	150	300				150	150	300	150	150	300	-
92	Gambling & Alcohol Enforcement	GF	1,622	1,622	3,244				1,622	1,622	3,244	1,622	1,622	3,244	-
93	Decision Items:														
94															
95	Total Gambling & Alcohol Enforcement	GF	1,622	1,622	3,244				1,622	1,622	3,244	1,622	1,622	3,244	-
96		SR	150	150	300				150	150	300	150	150	300	-
97	Office of Justice Programs		26,994	26,989	53,983				26,994	26,989	53,983	26,989	26,989	53,978	-
98	Decision Items:														
99	Crime Victim Grants Funding Increase		532	532	1,064	1,270	1,270	2,540	1,270	1,270	2,540	1,270	1,270	2,540	1,476
100	Battered Women's Shelters and Safe Houses					2,131	2,131	4,262	2,131	2,131	4,262	2,131	2,131	4,262	4,262
101	Criminal Gang Strike Force/Narcotics Task Force		2,374	2,374	4,748	2,374	2,374	4,748	2,374	2,374	4,748	2,374	2,374	4,748	-
102	Transfer of Youth Intervention Program		1,452	1,452	2,904										(2,904)
103	Homelessness Pilot Project (art 9, sec 34)					200	200	400	200	200	400				400
104	Financial Crimes Task Force		300	300	600										(600)
105	Financial Crimes Task Force	SR				1,400	1,400	2,800	1,400	1,400	2,800	1,400	1,400	2,800	
106															
107															
108	Total Office of Justice Programs	SR	-	-	-	1,400	1,400	2,800	1,400	1,400	2,800	1,400	1,400	2,800	
109		GF	31,652	31,647	63,299	5,975	5,975	11,950	32,969	32,964	65,933	32,764	32,764	65,528	
110															
111	911 Emergency Services/ARMER	SGSR	27,287	27,720	55,007				27,287	27,720	55,007	27,720	27,720	55,440	-
112	Decision Items:														
113	Increase in 911 fee (Gov 25-10-10-10)	SGSR	16,368	6,335	22,703	16,368	16,688	33,056	16,368	16,688	33,056	16,873	16,631	33,504	10,353
114	(Senate 25-25-25-25)														
115															
116	Total 911 Emergency Services/ARMER	SGSR	43,655	34,055	77,710	16,368	16,688	33,056	43,655	44,408	88,063	44,593	44,351	88,944	10,353
117															
118	800 MHz Public Safety Radio System Rev Bonds														
119	Decision Items:														
120	Phase 2 Bonding: Pub Saf Radio Subsystems	BPF				8,000		8,000	8,000		8,000				8,000
121	Phase 3 Bonding: Backbone Pub Saf Radio Sys	BPF	44,000		44,000	45,000		45,000	45,000		45,000				1,000
122	Phase 3 Bonding: Subsystem Local Reimburs	BPF				9,500		9,500	9,500		9,500				9,500
123															
124	Total 800 MHz Public Safety Radio Sys Rev Bonds	BPF				62,500		62,500	62,500		62,500				62,500
125															
126	Public Safety - Other														
127	DPS Agency-wide Admin. Cut					(175)	(175)	(350)	(175)	(175)	(350)	(175)	(175)	(350)	(350)
128															
129	Total Public Safety - Other					(175)	(175)	(350)	(175)	(175)	(350)	(175)	(175)	(350)	(350)

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			(Combined SF 1879/SF 2273)			(Combined Tails)			Sen/Gov FY06-07	
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09		
130															
131	Total Public Safety	GF	78,109	78,098	156,207	11,676	11,723	23,399	80,111	80,140	160,251	79,256	79,226	158,482	4,044
132		EN	49	49	98				49	49	98	49	49	98	-
133		SGSR	43,662	34,062	77,724	16,368	16,688	33,056	43,662	44,415	88,077	44,600	44,358	88,958	10,353
134		SR	590	589	1,179	1,400	1,400	2,800	1,990	1,989	3,979	1,989	1,989	3,978	2,800
135		TH	361	361	722				361	361	722	361	361	722	-
136		BPF			-	62,500		62,500	62,500		62,500				62,500
137			122,771	113,159	235,930	91,944	29,811	121,755	188,673	126,954	315,627	126,255	125,983	252,238	
138															
139	PEACE OFFICERS BOARD (POST)	SR	3,943	3,943	7,886				3,943	3,943	7,886	3,943	3,943	7,886	-
140	Decision Items:														
141	Increase Training Reimbursements - SR	SR													
142	(under dedicated statutory fee increase section)														
143	Increase Training Reimbursements - GF					89	89	178	89	89	178				178
144	Operations Increase					71	71	142	71	71	142				142
145	Technology Upgrades					140	140	280	140	140	280				280
146															
147	Total POST	SR	3,943	3,943	7,886				3,943	3,943	7,886	3,943	3,943	7,886	-
148		GF				300	300	600	300	300	600	300	300	600	600
149															
150	PRIVATE DETECTIVE BOARD		126	126	252				126	126	252	126	126	252	-
151															
152	Total Private Detective Board		126	126	252				126	126	252	126	126	252	-
153															
154	HUMAN RIGHTS		3,490	3,490	6,980				3,490	3,490	6,980	3,490	3,490	6,980	-
155															
156	Total Human Rights		3,490	3,490	6,980				3,490	3,490	6,980	3,490	3,490	6,980	-
157															
158	CORRECTIONS														
159	Institutions	SR	580	580	1,160				580	580	1,160	473	473	946	-
160			252,961	252,961	505,922				252,961	252,961	505,922	252,961	252,961	505,922	-
161	Forecast Adjustments		28,759	42,447	71,206				28,759	42,447	71,206	52,999	61,528	114,527	-
162	Decision Items:														
163	Tracking/Apprehension Level III Sex Offenders		70	70	140	70	70	140	70	70	140	70	70	140	-
164	Sex Offender Treatment/Transitional Services		1,500	1,500	3,000	1,500	1,500	3,000	1,500	1,500	3,000	1,500	1,500	3,000	-
165	Health Services Increase		3,720	3,720	7,440	3,720	3,720	7,440	3,720	3,720	7,440	3,720	3,720	7,440	-
166	SF 2273 Sentencing Changes		351	1,863	2,214	351	1,863	2,214	351	1,863	2,214	3,586	5,813	9,399	-
167	Chem Dep Trtmt Expansion in Prisons					4,500	4,500	9,000	4,500	4,500	9,000	4,500	4,500	9,000	9,000
168	Mental Health Expansion in Prisons					2,000	2,000	4,000	2,000	2,000	4,000	2,000	2,000	4,000	4,000
169	Institutions Cut (savings from SF 903 - Ortman Am)					(925)	(925)	(1,850)	(925)	(925)	(1,850)				(1,850)
170															
171	Total Institutions	GF	287,361	302,561	589,922	11,216	12,728	23,944	292,936	308,136	601,072	321,336	332,092	653,428	11,150
172		SR	580	580	1,160				580	580	1,160	473	473	946	-

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			(Combined SF 1879/SF 2273)			(Combined Tails)			Sen/Gov FY06-07	
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09		
173															
174	SR	100	100	200				100	100	200	80	80	160	-	
175	Community Services	95,492	95,643	191,135				95,492	95,643	191,135	95,643	95,643	191,286	-	
176	Decision Items:														
177															
178	End of Confinement Review	94	94	188	94	94	188	94	94	188	94	94	188	-	
179	GPS Monitoring	162	162	324	162	162	324	162	162	324	162	162	324	-	
180	Transitional Housing to Enhance Supervision	1,370	1,370	2,740	1,370	1,370	2,740	1,370	1,370	2,740	1,370	1,370	2,740	-	
181	18 ISR Agents - 6 DOC/12 CCA	1,800	1,800	3,600	1,800	1,800	3,600	1,800	1,800	3,600	1,800	1,800	3,600	-	
182	Sex Off. Assessment Reimbursement	350	350	700	350	350	700	350	350	700	350	350	700	-	
183	Sex Off. Trtmt/Sup Rel and Polygraphs	1,250	1,250	2,500	1,250	1,250	2,500	1,250	1,250	2,500	1,250	1,250	2,500	-	
184	Sex Off. Policy Board	5	5	10										(10)	
185	Sex Off. Specialized Caseloads (DOC/CCA/CPO)				19,093	19,093	38,186	19,093	19,093	38,186	19,093	19,093	38,186	38,186	
186	Chem Dep Trtmt/Aftercare Comm Grants				2,500	2,500	5,000	2,500	2,500	5,000	2,500	2,500	5,000	5,000	
187	Int. Supervision/Aftercare Controlled Subs Off.				625	625	1,250	625	625	1,250				1,250	
188															
189	Total Community Services	GF	100,523	100,674	201,197	27,244	27,244	54,488	122,736	122,887	245,623	122,262	122,262	244,524	44,426
190		SR	100	100	200				100	100	200	80	80	160	-
191															
192	Operations Support	SR	210	210	420				210	210	420	170	170	340	-
193	Decision Items:	GF	15,348	15,348	30,696				15,348	15,348	30,696	15,348	15,348	30,696	-
194	DOC Agency-wide Admin Cut				(325)	(325)	(650)	(325)	(325)	(650)	(325)	(325)	(650)	(650)	
195															
196	Total Operations Support	GF	15,348	15,348	30,696	(325)	(325)	(650)	15,023	15,023	30,046	15,023	15,023	30,046	(650)
197		SR	210	210	420				210	210	420	170	170	340	-
198															
199	Total Corrections	GF	403,232	418,583	821,815	38,135	39,647	77,782	430,695	446,046	876,741	458,621	469,377	927,998	54,926
200		SR	890	890	1,780	-	-	-	890	890	1,780	723	723	1,446	-
201			404,122	419,473	823,595	38,135	39,647	77,782	431,585	446,936	878,521	459,344	470,100	929,444	54,926
202															
203	SENTENCING GUIDELINES		436	436	872				436	436	872	436	436	872	-
204															
205	Total Sentencing Guidelines		436	436	872				436	436	872	436	436	872	-

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			(Combined SF 1879/SF 2273)			(Combined Tails)			Sen/Gov FY06-07	
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09		
206															
207	ATTORNEY GENERAL	SGSR	1,778	1,794	3,572				1,778	1,794	3,572	1,778	1,794	3,572	-
208		EN	145	145	290				145	145	290	145	145	290	-
209		REM	484	484	968				484	484	968	484	484	968	-
210	Decision Items:	GF	22,834	22,859	45,693				22,834	22,859	45,693	22,859	22,859	45,718	-
211	Reduction - 2.5 percent	GF	(564)	(564)	(1,128)						-			-	1,128
212															
213	Total Attorney General	GF	22,270	22,295	44,565				22,834	22,859	45,693	22,859	22,859	45,718	1,128
214		SGSR	1,778	1,794	3,572				1,778	1,794	3,572	1,778	1,794	3,572	-
215		EN	145	145	290				145	145	290	145	145	290	-
216		REM	484	484	968				484	484	968	484	484	968	-
217			24,677	24,718	49,395				25,241	25,282	50,523	25,266	25,282	50,548	1,128
218	Board of Veterinary Medicine														
219															
220	Decision Items:														
221	Meth Manufacture From Animal Products Study					7	7	7	7	7	7				7
222															
223	Total Board of Veterinary Medicine					7	7	7	7	7	7				7
224	FUND TOTALS	TH	361	361	722				361	361	722	361	361	722	-
225		EN	194	194	388				194	194	388	194	194	388	-
226		SGSR	45,440	35,856	81,296	16,368	16,688	33,056	45,440	46,209	91,649	46,378	46,152	92,530	10,353
227		SR	5,423	5,422	10,845	1,400	1,400	2,800	6,823	6,822	13,645	6,655	6,655	13,310	2,800
228		REM	484	484	968				484	484	968	484	484	968	-
229		BPF				62,500		62,500							
230		GF	844,202	867,045	1,711,247	71,233	78,853	150,086	878,253	899,797	1,778,050	911,488	922,214	1,833,702	66,803
231	TOTAL ALL FUNDS		896,104	909,362	1,805,466	151,501	96,941	248,442	931,555	953,867	1,885,422	965,560	976,060	1,941,620	79,956

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			(Combined SF 1879/SF 2273)			(Combined Tails)			Sen/Gov FY06-07
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	
232 Revenue Adjustments														
233 \$10 of \$11 Increase in Crim/Traf Fine Surcharge	GF	4,900	6,500	11,400	4,900	6,500	11,400	4,900	6,500	11,400	6,500	6,500	13,000	-
234 Alcohol Excise Tax 1-cent per Drink Equivalent	GF				23,597	26,052	49,649	23,597	26,052	49,649	26,315	26,641	52,956	49,649
235 Increased Sales Tax on Excise Tax Increase	GF				1,009	921	1,930	1,009	921	1,930	930	941	1,871	1,930
236 \$4 of \$6.50 Recorder Fee Surcharge Increase	GF				5,877	5,923	11,800	5,877	5,923	11,800	5,790	5,754	11,544	11,800
237 Civil Court Filing Fee -- \$5 increase	GF				594	594	1,188	594	594	1,188	594	594	1,188	1,188
238 Crim Justice Spec Acct to GF	GF				1,500		1,500	1,500		1,500				
239 Youth Intervention Program stays in DEED	GF	1,452	1,452	2,904										
240														
241 Total Revenue Adjustments	GF	6,352	7,952	14,304	37,477	39,990	77,467	37,477	39,990	77,467	40,129	40,430	80,559	
242														
243 Totals For General Fund after Adjustments	GF	837,850	859,093	1,696,943	33,756	38,863	72,619	840,776	859,807	1,700,583	871,359	881,784	1,753,143	
244														
245 Senate over (under) Governor														3,640
246														
247 Revenues Carried Off - Budget														
248														
249 \$2.50 of \$6.50 Recorder Fee					3,673	3,707	7,380	3,673	3,707	7,380	3,618	3,595	7,213	
250 \$1 of \$11 Increase in Crim/Traf Fine Surcharge					490	650	1,140	490	650	1,140	650	650	1,300	
251 Liquor Wholesale/Manu Fee Increases					757	757	1,514	757	757	1,514	757	757	1,514	
252														
253 Total Revenue Carried Off-Budget					4,920	5,114	10,034	4,920	5,114	10,034	5,025	5,002	10,027	
254														
255 Dedicated Statutory Fee Increases														
256 Criminal Justice Data Network Fee Continuation	SR	75	75	150			-			-			-	(150)
257 Fire Marshall - Inspection of Hotel/Motel/Resort Fee	SR	240	240	480			-			-			-	(480)
259 Drivers' License Renewal Surcharge (\$1)	SR				1,400	1,400	2,800	1,400	1,400	2,800	1,400	1,400	2,800	2,800
260 Non DWI Reinstatement Fees (2) - POST	SR	763	832	1,595	763	832	1,595	763	832	1,595	832	832	1,664	-
261														
262 Total Statutory Fee Increases	SR	1,078	1,147	2,225	2,163	2,232	4,395	2,163	2,232	4,395	2,232	2,232	4,464	

1 Senator Pogemiller from the Committee on Taxes, to which  
2 was referred

3 S.F. No. 2273: A bill for an act relating to criminal  
4 justice; appropriating money for the courts, public defenders,  
5 public safety, corrections, and other criminal justice agencies;  
6 establishing, funding, modifying, and regulating public safety,  
7 criminal justice, judiciary, law enforcement, corrections, crime  
8 victims, and CrimNet policies, programs, duties, activities, or  
9 practices; requiring studies and reports; imposing criminal and  
10 civil penalties; setting or increasing fines, surcharges, taxes,  
11 and fees; amending Minnesota Statutes 2004, sections 14.03,  
12 subdivision 3; 152.01, subdivision 10; 152.021, subdivisions 2a,  
13 3; 168A.05, subdivision 3; 171.06, by adding a subdivision;  
14 171.20, subdivision 4; 171.26; 237.70, subdivision 7; 241.06;  
15 241.67, subdivisions 7, 8; 243.166; 243.167; 244.04, subdivision  
16 1; 244.05, subdivisions 2, 4, 5, 6, 7; 244.052, subdivisions 3,  
17 4, by adding a subdivision; 244.09, subdivision 11; 244.10,  
18 subdivision 2a, by adding a subdivision; 244.18, subdivision 2;  
19 253B.08, subdivision 1; 253B.18, subdivision 5, by adding a  
20 subdivision; 260C.171, by adding a subdivision; 297G.03,  
21 subdivisions 1, 2; 297G.04, subdivisions 1, 2; 299A.38,  
22 subdivisions 2, 2a, 3; 299C.65, subdivisions 1, 2, 5, by adding  
23 a subdivision; 340A.301, subdivision 6; 340A.302, subdivision 3;  
24 340A.311; 340A.404, subdivision 12; 340A.408, subdivision 4;  
25 340A.414, subdivision 6; 340A.504, subdivisions 3, 7; 357.021,  
26 subdivisions 2, 6, 7; 357.18; 403.02, subdivisions 7, 13, 17, by  
27 adding a subdivision; 403.025, subdivisions 3, 7; 403.05,  
28 subdivision 3; 403.07, subdivision 3; 403.08, subdivision 10;  
29 403.11, subdivisions 1, 3, 3a; 403.113, subdivision 1; 403.27,  
30 subdivisions 1, 3; 403.30, subdivision 1; 505.08, subdivision 2;  
31 508.82; 508A.82; 515B.1-116; 518B.01, subdivision 22; 604.15,  
32 subdivision 2, by adding a subdivision; 609.108, subdivisions 1,  
33 3, 4, 6; 609.109, subdivisions 2, 5; 609.1095, subdivision 1;  
34 609.115, by adding a subdivision; 609.117, subdivisions 1, 2;  
35 609.119; 609.1351; 609.185; 609.223, by adding a subdivision;  
36 609.2231, by adding a subdivision; 609.229, subdivision 3;  
37 609.321, subdivisions 1, 7, by adding subdivisions; 609.325, by  
38 adding a subdivision; 609.341, subdivision 14, by adding a  
39 subdivision; 609.342, subdivisions 2, 3; 609.343, subdivisions  
40 2, 3; 609.344, subdivisions 2, 3; 609.345, subdivisions 2, 3;  
41 609.3452, subdivision 1; 609.347; 609.3471; 609.348; 609.353;  
42 609.485, subdivisions 2, 4; 609.50, subdivision 1; 609.527,  
43 subdivisions 1, 3, 4, 6, by adding a subdivision; 609.531,  
44 subdivision 1; 609.5315, subdivision 1, by adding a subdivision;  
45 609.746, subdivision 1; 609.748, subdivisions 2, 3a; 609.749,  
46 subdivision 2; 609.79, subdivision 2; 609.795, by adding a  
47 subdivision; 617.81, subdivision 4, by adding a subdivision;  
48 617.85; 626.556, subdivision 3; 628.26; 631.045; proposing  
49 coding for new law in Minnesota Statutes, chapters 152; 237;  
50 243; 244; 299A; 299C; 325F; 357; 403; 609; repealing Minnesota  
51 Statutes 2004, sections 18C.005, subdivisions 1a, 35a; 18C.201,  
52 subdivisions 6, 7; 18D.331, subdivision 5; 243.166, subdivisions  
53 1, 8; 299A.68; 299C.65, subdivisions 3, 4, 6, 7, 8, 8a, 9;  
54 386.30; 403.30, subdivision 3; 609.108, subdivision 2; 609.109,  
55 subdivision 7; 609.725.

56 Reports the same back with the recommendation that the bill  
57 be amended as follows:

58 Page 6, line 7, delete "38" and insert "34"

59 Pages 167 to 169, delete sections 7 to 10

60 Renumber the sections in sequence

61 Amend the title as follows:

62 Page 1, line 11, delete "taxes,"

63 Page 1, line 23, delete everything after the first



1 semicolon

2 Page 1, line 24, delete everything before "299A.38,"

3 And when so amended the bill be re-referred to the  
4 Committee on Finance without recommendation. Amendments  
5 adopted. Report adopted.

  
.....  
(Committee Chair)

6  
7

8  
9 April 28, 2005.....  
10 (Date of Committee recommendation)