

1 A bill for an act

2 relating to crimes; making it a gross misdemeanor
3 crime for a railroad or a person employed by a
4 railroad to obstruct the treatment of a railroad
5 worker injured on the job or to discipline or threaten
6 to discipline the railroad employee injured on the job
7 for requesting treatment or first aid; imposing
8 criminal penalties; proposing coding for new law in
9 Minnesota Statutes, chapter 609.

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

11 Section 1. [609.849] [RAILROAD THAT OBSTRUCTS TREATMENT OF
12 AN INJURED WORKER.]

13 (a) It shall be unlawful for a railroad or person employed
14 by a railroad negligently or intentionally to:

15 (1) deny, unreasonably delay, or interfere with medical
16 treatment or first aid treatment to an employee of a railroad
17 who has been injured during employment; or

18 (2) discipline or threaten to discipline an employee of a
19 railroad who has been injured during employment for requesting
20 medical treatment or first aid treatment.

21 (b) A person convicted of a violation of paragraph (a),
22 clause (1) or (2), is guilty of a gross misdemeanor and may be
23 sentenced to imprisonment for not more than one year or to
24 payment of a fine of not more than \$3,000, or both.

25 Sec. 2. [EFFECTIVE DATE.]

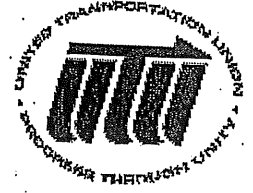
26 Section 1 is effective August 1, 2005, and applies to
27 crimes committed on or after that date.

Phillip J. Qualy
Legislative Director,
Chairperson

Robert J. Pearson
Assistant Director

David A. Olson
Secretary

united
transportation
union
Minnesota Legislative Board



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March 22, 2005

The Honorable Leo Foley
State of Minnesota
G-24 State Capitol
St. Paul, MN 55155

RE: Senate File 1606: Injured Railroad Workers Emergency Medical Treatment Bill.

Dear Senator Foley,

Today the United Transportation Union, joined by other railroad unions in this state, brings forward Senate File 1606. This bill relates to railroads, crimes, and addresses a disturbing pattern of conduct by railroad management personnel.

Since the year 2003 and as recently as February 2005, the carriers have intentionally denied, delayed, and interfered with the first-aid medical treatment of injured railroad workers. If passed into law, Senate File 1606 will make this conduct unlawful.

The United Transportation Union is the exclusive bargaining agent for Trainmen, Conductors, Remote Control Locomotive Operators, and Yardmasters in Minnesota and nationwide.

On behalf of the railroad workers in Minnesota, thank you for the opportunity to have this matter heard before the Senate Crime Prevention and Public Safety Committee.


Phillip Qualy

State Legislative Director,
United Transportation Union

PAUL C. THOMPSON
International President

RICK L. MARCEAU
Assistant President

DAN E. JOHNSON
General Secretary and Treasurer



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• DANIEL R. ELLIOTT, III
Associate General Counsel

Fax and Regular Mail

February 18, 2005

Mr. P. J. Qualy, Director
Minnesota State Legislative Board
3989 Central Ave., N.E., Ste. 525
Columbia Heights, MN 55421

Dear Mr. Qualy:

This is in response to your February 8, 2005 letter regarding the bill amending Chapter 609 of the Minnesota statutes to add Section 609.849. That bill makes it unlawful for any railroad or person employed by the railroad to deny, delay or interfere with medical treatment or aid to any employee who has been injured. A question has been raised concerning possible preemption.

Preemption occurs in three ways: (1) Congress may pass a statute that by its express terms preempts state law; (2) Congress, though not expressly stating, may imply that it is preempting state law by occupation of an entire field of regulation, so that no room is left for supplementary state regulation; (3) Congress may speak neither expressly nor impliedly of preemption, nonetheless state law is preempted to the extent it actually conflicts with federal law; such a conflict occurs when (a) compliance with both state and federal law is impossible, or (b) when state law stands as an impediment to a federal purpose. *Michigan Cannery and Freezers Assoc. v. Agricultural Mktg. and Bargaining Bd.*, 467 U.S. 461, 469 (1984).

One of the leading Supreme Court cases on the issue of preemption is *CSX v. Easterwood*, 507 U.S. 658 (1993), which held that state law is not preempted unless federal regulation "substantially subsumes" the particular state regulation. See also, *In re: Miamisburg Train Derailment Litigation*, 626 N.E. 2d 85 (Ohio 1994) (tank cars); *Southern Pacific Railroad v. P.U.C. of State of Oregon*, 9 F.3d 807 (9th Cir. 1993) (locomotive whistles); *Norfolk & Western Railway Company v. Pennsylvania Public Utilities Commission*, 413 A.2d 1037 (1980) (flush type toilets); *National Association of Regulatory Utility Commissioners v. Coleman*, 542 F.2d 11 (3d Cir. 1976) (accident reporting); *State of Washington v. Chicago, Milwaukee, St. Paul and Pacific Railroad Company*, 484 P.2d 1146 (Wash. 1971) (spark arresters); *Bessemer and Lake Erie R.R. v. Pennsylvania Public Utilities Commission*, 368 A.2d 1305 (1977) (flagging); *State by E. I. Malone v. Burlington Northern*, 247 N.W. 2d 54 (Minn. 1976) (blue signal); and *State ex ref. Utilities Commission v. Seaboard Coastline R.R.*, 303 S.E. 2d 549 (N.C. 1983) (open drainage ditches).

Here, it does not appear that any federal regulation has "substantially subsumed" the area addressed by the bill in question. While the FRA does address accident reporting in 49 C.F.R. § 225, that section only requires that carriers make timely and accurate accident reports and maintain certain records. It does not speak to medical treatment or aid to injured employees. Nor does it appear that the FRA has issued any other regulation that directly, or even indirectly, addresses the substance of proposed law regarding medical treatment. Similarly, it does not appear that any part of the Federal Employers Liability Act ("FELA"), 45 U.S.C. § 51 *et seq.*, addresses or deals with medical treatment for injured employees.

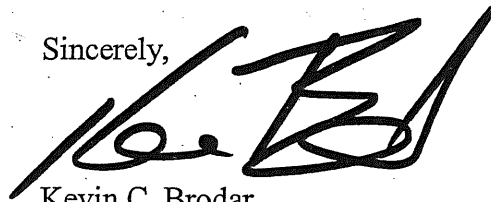
This analysis is not significantly different from that applied to a Wisconsin statute requiring two person crews. There, the carriers argued that such state regulation was preempted. Their arguments however succeeded only with respect to hostling and helper service. *Burlington Northern & Santa Fe Ry., v. Doyle*, 186 F.3d 790 (7th Cir. 1999). Here, not only is there no federal statute or regulation addressing the matter, but also the safety and health of the citizenry of the state is a legitimate state interest, just as was the two person crew law. Indeed, a much stronger safety issue could be asserted here.

[W]hen a state legitimately asserts the existence of a safety justification for a regulation . . . the Court will not second-guess legislative judgment about their importance in comparison with related burdens on interstate commerce

Bibb v. Navaho Freight Lines, Inc., 359 U.S. 520, 524 (1959). See *Brotherhood of Locomotive Firemen and Enginemen v. Chicago, Rock Island & Pacific Railroad*, 393 U.S. 129, 140 (1968); *Raymond Motor Transportation, Inc. v. Rice*, 434 U.S. 429, 449 (1978); *Kassel v. Consolidated Freightways Corporation*, 450 U.S. 662 (1981). The proposed legislation places an insignificant burden on railroads within the state in light of the compelling need for the state to promote the safety of its citizens.

We think it is fairly clear given the history and current state of the law that the state regulation regarding medical treatment is not preempted.

Sincerely,



Kevin C. Brodar
Associate General Counsel

cc: P. C. Thompson, International President
R. L. Marceau, Assistant President
J. M. Brunkenhoefer, U.S. National Legislative Director
C. J. Miller, III, General Counsel

United Transportation Union

General Committee of Adjustment GO-261

SOO LINE R.R.

D. E. Baker, Chairman
6053 Hudson Road
Suite #162
Eden Prairie, MN 55125-1015
Phone: 651-714-5201

FAX: 651-714-5512
E-Mail: utugo261@aol.com

February 18, 2005



Executive Committee
J. H. Nelson, Vice Chrm.
T. J. Morris, Vice Chrm.
R. G. Long, Vice Chrm.
R. J. Hill, Secretary

File: 36-NN/36-N

Mr. R. Ritchie, CEO
Canadian Pacific Railway
Ste. 500 Gulf Canada Square
401 - 9th Avenue SW
Calgary, AB, CANADA T2P 4Z4

Dear Sir:

I am in receipt of a February 7, 2005 letter to you from BMWED General Chairman M. S. Wimmer concerning safety on the Soo Line Railroad.

I agree with Chairman Wimmer that employees are harassed and intimidated if they submit a Personal Injury Report as required by the rules. I don't believe injuries are down, just the reporting of them. When an employee puts in a Personal Injury Report they are asked if they really want to submit it or wait and see if they are really injured. This by the way, is against all rules; be it Carrier or FRA.

On February 4, 2005 one of my members slipped on snow covered ice and fell on her ankle. She had the engineer call for an ambulance, but the road manager heard this on his radio and cancelled the call for the ambulance. She then crawled through the snow to get to a shanty to wait for the road manager; this is when her Hours of Service expired. Her wait for the road manager was about thirty-five to forty minutes. The road manager arrived, took her to a hospital where it was diagnosed as a broken ankle. She was instructed to get to a hospital that had an orthopedic specialist so that he could set the ankle as soon as possible. Instead, the road manager took her back to the site and wanted more information.

This incident is now out on the property and my members comments are, "The Carrier sure doesn't care if we are injured, even though safety is preached but, obviously not practiced by them." We are now waiting to see if an investigation will be called. If it isn't, it will only be because the road manager will be in trouble for canceling the ambulance.

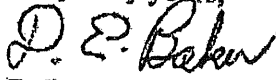
Mr. R. Ritchie, CEO
February 18, 2005
File: 36-NN/36-N
Page 2

The United Transportation Union is very interested in the safety of our members and we work with the local safety committees throughout the Soo Line property. Safety also should be included in work rest and absenteeism, but it isn't, and my members feel very strongly that it should be a factor.

I strongly agree with General Chairman Wimmer that CPRS' corporate performance pay incentive should be looked into more closely, as it can corrupt the entire safety process.

Thank you for your time.

Very truly yours,



D. E. Baker
General Chairman

cc: R. E. Wilson, General Manager-Field Operations
C. S. Frankenberg, AVP Labor Relations & Human Resources-US
L. J. Kissel, Service Area Manager-Chicago
Local Chairmen

UNITED TRANSPORTATION UNION

CLYDE P. LARSON- GENERAL CHAIRMAN

4077 Misty Morning Drive
Hermantown, Minnesota 55811

January 17, 2005

Federal Railroad Administration
Attn. Larry Hasbold
200 West Adams-Suite 310
Chicago, IL 60606

Dear Mr. Hasbold:

I am writing this day to report an incident on the Duluth, Missabe and Iron Range Railway Company/CN that I believe is a violation of the current FRA regulations.

On November 9, 2004 employee [REDACTED] was working a road assignment based out of Proctor Minnesota. He was injured due to a slip on taconite pellets while lining himself into the yard.

He was taken to the emergency room for examination to his knee. In the examination room, the doctor just starting his exam, was interrupted by supervisor [REDACTED] [REDACTED], who insisted that his reports needed to be filled out immediately. [REDACTED] had also been given pain medication through an I.V. prior to this.

[REDACTED] was required to fill out accident reports with this supervisor while being examined by the doctor. He was uninvited and did not ask Mr. Stahl's permission. Your operating practices specialist Bob Portchee tells me this is in violation of Section 225 of the FRA Regulations.

After his treatment Claims Agent [REDACTED] Wollack drove the employee to his home, but first demanded they return to the site of the accident for [REDACTED] to examine, this was in the opposite direction of [REDACTED]'s home, which is an hour drive from the Proctor Yard. Upon returning him to his home, Mr. Wollack insisted that he give his formal statement for the record. All of this was protested by [REDACTED] who informed him that he was in pain, and under medication for the pain.

Please advise as to your opinion of this incident.

Sincerely,

Clyde P. Larson-General Chairman
cc:Phil Qually-State Legislative Director



U.S. Department
of Transportation

**Federal Railroad
Administration**

Region VI

H2004-UP-6-003010

DOT Building
901 Locust Street, Suite 464
Kansas City, MO 64106

March 1, 2005

Mr. Philip Qualy, Legislative Director, Chairperson
Minnesota Legislative Board
United Transportation Union
3989 Central Avenue NE, Suite 525
Columbia Heights, Minnesota 55421-3900

Dear Mr. Qualy:

This is in response to your letter dated September 28, 2004, concerning the alleged violation of the Federal Hours of Service Law (HSL) by the Union Pacific Railroad Company (UP) following an on-duty injury at Mason City, Iowa, on December 4, 2003.

The Federal Railroad Administration (FRA) has completed its investigation.

Your letter alleged that on December 4, 2003, officers of the UP required employee [REDACTED] to violate the HSL by holding him on duty well in excess of his HSL expiration time in order to interrogate him about facts surrounding an injury that he claimed he sustained during his shift. [REDACTED] was contacted about the circumstances surrounding these allegations. He said he was offered prompt medical attention but following this, the local railroad managers "asked" him to recreate the circumstances surrounding the injury. A request coming from several railroad managers can appear to be mandatory and it came 4 1/2 hours after the expiration of the maximum hours permitted by law. [REDACTED] was finally allowed to report off duty at 6:15 p.m., 16 hours 35 minutes after reporting on duty.

The investigation revealed a violation was committed. The findings of this investigation will be forwarded to the Office of Chief Counsel with a recommendation for civil penalties for failure of the railroad to comply with requirements of the Federal HSL.

I understand you have been contacted and advised of our findings and handling in this matter. Thank you for your interest in railroad safety and if you have any future concerns, please contact us.

DIRECTOR'S NOTE: PLEASE BE INFORMED THIS CASE
OF MEDICAL CARE DELAY AND INTERFERENCE IS NOT WITHIN
Sincerely,

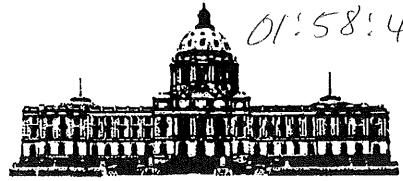
3/15/05 SENATE TESTIMONY.

D. J. Tisor
Regional Administrator

② RELEVANCE IS THAT F.R.A DID
NOT FIND OR ADDRESS ISSUE
OF DELAY AND INTERFERENCE. F.R.A
ONLY ADDRESSED H.S.L ISSUE. → NO FEDERAL JURISDICTION TO ADDRESS TREATMENT.

NO FEDERAL JURISDICTION TO ADDRESS TREATMENT.

01:47:23 A (128)
01:58:48 B (256)



Senate

State of Minnesota

LEO FOLEY
Senate District 47
Chair, Crime Prevention & Public Safety
G-24 State Capitol Building
75 Rev. Dr. Martin Luther King, Jr. Blvd.
St. Paul, MN 55155-1606

Phone: (651) 296-4154
Fax: (651) 296-6511

Senate Crime Prevention and Public Safety Committee
Tuesday, March 22, 2005
Chair: Sen. Leo Foley
3 p.m.
107 Capitol

part one,
chip one

AGENDA:

- 1) SF 1689 (Pappas) crime of trafficking in persons
- 2) SF 1000 (Berglin) correctional human services provisions
 - a. Robert Hampson, NAMI
 - b. Bill Conley, Mental Health Association
- 3) SF 1028 (Berglin) criminal offenders with serious and persistent mental illness incarceration discharge plans
- 4) SF 545 (Betzold) criminal records expungement eligibility expansion
 - a. Jon Geffen, Southern Minnesota Regional Legal Services
 - b. Ardys Korstad, Minnesota Assistance Council for Veterans
 - c. Phil Carruthers, Ramsey County Attorney's Office
- 5) SF 1606 (Moua) crime of injured railroad workers treatment obstruction
 - a. Phil Qualy, United Transportation Union
 - b. Dan Elliot, General Counsel, UTU
 - c. Clyde Laison, General Chairman, UTU
 - d. Brian Sweeney, Burlington Northern Santa Fe
 - e. John Huber, Canadian Pacific
 - f. Doug Warner, Burlington Northern Santa Fe
 - g. Greg Simmons, Canadian Pacific
- 6) SF 606 (Marty) DWI and chemical dependency prevention initiatives
 - h. Claudia Brewington, MICA, AMC, CPAJ
 - i. Bob Melson, Executive Director, Dakota County Receiving Inc.
 - j. Tom Galligan, Executive V.P. Marketing and Strategic Planning, Hazelden
- 7) SF 804 (Murphy) crime of fourth degree assault expansion
- 8) SF 1090 (Kiscaden) parked emergency vehicles passing regulation clarification and peace officers citation issuance authority

Adjournment for
Recess



- 9) SF 569 (Chaudhary) natural resources department safety training programs provisions modification and volunteer instructors background checks; motorboat trailers forfeiture subjections
 - a. Col. Mike Hamm, DNR Enforcement
- 10) SF 1510 (Chaudhary) Minnesota financial crimes task force provisions modifications
 - a. John McCullough, Retailers Protection Association
 - b. Commander Chris Abbas, Financial Crimes Task Force
 - c. Arlene and Jack Gleason
 - d. Elizabeth Arco
 - e. Mayor Herb Bergson, Duluth
- 11) SF 660 (Skoglund) criminal forfeiture law expansion
 - a. Rick Anderson, Commander, Internet Crimes Against Children Task Force
- 12) SF 1452 (Skoglund) interstate adult offender supervision advisory council membership increase

LEO FOLEY

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Senate

State of Minnesota

Senate Crime Prevention and Public Safety Committee

Tuesday, March 22, 2005

Chair: Sen. Leo Foley

**3 p.m.
107 Capitol**

part II,
chip II

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 - g. Greg Simmons, Canadian Pacific

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Return
from
Adjourn-
ment



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 - a. Rick Anderson, Commander, Internet Crimes Against Children Task Force
- 12) SF 1452 (Skoglund) interstate adult offender supervision advisory council membership increase

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

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(651) 296-4791
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JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

**S.F. No. 1606 -Crime of Injured Railroad Workers Treatment
Obstruction (First Engrossment)**

Author: Senator Mee Moua

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

Date: March 21, 2005

Section 1 creates a gross misdemeanor for a railroad or railroad employee to unreasonably deny, delay, or interfere with medical treatment to an employee of a railroad who has been injured during employment, or to discipline or threaten to discipline a railroad employee who has requested medical treatment who has been injured at work.

Section 2 provides an August 1, 2005 effective date and applies to crimes committed on or after that date.

CT:vs

[Code of Federal Regulations]
 [Title 49, Volume 4]
 [Revised as of October 1, 2003]
 >From the U.S. Government Printing Office via GPO Access
 [CITE: 49CFR225.1]

[Page 267]

TITLE 49--TRANSPORTATION

CHAPTER II--FEDERAL RAILROAD ADMINISTRATION, DEPARTMENT OF
 TRANSPORTATION

PART 225--RAILROAD ACCIDENTS/INCIDENTS: REPORTS CLASSIFICATION, AND INVESTIGATIONS--Table c

Sec. 225.1 Purpose.

The purpose of this part is to provide the Federal Railroad Administration with accurate information concerning the hazards and risks that exist on the Nation's railroads. FRA needs this information to effectively carry out its regulatory responsibilities under 49 U.S.C. chapters 201-213. FRA also uses this information for determining comparative trends of railroad safety and to develop hazard elimination and risk reduction programs that focus on preventing railroad injuries and accidents. Issuance of these regulations under the federal railroad safety laws and regulations preempts States from prescribing accident/incident reporting requirements. Any State may, however, require railroads to submit to it copies of accident/incident and injury/illness reports filed with FRA under this part, for accidents/incidents and injuries/illnesses which occur in that State.

[61 FR 30967, June 18, 1996]

Senate Crime Prevention and Public Safety Committee
Tuesday, March 22, 2005
Chair: Sen. Leo Foley
3 p.m.
107 Capitol

AGENDA:

- 1) SF 545 (Betzold) criminal records expungement eligibility expansion
- 2) SF 1000 (Berglin) correctional human services provisions
 - a. Bill Conley, Mental Health Association
 - b. Sue Abderholden, NAMI
 - c. Robert Hampson, NAMI
 - d. Ron Wiborg, Hennepin County Corrections
- 3) SF 1689 (Pappas) crime of trafficking in persons
 - a. Suzanne Peterson, Human Trafficking Legislative Task Force
 - b. Illene Herr, State Council on Asian-Pacific Islanders
 - c. Sgt. Rich Stronka, St. Paul Police Department
- 4) SF 1028 (Berglin) criminal offenders with serious and persistent mental illness incarceration discharge plans
 - a. Sue Abderholden, NAMI
 - b. Jim Franklin, Minnesota Sheriffs Association
- 5) SF 1606 (Moua) crime of injured railroad workers treatment obstruction
 - a. Phil Qualy, United Transportation Union
 - b. Clyde Larson, General Chairman, UTU
 - c. Brian Sweeney, Burlington Northern Santa Fe
 - d. Doug Warner, Burlington Northern Santa Fe
- 6) SF 804 (Murphy) crime of fourth degree assault expansion
- 7) SF 569 (Chaudhary) natural resources department safety training programs provisions modification and volunteer instructors background checks; motorboat trailers forfeiture subjections
 - a. Col. Mike Hamm, DNR Enforcement

- 8) SF 1510 (Chaudhary) Minnesota financial crimes task force provisions modifications
 - a. Arlene and Jack Gleason
 - b. Commander Chris Abbas, Financial Crimes Task Force
 - c. Mayor Herb Bergson, Duluth
 - d. Elizabeth Arco

- 9) SF 606 (Marty) DWI and chemical dependency prevention initiatives
 - a. Pat Caldwell, Association of Minnesota Counties & MICA
 - b. Bob Melson, Executive Director, Dakota County Receiving Inc.
 - c. Tom Galligan, Executive Vice-President, Marketing & Strategic Planning, Hazelden

- 10) SF 660 (Skoglund) criminal forfeiture law expansion
 - a. Judy Johnston, Hennepin County Attorney's Office
 - b. Rick Anderson, Commander, Internet Crimes Against Children Task Force
 - c. Rich Neumeister, Privacy advocate

- 11) SF 1452 (Skoglund) interstate adult offender supervision advisory council membership increase

- 12) SF 1090 (Kiscaden) parked emergency vehicles passing regulation clarification and peace officers citation issuance authority
 - a. Captain Erickson, Minnesota State Patrol

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

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JO ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

**S.F. No. 545 - Expungement (Delete-Everything
Amendment - SCS0545A-1)**

Author: Senator Don Betzold

Prepared by: Kenneth P. Backhus, Senate Counsel (651/296-4396)

Date: March 22, 2005

(KB)

Section 1 amends the expungement chapter of law (Minnesota Statutes, chapter 609A) to authorize the sealing of criminal records of certain offenders whose criminal action was not resolved in their favor. Requires that the petitioner no longer be under correctional supervision for the offense. Requires a minimum of five years (with no new convictions during that period) to have elapsed since the petitioner's discharge from sentence if the expungement petition seeks to seal records relating to a gross misdemeanor or a felony-level offense. Prohibits the filing of a petition to seal records related to violations of first- through third-degree murder, first- and second-degree manslaughter, first- and second-degree assault, kidnapping, arson, or any violation of the traffic or DWI codes.

Under current law, with limited exceptions, expungements are not authorized by statute for a person convicted of a crime.

Section 2 amends the expungement chapter of law. Authorizes the sealing of judicial branch records for persons described in **section 1** under the standard currently applicable for most expungements (the petitioner must demonstrate by clear and convincing evidence that granting the petition would yield a benefit to the petitioner commensurate with the disadvantages to the public and public safety of sealing the record and burdening the court and public authorities to issue, enforce, and monitor the expungement order). Provides an additional requirement for the sealing of records for persons described in **section 1** if the petition seeks to seal nonjudicial branch records (i.e., Bureau of Criminal Apprehension, prosecutorial, and law enforcement agency records). To seal these records, the person must demonstrate by clear and convincing evidence that:

- ▶ the person's constitutional rights were violated;

- ▶ the person suffered an injustice resulting from an abuse of discretion in the performance of a governmental function; or
- ▶ the sealing of the nonjudicial branch record:
 - is necessary for the court to fashion a meaningful remedy;
 - is necessary for the petitioner to obtain employment or housing; and
 - does not jeopardize public safety.

If the court seals a nonjudicial branch record under this section, it must report nonidentifying information about this to the State Court Administrator. The State Court Administrator must annually submit a summary of these reports to the Legislature.

KPB:ph

Senator Betzold introduced--

S.F. No. 545: Referred to the Committee on Judiciary.

1 A bill for an act

2 relating to the judiciary; expanding eligibility for

3 expungements; amending Minnesota Statutes 2004,

4 section 609A.02, by adding a subdivision; repealing

5 Minnesota Statutes 2004, section 609A.02, subdivision

6 2.

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

8 Section 1. Minnesota Statutes 2004, section 609A.02, is

9 amended by adding a subdivision to read:

10 Subd. 3a. [CERTAIN CRIMINAL PROCEEDINGS NOT RESOLVED IN

11 PETITIONER'S FAVOR.] A petition may be filed under section

12 609A.03 to seal all records relating to an arrest, indictment or

13 information, trial, or verdict if the actions or proceedings

14 were not resolved in favor of the petitioner.

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

16 Sec. 2. [REPEALER.]

17 Minnesota Statutes 2004, section 609A.02, subdivision 2, is

18 repealed.

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

APPENDIX
Repealed Minnesota Statutes for 05-1824

609A.02 GROUNDS FOR ORDER.

Subd. 2. **Juveniles prosecuted as adults.** A petition for the sealing of a conviction record may be filed under section 609A.03 by a person who has been committed to the custody of the commissioner of corrections upon conviction of a crime following certification to district court under section 260B.125, if the person:

- (1) is finally discharged by the commissioner; or
- (2) has been placed on probation by the court under section 609.135 and has been discharged from probation after satisfactory fulfillment of it.

1 Senator moves to amend S.F. No. 545 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 609A.02, is
4 amended by adding a subdivision to read:

5 Subd. 3a. [CERTAIN CRIMINAL PROCEEDINGS NOT RESOLVED IN
6 PETITIONER'S FAVOR.] (a) A petition may be filed under section
7 609A.03 to seal all records relating to an arrest, citation,
8 indictment or information, complaint, trial, guilty plea, or
9 verdict if:

10 (1) the actions or proceedings were not resolved in favor
11 of the petitioner; and

12 (2) the petitioner is no longer under correctional
13 supervision for the offense.

14 (b) A petition to seal records related to a gross
15 misdemeanor or a felony-level offense may not be filed unless at
16 least five years have elapsed since the petitioner's discharge
17 from sentence and during that time the petitioner has not been
18 convicted of any new offenses.

19 (c) A petition may not be filed under paragraph (a) to seal
20 a record related to a violation of section 609.185; 609.19;
21 609.195; 609.20; 609.205; 609.221; 609.222; 609.25; 609.561; or
22 any violation of chapter 169 or 169A.

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

24 Sec. 2. Minnesota Statutes 2004, section 609A.03, is
25 amended by adding a subdivision to read:

26 Subd. 5b. [CERTAIN EXPUNGEMENTS; ADDITIONAL REQUIREMENTS
27 RELATING TO NONJUDICIAL BRANCH RECORDS.] (a) Subdivision 5,
28 paragraph (a), applies to petitions filed under section 609A.02,
29 subdivision 3a, for the sealing of a criminal record held by the
30 judicial branch.

31 (b) For petitions filed under section 609A.02, subdivision
32 3a, a court may seal a criminal record held by a nonjudicial
33 branch entity only if the requirements of subdivision 5,
34 paragraph (a), have been met, and the petitioner demonstrates by
35 clear and convincing evidence that:

36 (1) the petitioner's constitutional rights were violated;

1 (2) the petitioner suffered an injustice resulting from an
2 abuse of discretion in the performance of a governmental
3 function; or

4 (3) the sealing of the nonjudicial branch record:

5 (i) is necessary for the court to fashion a meaningful
6 remedy;

7 (ii) is necessary for the petitioner to obtain employment
8 or housing; and

9 (iii) does not jeopardize public safety.

10 (c) When a court seals a nonjudicial branch record under
11 paragraph (b), it shall report to the state court administrator
12 nonidentifying information about the action, including, but not
13 limited to, the reasons why the court sealed the record. By
14 January 15 each year, the state court administrator shall submit
15 a summary of the reports received under this paragraph to the
16 chairs and ranking minority members of the senate and house
17 committees having jurisdiction over criminal justice policy.

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

19 Delete the title and insert:

20 "A bill for an act relating to the judiciary; expanding
21 eligibility for expungements; requiring reports; amending
22 Minnesota Statutes 2004, sections 609A.02, by adding a
23 subdivision; 609A.03, by adding a subdivision."

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and Fiscal Analysis**

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Senate

State of Minnesota

S.F. No. 1000 -Purchasing Pool for Prescription Drugs; Discharge Plans for Persons with Serious and Persistent Mental Illness; Clarifying Medical Assistance Eligibility; Allocating Money

Author: Senator Linda Berglin

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

Date: March 21, 2005

Section 1 authorizes the Commissioner of Corrections to contract with a separate entity for the purchase of prescription drugs for inmates under the commissioner's jurisdiction. Allows local governments to participate in the same purchasing pool for prescription drugs for inmates under their jurisdiction.

Section 2 extends eligibility for discharge plans for community-based services developed by the Department of Human Services to all offenders who have a diagnosis of mental illness and would be eligible for case management services under Minnesota Statutes, section 245.462, subdivision 20, paragraph (c) as a person with serious and persistent mental illness were it not for the fact that they were incarcerated.

Requires the Commissioner of Human Services to designate a discharge planner for eligible inmates at least 90 days before the offender is to be released. The discharge planner must obtain the necessary informed consent and releases of information from the offender and forward them to the appropriate local entity at least 75 days before release.

Strikes language that requires the referral of the offender to the appropriate county human services staff for determination of eligibility and enrollment in medical assistance or general assistance medical care, requiring instead that these duties be performed by the discharge planner.

Section 3 provides that inmates under work release are eligible for medical assistance, as well as persons who are temporarily placed in a detention facility pending other arrangements appropriate to the individual's needs, provided the period of time does not exceed 60 days.

Section 4 requires the Commissioner of the Housing Finance Agency to allocate a blank amount from the housing trust fund account in the housing development fund for supportive housing projects that provide employment services.

CT:vs

1 A bill for an act

2 relating to human services; modifying discharge plans
3 for offenders with serious and persistent mental
4 illness; clarifying eligibility for medical assistance
5 for offenders released for work release; authorizing
6 commissioner of corrections to enter into a purchasing
7 pool for prescription drugs; allocating housing funds
8 for projects that provide employment support;
9 appropriating money; amending Minnesota Statutes 2004,
10 sections 241.01, by adding a subdivision; 244.054;
11 256B.055, by adding a subdivision.

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

13 Section 1. Minnesota Statutes 2004, section 241.01, is
14 amended by adding a subdivision to read:

15 Subd. 10. [PURCHASING FOR PRESCRIPTION DRUGS.] In
16 accordance with section 241.021, subdivision 4, the commissioner
17 may contract with a separate entity to purchase prescription
18 drugs for persons confined in institutions under the control of
19 the commissioner. Local governments may participate in this
20 purchasing pool in order to purchase prescription drugs for
21 those persons confined in local correctional facilities in which
22 the local government has responsibility for providing health
23 care. If any county participates, the commissioner shall
24 appoint a county representative to any committee convened by the
25 commissioner for the purpose of establishing a drug formulary to
26 be used for state and local correctional facilities.

27 Sec. 2. Minnesota Statutes 2004, section 244.054, is
28 amended to read:

1 244.054 [DISCHARGE PLANS; OFFENDERS WITH SERIOUS AND
2 PERSISTENT MENTAL ILLNESS.]

3 Subdivision 1. [OFFER TO DEVELOP PLAN.] The commissioner
4 of human services, in collaboration with the commissioner of
5 corrections, shall offer to develop a discharge plan for
6 community-based services for every offender with serious and
7 persistent mental illness, as defined in section 245.462,
8 subdivision 20, paragraph (c), and every offender who has had a
9 diagnosis of mental illness and would otherwise be eligible for
10 case management services under section 245.462, subdivision 20,
11 paragraph (c), but for the requirement that the offender be
12 hospitalized or in residential treatment, who is being released
13 from a correctional facility. If an offender is being released
14 pursuant to section 244.05, the offender may choose to have the
15 discharge plan made one of the conditions of the offender's
16 supervised release and shall follow the conditions to the extent
17 that services are available and offered to the offender.

18 Subd. 2. [CONTENT OF PLAN.] If an offender chooses to have
19 a discharge plan developed, the commissioner of human services
20 shall develop and implement a discharge plan, which must include
21 at least the following:

22 (1) at least 90 days before the offender is due to be
23 discharged, the commissioner of human services shall designate
24 ~~an agent of the Department of Human Services~~ a discharge planner
25 with mental health training to serve as the primary person
26 responsible for carrying out discharge planning activities;

27 (2) at least 75 days before the offender is due to be
28 discharged, the offender's ~~designated agent~~ discharge planner
29 shall:

30 (i) obtain informed consent and releases of information
31 from the offender that are needed for transition services, and
32 forward to the appropriate local entity;

33 (ii) contact the county human services department in the
34 community where the offender expects to reside following
35 discharge, and inform the department of the offender's impending
36 discharge and the planned date of the offender's return to the

1 community; determine whether the county or a designated
2 contracted provider will provide case management services to the
3 offender; refer the offender to the case management services
4 provider; and confirm that the case management services provider
5 will have opened the offender's case prior to the offender's
6 discharge; and

7 ~~(iii) refer the offender to appropriate staff in the county~~
8 ~~human services department in the community where the offender~~
9 ~~expects to reside following discharge, for enrollment of the~~
10 ~~offender if eligible in medical assistance or general assistance~~
11 ~~medical care, using special procedures established by process~~
12 ~~and Department of Human Services bulletin~~ assist the offender in
13 filling out an application for medical assistance, general
14 assistance medical care, or MinnesotaCare and submit the
15 application for eligibility determination to the commissioner.
16 The commissioner shall determine an offender's eligibility no
17 more than 45 days, or no more than 60 days if the offender's
18 disability status must be determined, from the date that the
19 application is received by the department. The effective date
20 of eligibility for the health care program shall be no earlier
21 than the date of the offender's release. If eligibility is
22 approved, the commissioner shall mail a Minnesota health care
23 program membership card to the facility in which the offender
24 resides and transfer the offender's case to MinnesotaCare
25 operations within the department or the appropriate county human
26 services agency in the county where the offender expects to
27 reside following release for ongoing case management;

28 (3) at least 2-1/2 months before discharge, the offender's
29 ~~designated agent~~ discharge planner shall secure timely
30 appointments for the offender with a psychiatrist no later than
31 30 days following discharge, and with other program staff at a
32 community mental health provider that is able to serve former
33 offenders with serious and persistent mental illness;

34 (4) at least 30 days before discharge, the offender's
35 ~~designated agent~~ discharge planner shall convene a pre-discharge
36 assessment and planning meeting of key staff from the programs

1 in which the offender has participated while in the correctional
2 facility, the offender, the supervising agent, and the mental
3 health case management services provider assigned to the
4 offender. At the meeting, attendees shall provide background
5 information and continuing care recommendations for the
6 offender, including information on the offender's risk for
7 relapse; current medications, including dosage and frequency;
8 therapy and behavioral goals; diagnostic and assessment
9 information, including results of a chemical dependency
10 evaluation; confirmation of appointments with a psychiatrist and
11 other program staff in the community; a relapse prevention plan;
12 continuing care needs; needs for housing, employment, and
13 finance support and assistance; and recommendations for
14 successful community integration, including chemical dependency
15 treatment or support if chemical dependency is a risk factor.
16 Immediately following this meeting, the offender's ~~designated~~
17 agent discharge planner shall summarize this background
18 information and continuing care recommendations in a written
19 report;

20 (5) immediately following the predischarge assessment and
21 planning meeting, the provider of mental health case management
22 services who will serve the offender following discharge shall
23 offer to make arrangements and referrals for housing, financial
24 support, benefits assistance, employment counseling, and other
25 services required in sections 245.461 to 245.486;

26 (6) at least ten days before the offender's first scheduled
27 postdischarge appointment with a mental health provider, the
28 offender's ~~designated-agent~~ discharge planner shall transfer the
29 following records to the offender's case management services
30 provider and psychiatrist: the predischarge assessment and
31 planning report, medical records, and pharmacy records. These
32 records may be transferred only if the offender provides
33 informed consent for their release;

34 (7) upon discharge, the offender's ~~designated-agent~~
35 discharge planner shall ensure that the offender leaves the
36 correctional facility with at least a ten-day supply of all

1 necessary medications; and

2 (8) upon discharge, the prescribing authority at the
3 offender's correctional facility shall telephone in
4 prescriptions for all necessary medications to a pharmacy in the
5 community where the offender plans to reside. The prescriptions
6 must provide at least a 30-day supply of all necessary
7 medications, and must be able to be refilled once for one
8 additional 30-day supply.

9 Sec. 3. Minnesota Statutes 2004, section 256B.055, is
10 amended by adding a subdivision to read:

11 Subd. 14. [PERSONS DETAINED BY LAW.] (a) An inmate of a
12 correctional facility who is conditionally released as
13 authorized under section 241.26, 244.065, or 631.425 is eligible
14 for medical assistance if the individual does not require the
15 security of a public detention facility and is housed in a
16 halfway house or community correction center, or under house
17 arrest and monitored by electronic surveillance in a residence
18 approved by the commissioner of corrections.

19 (b) An individual, regardless of age, who is involuntarily
20 detained by law in the custody of a correctional or detention
21 facility as an individual accused or convicted of a crime, is
22 not eligible for medical assistance. An individual is not
23 determined to be involuntarily detained for purposes of medical
24 assistance eligibility if the individual is placed in a
25 detention facility for a temporary period pending other
26 arrangements appropriate to the individual's needs.

27 Sec. 4. [APPROPRIATION.]

28 For the biennium ending June 30, 2007, the commissioner of
29 the Housing Finance Agency shall allocate \$..... from the
30 housing trust fund account in the housing development fund for
31 supportive housing projects that provide employment support.

1 Senator moves to amend S.F. No. 1000 as follows:

2 Page 5, line 6, strike "30-day" and insert "60-day"

3 Page 5, after line 26, insert:

4 "Sec. 4. [PRIORITY IN JANITORIAL CONTRACTS.]

5 When awarding contracts to provide the janitorial services

6 for the new Department of Human Services and Department of

7 Health buildings, the commissioner of administration shall give

8 priority to supported work vendors."

9 Renumber the sections in sequence and correct the internal
10 references

11 Amend the title accordingly

1 Senator moves to amend S.F. No. 1000 as follows:

2 Page 2, line 32, after "forward" insert "them"

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State of Minnesota

S.F. No. 1689 - Unlawful Trafficking in Persons

Author: Senator Sandra L. Pappas

Prepared by: Kenneth P. Backhus, Senate Counsel (651/296-4396)

Date: March 18, 2005

KB

Section 1 defines “blackmail,” “debt bondage,” “forced labor or services,” “trafficking,” and “trafficking victim.”

Section 2 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 trafficking of another.

Section 3 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 **section 2** 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 4 provides:

- that consent or the age of the victim is not a defense to prosecution under **section 2 or 3**;
- that a trafficking victim may bring a civil lawsuit against a person who violates **section 2 or 3**; and

- that if a corporation or business enterprise is convicted of violating **section 2 or 3**, 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 5 extends the applicability of the criminal code's prostitution definitions so that they apply to **section 9**.

Section 6 expands the definition of promoting prostitution under section 609.321, by adding sex trafficking (see **section 7**).

Section 7 amends the criminal code's prostitution definitions to define "sex trafficking" (see **section 6**) 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 section 609.322 depending on the age of the victim.

Section 8 amends the criminal code's prostitution definitions to define "sex trafficking victim."

Section 9 amends the criminal code's prostitution provisions by providing an affirmative defense to a charge under 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 trafficking victim (see **section 1**) or a sex trafficking victim (see **section 8**) 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 substantial bodily harm upon the defendant.

Section 10 expands the definition of "designated offense" in the criminal code's forfeiture law to include violations of **sections 2 and 3**. 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 11 amends section 609.5315 (Disposition of Forfeited Property) by adding a cross-reference to **section 12**, regarding disposition of proceeds from prostitution and trafficking offenses.

Section 12 creates a new subdivision under 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 13 amends the criminal statute of limitations law to allow a criminal case to be commenced for a violation of **section 2** 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.

KPB:ph

Senators Pappas, Foley, McGinn, Ranum and Limmer introduced--
S.F. No. 1689: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act

2 relating to public safety; criminalizing certain acts
3 related to the unlawful trafficking in persons;
4 providing for the forfeiture of certain property of
5 the offender in these cases; specifically including
6 conduct involving sex trafficking in the promoting of
7 prostitution crime; modifying the distribution formula
8 for prostitution and sex trafficking-related
9 forfeiture proceeds; amending Minnesota Statutes 2004,
10 sections 609.321, subdivisions 1, 7, by adding
11 subdivisions; 609.325, by adding a subdivision;
12 609.531, subdivision 1; 609.5315, subdivision 1, by
13 adding a subdivision; 628.26; proposing coding for new
14 law in Minnesota Statutes, chapter 609.

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

16 Section 1. [609.281] [DEFINITIONS.]

17 Subdivision 1. [GENERALLY.] As used in sections 609.281 to
18 609.284, the following terms have the meanings given.

19 Subd. 2. [BLACKMAIL.] "Blackmail" means a threat to expose
20 any fact or alleged fact tending to cause shame or to subject
21 any person to hatred, contempt, or ridicule.

22 Subd. 3. [DEBT BONDAGE.] "Debt bondage" means the status
23 or condition of a debtor arising from a pledge by the debtor of
24 the debtor's personal services or those of a person under the
25 debtor's control as a security for debt, if the value of those
26 services as reasonably assessed is not applied toward the
27 liquidation of the debt or the length and nature of those
28 services are not respectively limited and defined.

29 Subd. 4. [FORCED LABOR OR SERVICES.] "Forced labor or
30 services" means labor or services that are performed or provided

1 by another person and are obtained or maintained through an
2 actor's:

3 (1) threat, either implicit or explicit, scheme, plan, or
4 pattern, or other action intended to cause a person to believe
5 that, if the person did not perform or provide the labor or
6 services, that person or another person would suffer bodily harm
7 or physical restraint;

8 (2) physically restraining or threatening to physically
9 restrain a person;

10 (3) abuse or threatened abuse of the legal process;

11 (4) knowingly destroying, concealing, removing,
12 confiscating, or possessing any actual or purported passport or
13 other immigration document, or any other actual or purported
14 government identification document, of another person; or

15 (5) use of blackmail.

16 Subd. 5. [TRAFFICKING.] "Trafficking" means the
17 recruitment, transportation, transfer, harboring, enticement,
18 provision, obtaining, or receipt of a person by any means,
19 whether a United States citizen or foreign national, for the
20 purpose of:

21 (1) debt bondage or forced labor or services;

22 (2) slavery or practices similar to slavery; or

23 (3) the removal of organs through the use of coercion or
24 intimidation.

25 Subd. 6. [TRAFFICKING VICTIM.] "Trafficking victim" means
26 a person subjected to the practices in subdivision 5.

27 Sec. 2. [609.282] [TRAFFICKING.]

28 Whoever knowingly engages in the trafficking of another is
29 guilty of a crime and may be sentenced to imprisonment for not
30 more than 15 years or to payment of a fine of not more than
31 \$30,000, or both.

32 Sec. 3. [609.283] [UNLAWFUL CONDUCT WITH RESPECT TO
33 DOCUMENTS IN FURTHERANCE OF TRAFFICKING.]

34 Unless the person's conduct constitutes a violation of
35 section 609.282, a person who knowingly destroys, conceals,
36 removes, confiscates, or possesses any actual or purported

1 passport or other immigration document, or any other actual or
2 purported government identification document, of another person:

3 (1) in the course of a violation of section 609.282 or
4 609.322;

5 (2) with intent to violate section 609.282 or 609.322; or

6 (3) to prevent or restrict or to attempt to prevent or
7 restrict, without lawful authority, a person's liberty to move
8 or travel, in order to maintain the labor or services of that
9 person, when the person is or has been a victim of a violation
10 of section 609.282 or 609.322;
11 is guilty of a crime and may be sentenced to imprisonment for
12 not more than five years or to payment of a fine of not more
13 than \$10,000, or both.

14 Sec. 4. [609.284] [TRAFFICKING CRIMES; DEFENSES; CIVIL
15 LIABILITY; CORPORATE LIABILITY.]

16 Subdivision 1. [CONSENT OR AGE OF VICTIM NOT A
17 DEFENSE.] In a prosecution under section 609.282 or 609.283, the
18 consent or age of the victim is not a defense.

19 Subd. 2. [CIVIL LIABILITY.] A trafficking victim may bring
20 a cause of action against a person who violates section 609.282
21 or 609.283. The court may award damages, including punitive
22 damages, reasonable attorney fees, and other litigation costs
23 reasonably incurred by the victim.

24 Subd. 3. [CORPORATE LIABILITY.] If a corporation or other
25 business enterprise is convicted of violating section 609.282 or
26 609.283, in addition to the criminal penalties described in
27 those sections and other remedies provided elsewhere in law, the
28 court may, when appropriate:

29 (1) order its dissolution or reorganization;

30 (2) order the suspension or revocation of any license,
31 permit, or prior approval granted to it by a state agency; or

32 (3) order the surrender of its charter if it is organized
33 under Minnesota law or the revocation of its certificate to
34 conduct business in Minnesota if it is not organized under
35 Minnesota law.

36 Sec. 5. Minnesota Statutes 2004, section 609.321,

1 subdivision 1, is amended to read:

2 Subdivision 1. [SCOPE.] For the purposes of sections
3 609.321 to ~~609.324~~ 609.325, the following terms have the
4 meanings given.

5 Sec. 6. Minnesota Statutes 2004, section 609.321,
6 subdivision 7, is amended to read:

7 Subd. 7. [PROMOTES THE PROSTITUTION OF AN INDIVIDUAL.]
8 "Promotes the prostitution of an individual" means any of the
9 following wherein the person knowingly:

10 (1) solicits or procures patrons for a prostitute; or

11 (2) provides, leases or otherwise permits premises or
12 facilities owned or controlled by the person to aid the
13 prostitution of an individual; or

14 (3) owns, manages, supervises, controls, keeps or operates,
15 either alone or with others, a place of prostitution to aid the
16 prostitution of an individual; or

17 (4) owns, manages, supervises, controls, operates,
18 institutes, aids or facilitates, either alone or with others, a
19 business of prostitution to aid the prostitution of an
20 individual; or

21 (5) admits a patron to a place of prostitution to aid the
22 prostitution of an individual; or

23 (6) transports an individual from one point within this
24 state to another point either within or without this state, or
25 brings an individual into this state to aid the prostitution of
26 the individual; or

27 (7) engages in the sex trafficking of an individual.

28 Sec. 7. Minnesota Statutes 2004, section 609.321, is
29 amended by adding a subdivision to read:

30 Subd. 7a. [SEX TRAFFICKING.] "Sex trafficking" means
31 receiving, recruiting, enticing, harboring, providing, or
32 obtaining by any means an individual to aid in the prostitution
33 of the individual.

34 Sec. 8. Minnesota Statutes 2004, section 609.321, is
35 amended by adding a subdivision to read:

36 Subd. 7b. [SEX TRAFFICKING VICTIM.] "Sex trafficking

1 victim" means a person subjected to the practices in subdivision
2 7a.

3 Sec. 9. Minnesota Statutes 2004, section 609.325, is
4 amended by adding a subdivision to read:

5 Subd. 4. [AFFIRMATIVE DEFENSE.] It is an affirmative
6 defense to a charge under section 609.324 if the defendant
7 proves by a preponderance of the evidence that the defendant is
8 a trafficking victim, as defined in section 609.281, or a sex
9 trafficking victim, as defined in section 609.321, and that the
10 defendant committed the act only under compulsion by another who
11 by explicit or implicit threats created a reasonable
12 apprehension in the mind of the defendant that if the defendant
13 did not commit the act, the person would inflict substantial
14 bodily harm upon the defendant.

15 Sec. 10. Minnesota Statutes 2004, section 609.531,
16 subdivision 1, is amended to read:

17 Subdivision 1. [DEFINITIONS.] For the purpose of sections
18 609.531 to 609.5318, the following terms have the meanings given
19 them.

20 (a) "Conveyance device" means a device used for
21 transportation and includes, but is not limited to, a motor
22 vehicle, trailer, snowmobile, airplane, and vessel and any
23 equipment attached to it. The term "conveyance device" does not
24 include property which is, in fact, itself stolen or taken in
25 violation of the law.

26 (b) "Weapon used" means a dangerous weapon as defined under
27 section 609.02, subdivision 6, that the actor used or had in
28 possession in furtherance of a crime.

29 (c) "Property" means property as defined in section 609.52,
30 subdivision 1, clause (1).

31 (d) "Contraband" means property which is illegal to possess
32 under Minnesota law.

33 (e) "Appropriate agency" means the Bureau of Criminal
34 Apprehension, the Minnesota Division of Driver and Vehicle
35 Services, the Minnesota State Patrol, a county sheriff's
36 department, the Suburban Hennepin Regional Park District park

1 rangers, the Department of Natural Resources Division of
2 Enforcement, the University of Minnesota Police Department, or a
3 city or airport police department.

4 (f) "Designated offense" includes:

5 (1) for weapons used: any violation of this chapter,
6 chapter 152, or chapter 624;

7 (2) for driver's license or identification card
8 transactions: any violation of section 171.22; and

9 (3) for all other purposes: a felony violation of, or a
10 felony-level attempt or conspiracy to violate, section 325E.17;
11 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222;
12 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282;
13 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f);
14 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision
15 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1,
16 clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466;
17 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53;
18 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59;
19 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions
20 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88;
21 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or
22 felony violation of section 609.891 or 624.7181; or any
23 violation of section 609.324.

24 (g) "Controlled substance" has the meaning given in section
25 152.01, subdivision 4.

26 Sec. 11. Minnesota Statutes 2004, section 609.5315,
27 subdivision 1, is amended to read:

28 Subdivision 1. [DISPOSITION.] (a) Subject to paragraph
29 (b), if the court finds under section 609.5313, 609.5314, or
30 609.5318 that the property is subject to forfeiture, it shall
31 order the appropriate agency to do one of the following:

32 (1) unless a different disposition is provided under clause
33 (3) or (4), either destroy firearms, ammunition, and firearm
34 accessories that the agency decides not to use for law
35 enforcement purposes under clause (8), or sell them to federally
36 licensed firearms dealers, as defined in section 624.7161,

1 subdivision 1, and distribute the proceeds under subdivision
2 5 or 5b;

3 (2) sell property that is not required to be destroyed by
4 law and is not harmful to the public and distribute the proceeds
5 under subdivision 5 or 5b;

6 (3) sell antique firearms, as defined in section 624.712,
7 subdivision 3, to the public and distribute the proceeds under
8 subdivision 5 or 5b;

9 (4) destroy or use for law enforcement purposes
10 semiautomatic military-style assault weapons, as defined in
11 section 624.712, subdivision 7;

12 (5) take custody of the property and remove it for
13 disposition in accordance with law;

14 (6) forward the property to the federal drug enforcement
15 administration;

16 (7) disburse money as provided under subdivision 5 or 5b;
17 or

18 (8) keep property other than money for official use by the
19 agency and the prosecuting agency.

20 (b) Notwithstanding paragraph (a), the Hennepin or Ramsey
21 county sheriff may not sell firearms, ammunition, or firearms
22 accessories if the policy is disapproved by the applicable
23 county board.

24 Sec. 12. Minnesota Statutes 2004, section 609.5315, is
25 amended by adding a subdivision to read:

26 Subd. 5b. [DISPOSITION OF CERTAIN FORFEITED PROCEEDS;
27 TRAFFICKING OF PERSONS; REPORT REQUIRED.] (a) For forfeitures
28 resulting from violations of section 609.282, 609.283, or
29 609.322, the money or proceeds from the sale of forfeited
30 property, after payment of seizure, storage, forfeiture, and
31 sale expenses, and satisfaction of valid liens against the
32 property, must be distributed as follows:

33 (1) 40 percent of the proceeds must be forwarded to the
34 appropriate agency for deposit as a supplement to the agency's
35 operating fund or similar fund for use in law enforcement;

36 (2) 20 percent of the proceeds must be forwarded to the

1 county attorney or other prosecuting agency that handled the
2 forfeiture for deposit as a supplement to its operating fund or
3 similar fund for prosecutorial purposes; and

4 (3) the remaining 40 percent of the proceeds must be
5 forwarded to the commissioner of public safety and are
6 appropriated to the commissioner for distribution to crime
7 victims services organizations that provide services to victims
8 of trafficking offenses.

9 (b) By February 15 of each year, the commissioner of public
10 safety shall report to the chairs and ranking minority members
11 of the senate and house committees or divisions having
12 jurisdiction over criminal justice funding on the money
13 collected under paragraph (a), clause (3). The report must
14 indicate the following relating to the preceding calendar year:

15 (1) the amount of money appropriated to the commissioner;
16 (2) how the money was distributed by the commissioner; and
17 (3) what the organizations that received the money did with
18 it.

19 Sec. 13. Minnesota Statutes 2004, section 628.26, is
20 amended to read:

21 628.26 [LIMITATIONS.]

22 (a) Indictments or complaints for any crime resulting in
23 the death of the victim may be found or made at any time after
24 the death of the person killed.

25 (b) Indictments or complaints for a violation of section
26 609.25 may be found or made at any time after the commission of
27 the offense.

28 (c) Indictments or complaints for violation of section
29 609.282 may be found or made at any time after the commission of
30 the offense if the victim was under the age of 18 at the time of
31 the offense.

32 (d) Indictments or complaints for violation of section
33 609.282 where the victim was 18 years of age or older at the
34 time of the offense, or 609.42, subdivision 1, clause (1) or
35 (2), shall be found or made and filed in the proper court within
36 six years after the commission of the offense.

1 ~~(d)~~ (e) Indictments or complaints for violation of sections
2 609.342 to 609.345 if the victim was under the age of 18 years
3 at the time the offense was committed, shall be found or made
4 and filed in the proper court within nine years after the
5 commission of the offense or, if the victim failed to report the
6 offense within this limitation period, within three years after
7 the offense was reported to law enforcement authorities.

8 ~~(e)~~ (f) Notwithstanding the limitations in paragraph (d),
9 indictments or complaints for violation of sections 609.342 to
10 609.344 may be found or made and filed in the proper court at
11 any time after commission of the offense, if physical evidence
12 is collected and preserved that is capable of being tested for
13 its DNA characteristics. If this evidence is not collected and
14 preserved and the victim was 18 years old or older at the time
15 of the offense, the prosecution must be commenced within nine
16 years after the commission of the offense.

17 ~~(f)~~ (g) Indictments or complaints for violation of sections
18 609.466 and 609.52, subdivision 2, clause (3), item (iii), shall
19 be found or made and filed in the proper court within six years
20 after the commission of the offense.

21 ~~(g)~~ (h) Indictments or complaints for violation of section
22 609.52, subdivision 2, clause (3), items (i) and (ii), (4),
23 (15), or (16), 609.631, or 609.821, where the value of the
24 property or services stolen is more than \$35,000, shall be found
25 or made and filed in the proper court within five years after
26 the commission of the offense.

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

32 ~~(i)~~ (j) Indictments or complaints for violation of sections
33 609.561 to 609.563, shall be found or made and filed in the
34 proper court within five years after the commission of the
35 offense.

36 ~~(j)~~ (k) In all other cases, indictments or complaints shall

1 be found or made and filed in the proper court within three
2 years after the commission of the offense.

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

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

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

17 Sec. 14. [EFFECTIVE DATE.]

18 Sections 1 to 13 are effective August 1, 2005, and apply to
19 crimes committed on or after that date.

- 1 Senator moves to amend S.F. No. 1689 as follows:
- 2 Page 2, line 16, before "TRAFFICKING" insert "LABOR" and
- 3 before "Trafficking" insert "Labor"
- 4 Page 2, line 25, before "TRAFFICKING" insert "LABOR" and
- 5 before "Trafficking" insert "Labor"
- 6 Page 2, line 27, before "TRAFFICKING" insert "LABOR"
- 7 Page 2, line 28, after "the" insert "labor"
- 8 Page 2, line 33, before "TRAFFICKING" insert "LABOR OR SEX"
- 9 Page 3, line 14, before "TRAFFICKING" insert "LABOR OR SEX"
- 10 Page 3, line 19, before "trafficking" insert "labor"
- 11 Page 3, line 25, delete "or" and insert a comma
- 12 Page 3, line 26, after the comma, insert "or 609.322,"
- 13 Page 5, line 8, before "trafficking" insert "labor"
- 14 Page 5, line 13, delete "substantial"
- 15 Amend the title as follows:
- 16 Page 1, line 6, delete "sex"

Bill Summary**Senate**

Senate Counsel & Research

State of Minnesota

S.F. No. 1028 - Criminal Offenders with Serious and Persistent Mental Illness Incarceration Discharge Plans

Author: Senator Linda Berglin
Prepared by: Joan White, Senate Counsel (651/296-3814)
Date: March 11, 2005

Section 1 expands the discharge plans for offenders with serious and persistent mental illness by requiring the Commissioner of Human Services, in collaboration with the Commissioner of Corrections, to offer to develop a discharge plan for every offender who has been incarcerated for more than three months and is being released from a county jail or a county regional jail. Further, if an offender is being released on supervised release, the commissioner may offer the offender the option to have a discharge plan developed. At least 75 days before discharge, instead of two and a half months, the offender's agent must make appointments for the offender to meet with a psychiatrist, and with other appropriate program staff.

This section also adds a subdivision that requires state correctional facilities, county jails, and county regional jails to arrange for offenders with serious and persistent mental illness to have photo identification when they are released from incarceration. The photo identification card must not disclose the offender's incarceration or criminal record, and must list an address other than the address of the correctional facility or jail.

This section is effective January 1, 2006.

Section 2 amends the county jail chapter of law, consistent with section 1, requiring the Commissioner of Human Services, in collaboration with the Commissioner of Corrections, to develop a discharge plan for community-based services for every offender with serious and persistent mental illness who is incarcerated for more than three months and is being released from county jail or regional jail.

This section is effective January 1, 2006.

Section 3 provides a blank appropriation to the Commissioner of Human Services for purposes of providing discharge plans.

JW:rd

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

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Senators Berglin, Koering, Kubly, Solon and Dille introduced--

S.F. No. 1028: Referred to the Committee on Health and Family Security.

1 A bill for an act

2 relating to human services; providing for discharge
3 plans for offenders with serious and persistent mental
4 illness who are released from county jails or county
5 regional jails; appropriating money; amending
6 Minnesota Statutes 2004, section 244.054; proposing
7 coding for new law in Minnesota Statutes, chapter 641.

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

9 Section 1. Minnesota Statutes 2004, section 244.054, is
10 amended to read:

11 244.054 [DISCHARGE PLANS; PHOTO IDENTIFICATION; OFFENDERS
12 WITH SERIOUS AND PERSISTENT MENTAL ILLNESS.]

13 Subdivision 1. [OFFER TO DEVELOP PLAN.] The commissioner
14 of human services, in collaboration with the commissioner of
15 corrections, shall offer to develop a discharge plan for
16 community-based services for every offender with serious and
17 persistent mental illness, as defined in section 245.462,
18 subdivision 20, paragraph (c), who (1) is being released from a
19 correctional facility, or (2) has been incarcerated for more
20 than three months and is being released from a county jail under
21 section 641.01 or a county regional jail under section 641.261.
22 If an offender is being released pursuant to section 244.05, the
23 commissioner may offer the offender may-choose the option to
24 have the discharge plan made one of the conditions of the
25 offender's supervised release and shall follow the conditions to
26 the extent that services are available and offered to the

1 offender.

2 Subd. 2. [CONTENT OF PLAN.] If an offender chooses to have
3 a discharge plan developed, the commissioner of human services
4 shall develop and implement a discharge plan, which must include
5 at least the following:

6 (1) at least 90 days before the offender is due to be
7 discharged, the commissioner of human services shall designate
8 an agent of the Department of Human Services with mental health
9 training to serve as the primary person responsible for carrying
10 out discharge planning activities;

11 (2) at least 75 days before the offender is due to be
12 discharged, the offender's designated agent shall:

13 (i) obtain informed consent and releases of information
14 from the offender that are needed for transition services;

15 (ii) contact the county human services department in the
16 community where the offender expects to reside following
17 discharge, and inform the department of the offender's impending
18 discharge and the planned date of the offender's return to the
19 community; determine whether the county or a designated
20 contracted provider will provide case management services to the
21 offender; refer the offender to the case management services
22 provider; and confirm that the case management services provider
23 will have opened the offender's case prior to the offender's
24 discharge; and

25 (iii) refer the offender to appropriate staff in the county
26 human services department in the community where the offender
27 expects to reside following discharge, for enrollment of the
28 offender, if eligible, in medical assistance or general
29 assistance medical care, using special procedures established by
30 process and Department of Human Services bulletin;

31 (3) at least ~~2-1/2-months~~ 75 days before discharge, the
32 offender's designated agent shall secure timely appointments for
33 the offender with a psychiatrist no later than 30 days following
34 discharge, and with other program staff at a community mental
35 health provider that is able to serve former offenders with
36 serious and persistent mental illness;

1 (4) at least 30 days before discharge, the offender's
2 designated agent shall convene a predischarge assessment and
3 planning meeting of key staff from the programs in which the
4 offender has participated while in the correctional facility,
5 county jail, or county regional jail, the offender, the
6 supervising agent, and the mental health case management
7 services provider assigned to the offender. At the meeting,
8 attendees shall provide background information and continuing
9 care recommendations for the offender, including information on
10 the offender's risk for relapse; current medications, including
11 dosage and frequency; therapy and behavioral goals; diagnostic
12 and assessment information, including results of a chemical
13 dependency evaluation; confirmation of appointments with a
14 psychiatrist and other program staff in the community; a relapse
15 prevention plan; continuing care needs; needs for housing,
16 employment, and finance support and assistance; and
17 recommendations for successful community integration, including
18 chemical dependency treatment or support if chemical dependency
19 is a risk factor. Immediately following this meeting, the
20 offender's designated agent shall summarize this background
21 information and continuing care recommendations in a written
22 report;

23 (5) immediately following the predischarge assessment and
24 planning meeting, the provider of mental health case management
25 services who will serve the offender following discharge shall
26 offer to make arrangements and referrals for housing, financial
27 support, benefits assistance, employment counseling, and other
28 services required in sections 245.461 to 245.486;

29 (6) at least ten days before the offender's first scheduled
30 postdischarge appointment with a mental health provider, the
31 offender's designated agent shall transfer the following records
32 to the offender's case management services provider and
33 psychiatrist: the predischarge assessment and planning report,
34 medical records, and pharmacy records. These records may be
35 transferred only if the offender provides informed consent for
36 their release;

1 (7) upon discharge, the offender's designated agent shall
2 ensure that the offender leaves the correctional facility,
3 county jail, or county regional jail with at least a ten-day
4 supply of all necessary medications; and

5 (8) upon discharge, the prescribing authority at the
6 offender's correctional facility, county jail, or county
7 regional jail shall telephone in prescriptions for all necessary
8 medications to a pharmacy in the community where the offender
9 plans to reside. The prescriptions must provide at least a
10 30-day supply of all necessary medications, and must be able to
11 be refilled once for one additional 30-day supply.

12 Subd. 3. [PHOTO IDENTIFICATION.] State correctional
13 facilities, county jails, and county regional jails shall
14 arrange for offenders with serious and persistent mental illness
15 to have photo identification when they are released from
16 incarceration. Correctional facilities, county jails, and
17 county regional jails will ensure that offenders who lack photo
18 identification are issued a photo identification card before or
19 immediately upon release. The photo identification card must
20 not disclose the offender's incarceration or criminal record.
21 The photo identification card must list an address other than
22 the address of a correctional facility, county jail, or county
23 regional jail.

24 [EFFECTIVE DATE.] This section is effective January 1, 2006.

25 Sec. 2. [641.155] [DISCHARGE PLANS; OFFENDERS WITH SERIOUS
26 AND PERSISTENT MENTAL ILLNESS.]

27 Pursuant to section 244.054, the commissioner of human
28 services, in collaboration with the commissioner of corrections,
29 shall offer to develop a discharge plan for community-based
30 services for every offender with serious and persistent mental
31 illness, as defined in section 245.462, subdivision 20,
32 paragraph (c), who has been incarcerated for more than three
33 months and is being released from a county jail or a county
34 regional jail under this chapter.

35 [EFFECTIVE DATE.] This section is effective January 1, 2006.

36 Sec. 3. [APPROPRIATION.]

1 \$..... is appropriated to the commissioner of human
2 services for fiscal year 2006 for the purpose of providing
3 discharge plans under Minnesota Statutes, section 244.054, to
4 offenders with serious and persistent mental illness who are
5 released from county jails or county regional jails. This
6 appropriation is in addition to any other appropriations to
7 provide discharge plans under Minnesota Statutes, section
8 244.054.

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State of Minnesota

S.F. No. 804 -Crime of Fourth-Degree Assault Expansion

Author: Senator Steve Murphy

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

Date: March 21, 2005

Section 1 expands the crime of fourth-degree felony assault to include infliction of bodily harm or the intentional transfer of bodily fluid or feces on any person providing care or treatment at a secure treatment facility. Current law does not apply the felony to secure treatment facilities (state hospitals), and only extends to victims who are correctional officers, probation officers, or who are employed to provide care or treatment to inmates.

Section 2 provides an August 1, 2005 effective date and applies to crimes committed on or after that date.

CT:vs

Senators Murphy and Ranum introduced--

S.F. No. 804: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act
2 relating to crime prevention; expanding the
3 fourth-degree assault law; amending Minnesota Statutes
4 2004, section 609.2231, subdivision 3.

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

6 Section 1. Minnesota Statutes 2004, section 609.2231,
7 subdivision 3, is amended to read:

8 Subd. 3. [CORRECTIONAL EMPLOYEES; PROBATION OFFICERS; AND
9 SECURE TREATMENT FACILITY PERSONNEL.] (a) As used in this
10 subdivision:

11 (1) "correctional facility" has the meaning given in
12 section 241.021, subdivision 1, paragraph (f); and

13 (2) "secure treatment facility" has the meaning given in
14 section 253B.02, subdivision 18a.

15 (b) Whoever commits either of the following acts against an
16 employee of a correctional facility as defined in section
17 241.021, subdivision 1, paragraph (f), or against a probation
18 officer or other qualified person employed in supervising
19 offenders, or against an employee or other individual who
20 provides care or treatment at a secure treatment facility, while
21 the employee, officer, or person is engaged in the performance
22 of a duty imposed by law, policy, or rule is guilty of a felony
23 and may be sentenced to imprisonment for not more than two years
24 or to payment of a fine of not more than \$4,000, or both:

25 (1) assaults the employee person and inflicts demonstrable

1 bodily harm; or

2 (2) intentionally throws or otherwise transfers bodily
3 fluids or feces at or onto the employee person.

4 Sec. 2. [EFFECTIVE DATE.]

5 Section 1 is effective August 1, 2005, and applies to
6 crimes committed on or after that date.

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S.F. No. 569 - Department of Natural Resources Provisions (First Engrossment)

Author: Senator Satveer Chaudhary

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

Date: March 21, 2005

Overview

This bill contains DNR agency initiatives. The bill authorizes thorough criminal background checks for volunteer workers, modifies certain ATV safety training provisions, requires courts to report certain driving while impaired offenses, allows for seizure and forfeiture of boat trailers, modifies rules regarding gun safety training, and specifies uses for certain lawful gambling profits.

Section 1 authorizes the Commissioner of Natural Resources to conduct comprehensive criminal background checks for volunteer instructor applicants for the department's following education and training courses:

- youth off-highway motorcycle safety education and training;
- youth and adult snowmobile safety training;
- youth all-terrain vehicle (ATV) safety education and training;
- youth firearms safety training; and
- hunter and trapper education and training.

Allows the commissioner to use the criminal justice information system (CJIS) for background checks authorized by this section. Requires the commissioner to establish standardized forms for requesting background checks. Provides rights of the volunteer applicant.

Section 2 requires courts to promptly forward to the Commissioner of Natural Resources copies of all convictions and criminal and civil sanctions imposed for a violation of chapters 169 (driving regulations) and 169A (driving while impaired). Currently, the statute only refers to chapter 169. This change makes it clear that the DNR should be notified of DWI offenses as well.

Section 3 allows for any size ATV to be used in the ATV training program for youths as long as the student fits the machine. Authorizes students who complete the course to operate any ATV that fits them.

Section 4 eliminates the requirement that the DNR hold a firearms safety class in each school district.

Section 5 eliminates the commissioner's authority to appoint county directors of hunting safety.

Section 6 clarifies that a firearms safety certificate is not valid until the person attains the age of 12. An 11 year old may obtain a certificate but the license and certificate are not valid until the child is 12 years old.

Section 7 clarifies that a previous hunting license may be used to acquire a future hunting license only if the previous license includes a firearms safety completion indicator.

Section 8 specifies that a motorboat that is subject to forfeiture to the DNR includes the trailer upon which the boat is transported.

Section 9 requires the Department of Public Safety to issue, on request and with proof of completion, a driver's license or Minnesota identification card bearing a graphic or written indication that the applicant successfully completed an advanced hunter education course.

Section 10 authorizes charitable gambling proceeds to be used to fund youth and adult DNR training and education programs. Changes will allow DNR's Enforcement Division to use funds for this purpose.

CT:vs

1 A bill for an act

2 relating to natural resources; modifying safety
3 training provisions; providing for certain background
4 checks; providing that boat trailers are subject to
5 forfeiture for a designated offense; providing for
6 advanced hunter designation on driver's license or
7 identification card; modifying reporting requirements
8 of certain snowmobile and all-terrain vehicle
9 sanctions; modifying lawful purposes for which
10 gambling profits may be expended; amending Minnesota
11 Statutes 2004, sections 84.027, by adding a
12 subdivision; 84.91, subdivision 1; 84.9256,
13 subdivision 1; 97B.015, subdivisions 1, 2, 5; 97B.020;
14 169A.63, subdivision 6; 171.07, subdivision 13;
15 349.12, subdivision 25.

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

17 Section 1. Minnesota Statutes 2004, section 84.027, is
18 amended by adding a subdivision to read:

19 Subd. 17. [BACKGROUND CHECKS FOR VOLUNTEER
20 INSTRUCTORS.] (a) The commissioner may conduct background checks
21 for volunteer instructor applicants for department safety
22 training and education programs, including the programs
23 established under sections 84.791 (youth off-highway motorcycle
24 safety education and training), 84.86 and 84.862 (youth and
25 adult snowmobile safety training), 84.925 (youth all-terrain
26 vehicle safety education and training), 97B.015 (youth firearms
27 safety training), and 97B.025 (hunter and trapper education and
28 training).

29 (b) The commissioner shall perform the background check by
30 retrieving criminal history data maintained in the criminal

1 justice information system (CJIS) and other data sources.

2 (c) The commissioner shall develop a standardized form to
3 be used for requesting a background check, which must include:

4 (1) a notification to the applicant that the commissioner
5 will conduct a background check under this section;

6 (2) a notification to the applicant of the applicant's
7 rights under paragraph (d); and

8 (3) a signed consent by the applicant to conduct the
9 background check expiring one year from the date of signature.

10 (d) The volunteer instructor applicant who is the subject
11 of a background check has the right to:

12 (1) be informed that the commissioner will request a
13 background check on the applicant;

14 (2) be informed by the commissioner of the results of the
15 background check and obtain a copy of the background check;

16 (3) obtain any record that forms the basis for the
17 background check and report;

18 (4) challenge the accuracy and completeness of the
19 information contained in the report or a record; and

20 (5) be informed by the commissioner if the applicant is
21 rejected because of the result of the background check.

22 Sec. 2. Minnesota Statutes 2004, section 84.91,
23 subdivision 1, is amended to read:

24 Subdivision 1. [ACTS PROHIBITED.] (a) No owner or other
25 person having charge or control of any snowmobile or all-terrain
26 vehicle shall authorize or permit any individual the person
27 knows or has reason to believe is under the influence of alcohol
28 or a controlled substance or other substance to operate the
29 snowmobile or all-terrain vehicle anywhere in this state or on
30 the ice of any boundary water of this state.

31 (b) No owner or other person having charge or control of
32 any snowmobile or all-terrain vehicle shall knowingly authorize
33 or permit any person, who by reason of any physical or mental
34 disability is incapable of operating the vehicle, to operate the
35 snowmobile or all-terrain vehicle anywhere in this state or on
36 the ice of any boundary water of this state.

1 (c) A person who operates or is in physical control of a
2 snowmobile or all-terrain vehicle anywhere in this state or on
3 the ice of any boundary water of this state is subject to
4 chapter 169A. In addition to the applicable sanctions under
5 chapter 169A, a person who is convicted of violating section
6 169A.20 or an ordinance in conformity with it while operating a
7 snowmobile or all-terrain vehicle, or who refuses to comply with
8 a lawful request to submit to testing under sections 169A.50 to
9 169A.53 or an ordinance in conformity with it, shall be
10 prohibited from operating the snowmobile or all-terrain vehicle
11 for a period of one year. The commissioner shall notify the
12 person of the time period during which the person is prohibited
13 from operating a snowmobile or all-terrain vehicle.

14 (d) Administrative and judicial review of the operating
15 privileges prohibition is governed by section 97B.066,
16 subdivisions 7 to 9, if the person does not have a prior
17 impaired driving conviction or prior license revocation, as
18 defined in section 169A.03. Otherwise, administrative and
19 judicial review of the prohibition is governed by section
20 169A.53.

21 (e) The court shall promptly forward to the commissioner
22 and the Department of Public Safety copies of all convictions
23 and criminal and civil sanctions imposed under this section and
24 ~~chapter~~ chapters 169 and 169A relating to snowmobiles and
25 all-terrain vehicles.

26 (f) A person who violates paragraph (a) or (b), or an
27 ordinance in conformity with either of them, is guilty of a
28 misdemeanor. A person who operates a snowmobile or all-terrain
29 vehicle during the time period the person is prohibited from
30 operating a vehicle under paragraph (c) is guilty of a
31 misdemeanor.

32 Sec. 3. Minnesota Statutes 2004, section 84.9256,
33 subdivision 1, is amended to read:

34 Subdivision 1. [PROHIBITIONS ON YOUTHFUL OPERATORS.] (a)
35 Except for operation on public road rights-of-way that is
36 permitted under section 84.928, a driver's license issued by the

1 state or another state is required to operate an all-terrain
2 vehicle along or on a public road right-of-way.

3 (b) A person under 12 years of age shall not:

4 (1) make a direct crossing of a public road right-of-way;

5 (2) operate an all-terrain vehicle on a public road
6 right-of-way in the state; or

7 (3) operate an all-terrain vehicle on public lands or
8 waters.

9 (c) Except for public road rights-of-way of interstate
10 highways, a person 12 years of age but less than 16 years may
11 make a direct crossing of a public road right-of-way of a trunk,
12 county state-aid, or county highway or operate on public lands
13 and waters, only if that person possesses a valid all-terrain
14 vehicle safety certificate issued by the commissioner and is
15 accompanied on another all-terrain vehicle by a person 18 years
16 of age or older who holds a valid driver's license.

17 (d) All-terrain vehicle safety certificates issued by the
18 commissioner to persons 12 years old, but less than 16 years
19 old, are not valid for machines in excess of 90cc engine
20 capacity unless:

21 (1) the person successfully completed the safety education
22 and training program under section 84.925, subdivision 1,
23 including a riding component; and

24 ~~(2) the riding component of the training was conducted~~
25 ~~using an all-terrain vehicle with over 90cc engine capacity, and~~

26 ~~(3) the person is able to properly reach and control the~~
27 ~~handle bars and reach the foot pegs while sitting upright on the~~
28 ~~seat of the all-terrain vehicle.~~

29 Sec. 4. Minnesota Statutes 2004, section 97B.015,
30 subdivision 1, is amended to read:

31 Subdivision 1. [ESTABLISHMENT.] The commissioner shall
32 ~~make rules establishing~~ establish a statewide course in the safe
33 use of firearms and identification of wild mammals and
34 birds. ~~At least one course must be held within the boundary of~~
35 ~~each school district.~~ A course may be held in a school district.
36 The courses must be conducted by the commissioner in cooperation

1 with other organizations. The courses must instruct youths in
2 commonly accepted principles of safety in hunting and handling
3 common hunting firearms and identification of various species of
4 wild mammals and birds by sight and other unique characteristics.

5 Sec. 5. Minnesota Statutes 2004, section 97B.015,
6 subdivision 2, is amended to read:

7 Subd. 2. [ADMINISTRATION, SUPERVISION, AND ENFORCEMENT.]

8 (a) The commissioner shall appoint a qualified person from the
9 Enforcement Division under civil service rules as supervisor of
10 hunting safety and prescribe the duties and responsibilities of
11 the position. The commissioner shall determine and provide the
12 Enforcement Division with the necessary personnel for this
13 section.

14 ~~(b) The commissioner may appoint one or more county~~
15 ~~directors of hunting safety in each county. An appointed county~~
16 ~~director is responsible to the Enforcement Division. The~~
17 Enforcement Division may appoint instructors necessary for this
18 section. ~~County directors and~~ Instructors shall serve on a
19 voluntary basis without compensation. The Enforcement Division
20 must supply the materials necessary for the course. School
21 districts may cooperate with the commissioner and volunteer
22 instructors to provide space for the classroom portion of the
23 training.

24 Sec. 6. Minnesota Statutes 2004, section 97B.015,
25 subdivision 5, is amended to read:

26 Subd. 5. [FIREARMS SAFETY CERTIFICATE.] The commissioner
27 shall issue a firearms safety certificate to a person that
28 satisfactorily completes the required course of instruction. A
29 person must be at least age 11 to take the firearms safety
30 course and may receive a firearms safety certificate, but the
31 certificate is not valid for hunting until the person ~~is at~~
32 least reaches age 12. A person who is age 11 and has a firearms
33 safety certificate may purchase a deer, bear, turkey, or prairie
34 chicken license that will become valid when the person reaches
35 age 12. A firearms safety certificate issued to a person under
36 age 12 by another state as provided in section 97B.020 is not

1 valid for hunting in Minnesota until the person reaches age 12.
2 The form and content of the firearms safety certificate shall be
3 prescribed by the commissioner.

4 Sec. 7. Minnesota Statutes 2004, section 97B.020, is
5 amended to read:

6 97B.020 [FIREARMS SAFETY CERTIFICATE REQUIRED.]

7 (a) Except as provided in this section and section 97A.451,
8 subdivision 3a, a person born after December 31, 1979, may not
9 obtain an annual license to take wild animals by firearms unless
10 the person has:

11 (1) a firearms safety certificate or equivalent
12 certificate;

13 (2) a driver's license or identification card with a valid
14 firearms safety qualification indicator issued under section
15 171.07, subdivision 13;

16 (3) a previous hunting license with a valid firearms
17 safety qualification indicator; or

18 (4) other evidence indicating that the person has completed
19 in this state or in another state a hunter safety course
20 recognized by the department under a reciprocity agreement or
21 certified by the department as substantially similar.

22 (b) A person who is on active duty and has successfully
23 completed basic training in the United States armed forces,
24 reserve component, or National Guard may obtain a hunting
25 license or approval authorizing hunting regardless of whether
26 the person is issued a firearms safety certificate.

27 ~~(b)~~ (c) A person born after December 31, 1979, may not use
28 a lifetime license to take wild animals by firearms, unless the
29 person meets the requirements for obtaining an annual license
30 under paragraph (a) or (b).

31 Sec. 8. Minnesota Statutes 2004, section 169A.63,
32 subdivision 6, is amended to read:

33 Subd. 6. [VEHICLE SUBJECT TO FORFEITURE.] (a) A motor
34 vehicle is subject to forfeiture under this section if it was
35 used in the commission of a designated offense or was used in
36 conduct resulting in a designated license revocation.

1 (b) Motorboats subject to seizure and forfeiture under this
2 section also include their trailers.

3 Sec. 9. Minnesota Statutes 2004, section 171.07,
4 subdivision 13, is amended to read:

5 Subd. 13. [FIREARMS SAFETY DESIGNATION.] (a) When an
6 applicant has a record transmitted to the department as
7 described in paragraph (c) or presents:

8 (1) a firearms safety certificate issued for successfully
9 completing a firearms safety course administered under section
10 97B.015; or

11 (2) an advanced hunter certificate issued for successfully
12 completing an advanced hunter education course administered
13 under section 97B.025,

14 and requests a driver's license or identification card described
15 in paragraph (b), the department shall issue, renew, or reissue
16 to the applicant a driver's license or Minnesota identification
17 card described in paragraph (b).

18 (b) Pursuant to paragraph (a), the department shall issue a
19 driver's license or Minnesota identification card bearing a
20 graphic or written indication that the applicant has
21 successfully completed a firearms safety course administered
22 under section 97B.015, an advanced hunter education course
23 administered under section 97B.025, or both of the described
24 courses.

25 (c) The department shall maintain in its records
26 information transmitted electronically from the commissioner of
27 natural resources identifying each person to whom the
28 commissioner has issued a firearms safety certificate or an
29 advanced hunter education certificate. The records transmitted
30 from the Department of Natural Resources must contain the full
31 name and date of birth as required for the driver's license or
32 identification card. Records that are not matched to a driver's
33 license or identification card record may be deleted after seven
34 years.

35 Sec. 10. Minnesota Statutes 2004, section 349.12,
36 subdivision 25, is amended to read:

1 Subd. 25. [LAWFUL PURPOSE.] (a) "Lawful purpose" means one
2 or more of the following:

3 (1) any expenditure by or contribution to a 501(c)(3) or
4 festival organization, as defined in subdivision 15a, provided
5 that the organization and expenditure or contribution are in
6 conformity with standards prescribed by the board under section
7 349.154, which standards must apply to both types of
8 organizations in the same manner and to the same extent;

9 (2) a contribution to an individual or family suffering
10 from poverty, homelessness, or physical or mental disability,
11 which is used to relieve the effects of that poverty,
12 homelessness, or disability;

13 (3) a contribution to an individual for treatment for
14 delayed posttraumatic stress syndrome or a contribution to a
15 program recognized by the Minnesota Department of Human Services
16 for the education, prevention, or treatment of compulsive
17 gambling;

18 (4) a contribution to or expenditure on a public or private
19 nonprofit educational institution registered with or accredited
20 by this state or any other state;

21 (5) a contribution to a scholarship fund for defraying the
22 cost of education to individuals where the funds are awarded
23 through an open and fair selection process;

24 (6) activities by an organization or a government entity
25 which recognize humanitarian or military service to the United
26 States, the state of Minnesota, or a community, subject to rules
27 of the board, provided that the rules must not include mileage
28 reimbursements in the computation of the per diem reimbursement
29 limit and must impose no aggregate annual limit on the amount of
30 reasonable and necessary expenditures made to support:

31 (i) members of a military marching or color guard unit for
32 activities conducted within the state;

33 (ii) members of an organization solely for services
34 performed by the members at funeral services; or

35 (iii) members of military marching, color guard, or honor
36 guard units may be reimbursed for participating in color guard,

1 honor guard, or marching unit events within the state or states
2 contiguous to Minnesota at a per participant rate of up to \$35
3 per diem;

4 (7) recreational, community, and athletic facilities and
5 activities intended primarily for persons under age 21, provided
6 that such facilities and activities do not discriminate on the
7 basis of gender and the organization complies with section
8 349.154;

9 (8) payment of local taxes authorized under this chapter,
10 taxes imposed by the United States on receipts from lawful
11 gambling, the taxes imposed by section 297E.02, subdivisions 1,
12 4, 5, and 6, and the tax imposed on unrelated business income by
13 section 290.05, subdivision 3;

14 (9) payment of real estate taxes and assessments on
15 permitted gambling premises wholly owned by the licensed
16 organization paying the taxes, or wholly leased by a licensed
17 veterans organization under a national charter recognized under
18 section 501(c)(19) of the Internal Revenue Code, not to exceed:

19 (i) for premises used for bingo, the amount that an
20 organization may expend under board rules on rent for bingo; and

21 (ii) \$35,000 per year for premises used for other forms of
22 lawful gambling;

23 (10) a contribution to the United States, this state or any
24 of its political subdivisions, or any agency or instrumentality
25 thereof other than a direct contribution to a law enforcement or
26 prosecutorial agency;

27 (11) a contribution to or expenditure by a nonprofit
28 organization which is a church or body of communicants gathered
29 in common membership for mutual support and edification in
30 piety, worship, or religious observances;

31 (12) payment of the reasonable costs of an audit required
32 in section 297E.06, subdivision 4, provided the annual audit is
33 filed in a timely manner with the Department of Revenue;

34 (13) a contribution to or expenditure on ~~a-wildlife~~
35 ~~management-project-that-benefits-the-public-at-large,~~ provided
36 ~~that-the-state-agency-with-authority-over-that-wildlife~~

1 ~~management project approves the project before the contribution~~
2 ~~or expenditure is made;~~

3 ~~(14) expenditures approved by the commissioner of natural~~
4 ~~resources by an organization for grooming and maintaining~~
5 ~~snowmobile trails and all terrain vehicle trails that are (1)~~
6 ~~grant-in-aid trails established under section 85.019, or (2)~~
7 ~~other trails open to public use, including purchase or lease of~~
8 ~~equipment for this purpose; projects or activities approved by~~
9 ~~the commissioner of natural resources for:~~

10 (i) wildlife management projects that benefit the public at
11 large;

12 (ii) grant-in-aid trail maintenance and grooming
13 established under sections 84.83 and 84.927, and other trails
14 open to public use, including purchase or lease of equipment for
15 this purpose; or

16 (iii) supplies and materials for safety training and
17 educational programs coordinated by the Department of Natural
18 Resources, including the Enforcement Division;

19 ~~(15) (14) conducting nutritional programs, food shelves,~~
20 ~~and congregate dining programs primarily for persons who are age~~
21 ~~62 or older or disabled;~~

22 ~~(16) (15) a contribution to a community arts organization,~~
23 ~~or an expenditure to sponsor arts programs in the community,~~
24 ~~including but not limited to visual, literary, performing, or~~
25 ~~musical arts;~~

26 ~~(17) (16) an expenditure by a licensed veterans~~
27 ~~organization for payment of water, fuel for heating,~~
28 ~~electricity, and sewer costs for a building wholly owned or~~
29 ~~wholly leased by and used as the primary headquarters of the~~
30 ~~licensed veterans organization;~~

31 ~~(18) (17) expenditure by a licensed veterans organization~~
32 ~~of up to \$5,000 in a calendar year in net costs to the~~
33 ~~organization for meals and other membership events, limited to~~
34 ~~members and spouses, held in recognition of military service.~~
35 ~~No more than \$5,000 can be expended in total per calendar year~~
36 ~~under this clause by all licensed veterans organizations sharing~~

1 the same veterans post home; or

2 ~~(19)~~ (18) payment of fees authorized under this chapter
3 imposed by the state of Minnesota to conduct lawful gambling in
4 Minnesota.

5 (b) Notwithstanding paragraph (a), "lawful purpose" does
6 not include:

7 (1) any expenditure made or incurred for the purpose of
8 influencing the nomination or election of a candidate for public
9 office or for the purpose of promoting or defeating a ballot
10 question;

11 (2) any activity intended to influence an election or a
12 governmental decision-making process;

13 (3) the erection, acquisition, improvement, expansion,
14 repair, or maintenance of real property or capital assets owned
15 or leased by an organization, unless the board has first
16 specifically authorized the expenditures after finding that (i)
17 the real property or capital assets will be used exclusively for
18 one or more of the purposes in paragraph (a); (ii) with respect
19 to expenditures for repair or maintenance only, that the
20 property is or will be used extensively as a meeting place or
21 event location by other nonprofit organizations or community or
22 service groups and that no rental fee is charged for the use;
23 (iii) with respect to expenditures, including a mortgage payment
24 or other debt service payment, for erection or acquisition only,
25 that the erection or acquisition is necessary to replace with a
26 comparable building, a building owned by the organization and
27 destroyed or made uninhabitable by fire or natural disaster,
28 provided that the expenditure may be only for that part of the
29 replacement cost not reimbursed by insurance; (iv) with respect
30 to expenditures, including a mortgage payment or other debt
31 service payment, for erection or acquisition only, that the
32 erection or acquisition is necessary to replace with a
33 comparable building a building owned by the organization that
34 was acquired from the organization by eminent domain or sold by
35 the organization to a purchaser that the organization reasonably
36 believed would otherwise have acquired the building by eminent

1 domain, provided that the expenditure may be only for that part
2 of the replacement cost that exceeds the compensation received
3 by the organization for the building being replaced; or (v) with
4 respect to an expenditure to bring an existing building into
5 compliance with the Americans with Disabilities Act under item
6 (ii), an organization has the option to apply the amount of the
7 board-approved expenditure to the erection or acquisition of a
8 replacement building that is in compliance with the Americans
9 with Disabilities Act;

10 (4) an expenditure by an organization which is a
11 contribution to a parent organization, foundation, or affiliate
12 of the contributing organization, if the parent organization,
13 foundation, or affiliate has provided to the contributing
14 organization within one year of the contribution any money,
15 grants, property, or other thing of value;

16 (5) a contribution by a licensed organization to another
17 licensed organization unless the board has specifically
18 authorized the contribution. The board must authorize such a
19 contribution when requested to do so by the contributing
20 organization unless it makes an affirmative finding that the
21 contribution will not be used by the recipient organization for
22 one or more of the purposes in paragraph (a); or

23 (6) a contribution to a statutory or home rule charter
24 city, county, or town by a licensed organization with the
25 knowledge that the governmental unit intends to use the
26 contribution for a pension or retirement fund.



Department of Natural Resources Fact Sheet



ENFORCEMENT AND SAFETY TRAINING PROGRAMS BILL SF 569

Summary

This bill will:

- (1) Authorize the commissioner to run comprehensive criminal history background checks on volunteer instructors who work with children.
- (2) Make a very, very technical correction to the DWI conviction record references in the snowmobile/all-terrain vehicle laws.
- (3) Clarify that youth may use any size ATV for the riding component of the all-terrain vehicle (ATV) training course.
- (4) Make technical changes to the firearms safety certification provisions relating to the requirement to adopt rules on course content and to hold classes in certain locations including school districts.
- (5) Clarify that 11 year olds can obtain hunting licenses after completing a firearms safety course, but the license and certificate are not valid for hunting until the person reaches age 12.
- (6) Clarify that a previous hunting license used to demonstrate that the holder had completed a training course needs to include a firearms safety training indicator.
- (7) Provide for an advanced/adult hunter education (AHE) indicator on driver's licenses, in the same manner as the current firearms and snowmobile safety training indicators.
- (8) Authorize forfeiture by all peace officers of a boat's trailer when a boat/motor are forfeited under the DWI laws.
- (9) Authorize charitable gambling funds to be utilized by youth and adult safety training and education programs of the Department of Natural Resources.

It is needed because

- (1) **Running comprehensive criminal history background checks on volunteer instructors** who work with children is necessary to determine that volunteer instructors are not inappropriately working with children and adults in our education programs, and reflects direction under the Child Protection Act.

Background: Up until 1999, we had been doing comprehensive record checks for volunteer

instructors working with children. At that time, we discovered we did not have clear statutory authority to run that level of check, and are currently doing public information criminal history checks only. Our goal is to conduct a quality background check on every volunteer instructor applicant, that is done efficiently and at an affordable price. The change will allow us to run the checks using our BCA/CJIS terminal and certified operators without a fee. BCA/CJIS staff worked with us on language and support us in this initiative.

- (2) **The technical DWI record correction in Chapter 84** will clarify that the appropriate all-terrain vehicle and snowmobile DWI conviction records are forwarded to both the Dept. of Natural Resources and the Dept. of Public Safety. Both agencies have responsibilities under the DWI laws that require these records.

Background: The reference to Chapter 169A was inadvertently left off the extensive revisor's instructions section of the 2000 DWI recodification bill. A parallel provision was included in those instructions and currently appears in the motorboat provisions in MS 86B.331, subd. 1, paragraph (e). These changes would make the snowmobile/ATV language the same as those parallel motorboat provisions.

- (3) **The ATV training program** requirement changes will allow any size ATV to be used for the riding component of the class, as long as the person fits the machine. The person completing the class may continue to operate any size ATV that lawfully fits them.

Background: When implementing the new riding component test into the ATV safety training program, it was determined that the size limitation of the ATV was not necessary and would allow better program flexibility if it were removed from statute. This change was included in the DNR's OHV bill in 2004 that was generally accepted by the legislature, but was not passed into law in 2004.

- (4) **The requirement to adopt rules for firearms safety course content** is being repealed because

sufficient direction for course content already exists in statute.

Background: Rules have not been adopted to date. The firearms safety program has successfully been in place for over 50 years, and course content across the country is reasonably standardized.

The requirement to hold a firearms safety class in each school district and to appoint a county director for the program is antiquated and no longer needed. But, school districts can often provide centrally located classroom space at little or no cost.

Background: We have hundreds of instructors in each of the programs, and current personal transportation seems to have made this provision unnecessary.

(5) **Firearms safety certificates are not valid for hunting until the person reaches age 12.**

These changes will clarify that an 11 year old can purchase a license after completing a firearms safety training course, but the license and certificate are not valid for hunting until they reach age 12.

Background: It was determined this fall that the 2004 legislative changes allowing the issuance of a temporary certificate to a person that was 11 years of age needed to be clarified that a license could be obtained, but was not valid until the person reaches age 12.

(6) **Unlawfully obtaining a hunting license without a firearms safety certification** does not pre-empt the requirement for the safety training.

Background: There have been instances where persons who have unlawfully obtained a hunting license without first completing the required safety training course have argued/tried to use that unlawfully obtained license to replace the training requirement to obtain all future hunting licenses. The change in this bill will clarify that a previous hunting license used to demonstrate the successful completion of the mandated training class needs to include a training completion indicator on it – Minnesota and many states are going to this format of license. As of December 2004, there are fewer than 700 unmatched hunter license records to training records that would be impacted by this clarification. There is an on-line course available to adults in addition to the traditional youth classroom format course.

(7) **Advanced/Adult Hunter education training would be listed as a driver's license indicator** in the same manner as youth firearms safety and snowmobile training indicators.

Background: Advanced/adult hunter education (AHE) courses are offered as a suite of courses that provide comparable education to the standard youth firearms safety course. This suite of courses is accepted by most states in lieu of youth firearms

safety training. This new provision would provide a convenient way for AHE graduates to demonstrate to other states and landowners that they have completed this advanced training that is acceptable as firearms safety training.

(8) **DWI motorboat forfeitures** are inordinately difficult without the ability to forfeit their trailers.

Background: The forfeiture of motorboats under the DWI laws presents some unique logistical challenges. Boats generally cannot be simply loaded up onto a tow truck or onto a generic utility or boat trailer. Boat trailers are more unique to individual models of boats. Most boats get sold/purchased as a package, including a trailer that fits the boat, and is generally financed as a package. It gets very complicated trying to locate an appropriate trailer to borrow to safely transport the seized boat. Currently, there is a similar boat/motor/trailer provision in the newer gross overlimits (game and fish) law – that is working very well. The DWI Task Force supports this initiative, and passed a resolution of support at its February 4, 2005 meeting.

(9) **Charitable gambling funds could be utilized by youth and adult DNR training and education programs.** These funds could help provide valuable class and program materials for our educational programs.

Background: Utilization of these funds is already specifically allowed for DNR wildlife management areas and ATV trails. Other youth programs and opportunities similarly currently benefit from charitable gambling funds. The key difference in this proposal is that DNR's Enforcement Division (a law enforcement agency) would be able to utilize these funds in our programs. DNR is not responsible for enforcing gambling laws, and there should not be a conflict of interest. Gambling Control Board staff worked with us on language and supports us in this initiative.

Financial implications (if appropriate)

The changes in this bill would allow us to appropriately maximize available staff and material resources.

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Senate

State of Minnesota

S.F. No. 1510 - Minnesota Financial Crimes Oversight Council and Task Force (Delete-Everything Amendment - SCS1510A-1)

Author: Senator Satveer Chaudhary

Prepared by: Kenneth P. Backhus, Senate Counsel (651/296-4396) KB

Date: March 18, 2005

Overview

S.F. No. 1510 (delete-everything amendment - SCS1510A-1) establishes the Minnesota Financial Crimes Oversight Council and provides for a statewide Financial Crimes Task Force. It addresses the transition of the current Minnesota Financial Crimes Task Force into the one created in this bill and then repeals the current task force.

Section 1 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. 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 **section 3**) are transferred to the oversight council for use by the task force created in this section.

Section 2 appropriates unspecified sums to the Commissioner of Public Safety to implement **section 1**.

Section 3 repeals the statute addressing the current Minnesota Financial Crimes Task Force.

KPB:ph

Senators Murphy, McGinn, Ortman, Gaither and Chaudhary introduced--

S.F. No. 1510: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act

2 relating to crimes; authorizing a \$1 assessment fee on
3 state identification cards and drivers' licenses to
4 fund the Minnesota Financial Crimes Task Force;
5 providing for the organization of regional districts;
6 amending Minnesota Statutes 2004, section 299A.68,
7 subdivisions 4, 6a, by adding subdivisions.

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

9 Section 1. Minnesota Statutes 2004, section 299A.68,
10 subdivision 4, is amended to read:

11 Subd. 4. [STATEWIDE COMMANDER.] The participating local
12 agencies shall select a commander to direct the task force. The
13 commander shall make tactical decisions regarding the
14 commencement, continuation, and conclusion of investigations of
15 crimes in consultation with agencies participating in the task
16 force. The statewide commander shall also have the sole
17 authority to bar an agency or investigators from participating
18 in the task force immediately for cause; such as, failing to
19 complete assignments, failing to report cases, failing to
20 properly account for funding or assigned time by the task force,
21 failing to advise the commander of material facts involving an
22 investigation, and any inappropriate behavior or investigations
23 as defined in subdivision 3. The commander shall also report
24 annually to the commissioner of public safety as required in
25 subdivision 10.

26 Sec. 2. Minnesota Statutes 2004, section 299A.68,

1 subdivision 6a, is amended to read:

2 Subd. 6a. [~~REGIONAL OFFICES~~ DISTRICTS.] The statewide
 3 commander, as funding permits, may establish seven ~~four~~ regional
 4 ~~offices-of-the-task-force-to-investigate-financial-crimes~~
 5 ~~throughout-the-state-and-the-regional-areas~~ districts to conduct
 6 ~~investigations.~~ The-regional-offices-must-originally-be
 7 ~~established-based-on-current-state-judicial-districts,-with-one~~
 8 ~~regional-office-covering-the-First,-Second,-Fourth,-and-Tenth~~
 9 ~~Judicial-Districts.--The-commander-must-establish-a-separate~~
 10 ~~regional-office-in-each-of-the-Third,-Fifth,-Sixth,-Seventh,~~
 11 ~~Eighth,-and-Ninth-Judicial-Districts.--The-regional-offices-must~~
 12 ~~be-composed-of-participating-agencies-from-each-of-the~~
 13 ~~designated-geographic-areas.--In-consultation-with-the~~
 14 ~~commander,-the-participating-agencies-of-each-regional-office~~
 15 ~~must-select-a-supervisor-to-direct-the-office.--The-regional~~
 16 ~~office-supervisors-must-report-to-the-commander.--If-necessary,~~
 17 ~~the-advisory-committee-established-in-subdivision-8-may-modify~~
 18 ~~the-geographic-boundary-of-a-regional-office.~~ These four
 19 regional districts shall be defined by the advisory committee
 20 and directed at counties outside of Hennepin, Anoka, Ramsey,
 21 Dakota, Washington, and Scott. Within these regional districts,
 22 cities or county law enforcement agencies may apply for
 23 individual funding grants to conduct financial crime
 24 investigations. Any agency participating must have established
 25 a memorandum of understanding (MOU) with the statewide task
 26 force. The statewide commander shall review all competing
 27 requests and determine which regional district (cities or
 28 county) shall be selected and submitted to the advisory
 29 committee for final approval.

30 Sec. 3. Minnesota Statutes 2004, section 299A.68, is
 31 amended by adding a subdivision to read:

32 Subd. 7a. [FINANCIAL CRIMES TASK FORCE FUNDING
 33 ACCOUNT.] The Minnesota financial crimes task force funding
 34 account is created in the state treasury. Money received from
 35 assessments under subdivision 7b is deposited into the account.
 36 Money in the account is earmarked for the task force and must be

1 used for investigation of crimes defined under subdivision 2,
2 paragraph (b). All fees collected by the commissioner of public
3 safety under subdivision 7b must be deposited in the state
4 treasury and credited to the Minnesota financial crimes task
5 force funding account. Assessment of the funds begins July 1,
6 2005. This section does not expire and the funds shall be
7 collected from year to year.

8 Sec. 4. Minnesota Statutes 2004, section 299A.68, is
9 amended by adding a subdivision to read:

10 Subd. 7b. [ASSESSMENT FEES.] Each Minnesota state
11 identification card or driver's license issued by the state of
12 Minnesota shall be assessed a fee of \$1. A fee of \$1 shall also
13 be assessed for renewal, replacement, or reinstatement cards or
14 licenses. The persons collecting assessments shall remit all
15 assessments to the commissioner of public safety for deposit in
16 a special account for the Minnesota Financial Crimes Task
17 Force. The task force account shall be transferred on or before
18 each fiscal accounting calendar quarter during each year on a
19 recurring basis. The total assessment for each funding quarter
20 based on the fiscal accounting calendar quarter shall be
21 reported and transferred to the approved fiscal agent account
22 for appropriate fund disbursements and accounts as described in
23 subdivisions 8, 9, 10, 11, and 12.

24 Sec. 5. Minnesota Statutes 2004, section 299A.68, is
25 amended by adding a subdivision to read:

26 Subd. 13. [VICTIMS ASSISTANCE PROGRAM.] (a) The task force
27 may establish a victims assistance program to assist victims of
28 economic crimes and provide prevention and awareness programs.
29 The task force may retain outside services of not-for-profit
30 organizations to assist the development and delivery systems in
31 aiding victims of economic crimes defined in subdivision 2,
32 paragraph (b). The victims services shall not provide any
33 financial assistance to victims, but are limited to helping
34 victims obtain police assistance and directing victims how to
35 protect personal accounts and identities. Services include a
36 victim 1-800 number, fax number, Web site, telephone service.

1 Monday through Friday, e-mail response, and interfaces to other
2 helpful Web sites. Victims' information gathered by the Victim
3 Task Force Assistance Center shall be covered by the Data
4 Privacy Act under chapter 13.

5 (b) The task force may post or communicate through public
6 service announcements in newspapers, radio, television, cable
7 access, billboards, Internet, Web sites, and other normal
8 advertising channels a financial reward of up to \$2,000 for tips
9 leading to the apprehension and successful prosecution of
10 individuals committing crimes defined under subdivision 2,
11 paragraph (b). All rewards must meet the Minnesota Financial
12 Crimes Task Force Advisory Committee standards. The release of
13 funds shall be made to an individual whose information leads to
14 the apprehension and prosecution of offenders committing
15 economic or financial crimes against citizens or businesses in
16 the state of Minnesota. All rewards paid to an individual shall
17 be reported to the Department of Revenue along with the
18 individual's Social Security number.

1 Senator moves to amend S.F. No. 1510 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. [299A.681] [MINNESOTA FINANCIAL CRIMES
4 OVERSIGHT COUNCIL AND TASK FORCE.]

5 Subdivision 1. [OVERSIGHT COUNCIL.] The Minnesota
6 Financial Crimes Oversight Council shall provide guidance
7 related to the investigation and prosecution of identity theft
8 and financial crime.

9 Subd. 2. [MEMBERSHIP.] The oversight council consists of
10 the following individuals, or their designees:

11 (1) the commissioner of public safety;

12 (2) the attorney general;

13 (3) two chiefs of police, selected by the Minnesota Chiefs
14 of Police Association from police departments that participate
15 in the Minnesota Financial Crimes Task Force;

16 (4) two sheriffs, selected by the Minnesota Sheriffs
17 Association from sheriff departments that participate in the
18 task force;

19 (5) the United States attorney for the district of
20 Minnesota;

21 (6) a county attorney, selected by the Minnesota County
22 Attorneys Association;

23 (7) a representative from the United States Postal
24 Inspector's Office, selected by the oversight council;

25 (8) a representative from a not-for-profit retail merchants
26 industry, selected by the oversight council;

27 (9) a representative from a not-for-profit banking and
28 credit union industry, selected by the oversight council;

29 (10) a representative from a not-for-profit association
30 representing senior citizens, selected by the oversight council;

31 (11) the statewide commander of the task force; and

32 (12) two additional members selected by the oversight
33 council.

34 The oversight council may adopt procedures to govern its conduct
35 and shall select a chair from among its members.

36 Subd. 3. [DUTIES.] The oversight council shall develop an

1 overall strategy to ameliorate the harm caused to the public by
2 identity theft and financial crime within Minnesota. The
3 strategy may include the development of protocols and procedures
4 to investigate financial crimes and a structure for best
5 addressing these issues in a multijurisdictional manner.

6 Additionally, the oversight council shall:

7 (1) establish a multijurisdictional statewide Minnesota
8 Financial Crimes Task Force to investigate major financial
9 crimes;

10 (2) select a statewide commander of the task force who
11 serves at the pleasure of the oversight council;

12 (3) assist the Department of Public Safety in developing an
13 objective grant review application process that is free from
14 conflicts of interest;

15 (4) make funding recommendations to the commissioner of
16 public safety on grants to support efforts to combat identity
17 theft and financial crime;

18 (5) assist law enforcement agencies and victims in
19 developing a process to collect and share information to improve
20 the investigation and prosecution of identity theft and
21 financial crime;

22 (6) develop and approve an operational budget for the
23 office of the statewide commander and the oversight council; and

24 (7) enter into any contracts necessary to establish and
25 maintain a relationship with retailers, financial institutions,
26 and other businesses to deal effectively with identity theft and
27 financial crime.

28 The task force described in clause (1) may consist of members
29 from local law enforcement agencies, federal law enforcement
30 agencies, state and federal prosecutors' offices, and
31 representatives from elderly victims, retail, financial
32 institutions, and not-for-profit organizations.

33 Subd. 4. [STATEWIDE COMMANDER.] (a) The Financial Crimes
34 Task Force commander under Minnesota Statutes 2004, section
35 299A.68, shall oversee the transition of that task force into
36 the task force described in subdivision 3 and remain in place as

1 its commander until July 1, 2008. On that date, the
2 commissioner of public safety shall appoint as statewide
3 commander the individual selected by the oversight council under
4 subdivision 3. The commander serves in the unclassified service.

5 (b) The commander shall:

6 (1) coordinate and monitor all multijurisdictional identity
7 theft and financial crime enforcement activities;

8 (2) facilitate local efforts and ensure statewide
9 coordination with efforts to combat identity theft and financial
10 crime;

11 (3) facilitate training for law enforcement and other
12 personnel;

13 (4) monitor compliance with investigative protocols;

14 (5) implement an outcome evaluation and data quality
15 control process;

16 (6) be responsible for the selection and for cause removal
17 of assigned task force investigators who are designated
18 participants under a memorandum of understanding or who receive
19 grant funding;

20 (7) provide supervision of assigned task force
21 investigators;

22 (8) submit a task force operational budget to the oversight
23 council for approval; and

24 (9) submit quarterly task force activity reports to the
25 oversight council.

26 Subd. 5. [PARTICIPATING OFFICERS; EMPLOYMENT STATUS.] All
27 law enforcement officers selected to participate in the task
28 force must be licensed peace officers as defined in section
29 626.84, subdivision 1, or qualified federal law enforcement
30 officers as defined in section 626.8453. Participating officers
31 remain employees of the same entity that employed them before
32 joining any multijurisdictional entity established under this
33 section. Participating officers are not employees of the state.

34 Subd. 6. [JURISDICTION AND POWERS.] Law enforcement
35 officers participating in any multijurisdictional entity
36 established under this section have statewide jurisdiction to

1 conduct criminal investigations and have the same powers of
2 arrest as those possessed by a sheriff. The task force shall
3 retain from its predecessor the assigned originating reporting
4 number for case reporting purposes.

5 Subd. 7. [GRANTS AUTHORIZED.] The commissioner of public
6 safety, upon recommendation of the oversight council, shall make
7 grants to state and local units of government to combat identity
8 theft and financial crime. The commander, as funding permits,
9 may prepare a budget to establish four regional districts and
10 funding grant allocations programs outside the counties of
11 Hennepin, Ramsey, Anoka, Washington, and Dakota. The budget
12 must be reviewed and approved by the oversight council and
13 recommended to the commissioner to support these efforts.

14 Subd. 8. [VICTIMS ASSISTANCE PROGRAM.] (a) The oversight
15 council may establish a victims assistance program to assist
16 victims of economic crimes and provide prevention and awareness
17 programs. The oversight council may retain the services of
18 not-for-profit organizations to assist in the development and
19 delivery systems in aiding victims of financial crime. The
20 program may not provide any financial assistance to victims, but
21 may assist victims in obtaining police assistance and advise
22 victims in how to protect personal accounts and identities.
23 Services may include a victim toll-free telephone number, fax
24 number, Web site, Monday through Friday telephone service,
25 e-mail response, and interfaces to other helpful Web sites.
26 Victims' information compiled are governed under chapter 13.

27 (b) The oversight council may post or communicate through
28 public service announcements in newspapers, radio, television,
29 cable access, billboards, Internet, Web sites, and other normal
30 advertising channels, a financial reward of up to \$2,000 for
31 tips leading to the apprehension and successful prosecution of
32 individuals committing economic crime. All rewards must meet
33 the oversight council's standards. The release of funds must be
34 made to an individual whose information leads to the
35 apprehension and prosecution of offenders committing economic or
36 financial crimes against citizens or businesses in Minnesota.

1 All rewards paid to an individual must be reported to the
2 Department of Revenue along with the individual's Social
3 Security number.

4 Subd. 9. [OVERSIGHT COUNCIL AND TASK FORCE IS PERMANENT.]
5 Notwithstanding section 15.059, this section does not expire.

6 Subd. 10. [FUNDING.] The oversight council may accept
7 lawful grants and in-kind contributions from any federal source
8 or legal business or individual not funded by this section for
9 general operation support, including personnel costs. These
10 grants or in-kind contributions are not to be directed toward
11 the case of a particular victim or business. The oversight
12 council's fiscal agent shall handle all funds approved by the
13 oversight council, including in-kind contributions.

14 Subd. 11. [FORFEITURE.] Property seized by the task force
15 is subject to forfeiture pursuant to sections 609.531, 609.5312,
16 609.5313, and 609.5315 if ownership cannot be established. The
17 council shall receive the proceeds from the sale of all property
18 properly seized and forfeited.

19 Subd. 12. [TRANSFER EQUIPMENT FROM CURRENT TASK
20 FORCE.] All equipment possessed by the task force described in
21 Minnesota Statutes 2004, section 299A.68, is transferred to the
22 oversight council for use by the task force described in this
23 section.

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

25 Sec. 2. [APPROPRIATION.]

26 \$..... is appropriated for the fiscal year ending June
27 30, 2006, and \$..... is appropriated for the fiscal year
28 ending June 30, 2007, from the general fund to the commissioner
29 of public safety to be used to implement section 1.

30 Sec. 3. [REPEALER.]

31 Minnesota Statutes 2004, section 299A.68, is repealed.

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

33 Delete the title and insert:

34 "A bill for an act relating to crimes; establishing the
35 Minnesota Financial Crimes Oversight Council; providing for a
36 statewide financial crimes task force and commander; providing
37 for the transition of the current task force to the new one;
38 appropriating money; proposing coding for new law in Minnesota

1 Statutes, chapter 299A; repealing Minnesota Statutes 2004,
2 section 299A.68."

T H E M I N N E S O T A
C O U N T Y A T T O R N E Y S
A S S O C I A T I O N

February 22, 2005

Governor Tim Pawlenty
Room 130
State Capitol
St. Paul, MN 55155

Dear Governor Pawlenty,

I write to urge continued funding for the Minnesota Financial Crimes Task Force. Without legislative action this session, the Minnesota Financial Crimes Task Force will be forced to phase out operations on June 30, 2005. The Task Force was created to address complex financial crimes throughout the state. Since receiving initial funding in 2000, the Task Force has had a significant impact identifying and investigating sophisticated, multi-jurisdictional financial crime organizations. This work is critical to the efforts of Minnesota's County Attorneys to successfully prosecute criminal cases against these criminal organizations.

Without the Minnesota Financial Task Force, all financial crimes investigations will fall back to local jurisdictions to investigate and prosecute. Unfortunately, due to the sophisticated and multi-jurisdictional nature of these criminal organizations, local jurisdictions do not always have the resources available to thoroughly investigate these financial crimes. If this occurs, the state will revert to pre-Task Force times and these criminals will either not be prosecuted or prosecutions will be less successful.

What may seem to be a routine check forgery offense or financial transaction card fraud, in reality is often one small part in a major criminal enterprise. The existence of the Minnesota Financial Crimes Task Force allows the investigators to look at how all the players in the criminal enterprise are connected throughout the state, determine who is leading the operation and determine the method of fraud used, whether it is counterfeiting checks; stealing mail, checks, credit cards, purses and wallets; or more sophisticated operations that use the internet to obtain the identifying and financial information of unsuspecting citizens.

Since 2000, the Minnesota Financial Crimes Task Force has been instrumental in cracking sophisticated criminal enterprises in Minnesota, which have cost individuals, financial institutions and other businesses millions of dollars. Task Force investigations have resulted in the prosecutions of a number of the leaders of these criminal enterprises with significant sanctions being imposed at both the state and federal level.

The nature and sophistication of financial crimes requires a coordinated, multi-jurisdictional, statewide effort to effectively combat these crimes. If the Minnesota Crimes Task Force ceases to exist it will only benefit the criminals and the citizens of this state will suffer as a result. Consequently, continued funding of the Minnesota Financial Crimes Task Force is of critical importance to the interests of public safety and protecting our state's citizens. The Minnesota County Attorneys Association also strongly supports moving the Financial Crimes Task Force into an existing state law enforcement agency.

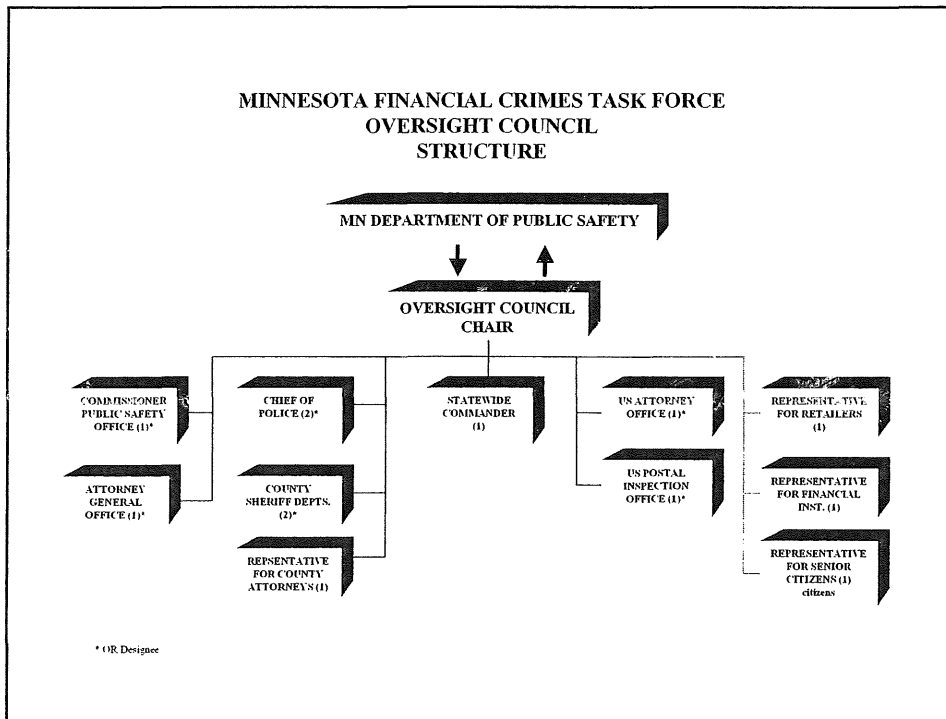
Very truly yours,

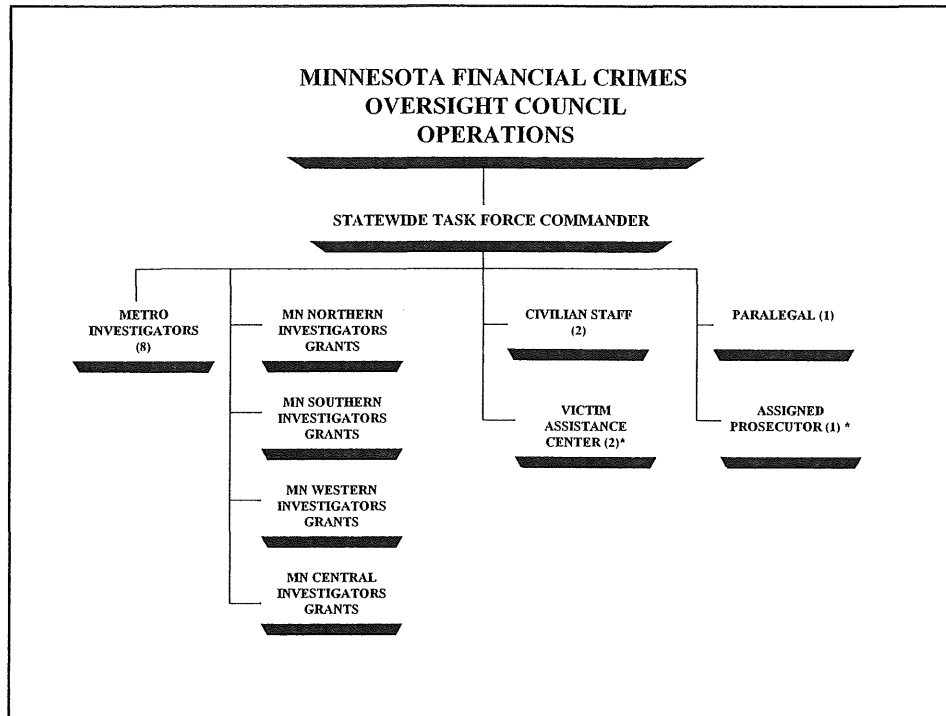
Timothy E.J. Fox, Wilkin County Attorney
President, Minnesota County Attorneys Association

Cc: Senator Jane Ranum
Representative Steve Smith

Senate File 1510

- Creates state funding for the MN Financial Crimes Task Force from general funding appropriations....
- Investigation of identity theft and financial crimes
- Provides enhanced organizational structure of task force through the Oversight Council
- Provides grant funding for four (4) regional districts in greater MN, provided funding level support

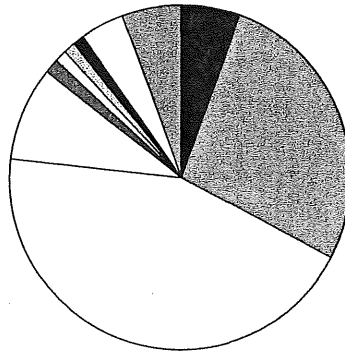




- TYPE OF CASES:**
- Cross-jurisdictional Cases and Organized Groups
- Identity theft (fastest growing property crime)
 - Organized financial crime groups
 - Counterfeiting groups (state ids, checks, currency, money orders...)
 - Mail theft and fraud cases
 - Financial institution fraud groups
 - Financial retail fraud groups
 - Investment fraud
 - Elderly fraud

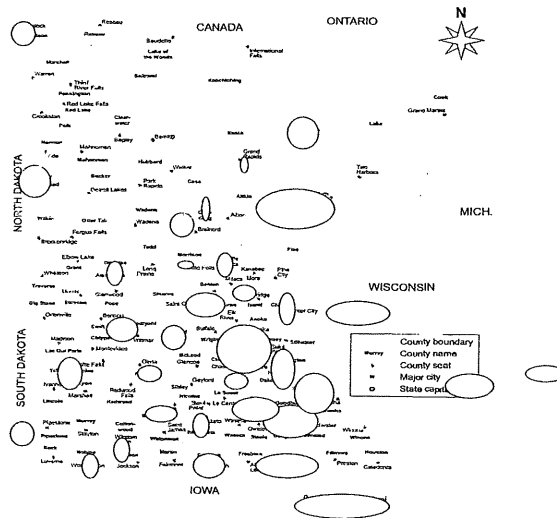
Task Force Activities

July 2003 Through Feb. 2005

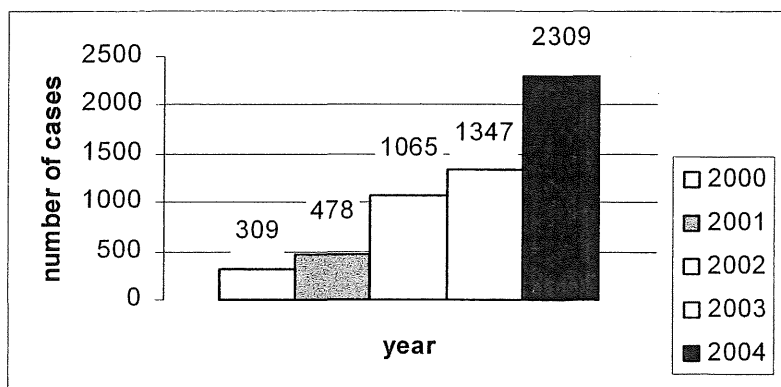


- Community Training Mtg (51)
- ▨ Arrests (250)
- Individual Charged (404)
- Search Warrants (83)
- Fed Indictments(13)
- Pending Fed Indictments (10)
- Possible Fed Indictments (10)
- Fed Convictions (10)
- Computers Seized (39)
- ▨ Forensic Computer Exams (51)

Task Force Cases



Task Force Case Increases



Minnesota Department of Public Safety Office of Justice Programs Task Force Audit

REVIEW OF FINANCIAL AND ADMINISTRATIVE PROCEDURES

Summary Comments:

- Commander Abbas and the board have managed their funding very well. Spending is only authorized for items that are critical to the successful operation of the task force. After visiting the offices, I know that this is a **"no-frills" operation**.
- The financial affairs of the Minnesota Financial Crimes **Task Force** are **well managed by the commander**, advisory board and fiscal agent. **There are sound procedures in place for financial accountability and they are always followed.** Any of the recommendations indicated above do not reflect any deficiencies, but rather, are intended to enhance the current system of "checks and balances".
- At this time, no on-going funding has been identified. I would note that during the course of this review, I looked at the **operational results of the task force for the period of July 1, 2003 – June 30, 2004.** I noted that there were 123 arrests with 164 individuals charged. The cases involve over 10,000 victims of identity theft or fraud with losses of over \$5,000,000. Their work appears to be a significant "return on investment".

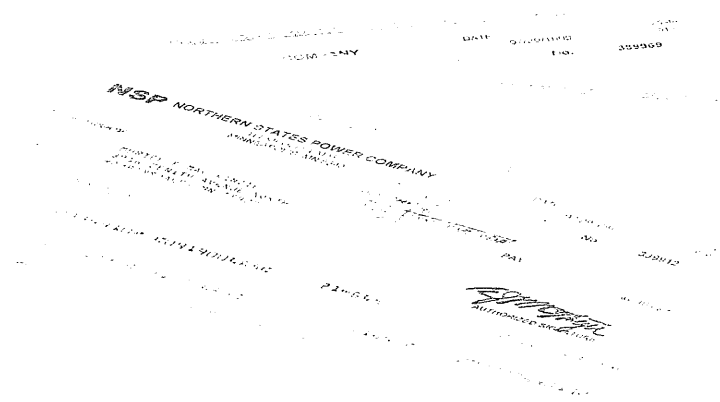
Requested State Annual Budget of \$1,499,300

MINNESOTA FINANCIAL CRIMES TASK FORCE YEARLY BUDGET

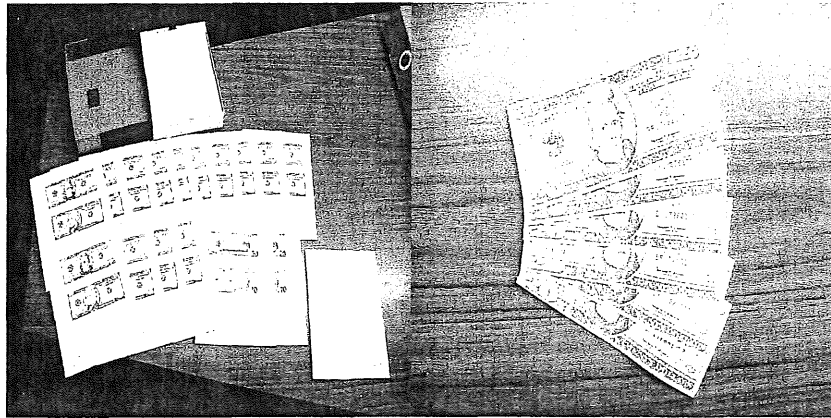
UP TO THE FOLLOWING YEARLY REIMBURSEMENT:

	<u>SALARY</u>	<u>BENEFITS</u>	<u>O/T</u>	<u>VEHICLE</u>	<u>SUPPORT</u>	<u>TOTAL</u>
TF COMMANDER	\$ 72,000	\$ 14,000	\$ 13,500	\$ 7,200	\$	106,700
FULL-TIME INVESTIGATOR	\$ 65,000	\$ 14,000	\$ 13,500	\$ 7,200	\$	99,700
FULL-TIME INVESTIGATOR	\$ 65,000	\$ 14,000	\$ 13,500	\$ 7,200	\$	99,700
FULL-TIME INVESTIGATOR	\$ 65,000	\$ 14,000	\$ 13,500	\$ 7,200	\$	99,700
FULL-TIME INVESTIGATOR	\$ 62,000	\$ 14,000	\$ 13,500	\$ 7,200	\$	96,700
FULL-TIME INVESTIGATOR	\$ 62,000	\$ 14,000	\$ 13,500	\$ 7,200	\$	96,700
FULL-TIME INVESTIGATOR	\$ 62,000	\$ 14,000	\$ 13,500	\$ 7,200	\$	96,700
FULL-TIME INVESTIGATOR	\$ 62,000	\$ 14,000	\$ 13,500	\$ 7,200	\$	96,700
FULL-TIME INVESTIGATOR	\$ 62,000	\$ 14,000	\$ 13,500	\$ 7,200	\$	96,700
NORTHERN MN (DULUTH AREA)	\$ 115,000	POOL	\$	\$	\$	115,000
SOUTHERN MN (ROCHESTER AREA)	\$ 115,000	POOL	\$	\$	\$	115,000
WESTERN MINNESOTA (MOORHEAD AREA)	\$ 115,000	POOL	\$	\$	\$	115,000
CENTRAL MINNESOTA (WILMAR AREA)	\$ 115,000	POOL	\$	\$	\$	115,000
COMPUTER FORENSIC BUDGET	\$	\$	\$	\$ 25,000	\$	25,000
CIVILIAN CONTRACTED POSITIONS	\$	\$	\$	\$ 125,000	\$	125,000
			Total State Request	\$	\$	1,499,300
<u>Private Sector and Foundations:</u>						
<i>Requesting Support For:</i>						
VICTIM ASSISTANCE PROGRAM	\$ 200,000	\$	\$	\$	\$	200,000
ASSISTANT COUNTY ATTORNEY	\$ 90,000	\$	\$	\$	\$	90,000
PARALEGAL	\$ 60,000	\$	\$	\$	\$	60,000
TRAVEL, TRAINING, EQUIPMENT	\$ 50,000	\$	\$	\$	\$	50,000
OPERATIONAL EXPENSES	\$ 75,000	\$	\$	\$	\$	75,000
OFFICE AND UTILITIES	\$ 285,000	\$	\$	\$	\$	285,000
	Total Private Sector	\$	\$	\$	\$	760,000

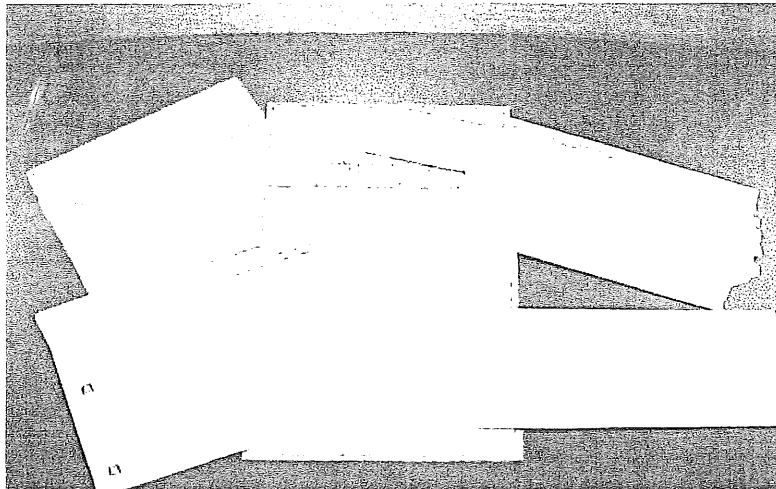
Counterfeit Checks Cases Heat Up In 1999



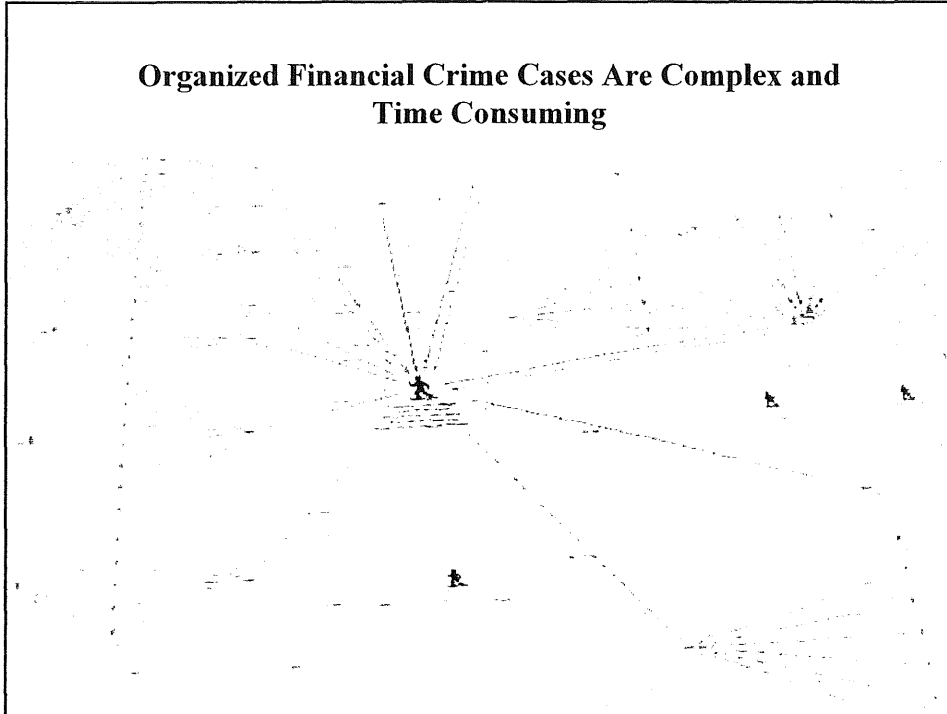
Counterfeit Currency



Stolen Mail and Titles



**Organized Financial Crime Cases Are Complex and
Time Consuming**

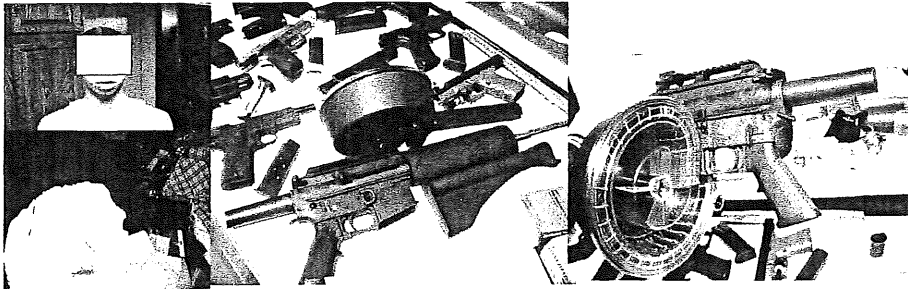


**\$1.5 Million Identity Theft
Simmon's Group**





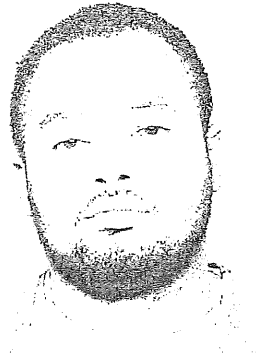
Counterfeit Checks for Gift Cards and Subsequent Gun Purchases



One Case... Over 400 Wallets and Purses



**\$6.2 Million
Identity Theft and Credit Fraud**



**Counterfeit Checks and Stolen
ID's**



\$125,000

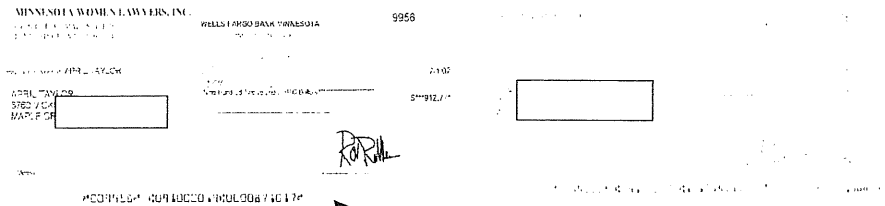


4 Days \$35,000

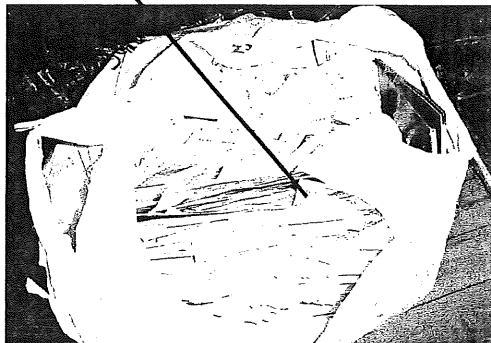
Identity Theft and Counterfeit Checks



- Over 7,381 potential victims
- Average loss per account \$3,801
- Current fraud loss is \$ 330,976 for this one bank



Counterfeit
Checks
From
Redeemed
Check
Cashed....



Stolen Business Checks Group, Over \$88,000



Stolen Credit Cards, Identity Theft, Counterfeit Checks



- 30 year career offender, organized criminal group
- 60-80 percent of all property crimes in St. Paul
- Over one million dollars annually
- Organized group: drugs, prostitution, fraud, stolen property, burglaries, "missing persons"...



\$233,000 Bank Fraud and Credit Card Scam



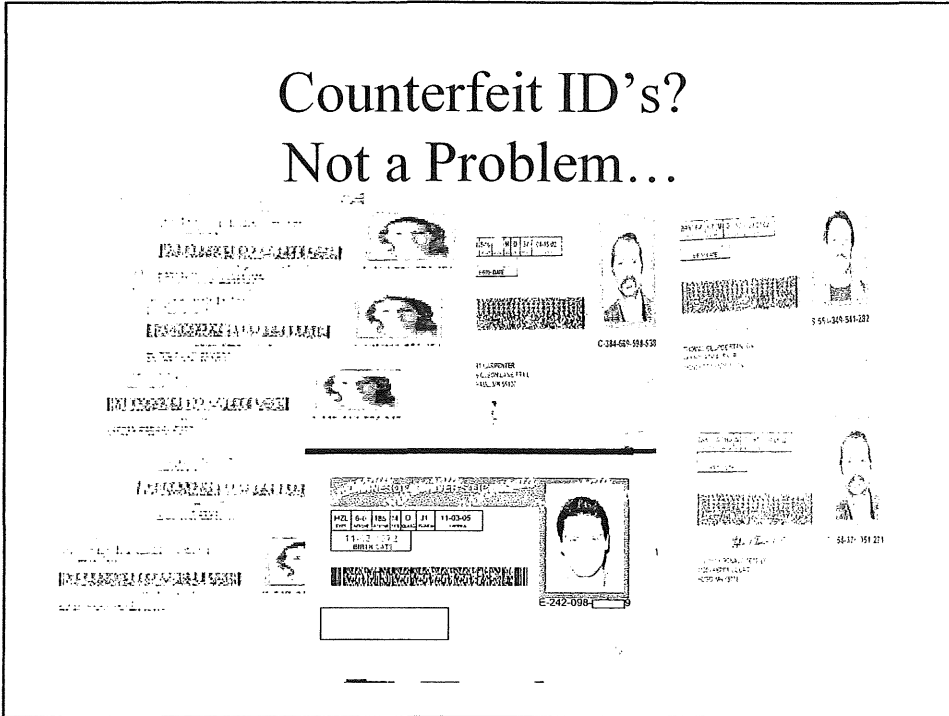
- Counterfeit check loss, 90-days
- NY federal indictments on credit cards
- MN, NY, NC, and CA
- Extradited back from NY
- Pakistan stinger missile connection

Identity Theft and Counterfeit Checks, \$400,000

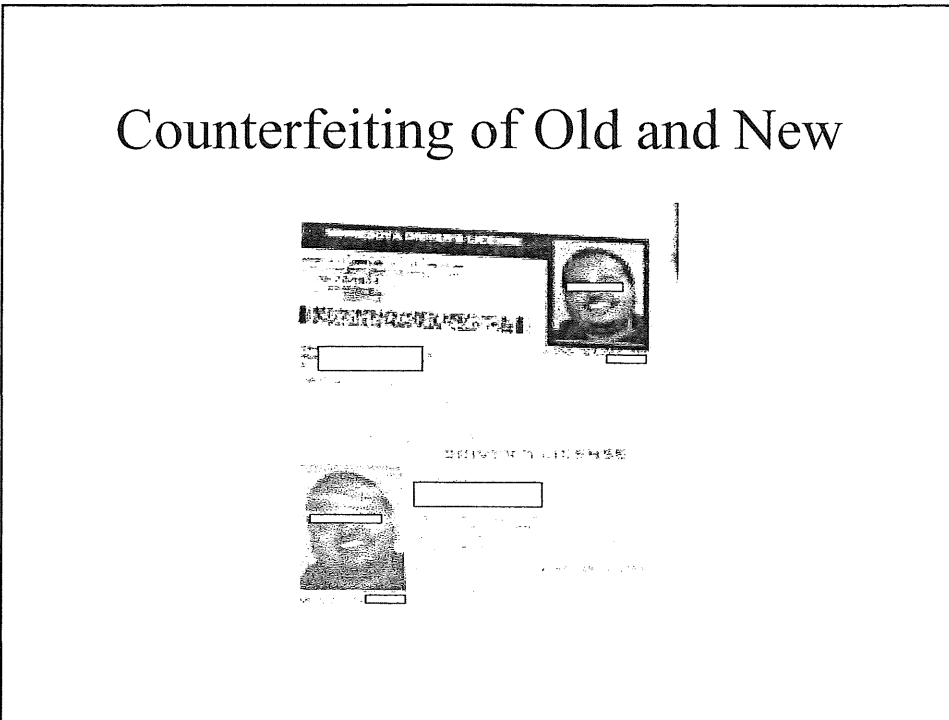


Vice Lord
Greater MN

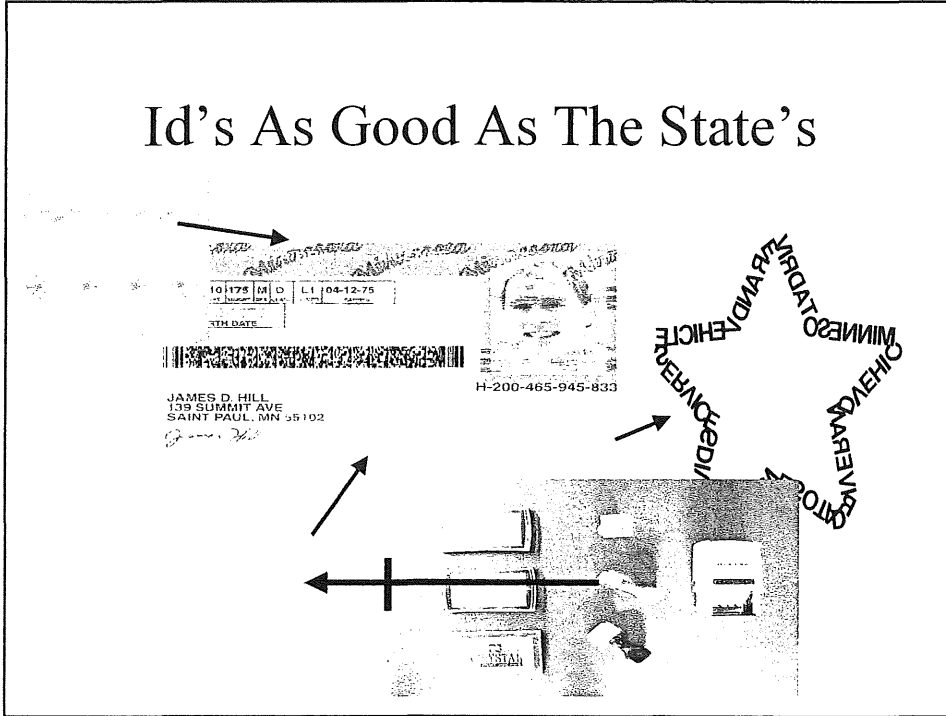
Counterfeit ID's? Not a Problem...



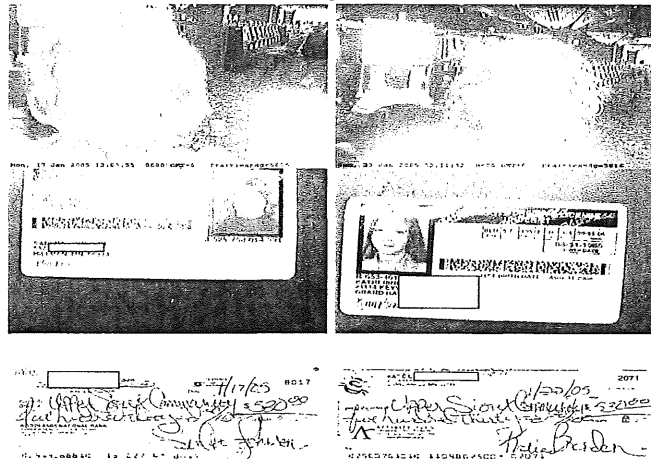
Counterfeiting of Old and New



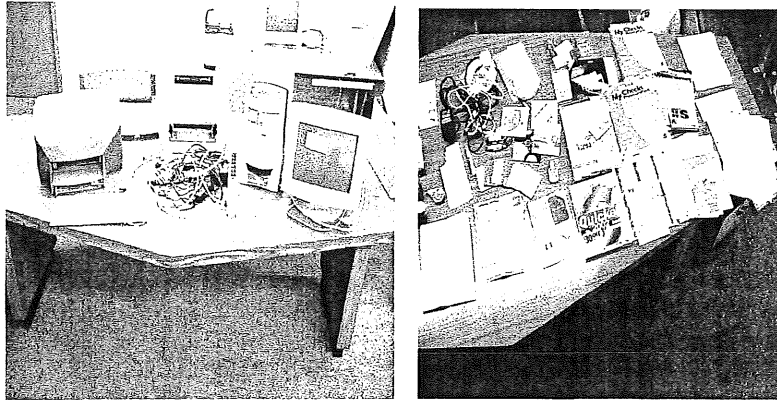
Id's As Good As The State's



Impersonations Identity Theft



Tools That Overwhelm Agencies



Task Force Endorsements

**City of Edina,
City of Duluth,
City Council Minneapolis,
St Paul Police Federation,
Police Officers Federation of Minneapolis,
Police Officers Alliance of Minnesota,
Hennepin County Attorney,
Anoka County Attorney,
Urban County Attorneys Association,
Minnesota County Attorneys Association,
Minnesota Bankers Association
Retailers Protection Association**

Testimony and Victims

- Duluth Mayor Herb Bergson:



Mr. Osborne, over 14 different cities, \$320,000, counterfeit Checks

- Arlene and Jack Gleason, Minneapolis, MN:
Minneapolis purse theft assault, injuries, credit Fraud, \$2,200, Task Force case.
- Elizabeth Arco, lake Elmo, MN
Recent victim of identity theft, cross jurisdictional cases, no lead agency
Suspect identified, task force will pursue by priority of handling cases

Appendix

Current Funding

- Current annual task force budget is \$755,000
- Need funding by July 1, 2005
- Seven active detectives and commander
- One full time and two part-time civilians
- Two part-time, non funded volunteers, from the private sector
- \$250,000 in private sector in-kind contributions (office, phone system, heating, parking, lighting, equipment...)
- Greater MN coverage, Duluth, Rochester and when possible other greater MN cities when requested

MN Department Of Public Safety Participation And Responsibilities

- Membership on the Oversight Council
- Administration of approved Oversight Council grants to agencies
 - Coordination and transfer of funds to fiscal agent
 - Collection and accounting of assessment fees
 - Conduct audits of fund applications

**MN Financial Crimes Task Force
Oversight Council**

- Develop A Strategy To Combating Organized Financial Crime
 - Protocols And Procedures For MNFCTF
 - Develop Structures To Support MNFCTF
- Develop Partnerships With Multi-jurisdictional Agencies
 - Statewide Commander Oversight
- Develop An Objective Grant Review Application Process
- Make Funding Recommendation To The Commissioner of Public Safety
- Develop A Process To Collect and Share Information To Improve Investigations And Prosecutions
 - Develop And Approve An Operational Budget
 - Enter Into Contracts To Maintain The Task Force

**MN FINANCIAL CRIMES TASK FORCE
STATEWIDE COMMANDER**

- COORDINATE AND MONITOR ALL MULTI-JURISDICTIONAL FINANCIAL CRIME CASES
- FACILITATE LOCAL EFFORTS AND ENSURE STATEWIDE COORDINATION
 - FACILITATE TRAINING FOR PERSONNEL
 - MONITOR COMPLIANCE WITH INVESTIGATIVE PROTOCOLS
- IMPLEMENT AN OUTCOME EVALUATION AND DATA QUALITY CONTROL PROCESS
- SUPERVISION OF TASK FORCE INVESTIGATORS TO PARTICIPATE ON TASK FORCE THROUGH THE MEMORANDUM OF UNDERSTANDINGS WHO ARE PARTICIPATING AGENCIES ON THE TASK FORCE
 - SUPERVISION OF TASK FORCE INVESTIGATIONS
- SUBMITTING TASK FORCE OPERATIONAL BUDGET TO THE OVERSIGHT COUNCIL FOR APPROVAL
- SUBMITTING QUARTERLY ACTIVITY REPORTS TO OVERSIGHT COUNCIL

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

G-17 STATE CAPITOL
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ST. PAUL, MN 55155-1606
(651) 296-4791
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Jo ANNE ZOFF SELLNER
DIRECTOR

Senate

State of Minnesota

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

Author: Senator John Marty

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

Date: March 22, 2005

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

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

Section 3 is a technical conforming amendment with section 5.

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

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

Section 6 requires that chemical use assessments include the defendant's prior criminal record, a diagnosis of the nature of the offender's chemical and alcohol involvement, an assessment of the

offender's placement needs, and recommendations for other appropriate remedial action or care, including aftercare.

Section 7 requires a chemical use assessment to include collateral contacts, including the person's relevant family members, employers, educational institutions, criminal justice agencies, and probation officer, if any.

Section 8 prohibits the court and the Department of Public Safety from using chemical dependency assessments that do not meet the requirements specified in Minnesota Statutes, section 169A.70.

Section 9 provides that chemical use assessments be completed at the earliest time possible, preferably while the offender is being initially held in custody after arrest.

Section 10 allows the court to require a chemical use assessment of any person under its jurisdiction in a juvenile, criminal, or civil proceeding.

Section 12 expands the definition of "chemical dependency services" under Minnesota Statutes, section 254B.01, to include aftercare, case management counseling, employment, education, and sober housing as primary services.

Sections 11, 13 to 19 strike, and **section 32** repeals current law under Minnesota Statutes, chapter 254B, regarding the current chemical dependency treatment funding allocation to conform with the full funding of chemical dependency treatment programs by the Department of Human Services in section 31, paragraph (c).

Under the bill, local agency chemical dependency treatment duties remain the same (section 14) while the county share of treatment costs and reimbursements fall from 15 percent to five percent (sections 15 and 19). Income requirements for nonentitlement services are eliminated (section 16), though the sliding fee for nonentitlement services remains in place (sections 17 and 18).

Sections 20 and 21 increase the alcohol excise tax on all distilled spirits and wine manufactured, imported, sold, or possessed in the state. The excise tax increase is intended to be the equivalent of a point-of-sale increase of ten cents per drink.

Section 22 increases the alcohol excise tax on all fermented malt beverages that are imported, directly or indirectly sold, or possessed in the state. The excise tax increase is intended to be the equivalent of a point-of-sale increase of ten cents per drink.

Section 23 increases the brewer's tax credit to conform with the increase in the excise tax on beer. The tax credit applies brewers who manufacture less than 100,000 barrels of beer annually.

Sections 24 and 25 expand the funding criteria for the community-oriented policing grant program under the Department of Public Safety to include the hiring of extra peace officers to investigate and prevent impaired driving and domestic violence crimes and grants for community policing in areas

with high crime rates, gang, drug or prostitution activity. Grants for the latter must include education and training for peace officers and the community, the assignment of designated peace officers for at least a year in an exclusive area, and community outreach programs.

Section 26 requires counties to provide or contract for comprehensive chemical dependency treatment programs and services to individuals within the criminal justice system.

Sections 27 and 28 require that presentence investigations for persons convicted of a violent crime as defined in Minnesota Statutes, section 609.1095, subdivision 1, assault in the fourth degree, assault in the fifth degree, or domestic assault, include chemical use assessments. The offender is liable for the cost of the assessment. Payment is in addition to the criminal surcharge under Minnesota Statutes, section 357.021, subdivision 6, and is not waivable.

Section 29 requires persons convicted of a violent crime as defined in section 28, but whose sentence has been stayed by the court, to submit to the level of care recommended in the chemical use assessment described in Minnesota Statutes, section 169A.70, as a condition of their probation.

Section 30 requires the Supreme Court to include training on a judge's powers and duties relating to chemical use assessments in its judicial education program.

Section 31, paragraph (a), contains blank appropriations to the Commissioner of Public Safety to fund the following:

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

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

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

Paragraph (c) is a blank appropriation to the Commissioner of Human Services to fully fund chemical dependency treatment programs under Minnesota Statutes, section 254B.04, subdivision 1.

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

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

Paragraph (e) is a blank appropriation to the Commissioner of Health for education and prevention initiatives designed to eliminate underage drinking.

Section 32 repeals Minnesota Statutes 2004, sections 254B.02, subdivisions 2, 3 and 4; and 254B.09, subdivisions 4, 5 and 7, relating to chemical dependency treatment funding allocation.

Section 33 provides effective dates for the bill.

CT:vs

Senators Marty, Foley, Berglin and Lourey introduced--

S.F. No. 606: Referred to the Committee on Crime Prevention and Public Safety.

2

1 A bill for an act

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

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

21 Section 1. [LEGISLATIVE FINDINGS AND INTENT.]

22 The legislature finds that:

23 (1) impaired driving offenses kill and injure more

24 Minnesotans than any other crime;

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

26 under the influence of alcohol; and

27 (3) alcohol abuse contributes to domestic violence and

28 destroys families.

29 The legislature considers the need to address the problem of

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

31 legislature determines that the costs of fighting alcohol abuse

32 should be funded by those who abuse alcohol and those who profit

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

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

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

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

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

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

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

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

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

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

34 Subd. 2. [CHEMICAL USE ASSESSMENT REQUIREMENT.] (a) As
35 used in this subdivision, "violent crime" has the meaning given
36 in section 609.133, subdivision 1.

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

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

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

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

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

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

23 (b) The assessment report must include:

24 (1) a diagnosis of the nature of the offender's chemical
25 and alcohol involvement;

26 (2) an assessment of the severity level of the involvement;

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

31 (4) an assessment of the offender's placement needs;

32 ~~(2)~~ (5) recommendations for other appropriate remedial
33 action or care, including aftercare services in section 254B.01,
34 subdivision 3, that may consist of educational programs,
35 one-on-one counseling, a program or type of treatment that
36 addresses mental health concerns, or a combination of them;

1 or and

2 ~~(3)~~ (6) a specific explanation why no level of care or
3 action was recommended, if applicable.

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

6 Subd. 6. [METHOD OF ASSESSMENT.] (a) As used in this
7 subdivision, "collateral contact" means an oral or written
8 communication initiated by an assessor for the purpose of
9 gathering information from an individual or agency, other than
10 the offender, to verify or supplement information provided by
11 the offender during an assessment under this section. The term
12 includes contacts with family members, criminal justice
13 agencies, educational institutions, and employers.

14 (b) An assessment conducted under this section must include
15 as least one personal interview with the offender designed to
16 make a determination about the extent of the offender's past and
17 present chemical and alcohol use or abuse. It must also include
18 collateral contacts and a review of relevant records or reports
19 regarding the offender including, but not limited to, police
20 reports, arrest reports, driving records, chemical testing
21 records, and test refusal records. If the offender has a
22 probation officer, the officer must be the subject of a
23 collateral contact, under this subdivision. If an assessor is
24 unable to make collateral contacts, the assessor shall specify
25 why collateral contacts were not made.

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

28 Subd. 7. [PRECONVICTION ASSESSMENT.] (a) The court may not
29 accept a chemical use assessment conducted before conviction as
30 a substitute for the assessment required by this section unless
31 the court ensures that the preconviction assessment meets the
32 standards described in this section.

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

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

3 Subd. 8. [TIMING OF ASSESSMENT.] Chemical use assessments
4 conducted under this section must be completed at the earliest
5 time possible. It is a strong preference that the interview
6 with the offender be conducted while the offender is being
7 initially held in custody after arrest.

8 Sec. 10. Minnesota Statutes 2004, section 169A.70, is
9 amended by adding a subdivision to read:

10 Subd. 9. [COURT'S AUTHORITY TO REQUIRE ASSESSMENTS IN
11 OTHER INSTANCES.] A court having jurisdiction over a person in a
12 juvenile, criminal, or civil proceeding may order that the
13 person submit to a chemical use assessment under this section if
14 the court has reason to believe that the person may have a
15 chemical dependency problem.

16 Sec. 11. Minnesota Statutes 2004, section 254B.01,
17 subdivision 2, is amended to read:

18 Subd. 2. [AMERICAN INDIAN.] For purposes of services
19 provided under ~~section-254B-097-subdivision-7~~ this chapter,
20 "American Indian" means (1) a person who is a member of an
21 Indian tribe, and the commissioner shall use the definitions of
22 "Indian" and "Indian tribe" and "Indian organization" provided
23 in Public Law 93-638. ~~---For purposes of services provided under~~
24 ~~section-254B-097-subdivision-47-~~ "American Indian" means or (2) a
25 resident of federally recognized tribal lands who is recognized
26 as an Indian person by the federally recognized tribal governing
27 body.

28 Sec. 12. Minnesota Statutes 2004, section 254B.01,
29 subdivision 3, is amended to read:

30 Subd. 3. [CHEMICAL DEPENDENCY SERVICES.] "Chemical
31 dependency services" means a planned program of care for the
32 treatment of chemical dependency or chemical abuse to minimize
33 or prevent further chemical abuse by the person, including, but
34 not limited to, aftercare services, case management, counseling,
35 employment or educational services, and sober housing.
36 Diagnostic, evaluation, prevention, referral, and detoxification

1 ~~7-and-aftercare-services~~ that are not part of a program of care
 2 licensable as a residential or nonresidential chemical
 3 dependency treatment program are not chemical dependency
 4 services for purposes of this section. For pregnant and
 5 postpartum women, chemical dependency services include halfway
 6 house services, ~~aftercare-services,~~ and psychological services,
 7 and case management.

8 Sec. 13. Minnesota Statutes 2004, section 254B.02,
 9 subdivision 1, is amended to read:

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

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

1 ~~(b)-The amount of chemical dependency fund expenditures for~~
2 ~~entitled persons for services not covered by prepaid plans~~
3 ~~governed by section 256B.69 in the previous year is divided by~~
4 ~~the amount of chemical dependency fund expenditures for entitled~~
5 ~~persons for all services to determine the proportion of exempt~~
6 ~~service expenditures for each county.~~

7 ~~(c)-The prepaid plan months of eligibility is multiplied by~~
8 ~~the proportion of exempt service expenditures to determine the~~
9 ~~adjusted prepaid plan months of eligibility for each county.~~

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

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

23 ~~(f)-The county per capita months of covered service~~
24 ~~eligibility is divided by the state per capita months of covered~~
25 ~~service eligibility to determine the county welfare caseload~~
26 ~~factor.~~

27 ~~(g)-The median married couple income for the most recent~~
28 ~~three-year period available for the state is divided by the~~
29 ~~median married couple income for the same period for each county~~
30 ~~to determine the income factor for each county.~~

31 ~~(h)-The county restricted population is multiplied by the~~
32 ~~sum of the county welfare caseload factor and the county income~~
33 ~~factor to determine the adjusted population.~~

34 ~~(i)-\$15,000 shall be allocated to each county.~~

35 ~~(j)-The remaining funds shall be allocated proportional to~~
36 ~~the county adjusted population.~~

1 Sec. 14. Minnesota Statutes 2004, section 254B.03,
2 subdivision 1, is amended to read:

3 Subdivision 1. [LOCAL AGENCY DUTIES.] (a) Every local
4 agency shall provide chemical dependency services to persons
5 residing within its jurisdiction who meet criteria established
6 by the commissioner for placement in a chemical dependency
7 residential or nonresidential treatment service. Chemical
8 dependency money must be administered by the local agencies
9 according to law and rules adopted by the commissioner under
10 sections 14.001 to 14.69.

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

27 ~~(c) The-calendar-year-2002-rate-for-vendors-may-not~~
28 ~~increase-more-than-three-percent-above-the-rate-approved-in~~
29 ~~effect-on-January-17-2001.--The-calendar-year-2003-rate-for~~
30 ~~vendors-may-not-increase-more-than-three-percent-above-the-rate~~
31 ~~in-effect-on-January-17-2002.--The-calendar-years-2004-and-2005~~
32 ~~rates-may-not-exceed-the-rate-in-effect-on-January-17-2003.~~

33 (d) A culturally specific vendor that provides assessments
34 under a variance under Minnesota Rules, part 9530.6610, shall be
35 allowed to provide assessment services to persons not covered by
36 the variance.

1 Sec. 15. Minnesota Statutes 2004, section 254B.03,
2 subdivision 4, is amended to read:

3 Subd. 4. [DIVISION OF COSTS.] Except for services provided
4 by a county under section 254B.09, subdivision 1, or services
5 provided under section 256B.69 or 256D.03, subdivision 4,
6 paragraph (b), the county shall, out of local money, pay the
7 state for ~~±5~~ five percent of the cost of chemical dependency
8 services, including those services provided to persons eligible
9 for medical assistance under chapter 256B and general assistance
10 medical care under chapter 256D. Counties may use the indigent
11 hospitalization levy for treatment and hospital payments made
12 under this section. ~~Fifteen~~ Five percent of any state
13 collections from private or third-party pay, less ~~±5~~ five
14 percent of the cost of payment and collections, must be
15 distributed to the county that paid for a portion of the
16 treatment under this section. ~~If all funds allocated according~~
17 ~~to section 254B.02 are exhausted by a county and the county has~~
18 ~~met or exceeded the base level of expenditures under section~~
19 ~~254B.027, subdivision 3, the county shall pay the state for ±5~~
20 ~~percent of the costs paid by the state under this section. The~~
21 ~~commissioner may refuse to pay state funds for services to~~
22 ~~persons not eligible under section 254B.047, subdivision 1, if~~
23 ~~the county financially responsible for the persons has exhausted~~
24 ~~its allocation.~~

25 Sec. 16. Minnesota Statutes 2004, section 254B.04,
26 subdivision 1, is amended to read:

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

1 Persons with dependent children who are determined to be in
2 need of chemical dependency treatment pursuant to an assessment
3 under section 626.556, subdivision 10, or a case plan under
4 section 260C.201, subdivision 6, or 260C.212, shall be assisted
5 by the local agency to access needed treatment services.
6 Treatment services must be appropriate for the individual or
7 family, which may include long-term care treatment or treatment
8 in a facility that allows the dependent children to stay in the
9 treatment facility. The county shall pay for out-of-home
10 placement costs, if applicable.

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

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

36 Sec. 17. Minnesota Statutes 2004, section 254B.04,

1 subdivision 3, is amended to read:

2 Subd. 3. [AMOUNT OF CONTRIBUTION.] The commissioner shall
3 adopt a sliding fee scale to determine the amount of
4 contribution to be required from persons under this section.
5 The commissioner may adopt rules to amend existing fee scales.
6 The commissioner may establish a separate fee scale for
7 recipients of chemical dependency transitional and extended care
8 rehabilitation services that provides for the collection of fees
9 for board and lodging expenses. The fee schedule shall ensure
10 that employed persons are allowed the income disregards and
11 savings accounts that are allowed residents of community mental
12 illness facilities under section 256D.06, subdivisions 1 and
13 ~~1b. The fee scale must not provide assistance to persons whose~~
14 ~~income is more than 115 percent of the state median income.~~
15 Payments of liabilities under this section are medical expenses
16 for purposes of determining spenddown under sections 256B.055,
17 256B.056, 256B.06, and 256D.01 to 256D.21. The required amount
18 of contribution established by the fee scale in this subdivision
19 is also the cost of care responsibility subject to collection
20 under section 254B.06, subdivision 1.

21 Sec. 18. Minnesota Statutes 2004, section 254B.06,
22 subdivision 1, is amended to read:

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

1 collections. The remaining receipts must be deposited in the
2 chemical dependency fund.

3 Sec. 19. Minnesota Statutes 2004, section 254B.06,
4 subdivision 2, is amended to read:

5 Subd. 2. [ALLOCATION OF COLLECTIONS.] The commissioner
6 shall allocate all federal financial participation collections
7 to the ~~reserve~~ chemical dependency fund under section 254B.02,
8 subdivision 3 1. The commissioner shall retain 85 ~~95~~ percent of
9 patient payments and third-party payments and allocate the
10 collections to the treatment allocation for the county that is
11 financially responsible for the person. ~~Fifteen~~ Five percent of
12 patient and third-party payments must be paid to the county
13 financially responsible for the patient. Collections for
14 patient payment and third-party payment for services provided
15 under section 254B.09 shall be allocated to the allocation of
16 the tribal unit which placed the person. Collections of federal
17 financial participation for services provided under section
18 254B.09 shall be allocated to the ~~tribal-reserve-account~~
19 chemical dependency fund under section ~~254B-09~~ 254B.02,
20 subdivision 5 1.

21 Sec. 20. 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,	\$5-03 <u>\$17.69</u>	\$1-33 <u>\$4.73</u>
28 liqueurs, cordials,	per gallon	per liter
29 and specialties regardless		
30 of alcohol content		
31 (excluding ethyl alcohol)		
32 (b) Wine containing	\$--30 <u>\$2.40</u>	\$--08 <u>\$0.64</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	\$--95 <u>\$3.01</u>	\$--25 <u>\$0.81</u>
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 <u>\$3.88</u>	\$--48 <u>\$1.04</u>
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 <u>\$5.56</u>	\$--93 <u>\$1.49</u>
11	than 24 percent alcohol	per gallon	per liter
12	by volume		
13	(f) Natural and	\$1-82 <u>\$3.88</u>	\$--48 <u>\$1.04</u>
14	artificial sparkling wines	per gallon	per liter
15	containing alcohol		
16	(g) Cider as defined in	\$--15 <u>\$2.25</u>	\$--04 <u>\$0.60</u>
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 Sec. 21. Minnesota Statutes 2004, section 297G.03,
 27 subdivision 2, is amended to read:

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

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

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

35 (1) on fermented malt beverages containing not more than
 36 3.2 percent alcohol by weight, ~~\$2-40~~ \$35.32 per 31-gallon

1 barrel; and

2 (2) on fermented malt beverages containing more than 3.2
3 percent alcohol by weight, ~~\$4-60~~ \$37.52 per 31-gallon barrel.

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

6 Sec. 23. Minnesota Statutes 2004, section 297G.04,
7 subdivision 2, is amended to read:

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

- 15 (1) the liability for tax; or
16 (2) \$115,000.

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

27 Sec. 24. Minnesota Statutes 2004, section 299A.62,
28 subdivision 1, is amended to read:

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

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

- 34 (1) to enable local law enforcement agencies to hire law
35 enforcement officers. The grants must be used by law
36 enforcement agencies to increase the complement of officers in

1 the agency by paying the salaries of new officers who replace an
2 existing officer who has been reassigned primarily to
3 investigate and prevent impaired driving crimes, domestic
4 violence crimes, or juvenile crime or to perform
5 community-oriented policing duties;

6 (2) to enable local law enforcement agencies to assign
7 overtime officers to high crime areas within their
8 jurisdictions; and

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

13 (c) Grants under paragraph (b), clause (3), for community
14 policing activities must be provided for areas with high crime
15 rates and gang, drug, or prostitution activity, for programs
16 that:

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

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

22 (3) include regular community meetings with the designated
23 peace officers, prosecuting authorities, judges with
24 jurisdiction in the area, and community members to further law
25 enforcement outreach efforts.

26 Sec. 25. Minnesota Statutes 2004, section 299A.62,
27 subdivision 2, is amended to read:

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

30 Before any grants are awarded, a committee consisting of the
31 attorney general, and representatives from the Minnesota Chiefs
32 of Police Association, the Minnesota Sheriffs Association, and
33 the Minnesota Police and Peace Officers Association, shall
34 evaluate the grant applications. Before grants are awarded, the
35 commissioner shall meet and consult with the committee
36 concerning its evaluation of and recommendations on grant

1 proposals.

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

6 (1) community-oriented policing duties; ~~or~~

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

10 (3) the investigation and prevention of impaired driving
11 crimes; or

12 (4) the investigation and prevention of domestic violence
13 crimes.

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

19 Sec. 26. [373.50] [REQUIREMENT TO PROVIDE CHEMICAL
20 DEPENDENCY TREATMENT.]

21 Each county shall provide comprehensive, needs-specific
22 chemical dependency treatment programs and services to
23 individuals within the county's criminal justice system. The
24 programs and services must take into account the fact that the
25 person has committed a criminal offense and other issues
26 including the individual's gender, ethnic, cultural, and mental
27 health needs. If the county does not offer a specific program
28 or service appropriate for an individual, the county shall
29 ensure that the individual is offered the program or service
30 elsewhere.

31 Sec. 27. Minnesota Statutes 2004, section 609.115,
32 subdivision 8, is amended to read:

33 Subd. 8. [CHEMICAL USE ASSESSMENT REQUIRED.] (a) If a
34 person is convicted of a felony, the probation officer shall
35 determine in the report prepared under subdivision 1 whether or
36 not alcohol or drug use was a contributing factor to the

1 commission of the offense. If so, the report shall contain the
2 results of a chemical use assessment conducted in accordance
3 with this subdivision. The probation officer shall make an
4 appointment for the defendant to undergo the chemical use
5 assessment if so indicated. If the person is convicted of a
6 violent crime as defined in section 609.133, subdivision 1, the
7 provisions of that section apply.

8 (b) The chemical use assessment report must include a
9 recommended level of care for the defendant in accordance with
10 the criteria contained in rules adopted by the commissioner of
11 human services under section 254A.03, subdivision 3. The
12 assessment must be conducted by an assessor qualified under
13 rules adopted by the commissioner of human services under
14 section 254A.03, subdivision 3. An assessor providing a
15 chemical use assessment may not have any direct or shared
16 financial interest or referral relationship resulting in shared
17 financial gain with a treatment provider. If an independent
18 assessor is not available, the probation officer may use the
19 services of an assessor authorized to perform assessments for
20 the county social services agency under a variance granted under
21 rules adopted by the commissioner of human services under
22 section 254A.03, subdivision 3.

23 (c) A chemical use assessment and report conducted under
24 this subdivision must meet the standards described in section
25 169A.70.

26 Sec. 28. [609.133] [CHEMICAL DEPENDENCY TREATMENT;
27 ASSESSMENT CHARGE.]

28 Subdivision 1. [DEFINITION.] As used in this section,
29 "violent crime" has the meaning given in section 609.1095,
30 subdivision 1. The term also includes violations of sections
31 609.2231, 609.224, and 609.2242.

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

36 Subd. 3. [CHARGE.] (a) When a court sentences a person

1 convicted of a violent crime, it shall impose a chemical
2 dependency assessment charge of \$125. The court may not waive
3 payment or authorize payment of the assessment charge in
4 installments unless it makes written findings on the record that
5 the convicted person is indigent or that the assessment charge
6 would create undue hardship for the convicted person or that
7 person's immediate family.

8 (b) The county shall collect and forward to the
9 commissioner of finance \$25 of the chemical dependency
10 assessment charge within 60 days after sentencing or explain to
11 the commissioner in writing why the money was not forwarded
12 within this time period. The commissioner shall credit the
13 money to the general fund. The county shall collect and keep
14 \$100 of the chemical dependency assessment charge.

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

18 Sec. 29. Minnesota Statutes 2004, section 609.135, is
19 amended by adding a subdivision to read:

20 Subd. 9. [CERTAIN PERSONS TO RECEIVE MANDATORY CHEMICAL
21 DEPENDENCY TREATMENT.] If a court stays the imposition or
22 execution of sentence for a person convicted of a violent crime
23 as defined in section 609.133, subdivision 1, as a condition of
24 probation and in addition to any other conditions imposed, the
25 court shall order the person to submit to the level of care
26 recommended in the chemical use assessment described in section
27 169A.70.

28 Sec. 30. [JUDICIAL TRAINING.]

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

32 Sec. 31. [APPROPRIATIONS.]

33 (a) \$..... for the fiscal year ending June 30, 2006,
34 which is the first year, and \$..... for the fiscal year ending
35 June 30, 2007, which is the second year, are appropriated from
36 the general fund to the commissioner of public safety. Of these

1 amounts:

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

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

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

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

18 (5) \$..... the first year and \$..... the second year
19 are for grants to prevent domestic violence and to provide
20 services to victims of domestic violence.

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

1 (b) \$..... for the fiscal year ending June 30, 2006, the
2 first year, and \$..... for the fiscal year ending June 30,
3 2007, the second year, are appropriated from the general fund to
4 the commissioner of corrections. Of these amounts:

5 (1) \$..... the first year and \$..... the second year
6 are for grants under Minnesota Statutes, section 241.022,
7 subdivisions 1 and 2, for costs associated with incarcerating
8 impaired driving offenders and providing programming for these
9 offenders;

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

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

18 (4) \$..... the first year and \$..... the second year
19 are:

20 (i) for increased chemical dependency treatment programs at
21 state prisons; and

22 (ii) to provide appropriate chemical dependency treatment,
23 including aftercare services in Minnesota Statutes, section
24 254B.01, subdivision 3, for offenders on supervised release.

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

29 (c) \$..... for the fiscal year ending June 30, 2006, and
30 \$..... for the fiscal year ending June 30, 2007, are
31 appropriated from the general fund to the commissioner of human
32 services for the purpose of fully funding Minnesota Statutes,
33 section 254B.04, subdivision 1. This appropriation must become
34 part of the base appropriation for this program.

35 (d) \$..... for the fiscal year ending June 30, 2006, the
36 first year, and \$..... for the fiscal year ending June 30,

1 2007, the second year, are appropriated from the general fund to
2 the chief justice of the Supreme Court. Of these amounts:

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

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

8 (e) \$..... for the fiscal year ending June 30, 2006, and
9 \$..... for the fiscal year ending June 30, 2007, are
10 appropriated from the general fund to the commissioner of health
11 for education and prevention initiatives designed to eliminate
12 underage drinking.

13 Sec. 32. [REPEALER.]

14 Minnesota Statutes 2004, sections 254B.02, subdivisions 2,
15 3, and 4; and 254B.09, subdivisions 4, 5, and 7, are repealed.

16 Sec. 33. [EFFECTIVE DATE.]

17 Sections 2 to 10 and 27 to 29 are effective August 1, 2005,
18 and apply to crimes committed on or after that date. Sections
19 20 to 23 are effective for taxes imposed after June 30, 2005.

APPENDIX
Repealed Minnesota Statutes for 05-1582

254B.02 CHEMICAL DEPENDENCY ALLOCATION PROCESS.

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

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

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

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

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

APPENDIX
Repealed Minnesota Statutes for 05-1582

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

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

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

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

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

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

1 Senator moves to amend S.F. No. 606 as follows:

2 Page 1, line 26, after "alcohol" insert ", methamphetamine,
3 and other drugs"

4 Page 1, line 27, after "alcohol" insert "and drug" and
5 delete "contributes" and insert "contribute"

6 Pages 4 and 5, delete section 6 and insert:

7 "Sec. 6. Minnesota Statutes 2004, section 169A.70,
8 subdivision 3, is amended to read:

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

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

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

22 (2) ~~recommendations for other appropriate remedial action~~
23 ~~or care that may consist of educational programs, one-on-one~~
24 ~~counseling, a program or type of treatment that addresses mental~~
25 ~~health concerns, or a combination of them; or~~

26 (3) ~~a specific explanation why no level of care or action~~
27 ~~was recommended~~ meet the requirements of section 254A.03 and
28 rules adopted under the authority granted in section 254A.10.
29 Additionally, the assessment must include access to and review
30 of criminal records and most recent arrest reports."

31 Page 5, delete section 7

32 Page 5, line 28, delete "7" and insert "6"

33 Page 5, line 32, delete everything after "standards" and
34 insert "set by sections 254A.03 and 254A.10."

35 Page 6, line 3, delete "8" and insert "7" and delete
36 "Chemical use assessments"

- 1 Page 6, delete line 4
- 2 Page 6, line 5, delete everything before "It"
- 3 Page 6, line 10, delete "9" and insert "8"
- 4 Pages 6 and 7, delete section 12
- 5 Page 17, line 21, delete "Each county shall" and insert
- 6 "The state shall provide adequate funding for counties to"
- 7 Page 17, line 27, delete everything after the period
- 8 Page 17, delete lines 28 to 30
- 9 Page 19, line 27, before the period, insert ", unless there
- 10 are compelling reasons to do otherwise"
- 11 Page 21, line 32, after "services" insert ". Of these
- 12 amounts:
- 13 (1) \$. the first year and \$. the second year
- 14 are to reimburse counties for detoxification and detoxification
- 15 transportation services; and
- 16 (2) \$. the first year and \$. the second year
- 17 are"
- 18 Page 22, line 10, after "health" insert ". Of these
- 19 amounts:
- 20 (1) \$. the first year and \$. the second year
- 21 are for health screenings for children and vulnerable adults
- 22 residing or found at methamphetamine manufacturing sites;
- 23 (2) \$. the first year and \$. the second year
- 24 are for grants to county health boards for methamphetamine abuse
- 25 prevention efforts; and
- 26 (3) \$. the first year and \$. the second year
- 27 are"
- 28 Renumber the sections in sequence and correct the internal
- 29 references
- 30 Amend the title accordingly

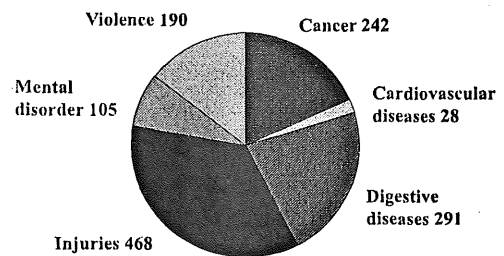
The Human and Economic Cost of Alcohol Use in Minnesota

Highlights

- * The economic costs associated with alcohol use in Minnesota in 2001 amounted to an estimated \$4.5 billion.
- * This amounts to over \$900 for every person in the state.
- * These costs are 19 times greater than the \$234 million in tax revenues collected from alcohol sales.



Figure 1 - Alcohol attributable deaths by cause, Minnesota, 2001

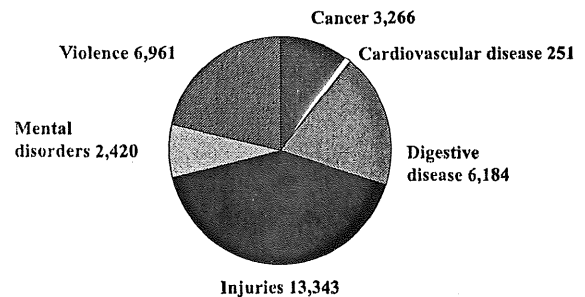


Alcohol attributable deaths by cause were calculated using 2001 Minnesota mortality data research files and alcohol attributable fractions available from "Alcohol use in Minnesota: Extent and cost" from the Minnesota Department of Health (1995) and "New Mexico Alcohol-Related Hospitalization Charges for 1998" from the New Mexico Department of Health (December 27, 2000) and consultation with the CDC for the crosswalk of ICD-9 to ICD-10 codes.

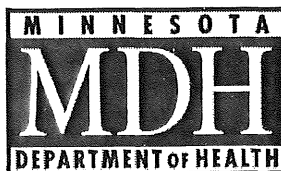
Consequences of alcohol use

- Alcohol use and misuse is the third leading cause of preventable death in the U.S. according to the last national study in 1993.¹
- There were 1,324 alcohol attributable deaths in Minnesota in 2001 (see Figure 1) and 32,425 years of potential life lost (see Figure 2).
- Alcohol contributes to injuries resulting from motor-vehicle crashes, fires, falls, and drowning. Alcohol also contributes to violence such as child abuse, homicide, suicide and personal assault.²
- Many chronic conditions are attributable to alcohol use, including digestive diseases, certain cancers, mental disorders, and certain cardiovascular diseases.²

Figure 2 - Alcohol attributable years of potential life lost (YPLL), by cause of death, Minnesota



Alcohol attributable years of potential life lost by cause were calculated using 2001 Minnesota mortality data research files, gender specific life expectancy tables available from "Deaths: Preliminary Data for 2001" V 51, number 5, National Vital Statistics Reports, CDC, and alcohol attributable fractions available from "Alcohol use in Minnesota: Extent and cost" Minnesota Department of Health (1995) and "New Mexico Alcohol-Related Hospitalization Charges for 1998" from the New Mexico Department of Health (December 27, 2000) and consultation with the CDC for the crosswalk of ICD-9 to ICD-10 codes.



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Drinking patterns in Minnesota

Adults

- In 2002, 21 percent of Minnesota adults reported binge drinking, consuming five or more drinks on an occasion in the last month.³
- Binge drinking in Minnesota is higher than the national median of all states and territories, which is 16.1 percent.³
- Nearly 6 percent of Minnesota adults report being chronic drinkers in 2002, consuming an average of more than 2 drinks a day for men and more than 1 drink per day for women in the past 30 days.³
- In 2000, almost 4 percent of Minnesotan adults reported that they have driven after drinking too much at least once in the past month.⁴
- Men are more likely than women to report binge drinking and heavy drinking.³
- Individuals between the ages of 18 and 24 are more likely to report engaging in binge drinking and heavy drinking than any other age group.⁵

Youth

- In 2001, 30 percent of 9th graders and 52 percent of 12th graders in Minnesota reported consuming alcoholic beverages on at least one occasion in the past 30 days.⁶
- Minnesota 12th graders are drinking at a slightly higher rate than 12th graders nationally (52 percent vs. 50 percent).⁷
- In 2001, 16 percent of 9th graders and 32 percent of the 12th graders in Minnesota reported binge drinking, consuming 5 or more drinks in a row, in the past 2 weeks.⁸
- In 2001, 33 percent of 12th graders in Minnesota reported driving a motor vehicle after using alcohol or drugs.⁶
- Among 9th graders in Minnesota, more American Indian and Hispanics report drinking in the past 30 days (41 percent and 38 percent respectively) than Asian, African American or White 9th graders (21 percent, 26 percent and 31 percent respectively).⁹

Cost of alcohol use in Minnesota

- The human and economic costs associated with alcohol use in 2001 amounted to an estimated \$4.5 billion. This amounts to over \$900 per person in Minnesota. (See Table 1)^{10,11}
- A breakdown of economic cost of alcohol abuse from Table 1 shows^{10,11}:
 - The vast majority, 65 percent, of the costs associated with alcohol use was attributed to lost productivity (\$2.9 billion). Most of these lost productivity costs were due to alcohol-related illnesses and premature death due to alcohol use.
 - Healthcare expenditures for medical consequences of alcohol use and the treatment, prevention, and support for alcohol use disorders amounted to nearly \$650 million.
 - Nearly one billion dollars of the costs of alcohol use were attributed to other impact on society, such as property and administrative costs of alcohol-related motor vehicle crashes, social welfare administration, fire destruction, and various criminal justice system costs of alcohol-related crime.
- For fiscal year 2002, Minnesota collected \$234,000,000 in excise and sales tax revenue from alcohol sales.¹² This revenue is miniscule when compared to the economic cost of alcohol use during that same year -- \$4.5 billion-- which is 19 times greater than the tax revenue.

The Human and Economic Cost of Alcohol Use in Minnesota – page 3

- A national study, based on 1992 data, found that much of the economic burden of alcohol abuse is borne by segments of the population other than the alcohol abusers themselves. About 45 percent of the estimated total costs were borne by alcohol abusers and their families, almost all of which was due to lost or reduced earnings. About 20 percent was absorbed by the Federal government and 18 percent by State and local government. About 10 percent was absorbed by private insurance and 6 percent by victims of alcohol-related crimes and by non-drinking victims of alcohol-related motor vehicle crashes.¹³

Table 1: Estimated economic costs of alcohol abuse in Minnesota, 2001*

Economic Cost	2001
Health Care Expenditures	
Alcohol use disorders: treatment, prevention, and support	180,000,000
Medical consequences of alcohol consumption	469,000,000
Total	\$649,000,000
Productivity Impacts	
Lost productivity due to alcohol-related illness	2,002,000,000
Lost future earnings due to premature deaths**	885,000,000
Lost productivity due to alcohol-related crime	62,000,000
Total	\$2,949,000,000
Other impacts on society	
Motor vehicle crashes	424,000,000
Crime	94,000,000
Fire destruction	155,000,000
Social welfare administration	290,000,000
Total	\$963,000,000
Total Costs***	\$4,561,000,000

* MDH estimated the economic costs of alcohol abuse for 2001 based upon national estimates for other years, adjusting for inflation, population change, and other factors. Other data sources were used to disaggregate national level data to the state level or calculate a specific state costs when available.

** Present discounted value of future earnings calculated using a 3-percent discount rate.

***The cost per person in Minnesota is over \$900.

How to calculate the economic cost of alcohol for your community

To estimate the economic cost of alcohol in your community, multiply the cost of alcohol per person in Minnesota (\$900) by the 2001 population estimate for your community.

Upcoming report

A full report on the human and economic cost of alcohol use in Minnesota is forthcoming.

Endnotes

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12. Minnesota Department of Revenue, 2003.
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"FACING ALCOHOL'S COSTS TO SOCIETY" - THE FACTS COALITION SUPPORTS:



- Maintaining the current 9% sales tax on alcohol
- Increasing the Minnesota alcohol excise tax by at least 5¢ a drink
- Dedicating the revenues to public safety, law enforcement, treatment, detox services, and prevention of alcohol problems

Join the FACTS Coalition!

- Action on Alcohol and Teens
- AMC - Association of Minnesota Counties
- Brain Injury Association of Minnesota
- Dakota County Attorney's Office
- LPHA - Local Public Health Association
- MADD-Minnesota
- MARRCH - Minnesota Association of Resources for Recovery and Chemical Health
- MICA - Metropolitan Inter-County Association
- MACSSA - Minnesota Association of County Social Service Administrators
- MCAA - Minnesota County Attorneys Association
- MPHA - Minnesota Public Health Association
- Minnesota Sheriff's Association
- Minnesota Criminal Justice System DWI Task Force
- MMA - Minnesota Medical Association
- Minnesotans for Safe Driving

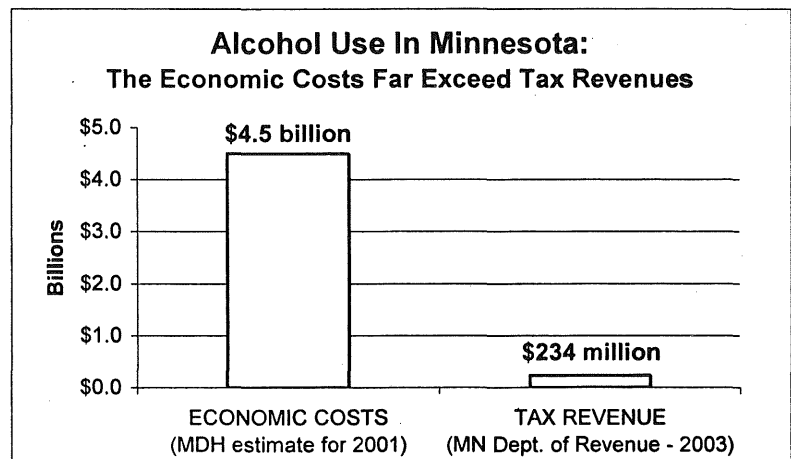
Minnesota Join Together

Call 651-290-6280 or
e-mail: mjointogether@ewald.com



Working together to reduce underage drinking through policy change

The costs of alcohol use far exceed alcohol tax revenue. Alcohol use cost Minnesotans \$4.5 billion in 2001, according to a 2004 study by the Minnesota Department of Health.¹ That amounts to over \$900 for every person in the state. These costs are 19 times higher than the \$234 million collected from alcohol sales in 2003.



Local governments bear most of the high costs of dealing with alcohol-related problems. The economic burden of alcohol use in Minnesota includes costs for public safety, medical treatment, law enforcement, fire and emergency response, criminal justice system, chemical dependency treatment, detox facilities, damage to cars and other property, and the social costs resulting from violence and abuse. Most of these costs fall on cities and counties.

A modest increase in the alcohol excise tax will generate funds to help pay for the costs of alcohol use in Minnesota. An increase of a nickel per drink in the state alcohol excise tax will generate an additional \$110 million to pay for law enforcement, treatment, detox services, and prevention.

The alcohol excise tax was last increased in 1987. In the past 20 years, revenue from Minnesota's alcohol excise tax has declined by nearly 40% in real value. The alcohol excise tax currently brings in less than 1/2 of 1 percent of all state revenue - less than what is collected through the deed transfer tax or the mortgage registry tax.

An increase in the alcohol tax will reduce teen drinking.

Because teenagers are extremely price-sensitive, even a small increase in the cost of alcohol has an impact on underage alcohol use. One study found that a 10% increase in the price of beer reduces by 15% the number of youth who drink 3-5 beers in a day.²

The alcohol excise tax is a true "user fee."

20% of drinkers consume 85% of all alcoholic beverages.³ That means that the remaining 80% of drinkers consume on average relatively little alcohol and pay a small amount of alcohol taxes. The state excise tax falls on heavy drinkers who appropriately assume a greater share of the cost of problems caused by drinking.

The Minnesota excise tax on alcohol is only pennies per drink.

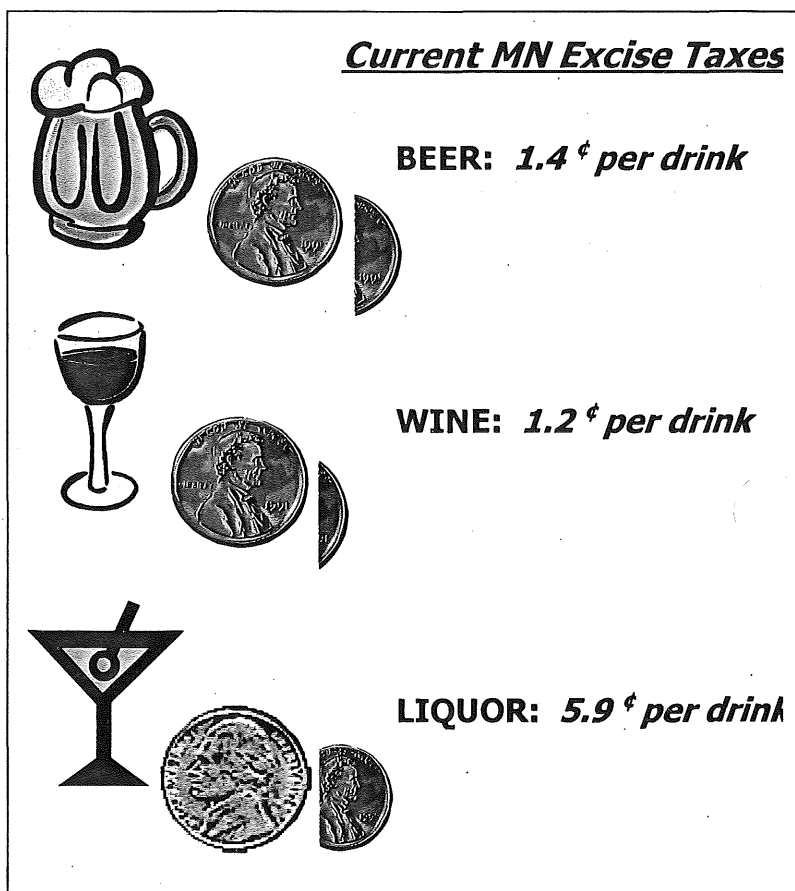
The current Minnesota excise tax on beer and wine is just over a penny per drink. The tax on liquor is less than 6 cents per drink. Taxes make up only a fraction of the retail cost of alcoholic beverages.

Minnesota ranks low on alcohol excise taxes.

- **Beer:** Minnesota ranks 33rd out of the 50 states.
- **Wine:** Only five states have a lower excise tax on wine.
- **Liquor:** Minnesota ranks 7th of 32 states that have an excise tax on liquor.

Other states have recently increased the user fee on alcohol.

Since 2002, eight states have increased their alcohol excise tax and more are considering it in 2005.



Three out of four Minnesotans support increasing the alcohol tax.

Recent surveys from the AARP and The Robert Wood Johnson Foundation show strong support for an increase in the alcohol excise tax to pay for public safety, prevention, treatment, and law enforcement.⁴

IT JUST MAKES CENTS – IT'S TIME TO FACE THE FACTS ABOUT THE REAL COST OF ALCOHOL USE IN MINNESOTA!

1 Minnesota Department of Health. *The Human and Economic Costs of Alcohol Use in Minnesota*. January 2004. (www.health.state.mn.us/alcohol)

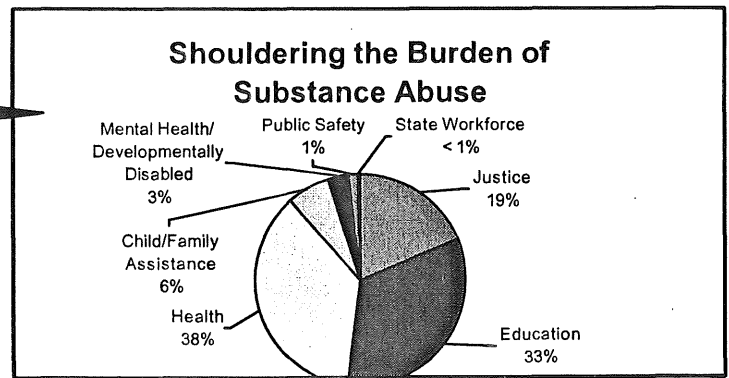
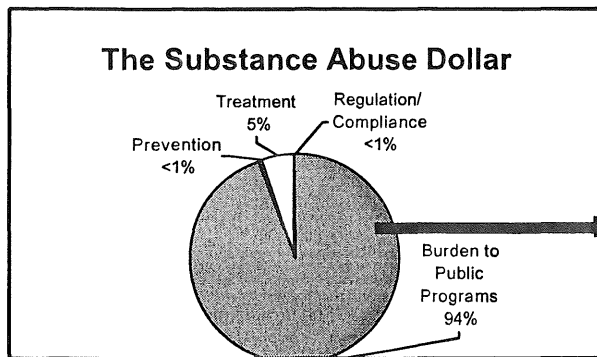
2 Grossman M, Coate D, Arluck GM. Price sensitivity of alcoholic beverages in the United States: Youth alcohol consumption. In: Holder H (ed), *Control Issues in Alcohol Abuse Prevention: Strategies for States and Communities*. Greenwich, CT: JAI Press, pp. 169-198, 1987.

3 Rogers, J.D. & Greenfield, T.K. (1999). Who Drinks Most of the Alcohol in the U.S.? The Policy Implications. *Journal of Studies on Alcohol*. 60(1).

4 AARP poll conducted Jan. 2005 (<http://community.aarp.org/n/mb/display.asp?webtag=rp-mn&msg=138.1>). Robert Wood Johnson poll conducted in 1997 and 2001 (www.epi.umn.edu/alcohol/pdf/2002_report.pdf).

Minnesota (updated 08/31/01 to include revised health spending data from Minnesota) Summary of State Spending on Substance Abuse (1998)*

	State Spending by Category (\$000)	Spending Related to Substance Abuse			
		Amount (\$000)	Percent	As Percent of State Budget	Per Capita
Affected Programs:	\$6,844,043	\$987,035.6		7.7	\$210.56
Justice	232,227.0	185,370.1		1.4	39.54
Adult Corrections	210,776.0	171,094.0	81.2		
Juvenile Justice	21,451.0	14,276.1	66.6		
Judiciary	NA	NA	NA		
Education (Elementary/Secondary)	3,230,613.0	326,363.2	10.1	2.5	69.62
Health	1,556,820.0	362,739.1	23.3	2.8	77.38
Child/Family Assistance	220,623.0	62,368.7		0.5	13.30
Child Welfare	45,412.0	31,896.0	70.2		
Income Assistance	175,211.0	30,472.8	17.4		
Mental Health/Developmentally Disabled	253,434.0	32,490.1		0.3	6.93
Mental Health	20,584.0	10,556.0	51.3		
Developmentally Disabled	232,850.0	21,934.1	9.4		
Public Safety	61,216.0	13,793.6	22.5	0.1	2.94
State Workforce	1,289,000.0	3,910.8	0.3	<0.01	0.83
Regulation/Compliance:	936.0	936.0	100.0	<0.01	0.20
Licensing and Control	362.0	362.0			
Collection of Taxes	574.0	574.0			
Prevention, Treatment and Research:	57,346.0	57,346.0	100.0	0.4	12.23
Prevention	5,430.0	5,430.0			
Treatment	51,916.0	51,916.0			
Research	0	0			
Total		\$1,045,317.6		8.1	\$222.99



Total State Budget	\$12,848 M
◆ Substance Abuse	\$ 1,045 M
◆ Medicaid	\$ 1,521 M
◆ Transportation	\$ 1,384 M
◆ Higher Education	\$ 1,660 M
Population	4.7 M

* Numbers may not add due to rounding. Tobacco and alcohol tax revenue total \$247,224,000; \$52.60 per capita.

Shoveling Up: The Impact of Substance Abuse on State Budgets
Center for Addiction and Substance Abuse, Columbia University, Jun, 2001

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State of Minnesota

S.F. No. 660 - Forfeiture

Author: Senator Wes Skoglund

Prepared by: Kenneth P. Backhus, Senate Counsel (651/296-4396)

Date: March 21, 2005

(KB)

Section 1 expands the definition of “designated offense” in the criminal code’s forfeiture law to include the crimes of solicitation of children to engage in sexual conduct (M.S. § 609.352) and possession and distribution of pornographic work involving minors (M.S. § 617.247). 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 2 amends the criminal code’s forfeiture law. Provides that when a computer or a component part of a computer is used or intended for use to commit or facilitate the commission of a designated offense, not only the computer, but all software, data, and other property contained in it are subject to forfeiture unless prohibited by other law. Also provides that if the law enforcement agency returns hardware, software, data, or other property to its owner, the agency may charge for the costs involved in separating contraband from the property returned. If an innocent owner is involved, these costs may not be charged if the owner either requests copies of specified legitimate data files and provides sufficient storage media for them, or requests the return of the computer without the data storage devices on which contraband resides.

KPB:ph

Senator Skoglund introduced--**S.F. No. 660:** Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act

2 relating to public safety; expanding the definition of
3 "designated offense" in the criminal code forfeiture
4 law and addressing seizures and forfeitures of
5 computers and related property; amending Minnesota
6 Statutes 2004, sections 609.531, subdivision 1;
7 609.5312, by adding a subdivision.

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

9 Section 1. Minnesota Statutes 2004, section 609.531,
10 subdivision 1, is amended to read:

11 Subdivision 1. [DEFINITIONS.] For the purpose of sections
12 609.531 to 609.5318, the following terms have the meanings given
13 them.

14 (a) "Conveyance device" means a device used for
15 transportation and includes, but is not limited to, a motor
16 vehicle, trailer, snowmobile, airplane, and vessel and any
17 equipment attached to it. The term "conveyance device" does not
18 include property which is, in fact, itself stolen or taken in
19 violation of the law.

20 (b) "Weapon used" means a dangerous weapon as defined under
21 section 609.02, subdivision 6, that the actor used or had in
22 possession in furtherance of a crime.

23 (c) "Property" means property as defined in section 609.52,
24 subdivision 1, clause (1).

25 (d) "Contraband" means property which is illegal to possess
26 under Minnesota law.

1 (e) "Appropriate agency" means the Bureau of Criminal
2 Apprehension, the Minnesota Division of Driver and Vehicle
3 Services, the Minnesota State Patrol, a county sheriff's
4 department, the Suburban Hennepin Regional Park District park
5 rangers, the Department of Natural Resources Division of
6 Enforcement, the University of Minnesota Police Department, or a
7 city or airport police department.

8 (f) "Designated offense" includes:

9 (1) for weapons used: any violation of this chapter,
10 chapter 152, or chapter 624;

11 (2) for driver's license or identification card
12 transactions: any violation of section 171.22; and

13 (3) for all other purposes: a felony violation of, or a
14 felony-level attempt or conspiracy to violate, section 325E.17;
15 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222;
16 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322;
17 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision
18 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to
19 (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e),
20 and (h) to (j); 609.352; 609.42; 609.425; 609.466; 609.485;
21 609.487; 609.52; 609.525; 609.527; 609.528; 609.53; 609.54;
22 609.551; 609.561; 609.562; 609.563; 609.582; 609.59; 609.595;
23 609.631; 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5,
24 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89;
25 609.893; 609.895; 617.246; 617.247; or a gross misdemeanor or
26 felony violation of section 609.891 or 624.7181; or any
27 violation of section 609.324.

28 (g) "Controlled substance" has the meaning given in section
29 152.01, subdivision 4.

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

32 Sec. 2. Minnesota Statutes 2004, section 609.5312, is
33 amended by adding a subdivision to read:

34 Subd. 1a. [COMPUTERS AND RELATED PROPERTY SUBJECT TO
35 FORFEITURE.] (a) As used in this subdivision, "property" has the
36 meaning given in section 609.87, subdivision 6.

1 (b) When a computer or a component part of a computer is
2 used or intended for use to commit or facilitate the commission
3 of a designated offense, the computer and all software, data,
4 and other property contained in the computer are subject to
5 forfeiture unless prohibited by the Privacy Protection Act,
6 United States Code, title 42, sections 2000aa to 2000aa-12, or
7 other state or federal law.

8 (c) Regardless of whether a forfeiture action is initiated
9 following the lawful seizure of a computer and related property,
10 if the appropriate agency returns hardware, software, data, or
11 other property to the owner, the agency may charge the owner for
12 the cost of separating contraband from the computer or other
13 property returned, including salary and contract costs. The
14 agency may not charge these costs to an owner of a computer or
15 related property who was not privy to the act or omission upon
16 which the seizure was based, or who did not have knowledge of or
17 consent to the act or omission, if the owner:

18 (1) requests from the agency copies of specified legitimate
19 data files and provides sufficient storage media; or

20 (2) requests the return of a computer or other property
21 less data storage devices on which contraband resides.

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

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**S.F. No. 1452 -Interstate Adult Offender Supervision Advisory
Council Membership**

Author: Senator Wes Skoglund

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

Date: March 21, 2005

The bill authorizes the Commissioner of Corrections to appoint individuals to the Advisory Council on Interstate Adult Offender Supervision in addition to the eight individuals currently on the Council.

CT:vs

Senator Skoglund introduced--

S.F. No. 1452: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act

2 relating to corrections; authorizing the commissioner

3 of corrections to appoint individuals to the Advisory

4 Council on Interstate Adult Offender Supervision;

5 amending Minnesota Statutes 2004, section 243.1606,

6 subdivision 1.

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

8 Section 1. Minnesota Statutes 2004, section 243.1606,

9 subdivision 1, is amended to read:

10 Subdivision 1. [MEMBERSHIP.] The Advisory Council on

11 Interstate Adult Offender Supervision consists of the following

12 individuals or their designees:

13 (1) the governor;

14 (2) the chief justice of the Supreme Court;

15 (3) two senators, one from the majority and the other from

16 the minority party, selected by the Subcommittee on Committees

17 of the senate Committee on Rules and Administration;

18 (4) two representatives, one from the majority and the

19 other from the minority party, selected by the house speaker;

20 (5) the compact administrator, selected as provided in

21 section 243.1607; and

22 (6) the executive director of the Center for Crime Victim

23 Services; and

24 (7) other members as appointed by the commissioner of

25 corrections.

26 The council may elect a chair from among its members.

1 Senator moves to amend S.F. No. 1452 as follows:

2 Page 1, after line 26, insert:

3 "Sec. 2. [REPEALER.]

4 Minnesota Statutes 2004, section 243.162, is repealed."

5 Amend the title as follows:

6 Page 1, line 4, after the semicolon, insert "repealing the
7 law requiring collection of data on interstate offenders;"

8 Page 1, line 6, before the period, insert "repealing

9 Minnesota Statutes 2004, section 243.162"

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S.F. No. 1090 -Duty of Driver Passing Stopped Emergency Vehicle

Author: Senator Sheila M. Kiscaden

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

Date: March 22, 2005

Section 1, paragraphs (a) and (b), establish and clarify the duty of a driver who is passing a stopped authorized emergency vehicle next to a street or highway as follows:

- On a street or highway with two lanes in the same direction, the driver must safely move the vehicle to the lane farthest from the emergency vehicle; and
- On a street or highway with more than two lanes in the same direction, the driver must safely move the vehicle to leave a full lane vacant between the driver and the stopped emergency vehicle.

Paragraph (c) provides that a peace officer may issue a citation to the driver of a motor vehicle if the peace officer has probable cause to believe the driver violated the emergency vehicle “move over” law within four hours of the incident, even if the violation was not committed in the presence of the officer.

Paragraph (d) provides that for the purposes of this subdivision, probable cause is sufficient when the person cited is operating the vehicle described by a crew member of an emergency vehicle who has reported a “move over” violation within four hours of the incident. The report must include a description of the vehicle and the vehicle’s license plate number.

CT:vs

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S.F. No. 1090 -Duty of Driver Passing Stopped Emergency Vehicle

Author: Senator Sheila M. Kiscaden

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

Date: March 22, 2005

Section 1, paragraphs (a) and (b), establish and clarify the duty of a driver who is passing a stopped authorized emergency vehicle next to a street or highway as follows:

- On a street or highway with two lanes in the same direction, the driver must safely move the vehicle to the lane farthest from the emergency vehicle; and
- On a street or highway with more than two lanes in the same direction, the driver must safely move the vehicle to leave a full lane vacant between the driver and the stopped emergency vehicle.

Paragraph (c) provides that a peace officer may issue a citation to the driver of a motor vehicle if the peace officer has probable cause to believe the driver violated the emergency vehicle “move over” law within four hours of the incident, even if the violation was not committed in the presence of the officer.

Paragraph (d) provides that for the purposes of this subdivision, probable cause is sufficient when the person cited is operating the vehicle described by a crew member of an emergency vehicle who has reported a “move over” violation within four hours of the incident. The report must include a description of the vehicle and the vehicle’s license plate number.

CT:vs

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A bill for an act

relating to traffic regulations; clarifying duty of driver when passing parked emergency vehicle; authorizing issuance of citation within four hours after violation; amending Minnesota Statutes 2004, section 169.18, subdivision 11.

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

Section 1. Minnesota Statutes 2004, section 169.18, subdivision 11, is amended to read:

Subd. 11. [PASSING PARKED EMERGENCY VEHICLE; CITATION; PROBABLE CAUSE.] (a) When approaching and before passing an authorized emergency vehicle that is parked or otherwise stopped on or next to a street or highway having two or more lanes in the same direction, the driver of a vehicle shall safely move the vehicle to a the lane farthest away from the emergency vehicle.

(b) When approaching and before passing an authorized emergency vehicle that is parked or otherwise stopped on or next to a street or highway having more than two lanes in the same direction, the driver of a vehicle shall safely move the vehicle so as to leave a full lane vacant between the driver and any lane in which the emergency vehicle is completely or partially parked or otherwise stopped.

(c) A peace officer may issue a citation to the driver of a motor vehicle if the peace officer has probable cause to believe that the driver has operated the vehicle in violation of this

1 subdivision within the four-hour period following the
2 termination of the incident or a receipt of a report under
3 paragraph (d). The citation may be issued even though the
4 violation was not committed in the presence of the peace officer.

5 (d) Although probable cause may be otherwise satisfied by
6 other evidentiary elements or factors, probable cause is
7 sufficient for purposes of this subdivision when the person
8 cited is operating the vehicle described by a member of the crew
9 of an authorized emergency vehicle responding to an incident in
10 a timely report of the violation of this subdivision, which
11 includes a description of the vehicle used to commit the offense
12 and the vehicle's license plate number. For the purposes of
13 issuance of a citation under paragraph (c), "timely" means that
14 the report must be made within a four-hour period following the
15 termination of the incident.

16 Sec. 2. [EFFECTIVE DATE.]

17 Section 1 is effective the day following final enactment.