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State of Minnesota

S.F. No. 1451 - Department of Corrections Fugitive Apprehension Unit Forfeiture Provisions

Author: Senator Leo T. Foley

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

Date: April 7, 2005

Section 1 authorizes the Department of Corrections Fugitive Apprehension Unit to seize property under Minnesota forfeiture statutes (sections 609.531 to 609.5318).

Sections 2 and 3 prohibit the Fugitive Apprehension Unit from the judicial seizure of property under section 609.5311 (property associated with controlled substance offenses).

Sections 4, 5, and 6 prohibit the Fugitive Apprehension Unit from the judicial seizure of property under section 609.5312 (property associated with a designated offenses as defined in section 609.531, vehicle forfeiture for prostitution offenses and vehicle forfeiture for fleeing a peace officer).

Section 7 prohibits the Fugitive Apprehension Unit from administrative seizure of conveyance devices under section 609.5314 (cars, boats, planes or firearms associated with controlled substance offenses).

Section 8 prohibits the Fugitive Apprehension Unit from initiating a tenant eviction or the seizure of real property under section 609.5317 (rental property associated with contraband or controlled substance offenses).

Section 9 prohibits the Fugitive Apprehension Unit from administrative seizure of a vehicle under section 609.5318 (vehicles used in drive-by shootings).

CT:vs

1 under Minnesota law.

2 (e) "Appropriate agency" means the Bureau of Criminal
3 Apprehension, the Minnesota Division of Driver and Vehicle
4 Services, the Minnesota State Patrol, a county sheriff's
5 department, the Suburban Hennepin Regional Park District park
6 rangers, the Department of Natural Resources Division of
7 Enforcement, the University of Minnesota Police Department, the
8 Department of Corrections Fugitive Apprehension Unit, or a city
9 or airport police department.

10 (f) "Designated offense" includes:

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

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

15 (3) for all other purposes: a felony violation of, or a
16 felony-level attempt or conspiracy to violate, section 325E.17;
17 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222;
18 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.322;
19 609.342, subdivision 1, clauses (a) to (f); 609.343, subdivision
20 1, clauses (a) to (f); 609.344, subdivision 1, clauses (a) to
21 (e), and (h) to (j); 609.345, subdivision 1, clauses (a) to (e),
22 and (h) to (j); 609.42; 609.425; 609.466; 609.485; 609.487;
23 609.52; 609.525; 609.527; 609.528; 609.53; 609.54; 609.551;
24 609.561; 609.562; 609.563; 609.582; 609.59; 609.595; 609.631;
25 609.66, subdivision 1e; 609.671, subdivisions 3, 4, 5, 8, and
26 12; 609.687; 609.821; 609.825; 609.86; 609.88; 609.89; 609.893;
27 609.895; 617.246; or a gross misdemeanor or felony violation of
28 section 609.891 or 624.7181; or any violation of section 609.324.

29 (g) "Controlled substance" has the meaning given in section
30 152.01, subdivision 4.

31 Sec. 2. Minnesota Statutes 2004, section 609.5311,
32 subdivision 2, is amended to read:

33 Subd. 2. [ASSOCIATED PROPERTY.] (a) All property, real and
34 personal, that has been used, or is intended for use, or has in
35 any way facilitated, in whole or in part, the manufacturing,
36 compounding, processing, delivering, importing, cultivating,

1 exporting, transporting, or exchanging of contraband or a
2 controlled substance that has not been lawfully manufactured,
3 distributed, dispensed, and acquired is subject to forfeiture
4 under this section, except as provided in subdivision 3.

5 (b) The Department of Correction's Fugitive Apprehension
6 Unit shall not seize real property for the purposes of
7 forfeiture under paragraph (a).

8 Sec. 3. Minnesota Statutes 2004, section 609.5311,
9 subdivision 3, is amended to read:

10 Subd. 3. [LIMITATIONS ON FORFEITURE OF CERTAIN PROPERTY
11 ASSOCIATED WITH CONTROLLED SUBSTANCES.] (a) A conveyance device
12 is subject to forfeiture under this section only if the retail
13 value of the controlled substance is \$25 or more and the
14 conveyance device is associated with a felony-level controlled
15 substance crime.

16 (b) Real property is subject to forfeiture under this
17 section only if the retail value of the controlled substance or
18 contraband is \$1,000 or more.

19 (c) Property used by any person as a common carrier in the
20 transaction of business as a common carrier is subject to
21 forfeiture under this section only if the owner of the property
22 is a consenting party to, or is privy to, the use or intended
23 use of the property as described in subdivision 2.

24 (d) Property is subject to forfeiture under this section
25 only if its owner was privy to the use or intended use described
26 in subdivision 2, or the unlawful use or intended use of the
27 property otherwise occurred with the owner's knowledge or
28 consent.

29 (e) Forfeiture under this section of a conveyance device or
30 real property encumbered by a bona fide security interest is
31 subject to the interest of the secured party unless the secured
32 party had knowledge of or consented to the act or omission upon
33 which the forfeiture is based. A person claiming a security
34 interest bears the burden of establishing that interest by clear
35 and convincing evidence.

36 (f) Forfeiture under this section of real property is

1 subject to the interests of a good faith purchaser for value
2 unless the purchaser had knowledge of or consented to the act or
3 omission upon which the forfeiture is based.

4 (g) Notwithstanding paragraphs (d), (e), and (f), property
5 is not subject to forfeiture based solely on the owner's or
6 secured party's knowledge of the unlawful use or intended use of
7 the property if: (1) the owner or secured party took reasonable
8 steps to terminate use of the property by the offender; or (2)
9 the property is real property owned by the parent of the
10 offender, unless the parent actively participated in, or
11 knowingly acquiesced to, a violation of chapter 152, or the real
12 property constitutes proceeds derived from or traceable to a use
13 described in subdivision 2.

14 (h) The Department of Correction's Fugitive Apprehension
15 Unit shall not seize a conveyance devise, to include motor
16 vehicles or real property, for the purposes of forfeiture under
17 paragraphs (a) to (g).

18 Sec. 4. Minnesota Statutes 2004, section 609.5312,
19 subdivision 1, is amended to read:

20 Subdivision 1. [PROPERTY SUBJECT TO FORFEITURE.] (a) All
21 personal property is subject to forfeiture if it was used or
22 intended for use to commit or facilitate the commission of a
23 designated offense. All money and other property, real and
24 personal, that represent proceeds of a designated offense, and
25 all contraband property, are subject to forfeiture, except as
26 provided in this section.

27 (b) The Department of Correction's Fugitive Apprehension
28 Unit shall not seize real property for the purposes of
29 forfeiture under paragraph (a).

30 Sec. 5. Minnesota Statutes 2004, section 609.5312,
31 subdivision 3, is amended to read:

32 Subd. 3. [VEHICLE FORFEITURE FOR PROSTITUTION OFFENSES.]

33 (a) A motor vehicle is subject to forfeiture under this
34 subdivision if it was used to commit or facilitate, or used
35 during the commission of, a violation of section 609.324 or a
36 violation of a local ordinance substantially similar to section

1 609.324. A motor vehicle is subject to forfeiture under this
2 subdivision only if the offense is established by proof of a
3 criminal conviction for the offense. Except as otherwise
4 provided in this subdivision, a forfeiture under this
5 subdivision is governed by sections 609.531, 609.5312, and
6 609.5313.

7 (b) When a motor vehicle subject to forfeiture under this
8 subdivision is seized in advance of a judicial forfeiture order,
9 a hearing before a judge or referee must be held within 96 hours
10 of the seizure. Notice of the hearing must be given to the
11 registered owner within 48 hours of the seizure. The
12 prosecuting authority shall certify to the court, at or in
13 advance of the hearing, that it has filed or intends to file
14 charges against the alleged violator for violating section
15 609.324 or a local ordinance substantially similar to section
16 609.324. After conducting the hearing, the court shall order
17 that the motor vehicle be returned to the owner if:

18 (1) the prosecutor has failed to make the certification
19 required by paragraph (b);

20 (2) the owner of the motor vehicle has demonstrated to the
21 court's satisfaction that the owner has a defense to the
22 forfeiture, including but not limited to the defenses contained
23 in subdivision 2; or

24 (3) the court determines that seizure of the vehicle
25 creates or would create an undue hardship for members of the
26 owner's family.

27 (c) If the defendant is acquitted or prostitution charges
28 against the defendant are dismissed, neither the owner nor the
29 defendant is responsible for paying any costs associated with
30 the seizure or storage of the vehicle.

31 (d) A vehicle leased or rented under section 168.27,
32 subdivision 4, for a period of 180 days or less is not subject
33 to forfeiture under this subdivision.

34 (e) For purposes of this subdivision, seizure occurs either:

35 (1) at the date at which personal service of process upon
36 the registered owner is made; or

1 (2) at the date when the registered owner has been notified
2 by certified mail at the address listed in the Minnesota
3 Department of Public Safety computerized motor vehicle
4 registration records.

5 (f) The Department of Correction's Fugitive Apprehension
6 Unit shall not participate in paragraphs (a) to (e).

7 Sec. 6. Minnesota Statutes 2004, section 609.5312,
8 subdivision 4, is amended to read:

9 Subd. 4. [VEHICLE FORFEITURE FOR FLEEING A PEACE OFFICER.]

10 (a) A motor vehicle is subject to forfeiture under this
11 subdivision if it was used to commit a violation of section
12 609.487 and endanger life or property. A motor vehicle is
13 subject to forfeiture under this subdivision only if the offense
14 is established by proof of a criminal conviction for the
15 offense. Except as otherwise provided in this subdivision, a
16 forfeiture under this subdivision is governed by sections
17 609.531, 609.5312, 609.5313, and 609.5315, subdivision 6.

18 (b) When a motor vehicle subject to forfeiture under this
19 subdivision is seized in advance of a judicial forfeiture order,
20 a hearing before a judge or referee must be held within 96 hours
21 of the seizure. Notice of the hearing must be given to the
22 registered owner within 48 hours of the seizure. The
23 prosecuting authority shall certify to the court, at or in
24 advance of the hearing, that it has filed or intends to file
25 charges against the alleged violator for violating section
26 609.487. After conducting the hearing, the court shall order
27 that the motor vehicle be returned to the owner if:

28 (1) the prosecutor has failed to make the certification
29 required by this paragraph;

30 (2) the owner of the motor vehicle has demonstrated to the
31 court's satisfaction that the owner has a defense to the
32 forfeiture, including but not limited to the defenses contained
33 in subdivision 2; or

34 (3) the court determines that seizure of the vehicle
35 creates or would create an undue hardship for members of the
36 owner's family.

1 (c) If the defendant is acquitted or the charges against
2 the defendant are dismissed, neither the owner nor the defendant
3 is responsible for paying any costs associated with the seizure
4 or storage of the vehicle.

5 (d) A vehicle leased or rented under section 168.27,
6 subdivision 4, for a period of 180 days or less is not subject
7 to forfeiture under this subdivision.

8 (e) A motor vehicle that is an off-road recreational
9 vehicle as defined in section 169A.03, subdivision 16, or a
10 motorboat as defined in section 169A.03, subdivision 13, is not
11 subject to paragraph (b).

12 (f) For purposes of this subdivision, seizure occurs either:

13 (1) at the date at which personal service of process upon
14 the registered owner is made; or

15 (2) at the date when the registered owner has been notified
16 by certified mail at the address listed in the Minnesota
17 Department of Public Safety computerized motor vehicle
18 registration records.

19 (g) The Department of Correction's Fugitive Apprehension
20 Unit shall not seize a motor vehicle for the purposes of
21 forfeiture under paragraphs (a) to (f).

22 Sec. 7. Minnesota Statutes 2004, section 609.5314,
23 subdivision 1, is amended to read:

24 Subdivision 1. [PROPERTY SUBJECT TO ADMINISTRATIVE
25 FORFEITURE; PRESUMPTION.] (a) The following are presumed to be
26 subject to administrative forfeiture under this section:

27 (1) all money, precious metals, and precious stones found
28 in proximity to:

29 (i) controlled substances;

30 (ii) forfeitable drug manufacturing or distributing
31 equipment or devices; or

32 (iii) forfeitable records of manufacture or distribution of
33 controlled substances;

34 (2) all conveyance devices containing controlled substances
35 with a retail value of \$100 or more if possession or sale of the
36 controlled substance would be a felony under chapter 152; and

1 (3) all firearms, ammunition, and firearm accessories found:

2 (i) in a conveyance device used or intended for use to
3 commit or facilitate the commission of a felony offense
4 involving a controlled substance;

5 (ii) on or in proximity to a person from whom a felony
6 amount of controlled substance is seized; or

7 (iii) on the premises where a controlled substance is
8 seized and in proximity to the controlled substance, if
9 possession or sale of the controlled substance would be a felony
10 under chapter 152.

11 (4) The Department of Correction's Fugitive Apprehension
12 Unit shall not seize items listed in clauses (2) and (3) for the
13 purposes of forfeiture.

14 (b) A claimant of the property bears the burden to rebut
15 this presumption.

16 Sec. 8. Minnesota Statutes 2004, section 609.5317,
17 subdivision 1, is amended to read:

18 Subdivision 1. [RENTAL PROPERTY.] (a) When contraband or a
19 controlled substance manufactured, distributed, or acquired in
20 violation of chapter 152 is seized on residential rental
21 property incident to a lawful search or arrest, the county
22 attorney shall give the notice required by this subdivision to
23 (1) the landlord of the property or the fee owner identified in
24 the records of the county assessor, and (2) the agent authorized
25 by the owner to accept service pursuant to section 504B.181.
26 The notice is not required during an ongoing investigation. The
27 notice shall state what has been seized and specify the
28 applicable duties and penalties under this subdivision. The
29 notice shall state that the landlord who chooses to assign the
30 right to bring an eviction action retains all rights and duties,
31 including removal of a tenant's personal property following
32 issuance of the writ of restitution and delivery of the writ to
33 the sheriff for execution. The notice shall also state that the
34 landlord may contact the county attorney if threatened by the
35 tenant. Notice shall be sent by certified letter, return
36 receipt requested, within 30 days of the seizure. If receipt is

1 not returned, notice shall be given in the manner provided by
2 law for service of summons in a civil action.

3 (b) Within 15 days after notice of the first occurrence,
4 the landlord shall bring, or assign to the county attorney of
5 the county in which the real property is located, the right to
6 bring an eviction action against the tenant. The assignment
7 must be in writing on a form prepared by the county attorney.
8 Should the landlord choose to assign the right to bring an
9 eviction action, the assignment shall be limited to those rights
10 and duties up to and including delivery of the writ of
11 restitution to the sheriff for execution.

12 (c) Upon notice of a second occurrence on any residential
13 rental property owned by the same landlord in the same county
14 and involving the same tenant, and within one year after notice
15 of the first occurrence, the property is subject to forfeiture
16 under sections 609.531, 609.5311, 609.5313, and 609.5315, unless
17 an eviction action has been commenced as provided in paragraph
18 (b) or the right to bring an eviction action was assigned to the
19 county attorney as provided in paragraph (b). If the right has
20 been assigned and not previously exercised, or if the county
21 attorney requests an assignment and the landlord makes an
22 assignment, the county attorney may bring an eviction action
23 rather than an action for forfeiture.

24 (d) The Department of Correction's Fugitive Apprehension
25 Unit shall not seize real property for the purposes of
26 forfeiture as described in paragraphs (a) to (c).

27 Sec. 9. Minnesota Statutes 2004, section 609.5318,
28 subdivision 1, is amended to read:

29 Subdivision 1. [MOTOR VEHICLES SUBJECT TO FORFEITURE.] (a)
30 A motor vehicle is subject to forfeiture under this section if
31 the prosecutor establishes by clear and convincing evidence that
32 the vehicle was used in a violation of section 609.66,
33 subdivision 1e. The prosecutor need not establish that any
34 individual was convicted of the violation, but a conviction of
35 the owner for a violation of section 609.66, subdivision 1e,
36 creates a presumption that the vehicle was used in the violation.

- 1 (b) The Department of Correction's Fugitive Apprehension
- 2 Unit shall not seize a motor vehicle for the purposes of
- 3 forfeiture under paragraph (a).

- 1 Senator moves to amend S.F. No. 1451 as follows:
- 2 Page 4, lines 15 and 16, delete "devise, to include motor
- 3 vehicles" and insert "device"



LEGISLATIVE PROPOSAL

FORFEITURE AUTHORITY AUTHORIZED H.F. 1849 CORNISH — S.F. 1451 FOLEY

SUMMARY

- Legislation adds the Department of Corrections' Fugitive Apprehension Unit (FAU) to agencies authorized to seize certain proceeds in specific criminal cases. The FAU arrested 381 fugitives last year. These offenders are generally not prison escapees but, rather, are out of compliance with the terms of their supervised release.
- The FAU seeks to seize property from less than 10 of these nearly 400 arrests. These cases are those where the offender has profited from illegal activity.
- The change does **not** allow the unit to seize any type of motorized vehicle or real estate. Items that **can** be seized include personal property such as illegal narcotics, money, and jewelry.
- State forfeiture law dictates that the proceeds from these seizures would be split between the arresting law enforcement agency/s, prosecuting authority, and crime victim/s. In calendar year 2004, forfeiture authority for FAU would have netted approximately \$1,000 to be used for funding training, equipment, and overtime.

SUPPORTERS/OPPONENTS

- The Minnesota Chiefs of Police Association and Minnesota Sheriffs Association support this legislation.

CONTACTS

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April 2005

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S.F. No. 1525 - HIV Testing of Sex Offenders

Author: Senator Jane Ranum

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

Date: April 7, 2005

The bill clarifies notification procedures when a victim of criminal sexual conduct requests HIV testing of a perpetrator. Requires an order from the court directing an offender to undergo HIV testing to include the name and contact information of the victim's choice of health care provider. Requires the Department of Corrections to provide test results to the victim's health care provider. Requires the victim's health care provider to give the results to the victim or the victim's parent or guardian.

CT:vs

Senators Ranum, Berglin, Betzold, Kleis and McGinn introduced--

S.F. No. 1525: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act

2 relating to corrections; clarifying notification
3 procedure when victim requests a test on offender;
4 amending Minnesota Statutes 2004, section 611A.19.

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

6 Section 1. Minnesota Statutes 2004, section 611A.19, is
7 amended to read:

8 611A.19 [TESTING OF SEX OFFENDER FOR HUMAN IMMUNODEFICIENCY
9 VIRUS.]

10 Subdivision 1. [TESTING ON REQUEST OF VICTIM.] (a) Upon
11 the request or with the consent of the victim, the prosecutor
12 shall make a motion in camera and the sentencing court shall
13 issue an order requiring an adult convicted of or a juvenile
14 adjudicated delinquent for violating section 609.342 (criminal
15 sexual conduct in the first degree), 609.343 (criminal sexual
16 conduct in the second degree), 609.344 (criminal sexual conduct
17 in the third degree), 609.345 (criminal sexual conduct in the
18 fourth degree), or any other violent crime, as defined in
19 section 609.1095, to submit to testing to determine the presence
20 of human immunodeficiency virus (HIV) antibody if:

21 (1) the crime involved sexual penetration, however slight,
22 as defined in section 609.341, subdivision 12; or

23 (2) evidence exists that the broken skin or mucous membrane
24 of the victim was exposed to or had contact with the offender's
25 semen or blood during the commission of the crime in a manner

1 which has been demonstrated epidemiologically to transmit the
2 human immunodeficiency virus (HIV).

3 (b) When the court orders an offender to submit to testing
4 under paragraph (a), the court shall order that the test be
5 performed by an appropriate health professional who is trained
6 to provide the counseling described in section 144.7414, and
7 that no reference to the test, the motion requesting the test,
8 the test order, or the test results may appear in the criminal
9 record or be maintained in any record of the court or court
10 services, except in the medical record maintained by the
11 Department of Corrections.

12 (c) The order shall include the name and contact
13 information of the victim's choice of health care provider.

14 Subd. 2. [DISCLOSURE OF TEST RESULTS.] The date and
15 results of a test performed under subdivision 1 are private data
16 as defined in section 13.02, subdivision 12, when maintained by
17 a person subject to chapter 13, or may be released only with the
18 subject's consent, if maintained by a person not subject to
19 chapter 13. The results are available, on request, to the
20 victim or, if the victim is a minor, to the victim's parent or
21 guardian and positive test results shall be reported to the
22 commissioner of health. Any test results shall be given to a
23 victim-or-victim's-parent-or-guardian-shall-be-provided-by-a
24 health-professional-who-is-trained-to-provide-the-counseling
25 described-in-section-144-7414 by the Department of Correction's
26 medical director to the victim's health care provider who shall
27 give the results to the victim or victim's parent or guardian.
28 Data regarding administration and results of the test are not
29 accessible to any other person for any purpose and shall not be
30 maintained in any record of the court or court services or any
31 other record. After the test results are given to the victim or
32 the victim's parent or guardian, data on the test must be
33 removed from any medical data or health records maintained under
34 section 13.384 or 144.335 and destroyed, except for those
35 medical records maintained by the Department of Corrections.

1 Senator moves to amend S.F. No. 1525 as follows:
2 Page 2, delete lines 22 to 27 and insert "commissioner of
3 health. Unless the subject of the test is an inmate at a state
4 correctional facility, any test results given to a victim or
5 victim's parent or guardian shall be provided by a health
6 professional who is trained to provide the counseling described
7 in section 144.7414. If the subject of the test is an inmate at
8 a state correctional facility, test results shall be given by
9 the Department of Correction's medical director to the victim's
10 health care provider who shall give the results to the victim or
11 victim's parent or guardian."



LEGISLATIVE PROPOSAL

VICTIM NOTIFICATION CLARIFICATION H.F. 2085 SMITH — S.F. 1525 RANUM

SUMMARY

- Legislation changes the offender HIV test notification process to institute health care providers, instead of the department, as the party responsible for disseminating the perpetrator's test results to a victim. The current statute requires the department's medical director to contact victims with significant personal health information. The department and victims believe this information would be better communicated by the victim's own health care provider.

SUPPORTERS/OPPONENTS

- The Minnesota Medical Association has reviewed and approved this legislation.
- The Minnesota Coalition Against Sexual Assault has reviewed and approved this legislation.

CONTACTS

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April 2005

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S.F. No. 1898 - Updating Amount of Construction Necessary Before Commissioner of Corrections Review

Author: Senator Jane Ranum

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

Date: April 7, 2005

The bill increases, from \$5,000 to \$15,000 the monetary threshold at which county boards are required to request the Commissioner of Corrections review county plans to purchase, lease, build, or renovate a jail.

CT:vs

Senator Ranum introduced--**S.F. No. 1898:** Referred to the Committee on Crime Prevention and Public Safety.

1

A bill for an act

2

relating to corrections; updating amount of
construction necessary before commissioner of
corrections review; amending Minnesota Statutes 2004,
section 641.21.

3

4

5

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

7

Section 1. Minnesota Statutes 2004, section 641.21, is

8

amended to read:

9

641.21 [JAIL, ADVICE AS TO CONSTRUCTION.]

10

When any county board determines to purchase, lease or

11

erect a new jail, or to repair an existing one at an expense of

12

more than ~~\$57,000~~ \$15,000, it shall pass a resolution to that

13

effect, and transmit a copy thereof to the commissioner of

14

corrections, who, within 30 days thereafter, shall transmit to

15

that county board the advice and suggestions in reference to the

16

purchase, lease or construction thereof as the commissioner

17

deems proper.



LEGISLATIVE PROPOSAL

UPDATE JAIL INSPECTION THRESHOLD H.F. 2005 NEWMAN — S.F. 1898 RANUM

SUMMARY

- Allows a local unit of government to repair jail facilities at a cost of up to \$15,000 without review by the department. Current statute requires cities and counties to notify the department of any repairs up to a cost of \$5,000.

SUPPORTERS/OPPONENTS

- County jail officials will be able to maintain and repair facilities in a more timely manner.
- Response time from department jail inspectors will be improved.

CONTACTS

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S.F. No. 149 - DNR Enforcement Officers; Firearms Silencers

Author: Senator John Marty

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

Date: April 11, 2005

Section 1 authorizes the use of firearms silencers by Department of Natural Resource enforcement officers in wildlife control operations that require stealth. Requires the Commissioner to establish a written policy governing silencers, maintain their custody and control, and limit the number maintained by the department to ten.

CT:vs

1 A bill for an act

2 relating to firearms; authorizing the use of silencers
3 to muffle discharges of firearms for natural resource
4 wildlife control; amending Minnesota Statutes 2004,
5 sections 97B.031, subdivision 4; 609.66, subdivision
6 lh.

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

8 Section 1. Minnesota Statutes 2004, section 97B.031,
9 subdivision 4, is amended to read:

10 Subd. 4. [SILENCERS PROHIBITED.] Except as provided in
11 section 609.66, subdivision lh, a person may not own or possess
12 a silencer for a firearm or a firearm equipped to have a
13 silencer attached.

14 Sec. 2. Minnesota Statutes 2004, section 609.66,
15 subdivision lh, is amended to read:

16 Subd. 1h. [SILENCERS; AUTHORIZED FOR LAW ENFORCEMENT AND
17 WILDLIFE CONTROL PURPOSES.] (a) Notwithstanding subdivision 1a,
18 paragraph (a), clause (1), licensed peace officers may use
19 devices designed to silence or muffle the discharge of a firearm
20 for tactical emergency response operations. Tactical emergency
21 response operations include execution of high risk search and
22 arrest warrants, incidents of terrorism, hostage rescue, and any
23 other tactical deployments involving high risk circumstances.
24 The chief law enforcement officer of a law enforcement agency
25 that has the need to use silencing devices must establish and
26 enforce a written policy governing the use of the devices.

1 (b) Notwithstanding subdivision 1a, paragraph (a), clause
2 (1), an enforcement officer, as defined in section 97A.015,
3 subdivision 18, who is a licensed peace officer, at specific
4 times and locations that are authorized by the commissioner of
5 natural resources may use devices designed to silence or muffle
6 the discharge of a firearm for wildlife control operations that
7 require stealth. If the commissioner determines that the use of
8 silencing devices is necessary under this paragraph, the
9 commissioner must:

10 (1) establish and enforce a written policy governing the
11 use, possession, and transportation of the devices;

12 (2) limit the number of the silencing devices maintained by
13 the Department of Natural Resources to ten; and

14 (3) keep direct custody and control of the devices when the
15 devices are not specifically authorized for use.

1 Senator moves to amend S.F. No. 149 as follows:
2 Page 2, after line 15, insert:
3 "Sec. 3. [EXPIRATION.]
4 The amendments to Minnesota Statutes, section 609.66,
5 subdivision 1h, made by section 2 expire August 1, 2007."

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and Fiscal Analysis**

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State of Minnesota

S.F. No. 2066 - Dog and Bird Fighting Criminal Revisions (Second Engrossment)

Author: Senator Wes Skoglund

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

Date: April 12, 2005

Section 1, subdivision 1, is technical.

Subdivisions 2 and 3 create a gross misdemeanor for owning or possessing a dog or a bird trained or being trained to fight. Creates a rebuttable presumption that the animal was trained to fight if:

- they exhibit fresh wounds or scarring; or
- the person possesses training apparatus or drugs used for dogfighting or cockfighting.

Subdivision 4 authorizes peace officers to remove and shelter animals seized under subdivisions 2 and 3, provided they follow the notification procedures under subdivision 5, paragraph (c).

Subdivision 5, paragraph (a), provides that seized animals may be destroyed after ten days if proper notification procedures are followed.

Paragraph (b) provides that an owner of a seized animal may prevent the destruction of the animal by posting a security for the cost of care for the animal and requesting a disposition hearing.

Paragraph (c) provides owner notification procedures. Authorities taking custody of an animal must notify the owner in person, by mail, or by posting at the site of the seizure of the animal. Notification must include:

- a description of the animal seized, the authority and purpose of the seizure, the time and place of the seizure, and a contact person and telephone number;
- a statement that the owner may post security to prevent the destruction of the animal and may request a hearing to determine the validity of the impoundment;
- a statement that all actual costs of the care, keeping and disposal of the animal are the responsibility of the owner; and
- a form for the owner to request a hearing.

The owner may request a hearing within ten days. If requested, the hearing must be held within five days of the request. Decisions by a hearing officer may be appealed to the district court. If the seizure is ruled invalid, the animal shall be returned to the owner, provided the owner pays the cost of care of the animal or negotiates an arrangement for payment.

CT:vs

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A bill for an act

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relating to animals; providing criminal penalties for activities related to cockfighting, dogfighting, and fighting of other domestic animals; creating procedures for disposition and care of the animals; providing for hearings; clarifying admissibility of certain evidence; amending Minnesota Statutes 2004, section 343.31.

9

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

10

Section 1. Minnesota Statutes 2004, section 343.31, is

11

amended to read:

12

343.31 [~~ANIMAL FIGHTS PROHIBITED~~ AND POSSESSION OF FIGHTING

13

ANIMALS.]

14

Subdivision 1. [PENALTY FOR ANIMAL FIGHTING; ATTENDING

15

ANIMAL FIGHT.] Any A person who:

16

(1) promotes or, engages in, or is employed at in the

17

activity of cockfighting, dogfighting, or violent pitting of one

18

domestic animal against another of the same or a different kind;

19

or

20

(2) receives money for the admission of any a person to any

21

a place used, or about to be used, for that activity; or

22

(3) willfully permits any a person to enter or use for that

23

activity premises of which the permitter is the owner, agent, or

24

occupant; or

25

(4) uses, trains, or possesses a dog or other animal for

26

the purpose of participating in, engaging in, or promoting that

27

activity

1 is guilty of a felony. Any A person who purchases a ticket of
2 admission or otherwise gains admission to that activity is
3 guilty of a misdemeanor.

4 Subd. 2. [PENALTY FOR POSSESSING A FIGHTING DOG.] It is a
5 gross misdemeanor for a person to own, possess, or have custody
6 of a dog that has been trained or is being trained for use in
7 dog fights. There is a rebuttable presumption that a dog has
8 been trained or is being trained to fight if:

9 (1) the dog exhibits fresh wounds, scarring, or other
10 indications that the dog has been or will be used for fighting;
11 and

12 (2) the person possesses training apparatus, paraphernalia,
13 or drugs known to be used to prepare dogs to be fought.

14 Subd. 3. [PENALTY FOR POSSESSING FIGHTING BIRDS.] It is a
15 gross misdemeanor for a person to own, possess, or have custody
16 of a cock or other type of bird that has been trained or is
17 being trained for use in bird fights. There is a rebuttable
18 presumption that a bird has been trained or is being trained to
19 fight if:

20 (1) the bird exhibits fresh wounds, scarring, or other
21 indications that the bird has been or will be used for fighting;
22 and

23 (2) the person possesses training apparatus, paraphernalia,
24 or drugs known to be used to prepare birds to be fought.

25 Subd. 4. [PEACE OFFICER DUTIES.] Animals described in
26 subdivisions 2 and 3 are dangerous weapons and constitute an
27 immediate danger to the safety of humans. A peace officer or
28 animal control authority may remove, shelter, and care for an
29 animal found in the circumstances described in subdivision 2 or
30 3. If necessary, a peace officer or animal control authority
31 may deliver the animal to another person to be sheltered and
32 cared for. In all cases, the peace officer or animal control
33 authority must immediately notify the owner, if known, as
34 provided in subdivision 5. The peace officer, animal control
35 authority, or other person assuming care of the animal shall
36 have a lien on it for the actual cost of care and keeping of the

1 animal. If the owner or custodian is unknown and cannot by
2 reasonable effort be ascertained, or does not, within ten days
3 after notice, redeem the animal by paying the expenses
4 authorized by this subdivision, the animal may be disposed of as
5 provided in subdivision 5.

6 Subd. 5. [DISPOSITION.] (a) An animal taken into custody
7 under subdivision 4 may be humanely disposed of at the
8 discretion of the jurisdiction having custody of the animal ten
9 days after the animal is taken into custody, if the procedures
10 in paragraph (c) are followed.

11 (b) The owner of an animal taken into custody under
12 subdivision 4 may prevent disposition of the animal by posting
13 security in an amount sufficient to provide for the actual costs
14 of care and keeping of the animal. The security must be posted
15 within ten days of the seizure inclusive of the date of the
16 seizure. If, however, a hearing is scheduled within ten days of
17 the seizure, the security amount must be posted prior to the
18 hearing.

19 (c)(1) The authority taking custody of an animal under
20 subdivision 4 must give notice of this section by delivering or
21 mailing it to the owner of the animal, posting a copy of it at
22 the place where the animal is taken into custody, or delivering
23 it to a person residing on the property and telephoning, if
24 possible. The notice must include:

25 (i) a description of the animal seized; the authority and
26 purpose for the seizure; the time, place, and circumstances
27 under which the animal was seized; and a contact person and
28 telephone number;

29 (ii) a statement that the owner of the animal may post
30 security to prevent disposition of the animal and may request a
31 hearing concerning the seizure and impoundment and that failure
32 to do so within ten days of the date of the notice will result
33 in disposition of the animal; and

34 (iii) a statement that all actual costs of the care,
35 keeping, and disposal of the animal are the responsibility of
36 the owner of the animal, except to the extent that a court or

1 hearing officer finds that the seizure or impoundment was not
2 substantially justified by law. The notice must also include a
3 form that can be used by a person claiming an interest in the
4 animal for requesting a hearing.

5 (2) The owner may request a hearing within ten days of the
6 date of the seizure. If requested, a hearing must be held
7 within five business days of the request to determine the
8 validity of the impoundment. The municipality taking custody of
9 the animal or the municipality from which the animal was seized
10 may either (i) authorize a licensed veterinarian with no
11 financial interest in the matter or professional association
12 with either party, or (ii) use the services of a hearing officer
13 to conduct the hearing. An owner may appeal the hearing
14 officer's decision to the district court within five days of the
15 notice of the decision.

16 (3) The judge or hearing officer may authorize the return
17 of the animal if the judge or hearing officer finds that (i) the
18 animal is physically fit; (ii) the person claiming an interest
19 in the animal can and will provide the care required by law for
20 the animal; and (iii) the animal has not been used for violent
21 pitting or fighting.

22 (4) The person claiming an interest in the animal is liable
23 for all actual costs of care, keeping, and disposal of the
24 animal, except to the extent that a court or hearing officer
25 finds that the seizure or impoundment was not substantially
26 justified by law. The costs must be paid in full or a mutually
27 satisfactory arrangement for payment must be made between the
28 municipality and the person claiming an interest in the animal
29 before the return of the animal to the person.

The Post Review – August 27, 2003
East Central Minnesota

Dog fight discovered in Sunrise pole barn

By Barbara Brown

More than 35 people received citations and two dogs died late Saturday night after police broke up a dog fight in Sunrise Township. The Chisago County Sheriff's Office arrested the 35 people on charges of misdemeanor par-taking in a dog fight. Two others, Tommy Lee McClellan, 59, and Neal Burton, 41, face felony dog fighting charges, according to the Chisago County Sheriff's Office.

McClellan lives at the site of the fight – 11069 Sunrise Road. Burton is from Minneapolis.

Five people were arrested and booked at the Chisago County jail for warrants or because officers were unable to identify them.

Two pit bulls were put to sleep as a result of the injuries they received in the fight held in a pole barn on the Sunrise Road property.

Deputies were dispatched to the residence at about 10:45 p.m. Aug. 23 after an anonymous woman called 911 and said she thought someone was trying to kill her.

After further investigation, officers found out the woman who originally placed the 911 call had had an apparent argument with someone at the scene and she may have been intoxicated when she made the call, said Chisago County Sheriff's Office Capt. Doug Sampson.

Sampson said officers were still investigating and that he did not know as of Monday if the fight Saturday night was the first in the area or if the fighting had been a regular occurrence but not found out before.

Officers arriving at the address Saturday night spotted several vehicles parked at the residence when they arrived and they heard "yelling and chant-ing from a pole barn" on the property, the sheriff's office said.

When officers looked into the barn, they saw a pen and an active dog fight taking place. Two pit bulls were in the pen fighting each other and the crowd of more than 50 men, women and children stood by watching.

The two dogs suffered "extensive injuries," according to the sheriff's office, and were put to sleep after they were taken by Animal Control officers to an emergency veterinarian who determined the injuries were severe.

The Chisago County Sheriff's Office was assisted by North Branch and Wyoming police officers, the Minnesota Department of Natural Resources and the Minnesota State Patrol.

The case was under investigation Monday and more charges may be filed, the sheriff's office said.

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**SCS1663A-1 -Department of Public Safety Criminal Justice and
Fire Safety Initiatives**

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

(K3)

Date: April 12, 2005

**Article 1
General Provisions**

Section 1 requires the court to determine whether a person applying for a name change has a criminal history as opposed to having been convicted of a felony. Authorizes the court to conduct a search of national records through the FBI by submitting a set of fingerprints and the appropriate fee to the Bureau of Criminal Apprehension (BCA). If the person has a criminal history, the court must report the name change to the BCA.

Section 2 provides that when the BCA releases data maintained under the predatory offender registration law (regardless of the age of the offender), in conjunction with a background check, this does not constitute releasing information in a manner that reveals the existence of a juvenile adjudication history.

Section 3 requires the taking of fingerprints of persons involved in the criminal justice system who are identified by the superintendent of the BCA as being the subject of a court disposition record which cannot be linked to an arrest record (i.e., a suspense file) and whose fingerprints are necessary to maintain and ensure the accuracy of the BCA's criminal history files, reduce the number of suspense files, or comply with the statutory requirement regarding the reduction in the number of suspense files.

Section 4 requires the superintendent of the BCA to inform a prosecuting authority that a person prosecuted by the authority is the subject of a court disposition record in suspense which requires fingerprinting. Requires the prosecuting authority to bring a motion in court to compel the taking of the person's fingerprints.

Section 5 requires the BCA, when it learns that a person who is the subject of a background check has used or is using identifying information other than that listed on the person's criminal history, to add this new identifying information to the person's criminal history if supported by fingerprints.

Section 6 clarifies that the duties of correctional officials to furnish certain information to the BCA includes the duty to furnish fingerprints when the BCA determines it is necessary to maintain and ensure the accuracy of the BCA's criminal history files, to reduce the number of suspense files, or to comply with the statutory mandate to reduce the number of suspense files.

Section 7 amends the current requirement in law that law enforcement agencies submit data and obtain data from the distinctive physical mark identification system. Replaces the reference to law enforcement agencies with criminal justice agencies.

Section 8 amends the provision of the private detective and protective agent services law prohibiting license holders/employees of license holders from displaying or advertising terms indicative that the person is a law enforcement officer or the name of a governmental entity. Adds to this prohibition references to the State Patrol.

Section 9 amends the criminal code's gambling law provision on aggregation of charges to substitute "involved" for "obtained" to make the provision consistent with other gambling provisions.

Section 10 amends the definition of victim in the crime victims chapter of law to include the family members and guardian/custodian of a minor/incompetent/incapacitated/deceased person. Requires prosecutors to establish reasonable procedures to give effect to certain provisions of the law where the number of family members make it practicable to afford all family members the rights specified. Clarifies that "victim" does not include persons charged with or alleged to have committed the crime.

Article 2 Fire Marshal Provisions

Sections 1 and 2 replace references to Minnesota Statutes, section 299F.10, with language describing what that section provides.

Section 3 strikes language related to specified Minnesota Rules. Makes technical changes.

Sections 4, 7, 10, 11, and 12 replace references to the Uniform Fire Code with the State Fire Code. Make technical changes.

Section 5 requires the State Fire Marshal to inform the law enforcement authority having jurisdiction when a potential arson has occurred rather than the superintendent of the BCA.

Section 6 strikes language requiring reimbursement to political subdivisions of peace officer and firefighter salaries for time spent attending fire investigation training courses.

Section 7 amends the law authorizing the State Fire Marshal to summon and compel the attendance of witnesses to testify and/or require the production of materials. Strikes language allowing the State Fire Marshal to designate certain officials from local fire departments to have this authority. Makes technical changes.

Section 8 strikes language relating to rules regarding flammable liquids and flammable gases.

Section 9 defines “explosive” and divides explosives into four specified categories (i.e., high explosives, low explosives, mass-detonating explosives and United Nations/United States Department of Transportation Class 1 explosives).

Section 13 provides an instruction to the Revisor regarding references to the State Fire Code.

Section 14 repeals certain sections of law relating to the Fire Marshal.

KPB:ph

Senator Skoglund introduced--**S.F. No. 1663: Referred to the Committee on Crime Prevention and Public Safety.**

1 A bill for an act

2 relating to public safety; requiring courts to
3 determine if a person has a criminal history when the
4 person applies for a name change; amending Minnesota
5 Statutes 2004, section 259.11.

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

7 Section 1. Minnesota Statutes 2004, section 259.11, is
8 amended to read:

9 259.11 [ORDER; FILING COPIES.]

10 (a) Upon meeting the requirements of section 259.10, the
11 court shall grant the application unless: (1) it finds that
12 there is an intent to defraud or mislead; (2) section 259.13
13 prohibits granting the name change; or (3) in the case of the
14 change of a minor child's name, the court finds that such name
15 change is not in the best interests of the child. The court
16 shall set forth in the order the name and age of the applicant's
17 spouse and each child of the applicant, if any, and shall state
18 a description of the lands, if any, in which the applicant and
19 the spouse and children, if any, claim to have an interest. The
20 court administrator shall file such order, and record the same
21 in the judgment book. If lands be described therein, a
22 certified copy of the order shall be filed for record, by the
23 applicant, with the county recorder of each county wherein any
24 of the same are situated. Before doing so the court
25 administrator shall present the same to the county auditor who

1 shall enter the change of name in the auditor's official records
2 and note upon the instrument, over an official signature, the
3 words "change of name recorded." Any such order shall not be
4 filed, nor any certified copy thereof be issued, until the
5 applicant shall have paid to the county recorder and court
6 administrator the fee required by law. No application shall be
7 denied on the basis of the marital status of the applicant.

8 (b) When a person applies for a name change, the court
9 shall determine whether the person has ~~been-convicted-of-a~~
10 ~~felony~~ a criminal history in this or any other state. If so,
11 the court shall, within ten days after the name change
12 application is granted, report the name change to the Bureau of
13 Criminal Apprehension. The person whose name is changed shall
14 also report the change to the Bureau of Criminal Apprehension
15 within ten days. The court granting the name change application
16 must explain this reporting duty in its order. Any person
17 required to report the person's name change to the Bureau of
18 Criminal Apprehension who fails to report the name change as
19 required under this paragraph is guilty of a gross misdemeanor.

1 Senator moves to amend S.F. No. 1663 as follows:

2 Delete everything after the enacting clause and insert:

3 "ARTICLE 1

4 GENERAL PROVISIONS

5 Section 1. Minnesota Statutes 2004, section 259.11, is
6 amended to read:

7 259.11 [ORDER; FILING COPIES.]

8 (a) Upon meeting the requirements of section 259.10, the
9 court shall grant the application unless: (1) it finds that
10 there is an intent to defraud or mislead; (2) section 259.13
11 prohibits granting the name change; or (3) in the case of the
12 change of a minor child's name, the court finds that such name
13 change is not in the best interests of the child. The court
14 shall set forth in the order the name and age of the applicant's
15 spouse and each child of the applicant, if any, and shall state
16 a description of the lands, if any, in which the applicant and
17 the spouse and children, if any, claim to have an interest. The
18 court administrator shall file such order, and record the same
19 in the judgment book. If lands be described therein, a
20 certified copy of the order shall be filed for record, by the
21 applicant, with the county recorder of each county wherein any
22 of the same are situated. Before doing so the court
23 administrator shall present the same to the county auditor who
24 shall enter the change of name in the auditor's official records
25 and note upon the instrument, over an official signature, the
26 words "change of name recorded." Any such order shall not be
27 filed, nor any certified copy thereof be issued, until the
28 applicant shall have paid to the county recorder and court
29 administrator the fee required by law. No application shall be
30 denied on the basis of the marital status of the applicant.

31 (b) When a person applies for a name change, the court
32 shall determine whether the person has ~~been-convicted-of-a~~
33 felony a criminal history in this or any other state. The court
34 may conduct a search of national records through the FBI by
35 submitting a set of fingerprints and the appropriate fee to the
36 Bureau of Criminal Apprehension. If ~~so~~ it is determined that

1 the person has a criminal history in this or any other state,
2 the court shall, within ten days after the name change
3 application is granted, report the name change to the Bureau of
4 Criminal Apprehension. The person whose name is changed shall
5 also report the change to the Bureau of Criminal Apprehension
6 within ten days. The court granting the name change application
7 must explain this reporting duty in its order. Any person
8 required to report the person's name change to the Bureau of
9 Criminal Apprehension who fails to report the name change as
10 required under this paragraph is guilty of a gross misdemeanor.

11 Sec. 2. Minnesota Statutes 2004, section 299C.095,
12 subdivision 1, is amended to read:

13 Subdivision 1. [ACCESS TO DATA ON JUVENILES.] (a) The
14 bureau shall administer and maintain the computerized juvenile
15 history record system based on sections 260B.171 and 260C.171
16 and other statutes requiring the reporting of data on
17 juveniles. The data in the system are private data as defined
18 in section 13.02, subdivision 12, but are accessible to criminal
19 justice agencies as defined in section 13.02, subdivision 3a, to
20 all trial courts and appellate courts, to a person who has
21 access to the juvenile court records as provided in sections
22 260B.171 and 260C.171 or under court rule, to public defenders
23 as provided in section 611.272, and to criminal justice agencies
24 in other states in the conduct of their official duties.

25 (b) Except for access authorized under paragraph (a), the
26 bureau shall only disseminate a juvenile adjudication history
27 record in connection with a background check required by statute
28 or rule and performed on a licensee, license applicant, or
29 employment applicant or performed under section 299C.62 or
30 624.713. If the background check is performed under section
31 299C.62, juvenile adjudication history disseminated under this
32 paragraph is limited to offenses that would constitute a
33 background check crime as defined in section 299C.61,
34 subdivision 2. A consent for release of information from an
35 individual who is the subject of a juvenile adjudication history
36 is not effective and the bureau shall not release a juvenile

1 adjudication history record and shall not release information in
2 a manner that reveals the existence of the record. Data
3 maintained under section 243.166, released in conjunction with a
4 background check, regardless of the age of the offender at the
5 time of the offense, does not constitute releasing information
6 in a manner that reveals the existence of a juvenile
7 adjudication history.

8 Sec. 3. Minnesota Statutes 2004, section 299C.10,
9 subdivision 1, is amended to read:

10 Subdivision 1. [REQUIRED FINGERPRINTING.] (a) Sheriffs,
11 peace officers, and community corrections agencies operating
12 secure juvenile detention facilities shall take or cause to be
13 taken immediately finger and thumb prints, photographs,
14 distinctive physical mark identification data, information on
15 any known aliases or street names, and other identification data
16 requested or required by the superintendent of the bureau, of
17 the following:

18 (1) persons arrested for, appearing in court on a charge
19 of, or convicted of a felony, gross misdemeanor, or targeted
20 misdemeanor;

21 (2) juveniles arrested for, appearing in court on a charge
22 of, adjudicated delinquent for, or alleged to have committed
23 felonies or gross misdemeanors as distinguished from those
24 committed by adult offenders;

25 (3) persons reasonably believed by the arresting officer to
26 be fugitives from justice;

27 (4) persons in whose possession, when arrested, are found
28 concealed firearms or other dangerous weapons, burglar tools or
29 outfits, high-power explosives, or articles, machines, or
30 appliances usable for an unlawful purpose and reasonably
31 believed by the arresting officer to be intended for such
32 purposes; and

33 (5) juveniles referred by a law enforcement agency to a
34 diversion program for a felony or gross misdemeanor offense; and

35 (6) persons currently involved in the criminal justice
36 process, on probation, on parole, or in custody for the offenses

1 in suspense whom the superintendent of the bureau identifies as
2 being the subject of a court disposition record which cannot be
3 linked to an arrest record, and whose fingerprints are necessary
4 in order to maintain and ensure the accuracy of the bureau's
5 criminal history files, to reduce the number of suspense files,
6 or to comply with the mandates of section 299C.111, relating to
7 the reduction of the number of suspense files. This duty to
8 obtain fingerprints for the offenses in suspense at the request
9 of the bureau shall include the requirement that fingerprints be
10 taken in post-arrest interviews; while making court appearances;
11 while in custody; or while on any form of probation, diversion,
12 or supervised release.

13 (b) Unless the superintendent of the bureau requires a
14 shorter period, within 24 hours the fingerprint records and
15 other identification data specified under paragraph (a) must be
16 forwarded to the bureau on such forms and in such manner as may
17 be prescribed by the superintendent.

18 (c) Prosecutors, courts, and probation officers and their
19 agents, employees, and subordinates, shall attempt to ensure
20 that the required identification data is taken on a person
21 described in paragraph (a). Law enforcement may take
22 fingerprints of an individual who is presently on probation.

23 (d) For purposes of this section, a targeted misdemeanor is
24 a misdemeanor violation of section 169A.20 (driving while
25 impaired), 518B.01 (order for protection violation), 609.224
26 (fifth degree assault), 609.2242 (domestic assault), 609.746
27 (interference with privacy), 609.748 (harassment or restraining
28 order violation), or 617.23 (indecent exposure).

29 Sec. 4. Minnesota Statutes 2004, section 299C.10, is
30 amended by adding a subdivision to read:

31 Subd. 1a. [COURT DISPOSITION RECORD IN SUSPENSE;
32 FINGERPRINTING.] The superintendent of the bureau shall inform a
33 prosecuting authority that a person prosecuted by that authority
34 is the subject of a court disposition record in suspense which
35 requires fingerprinting under this section. Upon being notified
36 by the superintendent or otherwise learning of the suspense

1 status of a court disposition record, any prosecuting authority
2 may bring a motion in district court to compel the taking of the
3 person's fingerprints upon a showing to the court that the
4 person is the subject of the court disposition record in
5 suspense.

6 Sec. 5. Minnesota Statutes 2004, section 299C.11, is
7 amended to read:

8 299C.11 [IDENTIFICATION DATA FURNISHED TO BUREAU.]

9 (a) Each sheriff and chief of police shall furnish the
10 bureau, upon such form as the superintendent shall prescribe,
11 with such finger and thumb prints, photographs, distinctive
12 physical mark identification data, information on known aliases
13 and street names, and other identification data as may be
14 requested or required by the superintendent of the bureau, which
15 must be taken under the provisions of section 299C.10. In
16 addition, sheriffs and chiefs of police shall furnish this
17 identification data to the bureau for individuals found to have
18 been convicted of a felony, gross misdemeanor, or targeted
19 misdemeanor, within the ten years immediately preceding their
20 arrest. When the bureau learns that an individual who is the
21 subject of a background check has used, or is using, identifying
22 information, including, but not limited to, name and date of
23 birth, other than those listed on the criminal history, the
24 bureau may add the new identifying information to the criminal
25 history when supported by fingerprints.

26 (b) No petition under chapter 609A is required if the
27 person has not been convicted of any felony or gross
28 misdemeanor, either within or without the state, within the
29 period of ten years immediately preceding the determination of
30 all pending criminal actions or proceedings in favor of the
31 arrested person, and either of the following occurred:

32 (1) all charges were dismissed prior to a determination of
33 probable cause; or

34 (2) the prosecuting authority declined to file any charges
35 and a grand jury did not return an indictment.

36 Where these conditions are met, the bureau or agency shall, upon

1 demand, return to the arrested person finger and thumb prints,
2 photographs, distinctive physical mark identification data,
3 information on known aliases and street names, and other
4 identification data, and all copies and duplicates of them.

5 (c) Except as otherwise provided in paragraph (b), upon the
6 determination of all pending criminal actions or proceedings in
7 favor of the arrested person, and the granting of the petition
8 of the arrested person under chapter 609A, the bureau shall seal
9 finger and thumb prints, photographs, distinctive physical mark
10 identification data, information on known aliases and street
11 names, and other identification data, and all copies and
12 duplicates of them if the arrested person has not been convicted
13 of any felony or gross misdemeanor, either within or without the
14 state, within the period of ten years immediately preceding such
15 determination.

16 (d) DNA samples and DNA records of the arrested person
17 shall not be returned, sealed, or destroyed as to a charge
18 supported by probable cause.

19 (e) For purposes of this section:

20 (1) "determination of all pending criminal actions or
21 proceedings in favor of the arrested person" does not include:

22 (i) the sealing of a criminal record pursuant to section
23 152.18, subdivision 1, 242.31, or chapter 609A;

24 (ii) the arrested person's successful completion of a
25 diversion program;

26 (iii) an order of discharge under section 609.165; or

27 (iv) a pardon granted under section 638.02; and

28 (2) "targeted misdemeanor" has the meaning given in section
29 299C.10, subdivision 1.

30 Sec. 6. Minnesota Statutes 2004, section 299C.14, is
31 amended to read:

32 299C.14 [INFORMATION ON RELEASED PRISONER.]

33 It shall be the duty of the officials having charge of the
34 penal institutions of the state or the release of prisoners
35 therefrom to furnish to the bureau, as the superintendent may
36 require, finger and thumb prints, photographs, distinctive

1 physical mark identification data, other identification data,
2 modus operandi reports, and criminal records of prisoners
3 heretofore, now, or hereafter confined in such penal
4 institutions, together with the period of their service and the
5 time, terms, and conditions of their discharge. This duty to
6 furnish information includes, but is not limited to, requests
7 for fingerprints as the superintendent of the bureau deems
8 necessary to maintain and ensure the accuracy of the bureau's
9 criminal history files, to reduce the number of suspense files,
10 or to comply with the mandates of section 299C.111 relating to
11 the reduction of the number of suspense files where a
12 disposition record is received that cannot be linked to an
13 arrest record.

14 Sec. 7. Minnesota Statutes 2004, section 299C.145,
15 subdivision 3, is amended to read:

16 Subd. 3. [AUTHORITY TO ENTER OR RETRIEVE DATA.] Only ~~law~~
17 ~~enforcement~~ criminal justice agencies, as defined in section
18 299C.46, subdivision 2, may submit data to and obtain data from
19 the distinctive physical mark identification system.

20 Sec. 8. Minnesota Statutes 2004, section 326.3384,
21 subdivision 1, is amended to read:

22 Subdivision 1. [PROHIBITION.] No license holder or
23 employee of a license holder shall, in a manner that implies
24 that the person is an employee or agent of a governmental
25 agency, display on a badge, identification card, emblem,
26 vehicle, uniform, stationery, or in advertising for private
27 detective or protective agent services:

28 (1) the words "police," "constable," "highway patrol,"
29 "state patrol," "sheriff," "trooper," or "law enforcement"; or

30 (2) the name of a municipality, county, state, or of the
31 United States, or any governmental subdivision thereof.

32 [EFFECTIVE DATE.] This section is effective the day
33 following final enactment.

34 Sec. 9. Minnesota Statutes 2004, section 609.763,
35 subdivision 3, is amended to read:

36 Subd. 3. [AGGREGATION; JURISDICTION.] In a prosecution

1 under this section, the dollar amounts ~~obtained~~ involved in
2 violation of subdivision 1 within any 12-month period may be
3 aggregated and the defendant charged accordingly. When two or
4 more offenses are committed by the same person in two or more
5 counties, the defendant may be prosecuted in any county in which
6 one of the offenses was committed for all of the offenses
7 aggregated under this subdivision.

8 Sec. 10. Minnesota Statutes 2004, section 611A.01, is
9 amended to read:

10 611A.01 [DEFINITIONS.]

11 For the purposes of sections 611A.01 to 611A.06:

12 (a) "crime" means conduct that is prohibited by local
13 ordinance and results in bodily harm to an individual; or
14 conduct that is included within the definition of "crime" in
15 section 609.02, subdivision 1, or would be included within that
16 definition but for the fact that (i) the person engaging in the
17 conduct lacked capacity to commit the crime under the laws of
18 this state, or (ii) the act was alleged or found to have been
19 committed by a juvenile;

20 (b) "victim" means a natural person who incurs loss or harm
21 as a result of a crime, including a good faith effort to prevent
22 a crime, and for purposes of sections 611A.04 and 611A.045, also
23 includes (i) a corporation that incurs loss or harm as a result
24 of a crime, (ii) a government entity that incurs loss or harm as
25 a result of a crime, and (iii) any other entity authorized to
26 receive restitution under section 609.10 or 609.125. ~~If the~~
27 ~~victim-is-a-natural-person-and-is-deceased,--"victim"--means-the~~
28 ~~deceased's-surviving-spouse-or-next-of-kin~~ The term "victim"
29 includes the family members, guardian or custodian of a minor,
30 incompetent, incapacitated, or deceased person. In a case where
31 the prosecutor finds that the number of family members makes it
32 impracticable to accord all of the family members the rights
33 described in sections 611A.02 to 611A.0395, the prosecutor shall
34 establish a reasonable procedure to give effect to those
35 rights. The procedure may not limit the number of victim impact
36 statements submitted to the court under section 611A.038. The

1 term "victim" does not include the person charged with or
2 alleged to have committed the crime; and

3 (c) "juvenile" has the same meaning as given to the term
4 "child" in section 260B.007, subdivision 3.

5 ARTICLE 2

6 FIRE MARSHAL PROVISIONS

7 Section 1. Minnesota Statutes 2004, section 84.362, is
8 amended to read:

9 84.362 [REMOVAL OF STRUCTURES.]

10 Until after the sale of any parcel of tax-forfeited land,
11 whether classified as agricultural or nonagricultural hereunder,
12 the county auditor may, with the approval of the commissioner,
13 provide:

14 (1) for the sale or demolition of any structure located
15 ~~thereon, which~~ on the land that has been determined by the
16 county board to be ~~within the purview of section 299F.10,~~
17 especially liable to fire or so situated as to endanger life or
18 limb or other buildings or property in the vicinity because of
19 age, dilapidated condition, defective chimney, defective
20 electric wiring, any gas connection, heating apparatus, or other
21 defect; and

22 (2) for the sale of salvage material, if any, therefrom.

23 Sec. 2. Minnesota Statutes 2004, section 282.04,
24 subdivision 2, is amended to read:

25 Subd. 2. [RIGHTS BEFORE SALE; IMPROVEMENTS, INSURANCE,
26 DEMOLITION.] (a) Before the sale of a parcel of forfeited land
27 the county auditor may, with the approval of the county board of
28 commissioners, provide for the repair and improvement of any
29 building or structure located upon the parcel, and may provide
30 for maintenance of tax-forfeited lands, if it is determined by
31 the county board that such repairs, improvements, or maintenance
32 are necessary for the operation, use, preservation, and safety
33 of the building or structure.

34 (b) If so authorized by the county board, the county
35 auditor may insure the building or structure against loss or
36 damage resulting from fire or windstorm, may purchase workers'

1 compensation insurance to insure the county against claims for
2 injury to the persons employed in the building or structure by
3 the county, and may insure the county, its officers and
4 employees against claims for injuries to persons or property
5 because of the management, use, or operation of the building or
6 structure.

7 (c) The county auditor may, with the approval of the county
8 board, provide:

9 (1) for the demolition of the building or structure, which
10 has been determined by the county board to be ~~within the purview~~
11 ~~of section 299F.10~~, especially liable to fire or so situated as
12 to endanger life or limb or other buildings or property in the
13 vicinity because of age, dilapidated condition, defective
14 chimney, defective electric wiring, any gas connection, heating
15 apparatus, or other defect; and

16 (2) for the sale of salvaged materials from the building or
17 structure.

18 (d) The county auditor, with the approval of the county
19 board, may provide for the sale of abandoned personal property.
20 The sale may be made by the sheriff using the procedures for the
21 sale of abandoned property in section 345.15 or by the county
22 auditor using the procedures for the sale of abandoned property
23 in section 504B.271.* The net proceeds from any sale of the
24 personal property, salvaged materials, timber or other products,
25 or leases made under this law must be deposited in the forfeited
26 tax sale fund and must be distributed in the same manner as if
27 the parcel had been sold.

28 (e) The county auditor, with the approval of the county
29 board, may provide for the demolition of any structure on
30 tax-forfeited lands, if in the opinion of the county board, the
31 county auditor, and the land commissioner, if there is one, the
32 sale of the land with the structure on it, or the continued
33 existence of the structure by reason of age, dilapidated
34 condition or excessive size as compared with nearby structures,
35 will result in a material lessening of net tax capacities of
36 real estate in the vicinity of the tax-forfeited lands, or if

1 the demolition of the structure or structures will aid in
2 disposing of the tax-forfeited property.

3 (f) Before the sale of a parcel of forfeited land located
4 in an urban area, the county auditor may with the approval of
5 the county board provide for the grading of the land by filling
6 or the removal of any surplus material from it. If the physical
7 condition of forfeited lands is such that a reasonable grading
8 of the lands is necessary for the protection and preservation of
9 the property of any adjoining owner, the adjoining property
10 owner or owners may apply to the county board to have the
11 grading done. If, after considering the application, the county
12 board believes that the grading will enhance the value of the
13 forfeited lands commensurate with the cost involved, it may
14 approve it, and the work must be performed under the supervision
15 of the county or city engineer, as the case may be, and the
16 expense paid from the forfeited tax sale fund.

17 Sec. 3. Minnesota Statutes 2004, section 299F.011,
18 subdivision 7, is amended to read:

19 Subd. 7. [FEES.] ~~A-fee-of-\$100-shall-be-charged-by~~ The
20 state fire marshal shall charge a fee of \$100 for each plan
21 review involving:

22 (1) flammable liquids ~~under-Minnesota-Rules,-part~~
23 ~~7510-3650;~~

24 (2) motor vehicle fuel-dispensing stations ~~under-Minnesota~~
25 ~~Rules,-part-7510-3610;~~ or

26 (3) liquefied petroleum gases ~~under-Minnesota-Rules,-part~~
27 ~~7510-3670.~~

28 Sec. 4. Minnesota Statutes 2004, section 299F.014, is
29 amended to read:

30 299F.014 [RULES FOR CERTAIN PETROLEUM STORAGE TANKS; TANK
31 VEHICLE PARKING.]

32 (a) Any rule of the commissioner of public safety that
33 adopts provisions of the Uniform State Fire Code relating to
34 aboveground tanks for petroleum storage that are not used for
35 dispensing to the public is superseded by Minnesota Rules,
36 chapter 7151, in regard to: secondary containment, substance

1 transfer areas, tank and piping standards, overfill protection,
2 corrosion protection, leak detection, labeling, monitoring,
3 maintenance, record keeping, and decommissioning. If Minnesota
4 Rules, chapter 7151, does not address an issue relating to
5 aboveground tanks for petroleum storage that are not used for
6 dispensing to the public, any applicable provision of the
7 Uniform State Fire Code, 1997 Edition, shall apply applies.

8 (b) A motorized tank vehicle used to transport petroleum
9 products may be parked within 500 feet of a residence if the
10 vehicle is parked at an aboveground tank facility used for
11 dispensing petroleum into cargo tanks for sale at another
12 location.

13 Sec. 5. Minnesota Statutes 2004, section 299F.05, is
14 amended to read:

15 299F.05 [LAW ENFORCEMENT POWERS; INFORMATION SYSTEM.]

16 Subdivision 1. [INVESTIGATION, ARREST, AND PROSECUTION.]

17 ~~The state fire marshal~~, On determining that reasonable grounds
18 exist to believe that a violation of sections 609.561 to 609.576
19 has occurred, or ~~reasonable grounds to believe~~ that some other
20 crime has occurred in connection with a fire investigated
21 pursuant to section 299F.04, the state fire marshal shall so
22 inform the ~~superintendent of the Bureau of Criminal~~
23 ~~Apprehension--The superintendent~~ law enforcement authority
24 having jurisdiction, who shall cooperate with the fire marshal
25 and local fire officials in further investigating the reported
26 incident in a manner ~~which~~ that may include supervising and
27 directing the subsequent criminal investigation, and taking the
28 testimony on oath of all persons supposed to be cognizant of any
29 facts relating to the matter under investigation. ~~If the~~
30 ~~superintendent believes~~ On determining that there is evidence
31 sufficient to charge any person with a violation of sections
32 609.561 to 609.576, or of any other crime in connection with an
33 investigated fire, the ~~superintendent~~ authority having
34 jurisdiction shall ~~arrest or cause~~ have the person ~~to be~~
35 arrested and charged with the offense and furnish to the proper
36 prosecuting attorney all relevant evidence, together with the

1 copy of all names of witnesses and all the information obtained
2 by the ~~superintendent~~ authority or the state fire marshal,
3 including a copy of all pertinent and material testimony taken
4 in the case.

5 Subd. 2. [INFORMATION SYSTEM.] The state fire marshal and
6 ~~the-superintendent-of-the-Bureau-of-Criminal-Apprehension~~ shall
7 maintain a record of arrests, charges filed, and final
8 disposition of all fires reported and investigated under
9 sections 299F.04 and 299F.05. For this purpose, the Department
10 of Public Safety shall implement a single reporting system ~~shall~~
11 ~~be-implemented-by-the-Department-of-Public-Safety~~ utilizing the
12 systems operated by the fire marshal ~~and-the-bureau~~. The system
13 ~~shall~~ must be operated in such a way as to minimize duplication
14 and discrepancies in reported figures.

15 Sec. 6. Minnesota Statutes 2004, section 299F.051,
16 subdivision 4, is amended to read:

17 Subd. 4. [COOPERATIVE INVESTIGATION; ~~REIMBURSEMENT.~~] The
18 state fire marshal and the superintendent of the Bureau of
19 Criminal Apprehension shall encourage the cooperation of local
20 firefighters and peace officers in the investigation of
21 violations of sections 609.561 to 609.576 or other crimes
22 associated with reported fires in all appropriate ways,
23 ~~including-providing-reimbursement-to-political-subdivisions-at-a~~
24 ~~rate-not-to-exceed-50-percent-of-the-salaries-of-peace-officers~~
25 ~~and-firefighters-for-time-spent-in-attending-fire-investigation~~
26 ~~training-courses-offered-by-the-arson-training-unit.--Volunteer~~
27 ~~firefighters-from-a-political-subdivision-shall-be-reimbursed-at~~
28 ~~the-rate-of-\$35-per-day-plus-expenses-incurred-in-attending-fire~~
29 ~~investigation-training-courses-offered-by-the-arson-training~~
30 ~~unit.--Reimbursement-shall-be-made-only-in-the-event-that-both-a~~
31 ~~peace-officer-and-a-firefighter-from-the-same-political~~
32 ~~subdivision-attend-the-same-training-course.--The-reimbursement~~
33 ~~shall-be-subject-to-the-limitation-of-funds-appropriated-and~~
34 ~~available-for-expenditure.--The-state-fire-marshal-and-the~~
35 ~~superintendent-also-shall-encourage-local-firefighters-and-peace~~
36 ~~officers-to-seek-assistance-from-the-arson-strike-force~~

1 ~~established-in-section-299F-058.~~

2 Sec. 7. Minnesota Statutes 2004, section 299F.06,
3 subdivision 1, is amended to read:

4 Subdivision 1. [SUMMON WITNESSES; PRODUCE DOCUMENTARY
5 EVIDENCE.] (a) In order to establish if reasonable grounds exist
6 to believe that a violation of sections 609.561 to 609.576, has
7 occurred, or to determine compliance with the Uniform State Fire
8 Code or corrective orders issued ~~thereunder~~ under that code, the
9 state fire marshal and the staff designated by the state fire
10 marshal ~~shall-have-the-power,~~ in any county of the state ~~to,~~ may
11 summon and compel the attendance of witnesses to testify before
12 the state fire marshal, chief assistant fire marshal, or deputy
13 state fire marshals, and may require the production of any book,
14 paper, or document deemed pertinent. ~~The-state-fire-marshal-may~~
15 ~~also-designate-certain-individuals-from-fire-departments-in~~
16 ~~cities-of-the-first-class-and-cities-of-the-second-class-as~~
17 ~~having-the-powers-set-forth-in-this-paragraph.---These-designated~~
18 ~~individuals-may-only-exercise-their-powers-in-a-manner~~
19 ~~prescribed-by-the-state-fire-marshal.---"Fire-department"-has-the~~
20 ~~meaning-given-in-section-299F-092,-subdivision-6.---"Cities-of~~
21 ~~the-first-class"-and-"cities-of-the-second-class"-have-the~~
22 ~~meanings-given-in-section-410-01-~~

23 (b) A summons issued under this subdivision ~~shall~~ must be
24 served in the same manner and ~~have~~ has the same effect as
25 ~~subpoenas~~ a subpoena issued from a district ~~courts~~ court. All
26 witnesses ~~shall~~ must receive the same compensation as is paid to
27 witnesses in district courts, which ~~shall~~ must be paid out of
28 the fire marshal fund upon ~~vouchers~~ a voucher certificate signed
29 by the state fire marshal, chief assistant fire marshal, or
30 deputy fire marshal before whom any witnesses ~~shall~~ have
31 attended and this officer shall, at the close of the
32 investigation ~~wherein~~ in which the witness was subpoenaed,
33 certify to the attendance and mileage of the witness, ~~which~~.
34 This certificate ~~shall~~ must be filed in the Office of the State
35 Fire Marshal. All investigations held by or under the direction
36 of the state fire marshal, or any subordinate, ~~may,~~ in the state

1 fire marshal's discretion, be private and persons other than
2 those required to be present by the provisions of this chapter
3 may be excluded from the place where the investigation is held,
4 and witnesses may be kept separate and apart from each other and
5 not allowed to communicate with each other until they have been
6 examined.

7 Sec. 8. Minnesota Statutes 2004, section 299F.19,
8 subdivision 1, is amended to read:

9 Subdivision 1. [RULES.] The commissioner of public safety
10 shall adopt rules for the safekeeping, storage, handling, use,
11 or other disposition of ~~flammable-liquids,-flammable-gases,~~
12 ~~blasting agents,~~ and explosives. Loads carried in or on
13 vehicles transporting such these products upon public highways
14 within this state ~~shall-be~~ are governed by the uniform vehicle
15 size and weights provisions in sections 169.80 to 169.88 and the
16 transportation of hazardous materials provisions of section
17 221.033. ~~The-rules-for-flammable-liquids-and-flammable-gases~~
18 ~~shall-be-distinguished-from-each-other-and-from-the-rules~~
19 ~~covering-other-materials-subject-to-regulation-under-this~~
20 ~~subdivision.~~

21 Sec. 9. Minnesota Statutes 2004, section 299F.19,
22 subdivision 2, is amended to read:

23 Subd. 2. [BLASTING AGENT DEFINED; EXPLOSIVES CLASSIFIED.]
24 ~~(a)~~ For the purposes of this section, and the rules adopted
25 pursuant ~~thereto,-the-term~~ to this section:

26 (a) "Blasting agent" means any material or mixture,
27 consisting of a fuel and oxidizer, intended for blasting, not
28 otherwise classified as an explosive and in which none of the
29 ingredients is classified as an explosive, ; providing that, the
30 finished product, as mixed and packaged for use or shipment,
31 cannot be detonated by means of a number 8 test blasting cap
32 when unconfined. ~~The-term~~ "Blasting agent" does not include
33 flammable liquids or flammable gases.

34 ~~(b) For-the-purposes-of-this-section,-and-the-rules-adopted~~
35 ~~pursuant-thereto,~~ "Explosive" means any chemical compound,
36 mixture, or device, the primary or common purpose of which is to

1 function by explosion. The term includes, but is not limited
 2 to, dynamite, black powder, pellet powder, initiating
 3 explosives, detonators, safety fuses, squibs, detonating cord,
 4 igniter cord, igniters, display fireworks, and class 1.3G
 5 fireworks (formerly classified as Class B special fireworks).
 6 "Explosive" includes any material determined to be within the
 7 scope of United States Code, title 18, chapter 40, and also
 8 includes any material classified as an explosive other than
 9 consumer fireworks, 1.4G (Class C, Common), by the hazardous
 10 materials regulations of the United States Department of
 11 Transportation (DOTn) in Code of Federal Regulations, title 49.

12 (c) Explosives are divided into three-classes four
 13 categories and are defined as follows:

14 {1}-class-A-explosives:--possessing-detonating-or-otherwise
 15 maximum-hazard,-such-as-dynamite,-nitroglycerin,-picric-acid,
 16 lead-azide,-fulminate-of-mercury,-blasting-caps,-and-detonating
 17 primers;

18 {2}-class-B-explosives:--possessing-flammable-hazard,-such
 19 as-propellant-explosives-(including-some-smokeless-powders);
 20 black-powder,-photographic-flash-powders,-and-some-special
 21 fireworks;

22 {3}-class-C-explosives:--includes-certain-types-of
 23 manufactured-articles-which-contain-class-A,-or-class-B
 24 explosives,-or-both,-as-components-but-in-restricted-quantities.-
 25 The-term-explosive-or-explosives-means-any-chemical-compound,
 26 mixture-or-device,-the-primary-or-common-purpose-of-which-is-to
 27 function-by-explosion,-that-is,-with-substantially-instantaneous
 28 release-of-gas-and-heat,-unless-such-compound,-mixture,-or
 29 device-is-otherwise-specifically-classified-by-the-United-States
 30 Department-of-Transportation:--The-term-explosives-includes-all
 31 material-which-is-classified-as-class-A,-class-B,-and-class-C
 32 explosives-by-the-United-States-Department-of-Transportation,
 33 and-includes,-but-is-not-limited-to-dynamite,-black-powder,
 34 pellet-powder,-initiating-explosives,-blasting-caps,-electric
 35 blasting-caps,-safety-fuse,-fuse-lighters,-fuse-igniters,
 36 squibs,-cordeau-detonate-fuse,-instantaneous-fuse,-igniter-cord,

1 ~~igniters,--and-some-special-fireworks---Commercial-explosives-are~~
2 ~~these-explosives-which-are-intended-to-be-used-in-commercial-or~~
3 ~~industrial-operation---The-term-explosives-does-not-include~~
4 ~~flammable-liquids-or-flammable-gases-~~

5 (1) High explosive: explosive material, such as dynamite,
6 that can be caused to detonate by means of a number eight test
7 blasting cap when unconfined.

8 (2) Low explosive: explosive material that will burn or
9 deflagrate when ignited, characterized by a rate of reaction
10 that is less than the speed of sound, including, but not limited
11 to, black powder, safety fuse, igniters, igniter cord, fuse
12 lighters, class 1.3G fireworks (formerly classified as Class B
13 special fireworks), and class 1.3C propellants.

14 (3) Mass-detonating explosives: division 1.1, 1.2, and 1.5
15 explosives alone or in combination, or loaded into various types
16 of ammunition or containers, most of which can be expected to
17 explode virtually instantaneously when a small portion is
18 subjected to fire, severe concussion, impact, the impulse of an
19 initiating agent, or the effect of a considerable discharge of
20 energy from without. Materials that react in this manner
21 represent a mass explosion hazard. Such an explosive will
22 normally cause severe structural damage to adjacent objects.
23 Explosive propagation could occur immediately to other items of
24 ammunition and explosives stored sufficiently close to and not
25 adequately protected from the initially exploding pile with a
26 time interval short enough so that two or more quantities must
27 be considered as one for quantity-distance purposes.

28 (4) United Nations/United States Department of
29 Transportation (UN/DOtn) Class 1 explosives: the hazard class
30 of explosives that further defines and categorizes explosives
31 under the current system applied by DOtn for all explosive
32 materials into further divisions as follows, with the letter G
33 identifying the material as a pyrotechnic substance or article
34 containing a pyrotechnic substance and similar materials:

35 (i) Division 1.1 explosives have a mass explosion hazard.
36 A mass explosion is one that affects almost the entire load

1 instantaneously.

2 (ii) Division 1.2 explosives have a projection hazard but
3 not a mass explosion hazard.

4 (iii) Division 1.3 explosives have a fire hazard and either
5 a minor blast hazard or a minor projection hazard or both, but
6 not a mass explosion hazard.

7 (iv) Division 1.4 explosives pose a minor explosion
8 hazard. The explosive effects are largely confined to the
9 package and no projection of fragments of appreciable size or
10 range is to be expected. An external fire must not cause
11 virtually instantaneous explosion of almost the entire contents
12 of the package.

13 (v) Division 1.5 explosives are very insensitive and are
14 comprised of substances that have a mass explosion hazard, but
15 are so insensitive that there is very little probability of
16 initiation or of transition from burning to detonation under
17 normal conditions of transport.

18 (vi) Division 1.6 explosives are extremely insensitive and
19 do not have a mass explosion hazard, comprised of articles that
20 contain only extremely insensitive detonating substances and
21 that demonstrate a negligible probability of accidental
22 initiation or propagation.

23 Sec. 10. Minnesota Statutes 2004, section 299F.362,
24 subdivision 3, is amended to read:

25 Subd. 3. [SMOKE DETECTOR FOR ANY DWELLING.] Every dwelling
26 unit within a dwelling ~~shall~~ must be provided with a smoke
27 detector meeting the requirements of ~~Underwriters-Laboratories,~~
28 ~~Inc., or approved by the International Conference of Building~~
29 ~~Officials~~ the State Fire Code. The detector ~~shall~~ must be
30 mounted in accordance with the rules regarding smoke detector
31 location ~~promulgated~~ adopted under ~~the provisions of~~ subdivision
32 2. When actuated, the detector ~~shall~~ must provide an alarm in
33 the dwelling unit.

34 Sec. 11. Minnesota Statutes 2004, section 299F.362,
35 subdivision 4, is amended to read:

36 Subd. 4. [SMOKE DETECTOR FOR APARTMENT, LODGING HOUSE, OR

1 HOTEL.] Every dwelling unit within an apartment house and every
2 guest room in a lodging house or hotel used for sleeping
3 purposes ~~shall~~ must be provided with a smoke detector conforming
4 to the requirements of ~~Underwriters-Laboratories,-Inc.-,-or~~
5 ~~approved-by-the-International-Conference-of-Building~~
6 ~~Officials~~ the State Fire Code. In dwelling units, detectors
7 ~~shall~~ must be mounted in accordance with the rules regarding
8 smoke detector location ~~promulgated~~ adopted under ~~the-provisions~~
9 of subdivision 2. When actuated, the detector ~~shall~~ must
10 provide an alarm in the dwelling unit or guest room.

11 Sec. 12. Minnesota Statutes 2004, section 624.22,
12 subdivision 1, is amended to read:

13 Subdivision 1. [GENERAL REQUIREMENTS; PERMIT;
14 INVESTIGATION; FEE.] (a) Sections 624.20 to 624.25 do not
15 prohibit the supervised display of fireworks by a statutory or
16 home rule charter city, fair association, amusement park, or
17 other organization, except that:

18 (1) a fireworks display may be conducted only when
19 supervised by an operator certified by the state fire marshal;
20 and

21 (2) a fireworks display must either be given by a
22 municipality or fair association within its own limits, or by
23 any other organization, whether public or private, only after a
24 permit for the display has first been secured.

25 (b) An application for a permit for an outdoor fireworks
26 display must be made in writing to the municipal clerk at least
27 15 days in advance of the date of the display and must list the
28 name of an operator who is certified by the state fire marshal
29 and will supervise the display. The application must be
30 promptly referred to the chief of the fire department, who shall
31 make an investigation to determine whether the operator of the
32 display is competent and is certified by the state fire marshal,
33 and whether the display is of such a character and is to be so
34 located, discharged, or fired that it will not be hazardous to
35 property or endanger any person. The fire chief shall report
36 the results of this investigation to the clerk. If the fire

1 chief reports that the operator is certified, that in the
2 chief's opinion the operator is competent, and that the
3 fireworks display as planned will conform to the safety
4 guidelines of the state fire marshal provided for in paragraph
5 (f), the clerk shall issue a permit for the display when the
6 applicant pays a permit fee.

7 (c) When the supervised outdoor fireworks display for which
8 a permit is sought is to be held outside the limits of an
9 incorporated municipality, the application must be made to the
10 county auditor, and the auditor shall perform duties imposed by
11 sections 624.20 to 624.25 upon the clerk of the municipality.
12 When an application is made to the auditor, the county sheriff
13 shall perform the duties imposed on the fire chief of the
14 municipality by sections 624.20 to 624.25.

15 (d) An application for an indoor fireworks display permit
16 must be made in writing to the state fire marshal by the
17 operator of the facility in which the display is to occur at
18 least 15 days in advance of the date of any performance, show,
19 or event which will include the discharge of fireworks inside a
20 building or structure. The application must list the name of an
21 operator who is certified by the state fire marshal and will
22 supervise the display. The state fire marshal shall make an
23 investigation to determine whether the operator of the display
24 is competent and is properly certified and whether the display
25 is of such a character and is to be so located, discharged, or
26 fired that it will not be hazardous to property or endanger any
27 person. If the state fire marshal determines that the operator
28 is certified and competent, that the indoor fireworks display as
29 planned will conform to the safety guidelines provided for in
30 paragraph (f), and that adequate notice will be given to inform
31 patrons of the indoor fireworks display, the state fire marshal
32 shall issue a permit for the display when the applicant pays an
33 indoor fireworks fee of \$150 and reimburses the fire marshal for
34 costs of inspection. Receipts from the indoor fireworks fee and
35 inspection reimbursements must be deposited in the general fund
36 as a nondedicated receipt. The state fire marshal may issue a

1 single permit for multiple indoor fireworks displays when all of
2 the displays are to take place at the same venue as part of a
3 series of performances by the same performer or group of
4 performers. A copy of the application must be promptly conveyed
5 to the chief of the local fire department, who shall make
6 appropriate preparations to ensure public safety in the vicinity
7 of the display. The operator of a facility where an indoor
8 fireworks display occurs must provide notice in a prominent
9 place as approved by the state fire marshal to inform patrons
10 attending a performance when indoor fireworks will be part of
11 that performance. The state fire marshal may grant a local fire
12 chief the authority to issue permits for indoor fireworks
13 displays. Before issuing a permit, a local fire chief must make
14 the determinations required in this paragraph.

15 (e) After a permit has been granted under either paragraph
16 (b) or (d), sales, possession, use and distribution of fireworks
17 for a display are lawful for that purpose only. A permit is not
18 transferable.

19 (f) The state fire marshal shall adopt and disseminate to
20 political subdivisions rules establishing guidelines on
21 fireworks display safety that are consistent with sections
22 624.20 to 624.25 and the most recent ~~editions~~ edition of the
23 ~~Minnesota-Uniform State Fire Code and the National Fire~~
24 ~~Protection-Association-Standards~~, to insure that fireworks
25 displays are given safely. In the guidelines, the state fire
26 marshal shall allow political subdivisions to exempt the use of
27 relatively safe fireworks for theatrical special effects,
28 ceremonial occasions, and other limited purposes, as determined
29 by the state fire marshal.

30 Sec. 13. [INSTRUCTION TO REVISOR.]

31 The revisor of statutes shall change the terms "Minnesota
32 Uniform Fire Code" and "Uniform Fire Code" to "State Fire Code"
33 where found in Minnesota Statutes, sections 16B.61, subdivision
34 2; 126C.10, subdivision 14; 136F.61; 245A.151; 299F.011,
35 subdivisions 1, 4, 4b, 4c, 5, and 6; 299F.013; 299F.015,
36 subdivision 1; 299F.06, subdivision 1; 299F.092, subdivision 6;

1 299F.093, subdivision 1; 299F.362, subdivision 6; 299F.391,
2 subdivisions 2 and 3; 299M.12; 414.0325, subdivision 5; and
3 462.3585.

4 Sec. 14. [REPEALER.]

5 Minnesota Statutes 2004, sections 69.011, subdivision 5;
6 299F.011, subdivision 4c; 299F.015; 299F.10; 299F.11; 299F.12;
7 299F.13; 299F.14; 299F.15; 299F.16; 299F.17; 299F.361; 299F.451;
8 and 299F.452, are repealed."

9 Delete the title and insert:

10 "A bill for an act relating to public safety; addressing
11 various criminal justice and fire safety initiatives of the
12 Department of Public Safety; amending Minnesota Statutes 2004,
13 sections 84.362; 259.11; 282.04, subdivision 2; 299C.095,
14 subdivision 1; 299C.10, subdivision 1, by adding a subdivision;
15 299C.11; 299C.14; 299C.145, subdivision 3; 299F.011, subdivision
16 7; 299F.014; 299F.05; 299F.051, subdivision 4; 299F.06,
17 subdivision 1; 299F.19, subdivisions 1, 2; 299F.362,
18 subdivisions 3, 4; 326.3384, subdivision 1; 609.763, subdivision
19 3; 611A.01; 624.22, subdivision 1; repealing Minnesota Statutes
20 2004, sections 69.011, subdivision 5; 299F.011, subdivision 4c;
21 299F.015; 299F.10; 299F.11; 299F.12; 299F.13; 299F.14; 299F.15;
22 299F.16; 299F.17; 299F.361; 299F.451; 299F.452."

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State of Minnesota

S.F. No. 1778 - Child Neglect; Unattended Child in a Motor Vehicle

Author: Senator Gen Olson

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

Date: April 12, 2005

Section 1 expands the crime of child neglect or endangerment (Minnesota Statutes, section 609.378) to include leaving a child eight years of age or younger unattended in a motor vehicle if:

- the conditions present a risk to the child's health or safety; or
- the engine of the motor vehicle is running or the keys are anywhere in the vehicle.

A person committing this offense is guilty of child neglect, a misdemeanor.

CT:vs

Senator Olson introduced--

S.F. No. 1778: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act

2 relating to crimes; providing a penalty for leaving a
3 child unattended in a car; amending Minnesota Statutes
4 2004, section 609.378, subdivision 1.

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

6 Section 1. Minnesota Statutes 2004, section 609.378,
7 subdivision 1, is amended to read:

8 Subdivision 1. [PERSONS GUILTY OF NEGLECT OR
9 ENDANGERMENT.] (a) [NEGLECT.] (1) A parent, legal guardian, or
10 caretaker who willfully deprives a child of necessary food,
11 clothing, shelter, health care, or supervision appropriate to
12 the child's age, when the parent, guardian, or caretaker is
13 reasonably able to make the necessary provisions and the
14 deprivation harms or is likely to substantially harm the child's
15 physical, mental, or emotional health is guilty of neglect of a
16 child and may be sentenced to imprisonment for not more than one
17 year or to payment of a fine of not more than \$3,000, or both.
18 If the deprivation results in substantial harm to the child's
19 physical, mental, or emotional health, the person may be
20 sentenced to imprisonment for not more than five years or to
21 payment of a fine of not more than \$10,000, or both. If a
22 parent, guardian, or caretaker responsible for the child's care
23 in good faith selects and depends upon spiritual means or prayer
24 for treatment or care of disease or remedial care of the child,
25 this treatment or care is "health care," for purposes of this

1 clause.

2 (2) A parent, legal guardian, or caretaker who knowingly
3 permits the continuing physical or sexual abuse of a child is
4 guilty of neglect of a child and may be sentenced to
5 imprisonment for not more than one year or to payment of a fine
6 of not more than \$3,000, or both.

7 (3) A parent, legal guardian, or caretaker who is
8 responsible for a child who is eight years of age or younger
9 shall not leave that child in a motor vehicle where the child is
10 not supervised by a person who is at least 14 years of age, if:

11 (i) the conditions present a risk to the child's health or
12 safety; or

13 (ii) the engine of the motor vehicle is running or the keys
14 to the motor vehicle are anywhere in the passenger compartment
15 of the vehicle.

16 A person who violates this paragraph is guilty of neglect of a
17 child and may be sentenced to imprisonment for not more than 90
18 days or to payment of a fine of not more than \$1,000, or both.

19 (b) [ENDANGERMENT.] A parent, legal guardian, or caretaker
20 who endangers the child's person or health by:

21 (1) intentionally or recklessly causing or permitting a
22 child to be placed in a situation likely to substantially harm
23 the child's physical, mental, or emotional health or cause the
24 child's death; or

25 (2) knowingly causing or permitting the child to be present
26 where any person is selling, manufacturing, possessing immediate
27 precursors or chemical substances with intent to manufacture, or
28 possessing a controlled substance, as defined in section 152.01,
29 subdivision 4, in violation of section 152.021, 152.022,
30 152.023, or 152.024; is guilty of child endangerment and may be
31 sentenced to imprisonment for not more than one year or to
32 payment of a fine of not more than \$3,000, or both.

33 If the endangerment results in substantial harm to the
34 child's physical, mental, or emotional health, the person may be
35 sentenced to imprisonment for not more than five years or to
36 payment of a fine of not more than \$10,000, or both.

1 This paragraph does not prevent a parent, legal guardian,
2 or caretaker from causing or permitting a child to engage in
3 activities that are appropriate to the child's age, stage of
4 development, and experience, or from selecting health care as
5 defined in subdivision 1, paragraph (a).

6 (c) [ENDANGERMENT BY FIREARM ACCESS.] A person who
7 intentionally or recklessly causes a child under 14 years of age
8 to be placed in a situation likely to substantially harm the
9 child's physical health or cause the child's death as a result
10 of the child's access to a loaded firearm is guilty of child
11 endangerment and may be sentenced to imprisonment for not more
12 than one year or to payment of a fine of not more than \$3,000,
13 or both.

14 If the endangerment results in substantial harm to the
15 child's physical health, the person may be sentenced to
16 imprisonment for not more than five years or to payment of a
17 fine of not more than \$10,000, or both.

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

1 A bill for an act

2 relating to health; modifying provisions for isolation
3 and quarantine of persons exposed to or infected with
4 a communicable disease; amending Minnesota Statutes
5 2004, sections 144.419, subdivision 1; 144.4195,
6 subdivisions 1, 2, 5; Laws 2002, chapter 402, section
7 21, as amended; proposing coding for new law in
8 Minnesota Statutes, chapter 144.

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

10 Section 1. Minnesota Statutes 2004, section 144.419,
11 subdivision 1, is amended to read:

12 Subdivision 1. [DEFINITIONS.] For purposes of ~~this-section~~
13 ~~and-section-144-4195~~ sections 144.419 to 144.4195, the following
14 definitions apply:

15 (1) "bioterrorism" means the intentional use of any
16 microorganism, virus, infectious substance, or biological
17 product that may be engineered as a result of biotechnology, or
18 any naturally occurring or bioengineered component of any such
19 microorganism, virus, infectious substance, or biological
20 product, to cause death, disease, or other biological
21 malfunction in a human, an animal, a plant, or another living
22 organism in order to influence the conduct of government or to
23 intimidate or coerce a civilian population;

24 (2) "communicable disease" means a disease caused by a
25 living organism or virus and believed to be caused by
26 bioterrorism or a new or novel or previously controlled or
27 eradicated infectious agent or biological toxin that can be

1 transmitted person to person and for which isolation or
2 quarantine is an effective control strategy, excluding a disease
3 that is directly transmitted as defined under section 144.4172,
4 subdivision 5;

5 (3) "isolation" means separation, during the period of
6 communicability, of a person infected with a communicable
7 disease, in a place and under conditions so as to prevent direct
8 or indirect transmission of an infectious agent to others; and

9 (4) "quarantine" means restriction, during a period of
10 communicability, of activities or travel of an otherwise healthy
11 person who likely has been exposed to a communicable disease to
12 prevent disease transmission during the period of
13 communicability in the event the person is infected.

14 Sec. 2. Minnesota Statutes 2004, section 144.4195,
15 subdivision 1, is amended to read:

16 Subdivision 1. [EX PARTE ORDER FOR ISOLATION OR
17 QUARANTINE.] (a) Before isolating or quarantining a person or
18 group of persons, the commissioner of health shall obtain a
19 written, ex parte order authorizing the isolation or quarantine
20 from the District Court of Ramsey County, the county where the
21 person or group of persons is located, or a county adjoining the
22 county where the person or group of persons is located. The
23 evidence or testimony in support of an application may be made
24 or taken by telephone, facsimile transmission, video equipment,
25 or other electronic communication. The court shall grant the
26 order upon a finding that probable cause exists to believe
27 isolation or quarantine is warranted to protect the public
28 health.

29 (b) The order must state the specific facts justifying
30 isolation or quarantine, must state that the person being
31 isolated or quarantined has a right to a court hearing under
32 this section and a right to be represented by counsel during any
33 proceeding under this section, and must be provided immediately
34 to each person isolated or quarantined. The commissioner of
35 health shall provide a copy of the authorizing order to the
36 commissioner of public safety and other peace officers known to

1 the commissioner to have jurisdiction over the site of the
2 isolation or quarantine. If feasible, the commissioner of
3 health shall give each person being isolated or quarantined an
4 estimate of the expected period of the person's isolation or
5 quarantine.

6 (c) If it is impracticable to provide individual orders to
7 a group of persons isolated or quarantined, one order shall
8 suffice to isolate or quarantine a group of persons believed to
9 have been commonly infected with or exposed to a communicable
10 disease. A copy of the order and notice shall be posted in a
11 conspicuous place:

12 (1) in the isolation or quarantine premises, but only if
13 the persons to be isolated or quarantined are already at the
14 isolation or quarantine premises and have adequate access to the
15 order posted there; or

16 (2) in another location where the group of persons to be
17 isolated or quarantined is located, such that the persons have
18 adequate access to the order posted there.

19 If the court determines that posting the order according to
20 clause (1) or (2) is impractical due to the number of persons to
21 be isolated or quarantined or the geographical area affected,
22 the court must use the best means available to ensure that the
23 affected persons are fully informed of the order and notice.

24 (d) Any peace officer, as defined in section 144.4803,
25 subdivision 16, may use all necessary and lawful means to
26 apprehend, hold, transport, quarantine, or isolate a person
27 subject to the order if the person flees or forcibly resists the
28 officer. This subdivision is authority to carry out enforcement
29 duties under this section. The commissioner or an agent of a
30 local board of health authorized under section 145A.04 shall
31 advise the peace officer on request of protective measures
32 recommended to protect the officer from possible transmission of
33 the communicable disease. The peace officer may act upon
34 telephone, facsimile, or other electronic notification of the
35 order from the court, commissioner of health, agent of a local
36 board of health, or commissioner of public safety.

1 (e) No person may be isolated or quarantined pursuant to an
2 order issued under this subdivision for longer than 21 days
3 without a court hearing under subdivision 3 to determine whether
4 isolation or quarantine should continue. A person who is
5 isolated or quarantined may request a court hearing under
6 subdivision 3 at any time before the expiration of the order.

7 Sec. 3. Minnesota Statutes 2004, section 144.4195,
8 subdivision 2, is amended to read:

9 Subd. 2. [TEMPORARY HOLD UPON COMMISSIONER'S DIRECTIVE.]

10 (a) Notwithstanding subdivision 1, the commissioner of health
11 may by directive isolate or quarantine a person or group of
12 persons without first obtaining a written, ex parte order from
13 the court if a delay in isolating or quarantining the person or
14 group of persons would significantly jeopardize the commissioner
15 of health's ability to prevent or limit the transmission of a
16 communicable or potentially communicable life-threatening
17 disease to others. The directive shall specify the known period
18 of incubation or communicability or the estimated period under
19 the commissioner's best medical judgment when the disease is
20 unknown. The directive remains in effect for the period
21 specified unless amended by the commissioner or superseded by a
22 court order. The commissioner must provide the person or group
23 of persons subject to the temporary hold with notice that the
24 person has a right to request a court hearing under this section
25 and a right to be represented by counsel during a proceeding
26 under this section. If it is impracticable to provide
27 individual notice to each person subject to the temporary hold,
28 notice of these rights may be posted in the same manner as the
29 posting of orders under subdivision 1, paragraph (c). ~~Following~~
30 ~~the-imposition-of-isolation-or-quarantine-under-this-subdivision~~
31 Immediately upon executing the directive and initiating notice
32 of the parties subject to it, the commissioner of-health shall
33 within-24-hours initiate the process to apply for a written, ex
34 parte order pursuant to subdivision 1 authorizing the isolation
35 or quarantine. The court must rule within 24 hours of receipt
36 of the application or as soon as practicable thereafter. If the

1 person is under a temporary hold, the person may not be held in
2 isolation or quarantine after the temporary hold expires unless
3 the court issues an ex parte order under subdivision 1. If the
4 court does not rule within 36 hours after the execution of the
5 directive, the directive shall expire.

6 (b) At the same time the commissioner initiates the process
7 to apply for a written, ex parte order under paragraph (a), the
8 commissioner shall notify the governor, the majority and
9 minority leaders of the senate, the speaker and majority and
10 minority leaders of the house, and the chairs and the ranking
11 minority members of the senate and house committees having
12 jurisdiction over health policy that a directive for a temporary
13 hold has been issued under this subdivision. Notice under this
14 paragraph is governed by the data privacy provisions of section
15 144.4195, subdivision 6.

16 (c) Any peace officer, as defined in section 144.4803,
17 subdivision 16, may use all necessary and lawful means to
18 apprehend, hold, transport, quarantine, or isolate a person
19 subject to the commissioner's directive if the person flees or
20 forcibly resists the officer. This subdivision is authority to
21 carry out enforcement duties under this section. The
22 commissioner or an agent of a local board of health authorized
23 under section 145A.04 shall advise the peace officer on request
24 of protective measures recommended to protect the officer from
25 possible transmission of the communicable disease. The peace
26 officer may act upon telephone, facsimile, or other electronic
27 notification of the order from the court, commissioner of
28 health, agent of a local board of health, or commissioner of
29 public safety.

30 (d) If a person subject to a commissioner's directive under
31 paragraph (a) is already institutionalized in an appropriate
32 health care facility, the commissioner of health may direct the
33 facility to continue to hold the person. The facility shall
34 take all reasonable measures to prevent the person from exposing
35 others to the communicable disease.

36 Sec. 4. Minnesota Statutes 2004, section 144.4195,

1 subdivision 5, is amended to read:

2 Subd. 5. [JUDICIAL PROCEDURES AND DECISIONS.] (a) Court
3 orders issued pursuant to subdivision 3 or 4 shall be based upon
4 clear and convincing evidence and a written record of the
5 disposition of the case shall be made and retained.

6 (b) Any person subject to isolation or quarantine has the
7 right to be represented by counsel ~~or other lawful~~
8 representative. Persons not otherwise represented may request
9 the court to appoint counsel at the expense of the Department of
10 Health or of a local public health board that has entered into a
11 written delegation agreement with the commissioner under
12 subdivision 7. The court shall appoint counsel when so
13 requested and may have one counsel represent a group of persons
14 similarly situated. The appointments shall be only for
15 representation under subdivisions 3 and 4 and for appeals of
16 orders under subdivisions 3 and 4. On counsel's request, the
17 commissioner or an agent of a local board of health authorized
18 under section 145A.04 shall advise counsel of protective
19 measures recommended to protect counsel from possible
20 transmission of the communicable disease. Appointments shall be
21 made and counsel compensated according to procedures developed
22 by the Supreme Court. The procedures shall provide standards
23 for determining indigency for purposes of appeal. A person
24 seeking an appeal who does not meet the indigency standard must
25 reimburse the Department of Health or local public health board
26 for the attorney fees and costs incurred in the person's appeal.
27 Counsel appointed for a respondent is not required to pursue an
28 appeal if, in the opinion of counsel, there is insufficient
29 basis for proceeding.

30 (c) The court may choose to conduct a hearing under
31 subdivision 3 or 4 by telephonic, interactive video, or other
32 electronic means to maintain isolation or quarantine precautions
33 and reduce the risk of spread of a communicable disease.
34 Otherwise, the manner in which the request for a hearing is
35 filed and acted upon shall be in accordance with the existing
36 laws and rules of the courts of this state or, if the isolation

1 or quarantine occurs during a national security or peacetime
2 emergency, any rules that are developed by the courts for use
3 during a national security or peacetime emergency.

4 Sec. 5. [144.4197] [EMERGENCY VACCINE ADMINISTRATION AND
5 LEGEND DRUG DISPENSING.]

6 When a mayor, county board chair, or legal successor to
7 such official has declared a local emergency under section 12.29
8 or the governor has declared an emergency under section 12.31,
9 subdivision 1 or 2, the commissioner of health may authorize any
10 person, including, but not limited to, any person licensed or
11 otherwise credentialed under chapters 144E, 147 to 148, 150A,
12 151, 153, or 156, to administer vaccinations or dispense legend
13 drugs if the commissioner determines that such action is
14 necessary to protect the health and safety of the public. The
15 authorization shall be in writing and shall contain the
16 categories of persons included in the authorization, any
17 additional training required before performance of the
18 vaccination or drug dispensing by such persons, any supervision
19 required for performance of the vaccination or drug dispensing,
20 and the duration of the authorization. The commissioner may, in
21 writing, extend the scope and duration of the authorization as
22 the emergency warrants. Any person authorized by the
23 commissioner under this section shall not be subject to criminal
24 liability, administrative penalty, professional discipline, or
25 other administrative sanction for good faith performance of the
26 vaccination or drug dispensing duties assigned according to this
27 section.

28 Sec. 6. Laws 2002, chapter 402, section 21, as amended by
29 Laws 2004, chapter 279, article 11, section 7, is amended to
30 read:

31 Sec. 21. [SUNSET.]

32 Sections 1 to 19 expire August 1, 2005 2009.

33 Sec. 7. [SUNSET.]

34 (a) The amendments to Minnesota Statutes, chapter 144, made
35 by sections 1 to 4, expire August 1, 2009.

36 (b) Section 5 is repealed August 1, 2009.

1 Sec. 8. [EFFECTIVE DATE.]

2 Section 6 is effective the day following final enactment.

1 Senator moves to amend the committee engrossment
2 (SCS1482CE1) of S.F. No. 1482 as follows:

3 Page 7, delete line 32 and insert:

4 "Sections 1 ~~to 19~~, 2, 5, 10, and 11 expire August 1, 2005.

5 The other sections expire August 1, 2009."

6 Page 7, delete lines 34 to 36 and insert:

7 "Sections 1 to 5 expire August 1, 2009."

1 A bill for an act

2 relating to health; modifying the Minnesota Emergency
3 Health Powers Act; modifying authority of out-of-state
4 license holders; providing legislative emergency
5 authority; amending Minnesota Statutes 2004, sections
6 12.03, subdivision 4d, by adding a subdivision; 12.22,
7 subdivision 2a, by adding a subdivision; 12.31,
8 subdivisions 1, 2; 12.32; 12.34, subdivision 1;
9 12.381; 12.39; 12.42; 13.3806, subdivision 1a; Laws
10 2002, chapter 402, section 21, as amended; proposing
11 coding for new law in Minnesota Statutes, chapter 12.

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

13 Section 1. Minnesota Statutes 2004, section 12.03, is
14 amended by adding a subdivision to read:

15 Subd. 1e. [DECLARED EMERGENCY.] "Declared emergency" means
16 a national security or peacetime emergency declared by the
17 governor under section 12.31.

18 Sec. 2. Minnesota Statutes 2004, section 12.03,
19 subdivision 4d, is amended to read:

20 Subd. 4d. [FACILITY.] "Facility" means any real property,
21 building, structure, or other improvement to real property or
22 any motor vehicle, rolling stock, aircraft, watercraft, or other
23 means of transportation. Facility does not include a private
24 residence but may include a licensed health care facility only
25 when other alternatives are not feasible.

26 Sec. 3. Minnesota Statutes 2004, section 12.22,
27 subdivision 2a, is amended to read:

28 Subd. 2a. [VOLUNTEER ASSISTANCE PROTECTIONS.] (a)

1 Individuals who volunteer to assist a local political
2 subdivision during an emergency or disaster, who register with
3 that subdivision, and who are under the direction and control of
4 that subdivision, are considered an employee of that subdivision.

5 (b) Individuals who volunteer to assist the state during an
6 emergency or disaster, who register with a state agency, and who
7 are under the direction and control of the state agency are
8 considered an employee of the state.

9 Sec. 4. Minnesota Statutes 2004, section 12.22, is amended
10 by adding a subdivision to read:

11 Subd. 4. [OTHER LAW PRESERVED.] Nothing in this chapter
12 shall be construed to remove any immunity from, defense to, or
13 limitation on liability provided by the Minnesota Tort Claims
14 Act, the Municipal Tort Claims Act, or other law.

15 Sec. 5. Minnesota Statutes 2004, section 12.31,
16 subdivision 1, is amended to read:

17 Subdivision 1. [DECLARATION OF NATIONAL SECURITY
18 EMERGENCY.] When information from the President of the United
19 States, the Federal Emergency Management Agency, the Department
20 of Defense, or the National Warning System indicates the
21 imminence of a national security emergency within the United
22 States, which means the several states, the District of
23 Columbia, and the Commonwealth of Puerto Rico, or the occurrence
24 within the state of Minnesota of a major disaster ~~or public~~
25 ~~health-emergency~~ from enemy sabotage or other hostile action,
26 the governor may, by proclamation, declare that a national
27 security emergency exists in all or any part of the state. If
28 the legislature is then in regular session or, if it is not, if
29 the governor concurrently with the proclamation declaring the
30 emergency issues a call convening immediately both houses of the
31 legislature, the governor may exercise for a period not to
32 exceed 30 days the powers and duties conferred and imposed by
33 sections 12.31 to 12.37 and 12.381. The lapse of these
34 emergency powers does not, as regards any act occurring or
35 committed within the 30-day period, deprive any person,
36 political subdivision, municipal corporation, or body politic of

1 any right to compensation or reimbursement that it may have
2 under this chapter.

3 Sec. 6. Minnesota Statutes 2004, section 12.31,
4 subdivision 2, is amended to read:

5 Subd. 2. [DECLARATION OF PEACETIME EMERGENCY.] (a) The
6 governor may declare a peacetime emergency. A peacetime
7 declaration of emergency may be declared only when an act of
8 nature, a technological failure or malfunction, a terrorist
9 incident, ~~a public health emergency~~, an industrial accident, a
10 hazardous materials accident, or a civil disturbance endangers
11 life and property and local government resources are inadequate
12 to handle the situation. If the peacetime emergency occurs on
13 Indian lands, the governor or state director of emergency
14 management shall consult with tribal authorities before the
15 governor makes such a declaration. Nothing in this section
16 shall be construed to limit the governor's authority to act
17 without such consultation when the situation calls for prompt
18 and timely action. When the governor declares a peacetime
19 emergency, the governor must immediately notify the majority and
20 minority leaders of the senate and the speaker and majority and
21 minority leaders of the house of representatives. A peacetime
22 emergency must not be continued for more than five days unless
23 extended by resolution of the Executive Council up to 30 days.
24 An order, or proclamation declaring, continuing, or terminating
25 an emergency must be given prompt and general publicity and
26 filed with the secretary of state.

27 (b) ~~This paragraph applies to a peacetime emergency~~
28 ~~declared as a result of a public health emergency. If the~~
29 ~~legislature is sitting in session at the time of the emergency~~
30 ~~declaration, the governor may exercise the powers and duties~~
31 ~~conferred by this chapter for the period allowed under paragraph~~
32 ~~(a). If the legislature is not sitting in session when a~~
33 ~~peacetime emergency is declared or renewed, the governor may~~
34 ~~exercise the powers and duties conferred by this chapter for the~~
35 ~~period allowed under paragraph (a) only if the governor issues a~~
36 ~~call convening both houses of the legislature at the same time~~

1 ~~the-governor-declares-or-renews-the-peacetime-emergency.~~ By
2 majority vote of each house of the legislature, the legislature
3 may terminate a peacetime emergency extending beyond 30 days.
4 If the governor determines a need to extend the peacetime
5 emergency declaration beyond 30 days and the legislature is not
6 sitting in session, the governor must issue a call immediately
7 convening both houses of the legislature.

8 Sec. 7. Minnesota Statutes 2004, section 12.32, is amended
9 to read:

10 12.32 [GOVERNOR'S ORDERS AND RULES, EFFECT.]

11 Orders and rules promulgated by the governor under
12 authority of section 12.21, subdivision 3, clause (1), when
13 approved by the Executive Council and filed in the Office of the
14 Secretary of State, have, during a national security emergency,
15 peacetime emergency ~~declared-due-to-a-public-health-emergency,~~
16 or energy supply emergency, the full force and effect of law.
17 Rules and ordinances of any agency or political subdivision of
18 the state inconsistent with the provisions of this chapter or
19 with any order or rule having the force and effect of law issued
20 under the authority of this chapter, is suspended during the
21 period of time and to the extent that the emergency exists.

22 Sec. 8. Minnesota Statutes 2004, section 12.34,
23 subdivision 1, is amended to read:

24 Subdivision 1. [EMERGENCY POWERS.] When necessary to save
25 life, property, or the environment during a national security
26 emergency or during a peacetime emergency ~~declared-due-to-a~~
27 ~~public-health-emergency,~~ the governor, the state director, or a
28 member of a class of members of a state or local emergency
29 management organization designated by the governor, may:

30 (1) require any person, except members of the federal or
31 state military forces and officers of the state or a political
32 subdivision, to perform services for emergency management
33 purposes as directed by any of the persons described above; and

34 (2) commandeer, for emergency management purposes as
35 directed by any of the persons described above, any motor
36 vehicles, tools, appliances, medical supplies, or other personal

1 property and any facilities.

2 Sec. 9. Minnesota Statutes 2004, section 12.381. is
3 amended to read:

4 12.381 [SAFE DISPOSITION OF DEAD HUMAN BODIES.]

5 Subdivision 1. [POWERS FOR SAFE DISPOSITION.]

6 Notwithstanding chapter 149A and Minnesota Rules, chapter 4610,
7 in connection with deaths related to a ~~public-health~~ declared
8 emergency ~~and-during-a-national-security-emergency-declared-due~~
9 ~~to-a-public-health-emergency-or-peacetime-emergency-declared-due~~
10 ~~to-a-public-health-emergency~~, the governor may:

11 (1) direct measures to provide for the safe disposition of
12 dead human bodies as may be reasonable and necessary for
13 emergency response. Measures may include, but are not limited
14 to, transportation, preparation, temporary mass burial and other
15 interment, disinterment, and cremation of dead human bodies.
16 Insofar as the emergency circumstances allow, the governor shall
17 respect the religious rites, cultural customs, family wishes,
18 and predeath directives of a decedent concerning final
19 disposition. The governor may limit visitations or funeral
20 ceremonies based on public health risks;

21 (2) consult with coroners and medical examiners, take
22 possession or control of any dead human body, and order an
23 autopsy of the body; and

24 (3) request any business or facility authorized to embalm,
25 bury, cremate, inter, disinter, transport, or otherwise provide
26 for disposition of a dead human body under the laws of this
27 state to accept any dead human body or provide the use of its
28 business or facility if the actions are reasonable and necessary
29 for emergency management purposes and are within the safety
30 precaution capabilities of the business or facility.

31 Subd. 2. [IDENTIFICATION OF BODIES; DATA CLASSIFICATION.]

32 (a) A person in charge of the body of a person believed to have
33 died due to a ~~public-health~~ declared emergency shall maintain a
34 written record of the body and all available information to
35 identify the decedent, the circumstances of death, and
36 disposition of the body. If a body cannot be identified, a

1 qualified person shall, prior to disposition and to the extent
2 possible, take fingerprints and one or more photographs of the
3 remains and collect a DNA specimen from the body.

4 (b) All information gathered under this subdivision, other
5 than data required for a death certificate under Minnesota
6 Rules, part 4601.2550, shall be death investigation data and
7 shall be classified as nonpublic data according to section
8 13.02, subdivision 9, or as private data on decedents according
9 to section 13.10, subdivision 1. Death investigation data are
10 not medical examiner data as defined in section 13.83. Data
11 gathered under this subdivision shall be promptly forwarded to
12 the commissioner of health. The commissioner may only disclose
13 death investigation data to the extent necessary to assist
14 relatives in identifying decedents or for public health or
15 public safety investigations.

16 Sec. 10. Minnesota Statutes 2004, section 12.39, is
17 amended to read:

18 12.39 [INDIVIDUAL TESTING OR TREATMENT; NOTICE, REFUSAL,
19 CONSEQUENCE.]

20 Subdivision 1. [REFUSAL OF TREATMENT.] Notwithstanding
21 laws, rules, or orders made or promulgated in response to a
22 national security emergency, or peacetime emergency, ~~or public~~
23 ~~health-emergency~~, individuals have a fundamental right to refuse
24 medical treatment, testing, physical or mental examination,
25 vaccination, participation in experimental procedures and
26 protocols, collection of specimens, and preventive treatment
27 programs. An individual who has been directed by the
28 commissioner of health to submit to medical procedures and
29 protocols because the individual is infected with or reasonably
30 believed by the commissioner of health to be infected with or
31 exposed to a toxic agent that can be transferred to another
32 individual or a communicable disease, and the agent or
33 communicable disease is the basis for which the national
34 security emergency, or peacetime emergency, ~~or public health~~
35 ~~emergency~~ was declared, and who refuses to submit to them may be
36 ordered by the commissioner to be placed in isolation or

1 quarantine according to parameters set forth in sections 144.419
2 and 144.4195.

3 Subd. 2. [INFORMATION GIVEN.] ~~Where-feasible,~~ Before
4 performing examinations, testing, treatment, or vaccination of
5 an individual under subdivision 1, a health care provider shall
6 notify the individual of the right to refuse the examination,
7 testing, treatment, or vaccination, and the consequences,
8 including isolation or quarantine, upon refusal.

9 Sec. 11. Minnesota Statutes 2004, section 12.42, is
10 amended to read:

11 12.42 [OUT-OF-STATE LICENSE HOLDERS; POWERS, DUTIES.]

12 During an a declared emergency or-disaster, a person who
13 holds a license, certificate, or other permit issued by a state
14 of the United States, the District of Columbia, or a province of
15 Canada evidencing the meeting of qualifications for
16 professional, mechanical, or other skills, may render aid
17 involving those skills in this state when such aid is requested
18 by the governor to meet the needs of the emergency. The
19 license, certificate, or other permit of the person, while
20 rendering aid, has the same force and effect as if issued in
21 this state, subject to such limitations and conditions as the
22 governor may prescribe.

23 Sec. 12. [12.61] [HOSPITAL OR MEDICAL TRANSPORT CAPACITIES
24 EXCEEDED; RESPONDER LIABILITY LIMITATION.]

25 Subdivision 1. [DEFINITIONS.] For purposes of this section:

26 (1) "emergency plan" includes:

27 (i) any plan for managing an emergency threatening public
28 health developed by the commissioner of health or a local public
29 health agency;

30 (ii) any plan for managing an emergency threatening public
31 health developed by one or more hospitals, clinics, nursing
32 homes, or other health care facilities or providers and approved
33 by the commissioner of health or local public health agency in
34 consultation with emergency management officials; or

35 (iii) any provision for assistance by out-of-state
36 responders under interstate or international compacts, including

1 but not limited to the Emergency Management Assistance Compact.

2 Emergency plans shall, so far as practicable, include
3 provisions for protecting children, the elderly, persons with
4 disabilities, and persons with limited English proficiency;

5 (2) "regional hospital system" means all hospitals in one
6 of the hospital bioterrorism preparedness program geographic
7 regions of the state set forth in the most recent hospital
8 preparedness plan available on the Department of Health Web site
9 at www.health.state.mn.us/oep; and

10 (3) "responder" means any person or organization whether
11 paid or volunteer that provides health care or other
12 health-related services in an emergency including, but not
13 limited to, physicians, physician assistants, registered and
14 other nurses, certified nursing assistants, or other staff
15 within a health care provider organization, pharmacists,
16 chiropractors, dentists, emergency medical technicians, members
17 of a specialized medical response unit, laboratory technicians,
18 morticians, registered first responders, mental health
19 professionals, hospitals, nursing and boarding care facilities,
20 home health care agencies, other long-term care providers,
21 medical and dental clinics, and medical laboratories and
22 including, but not limited to, ambulance service personnel and
23 dispatch services and persons not registered as first responders
24 but affiliated with a medical response unit and dispatched to
25 the scene of an emergency by a public safety answering point or
26 licensed ambulance service.

27 Subd. 2. [EMERGENCY EXECUTIVE ORDER.] (a) During a
28 national security emergency or a peacetime emergency declared
29 under section 12.31, the governor may issue an emergency
30 executive order upon finding that the number of seriously ill or
31 injured persons exceeds the emergency hospital or medical
32 transport capacity of one or more regional hospital systems and
33 that care for those persons has to be given in temporary care
34 facilities.

35 (b) During the effective period of the emergency executive
36 order, a responder in any impacted region acting consistent with

1 emergency plans is not liable for any civil damages or
2 administrative sanctions as a result of good-faith acts or
3 omissions by that responder in rendering emergency care, advice,
4 or assistance. This section does not apply in case of
5 malfeasance in office or willful or wanton actions.

6 Sec. 13. Minnesota Statutes 2004, section 13.3806,
7 subdivision 1a, is amended to read:

8 Subd. 1a. [DEATH INVESTIGATION DATA.] Data gathered by the
9 commissioner of health to identify the body of a person believed
10 to have died due to a ~~public-health~~ declared emergency as
11 defined in section 12.03, subdivision 9a 1e, the circumstances
12 of death, and disposition of the body are classified in and may
13 be released according to section 12.381, subdivision 2.

14 Sec. 14. Laws 2002, chapter 402, section 21, as amended by
15 Laws 2004, chapter 279, article 11, section 7, is amended to
16 read:

17 Sec. 21. [SUNSET.]

18 Sections 1 to 19 expire August 1, ~~2005~~ 2009.

19 Sec. 15. [SUNSET.]

20 (a) The amendments to Minnesota Statutes, chapter 12, made
21 by sections 1 to 11, expire August 1, 2009.

22 (b) Section 12 is repealed August 1, 2009.

23 (c) The amendment to Minnesota Statutes, chapter 13, made
24 by section 13, expires August 1, 2009.

25 Sec. 16. [EFFECTIVE DATE.]

26 Section 14 is effective the day following final enactment.

1 Senator moves to amend the committee engrossment
2 (scs1483CE1) of S.F. No. 1483 as follows:

3 Page 9, delete line 18 and insert:

4 "Sections 1 ~~to 19~~, 2, 5, 10, and 11 expire August 1, 2005.

5 The other sections expire August 1, 2009."

6 Page 9, delete lines 20 to 24 and insert:

7 "Sections 1 to 13 expire August 1, 2009."

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S.F. No. 1139 - Gang Crime Against Children

Author: Senator Ellen R. Anderson

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

Date: April 7, 2005

Sections 1 and 2 provide that gang members who commit a crime against a child under the age of 18 may be sentenced for the underlying crime under the enhanced penalty provisions in Minnesota Statutes, section 609.229, subdivision 3 (Crime Committed for the Benefit of a Gang). These provisions enhance misdemeanors to gross misdemeanors, gross misdemeanors to three-year felonies, and add five years to the statutory maximum sentence of all felonies.

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

CT:vs

Senator Anderson introduced--

S.F. No. 1139: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act

2 relating to crimes; making it a crime for a gang
3 member to commit a crime against a child; imposing
4 criminal penalties; amending Minnesota Statutes 2004,
5 section 609.229, subdivision 3, and by adding a
6 subdivision.

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

8 Section 1. Minnesota Statutes 2004, section 609.229,
9 subdivision 3, is amended to read:

10 Subd. 3. [PENALTY.] (a) If the crime committed in
11 violation of subdivision 2 or 5 is a felony, the statutory
12 maximum for the crime is five years longer than the statutory
13 maximum for the underlying crime.

14 (b) If the crime committed in violation of subdivision 2 or
15 5 is a misdemeanor, the person is guilty of a gross misdemeanor.

16 (c) If the crime committed in violation of subdivision 2 or
17 5 is a gross misdemeanor, the person is guilty of a felony and
18 may be sentenced to imprisonment for not more than three years
19 or to payment of a fine of not more than \$15,000, or both.

20 Sec. 2. Minnesota Statutes 2004, section 609.229, is
21 amended by adding a subdivision to read:

22 Subd. 5. [GANG MEMBER; CRIME AGAINST A CHILD.] (a) For
23 purposes of this subdivision, "child" means an individual under
24 18 years of age.

25 (b) A person who is a member of a gang who commits a crime
26 against a child is guilty of a crime and may be sentenced as

1 provided in subdivision 3.

2 Sec. 3. [EFFECTIVE DATE.]

3 Sections 1 and 2 are effective August 1, 2005, and apply to

4 crimes committed on or after that date.

1 Senator moves to amend S.F. No. 1139 as follows:

2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2004, section 609.229,
4 subdivision 3, is amended to read:

5 Subd. 3. [PENALTY.] (a) If the crime committed in
6 violation of subdivision 2 is a felony, the statutory maximum
7 for the crime is five years longer than the statutory maximum
8 for the underlying crime. If the crime committed in violation
9 of subdivision 2 is a felony, and the victim of the crime is a
10 child under the age of 18 years, the statutory maximum for the
11 crime is ten years longer than the statutory maximum for the
12 underlying crime.

13 (b) If the crime committed in violation of subdivision 2 is
14 a misdemeanor, the person is guilty of a gross misdemeanor.

15 (c) If the crime committed in violation of subdivision 2 is
16 a gross misdemeanor, the person is guilty of a felony and may be
17 sentenced to imprisonment for not more than three years or to
18 payment of a fine of not more than \$15,000, or both.

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

21 Sec. 2. [APPROPRIATION.]

22 \$100,000 is appropriated from the general fund for the
23 fiscal year ending June 30, 2006, to the commissioner of public
24 safety for a grant to a nonprofit community-based organization
25 that promotes youth violence prevention through school or
26 community-based activities that teach marine ecology and
27 ichthyology."

28 Delete the title and insert:

29 "A bill for an act relating to public safety; increasing
30 the criminal penalty for a gang crime committed against a child;
31 appropriating money; amending Minnesota Statutes 2004, section
32 609.229, subdivision 3."