

1 Senator Cohen from the Committee on Finance, to which was
2 re-referred

3 S.F. No. 2273: A bill for an act relating to criminal
4 justice; appropriating money for the courts, public defenders,
5 public safety, corrections, and other criminal justice agencies;
6 establishing, funding, modifying, and regulating public safety,
7 criminal justice, judiciary, law enforcement, corrections, crime
8 victims, and CrimNet policies, programs, duties, activities, or
9 practices; requiring studies and reports; imposing criminal and
10 civil penalties; setting or increasing fines, surcharges, and
11 fees; amending Minnesota Statutes 2004, sections 14.03,
12 subdivision 3; 152.01, subdivision 10; 152.021, subdivisions 2a,
13 3; 168A.05, subdivision 3; 171.06, by adding a subdivision;
14 171.20, subdivision 4; 171.26; 237.70, subdivision 7; 241.06;
15 241.67, subdivisions 7, 8; 243.166; 243.167; 244.04, subdivision
16 1; 244.05, subdivisions 2, 4, 5, 6, 7; 244.052, subdivisions 3,
17 4, by adding a subdivision; 244.09, subdivision 11; 244.10,
18 subdivision 2a, by adding a subdivision; 244.18, subdivision 2;
19 253B.08, subdivision 1; 253B.18, subdivision 5, by adding a
20 subdivision; 260C.171, by adding a subdivision; 299A.38,
21 subdivisions 2, 2a, 3; 299C.65, subdivisions 1, 2, 5, by adding
22 a subdivision; 340A.301, subdivision 6; 340A.302, subdivision 3;
23 340A.311; 340A.404, subdivision 12; 340A.408, subdivision 4;
24 340A.414, subdivision 6; 340A.504, subdivisions 3, 7; 357.021,
25 subdivisions 2, 6, 7; 357.18; 403.02, subdivisions 7, 13, 17, by
26 adding a subdivision; 403.025, subdivisions 3, 7; 403.05,
27 subdivision 3; 403.07, subdivision 3; 403.08, subdivision 10;
28 403.11, subdivisions 1, 3, 3a; 403.113, subdivision 1; 403.27,
29 subdivisions 1, 3; 403.30, subdivision 1; 505.08, subdivision 2;
30 508.82; 508A.82; 515B.1-116; 518B.01, subdivision 22; 604.15,
31 subdivision 2, by adding a subdivision; 609.108, subdivisions 1,
32 3, 4, 6; 609.109, subdivisions 2, 5; 609.1095, subdivision 1;
33 609.115, by adding a subdivision; 609.117, subdivisions 1, 2;
34 609.119; 609.1351; 609.185; 609.223, by adding a subdivision;
35 609.2231, by adding a subdivision; 609.229, subdivision 3;
36 609.321, subdivisions 1, 7, by adding subdivisions; 609.325, by
37 adding a subdivision; 609.341, subdivision 14, by adding a
38 subdivision; 609.342, subdivisions 2, 3; 609.343, subdivisions
39 2, 3; 609.344, subdivisions 2, 3; 609.345, subdivisions 2, 3;
40 609.3452, subdivision 1; 609.347; 609.3471; 609.348; 609.353;
41 609.485, subdivisions 2, 4; 609.50, subdivision 1; 609.527,
42 subdivisions 1, 3, 4, 6, by adding a subdivision; 609.531,
43 subdivision 1; 609.5315, subdivision 1, by adding a subdivision;
44 609.746, subdivision 1; 609.748, subdivisions 2, 3a; 609.749,
45 subdivision 2; 609.79, subdivision 2; 609.795, by adding a
46 subdivision; 617.81, subdivision 4, by adding a subdivision;
47 617.85; 626.556, subdivision 3; 628.26; 631.045; proposing
48 coding for new law in Minnesota Statutes, chapters 152; 237;
49 243; 244; 299A; 299C; 325F; 357; 403; 609; repealing Minnesota
50 Statutes 2004, sections 18C.005, subdivisions 1a, 35a; 18C.201,
51 subdivisions 6, 7; 18D.331, subdivision 5; 243.166, subdivisions
52 1, 8; 299A.68; 299C.65, subdivisions 3, 4, 6, 7, 8, 8a, 9;
53 386.30; 403.30, subdivision 3; 609.108, subdivision 2; 609.109,
54 subdivision 7; 609.725.

55 Reports the same back with the recommendation that the bill
56 be amended as follows:

57 Page 2, delete line 37 and insert:

58 "GENERAL \$ 46,268,000 \$52,239,000 \$ 98,507,000"

59 Page 2, delete line 42 and insert:

60 "TOTAL \$126,536,000 \$70,327,000 \$196,863,000"

61 Page 4, delete lines 1 and 2 and insert:

62 "Subdivision 1. Total
63 Appropriation 90,418,000 28,285,000"

1 Page 4, delete line 4 and insert:

2 "General 10,150,000 10,197,000"

3 Page 4, delete lines 9 and 10 and insert:

4 "[AGENCYWIDE ADMINISTRATIVE
5 CUT.] (270,000) (270,000)"

6 Page 5, delete lines 3 to 5 and insert:

7 "Subd. 3. Fire Marshal 600,000 600,000"

8 Subd. 4. Office of Justice
9 Programs 6,244,000 6,244,000"

10 Page 5, delete line 7 and insert:

11 "General 4,844,000 4,844,000"

12 Page 5, line 16 delete "\$2,131,000" and insert "\$1,000,000"

13 Page 8, delete lines 1 and 2 and insert:

14 "Sec. 8. BOARD OF PEACE OFFICER
15 STANDARDS AND TRAINING 211,000 71,000"

16 Page 8, delete lines 5 to 8

17 Page 8, line 9, delete "each" and insert "the first"

18 Page 8, delete lines 15 and 16 and insert:

19 "Subdivision 1. Total
20 Appropriation 14,785,000 14,788,000"

21 Page 8, delete lines 21 and 22 and insert:

22 "Subd. 2. Correctional
23 Institutions 6,534,000 6,537,000"

24 Page 8, delete lines 36 and 37 and insert:

25 "[HEALTH SERVICES.] \$3,016,000 the
26 first year and \$3,015,000 the second
27 year are for health services."

28 Page 8, line 39, delete "\$351,000" and insert "\$1,373,000"

29 and delete "\$1,863,000" and insert "\$1,377,000"

30 Page 8, line 44, delete "\$4,500,000" and insert "\$1,500,000"

31 Page 8, delete lines 46 to 48

32 Page 9, delete line 22 and insert:

33 "Subd. 3. Community Services 8,651,000 8,651,000"

34 Page 9, line 57, delete "ADULT"

35 Page 9, line 60, delete "\$19,093,000" and insert
36 "\$2,000,000"

37 Page 9, line 61, delete "adult"

38 Page 10, delete lines 6 to 33 and insert:

39 "The commissioner shall distribute the

1 funds according to the formula
 2 contained in Minnesota Statutes,
 3 section 401.10. Each Community
 4 Corrections Act jurisdiction, counties
 5 providing probation services under the
 6 authority of Minnesota Statutes,
 7 section 244.19, and the department's
 8 probation and supervised release unit
 9 shall submit to the commissioner an
 10 analysis of need along with a plan to
 11 meet these needs and reduce offender
 12 caseloads. Upon approval of the plans
 13 for Community Corrections Act counties,
 14 the commissioner shall distribute the
 15 non-Community Corrections Act
 16 allocation based on statewide need.
 17 The Community Corrections Act
 18 allocation must be disbursed as a grant
 19 to each Community Corrections Act
 20 jurisdiction. These grants may not be
 21 used to supplant existing state or
 22 county probation officer positions."

23 Page 10, line 35, delete "\$2,500,000" and insert
 24 "\$1,000,000"

25 Page 10, line 47, delete everything after the period

26 Page 10, delete lines 48 to 52

27 Page 11, delete line 35 and insert:

28 "Subd. 4. Operations Support (400,000) (400,000)"

29 Page 104, delete section 7

30 Page 107, after line 18, insert:

31 "Subd. 7. [NOTICE.] Upon receiving an offender's petition
 32 for release under subdivision 2, the commissioner shall notify
 33 the prosecuting authority responsible for the offender's
 34 conviction and the sentencing court. The commissioner shall
 35 give the authority and court a reasonable opportunity to comment
 36 on the offender's potential release."

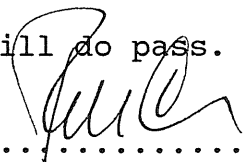
37 Page 170, line 32, delete everything after the first period

38 Page 188, line 6, delete "\$71" and insert "\$72"

39 Page 188, line 9, strike "\$3" and insert "\$4"

40 Renumber the sections in sequence

41 And when so amended the bill do pass. Amendments adopted.
 42 Report adopted.



 (Committee Chair)

April 29, 2005.....
 (Date of Committee recommendation)

A bill for an act

2 relating to criminal justice; appropriating money for
3 the courts, public defenders, public safety,
4 corrections, and other criminal justice agencies;
5 establishing, funding, modifying, and regulating
6 public safety, criminal justice, judiciary, law
7 enforcement, corrections, crime victims, and CrimNet
8 policies, programs, duties, activities, or practices;
9 requiring studies and reports; imposing criminal and
10 civil penalties; setting or increasing fines,
11 surcharges, and fees; amending Minnesota Statutes
12 2004, sections 14.03, subdivision 3; 152.01,
13 subdivision 10; 152.021, subdivisions 2a, 3; 168A.05,
14 subdivision 3; 171.06, by adding a subdivision;
15 171.20, subdivision 4; 171.26; 237.70, subdivision 7;
16 241.06; 241.67, subdivisions 7, 8; 243.166; 243.167;
17 244.04, subdivision 1; 244.05, subdivisions 2, 4, 5,
18 6, 7; 244.052, subdivisions 3, 4, by adding a
19 subdivision; 244.09, subdivision 11; 244.10,
20 subdivision 2a, by adding a subdivision; 244.18,
21 subdivision 2; 253B.08, subdivision 1; 253B.18,
22 subdivision 5, by adding a subdivision; 260C.171, by
23 adding a subdivision; 299A.38, subdivisions 2, 2a, 3;
24 299C.65, subdivisions 1, 2, 5, by adding a
25 subdivision; 340A.301, subdivision 6; 340A.302,
26 subdivision 3; 340A.311; 340A.404, subdivision 12;
27 340A.408, subdivision 4; 340A.414, subdivision 6;
28 340A.504, subdivisions 3, 7; 357.021, subdivisions 2,
29 6, 7; 357.18; 403.02, subdivisions 7, 13, 17, by
30 adding a subdivision; 403.025, subdivisions 3, 7;
31 403.05, subdivision 3; 403.07, subdivision 3; 403.08,
32 subdivision 10; 403.11, subdivisions 1, 3, 3a;
33 403.113, subdivision 1; 403.27, subdivisions 1, 3;
34 403.30, subdivision 1; 505.08, subdivision 2; 508.82;
35 508A.82; 515B.1-116; 518B.01, subdivision 22; 604.15,
36 subdivision 2, by adding a subdivision; 609.108,
37 subdivisions 1, 3, 4, 6; 609.109, subdivisions 2, 5;
38 609.1095, subdivision 1; 609.115, by adding a
39 subdivision; 609.117, subdivisions 1, 2; 609.119;
40 609.1351; 609.185; 609.223, by adding a subdivision;
41 609.2231, by adding a subdivision; 609.229,
subdivision 3; 609.321, subdivisions 1, 7, by adding
subdivisions; 609.325, by adding a subdivision;
42 609.341, subdivision 14, by adding a subdivision;
43 609.342, subdivisions 2, 3; 609.343, subdivisions 2,
44 3; 609.344, subdivisions 2, 3; 609.345, subdivisions

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

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

20 ARTICLE 1

21 PUBLIC SAFETY APPROPRIATIONS

22 Section 1. [APPROPRIATIONS.]

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

35 SUMMARY BY FUND

36		2006	2007	TOTAL
37	GENERAL	\$ 71,233,000	\$78,853,000	\$150,086,000
38	STATE GOVERNMENT			
39	SPECIAL REVENUE	16,368,000	16,688,000	33,056,000
40	SPECIAL REVENUE	1,400,000	1,400,000	2,800,000
41	BOND PROCEEDS	62,500,000	-0-	62,500,000
42	TOTAL	\$151,501,000	\$96,941,000	\$248,442,000

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

1	Sec. 2. SUPREME COURT	\$ 6,090,000	\$ 6,041,000
2	[CASELOAD INCREASES.] \$1,090,000 the		
3	first year and \$1,041,000 the second		
4	year are for caseload increases.		
5	[CIVIL LEGAL SERVICES.] \$5,000,000 each		
6	year is for legal services under		
7	Minnesota Statutes, sections 480.24 to		
8	480.244.		
9	[PROHIBITION ON USE OF APPROPRIATIONS		
10	FOR JUDICIAL SALARY INCREASES.] No		
11	portion of these appropriations may be		
12	used for judicial salary increases.		
13	Sec. 3. COURT OF APPEALS	250,000	250,000
14	For caseload increases.		
15	[PROHIBITION ON USE OF APPROPRIATIONS		
16	FOR JUDICIAL SALARY INCREASES.] No		
17	portion of these appropriations may be		
18	used for judicial salary increases.		
19	Sec. 4. DISTRICT COURTS	9,275,000	11,592,000
20	[CASELOAD INCREASES.] \$6,671,000 each		
21	year is for caseload increases.		
22	[SEX AND METHAMPHETAMINE OFFENSES.]		
23	\$3,600,000 the first year and		
24	\$7,200,000 the second year are for the		
25	sex and methamphetamine offense		
26	sentencing changes made in this act.		
27	[SPECIALTY COURTS.] \$250,000 each year		
28	is to develop or expand specialty		
29	courts such as drug courts and mental		
30	health courts.		
31	By January 15, 2008, the state court		
32	administrator shall report to the		
33	chairs and ranking minority members of		
34	the senate and house committees and		
35	divisions having jurisdiction over		
36	criminal justice policy and funding on		
37	how this money was used.		
38	[PROHIBITION ON USE OF APPROPRIATIONS		
39	FOR JUDICIAL SALARY INCREASES.] No		
40	portion of these appropriations may be		
41	used for judicial salary increases.		
42	Sec. 5. UNIFORM LAWS COMMISSION	5,000	5,000
43	For national conference dues.		
44	Sec. 6. BOARD OF PUBLIC DEFENSE	5,495,000	9,295,000
45	[CASELOAD INCREASES.] \$1,695,000 each		
46	year is for caseload increases.		
47	[SEX AND METHAMPHETAMINE OFFENSES.]		
48	\$3,800,000 the first year and		
49	\$7,600,000 the second year are for the		
50	sex and methamphetamine offense		
51	sentencing changes made in this act.		
52	Sec. 7. PUBLIC SAFETY		

1	Subdivision 1. Total		
2	Appropriation	91,944,000	29,811,000
3	Summary by Fund		
4	General	11,676,000	11,723,000
5	State Government		
6	Special Revenue	16,368,000	16,688,000
7	Special Revenue	1,400,000	1,400,000
8	Bond Proceeds	62,500,000	-0-
9	[AGENCYWIDE ADMINISTRATIVE		
10	CUT.]	(175,000)	(175,000)
11	This is an agencywide administrative		
12	cut.		
13	[APPROPRIATIONS FOR PROGRAMS.] The		
14	amounts that may be spent from this		
15	appropriation for each program are		
16	specified in the following subdivisions.		
17	Subd. 2. Criminal Apprehension	4,976,000	5,023,000
18	[AUTOMATED FINGERPRINT IDENTIFICATION		
19	SYSTEM.] \$1,533,000 the first year and		
20	\$2,318,000 the second year are to		
21	replace the automated fingerprint		
22	identification system (AFIS).		
23	[PREDATORY OFFENDER REGISTRATION		
24	SYSTEM.] \$1,146,000 the first year and		
25	\$564,000 the second year are to upgrade		
26	the predatory offender registration		
27	(POR) system and to increase the		
28	monitoring and tracking of registered		
29	offenders who become noncompliant with		
30	the law.		
31	[CRIMINAL JUSTICE INFORMATION SYSTEMS		
32	(CJIS) AUDIT TRAIL.] \$374,000 the first		
33	year and \$203,000 the second year are		
34	for the Criminal Justice Information		
35	Systems (CJIS) audit trail.		
36	[DNA ANALYSIS OF FELON OFFENDERS.]		
37	\$857,000 the first year and \$869,000		
38	the second year are to fund the		
39	analyses of biological samples from		
40	felon offenders.		
41	[LIVESCAN.] \$66,000 the first year and		
42	\$69,000 the second year are to fund the		
43	ongoing costs of Livescan.		
44	[TEN NEW AGENTS.] \$1,000,000 each year		
45	is for ten Bureau of Criminal		
46	Apprehension agents to be assigned		
47	exclusively to methamphetamine		
48	enforcement, including the		
49	investigation of manufacturing and		
50	distributing methamphetamine and		
51	related violence. These appropriations		
52	are intended to increase the current		
53	allocation of Bureau of Criminal		
54	Apprehension resources dedicated to		
55	methamphetamine enforcement. Positions		
56	funded by these appropriations may not		

1 supplant existing agent assignments or
2 positions.

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

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

6 Summary by Fund

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

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

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

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

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

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

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

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

4 [HOMELESSNESS PILOT PROJECTS.] \$200,000
5 each year is for the homelessness pilot
6 projects described in article 9,
7 section 34.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

52 (d) Bond Sale Authorization

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

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

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

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

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

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

14 Sec. 9. CORRECTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 This is an agencywide administrative
 37 cut.

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

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

44 ARTICLE 2

45 SEX OFFENDERS:

46 MANDATORY LIFE SENTENCES FOR CERTAIN EGREGIOUS AND

47 REPEAT SEX OFFENSES; CONDITIONAL RELEASE;

48 OTHER SENTENCING CHANGES

49 Section 1. Minnesota Statutes 2004, section 244.04,
 50 subdivision 1, is amended to read:

51 Subdivision 1. [REDUCTION OF SENTENCE; INMATES SENTENCED
 52 FOR CRIMES COMMITTED BEFORE 1993.] Notwithstanding the

1 provisions of section 609.11, subdivision 6, and section
2 609.109, subdivision 1, the term of imprisonment of any inmate
3 sentenced to a presumptive fixed sentence after May 1, 1980, and
4 whose crime was committed before August 1, 1993, shall be
5 reduced in duration by one day for each two days during which
6 the inmate violates none of the disciplinary offense rules
7 promulgated by the commissioner. The reduction shall accrue to
8 the period of supervised release to be served by the inmate,
9 except that the period of supervised release for a sex offender
10 sentenced-and conditionally released by the commissioner under
11 section ~~609.1087-subdivision-5~~, 609.3455 is governed by that
12 provision.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 spouse or next of kin.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 ~~The conditions of release may include successful completion~~
12 ~~of treatment and aftercare in a program approved by the~~
13 ~~commissioner, satisfaction of the release conditions specified~~
14 ~~in section 244.05, subdivision 6, and any other conditions the~~
15 ~~commissioner considers appropriate. Before the offender is~~
16 ~~released, the commissioner shall notify the sentencing court,~~
17 ~~the prosecutor in the jurisdiction where the offender was~~
18 ~~sentenced, and the victim of the offender's crime, where~~
19 ~~available, of the terms of the offender's conditional release.~~
20 ~~If the offender fails to meet any condition of release, the~~
21 ~~commissioner may revoke the offender's conditional release and~~
22 ~~order that the offender serve all or a part of the remaining~~
23 ~~portion of the conditional release term in prison. The~~
24 ~~commissioner shall not dismiss the offender from supervision~~
25 ~~before the conditional release term expires.~~

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

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

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

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

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

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

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

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

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

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

22 (1) the offender tortured the complainant;

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

25 (3) the offender intentionally mutilated the complainant;

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

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

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

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

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

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

9 (c) As used in this subdivision:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 Subd. 2. [PENALTY.] (a) Except as otherwise provided in
21 section 609.109 or 609.3455, a person convicted under
22 subdivision 1 may be sentenced to imprisonment for not more than
23 ~~25 years or to a payment of a fine of not more than \$35,000, or~~
24 both.

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

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

1 (1) the offender tortured the complainant;

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

4 (3) the offender intentionally mutilated the complainant;

5 (4) the offender exposed the complainant to extreme
6 inhumane conditions;

7 (5) the offender was armed with a dangerous weapon or any
8 article used or fashioned in a manner to lead the complainant to
9 reasonably believe it to be a dangerous weapon and used or
10 threatened to use the weapon or article to cause the complainant
11 to submit;

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

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

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

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

24 (c) As used in this subdivision:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 section 609.3455.

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

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

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

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

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

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

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

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

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

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

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

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

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

1 section 609.3455, subdivision 1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 Sec. 21. [REPEALER.]

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

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

30 ARTICLE 3

31 SEX OFFENDERS: PREDATORY OFFENDER REGISTRATION;

32 COMMUNITY NOTIFICATION; NONSENTENCING CHANGES

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

35 243.166 [REGISTRATION OF PREDATORY OFFENDERS.]

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

1 register-under-this-section-if:

2 (1)-the-person-was-charged-with-or-petitioned-for-a-felony
3 violation-of-or-attempt-to-violate-any-of-the-following,-and
4 convicted-of-or-adjudicated-delinquent-for-that-offense-or
5 another-offense-arising-out-of-the-same-set-of-circumstances:

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

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

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

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

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

11 or

12 (2)-the-person-was-charged-with-or-petitioned-for-falsely
13 imprisoning-a-minor-in-violation-of-section-609.255,-subdivision
14 2,-soliciting-a-minor-to-engage-in-prostitution-in-violation-of
15 section-609.322-or-609.324,-soliciting-a-minor-to-engage-in
16 sexual-conduct-in-violation-of-section-609.352,-using-a-minor-in
17 a-sexual-performance-in-violation-of-section-617.246,-or
18 possessing-pornographic-work-involving-a-minor-in-violation-of
19 section-617.247,-and-convicted-of-or-adjudicated-delinquent-for
20 that-offense-or-another-offense-arising-out-of-the-same-set-of
21 circumstances,-or

22 (3)-the-person-was-convicted-of-a-predatory-crime-as
23 defined-in-section-609.108,-and-the-offender-was-sentenced-as-a
24 patterned-sex-offender-or-the-court-found-on-its-own-motion-or
25 that-of-the-prosecutor-that-the-crime-was-part-of-a-predatory
26 pattern-of-behavior-that-had-criminal-sexual-conduct-as-its
27 goal,-or

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

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

34 (i)-the-person-was-convicted-of-or-adjudicated-delinquent
35 in-another-state-for-an-offense-that-would-be-a-violation-of-a
36 law-described-in-paragraph-(a)-if-committed-in-this-state,-

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

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

10 For-purposes-of-this-paragraph:

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

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

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

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

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

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

1 ~~states-with-a-guilty-but-mentally-ill-verdict,-and~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19 (ii) kidnapping under section 609.25;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 ~~(g)-For-the-purposes-of-this-subdivision,~~ "treatment
35 facility" ~~means-a-residential-facility,~~ as defined in section
36 ~~244-052,~~ subdivision ~~1,~~ and residential-chemical-dependency

1 ~~treatment-programs-and-halfway-houses-licensed-under-chapter~~
245A7-~~including7-but-not-limited-to7-those-facilities-directly~~
3 ~~or-indirectly-assisted-by-any-department-or-agency-of-the-United~~
4 ~~States7~~

5 Subd. 4a. [INFORMATION REQUIRED TO BE PROVIDED.] (a) As
6 ~~used-in-this-section7~~

7 ~~(1)-"motor-vehicle"-has-the-meaning-given-"vehicle"-in~~
8 ~~section-169.017-subdivision-27~~

9 ~~(2)-"primary-residence"-means-any-place-where-the-person~~
10 ~~resides-longer-than-14-days-or-that-is-deemed-a-primary~~
11 ~~residence-by-a-person's-corrections-agent7-if-one-is-assigned-to~~
12 ~~the-person7-and~~

13 ~~(3)-"secondary-residence"-means-any-place-where-the-person~~
14 ~~regularly-stays-overnight-when-not-staying-at-the-person's~~
15 ~~primary-residence7-and-includes7-but-is-not-limited-to7~~

16 ~~(i)-the-person's-parent's-home-if-the-person-is-a-student~~
17 ~~and-stays-at-the-home-at-times-when-the-person-is-not-staying-at~~
18 ~~school7-including-during-the-summer7-and~~

19 ~~(ii)-the-home-of-someone-with-whom-the-person-has-a-minor~~
20 ~~child-in-common-where-the-child's-custody-is-shared7~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 state or the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (2) a law enforcement officer;

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

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

21 (5) a victim's services professional.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 This factor includes consideration of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13 The committee shall make reasonable efforts to conform to the
14 same timelines as applied to Minnesota cases. Offenders
15 accepted from another state under a reciprocal agreement for
16 probation supervision are not assigned a risk level, but are
17 considered downward dispositional departures. The probation or
18 court services officer and law enforcement officer shall manage
19 such cases in accordance with section 244.10, subdivision 2a.

20 The policies and procedures of the committee for federal
21 offenders and interstate compact cases must be in accordance
22 with all requirements as set forth in this section, unless
23 restrictions caused by the nature of federal or interstate
24 transfers prevents such conformance.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

20 Notwithstanding the assignment of a predatory offender to
21 risk level II or III, a law enforcement agency may not make the
22 disclosures permitted or required by clause (2) or (3), if: the
23 offender is placed or resides in a residential facility.
24 However, if an offender is placed or resides in a residential
25 facility, the offender and the head of the facility shall
26 designate the offender's likely residence upon release from the
27 facility and the head of the facility shall notify the
28 commissioner of corrections or the commissioner of human
29 services of the offender's likely residence at least 14 days
30 before the offender's scheduled release date. The commissioner
31 shall give this information to the law enforcement agency having
32 jurisdiction over the offender's likely residence. The head of
33 the residential facility also shall notify the commissioner of
34 corrections or human services within 48 hours after finalizing
35 the offender's approved relocation plan to a permanent
36 residence. Within five days after receiving this notification,

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

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

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

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

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

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

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

1 243.166, subdivision 3a.

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

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

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

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

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

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

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

1 offender resides or intends to reside.

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

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

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

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

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

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

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

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

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

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

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

1 commissioner.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

6 Sec. 14. [REVISOR INSTRUCTION.]

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

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

12 Sec. 15. [REPEALER.]

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

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

16 ARTICLE 4

17 LEGISLATIVE AUDITOR'S RECOMMENDED CHANGES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 are residing.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 ARTICLE 5

34 SEX OFFENDERS:

35 TECHNICAL AND CONFORMING CHANGES

36 Section 1. Minnesota Statutes 2004, section 14.03,

1 subdivision 3, is amended to read:

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

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

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

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

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

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

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

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

30 (3) opinions of the attorney general;

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

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

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

1 commissioner of revenue;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25 (2) a law enforcement officer;

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

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

30 (5) a victim's services professional.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 This factor includes consideration of the following:

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

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

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

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

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

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

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

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

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

1 reassessment under this paragraph.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 (ii) manslaughter under section 609.20 or 609.205;

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

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

22 (v) kidnapping under section 609.25;

23 (vi) false imprisonment under section 609.255;

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

27 (viii) incest under section 609.365;

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

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

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

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

1 circumstances:

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

3 (ii) manslaughter under section 609.20 or 609.205;

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

5 (iv) robbery under section 609.24 or aggravated robbery

6 under section 609.245;

7 (v) kidnapping under section 609.25;

8 (vi) false imprisonment under section 609.255;

9 (vii) criminal sexual conduct under section 609.342,

10 609.343, 609.344, 609.345, ~~or~~ 609.3451, subdivision 3, or

11 609.3453;

12 (viii) incest under section 609.365;

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

14 (x) indecent exposure under section 617.23, subdivision 3.

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

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

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

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

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

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

36 (ii) manslaughter under section 609.20 or 609.205;

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

(iv) robbery under section 609.24 or aggravated robbery
3 under section 609.245;

4 (v) kidnapping under section 609.25;

5 (vi) false imprisonment under section 609.255;

6 (vii) criminal sexual conduct under section 609.342,
7 609.343, 609.344, 609.345, ~~or~~ 609.3451, subdivision 3, or
8 609.3453;

9 (viii) incest under section 609.365;

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

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

12 or

13 (2) was sentenced as a patterned sex offender under section
14 609.108, and committed to the custody of the commissioner of
15 corrections; or

16 (3) is serving a term of imprisonment in this state under a
17 reciprocal agreement although convicted in another state of an
18 offense described in this subdivision or a similar law of the
19 United States or any other state. The commissioner of
20 corrections or local corrections authority shall forward the
21 sample to the Bureau of Criminal Apprehension.

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

24 Sec. 9. Minnesota Statutes 2004, section 609.1351, is
25 amended to read:

26 609.1351 [PETITION FOR CIVIL COMMITMENT.]

27 When a court sentences a person under section 609.108,
28 609.342, 609.343, 609.344, ~~or~~ 609.345, or 609.3453, the court
29 shall make a preliminary determination whether in the court's
30 opinion a petition under section 253B.165 may be appropriate and
31 include the determination as part of the sentencing order. If
32 the court determines that a petition may be appropriate, the
33 court shall forward its preliminary determination along with
34 supporting documentation to the county attorney.

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

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

3 609.347 [EVIDENCE IN CRIMINAL SEXUAL CONDUCT CASES.]

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

36 609.3471 [RECORDS PERTAINING TO VICTIM IDENTITY

CONFIDENTIAL.]

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

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

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

609.348 [MEDICAL PURPOSES; EXCLUSION.]

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

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

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

609.353 [JURISDICTION.]

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

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

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

631.045 [EXCLUDING SPECTATORS FROM THE COURTROOM.]

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

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

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

12 Sec. 15. [REVISOR INSTRUCTION.]

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

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

25 ARTICLE 6

26 CONTROLLED SUBSTANCES PROVISIONS

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

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

34 (1) opium, coca leaves, and opiates, and methamphetamine;

35 (2) a compound, manufacture, salt, derivative, or

36 preparation of opium, coca leaves, or opiates, or

methamphetamine;

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

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

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

Subd. 2a. [METHAMPHETAMINE MANUFACTURE CRIMES CRIME; POSSESSION OF SUBSTANCES WITH INTENT TO MANUFACTURE METHAMPHETAMINE CRIME.] (a) Notwithstanding subdivision 1, sections 152.022, subdivision 1, 152.023, subdivision 1, and 152.024, subdivision 1, a person is guilty of controlled substance crime in the first degree if the person manufactures any amount of methamphetamine.

(b) ~~Notwithstanding paragraph (a) and section 609.17,~~ A person is guilty of ~~attempted manufacture of methamphetamine a~~ crime if the person possesses any chemical reagents or precursors with the intent to manufacture methamphetamine. As used in this section, "chemical reagents or precursors" ~~refers to one or more~~ includes any of the following substances, or any similar substances that can be used to manufacture methamphetamine, or their ~~the~~ salts, isomers, and salts of isomers of a listed or similar substance:

- (1) ephedrine;
- (2) pseudoephedrine;
- (3) phenyl-2-propanone;
- (4) phenylacetone;
- (5) anhydrous ammonia~~7-as-defined-in-section-18C.0057~~
- (6) organic solvents;
- (7) hydrochloric acid;

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

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

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

20 Subd. 3. [PENALTY.] (a) A person convicted under
21 subdivisions 1 to 2a, paragraph (a), may be sentenced to
22 imprisonment for not more than 30 years or to payment of a fine
23 of not more than \$1,000,000, or both; a person convicted under
24 subdivision 2a, paragraph (b), may be sentenced to imprisonment
25 for not more than ~~three~~ ten years or to payment of a fine of not
26 more than ~~\$5,000~~ \$20,000, or both.

27 (b) If the conviction is a subsequent controlled substance
28 conviction, a person convicted under subdivisions 1 to 2a,
29 paragraph (a), shall be committed to the commissioner of
30 corrections for not less than four years nor more than 40 years
31 and, in addition, may be sentenced to payment of a fine of not
32 more than \$1,000,000; a person convicted under subdivision 2a,
33 paragraph (b), may be sentenced to imprisonment for not more
34 than ~~four~~ 15 years or to payment of a fine of not more than
35 ~~\$5,000~~ \$30,000, or both.

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

1 the same person in two or more counties within a 90-day period,
2 the person may be prosecuted for all of the sales in any county
3 in which one of the sales occurred.

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

6 Sec. 4. [152.0275] [CERTAIN CONTROLLED SUBSTANCE OFFENSES;
7 RESTITUTION; PROHIBITIONS ON PROPERTY USE; NOTICE PROVISIONS.]

8 Subdivision 1. [RESTITUTION.] (a) As used in this
9 subdivision:

10 (1) "clandestine lab site" means any structure or
11 conveyance or outdoor location occupied or affected by
12 conditions or chemicals typically associated with the
13 manufacturing of methamphetamine;

14 (2) "emergency response" includes, but is not limited to,
15 removing and collecting evidence, securing the site, removal,
16 remediation, and hazardous chemical assessment or inspection of
17 the site where the relevant offense or offenses took place,
18 regardless of whether these actions are performed by the public
19 entities themselves or by private contractors paid by the public
20 entities, or the property owner;

21 (3) "remediation" means proper cleanup, treatment, or
22 containment of hazardous substances or methamphetamine at or in
23 a clandestine lab site, and may include demolition or disposal
24 of structures or other property when an assessment so indicates;
25 and

26 (4) "removal" means the removal from the clandestine lab
27 site of precursor or waste chemicals, chemical containers, or
28 equipment associated with the manufacture, packaging, or storage
29 of illegal drugs.

30 (b) A court may require a person convicted of manufacturing
31 or attempting to manufacture a controlled substance or of an
32 illegal activity involving a precursor substance, where the
33 response to the crime involved an emergency response, to pay
34 restitution to all public entities that participated in the
35 response. The restitution ordered may cover the reasonable
36 costs of their participation in the response.

1 (c) In addition to the restitution authorized in paragraph
2 (b), a court may require a person convicted of manufacturing or
3 attempting to manufacture a controlled substance or of illegal
4 activity involving a precursor substance to pay restitution to a
5 property owner who incurred removal or remediation costs because
6 of the crime.

7 Subd. 2. [PROPERTY-RELATED PROHIBITIONS; NOTICE; WEB
8 SITE.] (a) As used in this subdivision:

9 (1) "clandestine lab site" has the meaning given in
10 subdivision 1, paragraph (a);

11 (2) "property" means publicly or privately owned real
12 property including buildings and other structures, motor
13 vehicles as defined in section 609.487, subdivision 2a, public
14 waters, and public rights-of-way;

15 (3) "remediation" has the meaning given in subdivision 1,
16 paragraph (a); and

17 (4) "removal" has the meaning given in subdivision 1,
18 paragraph (a).

19 (b) A peace officer who arrests a person at a clandestine
20 lab site shall notify the appropriate county or local health
21 department, state duty officer, and child protection services of
22 the arrest and the location of the site.

23 (c) A county or local health department or sheriff shall
24 order that any property or portion of a property that has been
25 found to be a clandestine lab site and contaminated by
26 substances, chemicals, or items of any kind used in the
27 manufacture of methamphetamine or any part of the manufacturing
28 process, or the by-products or degradates of manufacturing
29 methamphetamine be prohibited from being occupied or used until
30 it has been assessed and remediated as provided in the
31 Department of Health's clandestine drug labs general cleanup
32 guidelines. The remediation shall be accomplished by a
33 contractor who will make the verification required under
34 paragraph (e).

35 (d) Unless clearly inapplicable, the procedures specified
36 in chapter 145A and any related rules adopted under that chapter

addressing the enforcement of public health laws, the removal and abatement of public health nuisances, and the remedies available to property owners or occupants apply to this subdivision.

(e) Upon the proper removal and remediation of any property used as a clandestine lab site, the contractor shall verify to the applicable authority that issued the order under paragraph (c) that the work was completed according to the Department of Health's clandestine drug labs general cleanup guidelines and best practices and that levels of contamination have been reduced to levels set forth in the guidelines. The contractor shall provide the verification to the property owner and the applicable authority within five days from the completion of the remediation. Following this, the applicable authority shall vacate its order.

(f) If a contractor issues a verification and the property was not remediated according to the Department of Health's clandestine drug labs general cleanup guidelines or the levels of contamination were not reduced to levels set forth in the guidelines, the contractor is liable to the property owner for the additional costs relating to the proper remediation of the property according to the guidelines and reducing the levels of contamination to levels set in the guidelines and for reasonable attorney fees for collection of costs by the property owner. An action under this paragraph must be commenced within six years from the date on which the verification was issued by the contractor.

(g) If the applicable authority determines under paragraph (c) that a motor vehicle has been contaminated by substances, chemicals, or items of any kind used in the manufacture of methamphetamine or any part of the manufacturing process, or the by-products or degradates of manufacturing methamphetamine and if the authority is able to obtain the certificate of title for the motor vehicle, the authority shall notify the registrar of motor vehicles of this fact and in addition, forward the certificate of title to the registrar. The authority shall also

1 notify the registrar when it vacates its order under paragraph
2 (e).

3 (h) The applicable authority issuing an order under
4 paragraph (c) shall record with the county recorder or registrar
5 of titles of the county where the clandestine lab is located an
6 affidavit containing the name of the owner, a legal description
7 of the property where the clandestine lab was located, and a map
8 drawn from available information showing the boundary of the
9 property and the location of the contaminated area on the
10 property that is prohibited from being occupied or used that
11 discloses to any potential transferee:

12 (1) that the property, or a portion of the property, was
13 the site of a clandestine lab;

14 (2) the location, condition, and circumstances of the
15 clandestine lab, to the full extent known or reasonably
16 ascertainable; and

17 (3) that the use of the property or some portion of it may
18 be restricted as provided by paragraph (c).

19 If an inaccurate drawing or description is filed, the authority,
20 on request of the owner or another interested person, shall file
21 a supplemental affidavit with a corrected drawing or description.

22 If the authority vacates its order under paragraph (e), the
23 authority shall record an affidavit that contains the recording
24 information of the affidavit and states that the order is
25 vacated. Upon filing the affidavit vacating the order, the
26 affidavit and the affidavit filed under this paragraph, together
27 with the information set forth in the affidavits, cease to
28 constitute either actual or constructive notice.

29 (i) If proper removal and remediation has occurred on the
30 property, an interested party may record an affidavit indicating
31 that this has occurred. Upon filing the affidavit described in
32 this paragraph, the affidavit and the affidavit filed under
33 paragraph (h), together with the information set forth in the
34 affidavits, cease to constitute either actual or constructive
35 notice. Failure to record an affidavit under this section does
36 not affect or prevent any transfer of ownership of the property.

1 (j) The county recorder or registrar of titles must record
2 all affidavits presented under paragraph (h) or (i) in a manner
3 that assures their disclosure in the ordinary course of a title
4 search of the subject property.

5 (k) The commissioner of health shall post on the Internet
6 contact information for each local community health services
7 administrator.

8 (l) Each local community health services administrator
9 shall maintain information related to property within the
10 administrator's jurisdiction that is currently or was previously
11 subject to an order issued under paragraph (c). The information
12 maintained must include the name of the owner, the location of
13 the property, the extent of the contamination, the status of the
14 removal and remediation work on the property, and whether the
15 order has been vacated. The administrator shall make this
16 information available to the public either upon request or by
17 other means.

18 (m) Before signing an agreement to sell or transfer real
19 property, the seller or transferor must disclose in writing to
20 the buyer or transferee if, to the seller's or transferor's
21 knowledge, methamphetamine production has occurred on the
22 property. If methamphetamine production has occurred on the
23 property, the disclosure shall include a statement to the buyer
24 or transferee informing the buyer or transferee:

25 (1) whether an order has been issued on the property as
26 described in paragraph (c);

27 (2) whether any orders issued against the property under
28 paragraph (c) have been vacated under paragraph (i); or

29 (3) if there was no order issued against the property and
30 the seller or transferor is aware that methamphetamine
31 production has occurred on the property, the status of removal
32 and remediation on the property.

33 (n) Unless the buyer or transferee and seller or transferor
34 agree to the contrary in writing before the closing of the sale,
35 a seller or transferor who fails to disclose, to the best of
36 their knowledge, at the time of sale any of the facts required,

1 and who knew or had reason to know of methamphetamine production
2 on the property, is liable to the buyer or transferee for:

3 (1) costs relating to remediation of the property according
4 to the Department of Health's clandestine drug labs general
5 cleanup guidelines and best practices so that contamination is
6 reduced to levels set forth in the guidelines; and

7 (2) reasonable attorney fees for collection of costs from
8 the seller or transferor.

9 An action under this paragraph must be commenced within six
10 years after the date on which the buyer or transferee closed the
11 purchase or transfer of the real property where the
12 methamphetamine production occurred.

13 [EFFECTIVE DATE.] This section is effective January 1,
14 2006, and applies to crimes committed on or after that date.

15 Sec. 5. [152.136] [ANHYDROUS AMMONIA; PROHIBITED CONDUCT;
16 CRIMINAL PENALTIES; CIVIL LIABILITY.]

17 Subdivision 1. [DEFINITIONS.] As used in this section,
18 "tamper" means action taken by a person not authorized to take
19 that action by law or by the owner or authorized custodian of an
20 anhydrous ammonia container or of equipment where anhydrous
21 ammonia is used, stored, distributed, or transported.

22 Subd. 2. [PROHIBITED CONDUCT.] (a) A person may not:

23 (1) steal or unlawfully take or carry away any amount of
24 anhydrous ammonia;

25 (2) purchase, possess, transfer, or distribute any amount
26 of anhydrous ammonia, knowing, or having reason to know, that it
27 will be used to unlawfully manufacture a controlled substance;

28 (3) place, have placed, or possess anhydrous ammonia in a
29 container that is not designed, constructed, maintained, and
30 authorized to contain or transport anhydrous ammonia;

31 (4) transport anhydrous ammonia in a container that is not
32 designed, constructed, maintained, and authorized to transport
33 anhydrous ammonia;

34 (5) use, deliver, receive, sell, or transport a container
35 designed and constructed to contain anhydrous ammonia without
36 the express consent of the owner or authorized custodian of the

1 container; or

2 (6) tamper with any equipment or facility used to contain,
3 store, or transport anhydrous ammonia.

4 (b) For the purposes of this subdivision, containers
5 designed and constructed for the storage and transport of
6 anhydrous ammonia are described in rules adopted under section
7 18C.121, subdivision 1, or in Code of Federal Regulations, title
8 49.

9 Subd. 3. [NO CAUSE OF ACTION.] (a) Except as provided in
10 paragraph (b), a person tampering with anhydrous ammonia
11 containers or equipment under subdivision 2 shall have no cause
12 of action for damages arising out of the tampering against:

13 (1) the owner or lawful custodian of the container or
14 equipment;

15 (2) a person responsible for the installation or
16 maintenance of the container or equipment; or

17 (3) a person lawfully selling or offering for sale the
18 anhydrous ammonia.

19 (b) Paragraph (a) does not apply to a cause of action
20 against a person who unlawfully obtained the anhydrous ammonia
21 or anhydrous ammonia container or who possesses the anhydrous
22 ammonia or anhydrous ammonia container for any unlawful purpose.

23 Subd. 4. [CRIMINAL PENALTY.] A person who knowingly
24 violates subdivision 2 is guilty of a felony and may be
25 sentenced to imprisonment for not more than five years or to
26 payment of a fine of not more than \$50,000, or both.

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

29 Sec. 6. [152.137] [METHAMPHETAMINE-RELATED CRIMES
30 INVOLVING CHILDREN AND VULNERABLE ADULTS.]

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

33 (b) "Chemical substance" means a substance intended to be
34 used as a precursor in the manufacture of methamphetamine or any
35 other chemical intended to be used in the manufacture of
36 methamphetamine.

1 (c) "Child" means any person under the age of 18 years.

2 (d) "Methamphetamine paraphernalia" means all equipment,
3 products, and materials of any kind that are used, intended for
4 use, or designed for use in manufacturing, injecting, ingesting,
5 inhaling, or otherwise introducing methamphetamine into the
6 human body.

7 (e) "Methamphetamine waste products" means substances,
8 chemicals, or items of any kind used in the manufacture of
9 methamphetamine or any part of the manufacturing process, or the
10 by-products or degradates of manufacturing methamphetamine.

11 (f) "Vulnerable adult" has the meaning given in section
12 609.232, subdivision 11.

13 Subd. 2. [PROHIBITED CONDUCT.] (a) No person may knowingly
14 engage in any of the following activities in the presence of a
15 child or vulnerable adult; in the residence of a child or a
16 vulnerable adult; in a building, structure, conveyance, or
17 outdoor location where a child or vulnerable adult might
18 reasonably be expected to be present; in a room offered to the
19 public for overnight accommodation; or in any multiple unit
20 residential building:

21 (1) manufacturing or attempting to manufacture
22 methamphetamine;

23 (2) storing any chemical substance;

24 (3) storing any methamphetamine waste products; or

25 (4) storing any methamphetamine paraphernalia.

26 (b) No person may knowingly cause or permit a child or
27 vulnerable adult to inhale, be exposed to, have contact with, or
28 ingest methamphetamine, a chemical substance, or methamphetamine
29 paraphernalia.

30 Subd. 3. [CRIMINAL PENALTY.] A person who violates
31 subdivision 2 is guilty of a felony and may be sentenced to
32 imprisonment for not more than five years or to payment of a
33 fine of not more than \$10,000, or both.

34 Subd. 4. [MULTIPLE SENTENCES.] Notwithstanding sections
35 609.035 and 609.04, a prosecution for or conviction under this
36 section is not a bar to conviction of or punishment for any

1 other crime committed by the defendant as part of the same
2 conduct.

3 Subd. 5. [PROTECTIVE CUSTODY.] A peace officer may take
4 any child present in an area where any of the activities
5 described in subdivision 2, paragraph (a), clauses (1) to (4),
6 are taking place into protective custody in accordance with
7 section 260C.175, subdivision 1, paragraph (b), clause (2). A
8 child taken into protective custody under this subdivision shall
9 be provided health screening to assess potential health concerns
10 related to methamphetamine as provided in section 260C.188. A
11 child not taken into protective custody under this subdivision
12 but who is known to have been exposed to methamphetamine shall
13 be offered health screening for potential health concerns
14 related to methamphetamine as provided in section 260C.188.

15 Subd. 6. [REPORTING MALTREATMENT OF VULNERABLE ADULT.] (a)
16 A peace officer shall make a report of suspected maltreatment of
17 a vulnerable adult if the vulnerable adult is present in an area
18 where any of the activities described in subdivision 2,
19 paragraph (a), clauses (1) to (4), are taking place, and the
20 peace officer has reason to believe the vulnerable adult
21 inhaled, was exposed to, had contact with, or ingested
22 methamphetamine, a chemical substance, or methamphetamine
23 paraphernalia. The peace officer shall immediately report to
24 the county common entry point as described in section 626.557,
25 subdivision 9b.

26 (b) As required in section 626.557, subdivision 9b, law
27 enforcement is the primary agency to conduct investigations of
28 any incident when there is reason to believe a crime has been
29 committed. Law enforcement shall initiate a response
30 immediately. If the common entry point notified a county agency
31 for adult protective services, law enforcement shall cooperate
32 with that county agency when both agencies are involved and
33 shall exchange data to the extent authorized in section 626.557,
34 subdivision 12b, paragraph (g). County adult protection shall
35 initiate a response immediately.

36 (c) The county social services agency shall immediately

1 respond as required in section 626.557, subdivision 10, upon
2 receipt of a report from the common entry point staff.

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

5 Sec. 7. [152.139] [DISPOSING OF METHAMPHETAMINE WASTE
6 PRODUCTS; CRIME.]

7 Subdivision 1. [DEFINITIONS.] As used in this section:

8 (1) "chemical substance" means a substance intended to be
9 used as a precursor in the manufacture of methamphetamine or any
10 other chemical intended to be used in the manufacture of
11 methamphetamine; and

12 (2) "methamphetamine waste product" means a substance,
13 chemical, or item of any kind used in the manufacture or
14 attempted manufacture of methamphetamine or any part of the
15 manufacturing process, or the by-product or degradate of
16 manufacturing or attempting to manufacture methamphetamine.

17 Subd. 2. [CRIMES DESCRIBED; PENALTIES.] (a) Except as
18 provided in paragraph (b), a person who knowingly disposes of or
19 abandons any methamphetamine waste product or chemical substance
20 is guilty of a felony and may be sentenced to imprisonment for
21 not more than five years or to payment of a fine of not more
22 than \$50,000, or both.

23 (b) A person who knowingly disposes of or abandons any
24 methamphetamine waste product or chemical substance in a manner
25 that places another person in imminent danger of death, great
26 bodily harm, or substantial bodily harm, is guilty of a felony
27 and may be sentenced to imprisonment for not more than ten years
28 or to payment of a fine of not more than \$100,000, or both.

29 Subd. 3. [EXCEPTION.] This section does not apply to:

30 (1) a peace officer acting in the course of the officer's
31 employment; or

32 (2) a person who lawfully disposes of any product or
33 substance in a manner approved by the Pollution Control Agency.

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

36 Sec. 8. Minnesota Statutes 2004, section 168A.05,

1 subdivision 3, is amended to read:

2 Subd. 3. [CONTENT OF CERTIFICATE.] Each certificate of
3 title issued by the department shall contain:

4 (1) the date issued;

5 (2) the first, middle, and last names, the dates of birth,
6 and addresses of all owners who are natural persons, the full
7 names and addresses of all other owners;

8 (3) the names and addresses of any secured parties in the
9 order of priority as shown on the application, or if the
10 application is based on a certificate of title, as shown on the
11 certificate, or as otherwise determined by the department;

12 (4) any liens filed pursuant to a court order or by a
13 public agency responsible for child support enforcement against
14 the owner;

15 (5) the title number assigned to the vehicle;

16 (6) a description of the vehicle including, so far as the
17 following data exists, its make, model, year, identifying
18 number, type of body, whether new or used, and if a new vehicle,
19 the date of the first sale of the vehicle for use;

20 (7) with respect to motor vehicles subject to the
21 provisions of section 325E.15, the true cumulative mileage
22 registered on the odometer or that the actual mileage is unknown
23 if the odometer reading is known by the owner to be different
24 from the true mileage;

25 (8) with respect to vehicles subject to sections 325F.6641
26 and 325F.6642, the appropriate term "flood damaged," "rebuilt,"
27 "prior salvage," or "reconstructed"; and

28 (9) with respect to a vehicle contaminated by
29 methamphetamine production, if the registrar has received the
30 certificate of title and notice described in section 152.0275,
31 subdivision 2, paragraph (g), the term "hazardous waste
32 contaminated vehicle"; and

33 (10) any other data the department prescribes.

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

34 Sec. 9. [244.055] [CONDITIONAL RELEASE OF NONVIOLENT
35 CONTROLLED SUBSTANCE OFFENDERS; OPPORTUNITY FOR DRUG TREATMENT.]

1 Subdivision 1. [CONDITIONAL RELEASE AUTHORITY.] The
2 commissioner of corrections has the authority to release
3 offenders committed to the commissioner's custody who meet the
4 requirements of this section and of any rules adopted by the
5 commissioner.

6 Subd. 2. [CONDITIONAL RELEASE OF CERTAIN NONVIOLENT
7 CONTROLLED SUBSTANCE OFFENDERS.] An offender who has been
8 committed to the commissioner's custody may petition the
9 commissioner for conditional release from prison before the
10 offender's scheduled supervised release date or target release
11 date if:

12 (1) the offender is serving a sentence for violating
13 section 152.021, 152.022, 152.023, 152.024, or 152.025;

14 (2) the offender committed the crime as a result of a
15 controlled substance addiction, and not primarily for profit;

16 (3) the offender has served at least 36 months or one-half
17 of the offender's term of imprisonment, whichever is less;

18 (4) the offender successfully completed a chemical
19 dependency treatment program while in prison; and

20 (5) the offender has not previously been conditionally
21 released under this section.

22 Subd. 3. [OFFER OF CHEMICAL DEPENDENCY TREATMENT.] The
23 commissioner shall offer all offenders meeting the criteria
24 described in subdivision 2, clauses (1) and (2), the opportunity
25 to begin a suitable chemical dependency treatment program within
26 120 days after the offender's term of imprisonment begins.

27 Subd. 4. [RELEASE PROCEDURES.] The commissioner may not
28 grant conditional release to an offender under this section
29 unless the commissioner determines that the offender's release
30 will not pose a danger to the public or an individual. In
31 making this determination, the commissioner shall follow the
32 procedures contained in section 244.05, subdivision 5, and the
33 rules adopted by the commissioner under that subdivision. The
34 commissioner shall also consider the offender's custody
35 classification and level of risk of violence and the
36 availability of appropriate community supervision for the

1 offender. Conditional release granted under this section
2 continues until the offender's sentence expires, unless release
3 is rescinded under subdivision 5.

4 Subd. 5. [CONDITIONAL RELEASE.] The conditions of release
5 granted under this section are governed by the statutes and
6 rules governing supervised release under this chapter, except
7 that release may be rescinded without hearing by the
8 commissioner if the commissioner determines that continuation of
9 the conditional release poses a danger to the public or to an
10 individual. If the commissioner rescinds an offender's
11 conditional release, the offender shall be returned to prison
12 and shall serve the remaining portion of the offender's sentence.

13 Subd. 6. [OFFENDERS SERVING OTHER SENTENCES.] An offender
14 who is serving both a sentence for an offense described in
15 subdivision 2 and an offense not described in subdivision 2, is
16 not eligible for release under this section unless the offender
17 has completed the offender's full term of imprisonment for the
18 other offense.

19 [EFFECTIVE DATE.] This section is effective July 1, 2005,
20 and applies to persons in prison on or after that date.

21 Sec. 10. Minnesota Statutes 2004, section 260C.171, is
22 amended by adding a subdivision to read:

23 Subd. 6. [NOTICE TO SCHOOL.] (a) As used in this
24 subdivision, the following terms have the meanings given.
25 "Chemical substance," "methamphetamine paraphernalia," and
26 "methamphetamine waste products" have the meanings given in
27 section 152.137, subdivision 1. "School" means a charter school
28 or a school as defined in section 120A.22, subdivision 4, except
29 a home school.

30 (b) If a child has been taken into protective custody after
31 being found in an area where methamphetamine was being
32 manufactured or attempted to be manufactured or where any
33 chemical substances, methamphetamine paraphernalia, or
34 methamphetamine waste products were stored, and the child is
35 enrolled in school, the officer who took the child into custody
36 shall notify the chief administrative officer of the child's

1 school of this fact.

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

4 Sec. 11. [299C.90] [CITIZEN REPORTS OF METHAMPHETAMINE
5 VIOLATIONS.]

6 The superintendent of the Bureau of Criminal Apprehension
7 shall maintain and publicize a toll-free telephone number to
8 enable citizens to report information about potential
9 methamphetamine violations, including, but not limited to,
10 illicit methamphetamine laboratories. The agency shall take
11 appropriate steps after receiving a citizen report after
12 considering the nature and trustworthiness of the information
13 reported, including, but not limited to, contacting the
14 appropriate law enforcement agency.

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

16 Sec. 12. Minnesota Statutes 2004, section 609.1095,
17 subdivision 1, is amended to read:

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

20 (b) "Conviction" means any of the following accepted and
21 recorded by the court: a plea of guilty, a verdict of guilty by
22 a jury, or a finding of guilty by the court. The term includes
23 a conviction by any court in Minnesota or another jurisdiction.

24 (c) "Prior conviction" means a conviction that occurred
25 before the offender committed the next felony resulting in a
26 conviction and before the offense for which the offender is
27 being sentenced under this section.

28 (d) "Violent crime" means a violation of or an attempt or
29 conspiracy to violate any of the following laws of this state or
30 any similar laws of the United States or any other state:

31 ~~section~~ sections 152.137; 609.165; 609.185; 609.19; 609.195;
32 609.20; 609.205; 609.21; 609.221; 609.222; 609.223; 609.228;
33 609.235; 609.24; 609.245; 609.25; 609.255; 609.2661; 609.2662;
34 609.2663; 609.2664; 609.2665; 609.267; 609.2671; 609.268;
35 609.342; 609.343; 609.344; 609.345; 609.498, subdivision 1;
36 609.561; 609.562; 609.582, subdivision 1; 609.66, subdivision

1 le; 609.687; and 609.855, subdivision 5; any provision of
2 sections 609.229; 609.377; 609.378; 609.749; and 624.713 that is
3 punishable by a felony penalty; or any provision of chapter 152
4 that is punishable by a maximum sentence of 15 years or more.

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

7 Sec. 13. Minnesota Statutes 2004, section 617.81, is
8 amended by adding a subdivision to read:

9 Subd. 2b. [EXCEPTION; NUISANCES INVOLVING METHAMPHETAMINE
10 MANUFACTURE.] Notwithstanding subdivision 2, for purposes of
11 sections 617.80 to 617.87, a public nuisance exists upon proof
12 of one or more behavioral incidents involving the manufacturing
13 or attempted manufacture of methamphetamine in the previous 12
14 months within the building. The requirement of two or more
15 behavioral incidents in subdivision 2, paragraph (b), does not
16 apply to incidents involving the manufacturing or attempted
17 manufacture of methamphetamine.

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

20 Sec. 14. Minnesota Statutes 2004, section 617.81,
21 subdivision 4, is amended to read:

22 Subd. 4. [NOTICE.] (a) If a prosecuting attorney has
23 reason to believe that a nuisance is maintained or permitted in
24 the jurisdiction the prosecuting attorney serves, and intends to
25 seek abatement of the nuisance, the prosecuting attorney shall
26 provide the written notice described in paragraph (b), by
27 personal service or certified mail, return receipt requested, to
28 the owner and all interested parties known to the prosecuting
29 attorney.

30 (b) The written notice must:

31 (1) state that a nuisance as defined in subdivision 2 is
32 maintained or permitted in the building and must specify the
33 kind or kinds of nuisance being maintained or permitted;

34 (2) summarize the evidence that a nuisance is maintained or
35 permitted in the building, including the date or dates on which
36 nuisance-related activity or activities are alleged to have

1 occurred;

2 (3) inform the recipient that failure to abate the conduct
3 constituting the nuisance or to otherwise resolve the matter
4 with the prosecuting attorney within 30 days of service of the
5 notice may result in the filing of a complaint for relief in
6 district court that could, among other remedies, result in
7 enjoining the use of the building for any purpose for one year
8 or, in the case of a tenant, could result in cancellation of the
9 lease; and

10 (4) inform the owner of the options available under section
11 617.85.

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

14 Sec. 15. Minnesota Statutes 2004, section 617.85, is
15 amended to read:

16 617.85 [NUISANCE; MOTION TO CANCEL LEASE.]

17 Where notice is provided under section 617.81, subdivision
18 4, that an abatement of a nuisance is sought and the
19 circumstances that are the basis for the requested abatement
20 involved the acts of a commercial or residential tenant or
21 lessee of part or all of a building, the owner of the building
22 that is subject to the abatement proceeding may file before the
23 court that has jurisdiction over the abatement proceeding a
24 motion to cancel the lease or otherwise secure restitution of
25 the premises from the tenant or lessee who has maintained or
26 conducted the nuisance. The owner may assign to the prosecuting
27 attorney the right to file this motion. In addition to the
28 grounds provided in chapter 566, the maintaining or conducting
29 of a nuisance as defined in section 617.81, subdivision 2, by a
30 tenant or lessee, is an additional ground authorized by law for
31 seeking the cancellation of a lease or the restitution of the
32 premises. Service of motion brought under this section must be
33 served in a manner that is sufficient under the Rules of Civil
34 Procedure and chapter 566.

35 It is no defense to a motion under this section by the
36 owner or the prosecuting attorney that the lease or other

1 agreement controlling the tenancy or leasehold does not provide
2 for eviction or cancellation of the lease upon the ground
3 provided in this section.

4 Upon a finding by the court that the tenant or lessee has
5 maintained or conducted a nuisance in any portion of the
6 building, the court shall order cancellation of the lease or
7 tenancy and grant restitution of the premises to the owner. The
8 court must not order abatement of the premises if the court:

9 (a) cancels a lease or tenancy and grants restitution of
10 that portion of the premises to the owner; and

11 (b) further finds that the act or acts constituting the
12 nuisance as defined in section 617.81, subdivision 2, were
13 committed by the tenant or lessee whose lease or tenancy has
14 been canceled pursuant to this section and the tenant or lessee
15 was not committing the act or acts in conjunction with or under
16 the control of the owner.

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

19 Sec. 16. [BOARD OF VETERINARY MEDICINE REPORT, PRECURSOR
20 ANIMAL PRODUCTS.]

21 The Board of Veterinary Medicine shall study and issue a
22 report on animal products that may be used in the manufacture of
23 methamphetamine. The report must include proposals for
24 restricting access to such products only to legitimate users,
25 specifically addressing the manufacturing, wholesaling,
26 distributing, and retailing of precursor veterinary products.
27 The board shall report its findings to the chairs and ranking
28 minority members of the senate and house committees having
29 jurisdiction over criminal justice and veterinary policy by
30 February 1, 2006.

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

33 Sec. 17. [REVISOR'S INSTRUCTION.]

34 The revisor of statutes shall recodify the provisions of
35 Minnesota Statutes, section 152.021, subdivision 2a, paragraph
36 (b), and subdivision 3, as amended by this article, that relate

1 to the possession of chemical reagents or precursors with the
2 intent to manufacture methamphetamine and the penalties for
3 doing this into a new section of law codified as Minnesota
4 Statutes, section 152.0262. The revisor shall make any
5 necessary technical changes, including, but not limited to,
6 changes to statutory cross-references, to Minnesota Statutes,
7 section 152.021, and any other statutory sections to accomplish
8 this.

9 Sec. 18. [REPEALER.]

10 Minnesota Statutes 2004, sections 18C.005, subdivisions 1a
11 and 35a; 18C.201, subdivisions 6 and 7; and 18D.331, subdivision
12 5, are repealed.

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

15 ARTICLE 7

16 GENERAL CRIME PROVISIONS

17 Section 1. Minnesota Statutes 2004, section 244.10, is
18 amended by adding a subdivision to read:

19 Subd. 4. [PROOF OF AGGRAVATING FACTORS.] The court shall
20 allow a prosecutor seeking to prove the existence of an
21 aggravating factor justifying an upward departure under the
22 Sentencing Guidelines the opportunity to prove this to the fact
23 finder. The prosecutor shall provide reasonable notice to the
24 defendant and the court of the prosecutor's intent to seek an
25 upward departure and the aggravating factor on which the
26 prosecutor intends to rely. Upon reasonable notice, the court
27 shall allow the prosecutor the opportunity to prove the
28 aggravating factor either in a unitary or bifurcated trial.

29 [EFFECTIVE DATE.] This section is effective the day
30 following final enactment and applies to sentencing departures
31 sought on or after that date.

32 Sec. 2. [325F.696] [DEFINITIONS.]

33 Subdivision 1. [SCOPE.] For the purposes of sections
34 325F.696 to 325F.699, the terms in this section have the
35 meanings given them.

36 Subd. 2. [COMMERCIAL ELECTRONIC MAIL MESSAGE.] "Commercial

1 electronic mail message" means any electronic mail message, the
2 primary purpose of which is the commercial advertisement or
3 promotion of a commercial product or service, including content
4 on an Internet Web site operated for a commercial purpose, but
5 does not include a transactional or relationship message. The
6 inclusion of a reference to a commercial entity or a link to the
7 Web site of a commercial entity does not, by itself, cause that
8 message to be treated as a commercial electronic mail message
9 for the purpose of this section if the contents or circumstances
10 of the message indicate a primary purpose other than commercial
11 advertisement or promotion of a commercial product or service.

12 Subd. 3. [COMPUTER.] "Computer" means an electronic device
13 that performs logical, arithmetic, and memory functions by the
14 manipulation of electronic or magnetic impulses. Computer
15 includes, but is not limited to, all input, output, processing,
16 storage, computer program, or communication facilities that are
17 connected or related in a computer system or network to an
18 electronic device of that nature.

19 Subd. 4. [COMPUTER NETWORK.] "Computer network" means a
20 set of related and remotely connected computers and
21 communication facilities that includes more than one computer
22 system that has the capability to transmit among the connected
23 computers and communication facilities through the use of
24 computer facilities.

25 Subd. 5. [COMPUTER SYSTEM.] "Computer system" means a
26 computer and related devices, whether connected or unconnected,
27 including, but not limited to, data input, output, and storage
28 devices, data communication links, and computer programs and
29 data that make the system capable of performing specified
30 special purpose data processing tasks.

31 Subd. 6. [DOMAIN NAME.] "Domain name" means any
32 alphanumeric designation that is registered with or assigned by
33 any domain name registrar, domain name registry, or other domain
34 name registration authority as part of an electronic address on
35 the Internet.

36 Subd. 7. [ELECTRONIC MAIL.] "Electronic mail" means an

1 electronic message that is transmitted between two or more
2 telecommunications devices or electronic devices capable of
3 receiving electronic messages, whether or not the message is
4 converted to hard copy format after receipt, and whether or not
5 the message is viewed upon the transmission or stored for later
6 retrieval. "Electronic mail" includes electronic messages that
7 are transmitted through a local, regional, or global computer
8 network.

9 Subd. 8. [ORIGINATING ADDRESS.] "Originating address"
10 means the string of characters used to specify the source of any
11 electronic mail message.

12 Subd. 9. [RECEIVING ADDRESS.] "Receiving address" means
13 the string of characters used to specify a recipient with each
14 receiving address creating a unique and separate recipient.

15 Subd. 10. [ELECTRONIC MAIL MESSAGE.] "Electronic mail
16 message" means each electronic mail message addressed to a
17 discrete addressee.

18 Subd. 11. [ELECTRONIC MAIL SERVICE PROVIDER.] "Electronic
19 mail service provider" means any person, including an Internet
20 service provider, that is an intermediary in sending and
21 receiving electronic mail and that provides to the public
22 electronic mail accounts or online user accounts from which
23 electronic mail may be sent.

24 Subd. 12. [HEADER INFORMATION.] "Header information" means
25 the source, destination, and routing information attached to an
26 electronic mail message, including the originating domain name,
27 originating address, and technical information that
28 authenticates the sender of an electronic mail message for
29 computer network security or computer network management
30 purposes.

31 Subd. 13. [INITIATE THE TRANSMISSION;
32 INITIATED.] "Initiate the transmission" or "initiated" means to
33 originate or transmit a commercial electronic mail message or to
34 procure the origination or transmission of that message,
35 regardless of whether the message reaches its intended
36 recipients, but does not include actions that constitute routine

1 conveyance of the message.

2 Subd. 14. [INTERNET.] "Internet" means collectively the
3 myriad of computer and telecommunications facilities, including
4 equipment and operating software, which comprise the
5 interconnected worldwide network of networks that employ the
6 Transmission Control Protocol/Internet Protocol, or any
7 predecessor or successor protocols to this protocol, to
8 communication information of all kinds by wire or radio.

9 Subd. 15. [INTERNET PROTOCOL ADDRESS.] "Internet protocol
10 address" means the string of numbers by which locations on the
11 Internet are identified by routers or other computers connected
12 to the Internet.

13 Subd. 16. [MATERIALLY FALSIFY.] "Materially falsify" means
14 to alter or conceal in a manner that would impair the ability of
15 a recipient of an electronic mail message, an electronic mail
16 service provider processing an electronic mail message on behalf
17 of a recipient, a person alleging a violation of section
18 325F.697, or a law enforcement agency to identify, locate, or
19 respond to the person that initiated the electronic mail message
20 or to investigate an alleged violation of this section.

21 Subd. 17. [MULTIPLE.] "Multiple" means more than ten
22 commercial electronic mail messages during a 24-hour period,
23 more than 100 commercial electronic mail messages during a
24 30-day period, or more than 1,000 commercial electronic mail
25 messages during a one-year period.

26 Subd. 18. [RECIPIENT.] "Recipient" means a person who
27 receives a commercial electronic mail message at any one of the
28 following receiving addresses:

29 (1) a receiving address furnished by an electronic mail
30 service provider that bills for furnishing and maintaining that
31 receiving address to a mailing address within this state;

32 (2) a receiving address ordinarily accessed from a computer
33 located within this state or by a person domiciled within this
34 state; or

35 (3) any other receiving address with respect to which this
36 section can be imposed consistent with the United States

1 Constitution.

2 Subd. 19. [ROUTINE CONVEYANCE.] "Routine conveyance" means
3 the transmission, routing, relaying, handling, or storing,
4 through an automated technical process, of an electronic mail
5 message for which another person has identified the recipients
6 or provided the recipient addresses.

7 Subd. 20. [TRANSACTIONAL OR RELATIONSHIP
8 MESSAGE.] "Transactional or relationship message" means an
9 electronic mail message the primary purpose of which is to do
10 any of the following:

11 (1) facilitate, complete, or confirm a commercial
12 transaction that the recipient has previously agreed to enter
13 into with the sender;

14 (2) provide warranty information, product recall
15 information, or safety or security information with respect to a
16 commercial product or service used or purchased by the
17 recipient;

18 (3) provide notification concerning a change in the terms
19 or features of; a change in the recipient's standing or status
20 with respect to; or, at regular periodic intervals, account
21 balance information or other type of account statement with
22 respect to a subscription, membership, account, loan, or
23 comparable ongoing commercial relationship involving the ongoing
24 purchase or use by the recipient of products or services offered
25 by the sender;

26 (4) provide information directly related to an employment
27 relationship or related benefit plan in which the recipient is
28 currently involved, participating, or enrolled; or

29 (5) deliver goods or services, including product updates or
30 upgrades, that the recipient is entitled to receive under the
31 terms of a transaction that the recipient has previously agreed
32 to enter into with the sender.

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

35 Sec. 3. [325F.697] [FALSE, MISLEADING, OR DECEPTIVE
36 COMMERCIAL ELECTRONIC MAIL MESSAGES PROHIBITED.]

1 No person, with regard to commercial electronic mail
2 messages sent from or to a computer in this state, shall do any
3 of the following:

4 (1) knowingly use a computer to relay or retransmit
5 multiple commercial electronic mail messages, with the intent to
6 deceive or mislead recipients or any electronic mail service
7 provider, as to the origin of those messages;

8 (2) knowingly and materially falsify header information in
9 multiple commercial electronic mail messages and purposely
10 initiate the transmission of those messages;

11 (3) knowingly register, using information that materially
12 falsifies the identity of the actual registrant, for five or
13 more electronic mail accounts or online user accounts or two or
14 more domain names and purposely initiate the transmission of
15 multiple commercial electronic mail messages from one, or any
16 combination, of those accounts or domain names; or

17 (4) knowingly falsely represent the right to use five or
18 more Internet protocol addresses and purposely initiate the
19 transmission of multiple commercial electronic mail messages
20 from those addresses.

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

23 Sec. 4. [325F.698] [ILLEGAL TRANSMISSION OF MULTIPLE
24 MESSAGES; CRIMINAL PENALTIES.]

25 (a) Whoever violates section 325F.697 is guilty of
26 illegally transmitting multiple commercial electronic mail
27 messages. Except as otherwise provided in paragraph (b) or
28 section 325F.699, subdivision 3, illegally transmitting multiple
29 commercial electronic mail messages is a misdemeanor.

30 (b) Illegally transmitting multiple commercial electronic
31 mail messages is a gross misdemeanor if any of the following
32 apply:

33 (1) regarding a violation of section 325F.697, clause (3),
34 the offender, using information that materially falsifies the
35 identity of the actual registrant, knowingly registers for 20 or
36 more electronic mail accounts or online user accounts or ten or

1 more domain names, and purposely initiates, or conspires to
2 initiate, the transmission of multiple commercial electronic
3 mail messages from the accounts or domain names;

4 (2) regarding any violation of section 325F.697, the volume
5 of commercial electronic mail messages the offender transmitted
6 in committing the violation exceeds 250 during any 24-hour
7 period, 2,500 during any 30-day period, or 25,000 during any
8 one-year period;

9 (3) regarding any violation of section 325F.697, during any
10 one-year period the aggregate loss to the victim or victims of
11 the violation is \$500 or more, or during any one-year period the
12 aggregate value of the property or services obtained by any
13 offender as a result of the violation is \$500 or more;

14 (4) regarding any violation of section 325F.697, the
15 offender committed the violation with three or more other
16 persons with respect to whom the offender was the organizer or
17 leader of the activity that resulted in the violation;

18 (5) regarding any violation of section 325F.697, the
19 offender knowingly assisted in the violation through the
20 provision or selection of electronic mail addresses to which the
21 commercial electronic mail message was transmitted, if that
22 offender knew that the electronic mail addresses of the
23 recipients were obtained using an automated means from an
24 Internet Web site or proprietary online service operated by
25 another person, and that Web site or online service included, at
26 the time the electronic mail addresses were obtained, a notice
27 stating that the operator of that Web site or online service
28 will not transfer addresses maintained by that Web site or
29 online service to any other party for the purposes of initiating
30 the transmission of, or enabling others to initiate the
31 transmission of, electronic mail messages; or

32 (6) regarding any violation of section 325F.697, the
33 offender knowingly assisted in the violation through the
34 provision or selection of electronic mail addresses of the
35 recipients obtained using an automated means that generates
36 possible electronic mail addresses by combining names, letters,

1 or numbers into numerous permutations.

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

4 Sec. 5. [325F.699] [UNAUTHORIZED ACCESS TO A COMPUTER;
5 CRIMINAL PENALTIES.]

6 Subdivision 1. [PROHIBITION.] No person, with regard to
7 commercial electronic mail messages sent from or to a computer
8 in this state, shall knowingly access a computer without
9 authorization and purposely initiate the transmission of
10 multiple commercial electronic mail messages from or through the
11 computer.

12 Subd. 2. [GROSS MISDEMEANOR.] Except as otherwise provided
13 in subdivision 3, whoever violates subdivision 1 is guilty of
14 unauthorized access of a computer, a gross misdemeanor.

15 Subd. 3. [FELONY.] Illegally transmitting multiple
16 commercial electronic mail messages and unauthorized access of a
17 computer in violation of this section are felonies if the
18 offender previously has been convicted of a violation of this
19 section, or a violation of a law of another state or the United
20 States regarding the transmission of electronic mail messages or
21 unauthorized access to a computer, or if the offender committed
22 the violation of this section in the furtherance of a felony.

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

25 Sec. 6. Minnesota Statutes 2004, section 518B.01,
26 subdivision 22, is amended to read:

27 Subd. 22. [~~VIOLATION-OF-A~~ DOMESTIC ABUSE NO CONTACT
28 ORDER.] (a) A domestic abuse no contact order is an order issued
29 by a court against a defendant in a criminal proceeding for:

30 (1) domestic abuse;

31 (2) harassment or stalking charged under section 609.749
32 and committed against a family or household member;

33 (3) violation of an order for protection charged under
34 subdivision 14; or

35 (4) violation of a prior domestic abuse no contact order
36 charged under this subdivision.

1 It includes pretrial orders before final disposition of the case
2 and probationary orders after sentencing.

3 (b) A person who knows of the existence of a domestic abuse
4 no contact order issued against the person and violates the
5 order is guilty of a misdemeanor.

6 (c) A peace officer shall arrest without a warrant and take
7 into custody a person whom the peace officer has probable cause
8 to believe has violated a domestic abuse no contact order, even
9 if the violation of the order did not take place in the presence
10 of the peace officer, if the existence of the order can be
11 verified by the officer. The person shall be held in custody
12 for at least 36 hours, excluding the day of arrest, Sundays, and
13 holidays, unless the person is released earlier by a judge or
14 judicial officer. A peace officer acting in good faith and
15 exercising due care in making an arrest pursuant to this
16 paragraph is immune from civil liability that might result from
17 the officer's actions.

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

19 Sec. 7. Minnesota Statutes 2004, section 609.119, is
20 amended to read:

21 609.119 [ADDITIONAL COLLECTION OF BIOLOGICAL SPECIMENS FOR
22 DNA TESTING.]

23 ~~(a) From July 17, 2003, to June 30, 2005,~~ The court shall
24 order an offender to provide a biological specimen for the
25 purpose of ~~future~~ DNA analysis as described in section 299C.155
26 when:

27 (1) the court sentences a person charged with committing or
28 attempting to commit a felony offense not described in section
29 609.117, subdivision 1, and the person is convicted of that
30 offense or of any felony offense arising out of the same set of
31 circumstances; or

32 (2) the juvenile court adjudicates a person a delinquent
33 child who is petitioned for committing or attempting to commit a
34 felony offense not described in section 609.117, subdivision 1,
35 and is adjudicated delinquent for that offense or any
36 felony-level offense arising out of the same set of

1 circumstances.

The biological specimen shall be maintained by the Bureau of Criminal Apprehension as provided in section 299C.155.

4 (b) ~~From July 17, 2003 to June 30, 2005~~ The commissioner
5 of corrections or local corrections authority shall order a
6 person to provide a biological specimen for the purpose of
7 future DNA analysis as described in section 299C.155 before
8 completion of the person's term of imprisonment when the person
9 has not provided a biological specimen for the purpose of DNA
10 analysis, and the person:

11 (1) was initially charged with committing or attempting to
12 commit a felony offense not described in section 609.117,
13 subdivision 1, and was convicted of that offense or of any
14 felony offense arising out of the same set of circumstances; or

15 (2) is serving a term of imprisonment in this state under a
16 reciprocal agreement although convicted in another state of
17 committing or attempting to commit a felony offense not
18 described in section 609.117, subdivision 1, or of any felony
19 offense arising out of the same set of circumstances if the
20 person was initially charged with committing or attempting to
21 commit a felony offense not described in section 609.117,
22 subdivision 1.

The commissioner of corrections or local corrections authority shall forward the sample to the Bureau of Criminal Apprehension.

25 (c) ~~From July 17, 2003 to June 30, 2005~~ When the state
26 accepts an offender from another state under the interstate
27 compact authorized by section 243.16 or 243.1605, the acceptance
28 is conditional on the offender providing a biological specimen
29 for the purposes of future DNA analysis as described in section
30 299C.155, if the offender was initially charged with committing
31 or attempting to commit a felony offense not described in
32 section 609.117, subdivision 1, and was convicted of that
33 offense or of any felony offense arising out of the same set of
circumstances. The specimen must be provided under supervision
35 of staff from the Department of Corrections or a Community
36 Corrections Act county within 15 business days after the

1 offender reports to the supervising agent. The cost of
2 obtaining the biological specimen is the responsibility of the
3 agency providing supervision.

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

5 Sec. 8. Minnesota Statutes 2004, section 609.185, is
6 amended to read:

7 609.185 [MURDER IN THE FIRST DEGREE.]

8 (a) Whoever does any of the following is guilty of murder
9 in the first degree and shall be sentenced to imprisonment for
10 life:

11 (1) causes the death of a human being with premeditation
12 and with intent to effect the death of the person or of another;

13 (2) causes the death of a human being while committing or
14 attempting to commit criminal sexual conduct in the first or
15 second degree with force or violence, either upon or affecting
16 the person or another;

17 (3) causes the death of a human being with intent to effect
18 the death of the person or another, while committing or
19 attempting to commit burglary, aggravated robbery, kidnapping,
20 arson in the first or second degree, a drive-by shooting,
21 tampering with a witness in the first degree, escape from
22 custody, or any felony violation of chapter 152 involving the
23 unlawful sale of a controlled substance;

24 (4) causes the death of a peace officer or a guard employed
25 at a Minnesota state or local correctional facility, with intent
26 to effect the death of that person or another, while the peace
27 officer or guard is engaged in the performance of official
28 duties;

29 (5) causes the death of a minor while committing child
30 abuse, when the perpetrator has engaged in a past pattern of
31 child abuse upon the a child and the death occurs under
32 circumstances manifesting an extreme indifference to human life;

33 (6) causes the death of a human being while committing
34 domestic abuse, when the perpetrator has engaged in a past
35 pattern of domestic abuse upon the victim or upon another family
36 or household member and the death occurs under circumstances

1 manifesting an extreme indifference to human life; or

2 (7) causes the death of a human being while committing,
3 conspiring to commit, or attempting to commit a felony crime to
4 further terrorism and the death occurs under circumstances
5 manifesting an extreme indifference to human life.

6 (b) For purposes of paragraph (a), clause (5), "child abuse"
7 means an act committed against a minor victim that constitutes a
8 violation of the following laws of this state or any similar
9 laws of the United States or any other state: section 609.221;
10 609.222; 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344;
11 609.345; 609.377; 609.378; or 609.713.

12 (c) For purposes of paragraph (a), clause (6), "domestic
13 abuse" means an act that:

14 (1) constitutes a violation of section 609.221, 609.222,
15 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345,
16 609.713, or any similar laws of the United States or any other
17 state; and

18 (2) is committed against the victim who is a family or
19 household member as defined in section 518B.01, subdivision 2,
20 paragraph (b).

21 (d) For purposes of paragraph (a), clause (7), "further
22 terrorism" has the meaning given in section 609.714, subdivision
23 1.

24 [EFFECTIVE DATE.] This section is effective the day
25 following final enactment and applies to crimes committed on or
26 after that date.

27 Sec. 9. Minnesota Statutes 2004, section 609.223, is
28 amended by adding a subdivision to read:

29 Subd. 4. [ASSAULT BY STRANGULATION OR ASPHYXIATION.] (a)
30 As used in this subdivision, "strangulation" means intentionally
31 impeding normal breathing or circulation of the blood by
32 applying pressure on the throat or neck or by blocking the nose
33 or mouth of another person.

34 (b) Unless a greater penalty is provided elsewhere, whoever
35 assaults another by strangulation or asphyxiation is guilty of a
36 felony and may be sentenced to imprisonment for not more than

1 five years or to payment of a fine of not more than \$10,000, or
2 both.

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

5 Sec. 10. Minnesota Statutes 2004, section 609.2231, is
6 amended by adding a subdivision to read:

7 Subd. 3a. [SECURE TREATMENT FACILITY PERSONNEL.] (a) As
8 used in this subdivision, "secure treatment facility" has the
9 meaning given in section 253B.02, subdivision 18a.

10 (b) Whoever, while committed under section 253B.185 or
11 Minnesota Statutes 1992, section 526.10, commits either of the
12 following acts against an employee or other individual who
13 provides care or treatment at a secure treatment facility while
14 the person is engaged in the performance of a duty imposed by
15 law, policy, or rule is guilty of a felony and may be sentenced
16 to imprisonment for not more than two years or to payment of a
17 fine of not more than \$4,000, or both:

18 (1) assaults the person and inflicts demonstrable bodily
19 harm; or

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

22 (c) The court shall commit a person convicted of violating
23 paragraph (b) to the custody of the commissioner of corrections
24 for not less than a year and a day. The court may not, on its
25 own motion or the prosecutor's motion, sentence a person without
26 regard to this paragraph. A person convicted and sentenced as
27 required by this paragraph is not eligible for probation,
28 parole, discharge, work release, or supervised release, until
29 that person has served the full term of imprisonment as provided
30 by law, notwithstanding the provisions of sections 241.26,
31 242.19, 243.05, 244.04, 609.12, and 609.135.

32 (d) Notwithstanding the statutory maximum sentence provided
33 in paragraph (b), when a court sentences a person to the custody
34 of the commissioner of corrections for a violation of paragraph
35 (b), the court shall provide that after the person has completed
36 the sentence imposed, the commissioner shall place the person on

1 conditional release for five years. The terms of conditional
2 release are governed by sections 244.05 and 609.109.

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

5 Sec. 11. Minnesota Statutes 2004, section 609.229,
6 subdivision 3, is amended to read:

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

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

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

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

23 Sec. 12. [609.281] [DEFINITIONS.]

24 Subdivision 1. [GENERALLY.] As used in sections 609.281 to
25 609.284, the following terms have the meanings given.

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

29 Subd. 3. [DEBT BONDAGE.] "Debt bondage" means the status
30 or condition of a debtor arising from a pledge by the debtor of
31 the debtor's personal services or those of a person under the
32 debtor's control as a security for debt, if the value of those
33 services as reasonably assessed is not applied toward the
34 liquidation of the debt or the length and nature of those
35 services are not respectively limited and defined.

36 Subd. 4. [FORCED LABOR OR SERVICES.] "Forced labor or

1 services" means labor or services that are performed or provided
2 by another person and are obtained or maintained through an
3 actor's:

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

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

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

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

16 (5) use of blackmail.

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

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

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

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

26 Subd. 6. [LABOR TRAFFICKING VICTIM.] "Labor trafficking
27 victim" means a person subjected to the practices in subdivision
28 5.

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

31 Sec. 13. [609.282] [LABOR TRAFFICKING.]

32 Whoever knowingly engages in the labor trafficking of
33 another is guilty of a crime and may be sentenced to
34 imprisonment for not more than 15 years or to payment of a fine
35 of not more than \$30,000, or both. In a prosecution under this
36 section the consent or age of the victim is not a defense.

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

3 Sec. 14. [609.283] [UNLAWFUL CONDUCT WITH RESPECT TO
4 DOCUMENTS IN FURTHERANCE OF LABOR OR SEX TRAFFICKING.]

5 Unless the person's conduct constitutes a violation of
6 section 609.282, a person who knowingly destroys, conceals,
7 removes, confiscates, or possesses any actual or purported
8 passport or other immigration document, or any other actual or
9 purported government identification document, of another person:

10 (1) in the course of a violation of section 609.282 or
11 609.322;

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

13 (3) to prevent or restrict or to attempt to prevent or
14 restrict, without lawful authority, a person's liberty to move
15 or travel, in order to maintain the labor or services of that
16 person, when the person is or has been a victim of a violation
17 of section 609.282 or 609.322;

18 is guilty of a crime and may be sentenced to imprisonment for
19 not more than five years or to payment of a fine of not more
20 than \$10,000, or both. In a prosecution under this section the
21 consent or age of the victim is not a defense.

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

24 Sec. 15. [609.284] [LABOR OR SEX TRAFFICKING CRIMES;
25 DEFENSES; CIVIL LIABILITY; CORPORATE LIABILITY.]

26 Subdivision 1. [CONSENT OR AGE OF VICTIM NOT A
27 DEFENSE.] In an action under this section the consent or age of
28 the victim is not a defense.

29 Subd. 2. [CIVIL LIABILITY.] A labor trafficking victim may
30 bring a cause of action against a person who violates section
31 609.282 or 609.283. The court may award damages, including
32 punitive damages, reasonable attorney fees, and other litigation
33 costs reasonably incurred by the victim. This remedy is in
34 addition to potential criminal liability.

35 Subd. 3. [CORPORATE LIABILITY.] If a corporation or other
36 business enterprise is convicted of violating section 609.282,

1 609.283, or 609.322, in addition to the criminal penalties
2 described in those sections and other remedies provided
3 elsewhere in law, the court may, when appropriate:

4 (1) order its dissolution or reorganization;

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

7 (3) order the surrender of its charter if it is organized
8 under Minnesota law or the revocation of its certificate to
9 conduct business in Minnesota if it is not organized under
10 Minnesota law.

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

13 Sec. 16. Minnesota Statutes 2004, section 609.321,
14 subdivision 1, is amended to read:

15 Subdivision 1. [SCOPE.] For the purposes of sections
16 609.321 to ~~609.324~~ 609.325, the following terms have the
17 meanings given.

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

20 Sec. 17. Minnesota Statutes 2004, section 609.321,
21 subdivision 7, is amended to read:

22 Subd. 7. [PROMOTES THE PROSTITUTION OF AN INDIVIDUAL.]

23 "Promotes the prostitution of an individual" means any of the
24 following wherein the person knowingly:

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

26 (2) provides, leases or otherwise permits premises or
27 facilities owned or controlled by the person to aid the
28 prostitution of an individual; or

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

32 (4) owns, manages, supervises, controls, operates,
33 institutes, aids or facilitates, either alone or with others, a
34 business of prostitution to aid the prostitution of an
35 individual; or

36 (5) admits a patron to a place of prostitution to aid the

1 prostitution of an individual; or

2 (6) transports an individual from one point within this
3 state to another point either within or without this state, or
4 brings an individual into this state to aid the prostitution of
5 the individual; or

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

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

9 Sec. 18. Minnesota Statutes 2004, section 609.321, is
10 amended by adding a subdivision to read:

11 Subd. 7a. [SEX TRAFFICKING.] "Sex trafficking" means
12 receiving, recruiting, enticing, harboring, providing, or
13 obtaining by any means an individual to aid in the prostitution
14 of the individual.

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

17 Sec. 19. Minnesota Statutes 2004, section 609.321, is
18 amended by adding a subdivision to read:

19 Subd. 7b. [SEX TRAFFICKING VICTIM.] "Sex trafficking
20 victim" means a person subjected to the practices in subdivision
21 7a.

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

24 Sec. 20. [609.3243] [LOITERING WITH INTENT TO PARTICIPATE
25 IN PROSTITUTION.]

26 A person who loiters in a public place with intent to
27 participate in prostitution is guilty of a misdemeanor.

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

30 Sec. 21. Minnesota Statutes 2004, section 609.325, is
31 amended by adding a subdivision to read:

32 Subd. 4. [AFFIRMATIVE DEFENSE.] It is an affirmative
33 defense to a charge under section 609.324 if the defendant
34 proves by a preponderance of the evidence that the defendant is
35 a labor trafficking victim, as defined in section 609.281, or a
36 sex trafficking victim, as defined in section 609.321, and that

1 the defendant committed the act only under compulsion by another
2 who by explicit or implicit threats created a reasonable
3 apprehension in the mind of the defendant that if the defendant
4 did not commit the act, the person would inflict bodily harm
5 upon the defendant.

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

8 Sec. 22. Minnesota Statutes 2004, section 609.341,
9 subdivision 14, is amended to read:

10 Subd. 14. [COERCION.] "Coercion" means the use by the
11 actor of words or circumstances that cause the complainant
12 reasonably to fear that the actor will inflict bodily harm upon~~7~~
13 ~~or hold-in-confinement~~~~7~~ the complainant or another, or ~~force~~ the
14 use by the actor of confinement, or superior size or strength,
15 against the complainant that causes the complainant to submit to
16 sexual penetration or contact~~7~~~~-but~~ against the complainant's
17 will. Proof of coercion does not require proof of a specific
18 act or threat.

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

21 Sec. 23. Minnesota Statutes 2004, section 609.485,
22 subdivision 2, is amended to read:

23 Subd. 2. [ACTS PROHIBITED.] Whoever does any of the
24 following may be sentenced as provided in subdivision 4:

25 (1) escapes while held pursuant to a lawful arrest, in
26 lawful custody on a charge or conviction of a crime, or while
27 held in lawful custody on an allegation or adjudication of a
28 delinquent act;

29 (2) transfers to another, who is in lawful custody on a
30 charge or conviction of a crime, or introduces into an
31 institution in which the latter is confined, anything usable in
32 making such escape, with intent that it shall be so used;

33 (3) having another in lawful custody on a charge or
34 conviction of a crime, intentionally permits the other to
35 escape;

36 (4) escapes while in a facility designated under section

1 253B.18, subdivision 1, pursuant to a court commitment order
2 after a finding of not guilty by reason of mental illness or
3 mental deficiency of a crime against the person, as defined in
4 section 253B.02, subdivision 4a. Notwithstanding section
5 609.17, no person may be charged with or convicted of an attempt
6 to commit a violation of this clause; or

7 (5) escapes while in a facility designated under section
8 253B.18, subdivision 1, pursuant to a court commitment order
9 under section 253B.185 or Minnesota Statutes 1992, section
10 526.10; or

11 (6) knowingly absconds or fails to return to custody
12 following the revocation of provisional discharge under section
13 253B.18 of a person committed under section 253B.185 or
14 Minnesota Statutes 1992, section 526.10.

15 For purposes of clause (1), "escapes while held in lawful
16 custody" includes absconding from electronic monitoring or
17 absconding after removing an electronic monitoring device from
18 the person's body.

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

21 Sec. 24. Minnesota Statutes 2004, section 609.485,
22 subdivision 4, is amended to read:

23 Subd. 4. [SENTENCE.] (a) Except as otherwise provided in
24 subdivision 3a, whoever violates this section may be sentenced
25 as follows:

26 (1) if the person who escapes is in lawful custody for a
27 felony, to imprisonment for not more than five years or to
28 payment of a fine of not more than \$10,000, or both;

29 (2) if the person who escapes is in lawful custody after a
30 finding of not guilty by reason of mental illness or mental
31 deficiency of a crime against the person, as defined in section
32 253B.02, subdivision 4a, or pursuant to a court commitment order
33 under section 253B.185 or Minnesota Statutes 1992, section
34 526.10, or violates subdivision 2, clause (6), to imprisonment
35 for not more than one year and one day or to payment of a fine
36 of not more than \$3,000, or both; or

1 (3) if the person who escapes is in lawful custody for a
2 gross misdemeanor or misdemeanor, or if the person who escapes
3 is in lawful custody on an allegation or adjudication of a
4 delinquent act, to imprisonment for not more than one year or to
5 payment of a fine of not more than \$3,000, or both.

6 (b) If the escape was a violation of subdivision 2, clause
7 (1), (2), or (3), and was effected by violence or threat of
8 violence against a person, the sentence may be increased to not
9 more than twice those permitted in paragraph (a), clauses (1)
10 and (3).

11 (c) Unless a concurrent term is specified by the court, a
12 sentence under this section shall be consecutive to any sentence
13 previously imposed or which may be imposed for any crime or
14 offense for which the person was in custody when the person
15 escaped.

16 (d) Notwithstanding paragraph (c), if a person who was
17 committed to the commissioner of corrections under section
18 260B.198 escapes from the custody of the commissioner while 18
19 years of age, the person's sentence under this section shall
20 commence on the person's 19th birthday or on the person's date
21 of discharge by the commissioner of corrections, whichever
22 occurs first. However, if the person described in this clause
23 is convicted under this section after becoming 19 years old and
24 after having been discharged by the commissioner, the person's
25 sentence shall commence upon imposition by the sentencing court.

26 (e) Notwithstanding paragraph (c), if a person who is in
27 lawful custody on an allegation or adjudication of a delinquent
28 act while 18 years of age escapes from a local juvenile
29 correctional facility, the person's sentence under this section
30 begins on the person's 19th birthday or on the person's date of
31 discharge from the jurisdiction of the juvenile court, whichever
32 occurs first. However, if the person described in this
33 paragraph is convicted after becoming 19 years old and after
34 discharge from the jurisdiction of the juvenile court, the
35 person's sentence begins upon imposition by the sentencing court.

36 (f) Notwithstanding paragraph (a), any person who escapes

1 or absconds from electronic monitoring or removes an electric
2 monitoring device from the person's body is guilty of a crime
3 and shall be sentenced to imprisonment for not more than one
4 year or to a payment of a fine of not more than \$3,000, or
5 both. A person in lawful custody for a violation of section
6 609.185, 609.19, 609.195, 609.20, 609.205, 609.21, 609.221,
7 609.222, 609.223, 609.2231, 609.342, 609.343, 609.344, 609.345,
8 or 609.3451 who escapes or absconds from electronic monitoring
9 or removes an electronic monitoring device while under sentence
10 may be sentenced to imprisonment for not more than five years or
11 to a payment of a fine of not more than \$10,000, or both.

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

14 Sec. 25. Minnesota Statutes 2004, section 609.50,
15 subdivision 1, is amended to read:

16 Subdivision 1. [CRIME.] Whoever intentionally does any of
17 the following may be sentenced as provided in subdivision 2:

18 (1) obstructs, hinders, or prevents the lawful execution of
19 any legal process, civil or criminal, or apprehension of another
20 on a charge or conviction of a criminal offense;

21 (2) obstructs, resists, or interferes with a peace officer
22 while the officer is engaged in the performance of official
23 duties;

24 (3) ~~interferes with or obstructs the prevention or~~
25 ~~extinguishing of a fire, or disobeys the lawful order of a~~
26 ~~firefighter present at the fire~~ while the firefighter is engaged
27 in the performance of official duties; or

28 (4) interferes with or obstructs a member of an ambulance
29 service personnel crew, as defined in section 144E.001,
30 subdivision 3a, who is providing, or attempting to provide,
31 emergency care; or

32 (5) by force or threat of force endeavors to obstruct any
33 employee of the Department of Revenue while the employee is
34 lawfully engaged in the performance of official duties for the
35 purpose of deterring or interfering with the performance of
36 those duties.

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

3 Sec. 26. Minnesota Statutes 2004, section 609.527,
4 subdivision 1, is amended to read:

5 Subdivision 1. [DEFINITIONS.] (a) As used in this section,
6 the following terms have the meanings given them in this
7 subdivision.

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

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

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

22 (1) a name, Social Security number, date of birth, official
23 government-issued driver's license or identification number,
24 government passport number, or employer or taxpayer
25 identification number;

26 (2) unique electronic identification number, address,
27 account number, or routing code; or

28 (3) telecommunication identification information or access
29 device.

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

33 ~~(e)~~ (f) "Loss" means value obtained, as defined in section
34 609.52, subdivision 1, clause (3), and expenses incurred by a
35 direct or indirect victim as a result of a violation of this
36 section.

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

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

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

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

11 Sec. 27. Minnesota Statutes 2004, section 609.527,
12 subdivision 3, is amended to read:

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

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

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

24 (3) if the offense involves two or three direct victims or
25 the total, combined loss to the direct and indirect victims is
26 more than \$500 but not more than \$2,500, the person may be
27 sentenced as provided in section 609.52, subdivision 3, clause
28 (3);

29 (4) if the offense involves more than three but not more
30 than seven direct victims, or if the total combined loss to the
31 direct and indirect victims is more than \$2,500, the person may
32 be sentenced as provided in section 609.52, subdivision 3,
33 clause (2); and

(5) if the offense involves eight or more direct victims;
34 or if the total, combined loss to the direct and indirect
35 victims is more than \$35,000; or if the offense is related to

1 possession or distribution of pornographic work in violation of
2 section 617.246 or 617.247; the person may be sentenced as
3 provided in section 609.52, subdivision 3, clause (1).

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

6 Sec. 28. Minnesota Statutes 2004, section 609.527,
7 subdivision 4, is amended to read:

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

13 (b) Upon the written request of a direct victim or the
14 prosecutor setting forth with specificity the facts and
15 circumstances of the offense in a proposed order, the court
16 shall provide to the victim, without cost, a certified copy of
17 the complaint filed in the matter, the judgment of conviction,
18 and an order setting forth the facts and circumstances of the
19 offense.

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

22 Sec. 29. Minnesota Statutes 2004, section 609.527, is
23 amended by adding a subdivision to read:

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

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

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

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

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

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

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

7 Sec. 30. Minnesota Statutes 2004, section 609.527,
8 subdivision 6, is amended to read:

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

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

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

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

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

20 Sec. 31. Minnesota Statutes 2004, section 609.531,
21 subdivision 1, is amended to read:

22 Subdivision 1. [DEFINITIONS.] For the purpose of sections
23 609.531 to 609.5318, the following terms have the meanings given
24 them.

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

31 (b) "Weapon used" means a dangerous weapon as defined under
32 section 609.02, subdivision 6, that the actor used or had in
33 possession in furtherance of a crime.

34 (c) "Property" means property as defined in section 609.52,
35 subdivision 1, clause (1).

36 (d) "Contraband" means property which is illegal to possess

1 under Minnesota law.

2 (e) "Appropriate agency" means the Bureau of Criminal
3 Apprehension, the Minnesota Division of Driver and Vehicle
4 Services, the Minnesota State Patrol, a county sheriff's
5 department, the Suburban Hennepin Regional Park District park
6 rangers, the Department of Natural Resources Division of
7 Enforcement, the University of Minnesota Police Department, or a
8 city or airport police department.

9 (f) "Designated offense" includes:

10 (1) for weapons used: any violation of this chapter,
11 chapter 152, or chapter 624;

12 (2) for driver's license or identification card
13 transactions: any violation of section 171.22; and

14 (3) for all other purposes: a felony violation of, or a
15 felony-level attempt or conspiracy to violate, section 325E.17;
16 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222;
17 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282;
18 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f);
19 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision
20 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1,
21 clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466;
22 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53;
23 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59;
24 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions
25 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88;
26 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or
27 felony violation of section 609.891 or 624.7181; or any
28 violation of section 609.324.

29 (g) "Controlled substance" has the meaning given in section
30 152.01, subdivision 4.

31 [EFFECTIVE DATE.] This section is effective August 1, 2005,
32 and applies to crimes committed on or after that date.

33 Sec. 32. Minnesota Statutes 2004, section 609.5315,
34 subdivision 1, is amended to read:

35 Subdivision 1. [DISPOSITION.] (a) Subject to paragraph
36 (b), if the court finds under section 609.5313, 609.5314, or

1 609.5318 that the property is subject to forfeiture, it shall
order the appropriate agency to do one of the following:

2 (1) unless a different disposition is provided under clause
3 (3) or (4), either destroy firearms, ammunition, and firearm
4 accessories that the agency decides not to use for law
5 enforcement purposes under clause (8), or sell them to federally
6 licensed firearms dealers, as defined in section 624.7161,
7 subdivision 1, and distribute the proceeds under subdivision
8 5 or 5b;

9 (2) sell property that is not required to be destroyed by
10 law and is not harmful to the public and distribute the proceeds
11 under subdivision 5 or 5b;

12 (3) sell antique firearms, as defined in section 624.712,
13 subdivision 3, to the public and distribute the proceeds under
14 subdivision 5 or 5b;

15 (4) destroy or use for law enforcement purposes
16 semiautomatic military-style assault weapons, as defined in
17 section 624.712, subdivision 7;

18 (5) take custody of the property and remove it for
19 disposition in accordance with law;

20 (6) forward the property to the federal drug enforcement
21 administration;

22 (7) disburse money as provided under subdivision 5 or 5b;

23 or

24 (8) keep property other than money for official use by the
25 agency and the prosecuting agency.

26 (b) Notwithstanding paragraph (a), the Hennepin or Ramsey
27 county sheriff may not sell firearms, ammunition, or firearms
28 accessories if the policy is disapproved by the applicable
29 county board.

30 [EFFECTIVE DATE.] This section is effective August 1, 2005,
31 and applies to crimes committed on or after that date.

32 Sec. 33. Minnesota Statutes 2004, section 609.5315, is
33 amended by adding a subdivision to read:

34 Subd. 5b. [DISPOSITION OF CERTAIN FORFEITED PROCEEDS;
35 TRAFFICKING OF PERSONS; REPORT REQUIRED.] (a) For forfeitures

1 resulting from violations of section 609.282, 609.283, or
2 609.322, the money or proceeds from the sale of forfeited
3 property, after payment of seizure, storage, forfeiture, and
4 sale expenses, and satisfaction of valid liens against the
5 property, must be distributed as follows:

6 (1) 40 percent of the proceeds must be forwarded to the
7 appropriate agency for deposit as a supplement to the agency's
8 operating fund or similar fund for use in law enforcement;

9 (2) 20 percent of the proceeds must be forwarded to the
10 county attorney or other prosecuting agency that handled the
11 forfeiture for deposit as a supplement to its operating fund or
12 similar fund for prosecutorial purposes; and

13 (3) the remaining 40 percent of the proceeds must be
14 forwarded to the commissioner of public safety and are
15 appropriated to the commissioner for distribution to crime
16 victims services organizations that provide services to victims
17 of trafficking offenses.

18 (b) By February 15 of each year, the commissioner of public
19 safety shall report to the chairs and ranking minority members
20 of the senate and house committees or divisions having
21 jurisdiction over criminal justice funding on the money
22 collected under paragraph (a), clause (3). The report must
23 indicate the following relating to the preceding calendar year:

24 (1) the amount of money appropriated to the commissioner;

25 (2) how the money was distributed by the commissioner; and

26 (3) what the organizations that received the money did with
27 it.

28 [EFFECTIVE DATE.] This section is effective August 1, 2005,
29 and applies to crimes committed on or after that date.

30 Sec. 34. Minnesota Statutes 2004, section 609.746,
31 subdivision 1, is amended to read:

32 Subdivision 1. [SURREPTITIOUS INTRUSION; OBSERVATION
33 DEVICE.] (a) A person is guilty of a gross misdemeanor who:

34 (1) enters upon another's property;

35 (2) surreptitiously gazes, stares, or peeps in the window
36 or any other aperture of a house or place of dwelling of

1 another; and

(3) does so with intent to intrude upon or interfere with
the privacy of a member of the household.

4 (b) A person is guilty of a gross misdemeanor who:

5 (1) enters upon another's property;

6 (2) surreptitiously installs or uses any device for
7 observing, photographing, recording, amplifying, or broadcasting
8 sounds or events through the window or any other aperture of a
9 house or place of dwelling of another; and

10 (3) does so with intent to intrude upon or interfere with
11 the privacy of a member of the household.

12 (c) A person is guilty of a gross misdemeanor who:

13 (1) surreptitiously gazes, stares, or peeps in the window
14 or other aperture of a sleeping room in a hotel, as defined in
15 section 327.70, subdivision 3, a tanning booth, or other place
16 where a reasonable person would have an expectation of privacy
17 and has exposed or is likely to expose their intimate parts, as
18 defined in section 609.341, subdivision 5, or the clothing
19 covering the immediate area of the intimate parts; and

20 (2) does so with intent to intrude upon or interfere with
21 the privacy of the occupant.

22 (d) A person is guilty of a gross misdemeanor who:

23 (1) surreptitiously installs or uses any device for
24 observing, photographing, recording, amplifying, or broadcasting
25 sounds or events through the window or other aperture of a
26 sleeping room in a hotel, as defined in section 327.70,
27 subdivision 3, a tanning booth, or other place where a
28 reasonable person would have an expectation of privacy and has
29 exposed or is likely to expose their intimate parts, as defined
30 in section 609.341, subdivision 5, or the clothing covering the
31 immediate area of the intimate parts; and

32 (2) does so with intent to intrude upon or interfere with
33 the privacy of the occupant.

(e) A person is guilty of a gross-misdemeanor felony and
35 may be sentenced to imprisonment for not more than two years or
36 to payment of a fine of not more than \$5,000, or both, if the

1 person:

2 (1) violates this subdivision after a previous conviction
3 under this subdivision or section 609.749; or

4 (2) violates this subdivision against a minor under the age
5 of ~~16~~ 18, knowing or having reason to know that the minor is
6 present.

7 (f) Paragraphs (b) and (d) do not apply to law enforcement
8 officers or corrections investigators, or to those acting under
9 their direction, while engaged in the performance of their
10 lawful duties. Paragraphs (c) and (d) do not apply to conduct
11 in: (1) a medical facility; or (2) a commercial establishment
12 if the owner of the establishment has posted conspicuous signs
13 warning that the premises are under surveillance by the owner or
14 the owner's employees.

15 [EFFECTIVE DATE.] This section is effective August 1, 2005,
16 and applies to crimes committed on or after that date.

17 Sec. 35. Minnesota Statutes 2004, section 609.748,
18 subdivision 2, is amended to read:

19 Subd. 2. [RESTRAINING ORDER; JURISDICTION.] A person who
20 is a victim of harassment may seek a restraining order from the
21 district court in the manner provided in this section. The
22 parent or, guardian, or stepparent of a minor who is a victim of
23 harassment may seek a restraining order from the district court
24 on behalf of the minor.

25 [EFFECTIVE DATE.] This section is effective August 1, 2005.

26 Sec. 36. Minnesota Statutes 2004, section 609.748,
27 subdivision 3a, is amended to read:

28 Subd. 3a. [FILING FEE; COST OF SERVICE.] The filing fees
29 for a restraining order under this section are waived for the
30 petitioner if the petition alleges acts that would constitute a
31 violation of section 609.749, subdivision 2 or 3, or sections
32 609.342 to 609.3451. The court administrator and the sheriff of
33 any county in this state shall perform their duties relating to
34 service of process without charge to the petitioner. The court
35 shall direct payment of the reasonable costs of service of
36 process if served by a private process server when the sheriff

1 is unavailable or if service is made by publication. The court
2 may direct a respondent to pay to the court administrator the
3 petitioner's filing fees and reasonable costs of service of
4 process if the court determines that the respondent has the
5 ability to pay the petitioner's fees and costs.

6 [EFFECTIVE DATE.] This section is effective July 1, 2005.

7 Sec. 37. Minnesota Statutes 2004, section 609.749,
8 subdivision 2, is amended to read:

9 Subd. 2. [HARASSMENT AND STALKING CRIMES.] (a) A person
10 who harasses another by committing any of the following acts is
11 guilty of a gross misdemeanor:

12 (1) directly or indirectly manifests a purpose or intent to
13 injure the person, property, or rights of another by the
14 commission of an unlawful act;

15 (2) stalks, follows, monitors, or pursues another, whether
16 in person or through technological or other means;

17 (3) returns to the property of another if the actor is
18 without claim of right to the property or consent of one with
19 authority to consent;

20 (4) repeatedly makes telephone calls, or induces a victim
21 to make telephone calls to the actor, whether or not
22 conversation ensues;

23 (5) makes or causes the telephone of another repeatedly or
24 continuously to ring;

25 (6) repeatedly mails or delivers or causes the delivery by
26 any means, including electronically, of letters, telegrams,
27 messages, packages, or other objects; or

28 (7) knowingly makes false allegations against a peace
29 officer concerning the officer's performance of official duties
30 with intent to influence or tamper with the officer's
31 performance of official duties.

32 (b) The conduct described in paragraph (a), clauses (4) and
33 (5), may be prosecuted at the place where any call is either
34 made or received or, additionally in the case of wireless or
35 electronic communication, where the actor or victim resides.

36 The conduct described in paragraph (a), clause (2), may be

1 prosecuted where the actor or victim resides. The conduct
2 described in paragraph (a), clause (6), may be prosecuted where
3 any letter, telegram, message, package, or other object is
4 either sent or received or, additionally in the case of wireless
5 or electronic communication, where the actor or victim resides.

6 (c) A peace officer may not make a warrantless, custodial
7 arrest of any person for a violation of paragraph (a), clause
8 (7).

9 [EFFECTIVE DATE.] This section is effective August 1, 2005,
10 and applies to crimes committed on or after that date.

11 Sec. 38. Minnesota Statutes 2004, section 609.79,
12 subdivision 2, is amended to read:

13 Subd. 2. [VENUE.] The offense may be prosecuted either at
14 the place where the call is made or where it is received or,
15 additionally in the case of wireless or electronic
16 communication, where the sender or receiver resides.

17 [EFFECTIVE DATE.] This section is effective August 1, 2005,
18 and applies to crimes committed on or after that date.

19 Sec. 39. Minnesota Statutes 2004, section 609.795, is
20 amended by adding a subdivision to read:

21 Subd. 3. [VENUE.] The offense may be prosecuted either at
22 the place where the letter, telegram, or package is sent or
23 received or, alternatively in the case of wireless electronic
24 communication, where the sender or receiver resides.

25 [EFFECTIVE DATE.] This section is effective August 1, 2005,
26 and applies to crimes committed on or after that date.

27 Sec. 40. Minnesota Statutes 2004, section 628.26, is
28 amended to read:

29 628.26 [LIMITATIONS.]

30 (a) Indictments or complaints for any crime resulting in
31 the death of the victim may be found or made at any time after
32 the death of the person killed.

33 (b) Indictments or complaints for a violation of section
34 609.25 may be found or made at any time after the commission of
35 the offense.

36 (c) Indictments or complaints for violation of section

1 609.282 may be found or made at any time after the commission of
2 the offense if the victim was under the age of 18 at the time of
3 the offense.

4 (d) Indictments or complaints for violation of section
5 609.282 where the victim was 18 years of age or older at the
6 time of the offense, or 609.42, subdivision 1, clause (1) or
7 (2), shall be found or made and filed in the proper court within
8 six years after the commission of the offense.

9 ~~(d)~~ (e) Indictments or complaints for violation of sections
10 609.342 to 609.345 if the victim was under the age of 18 years
11 at the time the offense was committed, shall be found or made
12 and filed in the proper court within nine years after the
13 commission of the offense or, if the victim failed to report the
14 offense within this limitation period, within three years after
15 the offense was reported to law enforcement authorities.

16 ~~(e)~~ (f) Notwithstanding the limitations in paragraph
17 ~~(d)~~ (e), indictments or complaints for violation of sections
18 609.342 to 609.344 may be found or made and filed in the proper
19 court at any time after commission of the offense, if physical
20 evidence is collected and preserved that is capable of being
21 tested for its DNA characteristics. If this evidence is not
22 collected and preserved and the victim was 18 years old or older
23 at the time of the offense, the prosecution must be commenced
24 within nine years after the commission of the offense.

25 ~~(f)~~ (g) Indictments or complaints for violation of sections
26 609.466 and 609.52, subdivision 2, clause (3), item (iii), shall
27 be found or made and filed in the proper court within six years
28 after the commission of the offense.

29 ~~(g)~~ (h) Indictments or complaints for violation of section
30 609.52, subdivision 2, clause (3), items (i) and (ii), (4),
31 (15), or (16), 609.631, or 609.821, where the value of the
32 property or services stolen is more than \$35,000, shall be found
33 or made and filed in the proper court within five years after
the commission of the offense.

35 ~~(h)~~ (i) Except for violations relating to false material
36 statements, representations or omissions, indictments or

1 complaints for violations of section 609.671 shall be found or
2 made and filed in the proper court within five years after the
3 commission of the offense.

4 ~~(i)~~ (j) Indictments or complaints for violation of sections
5 609.561 to 609.563, shall be found or made and filed in the
6 proper court within five years after the commission of the
7 offense.

8 ~~(j)~~ (k) In all other cases, indictments or complaints shall
9 be found or made and filed in the proper court within three
10 years after the commission of the offense.

11 ~~(k)~~ (l) The limitations periods contained in this section
12 shall exclude any period of time during which the defendant was
13 not an inhabitant of or usually resident within this state.

14 ~~(l)~~ (m) The limitations periods contained in this section
15 for an offense shall not include any period during which the
16 alleged offender participated under a written agreement in a
17 pretrial diversion program relating to that offense.

18 ~~(m)~~ (n) The limitations periods contained in this section
19 shall not include any period of time during which physical
20 evidence relating to the offense was undergoing DNA analysis, as
21 defined in section 299C.155, unless the defendant demonstrates
22 that the prosecuting or law enforcement agency purposefully
23 delayed the DNA analysis process in order to gain an unfair
24 advantage.

25 [EFFECTIVE DATE.] This section is effective August 1, 2005,
26 and applies to crimes committed on or after that date.

27 Sec. 41. [CERTAIN MINNESOTA SENTENCING GUIDELINES
28 COMMISSION RECOMMENDATIONS ADOPTED; OTHERS REJECTED.]

29 The following modifications proposed by the Minnesota
30 Sentencing Guidelines Commission in its January 2005 report to
31 the legislature are adopted and take effect on August 1, 2005:

32 (1) those described as "I. Modifications Related to
33 Blakely Decision" on pages 11 to 18 of the report; and

34 (2) those described as "II. Other Adopted Modifications"
35 on page 19 of the report.

36 The modifications described as "III. Adopted Modifications

1 Related to Sex Offenses" on pages 20 to 42 of the report are
2 rejected and do not go into effect.

3 [EFFECTIVE DATE.] This section is effective the day
4 following final enactment.

5 Sec. 42. [REPEALER.]

6 Minnesota Statutes 2004, section 609.725, is repealed.

7 [EFFECTIVE DATE.] This section is effective August 1, 2005,
8 and applies to crimes committed on or after that date.

9 ARTICLE 8

10 911 EMERGENCY TELECOMMUNICATIONS SERVICES

11 Section 1. [237.491] [COMBINED PER NUMBER FEE.]

12 Subdivision 1. [DEFINITIONS.] (a) The definitions in this
13 subdivision apply to this section.

14 (b) "911 emergency and public safety communications program"
15 means the program governed by chapter 403.

16 (c) "Minnesota telephone number" means a ten-digit
17 telephone number being used to connect to the public switched
18 telephone network and starting with area code 218, 320, 507,
19 612, 651, 763, or 952, or any subsequent area code assigned to
20 this state.

21 (d) "Service provider" means a provider doing business in
22 this state who provides real time, two-way voice service with a
23 Minnesota telephone number.

24 (e) "Telecommunications access Minnesota program" means the
25 program governed by sections 237.50 to 237.55.

26 (f) "Telephone assistance program" means the program
27 governed by sections 237.69 to 237.711.

28 Subd. 2. [PER NUMBER FEE.] (a) By January 15, 2006, the
29 commissioner of commerce shall report to the legislature and to
30 the senate Committee on Jobs, Energy, and Community Development
31 and the house Committee on Regulated Industries, recommendations
32 for the amount of and method for assessing a fee that would
33 apply to each service provider based upon the number of
34 Minnesota telephone numbers in use by current customers of the
35 service provider. The fee would be set at a level calculated to
36 generate only the amount of revenue necessary to fund:

1 (1) the telephone assistance program and the
2 telecommunications access Minnesota program at the levels
3 established by the commission under sections 237.52, subdivision
4 2, and 237.70; and

5 (2) the 911 emergency and public safety communications
6 program at the levels appropriated by law to the commissioner of
7 public safety and the commissioner of finance for purposes of
8 sections 403.11, 403.113, 403.27, 403.30, and 403.31 for each
9 fiscal year.

10 (b) The recommendations must include any changes to
11 Minnesota Statutes necessary to establish the procedures whereby
12 each service provider, to the extent allowed under federal law,
13 would collect and remit the fee proceeds to the commissioner of
14 revenue. The commissioner of revenue would allocate the fee
15 proceeds to the three funding areas in paragraph (a) and credit
16 the allocations to the appropriate accounts.

17 (c) The recommendations must be designed to allow the
18 combined per telephone number fee to be collected beginning July
19 1, 2006. The per access line fee used to collect revenues to
20 support the TAP, TAM, and 911 programs remains in effect until
21 the statutory changes necessary to implement the per telephone
22 number fee have been enacted into law and taken effect.

23 (d) As part of the process of developing the
24 recommendations and preparing the report to the legislature
25 required under paragraph (a), the commissioner of commerce must,
26 at a minimum, consult regularly with the Departments of Public
27 Safety, Finance, and Administration, the Public Utilities
28 Commission, service providers, the chairs and ranking minority
29 members of the senate and house committees, subcommittees, and
30 divisions having jurisdiction over telecommunications and public
31 safety, and other affected parties.

32 Sec. 2. Minnesota Statutes 2004, section 237.70,
33 subdivision 7, is amended to read:

34 Subd. 7. [APPLICATION, NOTICE, FINANCIAL ADMINISTRATION,
35 COMPLAINT INVESTIGATION.] The telephone assistance plan must be
36 administered jointly by the commission, the Department of

1 Commerce, and the local service providers in accordance with the
2 following guidelines:

3 (a) The commission and the Department of Commerce shall
4 develop an application form that must be completed by the
5 subscriber for the purpose of certifying eligibility for
6 telephone assistance plan credits to the local service
7 provider. The application must contain the applicant's Social
8 Security number. Applicants who refuse to provide a Social
9 Security number will be denied telephone assistance plan
10 credits. The application form must also include a statement
11 that the applicant household is currently eligible for one of
12 the programs that confers eligibility for the federal Lifeline
13 Program. The application must be signed by the applicant,
14 certifying, under penalty of perjury, that the information
15 provided by the applicant is true.

16 (b) Each local service provider shall annually mail a
17 notice of the availability of the telephone assistance plan to
18 each residential subscriber in a regular billing and shall mail
19 the application form to customers when requested.

20 The notice must state the following:

21 YOU MAY BE ELIGIBLE FOR ASSISTANCE IN PAYING YOUR TELEPHONE
22 BILL IF YOU RECEIVE BENEFITS FROM CERTAIN LOW-INCOME ASSISTANCE
23 PROGRAMS. FOR MORE INFORMATION OR AN APPLICATION FORM PLEASE
24 CONTACT

25 (c) An application may be made by the subscriber, the
26 subscriber's spouse, or a person authorized by the subscriber to
27 act on the subscriber's behalf. On completing the application
28 certifying that the statutory criteria for eligibility are
29 satisfied, the applicant must return the application to the
30 subscriber's local service provider. On receiving a completed
31 application from an applicant, the subscriber's local service
32 provider shall provide telephone assistance plan credits against
33 monthly charges in the earliest possible month following receipt
34 of the application. The applicant must receive telephone
35 assistance plan credits until the earliest possible month
36 following the service provider's receipt of information that the

1 applicant is ineligible.

2 If the telephone assistance plan credit is not itemized on the
3 subscriber's monthly charges bill for local telephone service,
4 the local service provider must notify the subscriber of the
5 approval for the telephone assistance plan credit.

6 (d) The commission shall serve as the coordinator of the
7 telephone assistance plan and be reimbursed for its
8 administrative expenses from the surcharge revenue pool. As the
9 coordinator, the commission shall:

10 (1) establish a uniform statewide surcharge in accordance
11 with subdivision 6;

12 (2) establish a uniform statewide level of telephone
13 assistance plan credit that each local service provider shall
14 extend to each eligible household in its service area;

15 (3) require each local service provider to account to the
16 commission on a periodic basis for surcharge revenues collected
17 by the provider, expenses incurred by the provider, not to
18 include expenses of collecting surcharges, and credits extended
19 by the provider under the telephone assistance plan;

20 (4) require each local service provider to remit surcharge
21 revenues to the Department of ~~Administration~~ Public Safety for
22 deposit in the fund; and

23 (5) remit to each local service provider from the surcharge
24 revenue pool the amount necessary to compensate the provider for
25 expenses, not including expenses of collecting the surcharges,
26 and telephone assistance plan credits. When it appears that the
27 revenue generated by the maximum surcharge permitted under
28 subdivision 6 will be inadequate to fund any particular
29 established level of telephone assistance plan credits, the
30 commission shall reduce the credits to a level that can be
31 adequately funded by the maximum surcharge. Similarly, the
32 commission may increase the level of the telephone assistance
33 plan credit that is available or reduce the surcharge to a level
34 and for a period of time that will prevent an unreasonable
35 overcollection of surcharge revenues.

36 (e) Each local service provider shall maintain adequate

1 records of surcharge revenues, expenses, and credits related to
2 the telephone assistance plan and shall, as part of its annual
3 report or separately, provide the commission and the Department
4 of Commerce with a financial report of its experience under the
5 telephone assistance plan for the previous year. That report
6 must also be adequate to satisfy the reporting requirements of
7 the federal matching plan.

8 (f) The Department of Commerce shall investigate complaints
9 against local service providers with regard to the telephone
10 assistance plan and shall report the results of its
11 investigation to the commission.

12 Sec. 3. Minnesota Statutes 2004, section 403.02,
13 subdivision 7, is amended to read:

14 Subd. 7. [AUTOMATIC LOCATION IDENTIFICATION.] "Automatic
15 location identification" means the process of electronically
16 identifying and displaying ~~on-a-special-viewing-screen~~ the name
17 of the subscriber and the location, where available, of the
18 calling telephone number to a person answering a 911 emergency
19 call.

20 Sec. 4. Minnesota Statutes 2004, section 403.02,
21 subdivision 13, is amended to read:

22 Subd. 13. [ENHANCED 911 SERVICE.] "Enhanced 911 service"
23 means the use of ~~selective-routing~~, automatic location
24 identification, or local location identification as part of
25 local 911 service provided by an enhanced 911 system consisting
26 of a common 911 network and database and customer data and
27 network components connecting to the common 911 network and
28 database.

29 Sec. 5. Minnesota Statutes 2004, section 403.02,
30 subdivision 17, is amended to read:

31 Subd. 17. [911 SERVICE.] "911 service" means a
32 telecommunications service that automatically connects a person
33 dialing the digits 911 to an established public safety answering
34 point. 911 service includes:

35 (1) ~~equipment-for-connecting-and-outswitching-911-calls~~
36 ~~within-a-telephone-central-office,-trunking-facilities-from-the~~

1 ~~central-office-to-a-public-safety-answering-point~~ customer data
2 and network components connecting to the common 911 network and
3 database;

4 (2) common 911 network and database equipment, as
5 appropriate, for automatically selectively routing 911 calls in
6 ~~situations-where-one-telephone-central-office-serves-more-than~~
7 one to the public safety answering point serving the caller's
8 jurisdiction; and

9 (3) provision of automatic location identification if the
10 public safety answering point has the capability of providing
11 that service.

12 Sec. 6. Minnesota Statutes 2004, section 403.02, is
13 amended by adding a subdivision to read:

14 Subd. 17a. [911 EMERGENCY TELECOMMUNICATIONS SERVICE
15 PROVIDER.] "911 emergency telecommunications service provider"
16 means a telecommunications service provider or other entity,
17 determined by the commissioner to be capable of providing
18 effective and efficient components of the 911 system, that
19 provides all or portions of the network and database for
20 automatically selectively routing 911 calls to the public safety
21 answering point serving the caller's jurisdiction.

22 Sec. 7. Minnesota Statutes 2004, section 403.025,
23 subdivision 3, is amended to read:

24 Subd. 3. [WIRE-LINE CONNECTED TELECOMMUNICATIONS SERVICE
25 PROVIDER REQUIREMENTS.] Every owner and operator of a
26 wire-line or wireless circuit switched or packet-based
27 telecommunications system connected to the public switched
28 telephone network shall design and maintain the system to dial
29 the 911 number without charge to the caller.

30 Sec. 8. Minnesota Statutes 2004, section 403.025,
31 subdivision 7, is amended to read:

32 Subd. 7. [CONTRACTUAL REQUIREMENTS.] (a) The state,
33 together with the county or other governmental agencies
34 operating public safety answering points, shall contract with
35 the appropriate wire-line telecommunications service
36 providers or other entities determined by the commissioner to be

1 capable of providing effective and efficient components of the
2 911 system for the operation, maintenance, enhancement, and
3 expansion of the 911 system.

4 (b) The state shall contract with the appropriate wireless
5 telecommunications service providers for maintaining, enhancing,
6 and expanding the 911 system.

7 (c) The contract language or subsequent amendments to the
8 contract must include a description of the services to be
9 ~~furnished by wireless and wire-line telecommunications service~~
10 ~~providers~~ to the county or other governmental agencies operating
11 public safety answering points, ~~as well as compensation based on~~
12 ~~the effective tariff or price list approved by the Public~~
13 ~~Utilities Commission.~~ The contract language or subsequent
14 amendments must include the terms of compensation based on the
15 effective tariff or price list filed with the Public Utilities
16 Commission or the prices agreed to by the parties.

17 (d) The contract language or subsequent amendments to
18 contracts between the parties must contain a provision for
19 resolving disputes.

20 Sec. 9. Minnesota Statutes 2004, section 403.05,
21 subdivision 3, is amended to read:

22 Subd. 3. [AGREEMENTS FOR SERVICE.] Each county and any
23 other governmental agency shall contract with the state and
24 wire-line telecommunications service providers or other entities
25 determined by the commissioner to be capable of providing
26 effective and efficient components of the 911 system for the
27 recurring and nonrecurring costs associated with operating and
28 maintaining 911 emergency communications systems.

29 Sec. 10. Minnesota Statutes 2004, section 403.07,
30 subdivision 3, is amended to read:

31 Subd. 3. [DATABASE.] In 911 systems that have been
32 approved by the commissioner for a local location identification
33 database, each wire-line telecommunications service provider
34 shall provide current customer names, service addresses, and
35 telephone numbers to each public safety answering point within
36 the 911 system and shall update the information according to a

1 schedule prescribed by the county 911 plan. Information
2 provided under this subdivision must be provided in accordance
3 with the transactional record disclosure requirements of the
4 federal ~~Electronic~~ Communications Privacy Act of ~~1986~~ 1932,
5 United States Code, title ~~18~~ 47, section ~~2703~~ 222,
6 subsection ~~(c)~~~~7~~-paragraph-~~(1)~~~~7~~-subparagraph-~~(B)~~~~(iv)~~ (g).

7 Sec. 11. Minnesota Statutes 2004, section 403.08,
8 subdivision 10, is amended to read:

9 Subd. 10. [PLAN INTEGRATION.] Counties shall incorporate
10 the statewide design when modifying county 911 plans to provide
11 for integrating wireless 911 service into existing county 911
12 systems. The commissioner shall contract with the involved
13 wireless service providers and 911 emergency telecommunications
14 service providers to integrate cellular and other wireless
15 services into existing 911 systems where feasible.

16 Sec. 12. Minnesota Statutes 2004, section 403.11,
17 subdivision 1, is amended to read:

18 Subdivision 1. [EMERGENCY TELECOMMUNICATIONS SERVICE FEE;
19 ACCOUNT.] (a) Each customer of a wireless or wire-line switched
20 or packet-based telecommunications service provider connected to
21 the public switched telephone network that furnishes service
22 capable of originating a 911 emergency telephone call is
23 assessed a fee based upon the number of wired or wireless
24 telephone lines, or their equivalent, to cover the costs of
25 ongoing maintenance and related improvements for trunking and
26 central office switching equipment for 911 emergency
27 telecommunications service, plus administrative and staffing
28 costs of the commissioner related to managing the 911 emergency
29 telecommunications service program. Recurring charges by a
30 wire-line telecommunications service provider for updating the
31 information required by section 403.07, subdivision 3, must be
32 paid by the commissioner if the wire-line telecommunications
33 service provider is included in an approved 911 plan and the
34 charges are made pursuant to ~~tariff~~~~7~~-~~price-list~~~~7~~-or contract.
35 The fee assessed under this section must also be used for the
36 purpose of offsetting the costs, including administrative and

1 staffing costs, incurred by the State Patrol Division of the
2 Department of Public Safety in handling 911 emergency calls made
3 from wireless phones.

4 (b) Money remaining in the 911 emergency telecommunications
5 service account after all other obligations are paid must not
6 cancel and is carried forward to subsequent years and may be
7 appropriated from time to time to the commissioner to provide
8 financial assistance to counties for the improvement of local
9 emergency telecommunications services. The improvements may
10 include providing access to 911 service for telecommunications
11 service subscribers currently without access and upgrading
12 existing 911 service to include automatic number identification,
13 local location identification, automatic location
14 identification, and other improvements specified in revised
15 county 911 plans approved by the commissioner.

16 (c) The fee may not be less than eight cents nor more than
17 ~~40~~ 65 cents a month for each customer access line or other basic
18 access service, including trunk equivalents as designated by the
19 Public Utilities Commission for access charge purposes and
20 including wireless telecommunications services. With the
21 approval of the commissioner of finance, the commissioner of
22 public safety shall establish the amount of the fee within the
23 limits specified and inform the companies and carriers of the
24 amount to be collected. When the revenue bonds authorized under
25 section 403.27, subdivision 1, have been fully paid or defeased,
26 the commissioner shall reduce the fee to reflect that debt
27 service on the bonds is no longer needed. The commissioner
28 shall provide companies and carriers a minimum of 45 days'
29 notice of each fee change. The fee must be the same for all
30 customers.

31 (d) The fee must be collected by each wireless or wire-line
32 telecommunications service provider subject to the fee. Fees
33 are payable to and must be submitted to the commissioner monthly
34 before the 25th of each month following the month of collection,
35 except that fees may be submitted quarterly if less than \$250 a
36 month is due, or annually if less than \$25 a month is due.

1 Receipts must be deposited in the state treasury and credited to
2 a 911 emergency telecommunications service account in the
3 special revenue fund. The money in the account may only be used
4 for 911 telecommunications services.

5 (e) This subdivision does not apply to customers of
6 interexchange carriers.

7 (f) The installation and recurring charges for integrating
8 wireless 911 calls into enhanced 911 systems must be paid by the
9 commissioner if the 911 service provider is included in the
10 statewide design plan and the charges are made pursuant to
11 ~~tariff, price list, or~~ contract.

12 (g) Notwithstanding any provision of this chapter to the
13 contrary, the commissioner need not contract for or agree to pay
14 for any services that a wire-line or wireless telecommunication
15 service provider is required by federal law or federal
16 regulation to provide.

17 Sec. 13. Minnesota Statutes 2004, section 403.11,
18 subdivision 3, is amended to read:

19 Subd. 3. [METHOD OF PAYMENT.] (a) Any wireless or
20 wire-line telecommunications service provider incurring
21 reimbursable costs under subdivision 1 shall submit an invoice
22 itemizing rate elements by county or service area to the
23 commissioner for 911 services furnished under ~~tariff, price~~
24 ~~list, or~~ contract. Any wireless or wire-line telecommunications
25 service provider is eligible to receive payment for 911 services
26 rendered according to the terms and conditions specified in the
27 contract. Competitive local exchange carriers holding
28 certificates of authority from the Public Utilities Commission
29 are eligible to receive payment for recurring 911 services
30 provided after July 1, 2001. The commissioner shall pay the
31 invoice within 30 days following receipt of the invoice unless
32 the commissioner notifies the service provider that the
33 commissioner disputes the invoice.

34 (b) The commissioner shall estimate the amount required to
35 reimburse 911 emergency telecommunications service providers and
36 wireless and wire-line telecommunications service providers for

1 the state's obligations under subdivision 1 and the governor
2 shall include the estimated amount in the biennial budget
3 request.

4 Sec. 14. Minnesota Statutes 2004, section 403.11,
5 subdivision 3a, is amended to read:

6 Subd. 3a. [TIMELY CERTIFICATION.] A certification must be
7 submitted to the commissioner no later than ~~two-years~~ one year
8 after commencing a new or additional eligible 911 service. Any
9 ~~wireless-or-wire-line-telecommunications-service-provider~~
10 ~~incurring-reimbursable-costs-under-this-section-at-any-time~~
11 ~~before-January-17-2003,-may-certify-those-costs-for-payment-to~~
12 ~~the-commissioner-according-to-this-section-for-a-period-of-90~~
13 ~~days-after-January-17-2003.--During-this-period,-the~~
14 ~~commissioner-shall-reimburse-any-wireless-or-wire-line~~
15 ~~telecommunications-service-provider-for-approved,-certified~~
16 ~~costs-without-regard-to-any-contrary-provision-of-this~~
17 ~~subdivision~~ Each applicable contract must provide that, if
18 certified expenses under the contract deviate from estimates in
19 the contract by more than ten percent, the commissioner may
20 reduce the level of service without incurring any termination
21 fees.

22 Sec. 15. Minnesota Statutes 2004, section 403.113,
23 subdivision 1, is amended to read:

24 Subdivision 1. [FEE.] (a) Each customer receiving service
25 from a wireless or wire-line switched or packet-based
26 telecommunications service provider connected to the public
27 telephone network that furnishes service capable of originating
28 a 911 emergency telephone call is assessed a fee to fund
29 implementation, operation, maintenance, enhancement, and
30 expansion of enhanced 911 service, including acquisition of
31 necessary equipment and the costs of the commissioner to
32 administer the program. The actual fee assessed under section
33 403.11 and the enhanced 911 service fee must be collected as one
34 amount and may not exceed the amount specified in section
35 403.11, subdivision 1, paragraph (c).

36 (b) The enhanced 911 service fee must be collected and

1 deposited in the same manner as the fee in section 403.11 and
2 used solely for the purposes of paragraph (a) and subdivision 3.

3 (c) The commissioner, in consultation with counties and 911
4 system users, shall determine the amount of the enhanced 911
5 service fee. ~~The fee must include at least ten cents per month~~
6 ~~to be distributed under subdivision 2.~~ The commissioner shall
7 inform wireless and wire-line telecommunications service
8 providers that provide service capable of originating a 911
9 emergency telephone call of the total amount of the 911 service
10 fees in the same manner as provided in section 403.11.

11 Sec. 16. Minnesota Statutes 2004, section 403.27,
12 subdivision 1, is amended to read:

13 Subdivision 1. [AUTHORIZATION.] ~~(a)~~ After consulting with
14 the commissioner of finance, the council, if requested by a vote
15 of at least two-thirds of all of the members of the Metropolitan
16 Radio Board, may, by resolution, authorize the issuance of its
17 revenue bonds for any of the following purposes to:

18 (1) provide funds for regionwide mutual aid and emergency
19 medical services communications;

20 (2) provide funds for the elements of the first phase of
21 the regionwide public safety radio communication system that the
22 board determines are of regionwide benefit and support mutual
23 aid and emergency medical services communication including, but
24 not limited to, costs of master controllers of the backbone;

25 (3) provide money for the second phase of the public safety
26 radio communication system;

27 (4) to the extent money is available after meeting the
28 needs described in clauses (1) to (3), provide money to
29 reimburse local units of government for amounts expended for
30 capital improvements to the first phase system previously paid
31 for by the local government units; or

32 (5) refund bonds issued under this section.

33 ~~(b) After consulting with the commissioner of finance, the~~
34 ~~council, if requested by a vote of at least two-thirds of all of~~
35 ~~the members of the Statewide Radio Board, may, by resolution,~~
36 ~~authorize the issuance of its revenue bonds to provide money for~~

1 ~~the-third-phase-of-the-public-safety-radio-communication-system.~~

Sec. 17. Minnesota Statutes 2004, section 403.27,

subdivision 3, is amended to read:

4 Subd. 3. [LIMITATIONS.] (a) The principal amount of the
5 bonds issued pursuant to subdivision 1, exclusive of any
6 original issue discount, shall not exceed the amount of
7 \$10,000,000 plus the amount the council determines necessary to
8 pay the costs of issuance, fund reserves, debt service, and pay
9 for any bond insurance or other credit enhancement.

10 (b) In addition to the amount authorized under paragraph
11 (a), the council may issue bonds under subdivision 1 in a
12 principal amount of \$3,306,300, plus the amount the council
13 determines necessary to pay the cost of issuance, fund reserves,
14 debt service, and any bond insurance or other credit
15 enhancement. The proceeds of bonds issued under this paragraph
16 may not be used to finance portable or subscriber radio sets.

17 ~~(c)-In-addition-to-the-amount-authorized-under-paragraphs
18 (a)-and-(b),-the-council-may-issue-bonds-under-subdivision-1-in
19 a-principal-amount-of-\$18,000,000,-plus-the-amount-the-council
20 determines-necessary-to-pay-the-costs-of-issuance,-fund
21 reserves,-debt-service,-and-any-bond-insurance-or-other-credit
22 enhancement.--The-proceeds-of-bonds-issued-under-this-paragraph
23 must-be-used-to-pay-up-to-50-percent-of-the-cost-to-a-local
24 government-unit-of-building-a-subsystem-and-may-not-be-used-to
25 finance-portable-or-subscriber-radio-sets.--The-bond-proceeds
26 may-be-used-to-make-improvements-to-an-existing-800-MHz-radio
27 system-that-will-interoperate-with-the-regionwide-public-safety
28 radio-communication-system,-provided-that-the-improvements
29 conform-to-the-board's-plan-and-technical-standards.--The
30 council-must-time-the-sale-and-issuance-of-the-bonds-so-that-the
31 debt-service-on-the-bonds-can-be-covered-by-the-additional
32 revenue-that-will-become-available-in-the-fiscal-year-ending
33 June-30,-2005,-generated-under-section-403.11-and-appropriated
under-section-403.30-~~

35 ~~(d)-In-addition-to-the-amount-authorized-under-paragraphs
36 (a)-to-(c),-the-council-may-issue-bonds-under-subdivision-1-in-a~~

1 ~~principal amount of up to \$27,000,000, plus the amount the~~
2 ~~council determines necessary to pay the costs of issuance, fund~~
3 ~~reserves, debt service, and any bond insurance or other credit~~
4 ~~enhancement. The proceeds of bonds issued under this paragraph~~
5 ~~are appropriated to the commissioner of public safety for phase~~
6 ~~three of the public safety radio communication system. In~~
7 ~~anticipation of the receipt by the commissioner of public safety~~
8 ~~of the bond proceeds, the Metropolitan Radio Board may advance~~
9 ~~money from its operating appropriation to the commissioner of~~
10 ~~public safety to pay for design and preliminary engineering for~~
11 ~~phase three. The commissioner of public safety must return~~
12 ~~these amounts to the Metropolitan Radio Board when the bond~~
13 ~~proceeds are received.~~

14 Sec. 18. [403.275] [STATE 911 REVENUE BONDS.]

15 Subdivision 1. [BONDING AUTHORITY.] (a) The commissioner
16 of finance, if requested by a vote of at least two-thirds of all
17 the members of the Statewide Radio Board, shall sell and issue
18 state revenue bonds for the following purposes:

19 (1) to pay the costs of the statewide public safety radio
20 communication system that the board determines are of regional
21 or statewide benefit and support mutual aid and emergency
22 medical services communication, including, but not limited to,
23 costs of master controllers of the backbone;

24 (2) to pay the costs of issuance, debt service, and bond
25 insurance or other credit enhancements, and to fund reserves;
26 and

27 (3) to refund bonds issued under this section.

28 (b) The amount of bonds that may be issued for the purposes
29 of clause (1) will be set from time to time by law; the amount
30 of bonds that may be issued for the purposes of clauses (2) and
31 (3) is not limited.

32 (c) The bond proceeds may be used to to pay up to 50
33 percent of the cost to a local government unit of building a
34 subsystem. The bond proceeds may be used to make improvements
35 to an existing 800 MHz radio system that will interoperate with
36 the regionwide public safety radio communication system,

1 provided that the improvements conform to the board's plan and
2 technical standards. The bond proceeds may not be used to pay
3 for portable or subscriber radio sets.

4 Subd. 2. [PROCEDURE.] (a) The commissioner may sell and
5 issue the bonds on the terms and conditions the commissioner
6 determines to be in the best interests of the state. The bonds
7 may be sold at public or private sale. The commissioner may
8 enter any agreements or pledges the commissioner determines
9 necessary or useful to sell the bonds that are not inconsistent
10 with sections 403.21 to 403.40. Sections 16A.672 to 16A.675
11 apply to the bonds. The proceeds of the bonds issued under this
12 section must be credited to a special 911 revenue bond proceeds
13 account in the state treasury.

14 (b) Before the proceeds are received in the 911 revenue
15 bond proceeds account, the commissioner of finance may transfer
16 to the account from the 911 emergency telecommunications service
17 account amounts not exceeding the expected proceeds from the
18 next bond sale. The commissioner of finance shall return these
19 amounts to the 911 emergency telecommunications service account
20 by transferring proceeds when received. The amounts of these
21 transfers are appropriated from the 911 emergency
22 telecommunications service account and from the 911 revenue bond
23 proceeds account.

24 Subd. 3. [REVENUE SOURCES.] The debt service on the bonds
25 is payable only from the following sources:

26 (1) revenue credited to the 911 emergency
27 telecommunications service account from the fee imposed and
28 collected under section 237.491 or 403.11, subdivision 1, or
29 from any other source; and

30 (2) other revenues pledged to the payment of the bonds.

31 Subd. 4. [REFUNDING BONDS.] The commissioner may issue
32 bonds to refund outstanding bonds issued under subdivision 1,
33 including the payment of any redemption premiums on the bonds
34 and any interest accrued or to accrue to the first redemption
35 date after delivery of the refunding bonds. The proceeds of the
36 refunding bonds may, in the discretion of the commissioner, be

1 applied to the purchases or payment at maturity of the bonds to
2 be refunded, or the redemption of the outstanding bonds on the
3 first redemption date after delivery of the refunding bonds and
4 may, until so used, be placed in escrow to be applied to the
5 purchase, retirement, or redemption. Refunding bonds issued
6 under this subdivision must be issued and secured in the manner
7 provided by the commissioner.

8 Subd. 5. [NOT A GENERAL OR MORAL OBLIGATION.] Bonds issued
9 under this section are not public debt, and the full faith,
10 credit, and taxing powers of the state are not pledged for their
11 payment. The bonds may not be paid, directly in whole or in
12 part from a tax of statewide application on any class of
13 property, income, transaction, or privilege. Payment of the
14 bonds is limited to the revenues explicitly authorized to be
15 pledged under this section. The state neither makes nor has a
16 moral obligation to pay the bonds if the pledged revenues and
17 other legal security for them is insufficient.

18 Subd. 6. [TRUSTEE.] The commissioner may contract with and
19 appoint a trustee for bond holders. The trustee has the powers
20 and authority vested in it by the commissioner under the bond
21 and trust indentures.

22 Subd. 7. [PLEDGES.] Any pledge made by the commissioner is
23 valid and binding from the time the pledge is made. The money
24 or property pledged and later received by the commissioner is
25 immediately subject to the lien of the pledge without any
26 physical delivery of the property or money or further act, and
27 the lien of any pledge is valid and binding as against all
28 parties having claims of any kind in tort, contract, or
29 otherwise against the commissioner, whether or not those parties
30 have notice of the lien or pledge. Neither the order nor any
31 other instrument by which a pledge is created need be recorded.

32 Subd. 8. [BONDS; PURCHASE AND CANCELLATION.] The
33 commissioner, subject to agreements with bondholders that may
34 then exist, may, out of any money available for the purpose,
35 purchase bonds of the commissioner at a price not exceeding (1)
36 if the bonds are then redeemable, the redemption price then

1 applicable plus accrued interest to the next interest payment
 2 date thereon, or (2) if the bonds are not redeemable, the
 3 redemption price applicable on the first date after the purchase
 4 upon which the bonds become subject to redemption plus accrued
 5 interest to that date.

6 Subd. 9. [STATE PLEDGE AGAINST IMPAIRMENT OF CONTRACTS.]

7 The state pledges and agrees with the holders of any bonds that
 8 the state will not limit or alter the rights vested in the
 9 commissioner to fulfill the terms of any agreements made with
 10 the bondholders, or in any way impair the rights and remedies of
 11 the holders until the bonds, together with interest on them,
 12 with interest on any unpaid installments of interest, and all
 13 costs and expenses in connection with any action or proceeding
 14 by or on behalf of the bondholders, are fully met and
 15 discharged. The commissioner may include this pledge and
 16 agreement of the state in any agreement with the holders of
 17 bonds issued under this section.

18 Sec. 19. Minnesota Statutes 2004, section 403.30,
 19 subdivision 1, is amended to read:

20 Subdivision 1. [STANDING APPROPRIATION; COSTS COVERED.]

21 ~~For each fiscal year beginning with the fiscal year commencing~~
 22 ~~July 1, 1997, The amount necessary to pay the following debt~~
 3 ~~service costs and reserves for bonds issued by the Metropolitan~~
 4 ~~Council under section 403.27 or by the commissioner of finance~~
 25 ~~under section 403.275 is appropriated to the commissioner of~~
 26 ~~public safety from the 911 emergency telecommunications service~~
 27 ~~account established under section 403.11.~~

28 ~~(1) debt service costs and reserves for bonds issued~~
 29 ~~pursuant to section 403.27,~~

30 ~~(2) repayment of the right-of-way acquisition loans,~~

31 ~~(3) costs of design, construction, maintenance of, and~~
 32 ~~improvements to those elements of the first, second, and third~~
 33 ~~phases that support mutual-aid communications and emergency~~
 34 ~~medical services,~~

35 ~~(4) recurring charges for leased sites and equipment for~~
 36 ~~those elements of the first, second, and third phases that~~

1 ~~support-mutual-aid-and-emergency-medical-communication-services,~~
2 ~~or~~
3 ~~(5)-aid-to-local-units-of-government-for-sites-and~~
4 ~~equipment-in-support-of-mutual-aid-and-emergency-medical~~
5 ~~communications-services~~ to the commissioner of finance. The
6 commissioner of finance shall transmit the necessary amounts to
7 the Metropolitan Council as requested by the council.

8 This appropriation shall be used to pay annual debt service
9 costs and reserves for bonds issued pursuant to section
10 403.27 or 403.275 prior to use of fee money to pay other
11 ~~costs eligible-under-this-subdivision.---In-no-event-shall-the~~
12 ~~appropriation-for-each-fiscal-year-exceed-an-amount-equal-to~~
13 ~~four-cents-a-month-for-each-customer-access-line-or-other-basic~~
14 ~~access-service,-including-trunk-equivalents-as-designated-by-the~~
15 ~~Public-Utilities-Commission-for-access-charge-purposes-and~~
16 ~~including-cellular-and-other-nonwire-access-services,-in-the~~
17 ~~fiscal-year.---Beginning-July-17-2004,-this-amount-will-increase~~
18 ~~to-13-cents-a-month~~ or to support other appropriations.

19 Sec. 20. [REPEALER.]

20 Minnesota Statutes 2004, section 403.30, subdivision 3, is
21 repealed.

22 Sec. 21. [EFFECTIVE DATE.]

23 Sections 1 to 20 are effective the day following final
24 enactment and apply to contracts entered into on or after that
25 date.

26 ARTICLE 9

27 MISCELLANEOUS PROVISIONS

28 Section 1. Minnesota Statutes 2004, section 171.06, is
29 amended by adding a subdivision to read:

30 Subd. 2c. [\$1 SURCHARGE.] In addition to the fees required
31 in subdivision 2, the commissioner shall collect a \$1 surcharge
32 on every license or identification card issued under this
33 section. The proceeds of the surcharge must be deposited in the
34 state treasury and credited to the Minnesota Financial Crimes
35 Oversight Council account created in section 299A.681,
36 subdivision 10.

1 [EFFECTIVE DATE.] This section is effective July 1, 2005.

2 Sec. 2. Minnesota Statutes 2004, section 171.20,
3 subdivision 4, is amended to read:

4 Subd. 4. [REINSTATEMENT FEE.] (a) Before the license is
5 reinstated, (1) a person whose driver's license has been
6 suspended under section 171.16, subdivision subdivisions 2 and
7 3; 171.187--except-subdivision-17--clause-(10); or 171.182, or who
8 has been disqualified from holding a commercial driver's license
9 under section 171.165, and (2) a person whose driver's license
10 has been suspended under section 171.186 and who is not exempt
11 from such a fee, must pay a fee of \$20.

12 (b) Before the license is reinstated, a person whose
13 license has been suspended under sections 169.791 to 169.798
14 must pay a \$20 reinstatement fee.

15 (c) When fees are collected by a licensing agent appointed
16 under section 171.061, a handling charge is imposed in the
17 amount specified under section 171.061, subdivision 4. The
18 reinstatement fee and surcharge must be deposited in an approved
19 state depository as directed under section 171.061, subdivision
20 4.

21 (d) Reinstatement fees collected under paragraph (a) for
22 suspensions under sections 171.16, subdivision 3, and 171.18,
23 subdivision 1, clause (10), shall be deposited in the special
24 revenue fund and are appropriated to the Peace Officer Standards
25 and Training Board for peace officer training reimbursement to
26 local units of government.

27 (e) A suspension may be rescinded without fee for good
28 cause.

29 [EFFECTIVE DATE.] This section is effective July 1, 2005.

30 Sec. 3. Minnesota Statutes 2004, section 171.26, is
31 amended to read:

32 171.26 [MONEY CREDITED TO FUNDS.]

33 All money received under this chapter must be paid into the
34 state treasury and credited to the trunk highway fund, except as
35 provided in sections 171.06, subdivision 2a; 171.07, subdivision
36 11, paragraph (g); 171.12, subdivision 8; 171.20, subdivision 4,

1 paragraph (d); and 171.29, subdivision 2, paragraph (b).

2 [EFFECTIVE DATE.] This section is effective July 1, 2005.

3 Sec. 4. Minnesota Statutes 2004, section 244.09,
4 subdivision 11, is amended to read:

5 Subd. 11. [MODIFICATION.] The commission shall meet as
6 necessary for the purpose of modifying and improving the
7 guidelines. Any modification which amends the Sentencing
8 Guidelines grid, including severity levels and criminal history
9 scores, or which would result in the reduction of any sentence
10 or in the early release of any inmate, with the exception of a
11 modification mandated or authorized by the legislature or
12 relating to a crime created or amended by the legislature in the
13 preceding session, shall be submitted to the legislature by
14 January \pm 15 of any year in which the commission wishes to make
15 the change and shall be effective on August 1 of that year,
16 unless the legislature by law provides otherwise. All other
17 modifications shall take effect according to the procedural
18 rules of the commission. On or before January \pm 15 of each
19 year, the commission shall submit a written report to the
20 committees of the senate and the house of representatives with
21 jurisdiction over criminal justice policy that identifies and
22 explains all modifications made during the preceding 12 months
23 and all proposed modifications that are being submitted to the
24 legislature that year.

25 [EFFECTIVE DATE.] This section is effective August 1, 2005,
26 and applies to reports submitted on or after that date.

27 Sec. 5. Minnesota Statutes 2004, section 244.18,
28 subdivision 2, is amended to read:

29 Subd. 2. [LOCAL CORRECTIONAL FEES.] A local correctional
30 agency may establish a schedule of local correctional fees to
31 charge persons ~~convicted-of-a-crime-and~~ under the supervision
32 and control of the local correctional agency to defray costs
33 associated with correctional services. The local correctional
34 fees on the schedule must be reasonably related to defendants'
35 abilities to pay and the actual cost of correctional services.

36 [EFFECTIVE DATE.] This section is effective July 1, 2005.

1 Sec. 6. Minnesota Statutes 2004, section 253B.08,
subdivision 1, is amended to read:

 Subdivision 1. [TIME FOR COMMITMENT HEARING.] The hearing
4 on the commitment petition shall be held within 14 days from the
5 date of the filing of the petition, except that the hearing on a
6 commitment petition pursuant to section 253B.185 shall be held
7 within 90 days from the date of the filing of the petition. For
8 good cause shown, the court may extend the time of hearing up to
9 an additional 30 days. The proceeding shall be dismissed if the
10 proposed patient has not had a hearing on a commitment petition
11 within the allowed time. The proposed patient, or the head of
12 the treatment facility in which the person is held, may demand
13 in writing at any time that the hearing be held immediately.
14 Unless the hearing is held within five days of the date of the
15 demand, exclusive of Saturdays, Sundays and legal holidays, the
16 petition shall be automatically discharged if the patient is
17 being held in a treatment facility pursuant to court order. For
18 good cause shown, the court may extend the time of hearing on
19 the demand for an additional ten days.

20 [EFFECTIVE DATE.] This section is effective July 1, 2005.

21 Sec. 7. Minnesota Statutes 2004, section 299A.38,
22 subdivision 2, is amended to read:

 Subd. 2. [STATE AND LOCAL REIMBURSEMENT.] Peace officers
and heads of local law enforcement agencies who buy vests for
25 the use of peace officer employees may apply to the commissioner
26 for reimbursement of funds spent to buy vests. On approving an
27 application for reimbursement, the commissioner shall pay the
28 applicant an amount equal to the lesser of one-half of the
29 vest's purchase price or ~~\$300~~ \$600, as adjusted according to
30 subdivision 2a. The political subdivision that employs the
31 peace officer shall pay at least the lesser of one-half of the
32 vest's purchase price or ~~\$300~~ \$600, as adjusted according to
33 subdivision 2a. The political subdivision may not deduct or pay
its share of the vest's cost from any clothing, maintenance, or
35 similar allowance otherwise provided to the peace officer by the
36 law enforcement agency.

1 [EFFECTIVE DATE.] This section is effective the day
2 following final enactment.

3 Sec. 8. Minnesota Statutes 2004, section 299A.38,
4 subdivision 2a, is amended to read:

5 Subd. 2a. [ADJUSTMENT OF REIMBURSEMENT AMOUNT.] On October
6 1, ~~1997~~ 2006, the commissioner of public safety shall adjust
7 the ~~\$300~~ \$600 reimbursement amounts specified in subdivision 2,
8 and in each subsequent year, on October 1, the commissioner
9 shall adjust the reimbursement amount applicable immediately
10 preceding that October 1 date. The adjusted rate must reflect
11 the annual percentage change in the Consumer Price Index for all
12 urban consumers, published by the federal Bureau of Labor
13 Statistics, occurring in the one-year period ending on the
14 preceding June 1.

15 [EFFECTIVE DATE.] This section is effective the day
16 following final enactment.

17 Sec. 9. Minnesota Statutes 2004, section 299A.38,
18 subdivision 3, is amended to read:

19 Subd. 3. [ELIGIBILITY REQUIREMENTS.] (a) Only vests that
20 either meet or exceed the requirements of standard 0101.03 of
21 the National Institute of Justice or that meet or exceed the
22 requirements of that standard, except wet armor conditioning,
23 are eligible for reimbursement.

24 (b) Eligibility for reimbursement is limited to vests
25 bought after December 31, 1986, by or for peace officers (1) who
26 did not own a vest meeting the requirements of paragraph (a)
27 before the purchase, or (2) who owned a vest that was at least
28 ~~six~~ five years old.

29 [EFFECTIVE DATE.] This section is effective the day
30 following final enactment.

31 Sec. 10. [299A.681] [MINNESOTA FINANCIAL CRIMES OVERSIGHT
32 COUNCIL AND TASK FORCE.]

33 Subdivision 1. [OVERSIGHT COUNCIL.] The Minnesota
34 Financial Crimes Oversight Council shall provide guidance
35 related to the investigation and prosecution of identity theft
36 and financial crime.

1 Subd. 2. [MEMBERSHIP.] The oversight council consists of
2 the following individuals, or their designees:

3 (1) the commissioner of public safety;

4 (2) the attorney general;

5 (3) two chiefs of police, selected by the Minnesota Chiefs
6 of Police Association from police departments that participate
7 in the Minnesota Financial Crimes Task Force;

8 (4) two sheriffs, selected by the Minnesota Sheriffs
9 Association from sheriff departments that participate in the
10 task force;

11 (5) the United States attorney for the district of
12 Minnesota;

13 (6) a county attorney, selected by the Minnesota County
14 Attorneys Association;

15 (7) a representative from the United States Postal
16 Inspector's Office, selected by the oversight council;

17 (8) a representative from a not-for-profit retail merchants
18 industry, selected by the oversight council;

19 (9) a representative from a not-for-profit banking and
20 credit union industry, selected by the oversight council;

21 (10) a representative from a not-for-profit association
22 representing senior citizens, selected by the oversight council;

(11) the statewide commander of the task force; and

(12) two additional members selected by the oversight
25 council.

26 The oversight council may adopt procedures to govern its conduct
27 and shall select a chair from among its members.

28 Subd. 3. [DUTIES.] The oversight council shall develop an
29 overall strategy to ameliorate the harm caused to the public by
30 identity theft and financial crime within Minnesota. The
31 strategy may include the development of protocols and procedures
32 to investigate financial crimes and a structure for best
33 addressing these issues in a multijurisdictional manner.

Additionally, the oversight council shall:

35 (1) establish a multijurisdictional statewide Minnesota
36 Financial Crimes Task Force to investigate major financial

1 crimes;

2 (2) select a statewide commander of the task force who
3 serves at the pleasure of the oversight council;

4 (3) assist the Department of Public Safety in developing an
5 objective grant review application process that is free from
6 conflicts of interest;

7 (4) make funding recommendations to the commissioner of
8 public safety on grants to support efforts to combat identity
9 theft and financial crime;

10 (5) assist law enforcement agencies and victims in
11 developing a process to collect and share information to improve
12 the investigation and prosecution of identity theft and
13 financial crime;

14 (6) develop and approve an operational budget for the
15 office of the statewide commander and the oversight council; and

16 (7) enter into any contracts necessary to establish and
17 maintain a relationship with retailers, financial institutions,
18 and other businesses to deal effectively with identity theft and
19 financial crime.

20 The task force described in clause (1) may consist of members
21 from local law enforcement agencies, federal law enforcement
22 agencies, state and federal prosecutors' offices, and
23 representatives from elderly victims, retail, financial
24 institutions, and not-for-profit organizations.

25 Subd. 4. [STATEWIDE COMMANDER.] (a) The Minnesota
26 Financial Crimes Task Force commander under Minnesota Statutes
27 2004, section 299A.68, shall oversee the transition of that task
28 force into the task force described in subdivision 3 and remain
29 in place as its commander until July 1, 2008. On that date, the
30 commissioner of public safety shall appoint as statewide
31 commander the individual selected by the oversight council under
32 subdivision 3. The commander serves in the unclassified service.

33 (b) The commander shall:

34 (1) coordinate and monitor all multijurisdictional identity
35 theft and financial crime enforcement activities;

36 (2) facilitate local efforts and ensure statewide

1 coordination with efforts to combat identity theft and financial
2 crime;

3 (3) facilitate training for law enforcement and other
4 personnel;

5 (4) monitor compliance with investigative protocols;

6 (5) implement an outcome evaluation and data quality
7 control process;

8 (6) be responsible for the selection and for cause removal
9 of assigned task force investigators who are designated
10 participants under a memorandum of understanding or who receive
11 grant funding;

12 (7) provide supervision of assigned task force
13 investigators;

14 (8) submit a task force operational budget to the oversight
15 council for approval; and

16 (9) submit quarterly task force activity reports to the
17 oversight council.

18 Subd. 5. [PARTICIPATING OFFICERS; EMPLOYMENT STATUS.] All
19 law enforcement officers selected to participate in the task
20 force must be licensed peace officers as defined in section
21 626.84, subdivision 1, or qualified federal law enforcement
22 officers as defined in section 626.8453. Participating officers
23 remain employees of the same entity that employed them before
24 joining any multijurisdictional entity established under this
25 section. Participating officers are not employees of the state.

26 Subd. 6. [JURISDICTION AND POWERS.] Law enforcement
27 officers participating in any multijurisdictional entity
28 established under this section have statewide jurisdiction to
29 conduct criminal investigations and have the same powers of
30 arrest as those possessed by a sheriff. The task force shall
31 retain from its predecessor the assigned originating reporting
32 number for case reporting purposes.

33 Subd. 7. [GRANTS AUTHORIZED.] The commissioner of public
34 safety, upon recommendation of the oversight council, shall make
35 grants to state and local units of government to combat identity
36 theft and financial crime. The commander, as funding permits,

1 may prepare a budget to establish four regional districts and
2 funding grant allocations programs outside the counties of
3 Hennepin, Ramsey, Anoka, Washington, and Dakota. The budget
4 must be reviewed and approved by the oversight council and
5 recommended to the commissioner to support these efforts.

6 Subd. 8. [VICTIMS ASSISTANCE PROGRAM.] (a) The oversight
7 council may establish a victims' assistance program to assist
8 victims of economic crimes and provide prevention and awareness
9 programs. The oversight council may retain the services of
10 not-for-profit organizations to assist in the development and
11 delivery systems in aiding victims of financial crime. The
12 program may not provide any financial assistance to victims, but
13 may assist victims in obtaining police assistance and advise
14 victims in how to protect personal accounts and identities.
15 Services may include a victim toll-free telephone number, fax
16 number, Web site, Monday through Friday telephone service,
17 e-mail response, and interfaces to other helpful Web sites.
18 Victims' information compiled are governed under chapter 13.

19 (b) The oversight council may post or communicate through
20 public service announcements in newspapers, radio, television,
21 cable access, billboards, Internet, Web sites, and other normal
22 advertising channels, a financial reward of up to \$2,000 for
23 tips leading to the apprehension and successful prosecution of
24 individuals committing economic crime. All rewards must meet
25 the oversight council's standards. The release of funds must be
26 made to an individual whose information leads to the
27 apprehension and prosecution of offenders committing economic or
28 financial crimes against citizens or businesses in Minnesota.
29 All rewards paid to an individual must be reported to the
30 Department of Revenue along with the individual's Social
31 Security number.

32 Subd. 9. [OVERSIGHT COUNCIL AND TASK FORCE IS PERMANENT.]
33 Notwithstanding section 15.059, this section does not expire.

34 Subd. 10. [FUNDING.] (a) The Minnesota Financial Crimes
35 Oversight Council account is created in the special revenue fund.
36 Money received for the purposes of the council under section

1 171.06, subdivision 2c, this subdivision, or from any other
2 source must be credited to the account.

3 (b) The oversight council may accept lawful grants and
4 in-kind contributions from any federal, state, or local source
5 or legal business or individual not funded by this section for
6 general operation support, including personnel costs. These
7 grants or in-kind contributions are not to be directed toward
8 the case of a particular victim or business. The oversight
9 council's fiscal agent shall handle all funds approved by the
10 oversight council, including in-kind contributions.

11 Subd. 11. [FORFEITURE.] Property seized by the task force
12 is subject to forfeiture pursuant to sections 609.531, 609.5312,
13 609.5313, and 609.5315 if ownership cannot be established. The
14 council shall receive the proceeds from the sale of all property
15 properly seized and forfeited.

16 Subd. 12. [TRANSFER EQUIPMENT FROM CURRENT TASK
17 FORCE.] All equipment possessed by the task force described in
18 Minnesota Statutes 2004, section 299A.68, is transferred to the
19 oversight council for use by the task force described in this
20 section.

21 [EFFECTIVE DATE.] This section is effective July 1, 2005.

22 Sec. 11. Minnesota Statutes 2004, section 299C.65,
23 subdivision 1, is amended to read:

24 Subdivision 1. [MEMBERSHIP, DUTIES.] (a) The Criminal and
25 Juvenile Justice Information Policy Group consists of the
26 commissioner of corrections, the commissioner of public safety,
27 the commissioner of administration, the commissioner of finance,
28 and four members of the judicial branch appointed by the chief
29 justice of the Supreme Court, and the chair and first vice chair
30 of the Criminal and Juvenile Justice Information Task Force.

31 The policy group may appoint additional, nonvoting members as
32 necessary from time to time.

33 (b) The commissioner of public safety is designated as the
34 chair of the policy group. The commissioner and the policy
35 group have overall responsibility for the successful completion
36 of statewide criminal justice information system integration

1 (CrimNet). The policy group may hire ~~a-program-manager~~ an
2 executive director to manage the CrimNet projects and to be
3 responsible for the day-to-day operations of CrimNet. The
4 executive director shall serve at the pleasure of the policy
5 group in unclassified service. The policy group must ensure
6 that generally accepted project management techniques are
7 utilized for each CrimNet project, including:

- 8 (1) clear sponsorship;
- 9 (2) scope management;
- 10 (3) project planning, control, and execution;
- 11 (4) continuous risk assessment and mitigation;
- 12 (5) cost management;
- 13 (6) quality management reviews;
- 14 (7) communications management; and
- 15 (8) proven methodology; and
- 16 (9) education and training.

17 (c) Products and services for CrimNet project management,
18 system design, implementation, and application hosting must be
19 acquired using an appropriate procurement process, which
20 includes:

- 21 (1) a determination of required products and services;
- 22 (2) a request for proposal development and identification
23 of potential sources;
- 24 (3) competitive bid solicitation, evaluation, and
25 selection; and
- 26 (4) contract administration and close-out.

27 (d) The policy group shall study and make recommendations
28 to the governor, the Supreme Court, and the legislature on:

- 29 (1) a framework for integrated criminal justice information
30 systems, including the development and maintenance of a
31 community data model for state, county, and local criminal
32 justice information;
- 33 (2) the responsibilities of each entity within the criminal
34 and juvenile justice systems concerning the collection,
35 maintenance, dissemination, and sharing of criminal justice
36 information with one another;

1 (3) actions necessary to ensure that information maintained
in the criminal justice information systems is accurate and
up-to-date;

4 (4) the development of an information system containing
5 criminal justice information on gross misdemeanor-level and
6 felony-level juvenile offenders that is part of the integrated
7 criminal justice information system framework;

8 (5) the development of an information system containing
9 criminal justice information on misdemeanor arrests,
10 prosecutions, and convictions that is part of the integrated
11 criminal justice information system framework;

12 (6) comprehensive training programs and requirements for
13 all individuals in criminal justice agencies to ensure the
14 quality and accuracy of information in those systems;

15 (7) continuing education requirements for individuals in
16 criminal justice agencies who are responsible for the
17 collection, maintenance, dissemination, and sharing of criminal
18 justice data;

19 (8) a periodic audit process to ensure the quality and
20 accuracy of information contained in the criminal justice
21 information systems;

22 (9) the equipment, training, and funding needs of the state
23 and local agencies that participate in the criminal justice
24 information systems;

25 (10) the impact of integrated criminal justice information
26 systems on individual privacy rights;

27 (11) the impact of proposed legislation on the criminal
28 justice system, including any fiscal impact, need for training,
29 changes in information systems, and changes in processes;

30 (12) the collection of data on race and ethnicity in
31 criminal justice information systems;

32 (13) the development of a tracking system for domestic
33 abuse orders for protection;

34 (14) processes for expungement, correction of inaccurate
35 records, destruction of records, and other matters relating to
36 the privacy interests of individuals; and

1 (15) the development of a database for extended
2 jurisdiction juvenile records and whether the records should be
3 public or private and how long they should be retained.

4 [EFFECTIVE DATE.] This section is effective July 1, 2005.

5 Sec. 12. Minnesota Statutes 2004, section 299C.65,
6 subdivision 2, is amended to read:

7 Subd. 2. [REPORT, TASK FORCE.] ~~{a}-The-policy-group-shall
8 file-an-annual-report-with-the-governor, Supreme-Court, and
9 chairs-and-ranking-minority-members-of-the-senate-and-house
10 committees-and-divisions-with-jurisdiction-over-criminal-justice
11 funding-and-policy-by-December-1-of-each-year.~~

12 ~~{b}-The-report-must-make-recommendations-concerning-any
13 legislative-changes-or-appropriations-that-are-needed-to-ensure
14 that-the-criminal-justice-information-systems-operate-accurately
15 and-efficiently.--To-assist-them-in-developing-their~~

16 recommendations, The policy group shall appoint a task force
17 consisting to assist them in their duties. The task force shall
18 monitor, review, and report to the policy group on
19 CrimNet-related projects and provide oversight to ongoing
20 operations as directed by the policy group. The task force
21 shall consist of its-members-or-their-designees-and the
22 following additional members:

23 (1) ~~the-director-of-the-Office-of-Strategic-and-Long-Range
24 Planning,~~

25 ~~{2} two sheriffs recommended by the Minnesota Sheriffs
26 Association;~~

27 ~~{3} (2) two police chiefs recommended by the Minnesota
28 Chiefs of Police Association;~~

29 ~~{4} (3) two county attorneys recommended by the Minnesota
30 County Attorneys Association;~~

31 ~~{5} (4) two city attorneys recommended by the Minnesota
32 League of Cities;~~

33 ~~{6} (5) two public defenders appointed by the Board of
34 Public Defense;~~

35 ~~{7} (6) two district judges appointed by the Conference of
36 Chief Judges, one of whom is currently assigned to the juvenile~~

1 court;

2 †8† (7) two community corrections administrators
3 recommended by the Minnesota Association of Counties, one of
4 whom represents a community corrections act county;

5 †9† (8) two probation officers;

6 †10† (9) four public members, one of whom has been a victim
7 of crime, and two who are representatives of the private
8 business community who have expertise in integrated information
9 systems;

10 †11† (10) two court administrators;

11 †12† (11) one member of the house of representatives
12 appointed by the speaker of the house;

13 †13† (12) one member of the senate appointed by the
14 majority leader;

15 †14† (13) the attorney general or a designee;

16 †15† ~~the commissioner of administration or a designee;~~

17 †16† (14) an individual recommended by the Minnesota League
18 of Cities; and

19 †17† (15) an individual recommended by the Minnesota
20 Association of Counties;

21 (16) the director of the Sentencing Guidelines Commission;

22 (17) one member appointed by the commissioner of public
23 safety;

24 (18) one member appointed by the commissioner of
25 corrections;

26 (19) one member appointed by the commissioner of
27 administration; and

28 (20) one member appointed by the chief justice of the
29 Supreme Court.

30 In making these appointments, the appointing authority shall
31 select members with expertise in integrated data systems or best
32 practices.

33 †e† The commissioner of public safety may appoint
34 additional, nonvoting members to the task force as necessary
35 from time to time.

36 [EFFECTIVE DATE.] This section is effective July 1, 2005.

1 Sec. 13. Minnesota Statutes 2004, section 299C.65, is
2 amended by adding a subdivision to read:

3 Subd. 3a. [REPORT.] The policy group, with the assistance
4 of the task force, shall file an annual report with the
5 governor, Supreme Court, and chairs and ranking minority members
6 of the senate and house committees and divisions with
7 jurisdiction over criminal justice funding and policy by January
8 15 of each year. The report must provide the following:

9 (1) status and review of current integration efforts and
10 projects;

11 (2) recommendations concerning any legislative changes or
12 appropriations that are needed to ensure that the criminal
13 justice information systems operate accurately and efficiently;
14 and

15 (3) summary of the activities of the policy group and task
16 force.

17 [EFFECTIVE DATE.] This section is effective July 1, 2005.

18 Sec. 14. Minnesota Statutes 2004, section 299C.65,
19 subdivision 5, is amended to read:

20 Subd. 5. [REVIEW OF FUNDING AND GRANT REQUESTS.] (a) The
21 Criminal and Juvenile Justice Information Policy Group shall
22 review the funding requests for criminal justice information
23 systems from state, county, and municipal government agencies.
24 The policy group shall review the requests for compatibility to
25 statewide criminal justice information system standards. The
26 review shall be forwarded to the chairs and ranking minority
27 members of the house and senate committees and divisions with
28 jurisdiction over criminal justice funding and policy.

29 ~~(b) The policy-group-shall-also-review-funding-requests-for~~
30 ~~criminal-justice-information-systems-grants-to-be-made-by-the~~
31 ~~commissioner-of-public-safety-as-provided-in-this-section.~~
32 ~~Within-the-limits-of-available-appropriations, the commissioner~~
33 ~~of-public-safety-shall-make-grants-for-projects-that-have-been~~
34 ~~approved-by-the-policy-group.~~ CrimNet program office, in
35 consultation with the Criminal and Juvenile Justice Information
36 Task Force and with the approval of the policy group, shall

1 create the requirements for any grant request and determine the
2 integration priorities for the grant period. The CrimNet
3 program office shall also review the requests submitted for
4 compatibility to statewide criminal justice information systems
5 standards.

6 ~~(c) If a funding request is for development of a~~
7 ~~comprehensive criminal justice information integration plan, the~~
8 ~~policy group shall ensure that the request contains the~~
9 ~~components specified in subdivision 6. If a funding request is~~
10 ~~for implementation of a plan or other criminal justice~~

11 ~~information systems project, the policy group shall ensure that:~~
12 ~~(1) the government agency has adopted a comprehensive plan~~
13 ~~that complies with subdivision 6,~~

14 ~~(2) the request contains the components specified in~~
15 ~~subdivision 7, and~~

16 ~~(3) the request demonstrates that it is consistent with the~~
17 ~~government agency's comprehensive plan. The task force shall~~
18 review funding requests for criminal justice information systems
19 grants and make recommendations to the policy group. The policy
20 group shall review the recommendations of the task force and
21 shall make a final recommendation for criminal justice
22 information systems grants to be made by the commissioner of
23 public safety. Within the limits of available state
24 appropriations and federal grants, the commissioner of public
25 safety shall make grants for projects that have been recommended
26 by the policy group.

27 (d) The policy group may approve grants only if the
28 applicant provides an appropriate share of matching funds as
29 determined by the policy group to help pay up to one-half of the
30 costs of the grant request. The matching requirement must be
31 constant for all counties. The policy group shall adopt
32 policies concerning the use of in-kind resources to satisfy the
33 match requirement and the sources from which matching funds may
34 be obtained. Local operational or technology staffing costs may
35 be considered as meeting this match requirement. Each grant
36 recipient shall certify to the policy group that it has not

1 reduced funds from local, county, federal, or other sources
 2 which, in the absence of the grant, would have been made
 3 available to the grant recipient to improve or integrate
 4 criminal justice technology.

5 (e) All grant recipients shall submit to the CrimNet
 6 program office all requested documentation including grant
 7 status, financial reports, and a final report evaluating how the
 8 grant funds improved the agency's criminal justice integration
 9 priorities. The CrimNet program office shall establish the
 10 recipient's reporting dates at the time funds are awarded.

11 [EFFECTIVE DATE.] This section is effective July 1, 2005.

12 Sec. 15. Minnesota Statutes 2004, section 340A.301,
 13 subdivision 6, is amended to read:

14 Subd. 6. [FEES.] The annual fees for licenses under this
 15 section are as follows:

16 (a) Manufacturers (except as provided
 17 in clauses (b) and (c)) \$~~15,000~~ \$30,000
 18 Duplicates \$ 3,000

19 (b) Manufacturers of wines of not more
 20 than 25 percent alcohol by volume \$ 500

21 (c) Brewers other than those described
 22 in clauses (d) and (i) \$ ~~2,500~~ 4,000

23 (d) Brewers who also hold one or more
 24 retail on-sale licenses and who
 25 manufacture fewer than 3,500 barrels
 26 of malt liquor in a year, at any one
 27 licensed premises, using only wort produced
 28 in Minnesota, the entire
 29 production of which is solely
 30 for consumption on tap on the
 31 licensed premises or for off-sale
 32 from that licensed premises.

33 A brewer licensed
 34 under this clause must obtain a separate
 35 license for each licensed premises where
 36 the brewer brews malt liquor. A brewer

1	licensed under this clause may not be	
	licensed as an importer under this chapter	\$ 500
	(e) Wholesalers (except as provided in	
4	clauses (f), (g), and (h))	\$15,000
5	Duplicates	\$ 3,000
6	(f) Wholesalers of wines of not more	
7	than 25 percent alcohol by volume	\$ 27,000 <u>3,750</u>
8	(g) Wholesalers of intoxicating	
9	malt liquor	\$ 600 <u>1,000</u>
10	Duplicates	\$ 25
11	(h) Wholesalers of 3.2 percent	
12	malt liquor	\$ 10
13	(i) Brewers who manufacture fewer than	
14	2,000 barrels of malt liquor in a year	\$ 150

15 If a business licensed under this section is destroyed, or
 16 damaged to the extent that it cannot be carried on, or if it
 17 ceases because of the death or illness of the licensee, the
 18 commissioner may refund the license fee for the balance of the
 19 license period to the licensee or to the licensee's estate.

20 [EFFECTIVE DATE.] This section is effective July 1, 2005.

21 Sec. 16. Minnesota Statutes 2004, section 340A.302,
 22 subdivision 3, is amended to read:

23 Subd. 3. [FEES.] Annual fees for licenses under this
 24 section, which must accompany the application, are as follows:

25	Importers of distilled spirits, wine,	
26	or ethyl alcohol	\$420
27	Importers of malt liquor	\$800
28		<u>\$1,600</u>

29 If an application is denied, \$100 of the fee shall be
 30 retained by the commissioner to cover costs of investigation.

31 [EFFECTIVE DATE.] This section is effective July 1, 2005.

32 Sec. 17. Minnesota Statutes 2004, section 340A.311, is
 33 amended to read:

34 340A.311 [BRAND REGISTRATION.]

(a) A brand of intoxicating liquor or 3.2 percent malt
 36 liquor may not be manufactured, imported into, or sold in the

1 state unless the brand label has been registered with and
2 approved by the commissioner. A brand registration must be
3 renewed every three years in order to remain in effect. The fee
4 for an initial brand registration is ~~\$30~~ \$40. The fee for brand
5 registration renewal is ~~\$20~~ \$30. The brand label of a brand of
6 intoxicating liquor or 3.2 percent malt liquor for which the
7 brand registration has expired, is conclusively deemed abandoned
8 by the manufacturer or importer.

9 (b) In this section "brand" and "brand label" include
10 trademarks and designs used in connection with labels.

11 (c) The label of any brand of wine or intoxicating or
12 nonintoxicating malt beverage may be registered only by the
13 brand owner or authorized agent. No such brand may be imported
14 into the state for sale without the consent of the brand owner
15 or authorized agent. This section does not limit the provisions
16 of section 340A.307.

17 (d) The commissioner shall refuse to register a malt liquor
18 brand label, and shall revoke the registration of a malt liquor
19 brand label already registered, if the brand label states or
20 implies in a false or misleading manner a connection with an
21 actual living or dead American Indian leader. This paragraph
22 does not apply to a brand label registered for the first time in
23 Minnesota before January 1, 1992.

24 [EFFECTIVE DATE.] This section is effective July 1, 2005.

25 Sec. 18. Minnesota Statutes 2004, section 340A.404,
26 subdivision 12, is amended to read:

27 Subd. 12. [CATERER'S PERMIT.] The commissioner may issue a
28 caterer's permit to a restaurant that holds an on-sale
29 intoxicating liquor license issued by any municipality. The
30 holder of a caterer's permit may sell intoxicating liquor as an
31 incidental part of a food service that serves prepared meals at
32 a place other than the premises for which the holder's on-sale
33 intoxicating liquor license is issued.

34 (a) A caterer's permit is auxiliary to the primary on-sale
35 license held by the licensee.

36 (b) The restrictions and regulations which apply to the

1 sale of intoxicating liquor on the licensed premises also apply
2 to the sale under the authority of a caterer's permit, and any
3 act that is prohibited on the licensed premises is also
4 prohibited when the licensee is operating other than on the
5 licensed premises under a caterer's permit.

6 (c) Any act, which if done on the licensed premises would
7 be grounds for cancellation or suspension of the on-sale
8 licensee, is grounds for cancellation of both the on-sale
9 license and the caterer's permit if done when the permittee is
10 operating away from the licensed premises under the authority of
11 the caterer's permit.

12 (d) The permittee shall notify prior to any catered event:

13 (1) the police chief of the city where the event will take
14 place, if the event will take place within the corporate limits
15 of a city; or

16 (2) the county sheriff of the county where the event will
17 take place, if the event will be outside the corporate limits of
18 any city.

19 (e) If the primary license ceases to be valid for any
20 reason, the caterer's permit ceases to be valid.

21 (f) Permits issued under this subdivision are subject to
22 all laws and ordinances governing the sale of intoxicating
23 liquor except those laws and ordinances which by their nature
24 are not applicable.

25 (g) The annual state fee for a caterer's permit
26 is ~~\$200~~ \$300.

27 [EFFECTIVE DATE.] This section is effective July 1, 2005.

28 Sec. 19. Minnesota Statutes 2004, section 340A.408,
29 subdivision 4, is amended to read:

30 Subd. 4. [LAKE SUPERIOR, ST. CROIX RIVER, AND MISSISSIPPI
31 RIVER TOUR BOATS; COMMON CARRIERS.] (a) The annual license fee
32 for licensing of Lake Superior, St. Croix River, and Mississippi
33 River tour boats under section 340A.404, subdivision 8, shall be
34 ~~\$1,700~~ \$1,500. The commissioner shall transmit one-half of this
35 fee to the governing body of the city that is the home port of
36 the tour boat or to the county in which the home port is located

1 if the home port is outside a city.

2 (b) The annual license fee for common carriers licensed
3 under section 340A.407 is:

4 (1) \$50 for 3.2 percent malt liquor, and \$20 for a
5 duplicate license; and

6 (2) ~~\$200~~ \$250 for intoxicating liquor, and ~~\$20~~ \$30 for a
7 duplicate license.

8 [EFFECTIVE DATE.] This section is effective July 1, 2005.

9 Sec. 20. Minnesota Statutes 2004, section 340A.414,
10 subdivision 6, is amended to read:

11 Subd. 6. [PERMIT FEES.] The annual fee for issuance of a
12 permit under this section is ~~\$150~~ \$250. The governing body of a
13 city or county where the establishment is located may impose an
14 additional fee of not more than \$300.

15 [EFFECTIVE DATE.] This section is effective July 1, 2005.

16 Sec. 21. Minnesota Statutes 2004, section 340A.504,
17 subdivision 3, is amended to read:

18 Subd. 3. [INTOXICATING LIQUOR; SUNDAY SALES; ON-SALE.] (a)
19 A restaurant, club, bowling center, or hotel with a seating
20 capacity for at least 30 persons and which holds an on-sale
21 intoxicating liquor license may sell intoxicating liquor for
22 consumption on the premises in conjunction with the sale of food
23 between the hours of 12:00 noon on Sundays and 2:00 a.m. on
24 Mondays.

25 (b) The governing body of a municipality may after one
26 public hearing by ordinance permit a restaurant, hotel, bowling
27 center, or club to sell alcoholic beverages for consumption on
28 the premises in conjunction with the sale of food between the
29 hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays,
30 provided that the licensee is in conformance with the Minnesota
31 Clean Air Act.

32 (c) An establishment serving intoxicating liquor on Sundays
33 must obtain a Sunday license. The license must be issued by the
34 governing body of the municipality for a period of one year, and
35 the fee for the license may not exceed \$200.

36 (d) A city may issue a Sunday intoxicating liquor license

1 only if authorized to do so by the voters of the city voting on
the question at a general or special election. A county may
issue a Sunday intoxicating liquor license in a town only if
4 authorized to do so by the voters of the town as provided in
5 paragraph (e). A county may issue a Sunday intoxicating liquor
6 license in unorganized territory only if authorized to do so by
7 the voters of the election precinct that contains the licensed
8 premises, voting on the question at a general or special
9 election.

10 (e) An election conducted in a town on the question of the
11 issuance by the county of Sunday sales licenses to
12 establishments located in the town must be held on the day of
13 the annual election of town officers.

14 (f) Voter approval is not required for licenses issued by
15 the Metropolitan Airports Commission or common carrier licenses
16 issued by the commissioner. Common carriers serving
17 intoxicating liquor on Sunday must obtain a Sunday license from
18 the commissioner at an annual fee of ~~\$50~~ \$75, plus ~~\$20~~ \$30 for
19 each duplicate.

20 [EFFECTIVE DATE.] This section is effective July 1, 2005.

21 Sec. 22. Minnesota Statutes 2004, section 340A.504,
22 subdivision 7, is amended to read:

Subd. 7. [SALES AFTER 1:00 A.M.; PERMIT FEE.] (a) No
licensee may sell intoxicating liquor or 3.2 percent malt liquor
25 on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the
26 licensee has obtained a permit from the commissioner.
27 Application for the permit must be on a form the commissioner
28 prescribes. Permits are effective for one year from date of
29 issuance. For retailers of intoxicating liquor, the fee for the
30 permit is based on the licensee's gross receipts from on-sales
31 of alcoholic beverages in the 12 months prior to the month in
32 which the permit is issued, and is at the following rates:

- 33 (1) up to \$100,000 in gross receipts, ~~\$200~~ \$300;
34 (2) over \$100,000 but not over \$500,000 in gross receipts,
35 ~~\$500~~ \$750; and
36 (3) over \$500,000 in gross receipts, ~~\$600~~ \$1,000.

1 For a licensed retailer of intoxicating liquor who did not sell
2 intoxicating liquor at on-sale for a full 12 months prior to the
3 month in which the permit is issued, the fee is \$200. For a
4 retailer of 3.2 percent malt liquor, the fee is \$200.

5 (b) The commissioner shall deposit all permit fees received
6 under this subdivision in the alcohol enforcement account in the
7 special revenue fund.

8 (c) Notwithstanding any law to the contrary, the
9 commissioner of revenue may furnish to the commissioner the
10 information necessary to administer and enforce this subdivision.

11 [EFFECTIVE DATE.] This section is effective July 1, 2005.

12 Sec. 23. Minnesota Statutes 2004, section 357.021,
13 subdivision 2, is amended to read:

14 Subd. 2. [FEE AMOUNTS.] The fees to be charged and
15 collected by the court administrator shall be as follows:

16 (1) In every civil action or proceeding in said court,
17 including any case arising under the tax laws of the state that
18 could be transferred or appealed to the Tax Court, the
19 plaintiff, petitioner, or other moving party shall pay, when the
20 first paper is filed for that party in said action, a fee of
21 ~~\$235~~ \$240.

22 The defendant or other adverse or intervening party, or any
23 one or more of several defendants or other adverse or
24 intervening parties appearing separately from the others, shall
25 pay, when the first paper is filed for that party in said
26 action, a fee of \$235.

27 The party requesting a trial by jury shall pay \$75.

28 The fees above stated shall be the full trial fee
29 chargeable to said parties irrespective of whether trial be to
30 the court alone, to the court and jury, or disposed of without
31 trial, and shall include the entry of judgment in the action,
32 but does not include copies or certified copies of any papers so
33 filed or proceedings under chapter 103E, except the provisions
34 therein as to appeals.

35 (2) Certified copy of any instrument from a civil or
36 criminal proceeding, \$10, and \$5 for an uncertified copy.

1 (3) Issuing a subpoena, \$12 for each name.

(4) Filing a motion or response to a motion in civil,
family, excluding child support, and guardianship cases, \$55.

4 (5) Issuing an execution and filing the return thereof;
5 issuing a writ of attachment, injunction, habeas corpus,
6 mandamus, quo warranto, certiorari, or other writs not
7 specifically mentioned, \$40.

8 (6) Issuing a transcript of judgment, or for filing and
9 docketing a transcript of judgment from another court, \$30.

10 (7) Filing and entering a satisfaction of judgment, partial
11 satisfaction, or assignment of judgment, \$5.

12 (8) Certificate as to existence or nonexistence of
13 judgments docketed, \$5 for each name certified to.

14 (9) Filing and indexing trade name; or recording basic
15 science certificate; or recording certificate of physicians,
16 osteopaths, chiropractors, veterinarians, or optometrists, \$5.

17 (10) For the filing of each partial, final, or annual
18 account in all trusteeships, \$40.

19 (11) For the deposit of a will, \$20.

20 (12) For recording notary commission, \$100, of which,
21 notwithstanding subdivision 1a, paragraph (b), \$80 must be
22 forwarded to the commissioner of finance to be deposited in the
23 state treasury and credited to the general fund.

(13) Filing a motion or response to a motion for
25 modification of child support, a fee fixed by rule or order of
26 the Supreme Court.

27 (14) All other services required by law for which no fee is
28 provided, such fee as compares favorably with those herein
29 provided, or such as may be fixed by rule or order of the court.

30 (15) In addition to any other filing fees under this
31 chapter, a surcharge in the amount of \$75 must be assessed in
32 accordance with section 259.52, subdivision 14, for each
33 adoption petition filed in district court to fund the fathers'
adoption registry under section 259.52.

34 The fees in clauses (3) and (5) need not be paid by a
35 public authority or the party the public authority represents.
36

1 [EFFECTIVE DATE.] This section is effective July 1, 2005.

2 Sec. 24. Minnesota Statutes 2004, section 357.021,
3 subdivision 6, is amended to read:

4 Subd. 6. [SURCHARGES ON CRIMINAL AND TRAFFIC OFFENDERS.]

5 (a) The court shall impose and the court administrator shall
6 collect a \$60 \$71 surcharge on every person convicted of any
7 felony, gross misdemeanor, misdemeanor, or petty misdemeanor
8 offense, other than a violation of a law or ordinance relating
9 to vehicle parking, for which there shall be a \$3 surcharge. In
10 the Second Judicial District, the court shall impose, and the
11 court administrator shall collect, an additional \$1 surcharge on
12 every person convicted of any felony, gross misdemeanor, or
13 petty misdemeanor offense, other than a violation of a law or
14 ordinance relating to vehicle parking, if the Ramsey County
15 Board of Commissioners authorizes the \$1 surcharge. The
16 surcharge shall be imposed whether or not the person is
17 sentenced to imprisonment or the sentence is stayed.

18 (b) If the court fails to impose a surcharge as required by
19 this subdivision, the court administrator shall show the
20 imposition of the surcharge, collect the surcharge and correct
21 the record.

22 (c) The court may not waive payment of the surcharge
23 required under this subdivision. Upon a showing of indigency or
24 undue hardship upon the convicted person or the convicted
25 person's immediate family, the sentencing court may authorize
26 payment of the surcharge in installments.

27 (d) The court administrator or other entity collecting a
28 surcharge shall forward it to the commissioner of finance.

29 (e) If the convicted person is sentenced to imprisonment
30 and has not paid the surcharge before the term of imprisonment
31 begins, the chief executive officer of the correctional facility
32 in which the convicted person is incarcerated shall collect the
33 surcharge from any earnings the inmate accrues from work
34 performed in the facility or while on conditional release. The
35 chief executive officer shall forward the amount collected to
36 the commissioner of finance.

1 [EFFECTIVE DATE.] This section is effective July 1, 2005.

Sec. 25. Minnesota Statutes 2004, section 357.021,
subdivision 7, is amended to read:

4 Subd. 7. [DISBURSEMENT OF SURCHARGES BY COMMISSIONER OF
5 FINANCE.] (a) Except as provided in paragraphs (b), (c), and
6 (d), the commissioner of finance shall disburse surcharges
7 received under subdivision 6 and section 97A.065, subdivision 2,
8 as follows:

9 (1) one percent shall be credited to the game and fish fund
10 to provide peace officer training for employees of the
11 Department of Natural Resources who are licensed under sections
12 626.84 to 626.863, and who possess peace officer authority for
13 the purpose of enforcing game and fish laws;

14 (2) 39 percent shall be credited to the peace officers
15 training account in the special revenue fund; and

16 (3) 60 percent shall be credited to the general fund.

17 (b) The commissioner of finance shall credit \$3 of each
18 surcharge received under subdivision 6 and section 97A.065,
19 subdivision 2, to the general fund.

20 (c) In addition to any amounts credited under paragraph
21 (a), the commissioner of finance shall credit ~~\$32~~ \$43 of each
22 surcharge received under subdivision 6 and section 97A.065,
23 subdivision 2, and the \$3 parking surcharge, to the general fund.

24 (d) If the Ramsey County Board of Commissioners authorizes
25 imposition of the additional \$1 surcharge provided for in
26 subdivision 6, paragraph (a), the court administrator in the
27 Second Judicial District shall withhold \$1 from each surcharge
28 collected under subdivision 6. The court administrator must use
29 the withheld funds solely to fund the petty misdemeanor
30 diversion program administered by the Ramsey County Violations
31 Bureau. The court administrator must transfer any unencumbered
32 portion of the funds received under this subdivision to the
33 commissioner of finance for distribution according to paragraphs
34 (a) to (c).

35 [EFFECTIVE DATE.] This section is effective July 1, 2005.

36 Sec. 26. Minnesota Statutes 2004, section 357.18, is

1 amended to read:

2 357.18 [COUNTY RECORDER.]

3 Subdivision 1. [COUNTY RECORDER FEES.] The fees to be
4 charged by the county recorder shall be ~~as-follows~~ and not
5 exceed the following:

6 (1) for indexing and recording any deed or other instrument
7 ~~\$1-for-each-page-of-an-instrument,-with-a-minimum-fee-of-\$15 a~~
8 fee of \$46; \$10.50 shall be paid to the state treasury and
9 credited to the general fund; \$10 shall be deposited in the
10 technology fund pursuant to subdivision 3; and \$25.50 to the
11 county general fund;

12 (2) for documents containing multiple assignments, partial
13 releases or satisfactions ~~\$10-for-each-document-number-or-book~~
14 and-page-cited a fee of \$40; if the document cites more than
15 four recorded instruments, an additional fee of \$10 for each
16 additional instrument cited over the first four citations;

17 (3) for certified copies of any records or papers, ~~\$1-for~~
18 each-page-of-an-instrument-with-a-minimum-fee-of-\$5 \$10;

19 (4) for a noncertified copy of any instrument or writing on
20 file or recorded in the office of the county recorder, or any
21 specified page or part of it, an amount as determined by the
22 county board for each page or fraction of a page specified. If
23 computer or microfilm printers are used to reproduce the
24 instrument or writing, a like amount per image;

25 (5) for an abstract of title, the fees shall be determined
26 by resolution of the county board duly adopted upon the
27 recommendation of the county recorder, and the fees shall not
28 exceed \$5 \$10 for every entry, ~~\$50~~ \$100 for abstract
29 certificate, \$1 per page for each exhibit included within an
30 abstract as a part of an abstract entry, and \$2 \$5 per name for
31 each required name search certification;

32 ~~{5}~~ (6) for a copy of an official plat filed pursuant to
33 section 505.08, the fee shall be ~~\$9-50~~ \$10 and an additional 50
34 cents \$5 shall be charged for the certification of each plat;

35 ~~{6}~~ (7) for filing an amended floor plan in accordance with
36 chapter 515, an amended condominium plat in accordance with

1 chapter 515A, or a common interest community plat or amendment
2 complying with section 515B.2-110, subsection (c), the fee shall
3 be 50 cents per apartment or unit with a minimum fee of \$30 \$50;

4 ~~(7)~~ (8) for a copy of a floor plan filed pursuant to
5 chapter 515, a copy of a condominium plat filed in accordance
6 with chapter 515A, or a copy of a common interest community plat
7 complying with section 515B.2-110, subsection (c), the fee shall
8 be \$1 for each page of the floor plan, condominium plat or
9 common interest community plat with a minimum fee of \$10;

10 (9) for recording any plat, a fee of \$56, of which \$10.50
11 must be paid to the state treasury and credited to the general
12 fund, \$10 must be deposited in the technology fund pursuant to
13 subdivision 3, and \$35.50 must be deposited in the county
14 general fund; and

15 (10) for a noncertified copy of any document submitted for
16 recording, if the original document is accompanied by a copy or
17 duplicate original, \$2. Upon receipt of the copy or duplicate
18 original and payment of the fee, a county recorder shall return
19 it marked "copy" or "duplicate," showing the recording date and,
20 if available, the document number assigned to the original.

21 Subd. 1a. [ABSTRACTING SERVICE FEES.] Fees fixed by or
22 established pursuant to subdivision 1 shall be the maximum fee
23 charged in all counties where the county recorder performs
24 abstracting services and shall be charged by persons authorized
25 to perform abstracting services in county buildings pursuant to
26 section 386.18.

27 Subd. 2. [FEES FOR RECORDING INSTRUMENTS IN COUNTY
28 RECORDER OFFICE.] Notwithstanding the provisions of any general
29 or special law to the contrary, the ~~fees-prescribed-by-this~~
30 ~~section-shall-govern-the-filing-or-recording-of-all-instruments~~
31 ~~in-the-office-of-the-county-recorder~~ established fees pursuant
32 to subdivision 1 shall be the fee charged in all counties for
33 the specified service, other than Uniform Commercial Code
34 documents, and documents filed or recorded pursuant to sections
35 270.69, subdivision 2, paragraph (c), 272.481 to 272.488,
36 277.20, and 386.77.

1 ~~Subd. 3. ---[SURCHARGE.] In addition to the fees imposed in~~
2 ~~subdivision 17, a \$4.50 surcharge shall be collected:---on each~~
3 ~~fee charged under subdivision 17, clauses (1) and (6), and for~~
4 ~~each abstract certificate under subdivision 17, clause (4).~~
5 ~~Fifty cents of each surcharge shall be retained by the county to~~
6 ~~cover its administrative costs and \$4 shall be paid to the state~~
7 ~~treasury and credited to the general fund.~~

8 Subd. 4. [EQUIPMENT TECHNOLOGY FUND.] ~~\$1~~ of each The \$10
9 fee collected under subdivision 1, clause (1), shall be
10 deposited in an equipment a technology fund to for obtaining,
11 maintaining, and updating current technology and equipment to
12 provide services from the record system. The fund shall be
13 disbursed at the county recorder's discretion to provide modern
14 information services from the records system. The fund is a
15 supplemental fund and shall not be construed to diminish the
16 duty of the county governing body to furnish funding for
17 expenses and personnel necessary in the performance of the
18 duties of the office pursuant to section 386.015, subdivision 6,
19 paragraph (a), clause (2), and to comply with the requirements
20 of section 357.182.

21 Subd. 5. [VARIANCE FROM STANDARDS.] A document ~~that does~~
22 ~~not~~ should conform to the standards in section 507.093,
23 paragraph (a), ~~shall not be recorded except upon payment of an~~
24 ~~additional fee of \$10 per document~~ but should not be rejected
25 unless the document is not legible or cannot be archived. This
26 subdivision applies only to documents dated after July 31, 1997,
27 and does not apply to Minnesota uniform conveyancing
28 ~~blanks contained in the book of forms~~ on file in the office of
29 the commissioner of commerce provided for under section 507.09,
30 certified copies, or any other form provided for under Minnesota
31 Statutes.

32 Subd. 6. [REGISTRAR OF TITLES' FEES.] The fees to be
33 charged by the registrar of titles are in sections 508.82 and
34 508A.82.

35 Sec. 27. [357.182] [COUNTY FEES AND RECORDING STANDARDS
36 FOR THE RECORDING OF REAL ESTATE DOCUMENTS.]

1 Subdivision 1. [APPLICATION.] Unless otherwise specified
2 in this section and notwithstanding any other law to the
3 contrary, effective August 1, 2005, this section applies to each
4 county in Minnesota. Documents presented for recording within
5 60 days after the effective date of this section and that are
6 acknowledged, sworn to before a notary, or certified before the
7 effective date of this section must not be rejected for failure
8 to include the new filing fee.

9 Subd. 2. [FEE RESTRICTIONS.] Notwithstanding any local law
10 or ordinance to the contrary, no county may charge or collect
11 any fee, special or otherwise, or however described, other than
12 a fee denominated or prescribed by state law, for any service,
13 task, or step performed by any county officer or employee in
14 connection with the receipt, recording, and return of any
15 recordable instrument by the county recorder or registrar of
16 titles, whether received by mail, in person, or by electronic
17 delivery, including, but not limited to, opening mail; handling,
18 transferring, or transporting the instrument; certifying no
19 delinquent property taxes; payment of state deed tax, mortgage
20 registry tax, or conservation fee; recording of approved plats,
21 subdivision splits, or combinations; or any other prerequisites
22 to recording, and returning the instrument by regular mail or in
23 person to the person identified in the instrument for that
24 purpose.

25 Subd. 3. [RECORDING REQUIREMENTS.] Each county recorder
26 and registrar of titles shall, within 15 business days after any
27 instrument in recordable form accompanied by payment of
28 applicable fees by customary means is delivered to the county
29 for recording or is otherwise received by the county recorder or
30 registrar of titles for that purpose, record and index the
31 instrument in the manner provided by law and return it by
32 regular mail or in person to the person identified in the
33 instrument for that purpose, if the instrument does not require
34 certification of no-delinquent taxes, payment of state deed tax,
35 mortgage registry tax, or conservation fee. Each county must
36 establish a policy for the timely handling of instruments that

1 require certification of no-delinquent taxes, payment of state
2 deed tax, mortgage registry tax, or conservation fee and that
3 policy may allow up to an additional five business days at the
4 request of the office or offices responsible to complete the
5 payment and certification process.

6 For calendar years 2009 and 2010, the maximum time allowed
7 for completion of the recording process for documents presented
8 in recordable form will be 15 business days.

9 For calendar year 2011 and thereafter, the maximum time
10 allowed for completion of the recording process for documents
11 presented in recordable form will be ten business days.

12 Instruments recorded electronically must be returned no
13 later than five business days after receipt by the county in a
14 recordable format.

15 Subd. 4. [COMPLIANCE WITH RECORDING REQUIREMENTS.] For
16 calendar year 2007, a county is in compliance with the recording
17 requirements prescribed by subdivision 3 if at least 60 percent
18 of all recordable instruments described in subdivision 3 and
19 received by the county in that year are recorded and returned
20 within the time limits prescribed in subdivision 3. In calendar
21 year 2008, at least 70 percent of all recordable instruments
22 must be recorded and returned in compliance with the recording
23 requirements; for calendar year 2009, at least 80 percent of all
24 recordable instruments must be recorded and returned in
25 compliance with the recording requirements; and for calendar
26 year 2010 and later years, at least 90 percent of all recordable
27 instruments must be recorded and returned in compliance with the
28 recording requirements.

29 Subd. 5. [TEMPORARY SUSPENSION OF COMPLIANCE WITH
30 RECORDING REQUIREMENTS.] Compliance with the requirements of
31 subdivision 4 may be suspended for up to six months when a
32 county undertakes material enhancements to its systems for
33 receipt, handling, paying of deed and mortgage tax and
34 conservation fees, recording, indexing, certification, and
35 return of instruments. The six-month suspension may be extended
36 for up to an additional six months if a county board finds by

1 resolution that the additional time is necessary because of the
2 difficulties of implementing the enhancement.

3 Subd. 6. [CERTIFICATION OF COMPLIANCE WITH RECORDING
4 REQUIREMENTS.] Effective beginning in 2007 for the 2008 county
5 budget and in each year thereafter, the county recorder and
6 registrar of titles for each county shall file with the county
7 commissioners, as part of their budget request, a report that
8 establishes the status for the previous year of their compliance
9 with the requirements established in subdivision 3. If the
10 office has not achieved compliance with the recording
11 requirements, the report must include an explanation of the
12 failure to comply, recommendations by the recorder or registrar
13 to cure the noncompliance and to prevent a reoccurrence, and a
14 proposal identifying actions, deadlines, and funding necessary
15 to bring the county into compliance.

16 Subd. 7. [RESTRICTION ON USE OF RECORDING
17 FEEES.] Notwithstanding any law to the contrary, for county
18 budgets adopted after January 1, 2006, each county shall
19 segregate the additional unallocated fee authorized by sections
20 357.18, 508.82, and 508A.82 from the application of the
21 provisions of chapters 386, 507, 508, and 508A, in an
22 appropriate account. This money is available as authorized by
23 the Board of County Commissioners for supporting enhancements to
24 the recording process, including electronic recording, to fund
25 compliance efforts specified in subdivision 5 and for use in
26 undertaking data integration and aggregation projects. Money
27 remains in the account until expended for any of the authorized
28 purposes set forth in this subdivision. This money must not be
29 used to supplant the normal operating expenses for the office of
30 county recorder or registrar of titles.

31 Sec. 28. Minnesota Statutes 2004, section 505.08,
32 subdivision 2, is amended to read:

33 Subd. 2. [PUBLIC CERTIFIED COPIES.] The copies of the
34 official plat or of the exact reproducible copy shall be
35 compared and certified to by the county recorder in the manner
36 in which certified copies of records are issued in the

1 recorder's office, and the copy thereof shall be bound in a
2 proper volume for the use of the general public and anyone shall
3 have access to and may inspect such certified copy at their
4 pleasure. When the plat includes both registered and
5 nonregistered land two copies thereof shall be so certified and
6 bound, one for such general public use in each of the offices of
7 the county recorder and registrar of titles; provided, however,
8 that only one such copy so certified and bound shall be provided
9 for general public use in those counties wherein the office
10 quarters of the county recorder and registrar of titles are one
11 and the same. When the copy, or any part thereof, shall become
12 unintelligible from use or wear or otherwise, at the request of
13 the county recorder it shall be the duty of the county surveyor
14 to make a reproduction copy of the official plat, or the exact
15 transparent reproducible copy under the direct supervision of
16 the county recorder, who shall compare the copy, certify that it
17 is a correct copy thereof, by proper certificate as above set
18 forth, and it shall be bound in the volume, and under the page,
19 and in the place of the discarded copy. In counties not having
20 a county surveyor the county recorder shall employ a licensed
21 land surveyor to make such reproduction copy, at the expense of
22 the county. The county recorder shall receive as a fee for
23 filing these plats, as aforesaid described, ~~50-cents-per-lot,~~
24 ~~but-shall-receive-not-less-than-\$30-for-any-plat-filed-in-the~~
25 ~~recorder's-office~~ pursuant to section 357.18, subdivision 1.
26 Reproductions from the exact transparent reproducible copy shall
27 be available to any person upon request and the cost of such
28 reproductions shall be paid by the person making such request.
29 If a copy of the official plat is requested the county recorder
30 shall prepare it and duly certify that it is a copy of the
31 official plat and the cost of such copy shall be paid by the
32 person making such request.

33 Sec. 29. Minnesota Statutes 2004, section 508.82, is
34 amended to read:

35 508.82 [REGISTRAR'S REGISTRAR OF TITLES' FEES.]

36 Subdivision 1. [STANDARD DOCUMENTS.] The fees to be paid

1 to charged by the registrar of titles shall be as follows and
 2 not exceed the following:

3 (1) of the fees provided herein, five-percent \$1.50 of the
 4 fees collected under clauses (3), ~~(5)~~, ~~(11)~~, ~~(13)~~, (4), (10),
 5 (12), (14), (16), and (17) for filing or memorializing shall be
 6 paid to the ~~commissioner-of-finance~~ state treasury pursuant to
 7 section 508.75 and credited to the general fund; ~~plus a \$4.50~~
 8 ~~surcharge shall be charged and collected in addition to the~~
 9 ~~total fees charged for each transaction under clauses (2), (3),~~
 10 ~~(5), (11), (13), (14), (16), and (17) with 50 cents of this~~
 11 ~~surcharge to be retained by the county to cover its~~
 12 ~~administrative costs, and \$4 to be paid to the state treasury~~
 13 ~~and credited to the general fund;~~

14 (2) for registering a first certificate of title, including
 15 issuing a copy of it, ~~\$30~~ \$46. Pursuant to clause (1),
 16 distribution of this fee is as follows:

17 (i) \$10.50 shall be paid to the state treasury and credited
 18 to the general fund;

19 (ii) \$10 shall be deposited in the technology fund pursuant
 20 to section 357.18, subdivision 3; and

21 (iii) \$25.50 shall be deposited in the county general fund;

22 (3) for registering each instrument transferring the fee
 23 simple title for which a new certificate of title is issued and
 24 for the registration of the new certificate of title, including
 25 a copy of it, ~~\$30~~ \$46. Pursuant to clause (1), distribution of
 26 this fee is as follows:

27 (i) \$12 shall be paid to the state treasury and credited to
 28 the general fund;

29 (ii) \$10 shall be deposited in the technology fund pursuant
 30 to section 357.18, subdivision 3; and

31 (iii) \$24 shall be deposited in the county general fund;

32 (4) ~~for issuance of a CEEP pursuant to section 508.351,~~
 33 ~~\$15,~~

34 ~~(5) for the entry of each memorial on a~~
 35 ~~certificate, \$15~~ \$46. For multiple certificate entries, \$20
 36 thereafter. Pursuant to clause (1), distribution of this fee is

1 as follows:

2 (i) \$12 shall be paid to the state treasury and credited to
3 the general fund;

4 (ii) \$10 shall be deposited in the technology fund pursuant
5 to section 357.18, subdivision 3;

6 (iii) \$24 shall be deposited in the county general fund;
7 and

8 (iv) \$20 shall be deposited in the county general fund for
9 each multiple entry used;

10 ~~(5)~~ (5) for issuing each residue certificate, ~~\$20~~ \$40;

11 ~~(6)~~ (6) for exchange certificates, ~~\$10~~ \$20 for each
12 certificate canceled and ~~\$10~~ \$20 for each new certificate
13 issued;

14 ~~(7)~~ (7) for each certificate showing condition of the
15 register, ~~\$10~~ \$50;

16 ~~(8)~~ (8) for any certified copy of any instrument or writing
17 on file or recorded in the ~~registrar's~~ registrar of titles'
18 ~~office, the same fees allowed by law to county recorders for~~
19 ~~like services~~ \$10;

20 ~~(9)~~ (9) for a noncertified copy of any certificate of
21 title, other than the copies issued under clauses (2) and (3),
22 any instrument or writing on file or recorded in the office of
23 the registrar of titles, or any specified page or part of it, an
24 amount as determined by the county board for each page or
25 fraction of a page specified. If computer or microfilm printers
26 are used to reproduce the instrument or writing, a like amount
27 per image;

28 (10) for a noncertified copy of any document submitted for
29 recording, if the original document is accompanied by a copy or
30 duplicate original, \$2. Upon receipt of the copy or duplicate
31 original and payment of the fee, a registrar of titles shall
32 return it marked "copy" or "duplicate," showing the recording
33 date and, if available, the document number assigned to the
34 original;

35 (11) for filing two copies of any plat in the office of the
36 registrar, \$30 \$56. Pursuant to clause (1), distribution of

1 this fee is as follows:

2 (i) \$12 shall be paid to the state treasury and credited to
3 the general fund;

4 (ii) \$10 shall be deposited in the technology fund pursuant
5 to section 357.18, subdivision 3; and

6 (iii) \$34 shall be deposited in the county general fund;

7 (12) for any other service under this chapter, such fee as
8 the court shall determine;

9 (13) for filing an amendment to a declaration in
10 accordance with chapter 515, ~~\$10~~ \$46 for each certificate upon
11 which the document is registered and ~~\$30~~ for multiple
12 certificate entries, \$20 thereafter; \$56 for an amended floor
13 plan filed in accordance with chapter 515~~7~~. Pursuant to clause
14 (1), distribution of this fee is as follows:

15 (i) \$12 shall be paid to the state treasury and credited to
16 the general fund;

17 (ii) \$10 shall be deposited in the technology fund pursuant
18 to section 357.18, subdivision 3;

19 (iii) \$24 shall be deposited in the county general fund for
20 amendment to a declaration;

21 (iv) \$20 shall be deposited in the county general fund for
22 each multiple entry used; and

23 (v) \$34 shall be deposited in the county general fund for
24 an amended floor plan;

25 (14) for issuance of a CECT pursuant to section 508.351,
26 \$40;

27 ~~(14)~~ (15) for filing an amendment to a common interest
28 community declaration and plat or amendment complying with
29 section 515B.2-110, subsection (c), ~~\$10~~ \$46 for each certificate
30 upon which the document is registered and ~~\$30~~ for multiple
31 certificate entries, \$20 thereafter and \$56 for the filing of
32 the condominium or common interest community plat or amendment.
33 Pursuant to clause (1), distribution of this fee is as follows:

34 (i) \$12 shall be paid to the state treasury and credited to
35 the general fund;

36 (ii) \$10 shall be deposited in the technology fund pursuant

1 to section 357.18, subdivision 3;

2 (iii) \$24 shall be deposited in the county general fund for
3 the filing of an amendment complying with section 515B.2-110,
4 subsection (c);

5 (iv) \$20 shall be deposited in the county general fund for
6 each multiple entry used; and

7 (v) \$34 shall be deposited in the county general fund for
8 the filing of a condominium or CIC plat or amendment;

9 ~~(15)~~ (16) for a copy of a condominium floor plan filed in
10 accordance with chapter 515, or a copy of a common interest
11 community plat complying with section 515B.2-110, subsection
12 (c), the fee shall be \$1 for each page of the floor plan or
13 common interest community plat with a minimum fee of \$10;

14 ~~(16)~~ (17) for the filing of a certified copy of a plat of
15 the survey pursuant to section 508.23 or 508.671, ~~\$10~~ \$46.

16 Pursuant to clause (1), distribution of this fee is as follows:

17 (i) \$12 shall be paid to the state treasury and credited to
18 the general fund;

19 (ii) \$10 shall be deposited in the technology fund pursuant
20 to section 357.18, subdivision 3; and

21 (iii) \$24 shall be deposited in the county general fund;

22 ~~(17)~~ (18) for filing a registered land survey in triplicate
23 in accordance with section 508.47, subdivision 4, ~~\$30~~ \$56.

24 Pursuant to clause (1), distribution of this fee is as follows:

25 (i) \$12 shall be paid to the state treasury and credited to
26 the general fund;

27 (ii) \$10 shall be deposited in the technology fund pursuant
28 to section 357.18, subdivision 3; and

29 (iii) \$34 shall be deposited in the county general fund;

30 and

31 ~~(18)~~ (19) for furnishing a certified copy of a registered
32 land survey in accordance with section 508.47, subdivision
33 4, ~~\$10~~ \$15.

34 Subd. 1a. [FEES FOR RECORDING INSTRUMENTS WITH REGISTRAR
35 OF TITLES' OFFICE.] Notwithstanding the provisions of any
36 general or special law to the contrary, and pursuant to section

1 357.182, the established fees pursuant to subdivision 1 shall be
 2 the fee charged in all counties for the specified service, other
 3 than Uniform Commercial Code documents and documents filed or
 4 recorded pursuant to sections 270.69, subdivision 2, paragraph
 5 (c); 272.481 to 272.488; 277.20; and 386.77.

6 Subd. 2. [VARIANCE FROM STANDARDS.] A document ~~that does~~
 7 ~~not~~ should conform to the standards in section 507.093,
 8 paragraph (a), ~~shall not be filed except upon payment of an~~
 9 ~~additional fee of \$10 per document~~ but should not be rejected
 10 unless the document is not legible or cannot be archived. This
 11 subdivision applies only to documents dated after July 31, 1997,
 12 and does not apply to Minnesota uniform conveyancing
 13 ~~blanks contained in the book of forms~~ on file in the office of
 14 the commissioner of commerce provided for under section 507.09,
 15 certified copies, or any other form provided for under Minnesota
 16 Statutes.

17 Sec. 30. Minnesota Statutes 2004, section 508A.82, is
 18 amended to read:

19 508A.82 [REGISTRAR'S REGISTRAR OF TITLES' FEES.]

20 Subdivision 1. [STANDARD DOCUMENTS.] The fees to be ~~paid~~
 21 to charged by the registrar of titles shall be ~~as follows~~ and
 22 not exceed the following:

(1) of the fees provided herein, ~~five percent~~ \$1.50 of the
 4 fees collected under clauses (3), (5), (11), (13), ~~(14)~~ (15),
 25 and ~~(17)~~ (18) for filing or memorializing shall be paid to the
 26 ~~commissioner of finance~~ state treasury pursuant to section
 27 508.75 and credited to the general fund; ~~plus a \$4.50 surcharge~~
 28 ~~shall be charged and collected in addition to the total fees~~
 29 ~~charged for each transaction under clauses (2), (3), (5), (11),~~
 30 ~~(13), (14), and (17), with 50 cents of this surcharge to be~~
 31 ~~retained by the county to cover its administrative costs, and \$4~~
 32 ~~to be paid to the state treasury and credited to the general~~
 33 ~~fund;~~

(2) for registering a first CPT, including issuing a copy
 35 of it, ~~\$30~~ \$46. Pursuant to clause (1), distribution of the
 36 fee is as follows:

1 (i) \$10.50 shall be paid to the state treasury and credited
2 to the general fund;

3 (ii) \$10 shall be deposited in the technology fund pursuant
4 to section 357.18, subdivision 3; and

5 (iii) \$25.50 shall be deposited in the county general fund;

6 (3) for registering each instrument transferring the fee
7 simple title for which a new CPT is issued and for the
8 registration of the new CPT, including a copy of it, ~~\$30~~ \$46.

9 Pursuant to clause (1), distribution of the fee is as follows:

10 (i) \$12 shall be paid to the state treasury and credited to
11 the general fund;

12 (ii) \$10 shall be deposited in the technology fund pursuant
13 to section 357.18, subdivision 3; and

14 (iii) \$24 shall be deposited in the county general fund;

15 (4) for issuance of a CECT pursuant to section 508A.351,
16 \$15;

17 (5) for the entry of each memorial on a CPT, ~~\$15~~ \$46; for
18 multiple certificate entries, \$20 thereafter. Pursuant to
19 clause (1), distribution of the fee is as follows:

20 (i) \$12 shall be paid to the state treasury and credited to
21 the general fund;

22 (ii) \$10 shall be deposited in the technology fund pursuant
23 to section 357.18, subdivision 3;

24 (iii) \$24 shall be deposited in the county general fund;
25 and

26 (iv) \$20 shall be deposited in the county general fund for
27 each multiple entry used;

28 (6) for issuing each residue CPT, ~~\$20~~ \$40;

29 (7) for exchange CPTs or combined certificates of title,
30 ~~\$10~~ \$20 for each CPT and certificate of title canceled and
31 ~~\$10~~ \$20 for each new CPT or combined certificate of title
32 issued;

33 (8) for each CPT showing condition of the
34 register, ~~\$10~~ \$50;

35 (9) for any certified copy of any instrument or writing on
36 file or recorded in the registrar's registrar of titles' office,

1 ~~the same fees allowed by law to county recorders for like~~
2 ~~services \$10;~~

3 (10) for a noncertified copy of any CPT, other than the
4 copies issued under clauses (2) and (3), any instrument or
5 writing on file or recorded in the office of the registrar of
6 titles, or any specified page or part of it, an amount as
7 determined by the county board for each page or fraction of a
8 page specified. If computer or microfilm printers are used to
9 reproduce the instrument or writing, a like amount per image;

10 (11) for a noncertified copy of any document submitted for
11 recording, if the original document is accompanied by a copy or
12 duplicate original, \$2. Upon receipt of the copy or duplicate
13 original and payment of the fee, a registrar of titles shall
14 return it marked "copy" or "duplicate," showing the recording
15 date and, if available, the document number assigned to the
16 original;

17 (12) for filing two copies of any plat in the office of the
18 registrar, ~~\$30~~ \$56. Pursuant to clause (1), distribution of
19 the fee is as follows:

20 (i) \$12 shall be paid to the state treasury and credited to
21 the general fund;

22 (ii) \$10 shall be deposited in the technology fund pursuant
23 to section 357.18, subdivision 3; and

24 (iii) \$34 shall be deposited in the county general fund;

25 ~~{12}~~ (13) for any other service under sections 508A.01 to
26 508A.85, the fee the court shall determine;

27 ~~{13}~~ (14) for filing an amendment to a declaration in
28 accordance with chapter 515, ~~\$10~~ \$46 for each certificate upon
29 which the document is registered and ~~\$30~~ for multiple
30 certificate entries, \$20 thereafter; \$56 for an amended floor
31 plan filed in accordance with chapter 515~~7~~. Pursuant to clause
32 (1), distribution of the fee is as follows:

33 (i) \$12 shall be paid to the state treasury and credited to
34 the general fund;

35 (ii) \$10 shall be deposited in the technology fund pursuant
36 to section 357.18, subdivision 3;

1 (iii) \$24 shall be deposited in the county general fund for
2 amendment to a declaration;

3 (iv) \$20 shall be deposited in the county general fund for
4 each multiple entry used; and

5 (v) \$34 shall be deposited in the county general fund for
6 an amended floor plan;

7 ~~(14)~~ (15) for issuance of a CECT pursuant to section
8 508.351, \$40;

9 (16) for filing an amendment to a common interest community
10 declaration and plat or amendment complying with section
11 515B.2-110, subsection (c), and issuing a CECT if
12 required, ~~\$10~~ \$46 for each certificate upon which the document
13 is registered and ~~\$30~~ for multiple certificate entries, \$20
14 thereafter; \$56 for the filing of the condominium or common
15 interest community plat or amendment. Pursuant to clause (1),
16 distribution of the fee is as follows:

17 (i) \$12 shall be paid to the state treasury and credited to
18 the general fund;

19 (ii) \$10 shall be deposited in the technology fund pursuant
20 to section 357.18, subdivision 3;

21 (iii) \$24 shall be deposited in the county general fund for
22 the filing of an amendment complying with section 515B.2-110,
23 subsection (c);

24 (iv) \$20 shall be deposited in the county general fund for
25 each multiple entry used; and

26 (v) \$34 shall be deposited in the county general fund for
27 the filing of a condominium or CIC plat or amendment;

28 ~~(15)~~ (17) for a copy of a condominium floor plan filed in
29 accordance with chapter 515, or a copy of a common interest
30 community plat complying with section 515B.2-110, subsection
31 (c), the fee shall be \$1 for each page of the floor plan, or
32 common interest community plat with a minimum fee of \$10;

33 ~~(16)~~ (18) in counties in which the compensation of the
34 examiner of titles is paid in the same manner as the
35 compensation of other county employees, for each parcel of land
36 contained in the application for a CPT, as the number of parcels

1 is determined by the examiner, a fee which is reasonable and
which reflects the actual cost to the county, established by the
board of county commissioners of the county in which the land is
4 located;

5 ~~(17)~~ (19) for filing a registered land survey in triplicate
6 in accordance with section 508A.47, subdivision 4, ~~\$30~~ and \$56.
7 Pursuant to clause (1), distribution of the fee is as follows:

8 (i) \$12 shall be paid to the state treasury and credited to
9 the general fund;

10 (ii) \$10 shall be deposited in the technology fund pursuant
11 to section 357.18, subdivision 3; and

12 (iii) \$34 shall be deposited in the county general fund;

13 and

14 ~~(18)~~ (20) for furnishing a certified copy of a registered
15 land survey in accordance with section 508A.47, subdivision
16 4, ~~\$10~~ \$15.

17 Subd. 1a. [FEES TO RECORD INSTRUMENTS WITH REGISTRAR OF
18 TITLES.] Notwithstanding any special law to the contrary, and
19 pursuant to section 357.182, the established fees pursuant to
20 subdivision 1 shall be the fee charged in all counties for the
21 specified service, other than Uniform Commercial Code documents,
22 and documents filed or recorded pursuant to sections 270.69,
23 subdivision 2, paragraph (c); 272.481 to 272.488; 277.20; and
24 386.77.

25 Subd. 2. [VARIANCE FROM STANDARDS.] A document that does
26 not should conform to the standards in section 507.093,
27 paragraph (a), shall-not-be-filed-except-upon-payment-of-an
28 additional-fee-of-\$10-per-document but should not be rejected
29 unless the document is not legible or cannot be archived. This
30 subdivision applies only to documents dated after July 31, 1997,
31 and does not apply to Minnesota uniform conveyancing
32 blanks ~~contained-in-the-book-of-forms~~ on file in the office of
33 the commissioner of commerce provided for under section 507.09,
34 certified copies, or any other form provided for under Minnesota
35 Statutes.

36 Sec. 31. Minnesota Statutes 2004, section 515B.1-116, is

1 amended to read:

2 515B.1-116 [RECORDING.]

3 (a) A declaration, bylaws, any amendment to a declaration
4 or bylaws, and any other instrument affecting a common interest
5 community shall be entitled to be recorded. In those counties
6 which have a tract index, the county recorder shall enter the
7 declaration in the tract index for each unit affected. The
8 registrar of titles shall file the declaration in accordance
9 with section 508.351 or 508A.351.

10 (b) The recording officer shall upon request promptly
11 assign a number (CIC number) to a common interest community to
12 be formed or to a common interest community resulting from the
13 merger of two or more common interest communities.

14 (c) Documents recorded pursuant to this chapter shall in
15 the case of registered land be filed, and references to the
16 recording of documents shall mean filed in the case of
17 registered land.

18 (d) Subject to any specific requirements of this chapter,
19 if a recorded document relating to a common interest community
20 purports to require a certain vote or signatures approving any
21 restatement or amendment of the document by a certain number or
22 percentage of unit owners or secured parties, and if the
23 amendment or restatement is to be recorded pursuant to this
24 chapter, an affidavit of the president or secretary of the
25 association stating that the required vote or signatures have
26 been obtained shall be attached to the document to be recorded
27 and shall constitute prima facie evidence of the representations
28 contained therein.

29 (e) If a common interest community is located on registered
30 land, the recording fee for any document affecting two or more
31 units shall be ~~the then current fee for registering the document~~
32 ~~on the certificates of title for the first ten affected~~
33 ~~certificates and one third of the then current fee for each~~
34 ~~additional affected certificate~~ \$40 for the first ten affected
35 certificates and \$10 for each additional affected certificate.
36 This provision shall not apply to recording fees for deeds of

1 conveyance, with the exception of deeds given pursuant to
2 sections 515B.2-119 and 515B.3-112.

3 (f) Except as permitted under this subsection, a recording
4 officer shall not file or record a declaration creating a new
5 common interest community, unless the county treasurer has
6 certified that the property taxes payable in the current year
7 for the real estate included in the proposed common interest
8 community have been paid. This certification is in addition to
9 the certification for delinquent taxes required by section
10 272.12. In the case of preexisting common interest communities,
11 the recording officer shall accept, file, and record the
12 following instruments, without requiring a certification as to
13 the current or delinquent taxes on any of the units in the
14 common interest community: (i) a declaration subjecting the
15 common interest community to this chapter; (ii) a declaration
16 changing the form of a common interest community pursuant to
17 section 515B.2-123; or (iii) an amendment to or restatement of
18 the declaration, bylaws, or CIC plat. In order for an
19 instrument to be accepted and recorded under the preceding
20 sentence, the instrument must not create or change unit or
21 common area boundaries.

22 Sec. 32. Minnesota Statutes 2004, section 604.15,
23 subdivision 2, is amended to read:

24 Subd. 2. [ACTS CONSTITUTING.] (a) The owner of a vehicle
25 that receives motor fuel that was not paid for is liable to the
26 retailer for the price of the motor fuel received and a service
27 charge of ~~up to \$20, or the actual costs of collection not to~~
28 ~~exceed~~ \$30. This charge may be imposed immediately upon the
29 mailing of the notice under subdivision 3, if notice of the
30 service charge was conspicuously displayed on the premises from
31 which the motor fuel was received. The notice must include a
32 statement that additional civil penalties will be imposed if
33 payment is not received within 30 days. Only one service charge
34 may be imposed under this paragraph for each incident. If a law
35 enforcement agency obtains payment for the motor fuel on behalf
36 of the retailer, the service charge may be retained by the law

1 enforcement agency for its expenses.

2 (b) If the price of the motor fuel received is not paid
3 within 30 days after the retailer has mailed notice under
4 subdivision 3, the owner is liable to the retailer for the price
5 of the motor fuel received, the service charge as provided in
6 paragraph (a), plus a civil penalty not to exceed \$100 or the
7 price of the motor fuel, whichever is greater. In determining
8 the amount of the penalty, the court shall consider the amount
9 of the fuel taken and the reason for the nonpayment. The
10 retailer shall also be entitled to:

11 (1) interest at the legal rate for judgments under section
12 549.09 from the date of nonpayment; and

13 (2) reasonable attorney fees, but not to exceed \$500.

14 The civil penalty may not be imposed until 30 days after
15 the mailing of the notice under subdivision 3.

16 [EFFECTIVE DATE.] This section is effective July 1, 2005,
17 and applies to acts committed on or after that date.

18 Sec. 33. Minnesota Statutes 2004, section 604.15, is
19 amended by adding a subdivision to read:

20 Subd. 5. [NOT A BAR TO CRIMINAL LIABILITY.] Civil
21 liability under this section does not preclude criminal
22 liability under applicable law.

23 [EFFECTIVE DATE.] This section is effective the day
24 following final enactment.

25 Sec. 34. [HOMELESSNESS PILOT PROJECTS; GRANTS.]

26 Subdivision 1. [GRANTS.] The commissioner of public
27 safety, in consultation with the director of ending long-term
28 homelessness, the Ending Long-Term Homelessness Advisory
29 Council, and the Department of Human Services Office of Economic
30 Opportunity, shall award grants for homeless outreach and to
31 provide a bridge to stable housing and services. The
32 commissioner shall award grants to qualified applicants in
33 Hennepin County, Ramsey County, and one county outside the
34 seven-county metropolitan area. An entity outside the
35 seven-county metropolitan area receiving a grant under this
36 section shall provide a 25 percent match. An entity within the

1 seven-county metropolitan area receiving a grant under this
2 section shall provide a 50 percent match. Grants must be used
3 for homelessness pilot projects of a two-year duration that
4 reduce recidivism and promote stronger communities through
5 street and shelter outreach to connect people experiencing
6 homelessness to housing and services.

7 Subd. 2. [APPLICATIONS.] An applicant for a grant under
8 subdivision 1 must establish that:

9 (1) the applicant is experienced in homeless outreach
10 services and will have staff qualified to work with people with
11 serious mental illness, chemical dependency, and other factors
12 contributing to homelessness;

13 (2) the applicant employs outreach staff who are trained
14 and qualified to work with racially and culturally diverse
15 populations;

16 (3) outreach services will be targeted to, but not limited
17 to, people experiencing long-term homelessness, and people who
18 have had repeated interactions with law enforcement;

19 (4) outreach services will provide intervention strategies
20 linking people to housing and services as an alternative to
21 arrest;

22 (5) the applicant has a plan to connect people experiencing
23 homelessness to services for which they may be eligible such as
24 supplemental security income, veterans benefits, health care,
25 housing assistance, and long-term support programs for those
26 with serious mental illness;

27 (6) the applicant's project will promote community
28 collaboration with local law enforcement, local and county
29 governments, social services providers, mental health crisis
30 providers, and other community organizations to address
31 homelessness;

32 (7) the applicant has a plan to leverage resources from the
33 entities listed in clause (6) and other private sources to
34 accomplish the goal of moving people into housing and services;

35 and

36 (8) the applicant has a plan for evaluation of the

1 applicant's pilot project that is designed to measure the
2 program's effectiveness in connecting people experiencing
3 homelessness to housing and services and reducing the use of
4 public safety and corrections resources.

5 Subd. 3. [ANNUAL REPORT.] Grant recipients shall report to
6 the commissioner by June 30, 2006, and June 30, 2007, on the
7 services provided, expenditures of grant money, and an
8 evaluation of the program's success in: (1) connecting
9 individuals experiencing homelessness to housing and services;
10 and (2) reducing the use of public safety and corrections
11 resources. The commissioner shall submit reports to the chairs
12 and ranking minority members of the house of representatives and
13 senate committees having jurisdiction over public safety and
14 health and human services by November 1, 2006, and November 1,
15 2007. The commissioner's reports must explain how the grant
16 proceeds were used and evaluate the effectiveness of the pilot
17 projects funded by the grants.

18 [EFFECTIVE DATE.] This section is effective July 1, 2005.

19 Sec. 35. [SPECIAL REVENUE SPENDING AUTHORIZATION FROM
20 CRIMINAL JUSTICE SPECIAL PROJECTS ACCOUNT.]

21 Remaining balances in the special revenue fund from
22 spending authorized by Laws 2001, First Special Session chapter
23 8, article 7, section 14, subdivision 1, for which spending
24 authorization ended June 30, 2003, under Laws 2001, First
25 Special Session chapter 8, article 7, section 14, subdivision 3,
26 are transferred to the general fund.

27 [EFFECTIVE DATE.] This section is effective July 1, 2005.

28 Sec. 36. [MCF-FARIBAULT DEDICATION OF SPACE.]

29 While planning, designing, and constructing new facilities
30 on the campus of the Minnesota Correctional Facility in
31 Faribault, the commissioner of corrections shall designate a
32 space on the campus sufficient in size to build one additional
33 prison building. This space must be preserved and designated
34 for the benefit of Rice County for the future construction of a
35 county correctional facility.

36 [EFFECTIVE DATE.] This section is effective the day

1 following final enactment and expires on July 1, 2015.

Sec. 37. [REPEALER.]

(a) Minnesota Statutes 2004, sections 299A.68; and 299C.65,

4 subdivisions 3, 4, 6, 7, 8, 8a, and 9, are repealed.

5 (b) Minnesota Statutes 2004, section 386.30, is repealed.

6 [EFFECTIVE DATE.] This section is effective July 1, 2005.

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18C.005 DEFINITIONS.

Subd. 1a. **Anhydrous ammonia.** "Anhydrous ammonia" means a compound formed by the chemical combination of the elements nitrogen and hydrogen in the molar proportion of one part nitrogen to three parts hydrogen. This relationship is shown by the chemical formula, NH_3 . On a weight basis, the ratio is 14 parts nitrogen to three parts hydrogen or approximately 82 percent nitrogen to 18 percent hydrogen. Anhydrous ammonia may exist in either a gaseous or a liquid state.

Subd. 35a. **Tamper.** "Tamper" means action taken by a person not authorized to take that action by law or by the owner or authorized custodian of an anhydrous ammonia container or of equipment where anhydrous ammonia is used, stored, distributed, or transported.

18C.201 PROHIBITED FERTILIZER ACTIVITIES.

Subd. 6. **Anhydrous ammonia.** (a) A person may not:

(1) place, have placed, or possess anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to contain or transport anhydrous ammonia;

(2) transport anhydrous ammonia in a container that is not designed, constructed, maintained, and authorized to transport anhydrous ammonia;

(3) use, deliver, receive, sell, or transport a container designed and constructed to contain anhydrous ammonia without the express consent of the owner or authorized custodian of the container; or

(4) tamper with any equipment or facility used to contain, store, or transport anhydrous ammonia.

(b) For the purposes of this subdivision, containers designed and constructed for the storage and transport of anhydrous ammonia are described in rules adopted under section 18C.121, subdivision 1, or in Code of Federal Regulations, title 49.

Subd. 7. **No cause of action.** (a) Except as provided in paragraph (b), a person tampering with anhydrous ammonia containers or equipment under subdivision 6 shall have no cause of action for damages arising out of the tampering against (1) the owner or lawful custodian of the container or equipment; (2) a person responsible for the installation or maintenance of the container or equipment; or (3) a person lawfully selling or offering for sale the anhydrous ammonia.

(b) Paragraph (a) does not apply to a cause of action against a person who unlawfully obtained the anhydrous ammonia or anhydrous ammonia container or who possesses the anhydrous ammonia or anhydrous ammonia container for any unlawful purpose.

18D.331 CRIMINAL PENALTIES.

Subd. 5. **Anhydrous ammonia containment, tampering, theft, transport.** A person who knowingly violates section 18C.201, subdivision 6, is guilty of a felony and may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$50,000, or both.

243.166 REGISTRATION OF PREDATORY OFFENDERS.

Subdivision 1. **Registration required.** (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

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(i) murder under section 609.185, clause (2); or
(ii) kidnapping under section 609.25; or
(iii) criminal sexual conduct under section 609.342;
609.343; 609.344; 609.345; or 609.3451, subdivision 3; or
(iv) indecent exposure under section 617.23, subdivision 3;
or

(2) the person was charged with or petitioned for falsely imprisoning a minor in violation of section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of section 609.352; using a minor in a sexual performance in violation of section 617.246; or possessing pornographic work involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances; or

(3) the person was convicted of a predatory crime as defined in section 609.108, and the offender was sentenced as a patterned sex offender or the court found on its own motion or that of the prosecutor that the crime was part of a predatory pattern of behavior that had criminal sexual conduct as its goal; or

(4) the person was convicted of or adjudicated delinquent for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3).

(b) A person also shall register under this section if:

(1) the person was convicted of or adjudicated delinquent in another state for an offense that would be a violation of a law described in paragraph (a) if committed in this state;

(2) the person enters the state to reside, or to work or attend school; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to lifetime registration, in which case the person must register for life regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

For purposes of this paragraph:

(i) "school" includes any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education, that the person is enrolled in on a full-time or part-time basis; and

(ii) "work" includes employment that is full time or part time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.

(d) A person also shall register under this section if:

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in

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paragraph (a), clause (1), or a similar law of another state or the United States, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or the United States;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state or the United States.

Subd. 8. **Law enforcement authority.** For purposes of this section, a law enforcement authority means, with respect to a home rule charter or statutory city, the chief of police, and with respect to an unincorporated area, the sheriff of the county.

299A.68 MINNESOTA FINANCIAL CRIMES TASK FORCE.

Subdivision 1. **Task force established.** The Minnesota Financial Crimes Task Force is established to investigate major financial crimes. Local law enforcement agencies, federal law enforcement agencies, and state and federal prosecutor's offices may join the Minnesota Financial Crimes Task Force, subject to the provisions of this section.

Subd. 2. **Task force's duties.** (a) The task force shall investigate consumer identity theft cases and reported financial crimes from individuals and businesses that are victims of such crimes.

(b) The task force shall focus on financial crimes including, but not limited to, statewide crimes such as: theft, fraud, and forgery crimes, including identity theft, check forgery, fraud in obtaining credit, financial transaction card fraud, theft from merchants, possession or sale of stolen or counterfeit checks, issuance of dishonored checks, creation or use of counterfeit state identification, obtaining counterfeit state identification, fraudulent Internet transactions, fraudulent merchandise returns, investment fraud, insurance fraud, vehicle insurance fraud, financial institution fraud, fraud related to state or federal programs, tax fraud, mail and wire fraud, and other related financial crimes.

(c) In particular, the task force shall investigate individuals and organizations, based on their criminal activity, that:

(1) commit multiple, cross-jurisdictional, financial crimes;

(2) employ computers and other sophisticated technology to counterfeit documents or commit fraud; or

(3) illegally obtain consumer information for identity theft.

Subd. 3. **Role of participating agencies.** (a) The agencies that participate in the statewide Financial Crimes Task Force shall oversee the task force's operation by establishing procedures and guidelines in an agreement. The agreement must be addressed in a memorandum of understanding and signed by the person in charge of each participating agency of government. The memorandum of understanding must address the following:

(1) the command structure of the task force;

(2) acquisition and liquidation of equipment, office space, and transportation;

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(3) procedures for contracting for necessary administrative support;

(4) selection and assignment of members;

(5) transfer of task force members;

(6) resolution of disputes between participating agencies;

(7) requirements and procedures for all workers' compensation and other liability to remain the responsibility of each member's employing agency;

(8) disposition of assets and debts if the task force is disbanded; and

(9) all other issues deemed pertinent by the participating agencies.

(b) Federal law enforcement agencies participating in the task force must be signatories to the memorandum of understanding. Federal law enforcement agencies and officers participating in the task force may not participate in the selection of the statewide commander or receive any funding for agents' salaries, benefits, or overtime.

Subd. 4. **Statewide commander.** The participating local agencies shall select a commander to direct the task force. The commander shall make tactical decisions regarding the commencement, continuation, and conclusion of investigations of crimes in consultation with agencies participating in the task force. The commander shall also report annually to the commissioner of public safety as required in subdivision 10.

Subd. 5. **Members; employment status.** All law enforcement officers selected to join the task force must be licensed peace officers under section 626.84, subdivision 1, or qualified federal law enforcement officers as defined in section 626.8453. Members remain employees of the same entity that employed them before joining the task force. Compensation, personnel evaluations, grievances, merit increases, and liability insurance coverage, such as general, personal, vehicle, and professional liability insurance, must be covered by each member's employing agency. Members of the Financial Crimes Task Force are not employees of the state.

Subd. 6. **Jurisdiction and powers.** Law enforcement officers who are members of the task force have statewide jurisdiction to conduct criminal investigations into financial crimes as described in subdivision 2.

Officers assigned to the Financial Crimes Task Force shall follow their county arrest procedures, booking processes, reporting processes, county attorney charging requirements, and appropriate notification protocols to local and county sheriff agencies where arrests are made and search warrants executed. The commander of the task force is responsible for ensuring compliance with applicable local practices and procedures.

Subd. 6a. **Regional offices.** The commander, as funding permits, may establish seven regional offices of the task force to investigate financial crimes throughout the state and the regional areas. The regional offices must originally be established based on current state judicial districts, with one regional office covering the First, Second, Fourth, and Tenth Judicial Districts. The commander must establish a separate regional office in each of the Third, Fifth, Sixth, Seventh, Eighth, and Ninth Judicial Districts. The regional offices must be composed of participating agencies from each of the designated geographic areas. In consultation with the commander, the participating agencies of each regional office

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must select a supervisor to direct the office. The regional office supervisors must report to the commander. If necessary, the advisory committee established in subdivision 8 may modify the geographic boundary of a regional office.

Subd. 7. **Collaboration with other prosecutorial and law enforcement offices.** To the greatest degree possible, the task force shall cooperate and collaborate with existing prosecutorial offices and law enforcement agencies.

Subd. 8. **Budget; advisory committee; fund allocation and use.** (a) The statewide commander shall establish an operational budget and present it to an advisory committee for approval. Grants awarded to participating local agencies must be approved by the advisory committee. The advisory committee must be composed of the statewide commander, a county attorney from the metro area, a county attorney from greater Minnesota, and the three chiefs of police or sheriffs from the local law enforcement agencies that have the longest continuous participation in the task force. The committee shall appoint a chair from among its members. The statewide commander must not be the chair of the committee. The committee may adopt procedures to govern its conduct if necessary. A committee member may appoint a designee to take the member's place. The advisory committee shall oversee and select a fiscal agent qualified to handle financial accounting of task force funding. The task force shall be assigned an originating reporting number for case tracking and reporting purposes.

(b) A participating local agency may seek a grant for reimbursement for the time and resources that a peace officer, investigator, detective, prosecutor, and administrative staff dedicate to the task force, or for any other task force-related purposes as described in paragraph (d). In order to receive a grant under this subdivision, a participating local agency must provide a 20 percent match in nonstate funds or in-kind contributions either directly from its budget or from businesses directly donating support. A participating employee shall remain an employee of the contributing agency.

(c) For purposes of this subdivision, an "in-kind contribution" means any asset contribution or personnel costs not funded by this section, including office supplies, furniture, office space, computers, software, equipment, surveillance tools, and personnel benefits. It also includes contributions from federal agencies, businesses, nonprofit organizations, individuals, or legal entities used for general operations support and not directed toward the case of a particular victim or business.

(d) Task force funds may be used for any task force-related purpose including salaries, overtime, administration, office costs, law enforcement equipment, computers, software, vehicle expenses, travel, and training.

(e) The commissioner shall transfer all funds to the task force from financial contributions and grants designated to the task force for the purposes described in this section.

Subd. 9. **Forfeiture.** Property seized by the task force is subject to forfeiture pursuant to sections 609.531, 609.5312, 609.5313, and 609.5315 if ownership cannot be established. The task force shall receive the proceeds from the sale of all property that it properly seizes and that is forfeited.

Subd. 10. **Required reports.** Beginning July 1, 2003,

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the commander of the task force shall report annually to the commissioner on the activities of the task force.

Subd. 11. **Task force is permanent.** Notwithstanding section 15.059, this section does not expire.

Subd. 12. **Matching federal dollars.** The task force may accept grants or contributions from any federal source or legal business or entity.

299C.65 CRIMINAL AND JUVENILE JUSTICE INFORMATION POLICY GROUP.

Subd. 3. **Continuing education program.** The Criminal and Juvenile Justice Information Policy Group shall explore the feasibility of developing and implementing a continuing education program for state, county, and local criminal justice information agencies. The policy group shall consult with representatives of public and private postsecondary institutions in determining the most effective manner in which the training shall be provided. The policy group shall include recommendations in the 1994 report to the legislature.

Subd. 4. **Criminal Code numbering scheme.** The policy group shall study and make recommendations on a structured numbering scheme for the Criminal Code to facilitate identification of the offense and the elements of the crime and shall include recommendations in the 1994 report to the legislature.

Subd. 6. **Development of integration plan.** (a) If a funding request is for funds to develop a comprehensive criminal justice information integration plan to integrate all systems within a jurisdiction, the requesting agency must submit to the policy group a request that contains the following components:

(1) the vision, mission, goals, objectives, and scope of the integration plan;

(2) a statement of need identifying problems, inefficiencies, gaps, overlaps, and barriers within the requesting agency's jurisdiction, including those related to current systems and interfaces, business practices, policies, laws, and rules;

(3) a list of agency heads and staff who will direct the effort and a statement demonstrating collaboration among all of the agencies involved;

(4) a statement that the integration plan would integrate all systems within the six major business functions of the criminal justice community, including incident reporting, investigation, arrest, detention, adjudication, and disposition, including postsentence supervision and treatment, and related civil, family, and human services proceedings, processes, and services, to the extent it was cost beneficial;

(5) a statement demonstrating that the requesting agency has consulted with individuals involved in day-to-day business practices, use, and operation of current criminal justice information systems so as to identify barriers and gaps;

(6) a planning methodology that will result in at least the following deliverables:

(i) an identification of problems in the state's criminal justice data model, where applicable, including data policy problems and proposed changes;

(ii) a function and process model that includes business process improvement and redesign opportunities, prioritized business change objectives, and short-term opportunities for improvement that can be pursued immediately while developing and

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implementing the long-range integration plan;

(iii) a technology model that includes network, communication, and security standards and guidelines;

(iv) an application architecture;

(v) a complete gap analysis that includes identification of gaps, omissions, and redundancies in the collection and dissemination of criminal justice information in the requesting agency's jurisdiction;

(vi) an assessment of current and alternative directions for business practices, applications, and technology, ranging from simple modifications to complete redesign;

(vii) a business process redesign model, showing existing and redesigned process and process vision, future performance targets, design principles, new process flow, and benefits; and

(viii) a long-range integration plan that includes time frames for the retirement, renewal, or redevelopment of systems and applications identified in clauses (i) to (vii) along with justification based on age, business processes not supported, and data deficiencies;

(7) projected timelines for developing and executing the plan;

(8) an estimate of the resources needed to develop, execute, operate, and maintain the integration plan;

(9) a statement that the final integration plan will contain all the components in this subdivision in final form;

(10) an identification of how the applicant will satisfy the match requirements of subdivision 8; and

(11) any other matters the policy group deems necessary for successful development or implementation of the integration plan and resulting systems.

(b) An agency may submit an interim integration plan to the policy group if it identifies high priority integration tasks during the development of the integration plan. The interim plan shall identify the tasks and the business case for completing these tasks in advance of completing the entire plan.

Subd. 7. **Implementation of integration plan.** If the request is for funds to implement an integration plan, the requesting agency must submit the following to the policy group:

(1) an integration plan containing the components described in subdivision 6;

(2) a description of how implementation of the integration plan will improve operation of the criminal justice system in the requesting agency's jurisdiction;

(3) an identification of how the applicant will satisfy the match requirement in subdivision 8; and

(4) a means for evaluating outcomes of the plan's implementation.

Subd. 8. **Local match.** (a) The policy group may approve grants only if the applicant provides an appropriate share of matching funds as determined by the policy group to help pay up to one-half of the costs of developing or implementing the integration plan. The matching requirement must be a constant for all counties. The policy group shall adopt policies concerning the use of in-kind resources to satisfy the match requirement and the sources from which matching funds may be obtained. Local operational or technology staffing costs may be considered as meeting this match requirement.

(b) The policy group shall consult with the task force when

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carrying out its powers and duties under paragraph (a).

(c) Each grant recipient shall certify to the policy group that it has not reduced funds from local, county, federal, or other sources which, in the absence of the grant, would have been made available to the grant recipient to improve or integrate criminal justice technology.

Subd. 8a. Criminal justice technology infrastructure improvements. (a) Within 30 days of the submission of the Hennepin County integration plan funded by a grant under Laws 1999, chapter 216, article 1, section 7, subdivision 6, or September 1, 2000, whichever is earlier, the policy group shall:

(1) assess the needs of state, county, and municipal government agencies for electronic fingerprint capture technology, electronic photographic identification technology, and additional bandwidth to transfer and access the data from electronic fingerprint capture technology and electronic photographic identification technology to the state's central database; and

(2) choose locations and agencies to receive this technology.

(b) Within the limits of available appropriations, the commissioner of public safety shall purchase and distribute the technology infrastructure improvements as directed by the policy group. The commissioner shall begin the purchasing process within 30 days of receiving notice of the policy group's decisions. The commissioner shall distribute the improvements as soon as practicable after beginning the purchasing process.

(c) If feasible, the policy group shall direct the commissioner to distribute the technology infrastructure improvements described in this subdivision in 100 locations. However, no more than 30 percent of the improvements may be distributed in one county.

Subd. 9. Documentation and reporting requirements. Every recipient of matching funds to develop or implement an integration plan shall submit to the policy group all requested documentation, including final plans and a report evaluating whether and how the development or implementation of the integration plan improved the operation of the criminal justice system in the requesting agency's jurisdiction. The policy group shall establish the recipient's reporting dates at the time funds are awarded.

386.30 DEEDS RECORDED WITHIN 30 DAYS.

Each county recorder shall, within 30 days after any instrument entitled to record is left for that purpose, actually record the same in the manner provided by law and return the same in person or by mail to the person who left such instrument for record, if the person's residence is known, or to such other person and at such address as the recorder may be directed to deliver the same. Persistent failure to so record and return instruments entitled to record, upon demand therefor and payment of recording fees, shall constitute nonfeasance in office and be sufficient ground for removal therefrom. In a county in which the office of county recorder has been combined with another county office, the 30-day time period begins when the tax certifications required by chapters 272 and 287 are made, but the total period to complete the time period after receipt of the instrument by the office must not exceed 60 days.

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403.30 APPROPRIATION; TRANSFERS; BUDGET.

Subd. 3. Monthly appropriation transfers. Each month, before the 25th day of the month, the commissioner shall transmit to the Metropolitan Council 1/12 of its total approved appropriation for the regionwide public safety communication system.

609.108 MANDATORY INCREASED SENTENCES FOR CERTAIN PATTERNED AND PREDATORY SEX OFFENDERS; NO PRIOR CONVICTION REQUIRED.

Subd. 2. Increased statutory maximum. If the factfinder determines, at the time of the trial or the guilty plea, that a predatory offense was motivated by, committed in the course of, or committed in furtherance of sexual contact or penetration, as defined in section 609.341, and the court is imposing a sentence under subdivision 1, the statutory maximum imprisonment penalty for the offense is 40 years, notwithstanding the statutory maximum imprisonment penalty otherwise provided for the offense.

609.109 PRESUMPTIVE AND MANDATORY SENTENCES FOR REPEAT SEX OFFENDERS.

Subd. 7. Conditional release of sex offenders. (a) Notwithstanding the statutory maximum sentence otherwise applicable to the offense or any provision of the Sentencing Guidelines, when a court sentences a person to prison for a violation of section 609.342, 609.343, 609.344, or 609.345, the court shall provide that after the person has completed the sentence imposed, the commissioner of corrections shall place the person on conditional release. If the person was convicted for a violation of section 609.342, 609.343, 609.344, or 609.345, the person shall be placed on conditional release for five years, minus the time the person served on supervised release. If the person was convicted for a violation of one of those sections after a previous sex offense conviction as defined in subdivision 5, or sentenced under subdivision 6 to a mandatory departure, the person shall be placed on conditional release for ten years, minus the time the person served on supervised release.

(b) The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the offender serve the remaining portion of the conditional release term in prison. The commissioner shall not dismiss the offender from supervision before the conditional release term expires.

Conditional release under this subdivision is governed by provisions relating to supervised release, except as otherwise provided in this subdivision, section 244.04, subdivision 1, or 244.05.

(c) The commissioner shall pay the cost of treatment of a person released under this subdivision. This section does not require the commissioner to accept or retain an offender in a treatment program.

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609.725 VAGRANCY.

Any of the following are vagrants and are guilty of a misdemeanor:

(1) a person, with ability to work, who is without lawful means of support, does not seek employment, and is not under 18 years of age; or

(2) a person found in or loitering near any structure, vehicle, or private grounds who is there without the consent of the owner and is unable to account for being there; or

(3) a prostitute who loiters on the streets or in a public place or in a place open to the public with intent to solicit for immoral purposes; or

(4) a person who derives support in whole or in part from begging or as a fortune teller or similar impostor.

Senate File 2273 Public Safety Budget Bill FY2006-07

Dollars in 000's, general fund unless otherwise noted

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			Total Pub Safety Funding Bills (Combined SF 1879/SF 2273)			Total Pub Safety Funding Bills (Combined Tails)			Difference Sen/Gov FY06-07
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	
1 SUPREME COURT														
2														
3 Supreme Court Operations		28,764	28,764	57,528				28,764	28,764	57,528	28,764	28,764	57,528	-
4 Decision Items:														
5 Caseload Increases		1,134	1,134	2,268	1,134	1,134	2,268	1,134	1,134	2,268	1,134	1,134	2,268	-
6 Judges' Salary Increase Increment Cut					(44)	(93)	(137)	(44)	(93)	(137)	(93)	(93)	(186)	(137)
7														
8 Total Supreme Court Operations		29,898	29,898	59,796	1,090	1,041	2,131	29,854	29,805	59,659	29,805	29,805	59,610	(137)
9														
10 Civil Legal Services		7,320	7,320	14,640				7,320	7,320	14,640	7,320	7,320	14,640	-
11 Decision Items:														
12 Increased Funding (from surcharge fee increase)					5,000	5,000	10,000	5,000	5,000	10,000	5,000	5,000	10,000	10,000
13														
14 Total Civil Legal Services		7,320	7,320	14,640	5,000	5,000	10,000	12,320	12,320	24,640	12,320	12,320	24,640	10,000
15														
16 Total Supreme Court		37,218	37,218	74,436	6,090	6,041	12,131	42,174	42,125	84,299	42,125	42,125	84,250	9,863
17														
18 Total Supreme Court		37,218	37,218	74,436	6,090	6,041	12,131	42,174	42,125	84,299	42,125	42,125	84,250	9,863
19														
20 COURT OF APPEALS		7,939	7,939	15,878				7,939	7,939	15,878	7,939	7,939	15,878	-
21														
22 Decision Items:														
23 Caseload Increases		250	250	500	250	250	500	250	250	500	250	250	500	-
24														
25 Total Court of Appeals		8,189	8,189	16,378	250	250	500	8,189	8,189	16,378	8,189	8,189	16,378	-
26														
27 DISTRICT COURTS		220,191	220,221	440,412				220,191	220,221	440,412	220,221	220,221	440,442	-
28														
29 Decision Items:														
30 Caseload Increases		6,921	6,921	13,842	6,671	6,671	13,342	6,671	6,671	13,342	6,671	6,671	13,342	(500)
31 SF 2273 Sentencing Changes		3,600	7,200	10,800	3,600	7,200	10,800	3,600	7,200	10,800	7,200	7,200	14,400	-
32 Specialty Drug and Mental Health Courts					250	250	500	250	250	500	250	250	500	500
33 Judges' Salary Increase Increment Cut					(1,246)	(2,529)	(3,775)	(1,246)	(2,529)	(3,775)	(2,529)	(2,529)	(5,058)	(3,775)
34														
35 Total District Courts		230,712	234,342	465,054	9,275	11,592	20,867	229,466	231,813	461,279	231,813	231,813	463,626	(3,775)
36														
37 TAX COURT		726	726	1,452				726	726	1,452	726	726	1,452	-
38														
39 Total Tax Court		726	726	1,452				726	726	1,452	726	726	1,452	-

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			(Combined SF 1879/SF 2273)			(Combined Tails)			Sen/Gov FY06-07
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	
40 UNIFORM LAWS COMMISSION		39	39	78				39	39	78	39	39	78	-
41 Decision Items:														
42 Back Dues National Conference					5	5	10	5	5	10	5	5	10	10
43 Total Uniform Laws Comm		39	39	78	5	5	10	44	44	88	44	44	88	10
44														
45														
46 BOARD OF JUDICIAL STANDARDS		252	252	504				252	252	504	252	252	504	-
47														
48 Total Board of Judicial Standards		252	252	504				252	252	504	252	252	504	-
49														
50														
51 PUBLIC DEFENSE BOARD		53,908	53,956	107,864				53,908	53,956	107,864	53,956	53,956	107,912	-
52 Decision Items:														
53 Caseload Increases		1,695	1,695	3,390	1,695	1,695	3,390	1,695	1,695	3,390	1,695	1,695	3,390	-
54 SF 2273 Sentencing Changes		3,800	7,600	11,400	3,800	7,600	11,400	3,800	7,600	11,400	7,600	7,600	15,200	-
55														
56 Total Public Defense		59,403	63,251	122,654	5,495	9,295	14,790	59,403	63,251	122,654	63,251	63,251	126,502	-
57														
58 PUBLIC SAFETY														
59	EN	49	49	98				49	49	98	49	49	98	-
60 Homeland Security/Emergency Management	GF	2,854	2,854	5,708				2,854	2,854	5,708	2,854	2,854	5,708	-
61 Decision Items:														
62 Reduction-Combining Call Centers		(309)	(309)	(618)				(309)	(309)	(618)	(309)	(309)	(618)	-
63														
64														
65 Total Emergency Management	GF	2,545	2,545	5,090				2,545	2,545	5,090	2,545	2,545	5,090	-
66	EN	49	49	98				49	49	98	49	49	98	-
67														
68 Bureau of Criminal Apprehension (BCA)	SGSR	7	7	14				7	7	14	7	7	14	-
69	SR	440	439	879				440	439	879	439	439	878	-
70	TH	361	361	722				361	361	722	361	361	722	-
71	GF	36,829	36,829	73,658				36,829	36,829	73,658	36,829	36,829	73,658	-
72 Decision Items:														
73 Reduction - CRIMNET-1500, Suspense File-500		(2,000)	(2,000)	(4,000)				(2,000)	(2,000)	(4,000)	(2,000)	(2,000)	(4,000)	-
74 Automated Fingerprint ID System (AFIS)		1,533	2,318	3,851	1,533	2,318	3,851	1,533	2,318	3,851	1,562	1,604	3,166	-
75 Changes to Predatory Offender Law		1,146	564	1,710	1,146	564	1,710	1,146	564	1,710	636	564	1,200	-
76 Criminal Justice Info. Sys. Audit Trail		374	203	577	374	203	577	374	203	577	203	203	406	-
77 DNA Felony Database		857	869	1,726	857	869	1,726	857	869	1,726	869	869	1,738	-
78 Livescan		66	69	135	66	69	135	66	69	135	69	69	138	-
79 Meth Enforcement (10 agents) & Awareness		1,040	1,000	2,040	1,000	1,000	2,000	1,000	1,000	2,000	1,000	1,000	2,000	(40)
80														
81 Total BCA	GF	39,845	39,852	79,697	4,976	5,023	9,999	39,805	39,852	79,657	39,168	39,138	78,306	(40)
82	SGSR	7	7	14				7	7	14	7	7	14	-
83	SR	440	439	879				440	439	879	439	439	878	-
84	TH	361	361	722				361	361	722	361	361	722	-

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			(Combined SF 1879/SF 2273)			(Combined Tails)			Sen/Gov FY06-07	
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09		
85															
86	Fire Marshal		2,445	2,432	4,877				2,445	2,432	4,877	2,432	2,432	4,864	-
87	Decision Items:														
88	Additional Funding					600	600	1,200	600	600	1,200	600	600	1,200	1,200
89															
90	Total Fire Marshall		2,445	2,432	4,877	600	600	1,200	3,045	3,032	6,077	3,032	3,032	6,064	1,200
91		SR	150	150	300				150	150	300	150	150	300	-
92	Gambling & Alcohol Enforcement	GF	1,622	1,622	3,244				1,622	1,622	3,244	1,622	1,622	3,244	-
93	Decision Items:														
94															
95	Total Gambling & Alcohol Enforcement	GF	1,622	1,622	3,244				1,622	1,622	3,244	1,622	1,622	3,244	-
96		SR	150	150	300				150	150	300	150	150	300	-
97	Office of Justice Programs		26,994	26,989	53,983				26,994	26,989	53,983	26,989	26,989	53,978	-
98	Decision Items:														
99	Crime Victim Grants Funding Increase		532	532	1,064	1,270	1,270	2,540	1,270	1,270	2,540	1,270	1,270	2,540	1,476
100	Battered Women's Shelters and Safe Houses					1,000	1,000	2,000	1,000	1,000	2,000	2,131	2,131	4,262	2,000
101	Criminal Gang Strike Force/Narcotics Task Force		2,374	2,374	4,748	2,374	2,374	4,748	2,374	2,374	4,748	2,374	2,374	4,748	-
102	Transfer of Youth Intervention Program		1,452	1,452	2,904										(2,904)
103	Homelessness Pilot Project (art 9, sec 34)					200	200	400	200	200	400				400
104	Financial Crimes Task Force		300	300	600										(600)
105	Financial Crimes Task Force	SR				1,400	1,400	2,800	1,400	1,400	2,800	1,400	1,400	2,800	
106															
107															
108	Total Office of Justice Programs	SR	-	-	-	1,400	1,400	2,800	1,400	1,400	2,800	1,400	1,400	2,800	
109		GF	31,652	31,647	63,299	4,844	4,844	9,688	31,838	31,833	63,671	32,764	32,764	65,528	
110															
111	911 Emergency Services/ARMER	SGSR	27,287	27,720	55,007				27,287	27,720	55,007	27,720	27,720	55,440	-
112	Decision Items:														
113	Increase in 911 fee (Gov 25-10-10-10)	SGSR	16,368	6,335	22,703	16,368	16,688	33,056	16,368	16,688	33,056	16,873	16,631	33,504	10,353
114	(Senate 25-25-25-25)														
115															
116	Total 911 Emergency Services/ARMER	SGSR	43,655	34,055	77,710	16,368	16,688	33,056	43,655	44,408	88,063	44,593	44,351	88,944	10,353
117															
118	800 MHz Public Safety Radio System Rev Bonds														
119	Decision Items:														
120	Phase 2 Bonding: Pub Saf Radio Subsystems	BPF				8,000		8,000	8,000		8,000				8,000
121	Phase 3 Bonding: Backbone Pub Saf Radio Sys	BPF	44,000		44,000	45,000		45,000	45,000		45,000				1,000
122	Phase 3 Bonding: Subsystem Local Reimburs	BPF				9,500		9,500	9,500		9,500				9,500
123															
124	Total 800 MHz Public Safety Radio Sys Rev Bonds	BPF				62,500		62,500	62,500		62,500				62,500
125															
126	Public Safety - Other					(270)	(270)	(540)	(270)	(270)	(540)	(270)	(270)	(540)	(540)
127	DPS Agency-wide Admin. Cut														
128															
129	Total Public Safety - Other					(270)	(270)	(540)	(270)	(270)	(540)	(270)	(270)	(540)	(540)

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			(Combined SF 1879/SF 2273)			(Combined Tails)			Sen/Gov	
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	FY06-07	
130															
131	Total Public Safety	GF	78,109	78,098	156,207	10,150	10,197	20,347	78,585	78,614	157,199	78,861	78,831	157,692	992
132		EN	49	49	98				49	49	98	49	49	98	-
133		SGSR	43,662	34,062	77,724	16,368	16,688	33,056	43,662	44,415	88,077	44,600	44,358	88,958	10,353
134		SR	590	589	1,179	1,400	1,400	2,800	1,990	1,989	3,979	1,989	1,989	3,978	2,800
135		TH	361	361	722				361	361	722	361	361	722	-
136		BPF			-	62,500		62,500	62,500		62,500				62,500
137			122,771	113,159	235,930	90,418	28,285	118,703	187,147	125,428	312,575	125,860	125,588	251,448	
138															
139	PEACE OFFICERS BOARD (POST)	SR	3,943	3,943	7,886				3,943	3,943	7,886	3,943	3,943	7,886	-
140	Decision Items:														
141	Increase Training Reimbursements - SR	SR													
142	(under dedicated statutory fee increase section)														
143	Increase Training Reimbursements - GF					71	71	142	71	71	142				142
144	Operations Increase					140		140	140		140				140
145	Technology Upgrades														
146															
147	Total POST	SR	3,943	3,943	7,886				3,943	3,943	7,886	3,943	3,943	7,886	-
148		GF				211	71	282	211	71	282	211	71	282	282
149															
150	PRIVATE DETECTIVE BOARD		126	126	252				126	126	252	126	126	252	-
151															
152	Total Private Detective Board		126	126	252				126	126	252	126	126	252	-
153															
154	HUMAN RIGHTS		3,490	3,490	6,980				3,490	3,490	6,980	3,490	3,490	6,980	-
155															
156	Total Human Rights		3,490	3,490	6,980				3,490	3,490	6,980	3,490	3,490	6,980	-
157															
158	CORRECTIONS														
159	Institutions	SR	580	580	1,160				580	580	1,160	473	473	946	-
160			252,961	252,961	505,922				252,961	252,961	505,922	252,961	252,961	505,922	-
161	Forecast Adjustments		28,759	42,447	71,206				28,759	42,447	71,206	52,999	61,528	114,527	-
162	Decision Items:														
163	Tracking/Apprehension Level III Sex Offenders		70	70	140	70	70	140	70	70	140	70	70	140	-
164	Sex Offender Treatment/Transitional Services		1,500	1,500	3,000	1,500	1,500	3,000	1,500	1,500	3,000	1,500	1,500	3,000	-
165	Health Services Increase		3,720	3,720	7,440	3,016	3,015	6,031	3,016	3,015	6,031	3,000	3,000	6,000	(1,409)
166	SF 2273 Sentencing Changes		351	1,863	2,214	1,373	1,377	2,750	1,373	1,377	2,750	3,586	5,813	9,399	536
167	Chem Dep Trtmt Expansion in Prisons					1,500	1,500	3,000	1,500	1,500	3,000	1,500	1,500	3,000	3,000
168	Institutions Cut (savings from SF 903 - Ortman Am)					(925)	(925)	(1,850)	(925)	(925)	(1,850)				(1,850)
169															
170	Total Institutions	GF	287,361	302,561	589,922	6,534	6,537	13,071	288,254	301,945	590,199	315,616	326,372	641,988	277
171		SR	580	580	1,160				580	580	1,160	473	473	946	-

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			(Combined SF 1879/SF 2273)			(Combined Tails)			Sen/Gov FY06-07	
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09		
172															
173	SR	100	100	200				100	100	200	80	80	160	-	
174	Community Services	95,492	95,643	191,135				95,492	95,643	191,135	95,643	95,643	191,286	-	
175	Decision Items:														
176															
177	End of Confinement Review	94	94	188	94	94	188	94	94	188	94	94	188	-	
178	GPS Monitoring	162	162	324	162	162	324	162	162	324	162	162	324	-	
179	Transitional Housing to Enhance Supervision	1,370	1,370	2,740	1,370	1,370	2,740	1,370	1,370	2,740	1,370	1,370	2,740	-	
180	18 ISR Agents - 6 DOC/12 CCA	1,800	1,800	3,600	1,800	1,800	3,600	1,800	1,800	3,600	1,800	1,800	3,600	-	
181	Sex Off. Assessment Reimbursement	350	350	700	350	350	700	350	350	700	350	350	700	-	
182	Sex Off. Trtmt/Sup Rel and Polygraphs	1,250	1,250	2,500	1,250	1,250	2,500	1,250	1,250	2,500	1,250	1,250	2,500	-	
183	Sex Off. Policy Board	5	5	10										(10)	
184	Sex Off. Specialized Caseloads (DOC/CCA/CPO)				2,000	2,000	4,000	2,000	2,000	4,000	19,093	19,093	38,186	4,000	
185	Chem Dep Trtmt/Aftercare Comm Grants				1,000	1,000	2,000	1,000	1,000	2,000	1,000	1,000	2,000	2,000	
186	Int. Supervision/Aftercare Controlled Subs Off.				625	625	1,250	625	625	1,250				1,250	
187															
188	Total Community Services	GF	100,523	100,674	201,197	8,651	8,651	17,302	104,143	104,294	208,437	120,762	120,762	241,524	7,240
189		SR	100	100	200				100	100	200	80	80	160	-
190															
191	Operations Support	SR	210	210	420				210	210	420	170	170	340	-
192	Decision Items:	GF	15,348	15,348	30,696				15,348	15,348	30,696	15,348	15,348	30,696	-
193	DOC Agency-wide Admin Cut					(400)	(400)	(800)	(400)	(400)	(800)	(400)	(400)	(800)	(800)
194															
195	Total Operations Support	GF	15,348	15,348	30,696	(400)	(400)	(800)	14,948	14,948	29,896	14,948	14,948	29,896	(800)
196		SR	210	210	420				210	210	420	170	170	340	-
197															
198	Total Corrections	GF	403,232	418,583	821,815	14,785	14,788	29,573	407,345	421,187	828,532	451,326	462,082	913,408	6,717
199		SR	890	890	1,780	-	-	-	890	890	1,780	723	723	1,446	-
200			404,122	419,473	823,595	14,785	14,788	29,573	408,235	422,077	830,312	452,049	462,805	914,854	6,717
201															
202	SENTENCING GUIDELINES		436	436	872				436	436	872	436	436	872	-
203															
204	Total Sentencing Guidelines		436	436	872				436	436	872	436	436	872	-

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			(Combined SF 1879/SF 2273)			(Combined Tails)			Sen/Gov	
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	FY06-07	
205															
206	ATTORNEY GENERAL	SGSR	1,778	1,794	3,572									-	
207		EN	145	145	290									-	
208		REM	484	484	968									-	
209	Decision Items:	GF	22,834	22,859	45,693									-	
210	Reduction - 2.5 percent	GF	(564)	(564)	(1,128)									1,128	
211															
212	Total Attorney General	GF	22,270	22,295	44,565									1,128	
213		SGSR	1,778	1,794	3,572									-	
214		EN	145	145	290									-	
215		REM	484	484	968									-	
216			24,677	24,718	49,395				25,241	25,282	50,523	25,266	25,282	50,548	1,128
217	Board of Veterinary Medicine														
218															
219	Decision Items:														
220	Meth Manufacture From Animal Products Study					7	7	7	7	7	7	7	7	7	
221															
222	Total Board of Veterinary Medicine					7	7	7	7	7	7	7	7	7	
223	FUND TOTALS	TH	361	361	722				361	361	722	361	361	722	-
224		EN	194	194	388				194	194	388	194	194	388	-
225		SGSR	45,440	35,856	81,296	16,368	16,688	33,056	45,440	46,209	91,649	46,378	46,152	92,530	10,353
226		SR	5,423	5,422	10,845	1,400	1,400	2,800	6,823	6,822	13,645	6,655	6,655	13,310	2,800
227		REM	484	484	968				484	484	968	484	484	968	-
228		BPF				62,500		62,500							
229		GF	844,202	867,045	1,711,247	46,268	52,239	98,507	853,288	873,183	1,726,471	903,709	914,295	1,818,004	15,224
230	TOTAL ALL FUNDS		896,104	909,362	1,805,466	126,536	70,327	196,863	906,590	927,253	1,833,843	957,781	968,141	1,925,922	28,377

Agency/Program	Fund	Governor's Recom			SF 2273 Pub Safety Funding Bill			(Combined SF 1879/SF 2273)			(Combined Tails)			Sen/Gov
		FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	FY06-07
231 Revenue Adjustments														
232 \$11 of \$12 Increase in Crim/Traf Fine Surcharge	GF	4,900	6,500	11,400	5,390	7,150	12,540	5,390	7,150	12,540	7,150	7,150	14,300	1,140
233 \$4 of \$6.50 Recorder Fee Surcharge Increase	GF				5,877	5,923	11,800	5,877	5,923	11,800	5,790	5,754	11,544	11,800
234 Civil Court Filing Fee -- \$5 increase	GF				594	594	1,188	594	594	1,188	594	594	1,188	1,188
235 Crim Justice Spec Acct to GF	GF				1,500		1,500	1,500		1,500				
236 Youth Intervention Program stays in DEED	GF	1,452	1,452	2,904										
237														
238 Total Revenue Adjustments	GF	6,352	7,952	14,304	13,361	13,667	27,028	13,361	13,667	27,028	13,534	13,498	27,032	
239														
240 Totals For General Fund after Adjustments	GF	837,850	859,093	1,696,943	32,907	38,572	71,479	839,927	859,516	1,699,443	890,175	900,797	1,790,972	
241														
242 Senate over (under) Governor										2,500				
243														
244 Revenues Carried Off - Budget														
245														
246 \$2.50 of \$6.50 Recorder Fee					3,673	3,707	7,380	3,673	3,707	7,380	3,618	3,595	7,213	
247 \$1 of \$12 Increase in Crim/Traf Fine Surcharge					490	650	1,140	490	650	1,140	650	650	1,300	
248 Liquor Wholesale/Manu Fee Increases					757	757	1,514	757	757	1,514	757	757	1,514	
249														
250 Total Revenue Carried Off-Budget					4,920	5,114	10,034	4,920	5,114	10,034	5,025	5,002	10,027	
251														
252 Statutory Fee Increases														
253 9-1-1 Fee Increase	SGSR	17,050	6,832	22,703	17,050	17,080	34,130	17,050	17,080	34,130	16,873	16,631	33,504	11,427
254 Criminal Justice Data Network Fee Continuation	SR	75	75	150										(150)
255 Fire Marshall - Inspection of Hotel/Motel/Resort Fee	SR	240	240	480										(480)
257 Drivers' License Renewal Surcharge (\$1)	SR				1,400	1,400	2,800	1,400	1,400	2,800	1,400	1,400	2,800	2,800
258 Non DWI Reinstatement Fees (2) - POST	SR	763	832	1,595	763	832	1,595	763	832	1,595	832	832	1,664	-
259														
260 Total Statutory Fee Increases	SGSR	17,050	6,832	22,703	17,050	17,080	34,130	17,050	17,080	34,130	16,873	16,631	33,504	
261	SR	1,078	1,147	2,225	2,163	2,232	4,395	2,163	2,232	4,395	2,232	2,232	4,464	

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**S.F. No. 2273 - Omnibus Public Safety Policy and Funding Bill
(first engrossment)**

Author: Senator Jane B. Ranum

Prepared by: Kenneth P. Backhus, Senate Counsel (651/296-4396) **(KB)**
Chris Turner, Senate Research (651/296-4350) **CT**

Date: April 29, 2005

ARTICLE 1

Public Safety Appropriations

Overview

Article 1 contains the bill's appropriations, cuts, and riders.

Section 1 summarizes the total appropriations in the bill.

Section 2 appropriates \$12.1 million to the Supreme Court. Of this amount, \$5 million each year is for civil legal services and approximately \$1 million each year is for caseload increases. None of the money may be used for judicial salary increases.

Section 3 appropriates \$250,000 each year to the Court of Appeals. None of the money may be used for judicial salary increases.

Section 4 appropriates \$20.9 million to the district courts. Of this amount, \$6.7 million each year is for caseload increases. \$3.6 million the first year and \$7.2 million the second year are for sex and methamphetamine offense caseloads. \$500,000 each year is for specialty drug and mental health courts. None of the money may be used for judicial salary increases.

Section 5 appropriates \$5,000 each year to the Uniform Laws Commission to pay national conference dues.

Section 6 appropriates \$5.5 million the first year and \$9.3 million the second year to the Board of Public Defense for general caseload increases and sex and methamphetamine offense caseload increases, respectively.

Section 7, subdivision 1, appropriates \$23.4 million from the general fund, \$33.1 million from the state government special revenue fund, \$2.8 million from the special revenue fund, and \$62.5 million from the bond proceeds fund to the Department of Public Safety.

Subdivision 2 appropriates \$10 million to the Bureau of Criminal Apprehension for agents to ensure compliance with the predatory offender law, the automated fingerprint identification system, criminal justice information system audit trail, DNA felony database analysis and ten new special agents to investigate methamphetamine crimes.

Subdivision 3 increases Fire Marshall base funding by \$900,000 each year.

Subdivision 4 appropriates approximately \$12 million from the general fund to the Office of Justice Programs, including \$2.5 million for increased crime victim grants, \$4.3 million for battered women's shelters and safe houses, \$4.7 million for the Gang Strike Force, and \$400,000 for homelessness pilot projects. Appropriates \$2.8 million from the special revenue fund for the Financial Crimes Task Force. Requires a report to the Legislature on a potential merger of the Gang Strike Force and the narcotics task forces.

Subdivision 5 makes the following appropriations, based on the 25-cent increase on the 911 fee, from the state government special revenue fund.

	2006	2007
Telephone Prior Year Obligations (5-cents)	3,442,000	3,064,000
Public Safety Answering Points (20-cents)	13,640,000	13,664,000
Medical Resource Comm. Centers (1-cent)	682,000	683,000
Debt Service and Capital Costs (9-cents)	6,138,000	6,149,000
Total	\$ 23,902,000	\$ 23,560,000

The total appropriation in the bill is less than the itemized appropriations because the bill directs spending included in the base appropriation for the program in S.F. No. 1879.

Subdivision 6 authorizes the sale of \$62.5 million in 911 revenue bonds by the Commissioner of Finance and appropriates the money in the following manner.

Phase 2 Public Safety Radio Subsystems	8,000,000
Phase 3 Public Safety Radio Backbone	45,000,000
Phase 3 Radio Subsystem Local Reimbursements	9,500,000

Total

\$ 62,500,000

The bill replaces the bond authorizations given to the Metropolitan Radio Board in 2002 and 2003. It reduces the bond sale amount for phase two (building local radio subsystems in the metropolitan area) to \$8 million to reflect the fact that \$13 million of federal Homeland Security money was used for this purpose in 2004. An additional \$3 million was added to include Chisago and Isanti Counties. It increases the bond sale authorization for phase three (building the system backbone of the transmission towers and related equipment in the Rochester and St. Cloud districts of the State Patrol) to \$45 million to reflect the most recent Department of Transportation cost estimate. Finally, it authorizes \$9.5 million of 911 bonds to be sold to reimburse local units of government for up to 50 percent of the cost of building subsystems in either the southeast or central district of the State Patrol.

Section 8 makes a onetime appropriation of \$600,000 to the POST Board. Of this amount, \$142,000 is for the board's continued operation, \$178,000 is for reimbursements to local units of government for peace officer training, and \$280,000 is for technological updates.

Section 9, subdivision 1, appropriates a total of \$77.8 million to the Department of Corrections

Subdivision 2 appropriates \$23.9 million to the institution's division of the department. This appropriation includes \$140,000 for tracking and apprehending level III predatory offenders, \$3 million for sex offender treatment in the prisons and transitional services, \$7.4 million for increased health services, and \$2.2 million for increased incarceration costs associated with the bill. In addition, there is a \$9 million increase for chemical dependency treatment programs and a \$4 million increase for mental health services in the institutions. Requires a working group to study and report to the Legislature on the feasibility of using inmate labor to build low-income housing manufactured at MCF-Faribault.

Subdivision 3 appropriates \$54.5 million to the community services division of the department. Of this amount, \$188,000 is for end of confinement reviews, \$324,000 is for the GPS monitoring of sex offenders, \$2.7 million is for transitional services for sex offenders on supervised release, and \$3.6 million is for 18 new intensive supervised release agents. \$700,000 is for reimbursements to counties for sex offender assessments and \$2.5 million is for outpatient sex offender treatment and polygraph tests. Finally, \$38.2 million is for supervision caseload reduction for sex offenders, domestic abuse offenders and other violent offenders, \$5 million is for community-based chemical dependency treatment and aftercare grants, and \$1.25 million (onetime appropriation) is for intensive supervision and aftercare services for controlled substances offenders released from prison early under **article 6, section 9**. Requires the commissioner to report to the Legislature on the intensive supervision and aftercare services appropriation and on electronic monitoring of sex offenders.

Section 10 appropriates \$7,000 to the Board of Veterinary Medicine to study animal products that may be used to manufacture methamphetamine.

ARTICLE 2

Sex Offenders: Mandatory Life Sentences for Certain Egregious and Repeat Sex Offenses; Conditional Release; Other Sentencing Changes

Overview

Article 2 contains the sex offender sentencing changes, including the indeterminate life sentences, the conditional release changes, and the new crime of criminal sexual predatory conduct.

Section 1 makes a conforming change related to **article 2, section 20**.

Section 2 clarifies that the Commissioner of Corrections' rulemaking authority relating to the revocation of supervised release also applies to conditional release.

Section 3 provides that an offender serving an indeterminate life sentence (see **article 2, sections 11, 13, and 20**) may not be given supervised release without having served the minimum term of imprisonment as specified by the sentencing court.

Section 4 requires the Commissioner of Corrections, when considering whether to give supervised release to an offender serving an indeterminate life sentence (see **article 2, sections 11, 13, and 20**), to consider at a minimum:

- ▶ the risk the offender poses to the community if released;
- ▶ the offender's progress in treatment;
- ▶ the offender's behavior while incarcerated;
- ▶ psychological or other diagnostic evaluations of the offender;
- ▶ the offender's criminal history; and
- ▶ any other relevant conduct of the offender while incarcerated or before incarceration.

The commissioner may not give supervised release to the offender unless:

- ▶ while in prison, the offender has successfully completed appropriate sex offender treatment;
- ▶ while in prison, the offender has been assessed for chemical dependency and mental health needs and, if appropriate, has successfully completed necessary treatment; and

- ▶ a comprehensive individual release plan is in place for the offender that ensures that the offender will have suitable housing and receive appropriate aftercare and treatment, and includes an employment/education plan for the offender.

Also makes a conforming change relating to **article 2, section 3**.

Section 5 makes a conforming change related to **article 2, section 20**.

Sections 6 to 9 amend the patterned and predatory offender sentencing law.

Section 6 adds a cross-reference to the new crime of criminal sexual predatory conduct (see **article 2, section 19**). Strikes language relating to court findings regarding whether the necessary prongs of the law have been met. Substitutes for this a determination by the fact finder. These changes are necessary in light of the 2004 United States Supreme court decision, Blakely v. Washington. Strikes other language that is no longer necessary in light of the changes made by this article.

Section 7 strikes the definition of “predatory crime.” Replaces this with a cross-reference to what is essentially the same definition in **article 2, section 10**.

Section 8 makes the same substitution of a fact finder determination for a court finding as was made in **article 2, section 6**.

Section 9 strikes language relating to the conditional release of offenders sentenced under this law. Instead, adds a cross-reference to **article 2, section 20**.

Section 10 defines “predatory crime” for purposes of the criminal sexual conduct laws. This definition is nearly identical to the definition stricken from the patterned and predatory offender sentencing law in **article 2, section 7**. The new definition does not include criminal sexual conduct in the first- to fourth-degrees because a reference to these crimes is unnecessary under the changes made by the article. In addition, it does not include incest.

Sections 11 and 12 amend the first-degree criminal sexual conduct crime.

Section 11 requires a court to sentence an offender to an indeterminate life sentence if the offender is convicted of certain clauses of the first-degree criminal sexual conduct crime involving force or violence (i.e., where circumstances exist that cause the victim to have a reasonable fear of great bodily harm; where the offender is armed with a dangerous weapon; where the offender causes personal injury to the victim under specified conditions; where the offender is aided or abetted by one or more accomplices under specified conditions; or where the offender has a family-type relationship to a victim under 16 and specified conditions exist) and the fact finder determines, beyond a reasonable doubt, that:

- ▶ the offender tortured the victim;

- ▶ the offender intentionally inflicted great bodily harm upon the victim;
- ▶ the offender intentionally mutilated the victim;
- ▶ the offender exposed the victim to extreme inhumane conditions;
- ▶ the offender was armed with a dangerous weapon and used or threatened to use the weapon to cause the victim to submit;
- ▶ the offense involved sexual penetration or sexual contact with more than one victim;
or
- ▶ the offense involved more than one perpetrator engaging in sexual penetration or sexual contact with the victim.

Defines “extreme inhumane conditions,” “mutilation,” and “torture.” Prohibits the fact finder from considering a listed heinous factor if it was an element of the underlying first-degree criminal sexual conduct violation. Requires a court to specify a minimum term of imprisonment, based on the sentencing guidelines or applicable mandatory sentences, that must be served before the offender may be considered for supervised release. Makes other structural and conforming changes.

Section 12 makes a conforming change relating to **article 2, section 20**.

Sections 13 and 14 amend the second-degree criminal sexual conduct crime.

Section 13 requires a court to sentence an offender to an indeterminate life sentence if the offender is convicted of certain clauses of the second-degree criminal sexual conduct crime involving force or violence (i.e., where circumstances exist that cause the victim to have a reasonable fear of great bodily harm; where the offender is armed with a dangerous weapon; where the offender causes personal injury to the victim under specified conditions; where the offender is aided or abetted by one or more accomplices under specified conditions; or where the offender has a family-type relationship to a victim under 16 and specified conditions exist) and the fact finder determines, beyond a reasonable doubt, that:

- ▶ the offender tortured the victim;
- ▶ the offender intentionally inflicted great bodily harm upon the victim;
- ▶ the offender intentionally mutilated the victim;
- ▶ the offender exposed the victim to extreme inhumane conditions;

- ▶ the offender was armed with a dangerous weapon and used or threatened to use the weapon to cause the victim to submit;
- ▶ the offense involved sexual penetration or sexual contact with more than one victim;
or
- ▶ the offense involved more than one perpetrator engaging in sexual penetration or sexual contact with the victim.

Defines “extreme inhumane conditions,” “mutilation,” and “torture.” Prohibits the fact finder from considering a listed heinous factor if it was an element of the underlying second-degree criminal sexual conduct violation. Requires a court to specify a minimum term of imprisonment, based on the sentencing guidelines or applicable mandatory sentences, that must be served before the offender may be considered for supervised release. Makes other structural and conforming changes.

Section 14 makes a conforming change relating to **article 2, section 20**.

Sections 15 and 16 amend the third-degree criminal sexual conduct crime to make conforming changes related to **article 2, section 20**.

Sections 17 and 18 amend the fourth-degree criminal sexual conduct crime to make conforming changes related to **article 2, section 20**.

Section 19 creates a new substantive crime known as “criminal sexual predatory conduct.” This crime occurs if an offender commits a predatory crime (see definition in **article 2, section 10**) that was motivated by the offender’s sexual impulses or was committed as part of a predatory pattern of behavior that had criminal sexual conduct as its goal. Provides that the statutory maximum sentence for this offense is 25 percent longer than for the underlying predatory crime. If the violation is committed by a person with a previous sex offense conviction, as defined in **article 2, section 20**, the statutory maximum is 50 percent longer than for the underlying predatory crime. Also authorizes a fine of up to \$20,000. An offender convicted of violating this section may be subject to the life sentence and conditional release provisions of **article 2, section 20**.

Section 20 creates a new section of law addressing indeterminate life sentences for certain repeat offenders and the conditional release of sex offenders.

Subdivision 1 defines “conviction,” “previous sex offense conviction,” “prior sex offense conviction,” “sex offense,” and “two previous sex offense convictions.” Of note, “conviction” includes convictions as an extended jurisdiction juvenile for violations of first-through third-degree criminal sexual conduct or the new criminal sexual predatory conduct crime. “Previous sex offense conviction” is defined to be a “true prior” offense. That is to say that the offender must have committed, been convicted, and been sentenced for the previous sex offense before the commission of the present sex offense. “Prior sex offense conviction” does not require this sequencing of events. Thus, a person who has committed

two sex offenses but has not been convicted of either would be considered to have a prior sex offense conviction once the offender has been convicted for the first offense even though the present offense occurred before the actual conviction for the prior offense. "Sex offense" includes first- through fifth-degree criminal sexual conduct offenses and criminal sexual predatory conduct, and similar laws from other jurisdictions.

Subdivision 2 provides for a mandatory indeterminate life sentence for an offender convicted of violating first- through fourth-degree criminal sexual conduct or criminal sexual predatory conduct if:

- ▶ the offender has two previous sex offense convictions (i.e., true priors);
- ▶ the offender has a previous sex offense conviction (i.e., a true prior), and:
 - the present offense involved an aggravating factor that would provide grounds for an upward sentencing departure; or
 - the offender received an upward sentencing departure for the previous sex conviction or was sentenced under the patterned and predatory sex offender sentencing law for the previous sex offense conviction; or
- ▶ the offender has two prior sex offense convictions (not necessarily true priors) and the prior convictions and present offense involved at least three separate victims, and:
 - the present offense involved an aggravating factor that would provide grounds for an upward sentencing departure; or
 - the offender received an upward sentencing departure for one of the prior sex offense convictions or was sentenced under the patterned and predatory offender sentencing law for one of the prior sex offense convictions.

Of note, if the present offense is a fourth-degree criminal sexual conduct offense, the offender is not subject to the indeterminate life sentence unless the offender's previous or prior sex offense convictions that are being used to enhance the sentence were for first- through third-degree criminal sexual conduct or criminal sexual predatory conduct.

Subdivision 3 requires courts sentencing offenders to indeterminate life sentences under **subdivision 2** to specify a minimum term of imprisonment, based on the sentencing guidelines or applicable mandatory sentences, that must be served before the offender may be considered for release.

Subdivision 4 provides that when an offender is released from prison for a violation of first- through fourth-degree criminal sexual conduct or criminal sexual predatory conduct, the person must be placed on conditional release for ten years. Under current law, offenders

released from prison for violating first- through fourth-degree criminal sexual conduct receive a five-year conditional release term unless the offender is a repeat offender, in which case the conditional release term is ten years.

Subdivision 5 provides that if an offender sentenced to an indeterminate life sentence under **subdivision 2** or **section 11 or 13** is released from prison, the offender must be placed on conditional release for the remainder of the offender's life. Also provides that if an offender is released from prison for a violation of first- through fourth-degree criminal sexual conduct or criminal sexual predatory conduct, and the offender has a previous or prior sex offense conviction, the offender must be placed on conditional release for the remainder of the offender's life. Similar to the eligibility for the indeterminate life sentence in **subdivision 2**, if an offender is released from prison for a violation of fourth-degree criminal sexual conduct, the offender will only be placed on lifetime conditional release if the offender's previous or prior sex offense conviction that is being used as the basis for the lifetime conditional release term is for first- through third-degree criminal sexual conduct or criminal sexual predatory conduct.

Subdivision 6 specifies the conditional release terms that are applicable to all sex offenders placed on conditional release (i.e., any offender released from prison after a conviction for first- through fourth-degree criminal sexual conduct or criminal sexual predatory conduct, or after being sentenced under the patterned and predatory offender sentencing law). This language is substantively the same as that being stricken from the patterned and predatory offender sentencing law in **article 2, section 9**.

Section 21 repeals a provision of the patterned and predatory offender sentencing law providing for an increased statutory maximum penalty. This provision is no longer necessary based on the changes made in this article. Also repeals a subdivision of the repeat sex offender sentencing law addressing conditional release of sex offenders. This provision is superceded by **article 2, section 20**.

ARTICLE 3

Sex Offenders:

Predatory Offender Registration; Community Notification; Nonsentencing Changes

Overview

Article 3 makes numerous substantive and technical changes to the Predatory Offender Registration Law and the Community Notification Law. In addition, it specifically authorizes the use of polygraphic examinations for sex offenders under correctional supervision and provides for victim notification in certain situations regarding the release of offenders civilly committed as mentally ill and dangerous, as having a sexual psychopathic personality, or as being a sexually dangerous person.

Section 1 makes numerous changes to the Predatory Offender Registration (POR) Law. The primary substantive changes involve homeless predatory offenders, for whom there is presently no clearly applicable registration procedure. Requires homeless predatory offenders who lack a primary address or who leave a primary address without having a new primary address to register with the law enforcement authority of the area in which the offender is staying within 24 hours. Each time an offender lacking a primary address moves to an area served by a different law enforcement authority, reregistration is required. If an offender continues to lack a primary address but remains in the same area, the offender must report weekly to the law enforcement authority in the area in which the offender is staying and inform the authority of any changes to the information required for predatory offender registration, with complete reregistration required annually. Offenders with no primary address whose registration is required because of a civil commitment are subject to the general homeless offender registration provisions but must completely reregister every three months. Authorizes the law enforcement authority to allow an offender to follow an alternative reporting procedure if it determines that due to an offender's unique circumstances it is impractical to require the offender to report weekly.

Section 1 also makes the following changes to the POR Law.

- ▶ Reorganizes it by repealing subdivisions 1 (Registration Required) and 8 (Definition of Law Enforcement Authority); creating a definitions subdivision 1a (placing all definitions at the beginning of the section); recodifying subdivision 1 as subdivision 1b; and making conforming and clarifying amendments to the remainder of the section.
- ▶ Adds new definitions for "bureau," "dwelling," "incarceration," and "confinement." The existing definitions of "primary residence," "secondary residence," and "law enforcement agency" are changed to "primary address," "secondary address," and "law enforcement authority" respectively. In addition, the definitions of "primary address" and "secondary address" are substantively overhauled.
- ▶ Provides that it applies to offenders who aid, abet, or conspire to commit an offense currently requiring registration.
- ▶ Expands it to require registration for nonchild false imprisonment offenses.
- ▶ Requires offenders who enter Minnesota to reside, work, or attend school, or enter the state and remain for 14 days or longer, to register within five days of when the registration requirement becomes applicable.
- ▶ Clarifies that if a person subject to registration moves out of the state, registration with Minnesota terminates when the BCA confirms the address in the new state.
- ▶ Requires an offender subject to registration to consent to allowing the offender's residential housing unit or shelter to release information on the offender to law enforcement.

- ▶ Requires all level III predatory offenders to be photographed every six months by their supervising authority.
- ▶ Requires level II and III predatory offenders who are no longer under correctional supervision to have an annual in-person contact with the law enforcement authority with jurisdiction over where the offender lives during which the offender must be photographed and verify the accuracy of the offender's registration information.
- ▶ Requires verification of registration information by mail twice annually for level III predatory offenders who are no longer under correctional supervision (current law requires verification by mail annually).
- ▶ Authorizes the Commissioner of Public Safety to extend an offender's registration period for five additional years for failure to register a change in the offender's primary or secondary address, employment, school, or motor vehicle information; failure to report any property the offender owns, leases, or rents; or failure to return the annual verification letter within ten days.
- ▶ Provides that when determining whether an offender is a repeat offender, and thus subject to the longer mandatory minimum sentence under the POR law, violations of similar statutes from other states or the United States "count."
- ▶ Provides for a ten-year conditional release term for a violation of the POR Law by a level III predatory offender. The terms of the conditional release are governed by **article 2, section 20**.
- ▶ Provides that a violation of the POR Law may be prosecuted in any jurisdiction where an offense takes place. However, the prosecutorial agency in the jurisdiction where the offender last registered a primary address is initially responsible to review the case. When an offender commits two or more offenses in two or more counties, the offenses may be aggregated and prosecuted in any of the counties in which one of the offenses was committed.
- ▶ Provides that certified copies of predatory offender registration records are admissible as substantive evidence when necessary to prove the commission of a violation of the POR Law.
- ▶ Adds to the list of offenses that require registration a reference to the new criminal sexual predatory conduct crime created in **article 2, section 19**.
- ▶ Makes other technical and clarifying changes.

Section 2 amends section 243.167 (registration under the POR Law for other offenses). This law requires registration under the POR Law for offenders who commit a crime against the person and who previously registered under the POR Law but whose registration period ended or who would have had to register except the POR Law did not apply to the offender at the time of the offense. Expands the definition of "crime against the person" to include fourth-degree assault. Expands this law to apply to offenders who are convicted of a crime against the person and who previously completed registration in another state.

Section 3 requires the Commissioner of Corrections to report annually to the Legislature as specified on community supervision of level II and level III sex offenders and on other types of offenders.

Section 4 amends the Community Notification Law provision relating to non-Minnesotan offenders. Requires the Commissioner of Corrections to establish an end of confinement review committee to assign risk levels for offenders released from any federal correctional facility or from any state correctional facility of another state, and for offenders accepted from another state for parole supervision under the new interstate compact on adult offender supervision.

Section 5 allows for community notification for offenders who move to Minnesota from another state who, at the time of the move, are subject to a community notification statute in the other state and who are not already assigned a risk level under the community notification law. Authorizes the law enforcement agency in the area where the offender resides, expects to reside, or is regularly found to disclose information regarding the offender. The extent of the notification must be consistent with the notification made in the state from which the offender is moving. Caps the level of notification to that of a risk level II offender, unless the notification made concerning the offender in the state from which the offender is moving is broader than that authorized for a level II offender and the end of confinement review committee at the nearest state correctional or treatment facility at the request of the agency, assigns the offender to risk level III.

Section 6 clarifies that the Community Notification Law applies to homeless predatory offenders.

Section 7 authorizes law enforcement to disclose the probationary status of predatory offenders granted mitigated dispositional departures (sentences where the presumptive guidelines' disposition is commitment to the Commissioner of Corrections but where this disposition is stayed by the court) to individuals that law enforcement believes may be victimized by the offender (thus, conforming this notification provision to the one in the Community Notification Law governing level II offenders).

Section 8 amends the law relating to the civil commitment of persons as being mentally ill and dangerous. Requires the special review board and Commissioner of Human Services to consider statements received from victims under **article 3, section 9**, when making recommendations and orders regarding release.

Section 9 amends the law relating to the civil commitment of persons as being mentally ill and dangerous. Requires a county attorney who files a civil commitment petition alleging that a person

is mentally ill and dangerous, has a sexual psychopathic personality, or is a sexually dangerous person to make a reasonable effort to provide prompt notice of the filing of the petition to a victim and to notify the victim of the resolution of the petition. Also requires the head of a treatment facility to make a reasonable effort to notify victims that a person civilly committed as being mentally ill and dangerous, as having a sexual psychopathic personality, or as being a sexually dangerous person may be discharged or released and that the victim has a right to submit a written statement regarding the release decision. Requires victims to request these notifications by contacting in writing the county attorney in the county where the conviction for the crime occurred. Defines key terms used in this section. Of note, defines "convicted" and "conviction" in a manner that includes certain mental illness procedures where the elements of the crime have been proven but the person has not actually been convicted and findings in certain civil commitment cases that the act or acts occurred.

Section 10 authorizes a court or the Commissioner of Corrections to require a sex offender to submit to a polygraph exam as a probationary intermediate sanction or a condition of release from confinement. Allows the court or the commissioner to order all or part of the cost of the exam to be borne by the offender.

Section 11 requests the Chief Justice of the Supreme Court, in consultation with the Conference of Chief Judges, to develop, by September 1, 2005, a protocol for the use of polygraph examinations for sex offenders on probation.

Section 12 requests the Supreme Court to study and report to the Legislature on the development and use of a statewide panel of defense attorneys to represent persons petitioned for civil commitment for being sexually dangerous persons or sexual psychopathic personalities and a statewide panel of judges to hear these petitions.

Section 13 requires the Commissioner of Corrections to report to the Legislature on the number of sex offenders that the commissioner estimates will be released from prison each year for the next five years, recommendations on how best to supervise these offenders, and recommendations on how best to fund the supervision.

Section 14 requires the Revisor of Statutes to make conforming changes to statutes as necessitated by this article.

Section 15 repeals two subdivisions in the POR Law superseded by changes made in this article.

ARTICLE 4

Legislative Auditor's Recommended Changes

Overview

Article 4 implements the Legislative Auditor's recommendations from the auditor's 2005 report to the Legislature on sex offender supervision.

Section 1 requires that when an offender who is subject to the POR law is being released from prison, the Commissioner of Corrections must provide the offender's prison records relating to psychological assessments, medical and mental health issues, and treatment to the corrections agency that is going to supervise the offender.

Section 2 amends the law requiring county and private sex offender programs to provide the Commissioner of Corrections with information related to program effectiveness. Strikes language that limits this provision to programs that seek new or continued state funding or reimbursements.

Section 3 clarifies that the law requiring the Commissioner of Corrections to provide follow-up information on sex offenders for three years following their completion or termination from treatment programs, provide treatment programs in different geographical areas of the state, provide necessary data relating to sex offender treatment programming, etc., is not a onetime project, but rather an ongoing obligation.

Section 4 amends the POR law to require offenders subject to registration to disclose their status as a registered offender to a health care facility upon admittance. The offender must also notify the offender's corrections agent or the applicable law enforcement authority when an inpatient admission has occurred. Requires a law enforcement authority or corrections agent who has received this notice or who knows that an offender has been admitted to a health care facility to notify the administrator of the facility.

Section 5 provides that when a corrections agency supervising an offender who is required to register under the POR law and who is classified as a public risk monitoring case has knowledge that the offender is seeking housing arrangements in a location under the jurisdiction of a different corrections agency, the supervising agency must notify the other agency of this and initiate a supervision transfer request.

Section 6 requires a corrections agency supervising an offender who is required to register under the POR law to notify the appropriate child protection agency before authorizing the offender to live in a household where children are residing.

Section 7 clarifies that an independent professional assessment of a sex offender's need for sex offender treatment must be conducted before sentencing.

Section 8 adds to the list of mandatory reporters of child abuse individuals involved in correctional supervision.

Section 9 requires the Commissioner of Corrections to convene a working group related to sex offender management and supervision. Requires the working group to study and make recommendations on specified issues. Also requires the working group to review the provisions of any laws enacted in the 2005 legislative session relating to sex offender supervision and treatment. Requires the working group to report recommendations to the Legislature. Requires the

Commissioner of Corrections to implement policies and standards relating to the issues studied by the working group over which the commissioner has jurisdiction.

Section 10 requires the Commissioner of Corrections to report specified information to the Legislature on prison-based sex offender treatment programs.

ARTICLE 5

Sex Offenders: Technical and Conforming Changes

Overview

Article 5 makes technical and conforming changes relating to the substantive changes made in **article 2**.

Sections 1 to 14 make technical and conforming changes to various statutes necessitated by **article 2** of this bill. Of note, **section 1** clarifies that the definition of “rule” in chapter 14 does not include rules of the Commissioner of Corrections relating to the release or release term of inmates on supervised or conditional release. **Section 3** provides timetables for the actions of the end of confinement review committees relating to offenders subject to indeterminate life sentences under **article 2**. **Section 6** requires courts to complete and forward to the Sentencing Guidelines Commission sentencing worksheets for offenders subject to indeterminate life sentences.

Section 14 instructs the Revisor of Statutes to renumber the sex offender assessment statute so that it does not fall numerically between fifth-degree criminal sexual conduct and the new criminal sexual predatory conduct crime created in **article 2, section 19**. Also directs the Revisor to make other technical changes to statutes necessitated by this act.

ARTICLE 6

Controlled Substances Provisions

Overview

Article 6 makes numerous changes to laws relating to methamphetamine including: increasing methamphetamine-related criminal penalties and creating new crimes; placing property restrictions on methamphetamine laboratory sites; establishing a toll-free telephone number for citizen tips; amending the nuisance law to make it easier to establish nuisances involving methamphetamine manufacturing; and requiring the Board of Veterinary Medicine to report on animal products that may be used to manufacture methamphetamine. In addition, it amends the definition of narcotic drug in the controlled substances chapter of law to include methamphetamine, requires that schools be notified when students have been taken into protective custody after being found at methamphetamine lab sites, and recodifies the possession of methamphetamine precursors

with the intent to manufacture methamphetamine crime into a stand-alone section of law. Authorizes the Commissioner of Corrections to grant conditional early release from prison to certain nonviolent controlled substance offenders.

Section 1 amends the definition of “narcotic drug” in the controlled substance chapter of law to specifically include methamphetamine. Doing this ensures that methamphetamine sales and possession crimes are treated the same as cocaine and heroin throughout the controlled substances laws. Currently, this occurs for the most part. However, because methamphetamine is not defined as a narcotic drug, the sale of a small amount of methamphetamine is a fourth-degree controlled substance crime. The sale of a small amount of a narcotic drug (including heroin or cocaine) is a third-degree controlled substance crime.

Section 2 amends the attempted manufacture of methamphetamine crime enacted in the 2003 First Special Session. Makes mostly technical changes to clarify that this crime is not an “attempt crime” as much as a “possession of certain substances with intent to manufacture methamphetamine crime.” These changes are consistent with the intent of the 2003 legislation and essentially “clean up” some confusing language in the provision. Strikes the cross-referenced definition of “anhydrous ammonia.” Provides that the list of chemical reagents and precursors is not exclusive.

Section 3 increases the maximum criminal penalty for a violation of **article 6, section 2**, from a three-year/\$5,000 felony to a ten-year/\$20,000 felony and for a repeat offense from a four-year/\$5,000 felony to a 15-year/\$30,000 felony.

Section 4 authorizes courts to order persons convicted of manufacturing/attempting to manufacture controlled substances or of illegal activities involving precursor substances where the response to the crime involved an emergency response to pay restitution to public entities that participated in the response. Also authorizes courts to order these persons to pay restitution to property owners who incurred removal or remediation costs because of the crime.

Requires an arresting officer to notify various authorities about the location of a methamphetamine lab. Requires the local health authority to prohibit occupation of the property until it has been remediated following state health guidelines. Makes the remedial provisions of the public health law in Minnesota Statutes, chapter 145, applicable to affected property. Requires the contractor who remediates the property to verify that the work has been done to the local health authority and the owner. After notice of the remediation, the health authority is to vacate its nonoccupation order. Imposes liability for additional costs of remediation on a contractor who improperly verifies that remediation has been completed. Attorney fees are allowed in an action under the provision and a six year statute of limitation is imposed. Requires that the registrar of motor vehicles be informed if a motor vehicle has been contaminated by methamphetamine manufacture. Requires that a legal description of affected property be recorded in the county title records and that verification of remediation also be recorded. Provision is made for the correction of descriptions and for the notice effects of the record of the recording of the description and mediation verification. Allows other interested parties to file affidavits that remediation has occurred. Provides for the notice effects of the filed verification. Requires the county recorder or registrar to record the affidavits.

Requires the Commissioner of Health to post contact information on the Internet. Requires the local health authority to maintain an information file on property subject to orders and lists minimum information requirements. Requires disclosures from sellers to transferors of the methamphetamine history of affected property and imposes certain liability on the seller if the seller fails to make the required disclosures. Attorney fees may be allowed in an action and a six year statute of limitations is provided.

Defines key terms.

Section 5 recodifies the prohibited fertilizer activities currently codified at sections 18C.201 and 18D.331. (These provisions are repealed in **article 6, section 18.**) In addition, adds two new crimes: stealing or unlawfully taking or carrying away any amount of anhydrous ammonia; and purchasing/possessing/transferring/distributing any amount of anhydrous ammonia, knowing or having reason to know that it will be used to unlawfully manufacture a controlled substance. Violation of either provision is a five-year/\$50,000 felony.

Section 6 criminalizes various methamphetamine-related activities that may impact children or vulnerable adults. The prohibited activities include manufacturing or attempting to manufacture methamphetamine, storing chemical substances, storing methamphetamine waste products, and storing methamphetamine paraphernalia. A person may not engage in these activities in the presence of a child or vulnerable adult; in the residence of a child or vulnerable adult; in a building, structure, conveyance, or outdoor location where a child or vulnerable adult might reasonably be expected to be present; in a room offered to the public for overnight accommodation; or in any multiple unit residential building. Also prohibits persons from knowingly causing or permitting a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia. Violation of these provisions is a five-year/\$10,000 felony. Provides that a prosecution for or conviction under this section is not a bar to conviction or punishment for any other crime committed by the defendant as part of the same conduct. Authorizes peace officers to take into protective custody children present in areas where prohibited activities under this section are occurring. Provides for health screening both for children taken into protective custody and for those who were not but who are known to have been exposed to methamphetamine. Requires peace officers to make reports of suspected maltreatment of vulnerable adults in certain situations involving methamphetamine exposure. Defines key terms.

Section 7 creates a new crime for disposing or abandoning methamphetamine waste products or chemical substances. A knowing violation is a five year/\$50,000 felony, but if it places another person in imminent danger of death, great bodily harm, or substantial bodily harm, it is a ten-year/\$100,000 felony. Provides an exception for peace officers acting in the course of their employment and persons who lawfully dispose of any product or substance in a manner approved by the Pollution Control Agency. Defines key terms.

Section 8 requires the Registrar of Motor Vehicles to include the term "hazardous waste contaminated vehicle" on a motor vehicle's title if the Registrar has received the notice and the vehicle's title as required in **article 6, section 4.**

Section 9, subdivision 1, authorizes the Commissioner of Corrections to grant conditional early release to nonviolent drug offenders who have met the criteria outlined in subdivision 2.

Subdivision 2 provides the following offender criteria for consideration for conditional early release:

- the crime of conviction must be a first- to fifth-degree controlled substance crime (Minnesota Statutes, sections 152.021 to 152.025);
- the offender must have committed the crime as a result of drug addiction and not primarily for profit;
- the offender has served at least 36 months or one-half of the offender's term of imprisonment;
- the offender has successfully completed a chemical dependency treatment program while in prison; and
- the offender has not previously been conditionally released under this section.

Subdivision 3 requires the commissioner to offer chemical dependency treatment to the offenders described in subdivision 2 within 120 days after their term of imprisonment begins.

Subdivision 4 requires the commissioner to make a determination that an offender does not pose a threat to public safety before the commissioner grants a conditional release. In making the determination, the commissioner must follow the release procedures established in Minnesota Statutes, section 244.05, subdivision 2, and applicable rules.

Subdivision 5 provides that the commissioner may rescind a conditional release without a hearing if the commissioner determines that continuation of the release poses a danger to the public or to an individual.

Subdivision 6 prohibits the conditional release of an offender serving concurrent sentences for an offense eligible for conditional release and an offense ineligible for release under this section until the offender has served the entire term of imprisonment for the ineligible offense.

Section 10 requires that if a child who is enrolled in school is taken into protective custody after being found in an area where methamphetamine was being manufactured or where chemical substances, methamphetamine paraphernalia, or methamphetamine waste products were stored, the officer who took the child into custody must notify the chief administrative officer of the child's school of this fact. Defines key terms.

Section 11 requires the superintendent of the Bureau of Criminal Apprehension to maintain and publicize a toll-free telephone number to enable citizens to report suspected methamphetamine crimes.

Section 12 expands the definition of “violent crime” in the criminal code’s sentencing provision for certain dangerous and repeat felony offenders to include within it the new child/vulnerable adult methamphetamine endangerment crime created in **article 6, section 6**.

Section 13 amends the nuisance law to allow a public nuisance involving the manufacture of methamphetamine to be established upon a showing of a single methamphetamine manufacturing incident within the building in the previous 12 months. The nuisance law generally requires two incidents to have occurred in a 12-month period.

Sections 14 and 15 are technical changes related to **article 6, section 13**.

Section 16 requires the Minnesota Board of Veterinary Medicine to study and issue a report to the Legislature by February 1, 2006, on animal products that may be used in the manufacture of methamphetamine.

Section 17 directs the Revisor to recodify the possession of methamphetamine precursors with the intent to manufacture methamphetamine crime enacted in the 2003 First Special Session (as amended by **article 6, sections 2 and 3**) into a new stand-alone section of law.

Section 18 repeals statutory provisions in chapters 18C and 18D, relating to anhydrous ammonia that are recodified by this bill in chapter 152 (see **article 6, section 5**).

ARTICLE 7

General Crime Provisions

Overview

Article 7 contains the bill’s nonsex offense, noncontrolled substances offense changes to substantive crimes. The article creates new crimes, amends existing crimes, and increases criminal penalties. It addresses such topics as identity theft, unlawful trafficking in persons, assaults, and commercial e-mail spam. In addition, it addresses subjects closely relating to substantive crimes such as the collection of biological samples for DNA testing and responding to the U.S. Supreme Court’s Blakely decision.

Section 1 requires a court to allow a prosecutor seeking an upward departure to prove the existence of the aggravating factor to the fact finder. This may be proven either in a unitary or bifurcated trial.

Sections 2 to 5 relate to new criminal penalties against senders of spam e-mail messages.

Section 2 defines key terms for the purposes of the new crimes.

Section 3 prohibits the following actions involving an e-mail message sent from or to a computer in this state:

- relaying or retransmitting multiple commercial e-mails, with the intent to hide the origin of the messages;
- falsifying header information in multiple commercial e-mail messages and then sending them;
- registering five or more e-mail accounts or online user accounts, or two or more domain names, in a way that falsifies the identity of the registrant, and then sending commercial e-mails from them; and
- falsely representing the right to use five or more Internet protocol addresses and sending commercial e-mails from those addresses.

Section 4 creates a misdemeanor crime of illegally transmitting multiple commercial electronic mail messages for violating any of the provisions of **article 7, section 3**.

Creates a gross misdemeanor crime of illegally transmitting multiple commercial electronic mail messages if the perpetrator does any of the following:

- uses 20 or more e-mail or online accounts or ten or more domain names;
- sends more than 250 such messages within 24 hours, 2,500 within 30 days, or 25,000 within a year;
- causes aggregate loss of \$500 or more to victims, or obtains that value of property, within a one-year period;
- commits the violation with three or more other persons, with the perpetrator as the leader;
- provides or selects e-mail addresses obtained illegally by automated means; or
- provides or selects e-mail addresses through an automated means that generates permutation of names, letters, or numbers.

Section 5 prohibits accessing a computer without authorization and using it to send illegal e-mail messages. Creates a gross misdemeanor crime of unauthorized access of a computer for persons violating this section. Creates a felony crime of unauthorized access of a computer for second or subsequent offenses, or if the crime was committed in the furtherance of a felony.

Section 6 amends the domestic abuse law by enlarging the definition of a “domestic abuse no contact order” to include orders in criminal proceedings relating to violations of protection orders, violations of domestic abuse no contact orders, and harassment/stalking.

Section 7 removes the June 30, 2005, sunset on the collection of biological specimens for DNA testing for persons convicted or adjudicated delinquent for felonies.

Section 8 expands the crime of first-degree murder for child abusers. Currently, the crime applies to offenders who cause the death of a child while committing child abuse where the offender has engaged in a past pattern of child abuse upon the child and the death occurs under circumstances manifesting an extreme indifference to human life. Expands the applicability of the provision to include situations where the past pattern of child abuse was upon any child, not just the victim.

Section 9 expands the third-degree assault law to address assault by strangulation or asphyxiation. Makes it a five-year felony to assault a person by strangulation or asphyxiation. Defines “strangulation.”

Section 10 expands the fourth-degree assault law to include persons civilly committed as being sexually dangerous persons or having sexual psychopathic personalities who commit certain acts against an employee or other individual providing care or treatment at a secure treatment facility. The prohibited acts include assaulting the person and inflicting demonstrable bodily harm or intentionally throwing or otherwise transferring bodily fluids or feces at or onto the person. The statutory maximum sentence for this crime is imprisonment for two years and/or a fine of not more than \$4,000. Provides for a mandatory minimum prison sentence of a year and a day. Also provides that when the offender is released from prison, the offender must be placed on conditional release for five years.

Section 11 provides for an enhanced penalty for a felony crime committed for the benefit of a gang when the victim is under the age of 18 years. The statutory maximum penalty for this crime is ten years longer than the statutory maximum for the underlying crime (as opposed to five years longer, which is the case for other felony-level gang crimes).

Section 12 defines “blackmail,” “debt bondage,” “forced labor or services,” “labor trafficking,” and “labor trafficking victim” for purposes of **article 7, sections 13 to 15**.

Section 13 makes it a felony (statutory maximum sentence of 15 years imprisonment and/or a \$30,000 fine) for a person to knowingly engage in the labor trafficking of another.

Section 14 makes it a felony (statutory maximum sentence of five years imprisonment and/or a \$10,000 fine) for a person to knowingly destroy, conceal, remove, confiscate, or possess any passport, immigration document, or other government identification document of another person:

- in the course of violating **article 7, section 13**, or Minnesota Statutes, section 609.322 (solicitation, inducement, and promotion of prostitution);

- with the intent to violate those sections; or
- to prevent or restrict a person's liberty to move or travel, in order to maintain the person's labor or services, if that person is or has been a victim of those sections.

Section 15 provides:

- that consent or the age of the victim is not a defense to an action under this section;
- that a labor trafficking victim may bring a civil lawsuit against a person who violates **article 7, section 13 or 14**; and
- that if a corporation or business enterprise is convicted of violating **article 7, section 13 or 14**, or Minnesota Statutes, section 609.322, in addition to other applicable criminal penalties, the court may order specified remedies relating to the entity's business status (i.e., order its dissolution or reorganization, etc.).

Section 16 makes a conforming change relating to **article 7, sections 20 and 21**.

Section 17 expands the definition of promoting prostitution under Minnesota Statutes, section 609.321, by adding sex trafficking (see **article 7, section 18**).

Section 18 amends the criminal code's prostitution definitions to define "sex trafficking" (see **article 7, section 17**) as "receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the prostitution of the individual." This makes sex trafficking either a 20-year or a 15-year felony under Minnesota Statutes, section 609.322, depending on the age of the victim.

Section 19 amends the criminal code's prostitution definitions to define "sex trafficking victim."

Section 20 makes it a misdemeanor to loiter in a public place with the intent to participate in prostitution. **Article 7, section 42**, repeals the vagrancy crime which contains a similar provision.

Section 21 amends the criminal code's prostitution provisions by providing an affirmative defense to a charge under Minnesota Statutes, section 609.324 (prostitution crime involving patrons, prostitutes, and individuals housing prostitutes). Applies if a defendant charged with violating that section proves by a preponderance of the evidence that the defendant is a labor trafficking victim (see **article 7, section 12**) or a sex trafficking victim (see **article 7, section 19**) and that the defendant committed the act only under compulsion by another who by explicit or implicit threats created a reasonable apprehension in the mind of the defendant that if the defendant did not commit act, the other person would inflict bodily harm upon the defendant.

Section 22 amends the definition of "coercion" for the purposes of Minnesota Statutes, sections 609.341 to 609.351 (Criminal Sexual Conduct provisions). Clarifies the language by explicitly

including the use by the actor of confinement, or superior size or strength, against the victim, that causes the victim to submit to sexual penetration or contact against the victim's will.

Section 23 expands Minnesota Statutes, section 609.485 (Escape from Custody), to include persons civilly committed as sexual psychopathic personalities and sexually dangerous persons who abscond following the revocation of provisional discharge.

Section 24 provides that an escape described in **article 7, section 23**, is a felony offense, punishable by imprisonment for up to a year and one day.

Section 25 expands Minnesota Statutes, section 609.50 (obstructing legal process; arrest, or firefighting), by making it a crime to interfere with or obstruct a member of an ambulance service personnel crew in the performance of their official duties. Also expands the existing crime relating to interfering with or obstructing the prevention or extinguishing of a fire or disobeying a lawful order of a firefighter present at a fire by adding broader language relating to interfering or obstructing a firefighter while the firefighter is engaged in a performance of official duties.

Section 26 defines "false pretense" as any false, fictitious, misleading, or fraudulent information depicting or including or deceptively similar to the name, logo, Web site address, e-mail address, postal address, or telephone number of a for-profit or not-for-profit business or organization or of a government agency, to which the user has not legitimate claim of right. (See **article 7, section 29**.)

Section 27 expands the crime of identity theft by creating a 20-year felony for crimes involving the possession or distribution of child pornography (Minnesota Statutes, sections 609.246 and 609.247).

Section 28 requires a court, upon the written request of a direct victim or the prosecutor in the identify theft crime, to provide a copy of the complaint, the judgment of conviction, and an order setting forth the facts and circumstances of the offense.

Section 29 expands the crime of identity theft by creating a five-year felony for using a false pretense (see **article 7, section 26**) in an electronic communication with the intent to obtain the identity of another. Failure to obtain, use, or gain from the identity is not a defense.

Section 30 provides that the venue for prosecuting a violation of **article 7, section 29**, includes the county or place of residence of the person whose identity was obtained or sought.

Section 31 expands the definition of "designated offense" in the criminal code's forfeiture law to include violations of **article 7, sections 13 and 14**. Generally, all personal property that is used or intended for use to commit or facilitate the commission of a designated offense is subject to forfeiture. In addition, all money and other property, real and personal, that represent the proceeds of a designated offense and all contraband property are also subject to forfeiture. A person must be convicted of a designated offense to trigger the forfeiture.

Section 32 amends Minnesota Statutes, section 609.5315 (Disposition of Forfeited Property), by adding a cross-reference to **article 7, section 33**, regarding disposition of proceeds from prostitution and trafficking offenses.

Section 33 creates a new subdivision under Minnesota Statutes, section 609.5315, providing that proceeds from forfeitures resulting from prostitution and trafficking offenses be distributed as follows:

- 40 percent of the proceeds must be forwarded to the appropriate local agency for the use of law enforcement;
- 20 percent must be forwarded to the prosecuting agency that handled the forfeiture; and
- 40 percent must be forwarded to the Commissioner of Public Safety for distribution to crime victim organizations providing services to victims of trafficking offenses.

Also requires the Commissioner of Public Safety to report annually to the Legislature on the money forwarded to the commissioner under this section and distributed to crime victims' organizations providing services to trafficking victims.

Section 34 enhances the misdemeanor "interference with privacy" crime (Minnesota Statutes, section 609.746) to a gross misdemeanor, and the gross misdemeanor crime (applicable to repeat offenders and crimes involving victims under the age of 18) to a felony. Increases the maximum age from 16 to 18 of the victim for purposes of triggering the enhanced penalty.

Section 35 provides that a stepparent of a minor who is a victim of harassment may seek a restraining order on behalf of the minor. Under current law, only a parent or guardian may act on behalf of the minor.

Section 36 waives harassment restraining order filing fees if the petition alleges acts that would constitute a violation of Minnesota Statutes, sections 609.342 to 609.3451 (Criminal Sexual Conduct in the 1st through 5th Degrees). Under current law, filing fees are waived only if the petition alleges conduct that would violate Minnesota Statutes, section 609.749 (Harassment and Stalking).

Section 37 expands harassment and stalking crimes to include monitoring a person, whether in person or by technological or other means. Provides that the venue for prosecution of harassment or stalking crimes using wireless or electronic communication may be where either the victim or the actor resides.

Section 38 expands the venue for prosecution of obscene or harassing telephone calls using wireless or electronic communication to include where the sender or the receiver resides. Under current law, the offense may only be prosecuted at the place where the call is made or where it is received.

Section 39 provides that the venue for prosecution of harassment by letter, telegram, or package be where the missive was sent or received, or, in the case of wireless electronic communication, where the sender or receiver resides.

Section 40 amends the criminal statute of limitations law to allow a criminal case to be commenced for a violation of **article 7, section 13**, at any time if the victim was under the age of 18 at the time of the offense. If the offense did not involve a minor victim, the statute of limitations is six years.

Section 41 specifically adopts certain modifications proposed by the Minnesota Sentencing Guidelines Commission in its 2005 report to the Legislature.

The most significant of the adopted modifications relate to the Commission's response to the U.S. Supreme Court's 2004 decision in Washington v. Blakely. They expand individual cells within the sentencing guidelines' grid to the full 15 percent range authorized by law, adopt a list of offenses for which permissive consecutive sentencing is authorized, and make changes to the guidelines text related to the Blakely decision.

In addition, specifically adopts the proposed modification relating to ranking the anhydrous ammonia tampering/theft crime as a severity level III offense.

Finally, it specifically rejects the Commission's proposed modifications relating to sex offenses (i.e., creating a separate grid for sex offenses, making changes to the way in which criminal history is calculated for sex offenders, etc.).

Minnesota Statutes, section 244.09, subdivision 11, requires the Sentencing Guidelines Commission to submit to the Legislature proposed changes to the guidelines by January 1 of the year in which the Commission wishes to make the change. These modifications go into effect automatically on the following August 1 unless the Legislature by law provides otherwise. The report in which these modifications were proposed was not submitted to the Legislature in a timely fashion. Therefore, the Legislature has to specifically adopt these modifications if they are to go into effect on August 1, 2005. Of note, **article 9, section 4**, changes the reporting deadline from January 1 to January 15.

Section 42 repeals Minnesota Statutes, section 609.725 (Vagrancy). This statute provides a misdemeanor penalty for the following acts of vagrancy:

- a person, with ability to work, who is without lawful means of support, does not seek employment, and is not under 18 year of age;
- a person found in or loitering near any structure, vehicle, or private grounds who is there without the consent of the owner and is unable to account for being there;
- a prostitute who loiters on the streets or in a public place or in a place open to the public with intent to solicit for immoral purposes; or

- a person who derives support in whole or in part from begging or as a fortune teller or similar imposter.

ARTICLE 8

911 Emergency Telecommunications Services

Overview

Article 8 provides for a transition of the 911 fee from one that is based on each telephone line to one that is based on each telephone number, with the change to become effective July 1, 2006. It increases the current 911 emergency telephone services fee by 25 cents to fund the current deficiency in the costs of operating the 911 telephone system, to pay off prior year obligations of the 911 telephone fund, and to help defray the cost of operating PSAPs. It authorizes the Commissioner of Public Safety to impose certain cost controls on 911 emergency telephone services contracts. It shortens the time limit for telephone companies to certify to the Commissioner their costs for providing 911 service. It replaces the current authorization for the Metropolitan Council to sell 911 revenue bonds for phases two and three of the 800 MHz public safety radio communications system with a similar authorization for the Commissioner of Finance to sell the bonds. It reduces the bond authorization for the second phase (in the metropolitan area) and increases the bond authorization for the third phase (in the areas around Rochester and St. Cloud). Finally, it sets priorities for payment of debt service costs from the 911 account.

Bonds for phases two and three of the 800 MHz radio system were previously authorized but not sold. They were authorized by Laws 2002, ch. 401, art. 1, § 7, and Laws 2003, First Sp. Sess. ch. 1, art. 2, §§ 116, and were to be paid for with fee increases totaling nine cents authorized by Laws 2002 ch. 401, art. 1, §§ 3, 8, and Laws 2003, First Sp. Sess. ch.1, art. 2, §§ 108, 117. The bonds were not sold because the Governor chose to divert the revenue from the nine-cent fee increase to pay operating costs of the telephone service when it became clear in the February 2004 forecast that actual revenue would fall short of the amounts forecast in February 2003.

Section 1 provides for a transition of the 911 fee from one that is based on each telephone line to one that is based on each telephone number, with the change to become effective July 1, 2006. It requires the Commissioner of Commerce to recommend to the Legislature by January 15, 2006, the new method for assessing the fee, which will become effective when enacted into law.

Section 2 transfers administration of the telephone assistance plan (TAP) from the Department of Administration to the Department of Public Safety. This is a conforming change to reflect a transfer that has already taken place.

Section 3 strikes a reference to a "special viewing screen" for the enhanced 911 program, which no longer uses one.

Section 4 updates the definition of enhanced 911 service to distinguish between the common network and database and the connections to the network.

Section 5 provides a more generic definition of the three elements of the 911 service to accommodate changing technology whereby telephones are looking more like computer networks.

Section 6 adds a new definition of "911 emergency telecommunications service provider" to enable contracting with entities other than telephone companies.

Section 7 adds wireless providers and packet-based telecommunication (VoIP) to the statute requiring phone companies to design their systems to provide 911 service. In spite of being included in the definition, VoIP providers like Vonage are not subject to state regulation without their consent, since they have been exempted by the FCC and federal court decisions.

Section 8 allows the state to contract with providers other than wire-line telecommunications service providers, in recognition of the growing role of nontelephone companies in providing 911 service.

Section 9 allows the state to contract with providers other than wire-line telecommunications service providers, in recognition of the growing role of nontelephone companies in providing 911 service.

Section 10 replaces a reference to a specified provision in the federal Electronic Communications Privacy Act of 1986 with a reference to a specified provision in the federal Communications Act of 1932.

Section 11 allows the state to contract with providers other than wire-line telecommunications service providers, in recognition of the growing role of nontelephone companies in providing 911 service.

Section 12 adds a reference to packet-based telecommunications service providers and increases the 911 emergency telephone services fee from 40 to 65 cents a month, limits the payment of telephone company charges for providing 911 service to those costs set forth in the company's contract with the Commissioner of Public Safety, and authorizes the Commissioner not to contract to pay for services required by federal law or regulation.

Section 13 limits the payment of telephone company charges for providing 911 service to those costs set forth in the company's contract with the Commissioner of Public Safety and adds a reference to include packet-based telecommunications service providers.

Section 14 shortens from two years to one year the time limit for a telephone company to certify to the Commissioner of Public Safety its charges for providing 911 services and requires each contract to provide that the Commissioner may limit payment of costs to 110 percent of the amount estimated when the contract was signed.

Section 15 adds a reference to include packet-based telecommunications service providers and strikes the current dedication of ten cents of the fee to paying the costs of operating PSAPs, since the future amount of the fee under the new system is unknown. The bill includes a direct appropriation of the amount raised by 20 cents of the fee, ten cents under current law plus ten cents of the increase.

Section 16 strikes language authorizing the Metropolitan Council to sell bonds for phase three.

Section 17 strikes language authorizing the Metropolitan Council to sell bonds for phases two and three.

Section 18 authorizes the Commissioner of Finance to sell 911 revenue bonds to pay the costs of the 800 MHz statewide public safety radio communication system that the Statewide Radio Board determines are of regional or statewide benefit. The bonds are payable from revenue to the 911 account. This section is modeled on Minnesota Statutes, section 473I.06, baseball park revenue bonds. The authority to borrow from the 911 account in anticipation of bond proceeds is modeled on Minnesota Statutes, section 16A.641, subdivision 8(b), for state general obligation bonds.

Section 19 provides an open appropriation for the payment of debt service on the bonds once they have been sold, and sets this appropriation as a first priority for the use of all the revenue in the 911 account so as to insure that the debt service will be paid on time.

Section 20 is a repealer.

Section 21 makes the article effective immediately and applies it to 911 services contracts executed on or after that date.

ARTICLE 9

Miscellaneous Provisions

Overview

Article 9 contains miscellaneous criminal justice provisions (those unrelated to substantive crimes). This article imposes, increases, and extends various fees and surcharges relating to driver's license and state identification card issuance, driver's license reinstatements, alcoholic beverage licensing, filing civil actions in court, and criminal and traffic offenders. In addition, the article establishes a new Minnesota Financial Crimes Oversight Council and Task Force, makes changes related to CriMNet, addresses gasoline theft drive-offs, and creates a homelessness pilot project under the administration of the Commissioner of Public Safety.

Section 1 imposes a \$1 surcharge on every driver's license or state identification card issued. This money is to be deposited into the Minnesota Financial Crimes Oversight Council account created in **article 9, section 10**.

Sections 2 and 3 extend the non-DWI driver's license reinstatement fee of \$20 to driver's licenses suspended for failure to appear and for unpaid fines. The receipts are deposited into the Special Revenue Fund and dedicated to the POST Board for reimbursement of local units of government for continuing education of peace officers.

Section 4 changes the statutory deadline for the Minnesota Sentencing Guidelines Commission to submit reports to the Legislature relating to proposed guidelines modifications from January 1 to January 15.

Section 5 amends the provision in current law that authorizes a local jail to collect local correctional fees only from convicted offenders. Authorizes facilities to charge fees to persons who are under the control and supervision of the facility. "Local correctional fees" include fees for the following correctional services:

- (1) community service work placement and supervision;
- (2) restriction collection;
- (3) supervision;
- (4) court-ordered investigations;
- (5) any other court-ordered service;
- (6) postprison supervision or other form of release; or
- (7) supervision or other services provided to probationers or parolees.

Section 6 provides that hearings on civil commitment petitions relating to sexually dangerous persons or persons with sexual psychopathic personalities must be held within 90 days from the date of the petition's filing. Currently, the deadline is 14 days from filing.

Section 7 increases from \$300 to \$600 the state reimbursement ceiling for bullet-proof vests purchased by peace officers and law enforcement agencies.

Section 8 is a conforming amendment relating to **article 9, section 7**, indexing the reimbursement rate to the Consumer Price Index.

Section 9 amends the provision limiting eligibility for bullet-proof vest reimbursements. Authorizes reimbursements for vests that are at least five years old (current law requires that they be at least six years old).

Section 10 creates the Minnesota Financial Crimes Oversight Council to provide guidance related to the investigation and prosecution of identity theft and financial crimes. Provides for the oversight council's

membership, specifies its duties (which includes developing an overall strategy to ameliorate the harm caused to the public by identity theft and financial crime within Minnesota and establishing a multijurisdictional statewide Minnesota Financial Crimes Task Force to investigate major financial crimes). Provides for a statewide commander for the task force and specifies the commander's responsibilities. Addresses the status of participating officers in the task force, including their powers and jurisdiction. Provides for grants to combat identity theft and financial crime. Authorizes the oversight council to establish a victims' assistance program to assist victims of economic crimes and provide prevention and awareness programs. Provides that the oversight council and task force are permanent. Creates the Minnesota Financial Crimes Oversight Council account (money from the driver's license surcharge created in **article 9, section 1**, is to be deposited into this account). Authorizes the oversight council to accept lawful grants and in-kind contributions. Provides that proceeds received from property seized by the task force and forfeited go to the oversight council. Provides that equipment possessed by the current Minnesota Financial Crimes Task Force (that is being repealed in **article 9, section 37**) are transferred to the oversight council for use by the task force created in this section.

Section 11 adds the chair and first vice chair of the Criminal and Juvenile Justice Information Task Force to the Criminal and Juvenile Justice Information Policy Group. Authorizes the policy group to hire an executive director in the unclassified service.

Sections 12 and 13 change the reporting requirement of the Criminal and Juvenile Justice Information Policy Group from December 1 to January 15 of each year. Amends the membership of the Criminal and Juvenile Justice Information Task Force (formed to assist the policy group with its duties) by removing the policy group members, the Director of the Office of Long-Range and Strategic Planning, and the Commissioner of Administration and adding the following members:

- the director of the Sentencing Guidelines Commission;
- one member appointed by the Commissioner of Public Safety;
- one member appointed by the Commissioner of Corrections;
- one member appointed by the Commissioner of Administration; and
- one member appointed by the Chief Justice of the Supreme Court.

The report must provide the status of current integration efforts, recommendations concerning legislative changes or appropriations, and a summary of the work of the policy group and the task force.

Section 14 transfers authority to determine system integration priorities from the Criminal and Juvenile Justice Information Policy Group to the CriMNet program office, in consultation with the task force and the approval of the policy group. Authorizes the task force to review funding requests and make recommendations to the policy group. Reserves authority to make final grant

recommendations to the policy group. Provides a grant applicant matching fund requirement of up to 50 percent, to be constant across all applicants.

Sections 15 to 22 increase various fees relating to alcoholic beverage licensees.

Section 23 increases the fee for filing a civil action in court from \$235 to \$240.

Sections 24 and 25 increase the criminal/traffic surcharge from \$60 to \$71 and deposit the increase in the general fund.

Section 26, subdivision 1, limits fees imposed on the recording process to the fees established in this section. Imposes a flat \$46 fee to replace and supplement fees in current laws. Increases the amount going into the state general fund by \$6.50. Eliminates the per page charge. Eliminates the \$10 nonstandard document fee. Reserves \$10 of the \$46 fee for the County recorder technology fund. Adjusts miscellaneous fees.

Subdivision 2 applies the fees established in subdivision 1 to all counties.

Subdivision 3 establishes the technology fund where \$10 of each recording fee is deposited. The fund must be used to obtain, maintain, and update technology for recording services.

Subdivision 4 eliminates an additional \$10 fee for nonconforming documents.

Subdivision 5 provides a cross-reference for registrar of titles fees.

Section 27, subdivision 1, provides an August 1, 2005, effective date for the recording standards in this section.

Subdivision 2 prohibits counties from charging any fees for services related to recordable instruments other than the fees authorized under state law.

Subdivision 3 provides a 15-day limit for county recorders and registrar of titles for recording and returning properly filed instruments. This is reduced to ten days after calendar year 2011, and is limited to five days for electronic filings.

Subdivision 4 provides increasing thresholds for counties to comply with the subdivision 3 requirements. After 2010, a county is considered in compliance if 90 percent of recordable instruments are returned in compliance with subdivision 3 time limits.

Subdivision 5 allows counties to suspend the time limits for compliance for six months if the county is undertaking "material enhancements" to its recording systems.

Subdivision 6 requires counties to report on their compliance with the time limits under subdivision 3.

Subdivision 7 requires counties to segregate additional unallocated fees into a separate account for enhancements to the recording process.

Section 28 eliminates a reference to a fee now covered by **article 9, section 26**.

Section 29 establishes the same fee schedule and changes for Torrens property that is applied to county recorders in **article 9, section 26**, and CPT filings in **article 9, section 30**.

Section 30 provides the same fee schedule and changes for certificate of possessory title filings that is applied to county recorders in **article 9, section 26**, and Torrens property in **article 9, section 29**.

Section 31 modifies the fees that apply to CIC (common interest community) property filings by imposing a flat \$40 fee for the first ten certificates within the CIC property and \$10 for each additional certificate.

Section 32 amends the law authorizing service charges and civil penalties for persons who receive gasoline and then drive off without paying. Sets the service charge at \$30 and authorizes a law enforcement agency to keep this charge when the agency obtains payment for the gasoline on behalf of the retailer. Clarifies how the civil penalty is to be set.

Section 33 clarifies that civil liability under **article 9, section 32**, is not a bar to criminal liability for the gasoline drive-off.

Section 34, subdivision 1, authorizes the Commissioner of Public Safety to award two-year grants for homeless outreach programs in Hennepin County, Ramsey County and one county outside the seven-county metropolitan area. Requires a grant recipient from outside the seven-county metropolitan area to provide a 25 percent match. A grant recipient from within the seven-county metropolitan area must provide a 50 percent match.

Subdivision 2 provides criteria for grant awards.

Subdivision 3 requires grant recipients to report annually, by June 30, on the services provided, expenditures of grant money and effectiveness of the programs. The commissioner must submit the reports to Legislature by November 1 of each year.

Section 35 transfers money remaining in the criminal justice special projects account in the special revenue fund to the general fund. There is currently money in this account left over from the 2001 racial profiling legislation. However, the authority to spend the money expired on June 30, 2003.

Section 36 requires that space be kept available at MCF-Faribault to allow Rice County to construct a local correctional facility there. This section sunsets in ten years.

Section 37 repeals Minnesota Statutes 2004, sections 299A.68 (Minnesota Financial Crimes Strike Force); and 299C.65, subdivisions 3, 4, 6, 7, 8, 8a, and 9, relating to the Criminal and Juvenile Justice Information Policy Group:

Subdivision 3 (Continuing Education Program);

Subdivision 4 (Criminal Code Numbering Scheme);

Subdivision 6 (Development of Integration Plan);

Subdivision 7 (Implementation of Integration Plan);

Subdivision 8 (Local Match);

Subdivision 8a (Criminal Justice Technology Infrastructure Improvements);

Subdivision 9 (Documentation and Reporting Requirements).

Also repeals Minnesota Statutes, section 386.30 (30-day allowance for time to record and return recordable instruments). This requirement is replaced by the changes in **article 9, section 27**.

KPB:CT:cs

Changes to SF 2273 from Tax Committee to Finance Committee

<u>Appropriation Change Items</u>		<u>SF 2272</u>		<u>SF 2273 with Amendment</u>		<u>Diff</u>
		<u>2006</u>	<u>2007</u>	<u>2006</u>	<u>2007</u>	<u>2006-07</u>
1	Department of Public Safety					
2	DPS Administrative Cut	-175	-175	-270	-270	190
3	Fire Marshal	900	900	600	600	600
4	Battered Women's Shelter Grants	2,131	2,131	1,000	1,000	2,262
5						
6	POST Board					
7	Increased Training Reimbursements	89	89	0	0	178
8	Technology Upgrade	140	140	140	0	140
9						
10	Department of Corrections					
11	DOC Health Services	3,720	3,720	3,016	3,015	1,409
12	Sentencing Changes in Bill (Bed Cost)	351	1,863	1,373	1,377	-536
13	Chem Dep Treatment in Prison System	4,500	4,500	1,500	1,500	6,000
14	Mental Health Treatment in Prison System	2,000	2,000	0	0	4,000
15	Increased Supervision DOC/CCA/CPO	19,093	19,093	2,000	2,000	34,186
16	Chem Dep Treatment in Community	2,500	2,500	1,000	1,000	3,000
17	DOC Administrative Cut	-325	-325	-400	-400	150
18						
19	Total Appropriation Change	34,924	36,436	9,959	9,822	51,579
20						
21						
22	Revenue Change Items					
23						
24	Alcohol Excise Tax Deleted in Tax Comm	-24,606	-26,973	0	0	-51,579

1 Senator moves to amend S.F. No. 2273 as follows:

2 Page 2, delete line 37, and insert:

3 "GENERAL \$ 46,268,000 \$52,239,000 \$ 98,507,000"

4 Page 2, delete line 42, and insert:

5 "TOTAL \$126,536,000 \$70,327,000 \$196,863,000"

6 Page 4, delete lines 1 and 2, and insert:

7 "Subdivision 1. Total
8 Appropriation 90,418,000 28,285,000"

9 Page 4, delete line 4, and insert:

10 "General 10,150,000 10,197,000"

11 Page 4, delete lines 9 and 10, and insert:

12 "[AGENCYWIDE ADMINISTRATIVE
13 CUT.] (270,000) (270,000)"

14 Page 5, delete lines 3 to 5, and insert:

15 "Subd. 3. Fire Marshal 600,000 600,000

16 Subd. 4. Office of Justice
17 Programs 6,244,000 6,244,000"

18 Page 5, delete line 7, and insert:

19 "General 4,844,000 4,844,000"

20 Page 5, line 16, delete "\$2,131,000" and insert "\$1,000,000"

21 Page 8, delete lines 1 and 2, and insert:

22 "Sec. 8. BOARD OF PEACE OFFICER
23 STANDARDS AND TRAINING 211,000 71,000"

24 Page 8, delete lines 5 to 8

25 Page 8, line 9, delete "each" and insert "the first"

26 Page 8, delete lines 15 and 16, and insert:

27 "Subdivision 1. Total
28 Appropriation 14,785,000 14,788,000"

29 Page 8, delete lines 21 and 22, and insert:

30 "Subd. 2. Correctional
31 Institutions 6,534,000 6,537,000"

32 Page 8, delete lines 36 and 37, and insert:

33 "[HEALTH SERVICES.] \$3,016,000 the
34 first year and \$3,015,000 the second
35 year are for health services."

36 Page 8, line 39, delete "\$351,000" and insert "\$1,373,000"

37 and delete "\$1,863,000" and insert "\$1,377,000"

38 Page 8, line 44, delete "\$4,500,000" and insert "\$1,500,000"

39 Page 8, delete lines 46 to 48

40 Page 9, delete line 22, and insert:

1 "Subd. 3. Community Services 8,651,000 8,651,000"

2 Page 9, line 57, delete "ADULT"

3 Page 9, line 60, delete "\$19,093,000" and insert

4 "\$2,000,000"

5 Page 9, line 61, delete "adult"

6 Page 10, delete lines 6 to 33, and insert:

7 "The commissioner shall distribute the

8 funds according to the formula

9 contained in Minnesota Statutes,

10 section 401.10. Each Community

11 Corrections Act jurisdiction, counties

12 providing probation services under the

13 authority of Minnesota Statutes,

14 section 244.19, and the department's

15 probation and supervised release unit

16 shall submit to the commissioner an

17 analysis of need along with a plan to

18 meet these needs and reduce offender

19 caseloads. Upon approval of the plans

20 for Community Corrections Act counties,

21 the commissioner shall distribute the

22 non-Community Corrections Act

23 allocation based on statewide need.

24 The Community Corrections Act

25 allocation must be disbursed as a grant

26 to each Community Corrections Act

27 jurisdiction. These grants may not be

28 used to supplant existing state or

29 county probation officer positions."

30 Page 10, line 35, delete "\$2,500,000" and insert

31 "\$1,000,000"

32 Page 10, line 47, delete everything after the period

33 Page 10, delete lines 48 to 52

34 Page 11, delete line 35, and insert:

35 "Subd. 4. Operations Support (400,000) (400,000)"

36 Page 104, delete section 7

37 Page 188, line 6, delete "\$71" and insert "\$72"

38 Renumber the sections in sequence and correct the internal

39 references

40 Amend the title accordingly

41 Correct the subdivision and section totals and the

42 summaries by fund

1 Senator moves to amend S.F. No. 2273 as follows:

2 Page 107, after line 18, insert:

3 "Subd. 7. [NOTICE.] Upon receiving an offender's petition
4 for release under subdivision 2, the commissioner shall notify
5 the prosecuting authority responsible for the offender's
6 conviction and the sentencing court. The commissioner shall
7 give the authority and court a reasonable opportunity to comment
8 on the offender's potential release."

- 1 Senator moves to amend S.F. No. 2273 as follows:
- 2 Page 188, line 9, strike "\$3" and insert "\$4"