

Senate Files 1875/1879 Public Safety Budget Bill FY2006-07

Dollars in 000's, general fund unless otherwise noted

Agency/Program	Fund	Governor's Recom			Governor's Recom Tails			Senate File 1879			Senate File 1875			Chair's Recommendation			Chair Rec Tails		
		FY06	FY07	FY06-07	FY08	FY09	FY08-09	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09
SUPREME COURT																			
Supreme Court Operations		28,764	28,764	57,528	28,764	28,764	57,528	28,764	28,764	57,528				28,764	28,764	57,528	28,764	28,764	57,528
Decision Items:																			
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	1,134	1,134	2,268
Judge's Salary Increase Increment Cut											(44)	(93)	(137)	(44)	(93)	(137)	(93)	(93)	(186)
Total Supreme Court Operations		29,898	29,898	59,796	29,898	29,898	59,796	28,764	28,764	57,528	1,090	1,041	2,131	29,854	29,805	59,659	29,805	29,805	59,610
Civil Legal Services		7,320	7,320	14,640	7,320	7,320	14,640	7,320	7,320	14,640				7,320	7,320	14,640	7,320	7,320	14,640
Decision Items:																			
Increased Funding (from surcharge fee increase)											5,000	5,000	10,000	5,000	5,000	10,000	5,000	5,000	10,000
Total Civil Legal Services		7,320	7,320	14,640	7,320	7,320	14,640	7,320	7,320	14,640	5,000	5,000	10,000	12,320	12,320	24,640	12,320	12,320	24,640
Total Supreme Court		37,218	37,218	74,436	37,218	37,218	74,436	36,084	36,084	72,168	6,090	6,041	12,131	42,174	42,125	84,299	42,125	42,125	84,250
Total Supreme Court		37,218	37,218	74,436	37,218	37,218	74,436	36,084	36,084	72,168	6,090	6,041	12,131	42,174	42,125	84,299	42,125	42,125	84,250
COURT OF APPEALS		7,939	7,939	15,878	7,939	7,939	15,878	7,939	7,939	15,878				7,939	7,939	15,878	7,939	7,939	15,878
Decision Items:																			
Caseload Increases		250	250	500	250	250	500				250	250	500	250	250	500	250	250	500
Total Court of Appeals		8,189	8,189	16,378	8,189	8,189	16,378	7,939	7,939	15,878	250	250	500	8,189	8,189	16,378	8,189	8,189	16,378
DISTRICT COURTS		220,191	220,221	440,412	220,221	220,221	440,442	220,191	220,221	440,412				220,191	220,221	440,412	220,221	220,221	440,442
Decision Items:																			
Caseload Increases		6,921	6,921	13,842	6,921	6,921	13,842				6,671	6,671	13,342	6,671	6,671	13,342	6,671	6,671	13,342
Sex and Meth Offender Sentencing Changes		3,600	7,200	10,800	7,200	7,200	14,400				3,600	7,200	10,800	3,600	7,200	10,800	7,200	7,200	14,400
Specialty Drug and Mental Health Courts											250	250	500	250	250	500	250	250	500
Judge's Salary Increase Increment Cut											(1,246)	(2,529)	(3,775)	(1,246)	(2,529)	(3,775)	(2,529)	(2,529)	(5,058)
Total District Courts		230,712	234,342	465,054	234,342	234,342	468,684	220,191	220,221	440,412	9,275	11,592	20,867	229,466	231,813	461,279	231,813	231,813	463,626
TAX COURT		726	726	1,452	726	726	1,452	726	726	1,452				726	726	1,452	726	726	1,452
Total Tax Court		726	726	1,452	726	726	1,452	726	726	1,452				726	726	1,452	726	726	1,452
UNIFORM LAWS COMMISSION		39	39	78	39	39	78	39	39	78				39	39	78	39	39	78
Decision Items:																			
Back Dues National Conference											5	5	10	5	5	10	5	5	10
Total Uniform Laws Comm		39	39	78	39	39	78	39	39	78	5	5	10	44	44	88	44	44	88
BOARD OF JUDICIAL STANDARDS		252	252	504	252	252	504	252	252	504				252	252	504	252	252	504
Total Board of Judicial Standards		252	252	504	252	252	504	252	252	504				252	252	504	252	252	504

Agency/Program	Fund	Governor's Recom			Governor's Recom Tails			Senate File 1879			Senate File 1875			Chair's Recommendation			Chair Rec Tails		
		FY06	FY07	FY06-07	FY08	FY09	FY08-09	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09
50 PUBLIC DEFENSE BOARD		53,908	53,956	107,864	53,956	53,956	107,912	53,908	53,956	107,864				53,908	53,956	107,864	53,956	53,956	107,912
53 Decision Items:																			
54 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	1,695	1,695	3,390
55 Sex and Meth Offender Sentencing Changes		3,800	7,600	11,400	7,600	7,600	15,200				3,800	7,600	11,400	3,800	7,600	11,400	7,600	7,600	15,200
57 Total Public Defense		59,403	63,251	122,654	63,251	63,251	126,502	53,908	53,956	107,864	5,495	9,295	14,790	59,403	63,251	122,654	63,251	63,251	126,502
58 PUBLIC SAFETY																			
60 Homeland Security/Emergency Management	EN	49	49	98	49	49	98	49	49	98				49	49	98	49	49	98
61	GF	2,854	2,854	5,708	2,854	2,854	5,708	2,854	2,854	5,708				2,854	2,854	5,708	2,854	2,854	5,708
62 Decision Items:																			
63 Reduction-Combining Call Centers		(309)	(309)	(618)	(309)	(309)	(618)	(309)	(309)	(618)				(309)	(309)	(618)	(309)	(309)	(618)
66 Total Emergency Management	GF	2,545	2,545	5,090	2,545	2,545	5,090	2,545	2,545	5,090				2,545	2,545	5,090	2,545	2,545	5,090
	EN	49	49	98	49	49	98	49	49	98				49	49	98	49	49	98
68 Bureau of Criminal Apprehension (BCA)	SGSR	7	7	14	7	7	14	7	7	14				7	7	14	7	7	14
69	SR	440	439	879	439	439	878	440	439	879				440	439	879	439	439	878
70	TH	361	361	722	361	361	722	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				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)				(2,000)	(2,000)	(4,000)	(2,000)	(2,000)	(4,000)
74 Automated Fingerprint ID System (AFIS)		1,533	2,318	3,851	1,562	1,604	3,166				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	636	564	1,200				1,146	564	1,710	1,146	564	1,710	636	564	1,200
76 Criminal Justice Info. Sys. Audit Trail		374	203	577	203	203	406				374	203	577	374	203	577	203	203	406
77 DNA Felony Database		857	869	1,726	869	869	1,738				857	869	1,726	857	869	1,726	869	869	1,738
78 Livescan		66	69	135	69	69	138				66	69	135	66	69	135	69	69	138
79 Meth Enforcement & 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	1,000	1,000	2,000
80 Total BCA	GF	39,845	39,852	79,697	39,168	39,138	78,306	34,829	34,829	69,658	4,976	5,023	9,999	39,805	39,852	79,657	39,168	39,138	78,306
82	SGSR	7	7	14	7	7	14	7	7	14				7	7	14	7	7	14
83	SR	440	439	879	439	439	878	440	439	879				440	439	879	439	439	878
84	TH	361	361	722	361	361	722	361	361	722				361	361	722	361	361	722
86 Fire Marshal		2,445	2,432	4,877	2,432	2,432	4,864	2,445	2,432	4,877				2,445	2,432	4,877	2,432	2,432	4,864
87 Decision Items:																			
88 Additional Funding											900	900	1,800	900	900	1,800	900	900	1,800
90 Total Fire Marshall		2,445	2,432	4,877	2,432	2,432	4,864	2,445	2,432	4,877	900	900	1,800	3,345	3,332	6,677	3,332	3,332	6,664
92 Gambling & Alcohol Enforcement	SR	150	150	300	150	150	300	150	150	300				150	150	300	150	150	300
93 Decision Items:	GF	1,622	1,622	3,244	1,622	1,622	3,244	1,622	1,622	3,244				1,622	1,622	3,244	1,622	1,622	3,244
95 Total Gambling & Alcohol Enforcement	GF	1,622	1,622	3,244	1,622	1,622	3,244	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				150	150	300	150	150	300
97 Office of Justice Programs		26,994	26,989	53,983	26,989	26,989	53,978	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	532	532	1,064				1,270	1,270	2,540	1,270	1,270	2,540	1,270	1,270	2,540
100 Battered Women's Shelters and Safe Houses											2,131	2,131	4,262	2,131	2,131	4,262	2,131	2,131	4,262
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	2,374	2,374	4,748
102 Transfer of Youth Intervention Program		1,452	1,452	2,904	1,452	1,452	2,904												
103 Financial Crimes Task Force		300	300	600	300	300	600				1,400	1,400	2,800	1,400	1,400	2,800	1,400	1,400	2,800
104 Homelessness Pilot Project (art 9, sec 34)											200	200	400	200	200	400			
105																			
106 Total Office of Justice Programs		31,652	31,647	63,299	31,647	31,647	63,294	26,994	26,989	53,983	7,375	7,375	14,750	34,369	34,364	68,733	34,164	34,164	68,328

Agency/Program	Fund	Governor's Recom			Governor's Recom Tails			Senate File 1879			Senate File 1875			Chair's Recommendation			Chair Rec Tails		
		FY06	FY07	FY06-07	FY08	FY09	FY08-09	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09
107 911 Emergency Services/ARMER	SGSR	27,287	27,720	55,007	27,720	27,720	55,440	27,287	27,720	55,007				27,287	27,720	55,007	27,720	27,720	55,440
108 Decision Items:																			
109 Increase in 911 fee (25/10/10/10)	SGSR	16,368	6,335	22,703	6,749	6,652	13,401												
110 Increase in 911 fee (25/25/25/25)											16,368	16,688	33,056	16,368	16,688	33,056	16,873	16,631	33,504
111																			
112																			
113																			
114																			
115 Total 911 Emergency Services/ARMER	SGSR	43,655	34,055	77,710	34,469	34,372	68,841	27,287	27,720	55,007	16,368	16,688	33,056	43,655	44,408	88,063	44,593	44,351	88,944
116																			
117 800 MHz Public Safety Radio System Rev Bonds																			
118 Decision Items:																			
119 Phase 2 Bonding: Pub Saf Radio Subsystems	BPF										8,000		8,000	8,000		8,000			
120 Phase 3 Bonding: Backbone Pub Saf Radio Sys	BPF										45,000		45,000	45,000		45,000			
121 Phase 3 Bonding: Subsystem Local Reimburs	BPF										9,500		9,500	9,500		9,500			
122																			
123 Total 800 MHz Public Safety Radio Sys Rev Bonds	BPF										62,500		62,500	62,500		62,500			
124																			
125 Public Safety - Other																			
126 DPS Agency-wide Admin. Cut											(175)	(175)	(350)	(175)	(175)	(350)	(175)	(175)	(350)
127																			
128 Total Public Safety - Other											(175)	(175)	(350)	(175)	(175)	(350)	(175)	(175)	(350)
129																			
130 Total Public Safety	GF	78,109	78,098	156,207	77,414	77,384	154,798	68,435	68,417	136,852	13,076	13,123	26,199	81,511	81,540	163,051	80,656	80,626	161,282
131	EN	49	49	98	49	49	98	49	49	98				49	49	98	49	49	98
132	SGSR	43,662	34,062	77,724	34,476	34,379	68,855	27,294	27,727	55,021	16,368	16,688	33,056	43,662	44,415	88,077	44,600	44,358	88,958
133	SR	590	589	1,179	589	589	1,178	590	589	1,179				590	589	1,179	589	589	1,178
134	TH	361	361	722	361	361	722	361	361	722				361	361	722	361	361	722
135	BPF										62,500		62,500	62,500		62,500			
136		122,771	113,159	235,930	112,889	112,762	225,651	96,729	97,143	193,872	91,944	29,811	121,755	188,673	126,954	315,627	126,255	125,983	252,238
137																			
138 PEACE OFFICERS BOARD (POST)	SR	3,943	3,943	7,886	3,943	3,943	7,886	3,943	3,943	7,886				3,943	3,943	7,886	3,943	3,943	7,886
139 Decision Items:																			
140 Increase Training Reimbursements	SR																		
141 (under dedicated statutory fee increase section)																			
142 Total POST	SR	3,943	3,943	7,886	3,943	3,943	7,886	3,943	3,943	7,886				3,943	3,943	7,886	3,943	3,943	7,886
143																			
144 PRIVATE DETECTIVE BOARD		126	126	252	126	126	252	126	126	252				126	126	252	126	126	252
145																			
146 Total Private Detective Board		126	126	252	126	126	252	126	126	252				126	126	252	126	126	252
147																			
148 HUMAN RIGHTS		3,490	3,490	6,980	3,490	3,490	6,980	3,490	3,490	6,980				3,490	3,490	6,980	3,490	3,490	6,980
149																			
150 Total Human Rights		3,490	3,490	6,980	3,490	3,490	6,980	3,490	3,490	6,980				3,490	3,490	6,980	3,490	3,490	6,980

Agency/Program	Fund	Governor's Recom			Governor's Recom Tails			Senate File 1879			Senate File 1875			Chair's Recommendation			Chair Rec Tails			
		FY06	FY07	FY06-07	FY08	FY09	FY08-09	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	
151																				
152	CORRECTIONS																			
153	Institutions	SR	580	580	1,160	473	473	946	580	580	1,160				580	580	1,160	473	473	946
154			252,961	252,961	505,922	252,961	252,961	505,922	252,961	252,961	505,922				252,961	252,961	505,922	252,961	252,961	505,922
155	Forecast Adjustments		28,759	42,447	71,206	52,999	61,528	114,527	28,759	42,447	71,206				28,759	42,447	71,206	39,311	47,840	87,151
156	Decision Items:																			
157	Tracking/Apprehension Level III Sex Offenders		70	70	140	70	70	140				70	70	140	70	70	140	70	70	140
158	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	1,500	1,500	3,000	1,500	1,500	3,000
159	Health Services Increase		3,720	3,720	7,440	3,720	3,720	7,440	3,720	3,720	7,440	3,720	3,720	7,440	3,720	3,720	7,440	3,720	3,720	7,440
160	Sex Offender & Meth Sentencing Changes		351	1,863	2,214	3,586	5,813	9,399	351	1,863	2,214	351	1,863	2,214	351	1,863	2,214	3,586	5,813	9,399
161	Chem Dep Trtmt Expansion in Prisons								4,500	4,500	9,000	4,500	4,500	9,000	4,500	4,500	9,000	4,500	4,500	9,000
162	Mental Health Expansion in Prisons								2,000	2,000	4,000	2,000	2,000	4,000	2,000	2,000	4,000	2,000	2,000	4,000
163																				
164	Total Institutions	GF	287,361	302,561	589,922	314,836	325,592	640,428	281,720	295,408	577,128	12,141	13,653	25,794	293,861	309,061	602,922	307,648	318,404	626,052
165		SR	580	580	1,160	473	473	946	580	580	1,160				580	580	1,160	473	473	946
166																				
167		SR	100	100	200	80	80	160	100	100	200				100	100	200	80	80	160
168	Community Services		95,492	95,643	191,135	95,643	95,643	191,286	95,492	95,643	191,135				95,492	95,643	191,135	95,643	95,643	191,286
169	Decision Items:																			
170																				
171	Sex Offender Enforcement		3,426	3,426	6,852	3,426	3,426	6,852												
172	End of Confinement Review											94	94	188	94	94	188	94	94	188
173	GPS Monitoring											162	162	324	162	162	324	162	162	324
174	Appropriate Transitional Housing and Supervision											1,370	1,370	2,740	1,370	1,370	2,740	1,370	1,370	2,740
175	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
176	Sex Offender Treatment		1,605	1,605	3,210	1,605	1,605	3,210												
177	Sex Off. Assessment Reimbursement											350	350	700	350	350	700	350	350	700
178	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
179	Sex Off. Policy Board																			
180	Sex Off. Specialized Caseloads (DOC/CCA/CPO)											19,600	19,600	39,200	19,600	19,600	39,200	19,600	19,600	39,200
181	Chem Dep Trtmt/Aftercare Comm Grants											2,500	2,500	5,000	2,500	2,500	5,000	2,500	2,500	5,000
182																				
183																				
184	Total Community Services	GF	100,523	100,674	201,197	100,674	100,674	201,348	95,492	95,643	191,135	27,126	27,126	54,252	122,618	122,769	245,387	122,769	122,769	245,538
185		SR	100	100	200	80	80	160	100	100	200				100	100	200	80	80	160
186																				
187	Operations Support	SR	210	210	420	170	170	340	210	210	420				210	210	420	170	170	340
188	Decision Items:	GF	15,348	15,348	30,696	15,348	15,348	30,696	15,348	15,348	30,696				15,348	15,348	30,696	15,348	15,348	30,696
189	DOC Agency-wide Admin Cut											(325)	(325)	(650)	(325)	(325)	(650)	(325)	(325)	(650)
190																				
191	Total Operations Support	GF	15,348	15,348	30,696	15,348	15,348	30,696	15,348	15,348	30,696	(325)	(325)	(650)	15,023	15,023	30,046	15,023	15,023	30,046
192		SR	210	210	420	170	170	340	210	210	420				210	210	420	170	170	340
193																				
194	Total Corrections	GF	403,232	418,583	821,815	430,858	441,614	872,472	392,560	406,399	798,959	38,942	40,454	79,396	431,502	446,853	878,355	445,440	456,196	901,636
195		SR	890	890	1,780	723	723	1,446	890	890	1,780	-	-	-	890	890	1,780	723	723	1,446
196			404,122	419,473	823,595	431,581	442,337	873,918	393,450	407,289	800,739	38,942	40,454	79,396	432,392	447,743	880,135	446,163	456,919	903,082
197																				
198	SENTENCING GUIDELINES		436	436	872	436	436	872	436	436	872				436	436	872	436	436	872
199																				
200	Total Sentencing Guidelines		436	436	872	436	436	872	436	436	872				436	436	872	436	436	872

Agency/Program	Fund	Governor's Recom			Governor's Recom Tails			Senate File 1879			Senate File 1875			Chair's Recommendation			Chair Rec Tails			
		FY06	FY07	FY06-07	FY08	FY09	FY08-09	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY06	FY07	FY06-07	FY08	FY09	FY86-09	
201																				
202	ATTORNEY GENERAL	SGSR	1,778	1,794	3,572	1,778	1,794	3,572	1,778	1,794	3,572				1,778	1,794	3,572	1,778	1,794	3,572
203		EN	145	145	290	145	145	290	145	145	290				145	145	290	145	145	290
204		REM	484	484	968	484	484	968	484	484	968				484	484	968	484	484	968
205	Decision Items:	GF	22,834	22,859	45,693	22,859	22,859	45,718	22,834	22,859	45,693				22,834	22,859	45,693	22,859	22,859	45,718
206	Reduction - 2.5 percent	GF	(564)	(564)	(1,128)	(564)	(564)	(1,128)												
207																				
208	Total Attorney General	GF	22,270	22,295	44,565	22,295	22,295	44,590	22,834	22,859	45,693				22,834	22,859	45,693	22,859	22,859	45,718
209		SGSR	1,778	1,794	3,572	1,778	1,794	3,572	1,778	1,794	3,572				1,778	1,794	3,572	1,778	1,794	3,572
210		EN	145	145	290	145	145	290	145	145	290				145	145	290	145	145	290
211		REM	484	484	968	484	484	968	484	484	968				484	484	968	484	484	968
212			24,677	24,718	49,395	24,702	24,718	49,420	25,241	25,282	50,523				25,241	25,282	50,523	25,266	25,282	50,548
213																				
214	Dept. of Employment and Economic Development																			
215																				
216	Decision Items:																			
217	Meth Lab Cleanup Revolving Loan Fund											250	250	500	250	250	500	250	250	500
218																				
219	Total Department of Employment and Ec Dev											250	250	500	250	250	500	250	250	500
220																				
221	Board of Veterinary Medicine																			
222																				
223	Decision Items:																			
224	Meth Manufacture From Animal Products Study											7		7	7		7			
225																				
226	Total Board of Veterinary Medicine											7		7	7		7			
227	FUND TOTALS	TH	361	361	722	361	361	722	361	361	722				361	361	722	361	361	722
228		EN	194	194	388	194	194	388	194	194	388				194	194	388	194	194	388
229		SGSR	45,440	35,856	81,296	36,254	36,173	72,427	29,072	29,521	58,593	16,368	16,688	33,056	45,440	46,209	91,649	46,378	46,152	92,530
230		SR	5,423	5,422	10,845	5,255	5,255	10,510	5,423	5,422	10,845				5,423	5,422	10,845	5,255	5,255	10,510
231		REM	484	484	968	484	484	968	484	484	968				484	484	968	484	484	968
232		BPF										62,500		62,500						
233		GF	844,202	867,045	1,711,247	878,636	889,362	1,767,998	807,020	820,944	1,627,964	73,390	81,010	154,400	880,410	901,954	1,782,364	899,657	910,383	1,810,040
234	TOTAL ALL FUNDS		896,104	909,362	1,805,466	921,184	931,829	1,853,013	842,554	856,926	1,699,480	152,258	97,698	249,956	932,312	954,624	1,886,936	952,329	962,829	1,915,158
235	Revenue Adjustments																			
236	Increase in Fine Surcharge by \$11	GF	4,900	6,500	11,400	6,500	6,500	13,000				5,390	7,150	12,540	5,390	7,150	12,540	7,150	7,150	14,300
237	Alcohol Excise Tax 1-cent per Drink Equivalent	GF										23,597	26,052	49,649	23,597	26,052	49,649	26,315	26,641	52,956
238	Increased Sales Tax on Excise Tax Increase	GF										1,009	921	1,930	1,009	921	1,930	930	941	1,871
239	\$4 of \$6 Recorder Fee Surcharge Increase	GF										5,877	5,923	11,800	5,877	5,923	11,800	5,923	5,923	11,846
240	Liquor Wholesale/Manu Fee Increases	GF										757	757	1,514	757	757	1,514	757	757	1,514
241	Civil Court Filing Fee -- \$5 increase	GF										594	594	1,188	594	594	1,188	594	594	1,188
242	Drivers' License Renewal Surcharge (\$1)	GF										1,400	1,400	2,800	1,400	1,400	2,800	1,400	1,400	2,800
243	Crim Justice Spec Acct to GF	GF										1,500		1,500	1,500		1,500			
244	YIP stays in DEED	GF	1,452	1,452	2,904	1,452	1,452	2,904												
245																				
246	Total Revenue Adjustments	GF	6,352	7,952	14,304	7,952	7,952	15,904	-	-	-	40,124	42,797	82,921	40,124	42,797	82,921	43,069	43,406	86,475
247																				
248	Totals For General Fund after Adjustments	GF	837,850	859,093	1,696,943	870,684	881,410	1,752,094	807,020	820,944	1,627,964	33,266	38,213	71,479	840,286	859,157	1,699,443	856,588	866,977	1,723,565
249																				
250																				
251																				
252	Dedicated Statutory Fee Increases																			
253	Criminal Justice Data Network Fee Continuation	SR	75	75	150	75	75	150	75	75	150	75	75	150	75	75	150	75	75	150
254	Fire Marshall - Inspection of Hotel/Motel/Resort Fee	SR	240	240	480	240	240	480												
247	Non DWI Reinstatement Fees (2) - POST	SR	763	832	1,595	832	832	1,664	763	832	1,595	763	832	1,595	763	832	1,595	832	832	1,664
248																				
249	Total Statutory Fee Increases	SR	1,078	1,147	2,225	1,147	1,147	2,294	838	907	1,745	838	907	1,745	838	907	1,745	907	907	1,814

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State of Minnesota

SC4098 - Omnibus Public Safety Policy and Funding Bill

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Date: April 21, 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 for general caseload increases and sex and methamphetamine offense caseload increases.

Section 7, subdivision 1, appropriates \$26.2 million from the general fund, \$33.1 million from the state government 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 \$14.8 million 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 the Gang Strike Force, \$2.8 million for the Financial Crimes Task Force, and \$400,000 for homelessness pilot projects.

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, subdivision 1, appropriates a total of \$79.4 million to the Department of Corrections

Subdivision 2 appropriates \$25.8 million to the institution's division of the department. This appropriation includes \$140,000 for tracking and apprehending level III sex 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 \$4 million increase for mental health services in the institutions.

Subdivision 3 appropriates \$54.3 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, \$39.2 million is for supervision caseload reduction for sex offenders, domestic abuse offenders and other violent offenders, and \$5 million is for community-based chemical dependency treatment and aftercare grants.

Section 9 appropriates \$500,000 to the Department of Employment and Economic Development for a methamphetamine lab clean-up revolving fund.

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 states the legislative findings and intent related to this article. Of note, specifies that the future dangerousness of sex offenders is one reason they merit longer-term supervision and treatment than do other types of criminal offenders and that their future dangerousness must be taken into consideration in sentencing and release decisions.

Section 2 makes a conforming change related to **article 2, section 21**.

Section 3 clarifies that the Commissioner of Corrections' rulemaking authority relating to the revocation of supervised release also applies to conditional release.

Section 4 provides that an offender serving an indeterminate life sentence (see **article 2, sections 12, 14, and 21**) may not be given supervised release without having served the minimum term of imprisonment as specified by the sentencing court.

Section 5 requires the Commissioner of Corrections, when considering whether to give supervised release to an offender serving an indeterminate life sentence (see **article 2, sections 12, 14, and 21**), 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 4**.

Section 6 makes a conforming change related to **article 2, section 21**.

Sections 7 to 10 amend the patterned and predatory offender sentencing law.

Section 7 adds a cross-reference to the new crime of criminal sexual predatory conduct (see **article 2, section 20**). 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 8 strikes the definition of “predatory crime.” Replaces this with a cross-reference to what is essentially the same definition in **article 2, section 11**.

Section 9 makes the same substitution of a fact finder determination for a court finding as was made in **article 2, section 7**.

Section 10 strikes language relating to the conditional release of offenders sentenced under this law. Instead, adds a cross-reference to **article 2, section 21**.

Section 11 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 8**. 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 12 and 13 amend the first-degree criminal sexual conduct crime.

Section 12 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 13 makes a conforming change relating to **article 2, section 21**.

Sections 14 and 15 amend the second-degree criminal sexual conduct crime.

Section 14 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 15 makes a conforming change relating to **article 2, section 21**.

Sections 16 and 17 amend the third-degree criminal sexual conduct crime to make conforming changes related to **article 2, section 21**.

Sections 18 and 19 amend the fourth-degree criminal sexual conduct crime to make conforming changes related to **article 2, section 21**.

Section 20 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 11**) 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 21**, 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 21**.

Section 21 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 12** or **14** 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 10**.

Section 22 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 21**.

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 21**.
- ▶ 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 20**.
- ▶ Makes other technical and clarifying changes.

Section 2 amends section 243.167 (registration under the POR Law for other offenses). This law requires registration under the POR Law for offenders who commit a crime against the person and who previously registered under the POR Law but whose registration period ended or who would have had to register except the POR Law did not apply to the offender at the time of the offense. Expands the definition of "crime against the person" to include fourth-degree assault. Expands this law to apply to offenders who are convicted of a crime against the person and who previously completed registration in another state.

Section 3 requires the Commissioner of Corrections to report annually to the Legislature as specified on community supervision of level II and level III sex offenders and on other types of offenders.

Section 4 amends the Community Notification Law provision relating to non-Minnesotan offenders. Requires the Commissioner of Corrections to establish an end of confinement review committee to assign risk levels for offenders released from any federal correctional facility or from any state correctional facility of another state, and for offenders accepted from another state for parole supervision under the new interstate compact on adult offender supervision.

Section 5 allows for community notification for offenders who move to Minnesota from another state who, at the time of the move, are subject to a community notification statute in the other state and who are not already assigned a risk level under the community notification law. Authorizes the law enforcement agency in the area where the offender resides, expects to reside, or is regularly found to disclose information regarding the offender. The extent of the notification must be consistent with the notification made in the state from which the offender is moving. Caps the level of notification to that of a risk level II offender, unless the notification made concerning the offender in the state from which the offender is moving is broader than that authorized for a level II offender and the end of confinement review committee at the nearest state correctional or treatment facility at the request of the agency, assigns the offender to risk level III.

Section 6 clarifies that the Community Notification Law applies to homeless predatory offenders.

Section 7 authorizes law enforcement to disclose the probationary status of predatory offenders granted mitigated dispositional departures (sentences where the presumptive guidelines' disposition is commitment to the Commissioner of Corrections but where this disposition is stayed by the court) to individuals that law enforcement believes may be victimized by the offender (thus, conforming this notification provision to the one in the Community Notification Law governing level II offenders).

Section 8 amends the law relating to the civil commitment of persons as being mentally ill and dangerous. Requires the special review board and Commissioner of Human Services to consider statements received from victims under **article 3, section 9**, when making recommendations and orders regarding release.

Section 9 amends the law relating to the civil commitment of persons as being mentally ill and dangerous. Requires a county attorney who files a civil commitment petition alleging that a person

is mentally ill and dangerous, has a sexual psychopathic personality, or is a sexually dangerous person to make a reasonable effort to provide prompt notice of the filing of the petition to a victim and to notify the victim of the resolution of the petition. Also requires the head of a treatment facility to make a reasonable effort to notify victims that a person civilly committed as being mentally ill and dangerous, as having a sexual psychopathic personality, or as being a sexually dangerous person may be discharged or released and that the victim has a right to submit a written statement regarding the release decision. Requires victims to request these notifications by contacting in writing the county attorney in the county where the conviction for the crime occurred. Defines key terms used in this section. Of note, defines "convicted" and "conviction" in a manner that includes certain mental illness procedures where the elements of the crime have been proven but the person has not actually been convicted and findings in certain civil commitment cases that the act or acts occurred.

Section 10 authorizes a court or the Commissioner of Corrections to require a sex offender to submit to a polygraph exam as a probationary intermediate sanction or a condition of release from confinement. Allows the court or the commissioner to order all or part of the cost of the exam to be borne by the offender.

Section 11 requests the Chief Justice of the Supreme Court, in consultation with the Conference of Chief Judges, to develop, by September 1, 2005, a protocol for the use of polygraph examinations for sex offenders on probation.

Section 12 requests the Supreme Court to study and report to the Legislature on the development and use of a statewide panel of defense attorneys to represent persons petitioned for civil commitment for being sexually dangerous persons or sexual psychopathic personalities and a statewide panel of judges to hear these petitions.

Section 13 requires the Commissioner of Corrections to report to the Legislature on the number of sex offenders that the commissioner estimates will be released from prison each year for the next five years, recommendations on how best to supervise these offenders, and recommendations on how best to fund the supervision.

Section 14 requires the Revisor of Statutes to make conforming changes to statutes as necessitated by this article.

Section 15 repeals two subdivisions in the POR Law superceded by changes made in this article.

ARTICLE 4

Legislative Auditor's Recommended Changes

Overview

Article 4 implements the Legislative Auditor's recommendations from the auditor's 2005 report to the Legislature on sex offender supervision.

Section 1 requires that when an offender who is subject to the POR law is being released from prison, the Commissioner of Corrections must provide the offender's prison records relating to psychological assessments, medical and mental health issues, and treatment to the corrections agency that is going to supervise the offender.

Section 2 amends the law requiring county and private sex offender programs to provide the Commissioner of Corrections with information related to program effectiveness. Strikes language that limits this provision to programs that seek new or continued state funding or reimbursements.

Section 3 clarifies that the law requiring the Commissioner of Corrections to provide follow-up information on sex offenders for three years following their completion or termination from treatment programs, provide treatment programs in different geographical areas of the state, provide necessary data relating to sex offender treatment programing, etc., is not a onetime project, but rather an ongoing obligation.

Section 4 amends the POR law to require offenders subject to registration to disclose their status as a registered offender to a health care facility upon admittance. The offender must also notify the offender's corrections agent or the applicable law enforcement authority when an inpatient admission has occurred. Requires a law enforcement authority or corrections agent who has received this notice or who knows that an offender has been admitted to a health care facility to notify the administrator of the facility.

Section 5 provides that when a corrections agency supervising an offender who is required to register under the POR law and who is classified as a public risk monitoring case has knowledge that the offender is seeking housing arrangements in a location under the jurisdiction of a different corrections agency, the supervising agency must notify the other agency of this and initiate a supervision transfer request.

Section 6 requires a corrections agency supervising an offender who is required to register under the POR law to notify the appropriate child protection agency before authorizing the offender to live in a household where children are residing.

Section 7 clarifies that an independent professional assessment of a sex offender's need for sex offender treatment must be conducted before sentencing.

Section 8 adds to the list of mandatory reporters of child abuse individuals involved in correctional supervision.

Section 9 requires the Commissioner of Corrections to convene a working group related to sex offender management and supervision. Requires the working group to study and make recommendations on specified issues. Also requires the working group to review the provisions of any laws enacted in the 2005 legislative session relating to sex offender supervision and treatment. Requires the working group to report recommendations to the Legislature. Requires the

Commissioner of Corrections to implement policies and standards relating to the issues studied by the working group over which the commissioner has jurisdiction.

Section 10 requires the Commissioner of Corrections to report specified information to the Legislature on prison-based sex offender treatment programs.

ARTICLE 5

Sex Offenders: Technical and Conforming Changes

Overview

Article 5 makes technical and conforming changes relating to the substantive changes made in **article 2**.

Sections 1 to 13 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. Also of note, **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 13 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 20**. 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; requiring the Board of Veterinary Medicine to report on animal products that may be used to manufacture methamphetamine; and creating a methamphetamine laboratory cleanup revolving loan fund. 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. Requests a report from the Legislative Auditor on the efficacy of drug treatment programs.

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 20.**) 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 requires the Public Facilities Authority to establish a methamphetamine laboratory cleanup revolving fund. The purpose of the fund is to provide low-interest loans to counties and cities to remediate clandestine lab sites. Specifies the criteria for awarding loans, the loan application process, the eligibility requirements for loans, the loan conditions and terms, etc. Defines key terms.

Section 13 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 14 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 15 and 16 are technical changes related to **article 6, section 14**.

Section 17 requests the Legislative Audit Commission to direct the legislative auditor to conduct a study related to the efficacy of controlled substance treatment programs for criminal offenders. If the commission directs the auditor to conduct the study, requires a report to the Legislature by February 1, 2006.

Section 18 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 19 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 20 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 5**, 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 requires that wireless 911 calls be routed to the same 911 system as wire-line calls, as now is possible to do.

Section 10 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 11 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 12 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 13 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 14 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 15 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 16 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 17 strikes language authorizing the Metropolitan Council to sell bonds for phase three.

Section 18 strikes language authorizing the Metropolitan Council to sell bonds for phases two and three.

Section 19 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 20 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 21 appropriates to the Commissioner of Public Safety the proceeds of five cents of the 911 fee to pay off prior year obligations of the 911 account. (The amount needed for 2007 is \$378,000 less than five cents a month. That amount is available to support the telephone operating deficiency.) It states the intent of the Legislature to complete paying off those prior year obligations during the next biennium. It appropriates the proceeds of ten cents of the current fee plus ten cents of the fee increase to operate PSAPs and the proceeds of one cent of the fee for grants to the medical resource communication centers that direct incoming ambulances to the appropriate hospital emergency rooms. It appropriates the proceeds of nine cents of the fee to pay debt service on the bonds for the 800 MHz radio system and to pay cash for the system to the extent the appropriation is not needed to pay debt service.

911 Emergency Telephone System

Purpose	Cents/Month	2006	2007
Telephone Prior Year Obligations	5.0	\$3,442,000	\$3,064,000
Public Safety Answering Points	20.0	\$13,640,000	\$13,664,000
Medical Resource Communication Centers	1.0	\$682,000	\$683,000
Debt Service and Capital Costs	9.0	\$6,138,000	\$6,149,000
Total	35.0	\$23,902,000	\$23,560,000

Section 22 authorizes the sale of 911 revenue bonds by the Commissioner of Finance to replace the bond authorizations enacted in 2002 and 2003 for the sale of similar bonds by the Metropolitan Council. It reduces the bond sale authorization 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, but the addition of Chisago and Isanti Counties to phase two has increased the state share by about \$3 million, as shown in the following table:

Phase Two Costs

2003 Estimate	\$18,000,000
2004 Homeland Security Grant	(\$13,000,000)
2004 Addition of Chisago and Isanti Counties	\$3,000,000
Total	\$8,000,000

It increases the bond sale authorization for phase three (building the system backbone of transmission towers and related equipment in the Rochester and St. Cloud districts of the State Patrol) to \$45 million, to reflect the 2004 cost estimate made by the Department of Transportation. It authorizes \$9.5 million of 911 bonds to be sold to reimburse local units of government for up to 50 percent to the cost of building a subsystem in the southeast or central district of the State Patrol.

Section 23 makes the act 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 Internet access to public criminal history data, driver's license and state identification card issuance, driver's license reinstatements, alcoholic beverage licensing, filing civil actions in court, and criminal and traffic offenders. It also raises the alcohol excise tax. In addition, the article establishes a new Minnesota Financial Crimes Oversight Council and Task Force, makes changes related to CrimNet, and creates a homelessness pilot project under the administration of the Commissioner of Public Safety.

Section 1 strikes the August 1, 2005, sunset for the \$5 fee for access to public criminal history data. Fees collected are deposited in the Special Revenue Fund to cover costs of providing the service.

Section 2 imposes a \$1 surcharge on every driver's license or state identification card issued. This money is to be deposited into the general fund.

Sections 3 and 4 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 5 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 6 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 7 provides that hearings on civil commitment petitions relating to sexually dangerous persons or persons with sexual psychopathic personalities must be held within 90 days from the date of the petition's filing. Currently, the deadline is 14 days from filing.

Sections 8 and 9 increase the alcohol excise tax on all distilled spirits and wine manufactured, imported, sold, or possessed in this state. The excise tax increase is intended to be the equivalent of a point of sale increase of one cent per drink.

Section 10 increases the alcohol excise tax on all fermented malt beverages that are imported, directly or indirectly sold, or possessed in this state. The excise tax increase is intended to be the equivalent of a point of sale increase of one cent per drink.

Section 11 increases the brewer's tax credit to conform with the increase in the excise tax on beer. The tax credit applies to brewers who manufacture less than 100,000 barrels of beer annually.

Section 12 increases from \$300 to \$600 the state reimbursement ceiling for bullet-proof vests purchased by peace officers and law enforcement agencies.

Section 13 is a conforming amendment relating to **article 9, section 12**, indexing the reimbursement rate to the Consumer Price Index.

Section 14 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 15 creates the Minnesota Financial Crimes Oversight Council to provide guidance related to the investigation and prosecution of identity theft and financial crimes. Provides for the oversight council's membership, specifies its duties (which includes developing an overall strategy to ameliorate the harm caused to the public by identity theft and financial crime within Minnesota and establishing a multijurisdictional statewide Minnesota Financial Crimes Task Force to investigate major financial crimes). Provides for a statewide commander for the task force and specifies the commander's responsibilities. Addresses the status of participating officers in the task force, including their powers and jurisdiction. Provides for grants to combat identity theft and financial crime. Authorizes the oversight council to establish a victims' assistance program to assist victims of economic crimes and provide prevention and awareness programs. Provides that the oversight council and task force are permanent. Authorizes the oversight council to accept lawful grants and

in-kind contributions. Provides that proceeds received from property seized by the task force and forfeited go to the oversight council. Provides that equipment possessed by the current Minnesota Financial Crimes Task Force (that is being repealed in **article 9, section 36**) are transferred to the oversight council for use by the task force created in this section.

Section 16 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 17 and 18 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 19 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 20 to 27 increase various fees relating to alcoholic beverage licensees.

Section 28 increases the fee for filing a civil action in court from \$235 to \$240.

Sections 29 and 30 increase the criminal/traffic surcharge from \$60 to \$71 and deposit the increase in the general fund.

Section 31 increases from \$4.50 to \$10.50 the surcharge on recording transaction fees collected by county recorders (Minnesota Statutes, section 357.18, subdivision 3).

Sections 32 and 33 increase from \$4.50 to \$10.50 the surcharge on registrars' fees collected by county registrars (Minnesota Statutes, sections 508.82, subdivision 1, and 508A.82, subdivision 1).

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 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).

KPB:CT:ph

It's Common CENTS!

Top 10 reasons for a 1¢ increase in the alcohol user fee

The alcohol excise tax is a true "user fee." 20% of drinkers consume 85% of all alcoholic beverages. That means that the remaining 80% of drinkers consume on average relatively little alcohol and pay a small amount of alcohol taxes.¹

9. 60-70% of all crimes are committed while the offender is under the influence of alcohol and other drugs.²
8. 90% of the Minnesota prison population is either chemically dependent or abusive of alcohol and other drugs.³
7. In 2003, 427,849 people living in Minnesota had a DWI record. 11,299 Minnesotans were convicted of a 2nd, 3rd, even 4th+ DWI offense. No other offense in Minnesota occurs among a greater percentage of the population (10%) and consistently has so many re-offenders.⁴
6. Of patients receiving treatment for substance abuse from state chemical health programs, nearly half (46.4%) abuse alcohol as the primary substance, compared with 14.2% for meth and 13.8% for crack/cocaine.⁵
5. Of all drugs, alcohol has the greatest impact on Minnesota communities. In fact, Minnesota's overall alcohol use is higher than the national average.⁶
4. For every \$1 of tax revenue spent on treatment, taxpayers save \$7, due mostly to reductions in crime.⁷
3. Alcohol use cost Minnesotans \$4.5 billion in 2001. That amounts to over \$900 for every person in the state. This is 19 times higher than taxes collected from alcohol sales.⁸
2. The current Minnesota alcohol excise tax is only pennies per drink and hasn't been raised since 1987. Minnesota's wine and beer excise taxes are average or below average compared with most other states.⁹ A penny increase in the alcohol excise tax would raise about \$24.5 million per year for public safety.¹⁰
1. Three out of four Minnesotans support increasing the alcohol tax.¹¹

¹ Rogers, J.D. & Greenfield, T.K. "Who Drinks Most of the Alcohol in the U.S.? The Policy Implications." *Journal of Studies on Alcohol*. 60(1) 99).

² "2000 Arrestee Drug Abuse Monitoring: Annual Report." National Institute of Justice (April 2003).

³ Minnesota Department of Corrections: 2005 presentation by Chris Bray, Assistant Commissioner of Corrections.

⁴ Minnesota Supreme Court Chemical Dependency Task Force: Presentation for the Public Safety Budget Division, April 11, 2005. Data provided by the Office of Traffic Safety, Department of Public Safety.

⁵ Data from the Minnesota Department of Human Services: Project Management and Quality Improvement Division.

⁶ "Creating a Safer Minnesota: Byrne Advisory Committee Report." Minnesota Department of Public Safety (1999).

⁷ "Evaluating Recovery Services: The California Drug and Alcohol Treatment Assessment (CALDATA)." California Department of Alcohol and Drug Programs (July 1994).

⁸ "The Human and Economic Costs of Alcohol Use in Minnesota." Minnesota Department of Health (Jan 2004).

⁹ Minnesota House of Representatives Research, <http://www.house.leg.state.mn.us/hrd/issinfo/ssalbvtx.htm#Q5> (accessed April 20, 2005).

¹⁰ Minnesota Senate Counsel, Research and Fiscal Analysis.

¹¹ AARP poll conducted Jan. 2005 (<http://www.aarp.org/research/reference/publicopinions/Articles/aresearch-import-494.html>). Robert Wood Johnson poll conducted in 1997 and 2001 (http://www.epi.umn.edu/alcohol/pdf/2002_report.pdf).

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The Impact of State of Minnesota Funding Cuts on Battered Women's Shelter Services

**Minnesota's battered women's shelters were surveyed on April 13, 2005 by the Minnesota Coalition for Battered Women on the impact of funding cuts. 14 of the 27 shelters responded to the survey.*

I. Funding cuts and battered women's shelters:

State funding for battered women's shelters and safe homes was cut by \$2.6 million-- from \$17.979 million per year in FY01 to \$15.379 million per year in FY05.

- Of 14 battered women's shelters surveyed in Minnesota, staff costs made up an average of 68% of the shelter budget. When you cut funds you cut people. When you cut people you cut vital services to victims of domestic violence. Most of the programs responding to the survey were forced to cut staff positions when state funding was reduced. Many have been forced to cut back on outreach services, to cut or reduce children's programming, long-term follow-up with battered women, transportation, crisis line coverage, outreach services and satellite offices, batterer intervention programs, school prevention programs etc.
- 4 of the 14 shelters responding to the survey experience deficits in their shelter programs in FY02 and FY03. In FY04, six the programs experienced deficits and in FY05 seven of the programs are projecting a deficit.
- Most shelters and many community advocacy programs serve multi-county areas. Most shelters not only provide services to the women and children under their roofs, but also provide community outreach services via satellite offices and pick up the crisis lines for neighboring programs in their region on evenings and weekends. When funding for just *one* of these shelters is cut, the impact is felt throughout the region.
-

II. The need for shelter and safe home services in Minnesota:

- In 2003, domestic violence programs in Minnesota provided advocacy and support services to 30,622 women and 17,736 children. That same year, 6,347 women and their 6,578 children fled their homes to seek safety at a Minnesota battered women's shelter. With an average length of stay of approximately three weeks, the Department of Public Safety reports that 99,000 nights of emergency shelter were provided to women in FY04 and another 116,000 nights of emergency shelter were provided for their children.
- The most common reason women sought shelter was to flee an abusive partner. Nearly half of homeless women reported that they stayed in an abusive relationship because they had nowhere else to go.¹
- Minnesota has seen a dramatic increase in diversity across the state. Due to a lack of funding, shelters are much more limited in their ability to provide culturally-specific services to women of color and immigrant/refugee women and have less ability to provide interpreters for and non-English speaking women and women who are deaf or hard of hearing.
- In 2004, at least 13 women and 9 children were murdered as a result of domestic violence.

¹ Wilder Foundation Homeless Study in 2003,

III. Detail of shelter program changes as a result of state budget cuts:

Alexandra House, Blaine

- Cut 3 FTE's
- The remaining 3 full-time staff cover one evening shift per week and only one staff person is scheduled to cover the shelter in the morning and on overnights. In addition to responding to the needs of the shelter residents, this one staff person is responsible for the four crisis lines.
- Advocates are not always available for court hearings, housing searches etc.
- When coupled with the earlier loss of advocate positions, our ability to provide for all of the support and advocacy needs of the women and children in our shelter have been significantly impacted by this change. If you have 14 women in shelter and only two Women's Advocates and a minimum of three of those women need to be at a court hearing, housing appointment--one of those women will not have an advocate to help her. If there is only one Relief Staff on in the middle of the night and the crisis line is ringing and a woman with her children is at the door and needs help, what do you do?

Committee Against Domestic Abuse (CADA), Mankato

- Cut 3.7 FTE's
- Cut hospital community advocacy program
- Cut Alliance for Justice General Crime program
- Cut Los Ninos children's program
- Cut Abused Children's Program
- Closed our St. Peter satellite office for Nicollet County and now work that program out of Mankato.

Cornerstone, Bloomington

- Cut 5.5 FTEs
- Cut chemical dependency services
- Cut mental health services
- Reduced youth programming

Home Free, Plymouth

- Cut 1.6 FTE's and have not filled 1 FTE
- The program now relies heavily on relief staff. Program related expenses (supplies, transportation, activities, and emergency assistance) have been reduced or eliminated.

Mid-Minnesota Women's Center, Brainerd

- Cut 2 FTE's
- There are times when staff members must work 20 hours in a row. It takes at least 3 months to hire and train someone new.
- Additional cuts were made in training funds and travel, adding to the isolation of advocates in our rural area.

Northwoods Coalition for Battered Women (NCBW), Bemidji

- 4.75 FTE shelter staff and 3 community program staff have been lost through attrition.
- Benefits such as some holidays and the SEP Plans have been eliminated.
- Full Time staff, including Directors, work holidays on rotation for shifts formerly covered by relief staff. The Children's Program cut hours of operation.
- Transportation services were cut to business hours only and only for those appointments specifically related to the immediate domestic violence. This means that less support is available for housing assistance, medical, employment and other resident needs.

Red Wing Area Coalition for Transitional Housing (The Women's Center), Red Wing Cut 6 FTE's

Safe Haven Shelter for Battered Women, Duluth

- Cut 5.5 positions when funding was changed from per diem to a grant--including our child advocate supervisor, administrative and clerical positions, and a night shelter supervisor even though the shelter size had increased by over 50%.
- In FY03, we cut the community educator/volunteer coordinator position. We were operating at bare bones with only one advocate on duty during some periods of the day. In FY01 our shelter was at 58% of capacity and in FY02 we were at 68% of capacity. In the following years capacity has changed dramatically. In FY03 we were at 76% of capacity and in FY04 we were at 90% capacity and at 82% thus far in FY05. With those increased numbers we have had to put on additional advocates so that we now have two advocates on duty 24/7.
- Security is an increasing concern due to many factors. Increased gang activity, methamphetamine, drugs, and accessibility to weapons are a few contributing factors. The abusers we are dealing with are increasingly more violent and bolder in attempting to assault women even when they are in the shelter.

Shelter House, Willmar

- Cut 1.5 FTE.
- All Shelter staff are working for low wages and staff now have to make a payment toward their health insurance policies, a benefit that was fully funded by the shelter program for the employee in the past.

Sojourner Project, Hopkins

- Cut 2 FTE and reduced the hours of the facilities coordinator, advocacy relief staff and the shelter cook.
- Reduced services to families in transition which must take place outside of the shelter's confines.
- There is often one advocate providing coverage morning and evening hours in the shelter facility. When this occurs, it is impossible for the advocate to personally transport women to appointments, accompany them to court or assist in the search for housing, childcare, employment, etc. This makes it more difficult for battered women to put a strong foundation in place to support them as they re-transition to the community.
- We are not able to provide follow-up with residents who have left the shelter and continue to transition out of abusive relationships.
- Training for shelter staff has largely been curtailed as we do not have the resources to enroll staff in costly training opportunities or provide relief staff coverage in the absence of regular full-time staff members.

Someplace Safe, Fergus Falls

- Cut .5 FTE children's advocate position when the state moved from shelter per diem payments to a shelter grant system, our program had to eliminate a half-time.
- Although our program was not further negatively affected by state cuts to shelter funding, expenses resulting from our continued high occupancy rate have exceeded our state shelter funding allocation and our funding situation is getting progressively worse. We maintain a small reserve that is intended to support not only the shelter but also nine outreach programs in our region. This means that we have no back-up for capital improvements for our 100 year old shelter facility. In the future, funding we will need to shift funding from our community advocacy satellite offices in multiple counties to the shelter to maintain our emergency services.

Violence Intervention Project, Thief River Falls

- Cut 1FTE children's advocate
- We had to target our resources toward the shelter program emergency and advocacy services. Our shelter has only 2 FT advocates and one FT program manager for the parenting time center for safe exchanges. We also had to greatly reduce prevention education and community presentations. When there are only two staff members to serve shelter residents and other people seeking services, we are very limited as to the amount of time staff can be off site to do prevention education and presentations to community groups.

Women's Advocates, St. Paul

- Cut 3 FTE
- These positions provided crisis intervention, support, advocacy and referral for battered women and their children.

Women's Shelter, Rochester

- Cut 5 FTE --one in the children's program, two security overnight advocates, one women's advocate in the International Shelter who spoke several languages and worked with residents who did not speak English, and one women's advocate who worked days.
- As a result of these position cuts, we are operating with too few advocates to cover the shelter 24 hours a day. Thus, the shelter crisis line has to be answered by our secretary, or our bookkeeper, or our facility maintenance person if the advocate helps a shelter resident with an OFP, etc. Yesterday, our assistant director had to work for the advocate who took a shelter resident to the emergency room.
- We are unable to give advocates adequate training or supervision. We cannot spare someone to take residents to search for housing so our length of stay is steadily increasing. We have less time to spend with individual residents, so those who need medical, mental health, or chemical dependency services are not attended to until it becomes an emergency. We have discontinued all phone book advertising except for one ad in the yellow pages. We have noticed the number of crisis calls we receive have greatly decreased. We no longer provide advocacy and crisis services to walk-ins – services are provided only to shelter residents.

1

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, taxes, and fees; amending Minnesota
12 Statutes 2004, sections 13.87, subdivision 3; 14.03,
13 subdivision 3; 152.01, subdivision 10; 152.021,
14 subdivisions 2a, 3; 168A.05, subdivision 3; 171.06, by
15 adding a subdivision; 171.20, subdivision 4; 171.26;
16 237.70, subdivision 7; 241.06; 241.67, subdivisions 7,
17 8; 243.166, by adding a subdivision; 243.167; 244.04,
18 subdivision 1; 244.05, subdivisions 2, 4, 5, 6, 7;
19 244.052, subdivisions 3, 3, 4, by adding a
20 subdivision; 244.09, subdivision 11; 244.10,
21 subdivision 2a, by adding a subdivision; 244.18,
22 subdivision 2; 253B.08, subdivision 1; 253B.18,
23 subdivision 5, by adding a subdivision; 260C.171, by
24 adding a subdivision; 297G.03, subdivisions 1, 2;
25 297G.04, subdivisions 1, 2; 299A.38, subdivisions 2,
26 2a, 3; 299C.65, subdivisions 1, 2, 5, by adding a
27 subdivision; 340A.301, subdivision 6; 340A.302,
28 subdivision 3; 340A.311; 340A.404, subdivision 12;
29 340A.408, subdivision 4; 340A.414, subdivision 6;
30 340A.504, subdivisions 3, 7; 357.021, subdivisions 2,
31 6, 7; 357.18, subdivision 3; 403.02, subdivisions 7,
32 13, 17, by adding a subdivision; 403.025, subdivisions
33 3, 7; 403.05, subdivisions 1, 3; 403.07, subdivision
34 3; 403.08, subdivision 10; 403.11, subdivisions 1, 3,
35 3a; 403.113, subdivision 1; 403.27, subdivisions 1, 3;
36 403.30, subdivision 1; 508.82, subdivision 1; 508A.82,
37 subdivision 1; 518B.01, subdivision 22; 609.108,
38 subdivisions 1, 3, 4, 6; 609.109, subdivisions 2, 5;
39 609.1095, subdivision 1; 609.117, subdivisions 1, 2;
40 609.119; 609.1351; 609.185; 609.223, by adding a
41 subdivision; 609.2231, by adding a subdivision;
42 609.229, subdivision 3; 609.321, subdivisions 1, 7, by
3 adding subdivisions; 609.325, by adding a subdivision;
44 609.341, subdivision 14, by adding a subdivision;
45 609.342, subdivisions 2, 3; 609.343, subdivisions 2,
46 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; 403; 446A; 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;
 17 403.30, 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	\$ 73,390,000	\$81,010,000	\$154,400,000
38	STATE GOVERNMENT			
39	SPECIAL REVENUE	16,368,000	16,688,000	33,056,000
40	BOND PROCEEDS	62,500,000	-0-	62,500,000
41	TOTAL	\$152,258,000	\$97,698,000	\$249,956,000

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

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

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

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

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

12 Sec. 3. COURT OF APPEALS 250,000 250,000
13 For caseload increases.

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

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

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

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

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

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

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

41 Sec. 5. UNIFORM LAWS COMMISSION 5,000 5,000
42 For national conference dues.

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

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

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

1 Sec. 7. PUBLIC SAFETY

52 Subdivision 1. Total
53 Appropriation 91,944,000 29,811,000

1 Summary by Fund

2 General 13,076,000 13,123,000

3 State Government

4 Special Revenue 16,368,000 16,688,000

5 Bond Proceeds 62,500,000 -0-

6 [AGENCYWIDE ADMINISTRATIVE

7 CUT.] (175,000) (175,000)

8 This is an agencywide administrative
9 cut.10 [APPROPRIATIONS FOR PROGRAMS.] The
11 amounts that may be spent from this
12 appropriation for each program are
13 specified in the following subdivisions.

14 Subd. 2. Criminal Apprehension 4,976,000 5,023,000

15 [AUTOMATED FINGERPRINT IDENTIFICATION
16 SYSTEM.] \$1,533,000 the first year and
17 \$2,318,000 the second year are to
18 replace the automated fingerprint
19 identification system (AFIS).20 [PREDATORY OFFENDER REGISTRATION
21 SYSTEM.] \$1,146,000 the first year and
22 \$564,000 the second year are to upgrade
23 the predatory offender registration
24 (POR) system and to increase the
25 monitoring and tracking of registered
26 offenders who become noncompliant with
27 the law.28 [CRIMINAL JUSTICE INFORMATION SYSTEMS
29 (CJIS) AUDIT TRAIL.] \$374,000 the first
30 year and \$203,000 the second year are
31 for the Criminal Justice Information
32 Systems (CJIS) audit trail.33 [DNA ANALYSIS OF FELON OFFENDERS.]
34 \$857,000 the first year and \$869,000
35 the second year are to fund the
36 analyses of biological samples from
37 felon offenders.38 [LIVESCAN.] \$66,000 the first year and
39 \$69,000 the second year are to fund the
40 ongoing costs of Livescan.41 [TEN NEW AGENTS.] \$1,000,000 each year
42 is for ten Bureau of Criminal
43 Apprehension agents to be assigned
44 exclusively to methamphetamine
45 enforcement, including the
46 investigation of manufacturing and
47 distributing methamphetamine and
48 related violence. These appropriations
49 are intended to increase the current
50 allocation of Bureau of Criminal
51 Apprehension resources dedicated to
52 methamphetamine enforcement. Positions
53 funded by these appropriations may not
54 supplant existing agent assignments or
55 positions.

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

1 Subd. 4. Office of Justice
2 Programs 7,375,000 7,375,000

3 [CRIME VICTIM ASSISTANCE GRANTS
4 INCREASE.] \$1,270,000 each year is to
5 increase funding for crime victim
6 assistance grants for abused children,
7 sexual assault, battered women, and
8 general crime victims.

9 [BATTERED WOMEN'S SHELTER GRANTS.]
10 \$2,131,000 each year is to increase
11 funding for battered women's shelters
12 under Minnesota Statutes, section
13 611A.32, and for safe houses.

14 [GANG STRIKE FORCE.] \$2,374,000 each
15 year is for the criminal gang strike
16 force.

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

52 [MINNESOTA FINANCIAL CRIMES TASK
53 FORCE.] \$1,400,000 each year is for the
54 Minnesota Financial Crimes Task Force.

55 [HOMELESSNESS PILOT PROJECTS.] \$200,000
56 each year is for the homelessness pilot
57 projects described in article 9,
58 section 34.

59 [ADMINISTRATION COSTS.] Up to 2.5
60 percent of the grant funds appropriated
61 in this subdivision may be used to
62 administer the grant program.

63 Subd. 5. 911 Emergency

1	Services/ARMER	16,368,000	16,688,000
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2 This appropriation is from the state
 3 government special revenue fund for 911
 4 emergency telecommunications services.

5 The total appropriation for this
 6 purpose, consisting of this
 7 appropriation plus the appropriation in
 8 2005 S.F. No. 1879, article 9, section
 9 9, subdivision 7, if enacted, must be
 10 spent as provided in this subdivision.

11 \$3,442,000 the first year and
 12 \$3,064,000 the second year are to fund
 13 a deficiency due to prior year
 14 obligations under Minnesota Statutes,
 15 section 403.11, that were estimated in
 16 the December 2004 911 fund statement to
 17 be \$6,504,700 on July 1, 2005. "Prior
 18 year obligations" means reimbursable
 19 costs under Minnesota Statutes, section
 20 403.11, subdivision 1, incurred under
 21 the terms and conditions of a contract
 22 with the state for a fiscal year
 23 preceding fiscal year 2004, that have
 24 been certified in a timely manner in
 25 accordance with Minnesota Statutes,
 26 section 403.11, subdivision 3a, and
 27 that are not barred by statute of
 28 limitation or other defense. The
 29 appropriations needed for this purpose
 30 are estimated to be none in fiscal year
 31 2008 and thereafter.

32 \$13,640,000 the first year and
 33 \$13,664,000 the second year are to be
 34 distributed as provided in Minnesota
 35 Statutes, section 403.113, subdivision
 36 2. This appropriation may only be used
 37 for public safety answering points that
 38 have implemented phase two wireless
 39 enhanced 911 service or whose
 40 governmental agency has made a binding
 41 commitment to the commissioner of
 42 public safety to implement phase two
 43 wireless enhanced 911 service by
 44 January 1, 2008. If revenue to the
 45 account is insufficient to support all
 46 appropriations from the account for a
 47 fiscal year, this appropriation takes
 48 priority over other appropriations,
 49 except the open appropriation in
 50 Minnesota Statutes, section 403.30,
 51 subdivision 1, for debt service on
 52 bonds previously sold.

53 \$682,000 the first year and \$683,000
 54 the second year are for grants to the
 55 Minnesota Emergency Medical Services
 56 Regulatory Board for the Metro East and
 57 Metro West Medical Resource
 58 Communication Centers that were in
 59 operation before January 1, 2000.

60 \$6,138,000 the first year and
 61 \$6,149,000 the second year are to the
 62 commissioner of finance to pay debt
 63 service on revenue bonds issued under
 64 new Minnesota Statutes, section
 65 403.275. Any portion of this

1 appropriation not needed to pay debt
2 service in a fiscal year may be used by
3 the commissioner of public safety to
4 pay cash for any of the capital
5 improvements for which bond proceeds
6 have been appropriated in subdivision 6.

7 Subd. 6. 800 MHz Public Safety
8 Radio and Communication System 62,500,000

9 The appropriations in this subdivision
10 are from the 911 revenue bond proceeds
11 account to the commissioner of public
12 safety for the purposes indicated, to
13 be available until the project is
14 completed or abandoned, subject to
15 Minnesota Statutes, section 16A.642.

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

17 For a grant to the Metropolitan
18 Emergency Services Board to pay up to
19 50 percent of the cost to a local
20 government unit of building a subsystem
21 as part of the second phase of the
22 public safety radio and communication
23 system plan under Minnesota Statutes,
24 section 403.36.

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

26 For the Statewide Radio Board to
27 construct the system backbone in the
28 third phase of the public safety radio
29 and communication system plan under
30 Minnesota Statutes, section 403.36.

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

32 To reimburse local units of government
33 for up to 50 percent of the cost of
34 building a subsystem of the public
35 safety radio and communication system
36 established under Minnesota Statutes,
37 section 403.36, in the southeast or
38 central district of the State Patrol.

39 (d) Bond Sale Authorization

40 To provide the money appropriated in
41 this subdivision, the commissioner of
42 finance shall sell and issue bonds of
43 the state in an amount up to
44 \$62,500,000 in the manner, upon the
45 terms, and with the effect prescribed
46 by new Minnesota Statutes, section
47 403.275.

48 Sec. 8. CORRECTIONS 38,942,000 40,454,000

49 Subdivision 1. Total
50 Appropriation 38,942,000 40,454,000

51 [APPROPRIATIONS FOR PROGRAMS.] The
52 amounts that may be spent from this
53 appropriation for each program are
54 specified in the following subdivisions.

55 Subd. 2. Correctional
56 Institutions 12,141,000 13,653,000

1 Notwithstanding any law to the
 2 contrary, the commissioner may use per
 3 diems collected under contracts for
 4 beds at MCF-Rush City to operate the
 5 state correctional system.

6 [TIMELY REVOCATION HEARINGS.] \$70,000
 7 each year is to provide timely
 8 revocation hearings.

9 [SEX OFFENDER TREATMENT AND
 10 TRANSITIONAL SERVICES.] \$1,500,000 each
 11 year is for sex offender treatment and
 12 transitional services.

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

15 [SEX AND METHAMPHETAMINE OFFENSES.]
 16 \$351,000 the first year and \$1,863,000
 17 the second year are for the sex and
 18 methamphetamine offense sentencing
 19 changes made in this act.

20 [CHEMICAL DEPENDENCY TREATMENT.]
 21 \$4,500,000 each year is for chemical
 22 dependency treatment programs.

23 [MENTAL HEALTH TREATMENT.] \$2,000,000
 24 each year is for mental health
 25 treatment programs.

26 Subd. 3. Community Services 27,126,000 27,126,000

27 [END OF CONFINEMENT REVIEWS.] \$94,000
 28 each year is for end of confinement
 29 reviews.

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

41 [COMMUNITY SURVEILLANCE AND
 42 SUPERVISION.] \$1,370,000 each year is
 43 to provide housing options to maximize
 44 community surveillance and supervision.

45 [INCREASE IN INTENSIVE SUPERVISED
 46 RELEASE SERVICES.] \$1,800,000 each year
 47 is to increase intensive supervised
 48 release services.

49 [SEX OFFENDER ASSESSMENT
 50 REIMBURSEMENTS.] \$350,000 each year is
 51 to provide grants to counties for
 52 reimbursements for sex offender
 53 assessments as required under Minnesota
 54 Statutes, section 609.3452, subdivision
 55 1.

56 [SEX OFFENDER TREATMENT AND
 57 POLYGRAPHS.] \$1,250,000 each year is to
 58 provide treatment for sex offenders on

1 community supervision and to pay for
2 polygraph testing.

3 [INCREASED SUPERVISION OF ADULT SEX
4 OFFENDERS, DOMESTIC VIOLENCE OFFENDERS,
5 AND OTHER VIOLENT OFFENDERS.]
6 \$19,600,000 each year is for enhanced
7 supervision of adult felony sex
8 offenders, domestic violence offenders,
9 and other violent offenders by
10 employing additional probation officers
11 to reduce the caseloads of probation
12 officers supervising these offenders on
13 probation or supervised release.

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

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

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

62 This is an agencywide administrative
3 cut.

64 Sec. 9. EMPLOYMENT AND
65 ECONOMIC DEVELOPMENT 250,000 250,000

1 To carry out the public facilities
 2 authority's duties involving the
 3 methamphetamine laboratory cleanup
 4 revolving fund under Minnesota
 5 Statutes, section 446A.083.

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

8 For the study on animal products that
 9 may be used in the manufacture of
 10 methamphetamine described in article 6,
 11 section 18.

12 ARTICLE 2

13 SEX OFFENDERS:

14 MANDATORY LIFE SENTENCES FOR CERTAIN EGREGIOUS AND
 15 REPEAT SEX OFFENSES; CONDITIONAL RELEASE;
 16 OTHER SENTENCING CHANGES

17 Section 1. [LEGISLATIVE FINDINGS AND INTENT.]

18 The legislature finds that sex offenders pose a significant
 19 public safety threat. Based upon the harm they cause to their
 20 victims and the community, psychological factors unique to their
 21 makeup, and their future dangerousness, these types of offenders
 22 merit long-term supervision and treatment more so than do other
 23 types of criminal offenders. The legislature further finds that
 24 this type of supervision and treatment is best provided in a
 25 correctional setting and that the costs associated with this are
 26 an appropriate use of state resources.

27 It is the legislature's intent in enacting this act to
 28 provide a flexible approach that allows dangerous sex offenders
 29 to be incarcerated and supervised for longer periods of time
 30 than is currently possible. The legislature specifically
 31 intends that a sex offender's future dangerousness be taken into
 32 consideration when making sentencing and release decisions
 33 concerning the offender.

34 Sec. 2. Minnesota Statutes 2004, section 244.04,
 35 subdivision 1, is amended to read:

36 Subdivision 1. [REDUCTION OF SENTENCE; INMATES SENTENCED
 37 FOR CRIMES COMMITTED BEFORE 1993.] Notwithstanding the
 38 provisions of section 609.11, subdivision 6, and section
 39 609.109, subdivision 1, the term of imprisonment of any inmate

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

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

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

19 Sec. 3. Minnesota Statutes 2004, section 244.05,
20 subdivision 2, is amended to read:

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

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

29 Sec. 4. Minnesota Statutes 2004, section 244.05,
30 subdivision 4, is amended to read:

31 Subd. 4. [MINIMUM IMPRISONMENT, LIFE SENTENCE.] An inmate
32 serving a mandatory life sentence under section 609.106 must not
33 be given supervised release under this section. An inmate
34 serving a mandatory life sentence under section 609.185, clause
35 (1), (3), (5), or (6); or 609.109, subdivision 2a 3, must not be
36 given supervised release under this section without having

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

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

12 Sec. 5. Minnesota Statutes 2004, section 244.05,
13 subdivision 5, is amended to read:

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

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

35 (c) The commissioner shall make reasonable efforts to
36 notify the victim, in advance, of the time and place of the

1 inmate's supervised release review hearing. The victim has a
2 right to submit an oral or written statement at the review
3 hearing. The statement may summarize the harm suffered by the
4 victim as a result of the crime and give the victim's
5 recommendation on whether the inmate should be given supervised
6 release at this time. The commissioner must consider the
7 victim's statement when making the supervised release decision.

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

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

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

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

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

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

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

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

2 Sec. 6. Minnesota Statutes 2004, section 244.05,
3 subdivision 6, is amended to read:

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

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

30 Sec. 7. Minnesota Statutes 2004, section 609.108,
31 subdivision 1, is amended to read:

32 Subdivision 1. [MANDATORY INCREASED SENTENCE.] ~~(a)~~ A court
33 shall commit a person to the commissioner of corrections for a
34 period of time that is not less than double the presumptive
35 sentence under the Sentencing Guidelines and not more than the
36 statutory maximum, or if the statutory maximum is less than

1 double the presumptive sentence, for a period of time that is
2 equal to the statutory maximum, if:

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

14 (2) the court finds fact finder determines that the
15 offender is a danger to public safety; and

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

35 (b) The court shall consider imposing a sentence under this
36 section whenever a person is convicted of violating section

1 ~~609.342-er-609.343-~~

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

4 Sec. 8. Minnesota Statutes 2004, section 609.108,
5 subdivision 3, is amended to read:

6 Subd. 3. [~~PREDATORY CRIME.] A-predatory-crime-is-a-felony~~
7 ~~violation-of-section-609.1857-609.197-609.1957-609.207-609.2057~~
8 ~~609.2217-609.2227-609.2237-609.247-609.2457-609.257-609.2557~~
9 ~~609.3427-609.3437-609.3447-609.3457-609.3657-609.4987-609.5617~~

10 ~~er-609.5827-subdivision-1-~~ As used in this section, "predatory
11 crime" has the meaning given in section 609.341, subdivision 22.

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

14 Sec. 9. Minnesota Statutes 2004, section 609.108,
15 subdivision 4, is amended to read:

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

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

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

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

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

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

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

35 Sec. 10. Minnesota Statutes 2004, section 609.108,
36 subdivision 6, is amended to read:

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

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

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

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

30 Sec. 11. Minnesota Statutes 2004, section 609.341, is
 31 amended by adding a subdivision to read:

32 Subd. 22. [PREDATORY CRIME.] "Predatory crime" means a
 33 felony violation of section 609.185, 609.19, 609.195, 609.20,
 34 609.205, 609.221, 609.222, 609.223, 609.24, 609.245, 609.25,
 35 609.255, 609.498, 609.561, or 609.582, subdivision 1.

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

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

2 Sec. 12. Minnesota Statutes 2004, section 609.342,
3 subdivision 2, is amended to read:

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

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

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

20 (1) the offender tortured the complainant;

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

23 (3) the offender intentionally mutilated the complainant;

24 (4) the offender exposed the complainant to extreme
25 inhumane conditions;

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

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

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

35 The fact finder may not consider a circumstance described
36 in clauses (1) to (7), if it is an element of the underlying

1 specified violation of subdivision 1.

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

7 (c) As used in this subdivision:

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

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

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

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

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

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

31 Sec. 13. Minnesota Statutes 2004, section 609.342,
32 subdivision 3, is amended to read:

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

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

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

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

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

8 (2) a requirement that the offender complete a treatment
9 program; and

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

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

16 Sec. 14. Minnesota Statutes 2004, section 609.343,
17 subdivision 2, is amended to read:

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

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

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

35 (1) the offender tortured the complainant;

36 (2) the offender intentionally inflicted great bodily harm

1 upon the complainant;

2 (3) the offender intentionally mutilated the complainant;

3 (4) the offender exposed the complainant to extreme

4 inhumane conditions;

5 (5) the offender was armed with a dangerous weapon or any

6 article used or fashioned in a manner to lead the complainant to

7 reasonably believe it to be a dangerous weapon and used or

8 threatened to use the weapon or article to cause the complainant

9 to submit;

10 (6) the offense involved sexual penetration or sexual

11 contact with more than one victim; or

12 (7) the offense involved more than one perpetrator engaging

13 in sexual penetration or sexual contact with the complainant.

14 The fact finder may not consider a circumstance described

15 in clauses (1) to (7), if it is an element of the underlying

16 specified violation of subdivision 1.

17 When sentencing an offender under this paragraph, the court

18 shall specify a minimum term of imprisonment, based on the

19 sentencing guidelines or any applicable mandatory minimum

20 sentence, that must be served before the offender may be

21 considered for supervised release.

22 (c) As used in this subdivision:

23 (1) "extreme inhumane conditions" means situations where,

24 either before or after the sexual penetration, the offender

25 knowingly causes or permits the complainant to be placed in a

26 situation likely to cause the complainant severe ongoing mental,

27 emotional, or psychological harm, or causes the complainant's

28 death;

29 (2) "mutilation" means the intentional infliction of

30 physical abuse designed to cause serious permanent disfigurement

31 or permanent or protracted loss or impairment of the functions

32 of any bodily member or organ, where the offender relishes the

33 infliction of the abuse, evidencing debasement or perversion;

34 and

35 (3) "torture" means the intentional infliction of extreme

36 mental anguish, or extreme psychological or physical abuse, when

1 committed in an especially depraved manner.

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

5 (e) Notwithstanding the statutory maximum sentence
6 described in paragraph (a) or (b), 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. 15. Minnesota Statutes 2004, section 609.343,
11 subdivision 3, is amended to read:

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

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

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

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

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

23 (2) a requirement that the offender complete a treatment
24 program; and

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

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

31 Sec. 16. Minnesota Statutes 2004, section 609.344,
32 subdivision 2, is amended to read:

33 Subd. 2. [PENALTY.] Except as otherwise provided in
34 section 609.3455, a person convicted under subdivision 1 may be
35 sentenced to imprisonment for not more than 15 years or to a
36 payment of a fine of not more than \$30,000, or

1 both. Notwithstanding this statutory maximum sentence, the
2 person is also subject to conditional release as provided in
3 section 609.3455.

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

6 Sec. 17. Minnesota Statutes 2004, section 609.344,
7 subdivision 3, is amended to read:

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

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

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

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

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

19 (2) a requirement that the offender complete a treatment
20 program; and

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

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

27 Sec. 18. Minnesota Statutes 2004, section 609.345,
28 subdivision 2, is amended to read:

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

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

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

2 Sec. 19. Minnesota Statutes 2004, section 609.345,
3 subdivision 3, is amended to read:

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

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

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

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

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

15 (2) a requirement that the offender complete a treatment
16 program; and

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

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

23 Sec. 20. [609.3453] [CRIMINAL SEXUAL PREDATORY CONDUCT.]

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

29 Subd. 2. [PENALTY.] (a) Except as provided in section
30 609.3455, the statutory maximum sentence for a violation of
31 subdivision 1 is: (1) 25 percent longer than for the underlying
32 predatory crime; or (2) 50 percent longer than for the
33 underlying predatory crime, if the violation is committed by a
34 person with a previous sex offense conviction, as defined in
35 section 609.3455, subdivision 1.

36 (b) In addition to the sentence imposed under paragraph

1 (a), the person may also be sentenced to the payment of a fine
2 of not more than \$20,000.

3 (c) Notwithstanding the statutory maximum sentence
4 described in paragraph (a), the person is also subject to
5 conditional release as provided in 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. 21. [609.3455] [DANGEROUS SEX OFFENDERS; LIFE
9 SENTENCES; CONDITIONAL RELEASE.]

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

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

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

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

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

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

34 Subd. 2. [MANDATORY LIFE SENTENCE.] (a) Notwithstanding
35 the statutory maximum penalty otherwise applicable to the
36 offense, the court shall sentence an offender to imprisonment

1 for life if the offender is convicted of violating section
2 609.342, 609.343, 609.344, 609.345, or 609.3453 if:

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

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

5 (i) the present offense involved an aggravating factor that

6 would provide grounds for an upward departure under the

7 sentencing guidelines other than the aggravating factor

8 applicable to repeat criminal sexual conduct convictions;

9 (ii) the offender received an upward departure from the

10 sentencing guidelines for the previous sex offense conviction;

11 or

12 (iii) the offender was sentenced under section 609.108 for

13 the previous sex offense conviction; or

14 (3) the offender has two prior sex offense convictions, the

15 prior convictions and present offense involved at least three

16 separate victims, and:

17 (i) the present offense involved an aggravating factor that

18 would provide grounds for an upward departure under the

19 sentencing guidelines other than the aggravating factor

20 applicable to repeat criminal sexual conduct convictions;

21 (ii) the offender received an upward departure from the

22 sentencing guidelines for one of the prior sex offense

23 convictions; or

24 (iii) the offender was sentenced under section 609.108 for

25 one of the prior sex offense convictions.

26 (b) Notwithstanding paragraph (a), a court may not sentence

27 an offender to imprisonment for life under that paragraph for a

28 violation of section 609.345, unless the offender's previous or

29 prior sex offense convictions that are being used as the basis

30 for the sentence are for violations of section 609.342, 609.343,

31 609.344, 609.3453, or any similar statute of the United States,

32 this state, or any other state.

33 Subd. 3. [LIFE SENTENCES; MINIMUM TERM OF

34 IMPRISONMENT.] At the time of sentencing under subdivision 2,

35 the court shall specify a minimum term of imprisonment, based on

36 the sentencing guidelines or any applicable mandatory minimum

1 sentence, that must be served before the offender may be
2 considered for supervised release.

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

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

13 Subd. 5. [MANDATORY LIFETIME CONDITIONAL RELEASE TERM.] (a)

14 When a court sentences an offender under subdivision 2 or
15 section 609.342, subdivision 2, paragraph (b); or 609.343,
16 subdivision 2, paragraph (b), the court shall provide that, if
17 the offender is released from prison, the commissioner of
18 corrections shall place the offender on conditional release for
19 the remainder of the offender's life.

20 (b) Notwithstanding the statutory maximum sentence

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

29 (c) Notwithstanding paragraph (b), an offender may not be

30 placed on lifetime conditional release under that paragraph for
31 a violation of section 609.345, unless the offender's previous
32 or prior sex offense conviction that is being used as the basis
33 for the placement is for a violation of section 609.342,
34 609.343, 609.344, 609.3453, or any similar statute of the United
35 States, this state, or any other state.

36 Subd. 6. [TERMS OF CONDITIONAL RELEASE; APPLICABLE TO ALL

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

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

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

23 Sec. 22. [REPEALER.]

24 Minnesota Statutes 2004, sections 609.108, subdivision 2;
 25 and 609.109, subdivision 7, are repealed.

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

28 ARTICLE 3

29 SEX OFFENDERS: PREDATORY OFFENDER REGISTRATION;

30 COMMUNITY NOTIFICATION; NONSENTENCING CHANGES

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

33 243.166 [REGISTRATION OF PREDATORY OFFENDERS.]

34 ~~Subdivision 1. --[REGISTRATION-REQUIRED.]--(a) A person shall~~
 35 ~~register under this section if:~~

36 ~~{1} the person was charged with or petitioned for a felony~~

1 violation-of-or-attempt-to-violate-any-of-the-following-and
2 convicted-of-or-adjudicated-delinquent-for-that-offense-or
3 another-offense-arising-out-of-the-same-set-of-circumstances:

4 (i)-murder-under-section-609.105, clause-(2)-or

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

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

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

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

9 or

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

11 imprisoning-a-minor-in-violation-of-section-609.255, subdivision

12 2, soliciting-a-minor-to-engage-in-prostitution-in-violation-of

13 section-609.322-or-609.324, soliciting-a-minor-to-engage-in

14 sexual-conduct-in-violation-of-section-609.352, using-a-minor-in

15 a-sexual-performance-in-violation-of-section-617.246, or

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

17 section-617.247, and-convicted-of-or-adjudicated-delinquent-for

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

19 circumstances, or

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

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

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

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

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

25 goal, or

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

27 for, including-pursuant-to-a-court-martial, violating-a-law-of

28 the-United-States, including-the-Uniform-Code-of-Military

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

30 or-(3):

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

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

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

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

35 (2)-the-person-enters-the-state-to-reside, or-to-work-or

36 attend-school, and

1 ~~{3}-ten-years-have-not-elapsed-since-the-person-was~~
2 ~~released-from-confinement-or,-if-the-person-was-not-confined,~~
3 ~~since-the-person-was-convicted-of-or-adjudicated-delinquent-for~~
4 ~~the-offense-that-triggers-registration,-unless-the-person-is~~
5 ~~subject-to-lifetime-registration,-in-which-case-the-person-must~~
6 ~~register-for-life-regardless-of-when-the-person-was-released~~
7 ~~from-confinement,-convicted,-or-adjudicated-delinquent.~~
8 ~~For-purposes-of-this-paragraph:~~

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

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

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

24 ~~{d}-A-person-also-shall-register-under-this-section-if:~~

25 ~~{1}-the-person-was-charged-with-or-petitioned-for-a-felony~~
26 ~~violation-or-attempt-to-violate-any-of-the-offenses-listed-in~~
27 ~~paragraph-(a),-clause-(1),-or-a-similar-law-of-another-state-or~~
28 ~~the-United-States,-or-the-person-was-charged-with-or-petitioned~~
29 ~~for-a-violation-of-any-of-the-offenses-listed-in-paragraph-(a),~~
30 ~~clause-(2),-or-a-similar-law-of-another-state-or-the-United~~
31 ~~States,~~

32 ~~{2}-the-person-was-found-not-guilty-by-reason-of-mental~~
33 ~~illness-or-mental-deficiency-after-a-trial-for-that-offense,-or~~
34 ~~found-guilty-but-mentally-ill-after-a-trial-for-that-offense,-in~~
35 ~~states-with-a-guilty-but-mentally-ill-verdict,-and~~

36 ~~{3}-the-person-was-committed-pursuant-to-a-court-commitment~~

1 ~~order-under-section-253B-18-or-a-similar-law-of-another-state-or~~
2 ~~the-United-States-~~

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

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

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

9 (d) "Incarceration" and "confinement" do not include
10 electronic home monitoring.

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

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

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

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

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

33 (j) "Treatment facility" means a residential facility, as
34 defined in section 244.052, subdivision 1, and residential
35 chemical dependency treatment programs and halfway houses
36 licensed under chapter 245A, including, but not limited to,

1 those facilities directly or indirectly assisted by any
2 department or agency of the United States.

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

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

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

15 (i) murder under section 609.185, paragraph (a), clause

16 (2); or

17 (ii) kidnapping under section 609.25; or

18 (iii) criminal sexual conduct under section 609.342;

19 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453;

20 or

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

22 (2) the person was charged with or petitioned for a

23 violation of or attempt to violate, or aiding, abetting, or

24 conspiracy to commit false imprisonment in violation of section

25 609.255, subdivision 2; soliciting a minor to engage in

26 prostitution in violation of section 609.322 or 609.324;

27 soliciting a minor to engage in sexual conduct in violation of

28 section 609.352; using a minor in a sexual performance in

29 violation of section 617.246; or possessing pornographic work

30 involving a minor in violation of section 617.247, and convicted

31 of or adjudicated delinquent for that offense or another offense

32 arising out of the same set of circumstances;

33 (3) the person was sentenced as a patterned sex offender

34 under section 609.108; or

35 (4) the person was convicted of or adjudicated delinquent

36 for, including pursuant to a court martial, violating a law of

1 the United States, including the Uniform Code of Military
2 Justice, similar to the offenses described in clause (1), (2),
3 or (3).

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

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

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

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

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

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

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

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

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

1 states with a guilty but mentally ill verdict; and

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

5 Subd. 2. [NOTICE.] When a person who is required to
6 register under subdivision ± 1b, paragraph (a), is sentenced or
7 becomes subject to a juvenile court disposition order, the court
8 shall tell the person of the duty to register under this section
9 and that, if the person fails to comply with the registration
10 requirements, information about the offender may be made
11 available to the public through electronic, computerized, or
12 other accessible means. The court may not modify the person's
13 duty to register in the pronounced sentence or disposition
14 order. The court shall require the person to read and sign a
15 form stating that the duty of the person to register under this
16 section has been explained. The court shall forward the signed
17 sex offender registration form, the complaint, and sentencing
18 documents to the bureau of ~~Criminal Apprehension~~. If a person
19 required to register under subdivision ± 1b, paragraph (a), was
20 not notified by the court of the registration requirement at the
21 time of sentencing or disposition, the assigned corrections
22 agent shall notify the person of the requirements of this
23 section. When a person who is required to register under
24 subdivision ± 1b, paragraph (c) or (d), is released from
25 commitment, the treatment facility shall notify the person of
26 the requirements of this section. The treatment facility shall
27 also obtain the registration information required under this
28 section and forward it to the bureau of ~~Criminal Apprehension~~.

29 Subd. 3. [REGISTRATION PROCEDURE.] (a) Except as provided
30 in subdivision 3a, a person required to register under this
31 section shall register with the corrections agent as soon as the
32 agent is assigned to the person. If the person does not have an
33 assigned corrections agent or is unable to locate the assigned
34 corrections agent, the person shall register with the law
35 enforcement agency authority that has jurisdiction in the area
36 of the person's residence primary address.

1 (b) Except as provided in subdivision 3a, at least five
2 days before the person starts living at a new primary address,
3 including living in another state, the person shall give written
4 notice of the new primary ~~living~~ address to the assigned
5 corrections agent or to the law enforcement authority with which
6 the person currently is registered. If the person will be
7 living in a new state and that state has a registration
8 requirement, the person shall also give written notice of the
9 new address to the designated registration agency in the new
10 state. A person required to register under this section shall
11 also give written notice to the assigned corrections agent or to
12 the law enforcement authority that has jurisdiction in the area
13 of the person's residence primary address that the person is no
14 longer living or staying at an address, immediately after the
15 person is no longer living or staying at that address. The
16 corrections agent or law enforcement authority shall, within two
17 business days after receipt of this information, forward it to
18 the bureau ~~of-Criminal-Apprehension~~. The bureau ~~of-Criminal~~
19 ~~Apprehension~~ shall, if it has not already been done, notify the
20 law enforcement authority having primary jurisdiction in the
21 community where the person will live of the new address. If the
22 person is leaving the state, the bureau ~~of-Criminal-Apprehension~~
23 shall notify the registration authority in the new state of the
24 new address. ~~If-the-person's-obligation-to-register-arose-under~~
25 ~~subdivision-1, paragraph-(b),~~ The person's registration
26 requirements under this section terminate when after the person
27 begins living in the new state and the bureau has confirmed the
28 address in the other state through the annual verification
29 process on at least one occasion.

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

1 employed. A person must shall comply with this paragraph within
2 five days of beginning employment or school. A person's
3 obligation to register under this paragraph terminates when the
4 person is no longer working or attending school in Minnesota.

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

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

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

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

34 (d) Except as otherwise provided in paragraph (e), if a
35 person continues to lack a primary address, the person shall
36 report in person on a weekly basis to the law enforcement

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

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

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

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

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

35 (4) The authority shall require the person to comply with
36 the weekly, in-person reporting process required under paragraph

1 (d), if the person moves to a new area where this process would
2 be practical.

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

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

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

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

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

31 Subd. 4. [CONTENTS OF REGISTRATION.] (a) The registration
32 provided to the corrections agent or law enforcement authority,
33 must consist of a statement in writing signed by the person,
34 giving information required by the bureau of ~~Criminal~~
35 ~~Apprehension~~, a fingerprint card, and photograph of the person
36 taken at the time of the person's release from incarceration or,

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

11 (b) For persons required to register under subdivision ~~1~~
12 1b, paragraph (c), following commitment pursuant to a court
13 commitment under section 253B.185 or a similar law of another
14 state or the United States, in addition to other information
15 required by this section, the registration provided to the
16 corrections agent or law enforcement authority must include the
17 person's offense history and documentation of treatment received
18 during the person's commitment. This documentation ~~shall be~~ is
19 limited to a statement of how far the person progressed in
20 treatment during commitment.

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

31 (d) The corrections agent or law enforcement authority may
32 require that a person required to register under this section
33 appear before the agent or authority to be photographed. The
34 agent or authority shall require a person required to register
35 under this section who is classified as a risk level III
36 offender under section 244.052 to appear before the agent or

1 authority at least every six months to be photographed. The
2 agent or authority shall forward the photograph to the bureau of
3 ~~Criminal-Apprehension~~.

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

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

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

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

1 of the person to the bureau's predatory offender registration
2 unit. The authority may waive the photograph requirement for a
3 person assigned to risk level III who has recently been
4 photographed under paragraph (d).

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

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

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

32 ~~{g}-For-the-purposes-of-this-subdivision,-"treatment~~
33 ~~facility"-means-a-residential-facility,-as-defined-in-section~~
34 ~~244.052,-subdivision-1,-and-residential-chemical-dependency~~
35 ~~treatment-programs-and-halfway-houses-licensed-under-chapter~~
36 ~~245A,-including,-but-not-limited-to,-these-facilities-directly~~

1 ~~or indirectly assisted by any department or agency of the United~~
2 ~~States.~~

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

5 ~~{1} "motor vehicle" has the meaning given "vehicle" in~~
6 ~~section 169.017, subdivision 2;~~

7 ~~{2} "primary residence" means any place where the person~~
8 ~~resides longer than 14 days or that is deemed a primary~~
9 ~~residence by a person's corrections agent, if one is assigned to~~
10 ~~the person; and~~

11 ~~{3} "secondary residence" means any place where the person~~
12 ~~regularly stays overnight when not staying at the person's~~
13 ~~primary residence, and includes, but is not limited to:~~

14 ~~{i} the person's parent's home if the person is a student~~
15 ~~and stays at the home at times when the person is not staying at~~
16 ~~school, including during the summer; and~~

17 ~~{ii} the home of someone with whom the person has a minor~~
18 ~~child in common where the child's custody is shared.~~

19 {b} A person required to register under this section shall
20 provide to the corrections agent or law enforcement authority
21 the following information:

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

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

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

28 (4) the addresses of all locations where the person is
29 employed;

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

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

34 {c} (b) The person shall report to the agent or authority
35 the information required to be provided under paragraph {b} (a),
36 clauses (2) to (6), within five days of the date the clause

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

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

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

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

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

35 (e) A person convicted and sentenced as required by this
36 subdivision is not eligible for probation, parole, discharge,

1 work release, or supervised release, until that person has
2 served the full term of imprisonment as provided by law,
3 notwithstanding the provisions of sections 241.26, 242.19,
4 243.05, 244.04, 609.12, and 609.135.

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

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

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

36 (c) If a person required to register under this section is

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

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

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

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

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

32 (4) if the person is required to register under subdivision
33 ± 1b, paragraph (c), following commitment pursuant to a court
34 commitment under section 253B.185 or a similar law of another
35 state or the United States.

36 Subd. 7. [USE OF INFORMATION.] Except as otherwise

1 provided in subdivision 7a or sections 244.052 and 299C.093, the
2 information provided under this section is private data on
3 individuals under section 13.02, subdivision 12. The
4 information may be used only for law enforcement purposes.

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

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

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

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

35 ~~Subd.-8---[LAW-ENFORCEMENT-AUTHORITY-]-For-purposes-of-this~~
36 ~~section-7-a-law-enforcement-authority-means-7-with-respect-to-a~~

1 ~~home-rule-charter-or-statutory-city,--the-chief-of-police,--and~~
2 ~~with-respect-to-an-unincorporated-area,--the-sheriff-of-the~~
3 ~~county.~~

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

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

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

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

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

27 Sec. 2. Minnesota Statutes 2004, section 243.167, is
28 amended to read:

29 243.167 [REGISTRATION UNDER THE PREDATORY OFFENDER
30 REGISTRATION LAW FOR OTHER OFFENSES.]

31 Subdivision 1. [DEFINITION.] As used in this section,
32 "crime against the person" means a violation of any of the
33 following or a similar law of another state or of the United
34 States: section 609.165; 609.185; 609.19; 609.195; 609.20;
35 609.205; 609.221; 609.222; 609.223; 609.2231; 609.224,
36 subdivision 2 or 4; 609.2242, subdivision 2 or 4; 609.235;

1 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision
2 2; 609.498, subdivision 1; 609.582, subdivision 1; or 617.23,
3 subdivision 2; or any felony-level violation of section 609.229;
4 609.377; 609.749; or 624.713.

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

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

10 (2) the person was previously convicted of or adjudicated
11 delinquent for an offense listed in section 243.166, subdivision
12 ~~1, paragraph (a)~~, but was not required to register for the
13 offense because the registration requirements of that section
14 did not apply to the person at the time the offense was
15 committed or at the time the person was released from
16 imprisonment.

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

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

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

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

36 Sec. 4. Minnesota Statutes 2004, section 244.052,

1 subdivision 3, is amended to read:

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

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

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

14 (2) a law enforcement officer;

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

17 (4) a caseworker experienced in supervising sex offenders;
18 and

19 (5) a victim's services professional.

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

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

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

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

1 (3) private and confidential corrections data under section
2 13.85; and

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

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

10 (d) (i) Except as otherwise provided in item (ii), at least
11 90 days before a predatory offender is to be released from
12 confinement, the commissioner of corrections shall convene the
13 appropriate end-of-confinement review committee for the purpose
14 of assessing the risk presented by the offender and determining
15 the risk level to which the offender shall be assigned under
16 paragraph (e). The offender and the law enforcement agency that
17 was responsible for the charge resulting in confinement shall be
18 notified of the time and place of the committee's meeting. The
19 offender has a right to be present and be heard at the meeting.
20 The law enforcement agency may provide material in writing that
21 is relevant to the offender's risk level to the chair of the
22 committee. The committee shall use the risk factors described
23 in paragraph (g) and the risk assessment scale developed under
24 subdivision 2 to determine the offender's risk assessment score
25 and risk level. Offenders scheduled for release from
26 confinement shall be assessed by the committee established at
27 the facility from which the offender is to be released.

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

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

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

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

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

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

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

- 29 (i) the relationship of prior victims to the offender;
30 (ii) the number of prior offenses or victims;
31 (iii) the duration of the offender's prior offense history;
32 (iv) the length of time since the offender's last prior

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

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

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

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

4 This factor includes consideration of the following:

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

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

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

14 (iv) the offender's lack of education or employment
15 stability;

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

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

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

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

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

34 (j) Offenders returned to prison as release violators shall
35 not have a right to a subsequent risk reassessment by the
36 end-of-confinement review committee unless substantial evidence

1 indicates that the offender's risk to the public has increased.

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

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

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

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

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

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

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

34 Subd. 3a. [OUT-OF-STATE OFFENDERS; NOTIFICATION
35 AUTHORIZED.] (a) This subdivision applies to offenders who move
36 or have moved to Minnesota from other states and who:

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

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

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

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

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

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

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

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

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

33 (2) if the offender is assigned to risk level II, the
34 agency also may disclose the information to agencies and groups
35 that the offender is likely to encounter for the purpose of
36 securing those institutions and protecting individuals in their

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

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

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

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

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

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

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

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

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

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

29 (f) A law enforcement agency shall continue to disclose
30 information on an offender as required by this subdivision for
31 as long as the offender is required to register under section
32 243.166. This requirement on a law enforcement agency to
33 continue to disclose information also applies to an offender who
34 lacks a primary address and is registering under section
35 243.166, subdivision 3a.

36 (g) A law enforcement agency that is disclosing information

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

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

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

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

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

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

34 (2) the chief law enforcement officer in the area where the
35 offender resides or intends to reside.

36 The law enforcement officer, in consultation with the

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

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

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

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

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

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

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

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

35 (a) A petition for an order of transfer, discharge, provisional
36 discharge, or revocation of provisional discharge shall be filed

1 with the commissioner and may be filed by the patient or by the
2 head of the treatment facility. A patient may not petition the
3 special review board for six months following commitment under
4 subdivision 3 or following the final disposition of any previous
5 petition and subsequent appeal by the patient. The medical
6 director may petition at any time.

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

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

36 (d) Prior to the final decision by the commissioner, the

1 special review board may be reconvened to consider events or
2 circumstances that occurred subsequent to the hearing.

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

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

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

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

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

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

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

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

35 (c) Before provisionally discharging, discharging, granting
36 pass-eligible status, approving a pass plan, or otherwise

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

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

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

23 [EFFECTIVE DATE.] This section is effective August 1, 2005.
24 Sec. 10. [609.3456] [USE OF POLYGRAPHS FOR SEX OFFENDERS
25 ON PROBATION OR CONDITIONAL RELEASE.]

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

32 (b) The court or commissioner may order the offender to pay
33 all or a portion of the costs of the examinations. The fee may
34 be waived if the offender is indigent or if payment would result
35 in an economic hardship to the offender's immediate family.

36 [EFFECTIVE DATE.] This section is effective the day

1 following final enactment.

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

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

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

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

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

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

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

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

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

29 Sec. 13. [REPORT ON SEX OFFENDERS BEING RELEASED FROM
30 PRISON.]

31 By January 15, 2006, the commissioner of corrections shall
32 report to the chairs and ranking minority members of the senate
33 and house committees and divisions having jurisdiction over
34 criminal justice policy and funding on the release of sex
35 offenders from prison. The report must include information on
36 the number of offenders that the commissioner estimates will be

1 released each year for the next five years, recommendations on
2 how best to supervise these offenders, and recommendations on
3 how best to fund this supervision.

4 Sec. 14. [REVISOR INSTRUCTION.]

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

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

10 Sec. 15. [REPEALER.]

11 Minnesota Statutes 2004, section 243.166, subdivisions 1
12 and 8, are repealed.

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

14 ARTICLE 4

15 LEGISLATIVE AUDITOR'S RECOMMENDED CHANGES

16 Section 1. Minnesota Statutes 2004, section 241.06, is
17 amended to read:

18 241.06 [RECORD OF INMATES; DEPARTMENT OF CORRECTIONS.]

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

1 discharged or transferred, or dies in any facility, the chief
2 executive officer, or other person in charge shall inform the
3 commissioner of corrections within ten days thereafter on forms
4 furnished by the commissioner.

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

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

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

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

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

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

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

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

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

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

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

12 (2) provide treatment programs in several geographical
13 areas in the state;

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

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

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

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

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

31 Subd. 4b. [HEALTH CARE FACILITY; NOTICE OF STATUS.] (a) As
32 used in this subdivision, "health care facility" means a
33 hospital or other entity licensed under sections 144.50 to
34 144.58, a nursing home licensed to serve adults under section
35 144A.02, or a group residential housing facility or an
36 intermediate care facility for the mentally retarded licensed

1 under chapter 245A.

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

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

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

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

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

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

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

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

29 Sec. 6. [244.057] [PLACEMENT OF SEX OFFENDER IN HOUSEHOLD
30 WITH CHILDREN.]

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

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

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

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

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

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

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

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

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

33 The police department or the county sheriff, upon receiving
34 a report, shall immediately notify the local welfare agency or
35 agency responsible for assessing or investigating the report,
36 orally and in writing. The local welfare agency, or agency

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

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

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

1 commissioner of education. Section 13.03, subdivision 4,
2 applies to data received by the commissioner of education from a
3 licensing entity.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 Subd. 3. [REVIEW OF NEW LAWS.] The working group shall
35 also review the provisions of any laws enacted in 2005 relating
36 to sex offender supervision and treatment. The group shall make

1 recommendations on whether any changes to these provisions
 2 should be considered by the legislature.

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

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

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

14 Sec. 10. [PRISON-BASED SEX OFFENDER TREATMENT PROGRAMS;
 15 REPORT.]

16 By February 1, 2006, the commissioner of corrections shall
 17 report to the chairs and ranking minority members of the senate
 18 and house committees having jurisdiction over criminal justice
 19 policy on prison-based sex offender treatment programs. The
 20 report must:

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

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

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

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

29 (5) examine any other related issues deemed relevant by the
 30 commissioner.

31 ARTICLE 5

32 SEX OFFENDERS:

33 TECHNICAL AND CONFORMING CHANGES

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

36 Subd. 3. [RULEMAKING PROCEDURES.] (a) The definition of a

1 rule in section 14.02, subdivision 4, does not include:

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

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

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

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

17 (b) The definition of a rule in section 14.02, subdivision
18 4, does not include:

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

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

28 (3) opinions of the attorney general;

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

32 (5) the occupational safety and health standards provided
33 in section 182.655;

34 (6) revenue notices and tax information bulletins of the
35 commissioner of revenue;

36 (7) uniform conveyancing forms adopted by the commissioner

1 of commerce under section 507.09; or

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

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

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

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

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

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

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

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

25 (3) private and confidential corrections data under section
26 13.85; and

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

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

1 referral, the commissioner shall forward the determination as
2 soon as is practicable. Upon receiving the commissioner's
3 preliminary determination, the county attorney shall proceed in
4 the manner provided in section 253B.185. The commissioner shall
5 release to the county attorney all requested documentation
6 maintained by the department.

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

9 Sec. 3. Minnesota Statutes 2004, section 244.052,
10 subdivision 3, is amended to read:

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

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

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

23 (2) a law enforcement officer;

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

26 (4) a caseworker experienced in supervising sex offenders;
27 and

28 (5) a victim's services professional.

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

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

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

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

10 (3) private and confidential corrections data under section
11 13.85; and

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

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

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

1 to be released.

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

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

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

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

1 offender whose risk assessment score indicates a high risk of
2 reoffense.

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

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

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

26 (i) the degree of likely force or harm;

27 (ii) the degree of likely physical contact; and

28 (iii) the age of the likely victim;

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

31 (i) the relationship of prior victims to the offender;

32 (ii) the number of prior offenses or victims;

33 (iii) the duration of the offender's prior offense history;

34 (iv) the length of time since the offender's last prior
35 offense while the offender was at risk to commit offenses; and

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

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

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

6 This factor includes consideration of the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 Subd. 2. [PRESUMPTIVE EXECUTED SENTENCE.] Except as
32 provided in subdivision 3 or 4, if a person is convicted under
33 sections 609.342 to ~~609.345~~ 609.3453, within 15 years of a
34 previous sex offense conviction, the court shall commit the
35 defendant to the commissioner of corrections for not less than
36 three years, nor more than the maximum sentence provided by law

1 for the offense for which convicted, notwithstanding the
2 provisions of sections 242.19, 243.05, 609.11, 609.12, and
3 609.135. The court may stay the execution of the sentence
4 imposed under this subdivision only if it finds that a
5 professional assessment indicates the offender is accepted by
6 and can respond to treatment at a long-term inpatient program
7 exclusively treating sex offenders and approved by the
8 commissioner of corrections. If the court stays the execution
9 of a sentence, it shall include the following as conditions of
10 probation:

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

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

16 Sec. 5. Minnesota Statutes 2004, section 609.109,
17 subdivision 5, is amended to read:

18 Subd. 5. [PREVIOUS SEX OFFENSE CONVICTIONS.] For the
19 purposes of this section, a conviction is considered a previous
20 sex offense conviction if the person was convicted of a sex
21 offense before the commission of the present offense of
22 conviction. A person has two previous sex offense convictions
23 only if the person was convicted and sentenced for a sex offense
24 committed after the person was earlier convicted and sentenced
25 for a sex offense, both convictions preceded the commission of
26 the present offense of conviction, and 15 years have not elapsed
27 since the person was discharged from the sentence imposed for
28 the second conviction. A "sex offense" is a violation of
29 sections 609.342 to 609-345 609.3453 or any similar statute of
30 the United States, this state, or any other state.

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

33 Sec. 6. Minnesota Statutes 2004, section 609.117,
34 subdivision 1, is amended to read:

35 Subdivision 1. [UPON SENTENCING.] The court shall order an
36 offender to provide a biological specimen for the purpose of DNA

1 analysis as defined in section 299C.155 when:

2 (1) the court sentences a person charged with violating or
3 attempting to violate any of the following, and the person is
4 convicted of that offense or of any offense arising out of the
5 same set of circumstances:

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

7 (ii) manslaughter under section 609.20 or 609.205;

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

9 (iv) robbery under section 609.24 or aggravated robbery
10 under section 609.245;

11 (v) kidnapping under section 609.25;

12 (vi) false imprisonment under section 609.255;

13 (vii) criminal sexual conduct under section 609.342,
14 609.343, 609.344, 609.345, ~~or~~ 609.3451, subdivision 3, or
15 609.3453;

16 (viii) incest under section 609.365;

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

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

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

21 (3) the juvenile court adjudicates a person a delinquent
22 child who is the subject of a delinquency petition for violating
23 or attempting to violate any of the following, and the
24 delinquency adjudication is based on a violation of one of those
25 sections or of any offense arising out of the same set of
26 circumstances:

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

28 (ii) manslaughter under section 609.20 or 609.205;

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

30 (iv) robbery under section 609.24 or aggravated robbery
31 under section 609.245;

32 (v) kidnapping under section 609.25;

33 (vi) false imprisonment under section 609.255;

34 (vii) criminal sexual conduct under section 609.342,
35 609.343, 609.344, 609.345, ~~or~~ 609.3451, subdivision 3, or
36 609.3453;

- 1 (viii) incest under section 609.365;
2 (ix) burglary under section 609.582, subdivision 1; or
3 (x) indecent exposure under section 617.23, subdivision 3.

4 The biological specimen or the results of the analysis shall be
5 maintained by the Bureau of Criminal Apprehension as provided in
6 section 299C.155.

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

9 Sec. 7. Minnesota Statutes 2004, section 609.117,
10 subdivision 2, is amended to read:

11 Subd. 2. [BEFORE RELEASE.] The commissioner of corrections
12 or local corrections authority shall order a person to provide a
13 biological specimen for the purpose of DNA analysis before
14 completion of the person's term of imprisonment when the person
15 has not provided a biological specimen for the purpose of DNA
16 analysis and the person:

17 (1) is currently serving a term of imprisonment for or has
18 a past conviction for violating or attempting to violate any of
19 the following or a similar law of another state or the United
20 States or initially charged with violating one of the following
21 sections or a similar law of another state or the United States
22 and convicted of another offense arising out of the same set of
23 circumstances:

- 24 (i) murder under section 609.185, 609.19, or 609.195;
25 (ii) manslaughter under section 609.20 or 609.205;
26 (iii) assault under section 609.221, 609.222, or 609.223;
27 (iv) robbery under section 609.24 or aggravated robbery
28 under section 609.245;
29 (v) kidnapping under section 609.25;
30 (vi) false imprisonment under section 609.255;
31 (vii) criminal sexual conduct under section 609.342,
32 609.343, 609.344, 609.345, ~~or~~ 609.3451, subdivision 3, or
33 609.3453;
34 (viii) incest under section 609.365;
35 (ix) burglary under section 609.582, subdivision 1; or
36 (x) indecent exposure under section 617.23, subdivision 3;

1 or

2 (2) was sentenced as a patterned sex offender under section
3 609.108, and committed to the custody of the commissioner of
4 corrections; or

5 (3) is serving a term of imprisonment in this state under a
6 reciprocal agreement although convicted in another state of an
7 offense described in this subdivision or a similar law of the
8 United States or any other state. The commissioner of
9 corrections or local corrections authority shall forward the
10 sample to the Bureau of Criminal Apprehension.

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

13 Sec. 8. Minnesota Statutes 2004, section 609.1351, is
14 amended to read:

15 609.1351 [PETITION FOR CIVIL COMMITMENT.]

16 When a court sentences a person under section 609.108,
17 609.342, 609.343, 609.344, ~~or~~ 609.345, or 609.3453, the court
18 shall make a preliminary determination whether in the court's
19 opinion a petition under section 253B.185 may be appropriate and
20 include the determination as part of the sentencing order. If
21 the court determines that a petition may be appropriate, the
22 court shall forward its preliminary determination along with
23 supporting documentation to the county attorney.

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

26 Sec. 9. Minnesota Statutes 2004, section 609.347, is
27 amended to read:

28 609.347 [EVIDENCE IN CRIMINAL SEXUAL CONDUCT CASES.]

29 Subdivision 1. In a prosecution under sections 609.109 ~~or~~,
30 609.342 to 609.3451, or 609.3453, the testimony of a victim need
31 not be corroborated.

32 Subd. 2. In a prosecution under sections 609.109 ~~or~~,
33 609.342 to 609.3451, or 609.3453, there is no need to show that
34 the victim resisted the accused.

35 Subd. 3. In a prosecution under sections 609.109, 609.342
36 to 609.3451, 609.3453, or 609.365, evidence of the victim's

1 previous sexual conduct shall not be admitted nor shall any
2 reference to such conduct be made in the presence of the jury,
3 except by court order under the procedure provided in
4 subdivision 4. The evidence can be admitted only if the
5 probative value of the evidence is not substantially outweighed
6 by its inflammatory or prejudicial nature and only in the
7 circumstances set out in paragraphs (a) and (b). For the
8 evidence to be admissible under paragraph (a), subsection (i),
9 the judge must find by a preponderance of the evidence that the
10 facts set out in the accused's offer of proof are true. For the
11 evidence to be admissible under paragraph (a), subsection (ii)
12 or paragraph (b), the judge must find that the evidence is
13 sufficient to support a finding that the facts set out in the
14 accused's offer of proof are true, as provided under Rule 901 of
15 the Rules of Evidence.

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

18 (i) evidence of the victim's previous sexual conduct
19 tending to establish a common scheme or plan of similar sexual
20 conduct under circumstances similar to the case at issue. In
21 order to find a common scheme or plan, the judge must find that
22 the victim made prior allegations of sexual assault which were
23 fabricated; and

24 (ii) evidence of the victim's previous sexual conduct with
25 the accused.

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

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

34 (a) A motion shall be made by the accused at least three
35 business days prior to trial, unless later for good cause shown,
36 setting out with particularity the offer of proof of the

1 evidence that the accused intends to offer, relative to the
2 previous sexual conduct of the victim;

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

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

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

21 Subd. 5. In a prosecution under sections 609.109 ~~or~~,
22 609.342 to 609.3451, or 609.3453, the court shall not instruct
23 the jury to the effect that:

24 (a) It may be inferred that a victim who has previously
25 consented to sexual intercourse with persons other than the
26 accused would be therefore more likely to consent to sexual
27 intercourse again; or

28 (b) The victim's previous or subsequent sexual conduct in
29 and of itself may be considered in determining the credibility
30 of the victim; or

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

34 (d) The jury should scrutinize the testimony of the victim
35 any more closely than it should scrutinize the testimony of any
36 witness in any felony prosecution.

1 Subd. 6. (a) In a prosecution under sections 609.109 ~~or~~,
2 609.342 to 609.3451, or 609.3453, involving a psychotherapist
3 and patient, evidence of the patient's personal or medical
4 history is not admissible except when:

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

8 (2) the court finds that the history is relevant and that
9 the probative value of the history outweighs its prejudicial
10 value.

11 (b) The court shall allow the admission only of specific
12 information or examples of conduct of the victim that are
13 determined by the court to be relevant. The court's order shall
14 detail the information or conduct that is admissible and no
15 other evidence of the history may be introduced.

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

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

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

23 Sec. 10. Minnesota Statutes 2004, section 609.3471, is
24 amended to read:

25 609.3471 [RECORDS PERTAINING TO VICTIM IDENTITY
26 CONFIDENTIAL.]

27 Notwithstanding any provision of law to the contrary, no
28 data contained in records or reports relating to petitions,
29 complaints, or indictments issued pursuant to section 609.342~~+~~,
30 609.343~~+~~, 609.344~~+~~~~or~~, 609.345, or 609.3453, which
31 specifically identifies a victim who is a minor shall be
32 accessible to the public, except by order of the court. Nothing
33 in this section authorizes denial of access to any other data
34 contained in the records or reports, including the identity of
35 the defendant.

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

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

2 Sec. 11. Minnesota Statutes 2004, section 609.348, is
3 amended to read:

4 609.348 [MEDICAL PURPOSES; EXCLUSION.]

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

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

10 Sec. 12. Minnesota Statutes 2004, section 609.353, is
11 amended to read:

12 609.353 [JURISDICTION.]

13 A violation or attempted violation of section 609.342,
14 609.343, 609.344, 609.345, 609.3451, 609.3453, or 609.352 may be
15 prosecuted in any jurisdiction in which the violation originates
16 or terminates.

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

19 Sec. 13. Minnesota Statutes 2004, section 631.045, is
20 amended to read:

21 631.045 [EXCLUDING SPECTATORS FROM THE COURTROOM.]

22 At the trial of a complaint or indictment for a violation
23 of sections 609.109, 609.341 to 609.3451, 609.3453, or 617.246,
24 subdivision 2, when a minor under 18 years of age is the person
25 upon, with, or against whom the crime is alleged to have been
26 committed, the judge may exclude the public from the courtroom
27 during the victim's testimony or during all or part of the
28 remainder of the trial upon a showing that closure is necessary
29 to protect a witness or ensure fairness in the trial. The judge
30 shall give the prosecutor, defendant and members of the public
31 the opportunity to object to the closure before a closure order.
32 The judge shall specify the reasons for closure in an order
33 closing all or part of the trial. Upon closure the judge shall
34 only admit persons who have a direct interest in the case.

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

1 Sec. 14. [REVISOR INSTRUCTION.]

2 (a) The revisor of statutes shall renumber Minnesota
3 Statutes, section 609.3452, as Minnesota Statutes, section
4 609.3457, and correct cross-references. In addition, the
5 revisor shall delete the reference in Minnesota Statutes,
6 section 13.871, subdivision 3, paragraph (d), to Minnesota
7 Statutes, section 609.3452, and insert a reference to Minnesota
8 Statutes, section 609.3457. The revisor shall include a
9 notation in Minnesota Statutes to inform readers of the statutes
10 of the renumbering of section 609.3457.

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

14 ARTICLE 6

15 CONTROLLED SUBSTANCES PROVISIONS

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

18 Subd. 10. [NARCOTIC DRUG.] "Narcotic drug" means any of
19 the following, whether produced directly or indirectly by
20 extraction from substances of vegetable origin, or independently
21 by means of chemical synthesis, or by a combination of
22 extraction and chemical synthesis:

23 (1) Opium, coca leaves, and opiates, and methamphetamine;

24 (2) A compound, manufacture, salt, derivative, or
25 preparation of opium, coca leaves, or opiates, or
26 methamphetamine;

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

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

36 Sec. 2. Minnesota Statutes 2004, section 152.021,

1 subdivision 2a, is amended to read:

2 Subd. 2a. [METHAMPHETAMINE MANUFACTURE CRIMES CRIME;

3 POSSESSION OF SUBSTANCES WITH INTENT TO MANUFACTURE

4 METHAMPHETAMINE CRIME.] (a) Notwithstanding subdivision 1,

5 sections 152.022, subdivision 1, 152.023, subdivision 1, and

6 152.024, subdivision 1, a person is guilty of controlled

7 substance crime in the first degree if the person manufactures

8 any amount of methamphetamine.

9 (b) ~~Notwithstanding paragraph (a) and section 609.17,~~ A

10 person is guilty of ~~attempted manufacture of methamphetamine~~ a

11 crime if the person possesses any chemical reagents or

12 precursors with the intent to manufacture methamphetamine. As

13 used in this section, "chemical reagents or precursors" refers

14 ~~to one or more~~ includes any of the following substances, or any

15 similar substances that can be used to manufacture

16 methamphetamine, or their the salts, isomers, and salts of

17 isomers of a listed or similar substance:

18 (1) ephedrine;

19 (2) pseudoephedrine;

20 (3) phenyl-2-propanone;

21 (4) phenylacetone;

22 (5) anhydrous ammonia, ~~as defined in section 18C.005,~~

23 ~~subdivision 1a;~~

24 (6) organic solvents;

25 (7) hydrochloric acid;

26 (8) lithium metal;

27 (9) sodium metal;

28 (10) ether;

29 (11) sulfuric acid;

30 (12) red phosphorus;

31 (13) iodine;

32 (14) sodium hydroxide;

33 (15) benzaldehyde;

34 (16) benzyl methyl ketone;

35 (17) benzyl cyanide;

36 (18) nitroethane;

- 1 (19) methylamine;
2 (20) phenylacetic acid;
3 (21) hydriodic acid; or
4 (22) hydriotic acid.

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

7 Sec. 3. Minnesota Statutes 2004, section 152.021,
8 subdivision 3, is amended to read:

9 Subd. 3. [PENALTY.] (a) A person convicted under
10 subdivisions 1 to 2a, paragraph (a), may be sentenced to
11 imprisonment for not more than 30 years or to payment of a fine
12 of not more than \$1,000,000, or both; a person convicted under
13 subdivision 2a, paragraph (b), may be sentenced to imprisonment
14 for not more than ~~three~~ ten years or to payment of a fine of not
15 more than ~~\$5,000~~ \$20,000, or both.

16 (b) If the conviction is a subsequent controlled substance
17 conviction, a person convicted under subdivisions 1 to 2a,
18 paragraph (a), shall be committed to the commissioner of
19 corrections for not less than four years nor more than 40 years
20 and, in addition, may be sentenced to payment of a fine of not
21 more than \$1,000,000; a person convicted under subdivision 2a,
22 paragraph (b), may be sentenced to imprisonment for not more
23 than ~~four~~ 15 years or to payment of a fine of not more than
24 ~~\$5,000~~ \$30,000, or both.

25 (c) In a prosecution under subdivision 1 involving sales by
26 the same person in two or more counties within a 90-day period,
27 the person may be prosecuted for all of the sales in any county
28 in which one of the sales occurred.

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

31 Sec. 4. [152.0275] [CERTAIN CONTROLLED SUBSTANCE OFFENSES;
32 RESTITUTION; PROHIBITIONS ON PROPERTY USE; NOTICE PROVISIONS.]

33 Subdivision 1. [RESTITUTION.] (a) As used in this
34 subdivision:

35 (1) "clandestine lab site" means any structure or
36 conveyance or outdoor location occupied or affected by

1 conditions or chemicals typically associated with the
2 manufacturing of methamphetamine;

3 (2) "emergency response" includes, but is not limited to,
4 removing and collecting evidence, securing the site, removal,
5 remediation, and hazardous chemical assessment or inspection of
6 the site where the relevant offense or offenses took place,
7 regardless of whether these actions are performed by the public
8 entities themselves or by private contractors paid by the public
9 entities, or the property owner;

10 (3) "remediation" means proper cleanup, treatment, or
11 containment of hazardous substances or methamphetamine at or in
12 a clandestine lab site, and may include demolition or disposal
13 of structures or other property when an assessment so indicates;
14 and

15 (4) "removal" means the removal from the clandestine lab
16 site of precursor or waste chemicals, chemical containers, or
17 equipment associated with the manufacture, packaging, or storage
18 of illegal drugs.

19 (b) A court may require a person convicted of manufacturing
20 or attempting to manufacture a controlled substance or of an
21 illegal activity involving a precursor substance, where the
22 response to the crime involved an emergency response, to pay
23 restitution to all public entities that participated in the
24 response. The restitution ordered may cover the reasonable
25 costs of their participation in the response.

26 (c) In addition to the restitution authorized in paragraph
27 (b), a court may require a person convicted of manufacturing or
28 attempting to manufacture a controlled substance or of illegal
29 activity involving a precursor substance to pay restitution to a
30 property owner who incurred removal or remediation costs because
31 of the crime.

32 Subd. 2. [PROPERTY-RELATED PROHIBITIONS; NOTICE; WEB
33 SITE.] (a) As used in this subdivision:

34 (1) "clandestine lab site" has the meaning given in
35 subdivision 1, paragraph (a);

36 (2) "property" means publicly or privately owned real

1 property including buildings and other structures, motor
2 vehicles as defined in section 609.487, subdivision 2a, public
3 waters, and public rights-of-way;

4 (3) "remediation" has the meaning given in subdivision 1,
5 paragraph (a); and

6 (4) "removal" has the meaning given in subdivision 1,
7 paragraph (a).

8 (b) A peace officer who arrests a person at a clandestine
9 lab site shall notify the appropriate county or local health
10 department, state duty officer, and child protection services of
11 the arrest and the location of the site.

12 (c) A county or local health department or sheriff shall
13 order that any property or portion of a property that has been
14 found to be a clandestine lab site and contaminated by
15 substances, chemicals, or items of any kind used in the
16 manufacture of methamphetamine or any part of the manufacturing
17 process, or the by-products or degradates of manufacturing
18 methamphetamine be prohibited from being occupied or used until
19 it has been assessed and remediated as provided in the
20 Department of Health's clandestine drug labs general cleanup
21 guidelines. The remediation shall be accomplished by a
22 contractor who will make the verification required under
23 paragraph (e).

24 (d) Unless clearly inapplicable, the procedures specified
25 in chapter 145A and any related rules adopted under that chapter
26 addressing the enforcement of public health laws, the removal
27 and abatement of public health nuisances, and the remedies
28 available to property owners or occupants apply to this
29 subdivision.

30 (e) Upon the proper removal and remediation of any property
31 used as a clandestine lab site, the contractor shall verify to
32 the applicable authority that issued the order under paragraph
33 (c) that the work was completed according to the Department of
34 Health's clandestine drug labs general cleanup guidelines and
35 best practices and that levels of contamination have been
36 reduced to levels set forth in the guidelines. The contractor

1 shall provide the verification to the property owner and the
2 applicable authority within five days from the completion of the
3 remediation. Following this, the applicable authority shall
4 vacate its order.

5 (f) If a contractor issues a verification and the property
6 was not remediated according to the Department of Health's
7 clandestine drug labs general cleanup guidelines or the levels
8 of contamination were not reduced to levels set forth in the
9 guidelines, the contractor is liable to the property owner for
10 the additional costs relating to the proper remediation of the
11 property according to the guidelines and reducing the levels of
12 contamination to levels set in the guidelines and for reasonable
13 attorney fees for collection of costs by the property owner. An
14 action under this paragraph must be commenced within six years
15 from the date on which the verification was issued by the
16 contractor.

17 (g) If the applicable authority determines under paragraph
18 (c) that a motor vehicle has been contaminated by substances,
19 chemicals, or items of any kind used in the manufacture of
20 methamphetamine or any part of the manufacturing process, or the
21 by-products or degradates of manufacturing methamphetamine and
22 if the authority is able to obtain the certificate of title for
23 the motor vehicle, the authority shall notify the registrar of
24 motor vehicles of this fact and in addition, forward the
25 certificate of title to the registrar. The authority shall also
26 notify the registrar when it vacates its order under paragraph
27 (e).

28 (h) The applicable authority issuing an order under
29 paragraph (c) shall record with the county recorder or registrar
30 of titles of the county where the clandestine lab is located an
31 affidavit containing the name of the owner, a legal description
32 of the property where the clandestine lab was located, and a map
33 drawn from available information showing the boundary of the
34 property and the location of the contaminated area on the
35 property that is prohibited from being occupied or used that
36 discloses to any potential transferee:

1 (1) that the property, or a portion of the property, was
2 the site of a clandestine lab;

3 (2) the location, condition, and circumstances of the
4 clandestine lab, to the full extent known or reasonably
5 ascertainable; and

6 (3) that the use of the property or some portion of it may
7 be restricted as provided by paragraph (c).

8 If an inaccurate drawing or description is filed, the authority,
9 on request of the owner or another interested person, shall file
10 a supplemental affidavit with a corrected drawing or description.

11 If the authority vacates its order under paragraph (e), the
12 authority shall record an affidavit that contains the recording
13 information of the above affidavit and states that the order is
14 vacated. Upon filing the affidavit vacating the order, the
15 affidavit and the affidavit filed under this paragraph, together
16 with the information set forth in the affidavits, cease to
17 constitute either actual or constructive notice.

18 (i) If proper removal and remediation has occurred on the
19 property, an interested party may record an affidavit indicating
20 that this has occurred. Upon filing the affidavit described in
21 this paragraph, the affidavit and the affidavit filed under
22 paragraph (h), together with the information set forth in the
23 affidavits, cease to constitute either actual or constructive
24 notice. Failure to record an affidavit under this section does
25 not affect or prevent any transfer of ownership of the property.

26 (j) The county recorder or registrar of titles must record
27 all affidavits presented under paragraph (h) or (i) in a manner
28 that assures their disclosure in the ordinary course of a title
29 search of the subject property.

30 (k) The commissioner of health shall post on the Internet
31 contact information for each local community health services
32 administrator.

33 (l) Each local community health services administrator
34 shall maintain information related to property within the
35 administrator's jurisdiction that is currently or was previously
36 subject to an order issued under paragraph (c). The information

1 maintained must include the name of the owner, the location of
2 the property, the extent of the contamination, the status of the
3 removal and remediation work on the property, and whether the
4 order has been vacated. The administrator shall make this
5 information available to the public either upon request or by
6 other means.

7 (m) Before signing an agreement to sell or transfer real
8 property, the seller or transferor must disclose in writing to
9 the buyer or transferee if, to the seller's or transferor's
10 knowledge, methamphetamine production has occurred on the
11 property. If methamphetamine production has occurred on the
12 property, the disclosure shall include a statement to the buyer
13 or transferee informing the buyer or transferee:

14 (1) whether an order has been issued on the property as
15 described in paragraph (c);

16 (2) whether any orders issued against the property under
17 paragraph (c) have been vacated under paragraph (i); or

18 (3) if there was no order issued against the property and
19 the seller or transferor is aware that methamphetamine
20 production has occurred on the property, the status of removal
21 and remediation on the property.

22 Unless the buyer or transferee and seller or transferor
23 agree to the contrary in writing before the closing of the sale,
24 a seller or transferor who fails to disclose, to the best of
25 their knowledge, at the time of sale any of the facts required
26 above, and who knew or had reason to know of methamphetamine
27 production on the property, is liable to the buyer or transferee
28 for:

29 (1) costs relating to remediation of the property according
30 to the Department of Health's clandestine drug labs general
31 cleanup guidelines and best practices so that contamination is
32 reduced to levels set forth in the guidelines; and

33 (2) reasonable attorney fees for collection of costs from
34 the seller or transferor.

35 An action under this paragraph must be commenced within six
36 years after the date on which the buyer or transferee closed the

1 purchase or transfer of the real property where the
2 methamphetamine production occurred.

3 [EFFECTIVE DATE.] This section is effective January 1,
4 2006, and applies to crimes committed on or after that date.

5 Sec. 5. [152.136] [ANHYDROUS AMMONIA; PROHIBITED CONDUCT;
6 CRIMINAL PENALTIES; CIVIL LIABILITY.]

7 Subdivision 1. [DEFINITIONS.] As used in this section,
8 "tamper" means action taken by a person not authorized to take
9 that action by law or by the owner or authorized custodian of an
10 anhydrous ammonia container or of equipment where anhydrous
11 ammonia is used, stored, distributed, or transported.

12 Subd. 2. [PROHIBITED CONDUCT.] (a) A person may not:

13 (1) steal or unlawfully take or carry away any amount of
14 anhydrous ammonia;

15 (2) purchase, possess, transfer, or distribute any amount
16 of anhydrous ammonia, knowing, or having reason to know, that it
17 will be used to unlawfully manufacture a controlled substance;

18 (3) place, have placed, or possess anhydrous ammonia in a
19 container that is not designed, constructed, maintained, and
20 authorized to contain or transport anhydrous ammonia;

21 (4) transport anhydrous ammonia in a container that is not
22 designed, constructed, maintained, and authorized to transport
23 anhydrous ammonia;

24 (5) use, deliver, receive, sell, or transport a container
25 designed and constructed to contain anhydrous ammonia without
26 the express consent of the owner or authorized custodian of the
27 container; or

28 (6) tamper with any equipment or facility used to contain,
29 store, or transport anhydrous ammonia.

30 (b) For the purposes of this subdivision, containers
31 designed and constructed for the storage and transport of
32 anhydrous ammonia are described in rules adopted under section
33 18C.121, subdivision 1, or in Code of Federal Regulations, title
34 49.

35 Subd. 3. [NO CAUSE OF ACTION.] (a) Except as provided in
36 paragraph (b), a person tampering with anhydrous ammonia

1 containers or equipment under subdivision 2 shall have no cause
2 of action for damages arising out of the tampering against:

3 (1) the owner or lawful custodian of the container or
4 equipment;

5 (2) a person responsible for the installation or
6 maintenance of the container or equipment; or

7 (3) a person lawfully selling or offering for sale the
8 anhydrous ammonia.

9 (b) Paragraph (a) does not apply to a cause of action
10 against a person who unlawfully obtained the anhydrous ammonia
11 or anhydrous ammonia container or who possesses the anhydrous
12 ammonia or anhydrous ammonia container for any unlawful purpose.

13 Subd. 4. [CRIMINAL PENALTY.] A person who knowingly
14 violates subdivision 2 is guilty of a felony and may be
15 sentenced to imprisonment for not more than five years or to
16 payment of a fine of not more than \$50,000, or both.

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

19 Sec. 6. [152.137] [METHAMPHETAMINE-RELATED CRIMES
20 INVOLVING CHILDREN AND VULNERABLE ADULTS.]

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

23 (b) "Chemical substance" means a substance intended to be
24 used as a precursor in the manufacture of methamphetamine or any
25 other chemical intended to be used in the manufacture of
26 methamphetamine.

27 (c) "Child" means any person under the age of 18 years.

28 (d) "Methamphetamine paraphernalia" means all equipment,
29 products, and materials of any kind that are used, intended for
30 use, or designed for use in manufacturing, injecting, ingesting,
31 inhaling, or otherwise introducing methamphetamine into the
32 human body.

33 (e) "Methamphetamine waste products" means substances,
34 chemicals, or items of any kind used in the manufacture of
35 methamphetamine or any part of the manufacturing process, or the
36 by-products or degradates of manufacturing methamphetamine.

1 (f) "Vulnerable adult" has the meaning given in section
2 609.232, subdivision 11.

3 Subd. 2. [PROHIBITED CONDUCT.] (a) No person may knowingly
4 engage in any of the following activities in the presence of a
5 child or vulnerable adult; in the residence of a child or a
6 vulnerable adult; in a building, structure, conveyance, or
7 outdoor location where a child or vulnerable adult might
8 reasonably be expected to be present; in a room offered to the
9 public for overnight accommodation; or in any multiple unit
10 residential building:

11 (1) manufacturing or attempting to manufacture
12 methamphetamine;

13 (2) storing any chemical substance;

14 (3) storing any methamphetamine waste products; or

15 (4) storing any methamphetamine paraphernalia.

16 (b) No person may knowingly cause or permit a child or
17 vulnerable adult to inhale, be exposed to, have contact with, or
18 ingest methamphetamine, a chemical substance, or methamphetamine
19 paraphernalia.

20 Subd. 3. [CRIMINAL PENALTY.] A person who violates
21 subdivision 2 is guilty of a felony and may be sentenced to
22 imprisonment for not more than five years or to payment of a
23 fine of not more than \$10,000, or both.

24 Subd. 4. [MULTIPLE SENTENCES.] Notwithstanding sections
25 609.035 and 609.04, a prosecution for or conviction under this
26 section is not a bar to conviction of or punishment for any
27 other crime committed by the defendant as part of the same
28 conduct.

29 Subd. 5. [PROTECTIVE CUSTODY.] A peace officer may take
30 any child present in an area where any of the activities
31 described in subdivision 2, paragraph (a), clauses (1) to (4),
32 are taking place into protective custody in accordance with
33 section 260C.175, subdivision 1, paragraph (b), clause (2). A
34 child taken into protective custody under this subdivision shall
35 be provided health screening to assess potential health concerns
36 related to methamphetamine as provided in section 260C.188. A

1 child not taken into protective custody under this subdivision
2 but who is known to have been exposed to methamphetamine shall
3 be offered health screening for potential health concerns
4 related to methamphetamine as provided in section 260C.188.

5 Subd. 6. [REPORTING MALTREATMENT OF VULNERABLE ADULT.] (a)
6 A peace officer shall make a report of suspected maltreatment of
7 a vulnerable adult if the vulnerable adult is present in an area
8 where any of the activities described in subdivision 2,
9 paragraph (a), clauses (1) to (4), are taking place, and the
10 peace officer has reason to believe the vulnerable adult
11 inhaled, was exposed to, had contact with, or ingested
12 methamphetamine, a chemical substance, or methamphetamine
13 paraphernalia. The peace officer shall immediately report to
14 the county common entry point as described in section 626.557,
15 subdivision 9b.

16 (b) As required in section 626.557, subdivision 9b, law
17 enforcement is the primary agency to conduct investigations of
18 any incident when there is reason to believe a crime has been
19 committed. Law enforcement shall initiate a response
20 immediately. If the common entry point notified a county agency
21 for adult protective services, law enforcement shall cooperate
22 with that county agency when both agencies are involved and
23 shall exchange data to the extent authorized in section 626.557,
24 subdivision 12b, paragraph (g). County adult protection shall
25 initiate a response immediately.

26 (c) The county social services agency shall immediately
27 respond as required in section 626.557, subdivision 10, upon
28 receipt of a report from the common entry point staff.

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

31 Sec. 7. [152.139] [DISPOSING OF METHAMPHETAMINE WASTE
32 PRODUCTS; CRIME.]

33 Subdivision 1. [DEFINITIONS.] As used in this section:

34 (1) "chemical substance" means a substance intended to be
35 used as a precursor in the manufacture of methamphetamine or any
36 other chemical intended to be used in the manufacture of

1 methamphetamine; and

2 (2) "methamphetamine waste product" means a substance,
3 chemical, or item of any kind used in the manufacture or
4 attempted manufacture of methamphetamine or any part of the
5 manufacturing process, or the by-product or degradate of
6 manufacturing or attempting to manufacture methamphetamine.

7 Subd. 2. [CRIMES DESCRIBED; PENALTIES.] (a) Except as
8 provided in paragraph (b), a person who knowingly disposes of or
9 abandons any methamphetamine waste product or chemical substance
10 is guilty of a felony and may be sentenced to imprisonment for
11 not more than five years or to payment of a fine of not more
12 than \$50,000, or both.

13 (b) A person who knowingly disposes of or abandons any
14 methamphetamine waste product or chemical substance in a manner
15 that places another person in imminent danger of death, great
16 bodily harm, or substantial bodily harm, is guilty of a felony
17 and may be sentenced to imprisonment for not more than ten years
18 or to payment of a fine of not more than \$100,000, or both.

19 Subd. 3. [EXCEPTION.] This section does not apply to:

20 (1) a peace officer acting in the course of the officer's
21 employment; or

22 (2) a person who lawfully disposes of any product or
23 substance in a manner approved by the Pollution Control Agency.

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

26 Sec. 8. Minnesota Statutes 2004, section 168A.05,
27 subdivision 3, is amended to read:

28 Subd. 3. [CONTENT OF CERTIFICATE.] Each certificate of
29 title issued by the department shall contain:

30 (1) the date issued;

31 (2) the first, middle, and last names, the dates of birth,
32 and addresses of all owners who are natural persons, the full
33 names and addresses of all other owners;

34 (3) the names and addresses of any secured parties in the
35 order of priority as shown on the application, or if the
36 application is based on a certificate of title, as shown on the

1 certificate, or as otherwise determined by the department;

2 (4) any liens filed pursuant to a court order or by a
3 public agency responsible for child support enforcement against
4 the owner;

5 (5) the title number assigned to the vehicle;

6 (6) a description of the vehicle including, so far as the
7 following data exists, its make, model, year, identifying
8 number, type of body, whether new or used, and if a new vehicle,
9 the date of the first sale of the vehicle for use;

10 (7) with respect to motor vehicles subject to the
11 provisions of section 325E.15, the true cumulative mileage
12 registered on the odometer or that the actual mileage is unknown
13 if the odometer reading is known by the owner to be different
14 from the true mileage;

15 (8) with respect to vehicles subject to sections 325F.6641
16 and 325F.6642, the appropriate term "flood damaged," "rebuilt,"
17 "prior salvage," or "reconstructed"; and

18 (9) with respect to a vehicle contaminated by
19 methamphetamine production, if the registrar has received the
20 certificate of title and notice described in section 152.0275,
21 subdivision 2, paragraph (g), the term "hazardous waste
22 contaminated vehicle"; and

23 (10) any other data the department prescribes.

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

25 Sec. 9. [244.055] [CONDITIONAL RELEASE OF NONVIOLENT
26 CONTROLLED SUBSTANCE OFFENDERS; OPPORTUNITY FOR DRUG TREATMENT.]

27 Subdivision 1. [CONDITIONAL RELEASE AUTHORITY.] The
28 commissioner of corrections has the authority to release
29 offenders committed to the commissioner's custody who meet the
30 requirements of this section and of any rules adopted by the
31 commissioner.

32 Subd. 2. [CONDITIONAL RELEASE OF CERTAIN NONVIOLENT
33 CONTROLLED SUBSTANCE OFFENDERS.] An offender who has been
34 committed to the commissioner's custody may petition the
35 commissioner for conditional release from prison before the
36 offender's scheduled supervised release date or target release

1 date if:

2 (1) the offender is serving a sentence for violating
3 section 152.021, 152.022, 152.023, 152.024, or 152.025;

4 (2) the offender committed the crime as a result of a
5 controlled substance addiction, and not primarily for profit;

6 (3) the offender has served at least 36 months or one-half
7 of the offender's term of imprisonment, whichever is less;

8 (4) the offender successfully completed a chemical
9 dependency treatment program while in prison; and

10 (5) the offender has not previously been conditionally
11 released under this section.

12 Subd. 3. [OFFER OF CHEMICAL DEPENDENCY TREATMENT.] The
13 commissioner shall offer all offenders meeting the criteria
14 described in subdivision 2, clauses (1) and (2), the opportunity
15 to begin a suitable chemical dependency treatment program within
16 120 days after the offender's term of imprisonment begins.

17 Subd. 4. [RELEASE PROCEDURES.] The commissioner may not
18 grant conditional release to an offender under this section
19 unless the commissioner determines that the offender's release
20 will not pose a danger to the public or an individual. In
21 making this determination, the commissioner shall follow the
22 procedures contained in section 244.05, subdivision 5, and the
23 rules adopted by the commissioner under that subdivision. The
24 commissioner shall also consider the offender's custody
25 classification and level of risk of violence and the
26 availability of appropriate community supervision for the
27 offender. Conditional release granted under this section
28 continues until the offender's sentence expires, unless release
29 is rescinded under subdivision 5.

30 Subd. 5. [CONDITIONAL RELEASE.] The conditions of release
31 granted under this section are governed by the statutes and
32 rules governing supervised release under this chapter, except
33 that release may be rescinded without hearing by the
34 commissioner if the commissioner determines that continuation of
35 the conditional release poses a danger to the public or to an
36 individual. If the commissioner rescinds an offender's

1 conditional release, the offender shall be returned to prison
2 and shall serve the remaining portion of the offender's sentence.

3 Subd. 6. [OFFENDERS SERVING OTHER SENTENCES.] An offender
4 who is serving both a sentence for an offense described in
5 subdivision 2 and an offense not described in subdivision 2, is
6 not eligible for release under this section unless the offender
7 has completed the offender's full term of imprisonment for the
8 other offense.

9 [EFFECTIVE DATE.] This section is effective January 1,
10 2006, and applies to offenders sentenced on or after that date.

11 Sec. 10. Minnesota Statutes 2004, section 260C.171, is
12 amended by adding a subdivision to read:

13 Subd. 6. [NOTICE TO SCHOOL.] (a) As used in this
14 subdivision, the following terms have the meanings given.
15 "Chemical substance," "methamphetamine paraphernalia," and
16 "methamphetamine waste products" have the meanings given in
17 section 152.137, subdivision 1. "School" means a charter school
18 or a school as defined in section 120A.22, subdivision 4, except
19 a home school.

20 (b) If a child has been taken into protective custody after
21 being found in an area where methamphetamine was being
22 manufactured or attempted to be manufactured or where any
23 chemical substances, methamphetamine paraphernalia, or
24 methamphetamine waste products were stored, and the child is
25 enrolled in school, the officer who took the child into custody
26 shall notify the chief administrative officer of the child's
27 school of this fact.

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

30 Sec. 11. [299C.90] [CITIZEN REPORTS OF METHAMPHETAMINE
31 VIOLATIONS.]

32 The superintendent of the Bureau of Criminal Apprehension
33 shall maintain and publicize a toll-free telephone number to
34 enable citizens to report information about potential
35 methamphetamine violations, including, but not limited to,
36 illicit methamphetamine laboratories. The agency shall take

1 appropriate steps after receiving a citizen report after
2 considering the nature and trustworthiness of the information
3 reported, including, but not limited to, contacting the
4 appropriate law enforcement agency.

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

6 Sec. 12. [446A.083] [METHAMPHETAMINE LABORATORY CLEANUP
7 REVOLVING FUND.]

8 Subdivision 1. [DEFINITIONS.] As used in this section:

9 (1) "clandestine lab site" has the meaning given in section
10 152.0275, subdivision 1, paragraph (a);

11 (2) "property" has the meaning given in section 152.0275,
12 subdivision 2, paragraph (a), but does not include motor
13 vehicles; and

14 (3) "remediate" has the meaning given to remediation in
15 section 152.0275, subdivision 1, paragraph (a).

16 Subd. 2. [FUND ESTABLISHED.] The authority shall establish
17 a methamphetamine laboratory cleanup revolving fund to provide
18 loans to counties and cities to remediate clandestine lab
19 sites. The fund must be credited with repayments.

20 Subd. 3. [APPLICATIONS.] Applications by a county or city
21 for a loan from the fund must be made to the authority on the
22 forms prescribed by the authority. The application must
23 include, but is not limited to:

24 (1) the amount of the loan requested and the proposed use
25 of the loan proceeds;

26 (2) the source of revenues to repay the loan; and

27 (3) certification by the county or city that it meets the
28 loan eligibility requirements of subdivision 4.

29 Subd. 4. [LOAN ELIGIBILITY.] A county or city is eligible
30 for a loan under this section if the county or city:

31 (1) identifies a site or sites designated by a local public
32 health department or law enforcement as a clandestine lab site;

33 (2) has required the site's property owner to remediate the
34 site at cost, under a local public health nuisance ordinance
35 that addresses clandestine lab remediation;

36 (3) certifies that the property owner cannot pay for the

1 remediation immediately;

2 (4) certifies that the property owner has not properly
3 remediated the site; and

4 (5) issues a revenue bond payable to the authority to
5 secure the loan.

6 Subd. 5. [USE OF LOAN PROCEEDS; REIMBURSEMENT BY PROPERTY
7 OWNER.] (a) A loan recipient shall use the loan to remediate the
8 clandestine lab site or if this has already been done to
9 reimburse the applicable county or city fund for costs paid by
10 the recipient to remediate the clandestine lab site.

11 (b) A loan recipient shall seek reimbursement from the
12 owner of the property containing the clandestine lab site for
13 the costs of the remediation. In addition to other lawful means
14 of seeking reimbursement, the loan recipient may recover its
15 costs through a property tax assessment by following the
16 procedures specified in section 145A.08, subdivision 2,
17 paragraph (c).

18 Subd. 6. [AWARD AND DISBURSEMENT OF FUNDS.] The authority
19 shall award loans to recipients on a first-come, first-served
20 basis, provided that the recipient is able to comply with the
21 terms and conditions of the authority loan, which must be in
22 conformance with this section. The authority shall make a
23 single disbursement of the loan upon receipt of a payment
24 request that includes a list of remediation expenses and
25 evidence that a second-party sampling was undertaken to ensure
26 that the remediation work was successful or a guarantee that
27 such a sampling will be undertaken.

28 Subd. 7. [LOAN CONDITIONS AND TERMS.] (a) When making
29 loans from the revolving fund, the authority shall comply with
30 the criteria in paragraphs (b) to (e).

31 (b) Loans must be made at a two percent per annum interest
32 rate for terms not to exceed ten years unless the recipient
33 requests a 20-year term due to financial hardship.

34 (c) The annual principal and interest payments must begin
35 no later than one year after completion of the clean up. Loans
36 must be amortized no later than 20 years after completion of the

1 clean up.

2 (d) A loan recipient must identify and establish a source
3 of revenue for repayment of the loan and must undertake whatever
4 steps are necessary to collect payments within one year of
5 receipt of funds from the authority.

6 (e) The fund must be credited with all payments of
7 principal and interest on all loans, except the costs as
8 permitted under section 446A.04, subdivision 5, paragraph (a).

9 (f) Loans must be made only to recipients with a local
10 public health nuisance ordinance that addresses clandestine lab
11 remediation.

12 Subd. 8. [AUTHORITY TO INCUR DEBT.] Counties and cities
13 may incur debt under this section by resolution of the board or
14 council authorizing issuance of a revenue bond to the authority.

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

16 Sec. 13. 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 1e; 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. 14. 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. 15. 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. 16. 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. 17. [REQUESTED LEGISLATIVE AUDITOR'S REPORT; DRUG
20 TREATMENT.]

21 (a) The Legislative Audit Commission is requested to direct
22 the legislative auditor to study and issue a report on the
23 efficacy of controlled substance treatment programs for criminal
24 offenders in Minnesota. The report must include programs
25 offered in state and local correctional facilities and
26 community-based programs. The auditor shall study the programs
27 offered for each type of controlled substance addiction. The
28 report must compare the costs of the programs and their success
29 rates. The report must also address funding sources for these
30 programs, including, but not limited to, rule 25 funding. To
31 the degree feasible, the auditor shall investigate treatment
32 programs offered in other states for controlled substance
33 offenders and compare the breadth and comprehensiveness of the
34 treatment options available in Minnesota, their costs, and their
35 success rates to those in other states.

36 (b) If the Legislative Audit Commission directs the

1 legislative auditor to conduct the study described in paragraph
2 (a), the auditor shall report its findings to the legislature by
3 February 1, 2006.

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

5 Sec. 18. [BOARD OF VETERINARY MEDICINE REPORT, PRECURSOR
6 ANIMAL PRODUCTS.]

7 The Minnesota Board of Veterinary Medicine shall study and
8 issue a report on animal products that may be used in the
9 manufacture of methamphetamine. The report must include
10 proposals for restricting access to such products only to
11 legitimate users, specifically addressing the manufacturing,
12 wholesaling, distributing, and retailing of precursor veterinary
13 products. The board shall report its findings to the chairs and
14 ranking minority members of the senate and house committees
15 having jurisdiction over criminal justice and veterinary policy
16 by February 1, 2006.

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

19 Sec. 19. [REVISOR'S INSTRUCTION.]

20 The revisor of statutes shall recodify the provisions of
21 Minnesota Statutes, section 152.021, subdivision 2a, paragraph
22 (b), and subdivision 3, as amended by this article, that relate
23 to the possession of chemical reagents or precursors with the
24 intent to manufacture methamphetamine and the penalties for
25 doing this into a new section of law codified as Minnesota
26 Statutes, section 152.0262. The revisor shall make any
27 necessary technical changes, including, but not limited to,
28 changes to statutory cross-references, to Minnesota Statutes,
29 section 152.021, and any other statutory sections to accomplish
30 this.

31 Sec. 20. [REPEALER.]

32 Minnesota Statutes 2004, sections 18C.005, subdivisions 1a
33 and 35a; 18C.201, subdivisions 6 and 7; and 18D.331, subdivision
34 5, are repealed.

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

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ARTICLE 7

GENERAL CRIME PROVISIONS

Section 1. Minnesota Statutes 2004, section 244.10, is amended by adding a subdivision to read:

Subd. 4. [PROOF OF AGGRAVATING FACTORS.] The court shall allow a prosecutor seeking to prove the existence of an aggravating factor justifying an upward departure under the Sentencing Guidelines the opportunity to prove this to the fact finder. The prosecutor shall provide reasonable notice to the defendant and the court of the prosecutor's intent to seek an upward departure and the aggravating factor on which the prosecutor intends to rely. Upon reasonable notice, the court shall allow the prosecutor the opportunity to prove the aggravating factor either in a unitary or bifurcated trial.

[EFFECTIVE DATE.] This section is effective the day following final enactment and applies to sentencing departures sought on or after that date.

Sec. 2. [325F.696] [DEFINITIONS.]

Subdivision 1. [SCOPE.] For the purposes of sections 325F.696 to 325F.699, the terms in this section have the meanings given them.

Subd. 2. [COMMERCIAL ELECTRONIC MAIL MESSAGE.] "Commercial electronic mail message" means any electronic mail message, the primary purpose of which is the commercial advertisement or promotion of a commercial product or service, including content on an Internet Web site operated for a commercial purpose, but does not include a transactional or relationship message. The inclusion of a reference to a commercial entity or a link to the Web site of a commercial entity does not, by itself, cause that message to be treated as a commercial electronic mail message for the purpose of this section if the contents or circumstances of the message indicate a primary purpose other than commercial advertisement or promotion of a commercial product or service.

Subd. 3. [COMPUTER.] "Computer" means an electronic device that performs logical, arithmetic, and memory functions by the manipulation of electronic or magnetic impulses. "Computer"

1 includes, but is not limited to, all input, output, processing,
2 storage, computer program, or communication facilities that are
3 connected or related in a computer system or network to an
4 electronic device of that nature.

5 Subd. 4. [COMPUTER NETWORK.] "Computer network" means a
6 set of related and remotely connected computers and
7 communication facilities that includes more than one computer
8 system that has the capability to transmit among the connected
9 computers and communication facilities through the use of
10 computer facilities.

11 Subd. 5. [COMPUTER SYSTEM.] "Computer system" means a
12 computer and related devices, whether connected or unconnected,
13 including, but not limited to, data input, output, and storage
14 devices, data communication links, and computer programs and
15 data that make the system capable of performing specified
16 special purpose data processing tasks.

17 Subd. 6. [DOMAIN NAME.] "Domain name" means any
18 alphanumeric designation that is registered with or assigned by
19 any domain name registrar, domain name registry, or other domain
20 name registration authority as part of an electronic address on
21 the Internet.

22 Subd. 7. [ELECTRONIC MAIL.] "Electronic mail" means an
23 electronic message that is transmitted between two or more
24 telecommunications devices or electronic devices capable of
25 receiving electronic messages, whether or not the message is
26 converted to hard copy format after receipt, and whether or not
27 the message is viewed upon the transmission or stored for later
28 retrieval. "Electronic mail" includes electronic messages that
29 are transmitted through a local, regional, or global computer
30 network.

31 Subd. 8. [ORIGINATING ADDRESS.] "Originating address"
32 means the string of characters used to specify the source of any
33 electronic mail message.

34 Subd. 9. [RECEIVING ADDRESS.] "Receiving address" means
35 the string of characters used to specify a recipient with each
36 receiving address creating a unique and separate recipient.

1 Subd. 10. [ELECTRONIC MAIL MESSAGE.] "Electronic mail
2 message" means each electronic mail addressed to a discrete
3 addressee.

4 Subd. 11. [ELECTRONIC MAIL SERVICE PROVIDER.] "Electronic
5 mail service provider" means any person, including an Internet
6 service provider, that is an intermediary in sending and
7 receiving electronic mail and that provides to the public
8 electronic mail accounts or online user accounts from which
9 electronic mail may be sent.

10 Subd. 12. [HEADER INFORMATION.] "Header information" means
11 the source, destination, and routing information attached to an
12 electronic mail message, including the originating domain name,
13 originating address, and technical information that
14 authenticates the sender of an electronic mail message for
15 computer network security or computer network management
16 purposes.

17 Subd. 13. [INITIATE THE TRANSMISSION;
18 INITIATED.] "Initiate the transmission" or "initiated" means to
19 originate or transmit a commercial electronic mail message or to
20 procure the origination or transmission of that message,
21 regardless of whether the message reaches its intended
22 recipients, but does not include actions that constitute routine
23 conveyance of the message.

24 Subd. 14. [INTERNET.] "Internet" means collectively the
25 myriad of computer and telecommunications facilities, including
26 equipment and operating software, which comprise the
27 interconnected worldwide network of networks that employ the
28 Transmission Control Protocol/Internet Protocol, or any
29 predecessor or successor protocols to this protocol, to
30 communication information of all kinds by wire or radio.

31 Subd. 15. [INTERNET PROTOCOL ADDRESS.] "Internet protocol
32 address" means the string of numbers by which locations on the
33 Internet are identified by routers or other computers connected
34 to the Internet.

35 Subd. 16. [MATERIALLY FALSIFY.] "Materially falsify" means
36 to alter or conceal in a manner that would impair the ability of

1 a recipient of an electronic mail message, an electronic mail
2 service provider processing an electronic mail message on behalf
3 of a recipient, a person alleging a violation of section
4 325F.697, or a law enforcement agency to identify, locate, or
5 respond to the person that initiated the electronic mail message
6 or to investigate an alleged violation of this section.

7 Subd. 17. [MULTIPLE.] "Multiple" means more than ten
8 commercial electronic mail messages during a 24-hour period,
9 more than 100 commercial electronic mail messages during a
10 30-day period, or more than 1,000 commercial electronic mail
11 messages during a one-year period.

12 Subd. 18. [RECIPIENT.] "Recipient" means a person who
13 receives a commercial electronic mail message at any one of the
14 following receiving addresses:

15 (1) a receiving address furnished by an electronic mail
16 service provider that bills for furnishing and maintaining that
17 receiving address to a mailing address within this state;

18 (2) a receiving address ordinarily accessed from a computer
19 located within this state or by a person domiciled within this
20 state; or

21 (3) any other receiving address with respect to which this
22 section can be imposed consistent with the United States
23 Constitution.

24 Subd. 19. [ROUTINE CONVEYANCE.] "Routine conveyance" means
25 the transmission, routing, relaying, handling, or storing,
26 through an automated technical process, of an electronic mail
27 message for which another person has identified the recipients
28 or provided the recipient addresses.

29 Subd. 20. [TRANSACTIONAL OR RELATIONSHIP
30 MESSAGE.] "Transactional or relationship message" means an
31 electronic mail message the primary purpose of which is to do
32 any of the following:

33 (1) facilitate, complete, or confirm a commercial
34 transaction that the recipient has previously agreed to enter
35 into with the sender;

36 (2) provide warranty information, product recall

1 information, or safety or security information with respect to a
2 commercial product or service used or purchased by the
3 recipient;

4 (3) provide notification concerning a change in the terms
5 or features of; a change in the recipient's standing or status
6 with respect to; or, at regular periodic intervals, account
7 balance information or other type of account statement with
8 respect to a subscription, membership, account, loan, or
9 comparable ongoing commercial relationship involving the ongoing
10 purchase or use by the recipient of products or services offered
11 by the sender;

12 (4) provide information directly related to an employment
13 relationship or related benefit plan in which the recipient is
14 currently involved, participating, or enrolled; or

15 (5) deliver goods or services, including product updates or
16 upgrades, that the recipient is entitled to receive under the
17 terms of a transaction that the recipient has previously agreed
18 to enter into with the sender.

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

21 Sec. 3. [325F.697] [FALSE, MISLEADING, OR DECEPTIVE
22 COMMERCIAL ELECTRONIC MAIL MESSAGES PROHIBITED.]

23 No person, with regard to commercial electronic mail
24 messages sent from or to a computer in this state, shall do any
25 of the following:

26 (1) knowingly use a computer to relay or retransmit
27 multiple commercial electronic mail messages, with the intent to
28 deceive or mislead recipients or any electronic mail service
29 provider, as to the origin of those messages;

30 (2) knowingly and materially falsify header information in
31 multiple commercial electronic mail messages and purposely
32 initiate the transmission of those messages;

33 (3) knowingly register, using information that materially
34 falsifies the identity of the actual registrant, for five or
35 more electronic mail accounts or online user accounts or two or
36 more domain names and purposely initiate the transmission of

1 multiple commercial electronic mail messages from one, or any
2 combination, of those accounts or domain names;

3 (4) knowingly falsely represent the right to use five or
4 more Internet protocol addresses and purposely initiate the
5 transmission of multiple commercial electronic mail messages
6 from those addresses.

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

9 Sec. 4. [325F.698] [ILLEGAL TRANSMISSION OF MULTIPLE
10 MESSAGES; CRIMINAL PENALTIES.]

11 (a) Whoever violates section 325F.697 is guilty of
12 illegally transmitting multiple commercial electronic mail
13 messages. Except as otherwise provided in paragraph (b) or
14 section 325F.699, subdivision 3, illegally transmitting multiple
15 commercial electronic mail messages is a misdemeanor.

16 (b) Illegally transmitting multiple commercial electronic
17 mail messages is a gross misdemeanor if any of the following
18 apply:

19 (1) regarding a violation of section 325F.697, clause (3),
20 the offender, using information that materially falsifies the
21 identity of the actual registrant, knowingly registers for 20 or
22 more electronic mail accounts or online user accounts or ten or
23 more domain names, and purposely initiates, or conspires to
24 initiate, the transmission of multiple commercial electronic
25 mail messages from the accounts or domain names;

26 (2) regarding any violation of section 325F.697, the volume
27 of commercial electronic mail messages the offender transmitted
28 in committing the violation exceeds 250 during any 24-hour
29 period, 2,500 during any 30-day period, or 25,000 during any
30 one-year period;

31 (3) regarding any violation of section 325F.697, during any
32 one-year period the aggregate loss to the victim or victims of
33 the violation is \$500 or more, or during any one-year period the
34 aggregate value of the property or services obtained by any
35 offender as a result of the violation is \$500 or more;

36 (4) regarding any violation of section 325F.697, the

1 offender committed the violation with three or more other
2 persons with respect to whom the offender was the organizer or
3 leader of the activity that resulted in the violation;

4 (5) regarding any violation of section 325F.697, the
5 offender knowingly assisted in the violation through the
6 provision or selection of electronic mail addresses to which the
7 commercial electronic mail message was transmitted, if that
8 offender knew that the electronic mail addresses of the
9 recipients were obtained using an automated means from an
10 Internet Web site or proprietary online service operated by
11 another person, and that Web site or online service included, at
12 the time the electronic mail addresses were obtained, a notice
13 stating that the operator of that Web site or online service
14 will not transfer addresses maintained by that Web site or
15 online service to any other party for the purposes of initiating
16 the transmission of, or enabling others to initiate the
17 transmission of, electronic mail messages; or

18 (6) 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 of the
21 recipients obtained using an automated means that generates
22 possible electronic mail addresses by combining names, letters,
23 or numbers into numerous permutations.

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

26 Sec. 5. [325F.699] [UNAUTHORIZED ACCESS TO A COMPUTER;
27 CRIMINAL PENALTIES.]

28 Subdivision 1. [PROHIBITION.] No person, with regard to
29 commercial electronic mail messages sent from or to a computer
30 in this state, shall knowingly access a computer without
31 authorization and purposely initiate the transmission of
32 multiple commercial electronic mail messages from or through the
33 computer.

34 Subd. 2. [GROSS MISDEMEANOR.] Except as otherwise provided
35 in subdivision 3, whoever violates subdivision 1 is guilty of
36 unauthorized access of a computer, a gross misdemeanor.

1 Subd. 3. [FELONY.] Illegally transmitting multiple
2 commercial electronic mail messages and unauthorized access of a
3 computer in violation of this section are felonies if the
4 offender previously has been convicted of a violation of this
5 section, or a violation of a law of another state or the United
6 States regarding the transmission of electronic mail messages or
7 unauthorized access to a computer, or if the offender committed
8 the violation of this section in the furtherance of a felony.

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

11 Sec. 6. Minnesota Statutes 2004, section 518B.01,
12 subdivision 22, is amended to read:

13 Subd. 22. [~~VIOLATION-OF-A~~ DOMESTIC ABUSE NO CONTACT
14 ORDER.] (a) A domestic abuse no contact order is an order issued
15 by a court against a defendant in a criminal proceeding for:

16 (1) domestic abuse;

17 (2) harassment or stalking charged under section 609.749

18 and committed against a family or household member;

19 (3) violation of an order for protection charged under

20 subdivision 14; or

21 (4) violation of a prior domestic abuse no contact order

22 charged under this subdivision.

23 It includes pretrial orders before final disposition of the case
24 and probationary orders after sentencing.

25 (b) A person who knows of the existence of a domestic abuse
26 no contact order issued against the person and violates the
27 order is guilty of a misdemeanor.

28 (c) A peace officer shall arrest without a warrant and take
29 into custody a person whom the peace officer has probable cause
30 to believe has violated a domestic abuse no contact order, even
31 if the violation of the order did not take place in the presence
32 of the peace officer, if the existence of the order can be
33 verified by the officer. The person shall be held in custody
34 for at least 36 hours, excluding the day of arrest, Sundays, and
35 holidays, unless the person is released earlier by a judge or
36 judicial officer. A peace officer acting in good faith and

1 exercising due care in making an arrest pursuant to this
2 paragraph is immune from civil liability that might result from
3 the officer's actions.

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

5 Sec. 7. Minnesota Statutes 2004, section 609.119, is
6 amended to read:

7 609.119 [ADDITIONAL COLLECTION OF BIOLOGICAL SPECIMENS FOR
8 DNA TESTING.]

9 (a) ~~From July 17, 2003, to June 30, 2005,~~ The court shall
10 order an offender to provide a biological specimen for the
11 purpose of ~~future~~ DNA analysis as described in section 299C.155
12 when:

13 (1) the court sentences a person charged with committing or
14 attempting to commit a felony offense not described in section
15 609.117, subdivision 1, and the person is convicted of that
16 offense or of any felony offense arising out of the same set of
17 circumstances; or

18 (2) the juvenile court adjudicates a person a delinquent
19 child who is petitioned for committing or attempting to commit a
20 felony offense not described in section 609.117, subdivision 1,
21 and is adjudicated delinquent for that offense or any
22 felony-level offense arising out of the same set of
23 circumstances.

24 The biological specimen shall be maintained by the Bureau of
25 Criminal Apprehension as provided in section 299C.155.

26 (b) ~~From July 17, 2003, to June 30, 2005,~~ The commissioner
27 of corrections or local corrections authority shall order a
28 person to provide a biological specimen for the purpose of
29 ~~future~~ DNA analysis as described in section 299C.155 before
30 completion of the person's term of imprisonment when the person
31 has not provided a biological specimen for the purpose of DNA
32 analysis, and the person:

33 (1) was initially charged with committing or attempting to
34 commit a felony offense not described in section 609.117,
35 subdivision 1, and was convicted of that offense or of any
36 felony offense arising out of the same set of circumstances; or

1 (2) is serving a term of imprisonment in this state under a
2 reciprocal agreement although convicted in another state of
3 committing or attempting to commit a felony offense not
4 described in section 609.117, subdivision 1, or of any felony
5 offense arising out of the same set of circumstances if the
6 person was initially charged with committing or attempting to
7 commit a felony offense not described in section 609.117,
8 subdivision 1.

9 The commissioner of corrections or local corrections authority
10 shall forward the sample to the Bureau of Criminal Apprehension.

11 (c) ~~From July 1, 2003, to June 30, 2005,~~ When the state
12 accepts an offender from another state under the interstate
13 compact authorized by section 243.16 or 243.1605, the acceptance
14 is conditional on the offender providing a biological specimen
15 for the purposes of future DNA analysis as described in section
16 299C.155, if the offender was initially charged with committing
17 or attempting to commit a felony offense not described in
18 section 609.117, subdivision 1, and was convicted of that
19 offense or of any felony offense arising out of the same set of
20 circumstances. The specimen must be provided under supervision
21 of staff from the Department of Corrections or a Community
22 Corrections Act county within 15 business days after the
23 offender reports to the supervising agent. The cost of
24 obtaining the biological specimen is the responsibility of the
25 agency providing supervision.

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

27 Sec. 8. Minnesota Statutes 2004, section 609.185, is
28 amended to read:

29 609.185 [MURDER IN THE FIRST DEGREE.]

30 (a) Whoever does any of the following is guilty of murder
31 in the first degree and shall be sentenced to imprisonment for
32 life:

33 (1) causes the death of a human being with premeditation
34 and with intent to effect the death of the person or of another;

35 (2) causes the death of a human being while committing or
36 attempting to commit criminal sexual conduct in the first or

1 second degree with force or violence, either upon or affecting
2 the person or another;

3 (3) causes the death of a human being with intent to effect
4 the death of the person or another, while committing or
5 attempting to commit burglary, aggravated robbery, kidnapping,
6 arson in the first or second degree, a drive-by shooting,
7 tampering with a witness in the first degree, escape from
8 custody, or any felony violation of chapter 152 involving the
9 unlawful sale of a controlled substance;

10 (4) causes the death of a peace officer or a guard employed
11 at a Minnesota state or local correctional facility, with intent
12 to effect the death of that person or another, while the peace
13 officer or guard is engaged in the performance of official
14 duties;

15 (5) causes the death of a minor while committing child
16 abuse, when the perpetrator has engaged in a past pattern of
17 child abuse upon the a child and the death occurs under
18 circumstances manifesting an extreme indifference to human life;

19 (6) causes the death of a human being while committing
20 domestic abuse, when the perpetrator has engaged in a past
21 pattern of domestic abuse upon the victim or upon another family
22 or household member and the death occurs under circumstances
23 manifesting an extreme indifference to human life; or

24 (7) causes the death of a human being while committing,
25 conspiring to commit, or attempting to commit a felony crime to
26 further terrorism and the death occurs under circumstances
27 manifesting an extreme indifference to human life.

28 (b) For purposes of paragraph (a), clause (5), "child abuse"
29 means an act committed against a minor victim that constitutes a
30 violation of the following laws of this state or any similar
31 laws of the United States or any other state: section 609.221;
32 609.222; 609.223; 609.224; 609.2242; 609.342; 609.343; 609.344;
33 609.345; 609.377; 609.378; or 609.713.

34 (c) For purposes of paragraph (a), clause (6), "domestic
35 abuse" means an act that:

36 (1) constitutes a violation of section 609.221, 609.222,

1 609.223, 609.224, 609.2242, 609.342, 609.343, 609.344, 609.345,
2 609.713, or any similar laws of the United States or any other
3 state; and

4 (2) is committed against the victim who is a family or
5 household member as defined in section 518B.01, subdivision 2,
6 paragraph (b).

7 (d) For purposes of paragraph (a), clause (7), "further
8 terrorism" has the meaning given in section 609.714, subdivision
9 1.

10 [EFFECTIVE DATE.] This section is effective the day
11 following final enactment and applies to crimes committed on or
12 after that date.

13 Sec. 9. Minnesota Statutes 2004, section 609.223, is
14 amended by adding a subdivision to read:

15 Subd. 4. [ASSAULT BY STRANGULATION OR ASPHYXIATION.] (a)
16 As used in this subdivision, "strangulation" means intentionally
17 impeding normal breathing or circulation of the blood by
18 applying pressure on the throat or neck or by blocking the nose
19 or mouth of another person.

20 (b) Unless a greater penalty is provided elsewhere, whoever
21 assaults another by strangulation or asphyxiation is guilty of a
22 felony and may be sentenced to imprisonment for not more than
23 five years or to payment of a fine of not more than \$10,000, or
24 both.

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

27 Sec. 10. Minnesota Statutes 2004, section 609.2231, is
28 amended by adding a subdivision to read:

29 Subd. 3a. [SECURE TREATMENT FACILITY PERSONNEL.] (a) As
30 used in this subdivision, "secure treatment facility" has the
31 meaning given in section 253B.02, subdivision 18a.

32 (b) Whoever, while committed under section 253B.185 or
33 Minnesota Statutes 1992, section 526.10, commits either of the
34 following acts against an employee or other individual who
35 provides care or treatment at a secure treatment facility while
36 the person is engaged in the performance of a duty imposed by

1 law, policy, or rule is guilty of a felony and may be sentenced
2 to imprisonment for not more than two years or to payment of a
3 fine of not more than \$4,000, or both:

4 (1) assaults the person and inflicts demonstrable bodily
5 harm; or

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

8 (c) The court shall commit a person convicted of violating
9 paragraph (b) to the custody of the commissioner of corrections
10 for not less than a year and a day. The court may not, on its
11 own motion or the prosecutor's motion, sentence a person without
12 regard to this paragraph. A person convicted and sentenced as
13 required by this paragraph is not eligible for probation,
14 parole, discharge, work release, or supervised release, until
15 that person has served the full term of imprisonment as provided
16 by law, notwithstanding the provisions of sections 241.26,
17 242.19, 243.05, 244.04, 609.12, and 609.135.

18 (d) Notwithstanding the statutory maximum sentence provided
19 in paragraph (b), when a court sentences a person to the custody
20 of the commissioner of corrections for a violation of paragraph
21 (b), the court shall provide that after the person has completed
22 the sentence imposed, the commissioner shall place the person on
23 conditional release for five years. The terms of conditional
24 release are governed by sections 609.109 and 244.05.

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

27 Sec. 11. Minnesota Statutes 2004, section 609.229,
28 subdivision 3, is amended to read:

29 Subd. 3. [PENALTY.] (a) If the crime committed in
30 violation of subdivision 2 is a felony, the statutory maximum
31 for the crime is five years longer than the statutory maximum
32 for the underlying crime. If the crime committed in violation
33 of subdivision 2 is a felony, and the victim of the crime is a
34 child under the age of 18 years, the statutory maximum for the
35 crime is ten years longer than the statutory maximum for the
36 underlying crime.

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

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

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

9 Sec. 12. [609.281] [DEFINITIONS.]

10 Subdivision 1. [GENERALLY.] As used in sections 609.281 to
11 609.284, the following terms have the meanings given.

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

15 Subd. 3. [DEBT BONDAGE.] "Debt bondage" means the status
16 or condition of a debtor arising from a pledge by the debtor of
17 the debtor's personal services or those of a person under the
18 debtor's control as a security for debt, if the value of those
19 services as reasonably assessed is not applied toward the
20 liquidation of the debt or the length and nature of those
21 services are not respectively limited and defined.

22 Subd. 4. [FORCED LABOR OR SERVICES.] "Forced labor or
23 services" means labor or services that are performed or provided
24 by another person and are obtained or maintained through an
25 actor's:

26 (1) threat, either implicit or explicit, scheme, plan, or
27 pattern, or other action intended to cause a person to believe
28 that, if the person did not perform or provide the labor or
29 services, that person or another person would suffer bodily harm
30 or physical restraint;

31 (2) physically restraining or threatening to physically
32 restrain a person;

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

34 (4) knowingly destroying, concealing, removing,
35 confiscating, or possessing any actual or purported passport or
36 other immigration document, or any other actual or purported

1 government identification document, of another person; or
2 (5) use of blackmail.

3 Subd. 5. [LABOR TRAFFICKING.] "Labor trafficking" means
4 the recruitment, transportation, transfer, harboring,
5 enticement, provision, obtaining, or receipt of a person by any
6 means, whether a United States citizen or foreign national, for
7 the purpose of:

8 (1) debt bondage or forced labor or services;
9 (2) slavery or practices similar to slavery; or
10 (3) the removal of organs through the use of coercion or
11 intimidation.

12 Subd. 6. [LABOR TRAFFICKING VICTIM.] "Labor trafficking
13 victim" means a person subjected to the practices in subdivision
14 5.

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

17 Sec. 13. [609.282] [LABOR TRAFFICKING.]

18 Whoever knowingly engages in the labor trafficking of
19 another is guilty of a crime and may be sentenced to
20 imprisonment for not more than 15 years or to payment of a fine
21 of not more than \$30,000, or both. In a prosecution under this
22 section the consent or age of the victim is not a defense.

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

25 Sec. 14. [609.283] [UNLAWFUL CONDUCT WITH RESPECT TO
26 DOCUMENTS IN FURTHERANCE OF LABOR OR SEX TRAFFICKING.]

27 Unless the person's conduct constitutes a violation of
28 section 609.282, a person who knowingly destroys, conceals,
29 removes, confiscates, or possesses any actual or purported
30 passport or other immigration document, or any other actual or
31 purported government identification document, of another person:

32 (1) in the course of a violation of section 609.282 or
33 609.322;

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

35 (3) to prevent or restrict or to attempt to prevent or
36 restrict, without lawful authority, a person's liberty to move

1 or travel, in order to maintain the labor or services of that
2 person, when the person is or has been a victim of a violation
3 of section 609.282 or 609.322;
4 is guilty of a crime and may be sentenced to imprisonment for
5 not more than five years or to payment of a fine of not more
6 than \$10,000, or both. In a prosecution under this section the
7 consent or age of the victim is not a defense.

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

10 Sec. 15. [609.284] [LABOR OR SEX TRAFFICKING CRIMES;
11 DEFENSES; CIVIL LIABILITY; CORPORATE LIABILITY.]

12 Subdivision 1. [CONSENT OR AGE OF VICTIM NOT A
13 DEFENSE.] In an action under this section the consent or age of
14 the victim is not a defense.

15 Subd. 2. [CIVIL LIABILITY.] A labor trafficking victim may
16 bring a cause of action against a person who violates section
17 609.282 or 609.283. The court may award damages, including
18 punitive damages, reasonable attorney fees, and other litigation
19 costs reasonably incurred by the victim. This remedy is in
20 addition to potential criminal liability.

21 Subd. 3. [CORPORATE LIABILITY.] If a corporation or other
22 business enterprise is convicted of violating section 609.282,
23 609.283, or 609.322, in addition to the criminal penalties
24 described in those sections and other remedies provided
25 elsewhere in law, the court may, when appropriate:

26 (1) order its dissolution or reorganization;
27 (2) order the suspension or revocation of any license,
28 permit, or prior approval granted to it by a state agency; or
29 (3) order the surrender of its charter if it is organized
30 under Minnesota law or the revocation of its certificate to
31 conduct business in Minnesota if it is not organized under
32 Minnesota law.

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

35 Sec. 16. Minnesota Statutes 2004, section 609.321,
36 subdivision 1, is amended to read:

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

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

6 Sec. 17. Minnesota Statutes 2004, section 609.321,
7 subdivision 7, is amended to read:

8 Subd. 7. [PROMOTES THE PROSTITUTION OF AN INDIVIDUAL.]

9 "Promotes the prostitution of an individual" means any of the
10 following wherein the person knowingly:

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

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

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

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

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

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

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

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

31 Sec. 18. Minnesota Statutes 2004, section 609.321, is
32 amended by adding a subdivision to read:

33 Subd. 7a. [SEX TRAFFICKING.] "Sex trafficking" means

34 receiving, recruiting, enticing, harboring, providing, or

35 obtaining by any means an individual to aid in the prostitution
36 of the individual.

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

3 Sec. 19. Minnesota Statutes 2004, section 609.321, is
4 amended by adding a subdivision to read:

5 Subd. 7b. [SEX TRAFFICKING VICTIM.] "Sex trafficking
6 victim" means a person subjected to the practices in subdivision
7 7a.

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

10 Sec. 20. [609.3243] [LOITERING WITH INTENT TO PARTICIPATE
11 IN PROSTITUTION.]

12 A person who loiters in a public place with intent to
13 participate in prostitution is guilty of a misdemeanor.

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

16 Sec. 21. Minnesota Statutes 2004, section 609.325, is
17 amended by adding a subdivision to read:

18 Subd. 4. [AFFIRMATIVE DEFENSE.] It is an affirmative
19 defense to a charge under section 609.324 if the defendant
20 proves by a preponderance of the evidence that the defendant is
21 a labor trafficking victim, as defined in section 609.281, or a
22 sex trafficking victim, as defined in section 609.321, and that
23 the defendant committed the act only under compulsion by another
24 who by explicit or implicit threats created a reasonable
25 apprehension in the mind of the defendant that if the defendant
26 did not commit the act, the person would inflict bodily harm
27 upon the defendant.

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

30 Sec. 22. Minnesota Statutes 2004, section 609.341,
31 subdivision 14, is amended to read:

32 Subd. 14. [COERCION.] "Coercion" means the use by the
33 actor of words or circumstances that cause the complainant
34 reasonably to fear that the actor will inflict bodily harm upon
35 or-held-in-confinement, the complainant or another, or foree the
36 use by the actor of confinement, or superior size or strength,

1 against the complainant that causes the complainant to submit to
2 sexual penetration or contact~~7-but~~ against the complainant's
3 will. Proof of coercion does not require proof of a specific
4 act or threat.

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

7 Sec. 23. Minnesota Statutes 2004, section 609.485,
8 subdivision 2, is amended to read:

9 Subd. 2. [ACTS PROHIBITED.] Whoever does any of the
10 following may be sentenced as provided in subdivision 4:

11 (1) escapes while held pursuant to a lawful arrest, in
12 lawful custody on a charge or conviction of a crime, or while
13 held in lawful custody on an allegation or adjudication of a
14 delinquent act;

15 (2) transfers to another, who is in lawful custody on a
16 charge or conviction of a crime, or introduces into an
17 institution in which the latter is confined, anything usable in
18 making such escape, with intent that it shall be so used;

19 (3) having another in lawful custody on a charge or
20 conviction of a crime, intentionally permits the other to
21 escape;

22 (4) escapes while in a facility designated under section
23 253B.18, subdivision 1, pursuant to a court commitment order
24 after a finding of not guilty by reason of mental illness or
25 mental deficiency of a crime against the person, as defined in
26 section 253B.02, subdivision 4a. Notwithstanding section
27 609.17, no person may be charged with or convicted of an attempt
28 to commit a violation of this clause; or

29 (5) escapes while in a facility designated under section
30 253B.18, subdivision 1, pursuant to a court commitment order
31 under section 253B.185 or Minnesota Statutes 1992, section
32 526.10; or

33 (6) knowingly absconds or fails to return to custody
34 following the revocation of provisional discharge under section
35 253B.15 of a person committed under section 253B.185 or
36 Minnesota Statutes 1992, section 526.10.

1 For purposes of clause (1), "escapes while held in lawful
2 custody" includes absconding from electronic monitoring or
3 absconding after removing an electronic monitoring device from
4 the person's body.

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

7 Sec. 24. Minnesota Statutes 2004, section 609.485,
8 subdivision 4, is amended to read:

9 Subd. 4. [SENTENCE.] (a) Except as otherwise provided in
10 subdivision 3a, whoever violates this section may be sentenced
11 as follows:

12 (1) if the person who escapes is in lawful custody for a
13 felony, to imprisonment for not more than five years or to
14 payment of a fine of not more than \$10,000, or both;

15 (2) if the person who escapes is in lawful custody after a
16 finding of not guilty by reason of mental illness or mental
17 deficiency of a crime against the person, as defined in section
18 253B.02, subdivision 4a, or pursuant to a court commitment order
19 under section 253B.185 or Minnesota Statutes 1992, section
20 526.10, or violates subdivision 2, clause (6), to imprisonment
21 for not more than one year and one day or to payment of a fine
22 of not more than \$3,000, or both; or

23 (3) if the person who escapes is in lawful custody for a
24 gross misdemeanor or misdemeanor, or if the person who escapes
25 is in lawful custody on an allegation or adjudication of a
26 delinquent act, to imprisonment for not more than one year or to
27 payment of a fine of not more than \$3,000, or both.

28 (b) If the escape was a violation of subdivision 2, clause
29 (1), (2), or (3), and was effected by violence or threat of
30 violence against a person, the sentence may be increased to not
31 more than twice those permitted in paragraph (a), clauses (1)
32 and (3).

33 (c) Unless a concurrent term is specified by the court, a
34 sentence under this section shall be consecutive to any sentence
35 previously imposed or which may be imposed for any crime or
36 offense for which the person was in custody when the person

1 escaped.

2 (d) Notwithstanding paragraph (c), if a person who was
3 committed to the commissioner of corrections under section
4 260B.198 escapes from the custody of the commissioner while 18
5 years of age, the person's sentence under this section shall
6 commence on the person's 19th birthday or on the person's date
7 of discharge by the commissioner of corrections, whichever
8 occurs first. However, if the person described in this clause
9 is convicted under this section after becoming 19 years old and
10 after having been discharged by the commissioner, the person's
11 sentence shall commence upon imposition by the sentencing court.

12 (e) Notwithstanding paragraph (c), if a person who is in
13 lawful custody on an allegation or adjudication of a delinquent
14 act while 18 years of age escapes from a local juvenile
15 correctional facility, the person's sentence under this section
16 begins on the person's 19th birthday or on the person's date of
17 discharge from the jurisdiction of the juvenile court, whichever
18 occurs first. However, if the person described in this
19 paragraph is convicted after becoming 19 years old and after
20 discharge from the jurisdiction of the juvenile court, the
21 person's sentence begins upon imposition by the sentencing court.

22 (f) Notwithstanding paragraph (a), any person who escapes
23 or absconds from electronic monitoring or removes an electric
24 monitoring device from the person's body is guilty of a crime
25 and shall be sentenced to imprisonment for not more than one
26 year or to a payment of a fine of not more than \$3,000, or
27 both. A person in lawful custody for a violation of section
28 609.185, 609.19, 609.195, 609.20, 609.205, 609.21, 609.221,
29 609.222, 609.223, 609.2231, 609.342, 609.343, 609.344, 609.345,
30 or 609.3451 who escapes or absconds from electronic monitoring
31 or removes an electronic monitoring device while under sentence
32 may be sentenced to imprisonment for not more than five years or
33 to a payment of a fine of not more than \$10,000, or both.

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

36 Sec. 25. Minnesota Statutes 2004, section 609.50,

1 subdivision 1, is amended to read:

2 Subdivision 1. [CRIME.] Whoever intentionally does any of
3 the following may be sentenced as provided in subdivision 2:

4 (1) obstructs, hinders, or prevents the lawful execution of
5 any legal process, civil or criminal, or apprehension of another
6 on a charge or conviction of a criminal offense;

7 (2) obstructs, resists, or interferes with a peace officer
8 while the officer is engaged in the performance of official
9 duties;

10 (3) ~~interferes with or obstructs the prevention or~~
11 ~~extinguishing of a fire, or disobeys the lawful order of a~~
12 ~~firefighter present at the fire~~ while the firefighter is engaged
13 in the performance of official duties; or

14 (4) interferes with or obstructs a member of an ambulance
15 service personnel crew, as defined in section 144E.001,
16 subdivision 3a, who is providing, or attempting to provide,
17 emergency care; or

18 (5) by force or threat of force endeavors to obstruct any
19 employee of the Department of Revenue while the employee is
20 lawfully engaged in the performance of official duties for the
21 purpose of deterring or interfering with the performance of
22 those duties.

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

25 Sec. 26. Minnesota Statutes 2004, section 609.527,
26 subdivision 1, is amended to read:

27 Subdivision 1. [DEFINITIONS.] (a) As used in this section,
28 the following terms have the meanings given them in this
29 subdivision.

30 (b) "Direct victim" means any person or entity described in
31 section 611A.01, paragraph (b), whose identity has been
32 transferred, used, or possessed in violation of this section.

33 (c) "False pretense" means any false, fictitious,
34 misleading, or fraudulent information or pretense or pretext
35 depicting or including or deceptively similar to the name, logo,
36 Web site address, e-mail address, postal address, telephone

1 number, or any other identifying information of a for-profit or
2 not-for-profit business or organization or of a government
3 agency, to which the user has no legitimate claim of right.

4 (d) "Identity" means any name, number, or data transmission
5 that may be used, alone or in conjunction with any other
6 information, to identify a specific individual or entity,
7 including any of the following:

8 (1) a name, Social Security number, date of birth, official
9 government-issued driver's license or identification number,
10 government passport number, or employer or taxpayer
11 identification number;

12 (2) unique electronic identification number, address,
13 account number, or routing code; or

14 (3) telecommunication identification information or access
15 device.

16 ~~(d)~~ (e) "Indirect victim" means any person or entity
17 described in section 611A.01, paragraph (b), other than a direct
18 victim.

19 ~~(e)~~ (f) "Loss" means value obtained, as defined in section
20 609.52, subdivision 1, clause (3), and expenses incurred by a
21 direct or indirect victim as a result of a violation of this
22 section.

23 ~~(f)~~ (g) "Unlawful activity" means:

24 (1) any felony violation of the laws of this state or any
25 felony violation of a similar law of another state or the United
26 States; and

27 (2) any nonfelony violation of the laws of this state
28 involving theft, theft by swindle, forgery, fraud, or giving
29 false information to a public official, or any nonfelony
30 violation of a similar law of another state or the United States.

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

33 Sec. 27. Minnesota Statutes 2004, section 609.527,
34 subdivision 3, is amended to read:

35 Subd. 3. [PENALTIES.] A person who violates subdivision 2
36 may be sentenced as follows:

1 (1) if the offense involves a single direct victim and the
2 total, combined loss to the direct victim and any indirect
3 victims is \$250 or less, the person may be sentenced as provided
4 in section 609.52, subdivision 3, clause (5);

5 (2) if the offense involves a single direct victim and the
6 total, combined loss to the direct victim and any indirect
7 victims is more than \$250 but not more than \$500, the person may
8 be sentenced as provided in section 609.52, subdivision 3,
9 clause (4);

10 (3) if the offense involves two or three direct victims or
11 the total, combined loss to the direct and indirect victims is
12 more than \$500 but not more than \$2,500, the person may be
13 sentenced as provided in section 609.52, subdivision 3, clause
14 (3);

15 (4) if the offense involves more than three but not more
16 than seven direct victims, or if the total combined loss to the
17 direct and indirect victims is more than \$2,500, the person may
18 be sentenced as provided in section 609.52, subdivision 3,
19 clause (2); and

20 (5) if the offense involves eight or more direct victims;
21 or if the total, combined loss to the direct and indirect
22 victims is more than \$35,000; or if the offense is related to
23 possession or distribution of pornographic work in violation of
24 section 617.246 or 617.247; the person may be sentenced as
25 provided in section 609.52, subdivision 3, clause (1).

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

28 Sec. 28. Minnesota Statutes 2004, section 609.527,
29 subdivision 4, is amended to read:

30 Subd. 4. [RESTITUTION; ITEMS PROVIDED TO VICTIM.] (a) A
31 direct or indirect victim of an identity theft crime shall be
32 considered a victim for all purposes, including any rights that
33 accrue under chapter 611A and rights to court-ordered
34 restitution.

35 (b) Upon the written request of a direct victim or the
36 prosecutor setting forth with specificity the facts and

1 circumstances of the offense in a proposed order, the court
2 shall provide to the victim, without cost, a certified copy of
3 the complaint filed in the matter, the judgment of conviction,
4 and an order setting forth the facts and circumstances of the
5 offense.

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

8 Sec. 29. Minnesota Statutes 2004, section 609.527, is
9 amended by adding a subdivision to read:

10 Subd. 5a. [CRIME OF ELECTRONIC USE OF FALSE PRETENSE TO
11 OBTAIN IDENTITY.] (a) A person who, with intent to obtain the
12 identity of another, uses a false pretense in an e-mail to
13 another person or in a Web page, electronic communication,
14 advertisement, or any other communication on the Internet, is
15 guilty of a crime.

16 (b) Whoever commits such offense may be sentenced to
17 imprisonment for not more than five years or to payment of a
18 fine of not more than \$10,000, or both.

19 (c) In a prosecution under this subdivision, it is not a
20 defense that:

21 (1) the person committing the offense did not obtain the
22 identity of another;

23 (2) the person committing the offense did not use the
24 identity; or

25 (3) the offense did not result in financial loss or any
26 other loss to any person.

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

29 Sec. 30. Minnesota Statutes 2004, section 609.527,
30 subdivision 6, is amended to read:

31 Subd. 6. [VENUE.] Notwithstanding anything to the contrary
32 in section 627.01, an offense committed under subdivision 2 or
33 5a may be prosecuted in:

34 (1) the county where the offense occurred; ~~or~~

35 (2) the county of residence or place of business of the
36 direct victim or indirect victim; or

1 (3) in the case of a violation of subdivision 5a, the
2 county or place of residence of the person whose identity was
3 obtained or sought.

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

6 Sec. 31. Minnesota Statutes 2004, section 609.531,
7 subdivision 1, is amended to read:

8 Subdivision 1. [DEFINITIONS.] For the purpose of sections
9 609.531 to 609.5318, the following terms have the meanings given
10 them.

11 (a) "Conveyance device" means a device used for
12 transportation and includes, but is not limited to, a motor
13 vehicle, trailer, snowmobile, airplane, and vessel and any
14 equipment attached to it. The term "conveyance device" does not
15 include property which is, in fact, itself stolen or taken in
16 violation of the law.

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

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

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

24 (e) "Appropriate agency" means the Bureau of Criminal
25 Apprehension, the Minnesota Division of Driver and Vehicle
26 Services, the Minnesota State Patrol, a county sheriff's
27 department, the Suburban Hennepin Regional Park District park
28 rangers, the Department of Natural Resources Division of
29 Enforcement, the University of Minnesota Police Department, or a
30 city or airport police department.

31 (f) "Designated offense" includes:

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

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

36 (3) for all other purposes: a felony violation of, or a

1 felony-level attempt or conspiracy to violate, section 325E.17;
2 325E.18; 609.185; 609.19; 609.195; 609.21; 609.221; 609.222;
3 609.223; 609.2231; 609.24; 609.245; 609.25; 609.255; 609.282;
4 609.283; 609.322; 609.342, subdivision 1, clauses (a) to (f);
5 609.343, subdivision 1, clauses (a) to (f); 609.344, subdivision
6 1, clauses (a) to (e), and (h) to (j); 609.345, subdivision 1,
7 clauses (a) to (e), and (h) to (j); 609.42; 609.425; 609.466;
8 609.485; 609.487; 609.52; 609.525; 609.527; 609.528; 609.53;
9 609.54; 609.551; 609.561; 609.562; 609.563; 609.582; 609.59;
10 609.595; 609.631; 609.66, subdivision 1e; 609.671, subdivisions
11 3, 4, 5, 8, and 12; 609.687; 609.821; 609.825; 609.86; 609.88;
12 609.89; 609.893; 609.895; 617.246; or a gross misdemeanor or
13 felony violation of section 609.891 or 624.7181; or any
14 violation of section 609.324.

15 (g) "Controlled substance" has the meaning given in section
16 152.01, subdivision 4.

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

19 Sec. 32. Minnesota Statutes 2004, section 609.5315,
20 subdivision 1, is amended to read:

21 Subdivision 1. [DISPOSITION.] (a) Subject to paragraph
22 (b), if the court finds under section 609.5313, 609.5314, or
23 609.5318 that the property is subject to forfeiture, it shall
24 order the appropriate agency to do one of the following:

25 (1) unless a different disposition is provided under clause
26 (3) or (4), either destroy firearms, ammunition, and firearm
27 accessories that the agency decides not to use for law
28 enforcement purposes under clause (8), or sell them to federally
29 licensed firearms dealers, as defined in section 624.7161,
30 subdivision 1, and distribute the proceeds under subdivision
31 5 or 5b;

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

35 (3) sell antique firearms, as defined in section 624.712,
36 subdivision 3, to the public and distribute the proceeds under

1 subdivision 5 or 5b;

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

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

7 (6) forward the property to the federal drug enforcement
8 administration;

9 (7) disburse money as provided under subdivision 5 or 5b;
10 or

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

13 (b) Notwithstanding paragraph (a), the Hennepin or Ramsey
14 county sheriff may not sell firearms, ammunition, or firearms
15 accessories if the policy is disapproved by the applicable
16 county board.

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

19 Sec. 33. Minnesota Statutes 2004, section 609.5315, is
20 amended by adding a subdivision to read:

21 Subd. 5b. [DISPOSITION OF CERTAIN FORFEITED PROCEEDS;
22 TRAFFICKING OF PERSONS; REPORT REQUIRED.] (a) For forfeitures
23 resulting from violations of section 609.282, 609.283, or
24 609.322, the money or proceeds from the sale of forfeited
25 property, after payment of seizure, storage, forfeiture, and
26 sale expenses, and satisfaction of valid liens against the
27 property, must be distributed as follows:

28 (1) 40 percent of the proceeds must be forwarded to the
29 appropriate agency for deposit as a supplement to the agency's
30 operating fund or similar fund for use in law enforcement;

31 (2) 20 percent of the proceeds must be forwarded to the
32 county attorney or other prosecuting agency that handled the
33 forfeiture for deposit as a supplement to its operating fund or
34 similar fund for prosecutorial purposes; and

35 (3) the remaining 40 percent of the proceeds must be
36 forwarded to the commissioner of public safety and are

1 appropriated to the commissioner for distribution to crime
2 victims services organizations that provide services to victims
3 of trafficking offenses.

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

- 10 (1) the amount of money appropriated to the commissioner;
11 (2) how the money was distributed by the commissioner; and
12 (3) what the organizations that received the money did with
13 it.

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

16 Sec. 34. Minnesota Statutes 2004, section 609.746,
17 subdivision 1, is amended to read:

18 Subdivision 1. [SURREPTITIOUS INTRUSION; OBSERVATION
19 DEVICE.] (a) A person is guilty of a gross misdemeanor who:

- 20 (1) enters upon another's property;
21 (2) surreptitiously gazes, stares, or peeps in the window
22 or any other aperture of a house or place of dwelling of
23 another; and

24 (3) does so with intent to intrude upon or interfere with
25 the privacy of a member of the household.

26 (b) A person is guilty of a gross misdemeanor who:

- 27 (1) enters upon another's property;
28 (2) surreptitiously installs or uses any device for
29 observing, photographing, recording, amplifying, or broadcasting
30 sounds or events through the window or any other aperture of a
31 house or place of dwelling of another; and

32 (3) does so with intent to intrude upon or interfere with
33 the privacy of a member of the household.

34 (c) A person is guilty of a gross misdemeanor who:

- 35 (1) surreptitiously gazes, stares, or peeps in the window
36 or other aperture of a sleeping room in a hotel, as defined in

1 section 327.70, subdivision 3, a tanning booth, or other place
2 where a reasonable person would have an expectation of privacy
3 and has exposed or is likely to expose their intimate parts, as
4 defined in section 609.341, subdivision 5, or the clothing
5 covering the immediate area of the intimate parts; and

6 (2) does so with intent to intrude upon or interfere with
7 the privacy of the occupant.

8 (d) A person is guilty of a gross misdemeanor who:

9 (1) surreptitiously installs or uses any device for
10 observing, photographing, recording, amplifying, or broadcasting
11 sounds or events through the window or other aperture of a
12 sleeping room in a hotel, as defined in section 327.70,
13 subdivision 3, a tanning booth, or other place where a
14 reasonable person would have an expectation of privacy and has
15 exposed or is likely to expose their intimate parts, as defined
16 in section 609.341, subdivision 5, or the clothing covering the
17 immediate area of the intimate parts; and

18 (2) does so with intent to intrude upon or interfere with
19 the privacy of the occupant.

20 (e) A person is guilty of a gross-misdemeanor felony and
21 may be sentenced to imprisonment for not more than two years or
22 to payment of a fine of not more than \$5,000, or both, if the
23 person:

24 (1) violates this subdivision after a previous conviction
25 under this subdivision or section 609.749; or

26 (2) violates this subdivision against a minor under the age
27 of ~~16~~ 18, knowing or having reason to know that the minor is
28 present.

29 (f) Paragraphs (b) and (d) do not apply to law enforcement
30 officers or corrections investigators, or to those acting under
31 their direction, while engaged in the performance of their
32 lawful duties. Paragraphs (c) and (d) do not apply to conduct
33 in: (1) a medical facility; or (2) a commercial establishment
34 if the owner of the establishment has posted conspicuous signs
35 warning that the premises are under surveillance by the owner or
36 the owner's employees.

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

3 Sec. 35. Minnesota Statutes 2004, section 609.748,
4 subdivision 2, is amended to read:

5 Subd. 2. [RESTRAINING ORDER; JURISDICTION.] A person who
6 is a victim of harassment may seek a restraining order from the
7 district court in the manner provided in this section. The
8 parent or, guardian, or stepparent of a minor who is a victim of
9 harassment may seek a restraining order from the district court
10 on behalf of the minor.

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

12 Sec. 36. Minnesota Statutes 2004, section 609.748,
13 subdivision 3a, is amended to read:

14 Subd. 3a. [FILING FEE; COST OF SERVICE.] The filing fees
15 for a restraining order under this section are waived for the
16 petitioner if the petition alleges acts that would constitute a
17 violation of section 609.749, subdivision 2 or 3, or sections
18 609.342 to 609.3451. The court administrator and the sheriff of
19 any county in this state shall perform their duties relating to
20 service of process without charge to the petitioner. The court
21 shall direct payment of the reasonable costs of service of
22 process if served by a private process server when the sheriff
23 is unavailable or if service is made by publication. The court
24 may direct a respondent to pay to the court administrator the
25 petitioner's filing fees and reasonable costs of service of
26 process if the court determines that the respondent has the
27 ability to pay the petitioner's fees and costs.

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

29 Sec. 37. Minnesota Statutes 2004, section 609.749,
30 subdivision 2, is amended to read:

31 Subd. 2. [HARASSMENT AND STALKING CRIMES.] (a) A person
32 who harasses another by committing any of the following acts is
33 guilty of a gross misdemeanor:

34 (1) directly or indirectly manifests a purpose or intent to
35 injure the person, property, or rights of another by the
36 commission of an unlawful act;

1 (2) stalks, follows, monitors, or pursues another, whether
2 in person or through technological or other means;

3 (3) returns to the property of another if the actor is
4 without claim of right to the property or consent of one with
5 authority to consent;

6 (4) repeatedly makes telephone calls, or induces a victim
7 to make telephone calls to the actor, whether or not
8 conversation ensues;

9 (5) makes or causes the telephone of another repeatedly or
10 continuously to ring;

11 (6) repeatedly mails or delivers or causes the delivery by
12 any means, including electronically, of letters, telegrams,
13 messages, packages, or other objects; or

14 (7) knowingly makes false allegations against a peace
15 officer concerning the officer's performance of official duties
16 with intent to influence or tamper with the officer's
17 performance of official duties.

18 (b) The conduct described in paragraph (a), clauses (4) and
19 (5), may be prosecuted at the place where any call is either
20 made or received or, additionally in the case of wireless or
21 electronic communication, where the actor or victim resides.

22 The conduct described in paragraph (a), clause (2), may be
23 prosecuted where the actor or victim resides. The conduct
24 described in paragraph (a), clause (6), may be prosecuted where
25 any letter, telegram, message, package, or other object is
26 either sent or received or, additionally in the case of wireless
27 or electronic communication, where the actor or victim resides.

28 (c) A peace officer may not make a warrantless, custodial
29 arrest of any person for a violation of paragraph (a), clause
30 (7).

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

33 Sec. 38. Minnesota Statutes 2004, section 609.79,
34 subdivision 2, is amended to read:

35 Subd. 2. [VENUE.] The offense may be prosecuted either at
36 the place where the call is made or where it is received or,

1 additionally in the case of wireless or electronic
2 communication, where the sender or receiver resides.

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

5 Sec. 39. Minnesota Statutes 2004, section 609.795, is
6 amended by adding a subdivision to read:

7 Subd. 3. [VENUE.] The offense may be prosecuted either at
8 the place where the letter, telegram, or package is sent or
9 received or, alternatively in the case of wireless electronic
10 communication, where the sender or receiver resides.

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

13 Sec. 40. Minnesota Statutes 2004, section 628.26, is
14 amended to read:

15 628.26 [LIMITATIONS.]

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

19 (b) Indictments or complaints for a violation of section
20 609.25 may be found or made at any time after the commission of
21 the offense.

22 (c) Indictments or complaints for violation of section
23 609.282 may be found or made at any time after the commission of
24 the offense if the victim was under the age of 18 at the time of
25 the offense.

26 (d) Indictments or complaints for violation of section
27 609.282 where the victim was 18 years of age or older at the
28 time of the offense, or 609.42, subdivision 1, clause (1) or
29 (2), shall be found or made and filed in the proper court within
30 six years after the commission of the offense.

31 ~~(d)~~ (e) Indictments or complaints for violation of sections
32 609.342 to 609.345 if the victim was under the age of 18 years
33 at the time the offense was committed, shall be found or made
34 and filed in the proper court within nine years after the
35 commission of the offense or, if the victim failed to report the
36 offense within this limitation period, within three years after

1 the offense was reported to law enforcement authorities.

2 ~~(e)~~ (f) Notwithstanding the limitations in paragraph (d),
3 indictments or complaints for violation of sections 609.342 to
4 609.344 may be found or made and filed in the proper court at
5 any time after commission of the offense, if physical evidence
6 is collected and preserved that is capable of being tested for
7 its DNA characteristics. If this evidence is not collected and
8 preserved and the victim was 18 years old or older at the time
9 of the offense, the prosecution must be commenced within nine
10 years after the commission of the offense.

11 ~~(f)~~ (g) Indictments or complaints for violation of sections
12 609.466 and 609.52, subdivision 2, clause (3), item (iii), shall
13 be found or made and filed in the proper court within six years
14 after the commission of the offense.

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

21 ~~(h)~~ (i) Except for violations relating to false material
22 statements, representations or omissions, indictments or
23 complaints for violations of section 609.671 shall be found or
24 made and filed in the proper court within five years after the
25 commission of the offense.

26 ~~(i)~~ (j) Indictments or complaints for violation of sections
27 609.561 to 609.563, shall be found or made and filed in the
28 proper court within five years after the commission of the
29 offense.

30 ~~(j)~~ (k) In all other cases, indictments or complaints shall
31 be found or made and filed in the proper court within three
32 years after the commission of the offense.

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

36 ~~(l)~~ (m) The limitations periods contained in this section

1 for an offense shall not include any period during which the
2 alleged offender participated under a written agreement in a
3 pretrial diversion program relating to that offense.

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

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

13 Sec. 41. [CERTAIN MINNESOTA SENTENCING GUIDELINES
14 COMMISSION RECOMMENDATIONS ADOPTED; OTHERS REJECTED.]

15 The following modifications proposed by the Minnesota
16 Sentencing Guidelines Commission in its January 2005 report to
17 the legislature are adopted and take effect on August 1, 2005:

18 (1) those described as "I. Modifications Related to
19 Blakely Decision" on pages 11 to 18 of the report; and

20 (2) those described as "II. Other Adopted Modifications"
21 on page 19 of the report.

22 The modifications described as "III. Adopted Modifications
23 Related to Sex Offenses" on pages 20 to 42 of the report are
24 rejected and do not go into effect.

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

27 Sec. 42. [REPEALER.]

28 Minnesota Statutes 2004, section 609.725, is repealed.

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

31 ARTICLE 8

32 911 EMERGENCY TELECOMMUNICATIONS SERVICES

33 Section 1. [237.491] [COMBINED PER NUMBER FEE.]

34 Subdivision 1. [DEFINITIONS.] (a) The definitions in this
35 subdivision apply to this section.

36 (b) "911 emergency and public safety communications program"

1 means the program governed by chapter 403.

2 (c) "Minnesota telephone number" means a ten-digit
3 telephone number being used to connect to the public switched
4 telephone network and starting with area code 218, 320, 507,
5 612, 651, 763, or 952, or any subsequent area code assigned to
6 this state.

7 (d) "Service provider" means a provider doing business in
8 this state who provides real time, two-way voice service with a
9 Minnesota telephone number.

10 (e) "Telecommunications access Minnesota program" means the
11 program governed by sections 237.50 to 237.55.

12 (f) "Telephone assistance program" means the program
13 governed by sections 237.69 to 237.711.

14 Subd. 2. [PER NUMBER FEE.] (a) By January 15, 2006, the
15 commissioner of commerce shall report to the legislature and to
16 the senate Committee on Jobs, Energy, and Community Development
17 and the house Committee on Regulated Industries, recommendations
18 for the amount of and method for assessing a fee that would
19 apply to each service provider based upon the number of
20 Minnesota telephone numbers in use by current customers of the
21 service provider. The fee would be set at a level calculated to
22 generate only the amount of revenue necessary to fund:

23 (1) the telephone assistance program and the
24 telecommunications access Minnesota program at the levels
25 established by the commission under sections 237.52, subdivision
26 2, and 237.70; and

27 (2) the 911 emergency and public safety communications
28 program at the levels appropriated by law to the commissioner of
29 public safety and the commissioner of finance for purposes of
30 sections 403.11, 403.113, 403.27, 403.30, and 403.31 for each
31 fiscal year.

32 (b) The recommendations must include any changes to
33 Minnesota Statutes necessary to establish the procedures whereby
34 each service provider, to the extent allowed under federal law,
35 would collect and remit the fee proceeds to the commissioner of
36 revenue. The commissioner of revenue would allocate the fee

1 proceeds to the three funding areas in paragraph (a) and credit
2 the allocations to the appropriate accounts.

3 (c) The recommendations must be designed to allow the
4 combined per telephone number fee to be collected beginning July
5 1, 2006. The per access line fee used to collect revenues to
6 support the TAP, TAM, and 911 programs remains in effect until
7 the statutory changes necessary to implement the per telephone
8 number fee have been enacted into law and taken effect.

9 (d) As part of the process of developing the
10 recommendations and preparing the report to the legislature
11 required under paragraph (a), the commissioner of commerce must,
12 at a minimum, consult regularly with the Departments of Public
13 Safety, Finance, and Administration, the Public Utilities
14 Commission, service providers, the chairs and ranking minority
15 members of the senate and house committees, subcommittees, and
16 divisions having jurisdiction over telecommunications and public
17 safety, and other affected parties.

18 Sec. 2. Minnesota Statutes 2004, section 237.70,
19 subdivision 7, is amended to read:

20 Subd. 7. [APPLICATION, NOTICE, FINANCIAL ADMINISTRATION,
21 COMPLAINT INVESTIGATION.] The telephone assistance plan must be
22 administered jointly by the commission, the Department of
23 Commerce, and the local service providers in accordance with the
24 following guidelines:

25 (a) The commission and the Department of Commerce shall
26 develop an application form that must be completed by the
27 subscriber for the purpose of certifying eligibility for
28 telephone assistance plan credits to the local service
29 provider. The application must contain the applicant's Social
30 Security number. Applicants who refuse to provide a Social
31 Security number will be denied telephone assistance plan
32 credits. The application form must also include a statement
33 that the applicant household is currently eligible for one of
34 the programs that confers eligibility for the federal Lifeline
35 Program. The application must be signed by the applicant,
36 certifying, under penalty of perjury, that the information

1 provided by the applicant is true.

2 (b) Each local service provider shall annually mail a
3 notice of the availability of the telephone assistance plan to
4 each residential subscriber in a regular billing and shall mail
5 the application form to customers when requested.

6 The notice must state the following:

7 YOU MAY BE ELIGIBLE FOR ASSISTANCE IN PAYING YOUR TELEPHONE
8 BILL IF YOU RECEIVE BENEFITS FROM CERTAIN LOW-INCOME ASSISTANCE
9 PROGRAMS. FOR MORE INFORMATION OR AN APPLICATION FORM PLEASE
10 CONTACT

11 (c) An application may be made by the subscriber, the
12 subscriber's spouse, or a person authorized by the subscriber to
13 act on the subscriber's behalf. On completing the application
14 certifying that the statutory criteria for eligibility are
15 satisfied, the applicant must return the application to the
16 subscriber's local service provider. On receiving a completed
17 application from an applicant, the subscriber's local service
18 provider shall provide telephone assistance plan credits against
19 monthly charges in the earliest possible month following receipt
20 of the application. The applicant must receive telephone
21 assistance plan credits until the earliest possible month
22 following the service provider's receipt of information that the
23 applicant is ineligible.

24 If the telephone assistance plan credit is not itemized on the
25 subscriber's monthly charges bill for local telephone service,
26 the local service provider must notify the subscriber of the
27 approval for the telephone assistance plan credit.

28 (d) The commission shall serve as the coordinator of the
29 telephone assistance plan and be reimbursed for its
30 administrative expenses from the surcharge revenue pool. As the
31 coordinator, the commission shall:

32 (1) establish a uniform statewide surcharge in accordance
33 with subdivision 6;

34 (2) establish a uniform statewide level of telephone
35 assistance plan credit that each local service provider shall
36 extend to each eligible household in its service area;

1 (3) require each local service provider to account to the
2 commission on a periodic basis for surcharge revenues collected
3 by the provider, expenses incurred by the provider, not to
4 include expenses of collecting surcharges, and credits extended
5 by the provider under the telephone assistance plan;

6 (4) require each local service provider to remit surcharge
7 revenues to the Department of ~~Administration~~ Public Safety for
8 deposit in the fund; and

9 (5) remit to each local service provider from the surcharge
10 revenue pool the amount necessary to compensate the provider for
11 expenses, not including expenses of collecting the surcharges,
12 and telephone assistance plan credits. When it appears that the
13 revenue generated by the maximum surcharge permitted under
14 subdivision 6 will be inadequate to fund any particular
15 established level of telephone assistance plan credits, the
16 commission shall reduce the credits to a level that can be
17 adequately funded by the maximum surcharge. Similarly, the
18 commission may increase the level of the telephone assistance
19 plan credit that is available or reduce the surcharge to a level
20 and for a period of time that will prevent an unreasonable
21 overcollection of surcharge revenues.

22 (e) Each local service provider shall maintain adequate
23 records of surcharge revenues, expenses, and credits related to
24 the telephone assistance plan and shall, as part of its annual
25 report or separately, provide the commission and the Department
26 of Commerce with a financial report of its experience under the
27 telephone assistance plan for the previous year. That report
28 must also be adequate to satisfy the reporting requirements of
29 the federal matching plan.

30 (f) The Department of Commerce shall investigate complaints
31 against local service providers with regard to the telephone
32 assistance plan and shall report the results of its
33 investigation to the commission.

34 Sec. 3. Minnesota Statutes 2004, section 403.02,
35 subdivision 7, is amended to read:

36 Subd. 7. [AUTOMATIC LOCATION IDENTIFICATION.] "Automatic

1 location identification" means the process of electronically
2 identifying and displaying ~~on-a-special-viewing-screen~~ the name
3 of the subscriber and the location, where available, of the
4 calling telephone number to a person answering a 911 emergency
5 call.

6 Sec. 4. Minnesota Statutes 2004, section 403.02,
7 subdivision 13, is amended to read:

8 Subd. 13. [ENHANCED 911 SERVICE.] "Enhanced 911 service"
9 means the use of ~~selective-routing~~, automatic location
10 identification, or local location identification as part of
11 local 911 service provided by an enhanced 911 system consisting
12 of a common 911 network and database and customer data and
13 network components connecting to the common 911 network and
14 database.

15 Sec. 5. Minnesota Statutes 2004, section 403.02,
16 subdivision 17, is amended to read:

17 Subd. 17. [911 SERVICE.] "911 service" means a
18 telecommunications service that automatically connects a person
19 dialing the digits 911 to an established public safety answering
20 point. 911 service includes:

21 (1) ~~equipment-for-connecting-and-outswitching-911-calls~~
22 ~~within-a-telephone-central-office, trunks-facilities-from-the~~
23 ~~central-office-to-a-public-safety-answering-point~~ customer data
24 and network components connecting to the common 911 network and
25 database;

26 (2) common 911 network and database equipment, as
27 appropriate, for automatically selectively routing 911 calls in
28 ~~situations-where-one-telephone-central-office-serves-more-than~~
29 ~~one~~ to the public safety answering point serving the caller's
30 jurisdiction; and

31 (3) provision of automatic location identification if the
32 public safety answering point has the capability of providing
33 that service.

34 Sec. 6. Minnesota Statutes 2004, section 403.02, is
35 amended by adding a subdivision to read:

36 Subd. 17a. [911 EMERGENCY TELECOMMUNICATIONS SERVICE

1 PROVIDER.] "911 emergency telecommunications service provider"
2 means a telecommunications service provider or other entity,
3 determined by the commissioner to be capable of providing
4 effective and efficient components of the 911 system, that
5 provides all or portions of the network and database for
6 automatically selectively routing 911 calls to the public safety
7 answering point serving the caller's jurisdiction.

8 Sec. 7. Minnesota Statutes 2004, section 403.025,
9 subdivision 3, is amended to read:

10 Subd. 3. [~~WIRE-LINE~~ CONNECTED TELECOMMUNICATIONS SERVICE
11 PROVIDER REQUIREMENTS.] Every owner and operator of a
12 wire-line or wireless circuit switched or packet-based
13 telecommunications system connected to the public switched
14 telephone network shall design and maintain the system to dial
15 the 911 number without charge to the caller.

16 Sec. 8. Minnesota Statutes 2004, section 403.025,
17 subdivision 7, is amended to read:

18 Subd. 7. [CONTRACTUAL REQUIREMENTS.] (a) The state,
19 together with the county or other governmental agencies
20 operating public safety answering points, shall contract with
21 the appropriate wire-line telecommunications service
22 providers or other entities determined by the commissioner to be
23 capable of providing effective and efficient components of the
24 911 system for the operation, maintenance, enhancement, and
25 expansion of the 911 system.

26 (b) The state shall contract with the appropriate wireless
27 telecommunications service providers for maintaining, enhancing,
28 and expanding the 911 system.

29 (c) The contract language or subsequent amendments to the
30 contract must include a description of the services to be
31 furnished ~~by-wireless-and-wire-line-telecommunications-service~~
32 ~~providers~~ to the county or other governmental agencies operating
33 public safety answering points, ~~as-well-as-compensation-based-on~~
34 ~~the-effective-tariff-or-price-list-approved-by-the-Public~~
35 ~~Utilities-Commission.~~ The contract language or subsequent
36 amendments must include the terms of compensation based on the

1 effective tariff or price list filed with the Public Utilities
2 Commission or the prices agreed to by the parties.

3 (d) The contract language or subsequent amendments to
4 contracts between the parties must contain a provision for
5 resolving disputes.

6 Sec. 9. Minnesota Statutes 2004, section 403.05,
7 subdivision 1, is amended to read:

8 Subdivision 1. [OPERATE AND MAINTAIN.] Each county or any
9 other governmental agency shall operate and maintain its 911
10 system to meet the requirements of governmental agencies whose
11 services are available through the 911 system and to permit
12 future expansion or enhancement of the system. Each county or
13 any other governmental agency shall-ensure that has jurisdiction
14 over a wire-line 911 emergency call also has primary
15 jurisdiction over a 911 emergency call made with a wireless
16 access device is-automatically-connected-to-and-answered-by-the
17 appropriate-public-safety-answering-point.

18 Sec. 10. Minnesota Statutes 2004, section 403.05,
19 subdivision 3, is amended to read:

20 Subd. 3. [AGREEMENTS FOR SERVICE.] Each county and any
21 other governmental agency shall contract with the state and
22 wire-line telecommunications service providers or other entities
23 determined by the commissioner to be capable of providing
24 effective and efficient components of the 911 system for the
25 recurring and nonrecurring costs associated with operating and
26 maintaining 911 emergency communications systems.

27 Sec. 11. Minnesota Statutes 2004, section 403.07,
28 subdivision 3, is amended to read:

29 Subd. 3. [DATABASE.] In 911 systems that have been
30 approved by the commissioner for a local location identification
31 database, each wire-line telecommunications service provider
32 shall provide current customer names, service addresses, and
33 telephone numbers to each public safety answering point within
34 the 911 system and shall update the information according to a
35 schedule prescribed by the county 911 plan. Information
36 provided under this subdivision must be provided in accordance

1 with the transactional record disclosure requirements of the
2 federal Electronic Communications Privacy Act of 1986 1932,
3 United States Code, title ~~48~~ 47, section ~~2703~~ 222,
4 subsection ~~(e)~~, ~~paragraph-(1)~~, ~~subparagraph-(B)(iv)~~ (g).

5 Sec. 12. Minnesota Statutes 2004, section 403.08,
6 subdivision 10, is amended to read:

7 Subd. 10. [PLAN INTEGRATION.] Counties shall incorporate
8 the statewide design when modifying county 911 plans to provide
9 for integrating wireless 911 service into existing county 911
10 systems. The commissioner shall contract with the involved
11 wireless service providers and 911 emergency telecommunications
12 service providers to integrate cellular and other wireless
13 services into existing 911 systems where feasible.

14 Sec. 13. Minnesota Statutes 2004, section 403.11,
15 subdivision 1, is amended to read:

16 Subdivision 1. [EMERGENCY TELECOMMUNICATIONS SERVICE FEE;
17 ACCOUNT.] (a) Each customer of a wireless or wire-line switched
18 or packet-based telecommunications service provider connected to
19 the public switched telephone network that furnishes service
20 capable of originating a 911 emergency telephone call is
21 assessed a fee based upon the number of wired or wireless
22 telephone lines, or their equivalent, to cover the costs of
23 ongoing maintenance and related improvements for trunking and
24 central office switching equipment for 911 emergency
25 telecommunications service, plus administrative and staffing
26 costs of the commissioner related to managing the 911 emergency
27 telecommunications service program. Recurring charges by a
28 wire-line telecommunications service provider for updating the
29 information required by section 403.07, subdivision 3, must be
30 paid by the commissioner if the wire-line telecommunications
31 service provider is included in an approved 911 plan and the
32 charges are made pursuant to ~~tariff~~, ~~price-list~~, ~~or~~ contract.
33 The fee assessed under this section must also be used for the
34 purpose of offsetting the costs, including administrative and
35 staffing costs, incurred by the State Patrol Division of the
36 Department of Public Safety in handling 911 emergency calls made

1 from wireless phones.

2 (b) Money remaining in the 911 emergency telecommunications
3 service account after all other obligations are paid must not
4 cancel and is carried forward to subsequent years and may be
5 appropriated from time to time to the commissioner to provide
6 financial assistance to counties for the improvement of local
7 emergency telecommunications services. The improvements may
8 include providing access to 911 service for telecommunications
9 service subscribers currently without access and upgrading
10 existing 911 service to include automatic number identification,
11 local location identification, automatic location
12 identification, and other improvements specified in revised
13 county 911 plans approved by the commissioner.

14 (c) The fee may not be less than eight cents nor more than
15 ~~40~~ 65 cents a month for each customer access line or other basic
16 access service, including trunk equivalents as designated by the
17 Public Utilities Commission for access charge purposes and
18 including wireless telecommunications services. With the
19 approval of the commissioner of finance, the commissioner of
20 public safety shall establish the amount of the fee within the
21 limits specified and inform the companies and carriers of the
22 amount to be ~~collected~~ submitted. When the revenue bonds
23 authorized under section 403.27, subdivision 1, have been fully
24 paid or defeased, the commissioner shall reduce the fee to
25 reflect that debt service on the bonds is no longer needed. The
26 commissioner shall provide companies and carriers a minimum of
27 45 days' notice of each fee change. The fee must be the same
28 for all customers.

29 (d) The fee must be ~~collected~~ submitted by each wireless or
30 wire-line telecommunications service provider subject to the
31 fee. Fees are payable to and must be submitted to the
32 commissioner monthly before the 25th of each month following the
33 month ~~of collection~~ counted, except that fees may be submitted
34 quarterly if less than \$250 a month is due, or annually if less
35 than \$25 a month is due. Receipts must be deposited in the
36 state treasury and credited to a 911 emergency

1 telecommunications service account in the special revenue fund.
2 The money in the account may only be used for 911
3 telecommunications services.

4 (e) This subdivision does not apply to customers of
5 interexchange carriers.

6 (f) The installation and recurring charges for integrating
7 wireless 911 calls into enhanced 911 systems must be paid by the
8 commissioner if the 911 service provider is included in the
9 statewide design plan and the charges are made pursuant to
10 ~~tariff, price-list, or~~ contract.

11 (g) Notwithstanding any provision of this chapter to the
12 contrary, the commissioner need not contract for or agree to pay
13 for any services that a wire-line or wireless telecommunication
14 service provider is required by federal law or federal
15 regulation to provide.

16 Sec. 14. Minnesota Statutes 2004, section 403.11,
17 subdivision 3, is amended to read:

18 Subd. 3. [METHOD OF PAYMENT.] (a) Any wireless or
19 wire-line telecommunications service provider incurring
20 reimbursable costs under subdivision 1 shall submit an invoice
21 itemizing rate elements by county or service area to the
22 commissioner for 911 services furnished under ~~tariff, price~~
23 ~~list, or~~ contract. Any wireless or wire-line telecommunications
24 service provider is eligible to receive payment for 911 services
25 rendered according to the terms and conditions specified in the
26 contract. Competitive local exchange carriers holding
27 certificates of authority from the Public Utilities Commission
28 are eligible to receive payment for recurring 911 services
29 provided after July 1, 2001. The commissioner shall pay the
30 invoice within 30 days following receipt of the invoice unless
31 the commissioner notifies the service provider that the
32 commissioner disputes the invoice.

33 (b) The commissioner shall estimate the amount required to
34 reimburse 911 emergency telecommunications service providers and
35 wireless and wire-line telecommunications service providers for
36 the state's obligations under subdivision 1 and the governor

1 shall include the estimated amount in the biennial budget
2 request.

3 Sec. 15. Minnesota Statutes 2004, section 403.11,
4 subdivision 3a, is amended to read:

5 Subd. 3a. [TIMELY CERTIFICATION.] A certification must be
6 submitted to the commissioner no later than ~~two-years~~ one year
7 after commencing a new or additional eligible 911 service. Any
8 ~~wireless-or-wire-line-telecommunications-service-provider~~
9 ~~incurring-reimbursable-costs-under-this-section-at-any-time~~
10 ~~before-January-17-2003,-may-certify-these-costs-for-payment-to~~
11 ~~the-commissioner-according-to-this-section-for-a-period-of-90~~
12 ~~days-after-January-17-2003.--During-this-period,-the~~
13 ~~commissioner-shall-reimburse-any-wireless-or-wire-line~~
14 ~~telecommunications-service-provider-for-approved,-certified~~
15 ~~costs-without-regard-to-any-contrary-provision-of-this~~
16 ~~subdivision~~ Each applicable contract must provide that, if
17 certified expenses under the contract deviate from estimates in
18 the contract by more than ten percent, the commissioner may
19 reduce the level of service without incurring any termination
20 fees.

21 Sec. 16. Minnesota Statutes 2004, section 403.113,
22 subdivision 1, is amended to read:

23 Subdivision 1. [FEE.] (a) Each customer receiving service
24 from a wireless or wire-line switched or packet-based
25 telecommunications service provider connected to the public
26 telephone network that furnishes service capable of originating
27 a 911 emergency telephone call is assessed a fee to fund
28 implementation, operation, maintenance, enhancement, and
29 expansion of enhanced 911 service, including acquisition of
30 necessary equipment and the costs of the commissioner to
31 administer the program. The actual fee assessed under section
32 403.11 and the enhanced 911 service fee must be ~~collected~~
33 submitted as one amount and may not exceed the amount specified
34 in section 403.11, subdivision 1, paragraph (c).

35 (b) The enhanced 911 service fee must be collected and
36 deposited in the same manner as the fee in section 403.11 and

1 used solely for the purposes of paragraph (a) and subdivision 3.

2 (c) The commissioner, in consultation with counties and 911
3 system users, shall determine the amount of the enhanced 911
4 service fee. ~~The fee must include at least ten cents per month~~
5 ~~to be distributed under subdivision 2.~~ The commissioner shall
6 inform wireless and wire-line telecommunications service
7 providers that provide service capable of originating a 911
8 emergency telephone call of the total amount of the 911 service
9 fees in the same manner as provided in section 403.11.

10 Sec. 17. Minnesota Statutes 2004, section 403.27,
11 subdivision 1, is amended to read:

12 Subdivision 1. [AUTHORIZATION.] ~~(a)~~ After consulting with
13 the commissioner of finance, the council, if requested by a vote
14 of at least two-thirds of all of the members of the Metropolitan
15 Radio Board, may, by resolution, authorize the issuance of its
16 revenue bonds for any of the following purposes to:

17 (1) provide funds for regionwide mutual aid and emergency
18 medical services communications;

19 (2) provide funds for the elements of the first phase of
20 the regionwide public safety radio communication system that the
21 board determines are of regionwide benefit and support mutual
22 aid and emergency medical services communication including, but
23 not limited to, costs of master controllers of the backbone;

24 (3) provide money for the second phase of the public safety
25 radio communication system;

26 (4) to the extent money is available after meeting the
27 needs described in clauses (1) to (3), provide money to
28 reimburse local units of government for amounts expended for
29 capital improvements to the first phase system previously paid
30 for by the local government units; or

31 (5) refund bonds issued under this section.

32 ~~(b) After consulting with the commissioner of finance, the~~
33 ~~council, if requested by a vote of at least two-thirds of all of~~
34 ~~the members of the Statewide Radio Board, may, by resolution,~~
35 ~~authorize the issuance of its revenue bonds to provide money for~~
36 ~~the third phase of the public safety radio communication system.~~

1 Sec. 18. Minnesota Statutes 2004, section 403.27,
2 subdivision 3, is amended to read:

3 Subd. 3. [LIMITATIONS.] (a) The principal amount of the
4 bonds issued pursuant to subdivision 1, exclusive of any
5 original issue discount, shall not exceed the amount of
6 \$10,000,000 plus the amount the council determines necessary to
7 pay the costs of issuance, fund reserves, debt service, and pay
8 for any bond insurance or other credit enhancement.

9 (b) In addition to the amount authorized under paragraph
10 (a), the council may issue bonds under subdivision 1 in a
11 principal amount of \$3,306,300, plus the amount the council
12 determines necessary to pay the cost of issuance, fund reserves,
13 debt service, and any bond insurance or other credit
14 enhancement. The proceeds of bonds issued under this paragraph
15 may not be used to finance portable or subscriber radio sets.

16 ~~(c) In addition to the amount authorized under paragraphs~~
17 ~~(a) and (b), the council may issue bonds under subdivision 1 in~~
18 ~~a principal amount of \$18,000,000, plus the amount the council~~
19 ~~determines necessary to pay the costs of issuance, fund~~
20 ~~reserves, debt service, and any bond insurance or other credit~~
21 ~~enhancement. The proceeds of bonds issued under this paragraph~~
22 ~~must be used to pay up to 50 percent of the cost to a local~~
23 ~~government unit of building a subsystem and may not be used to~~
24 ~~finance portable or subscriber radio sets. The bond proceeds~~
25 ~~may be used to make improvements to an existing 800-MHz radio~~
26 ~~system that will interoperate with the regionwide public safety~~
27 ~~radio communication system, provided that the improvements~~
28 ~~conform to the board's plan and technical standards. The~~
29 ~~council must time the sale and issuance of the bonds so that the~~
30 ~~debt service on the bonds can be covered by the additional~~
31 ~~revenue that will become available in the fiscal year ending~~
32 ~~June 30, 2005, generated under section 403.11 and appropriated~~
33 ~~under section 403.30.~~

34 ~~(d) In addition to the amount authorized under paragraphs~~
35 ~~(a) to (c), the council may issue bonds under subdivision 1 in a~~
36 ~~principal amount of up to \$27,000,000, plus the amount the~~

1 council-determines-necessary-to-pay-the-costs-of-issuance,-fund
2 reserves,-debt-service,-and-any-bond-insurance-or-other-credit
3 enhancement.---The-proceeds-of-bonds-issued-under-this-paragraph
4 are-appropriated-to-the-commissioner-of-public-safety-for-phase
5 three-of-the-public-safety-radio-communication-system.---In
6 anticipation-of-the-receipt-by-the-commissioner-of-public-safety
7 of-the-bond-proceeds,-the-Metropolitan-Radio-Board-may-advance
8 money-from-its-operating-appropriation-to-the-commissioner-of
9 public-safety-to-pay-for-design-and-preliminary-engineering-for
10 phase-three.---The-commissioner-of-public-safety-must-return
11 these-amounts-to-the-Metropolitan-Radio-Board-when-the-bond
12 proceeds-are-received-

13 Sec. 19. [403.275] [STATE 911 REVENUE BONDS.]

14 Subdivision 1. [BONDING AUTHORITY.] (a) The commissioner
15 of finance, if requested by a vote of at least two-thirds of all
16 the members of the Statewide Radio Board, shall sell and issue
17 state revenue bonds for the following purposes:

18 (1) to pay the costs of the statewide public safety radio
19 communication system that the board determines are of regional
20 or statewide benefit and support mutual aid and emergency
21 medical services communication, including, but not limited to,
22 costs of master controllers of the backbone;

23 (2) to pay the costs of issuance, debt service, and bond
24 insurance or other credit enhancements, and to fund reserves;
25 and

26 (3) to refund bonds issued under this section.

27 (b) The amount of bonds that may be issued for the purposes
28 of clause (1) will be set from time to time by law; the amount
29 of bonds that may be issued for the purposes of clauses (2) and
30 (3) is not limited.

31 (c) The bond proceeds may be used to to pay up to 50
32 percent of the cost to a local government unit of building a
33 subsystem. The bond proceeds may be used to make improvements
34 to an existing 800 MHz radio system that will interoperate with
35 the regionwide public safety radio communication system,
36 provided that the improvements conform to the board's plan and

1 technical standards. The bond proceeds may not be used to pay
2 for portable or subscriber radio sets.

3 Subd. 2. [PROCEDURE.] (a) The commissioner may sell and
4 issue the bonds on the terms and conditions the commissioner
5 determines to be in the best interests of the state. The bonds
6 may be sold at public or private sale. The commissioner may
7 enter any agreements or pledges the commissioner determines
8 necessary or useful to sell the bonds that are not inconsistent
9 with sections 403.21 to 403.40. Sections 16A.672 to 16A.675
10 apply to the bonds. The proceeds of the bonds issued under this
11 section must be credited to a special 911 revenue bond proceeds
12 account in the state treasury.

13 (b) Before the proceeds are received in the 911 revenue
14 bond proceeds account, the commissioner of finance may transfer
15 to the account from the 911 emergency telecommunications service
16 account amounts not exceeding the expected proceeds from the
17 next bond sale. The commissioner of finance shall return these
18 amounts to the 911 emergency telecommunications service account
19 by transferring proceeds when received. The amounts of these
20 transfers are appropriated from the 911 emergency
21 telecommunications service account and from the 911 revenue bond
22 proceeds account.

23 Subd. 3. [REVENUE SOURCES.] The debt service on the bonds
24 is payable only from the following sources:

25 (1) revenue credited to the 911 emergency
26 telecommunications service account from the fee imposed and
27 collected under section 237.491 or 403.11, subdivision 1, or
28 from any other source; and

29 (2) other revenues pledged to the payment of the bonds.

30 Subd. 4. [REFUNDING BONDS.] The commissioner may issue
31 bonds to refund outstanding bonds issued under subdivision 1,
32 including the payment of any redemption premiums on the bonds
33 and any interest accrued or to accrue to the first redemption
34 date after delivery of the refunding bonds. The proceeds of the
35 refunding bonds may, in the discretion of the commissioner, be
36 applied to the purchases or payment at maturity of the bonds to

1 be refunded, or the redemption of the outstanding bonds on the
2 first redemption date after delivery of the refunding bonds and
3 may, until so used, be placed in escrow to be applied to the
4 purchase, retirement, or redemption. Refunding bonds issued
5 under this subdivision must be issued and secured in the manner
6 provided by the commissioner.

7 Subd. 5. [NOT A GENERAL OR MORAL OBLIGATION.] Bonds issued
8 under this section are not public debt, and the full faith,
9 credit, and taxing powers of the state are not pledged for their
10 payment. The bonds may not be paid, directly in whole or in
11 part from a tax of statewide application on any class of
12 property, income, transaction, or privilege. Payment of the
13 bonds is limited to the revenues explicitly authorized to be
14 pledged under this section. The state neither makes nor has a
15 moral obligation to pay the bonds if the pledged revenues and
16 other legal security for them is insufficient.

17 Subd. 6. [TRUSTEE.] The commissioner may contract with and
18 appoint a trustee for bond holders. The trustee has the powers
19 and authority vested in it by the commissioner under the bond
20 and trust indentures.

21 Subd. 7. [PLEDGES.] Any pledge made by the commissioner is
22 valid and binding from the time the pledge is made. The money
23 or property pledged and later received by the commissioner is
24 immediately subject to the lien of the pledge without any
25 physical delivery of the property or money or further act, and
26 the lien of any pledge is valid and binding as against all
27 parties having claims of any kind in tort, contract, or
28 otherwise against the commissioner, whether or not those parties
29 have notice of the lien or pledge. Neither the order nor any
30 other instrument by which a pledge is created need be recorded.

31 Subd. 8. [BONDS; PURCHASE AND CANCELLATION.] The
32 commissioner, subject to agreements with bondholders that may
33 then exist, may, out of any money available for the purpose,
34 purchase bonds of the commissioner at a price not exceeding (1)
35 if the bonds are then redeemable, the redemption price then
36 applicable plus accrued interest to the next interest payment

1 date thereon, or (2) if the bonds are not redeemable, the
 2 redemption price applicable on the first date after the purchase
 3 upon which the bonds become subject to redemption plus accrued
 4 interest to that date.

5 Subd. 9. [STATE PLEDGE AGAINST IMPAIRMENT OF CONTRACTS.]

6 The state pledges and agrees with the holders of any bonds that
 7 the state will not limit or alter the rights vested in the
 8 commissioner to fulfill the terms of any agreements made with
 9 the bondholders, or in any way impair the rights and remedies of
 10 the holders until the bonds, together with interest on them,
 11 with interest on any unpaid installments of interest, and all
 12 costs and expenses in connection with any action or proceeding
 13 by or on behalf of the bondholders, are fully met and
 14 discharged. The commissioner may include this pledge and
 15 agreement of the state in any agreement with the holders of
 16 bonds issued under this section.

17 Sec. 20. Minnesota Statutes 2004, section 403.30,
 18 subdivision 1, is amended to read:

19 Subdivision 1. [STANDING APPROPRIATION; COSTS COVERED.]

20 ~~For each fiscal year beginning with the fiscal year commencing~~
 21 ~~July 1, 1997, The amount necessary to pay the following debt~~
 22 service costs and reserves for bonds issued by the Metropolitan
 23 Council under section 403.27 or by the commissioner of finance
 24 under section 403.275 is appropriated to the commissioner of
 25 public safety from the 911 emergency telecommunications service
 26 account established under section 403.11+

27 ~~{1} debt service costs and reserves for bonds issued~~
 28 ~~pursuant to section 403.27+~~

29 ~~{2} repayment of the right-of-way acquisition loans+~~

30 ~~{3} costs of design, construction, maintenance of, and~~
 31 ~~improvements to these elements of the first, second, and third~~
 32 ~~phases that support mutual aid communications and emergency~~
 33 ~~medical services+~~

34 ~~{4} recurring charges for leased sites and equipment for~~

35 ~~these elements of the first, second, and third phases that~~
 36 ~~support mutual aid and emergency medical communication services+~~

1 or

2 ~~{5}-aid-to-local-units-of-government-for-sites-and~~
 3 ~~equipment-in-support-of-mutual-aid-and-emergency-medical~~
 4 ~~communications-services~~ to the commissioner of finance. The
 5 commissioner of finance shall transmit the necessary amounts to
 6 the Metropolitan Council as requested by the council.

7 This appropriation shall be used to pay annual debt service
 8 costs and reserves for bonds issued pursuant to section
 9 403.27 or 403.275 prior to use of fee money to pay other
 10 ~~costs eligible under this subdivision. In no event shall the~~
 11 ~~appropriation for each fiscal year exceed an amount equal to~~
 12 ~~four cents a month for each customer access line or other basic~~
 13 ~~access service, including trunk equivalents as designated by the~~
 14 ~~Public Utilities Commission for access charge purposes and~~
 15 ~~including cellular and other nonwire access services, in the~~
 16 ~~fiscal year. Beginning July 1, 2004, this amount will increase~~
 17 ~~to 13 cents a month.~~

18 Sec. 21. [REPEALER.]

19 Minnesota Statutes 2004, section 403.30, subdivision 3, is
 20 repealed.

21 Sec. 22. [EFFECTIVE DATE.]

22 This article is effective the day following final enactment
 23 and applies to contracts entered into on or after that date.

24 ARTICLE 9

25 MISCELLANEOUS PROVISIONS

26 Section 1. Minnesota Statutes 2004, section 13.87,
 27 subdivision 3, is amended to read:

28 Subd. 3. [INTERNET ACCESS.] (a) The Bureau of Criminal
 29 Apprehension shall establish and maintain an Internet Web site
 30 containing public criminal history data by July 1, 2004.

31 (b) Notwithstanding section 13.03, subdivision 3, paragraph
 32 (a), the bureau may charge a fee for Internet access to public
 33 criminal history data ~~provided through August 1, 2005. The fee~~
 34 ~~may not exceed of~~ \$5 per inquiry or the amount needed to recoup
 35 ~~the actual cost of implementing and providing Internet access,~~
 36 ~~whichever is less. Fees collected must be deposited in the~~

1 ~~general-fund-as-a-nondedicated-receipt~~ name searched. The
2 superintendent of the Bureau of Criminal Apprehension shall
3 collect the fee and the receipts shall be directed to the
4 noncriminal background account in the special revenue fund.

5 (c) The Web site must include a notice to the subject of
6 data of the right to contest the accuracy or completeness of
7 data, as provided under section 13.04, subdivision 4, and
8 provide a telephone number and address that the subject may
9 contact for further information on this process.

10 (d) The Web site must include the effective date of data
11 that is posted.

12 (e) The Web site must include a description of the types of
13 criminal history data not available on the site, including
14 arrest data, juvenile data, criminal history data from other
15 states, federal data, data on convictions where 15 years have
16 elapsed since discharge of the sentence, and other data that are
17 not accessible to the public.

18 (f) A person who intends to access the Web site to obtain
19 information regarding an applicant for employment, housing, or
20 credit must disclose to the applicant the intention to do so.
21 The Web site must include a notice that a person obtaining such
22 access must notify the applicant when a background check using
23 this Web site has been conducted.

24 (g) This subdivision does not create a civil cause of
25 action on behalf of the data subject.

26 ~~(h)-This-subdivision-expires-July-31,-2007-~~

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

28 Sec. 2. 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 impose and deposit into
32 the general fund a \$1 surcharge on every license or
33 identification card issued under this section.

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

35 Sec. 3. Minnesota Statutes 2004, section 171.20,
36 subdivision 4, is amended to read:

1 Subd. 4. [REINSTATEMENT FEE.] (a) Before the license is
2 reinstated, (1) a person whose driver's license has been
3 suspended under section 171.16, subdivision subdivisions 2 and
4 3; ~~171.187--except-subdivision-17--clause-(10)~~; or 171.182, or who
5 has been disqualified from holding a commercial driver's license
6 under section 171.165, and (2) a person whose driver's license
7 has been suspended under section 171.186 and who is not exempt
8 from such a fee, must pay a fee of \$20.

9 (b) Before the license is reinstated, a person whose
10 license has been suspended under sections 169.791 to 169.798
11 must pay a \$20 reinstatement fee.

12 (c) When fees are collected by a licensing agent appointed
13 under section 171.061, a handling charge is imposed in the
14 amount specified under section 171.061, subdivision 4. The
15 reinstatement fee and surcharge must be deposited in an approved
16 state depository as directed under section 171.061, subdivision
17 4.

18 (d) Reinstatement fees collected under paragraph (a) for
19 suspensions under sections 171.16, subdivision 3, and 171.18,
20 subdivision 1, clause (10), shall be deposited in the special
21 revenue fund and are appropriated to the Peace Officer Standards
22 and Training Board for peace officer training reimbursement to
23 local units of government.

24 (e) A suspension may be rescinded without fee for good
25 cause.

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

27 Sec. 4. Minnesota Statutes 2004, section 171.26, is
28 amended to read:

29 171.26 [MONEY CREDITED TO FUNDS.]

30 All money received under this chapter must be paid into the
31 state treasury and credited to the trunk highway fund, except as
32 provided in sections 171.06, subdivision 2a; 171.07, subdivision
33 11, paragraph (g); 171.12, subdivision 8; 171.20, subdivision 4,
34 paragraph (d); and 171.29, subdivision 2, paragraph (b).

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

36 Sec. 5. Minnesota Statutes 2004, section 244.09,

1 subdivision 11, is amended to read:

2 Subd. 11. [MODIFICATION.] The commission shall meet as
3 necessary for the purpose of modifying and improving the
4 guidelines. Any modification which amends the Sentencing
5 Guidelines grid, including severity levels and criminal history
6 scores, or which would result in the reduction of any sentence
7 or in the early release of any inmate, with the exception of a
8 modification mandated or authorized by the legislature or
9 relating to a crime created or amended by the legislature in the
10 preceding session, shall be submitted to the legislature by
11 January \pm 15 of any year in which the commission wishes to make
12 the change and shall be effective on August 1 of that year,
13 unless the legislature by law provides otherwise. All other
14 modifications shall take effect according to the procedural
15 rules of the commission. On or before January \pm 15 of each
16 year, the commission shall submit a written report to the
17 committees of the senate and the house of representatives with
18 jurisdiction over criminal justice policy that identifies and
19 explains all modifications made during the preceding 12 months
20 and all proposed modifications that are being submitted to the
21 legislature that year.

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

24 Sec. 6. Minnesota Statutes 2004, section 244.18,
25 subdivision 2, is amended to read:

26 Subd. 2. [LOCAL CORRECTIONAL FEES.] A local correctional
27 agency may establish a schedule of local correctional fees to
28 charge persons ~~convicted-of-a-crime-and~~ under the supervision
29 and control of the local correctional agency to defray costs
30 associated with correctional services. The local correctional
31 fees on the schedule must be reasonably related to defendants'
32 abilities to pay and the actual cost of correctional services.

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

34 Sec. 7. Minnesota Statutes 2004, section 253B.08,
35 subdivision 1, is amended to read:

36 Subdivision 1. [TIME FOR COMMITMENT HEARING.] The hearing

1 on the commitment petition shall be held within 14 days from the
 2 date of the filing of the petition, except that the hearing on a
 3 commitment petition pursuant to section 253B.185 shall be held
 4 within 90 days from the date of the filing of the petition. For
 5 good cause shown, the court may extend the time of hearing up to
 6 an additional 30 days. The proceeding shall be dismissed if the
 7 proposed patient has not had a hearing on a commitment petition
 8 within the allowed time. The proposed patient, or the head of
 9 the treatment facility in which the person is held, may demand
 10 in writing at any time that the hearing be held immediately.
 11 Unless the hearing is held within five days of the date of the
 12 demand, exclusive of Saturdays, Sundays and legal holidays, the
 13 petition shall be automatically discharged if the patient is
 14 being held in a treatment facility pursuant to court order. For
 15 good cause shown, the court may extend the time of hearing on
 16 the demand for an additional ten days.

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

18 Sec. 8. Minnesota Statutes 2004, section 297G.03,
 19 subdivision 1, is amended to read:

20 Subdivision 1. [GENERAL RATE; DISTILLED SPIRITS AND WINE.]

21 The following excise tax is imposed on all distilled spirits and
 22 wine manufactured, imported, sold, or possessed in this state:

	Standard	Metric
23 (a) Distilled spirits,	\$5.03 <u>\$6.30</u>	\$1.33 <u>\$1.67</u>
24 liqueurs, cordials,	per gallon	per liter
25 and specialties regardless		
26 of alcohol content		
27 (excluding ethyl alcohol)		
28 (b) Wine containing	\$-.30 <u>\$.51</u>	\$-.08 <u>\$.14</u>
29 14 percent or less	per gallon	per liter
30 alcohol by volume		
31 (except cider as defined		
32 in section 297G.01,		
33 subdivision 3a)		
34 (c) Wine containing	\$-.95 <u>\$1.16</u>	\$-.25 <u>\$.31</u>
35 more than 14 percent	per gallon	per liter

1 but not more than 21
 2 percent alcohol by volume

3 (d) Wine containing more	\$1.82 <u>\$2.03</u>	\$-.48 <u>\$.54</u>
4 than 21 percent but not	per gallon	per liter
5 more than 24 percent		
6 alcohol by volume		
7 (e) Wine containing more	\$3.52 <u>\$3.72</u>	\$-.93 <u>\$.99</u>
8 than 24 percent alcohol	per gallon	per liter
9 by volume		
10 (f) Natural and	\$1.82 <u>\$2.03</u>	\$-.48 <u>\$.54</u>
11 artificial sparkling wines	per gallon	per liter
12 containing alcohol		
13 (g) Cider as defined in	\$-.15 <u>\$.36</u>	\$-.04 <u>\$.10</u>
14 section 297G.01,	per gallon	per liter
15 subdivision 3a		
16 (h) Low alcohol dairy	\$.08 per gallon	\$.02 per liter
17 cocktails		

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

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

24 Sec. 9. Minnesota Statutes 2004, section 297G.03,
 25 subdivision 2, is amended to read:

26 Subd. 2. [TAX ON MINIATURES; DISTILLED SPIRITS.] The tax
 27 on miniatures is ~~14~~ 15 cents per bottle.

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

29 Sec. 10. Minnesota Statutes 2004, section 297G.04,
 30 subdivision 1, is amended to read:

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

34 (1) on fermented malt beverages containing not more than
 35 3.2 percent alcohol by weight, ~~\$2.40~~ \$5.69 per 31-gallon barrel;
 36 and

1 (2) on fermented malt beverages containing more than 3.2
2 percent alcohol by weight, ~~\$4-60~~ \$7.89 per 31-gallon barrel.

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

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

6 Sec. 11. Minnesota Statutes 2004, section 297G.04,
7 subdivision 2, is amended to read:

8 Subd. 2. [TAX CREDIT.] A qualified brewer producing
9 fermented malt beverages is entitled to a tax credit
10 of ~~\$4-60~~ \$7.89 per barrel on 25,000 barrels sold in any fiscal
11 year beginning July 1, regardless of the alcohol content of the
12 product. Qualified brewers may take the credit on the 18th day
13 of each month, but the total credit allowed may not exceed in
14 any fiscal year the lesser of:

15 (1) the liability for tax; or

16 (2) ~~\$115,000~~ \$197,250.

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

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

28 Sec. 12. Minnesota Statutes 2004, section 299A.38,
29 subdivision 2, is amended to read:

30 Subd. 2. [STATE AND LOCAL REIMBURSEMENT.] Peace officers
31 and heads of local law enforcement agencies who buy vests for
32 the use of peace officer employees may apply to the commissioner
33 for reimbursement of funds spent to buy vests. On approving an
34 application for reimbursement, the commissioner shall pay the
35 applicant an amount equal to the lesser of one-half of the
36 vest's purchase price or ~~\$300~~ \$600, as adjusted according to

1 subdivision 2a. The political subdivision that employs the
2 peace officer shall pay at least the lesser of one-half of the
3 vest's purchase price or ~~300~~ 600, as adjusted according to
4 subdivision 2a. The political subdivision may not deduct or pay
5 its share of the vest's cost from any clothing, maintenance, or
6 similar allowance otherwise provided to the peace officer by the
7 law enforcement agency.

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

10 Sec. 13. Minnesota Statutes 2004, section 299A.38,
11 subdivision 2a, is amended to read:

12 Subd. 2a. [ADJUSTMENT OF REIMBURSEMENT AMOUNT.] On October
13 1, ~~1997~~ 2006, the commissioner of public safety shall adjust
14 the ~~300~~ 600 reimbursement amounts specified in subdivision 2,
15 and in each subsequent year, on October 1, the commissioner
16 shall adjust the reimbursement amount applicable immediately
17 preceding that October 1 date. The adjusted rate must reflect
18 the annual percentage change in the Consumer Price Index for all
19 urban consumers, published by the federal Bureau of Labor
20 Statistics, occurring in the one-year period ending on the
21 preceding June 1.

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

24 Sec. 14. Minnesota Statutes 2004, section 299A.38,
25 subdivision 3, is amended to read:

26 Subd. 3. [ELIGIBILITY REQUIREMENTS.] (a) Only vests that
27 either meet or exceed the requirements of standard 0101.03 of
28 the National Institute of Justice or that meet or exceed the
29 requirements of that standard, except wet armor conditioning,
30 are eligible for reimbursement.

31 (b) Eligibility for reimbursement is limited to vests
32 bought after December 31, 1986, by or for peace officers (1) who
33 did not own a vest meeting the requirements of paragraph (a)
34 before the purchase, or (2) who owned a vest that was at least
35 ~~six~~ five years old.

36 [EFFECTIVE DATE.] This section is effective the day

1 following final enactment.

2 Sec. 15. [299A.681] [MINNESOTA FINANCIAL CRIMES OVERSIGHT
3 COUNCIL AND TASK FORCE.]

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

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

10 (1) the commissioner of public safety;

11 (2) the attorney general;

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

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

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

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

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

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

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

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

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

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

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

35 Subd. 3. [DUTIES.] The oversight council shall develop an
36 overall strategy to ameliorate the harm caused to the public by

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

5 Additionally, the oversight council shall:

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

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

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

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

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

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

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

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

32 Subd. 4. [STATEWIDE COMMANDER.] (a) The Financial Crimes
33 Task Force commander under Minnesota Statutes 2004, section
34 299A.68, shall oversee the transition of that task force into
35 the task force described in subdivision 3 and remain in place as
36 its commander until July 1, 2008. On that date, the

1 commissioner of public safety shall appoint as statewide
2 commander the individual selected by the oversight council under
3 subdivision 3. The commander serves in the unclassified service.

4 (b) The commander shall:

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

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

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

12 (4) monitor compliance with investigative protocols;

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

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

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

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

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

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

33 Subd. 6. [JURISDICTION AND POWERS.] Law enforcement
34 officers participating in any multijurisdictional entity
35 established under this section have statewide jurisdiction to
36 conduct criminal investigations and have the same powers of

1 arrest as those possessed by a sheriff. The task force shall
2 retain from its predecessor the assigned originating reporting
3 number for case reporting purposes.

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

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

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

1 Department of Revenue along with the individual's Social
2 Security number.

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

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

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

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

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

24 Sec. 16. Minnesota Statutes 2004, section 299C.65,
25 subdivision 1, is amended to read:

26 Subdivision 1. [MEMBERSHIP, DUTIES.] (a) The Criminal and
27 Juvenile Justice Information Policy Group consists of the
28 commissioner of corrections, the commissioner of public safety,
29 the commissioner of administration, the commissioner of finance,
30 and four members of the judicial branch appointed by the chief
31 justice of the Supreme Court, and the chair and first vice chair
32 of the Criminal and Juvenile Justice Information Task Force.

33 The policy group may appoint additional, nonvoting members as
34 necessary from time to time.

35 (b) The commissioner of public safety is designated as the
36 chair of the policy group. The commissioner and the policy

1 group have overall responsibility for the successful completion
2 of statewide criminal justice information system integration
3 (CrimNet). The policy group may hire a ~~program manager~~ an
4 executive director to manage the CrimNet projects and to be
5 responsible for the day-to-day operations of CrimNet. The
6 executive director shall serve at the pleasure of the policy
7 group in unclassified service. The policy group must ensure
8 that generally accepted project management techniques are
9 utilized for each CrimNet project, including:

- 10 (1) clear sponsorship;
- 11 (2) scope management;
- 12 (3) project planning, control, and execution;
- 13 (4) continuous risk assessment and mitigation;
- 14 (5) cost management;
- 15 (6) quality management reviews;
- 16 (7) communications management; and
- 17 (8) proven methodology; and
- 18 (9) education and training.

19 (c) Products and services for CrimNet project management,
20 system design, implementation, and application hosting must be
21 acquired using an appropriate procurement process, which
22 includes:

- 23 (1) a determination of required products and services;
- 24 (2) a request for proposal development and identification
25 of potential sources;
- 26 (3) competitive bid solicitation, evaluation, and
27 selection; and
- 28 (4) contract administration and close-out.

29 (d) The policy group shall study and make recommendations
30 to the governor, the Supreme Court, and the legislature on:

- 31 (1) a framework for integrated criminal justice information
32 systems, including the development and maintenance of a
33 community data model for state, county, and local criminal
34 justice information;
- 35 (2) the responsibilities of each entity within the criminal
36 and juvenile justice systems concerning the collection,

1 maintenance, dissemination, and sharing of criminal justice
2 information with one another;

3 (3) actions necessary to ensure that information maintained
4 in the criminal justice information systems is accurate and
5 up-to-date;

6 (4) the development of an information system containing
7 criminal justice information on gross misdemeanor-level and
8 felony-level juvenile offenders that is part of the integrated
9 criminal justice information system framework;

10 (5) the development of an information system containing
11 criminal justice information on misdemeanor arrests,
12 prosecutions, and convictions that is part of the integrated
13 criminal justice information system framework;

14 (6) comprehensive training programs and requirements for
15 all individuals in criminal justice agencies to ensure the
16 quality and accuracy of information in those systems;

17 (7) continuing education requirements for individuals in
18 criminal justice agencies who are responsible for the
19 collection, maintenance, dissemination, and sharing of criminal
20 justice data;

21 (8) a periodic audit process to ensure the quality and
22 accuracy of information contained in the criminal justice
23 information systems;

24 (9) the equipment, training, and funding needs of the state
25 and local agencies that participate in the criminal justice
26 information systems;

27 (10) the impact of integrated criminal justice information
28 systems on individual privacy rights;

29 (11) the impact of proposed legislation on the criminal
30 justice system, including any fiscal impact, need for training,
31 changes in information systems, and changes in processes;

32 (12) the collection of data on race and ethnicity in
33 criminal justice information systems;

34 (13) the development of a tracking system for domestic
35 abuse orders for protection;

36 (14) processes for expungement, correction of inaccurate

1 records, destruction of records, and other matters relating to
2 the privacy interests of individuals; and

3 (15) the development of a database for extended
4 jurisdiction juvenile records and whether the records should be
5 public or private and how long they should be retained.

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

7 Sec. 17. Minnesota Statutes 2004, section 299C.65,
8 subdivision 2, is amended to read:

9 Subd. 2. ~~[REPORT, TASK FORCE.] (a) The policy group shall~~
10 ~~file an annual report with the governor, Supreme Court, and~~
11 ~~chairs and ranking minority members of the senate and house~~
12 ~~committees and divisions with jurisdiction over criminal justice~~
13 ~~funding and policy by December 1 of each year.~~

14 ~~(b) The report must make recommendations concerning any~~
15 ~~legislative changes or appropriations that are needed to ensure~~
16 ~~that the criminal justice information systems operate accurately~~
17 ~~and efficiently. To assist them in developing their~~

18 ~~recommendations, The policy group shall appoint a task force~~
19 ~~consisting to assist them in their duties. The task force shall~~

20 monitor, review, and report to the policy group on

21 CrimNet-related projects and provide oversight to ongoing

22 operations as directed by the policy group. The task force

23 shall consist of its members or their designees and the

24 following additional members:

25 (1) ~~the director of the Office of Strategic and Long-Range~~
26 ~~Planning;~~

27 (2) two sheriffs recommended by the Minnesota Sheriffs
28 Association;

29 (3) (2) two police chiefs recommended by the Minnesota
30 Chiefs of Police Association;

31 (4) (3) two county attorneys recommended by the Minnesota
32 County Attorneys Association;

33 (5) (4) two city attorneys recommended by the Minnesota
34 League of Cities;

35 (6) (5) two public defenders appointed by the Board of
36 Public Defense;

1 {7} (6) two district judges appointed by the Conference of
2 Chief Judges, one of whom is currently assigned to the juvenile
3 court;

4 {8} (7) two community corrections administrators
5 recommended by the Minnesota Association of Counties, one of
6 whom represents a community corrections act county;

7 {9} (8) two probation officers;

8 {10} (9) four public members, one of whom has been a victim
9 of crime, and two who are representatives of the private
10 business community who have expertise in integrated information
11 systems;

12 {11} (10) two court administrators;

13 {12} (11) one member of the house of representatives
14 appointed by the speaker of the house;

15 {13} (12) one member of the senate appointed by the
16 majority leader;

17 {14} (13) the attorney general or a designee;

18 ~~{15} the commissioner of administration or a designee;~~

19 {16} (14) an individual recommended by the Minnesota League
20 of Cities; and

21 {17} (15) an individual recommended by the Minnesota
22 Association of Counties;

23 (16) the director of the Sentencing Guidelines Commission;

24 (17) one member appointed by the commissioner of public
25 safety;

26 (18) one member appointed by the commissioner of
27 corrections;

28 (19) one member appointed by the commissioner of
29 administration; and

30 (20) one member appointed by the chief justice of the
31 Supreme Court.

32 In making these appointments, the appointing authority shall
33 select members with expertise in integrated data systems or best
34 practices.

35 {e} The commissioner of public safety may appoint
36 additional, nonvoting members to the task force as necessary

1 from time to time.

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

3 Sec. 18. Minnesota Statutes 2004, section 299C.65, is
4 amended by adding a subdivision to read:

5 Subd. 3a. [REPORT.] The policy group, with the assistance
6 of the task force, shall file an annual report with the
7 governor, Supreme Court, and chairs and ranking minority members
8 of the senate and house committees and divisions with
9 jurisdiction over criminal justice funding and policy by January
10 15 of each year. The report must provide the following:

11 (a) status and review of current integration efforts and
12 projects;

13 (b) recommendations concerning any legislative changes or
14 appropriations that are needed to ensure that the criminal
15 justice information systems operate accurately and efficiently;
16 and

17 (c) summary of the activities of the policy group and task
18 force.

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

20 Sec. 19. Minnesota Statutes 2004, section 299C.65,
21 subdivision 5, is amended to read:

22 Subd. 5. [REVIEW OF FUNDING AND GRANT REQUESTS.] (a) The
23 Criminal and Juvenile Justice Information Policy Group shall
24 review the funding requests for criminal justice information
25 systems from state, county, and municipal government agencies.
26 The policy group shall review the requests for compatibility to
27 statewide criminal justice information system standards. The
28 review shall be forwarded to the chairs and ranking minority
29 members of the house and senate committees and divisions with
30 jurisdiction over criminal justice funding and policy.

31 ~~(b) The policy-group-shall-also-review-funding-requests-for~~
32 ~~eriminal-justice-information-systems-grants-to-be-made-by-the~~
33 ~~commissioner-of-public-safety-as-provided-in-this-section.~~
34 ~~Within-the-limits-of-available-appropriations,-the-commissioner~~
35 ~~of-public-safety-shall-make-grants-for-projects-that-have-been~~
36 ~~approved-by-the-policy-group.~~ CrimNet program office, in

1 consultation with the Criminal and Juvenile Justice Information
2 Task Force and with the approval of the policy group, shall
3 create the requirements for any grant request and determine the
4 integration priorities for the grant period. The CrimNet
5 program office shall also review the requests submitted for
6 compatibility to statewide criminal justice information systems
7 standards.

8 ~~(c) If a funding request is for development of a~~
9 ~~comprehensive criminal justice information integration plan, the~~
10 ~~policy group shall ensure that the request contains the~~
11 ~~components specified in subdivision 6. If a funding request is~~
12 ~~for implementation of a plan or other criminal justice~~
13 ~~information systems project, the policy group shall ensure that:~~

14 ~~(1) the government agency has adopted a comprehensive plan~~
15 ~~that complies with subdivision 6;~~

16 ~~(2) the request contains the components specified in~~
17 ~~subdivision 7; and~~

18 ~~(3) the request demonstrates that it is consistent with the~~
19 ~~government agency's comprehensive plan. The task force shall~~
20 review funding requests for criminal justice information systems
21 grants and make recommendations to the policy group. The policy
22 group shall review the recommendations of the task force and
23 shall make a final recommendation for criminal justice
24 information systems grants to be made by the commissioner of
25 public safety. Within the limits of available state
26 appropriations and federal grants, the commissioner of public
27 safety shall make grants for projects that have been recommended
28 by the policy group.

29 (d) The policy group may approve grants only if the
30 applicant provides an appropriate share of matching funds as
31 determined by the policy group to help pay up to one-half of the
32 costs of the grant request. The matching requirement must be
33 constant for all counties. The policy group shall adopt
34 policies concerning the use of in-kind resources to satisfy the
35 match requirement and the sources from which matching funds may
36 be obtained. Local operational or technology staffing costs may

1 be considered as meeting this match requirement. Each grant
 2 recipient shall certify to the policy group that it has not
 3 reduced funds from local, county, federal, or other sources
 4 which, in the absence of the grant, would have been made
 5 available to the grant recipient to improve or integrate
 6 criminal justice technology.

7 (e) All grant recipients shall submit to the CrimNet
 8 program office all requested documentation including grant
 9 status, financial reports, and a final report evaluating how the
 10 grant funds improved the agency's criminal justice integration
 11 priorities. The CrimNet program office shall establish the
 12 recipient's reporting dates at the time funds are awarded.

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

14 Sec. 20. Minnesota Statutes 2004, section 340A.301,
 15 subdivision 6, is amended to read:

16 Subd. 6. [FEES.] The annual fees for licenses under this
 17 section are as follows:

- 18 (a) Manufacturers (except as provided
- 19 in clauses (b) and (c)) \$~~15,000~~ \$30,000
- 20 Duplicates \$ 3,000
- 21 (b) Manufacturers of wines of not more
- 22 than 25 percent alcohol by volume \$ 500
- 23 (c) Brewers other than those described
- 24 in clauses (d) and (i) \$ ~~2,500~~ 4,000
- 25 (d) Brewers who also hold one or more
- 26 retail on-sale licenses and who
- 27 manufacture fewer than 3,500 barrels
- 28 of malt liquor in a year, at any one
- 29 licensed premises, using only wort produced
- 30 in Minnesota, the entire
- 31 production of which is solely
- 32 for consumption on tap on the
- 33 licensed premises or for off-sale
- 34 from that licensed premises.
- 35 A brewer licensed
- 36 under this clause must obtain a separate

1	license for each licensed premises where	
2	the brewer brews malt liquor. A brewer	
3	licensed under this clause may not be	
4	licensed as an importer under this chapter	\$ 500
5	(e) Wholesalers (except as provided in	
6	clauses (f), (g), and (h))	\$15,000
7	Duplicates	\$ 3,000
8	(f) Wholesalers of wines of not more	
9	than 25 percent alcohol by volume	\$ 2,000 <u>3,750</u>
10	(g) Wholesalers of intoxicating	
11	malt liquor	\$ 600 <u>1,000</u>
12	Duplicates	\$ 25
13	(h) Wholesalers of 3.2 percent	
14	malt liquor	\$ 10
15	(i) Brewers who manufacture fewer than	
16	2,000 barrels of malt liquor in a year	\$ 150

17 If a business licensed under this section is destroyed, or
 18 damaged to the extent that it cannot be carried on, or if it
 19 ceases because of the death or illness of the licensee, the
 20 commissioner may refund the license fee for the balance of the
 21 license period to the licensee or to the licensee's estate.

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

23 Sec. 21. Minnesota Statutes 2004, section 340A.302,
 24 subdivision 3, is amended to read:

25 Subd. 3. [FEES.] Annual fees for licenses under this
 26 section, which must accompany the application, are as follows:

27	Importers of distilled spirits, wine,	
28	or ethyl alcohol	\$420
29	Importers of malt liquor	\$800
30		<u>\$1,600</u>

31 If an application is denied, \$100 of the fee shall be
 32 retained by the commissioner to cover costs of investigation.

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

34 Sec. 22. Minnesota Statutes 2004, section 340A.311, is
 35 amended to read:

36 340A.311 [BRAND REGISTRATION.]

1 (a) A brand of intoxicating liquor or 3.2 percent malt
2 liquor may not be manufactured, imported into, or sold in the
3 state unless the brand label has been registered with and
4 approved by the commissioner. A brand registration must be
5 renewed every three years in order to remain in effect. The fee
6 for an initial brand registration is ~~\$30~~ \$40. The fee for brand
7 registration renewal is ~~\$20~~ \$30. The brand label of a brand of
8 intoxicating liquor or 3.2 percent malt liquor for which the
9 brand registration has expired, is conclusively deemed abandoned
10 by the manufacturer or importer.

11 (b) In this section "brand" and "brand label" include
12 trademarks and designs used in connection with labels.

13 (c) The label of any brand of wine or intoxicating or
14 nonintoxicating malt beverage may be registered only by the
15 brand owner or authorized agent. No such brand may be imported
16 into the state for sale without the consent of the brand owner
17 or authorized agent. This section does not limit the provisions
18 of section 340A.307.

19 (d) The commissioner shall refuse to register a malt liquor
20 brand label, and shall revoke the registration of a malt liquor
21 brand label already registered, if the brand label states or
22 implies in a false or misleading manner a connection with an
23 actual living or dead American Indian leader. This paragraph
24 does not apply to a brand label registered for the first time in
25 Minnesota before January 1, 1992.

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

27 Sec. 23. Minnesota Statutes 2004, section 340A.404,
28 subdivision 12, is amended to read:

29 Subd. 12. **[CATERER'S PERMIT.]** The commissioner may issue a
30 caterer's permit to a restaurant that holds an on-sale
31 intoxicating liquor license issued by any municipality. The
32 holder of a caterer's permit may sell intoxicating liquor as an
33 incidental part of a food service that serves prepared meals at
34 a place other than the premises for which the holder's on-sale
35 intoxicating liquor license is issued.

36 (a) A caterer's permit is auxiliary to the primary on-sale

1 license held by the licensee.

2 (b) The restrictions and regulations which apply to the
3 sale of intoxicating liquor on the licensed premises also apply
4 to the sale under the authority of a caterer's permit, and any
5 act that is prohibited on the licensed premises is also
6 prohibited when the licensee is operating other than on the
7 licensed premises under a caterer's permit.

8 (c) Any act, which if done on the licensed premises would
9 be grounds for cancellation or suspension of the on-sale
10 licensee, is grounds for cancellation of both the on-sale
11 license and the caterer's permit if done when the permittee is
12 operating away from the licensed premises under the authority of
13 the caterer's permit.

14 (d) The permittee shall notify prior to any catered event:

15 (1) the police chief of the city where the event will take
16 place, if the event will take place within the corporate limits
17 of a city; or

18 (2) the county sheriff of the county where the event will
19 take place, if the event will be outside the corporate limits of
20 any city.

21 (e) If the primary license ceases to be valid for any
22 reason, the caterer's permit ceases to be valid.

23 (f) Permits issued under this subdivision are subject to
24 all laws and ordinances governing the sale of intoxicating
25 liquor except those laws and ordinances which by their nature
26 are not applicable.

27 (g) The annual state fee for a caterer's permit
28 is ~~\$200~~ \$300.

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

30 Sec. 24. Minnesota Statutes 2004, section 340A.408,
31 subdivision 4, is amended to read:

32 Subd. 4. [LAKE SUPERIOR, ST. CROIX RIVER, AND MISSISSIPPI
33 RIVER TOUR BOATS; COMMON CARRIERS.] (a) The annual license fee
34 for licensing of Lake Superior, St. Croix River, and Mississippi
35 River tour boats under section 340A.404, subdivision 8, shall be
36 ~~\$1,000~~ \$1,500. The commissioner shall transmit one-half of this

1 fee to the governing body of the city that is the home port of
2 the tour boat or to the county in which the home port is located
3 if the home port is outside a city.

4 (b) The annual license fee for common carriers licensed
5 under section 340A.407 is:

6 (1) \$50 for 3.2 percent malt liquor, and \$20 for a
7 duplicate license; and

8 (2) ~~\$200~~ \$250 for intoxicating liquor, and ~~\$20~~ \$30 for a
9 duplicate license.

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

11 Sec. 25. Minnesota Statutes 2004, section 340A.414,
12 subdivision 6, is amended to read:

13 Subd. 6. [PERMIT FEES.] The annual fee for issuance of a
14 permit under this section is ~~\$150~~ \$250. The governing body of a
15 city or county where the establishment is located may impose an
16 additional fee of not more than \$300.

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

18 Sec. 26. Minnesota Statutes 2004, section 340A.504,
19 subdivision 3, is amended to read:

20 Subd. 3. [INTOXICATING LIQUOR; SUNDAY SALES; ON-SALE.] (a)
21 A restaurant, club, bowling center, or hotel with a seating
22 capacity for at least 30 persons and which holds an on-sale
23 intoxicating liquor license may sell intoxicating liquor for
24 consumption on the premises in conjunction with the sale of food
25 between the hours of 12:00 noon on Sundays and 2:00 a.m. on
26 Mondays.

27 (b) The governing body of a municipality may after one
28 public hearing by ordinance permit a restaurant, hotel, bowling
29 center, or club to sell alcoholic beverages for consumption on
30 the premises in conjunction with the sale of food between the
31 hours of 10:00 a.m. on Sundays and 2:00 a.m. on Mondays,
32 provided that the licensee is in conformance with the Minnesota
33 Clean Air Act.

34 (c) An establishment serving intoxicating liquor on Sundays
35 must obtain a Sunday license. The license must be issued by the
36 governing body of the municipality for a period of one year, and

1 the fee for the license may not exceed \$200.

2 (d) A city may issue a Sunday intoxicating liquor license
3 only if authorized to do so by the voters of the city voting on
4 the question at a general or special election. A county may
5 issue a Sunday intoxicating liquor license in a town only if
6 authorized to do so by the voters of the town as provided in
7 paragraph (e). A county may issue a Sunday intoxicating liquor
8 license in unorganized territory only if authorized to do so by
9 the voters of the election precinct that contains the licensed
10 premises, voting on the question at a general or special
11 election.

12 (e) An election conducted in a town on the question of the
13 issuance by the county of Sunday sales licenses to
14 establishments located in the town must be held on the day of
15 the annual election of town officers.

16 (f) Voter approval is not required for licenses issued by
17 the Metropolitan Airports Commission or common carrier licenses
18 issued by the commissioner. Common carriers serving
19 intoxicating liquor on Sunday must obtain a Sunday license from
20 the commissioner at an annual fee of \$50 \$75, plus \$20 \$30 for
21 each duplicate.

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

23 Sec. 27. Minnesota Statutes 2004, section 340A.504,
24 subdivision 7, is amended to read:

25 Subd. 7. **[SALES AFTER 1:00 A.M.; PERMIT FEE.]** (a) No
26 licensee may sell intoxicating liquor or 3.2 percent malt liquor
27 on-sale between the hours of 1:00 a.m. and 2:00 a.m. unless the
28 licensee has obtained a permit from the commissioner.
29 Application for the permit must be on a form the commissioner
30 prescribes. Permits are effective for one year from date of
31 issuance. For retailers of intoxicating liquor, the fee for the
32 permit is based on the licensee's gross receipts from on-sales
33 of alcoholic beverages in the 12 months prior to the month in
34 which the permit is issued, and is at the following rates:

35 (1) up to \$100,000 in gross receipts, \$200 \$300;

36 (2) over \$100,000 but not over \$500,000 in gross receipts,

1 ~~\$500~~ \$750; and

2 (3) over \$500,000 in gross receipts, ~~\$600~~ \$1,000.

3 For a licensed retailer of intoxicating liquor who did not sell
4 intoxicating liquor at on-sale for a full 12 months prior to the
5 month in which the permit is issued, the fee is \$200. For a
6 retailer of 3.2 percent malt liquor, the fee is \$200.

7 (b) The commissioner shall deposit all permit fees received
8 under this subdivision in the alcohol enforcement account in the
9 special revenue fund.

10 (c) Notwithstanding any law to the contrary, the
11 commissioner of revenue may furnish to the commissioner the
12 information necessary to administer and enforce this subdivision.

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

14 Sec. 28. Minnesota Statutes 2004, section 357.021,
15 subdivision 2, is amended to read:

16 Subd. 2. [FEE AMOUNTS.] The fees to be charged and
17 collected by the court administrator shall be as follows:

18 (1) In every civil action or proceeding in said court,
19 including any case arising under the tax laws of the state that
20 could be transferred or appealed to the Tax Court, the
21 plaintiff, petitioner, or other moving party shall pay, when the
22 first paper is filed for that party in said action, a fee of
23 ~~\$235~~ \$240.

24 The defendant or other adverse or intervening party, or any
25 one or more of several defendants or other adverse or
26 intervening parties appearing separately from the others, shall
27 pay, when the first paper is filed for that party in said
28 action, a fee of \$235.

29 The party requesting a trial by jury shall pay \$75.

30 The fees above stated shall be the full trial fee
31 chargeable to said parties irrespective of whether trial be to
32 the court alone, to the court and jury, or disposed of without
33 trial, and shall include the entry of judgment in the action,
34 but does not include copies or certified copies of any papers so
35 filed or proceedings under chapter 103E, except the provisions
36 therein as to appeals.

1 (2) Certified copy of any instrument from a civil or
2 criminal proceeding, \$10, and \$5 for an uncertified copy.

3 (3) Issuing a subpoena, \$12 for each name.

4 (4) Filing a motion or response to a motion in civil,
5 family, excluding child support, and guardianship cases, \$55.

6 (5) Issuing an execution and filing the return thereof;
7 issuing a writ of attachment, injunction, habeas corpus,
8 mandamus, quo warranto, certiorari, or other writs not
9 specifically mentioned, \$40.

10 (6) Issuing a transcript of judgment, or for filing and
11 docketing a transcript of judgment from another court, \$30.

12 (7) Filing and entering a satisfaction of judgment, partial
13 satisfaction, or assignment of judgment, \$5.

14 (8) Certificate as to existence or nonexistence of
15 judgments docketed, \$5 for each name certified to.

16 (9) Filing and indexing trade name; or recording basic
17 science certificate; or recording certificate of physicians,
18 osteopaths, chiropractors, veterinarians, or optometrists, \$5.

19 (10) For the filing of each partial, final, or annual
20 account in all trusteeships, \$40.

21 (11) For the deposit of a will, \$20.

22 (12) For recording notary commission, \$100, of which,
23 notwithstanding subdivision 1a, paragraph (b), \$80 must be
24 forwarded to the commissioner of finance to be deposited in the
25 state treasury and credited to the general fund.

26 (13) Filing a motion or response to a motion for
27 modification of child support, a fee fixed by rule or order of
28 the Supreme Court.

29 (14) All other services required by law for which no fee is
30 provided, such fee as compares favorably with those herein
31 provided, or such as may be fixed by rule or order of the court.

32 (15) In addition to any other filing fees under this
33 chapter, a surcharge in the amount of \$75 must be assessed in
34 accordance with section 259.52, subdivision 14, for each
35 adoption petition filed in district court to fund the fathers'
36 adoption registry under section 259.52.

1 The fees in clauses (3) and (5) need not be paid by a
2 public authority or the party the public authority represents.

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

4 Sec. 29. Minnesota Statutes 2004, section 357.021,
5 subdivision 6, is amended to read:

6 Subd. 6. [SURCHARGES ON CRIMINAL AND TRAFFIC OFFENDERS.]

7 (a) The court shall impose and the court administrator shall
8 collect a \$60 \$71 surcharge on every person convicted of any
9 felony, gross misdemeanor, misdemeanor, or petty misdemeanor
10 offense, other than a violation of a law or ordinance relating
11 to vehicle parking, for which there shall be a \$3 surcharge. In
12 the Second Judicial District, the court shall impose, and the
13 court administrator shall collect, an additional \$1 surcharge on
14 every person convicted of any felony, gross misdemeanor, or
15 petty misdemeanor offense, other than a violation of a law or
16 ordinance relating to vehicle parking, if the Ramsey County
17 Board of Commissioners authorizes the \$1 surcharge. The
18 surcharge shall be imposed whether or not the person is
19 sentenced to imprisonment or the sentence is stayed.

20 (b) If the court fails to impose a surcharge as required by
21 this subdivision, the court administrator shall show the
22 imposition of the surcharge, collect the surcharge and correct
23 the record.

24 (c) The court may not waive payment of the surcharge
25 required under this subdivision. Upon a showing of indigency or
26 undue hardship upon the convicted person or the convicted
27 person's immediate family, the sentencing court may authorize
28 payment of the surcharge in installments.

29 (d) The court administrator or other entity collecting a
30 surcharge shall forward it to the commissioner of finance.

31 (e) If the convicted person is sentenced to imprisonment
32 and has not paid the surcharge before the term of imprisonment
33 begins, the chief executive officer of the correctional facility
34 in which the convicted person is incarcerated shall collect the
35 surcharge from any earnings the inmate accrues from work
36 performed in the facility or while on conditional release. The

1 chief executive officer shall forward the amount collected to
2 the commissioner of finance.

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

4 Sec. 30. Minnesota Statutes 2004, section 357.021,
5 subdivision 7, is amended to read:

6 Subd. 7. [DISBURSEMENT OF SURCHARGES BY COMMISSIONER OF
7 FINANCE.] (a) Except as provided in paragraphs (b), (c), and
8 (d), the commissioner of finance shall disburse surcharges
9 received under subdivision 6 and section 97A.065, subdivision 2,
10 as follows:

11 (1) one percent shall be credited to the game and fish fund
12 to provide peace officer training for employees of the
13 Department of Natural Resources who are licensed under sections
14 626.84 to 626.863, and who possess peace officer authority for
15 the purpose of enforcing game and fish laws;

16 (2) 39 percent shall be credited to the peace officers
17 training account in the special revenue fund; and

18 (3) 60 percent shall be credited to the general fund.

19 (b) The commissioner of finance shall credit \$3 of each
20 surcharge received under subdivision 6 and section 97A.065,
21 subdivision 2, to the general fund.

22 (c) In addition to any amounts credited under paragraph
23 (a), the commissioner of finance shall credit ~~\$3~~ \$43 of each
24 surcharge received under subdivision 6 and section 97A.065,
25 subdivision 2, and the \$3 parking surcharge, to the general fund.

26 (d) If the Ramsey County Board of Commissioners authorizes
27 imposition of the additional \$1 surcharge provided for in
28 subdivision 6, paragraph (a), the court administrator in the
29 Second Judicial District shall withhold \$1 from each surcharge
30 collected under subdivision 6. The court administrator must use
31 the withheld funds solely to fund the petty misdemeanor
32 diversion program administered by the Ramsey County Violations
33 Bureau. The court administrator must transfer any unencumbered
34 portion of the funds received under this subdivision to the
35 commissioner of finance for distribution according to paragraphs
36 (a) to (c).

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

2 Sec. 31. Minnesota Statutes 2004, section 357.18,
3 subdivision 3, is amended to read:

4 Subd. 3. [SURCHARGE.] In addition to the fees imposed in
5 subdivision 1, a ~~\$4-50~~ \$10.50 surcharge shall be collected: on
6 each fee charged under subdivision 1, clauses (1) and (6), and
7 for each abstract certificate under subdivision 1, clause (4).
8 Fifty cents of each surcharge shall be retained by the county to
9 cover its administrative costs and ~~\$4~~ \$10 shall be paid to the
10 state treasury and credited to the general fund.

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

12 Sec. 32. Minnesota Statutes 2004, section 508.82,
13 subdivision 1, is amended to read:

14 Subdivision 1. [STANDARD DOCUMENTS.] The fees to be paid
15 to the registrar shall be as follows:

16 (1) of the fees provided herein, five percent of the fees
17 collected under clauses (3), (5), (11), (13), (14), (16), and
18 (17), for filing or memorializing shall be paid to the
19 commissioner of finance and credited to the general fund; plus a
20 ~~\$4-50~~ \$10.50 surcharge shall be charged and collected in
21 addition to the total fees charged for each transaction under
22 clauses (2), (3), (5), (11), (13), (14), (16), and (17), with 50
23 cents of this surcharge to be retained by the county to cover
24 its administrative costs, and ~~\$4~~ \$10 to be paid to the state
25 treasury and credited to the general fund;

26 (2) for registering a first certificate of title, including
27 issuing a copy of it, \$30;

28 (3) for registering each instrument transferring the fee
29 simple title for which a new certificate of title is issued and
30 for the registration of the new certificate of title, including
31 a copy of it, \$30;

32 (4) for issuance of a CECT pursuant to section 508.351,
33 \$15;

34 (5) for the entry of each memorial on a certificate, \$15;

35 (6) for issuing each residue certificate, \$20;

36 (7) for exchange certificates, \$10 for each certificate

1 canceled and \$10 for each new certificate issued;

2 (8) for each certificate showing condition of the register,
3 \$10;

4 (9) for any certified copy of any instrument or writing on
5 file in the registrar's office, the same fees allowed by law to
6 county recorders for like services;

7 (10) for a noncertified copy of any certificate of title,
8 other than the copies issued under clauses (2) and (3), any
9 instrument or writing on file in the office of the registrar of
10 titles, or any specified page or part of it, an amount as
11 determined by the county board for each page or fraction of a
12 page specified. If computer or microfilm printers are used to
13 reproduce the instrument or writing, a like amount per image;

14 (11) for filing two copies of any plat in the office of the
15 registrar, \$30;

16 (12) for any other service under this chapter, such fee as
17 the court shall determine;

18 (13) for filing an amendment to a declaration in accordance
19 with chapter 515, \$10 for each certificate upon which the
20 document is registered and \$30 for an amended floor plan filed
21 in accordance with chapter 515;

22 (14) for filing an amendment to a common interest community
23 declaration and plat or amendment complying with section
24 515B.2-110, subsection (c), \$10 for each certificate upon which
25 the document is registered and \$30 for the filing of the
26 condominium or common interest community plat or amendment;

27 (15) for a copy of a condominium floor plan filed in
28 accordance with chapter 515, or a copy of a common interest
29 community plat complying with section 515B.2-110, subsection
30 (c), the fee shall be \$1 for each page of the floor plan or
31 common interest community plat with a minimum fee of \$10;

32 (16) for the filing of a certified copy of a plat of the
33 survey pursuant to section 508.23 or 508.671, \$10;

34 (17) for filing a registered land survey in triplicate in
35 accordance with section 508.47, subdivision 4, \$30; and

36 (18) for furnishing a certified copy of a registered land

1 survey in accordance with section 508.47, subdivision 4, \$10.

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

3 Sec. 33. Minnesota Statutes 2004, section 508A.82,
4 subdivision 1, is amended to read:

5 Subdivision 1. [STANDARD DOCUMENTS.] The fees to be paid
6 to the registrar shall be as follows:

7 (1) of the fees provided herein, five percent of the fees
8 collected under clauses (3), (5), (11), (13), (14), and (17),
9 for filing or memorializing shall be paid to the commissioner of
10 finance and credited to the general fund; plus a ~~\$4.50~~ \$10.50
11 surcharge shall be charged and collected in addition to the
12 total fees charged for each transaction under clauses (2), (3),
13 (5), (11), (13), (14), and (17), with 50 cents of this surcharge
14 to be retained by the county to cover its administrative costs,
15 and ~~\$4~~ \$10 to be paid to the state treasury and credited to the
16 general fund;

17 (2) for registering a first CPT, including issuing a copy
18 of it, \$30;

19 (3) for registering each instrument transferring the fee
20 simple title for which a new CPT is issued and for the
21 registration of the new CPT, including a copy of it, \$30;

22 (4) for issuance of a CECT pursuant to section 508A.351,
23 \$15;

24 (5) for the entry of each memorial on a CPT, \$15;

25 (6) for issuing each residue CPT, \$20;

26 (7) for exchange CPTs or combined certificates of title,
27 \$10 for each CPT and certificate of title canceled and \$10 for
28 each new CPT or combined certificate of title issued;

29 (8) for each CPT showing condition of the register, \$10;

30 (9) for any certified copy of any instrument or writing on
31 file in the registrar's office, the same fees allowed by law to
32 county recorders for like services;

33 (10) for a noncertified copy of any CPT, other than the
34 copies issued under clauses (2) and (3), any instrument or
35 writing on file in the office of the registrar of titles, or any
36 specified page or part of it, an amount as determined by the

1 county board for each page or fraction of a page specified. If
2 computer or microfilm printers are used to reproduce the
3 instrument or writing, a like amount per image;

4 (11) for filing two copies of any plat in the office of the
5 registrar, \$30;

6 (12) for any other service under sections 508A.01 to
7 508A.85, the fee the court shall determine;

8 (13) for filing an amendment to a declaration in accordance
9 with chapter 515, \$10 for each certificate upon which the
10 document is registered and \$30 for an amended floor plan filed
11 in accordance with chapter 515;

12 (14) for filing an amendment to a common interest community
13 declaration and plat or amendment complying with section
14 515B.2-110, subsection (c), and issuing a CECT if required, \$10
15 for each certificate upon which the document is registered and
16 \$30 for the filing of the condominium or common interest
17 community plat or amendment;

18 (15) for a copy of a condominium floor plan filed in
19 accordance with chapter 515, or a copy of a common interest
20 community plat complying with section 515B.2-110, subsection
21 (c), the fee shall be \$1 for each page of the floor plan, or
22 common interest community plat with a minimum fee of \$10;

23 (16) in counties in which the compensation of the examiner
24 of titles is paid in the same manner as the compensation of
25 other county employees, for each parcel of land contained in the
26 application for a CPT, as the number of parcels is determined by
27 the examiner, a fee which is reasonable and which reflects the
28 actual cost to the county, established by the board of county
29 commissioners of the county in which the land is located;

30 (17) for filing a registered land survey in triplicate in
31 accordance with section 508A.47, subdivision 4, \$30; and

32 (18) for furnishing a certified copy of a registered land
33 survey in accordance with section 508A.47, subdivision 4, \$10.

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

35 Sec. 34. [HOMELESSNESS PILOT PROJECTS; GRANTS.]

36 Subdivision 1. [GRANTS.] The commissioner of public

1 safety, in consultation with the director of ending long-term
2 homelessness, the Ending Long-Term Homelessness Advisory
3 Council, and the Department of Human Services Office of Economic
4 Opportunity, shall award grants for homeless outreach and to
5 provide a bridge to stable housing and services. The
6 commissioner shall award grants to qualified applicants in
7 Hennepin County, Ramsey County, and one county outside the
8 seven-county metropolitan area. An entity outside the
9 seven-county metropolitan area receiving a grant under this
10 section shall provide a 25 percent match. An entity within the
11 seven-county metropolitan area receiving a grant under this
12 section shall provide a 50 percent match. Grants must be used
13 for homelessness pilot projects of a two-year duration that
14 reduce recidivism and promote stronger communities through
15 street and shelter outreach to connect people experiencing
16 homelessness to housing and services.

17 Subd. 2. [APPLICATIONS.] An applicant for a grant under
18 subdivision 1 must establish that:

19 (1) the applicant is experienced in homeless outreach
20 services and will have staff qualified to work with people with
21 serious mental illness, chemical dependency, and other factors
22 contributing to homelessness;

23 (2) the applicant employs outreach staff who are trained
24 and qualified to work with racially and culturally diverse
25 populations;

26 (3) outreach services will be targeted to, but not limited
27 to, people experiencing long-term homelessness, and people who
28 have had repeated interactions with law enforcement;

29 (4) outreach services will provide intervention strategies
30 linking people to housing and services as an alternative to
31 arrest;

32 (5) the applicant has a plan to connect people experiencing
33 homelessness to services for which they may be eligible such as
34 supplemental security income, veterans benefits, health care,
35 housing assistance, and long-term support programs for those
36 with serious mental illness;

1 (6) the applicant's project will promote community
2 collaboration with local law enforcement, local and county
3 governments, social services providers, mental health crisis
4 providers, and other community organizations to address
5 homelessness;

6 (7) the applicant has a plan to leverage resources from the
7 entities listed in clause (6) and other private sources to
8 accomplish the goal of moving people into housing and services;
9 and

10 (8) the applicant has a plan for evaluation of the
11 applicant's pilot project that is designed to measure the
12 program's effectiveness in connecting people experiencing
13 homelessness to housing and services and reducing the use of
14 public safety and corrections resources.

15 Subd. 3. [ANNUAL REPORT.] Grant recipients shall report to
16 the commissioner by June 30, 2006, and June 30, 2007, on the
17 services provided, expenditures of grant money, and an
18 evaluation of the program's success in: (1) connecting
19 individuals experiencing homelessness to housing and services;
20 and (2) reducing the use of public safety and corrections
21 resources. The commissioner shall submit reports to the chairs
22 and ranking minority members of the house of representatives and
23 senate committees having jurisdiction over public safety and
24 health and human services by November 1, 2006, and November 1,
25 2007. The commissioner's reports must explain how the grant
26 proceeds were used and evaluate the effectiveness of the pilot
27 projects funded by the grants.

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

29 Sec. 35. [SPECIAL REVENUE SPENDING AUTHORIZATION FROM
30 CRIMINAL JUSTICE SPECIAL PROJECTS ACCOUNT.]

31 Remaining balances in the special revenue fund from
32 spending authorized by Laws 2001, First Special Session chapter
33 8, article 7, section 14, subdivision 1, for which spending
34 authorization ended June 30, 2003, under Laws 2001, First
35 Special Session chapter 8, article 7, section 14, subdivision 3,
36 are transferred to the general fund.

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

2 Sec. 36. [REPEALER.]

3 Minnesota Statutes 2004, sections 299A.68; and 299C.65,

4 subdivisions 3, 4, 6, 7, 8, 8a, and 9, are repealed.

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