

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

# Senate

State of Minnesota

## **S.F. No. 3049 - Expedited Judicial Review of Financing Statements, Criminal Provisions (First Engrossment)**

**Author:** Senator John C. Hottinger

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

**Date:** March 28, 2006

---

The bill establishes a process for expedited judicial review of financing statements in cases where there is reason to believe that a statement or other record is fraudulent or otherwise improper. Sections 3 and 4 are the criminal provisions.

**Section 3** creates a gross misdemeanor penalty for filing a fraudulent financing statement under the Uniform Commercial Code. If the violation is committed because of another person's race, color, religion, sex, sexual orientation, or disability, the offense is a felony.

**Section 4** includes the filing of a fraudulent financing statement under the gross misdemeanor harassment and stalking statute. Provides that the venue for prosecution may be either the county of residence of the individual named as debtor, or the county in which the filing is made.

CT:rer

Senators Hottinger, Reiter, Scheid and Sparks introduced--  
S.F. No. 3049: Referred to the Committee on Judiciary

A bill for an act

relating to commerce; providing an expedited process for the judicial review of financing statements; establishing civil and criminal liability for fraudulent or otherwise improper financing statements; amending Minnesota Statutes 2005 Supplement, section 609.749, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 545; 604; 609.

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

Section 1. [545.05] EXPEDITED PROCESS TO REVIEW AND DETERMINE THE EFFECTIVENESS OF FINANCING STATEMENTS FORMS.

(a)(1) Any obligor, person named as a debtor, or owner of collateral described or indicated in a financing statement or other record filed under the Uniform Commercial Code - Secured Transactions, who has reason to believe that the financing statement or other record is fraudulent or otherwise improper as defined in paragraph (e) may complete and file, at any time without any time limitation, a motion for judicial review of the effectiveness of the financing statement or other record. A secured party of record who believes that an amendment or termination of a financing statement or other record is fraudulent or otherwise improper as defined in paragraph (e) may also file such a motion. The motion must be mailed by first class mail to the person who is indicated as the secured party on the allegedly fraudulent or improper record at the address listed on that record, or, in the case of a filing by the secured party of record, the mailing must be sent to the address of the person who filed the amendment or termination in question, if and as listed on the record, and must be accompanied by a copy of the record in question, an affidavit of mailing, as well as the form for responding to the motion, which appears in paragraph (a), clause (3), and a copy of the text of this entire section.

2.1 A copy of all materials must be filed on that day with the district court of the  
 2.2 county in which the financing statement or other record has been filed, or in the county of  
 2.3 residence of the movant. The motion must be supported by the affidavit of the movant  
 2.4 or the movant's attorney setting forth a concise statement of the facts upon which the  
 2.5 claim for relief is based.

2.6 The motion must be in substantially the following form:

2.7 In Re: A Purported Financing Statement In the district court In and For .....  
 2.8 County, Minnesota Against [Name of person who filed the financing statement]

2.9 MOTION FOR JUDICIAL REVIEW OF A FINANCING STATEMENT FILED  
 2.10 UNDER THE UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS

2.11 Now comes ..... (name) and files this motion requesting a judicial  
 2.12 determination of the effectiveness of a financing statement or other record filed under the  
 2.13 Uniform Commercial Code - Secured Transactions in the office of the ..... (filing  
 2.14 office and location thereof) and in support of the motion would show the court as follows:

2.15 I.

2.16 ..... (name), movant herein, is the [obligor, person named as a debtor, or  
 2.17 owner of collateral described or indicated in] [secured party of record listed in] a financing  
 2.18 statement or other record filed under the Uniform Commercial Code.

2.19 II.

2.20 On ..... (date), in the exercise of the filing officer's official duties as .....  
 2.21 (filing officer's position), the filing officer received and filed or recorded the financing  
 2.22 statement or other record, a copy which is attached hereto, that purports to perfect a  
 2.23 security interest against the obligor, the person named as debtor or against the owner  
 2.24 of collateral described or indicated in the financing statement or other record] [amend  
 2.25 or terminate the financing statement in which the movant is listed as the secured party  
 2.26 of record].

2.27 III.

2.28 Movant alleges that the financing statement or other record is fraudulent or otherwise  
 2.29 improper, as defined by paragraph (e), and that this court should declare the financing  
 2.30 statement or other record ineffective.

2.31 IV.

2.32 Movant attests that assertions herein are true and correct.

2.33 V.

2.34 Movant does not request the court to make a finding as to any underlying claim  
 2.35 of the parties involved and acknowledges that this motion does not seek review of an  
 2.36 effective financing statement. Movant further acknowledges that movant may be subject

3.1 to sanctions if this motion is determined to be frivolous. Movant may be contacted by  
3.2 respondent at:

Mailing Address: (required)

Telephone Number:

Facsimile Number: (either facsimile or e-mail contact is required)

E-Mail Address: (either facsimile or e-mail contact is required)

PRAYER

3.8 Movant requests the court to review the attached documentation and enter an order  
3.9 finding that said financing statement or other record is ineffective together with such other  
3.10 findings as the court deems appropriate.

3.11 Respectfully submitted, ..... (Signature and typed name and address).

3.12 (2) The completed form for ordinary certificate of acknowledgment must be as  
3 follows:

AFFIDAVIT

3.14 THE STATE OF ) [state name] ) COUNTY OF ) .....

3.15 BEFORE ME, the undersigned authority, personally appeared ....., who, being by  
3.16 me duly sworn, deposed as follows:

3.17 "My name is ..... I am over 18 years of age, of sound mind, with personal  
3.18 knowledge of the following facts, and fully competent to testify.

3.19 I further attest that the assertions contained in the accompanying motion are true and  
3.20 correct."

3.21 Further affiant sayeth not.

3 SUBSCRIBED and SWORN TO before me, this ..... day of .....

3.24 NOTARY PUBLIC, State of [state name]

3.25 Notary's printed name: .....

3.26 My commission expires: .....

3.27 (3) The movant shall complete an affidavit of mailing the response to the court and  
3.28 to the respondent in substantially the following form:

3.29 State of Minnesota )

3.30 )

3.31 County of .....

3.32 ....., being the movant, being duly sworn, on oath, deposes and says  
3 that on the ..... day of ....., ....., ..he mailed the response to court and the respondent by  
3.34 placing a true and correct copy of the response in an envelope addressed to them as shown  
3.35 depositing the same with postage prepaid, in the U.S. Mail at ....., Minnesota.

4.1 Subscribed and sworn to before me this ..... day of ....., .....

4.2 (4) The person listed as [the secured party on] [filing] the record for which the  
4.3 movant has requested review may respond to the motion and accompanying materials to  
4.4 request an actual hearing within ten days from the mailing by first class United States mail  
4.5 by the movant, in which case the completed form for use by the person listed as [the  
4.6 secured party in] [filing] the record in question to respond to the motion for judicial review  
4.7 must be in substantially the following form:

4.8 In Re: A Purported Financing Statement In the district court In and For .....  
4.9 County, Minnesota Against [Name of person who filed the financing statement]

4.10 RESPONSE TO MOTION FOR JUDICIAL REVIEW OF A FINANCING  
4.11 STATEMENT FILED UNDER THE UNIFORM COMMERCIAL CODE  
4.12 - SECURED TRANSACTIONS

4.13 Now comes ..... (name) and files this response to a motion requesting  
4.14 a judicial determination of the effectiveness of a financing statement or other record  
4.15 filed under the Uniform Commercial Code - Secured Transactions in the office of the  
4.16 ..... (filing office and location thereof) and in support of the motion would show  
4.17 the court as follows:

4.18 I.  
4.19 ..... (name), respondent herein, is the person listed as [the secured party in]  
4.20 [filing] the record for which review has been requested by the movant.

4.21 II.  
4.22 On ..... (date), in the exercise of the filing officer's official duties as .....  
4.23 (filing officer's position), the filing officer received and filed or recorded the financing  
4.24 statement or other record, a copy which is attached hereto, that purports to [perfect a  
4.25 security interest against] [amend or terminate a record filed by] the movant.

4.26 III.  
4.27 Respondent hereby states that the financing statement or other record is not  
4.28 fraudulent or otherwise improper, as defined in Minnesota Statutes, section 545.05,  
4.29 paragraph (e), and that this court should not declare the financing statement or other  
4.30 record ineffective.

4.31 IV.  
4.32 Respondent asks for the scheduling of an expedited hearing to be held no later than  
4.33 five days or as soon thereafter as the court shall order after the mailing of this response  
4.34 to the court and to the movant.

4.35 V.  
4.36 Respondent attests that assertions herein are true and correct.

VI.

Respondent does not request the court to make a finding as to any underlying claim of the parties involved. Respondent further acknowledges that respondent may be subject to sanctions if this response is determined to be frivolous.

PRAYER

Respondent requests the court to review the attached documentation, to set a hearing for no later than five days after the date of this response or as soon thereafter as the court shall order and to enter an order finding that said financing statement or other record is not ineffective together with such other findings as the court deems appropriate. Respondent may be contacted at:

Mailing Address: (required)

Telephone Number:

Facsimile Number: (either facsimile or e-mail contact is required)

E-Mail Address: (either facsimile or e-mail contact is required)

Respectfully submitted, .....

(Signature and typed name and address).

(5) The completed form for ordinary certificate of acknowledgment must be as follows:

AFFIDAVIT

THE STATE OF ) [state name] ) COUNTY OF ) .....

BEFORE ME, the undersigned authority, personally appeared ....., who, being by me duly sworn, deposed as follows:

"My name is ..... I am over 18 years of age, of sound mind, with personal knowledge of the following facts, and fully competent to testify.

I further attest that the assertions contained in the accompanying motion are true and correct."

Further affiant sayeth not.

SUBSCRIBED and SWORN TO before me, this .... day of .....

NOTARY PUBLIC, State of [state name]

Notary's printed name: .....

My commission expires: .....

(6) The motion must be supported by the affidavit of the movant or the movant's attorney setting forth a concise statement of the facts upon which the claim for relief is based. Respondent shall submit the response by United States mail to both the court and the movant, and also by either e-mail or facsimile as provided by movant. The respondent

6.1 shall complete an affidavit of mailing the response to the court and to the movant in  
6.2 substantially the following form:

6.3 State of Minnesota )

6.4 )

6.5 County of .....)

6.6 ....., being the movant, being duly sworn, on oath, deposes and says  
6.7 that on the .... day of ....., ....., ..he mailed the response to court and the respondent  
6.8 by placing a true and correct copy of the response in an envelope addressed to them as  
6.9 shown depositing the same with postage prepaid, in the U.S. Mails at .....,  
6.10 Minnesota.

6.11 Subscribed and sworn to before me this .... day of ....., .....

6.12 (7) The clerk of the district court shall not collect a filing fee for filing a motion or a  
6.13 response as provided in this section at the time of filing.

6.14 (b)(1) If a hearing is timely requested, the court shall hold that hearing within five  
6.15 days after the mailing of the response by the respondent or as soon thereafter as ordered  
6.16 by the court. After the hearing, the district court shall enter an appropriate finding of fact  
6.17 and conclusion of law regarding the financing statement or other record filed under the  
6.18 Uniform Commercial Code. The filing officer shall not collect a filing fee for filing a  
6.19 district court’s finding of fact and conclusion of law as provided in this section except as  
6.20 specifically directed by the court in its findings and conclusions. A copy of the finding of  
6.21 fact and conclusion of law must be sent to the movant, the respondent, and the person who  
6.22 filed the financing statement or other record at the address listed in the motion or response  
6.23 of each person within seven days of the date that the finding of fact and conclusion of  
6.24 law is issued by the district court.

6.25 (2) If no hearing request in substantially this form is received by the court by the  
6.26 tenth day following the mailing of the original motion, the court’s finding may be made  
6.27 solely on a review of the documentation attached to the motion and without hearing any  
6.28 testimonial evidence. After that review, which will be conducted no later than five days  
6.29 after the ten-day period has expired, the district court shall enter an appropriate finding of  
6.30 fact and conclusion of law in a form as provided in paragraph (c) regarding the financing  
6.31 statement or other record filed under the Uniform Commercial Code, the movant shall  
6.32 cause an attested copy of which must be filed or recorded and indexed in the filing office  
6.33 in the appropriate class of records in which the original financing statement or other  
6.34 record was filed or recorded. The filing officer shall not collect a filing fee for filing a  
6.35 district court’s finding of fact and conclusion of law as provided in this section except as  
6.36 specifically directed by the court in its findings and conclusions. A copy of the finding

7.1 of fact and conclusion of law must be sent to the movant, the respondent, and the person  
 7.2 who filed the financing statement or other record at the last known address of each person  
 7.3 within seven days of the date that the finding of fact and conclusion of law is issued  
 7.4 by the district court.

7.5 (c) The findings of fact and conclusion of law for an expedited review where no  
 7.6 hearing has been requested must be in substantially the following form:

7.7 MISCELLANEOUS DOCKET No. ....

7.8 In Re: A purported Financing Statement In the district court Against .....In and  
 7.9 For ..... County, Minnesota [Name of person who filed financing statement]

7.10 Judicial Finding of Fact and Conclusion of Law Regarding a Financing Statement or  
 7.11 Other Record Filed Under the Uniform Commercial Code - Secured Transactions

7.12 On the (number) day of (month), (year), in the above entitled and numbered cause,  
 7.13 this court reviewed a motion, verified by affidavit, of (name) and the documentation  
 7.14 attached thereto. The respondent did not respond within the required ten-day period. No  
 7.15 testimony was taken from any party, nor was there any notice of the court's review, the  
 7.16 court having made the determination that a decision could be made solely on review of the  
 7.17 documentation as provided in Minnesota Statutes, section 545.05.

7.18 The court finds as follows (only an item or subitem checked and initialed is a valid  
 7.19 court ruling):

7.20 [.] The documentation attached to the motion IS filed or recorded with the  
 7.21 authorization of the obligor, person named as debtor, or owner of collateral described or  
 7.22 indicated in the financing statement or other record, or by consent of an agent, fiduciary, or  
 7.23 other representative of that person, or with the authorization of the secured party of record  
 7.24 in the case of an amendment or termination.

7.25 [.] The documentation attached to the motion IS NOT filed or recorded with the  
 7.26 authorization of the obligor, person named as debtor, or owner of collateral described  
 7.27 or indicated in such documentation, or by consent of an agent, fiduciary, or other  
 7.28 representative of that person, or with the authorization of the secured party of record in the  
 7.29 case of an amendment or termination and, IS NOT an effective financing statement or  
 7.30 other record under the Uniform Commercial Code - Secured Transactions of this state.

7.31 [.] This court makes no finding as to any underlying claims of the parties involved  
 7.32 and expressly limits its finding of fact and conclusion of law to the review of a ministerial  
 7.33 act. The filing officer shall remove the subject financing statement or other record from  
 7.34 the index so that the records are not reflected in or obtained as a result of any search,  
 7.35 standard or otherwise, conducted of those records, but shall retain them and this finding of



8.1 fact and conclusion of law in the filing office for the duration of the period for which they  
8.2 would have otherwise been filed.

8.3 SIGNED ON THIS THE ..... DAY of .....

8.4 ..... District Judge

8.5 ..... District

8.6 ..... County, Minnesota

8.7 (d) If a determination is made after a hearing, the court may assess all costs related  
8.8 to the entire review, including, but not limited to, filing fees, attorney fees, administrative  
8.9 costs, and any other costs against the losing party, to be paid to the prevailing party.

8.10 (e) As used in this section, a financing statement or other record is fraudulent or  
8.11 otherwise improper if it is filed without the authorization of the obligor, person named as  
8.12 debtor, or owner of collateral described or indicated in the financing statement or other  
8.13 record, or by consent of an agent, fiduciary, or other representative of that person or without  
8.14 the consent of the secured party of record in the case of an amendment or termination.

8.15 (f) As used in this paragraph, filing office or filing officer refers to the office or  
8.16 officer where a financing statement or other record is appropriately filed or recorded as  
8.17 provided by law, including, but not limited to, the county recorder, and the secretary of  
8.18 state, and other filing officers related thereto.

8.19 (g) If the movant files a subsequent motion under this section against any person  
8.20 filing a financing statement or other record that is reviewed under this paragraph and  
8.21 found to be filed or recorded with the authorization of the obligor, person named as debtor,  
8.22 or owner of collateral described or indicated in the financing statement or other record,  
8.23 or by consent of an agent, fiduciary, or other representative of that person, or with the  
8.24 authorization of the secured party of record in the case of an amendment or termination,  
8.25 the court may, in addition to assessing costs, order such other equitable relief against the  
8.26 movant or enter other sanctions against the movant.

8.27 (h) The chief judge of a district court may order that any or all proceedings under  
8.28 this section be conducted and heard by other judicial officers of that district court.

8.29 **Sec. 2. [604.17] CIVIL LIABILITY FOR FRAUDULENT OR OTHERWISE**  
8.30 **IMPROPER FINANCING STATEMENTS; HARASSMENT.**

8.31 Subdivision 1. Definitions. For purposes of this section:

8.32 (1) "financing statement" has the meaning given in section 336.9-102(a); and

8.33 (2) "filing officer" is defined as Uniform Commercial Code filing officer in each  
8.34 jurisdiction.

9.1 Subd. 2. Liability. (a) A person shall not knowingly cause to be presented for filing  
9.2 or promote the filing of a financing statement that the person knows:

9.3 (1) is forged;

9.4 (2) is neither:

9.5 (i) related to a valid lien or security agreement; nor

9.6 (ii) filed pursuant to section 336.9-502(d); or

9.7 (3) is for an improper purpose or purposes, such as to harass, hinder, defraud, or  
9.8 otherwise interfere with any person.

9.9 (b) A person who violates paragraph (a) is liable to each injured person for:

9.10 (1) the greater of:

9.11 (i) \$10,000; or

9.12 (ii) the actual damages caused by the violation;

9.13 (2) court costs;

9.14 (3) reasonable attorney fees;

9.15 (4) related expenses of bringing the action, including investigative expenses; and

9.16 (5) exemplary damages in the amount determined by the court.

9.17 Subd. 3. Cause of action. (a) The following persons may bring an action to enjoin  
9.18 violation of this section or to recover damages under this section:

9.19 (1) the obligor, the person named as the debtor, any person who owns an interest  
9.20 in the collateral described or indicated in the financing statement, or any person harmed  
9.21 by the filing of the financing statement;

9.22 (2) the attorney general;

9.23 (3) a county attorney; and

9.24 (4) a municipal attorney.

9.25 (b) A filing officer may refer a matter to the attorney general or other appropriate  
9.26 person for filing the legal actions under this section.

9.27 Subd. 4. Venue. An action under this section may be brought in any district court in  
9.28 the county in which the financing statement is presented for filing or in a county where  
9.29 any of the persons named in subdivision 3, paragraph (a), clause (1), resides.

9.30 Subd. 5. Filing fee. (a) The fee for filing an action under this section is \$..... The  
9.31 plaintiff must pay the fee to the clerk of the court in which the action is filed. Except as  
9.32 provided by paragraph (b), the plaintiff may not be assessed any other fee, cost, charge, or  
9.33 expense by the clerk of the court or other public official in connection with the action.

9.34 (b) The fee for service of notice of an action under this section charged to the  
9.35 plaintiff may not exceed:

9.36 (1) \$..... if the notice is delivered in person; or

10.1 (2) the cost of postage if the service is by registered or certified mail.

10.2 (c) A plaintiff who is unable to pay the filing fee and fee for service of notice may file  
 10.3 with the court an affidavit of inability to pay under the Minnesota Rules of Civil Procedure.

10.4 (d) If the fee imposed under paragraph (a) is less than the filing fee the court imposes  
 10.5 for filing other similar actions and the plaintiff prevails in the action, the court may order a  
 10.6 defendant to pay to the court the differences between the fee paid under paragraph (a) and  
 10.7 the filing fee the court imposes for filing other similar actions.

10.8 Subd. 6. Other remedies. (a) An obligor, person named as a debtor, or owner of  
 10.9 collateral described or indicated by a financing statement in violation of subdivision 1,  
 10.10 paragraph (a), also may request specific relief, including, but not limited to, terminating  
 10.11 the financing statement and removing the debtor named in the financing statement from  
 10.12 the index such that it will not appear in a search under that debtor name.

10.13 (b) This law is cumulative of other law under which a person may obtain judicial  
 10.14 relief with respect to any filed or recorded document.

10.15 **Sec. 3. [604.18] CIVIL LIABILITY FOR FRAUDULENT OR OTHERWISE**  
 10.16 **IMPROPER FINANCING STATEMENTS; STRAW MAN.**

10.17 Subdivision 1. Definitions. For purposes of this section:

10.18 (1) "financing statement" has the meaning given in section 336.9-102(a) of the  
 10.19 Uniform Commercial Code; and

10.20 (2) filing officer" is defined as Uniform Commercial Code filing officer in each  
 10.21 jurisdiction.

10.22 Subd. 2. Liability. (a) A person shall not knowingly cause to be presented for filing  
 10.23 or promote the filing of a financing statement that the person knows:

10.24 (1) is forged;

10.25 (2) is neither:

10.26 (i) related to a valid lien or security agreement; nor

10.27 (ii) filed pursuant to section 336.9-502(d); or

10.28 (3) is for an improper purpose or purposes, such as to harass, hinder, defraud, or  
 10.29 otherwise interfere with any person.

10.30 (b) A person who violates paragraph (a) is liable to each injured person for:

10.31 (1) the greater of:

10.32 (i) \$10,000; or

10.33 (ii) the actual damages caused by the violation;

10.34 (2) court costs;

10.35 (3) reasonable attorney fees;

11.1 (4) related expenses of bringing the action, including investigative expenses; and  
 11.2 (5) exemplary damages in the amount determined by the court.

3 Subd. 3. Cause of action. (a) The following persons may bring an action to enjoin  
 11.4 violation of this section or to recover damages under this section:

11.5 (1) the obligor, the person named as the debtor, any person who owns an interest  
 11.6 in the collateral described or indicated in the financing statement, or any person harmed  
 11.7 by the filing of the financing statement;

11.8 (2) the attorney general;

11.9 (3) a county attorney;

11.10 (4) a municipal attorney; and

11.11 (5) a person who has been damaged as a result of an action taken in reliance on the  
 11.12 filed financing statement.

13 (b) A filing officer may refer a matter to the attorney general or other appropriate  
 11.14 person for filing the legal actions under this section.

11.15 Subd. 4. Venue. An action under this section may be brought in any district court in  
 11.16 the county in which the financing statement is presented for filing or in a county where  
 11.17 any of the persons named in subdivision 3, paragraph (a), clause (1), resides.

11.18 Subd. 5. Filing fee. (a) The fee for filing an action under this chapter is \$..... The  
 11.19 plaintiff must pay the fee to the clerk of the court in which the action is filed. Except as  
 11.20 provided by paragraph (b), the plaintiff may not be assessed any other fee, cost, charge, or  
 11.21 expense by the clerk of the court or other public official in connection with the action.

11.22 (b) The fee for service of notice of an action under this section charged to the  
 11.23 plaintiff may not exceed:

11.24 (1) \$..... if the notice is delivered in person; or

11.25 (2) the cost of postage if the service is by registered or certified mail.

11.26 (c) A plaintiff who is unable to pay the filing fee and fee for service of notice may file  
 11.27 with the court an affidavit of inability to pay under the Minnesota Rules of Civil Procedure.

11.28 (d) If the fee imposed under paragraph (a) is less than the filing fee the court imposes  
 11.29 for filing other similar actions and the plaintiff prevails in the action, the court may order a  
 11.30 defendant to pay to the court the differences between the fee paid under paragraph (a) and  
 11.31 the filing fee the court imposes for filing other similar actions.

11.32 Subd. 6. Other remedies. (a) An obligor, person named as a debtor, or owner of  
 11.33 collateral described or indicated by a financing statement in violation of subdivision 1,  
 11.34 paragraph (a), also may request specific relief, including, but not limited to, terminating  
 11.35 the financing statement and removing the debtor named in the financing statement from  
 11.36 the index such that it will not appear in a search under that debtor name.

12.1 (b) This law is cumulative of other law under which a person may obtain judicial  
 12.2 relief with respect to any filed or recorded document.

12.3 **Sec. 4. [609.7475] FRAUDULENT OR OTHERWISE IMPROPER FINANCING**  
 12.4 **STATEMENTS; HARASSMENT AND STRAW MAN.**

12.5 (a) A person commits an offense if the person knowingly causes to be presented  
 12.6 for filing, or promotes the filing of, a record as defined in section 336.9-102 that the  
 12.7 person knows:

12.8 (1) is neither:

12.9 (i) related to a valid lien or security agreement; nor

12.10 (ii) filed pursuant to section 336.9-502(d);

12.11 (2) contains a forged signature or is based upon a document containing a forged  
 12.12 signature; and

12.13 (3) is presented for filing or caused to be presented for filing with the intent that it be  
 12.14 used for an improper purpose or purposes, such as to harass, hinder, defraud, or otherwise  
 12.15 interfere with any person.

12.16 (b) An offense under this section is a gross misdemeanor, except that if the  
 12.17 circumstances set forth in section 609.749, subdivision 3, are met, in which event the  
 12.18 offense is a felony.

12.19 **Sec. 5. Minnesota Statutes 2005 Supplement, section 609.749, subdivision 2, is**  
 12.20 **amended to read:**

12.21 **Subd. 2. Harassment and stalking crimes.** (a) A person who harasses another by  
 12.22 committing any of the following acts is guilty of a gross misdemeanor:

12.23 (1) directly or indirectly manifests a purpose or intent to injure the person, property,  
 12.24 or rights of another by the commission of an unlawful act;

12.25 (2) stalks, follows, monitors, or pursues another, whether in person or through  
 12.26 technological or other means;

12.27 (3) returns to the property of another if the actor is without claim of right to the  
 12.28 property or consent of one with authority to consent;

12.29 (4) repeatedly makes telephone calls, or induces a victim to make telephone calls to  
 12.30 the actor, whether or not conversation ensues;

12.31 (5) makes or causes the telephone of another repeatedly or continuously to ring;

12.32 (6) repeatedly mails or delivers or causes the delivery by any means, including  
 12.33 electronically, of letters, telegrams, messages, packages, or other objects; or

13.1 (7) knowingly makes false allegations against a peace officer concerning the  
13.2 officer's performance of official duties with intent to influence or tamper with the officer's  
3 performance of official duties; or

13.4 (8) knowingly causes to be presented for filing, or promotes the filing of, a record as  
13.5 defined in section 9-102 of the Uniform Commercial Code that the person knows:

13.6 (i) is neither:

13.7 (A) related to a valid lien or security agreement; nor

13.8 (B) filed pursuant to section 9-502(d) of the Uniform Commercial Code;

13.9 (ii) contains a forged signature; and

13.10 (iii) is presented for filing or caused to be presented for filing with the intent that  
13.11 it be used for an improper purpose or purposes, such as to harass, hinder, defraud, or  
13.12 otherwise interfere with any person.

13 (b) The conduct described in paragraph (a), clauses (4) and (5), may be prosecuted at  
13.14 the place where any call is either made or received or, additionally in the case of wireless  
13.15 or electronic communication, where the actor or victim resides. The conduct described  
13.16 in paragraph (a), clause (2), may be prosecuted where the actor or victim resides. The  
13.17 conduct described in paragraph (a), clause (6), may be prosecuted where any letter,  
13.18 telegram, message, package, or other object is either sent or received or, additionally in  
13.19 the case of wireless or electronic communication, where the actor or victim resides. The  
13.20 conduct described in paragraph (a), clause (8), may be prosecuted in either the county of  
13.21 residence of the individual named as debtor, or the county in which the filing is made.

13.22 (c) A peace officer may not make a warrantless, custodial arrest of any person for a  
13.23 violation of paragraph (a), clause (7).

1.1 Senator ..... moves to amend S.F. No. 3049 as follows:

1.2 Page 1, delete section 1 and insert:

1.3 "Section 1. **[545.05] EXPEDITED PROCESS TO REVIEW AND DETERMINE**  
1.4 **THE EFFECTIVENESS OF FINANCING STATEMENTS.**

1.5 Subdivision 1. **Definitions.** (a) As used in this section, a financing statement or  
1.6 other record is fraudulent or otherwise improper if it is filed without the authorization of  
1.7 the obligor, person named as debtor, or owner of collateral described or indicated in  
1.8 the financing statement or other record, or by consent of an agent, fiduciary, or other  
1.9 representative of that person or without the consent of the secured party of record in  
1.10 the case of an amendment or termination.

1.11 (b) As used in this section, filing office or filing officer refers to the office or officer  
1.12 where a financing statement or other record is appropriately filed or recorded as provided  
1.13 by law, including, but not limited to, the county recorder, the secretary of state, and other  
1.14 related filing officers.

1.15 Subd. 2. **Motion.** An obligor, person named as a debtor, or owner of collateral  
1.16 described or indicated in a financing statement or other record filed under sections  
1.17 336.9-101 to 336.9-709 (Uniform Commercial Code - Secured Transactions), who  
1.18 has reason to believe that the financing statement or other record is fraudulent or  
1.19 otherwise improper may complete and file at any time a motion for judicial review of the  
1.20 effectiveness of the financing statement or other record. A secured party of record who  
1.21 believes that an amendment or termination of a financing statement or other record is  
1.22 fraudulent or otherwise improper may also file a motion.

1.23 Subd. 3. **Service and filing.** (a) The motion under subdivision 2 must be mailed  
1.24 by certified United States mail to the person who is indicated as the secured party on  
1.25 the allegedly fraudulent or improper record at the address listed on the record or, in the  
1.26 case of a filing by the secured party of record, to the address of the person who filed  
1.27 the amendment or termination in question, as listed on the record. The motion must be  
1.28 accompanied by a copy of the record in question, an affidavit of mailing, the form for  
1.29 responding to the motion under subdivision 6, and a copy of the text of this section.

1.30 (b) On the day the motion is mailed, a copy of the materials must be filed with the  
1.31 district court of the county in which the financing statement or other record has been filed  
1.32 or in the county of residence of the moving party. The motion must be supported by  
1.33 the affidavit of the moving party or the moving party's attorney setting forth a concise  
1.34 statement of the facts upon which the claim for relief is based. There is no filing fee for a  
1.35 motion or a response filed under this section.

2.1 Subd. 4. Motion form. The motion must be in substantially the following form:

2.2 In Re: A Purported Financing Statement in the district court of ..... County,

2.3 Minnesota, Against [Name of person who filed the financing statement]

2.4 MOTION FOR JUDICIAL REVIEW OF A FINANCING STATEMENT FILED

2.5 UNDER THE UNIFORM COMMERCIAL CODE - SECURED TRANSACTIONS

2.6 ..... (name of moving party) files this motion requesting a judicial

2.7 determination of the effectiveness of a financing statement or other record filed under the

2.8 Uniform Commercial Code - Secured Transactions in the office of the ..... (filing

2.9 office and location) and in support of the motion provides as follows:

2.10 I.

2.11 ..... (name), the moving party, is the [obligor, person named as a debtor, or

2.12 owner of collateral described or indicated in] [secured party of record listed in] a financing

2.13 statement or other record filed under the Uniform Commercial Code.

2.14 II.

2.15 On ..... (date), in the exercise of the filing officer's official duties as .....

2.16 (filing officer's position), the filing officer received and filed or recorded the financing

2.17 statement or other record, a copy which is attached, that purports to [perfect a security

2.18 interest against the obligor, person named as debtor, or the owner of collateral described or

2.19 indicated in the financing statement or other record] or [amend or terminate the financing

2.20 statement in which the moving party is listed as the secured party of record].

2.21 III.

2.22 The moving party alleges that the financing statement or other record is fraudulent

2.23 or otherwise improper and that this court should declare the financing statement or other

2.24 record ineffective.

2.25 IV.

2.26 The moving party attests that the assertions in this motion are true and correct.

2.27 V.

2.28 The moving party does not request the court to make a finding as to any underlying

2.29 claim of the parties involved and acknowledges that this motion does not seek review of

2.30 an effective financing statement. The moving party further acknowledges that the moving

2.31 party may be subject to sanctions if this motion is determined to be frivolous. The moving

2.32 party may be contacted by the respondent at:

2.33 Mailing Address: (required)

2.34 Telephone Number:

2.35 Facsimile Number: (either facsimile or e-mail contact is required)

2.36 E-Mail Address: (either facsimile or e-mail contact is required)



REQUEST FOR RELIEF

3.1  
3.2 The moving party requests the court to review the attached documentation and enter  
3.3 an order finding that the financing statement or other record is ineffective together with  
3.4 other findings as the court deems appropriate.

3.5 Respectfully submitted, ..... (Signature and typed name and address).

3.6 Subd. 5. Motion acknowledgment form. The form for the certificate of  
3.7 acknowledgment must be substantially as follows:

AFFIDAVIT

THE STATE OF MINNESOTA COUNTY OF .....

3.8  
3.9  
3.10 BEFORE ME, the undersigned authority, personally appeared ....., who, being by  
3.11 me duly sworn, deposed as follows:

3.12 "My name is ..... I am over 18 years of age, of sound mind, with personal  
3.13 knowledge of the following facts, and fully competent to testify.

3.14 I attest that the assertions contained in the accompanying motion are true and  
3.15 correct."

3.16 SUBSCRIBED and SWORN TO before me, this ..... day of .....

3.17 NOTARY PUBLIC, State of [state name]

3.18 Notary's printed name: .....

3.19 My commission expires: .....

3.20 The motion must be supported by the affidavit of the moving party or the moving  
3.21 party's attorney setting forth a concise statement of the facts upon which the claim for  
3.22 relief is based.

3.23 Subd. 6. Motion affidavit of mailing form. The moving party shall complete an  
3.24 affidavit of mailing the motion to the court and to the respondent in substantially the  
3.25 following form:

3.26 State of Minnesota

3.27 County of .....

3.28 ....., the moving party, being duly sworn, on oath, deposes and says  
3.29 that on the ..... day of ....., ....., the moving party mailed the motion to the court and  
3.30 the respondent by placing a true and correct copy of the motion in an envelope addressed  
3.31 to them as shown by certified United States mail at ....., Minnesota.

3.32 Subscribed and sworn to before me this ..... day of ....., .....

3.33 Subd. 7. Response form. The person listed as [the secured party in] [filing] the  
3.34 record for which the moving party has requested review may respond to the motion and  
3.35 accompanying materials to request an actual hearing within 20 days from the mailing by

4.1 certified United States mail by the moving party. The form for use by the person listed as  
4.2 [the secured party in] [filing] the record in question to respond to the motion for judicial  
4.3 review must be in substantially the following form:

4.4 In Re: A Purported Financing Statement in the district court of ..... County,  
4.5 Minnesota, Against [Name of person who filed the financing statement]

4.6 RESPONSE TO MOTION FOR JUDICIAL REVIEW OF A FINANCING  
4.7 STATEMENT FILED UNDER THE UNIFORM COMMERCIAL CODE  
4.8 - SECURED TRANSACTIONS

4.9 ..... (name) files this response to a motion requesting a judicial  
4.10 determination of the effectiveness of a financing statement or other record filed under the  
4.11 Uniform Commercial Code - Secured Transactions in the office of the ..... (filing  
4.12 office and location) and in support of the motion provides as follows:

4.13 I.  
4.14 ..... (name), the respondent, is the person listed as [the secured party in]  
4.15 [filing] the record for which review has been requested by the moving party.

4.16 II.  
4.17 On ..... (date), in the exercise of the filing officer's official duties as .....  
4.18 (filing officer's position), the filing officer received and filed or recorded the financing  
4.19 statement or other record, a copy which is attached, that purports to [perfect a security  
4.20 interest against] [amend or terminate a record filed by] the moving party.

4.21 III.  
4.22 Respondent states that the financing statement or other record is not fraudulent  
4.23 or otherwise improper and that this court should not declare the financing statement or  
4.24 other record ineffective.

4.25 IV.  
4.26 Respondent attests that assertions in this response are true and correct.

4.27 V.  
4.28 Respondent does not request the court to make a finding as to any underlying claim  
4.29 of the parties involved. Respondent further acknowledges that respondent may be subject  
4.30 to sanctions if this response is determined to be frivolous.

4.31 REQUEST FOR RELIEF

4.32 Respondent requests the court to review the attached documentation, to set a hearing  
4.33 for no later than five days after the date of this response or as soon after that as the court  
4.34 shall order and to enter an order finding that the financing statement or other record is  
4.35 not ineffective together with other findings as the court deems appropriate. Respondent  
4.36 may be contacted at:

- 5.1 Mailing Address: (required)
- 5.2 Telephone Number:
- 5.3 Facsimile Number: (either facsimile or e-mail contact is required)
- 5.4 E-Mail Address: (either facsimile or e-mail contact is required)
- 5.5 Respectfully submitted, .....
- 5.6 (Signature and typed name and address).

5.7 Subd. 8. Response acknowledgment form. The form for the certificate of  
 5.8 acknowledgment must be substantially as follows:

5.9 AFFIDAVIT

5.10 THE STATE OF MINNESOTA COUNTY OF .....

5.11 BEFORE ME, the undersigned authority, personally appeared ....., who, being by  
 5.12 me duly sworn, deposed as follows:

5.13 "My name is ..... I am over 18 years of age, of sound mind, with personal  
 5.14 knowledge of the following facts, and fully competent to testify.

5.15 I attest that the assertions contained in the accompanying motion are true and  
 5.16 correct."

5.17 SUBSCRIBED and SWORN TO before me, this ..... day of .....

5.18 NOTARY PUBLIC, State of [state name]

5.19 Notary's printed name: .....

5.20 My commission expires: .....

5.21 Subd. 9. Response affidavit of mailing form. Respondent shall submit the  
 5.22 response by United States mail to both the court and the moving party, and also by either  
 5.23 e-mail or facsimile as provided by the moving party. The respondent shall complete an  
 5.24 affidavit of mailing the response to the court and to the moving party in substantially  
 5.25 the following form:

5.26 State of Minnesota

5.27 County of .....

5.28 ....., being the responding party, being duly sworn, on oath, deposes  
 5.29 and says that on the ..... day of ....., ....., respondent mailed the response to court  
 5.30 and the moving party by placing a true and correct copy of the response in an envelope  
 5.31 addressed to them as shown depositing the same with postage prepaid, in the U.S. Mail  
 5.32 at ....., Minnesota.

5.33 Subscribed and sworn to before me this ..... day of ....., .....

5.34 Subd. 10. Hearing. (a) If a hearing is timely requested, the court shall hold that  
 5.35 hearing within five days after the mailing of the response by the respondent or as soon

6.1 after that as ordered by the court. After the hearing, the court shall enter appropriate  
6.2 findings of fact and conclusions of law regarding the financing statement or other record  
6.3 filed under the Uniform Commercial Code.

6.4 (b) If a hearing request under subdivision 7 is not received by the court by the  
6.5 20th day following the mailing of the original motion, the court’s finding may be made  
6.6 solely on a review of the documentation attached to the motion and without hearing any  
6.7 testimonial evidence. After that review, which must be conducted no later than five days  
6.8 after the 20-day period has expired, the court shall enter appropriate findings of fact and  
6.9 conclusions of law as provided in subdivision 11 regarding the financing statement or  
6.10 other record filed under the Uniform Commercial Code.

6.11 (c) A copy of the findings of fact and conclusions of law must be sent to the moving  
6.12 party, the respondent, and the person who filed the financing statement or other record at  
6.13 the address listed in the motion or response of each person within seven days of the date  
6.14 that the findings of fact and conclusions of law are issued by the court.

6.15 (d) In all cases, the moving party shall file or record an attested copy of the findings  
6.16 of fact and conclusions of law in the filing office in the appropriate class of records in  
6.17 which the original financing statement or other record was filed or recorded. The filing  
6.18 officer shall not collect a filing fee for filing a court’s finding of fact and conclusion of  
6.19 law as provided in this section except as specifically directed by the court in its findings  
6.20 and conclusions.

6.21 Subd. 11. **Order form; no hearing.** The findings of fact and conclusion of law  
6.22 for an expedited review where no hearing has been requested must be in substantially  
6.23 the following form:

6.24 MISCELLANEOUS DOCKET No. ....

6.25 In Re: A purported Financing Statement in the district court of .....   
6.26 County, Minnesota, Against [Name of person who filed financing statement]

6.27 Judicial Finding of Fact and Conclusion of Law Regarding a Financing Statement or  
6.28 Other Record Filed Under the Uniform Commercial Code - Secured Transactions

6.29 On the (number) day of (month), (year), in the above entitled and numbered cause,  
6.30 this court reviewed a motion, verified by affidavit, of (name) and the documentation  
6.31 attached. The respondent did not respond within the required 20-day period. No testimony  
6.32 was taken from any party, nor was there any notice of the court’s review, the court  
6.33 having made the determination that a decision could be made solely on review of the  
6.34 documentation as provided in Minnesota Statutes, section 545.05.

6.35 The court finds as follows (only an item or subitem checked and initialed is a valid  
6.36 court ruling):

7.1 [.] The documentation attached to the motion IS filed or recorded with the  
 7.2 authorization of the obligor, person named as debtor, or owner of collateral described or  
 7.3 indicated in the financing statement or other record, or by consent of an agent, fiduciary, or  
 7.4 other representative of that person, or with the authorization of the secured party of record  
 7.5 in the case of an amendment or termination.

7.6 [.] The documentation attached to the motion IS NOT filed or recorded with the  
 7.7 authorization of the obligor, person named as debtor, or owner of collateral described or  
 7.8 indicated in the documentation, or by consent of an agent, fiduciary, or other representative  
 7.9 of that person, or with the authorization of the secured party of record in the case of an  
 7.10 amendment or termination and, IS NOT an effective financing statement or other record  
 7.11 under the Uniform Commercial Code - Secured Transactions law of this state.

7.12 [.] This court makes no finding as to any underlying claims of the parties involved  
 13 and expressly limits its findings of fact and conclusions of law to the review of a  
 7.14 ministerial act. The filing officer shall remove the subject financing statement or other  
 7.15 record so that the record is not reflected in or obtained as a result of any search, standard  
 7.16 or otherwise, conducted of those records, but shall retain them and these findings of fact  
 7.17 and conclusions of law in the filing office for the duration of the period for which they  
 7.18 would have otherwise been filed.

7.19 SIGNED ON THIS THE ..... DAY of .....  
 7.20 ..... District Judge  
 7.21 ..... District  
 7.22 ..... County, Minnesota

7.23 Subd. 12. **Hearing determination.** If a determination is made after a hearing, the  
 7.24 court may award the prevailing party all costs related to the entire review, including, but  
 7.25 not limited to, filing fees, attorney fees, administrative costs, and other costs.

7.26 Subd. 13. **Subsequent motion.** If the moving party files a subsequent motion under  
 7.27 this section against a person filing a financing statement or other record that is reviewed  
 7.28 under this section and found to be filed or recorded with the authorization of the obligor,  
 7.29 person named as debtor, or owner of collateral described or indicated in the financing  
 7.30 statement or other record, or by consent of an agent, fiduciary, or other representative of  
 7.31 that person, or with the authorization of the secured party of record in the case of an  
 7.32 amendment or termination, the court may, in addition to assessing costs, order other  
 7.33 equitable relief against the moving party or enter other sanctions against the moving party.

8.1            Subd. 14. **Judicial officers.** The chief judge of a district court may order that any  
8.2 or all proceedings under this section be conducted and heard by other judicial officers of  
8.3 that district court."

1.1 Senator ..... moves to amend S.F. No. 3049 as follows:

1.2 Pages 10 to 12, delete sections 3 and 4 and insert:

1.3 "Sec. 3. [609.7475] FRAUDULENT OR OTHERWISE IMPROPER  
1.4 FINANCING STATEMENTS.

1.5 Subdivision 1. Definition. As used in this section, "record" has the meaning given  
1.6 in section 336.9-102.

1.7 Subd. 2. Crime described. A person who:

1.8 (1) knowingly causes to be presented for filing or promotes the filing of a record that:

1.9 (i) is not:

1.10 (A) related to a valid lien or security agreement; or

1.11 (B) filed pursuant to section 336.9-502(d); or

1.12 (ii) contains a forged signature or is based upon a document containing a forged  
1.13 signature; or

1.14 (2) presents for filing or causes to be presented for filing a record with the intent that  
1.15 it be used for an improper purpose, such as to harass or defraud any other person;  
1.16 is guilty of a crime and may be sentenced as provided in subdivision 3.

1.17 Subd. 3. Penalties. (a) Except as provided in paragraph (b), a person who violates  
1.18 subdivision 2 is guilty of a gross misdemeanor.

1.19 (b) A person who violates subdivision 2 is guilty of a felony and may be sentenced  
1.20 to imprisonment for not more than five years or to payment of a fine of not more than  
1.21 \$10,000, or both, if the person:

1.22 (1) commits the offense because of the victim's or another's actual or perceived race,  
1.23 color, religion, sex, sexual orientation, disability as defined in section 363A.03, age,  
1.24 or national origin;

1.25 (2) commits the offense by falsely impersonating another;

1.26 (3) commits the offense with intent to influence or otherwise tamper with a juror or a  
1.27 judicial proceeding or with intent to retaliate against a judicial officer, as defined in section  
1.28 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's  
1.29 performance of official duties in connection with a judicial proceeding;

1.30 (4) commits the offense against a victim under the age of 18, if the actor is more  
1.31 than 36 months older than the victim; or

1.32 (5) commits the offense after having been previously convicted of a violation  
1.33 of this section.

1.34 Subd. 4. Venue. A violation of this section may be prosecuted in either the county  
1.35 of residence of the individual listed as debtor or the county in which the filing is made.

- 2.1 **EFFECTIVE DATE.** This section is effective August 1, 2006, and applies to crimes
- 2.2 committed on or after that date."
- 2.3 Renumber the sections in sequence and correct the internal references
- 2.4 Amend the title accordingly



- 1.1 Senator ..... moves to amend S.F. No. 3049 as follows:
- 1.2 Page 9, line 4, delete "neither" and insert "not"
- 1.3 Page 9, line 5, delete "nor" and insert "or"
- 1.4 Page 9, line 6, delete "or" and insert "and"

**Bill Summary**

---

Senate Counsel & Research

**Senate**

---

State of Minnesota

**S.F. No. 1752- Voting Rights for Felons**

**Author:** Senator John Hottinger  
**Prepared by:** Peter S. Wattson, Senate Counsel (651/296-3812)  
**Date:** March 16, 2006

---

**S.F. No. 1752** provides for earlier restoration of the voting rights of convicted felons and requires that they be given notice that their eligibility to vote has been restored.

**Section 1** provides that a convicted felon is restored to civil rights when placed on probation, parole, conditional release, or supervised release, not just after the sentence has been completed or discharged.

**Section 2** requires the Commissioner of Corrections to give written notice to each felon placed on supervised release, conditional release, or parol, or released from custody of the Commissioner of Corrections, that their civil rights have been restored.

**Section 3** requires the chief executive officer of a local correctional facility to inform felons who are released from their custody that their civil rights have been restored. It also requires the Commissioner of Corrections to give the notice required by **section 2**.

PSW:ph

cc: Carolyn LaViolette

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

[Back to Senate Counsel and Research Bill Summaries page](#)

---

*This page is maintained by the Office of Senate Counsel and Research for the Minnesota Senate.*

*Last review or update: 03/16/2006*

*If you see any errors on this page, please e-mail us at [webmaster@senate.mn](mailto:webmaster@senate.mn).*

SENATE  
STATE OF MINNESOTA  
EIGHTY-FOURTH LEGISLATURE

S.F. No. 1752

(SENATE AUTHORS: HOTTINGER and Higgins; Companion to H.F. No. 607)

DATE	D-PG	OFFICIAL STATUS
03/17/2005	808	Introduction and first reading
03/17/2005		Referred to Elections
03/23/2006		Committee report: To pass as amended
03/23/2006		Second reading
		See also SF1551, Sec. 6 and 21

A bill for an act

relating to elections; restoring citizenship rights and eligibility to vote to certain convicted felons who are not incarcerated; requiring notice; amending Minnesota Statutes 2005 Supplement, section 201.014, subdivision 2; proposing coding for new law in Minnesota Statutes, chapters 243; 609.

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

Section 1. Minnesota Statutes 2005 Supplement, section 201.014, subdivision 2, is amended to read:

Subd. 2. **Not eligible.** (a) The following individuals are not eligible to vote. ~~Any individual:~~

(a) (1) an individual who is convicted of treason or any felony and incarcerated for the offense whose civil rights have not been restored;

(b) (2) an individual who is under a guardianship in which the court order revokes the ward's right to vote; or and

(c) (3) an individual who is found by a court of law to be legally incompetent.

(b) For purposes of this subdivision, an individual convicted of a felony is restored to civil rights:

(1) after completion of any period of incarceration in a local correctional facility; or

(2) after completion of any period of incarceration in a state correctional facility and discharge from parole, conditional release, or supervised release.

Sec. 2. [243.205] NOTICE OF RESTORATION OF CIVIL RIGHTS AND ELIGIBILITY TO VOTE.

The commissioner of corrections must give an offender notice in writing that the offender is restored to civil rights for purposes of eligibility to vote when the offender has

2.1 been released from a state correctional facility and is discharged from parole, conditional  
2.2 release, or supervised release.

2.3 **Sec. 3. [609.169] NOTICE OF RESTORATION OF CIVIL RIGHTS AND**  
2.4 **ELIGIBILITY TO VOTE.**

2.5 When an offender who has been convicted of a felony offense is released from  
2.6 incarceration in a local correctional facility, the chief executive officer of the facility must  
2.7 give the offender a notice in writing that the person is restored to civil rights for purposes  
2.8 of eligibility to vote.

1.1 Senator ..... moves to amend S.F. No. 1752 as follows:

1.2 Delete everything after the enacting clause and insert:

3 "Section 1. Minnesota Statutes 2005 Supplement, section 201.014, subdivision 2,  
1.4 is amended to read:

1.5 Subd. 2. **Not eligible.** (a) The following individuals are not eligible to vote. Any  
1.6 individual:

1.7 (a) (1) an individual who is convicted of treason or any felony and committed to the  
1.8 custody of the commissioner of corrections and whose civil rights have not been restored;

1.9 (b) (2) an individual who is under a guardianship in which the court order revokes  
1.10 the ward's right to vote; or and

1.11 (c) (3) an individual who is found by a court of law to be legally incompetent.

1.12 (b) An individual who is convicted of treason or any felony and incarcerated in  
1.13 a local correctional facility for the offense is not eligible to vote during the period the  
1.14 individual is incarcerated.

1.15 (c) For purposes of this subdivision, an individual described in paragraph (a), clause  
1.16 (1), is restored to civil rights upon the expiration of the individual's sentence, or discharge  
1.17 from parole, conditional release, or supervised release, whichever occurs latest.

1.18 **Sec. 2. [243.205] NOTICE OF RESTORATION OF ELIGIBILITY TO VOTE.**

1.19 Unless the offender is otherwise prohibited by law from voting, the commissioner  
1.20 of corrections shall give an offender who was committed to the commissioner's custody  
1.21 notice in writing that the offender is eligible to vote upon the expiration of the offender's  
1.22 sentence, or discharge from parole, conditional release, or supervised release, whichever  
1.23 occurs latest.

1.24 **Sec. 3. [609.169] NOTICE OF RESTORATION OF ELIGIBILITY TO VOTE.**

1.25 When an offender who has been convicted of a felony offense is released from  
1.26 incarceration in a local correctional facility, the chief executive officer of the facility shall  
1.27 give the offender a notice in writing that the person is eligible to vote unless the offender  
1.28 is otherwise prohibited by law from voting."

### Categories of Felons Disenfranchised Under State Law

STATE	PRISON	PROBATION	PAROLE	EX-FELONS	
				All	Partial
Alabama	X	X	X		X (certain offenses)
Alaska	X	X	X		
Arizona	X	X	X		X (2nd felony)
Arkansas	X	X	X		
California	X		X		
Colorado	X		X		
Connecticut	X		X		
Delaware	X	X	X		X (5 years)
District of Columbia	X				
Florida	X	X	X	X	
Georgia	X	X	X		
Hawaii	X				
Idaho	X	X	X		
Illinois	X				
Indiana	X				
Iowa *	X	X	X		
Kansas	X	X	X		
Kentucky	X	X	X	X	
Louisiana	X	X	X		
Maine					
Maryland	X	X	X		X (2nd felony, 3 years)
Massachusetts	X				
Michigan	X				
Minnesota	X	X	X		
Mississippi	X	X	X		X (certain offenses)
Missouri	X	X	X		
Montana	X				
Nebraska	X	X	X		X (2 years)
Nevada	X	X	X		X (except first-time nonviolent)
New Hampshire	X				
New Jersey	X	X	X		
New Mexico	X	X	X		
New York	X		X		
North Carolina	X	X	X		
North Dakota	X				
Ohio	X				
Oklahoma	X	X	X		
Oregon	X				
Pennsylvania	X				
Rhode Island	X	X	X		
South Carolina	X	X	X		
South Dakota	X		X		
Tennessee	X	X	X		X (post-1981)
Texas	X	X	X		
Utah	X				
Vermont					
Virginia	X	X	X	X	
Washington	X	X	X		
West Virginia	X	X	X		
Wisconsin	X	X	X		
Wyoming	X	X	X		X (5 years)
U.S. Total	49	31	36	3	9

\* In July 2005, Iowa Governor Vilsack issued an executive order restoring the right to vote for all persons who have completed supervision. However, the lifetime prohibition on voting remains Iowa law.

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**

**State of Minnesota**

**S.F. No. 3038 - Voter Challenges Prohibition**

**Author:** Senator Linda Higgins

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

**Date:** March 28, 2006

---

The bill creates a gross misdemeanor for the compilation of lists of voters to challenge on the basis of mail sent by a political party that was returned as undeliverable. The bill applies to any local, state, or national affiliate of a political party that has appointed challengers, as well as agents working on behalf of a party.

CT:rer

Senator Higgins introduced-

S.F. No. 3038: Referred to the Committee on Elections.

A bill for an act relating to elections; prohibiting voter challenges based on certain mailings by political parties; providing a penalty; amending Minnesota Statutes 2004, section 204C.07, by adding a subdivision.

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

Section 1. Minnesota Statutes 2004, section 204C.07, is amended by adding a subdivision to read:

Subd. 5. Prohibited challenges. Challengers and the political parties that appointed them must not compile lists of voters to challenge on the basis of mail sent by a political party that was returned as undeliverable or if receipt by the intended recipient was not acknowledged in the case of registered mail. This subdivision applies to any local, state, or national affiliate of a political party that has appointed challengers, as well as any subcontractors, vendors, or other individuals acting as agents on behalf of a political party.

A violation of this subdivision is a gross misdemeanor.

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



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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**

**State of Minnesota**

**S.F. No. 3039 - Elections Deceptive Practices Prohibition**

**Author:** Senator Linda Higgins

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

**Date:** March 28, 2006

---

**Section 1, Subdivision 1**, creates a gross misdemeanor penalty for knowingly deceiving another person regarding the time, place, or manner of voting, or the qualifications or restrictions on voter eligibility with the intent to prevent that individual from voting

**Subdivision 2** provides for civil relief for a person aggrieved by such actions.

**Subdivision 3** provides that any person may report such actions to the county attorney or attorney general. If the report of a violation is within 72 hours immediately before an election, the prosecuting authority must investigate the complaint immediately. If not, the prosecuting authority must investigate the complaint within 48 hours.

**Section 2** provides an August 1, 2006, effective date.

CT:rer

Senator Higgins introduced—

S.F. No. 3039: Referred to the Committee on Elections.

1.1 A bill for an act  
 1.2 relating to elections; prohibiting deceptive practices regarding the time, place,  
 1.3 or manner of conducting an election; providing a criminal penalty; providing  
 1.4 remedies; proposing coding for new law in Minnesota Statutes, chapter 204C.

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

1.6 Section 1. [204C.035] DECEPTIVE PRACTICES IN ELECTIONS.

1.7 Subdivision 1. Criminal penalty. No person shall knowingly deceive another person  
 1.8 regarding the time, place, or manner of conducting an election or the qualifications for or  
 1.9 restrictions on voter eligibility for an election, with the intent to prevent the individual  
 1.10 from voting in the election. A violation of this subdivision is a gross misdemeanor.

1 Subd. 2. Civil action. No person shall knowingly deceive another person regarding  
 1.12 the time, place, or manner of conducting an election or the qualifications for or restrictions  
 1.13 on voter eligibility for an election. A person aggrieved by a violation of this subdivision  
 1.14 may bring an action for injunctive or other appropriate relief.

1.15 Subd. 3. Reporting false election information. (a) Any person may report to  
 1.16 the county attorney or attorney general an act of deception regarding the time, place, or  
 1.17 manner of conducting an election or the qualifications for or restrictions on voter eligibility  
 1.18 for an election. Not later than 48 hours after receiving a report under this subdivision, the  
 1.19 office receiving the report shall investigate it and:

1.20 (1) provide accurate information to voters affected by the deception; and

1.21 (2) if appropriate, proceed under subdivision 1 or 2.

1.2 (b) If a report is received under this subdivision during the 72 hours immediately  
 1.23 before an election the county attorney or attorney general shall investigate immediately

2.1 and provide timely accurate information to voters affected by the deception, and if  
2.2 appropriate, may subsequently proceed under subdivision 1 or 2.

2.3 **Sec. 2. EFFECTIVE DATE.**

2.4 Section 1 is effective August 1, 2006, and applies to offenses committed on or  
2.5 after that date.

- 1.1 Senator ..... moves to amend S.F. No. 3039 as follows:
- 1.2 Page 1, delete lines 11 to 14
- 1.3 Page 1, line 15, delete "3" and insert "2"
- 1.4 Page 1, line 21, delete "or 2"
- 1.5 Page 2, line 2, delete "or 2"
- 1.6 Page 2, line 4, delete "offenses" and insert "crimes"
- 1.7 Amend the title accordingly

# St. Petersburg Times ONLINE TAMPA BAY

[Weather](#) | [Sports](#) | [Forums](#) | [Comics](#) | [Classifieds](#) | [Calendar](#) | [Movies](#)

## Dirty tricks litter path to election

**Elections supervisors are warning voters: Be alert for attempts at fraud and intimidation.**

DAVID KARP, MICHAEL SANDLER and TAMARA LUSH

Published October 29, 2004

---

When Dolores Cuellar of Orlando opened her door and saw a woman with a clipboard, she didn't hesitate to say which candidate she preferred.

"Not Bush," said Cuellar, 42. "The other one."

The woman told Cuellar she didn't need to bother going to the polls. She would mark Cuellar's vote on a piece of paper right there. And while she was at it, she also would record a vote for Cuellar's 18-year-old daughter.

Cuellar, who had never voted before, said she mistakenly thought she had just voted.

"You never know what can be true or what can't be true," said her daughter, Julie Herrera, who later grew suspicious and called county elections officials.

Across Florida, elections officials say voters are being approached by individuals misrepresenting themselves and offering misleading or inaccurate information about voting.

Voters cannot vote at home and do not have to answer personal questions before casting a ballot, election officials say. Election officials won't show up unannounced at private homes, either.

Hillsborough Supervisor of Elections Buddy Johnson said he has heard about a group asking voters at the County Center if they have ever been arrested, have outstanding parking tickets or any debt.

People holding clipboards stood outside the County Center last week, offering to direct voters to the 16th-floor election office. They said they were from a voter registration office.

Real election officials would never ask questions about voters' debts, Johnson said.

Other voters say people are coming to their homes, asking to take absentee ballots. Some say they work for the elections office.

"We don't want anyone to think that it is the supervisor of elections that is coming around," said Lori Hudson, a spokeswoman for the Pinellas elections office.

Pinellas Supervisor of Elections Deborah Clark also said voters should not give out personal information such as Social Security numbers to callers. Officials won't phone for that information.

Both major political parties are legitimately attempting to collect absentee ballots in the Tampa Bay area.

"It is perfectly consistent with the law," said Matt Miller, a spokesman for the Kerry-Edwards campaign in

Florida. He said Kerry-Edwards workers will identify themselves and make sure absentee ballots are delivered to elections offices.

Even so, some voters say they have grown uneasy with people who come to their doors without identification or name tags. Last Saturday, two men came to Brian Reale's door in St. Petersburg to ask for his absentee ballot.

He said they told him: "It's better if we take it."

Reale, 68, said he told them to come back Monday, but they never returned.

Rachel Bernstein of St. Petersburg said a man came to the home of her 80-year-old grandmother last Thursday and told her he was there for her absentee ballot.

She declined to turn it over. A few days later, another group asked for her ballot, Bernstein said.

Her grandmother later mailed the absentee ballot - but not from her own mailbox.

"She was worried someone would come to her mailbox and take it out in the middle of the night," Bernstein said.

Earlier this year, activist groups collected hundreds of voter registration forms - and then never turned them in.

Clark, the Pinellas elections chief, said her office received reports of people setting up voter registration tables at East Lake Community Library during the first week of early voting. She said the action is likely illegal; voter registration ended on Oct. 4.

In Pasco County, dozens of people received calls from someone claiming to be from the elections office. They were told their absentee ballots had not arrived.

Pasco Supervisor of Elections Kurt Browning said his office received about 60 calls from voters seeking to verify the calls.

"We don't have a clue who it was," Browning said. "It angers me. It's misleading."

Melba Hamilton, Browning's chief deputy, said the office had received all of the callers' absentee ballots.

"It is creating some fear in the public that there are some more issues in Florida with the ballots not counting," Hamilton said. "I don't know if that's their motive, but it is certainly a byproduct."

\* \* \*

David Karp can be reached at [karp@sptimes.com](mailto:karp@sptimes.com) or 1-800-333-7505, ext. 8430.

© Copyright, St. Petersburg Times. All rights reserved.

# MILWAUKEE BLACK VOTERS LEAGUE

## SOME WARNINGS FOR ELECTION TIME

**IF YOU'VE ALREADY VOTED IN ANY ELECTION THIS YEAR YOU CAN'T VOTE IN THE PRESIDENTIAL ELECTION.**

**IF YOU'VE EVER BEEN FOUND GUILTY OF ANYTHING, EVEN A TRAFFIC VIOLATION YOU CAN'T VOTE IN THE PRESIDENTIAL ELECTION.**

**IF ANYBODY IN YOUR FAMILY HAS EVER BEEN FOUND GUILTY OF ANYTHING YOU CAN'T VOTE IN THE PRESIDENTIAL ELECTION.**

**THE TIME TO REGISTER FOR VOTING HAS EXPIRED. IF YOU HAVEN'T REGISTERED YOU CAN'T ANYMORE.**

**IF YOU VIOLATE ANY OF THESE LAWS YOU CAN GET TEN YEARS IN PRISON AND YOUR CHILDREN WILL GET TAKEN AWAY FROM YOU.**

**Attention:**

**Jefferson**

**County!!!!**

**See You At The Poles**

**November 4<sup>th</sup>, 2004.**

**To Find your local polling**

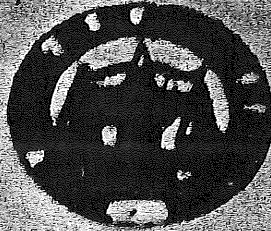
**place, call Jefferson**

**County Voter's**

**Registration**

**Commission.**





981 Jackson Ave  
Columbia, SC 29203

Dear Voter,

In recent years the NAACP Vote Start Program registered over 15,000 new voters to the rolls. In order to realize our goals for total voter participation, those who are registered must vote! This Voter's Guide will help you cast your vote in an informed manner this coming election day. In order to insure that every vote is counted, keep in mind the following eligibility requirements.

- A person who is eligible to vote must be 18 years old,
- A US citizen,
- A resident of South Carolina.

However, the following persons may not register or vote and will be subject to arrest.

- Persons with outstanding traffic violations, including moving violations and parking citations above \$50.00.
- Persons who have not submitted credit reports dated one week prior to election day.
- Persons adjudged to be negligent in paying child support.

On Election Day voters must provide the following upon request at your polling station:

- Two pieces of Photo ID and Social Security Card
- Voter Registration Card
- Handwriting sample for authentication purposes

If you become ill or are otherwise unable to vote on November 2<sup>nd</sup>, the State Election Board will be receiving ballots by mail or hand delivery at your precinct's Post Office.



McCandless Township  
Allegheny County, PA

**-Attention voters-**

Due to the immense voter turnout that is expected on Tuesday, November 2 the state of Pennsylvania has requested an extended voting period.

Voters will be able to vote on both November 2 and November 3. In an attempt to limit voter cur that Allegheny County is requesting that the following actions be made.

Party	Voting date
Republican	November 2
Democrat	November 3

Thank you for cooperating with us in this endeavor to create a peaceful voting environment. We are sorry for any inconveniences that these changes may cause.

Your local representative,

Anne Ryan

In the event of an emergency, voting stations may not be opened. Stations are opened or closed as needed based on an emergency. In an emergency, please stay tuned to local media or call the Emergency Operations Center at (813) 272-3300 to determine which voting stations are open.

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**

State of Minnesota

**S.F. No. 3047 - Criminal Background Checks For  
Mentoring Services**

**Author:** Senator Ann H. Rest

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

**Date:** March 28, 2006

---

**Section 1, subdivision, 1** defines "mentoring" for the purpose of the bill.

**Subdivision 2** authorizes organizations providing mentoring services to ask the Bureau of Criminal Apprehension (BCA) to conduct criminal background checks on volunteer mentors.

**Subdivision 3** requires the BCA to conduct up to 15,000 background checks for mentoring organizations.

**Section 2** appropriates \$623,000 from the general fund to the Commissioner of Public Safety to provide background checks under the bill.

CT:rer

Senators Rest, Neuville and Foley introduced-

S.F. No. 3047: Referred to the Committee on Crime Prevention and Public Safety.

A bill for an act

relating to public safety; authorizing organizations providing mentoring services to request criminal background checks from the Bureau of Criminal Apprehension; appropriating money; proposing coding for new law in Minnesota Statutes, chapter 299A.

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

Section 1. [299A.81] MENTORING PROGRAMS; CRIMINAL BACKGROUND CHECKS.

Subdivision 1. Definition. For purposes of this section, "mentoring" means a commitment between an adult and youth focused on developing the character and capabilities of the young person and involving regular, personal, and/or face-to-face meetings.

Subd. 2. Background check requests. To screen for safety risks, an organization providing mentor services may request the Bureau of Criminal Apprehension to perform a criminal background check on persons volunteering to become a mentor under the organization's supervision.

Subd. 3. Background checks. The superintendent of the Bureau of Criminal Apprehension shall provide up to 15,000 background checks upon request for background checks by organizations specified in subdivision 2.

Sec. 2. APPROPRIATION.

\$623,000 is appropriated from the general fund in fiscal year 2007 to the commissioner of public safety to provide criminal background checks as provided in section 1 and shall be available until June 30, 2007.

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR


**Senate**  

---

**State of Minnesota**

**S.F. No. 2380 - Child Pornography Offenses;  
Conditional Release Terms**

**Author:** Senator Jane B. Ranum

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

**Date:** March 24, 2006

---

**Section 1** amends the use of minors in sexual performance crime (Minnesota Statutes, section 617.246) to require a five-year conditional release term for these offenders upon release from prison. Requires a ten-year conditional release term for offenders who have previously been convicted of first through fifth degree criminal sexual conduct, criminal sexual predatory conduct, or possession of pornographic work involving minors (see **section 2**).

**Section 2** makes the same changes as in **section 1** to the possession of pornographic work involving minors crime (section 617.247).

KPB:ph

Senators Ranum, Foley and Skoglund introduced—

S.F. No. 2380: Referred to the Committee on Crime Prevention and Public Safety.

A bill for an act

relating to public safety; imposing a conditional release term upon child  
pornography offenders released from prison; amending Minnesota Statutes 2004,  
sections 617.246, by adding a subdivision; 617.247, by adding a subdivision.

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

Section 1. Minnesota Statutes 2004, section 617.246, is amended by adding a  
subdivision to read:

Subd. 7. Conditional release term. Notwithstanding the statutory maximum  
sentence otherwise applicable to the offense or any provision of the sentencing guidelines,  
when a court commits a person to the custody of the commissioner of corrections for  
violating this section, the court shall provide that after the person has completed the  
sentence imposed, the commissioner shall place the person on conditional release for five  
years. If the person has previously been convicted of a violation of this section, section  
609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar  
statute of the United States, this state, or any state, the commissioner shall place the  
person on conditional release for ten years. The terms of conditional release are governed  
by section 609.3455, subdivision 8.

EFFECTIVE DATE. This section is effective August 1, 2006, and applies to crimes  
committed on or after that date.

Sec. 2. Minnesota Statutes 2004, section 617.247, is amended by adding a subdivision  
to read:

Subd. 9. Conditional release term. Notwithstanding the statutory maximum  
sentence otherwise applicable to the offense or any provision of the sentencing guidelines,



2.1 when a court commits a person to the custody of the commissioner of corrections for  
2.2 violating this section, the court shall provide that after the person has completed the  
2.3 sentence imposed, the commissioner shall place the person on conditional release for five  
2.4 years. If the person has previously been convicted of a violation of this section, section  
2.5 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar  
2.6 statute of the United States, this state, or any state, the commissioner shall place the  
2.7 person on conditional release for ten years. The terms of conditional release are governed  
2.8 by section 609.3455, subdivision 8.

2.9 **EFFECTIVE DATE.** This section is effective August 1, 2006, and applies to crimes  
2.10 committed on or after that date.

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**

**State of Minnesota**

**S.F. No. 2684 - Contracting For Chemical Dependency  
Treatment Programs**

**Author:** Senator Dean E. Johnson

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

**Date:** March 28, 2006

---

The bill authorizes the Commissioner of Corrections to rent beds from a newly constructed county or regional jail licensed to provide chemical dependency treatment. The contract may be up to five years in duration.

CT:rer



Senator Johnson, D.E. introduced--

S.F. No. 2684: Referred to the Committee on Crime Prevention and Public Safety.

A bill for an act

1.2 relating to corrections; authorizing the commissioner of corrections to enter into  
1.3 contracts that exceed two years in certain situations; proposing coding for new  
1.4 law in Minnesota Statutes, chapter 241.

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

1.6 Section 1. [241.0222] CONTRACTS WITH NEWLY CONSTRUCTED JAIL  
1.7 FACILITIES THAT PROVIDE ACCESS TO CHEMICAL DEPENDENCY  
1.8 TREATMENT PROGRAMS.

1.9 Notwithstanding any law to the contrary, the commissioner is expressly authorized  
1.10 to enter into contracts, up to five years in duration, with a county or group of counties to  
1.11 house inmates committed to the custody of the commissioner in newly constructed county  
or regional jail facilities that provide inmates access to chemical dependency treatment  
1.13 programs licensed by the Department of Human Services. A contract entered into under  
1.14 this section may contain an option to renew the contract for a term of up to five years.

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

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**  

---

**State of Minnesota**

**S.F. No. 2540 - Bloodborne Pathogens**

**Author:** Senator Mike McGinn

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

**Date:** March 28, 2006

---

The bill establishes testing procedures to be used in cases where peace officers may have been exposed to bloodborne pathogens.

**Section 1** defines terms for the purposes of the bill.

**Section 2** specifies conditions under which procedures for responding to a peace officer who may have had a significant exposure to a bloodborne pathogen apply. Establishes procedures for locating source individuals of bloodborne pathogens.

**Section 3** requires a hospital, before seeking any consent from a source individual to obtain existing blood test results, to inform the source individual that the individual's test results will be reported to the exposed peace officer if the peace officer so requests, and that the test results are for medical purposes.

Also requires a hospital to inform the source individual: of the insurance protections in Minnesota Statutes, section 72A.20, subdivision 29; that the individual may refuse to provide a blood sample and a refusal may result in a court order for the sample; and the facility will tell the peace officer about the confidentiality requirements and penalties for unauthorized releases before disclosing any test information.

**Section 4** requires a hospital to: (1) ask the source individual and the peace officer if either of them has ever had a positive test for a bloodborne pathogen; (2) try to get existing test results before trying to obtain blood samples or perform new tests; and (3) disclose the source individual's test results to the exposed peace officer without any identifying information about the source individual.

**Section 5** provides that a hospital must follow its usual procedures for obtaining consent when it needs to obtain consent for a procedure involving a source individual or a peace officer. Provides that consent from a source individual or representative to test an existing blood sample is not required if: (1) the hospital has made reasonable efforts to obtain the representative's consent, or (2) the source individual dies before being able to give consent to blood collection or testing. If testing occurs without consent, requires the hospital to give the source individual certain required information whenever it is possible to do so.

**Section 6** establishes procedure by which a facility may test an available sample of a source individual's blood, with or without the source individual's consent. Requires the hospital to tell the source individual and the exposed peace officer their own results, and the peace officer the results of the source individual without identifying the source individual.

**Section 7, Subdivision 1**, establishes procedures for collecting and testing blood samples and making the test result available when the source individual consents to provide a blood sample. If the source individual refuses to consent, the hospital must inform the peace officer of the refusal.

**Subdivision 2** allows a law enforcement agency or a peace officer to petition for a court order to require a source individual to provide a blood sample for testing for bloodborne pathogens. A court must order a source individual to provide a blood sample if:

- ◆ there is probable cause to believe significant exposure occurred;
- ◆ a licensed physician for the peace officer need the test results to treat the peace officer; and
- ◆ the court finds "reasonable" need for the test result. (Under current law the court must find "compelling" need).

The court must impose appropriate safeguards against unauthorized disclosure of test results and personal information.

Requires the court to schedule the hearing within 24 hours of receiving the petition. The court may hold the proceedings in camera unless the court concludes that an open hearing is necessary. The source individual need not be present or have received prior notice of the hearing. Requires the court to issue an order within 24 hours of the hearing.

Requires the petitioner to serve an ex parte order on the source individual. Permits a source individual to challenge an ex parte order within 48 hours of receiving the order. The court may vacate its ex parte order if the source individual proves by clear and convincing evidence that his blood did not contact the peace officer.

A person ordered to submit blood must do so within 48 hours of receiving the order. Failure to comply with an order will place the person in contempt of court and subject them to detention until they comply with the order.

**Section 8** prohibits hospitals from conditioning decisions about admitting a source individual to a facility or providing care or treatment on any requirement that the source individual consent to a blood test for bloodborne pathogens.

**Section 9** specifies that test results of a source individual can be used only for diagnostic and treatment purposes, and prohibits them from being used as evidence in criminal or civil proceedings, except for actions under the health threat procedures statute.

**Section 10** classifies information on test results for bloodborne pathogens as private data for public facilities, and prohibits private facilities from disclosing data without consent. Prohibits hospitals, individuals, and employers from disclosing any identifying information about a source individual to a peace officer without a written release from the source individual.

**Section 11** makes the unauthorized release of information subject to the remedies and penalties in the Data Practices Act. Specifies that private causes of action may also be pursued against any person responsible for releasing private data or information.

**Section 12** requires hospitals to ensure that tests for bloodborne pathogens are performed if requested by a peace officer or a law enforcement agency, provided the conditions established in this bill are met. Requires the law enforcement agency that employs the peace officer to pay for the cost of testing and treating the peace officer and the costs of testing the source individual.

---

**Section 13** requires law enforcement agencies and hospitals to have postexposure protocols to follow when a peace officer experiences a significant exposure.

**Section 14, Subdivision 1**, makes it a misdemeanor to willfully violate any of the sections of the bill concerning the exposure of peace officers to bloodborne pathogens.

**Subdivision 2** extends immunity to facilities, physicians, and designated health care personnel who have made a good faith effort to comply with these sections.

**Section 15** provides a July 1, 2006, effective date.

CT:rer

Senators McGinn, Foley and Ortman introduced—

S.F. No. 2540: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act  
1.2 relating to public safety; establishing procedures to secure blood testing of  
1.3 individuals whose bodily fluids contact peace officers; proposing coding for new  
1.4 law in Minnesota Statutes, chapter 626.

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

1.6 Section 1. [626.9601] DEFINITIONS.

1.7 Subdivision 1. Scope of definitions. For purposes of sections 626.9601 to 626.9615,  
1.8 the following terms have the meanings given them.

1.9 Subd. 2. Bloodborne pathogens. "Bloodborne pathogens" means pathogenic  
1.10 microorganisms that are present in human blood and can cause disease in humans. These  
1.11 pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus  
1.12 (HCV), and human immunodeficiency virus (HIV).

1.13 Subd. 3. Law enforcement agency. "Law enforcement agency" has the meaning  
1.14 given in section 626.84, subdivision 1.

1.15 Subd. 4. Peace officer. "Peace officer" is an individual employed as a licensed  
1.16 peace officer under section 626.84, subdivision 1.

1.17 Subd. 5. Source individual. "Source individual" means an individual, living  
1.18 or dead, whose blood, tissue, or potentially infectious body fluids may be a source of  
1.19 bloodborne pathogen exposure to a peace officer.

1.20 Subd. 6. Significant exposure. "Significant exposure" means contact likely to  
1.21 transmit a bloodborne pathogen, in a manner supported by the most current guidelines and  
1.22 recommendations of the United States Public Health Service at the time an evaluation  
1.23 takes place, that includes:

2.1 (1) percutaneous injury, contact of mucous membrane or nonintact skin, or  
2.2 prolonged contact of intact skin; and

2.3 (2) contact, in a manner that may transmit a bloodborne pathogen, with blood,  
2.4 tissue, or potentially infectious body fluids.

2.5 Subd. 7. Facility. "Facility" means a hospital licensed under sections 144.50 to  
2.6 144.56 or a freestanding emergency medical care facility licensed under Laws 1988,  
2.7 chapter 467, that receives a peace officer for evaluation for significant exposure or a  
2.8 source individual whose bodily fluids contacted a peace officer.

2.9 **Sec. 2. [626.9602] CONDITIONS FOR APPLICABILITY OF PROCEDURES.**

2.10 Subdivision 1. Request for procedures. A peace officer or law enforcement agency  
2.11 may request that a facility follow the procedures of sections 626.9601 to 626.9615 when a  
2.12 peace officer may have experienced a significant exposure to a source individual.

2.13 Subd. 2. Conditions. A facility shall follow the procedures outlined in sections  
2.14 626.9601 to 626.9615 when all of the following conditions are met:

2.15 (1) the facility determines that significant exposure has occurred, following the  
2.16 protocol under section 626.9614;

2.17 (2) the licensed physician for the peace officer needs the source individual's  
2.18 bloodborne pathogen test results to begin, continue, modify, or discontinue treatment, in  
2.19 accordance with the most current guidelines of the United States Public Health Service,  
2.20 because of possible exposure to a bloodborne pathogen; and

2.21 (3) the peace officer consents to provide a blood sample for testing for a bloodborne  
2.22 pathogen. If the peace officer consents to blood collection, but does not consent at that  
2.23 time to bloodborne pathogen testing, the facility shall preserve the sample for at least 90  
2.24 days. If the peace officer elects to have the sample tested within 90 days, the testing  
2.25 shall be done as soon as feasible.

2.26 Subd. 3. Locating source individual. If the source individual is not received by a  
2.27 facility but the facility is providing treatment to the peace officer, the law enforcement  
2.28 agency shall make reasonable efforts to locate the source individual and inform the facility  
2.29 of the source individual's identity and location. The facility shall make a reasonable effort  
2.30 to contact the source individual in order to follow the procedures in sections 626.9601 to  
2.31 626.9615. The law enforcement agency and facilities may exchange private data about  
2.32 the source individual as necessary to fulfill their responsibilities under this subdivision,  
2.33 notwithstanding any provision of law to the contrary.

3.1       Sec. 3. **[626.9603] INFORMATION REQUIRED TO BE GIVEN TO**  
3.2 **INDIVIDUALS.**

3.3           Subdivision 1. Information to source individual. (a) Before seeking any consent  
3.4 required by the procedures under sections 626.9601 to 626.9615, a facility shall inform  
3.5 the source individual that the source individual's bloodborne pathogen test results, without  
3.6 the individual's name, address, or other uniquely identifying information, shall be reported  
3.7 to the peace officer if requested, and that test results collected under sections 626.9601 to  
3.8 626.9615 are for medical purposes as set forth in section 626.9609 and may not be used as  
3.9 evidence in any criminal proceedings or civil proceedings, except for procedures under  
3.10 sections 144.4171 to 144.4186.

3.11           (b) The facility shall inform the source individual of the insurance protections in  
3.12 section 72A.20, subdivision 29.

3.13           (c) The facility shall inform the source individual that the individual may refuse to  
3.14 provide a blood sample and that the source individual's refusal may result in a request for  
3.15 a court order to require the source individual to provide a blood sample.

3.16           (d) The facility shall inform the source individual that the facility will advise the  
3.17 peace officer of the confidentiality requirements and penalties before disclosing any test  
3.18 information.

3.19           Subd. 2. Information to peace officer. (a) Before disclosing any information about  
3.20 the source individual, the facility shall inform the peace officer of the confidentiality  
3.21 requirements of section 626.9611 and that the peace officer may be subject to penalties for  
3.22 unauthorized release of information about the source individual under section 626.9612.

3.23           (b) The facility shall inform the peace officer of the insurance protections in section  
3.24 72A.20, subdivision 29.

3.25       Sec. 4. **[626.9604] DISCLOSURE OF POSITIVE BLOODBORNE PATHOGEN**  
3.26 **TEST RESULTS.**

3.27           If the conditions of sections 626.9602 and 626.9603 are met, the facility shall ask the  
3.28 source individual and the peace officer if they have ever had a positive test for a bloodborne  
3.29 pathogen. The facility must attempt to get existing test results under this section before  
3.30 taking any steps to obtain a blood sample or to test for bloodborne pathogens. The facility  
3.31 shall disclose the source individual's bloodborne pathogen test results to the peace officer  
3.32 without the source individual's name, address, or other uniquely identifying information.

3.33       Sec. 5. **[626.9605] CONSENT PROCEDURES; GENERALLY.**

4.1 (a) For purposes of sections 626.9601 to 626.9615, whenever the facility is required  
 4.2 to seek consent, the facility shall follow its usual procedure for obtaining consent from an  
 4.3 individual or an individual's representative consistent with other law applicable to consent.

4.4 (b) Consent from a source individual's representative for bloodborne pathogen  
 4.5 testing of an existing blood sample obtained from the source individual is not required if  
 4.6 the facility has made reasonable efforts to obtain the representative's consent and consent  
 4.7 cannot be obtained within 24 hours of a significant exposure.

4.8 (c) If testing of the source individual's blood occurs without consent because the  
 4.9 source individual is unable to provide consent or has left the facility and cannot be located,  
 4.10 and the source individual's representative cannot be located, the facility shall provide  
 4.11 the information required in section 626.9603 to the source individual or representative  
 4.12 whenever it is possible to do so.

4.13 (d) If a source individual dies before an opportunity to consent to blood collection  
 4.14 or testing under sections 626.9601 to 626.9615, the facility does not need consent of the  
 4.15 deceased person's representative for purposes of sections 626.9601 to 626.9615.

4.16 **Sec. 6. [626.9606] TESTING OF AVAILABLE BLOOD.**

4.17 **Subdivision 1. Procedures with consent.** If the source individual is or was under  
 4.18 the care or custody of the facility and a sample of the source individual's blood is available  
 4.19 with the consent of the source individual, the facility shall test that blood for bloodborne  
 4.20 pathogens with the consent of the source individual, provided the conditions in sections  
 4.21 626.9602 and 626.9603 are met.

4.22 **Subd. 2. Procedures without consent.** If the source individual has provided a blood  
 4.23 sample with consent but does not consent to bloodborne pathogen testing, the facility shall  
 4.24 test for bloodborne pathogens if the peace officer or law enforcement agency requests the  
 4.25 test, provided all of the following criteria are met:

4.26 (1) the peace officer or law enforcement agency has documented exposure to blood  
 4.27 or body fluids during performance of the peace officer's duties;

4.28 (2) the facility has determined that a significant exposure has occurred and a licensed  
 4.29 physician for the peace officer has documented in the peace officer's medical record that  
 4.30 bloodborne pathogen test results are needed for beginning, modifying, continuing, or  
 4.31 discontinuing medical treatment for the peace officer under section 626.9614, subdivision  
 4.32 2;

4.33 (3) the peace officer provides a blood sample for testing for bloodborne pathogens  
 4.34 as soon as feasible;



5.1 (4) the facility asks the source individual to consent to a test for bloodborne  
5.2 pathogens and the source individual does not consent;

3 (5) the facility has provided the source individual with all of the information required  
5.4 by section 626.9603; and

5.5 (6) the facility has informed the peace officer of the confidentiality requirements  
5.6 of section 626.9611 and the penalties for unauthorized release of source information  
5.7 under section 626.9612.

5.8 Subd. 3. Follow-up. The facility shall inform the source individual and the peace  
5.9 officer of their own test results. The facility shall inform the peace officer of the source  
5.10 individual's test results without the source individual's name, address, or other uniquely  
5.11 identifying information.

12 **Sec. 7. [626.9607] BLOOD SAMPLE COLLECTION FOR TESTING.**

5.13 Subdivision 1. Procedures with consent. (a) If a blood sample is not otherwise  
5.14 available, the facility shall obtain consent from the source individual before collecting  
5.15 a blood sample for testing for bloodborne pathogens. The consent process shall include  
5.16 informing the source individual that the individual may refuse to provide a blood sample  
5.17 and that the source individual's refusal may result in a request for a court order under  
5.18 subdivision 2 to require the source individual to provide a blood sample.

5.19 (b) If the source individual consents to provide a blood sample, the facility shall  
5.20 collect a blood sample and test the sample for bloodborne pathogens.

5.21 (c) The facility shall inform the peace officer about the source individual's test  
5.22 results without the individual's name, address, or other uniquely identifying information.  
5.23 The facility shall inform the source individual of the test results.

5.24 (d) If the source individual refuses to provide a blood sample for testing, the facility  
5.25 shall inform the peace officer of the source individual's refusal.

5.26 Subd. 2. Procedures without consent. (a) A law enforcement agency or a peace  
5.27 officer may bring a petition for a court order to require a source individual to provide a  
5.28 blood sample for testing for bloodborne pathogens. The petition shall be filed in the  
5.29 district court in the county where the source individual resides or is hospitalized or where  
5.30 the peace officer is being treated. The petitioner is not required to serve the petition on the  
5.31 source individual prior to the hearing. The petition shall include one or more affidavits  
5.32 attesting that:

33 (1) the facility followed the procedures in sections 626.9601 to 626.9615 and  
5.34 attempted to obtain bloodborne pathogen test results according to those sections;

6.1 (2) it has been determined under section 626.9614, subdivision 2, that a significant  
6.2 exposure has occurred to the peace officer; and

6.3 (3) a physician with specialty training in infectious diseases, including HIV, has  
6.4 documented that the peace officer has provided a blood sample and consented to testing  
6.5 for bloodborne pathogens and bloodborne pathogen test results are needed for beginning,  
6.6 continuing, modifying, or discontinuing medical treatment for the peace officer.

6.7 (b) Facilities shall cooperate with petitioners in providing any necessary affidavits to  
6.8 the extent that facility staff can attest under oath to the facts in the affidavits.

6.9 (c) The court must issue an order requiring the source individual to provide a  
6.10 blood sample for bloodborne pathogen testing within 48 hours of receiving the order if  
6.11 the court finds that:

6.12 (1) there is probable cause to believe the peace officer has experienced a significant  
6.13 exposure to the source individual;

6.14 (2) a licensed physician for the peace officer needs the test results for beginning,  
6.15 continuing, modifying, or discontinuing medical treatment for the peace officer; and

6.16 (3) there is a reasonable need for the test results. In assessing reasonable need,  
6.17 the court shall weigh the need for the court-ordered blood collection and test results  
6.18 against the interests of the source individual, including, but not limited to, privacy, health,  
6.19 safety, or economic interests. The court shall also consider whether the involuntary blood  
6.20 collection and testing would serve the public interest.

6.21 (d) As part of an order issued under this subdivision, the court must impose  
6.22 appropriate safeguards against unauthorized disclosure that must specify the persons who  
6.23 have access to the test results and the purposes for which the test results may be used.

6.24 (e) The court shall schedule the hearing within 24 hours of receiving the petition and  
6.25 may conduct the proceeding in camera unless the court determines that a public hearing  
6.26 is necessary for the proper administration of justice. The source individual need not be  
6.27 present or have received notice of the hearing for the court to proceed. The evidence or  
6.28 testimony in support or opposition to a petition may be made or taken by telephone,  
6.29 facsimile transmission, video equipment, or other electronic communication. The court  
6.30 shall issue its ruling within 24 hours of the conclusion of the hearing.

6.31 (f) If the source individual did not make an appearance at the hearing, the petitioner  
6.32 must personally serve the source individual with a copy of the ex parte order along with a  
6.33 copy of the petition and supporting affidavits. A notice of the right to contest the order and  
6.34 the deadline for filing the appeal must accompany service of the order and petition.

6.35 (g) If the source individual did not make an appearance at the hearing, the source  
6.36 individual may petition the court for a hearing to contest the court order. The source

7.1 individual's appeal must be filed within 48 hours of the person receiving the ex parte  
7.2 order. The person may not be compelled to submit to a blood test during the pendency  
7.3 of an appeal. The court must hold a hearing within 24 hours from the date the appeal is  
7.4 filed. The court may vacate its ex parte order if the source individual proves by clear and  
7.5 convincing evidence that the person's bodily fluids did not contact the peace officer. The  
7.6 court must issue a ruling within 24 hours of the conclusion of the hearing.

7.7 (h) A source individual who fails or refuses to comply with the terms and conditions  
7.8 of an order issued under this section shall be in contempt of court and subject to  
7.9 confinement under section 588.12 until the person has complied with the order.

7.10 **Sec. 8. [626.9608] NO DISCRIMINATION.**

7.11 A facility shall not base decisions about admission to a facility or the provision of  
7.12 care or treatment on any requirement that the source individual consent to bloodborne  
7.13 pathogen testing under sections 626.9601 to 626.9615.

7.14 **Sec. 9. [626.9609] USE OF TEST RESULTS.**

7.15 Bloodborne pathogen test results of a source individual obtained under sections  
7.16 626.9601 to 626.9615 are for diagnostic purposes and to determine the need for treatment  
7.17 or medical care specific to a bloodborne pathogen-related illness of a peace officer. The  
7.18 test results may not be used as evidence in any criminal proceedings or civil proceedings,  
7.19 except for procedures under sections 144.4171 to 144.4186.

7.20 **Sec. 10. [626.9611] TEST INFORMATION CONFIDENTIALITY.**

7.21 Subdivision 1. **Private data.** Information concerning test results obtained under  
7.22 sections 626.9601 to 626.9615 is information protected from disclosure without consent  
7.23 under section 144.335 with respect to private facilities and private data as defined in  
7.24 section 13.02, subdivision 12, with respect to public facilities.

7.25 Subd. 2. **Consent to release information.** No facility, individual, or employer shall  
7.26 disclose to a peace officer the name, address, or other uniquely identifying information  
7.27 about a source individual without a written release signed by the source individual or the  
7.28 source individual's legally authorized representative. The facility shall not record the  
7.29 name, address, or other uniquely identifying information about the source individual's test  
7.30 results in the peace officer's medical records.

7.31 **Sec. 11. [626.9612] PENALTY FOR UNAUTHORIZED RELEASE OF**  
7.32 **INFORMATION.**

8.1 Unauthorized release by an individual, facility, or agency of a source individual's  
8.2 name, address, or other uniquely identifying information under sections 626.9601 to  
8.3 626.9615 is subject to the remedies and penalties under sections 13.08 and 13.09. This  
8.4 section does not preclude private causes of action against an individual, state agency,  
8.5 statewide system, political subdivision, or person responsible for releasing private data  
8.6 or information protected from disclosure.

8.7 **Sec. 12. [626.9613] RESPONSIBILITY FOR TESTING AND TREATMENT;**  
8.8 **COSTS.**

8.9 (a) The facility shall ensure that tests under sections 626.9601 to 626.9615 are  
8.10 performed if requested by the peace officer or law enforcement agency, provided the  
8.11 conditions set forth in sections 626.9601 to 626.9615 are met.

8.12 (b) The law enforcement agency that employs the peace officer who requests  
8.13 testing under sections 626.9601 to 626.9615 must pay or arrange payment for the cost  
8.14 of counseling, testing, and treatment of the peace officer and costs associated with the  
8.15 testing of the source individual.

8.16 **Sec. 13. [626.9614] PROTOCOLS FOR EXPOSURE TO BLOODBORNE**  
8.17 **PATHOGENS.**

8.18 Subdivision 1. Law enforcement agency requirements. The law enforcement  
8.19 agency shall have procedures for a peace officer to notify a facility that the person may  
8.20 have experienced a significant exposure from a source individual. The law enforcement  
8.21 agency shall also have a protocol to locate the source individual if the facility has  
8.22 not received the source individual and the law enforcement agency knows the source  
8.23 individual's identity.

8.24 Subd. 2. Facility protocol requirements. Every facility shall adopt and follow a  
8.25 postexposure protocol for peace officers who have experienced a significant exposure. The  
8.26 postexposure protocol must adhere to the most current recommendations of the United  
8.27 States Public Health Service and include, at a minimum, the following:

8.28 (1) a process for peace officers to report an exposure in a timely fashion;

8.29 (2) a process for an infectious disease specialist, or a licensed physician who is  
8.30 knowledgeable about the most current recommendations of the United States Public  
8.31 Health Service in consultation with an infectious disease specialist;

8.32 (i) to determine whether a significant exposure to one or more bloodborne pathogens  
8.33 has occurred; and

9.1 (ii) to provide, under the direction of a licensed physician, a recommendation  
9.2 or recommendations for follow-up treatment appropriate to the particular bloodborne  
3 pathogen or pathogens for which a significant exposure has been determined;

9.4 (3) if there has been a significant exposure, a process to determine whether the  
9.5 source individual has a bloodborne pathogen through disclosure of test results, or through  
9.6 blood collection and testing as required by sections 626.9601 to 626.9615;

9.7 (4) a process for providing appropriate counseling prior to and following testing for  
9.8 a bloodborne pathogen regarding the likelihood of bloodborne pathogen transmission  
9.9 and follow-up recommendations according to the most current recommendations of the  
9.10 United States Public Health Service, recommendations for testing, and treatment to the  
9.11 peace officer;

9.12 (5) a process for providing appropriate counseling under clause (4) to the peace  
13 officer and the source individual; and

9.14 (6) compliance with applicable state and federal laws relating to data practices,  
9.15 confidentiality, informed consent, and the patient bill of rights.

9.16 **Sec. 14. [626.9615] PENALTIES AND IMMUNITY.**

9.17 **Subdivision 1. Penalties.** Any facility or person who willfully violates the  
9.18 provisions of sections 626.9601 to 626.9615 is guilty of a misdemeanor.

9.19 **Subd. 2. Immunity.** A facility, licensed physician, and designated health care  
9.20 personnel are immune from liability in any civil, administrative, or criminal action relating  
9.21 to the disclosure of test results to a peace officer or law enforcement agency and the testing  
9.22 of a blood sample from the source individual for bloodborne pathogens if a good faith  
9.23 effort has been made to comply with sections 626.9601 to 626.9615.

9.24 **Sec. 15. EFFECTIVE DATE.**

9.25 Sections 1 to 14 are effective July 1, 2006.

1.1 Senator ..... moves to amend S.F. No. 2540 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2004, section 144.7401, is amended by adding a  
1.4 subdivision to read:

1.5 Subd. 8. **Peace officer; applicability.** An individual licensed as a peace officer  
1.6 under section 626.84, subdivision 1, is considered an emergency medical services person  
1.7 for purposes of sections 144.7401 to 144.7415 regardless of whether the officer is engaged  
1.8 in performing emergency services.

1.9 **EFFECTIVE DATE.** This section is effective July 1, 2006."

1.10 Amend the title accordingly

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**

**State of Minnesota**

**S.F. No. 3008 - Comprehensive Incident-Based Reporting  
System Data Access Authority**

**Author:** Senator Wesley J. Skoglund

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

**Date:** March 28, 2006

---

The bill authorizes the Department of Corrections' Fugitive Apprehension Unit access to the Bureau of Criminal Apprehension's Comprehensive Incident-Based Reporting System (CIBRS).

CT:rer

Senator Skoglund introduced—

S.F. No. 3008: Referred to the Committee on Crime Prevention and Public Safety.

1.1 A bill for an act  
 1.2 relating to public safety; authorizing access to the CIBRS by the Department of  
 1.3 Corrections' Fugitive Apprehension Unit; amending Minnesota Statutes 2005  
 1.4 Supplement, section 299C.40, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2005 Supplement, section 299C.40, subdivision 1, is  
 1.7 amended to read:

1.8 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this  
 1.9 section.

1.10 (b) "CIBRS" means the Comprehensive Incident-Based Reporting System, located  
 1.11 in the Department of Public Safety and managed by the Bureau of Criminal Apprehension,  
 1.12 Criminal Justice Information Systems Section. A reference in this section to "CIBRS"  
 1.13 includes the Bureau of Criminal Apprehension.

1.14 (c) "Law enforcement agency" means a Minnesota municipal police department,  
 1.15 the Metropolitan Transit Police, the Metropolitan Airports Police, the University of  
 1.16 Minnesota Police Department, the Department of Corrections' Fugitive Apprehension  
 1.17 Unit, a Minnesota county sheriff's department, the Bureau of Criminal Apprehension, or  
 1.18 the Minnesota State Patrol.



1.1 Senator ..... moves to amend S.F. No. 3008 as follows:

1.2 Page 1, after line 18, insert:

1.3 "Sec. 2. Minnesota Statutes 2005 Supplement, section 299C.405, is amended to  
1.4 read:

1.5 **299C.405 SUBSCRIPTION SERVICE.**

1.6 (a) For the purposes of this section "subscription service" means a process by which  
1.7 law enforcement agency personnel may obtain ongoing, automatic electronic notice of any  
1.8 contacts an individual has with any criminal justice agency.

1.9 (b) The Department of Public Safety must not establish a subscription service  
1.10 without prior legislative authorization; except that, the Bureau of Criminal Apprehension  
1.11 may employ under section 299C.40 a secure subscription service designed to promote  
1.12 and enhance officer safety during tactical operations by and between federal, state, and  
1.13 local law enforcement agencies by notifying law enforcement agencies of conflicts where  
1.14 multiple law enforcement operations may be occurring on the same subject or vehicle or on  
1.15 or near the same location. The notification may include warrant executions, surveillance  
1.16 activities, SWAT activities, undercover operations, and other investigative operations."

1.17 Renumber the sections in sequence and correct the internal references

1.18 Amend the title accordingly

**Bill Summary**

Senate Counsel &amp; Research

**Senate**

State of Minnesota

**S.F. No. 3252- Voting Rights**

**Author:** Senator Linda Higgins  
**Prepared by:** Peter S. Wattson, Senate Counsel (651/296-3812)  
**Date:** March 16, 2006

**S.F. No. 3252** includes a number of provisions to make it easier to register to vote and to vote.

**Section 1** makes mandatory the current option for a postsecondary educational institution to provide the county auditor with a list of the names and addresses of its students who reside in the county. It also requires the institution to include on the list not only those students who reside in housing owned by the institution but also students who reside in private housing within the county or city where one or more of the institution's campuses are located. Institutions that do not consider student addresses to be public information must make release forms available to students authorizing the institution to provide the addresses to the Secretary of State, and must honor requests from students to omit their information from the list.

**Section 2** provides that a convicted felon is restored to civil rights when placed on probation, parole, conditional release, or supervised release, not just after the sentence has been completed or discharged.

**Section 3** adds to the list of documents that may be used to prove a voter's residence for purposes of registering on election day "a current utility bill, monthly rental statement, Social Security statement, or other government document that shows the individual's name and valid address in the precinct." These are some, but not all, of the documents specifically mentioned in § 303(b)(2)(A) of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (Oct. 29, 2002), as sufficient to identify at the polling place a person who has registered to vote by mail: "a current and valid photo identification; or . . . a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter . . . ."

**Section 4** defines the several new documents that may be used to prove residency under **section 3**.

**Section 5** allows voting by absentee ballot without giving a reason.

**Section 6** requires each county auditor to mail absentee ballot applications to the study-abroad office of each college or university whose principal administrative offices are located within the county.

**Section 7** authorizes a voter to request that an absentee ballot be sent to the voter using a commercial shipper at the voter's expense.

**Section 8** requires election judges to deliver an absentee ballot to a resident of a shelter for battered women located in the municipality in which the voter maintains residence. The delivery must be made by two election judges of different major political parties traveling together.

**Section 9** authorizes a voter who is a resident of a shelter for battered women to designate an agent to deliver absentee ballots to the voter and return them by 3:00 p.m. on election day. The agent may deliver ballots to no more than three persons in an election.

**Section 10** requires the Secretary of State to develop translated voting materials for all those languages recommended by the State Demographer. The translated materials must be published and provided at no cost. They must be posted and copies made available in every precinct.

**Section 11** requires the Commissioner of Corrections to give written notice to each felon placed on supervised release, conditional release, or parole, or released from custody of the Commissioner of Corrections, that their civil rights have been restored and to give them a voter registration application.

**Section 12** requires the chief executive officer of a local correctional facility to inform felons who are released from their custody that their civil rights have been restored and to give them a voter registration application.

**Section 13** requires the county sheriff or jailer in each county to provide absentee ballots to prisoners who desire to vote.

**Section 14** makes the act effective the day following final enactment.

PSW:ph

cc: Carolyn LaViolette

---

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

[Back to Senate Counsel and Research Bill Summaries page](#)

---

*This page is maintained by the Office of Senate Counsel and Research for the Minnesota Senate.*

*Last review or update: 03/16/2006*

*If you see any errors on this page, please e-mail us at [webmaster@senate.mn](mailto:webmaster@senate.mn).*

Senator Higgins introduced--

S.F. No. 3252: Referred to the Committee on Elections.

A bill for an act

1.2 relating to elections; facilitating registering to vote and voting; clarifying  
1.3 documents acceptable to prove residence; making it easier to vote by absentee  
1.4 ballot; requiring translation of voting materials; providing for notice of  
1.5 restoration of civil rights and eligibility to vote; requiring voting assistance to  
1.6 inmates; amending Minnesota Statutes 2004, sections 135A.17, subdivision 2;  
1.7 201.061, by adding a subdivision; 203B.02, subdivision 1; 203B.06, subdivision  
1.8 3; 203B.11, subdivision 4; 204B.27, subdivision 11; Minnesota Statutes 2005  
1.9 Supplement, sections 201.014, subdivision 2; 201.061, subdivision 3; 203B.04,  
1.10 subdivision 1; 203B.11, subdivision 1; proposing coding for new law in  
1.11 Minnesota Statutes, chapters 243; 609; 641.

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

1.13 Section 1. Minnesota Statutes 2004, section 135A.17, subdivision 2, is amended to  
1.14 read:

1.15 Subd. 2. **Residential housing list.** All public postsecondary institutions that  
1.16 enroll students accepting state or federal financial aid may in the state, and all private  
1.17 postsecondary institutions regulated by chapter 136A or 141, must prepare a current list  
1.18 of students enrolled in the institution and residing in the institution's housing or within  
1.19 ten miles of the county or city where one or more of the institution's campus campuses are  
1.20 located. Institutions that do not consider student addresses to be public information under  
1.21 applicable federal and state privacy laws must make release forms available to all students  
1.22 authorizing the institution to provide the addresses to the secretary of state. The list shall  
1.23 include each student's current must be based on the most recent residence address in this  
1.24 state that the student has provided to the institution. A student may give the institution a  
1.25 written request to withhold the student's name and address from the list no later than 45  
1.26 days before the next state or city general election in the jurisdiction where the campus is  
1.27 located. The list shall be certified and sent to the appropriate county auditor or auditors

2.1 secretary of state in an electronic format no later than 30 days before every state or city  
 2.2 general election for use in election day registration as provided under section 201.061,  
 2.3 subdivision 3. The electronic format must be mutually agreed to by the Minnesota State  
 2.4 Colleges and Universities, the University of Minnesota, the Private College Association,  
 2.5 and the secretary of state. At least 14 days before the election, the secretary of state shall  
 2.6 provide the county auditor with a single list for each precinct that includes the names of  
 2.7 all students provided by the postsecondary institutions for that election. The format of  
 2.8 the list provided to the county auditor must be mutually agreed to by the Association of  
 2.9 Minnesota Counties and the secretary of state.

2.10 Sec. 2. Minnesota Statutes 2005 Supplement, section 201.014, subdivision 2, is  
 2.11 amended to read:

2.12 Subd. 2. **Not eligible.** (a) The following individuals are not eligible to vote. Any  
 2.13 individual:

2.14 (a) (1) an individual who is convicted of treason or any felony whose civil rights  
 2.15 have not been restored;

2.16 (b) (2) an individual who is under a guardianship in which the court order revokes  
 2.17 the ward's right to vote; or

2.18 (c) (3) an individual who is found by a court of law to be legally incompetent.

2.19 (b) For purposes of this subdivision, an individual convicted of a felony is restored  
 2.20 to civil rights:

2.21 (1) after completion of any period of incarceration; or

2.22 (2) during or after any time the individual is placed on probation, parole, conditional  
 2.23 release, or supervised release.

2.24 Sec. 3. Minnesota Statutes 2005 Supplement, section 201.061, subdivision 3, is  
 2.25 amended to read:

2.26 Subd. 3. **Election day registration.** (a) An individual who is eligible to vote may  
 2.27 register on election day by appearing in person at the polling place for the precinct in  
 2.28 which the individual maintains residence, by completing a registration application, making  
 2.29 an oath in the form prescribed by the secretary of state and providing proof of residence.  
 2.30 An individual may prove residence for purposes of registering by:

2.31 (1) presenting a driver's license or Minnesota identification card issued pursuant  
 2.32 to section 171.07;

3.1 (2) presenting a photo identification along with a current utility bill, monthly rental  
3.2 statement, Social Security statement, or other government document that shows the  
3.3 individual's name and valid residential address in the precinct;

3.4 (3) presenting any document approved by the secretary of state as proper  
3.5 identification;

3.6 ~~(3)~~ (4) presenting one of the following:

3.7 (i) a current valid student identification card from a postsecondary educational  
3.8 institution in Minnesota, if a list of students from that institution has been prepared under  
3.9 section 135A.17 and certified to the county auditor in the manner provided in rules of  
3.10 the secretary of state; or

3.11 (ii) a current student fee statement that contains the student's valid address in the  
3.12 precinct together with a picture identification card; or

3.13 ~~(4)~~ (5) having a voter who is registered to vote in the precinct, or who is an employee  
3.14 employed by and working in a residential facility in the precinct and vouching for a  
3.15 resident in the facility, sign an oath in the presence of the election judge vouching that the  
3.16 voter or employee personally knows that the individual is a resident of the precinct.

3.17 (b) A voter who has been vouched for on election day may not sign a proof of  
3.18 residence oath vouching for any other individual on that election day. A voter who is  
3.19 registered to vote in the precinct may sign up to 15 proof-of-residence oaths on any  
3.20 election day. This limitation does not apply to an employee of a residential facility  
3.21 ~~described in this clause.~~ The secretary of state shall provide a form for election judges to  
3.22 use in recording the number of individuals for whom a voter signs proof-of-residence oaths  
3.23 on election day. The form must include space for the maximum number of individuals  
3.24 for whom a voter may sign proof-of-residence oaths. For each proof-of-residence oath,  
3.25 the form must include a statement that the voter is registered to vote in the precinct,  
3.26 personally knows that the individual is a resident of the precinct, and is making the  
3.27 statement on oath. The form must include a space for the voter's printed name, signature,  
3.28 telephone number, and address.

3.29 The oath required by this subdivision and Minnesota Rules, part 8200.9939, must  
3.30 be attached to the voter registration application and the information on the oath must be  
3.31 recorded on the records of both the voter registering on election day and the voter who  
3.32 is vouching for the person's residence, and entered into the statewide voter registration  
3.33 system by the county auditor when the voter registration application is entered into that  
3.34 system.

3.35 ~~(b)~~ (c) The operator of a residential facility shall prepare a list of the names of its  
3.36 employees currently working in the residential facility and the address of the residential

4.1 facility. The operator shall certify the list and provide it to the appropriate county auditor  
 4.2 no less than 20 days before each election for use in election day registration.

4.3 ~~(e)~~ (d) "Residential facility" means transitional housing as defined in section  
 4.4 256E.33, subdivision 1; a supervised living facility licensed by the commissioner of  
 4.5 health under section 144.50, subdivision 6; a nursing home as defined in section 144A.01,  
 4.6 subdivision 5; a residence registered with the commissioner of health as a housing with  
 4.7 services establishment as defined in section 144D.01, subdivision 4; a veterans home  
 4.8 operated by the board of directors of the Minnesota Veterans Homes under chapter 198;  
 4.9 a residence licensed by the commissioner of human services to provide a residential  
 4.10 program as defined in section 245A.02, subdivision 14; a residential facility for persons  
 4.11 with a developmental disability licensed by the commissioner of human services under  
 4.12 section 252.28; group residential housing as defined in section 256I.03, subdivision 3; a  
 4.13 shelter for battered women as defined in section 611A.37, subdivision 4; or a supervised  
 4.14 publicly or privately operated shelter or dwelling designed to provide temporary living  
 4.15 accommodations for the homeless.

4.16 ~~(d)~~ (e) For tribal band members, an individual may prove residence for purposes of  
 4.17 registering by presenting an identification card issued by the tribal government of a tribe  
 4.18 recognized by the Bureau of Indian Affairs, United States Department of the Interior, that  
 4.19 contains the name, address, signature, and picture of the individual.

4.20 ~~(e)~~ (f) A county, school district, or municipality may require that an election judge  
 4.21 responsible for election day registration initial each completed registration application.

4.22 Sec. 4. Minnesota Statutes 2004, section 201.061, is amended by adding a subdivision  
 4.23 to read:

4.24 **Subd. 3a. Definitions. The definitions in this subdivision apply to subdivision 3.**

4.25 **(a) "Current" means dated within 30 days before election day or due within 30**  
 4.26 **days before or after election day.**

4.27 **(b) "Monthly rental statement" means a document issued by a landlord to a**  
 4.28 **residential tenant showing the monthly rent due from the tenant. The landlord must have**  
 4.29 **provided a sample to the county auditor at least 20 days before the election.**

4.30 **(c) "Other government document" means a periodic notice related to benefits**  
 4.31 **from the Minnesota Family Investment Plan, food stamps, general assistance, medical**  
 4.32 **assistance, general assistance medical care, MinnesotaCare, unemployment benefits,**  
 4.33 **or Social Security.**

4.34 **(d) "Photo identification" includes any identification that displays the name and**  
 4.35 **photo of an individual and that was issued anywhere in the United States by a federal,**

5.1 state, or local government, a tribal government of a tribe recognized by the Bureau of  
 5.2 Indian Affairs, a college or university, or a high school.

5.3 (e) "Social Security statement" means a check statement, check stub, or electronic  
 5.4 deposit receipt issued by the Social Security Administration.

5.5 (f) "Utility bill" includes a bill for gas, electricity, telephone, wireless telephone,  
 5.6 cable television, satellite television, solid waste, water, or sewer services.

5.7 Sec. 5. Minnesota Statutes 2004, section 203B.02, subdivision 1, is amended to read:

5.8 Subdivision 1. ~~Unable to go to polling place~~ **Eligibility for absentee voting.** Any  
 5.9 eligible voter ~~who reasonably expects to be unable to go to the polling place on election~~  
 5.10 ~~day in the precinct where the individual maintains residence because of absence from the~~  
 5.11 ~~precinct, illness, disability, religious discipline, observance of a religious holiday, or~~  
 5.12 ~~service as an election judge in another precinct~~ may vote by absentee ballot as provided  
 5.13 in sections 203B.04 to 203B.15.

5.14 Sec. 6. Minnesota Statutes 2005 Supplement, section 203B.04, subdivision 1, is  
 5.15 amended to read:

5.16 Subdivision 1. **Application procedures.** Except as otherwise allowed by  
 5.17 subdivision 2, an application for absentee ballots for any election may be submitted at  
 5.18 any time not less than one day before the day of that election. The county auditor shall  
 5.19 prepare absentee ballot application forms in the format provided by the secretary of state,  
 5.20 notwithstanding rules on absentee ballot forms, and shall furnish them to any person on  
 5.21 request. By January 1 of each even-numbered year, the secretary of state shall make the  
 5.22 forms to be used available to auditors through electronic means. By July 1 each year, the  
 5.23 county auditor shall mail absentee ballot applications to the study-abroad office of each  
 5.24 college or university whose principal administrative offices are located within the county.

5.25 An application submitted pursuant to this subdivision shall be in writing and shall be  
 5.26 submitted to:

5.27 ~~(a)~~ (1) the county auditor of the county where the applicant maintains residence; or

5.28 ~~(b)~~ (2) the municipal clerk of the municipality, or school district if applicable, where  
 5.29 the applicant maintains residence.

5.30 An application shall be approved if it is timely received, signed and dated by the  
 5.31 applicant, contains the applicant's name and residence and mailing addresses, and states  
 5.32 that the applicant is eligible to vote ~~by absentee ballot for one of the reasons specified in~~  
 5.33 ~~section 203B.02.~~ The application may contain a request for the voter's date of birth, which  
 5.34 must not be made available for public inspection. An application may be submitted to



6.1 the county auditor or municipal clerk by an electronic facsimile device. An application  
6.2 mailed or returned in person to the county auditor or municipal clerk on behalf of a voter  
6.3 by a person other than the voter must be deposited in the mail or returned in person to  
6.4 the county auditor or municipal clerk within ten days after it has been dated by the voter  
6.5 and no later than six days before the election. The absentee ballot applications or a list of  
6.6 persons applying for an absentee ballot may not be made available for public inspection  
6.7 until the close of voting on election day.

6.8 An application under this subdivision may contain an application under subdivision  
6.9 5 to automatically receive an absentee ballot application.

6.10 Sec. 7. Minnesota Statutes 2004, section 203B.06, subdivision 3, is amended to read:

6.11 Subd. 3. **Delivery of ballots.** If an application for absentee ballots is accepted at a  
6.12 time when absentee ballots are not yet available for distribution, the county auditor, or  
6.13 municipal clerk accepting the application shall file it and as soon as absentee ballots are  
6.14 available for distribution shall mail them to the address specified in the application. If  
6.15 an application for absentee ballots is accepted when absentee ballots are available for  
6.16 distribution, the county auditor or municipal clerk accepting the application shall promptly:

6.17 ~~(a)~~ (1) mail the ballots to the voter whose signature appears on the application if  
6.18 the application is submitted by mail and does not request commercial shipping under  
6.19 clause (2);

6.20 (2) ship the ballots to the voter using a commercial shipper requested by the voter at  
6.21 the voter's expense;

6.22 ~~(b)~~ (3) deliver the absentee ballots directly to the voter if the application is submitted  
6.23 in person; or

6.24 ~~(c)~~ (4) deliver the absentee ballots in a sealed transmittal envelope to an agent who  
6.25 has been designated to bring the ballots to a voter who is a patient in a health care facility,  
6.26 as provided in section 203B.11, subdivision 4.

6.27 If an application does not indicate the election for which absentee ballots are sought,  
6.28 the county auditor or municipal clerk shall mail or deliver only the ballots for the next  
6.29 election occurring after receipt of the application. Only one set of ballots may be mailed,  
6.30 shipped, or delivered to an applicant for any election, except as provided in section  
6.31 203B.13, subdivision 2, or when a replacement ballot has been requested by the voter for a  
6.32 ballot that has been spoiled or lost in transit.

6.33 Sec. 8. Minnesota Statutes 2005 Supplement, section 203B.11, subdivision 1, is  
6.34 amended to read:

7.1 Subdivision 1. **Generally.** Each full-time municipal clerk or school district clerk  
 7.2 who has authority under section 203B.05 to administer absentee voting laws shall  
 3 designate election judges to deliver absentee ballots in accordance with this section. The  
 7.4 county auditor must also designate election judges to perform the duties in this section.  
 7.5 A ballot may be delivered only to an eligible voter who is a temporary or permanent  
 7.6 resident or patient in a health care facility ~~or hospital~~ or a resident of a shelter for battered  
 7.7 women as defined in section 611A.37, subdivision 4, located in the municipality in which  
 7.8 the voter maintains residence. The ballots shall be delivered by two election judges, each  
 7.9 of whom is affiliated with a different major political party. When the election judges  
 7.10 deliver or return ballots as provided in this section, they shall travel together in the same  
 7.11 vehicle. Both election judges shall be present when an applicant completes the certificate  
 7.12 of eligibility and marks the absentee ballots, and may assist an applicant as provided in  
 13 section 204C.15. The election judges shall deposit the return envelopes containing the  
 7.14 marked absentee ballots in a sealed container and return them to the clerk on the same  
 7.15 day that they are delivered and marked.

7.16 Sec. 9. Minnesota Statutes 2004, section 203B.11, subdivision 4, is amended to read:

7.17 Subd. 4. **Agent delivery of ballots.** During the four days preceding an election and  
 7.18 until 2:00 p.m. on election day, an eligible voter who is a patient of a health care facility  
 7.19 or a resident of a shelter for battered women as defined in section 611A.37, subdivision  
 7.20 4, may designate an agent to deliver the ballots to the voter from the county auditor or  
 7.21 municipal clerk. A candidate at the election may not be designated as an agent. The voted  
 7.22 ballots must be returned to the county auditor or municipal clerk no later than 3:00 p.m.  
 7.23 on election day. The voter must complete an affidavit requesting the auditor or clerk to  
 7.24 provide the agent with the ballots in a sealed transmittal envelope. The affidavit must  
 7.25 include a statement from the voter stating that the ballots were delivered to the voter by  
 7.26 the agent in the sealed transmittal envelope. An agent may deliver ballots to no more than  
 7.27 three persons in any election. The secretary of state shall provide samples of the affidavit  
 7.28 and transmission envelope for use by the county auditors.

7.29 Sec. 10. Minnesota Statutes 2004, section 204B.27, subdivision 11, is amended to read:

7.30 Subd. 11. **Translation of voting instructions materials.** The secretary of state  
 7.31 ~~may shall~~ shall develop voter registration applications, absentee ballot applications, absentee  
 7.32 ballot instructions, and voting instructions in languages other than English, ~~to be posted~~  
 7.33 ~~and made available in polling places during elections.~~ The state demographer shall  
 7.34 determine and report to the secretary of state the languages that are so common in this

8.1 state that there is a need for translated voting ~~instructions~~ materials. The secretary of state  
 8.2 shall develop the materials for those languages recommended by the state demographer.  
 8.3 The secretary of state shall publish the translated materials and provide paper copies on  
 8.4 request at no charge. A request for voting materials must be responded to with materials  
 8.5 in the same language as the request, unless the requester requests otherwise. The voting  
 8.6 instructions must include a pictorial representation of a voter completing the voting  
 8.7 process. The secretary of state must create a voting instruction poster that states, in each of  
 8.8 the languages into which materials have been translated: "Voter registration applications  
 8.9 and ballot instructions are available in [list of languages]. Please point to the language  
 8.10 in which you would like to receive the materials." The county auditor must provide at  
 8.11 least one copy of the translated voting instructions and voter registration applications to  
 8.12 be posted as provided in subdivision 3, plus any additional copies the auditor deems  
 8.13 necessary to meet demand for them.

8.14 **Sec. 11. [243.205] NOTICE OF RESTORATION OF CIVIL RIGHTS AND**  
 8.15 **ELIGIBILITY TO VOTE.**

8.16 When an offender is:

8.17 (1) placed on supervised release under section 244.05, or placed on conditional  
 8.18 release under section 609.108, subdivision 6;

8.19 (2) released from a state correctional facility and is no longer under the custody of  
 8.20 the commissioner of corrections; or

8.21 (3) placed on parole;

8.22 the commissioner of corrections must give the offender notice in writing that the person  
 8.23 is restored to civil rights for purposes of eligibility to vote and must give the offender  
 8.24 a voter registration application.

8.25 **Sec. 12. [609.169] NOTICE OF RESTORATION OF CIVIL RIGHTS AND**  
 8.26 **ELIGIBILITY TO VOTE.**

8.27 When an offender who has been convicted of a felony offense is released from  
 8.28 incarceration in a local correctional facility, the chief executive officer of the facility must  
 8.29 give the offender a notice in writing that the person is restored to civil rights for purposes  
 8.30 of eligibility to vote and must give the offender a voter registration application. When an  
 8.31 offender who has been committed to the custody of the commissioner of corrections is  
 8.32 released from a state correctional facility, the commissioner of corrections must notify the  
 8.33 offender of eligibility to vote under section 243.205 and must give the offender a voter  
 8.34 registration application.

9.1       Sec. 13. [641.45] VOTING ASSISTANCE TO INMATES.

9.2       Upon an inmate's admission to a county jail, workhouse, or other correctional  
9.3       facility under the control of the county, in addition to other information required to be  
9.4       provided by law or rule, the county sheriff or jailer shall provide to the inmate information  
9.5       on how to vote. When requested by an inmate, the county sheriff or jailer, in consultation  
9.6       with the county auditor, shall determine the inmate's eligibility to vote at a municipal,  
9.7       county, state, or federal election and obtain from the appropriate county auditor an  
9.8       absentee ballot application and provide it to the inmate requesting it.

9.9       Sec. 14. EFFECTIVE DATE.

9.10      This act is effective the day following final enactment.

**Bill Summary****Senate**

Senate Counsel &amp; Research

State of Minnesota

**S.F. No. 3252- Voting Rights**

**Author:** Senator Linda Higgins  
**Prepared by:** Peter S. Wattson, Senate Counsel (651/296-3812)  
**Date:** March 16, 2006

**S.F. No. 3252** includes a number of provisions to make it easier to register to vote and to vote.

**Section 1** makes mandatory the current option for a postsecondary educational institution to provide the county auditor with a list of the names and addresses of its students who reside in the county. It also requires the institution to include on the list not only those students who reside in housing owned by the institution but also students who reside in private housing within the county or city where one or more of the institution's campuses are located. Institutions that do not consider student addresses to be public information must make release forms available to students authorizing the institution to provide the addresses to the Secretary of State, and must honor requests from students to omit their information from the list.

**Section 2** provides that a convicted felon is restored to civil rights when placed on probation, parole, conditional release, or supervised release, not just after the sentence has been completed or discharged.

**Section 3** adds to the list of documents that may be used to prove a voter's residence for purposes of registering on election day "a current utility bill, monthly rental statement, Social Security statement, or other government document that shows the individual's name and valid address in the precinct." These are some, but not all, of the documents specifically mentioned in § 303(b)(2)(A) of the Help America Vote Act of 2002, Public Law 107-252, 116 Stat. 1666 (Oct. 29, 2002), as sufficient to identify at the polling place a person who has registered to vote by mail: "a current and valid photo identification; or . . . a copy of a current utility bill, bank statement, government check, paycheck, or other government document that shows the name and address of the voter . . . ."

**Section 4** defines the several new documents that may be used to prove residency under **section 3**.

**Section 5** allows voting by absentee ballot without giving a reason.

**Section 6** requires each county auditor to mail absentee ballot applications to the study-abroad office of each college or university whose principal administrative offices are located within the county.

**Section 7** authorizes a voter to request that an absentee ballot be sent to the voter using a commercial shipper at the voter's expense.

**Section 8** requires election judges to deliver an absentee ballot to a resident of a shelter for battered women located in the municipality in which the voter maintains residence. The delivery must be made by two election judges of different major political parties traveling together.

**Section 9** authorizes a voter who is a resident of a shelter for battered women to designate an agent to deliver absentee ballots to the voter and return them by 3:00 p.m. on election day. The agent may deliver ballots to no more than three persons in an election.

**Section 10** requires the Secretary of State to develop translated voting materials for all those languages recommended by the State Demographer. The translated materials must be published and provided at no cost. They must be posted and copies made available in every precinct.

**Section 11** requires the Commissioner of Corrections to give written notice to each felon placed on supervised release, conditional release, or parole, or released from custody of the Commissioner of Corrections, that their civil rights have been restored and to give them a voter registration application.

**Section 12** requires the chief executive officer of a local correctional facility to inform felons who are released from their custody that their civil rights have been restored and to give them a voter registration application.

**Section 13** requires the county sheriff or jailer in each county to provide absentee ballots to prisoners who desire to vote.

**Section 14** makes the act effective the day following final enactment.

PSW:ph

cc: Carolyn LaViolette

---

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

[Back to Senate Counsel and Research Bill Summaries page](#)

---

*This page is maintained by the Office of Senate Counsel and Research for the Minnesota Senate.*

*Last review or update: 03/16/2006*

*If you see any errors on this page, please e-mail us at [webmaster@senate.mn](mailto:webmaster@senate.mn).*

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

# Senate

State of Minnesota

## S.F. No. 3374 - Felony Driving While Impaired

**Author:** Senator Jane B. Ranum

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

**Date:** March 28, 2006

---

The bill enhances any violation of Minnesota Statutes, section 169A.20 (Driving While Impaired) to a first-degree (felony) offense under Minnesota Statutes, section 169.24 if the offender has previously been convicted of Criminal Vehicular Homicide in which it was found the person operated a motor vehicle:

- ◆ in a grossly negligent manner;
- ◆ in a negligent manner while under the influence of drugs or alcohol;
- ◆ while having an alcohol concentration of 0.08 or more;
- ◆ while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
- ◆ in a negligent manner while knowingly under the influence of a hazardous substance;
- or
- ◆ in a negligent manner while any amount of a controlled substance listed in schedule I or II, other than marijuana or tetrahydrocannabinols, is present in the person's body.

CT:rer

Senators Ranum and Neville introduced—

S.F. No. 3374: Referred to the Committee on Crime Prevention and Public Safety.

A bill for an act

1.2 relating to driving while impaired; creating a felony penalty for impaired driving  
1.3 following a prior conviction for criminal vehicular homicide involving impaired  
1.4 driving; amending Minnesota Statutes 2004, section 169A.24, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2004, section 169A.24, subdivision 1, is amended to  
1.7 read:

1.8 Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving  
1.9 while impaired) is guilty of first-degree driving while impaired if the person:

1.10 (1) commits the violation within ten years of the first of three or more qualified  
1.11 prior impaired driving incidents; ~~or~~

1.12 (2) has previously been convicted of a felony under this section; or

1.13 (3) has previously been convicted of a felony under section 609.21, subdivision 1,  
1.14 clause (1), (2), (3), (4), (5), or (6).

1.15 **EFFECTIVE DATE.** This section is effective August 1, 2006, and applies to acts  
1.16 committed on or after that date.



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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**

**State of Minnesota**

**S.F. No. 3520 - Sentencing Guidelines Modifications**

**Author:** Senator Jane B. Ranum

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

**Date:** March 27, 2006

---

**Background**

In January, the Minnesota Sentencing Guidelines Commission submitted a report to the Legislature. Among other things, the report contained a sex offense proposal that included a new sex offense sentencing grid and rankings of sex offenses. This proposal becomes law on August 1 unless the Legislature, by law, provides otherwise.

**Section 1** directs the Sentencing Guidelines Commission to rank certain violations of third- and fourth-degree criminal sexual conduct involving psychotherapists and clergy members at specified severity levels in the new sex offender grid. These rankings are higher (i.e., more severe) than those in the commission's proposal. The rankings are, however, consistent with the original intent of the commission. (The commission's report inadvertently ranked the offenses at lower levels than intended.)

Requires the commission to rank violations of third- and fourth-degree criminal sexual conduct involving juveniles (victim and perpetrator) at a specified severity level. (The commission's report was inadvertently silent on this issue. The commission had intended to rank these violations at the required level.) Specifically adopts all of the commission's other proposed modifications related to sex offenses.

KPB:ph

Senator Ranum introduced—

S.F. No. 3520: Referred to the Committee on Crime Prevention and Public Safety.

.1 A bill for an act  
 1.2 relating to public safety; adopting a proposal of the Minnesota Sentencing  
 1.3 Guidelines Commission while making modifications consistent with the  
 1.4 commission's original intent.

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

1.6 Section 1. SENTENCING GUIDELINES MODIFICATIONS.

1.7 (a) Except as provided in paragraph (b), the modifications related to sex offenses  
 1.8 proposed by the Minnesota Sentencing Guidelines Commission and described in the  
 1.9 January 2006 Report to the Legislature, pages 31 to 45, are adopted and take effect on  
 1.10 August 1, 2006.

1.11 (b) The commission shall rank violations of:

1.12 (1) Minnesota Statutes, section 609.344, subdivision 1, clauses (h), (i), and (l),  
 1.13 at severity level C;

1.14 (2) Minnesota Statutes, section 609.344, subdivision 1, clause (a), at severity level D;

1.15 (3) Minnesota Statutes, section 609.345, subdivision 1, clauses (h), (i), and (l),  
 1.16 at severity level E; and

1.17 (4) Minnesota Statutes, section 609.345, subdivision 1, clause (a), at severity level F.

1.18 The commission shall make the necessary changes required by this paragraph in the  
 1.19 sentencing guidelines and publish an updated version by August 1, 2006.

1.20 EFFECTIVE DATE. This section is effective the day following final enactment.  
 1.21 The ranking of offenses described in paragraph (b) takes effect on August 1, 2006, and  
 1.22 applies to crimes committed on or after that date.

1.1 Senator ..... moves to amend S.F. No. 3520 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. **SENTENCING GUIDELINES MODIFICATIONS.**

1.4 (a) Except as provided in paragraph (b), the modifications related to sex offenses  
1.5 proposed by the Minnesota Sentencing Guidelines Commission and described in the  
1.6 January 2006 Report to the Legislature, pages 31 to 45, are adopted and take effect on  
1.7 August 1, 2006.

1.8 (b) The proposed rankings of Minnesota Statutes, sections 609.344, subdivision 1,  
1.9 clauses (h), (i), and (l); and 609.345, subdivision 1, clauses (h), (i), and (l), are rejected  
1.10 and do not take effect.

1.11 (c) The commission is requested to rank violations of:

1.12 (1) Minnesota Statutes, section 609.344, subdivision 1, clauses (h), (i), and (l),  
1.13 at severity level C;

1.14 (2) Minnesota Statutes, section 609.344, subdivision 1, clause (a), at severity level D;

1.15 (3) Minnesota Statutes, section 609.345, subdivision 1, clauses (h), (i), and (l),  
1.16 at severity level E; and

1.17 (4) Minnesota Statutes, section 609.345, subdivision 1, clause (a), at severity level F.

1.18 (d) If the commission decides to make the changes requested in paragraph (c), it  
1.19 shall ensure that the changes are effective on August 1, 2006, and publish an updated  
1.20 version of the sentencing guidelines that include the changes by that date.

1.21 **EFFECTIVE DATE.** This section is effective the day following final enactment."

1.22 Delete the title and insert:

1.23 "A bill for an act

1.24 relating to public safety; adopting certain portions of a proposal of the  
1.25 Minnesota Sentencing Guidelines Commission while rejecting others; requesting  
1.26 modifications to the proposal consistent with the commission's original intent."

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**

State of Minnesota

**S.F. No. 3251 - Screening Inmates for Tuberculosis**

**Author:** Senator Jane B. Ranum

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

**Date:** March 28, 2006

---

The bill authorizes the Commissioner of Corrections to order that an inmate be screened for tuberculosis if the inmate refuses to submit to a screening test.

CT:rer

Senator Ranum introduced-

S.F. No. 3251: Referred to the Committee on Crime Prevention and Public Safety.

.1 A bill for an act  
1.2 relating to corrections; amending Minnesota Statutes 2004, section 144.445,  
1.3 subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2004, section 144.445, subdivision 1, is amended to read:

1.6 Subdivision 1. **Screening of inmates.** (a) All persons detained or confined for 14  
1.7 consecutive days or more in facilities operated, licensed, or inspected by the Department  
1.8 of Corrections shall be screened for tuberculosis with either a Mantoux test or a chest  
1.9 roentgenogram (x-ray) as consistent with screening and follow-up practices recommended  
1.10 by the United States Public Health Service or the Department of Health, as determined by  
11 the commissioner of health. Administration of the Mantoux test or chest roentgenogram  
1.12 (x-ray) must take place on or before the 14th day of detention or confinement.

1.13 (b) If an inmate refuses to submit to an annual test as specified in paragraph (a), the  
1.14 commissioner may order the inmate to be tested.

1.1 Senator ..... moves to amend S.F. No. 3251 as follows:

1.2 Page 1, line 14, after "commissioner" insert "of corrections"

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**

**State of Minnesota**

**S.F. No. 3102 - Criminal Sexual Conduct Victim  
Notification**

**Author:** Senator Thomas M. Neuville

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

**Date:** March 28, 2006

---

Under current law, prosecutors are required to make a reasonable effort to notify victims of domestic abuse or harassment of a decision to not prosecute or to dismiss charges against a defendant. The bill requires prosecutors to also attempt to notify a victim of criminal sexual conduct in the first- to fifth-degree of a decision to not prosecute or dismiss charges.

CT:rer

Senators Neuville, Hann and Ortman introduced—

S.F. No. 3102: Referred to the Committee on Crime Prevention and Public Safety.

.1 A bill for an act  
1.2 relating to crime victims; requiring victim of criminal sexual conduct notification  
1.3 when the prosecutor declines prosecution or dismisses charges; amending  
1.4 Minnesota Statutes 2004, section 611A.0315.

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

1.6 Section 1. Minnesota Statutes 2004, section 611A.0315, is amended to read:

1.7 **611A.0315 VICTIM NOTIFICATION; DOMESTIC ASSAULT;**  
1.8 **HARASSMENT.**

1.9 Subdivision 1. **Notice of decision not to prosecute.** (a) A prosecutor shall make  
1.10 every reasonable effort to notify a victim of domestic assault, a criminal sexual conduct  
11 offense, or harassment that the prosecutor has decided to decline prosecution of the case  
1.12 or to dismiss the criminal charges filed against the defendant. Efforts to notify the victim  
1.13 should include, in order of priority: (1) contacting the victim or a person designated by the  
1.14 victim by telephone; and (2) contacting the victim by mail. If a suspect is still in custody,  
1.15 the notification attempt shall be made before the suspect is released from custody.

1.16 (b) Whenever a prosecutor dismisses criminal charges against a person accused of  
1.17 domestic assault, a criminal sexual conduct offense, or harassment, a record shall be made  
1.18 of the specific reasons for the dismissal. If the dismissal is due to the unavailability of the  
1.19 witness, the prosecutor shall indicate the specific reason that the witness is unavailable.

1.20 (c) Whenever a prosecutor notifies a victim of domestic assault or harassment under  
1.21 this section, the prosecutor shall also inform the victim of the method and benefits of  
.22 seeking an order for protection under section 518B.01 or a restraining order under section  
1.23 609.748 and that the victim may seek an order without paying a fee.



2.1           Subd. 2. **Definitions.** For the purposes of this section, the following terms have  
2.2 the meanings given them.

2.3           (a) "Assault" has the meaning given it in section 609.02, subdivision 10.

2.4           (b) "Domestic assault" means an assault committed by the actor against a family or  
2.5 household member.

2.6           (c) "Family or household member" has the meaning given it in section 518B.01,  
2.7 subdivision 2.

2.8           (d) "Harassment" means a violation of section 609.749.

2.9           (e) "Criminal sexual conduct" means a violation of sections 609.342 to 609.3451.

1.1 Senator ..... moves to amend S.F. No. 3102 as follows:

1.2 Page 2, line 9, delete "609.3451" and insert "609.3453"

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

# Senate

State of Minnesota

## **S.F. No. 3100 - Governor Background Check Authority For Residence Employees And Appointees**

**Author:** Senator Thomas M. Neville

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

**Date:** March 28, 2006

---

The bill authorizes the Governor's Office to request state and federal background checks on candidates for positions within the Governor's residence or appointment by the Governor. Requires the candidate to submit written authorization to conduct the background checks. The superintendent of the Bureau of Criminal Apprehension may recover the cost of background checks from the Governor's Office.

CT:rer

Senators Neuville, Ranum, Betzold and Ortman introduced—

S.F. No. 3100: Referred to the Committee on Crime Prevention and Public Safety.

A bill for an act

1.2 relating to public safety; authorizing the governor's office to request background  
1.3 checks for appointees and governor's residence positions; proposing coding for  
1.4 new law in Minnesota Statutes, chapter 4.

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

1.6 Section 1. **[4.055] GOVERNOR'S RESIDENCE EMPLOYEES AND**  
1.7 **GOVERNOR APPOINTEE BACKGROUND CHECKS.**

1.8 The governor's office may request a check of:

1.9 (1) systems accessible through the criminal justice data communications network,  
1.10 including, but not limited to, criminal history, predatory offender registration, warrants,  
1.11 and driver license record information from the Department of Public Safety;

1.12 (2) the statewide supervision system maintained by the Department of Corrections;  
1.13 and

1.14 (3) national criminal history information maintained by the Federal Bureau of  
1.15 Investigation;

1.16 on candidates for positions within the governor's residence or appointment by the  
1.17 governor. The candidate shall provide the governor's office with a written authorization  
1.18 to conduct the check of these systems. For a check of the national criminal history  
1.19 information, the request must also include a set of fingerprints which shall be sent to  
1.20 the Bureau of Criminal Apprehension. The bureau has the authority to exchange the  
1.21 fingerprints with the FBI to facilitate the national background check. The superintendent  
1.22 may recover fees associated with the background checks from the governor's office.

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**

State of Minnesota

**S.F. No. 3101 - DNA Data And Specimen Destruction  
Upon Acquittal**

**Author:** Senator Thomas M. Neville

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

**Date:** March 28, 2006

---

The bill provides that defendants found not guilty must request that the Bureau of Criminal Apprehension (BCA) destroy their biological specimens and return all records. Current law requires the BCA to automatically destroy biological specimens and return all records to persons found not guilty.

CT:rer

Senators Neuville, Ranum, Betzold and Ortman introduced—

S.F. No. 3101: Referred to the Committee on Crime Prevention and Public Safety.

A bill for an act relating to public safety; requiring an arrestee to request destruction of a biological specimen upon acquittal of a felony; amending Minnesota Statutes 2005 Supplement, section 299C.105, subdivision 3.

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

Section 1. Minnesota Statutes 2005 Supplement, section 299C.105, subdivision 3, is amended to read:

Subd. 3. **Bureau duty.** (a) ~~The bureau shall destroy the biological specimen and return all records to a person who submitted a biological specimen under subdivision 1 but who was found not guilty of a felony.~~ Upon the request of a person who submitted a biological specimen under subdivision 1 but where was either found not guilty of a felony or the charge against the person was later dismissed, the bureau shall destroy the person's biological specimen and return all records to the individual.

(b) If the bureau destroys a biological specimen under paragraph (a), the bureau shall also remove the person's information from the bureau's combined DNA index system and return all related records and all copies or duplicates of them.

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**

**State of Minnesota**

**S.F. No. 2919 - Adding a Member to The Criminal And  
Juvenile Task Force**

**Author:** Senator Leo T. Foley

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

**Date:** March 28, 2006

---

The bill increases the membership of the Criminal and Juvenile Justice Task Force from 34 to 35 by adding a member appointed by the state chief information officer. It also authorizes the four public members of the task force to be compensated pursuant to Minnesota Statutes, section 15.059 for meetings of the full task force.

CT:rer

**Senator Foley introduced—**

**S.F. No. 2919: Referred to the Committee on Crime Prevention and Public Safety.**

A bill for an act  
relating to public safety; adding a member to the Criminal and Justice  
Information Policy Group; amending Minnesota Statutes 2005 Supplement,  
section 299C.65, subdivision 2.

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

**Section 1. Minnesota Statutes 2005 Supplement, section 299C.65, subdivision 2, is amended to read:**

**Subd. 2. Task force.** The policy group shall appoint a task force to assist them in their duties. The task force shall monitor, review, and report to the policy group on CriMNet-related projects and provide oversight to ongoing operations as directed by the policy group. The task force shall consist of the following members:

- (1) two sheriffs recommended by the Minnesota Sheriffs Association;
- (2) two police chiefs recommended by the Minnesota Chiefs of Police Association;
- (3) two county attorneys recommended by the Minnesota County Attorneys Association;
- (4) two city attorneys recommended by the Minnesota League of Cities;
- (5) two public defenders appointed by the Board of Public Defense;
- (6) two district judges appointed by the Conference of Chief Judges, one of whom is currently assigned to the juvenile court;
- (7) two community corrections administrators recommended by the Minnesota Association of Counties, one of whom represents a community corrections act county;
- (8) two probation officers;
- (9) four public members, one of whom has been a victim of crime, and two who are representatives of the private business community who have expertise in integrated



2.1 information systems and who for the purpose of meetings of the full task force may be  
2.2 compensated pursuant to section 15.059;

2.3 (10) two court administrators;

2.4 (11) one member of the house of representatives appointed by the speaker of the  
2.5 house;

2.6 (12) one member of the senate appointed by the majority leader;

2.7 (13) the attorney general or a designee;

2.8 (14) two individuals recommended by the Minnesota League of Cities, one of  
2.9 whom works or resides in greater Minnesota and one of whom works or resides in the  
2.10 seven-county metropolitan area;

2.11 (15) two individuals recommended by the Minnesota Association of Counties, one  
2.12 of whom works or resides in greater Minnesota and one of whom works or resides in the  
2.13 seven-county metropolitan area;

2.14 (16) the director of the Sentencing Guidelines Commission;

2.15 (17) one member appointed by the state chief information officer;

2.16 ~~(17)~~ (18) one member appointed by the commissioner of public safety;

2.17 ~~(18)~~ (19) one member appointed by the commissioner of corrections;

2.18 ~~(19)~~ (20) one member appointed by the commissioner of administration; and

2.19 ~~(20)~~ (21) one member appointed by the chief justice of the Supreme Court.

2.20 In making these appointments, the appointing authority shall select members with  
2.21 expertise in integrated data systems or best practices.

2.22 The commissioner of public safety may appoint additional, nonvoting members to  
2.23 the task force as necessary from time to time.

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

G-17 STATE CAPITOL  
75 REV. DR. MARTIN LUTHER KING, JR. BLVD.  
ST. PAUL, MN 55155-1606  
(651) 296-4791  
FAX: (651) 296-7747  
JO ANNE ZOFF SELLNER  
DIRECTOR

**Senate**  

---

**State of Minnesota**

**S.F. No. 3231 - Corrections Department Medical Director  
Inmate Health Care Decisions**

**Author:** Senator Leo T. Foley

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

**Date:** March 28, 2006

---

The bill requires the Commissioner of Corrections to appoint the Department of Corrections medical director as the health care agent for inmates in cases where the inmate has not designated a health care decision maker.

CT:rer

Senator Foley introduced-

S.F. No. 3231: Referred to the Committee on Crime Prevention and Public Safety.

1 A bill for an act  
1.2 relating to corrections; authorizing the medical director of the Department  
1.3 of Corrections to make health care decisions for inmates under certain  
1.4 circumstances; proposing coding for new law in Minnesota Statutes, chapter 241.

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

1.6 Section 1. [241.75] INMATE HEALTH CARE DECISIONS; MEDICAL  
1.7 DIRECTOR, DEPARTMENT OF CORRECTIONS; AGENT.

1.8 Subdivision 1. Definitions. The definitions in this subdivision apply to this section.

1.9 (a) "Commissioner" means the commissioner of corrections.

1.10 (b) "Decision-making capacity" means the ability to understand the significant  
1.11 benefits, risks, and alternatives to proposed health care and to make and communicate a  
1.12 health care decision.

1.13 (c) "Health care agent" or "agent" means the Department of Corrections medical  
1.14 director who is a licensed physician employed by the commissioner of corrections to  
1.15 provide services to inmates.

1.16 (d) "Health care power of attorney" means an instrument appointing one or more  
1.17 health care agents to make health care decisions for the inmate.

1.18 (e) "Health care" means any care, treatment, service, or procedure to maintain,  
1.19 diagnose, or otherwise affect a person's physical or mental condition.

1.20 (f) "Health care decision" means the consent, refusal of consent, or withdrawal  
1.21 of consent to health care.

1.22 (g) "Principal" means the Department of Corrections medical director.

1.23 Subd. 2. Health care agent; decisions. (a) The commissioner shall appoint  
1.24 the Department of Corrections medical director as the health care agent for inmates

2.1 incarcerated in correctional facilities in the absence of a documented health care decision  
2.2 maker designated by the offender. If an inmate lacks decision-making capacity as  
2.3 determined by a medical doctor, or the emergency contact person is not available or has  
2.4 not been appointed as a health care agent under chapter 145C, then the Department of  
2.5 Corrections medical director has the authority as principal to make health care decisions  
2.6 for the inmate.