

Senators Hottinger, Rosen, Neuville, Frederickson and Sparks introduced—  
S.F. No. 2716: Referred to the Committee on Finance.

1.1 A bill for an act  
1.2 relating to higher education; authorizing the Minnesota State Colleges and  
1.3 Universities Board of Trustees to construct an academic building in Mankato.

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

1.5 Section 1. MINNESOTA STATE UNIVERSITY, MANKATO, CONSTRUCTION  
1.6 AUTHORIZATION.

1.7 The Board of Trustees of the Minnesota State Colleges and Universities may design,  
1.8 construct, furnish, and equip an academic building on the Minnesota State University,  
1.9 Mankato campus for the College of Business at a site approved by the board using  
1.10 nonstate money.

1.1 To: Senator Cohen, Chair

1.2 Committee on Finance

1.3 Senator Pappas,

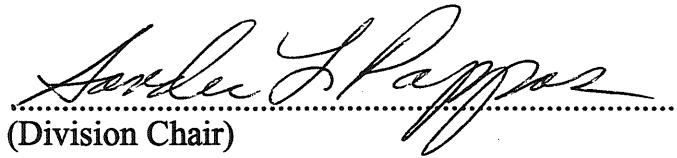
1.4 Chair of the Higher Education Budget Division, to which was referred

1.5 S.F. No. 2716: A bill for an act relating to higher education; authorizing the  
1.6 Minnesota State Colleges and Universities Board of Trustees to construct an academic  
1.7 building in Mankato.

1.8 Reports the same back with the recommendation that the bill do pass and be referred  
1.9 to the full committee.

1.10

1.11

  
.....  
(Division Chair)

1.12

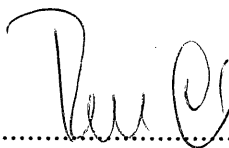
1.13

March 16, 2006 .....  
(Date of Division recommendation)

1.1 **Senator Cohen from the Committee on Finance, to which was referred**

1.2 **S.F. No. 2716:** A bill for an act relating to higher education; authorizing the  
3 Minnesota State Colleges and Universities Board of Trustees to construct an academic  
1.4 building in Mankato.

1.5 Reports the same back with the recommendation that the bill do pass. Report  
1.6 adopted.

1.7   
1.8 .....

(Committee Chair)

1.9 April 27, 2006 ..... 4-27-06  
1.10 (Date of Committee recommendation)

**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. 2974 - as amended by Division - Omnibus Game and Fish**

**Author:** Senator Tom Saxhaug

**Prepared by:** Greg Knopff, Legislative Analyst *JK*  
phone: 651-296-9399 fax: 651-296-7747  
e-mail: gregory.knopff@senate.mn

**Date:** April 25, 2006

---

**Section 1 [Critical Habitat Private Sector Matching Account]** allows for donations of personal property as a private match to the critical habitat private sector matching account.

**Sections 2 to 8 [Definitions]** define "bonus permit," "deer," "intensive deer area," "lottery deer area," "managed deer area," "muzzleloader season," and "regular firearms deer season." to clarify their meanings in the Game and Fish Laws.

**Section 9 [Game and Fish Fund Receipts]** provides that the income from lands acquired for game and fish purposes must be deposited in the game and fish fund.

**Section 10 [Fines and Forfeited Bail; County Reimbursement]** eliminates the ability of the Commissioner of Natural Resources to reimburse counties for keeping prisoners prosecuted for game and fish law violations.

**Section 11 [Deer and Bear Management Accounts]** provides more specificity to the portion of the deer and bear license revenue that is dedicated to specific deer and bear management issues, and provides that the fifty cents for emergency deer feeding and wild cervidae health management is in addition to the \$1 from deer licenses dedicated for deer and bear management.

**Section 12 [Game Refuge Designation]** allows persons in possession of at least 75 percent of the private land area of a proposed game refuge to reject the designation when the game refuge is proposed for private land by county residents.

**Section 13 [Lakes Designated for Wildlife Management]** specifies the type of restrictions the Commissioner of Natural Resources may place on motorized watercraft and recreational vehicle use of lakes designated for wildlife management. This section also clarifies that the restrictions on wildlife management lakes are not subject to rulemaking, but must be published in the State Register.

**Section 14 [Procedure for Confiscation of Property Seized; Under \$1,000]** clarifies that seized property worth less than \$1,000 that is used in a game and fish law violation cannot be confiscated and sold until the time period for appeals of a conviction have expired.

**Section 15 [Confiscated Property Disposal; Under \$1,000]** requires the Commissioner of Natural Resources to reimburse a person for sold, lost, or damaged property worth less than \$1,000 and seized by the commissioner, if the charged game and fish law violation is acquitted or dismissed.

**Section 16 [Procedure for Confiscation of Property Seized; Over \$1,000]** clarifies that seized property worth more than \$1,000 that is used in a game and fish law violation cannot be confiscated and sold until the time period for appeals of a conviction have expired.

**Section 17 [Confiscated Property Disposal; Over \$1,000]** provides that the court shall order the Commissioner of Natural Resources to reimburse a person for sold, lost, or damaged property worth more than \$1,000 and seized by the commissioner, if the charged game and fish law violation is acquitted or dismissed.

**Section 18 [Inspection Refusal]** makes it a crime for a person while in the field to refuse to submit for inspection to an enforcement officer all equipment used for taking wild animals.

**Section 19 [Penalties for Owners of Dogs Pursuing Big Game]** eliminates the discretion on the civil citation fine for the owner of a dog pursuing or killing big game animals. With the change, the civil citation fine for a dog pursuing a big game animal is \$100, and for a dog killing a big game animal the fine is \$500.

**Section 20 [Replacement License]** clarifies that the upgraded license that is allowed for replacement are the multizone or all season deer licenses.

**Section 21 [Special Hunts for Military Personnel]** authorizes the Commissioner of Natural Resources to establish special hunts for military personnel and veterans to take big game and small game by firearms or archery. The special hunt must be sponsored by the Department of Military Affairs or the Department of Veterans Affairs.

**Section 22 [Firearms Deer Licenses]** allows a person at least age 12 and under 18 to use the special youth deer license to hunt in any open zone or time period. This section

also specifies the names for the multizone and all season licenses for the purpose of the license fees.

**Section 23 [Nonresident Multizone License]** clarifies the name of the nonresident multizone license for the purpose of the license fee.

**Section 24 [Trapping License Fees; Age 65 or Over]** reduces the trapping license for a person age 65 or over to \$10 from \$20.

**Section 25 [Tagging Big Game Animals]** eliminates the need to attach the tag to a big game animal at the site of the kill and replaces it with the requirement that the tag must be on the person accompanying the animal when the animal is being dragged, carried, or carted across the ground. At all other times the tag must be attached to the animal.

**Section 26 [Special Fish Management Tags]** allows the Commissioner of Natural Resources to prescribe conditions for transporting fish requiring special management tags.

**Section 27 [Youth Hunting; Parent or Guardian Supervision]** clarifies that the supervision required for a person under age 16 to possess a firearm must be unaided visual and vocal contact.

**Section 28 [Parent or Guardian Duties]** makes it a violation of the game and fish laws for a parent or guardian to permit a person under the age of 16 to possess a firearm in violation of the restrictions on youth firearms restrictions.

**Section 29 [Collecting Antler Sheds]** allows a person to possess natural shed antlers without a license, and prohibits the placing of equipment to cause antlers to be shed or removed.

**Section 30 [All Season Deer License]** clarifies the deer that may be taken under an all season deer license and increases the number of tags under the license to three.

**Section 31 [Firearms Use Zones]** provides for the firearms use zones in statute instead of rule. The section also changes the current shotgun zone description to eliminate the portion of the state about U.S. Highway 10 along the western border from the shotgun zone.

**Section 32 [Fishing Contest Restrictions]** allows the Commissioner of Natural Resources to prescribe restrictions on fishing contests to minimize user conflicts.

**Section 33 [Fishing Contest Permit Applications]** moves up the fishing contest permit application process by one month and defines "established or traditional fishing contest."

**Section 34 [Limits on Number of Fishing Contests]** provides specific limits for fishing contests in specific pools on the Mississippi River, the St. Croix River, and Lake St. Croix.

**Section 35 [Fishing Contest Permit Restrictions]** allows the Commissioner of Natural Resources to restrict off-site live release of fish caught in a fishing contest.

**Section 36 [Live Fish Transportation Restrictions]** prohibits the transportation of live fish in enough water to keep the fish alive, and provides exceptions for aquaculture, fishing contest weigh-ins, minnows, commercial fishing license holders, and other purposes that are authorized under current law.

**Section 37 [Fish and Dark House Restrictions on Time and Dates]** expands the fish and dark house time and date restrictions for being on the ice to include all shelters.

**Section 38 [Spearing Season]** extends the open season for spearing game fish through the ice to the last Sunday in February to match the extension of the angling season in 2005.

**Section 39 [Coyote Bounties]** allows counties to establish and pay bounties for taking coyote.

**Section 40 [Ditch Buffer Task Force]** directs the Board of Water and Soil Resources to establish a drainage ditch buffer task force to address recommendations and findings in the February 2006 public drainage ditch buffer study. The Board must report the results of the task force to the legislature by January 15, 2007.

**Section 41 [Moratorium on Use of New Public Waters for Aquaculture]** establishes a moratorium on licensing public waters for aquaculture or the raising of fish until December 31, 2007. Exceptions to the moratorium are:

1. public waters that were licensed during the five-year period prior to April 1, 2006;
2. public waters used for fish rearing as part of a wetland improvement plan approved by the commissioner of natural resources; and
3. public waters that are used as a replacement for waters that were used during the five-year period and are being vacated.

**Section 42 [Repealer]** repeals special restrictions on nonresidents that prohibit their fish houses from being left unattended.

GK:dv

# Preliminary

**Fiscal Note – 2005-06 Session**

**Bill #:** S2974-1E (R) **Complete Date:**

**Chief Author:** SAXHAUG, TOM

**Title:** MODIFY GAME AND FISH PROVISIONS

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings	X	
Tax Revenue		X

**Agency Name:** Natural Resources Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
<b>Expenditures</b>					
-- No Impact --					
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
-- No Impact --					
<b>Revenues</b>					
Game And Fish (Operations) Fund			(390)	(396)	(396)
<b>Net Cost &lt;Savings&gt;</b>					
Game And Fish (Operations) Fund			390	396	396
<b>Total Cost &lt;Savings&gt; to the State</b>			390	396	396

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
-- No Impact --					
<b>Total FTE</b>					



# Preliminary

## Bill Description

This bill is the Game and Fish Omnibus Bill and is included in the Governor's Supplemental Budget. Section 20 of the bill will make the youth (age 12 to 17) firearms deer license valid for all of the regular firearms zone/season options. The current youth firearms deer license limits an applicant to one option for firearm hunting among seven choices.

Section 22 of this bill provides for a reduced fee for residents age 65 or over for license to trap fur-bearing animals.

Section 28 of this bill provides for three-tags when issuing an all-season deer license.

## Assumptions

In 2004, youth under 18 purchased (fees including \$1 issuing fee): 1,835 multi-zone firearms licenses at \$53 and 1,543 all-season licenses at \$79.

It is assumed that the multi-zone buyers will now likely purchase a \$14 youth license and the all-season buyers will now likely purchase a youth archery and a youth firearms license for \$28.

Purchasers of an all-season deer three-tag license will no longer need to purchase a bonus license at \$13.

The deer hunting license changes will be in effect in time for this fall's hunting season (FY 2007).

There were 640 trapping licenses sold to residents age 65 or over.

## Expenditure and/or Revenue Formula

Estimated annual loss in revenue:

Multi-zone users: license fee difference \$14-\$53 = -\$39 x 1,835 users =	-\$71,000 (rounded)
All-season users: license fee difference \$28-\$79 = -\$51 x 1,543 users =	-\$79,000 (rounded)
Three-tag users: 1 deer bonus license fee lost \$13 x -18,500 users =	<u>-\$240,000</u> (rounded)
Subtotal Youth License	-\$390,000 begin FY07
Senior Trapper: license fee difference \$10-\$20 = -\$10 x 640 users =	<u>-\$6,400</u> begin FY08
Total Revenue Loss	-\$396,400

## Long-Term Fiscal Considerations

Currently, all deer license revenues combined are over \$20 million annually. Youth participation is key to the future of deer hunting and this short-term loss in revenue is worth the investment in potential future deer hunters and license sales.

## Local Government Costs

None

## References and Sources

2004 License sales, DNR License Bureau  
Ed Boggus, Fish and Wildlife 259-5190

Agency Contact Name: Peter Skwira, Fish & Wildlife 259-5238  
FN Coord Signature: BRUCE NASLUND  
Date: 04/27/06 Phone: 259-5551

**Fiscal Note – 2005-06 Session**

**Bill #: S2974-1E Complete Date: 04/10/06**

**Chief Author: SAXHAUG, TOM**

**Title: MODIFY GAME AND FISH PROVISIONS**

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State	X	
Local		X
Fee/Departmental Earnings	X	
Tax Revenue		X

**Agency Name:** Natural Resources Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

<b>Dollars (in thousands)</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Expenditures</b>					
-- No Impact --					
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
-- No Impact --					
<b>Revenues</b>					
Game And Fish (Operations) Fund				(156)	(156)
<b>Net Cost &lt;Savings&gt;</b>					
Game And Fish (Operations) Fund				156	156
<b>Total Cost &lt;Savings&gt; to the State</b>				156	156

	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Full Time Equivalent</b>					
-- No Impact --					
<b>Total FTE</b>					

**Bill Description**

This bill is the Game and Fish Omnibus Bill and is included in the Governor's Supplemental Budget. Section 20 of the bill will make the youth (age 12 to 17) firearms deer license valid for all of the regular firearms zone/season options. The current youth firearms deer license limits an applicant to one option for firearm hunting among seven choices.

Section 22 of this bill provides for a reduced fee for residents age 65 or over for license to trap fur-bearing animals.

**Assumptions**

In 2004, youth under 18 purchased (fees including \$1 issuing fee): 1,835 multi-zone firearms licenses at \$53 and 1,543 all-season licenses at \$79.

It is assumed that the multi-zone buyers will now likely purchase a \$14 youth license and the all-season buyers will now likely purchase a youth archery and a youth firearms license for \$28.

There were 640 trapping licenses sold to residents age 65 or over.

**Expenditure and/or Revenue Formula**

Estimated annual loss in revenue:

Multi-zone users: license fee difference \$14-\$53 = -\$39 x 1,835 users =	-\$71,565
All-season users: license fee difference \$28-\$79 = -\$51 x 1,543 users =	-\$78,693
Subtotal Youth License	-\$150,258
Senior Trapper: license fee difference \$10-\$20 = -\$10 x 640 users =	-\$6,400
Total Revenue Loss	-\$156,658

**Long-Term Fiscal Considerations**

Currently, all deer license revenues combined are over \$20 million annually. Youth participation is key to the future of deer hunting and this short-term loss in revenue is worth the investment in potential future deer hunters and license sales.

**Local Government Costs**

None

**References and Sources**

2004 License sales, DNR License Bureau

Agency Contact Name: Peter Skwira, Fish & Wildlife 259-5238  
FN Coord Signature: BRUCE NASLUND  
Date: 04/10/06 Phone: 259-5551

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: MARSHA BATTLES-JENKS  
Date: 04/10/06 Phone: 296-8510

1.1 A bill for an act  
 1.2 relating to game and fish; modifying critical habitat private sector matching  
 1.3 account provisions; providing definitions; providing for and modifying  
 1.4 disposition of certain revenue; modifying restrictions on motorized watercraft  
 1.5 and recreational vehicles in wildlife management areas; modifying procedure  
 1.6 for confiscation of property; providing for inspection of equipment used to take  
 1.7 wild animals; modifying certain penalty and fee amounts; modifying certain  
 1.8 game and fish license provisions; modifying firearms possession provisions  
 1.9 for persons under 16; providing for collecting antler sheds; modifying certain  
 1.10 provisions for taking and possessing game and fish; providing for arms use  
 1.11 areas; modifying provisions for fishing contests; creating a ditch buffer task  
 1.12 force; providing for a moratorium on use of public waters for aquaculture;  
 1.13 amending Minnesota Statutes 2004, sections 84.943, subdivision 3; 97A.015, by  
 1.14 adding subdivisions; 97A.055, subdivision 2; 97A.065, subdivision 2; 97A.075,  
 1.15 subdivision 1; 97A.101, subdivision 4; 97A.221, subdivisions 3, 4; 97A.225,  
 1.16 subdivisions 2, 5; 97A.251, subdivision 1; 97A.321; 97A.475, subdivisions 2,  
 1.17 20; 97A.535, subdivision 1; 97B.021, subdivision 1, by adding a subdivision;  
 1.18 97B.301, subdivision 7; 97C.081, subdivisions 4, 6, 8, 9; 97C.205; 97C.355,  
 1. subdivision 7; 97C.371, subdivision 4; Minnesota Statutes 2005 Supplement,  
 1.20 sections 97A.405, subdivision 4; 97A.475, subdivision 3; 97A.551, subdivision  
 1.21 6; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing  
 1.22 Minnesota Statutes 2004, section 97C.355, subdivision 6.

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

1.24 Section 1. Minnesota Statutes 2004, section 84.943, subdivision 3, is amended to read:

1.25 Subd. 3. **Appropriations must be matched by private funds.** Appropriations  
 1.26 transferred to the critical habitat private sector matching account and money credited to  
 1.27 the account under section 168.1296, subdivision 5, may be expended only to the extent  
 1.28 that they are matched equally with contributions ~~to the account~~ from private sources  
 1.29 or by funds contributed to the nongame wildlife management account. The private  
 1.30 contributions may be made in cash ~~or in contributions of, property, land,~~ or interests in  
 1.31 land ~~that are designated by the commissioner of natural resources as program acquisitions.~~

2.1 Appropriations transferred to the account that are not matched within three years from the  
2.2 date of the appropriation shall cancel to the source of the appropriation. For the purposes  
2.3 of this section, the private contributions of property, land, or interests in land that are  
2.4 retained by the commissioner shall be valued in accordance with their appraised value.

2.5 Sec. 2. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision  
2.6 to read:

2.7 Subd. 3a. Bonus permit. "Bonus permit" means a license to take and tag deer by  
2.8 archery or firearms, in addition to deer authorized to be taken under regular firearms  
2.9 or archery licenses.

2.10 Sec. 3. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision  
2.11 to read:

2.12 Subd. 14a. Deer. "Deer" means white-tailed or mule deer.

2.13 Sec. 4. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision  
2.14 to read:

2.15 Subd. 26b. Intensive deer area. "Intensive deer area" means an area of the state  
2.16 where taking a deer of either sex is allowed and where multiple bonus permits are  
2.17 authorized.

2.18 Sec. 5. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision  
2.19 to read:

2.20 Subd. 27b. Lottery deer area. "Lottery deer area" means an area of the state  
2.21 where taking antlerless deer is allowed only by either-sex permit and no bonus permits  
2.22 are authorized.

2.23 Sec. 6. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision  
2.24 to read:

2.25 Subd. 27c. Managed deer area. "Managed deer area" means an area of the state  
2.26 where taking a deer of either sex is allowed and where one bonus permit is authorized.

2.27 Sec. 7. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision  
2.28 to read:

3.1 Subd. 32a. Muzzle-loader season. "Muzzle-loader season" means the firearms  
3.2 deer season option open only for legal muzzle-loading firearms, as prescribed by the  
3.3 commissioner.

3.4 Sec. 8. Minnesota Statutes 2004, section 97A.015, is amended by adding a subdivision  
3.5 to read:

3.6 Subd. 41a. Regular firearms season. "Regular firearms season" means any of the  
3.7 firearms deer season options prescribed by the commissioner that begin in November,  
3.8 exclusive of the muzzle-loader season.

3.9 Sec. 9. Minnesota Statutes 2004, section 97A.055, subdivision 2, is amended to read:

3.10 Subd. 2. **Receipts.** The commissioner of finance shall credit to the game and fish  
3.11 fund all money received under the game and fish laws and all income from state lands  
3.12 acquired by purchase or gift for game or fish purposes, including receipts from:

3.13 (1) licenses and permits issued;

3.14 (2) fines and forfeited bail;

3.15 (3) sales of contraband, wild animals, and other property under the control of the  
3.16 division;

3.17 (4) fees from advanced education courses for hunters and trappers;

3.18 (5) reimbursements of expenditures by the division;

3.19 (6) contributions to the division; and

3.20 (7) revenue credited to the game and fish fund under section 297A.94, paragraph  
3.21 (e), clause (1).

3.22 Sec. 10. Minnesota Statutes 2004, section 97A.065, subdivision 2, is amended to read:

3.23 Subd. 2. **Fines and forfeited bail.** (a) Fines and forfeited bail collected from  
3.24 prosecutions of violations of: the game and fish laws or rules adopted thereunder; sections  
3.25 84.091 to 84.15 or rules adopted thereunder; sections 84.81 to 84.91 or rules adopted  
3.26 thereunder; section 169A.20, when the violation involved an off-road recreational vehicle  
3.27 as defined in section 169A.03, subdivision 16; chapter 348; and any other law relating  
3.28 to wild animals or aquatic vegetation, must be paid to the treasurer of the county where  
3.29 the violation is prosecuted. The county treasurer shall submit one-half of the receipts to  
3.30 the commissioner and credit the balance to the county general revenue fund except as  
3.31 provided in paragraphs (b), and (c), and (d). In a county in a judicial district under section  
3. 480.181, subdivision 1, paragraph (b), the share that would otherwise go to the county

4.1 under this paragraph must be submitted to the commissioner of finance for deposit in the  
4.2 state treasury and credited to the general fund.

4.3 ~~(b) The commissioner may reimburse a county, from the game and fish fund, for the~~  
4.4 ~~cost of keeping prisoners prosecuted for violations of the game and fish laws under this~~  
4.5 ~~section if the county board, by resolution, directs: (1) the county treasurer to submit all~~  
4.6 ~~game and fish fines and forfeited bail to the commissioner, and (2) the county auditor to~~  
4.7 ~~certify and submit monthly itemized statements to the commissioner.~~

4.8 (e) (b) The county treasurer shall submit one-half of the receipts collected under  
4.9 paragraph (a) from prosecutions of violations of sections 84.81 to 84.91 or rules adopted  
4.10 thereunder, and 169A.20, except receipts that are surcharges imposed under section  
4.11 357.021, subdivision 6, to the commissioner and credit the balance to the county  
4.12 general fund. The commissioner shall credit these receipts to the snowmobile trails and  
4.13 enforcement account in the natural resources fund.

4.14 (d) (c) The county treasurer shall indicate the amount of the receipts that are  
4.15 surcharges imposed under section 357.021, subdivision 6, and shall submit all of those  
4.16 receipts to the commissioner of finance.

4.17 Sec. 11. Minnesota Statutes 2004, section 97A.075, subdivision 1, is amended to read:

4.18 Subdivision 1. **Deer, bear, and lifetime licenses.** (a) For purposes of this  
4.19 subdivision, "deer license" means a license issued under section 97A.475, subdivisions  
4.20 2, clauses (4), (5), (9), (11), (13), and (14), and 3, clauses (2), (3), and (7), and licenses  
4.21 issued under section 97B.301, subdivision 4.

4.22 (b) ~~At least~~ \$2 from each annual deer license and \$2 annually from the lifetime fish  
4.23 and wildlife trust fund, established in section 97A.4742, for each license issued under  
4.24 section 97A.473, subdivision 4, shall be credited to the deer management account and  
4.25 shall be used for deer habitat improvement or deer management programs.

4.26 (c) ~~At least~~ \$1 from each annual deer license and each bear license and \$1 annually  
4.27 from the lifetime fish and wildlife trust fund, established in section 97A.4742, for each  
4.28 license issued under section 97A.473, subdivision 4, shall be credited to the deer and bear  
4.29 management account and shall be used for deer and bear management programs, including  
4.30 a computerized licensing system.

4.31 (d) Fifty cents from each deer license is credited to the emergency deer feeding  
4.32 and wild cervidae health management account and is appropriated for emergency deer  
4.33 feeding and wild cervidae health management. Money appropriated for emergency  
4.34 deer feeding and wild cervidae health management is available until expended. When  
the unencumbered balance in the appropriation for emergency deer feeding and wild

5.1 cervidae health management at the end of a fiscal year exceeds \$2,500,000 for the first  
5.2 time, \$750,000 is canceled to the unappropriated balance of the game and fish fund.  
5.3 The commissioner must inform the legislative chairs of the natural resources finance  
5.4 committees every two years on how the money for emergency deer feeding and wild  
5.5 cervidae health management has been spent.

5.6 Thereafter, when the unencumbered balance in the appropriation for emergency deer  
5.7 feeding and wild cervidae health management exceeds \$2,500,000 at the end of a fiscal  
5.8 year, the unencumbered balance in excess of \$2,500,000 is canceled and available for deer  
5.9 and bear management programs and computerized licensing.

5.10 **EFFECTIVE DATE.** This section is effective July 1, 2007.

5.11 Sec. 12. Minnesota Statutes 2004, section 97A.101, subdivision 4, is amended to read:

5.12 Subd. 4. **Restrictions on airboats, watercraft, and recreational vehicles.** (a) The  
5.13 use of airboats is prohibited at all times on lakes designated for wildlife management  
5.14 purposes under this section unless otherwise authorized by the commissioner.

5.15 (b) The commissioner may restrict the use of motorized watercraft and recreational  
5.16 vehicles on lakes designated for wildlife management purposes by posting all public  
5.17 access points on the designated lake. Restrictions may include prohibitions or limitations  
5.18 on the type of allowable motorized watercraft or recreational vehicle, horsepower or  
5.19 thrust of motor, speed of operation, season or area of use, or other restrictions that the  
5.20 commissioner determines are necessary to minimize disturbances to wildlife or to protect  
5.21 wildlife habitat. Designation of areas, times, and types of restrictions to be posted shall be  
5.22 by written order published in the State Register. Posting of the restrictions is not subject to  
5.23 the rulemaking provisions of chapter 14 and section 14.386 does not apply.

5.24 Sec. 13. Minnesota Statutes 2004, section 97A.221, subdivision 3, is amended to read:

5.25 Subd. 3. **Procedure for confiscation of property seized.** The enforcement officer  
5.26 must hold the seized property. The property held may be confiscated when:

5.27 (1) the person from whom the property was seized is convicted, the conviction is not  
5.28 under appeal, and the time period for appeal of the conviction has expired; or

5.29 (2) the property seized is contraband consisting of a wild animal, wild rice, or other  
5.30 aquatic vegetation.

Sec. 14. Minnesota Statutes 2004, section 97A.221, subdivision 4, is amended to read:

5.32 Subd. 4. **Disposal of confiscated property.** Confiscated property may be disposed  
5.33 of or retained for use by the commissioner, or sold at the highest price obtainable as



6.1 prescribed by the commissioner. Upon acquittal or dismissal of the charged violation for  
6.2 which the property was seized;

6.3 (1) all property, other than contraband consisting of a wild animal, wild rice, or other  
6.4 aquatic vegetation, must be returned to the person from whom the property was seized; and

6.5 (2) the commissioner shall reimburse the person for the full value of any seized or  
6.6 confiscated property that is sold, lost, or damaged.

6.7 **EFFECTIVE DATE.** This section is effective the day following final enactment  
6.8 and applies to property seized beginning one year prior to that date.

6.9 Sec. 15. Minnesota Statutes 2004, section 97A.225, subdivision 2, is amended to read:

6.10 Subd. 2. **Procedure for confiscation of property seized.** The enforcement officer  
6.11 must hold the seized property, subject to the order of the court having jurisdiction where  
6.12 the offense was committed. The property held is confiscated when:

6.13 (1) the commissioner complies with this section and;

6.14 (2) the person from whom it was seized is convicted of the offense; and

6.15 (3) the conviction is not under appeal and the time period for appeal of the  
6.16 conviction has expired.

6.17 Sec. 16. Minnesota Statutes 2004, section 97A.225, subdivision 5, is amended to read:

6.18 Subd. 5. **Court order.** (a) If the person arrested is acquitted, the court shall dismiss  
6.19 the complaint against the property and:

6.20 (1) order it returned to the person legally entitled to it; and

6.21 (2) order the commissioner to reimburse the person for the full value of any seized  
6.22 or confiscated property that is sold, lost, or damaged.

6.23 (b) Upon conviction of the person, the court shall issue an order directed to any  
6.24 person that may have any right, title, or interest in, or lien upon, the seized property. The  
6.25 order must describe the property and state that it was seized and that a complaint against  
6.26 it has been filed. The order shall require a person claiming right, title, or interest in, or  
6.27 lien upon, the property to file with the court administrator an answer to the complaint,  
6.28 stating the claim, within ten days after the service of the order. The order shall contain a  
6.29 notice that if the person fails to file an answer within the time limit, the property may be  
6.30 ordered sold by the commissioner.

6.31 (c) The court order must be served upon any person known or believed to have any  
6.32 right, title, interest, or lien in the same manner as provided for service of a summons in a  
6.33 civil action, and upon unknown persons by publication, in the same manner as provided  
6.34 for publication of a summons in a civil action.

7.1 **EFFECTIVE DATE.** This section is effective the day following final enactment  
7.2 and applies to property seized beginning one year prior to that date.

7.3 Sec. 17. Minnesota Statutes 2004, section 97A.251, subdivision 1, is amended to read:

7.4 Subdivision 1. **Unlawful conduct.** A person may not:

7.5 (1) intentionally hinder, resist, or obstruct an enforcement officer, agent, or employee  
7.6 of the division in the performance of official duties;

7.7 (2) refuse to submit to inspection of firearms equipment used to take wild animals  
7.8 while in the field, licenses, or wild animals; or

7.9 (3) refuse to allow inspection of a motor vehicle, boat, or other conveyance used  
7.10 while taking or transporting wild animals.

7.11 Sec. 18. Minnesota Statutes 2004, section 97A.321, is amended to read:

7.12 **97A.321 DOGS PURSUING OR KILLING BIG GAME.**

7.13 The owner of a dog that pursues but does not kill a big game animal is guilty of a  
7.14 petty misdemeanor and is subject to a civil penalty of \$100 for each violation. The owner  
7.15 of a dog that kills ~~or pursues~~ a big game animal is guilty of a petty misdemeanor and is  
7.16 subject to a civil penalty of ~~up to~~ \$500 for each violation.

7.17 Sec. 19. Minnesota Statutes 2005 Supplement, section 97A.405, subdivision 4, is  
7.18 amended to read:

7.19 Subd. 4. **Replacement licenses.** (a) The commissioner may permit licensed deer  
7.20 hunters to change zone, license, or season options. The commissioner may issue a  
7.21 replacement license if the applicant submits the original deer license and unused tags that  
7.22 are being replaced and the applicant pays any increase in cost between the original and  
7.23 the replacement license. When a person submits both an archery and a firearms license  
7.24 for replacement, the commissioner may apply the value of both licenses towards the  
7.25 replacement license fee.

7.26 (b) A replacement license may be issued only if the applicant has not used any tag  
7.27 from the original license and meets the conditions of paragraph (c). The original license  
7.28 and all unused tags for that license must be submitted to the issuing agent at the time  
7.29 the replacement license is issued.

7.30 (c) A replacement license may be issued under the following conditions, or as  
otherwise prescribed by rule of the commissioner:

7.32 (1) when the season for the license being surrendered has not yet opened; or

8.1 (2) when the person is upgrading from a regular firearms or archery deer license to a  
8.2 multizone or all season deer license ~~that is valid in multiple zones.~~

8.3 (d) Notwithstanding section 97A.411, subdivision 3, a replacement license is valid  
8.4 immediately upon issuance if the license being surrendered is valid at that time.

8.5 Sec. 20. Minnesota Statutes 2004, section 97A.475, subdivision 2, is amended to read:

8.6 Subd. 2. **Resident hunting.** Fees for the following licenses, to be issued to residents  
8.7 only, are:

- 8.8 (1) for persons age 18 or over and under age 65 to take small game, \$12.50;  
8.9 (2) for persons ages 16 and 17 and age 65 or over, \$6 to take small game;  
8.10 (3) to take turkey, \$18;  
8.11 (4) for persons age 18 or over to take deer with firearms, \$26;  
8.12 (5) for persons age 18 or over to take deer by archery, \$26;  
8.13 (6) to take moose, for a party of not more than six persons, \$310;  
8.14 (7) to take bear, \$38;  
8.15 (8) to take elk, for a party of not more than two persons, \$250;  
8.16 (9) multizone license to take antlered deer in more than one zone, \$52;  
8.17 (10) to take Canada geese during a special season, \$4;  
8.18 (11) all season license to take two deer throughout the state in any open deer season,  
8.19 except as restricted under section 97B.305, \$78;  
8.20 (12) to take prairie chickens, \$20;  
8.21 (13) for persons at least age 12 and under age 18 to take deer with firearms during  
8.22 the regular firearms season in any open zone or time period, \$13; and  
8.23 (14) for persons at least age 12 and under age 18 to take deer by archery, \$13.

8.24 Sec. 21. Minnesota Statutes 2005 Supplement, section 97A.475, subdivision 3, is  
8.25 amended to read:

8.26 Subd. 3. **Nonresident hunting.** Fees for the following licenses, to be issued  
8.27 to nonresidents, are:

- 8.28 (1) to take small game, \$73;  
8.29 (2) to take deer with firearms, \$135;  
8.30 (3) to take deer by archery, the greater of:  
8.31 (i) an amount equal to the total amount of license fees and surcharges charged to a  
8.32 Minnesota resident to take deer by archery in the person's state or province of residence; or  
8.33 (ii) \$135;  
8.34 (4) to take bear, \$195;

9.1 (5) to take turkey, \$73;

9.2 (6) to take raccoon, bobcat, fox, or coyote, \$155;

9.3 (7) multizone license to take antlered deer in more than one zone, \$270; and

9.4 (8) to take Canada geese during a special season, \$4.

9.5 Sec. 22. Minnesota Statutes 2004, section 97A.475, subdivision 20, is amended to read:

9.6 Subd. 20. **Trapping license.** The fee for a license to trap fur-bearing animals is:

9.7 (1) for residents over age 13 and under age 18, \$6;

9.8 (2) for residents age 18 ~~and older~~ or over and under age 65, \$20; ~~and~~

9.9 (3) for residents age 65 or over, \$10; and

9.10 (4) for nonresidents, \$73.

9.11 Sec. 23. Minnesota Statutes 2004, section 97A.535, subdivision 1, is amended to read:

9.12 Subdivision 1. **Tags required.** (a) A person may not possess or transport deer,  
9.13 bear, elk, or moose taken in the state unless a tag is attached to the carcass in a manner  
9.14 prescribed by the commissioner. The commissioner must prescribe the type of tag that has  
9.15 the license number of the owner, the year of its issue, and other information prescribed by  
9.16 the commissioner.

9.17 (b) The tag and the license must be validated at the site of the kill as prescribed by  
9.18 the commissioner.

9.19 (c) Except as otherwise provided in this section, the tag must be attached to the  
9.20 deer, bear, elk, or moose at the site of the kill before the animal is removed from the  
9.21 site of the kill, ~~and.~~

9.22 (d) The tag must remain attached to the animal until the animal is processed for  
9.23 storage.

9.24 (e) A person may move a lawfully taken deer, bear, elk, or moose from the site of the  
9.25 kill without attaching the validated tag to the animal only while in the act of manually  
9.26 or mechanically dragging, carrying, or carting the animal across the ground and while  
9.27 possessing the validated tag on their person. A motor vehicle may be used to drag the  
9.28 animal across the ground. At all other times, the validated tag must be attached to the  
9.29 deer, bear, elk, or moose:

9.30 (1) as otherwise provided in this section; and

9.31 (2) prior to the animal being placed onto and transported on a motor vehicle, being  
9.32 hung from a tree or other structure or device, or being brought into a camp or yard or  
9.33 other place of habitation.

10.1 Sec. 24. Minnesota Statutes 2005 Supplement, section 97A.551, subdivision 6, is  
10.2 amended to read:

10.3 Subd. 6. **Tagging and registration.** The commissioner may, by rule, require  
10.4 persons taking, possessing, and transporting certain species of fish to tag the fish with  
10.5 a special fish management tag and may require registration of tagged fish. A person  
10.6 may not possess or transport a fish species taken in the state for which a special fish  
10.7 management tag is required unless a tag is attached to the fish in a manner prescribed by  
10.8 the commissioner. The commissioner shall prescribe the manner of issuance and the  
10.9 type of tag as authorized under section 97C.087. The tag must be attached to the fish as  
10.10 prescribed by the commissioner immediately upon reducing the fish to possession and  
10.11 must remain attached to the fish until the fish is processed or consumed. Species for  
10.12 which a special fish management tag is required must be transported undressed, except as  
10.13 otherwise prescribed by the commissioner.

10.14 Sec. 25. Minnesota Statutes 2004, section 97B.021, subdivision 1, is amended to read:

10.15 Subdivision 1. **Restrictions.** (a) Except as provided in this subdivision, a person  
10.16 under the age of 16 may not possess a firearm, ~~unless accompanied by~~ without maintaining  
10.17 unaided visual and vocal contact with a parent or guardian.

10.18 (b) A person under age 16 may possess a firearm ~~being accompanied by~~  
10.19 maintaining unaided visual and vocal contact with a parent or guardian:

10.20 (1) on land owned by, or occupied as the principal residence of, the person or the  
10.21 person's parent or guardian;

10.22 (2) while participating in an organized target shooting program with adult  
10.23 supervision;

10.24 (3) while the person is participating in a firearms safety program or traveling to  
10.25 and from class; or

10.26 (4) if the person is age 14 or 15 and has a firearms safety certificate.

10.27 Sec. 26. Minnesota Statutes 2004, section 97B.021, is amended by adding a  
10.28 subdivision to read:

10.29 Subd. 1a. Parent or guardian duties. A parent or guardian may not knowingly  
10.30 direct, allow, or permit a person under the age of 16 to possess a firearm in violation  
10.31 of this section.

10.32 Sec. 27. [97B.22] COLLECTING ANTLER SHEDS.

10.33 (a) A person may take and possess naturally shed antlers without a license.

11.1 (b) A person may not place, arrange, or set equipment in a manner that is likely to  
 11.2 artificially pull, sever, or otherwise cause antlers of live deer, moose, elk, or caribou to  
 11.3 be shed or removed.

11.4 Sec. 28. Minnesota Statutes 2004, section 97B.301, subdivision 7, is amended to read:

11.5 Subd. 7. **All season deer license.** (a) A resident may obtain an all season deer  
 11.6 license. ~~This license that authorizes the resident to take one buck by firearm or archery hunt~~  
 11.7 ~~during any season statewide. In addition, a resident obtaining this license may take one~~  
 11.8 ~~antlerless deer.~~ the archery, regular firearms, and muzzle-loader seasons. The all season  
 11.9 license is valid for taking three deer, no more than one of which may be a legal buck.

11.10 ~~(1) by firearms in the regular firearms season if the resident first obtains an antlerless~~  
 11.11 ~~deer permit or if the resident takes the antlerless deer in an area where the commissioner~~  
 11.12 ~~has authorized taking a deer of either sex without an antlerless permit;~~

11.13 ~~(2) by archery in the archery season; or~~

11.14 ~~(3) by muzzleloader in the muzzleloader season.~~

11.15 (b) The all season deer license is valid for taking antlerless deer as follows:

11.16 (1) up to two antlerless deer may be taken during the archery or muzzle-loader  
 11.17 seasons in any open area or during the regular firearms season in managed or intensive  
 11.18 deer areas; and

11.19 (2) one antlerless deer may be taken during the regular firearms season in a lottery  
 11.20 deer area, only with an either-sex permit or statutory exemption from an either-sex permit.

11.21 (c) The commissioner shall issue one tag for a buck and one tag for an antlerless  
 11.22 deer three tags when issuing a license under this subdivision.

11.23 Sec. 29. **[97B.318] ARMS USE AREAS AND RESTRICTIONS; REGULAR**  
 11.24 **FIREARMS SEASON.**

11.25 Subdivision 1. Shotgun use area. During the regular firearms season in the shotgun  
 11.26 use area, only legal shotguns loaded with single-slug shotgun shells, legal muzzle-loading  
 11.27 long guns, and legal handguns may be used for taking deer. Legal shotguns include  
 11.28 those with rifled barrels. The shotgun use area is that portion of the state lying within  
 11.29 the following described boundary: Beginning on the west boundary of the state at U.S.  
 11.30 Highway 10; thence along U.S. Highway 10 to State Trunk Highway (STH) 32; thence  
 11.31 along STH 32 to STH 34; thence along STH 34 to Interstate Highway 94 (I-94); thence  
 11.32 along I-94 to County State Aid Highway (CSAH) 40, Douglas County; thence along  
 11.33 CSAH 40 to CSAH 82, Douglas County; thence along CSAH 82 to CSAH 22, Douglas  
 11.34 County; thence along CSAH 22 to CSAH 6, Douglas County; thence along CSAH 6 to

12.1 CSAH 14, Douglas County; thence along CSAH 14 to STH 29; thence along STH 29 to  
12.2 CSAH 46, Otter Tail County; thence along CSAH 46, Otter Tail County, to CSAH 22,  
12.3 Todd County; thence along CSAH 22 to U.S. Highway 71; thence along U.S. Highway 71  
12.4 to STH 27; thence along STH 27 to the Mississippi River; thence along the east bank of  
12.5 the Mississippi River to STH 23; thence along STH 23 to STH 95; thence along STH 95 to  
12.6 U.S. Highway 8; thence along U.S. Highway 8 to the eastern boundary of the state; thence  
12.7 along the east, south, and west boundaries of the state to the point of beginning.

12.8 Subd. 2. All legal firearms use area. The all legal firearms use area is that part of  
12.9 the state lying outside of the shotgun use area.

12.10 Sec. 30. Minnesota Statutes 2004, section 97C.081, subdivision 4, is amended to read:

12.11 Subd. 4. **Restrictions.** The commissioner may by rule establish restrictions on  
12.12 fishing contests to protect fish and fish habitat, to minimize user conflicts, and for the  
12.13 safety of contest participants.

12.14 Sec. 31. Minnesota Statutes 2004, section 97C.081, subdivision 6, is amended to read:

12.15 Subd. 6. **Permit application process.** (a) Beginning ~~September~~ August 1 each  
12.16 year, the commissioner shall accept permit applications for fishing contests to be held in  
12.17 the following year.

12.18 (b) If the number of permit applications received by the commissioner from  
12.19 ~~September~~ August 1 through the last Friday in ~~October~~ September exceeds the limits  
12.20 specified in subdivisions 7 and 8, the commissioner shall notify the affected applicants  
12.21 that their requested locations and time period are subject to a drawing. After notification,  
12.22 the commissioner shall allow the affected applicants a minimum of seven days to change  
12.23 the location or time period requested on their applications, provided that the change is  
12.24 not to a location or time period for which applications are already at or above the limits  
12.25 specified in subdivisions 7 and 8.

12.26 (c) After the applicants have been given at least seven days to change their  
12.27 applications, the commissioner shall conduct a drawing for all locations and time periods  
12.28 for which applications exceed limits. First preference in the drawings shall be given  
12.29 to applicants for established or traditional fishing contests, and second preference to  
12.30 applicants for contests that are not established as traditional fishing contests based on the  
12.31 number of times they have been unsuccessful in previous drawings. Except for applicants  
12.32 of established or traditional fishing contests, an applicant who is successful in a drawing  
12.33 loses all accumulated preference. "Established or traditional fishing contest" means a  
12.34 fishing contest that was issued permits in 1999 and 2000 or was issued permits four out of

13.1 five years from 1996 to 2000 for the same lake and time period. Beginning with 2001,  
 13.2 established or traditional fishing contests must continue to be conducted at least four out  
 13.3 of five years for the same lake and time period to remain established or traditional.

13.4 (d) The commissioner has until ~~December~~ November 7 to approve or deny permit  
 13.5 applications that are submitted by 4:30 p.m. on the last Friday in ~~October~~ September. The  
 13.6 commissioner may approve a permit application that is received after 4:30 p.m. on the last  
 13.7 Friday in ~~October~~ September if approving the application would not result in exceeding  
 13.8 the limits in subdivisions 7 and 8.

13.9 Sec. 32. Minnesota Statutes 2004, section 97C.081, subdivision 8, is amended to read:

13.10 Subd. 8. **Limits on number of fishing contests.** ~~(a)~~ The number of permitted  
 13.11 fishing contests allowed each month on a water body shall not exceed the following limits:

13.12 (1) Lakes:

13.13	Maximum number	Maximum number	Maximum number
13.14	of permitted fishing	of large permitted	of permitted fishing
13.15	contests	fishing contests	contest days
13.16	Size/acres		
13.17	less than 2,000	2	0
13.18	2,000-4,999	3	1
13.19	5,000-14,999	4	2
13.20	15,000-55,000	5	3
13.21	more than 55,000	no limit	no limit

13.22 ~~(b)~~ For boundary ~~waters~~ water lakes, the limits on the number of permitted fishing  
 13.23 contests shall be determined based on the Minnesota acreage.

13.24 (2) Rivers:

13.25	<u>Maximum number</u>	<u>Maximum number</u>	<u>Maximum number</u>
13.26	<u>of permitted fishing</u>	<u>of large permitted</u>	<u>of permitted fishing</u>
13.27	<u>contests</u>	<u>fishing contests</u>	<u>contest days</u>
13.28	<u>Mississippi River:</u>		
13.29	<u>Pool 1, 2, 3, 5, 5A,</u>		
13.30	<u>6, 7, 8, 9</u>	<u>4 (each pool)</u>	<u>2 (each pool)</u>
	<u>Pool 4</u>	<u>5</u>	<u>3</u>
			<u>8 (each pool)</u>
			<u>10</u>





- 15.1 (1) is being transported under an aquaculture license as authorized under sections  
 15.2 17.4985 and 17.4986;  
 15.3 (2) is being transported for a fishing contest weigh-in under section 97C.081;  
 15.4 (3) is a minnow being transported under section 97C.505 or 97C.515;  
 15.5 (4) is being transported by a commercial fishing license holder under section  
 15.6 97C.821; or  
 15.7 (5) is being transported as otherwise authorized in this section.

15.8 (b) The commissioner may adopt rules to allow and regulate:

- 15.9 (1) the transportation of fish and fish eggs ~~from one body of water to another~~; and  
 15.10 (2) the stocking of waters with fish or fish eggs.

15.11 ~~(b)~~ (c) The commissioner shall prescribe rules designed to encourage local sporting  
 15.12 organizations to propagate game fish by using rearing ponds. The rules must:

15.13 (1) prescribe methods to acquire brood stock for the ponds by seining public waters;

15.14 (2) allow the sporting organizations to own and use seines and other necessary  
 15.15 equipment; and

15.16 (3) prescribe methods for stocking the fish in public waters that give priority to the  
 15.17 needs of the community where the fish are reared and the desires of the organization  
 15.18 operating the rearing pond.

15.19 ~~(c)~~ (d) A person age 16 or under may, for purposes of display in a home aquarium,  
 15.20 transport largemouth bass, smallmouth bass, yellow perch, rock bass, black crappie,  
 15.21 white crappie, bluegill pumpkinseed, green sunfish, orange spotted sunfish, and black,  
 15.22 yellow, and brown bullheads taken by angling. No more than four of each species may  
 15.23 be transported at any one time, and any individual fish can be no longer than ten inches  
 15.24 in total length.

15.25 Sec. 35. Minnesota Statutes 2004, section 97C.355, subdivision 7, is amended to read:

15.26 Subd. 7. **Dates and times houses may remain on ice.** (a) Except as provided  
 15.27 in paragraph (d), a shelter, including a fish house or dark house, may not be on the ice  
 15.28 between 12:00 a.m. and one hour before sunrise after the following dates:

- 15.29 (1) the last day of February, for state waters south of a line starting at the  
 15.30 Minnesota-North Dakota border and formed by rights-of-way of U.S. Route No. 10, then  
 15.31 east along U.S. Route No. 10 to Trunk Highway No. 34, then east along Trunk Highway  
 15.32 No. 34 to Trunk Highway No. 200, then east along Trunk Highway No. 200 to U.S. Route  
 15.33 No. 2, then east along U.S. Route No. 2 to the Minnesota-Wisconsin border; and  
 15.34 (2) March 15, for other state waters.

16.1 A shelter, including a fish house or dark house, on the ice in violation of this  
16.2 subdivision is subject to the enforcement provisions of paragraph (b). The commissioner  
16.3 may, by rule, change the dates in this paragraph for any part of state waters. Copies of  
16.4 the rule must be conspicuously posted on the shores of the waters as prescribed by the  
16.5 commissioner.

16.6 (b) A conservation officer must confiscate a fish house ~~or~~, dark house, or shelter in  
16.7 violation of paragraph (a). The officer may remove, burn, or destroy the house or shelter.  
16.8 The officer shall seize the contents of the house or shelter and hold them for 60 days. If the  
16.9 seized articles have not been claimed by the owner, they may be retained for the use of the  
16.10 division or sold at the highest price obtainable in a manner prescribed by the commissioner.

16.11 (c) When the last day of February, under paragraph (a), clause (1), or March 15,  
16.12 under paragraph (a), clause (2), falls on a Saturday, a shelter, including a fish house or  
16.13 dark house, may be on the ice between 12:00 a.m. and one hour before sunrise until  
16.14 12:00 a.m. the following Monday.

16.15 (d) A person may have a shelter, including a fish house or dark house, on the ice  
16.16 between 12:00 a.m. and one hour before sunrise on waters within the area prescribed in  
16.17 paragraph (a), clause (2), but the house or shelter may not be unattended during those  
16.18 hours.

16.19 Sec. 36. Minnesota Statutes 2004, section 97C.371, subdivision 4, is amended to read:

16.20 Subd. 4. **Open season.** The open season for spearing through the ice is December 1  
16.21 to the ~~third~~ last Sunday in February.

16.22 Sec. 37. **DITCH BUFFER TASK FORCE.**

16.23 The Board of Water and Soil Resources shall convene a task force to address the  
16.24 recommendations and findings identified in the February 2006 public drainage ditch  
16.25 buffer study, including, but not limited to:

- 16.26 (1) clarification of the point of beginning for measuring the required grass strip;  
16.27 (2) enhancing the ability of drainage authorities to establish and maintain grass strips;  
16.28 (3) developing methods and models for drainage records modernization;  
16.29 (4) developing a best management practices manual and training for public drainage  
16.30 systems and authorities;  
16.31 (5) annual reporting by drainage authorities; and  
16.32 (6) identifying barriers and promoting incentives for buffer strip implementation  
16.33 regarding federal, state, and local programs and requirements.

17.1 The recommendations must be done in consultation with farm groups, watershed  
17.2 districts, soil and water conservation districts, counties, industry, and conservation  
17.3 organizations, as well as federal agencies implementing voluntary buffer programs.  
17.4 State agencies participating shall include the Minnesota Department of Agriculture,  
17.5 Minnesota Pollution Control Agency, and Minnesota Department of Natural Resources.  
17.6 The board shall report the results to the senate and house of representatives committees  
17.7 with jurisdiction over public drainage systems by January 15, 2007.

17.8 Sec. 38. **MORATORIUM ON LICENSING OR USE OF NEW PUBLIC WATERS**  
17.9 **FOR AQUACULTURE.**

17.10 (a) Except as provided in paragraphs (b) and (c), the commissioner of natural  
17.11 resources may not license or use public waters, as defined in Minnesota Statutes, section  
17.12 103G.005, subdivision 15, for aquaculture or the raising of fish that were not licensed by  
17.13 the commissioner of natural resources or used for that purpose by the commissioner of  
17.14 natural resources during the five-year period prior to April 1, 2006.

17.15 (b) The commissioner of natural resources may annually authorize fish rearing in  
17.16 new public waters, if the fish rearing is conducted as part of a wetland improvement plan  
17.17 approved by the commissioner.

17.18 (c) The commissioner of natural resources may license or use public waters for  
17.19 aquaculture that were not used during the time period prescribed in paragraph (a) as a  
17.20 replacement for public waters that were used during that time period and are being vacated  
17.21 for use in aquaculture or raising fish. The restrictions in paragraph (a) apply to public  
17.22 waters that are replaced under this paragraph.

17.23 (d) This section expires December 31, 2007.

17.24 Sec. 39. **REPEALER.**

17.25 Minnesota Statutes 2004, section 97C.355, subdivision 6, is repealed.

APPENDIX  
Repealed Minnesota Statutes: S2974-1

**97C.355 DARK HOUSES AND FISH HOUSES.**

Subd. 6. **Restrictions for nonresidents.** A nonresident may obtain a license for a fish house but the house may not be unattended.

1.1 Senator ..... moves to amend S.F. No. 2974 as follows:

2 Page 9, after line 10, insert:"

1.3 **EFFECTIVE DATE. This section is effective March 1, 2007.**"

1.4 Page 12, line 12, delete the new language and insert ", to restrict activities during  
1.5 high use periods, to restrict activities that affect research or management activities, to  
1.6 restrict the number of boats allowed."

1.1 To: Senator Cohen, Chair

1.2 Committee on Finance

1.3 Senator Sams,

1.4 Chair of the Environment, Agriculture and Economic Development Budget  
1.5 Division, to which was referred

1.6 **S.F. No. 2974:** A bill for an act relating to game and fish; modifying critical habitat  
1.7 private sector matching account provisions; providing definitions; providing for and  
1.8 modifying disposition of certain revenue; modifying restrictions on motorized watercraft  
1.9 and recreational vehicles in wildlife management areas; modifying procedure for  
1.10 confiscation of property; providing for inspection of equipment used to take wild animals;  
1.11 modifying certain penalty and fee amounts; modifying certain game and fish license  
1.12 provisions; modifying firearms possession provisions for persons under 16; providing for  
1.13 collecting antler sheds; modifying certain provisions for taking and possessing game and  
1.14 fish; providing for arms use areas; modifying provisions for fishing contests; creating a  
1.15 ditch buffer task force; providing for a moratorium on use of public waters for aquaculture;  
1.16 amending Minnesota Statutes 2004, sections 84.943, subdivision 3; 97A.015, by adding  
1.17 subdivisions; 97A.055, subdivision 2; 97A.065, subdivision 2; 97A.075, subdivision 1;  
1.18 97A.101, subdivision 4; 97A.221, subdivisions 3, 4; 97A.225, subdivisions 2, 5; 97A.251,  
1.19 subdivision 1; 97A.321; 97A.475, subdivisions 2, 20; 97A.535, subdivision 1; 97B.021,  
1.20 subdivision 1, by adding a subdivision; 97B.301, subdivision 7; 97C.081, subdivisions  
1.21 4, 6, 8, 9; 97C.205; 97C.355, subdivision 7; 97C.371, subdivision 4; Minnesota Statutes  
1.22 2005 Supplement, sections 97A.405, subdivision 4; 97A.475, subdivision 3; 97A.551,  
1.23 subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing  
1.24 Minnesota Statutes 2004, section 97C.355, subdivision 6.

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

1.26 Page 5, after line 10, insert:

1.27 "Sec. 12. Minnesota Statutes 2004, section 97A.085, subdivision 4, is amended to  
1.28 read:

1.29 **Subd. 4. Establishment by petition of county residents.** The commissioner may  
1.30 designate as a game refuge public waters or a contiguous area described in a petition,  
1.31 signed by 50 or more residents of the county where the public waters or area is located. The  
1.32 game refuge must be a contiguous area of at least 640 acres unless it borders or includes  
1.33 a marsh, or other body of water or watercourse suitable for wildlife habitat. The game  
1.34 refuge may be designated only if the commissioner finds that protected wild animals are  
1.35 depleted and are in danger of extermination, or that it will best serve the public interest. If  
1.36 any of the land area in the proposed game refuge is privately owned and the commissioner  
1.37 receives a petition opposing designation of the refuge signed by the owners, lessees, or  
1.38 persons in possession of at least 75 percent of the private land area within the proposed  
1.39 game refuge, the commissioner shall not designate the private lands as a game refuge."

1.40 Page 8, after line 4, insert:

1.41 "Sec. 21. Minnesota Statutes 2004, section 97A.465, is amended by adding a  
1.42 subdivision to read:

1.43 **Subd. 6. Special hunts for military personnel.** The commissioner may by rule  
1.44 establish criteria, special seasons, and limits for military personnel and veterans to take  
1.45 big game and small game by firearms or archery in designated areas or times. A person

1.46 hunting under this subdivision must be participating in a hunt sponsored and administered  
 2.1 by the Minnesota Department of Military Affairs or the Minnesota Department of Veterans  
 2.2 Affairs."

2.3 Page 16, after line 21, insert:

2.4 "Sec. 39. [348.125] COYOTE CONFLICT MANAGEMENT OPTION.


2.5 (a) A county board may, by resolution, offer a bounty for the taking of coyote (Canis  
 2.6 latrans) by all legal methods. The resolution may be made applicable to the whole or any  
 2.7 part of the county. The bounty must apply during the months specified in the resolution  
 2.8 and be in an amount determined by the board.

2.9 (b) The county offering the bounty must publish annually by press release or public  
 2.10 service announcement the townships or areas where the number of coyotes should be  
 2.11 reduced. Counties may encourage willing landowners to post their land as open to coyote  
 2.12 hunting, without further permission of the landowner or lessee."

2.13 Renumber the sections in sequence

2.14 Amend the title accordingly

2.15 And when so amended that the bill be recommended to pass and be referred to  
 2.16 the full committee.

2.17   
 2.18 (Division Chair)

2.19 April 20, 2006 ..... *4/20/2006*  
 2.20 (Date of Division action)



1.1 **Senator Cohen from the Committee on Finance, to which was re-referred**

1.2 **S.F. No. 2974:** A bill for an act relating to game and fish; modifying critical habitat  
 1.4 private sector matching account provisions; providing definitions; providing for and  
 1.5 modifying disposition of certain revenue; modifying restrictions on motorized watercraft  
 1.6 and recreational vehicles in wildlife management areas; modifying procedure for  
 1.7 confiscation of property; providing for inspection of equipment used to take wild animals;  
 1.8 modifying certain penalty and fee amounts; modifying certain game and fish license  
 1.9 provisions; modifying firearms possession provisions for persons under 16; providing for  
 1.10 collecting antler sheds; modifying certain provisions for taking and possessing game and  
 1.11 fish; providing for arms use areas; modifying provisions for fishing contests; creating a  
 1.12 ditch buffer task force; providing for a moratorium on use of public waters for aquaculture;  
 1.13 amending Minnesota Statutes 2004, sections 84.943, subdivision 3; 97A.015, by adding  
 1.14 subdivisions; 97A.055, subdivision 2; 97A.065, subdivision 2; 97A.075, subdivision 1;  
 1.15 97A.101, subdivision 4; 97A.221, subdivisions 3, 4; 97A.225, subdivisions 2, 5; 97A.251,  
 1.16 subdivision 1; 97A.321; 97A.475, subdivisions 2, 20; 97A.535, subdivision 1; 97B.021,  
 1.17 subdivision 1, by adding a subdivision; 97B.301, subdivision 7; 97C.081, subdivisions  
 1.18 4, 6, 8, 9; 97C.205; 97C.355, subdivision 7; 97C.371, subdivision 4; Minnesota Statutes  
 1.19 2005 Supplement, sections 97A.405, subdivision 4; 97A.475, subdivision 3; 97A.551,  
 1.20 subdivision 6; proposing coding for new law in Minnesota Statutes, chapter 97B; repealing  
 Minnesota Statutes 2004, section 97C.355, subdivision 6.

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

1.22 Page 5, after line 10, insert:

1.23 "Sec. 12. Minnesota Statutes 2004, section 97A.085, subdivision 4, is amended to  
 1.24 read:

1.25 **Subd. 4. Establishment by petition of county residents.** The commissioner may  
 1.26 designate as a game refuge public waters or a contiguous area described in a petition,  
 1.27 signed by 50 or more residents of the county where the public waters or area is located. The  
 1.28 game refuge must be a contiguous area of at least 640 acres unless it borders or includes  
 1.29 a marsh, or other body of water or watercourse suitable for wildlife habitat. The game  
 1.30 refuge may be designated only if the commissioner finds that protected wild animals are  
 1.31 depleted and are in danger of extermination, or that it will best serve the public interest. If  
 1.32 any of the land area in the proposed game refuge is privately owned and the commissioner  
 1.33 receives a petition opposing designation of the refuge signed by the owners, lessees, or  
 1.34 persons in possession of at least 75 percent of the private land area within the proposed  
 1.35 game refuge, the commissioner shall not designate the private lands as a game refuge."

1.36 Page 8, after line 4, insert:

1.37 "Sec. 21. Minnesota Statutes 2004, section 97A.465, is amended by adding a  
 1.38 subdivision to read:

1.39 **Subd. 6. Special hunts for military personnel.** The commissioner may by rule  
 1.40 establish criteria, special seasons, and limits for military personnel and veterans to take  
 1.41 big game and small game by firearms or archery in designated areas or times. A person  
 1.43 hunting under this subdivision must be participating in a hunt sponsored and administered  
 1.44 by the Minnesota Department of Military Affairs or the Minnesota Department of Veterans  
Affairs."

1.45 Page 9, after line 10, insert:

"EFFECTIVE DATE. This section is effective March 1, 2007."

2.2 Page 12, line 12, delete the new language and insert "to restrict activities during  
2.3 high use periods, to restrict activities that affect research or management activities, to  
2.4 restrict the number of boats allowed,"

2.5 Page 16, after line 21, insert:

2.6 "Sec. 39. [348.125] COYOTE CONFLICT MANAGEMENT OPTION.

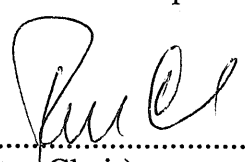
2.7 (a) A county board may, by resolution, offer a bounty for the taking of coyote (Canis  
2.8 latrans) by all legal methods. The resolution may be made applicable to the whole or any  
2.9 part of the county. The bounty must apply during the months specified in the resolution  
2.10 and be in an amount determined by the board.

2.11 (b) The county offering the bounty must publish annually by press release or public  
2.12 service announcement the townships or areas where the number of coyotes should be  
2.13 reduced. Counties may encourage willing landowners to post their land as open to coyote  
2.14 hunting, without further permission of the landowner or lessee."

2.15 Renumber the sections in sequence

2.16 Amend the title accordingly

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

2.18   
2.19 .....  
(Committee Chair)

2.21 )  
April 27, 2006 ..... 4-27-06  
(Date of Committee recommendation)

**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. 3331 - Petroleum Fund Modifications**

**Author:** Senator Dan Sparks

**Prepared by:** Matthew S. Grosser, Senate Research (651/296-1890) *MS*

**Date:** March 24, 2006

---

**Section 1** amends the definition of a petroleum transport vehicle for the purpose of compensation from the petroleum release cleanup fund to include vehicles used during 2002 or 2003. This section also extends the time during which retrofits of retail gasoline locations and transport vehicles must be completed to qualify for compensation from the petroleum release cleanup fund from January 1, 2006, to September 1, 2006. This section is effective retroactively from August 1, 2003.

**Section 2** appropriates \$477,500 in each fiscal year 2007 and 2008 from the petroleum release cleanup fund to the Commissioner of Transportation for reimbursable cost.

MSG:cs

**Consolidated Fiscal Note – 2005-06 Session**

**Bill #: S3331-0 Complete Date: 03/27/06**

**Chief Author: SPARKS, DAN**

**Title: PETRO FUND REIMBURSEMENT MODIFICATION**

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State	X	
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agencies:** Commerce (03/27/06)  
Pollution Control Agency (03/27/06)

Transportation Dept (03/27/06)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

<b>Dollars (in thousands)</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Net Expenditures</b>					
Petroleum Tank Release Cleanup Fund			477	478	
Commerce			477	478	
Trunk Highway Fund			(16)	(16)	
Transportation Dept			(16)	(16)	
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
Petroleum Tank Release Cleanup Fund			477	478	
Commerce			477	478	
Trunk Highway Fund			(16)	(16)	
Transportation Dept			(16)	(16)	
<b>Total Cost &lt;Savings&gt; to the State</b>			461	462	

	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Full Time Equivalents</b>					
-- No Impact --					
<b>Total FTE</b>					

**Consolidated EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: KEITH BOGUT  
Date: 03/27/06 Phone: 296-7642

**Fiscal Note – 2005-06 Session**

**Bill #:** S3331-0 **Complete Date:** 03/27/06

**Chief Author:** SPARKS, DAN

**Title:** PETRO FUND REIMBURSEMENT MODIFICATION

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name:** Commerce

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
<b>Expenditures</b>					
Petroleum Tank Release Cleanup Fund			477	478	
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
Petroleum Tank Release Cleanup Fund			477	478	
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
Petroleum Tank Release Cleanup Fund			477	478	
<b>Total Cost &lt;Savings&gt; to the State</b>			477	478	

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
-- No Impact --					
<b>Total FTE</b>					

### **Bill Description**

H.F. 3711 provides for three changes to the existing Petrofund statutes. First, it clarifies a change made by the 2005 Legislature by replacing the word "and" with the word "or." This technical change is being proposed to clarify the original legislative intent, which was to broaden eligibility, not to further restrict it. Second, the bill extends the period in which tank owners can apply for reimbursement of their costs to install stage 1 vapor recovery equipment. This extension was agreed to with the industry because of delivery problems at the end of 2005. Lastly, the bill provides for a buyout of eligible costs incurred by MNDOT prior to January 1, 2004.

### **Assumptions**

The costs are identified in the language of the proposed bill.

### **Expenditure and/or Revenue Formula**

There is no cost associated with the first proposed change. There is also no cost associated with extending the date to September 1, 2006, because these costs were included in the original fiscal note prepared prior to passage in 2005 to reflect legislative intent. These costs also continue to be reflected in the most recent Petrofund forecast. The cost associated with the buyout of eligible costs incurred by MNDOT is \$477,500 per year in FY 07 and FY 08. The total cost has been spread over two fiscal years in order to ease the impact to the Petrofund.

### **Long-Term Fiscal Considerations**

There are no costs associated with this proposed bill beyond FY 08.

### **Local Government Costs**

None

### **References/Sources**

None

### **Contact:**

Jim Pearson, Executive Director  
Petroleum Tank Release Cleanup Fund  
Minnesota Department of Commerce  
651-296-2843  
james.pearson@state.mn.us.

Agency Contact Name: James Pearson  
FN Coord Signature: DENNIS MUNKWITZ  
Date: 03/27/06 Phone: 297-1335

### **EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: KEITH BOGUT  
Date: 03/27/06 Phone: 296-7642

**Fiscal Note – 2005-06 Session**

**Bill #:** S3331-0 **Complete Date:** 03/27/06

**Chief Author:** SPARKS, DAN

**Title:** PETRO FUND REIMBURSEMENT MODIFICATION

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name:** Pollution Control Agency

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
<b>Expenditures</b>					
-- No Impact --					
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
-- No Impact --					
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
-- No Impact --					
<b>Total Cost &lt;Savings&gt; to the State</b>					

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
-- No Impact --					
<b>Total FTE</b>					

**Bill Description**

Bill does two separate actions. In Section 1 it corrects a mistake made last session. Intent always was to include reimbursements to fuel delivery transports working in either 2002 or 2003 for upgrading their transports. In Section 2 there is proposed a fund transfer from the Petroleum Release Cleanup Fund to MDOT for petroleum remediation work completed by MDOT at various facilities they operated.

**Assumptions**

MDOT was eligible for these reimbursements on an individual site basis. The appropriation is to resolve any past disputed amounts that MDOT is eligible to receive from PetroFund.

Fund transfer over two fiscal years, \$477,500 in FY07 and \$477,500 in FY08. Transfer to cover reimbursements MDOT was eligible for but never requested.

**Expenditure and/or Revenue Formula**

None

**Long-Term Fiscal Considerations**

None

**Local Government Costs**

None

**References/Sources**

Agency Contact Name: JEFF LEWIS (651-297-8505)  
FN Coord Signature: GLENN OLSON  
Date: 03/24/06 Phone: 297-1609

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: MARSHA BATTLES-JENKS  
Date: 03/27/06 Phone: 296-8510



**Fiscal Note – 2005-06 Session**

**Bill #:** S3331-0 **Complete Date:** 03/27/06

**Chief Author:** SPARKS, DAN

**Title:** PETRO FUND REIMBURSEMENT MODIFICATION

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State	X	
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name:** Transportation Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
<b>Expenditures</b>					
Trunk Highway Fund			(16)	(16)	
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
Trunk Highway Fund			(16)	(16)	
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
Trunk Highway Fund			(16)	(16)	
<b>Total Cost &lt;Savings&gt; to the State</b>			(16)	(16)	

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
-- No Impact --					
<b>Total FTE</b>					

### **Bill Description**

House file 3711 proposes appropriating \$477,500 in each of fiscal years 2007 and 2008 from the petroleum tank release cleanup fund to Mn/DOT "...for costs reimbursable under Minnesota Statutes, section 15C.09, that were incurred before January 1, 2004." The intention of the bill is to allow for the streamlining of the reimbursement to the Trunk Highway Fund from the Petroleum Tank Release Cleanup Fund (Petrofund). Typically, a comprehensive application process must be completed for each individual petroleum cleanup site.

### **Assumptions**

- 1) Mn/DOT is eligible for reimbursement from the Petrofund of 90% of the trunk highway fund costs that have already been incurred for cleanup of petroleum release sites.
- 2) There are 123 sites that are eligible for reimbursement.
- 3) The amounts of reimbursement that would be received using the normal comprehensive application process are assumed to be the same amounts and in the same years as is provided in the bill, that is \$477,500 in FY 2007, and \$477,500 in FY 2008.

### **Expenditure and/or Revenue Formula**

In 2004, Mn/DOT hired a Petrofund application expert to process and submit applications to the Department of Commerce. This work resulted in \$3.1 million being reimbursed from the Petrofund to the trunk highway fund. This employee has left the department and has not been replaced.

Under this bill Mn/DOT will avoid a cost of \$16,300 in both fiscal year 2007 and fiscal year 2008 that would be incurred researching, documenting and preparing applications for reimbursement. Without the bill Mn/DOT would need to hire a person to work on the applications for reimbursement at the costs mentioned above. The \$16,300 is based on salary of \$18.05/hour and 30% state paid fringe benefits for approximately four months/year.

### **Long-Term Fiscal Considerations**

This bill has no direct fiscal considerations beyond fiscal year 2008. Since the reimbursement proposed in the bill covers the period prior to January 1, 2004, additional clean up of sites is occurring that would be eligible for reimbursement. The approach prescribed in this bill could be proposed in future years to address additional sites that have been cleaned up and would be eligible for reimbursement.

### **Local Government Costs**

None.

### **Technical Observation**

Since the work for which reimbursement is being provided under the bill has already been completed, the language perhaps could be changed to state that the appropriation is for transfer to the trunk highway fund for reimbursement of costs that were incurred before January 1, 2004.

### **References/Sources**

Mn/DOT Office of Environmental Services

FN Coord Signature: BRUCE BRIESE

Date: 03/27/06 Phone: 297-1203

### **EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER

Date: 03/27/06 Phone: 215-0594

Senator Sparks introduced—

S.F. No. 3331: Referred to the Committee on Commerce.

1.1 A bill for an act  
 1 relating to commerce; modifying provisions relating to petroleum fund  
 1.3 compensation for transport vehicles; appropriating money; amending Minnesota  
 1.4 Statutes 2005 Supplement, section 115C.09, subdivision 3j.

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

1.6 Section 1. Minnesota Statutes 2005 Supplement, section 115C.09, subdivision 3j,  
 1.7 is amended to read:

1.8 Subd. 3j. **Retail locations and transport vehicles.** (a) As used in this subdivision,  
 1.9 "retail location" means a facility located in the metropolitan area as defined in section  
 1.10 473.121, subdivision 2, where gasoline is offered for sale to the general public for use in  
 1.11 automobiles and trucks. "Transport vehicle" means a liquid fuel cargo tank used to deliver  
 1.12 gasoline into underground storage tanks during 2002 ~~and~~ or 2003 at a retail location.

1.13 (b) Notwithstanding any other provision in this chapter, and any rules adopted under  
 1.14 this chapter, the board shall reimburse 90 percent of an applicant's cost for retrofits of  
 1.15 retail locations and transport vehicles completed between January 1, 2001, and ~~January~~  
 1.16 September 1, 2006, to comply with section 116.49, subdivisions 3 and 4, provided that the  
 1.17 board determines the costs were incurred and reasonable. The reimbursement may not  
 1.18 exceed \$3,000 per retail location and \$3,000 per transport vehicle.

1.19 **EFFECTIVE DATE.** This section is effective retroactively from August 1, 2003.

Sec. 2. **APPROPRIATION.**

1.20 Notwithstanding Minnesota Statutes, section 115C.09, subdivision 2a, \$477,500 in  
 1.21 fiscal year 2007 and \$477,500 in fiscal year 2008 are appropriated from the petroleum  
 1.22

- 2.1 tank release cleanup fund to the commissioner of transportation for costs reimbursable
- 2.2 under Minnesota Statutes, section 115C.09, that were incurred before January 1, 2004.

1.1 To: Senator Cohen, Chair

1.2 Committee on Finance

1.3 Senator Murphy,

1.4 Chair of the Transportation Budget Division, to which was referred

1.5 **S.F. No. 3331:** A bill for an act relating to commerce; modifying provisions relating  
1.6 to petroleum fund compensation for transport vehicles; appropriating money; amending  
1.7 Minnesota Statutes 2005 Supplement, section 115C.09, subdivision 3j.

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

1.9 Page 1, before line 6, insert:

1.10 "Section 1. Minnesota Statutes 2004, section 80C.01, subdivision 4, is amended to  
1.11 read:

1.12 Subd. 4. **Franchise.** (a) "Franchise" means (1) a contract or agreement, either  
1.13 express or implied, whether oral or written, for a definite or indefinite period, between  
1.14 two or more persons:

1.15 (i) by which a franchisee is granted the right to engage in the business of offering or  
1.16 distributing goods or services using the franchisor's trade name, trademark, service mark,  
1.17 logotype, advertising, or other commercial symbol or related characteristics;

1.18 (ii) in which the franchisor and franchisee have a community of interest in the  
1.19 marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise; and

1.20 (iii) for which the franchisee pays, directly or indirectly, a franchise fee; or

1.21 (2) a contract, lease, or other agreement, either express or implied, whether oral or  
1.22 written, for a definite or indefinite period, between two or more persons, whereby the  
1.23 franchisee is authorized, permitted, or granted the right to market motor vehicle fuel at  
1.24 retail under the franchisor's trade name, trademark, service mark, logotype, or other  
1.25 commercial symbol or related characteristics owned or controlled by the franchisor; or

1.26 (3) the sale or lease of any products, equipment, chattels, supplies, or services to the  
1.27 purchaser, other than the sale of sales demonstration equipment, materials or samples for a  
1.28 total price of \$500 or less to any one person, for the purpose of enabling the purchaser  
1.29 to start a business and in which the seller:

1.30 (i) represents that the seller, lessor, or an affiliate thereof will provide locations or  
1.31 assist the purchaser in finding locations for the use or operation of vending machines,  
1.32 racks, display cases, or similar devices, or currency operated amusement machines or  
1.33 devices, on premises neither owned or leased by the purchaser or seller; or

1.34 (ii) represents that the seller will purchase any or all products made, produced,  
1.35 fabricated, grown, bred, or modified by the purchaser using, in whole or in part, the  
1.36 supplies, services, or chattels sold to the purchaser; or

2.1 (iii) guarantees that the purchaser will derive income from the business which  
2.2 exceeds the price paid to the seller; or

2.3 (4) an oral or written contract or agreement, either expressed or implied, for a  
2.4 definite or indefinite period, between two or more persons, under which a manufacturer,  
2.5 selling security systems through dealers or distributors in this state, requires regular  
2.6 payments from the distributor or dealer as royalties or residuals for products purchased  
2.7 and paid for by the dealer or distributor.

2.8 (b) "Franchise" does not include any business which is operated under a lease or  
2.9 license on the premises of the lessor or licensor as long as such business is incidental to  
2.10 the business conducted by the lessor or licensor on such premises, including, without  
2.11 limitation, leased departments, licensed departments, and concessions.

2.12 (c) "Franchise" does not include any contract, lease or other agreement whereby the  
2.13 franchisee is required to pay less than \$100 on an annual basis, except those franchises  
2.14 identified in paragraph (a), clause (2).

2.15 (d) "Franchise" does not include a contract, lease or other agreement between a new  
2.16 motor vehicle manufacturer, distributor, or factory branch and a franchisee whereby the  
2.17 franchisee is granted the right to market automobiles, motorcycles, trucks, truck-tractors,  
2.18 or self-propelled motor homes or campers if the foregoing are designed primarily for the  
2.19 transportation of persons or property on public highways.

2.20 (e) "Franchise" does not include a contract, lease, or other agreement or arrangement  
2.21 between two or more air carriers, or between one or more air carriers and one or more  
2.22 foreign air carriers. The terms "air carrier" and "foreign air carrier" shall have the  
2.23 meanings assigned to them by the Federal Aviation Act, United States Code Appendix,  
2.24 title 49, sections 1301(3) and 1301(22), respectively.

2.25 (f) For purposes of paragraph (a), clause (2), "franchise" does not include the  
2.26 marketing of motor vehicle fuel in circumstances where all the following are present:

2.27 (1) the franchisor or an affiliate of the franchisor is not a refiner of motor vehicle  
2.28 fuel, diesel fuel, or gasoline;

2.29 (2) the franchisor's trade name, trademark, service mark, logotype, or other  
2.30 commercial symbol or related characteristics is not used to identify the marketing premises  
2.31 generally, but only the gasoline dispensers, canopy, and gasoline price signage, provided,  
2.32 however, this circumstance is not changed by a voluntary decision by the retailer to  
2.33 identify the buildings on the premises in the manner selected by the retailer;

2.34 (3) the franchisor does not impose any requirements or franchise fee on nonmotor  
2.35 vehicle fuel products or sales, provided this circumstance is not changed by a voluntary

3.1 decision by the retailer to purchase nonmotor vehicle fuel products from the franchisor or  
3.2 an affiliate of the franchisor; and

3.3 (4) the facility is not leased from the franchisor or affiliate of the franchisor.

3.4 ~~(f)~~ (g) For purposes of this chapter, a person who sells motor vehicle fuel at  
3.5 wholesale who does not own or control, or is not an affiliate of a person who owns or  
3.6 controls, the trademark, trade name, service mark, logotype, or other commercial symbol  
3.7 or related characteristics under which the motor vehicle fuel is sold at retail, is not a  
3.8 franchisor or a franchisee, and is not considered to be part of a franchise relationship.

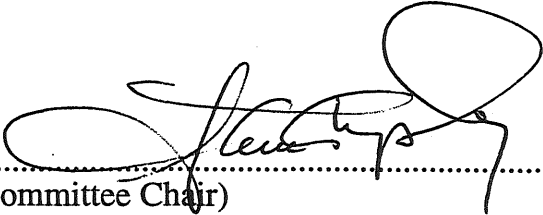
3.9 **Sec. 2. [80C.144] EXEMPT MOTOR FUEL FRANCHISES; ALTERNATIVE**  
3.10 **COMPLIANCE.**

3.11 A motor fuel franchise exempt from regulation under this chapter pursuant to section  
3.12 80C.01, subdivision 4, paragraph (f), is subject to regulation under chapter 80F."

3.13 Renumber the sections in sequence

3.14 Amend the title accordingly

3.15 And when so amended that the bill be recommended to pass and be referred to  
3.16 the full committee.

3.17   
3.18 (Committee Chair)

3.19 April 4, 2006 .....  
3.20 (Date of Committee recommendation)

1.1 **Senator Cohen from the Committee on Finance, to which was re-referred**

1.2 **S.F. No. 3331:** A bill for an act relating to commerce; modifying provisions relating  
1.3 to petroleum fund compensation for transport vehicles; appropriating money; amending  
1.4 Minnesota Statutes 2005 Supplement, section 115C.09, subdivision 3j.

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

1.6 Page 1, before line 6, insert:

1.7 "Section 1. Minnesota Statutes 2004, section 80C.01, subdivision 4, is amended to read:

1.8 Subd. 4. **Franchise.** (a) "Franchise" means (1) a contract or agreement, either  
1.9 express or implied, whether oral or written, for a definite or indefinite period, between  
1.10 two or more persons:

1.11 (i) by which a franchisee is granted the right to engage in the business of offering or  
1.12 distributing goods or services using the franchisor's trade name, trademark, service mark,  
1.13 logotype, advertising, or other commercial symbol or related characteristics;

1.14 (ii) in which the franchisor and franchisee have a community of interest in the  
1.15 marketing of goods or services at wholesale, retail, by lease, agreement, or otherwise; and

1.16 (iii) for which the franchisee pays, directly or indirectly, a franchise fee; or

1.17 (2) a contract, lease, or other agreement, either express or implied, whether oral or  
1.18 written, for a definite or indefinite period, between two or more persons, whereby the  
1.19 franchisee is authorized, permitted, or granted the right to market motor vehicle fuel at  
1.20 retail under the franchisor's trade name, trademark, service mark, logotype, or other  
1.21 commercial symbol or related characteristics owned or controlled by the franchisor; or

1.22 (3) the sale or lease of any products, equipment, chattels, supplies, or services to the  
1.23 purchaser, other than the sale of sales demonstration equipment, materials or samples for a  
1.24 total price of \$500 or less to any one person, for the purpose of enabling the purchaser  
1.25 to start a business and in which the seller:

1.26 (i) represents that the seller, lessor, or an affiliate thereof will provide locations or  
1.27 assist the purchaser in finding locations for the use or operation of vending machines,  
1.28 racks, display cases, or similar devices, or currency operated amusement machines or  
1.29 devices, on premises neither owned or leased by the purchaser or seller; or

1.30 (ii) represents that the seller will purchase any or all products made, produced,  
1.31 fabricated, grown, bred, or modified by the purchaser using, in whole or in part, the  
1.32 supplies, services, or chattels sold to the purchaser; or

1.33 (iii) guarantees that the purchaser will derive income from the business which  
1.34 exceeds the price paid to the seller; or

1.35 (4) an oral or written contract or agreement, either expressed or implied, for a  
1.36 definite or indefinite period, between two or more persons, under which a manufacturer,  
1.37 selling security systems through dealers or distributors in this state, requires regular



2.1 payments from the distributor or dealer as royalties or residuals for products purchased  
2.2 and paid for by the dealer or distributor.

2.3 (b) "Franchise" does not include any business which is operated under a lease or  
2.4 license on the premises of the lessor or licensor as long as such business is incidental to  
2.5 the business conducted by the lessor or licensor on such premises, including, without  
2.6 limitation, leased departments, licensed departments, and concessions.

2.7 (c) "Franchise" does not include any contract, lease or other agreement whereby the  
2.8 franchisee is required to pay less than \$100 on an annual basis, except those franchises  
2.9 identified in paragraph (a), clause (2).

2.10 (d) "Franchise" does not include a contract, lease or other agreement between a new  
2.11 motor vehicle manufacturer, distributor, or factory branch and a franchisee whereby the  
2.12 franchisee is granted the right to market automobiles, motorcycles, trucks, truck-tractors,  
2.13 or self-propelled motor homes or campers if the foregoing are designed primarily for the  
2.14 transportation of persons or property on public highways.

2.15 (e) "Franchise" does not include a contract, lease, or other agreement or arrangement  
2.16 between two or more air carriers, or between one or more air carriers and one or more  
2.17 foreign air carriers. The terms "air carrier" and "foreign air carrier" shall have the  
2.18 meanings assigned to them by the Federal Aviation Act, United States Code Appendix,  
2.19 title 49, sections 1301(3) and 1301(22), respectively.

2.20 (f) For purposes of paragraph (a), clause (2), "franchise" does not include the  
2.21 marketing of motor vehicle fuel in circumstances where all the following are present:

2.22 (1) the franchisor or an affiliate of the franchisor is not a refiner of motor vehicle  
2.23 fuel, diesel fuel, or gasoline;

2.24 (2) the franchisor's trade name, trademark, service mark, logotype, or other  
2.25 commercial symbol or related characteristics is not used to identify the marketing premises  
2.26 generally, but only the gasoline dispensers, canopy, and gasoline price signage, provided,  
2.27 however, this circumstance is not changed by a voluntary decision by the retailer to  
2.28 identify the buildings on the premises in the manner selected by the retailer;

2.29 (3) the franchisor does not impose any requirements or franchise fee on nonmotor  
2.30 vehicle fuel products or sales, provided this circumstance is not changed by a voluntary  
2.31 decision by the retailer to purchase nonmotor vehicle fuel products from the franchisor or  
2.32 an affiliate of the franchisor; and

2.33 (4) the facility is not leased from the franchisor or affiliate of the franchisor.

2.34 (g) For purposes of this chapter, a person who sells motor vehicle fuel at  
2.35 wholesale who does not own or control, or is not an affiliate of a person who owns or  
2.36 controls, the trademark, trade name, service mark, logotype, or other commercial symbol

3.1 or related characteristics under which the motor vehicle fuel is sold at retail, is not a  
3.2 franchisor or a franchisee, and is not considered to be part of a franchise relationship.

3.3 Sec. 2. 80C.144 EXEMPT MOTOR FUEL FRANCHISES; ALTERNATIVE  
3.4 COMPLIANCE.


3.5 A motor fuel franchise exempt from regulation under this chapter pursuant to section  
3.6 80C.01, subdivision 4, paragraph (f), is subject to regulation under chapter 80F."

3.7 Page 2, line 2, after the period, insert "These are onetime appropriations."

3.8 Renumber the sections in sequence

3.9 Amend the title accordingly

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

3.11   
3.12 .....  
(Committee Chair)

3.13 April 27, 2006 ..... 4-27-06 .....  
3.14 (Date of Committee recommendation)

**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. 3132 - Omnibus Data Practices Bill (first engrossment)**

**Author:** Senator Wes Skoglund

**Prepared by:** Kathleen Pontius, Senate Counsel (651/296-4394) *K.P.*

**Date:** April 11, 2006

---

### **Article 1 - General Data Practices Provisions**

**Section 1** clarifies the statute dealing with the issuance of data practices opinions by the Commissioner of Administration to provide that if the Commissioner determines that an opinion will not be issued, notice must be given to the requestor of this decision within five business days of the receipt of the request.

**Section 2** amends the educational data statute to authorize schools to disclose bullying behavior by a student to the juvenile justice system, subject to general requirements under current law regarding these disclosures.

**Section 3** provides that data maintained by the Department of Health or community public water systems that identify the address of a site that is tested for lead and copper and the name, address, and telephone number of residential homeowners in the site, are private data or nonpublic data.

**Section 4** classifies name and index service data maintained by the Bureau of Criminal Apprehension as private data, except that if the data link private or public data to confidential data, the data become confidential data.

**Section 5** amends the statute governing data on applicants for student financial aid programs administered by the Office of Higher Education to make names and addresses of program recipients or participants private data.

**Section 6** strikes a requirement that the Commissioner of Administration administer a records management program but retains the requirements that state agencies and local governments have programs in place.

**Section 7** eliminates a requirement that the Commissioner of Administration, with the assistance the director of the Minnesota Historical Society, establish and maintain a program for the selection and preservation of public records considered essential to the operation of government and to the protection of the rights and interests of persons. Local government requirements with respect to preserving necessary documents essential to the continuity of government in the event of a disaster or emergency would continue.

**Section 8** amends the medical records statute to authorize the release of records necessary for family and caretaker involvement in mental health care under certain circumstances. A provider would be authorized to disclose information about a patient to a family member or other person who requests the information if:

- (1) the request is in writing;
- (2) the person lives with, provides care for, or is directly involved in monitoring the patient's treatment;
- (3) the involvement is verified by the provider, the attending physician, or someone other than the person requesting the information;
- (4) before the disclosure, the patient is informed in writing of the request, the name of the requestor, the reason, and the information being requested;
- (5) the patient agrees to disclosure, does not object, or is unable to consent or object; and
- (6) the disclosure is necessary to assist in the provision of care or monitoring of the patient.

The information that may be disclosed is limited to diagnosis, admission to or discharge from treatment, name and dosage of medication, side effects, consequences of failure to take medication, and a summary of the discharge plan. If the provider reasonably determines that providing information would be detrimental to the health of the patient or is likely to cause the patient to inflict self harm or harm to another, the provider must not disclose the information. This subdivision would not apply to disclosures for a medical emergency or to family members as authorized or required under other provisions of the medical records statute.

**Section 9** clarifies that invalidation of a tribal identification card is not a condition of receiving a driver's license.

**Section 10** provides that a Minnesota tribal identification card is an acceptable form of identification in any case where a Minnesota identification card is acceptable. A tribal card would also be a primary document for purposes of rules governing documentation for issuance of a driver's license or Minnesota identification card. Required security features of acceptable identification cards are specified.

**Section 11** amends a provision that authorizes the Commissioner of Revenue to share certain tax data with other government entities to add the Bureau of Alcohol, Tobacco, Firearms, and Explosives in the Department of Justice. This reflects a change in the jurisdiction over these investigations under federal law. An immediate effective date is included.

**Sections 13 and 14** amend the law enacted last session restricting the use of Social Security numbers. Using a Social Security number as part of an account number and selling Social Security numbers are added to the list of prohibited acts. Access to Social Security numbers by employees must be restricted. Additional permissive uses of Social Security numbers are specified.

**Section 15** provides that parole and probation authorities must be given access to records or data concerning an applicant or permit holder for a permit to carry a pistol.

**Section 16** amends the data sharing provisions in the Vulnerable Adult Maltreatment Reporting Act to provide for the reporting of suspicious deaths to the local medical examiner, in addition to law enforcement and the ombudsman established under **section 245.92**.

**Section 17** repeals a provision in the Social Security number law that authorized a continuation of prior use of Social Security numbers under specified circumstances.

## **Article 2 - Motor Vehicle and Driver's License Records**

**Section 1** updates a cross-reference section in the Data Practices Act to conform to the new provisions in this article governing access to personal information in motor vehicle and driver's license records.

**Section 2 to 10** combine separate provisions currently in **chapters 168 and 171** that relate to motor vehicle and driver's license records into one chapter of law and make substantive changes in the law governing access to this information.

**Section 2** contains the general language dealing with the use of personal information in motor vehicle and driver's license records. To a large extent, this codifies current law in **sections 168.346, subdivision 1, and 171.12, subdivision 7**. The most significant substantive change with respect to access to personal information is a limitation on the permissible uses for which access is allowed. In particular, data could be used for government, law enforcement, or public safety functions: recalls, automobile market surveys, and prevention of theft; verification of information submitted to a business; research activities; insurance anti-fraud activities and claims investigation; towing and impound notices; and commercial license verification. Access would no longer be allowed for use in connection with civil, criminal, administrative, or arbitration proceedings; private investigators; operation of private toll transportation facilities; and bulk distribution for surveys, marketing, or solicitations (which is authorized under current law only with express consent).

**Section 3** governs disclosure of personal information when the use is related to public safety, based on current law in **section 171.12, subdivision 7a**.

**Section 4** adds new provisions governing the type of record access authorized by the law. The Commissioner of Public Safety may disclose personal information only on an individual record basis, but subject to a number of specified exceptions. In particular, bulk distribution would be authorized for government, law enforcement, or public safety functions; recalls, automobile market surveys, and prevention of theft; insurance anti-fraud activities and claims investigation; and certain research activities.

**Section 5** establishes new requirements for requesting access to and disclosure of personal information in motor vehicle and driver's license records. Some of these incorporate requirements under federal law and current practice of the Department of Public Safety.

**Subdivision 1** provides that a person who requests disclosure of personal information must identify the data elements requested and the reason each element is needed. The Commissioner may disclose only data needed to accomplish the use for which the request is made. A person who receives personal information must cooperate in good faith with all compliance activities.

**Subdivision 2** contains specific disclosure requirements applicable to the release of personal information, which must be reflected in the contract between the permissible user and the Commissioner.

**Subdivision 3** contains the conditions for resale or redisclosure of personal information. A permissible user or subsequent permissible user who receives personal information may resell or redisclose the information only under certain circumstances, which must be reflected in a contract between the permissible user and the subsequent user.

A delayed effective date of January 1, 2007, is included for **subdivision 2, paragraph (a), clause (2)**, which contains new requirements relating to encrypting and uniquely identifying data in order to prevent unauthorized access and track the source of unauthorized releases.

**Section 6** contains remedies and penalties. **Section 8.31**, which is the general consumer protection enforcement law that includes public remedies by the Attorney General and private remedies, would apply to a user of personal information or subsequent user who violates the law or the terms of a user contract. The remedy and penalty provisions under the Data Practices Act would apply to a violation of the law by a government entity or employee.

**Section 7** contains a statement that this chapter does not affect the use of organ donation information in driver's licenserecords or access to personal information by organ procurement organizations in connection with authorized activities, consistent with federal law.

**Section 8** contains a provision under which an individual who is the subject of personal information may request that the individual's residence address or name and address be classified as private data. This is based on current law in **section 168.346**, which is applicable to motor vehicle registration data.

**Section 9** authorizes the Commissioner of Public Safety to refuse to disclose personal information if the Commissioner has reason to believe that the person requesting the information is likely to use it for an illegal or improper purpose or is otherwise not going to comply with the law. This is an expanded version of current law in **section 171.12, subdivision 7a**, which is limited to disclosures for public safety purposes.

**Section 10** contains language clarifying the relationship of these provisions to the Data Practices Act.

**Section 11** repeals current laws that are replaced by the new provisions in this article relating to motor vehicle and driver's license records.

KP:cs

**Consolidated Fiscal Note – 2005-06 Session**

**Bill #:** S3132-1E **Complete Date:** 04/21/06

**Chief Author:** SKOGLUND, WESLEY

**Title:** AMENDING DATA PRACTICES PROV

Fiscal Impact	Yes	No
State	X	
Local	X	
Fee/Departmental Earnings	X	
Tax Revenue		X

**Agencies:** Public Safety Dept (04/21/06)  
Office of Higher Education (04/17/06)

Administration Dept (04/17/06)  
Health Dept (04/19/06)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
<b>Net Expenditures</b>					
General Fund		22	749	563	378
Public Safety Dept		22	749	563	378
<b>Revenues</b>					
General Fund			(963)	(963)	
Public Safety Dept			(963)	(963)	
Misc Special Revenue Fund			(696)	(696)	
Public Safety Dept			(696)	(696)	
<b>Net Cost &lt;Savings&gt;</b>					
General Fund		22	1,712	1,526	378
Public Safety Dept		22	1,712	1,526	378
Misc Special Revenue Fund			696	696	
Public Safety Dept			696	696	
<b>Total Cost &lt;Savings&gt; to the State</b>		22	2,408	2,222	378

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
General Fund		0.14	0.00	2.50	2.50
Public Safety Dept		0.14	0.00	2.50	2.50
<b>Total FTE</b>		0.14	0.00	2.50	2.50

**Consolidated EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER

Date: 04/21/06 Phone: 215-0594



**Fiscal Note – 2005-06 Session**

**Bill #: S3132-1E Complete Date: 04/21/06**

**Chief Author: SKOGLUND, WESLEY**

**Title: AMENDING DATA PRACTICES PROV**

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State	X	
Local	X	
Fee/Departmental Earnings	X	
Tax Revenue		X

**Agency Name: Public Safety Dept**

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

<b>Dollars (in thousands)</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Expenditures</b>					
General Fund		22	749	563	378
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
General Fund		22	749	563	378
<b>Revenues</b>					
General Fund			(963)	(963)	
Misc Special Revenue Fund			(696)	(696)	
<b>Net Cost &lt;Savings&gt;</b>					
General Fund		22	1,712	1,526	378
Misc Special Revenue Fund			696	696	
<b>Total Cost &lt;Savings&gt; to the State</b>		22	2,408	2,222	378

	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Full Time Equivalents</b>					
General Fund		0.14	0.00	2.50	2.50
<b>Total FTE</b>		0.14	0.00	2.50	2.50

**Bill Description**

A bill relating to data practices; disclosure and use of motor vehicle records and driver's license data.

**Assumptions**

Assumes DVS would be unable to comply with the requirements by January 1, 2007 and would be unable to sell electronic and bulk records or paper records to third parties until the requirements are met.  
Assume a preliminary assessment and requirements definition would be completed to clearly define the scope and approach for implementing the requirements of this bill.  
Assume a preliminary assessment would take six (6) months to complete.  
Assumes an application would need to be developed to select individual fields for distribution for specific approved users.  
Assumes encryption will need to be implemented for transferring data to approved users.  
Assumes business agreements with approved users will need to be rewritten, implemented and monitored.  
Assumes the design and implementation of an automated tracking process.  
Assumes a random audit process will need to be designed and implemented.  
Assumes an evaluation and purchase of encryption software.  
Assumes a unique identification for all data provided to each permissible user.  
Assumes DVS would manage customer de-encryption keys.  
Assumes website monitoring will need a logging system designed and developed.  
Assumes an independent audit to monitor the security of the system annually.  
Assumes the purchase of additional hardware (two servers) and software.  
Assumes there will be on-going cost.  
Assumes implementation would take approximately one (1) year (after completion of preliminary assessment).  
Assumes OTSS would have to use 0.14 FTE in FY06 for preparation at a cost of \$10,000 and administrative cost of \$12,000.

**Expenditure and/or Revenue Formula**

Item	Task	Cost
1.	<b>A preliminary assessment</b>  Requirements definition must be completed to clearly define the scope and approach for implementing the requirements of the bill	<b>\$375,000</b>
2	<b>Systems Analysis</b>  Identify other data feeds on the DVS SQL servers.  (71 databases, containing 2,595 tables, all together comprising 15,109 columns)	<b>\$53,000</b>
3	<b>Mainframe or SQL Solution for taking mainframe files</b>	<b>\$125,000</b>
4	<b>Existing SQL Feeds</b>	<b>\$120,000</b>
5	<b>DL Data and Vehicle information via the website</b>	<b>\$53,000</b>
6	<b>User Control / Tracking System</b>	<b>\$119,000</b>

	<b>TOTAL</b>	<b>\$845,000</b>	

One time cost: Preliminary assessment \$375,000 and one half of implementation expenses \$235,000 in FY07; one half on implementation expenses \$235,000 in FY08.

Additional hardware/software: FY07 \$65,000.

On-going (technology) annual cost: \$74,000 in FY07 and \$148,000 each fiscal year thereafter.

1.5 FTE ITS3 (step 7) functional and technical testing; on-going application and encryption support: \$116,332 beginning in FY08.

One FTE State Program Adm Sr: \$63,976 beginning in FY08.

Annual independent audit of electronic access to driver and vehicle data cost of \$50,000 per year beginning in FY09.

OTSS preparation cost in FY06 of 0.14 FTE at \$10,000 and administrative cost of \$12,000.

**Revenue:**

DVS anticipates a loss in special revenue receipts from the sale of records from January 1, 2007 until completion (one year) of implementation of approximately \$20,000 per month (Vehicle Services Operating Account) from motor vehicle records and \$96,000 (Driver Services Operating Account) per month of driver license records (based on current year receipts). There would also be a loss in general fund revenue of approximately \$17,000 per month from motor vehicle records and \$121,000 per month from driver license records (based on current year receipts). Also, there would be a loss to the general fund for record surcharge of approximately \$22,500 per month (based on current receipts).

**Long-Term Fiscal Considerations**

On going costs would continue. With the loss of revenues from fees, DVS may have to reduce staff.

**Local Government Costs**

Records would not be available until system is implemented.

**References/Sources**

Agency Contact Name: Pat McCormack 296-2097, Tom Nash 284-4322

FN Coord Signature: FRANK AHRENS

Date: 04/20/06 Phone: 296-9484

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER

Date: 04/21/06 Phone: 215-0594

**Fiscal Note – 2005-06 Session**

**Bill #: S3132-1E Complete Date: 04/17/06**

**Chief Author: SKOGLUND, WESLEY**

**Title: AMENDING DATA PRACTICES PROV**

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name: Office of Higher Education**

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

<b>Dollars (in thousands)</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Expenditures</b>					
-- No Impact --					
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
-- No Impact --					
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
-- No Impact --					
<b>Total Cost &lt;Savings&gt; to the State</b>					

	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Full Time Equivalent</b>					
-- No Impact --					
<b>Total FTE</b>					

**Bill Description**

Section 5 of Senate File 3132-1E redefines as private data the names and addresses of recipients of financial aid from the Office of Higher Education.

**Assumptions**

**Expenditure and/or Revenue Formula**

**Long-Term Fiscal Considerations**

The change in the definition of certain information for data privacy will not have any fiscal impact.

**Local Government Costs**

**References/Sources**

FN Coord Signature: MARK MISUKANIS

Date: 04/17/06 Phone: 642-0518

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JAYNE RANKIN

Date: 04/17/06 Phone: 296-7316

**Fiscal Note – 2005-06 Session**

**Bill #:** S3132-1E **Complete Date:** 04/19/06

**Chief Author:** SKOGLUND, WESLEY

**Title:** AMENDING DATA PRACTICES PROV

Fiscal Impact	Yes	No
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name:** Health Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
<b>Expenditures</b>					
-- No Impact --					
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
-- No Impact --					
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
-- No Impact --					
<b>Total Cost &lt;Savings&gt; to the State</b>					

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
-- No Impact --					
<b>Total FTE</b>					

This bill version has no fiscal effect on our agency.

FN Coord Signature: MARGARET KELLY  
Date: 04/13/06 Phone: 201-5812

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: CRAIG WIEBER  
Date: 04/19/06 Phone: 282-5065

**Fiscal Note – 2005-06 Session**

**Bill #: S3132-1E Complete Date: 04/17/06**

**Chief Author: SKOGLUND, WESLEY**

**Title: AMENDING DATA PRACTICES PROV**

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name: Administration Dept**

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

<b>Dollars (in thousands)</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Expenditures</b>					
-- No Impact --					
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
-- No Impact --					
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
-- No Impact --					
<b>Total Cost &lt;Savings&gt; to the State</b>					

	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Full Time Equivalent</b>					
-- No Impact --					
<b>Total FTE</b>					



**Bill Description**

This is a bill relating to data practices, regulating the disclosure of certain data, classifying certain data, regulating tribal identification cards, authorizing the exchange of certain information, requiring the deletion or the correction of certain data, providing civil remedies, etc.

**Assumptions**

N/A

**Expenditure and/or Revenue Formula**

No fiscal impact to the Department of Administration.

**Long-Term Fiscal Considerations**

N/A

**Local Government Costs**

**References/Sources**

Laurie Beyer-Kropuenske  
Information Policy Analysis division  
(651) 201-2501

Agency Contact Name: Laurie Beyer-Kropuenske (651) 201-2501  
FN Coord Signature: JULIE POSER  
Date: 04/13/06 Phone: 201-2531

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: PEGGY LEXAU  
Date: 04/17/06 Phone: 296-6237

EXHIBIT B

Permissible Uses of Motor Vehicle Data as provided in

United States Code, title 18, section 2721

- 1) For use by any government agency, including court or law enforcement agency, in carrying out its functions, or any private person or entity acting on behalf of a Federal, State or local agency in carrying out its functions.
- 2) For use in connection with matters of motor vehicle or driver safety and theft; motor vehicle emissions; motor vehicle product alterations, recalls or advisories; performance monitoring of motor vehicles, motor vehicle parts and dealers; motor vehicle market research activities, including survey research; and removal of non-owner records from the original owner records of motor vehicle manufacturers.
- 3) For use in the normal course of business by a legitimate business or its agents, employees, or contractors, but only—
  - (A) to verify the accuracy of personal information submitted by the individual to the business or its agencies, employees, or contractors; and
  - (B) if such information as so submitted is not correct or is no longer correct, to obtain correct information, but only for the purposes of preventing fraud by, pursuing legal remedies against, or recovering on a debt or security interest against the individual.
- 4) For use in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body, including the service of process, investigation in anticipation of litigation, and the execution or enforcement of judgments and orders, or pursuant to an order of a Federal, State or local court.
- 5) For use in research activities, and for use in producing statistical reports, so long as the personal information is not published, re-disclosed, or used to contact individuals.  
For use by any insurer or insurance support organization, or by self-insured entity, or its agents, employees, or contractors, in connection with claims investigation activities, antifraud activities, rating or underwriting.
- 7) For use in providing notice to the owners of towed or impounded vehicles.
- 8) For use by any licensed private investigative agency or licensed security service for any purpose permitted under this subsection
- 9) For use by an employer or its agent or insurer to obtain or verify information relating to a holder of a commercial driver's license that is required under the Commercial Motor Vehicle Safety Act of 1986 (49 U.S.C. App. 2710 et seq.).
- 10) For use in connection with the operation of private toll transportation facilities.
- 11) For any other use in response to requests for individual motor vehicle records if the State has obtained the express consent of the person to whom such personal information pertains.
- 12) For bulk distribution for surveys, marketing, or solicitations if the State has obtained the express consent of the person to whom such personal information pertains.
- 13) For Use by any requester, if the requester demonstrates it has obtained written consent of the individual to whom the information pertains.
- 14) For any other use specifically authorized under the law of the State that holds the record, if such use is related to the operation of a motor vehicle or public safety.

# PUBLICDATA.com

## Welcome to PublicData.com

You have used **3076** Look-ups of the **5000** allocated by the plan you selected when setting up this account. Our records indicate that this account has been awarded **300** bonus Look-ups which have not yet been used. *(For more specific information about your search look up usage, click **Search Look-up History** in the Member Services area after you login).*

[Continue Logon Process](#)

## Sales Tax Exemptions

If your organization is exempt from State of Texas sales tax, please **[click here to fill out the appropriate exemption form online.](#)**

## Sales Tax

As of January 1st 2005, PublicData.com began charging State of Texas sales tax.

[View current, past, and future sales tax rates.](#)

## W9 Form from PublicData.com

If your organization is in need of a W9 form from PublicData.com, it may be **[viewed and printed here.](#)** These forms require Adobe Acrobat Reader.

## Archived News and Notices

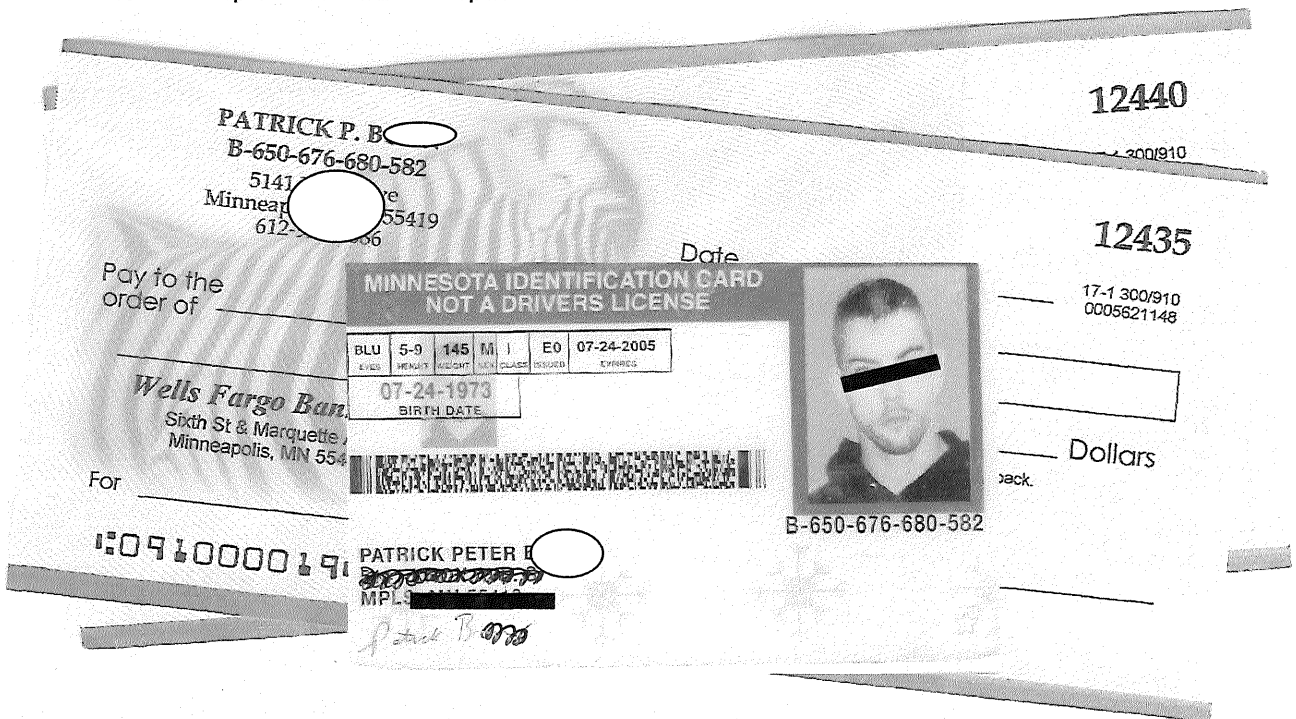
[click here](#) to see older notices.

State DL is the Gateway Document For:

Common Criminal Activity:

- Opening bank accounts
- Purchase and Drive Vehicles
- Purchase Guns and Weapons
- Alcohol Use
- Cashing Checks
- Board Planes
- Obtain Loans and Mortgages
- Obtain Credit and Debit Cards
- Obtaining Insurance
- Obtaining Employment
- Obtain Government Benefits
- Obtaining Medical Services
- Criminals to Hide From Law Enforcement
- Use to Fool Law Enforcement During an Arrest
- And so on....

Below is just a simple way a fraudster can commit multiple check crimes leaving the victim to clear up their financial reputation:



Counterfeit ID and Checks To Match  
(Using some else's real name and checking account information)

Typical search on Publicdata.com website that a criminal used to create identities for their criminal activity, each name **hyperlinks** to DVS data records. This was from a MNFCTF case where suspect computer contained hundreds of names they used to commit financial crimes.

<u>MUE</u>	<u>MES</u> Jul 16 1985 <i>Minnesota Driver</i>
<u>MUE</u>	<u>EDWARD</u> Nov 15 1956 <i>Minnesota Driver</i>
<u>MUE</u>	<u>JOHN</u> Jul 8 1929 <i>Minnesota Driver</i>
<u>MUE</u>	<u>TH JOHN</u> Jan 7 1920 <i>Minnesota Driver</i>
<u>MUE</u>	<u>ISTAN</u> Sep 12 1986 <i>Minnesota Driver</i>
<u>MUE</u>	<u>MATHILDA</u> Jan 30 1979 <i>Minnesota Driver</i>
<u>MUE</u>	<u>AURA</u> Mar 17 1982 <i>Minnesota Driver</i>
<u>MUE</u>	<u>OFFREY</u> Nov 23 1988 <i>Minnesota Driver</i>
<u>MUE</u>	<u>ENN</u> Oct 16 1992 <i>Minnesota Driver</i>
<u>MUE</u>	<u>JEFFREY</u> Nov 23 1988 <i>Minnesota Driver</i>
<u>MUE</u>	<u>HN</u> Jul 16 1991 <i>Minnesota Driver</i>
<u>MUE</u>	<u>DER GLENN</u> Oct 16 1992 <i>Minnesota Driver</i>
<u>MUE</u>	<u>DER HENRY</u> Nov 20 1984 <i>Minnesota Driver</i>
<u>MUE</u>	<u>DER LEE</u> May 15 1989 <i>Minnesota Driver</i>
<u>MUE</u>	<u>DER PETERSON</u> Nov 10 1986 <i>Minnesota Driver</i>
<u>MUE</u>	<u>DER WILLIAMS</u> Oct 24 1973 <i>Minnesota Driver</i>
<u>MUE</u>	<u>DRA</u> Feb 25 1984 <i>Minnesota Driver</i>
<u>MUE</u>	<u>Mar 9 1949</u> <i>Minnesota Driver</i>
<u>MUE</u>	<u>HENRY</u> Jul 9 1937 <i>Minnesota Driver</i>
<u>MUE</u>	<u>LOUIS</u> Jun 27 1911 <i>Minnesota Driver</i>
<u>MUE</u>	<u>PAUL</u> Aug 12 1969 <i>Minnesota Driver</i>
<u>MUE</u>	<u>PAUL</u> Aug 12 1969 <i>Minnesota Dept of Public Safety</i>
<u>MUE</u>	<u>WILLI</u> Mar 21 1920 <i>Minnesota Driver</i>
<u>MUE</u>	<u>WILLIAM</u> Oct 22 1921 <i>Minnesota Driver</i>
<u>MUE</u>	<u>AN</u> Mar 31 1927 <i>Minnesota Driver</i>
<u>MUE</u>	<u>AN</u> Aug 1 1962 <i>Minnesota Driver</i>
<u>MUE</u>	<u>ONORA</u> Nov 9 1914 <i>Minnesota Driver</i>
<u>MUE</u>	<u>AE</u> May 2 1928 <i>Minnesota Driver</i>
<u>MUE</u>	<u>AE</u> May 28 1925 <i>Minnesota Driver</i>
<u>MUE</u>	<u>AE</u> Jul 6 1931 <i>Minnesota Driver</i>
<u>MUE</u>	<u>MARGARET</u> Feb 10 1940 <i>Minnesota Driver</i>
<u>MUE</u>	<u>JTH</u> Mar 1 1960 <i>Minnesota Driver</i>
<u>MUE</u>	<u>MARIE</u> Jul 5 1976 <i>Minnesota Driver</i>
<u>MUE</u>	<u>DAWN</u> Jan 20 1964 <i>Minnesota Driver</i>
<u>MUE</u>	<u>MARIE</u> Feb 3 1983 <i>Minnesota Driver</i>
<u>MUE</u>	<u>NN</u> Mar 25 1940 <i>Minnesota Driver</i>
<u>MUE</u>	<u>CHARLES</u> Oct 1 1940 <i>Minnesota Driver</i>
<u>MUE</u>	<u>EDWARD</u> Jun 26 1909 <i>Minnesota Driver</i>
<u>MUE</u>	<u>LBERT</u> Jul 31 1984 <i>Minnesota Driver</i>
<u>MUE</u>	<u>LBERT JR</u> Dec 5 1944 <i>Minnesota Driver</i>
<u>MUE</u>	<u>TERBERT</u> Jan 3 1929 <i>Minnesota Driver</i>

1.1 A bill for an act  
1.2 relating to data practices; regulating the disclosure of certain data; classifying  
1.3 certain data; regulating tribal identification cards; authorizing the exchange of  
1.4 certain information; requiring the deletion or the correction of certain data;  
1.5 providing civil remedies; amending Minnesota Statutes 2004, sections 13.072,  
1.6 subdivision 1; 13.32, by adding a subdivision; 13.3805, by adding a subdivision;  
1.7 13.87, by adding a subdivision; 136A.162; 138.17, subdivisions 7, 8; 144.335,  
1.8 by adding a subdivision; 624.714, by adding a subdivision; 626.557, subdivision  
1.9 9a; Minnesota Statutes 2005 Supplement, sections 13.6905, subdivision 3;  
1.10 171.02, subdivision 1; 270C.03, subdivision 1; 299C.40, subdivision 1; 325E.59,  
1.11 subdivisions 1, 3; proposing coding for new law in Minnesota Statutes, chapter  
1.12 171; proposing coding for new law as Minnesota Statutes, chapter 170A;  
1.13 repealing Minnesota Statutes 2004, section 13.6905, subdivision 10; Minnesota  
1.14 Statutes 2005 Supplement, sections 168.346; 171.12, subdivisions 7, 7a;  
1.15 325E.59, subdivision 2.

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

1.17 **ARTICLE 1**

1.18 **GENERAL DATA PRACTICES PROVISIONS**

1.19 Section 1. Minnesota Statutes 2004, section 13.072, subdivision 1, is amended to read:

1.20 Subdivision 1. **Opinion; when required.** (a) Upon request of a government entity,  
1.21 the commissioner may give a written opinion on any question relating to public access  
1.22 to government data, rights of subjects of data, or classification of data under this chapter  
1.23 or other Minnesota statutes governing government data practices. Upon request of any  
1.24 person who disagrees with a determination regarding data practices made by a government  
1.25 entity, the commissioner may give a written opinion regarding the person's rights as a  
1.26 subject of government data or right to have access to government data.

1.27 (b) Upon request of a body subject to chapter 13D, the commissioner may give a  
1.28 written opinion on any question relating to the body's duties under chapter 13D. Upon

2.1 request of a person who disagrees with the manner in which members of a governing body  
2.2 perform their duties under chapter 13D, the commissioner may give a written opinion  
2.3 on compliance with chapter 13D. A governing body or person requesting an opinion  
2.4 under this paragraph must pay the commissioner a fee of \$200. Money received by the  
2.5 commissioner under this paragraph is appropriated to the commissioner for the purposes  
2.6 of this section.

2.7 (c) If the commissioner determines that no opinion will be issued, the commissioner  
2.8 shall give the government entity or body subject to chapter 13D or person requesting  
2.9 the opinion notice of the decision not to issue the opinion within five business days of  
2.10 receipt of the request. If this notice is not given, the commissioner shall issue an opinion  
2.11 within 20 days of receipt of the request.

2.12 (d) For good cause and upon written notice to the person requesting the opinion,  
2.13 the commissioner may extend this deadline for one additional 30-day period. The notice  
2.14 must state the reason for extending the deadline. The government entity or the members  
2.15 of a body subject to chapter 13D must be provided a reasonable opportunity to explain the  
2.16 reasons for its decision regarding the data or how they perform their duties under chapter  
2.17 13D. The commissioner or the government entity or body subject to chapter 13D may  
2.18 choose to give notice to the subject of the data concerning the dispute regarding the data  
2.19 or compliance with chapter 13D.

2.20 (e) This section does not apply to a determination made by the commissioner of  
2.21 health under section 13.3805, subdivision 1, paragraph (b), or 144.6581.

2.22 (f) A written opinion issued by the attorney general shall take precedence over an  
2.23 opinion issued by the commissioner under this section.

2.24 Sec. 2. Minnesota Statutes 2004, section 13.32, is amended by adding a subdivision to  
2.25 read:

2.26 **Subd. 8a. Access by juvenile justice system; bullying behavior.** (a) For purposes  
2.27 of this subdivision, "bullying behavior" means any written or verbal expression or physical  
2.28 act or gesture by a student that is intended to cause or is perceived as causing distress to  
2.29 one or more students and that substantially interferes with another student's educational  
2.30 benefits, opportunities, or performance. Bullying includes, but is not limited to, conduct  
2.31 by a student against another student that a reasonable person under the circumstances  
2.32 knows or should know has the effect of harming a student, damaging a student's property,  
2.33 placing a student in reasonable fear of harm to the student's person or property, or creating  
2.34 a hostile educational environment for a student.

3.1 (b) Education data relating to bullying behavior by a student may be disclosed  
 3.2 under subdivision 3, clause (i).

3.3 Sec. 3. Minnesota Statutes 2004, section 13.3805, is amended by adding a subdivision  
 3.4 to read:

3.5 Subd. 4. Drinking water testing data. Data maintained by the Department  
 3.6 of Health or community public water systems that identify the address of the testing  
 3.7 site and the name, address, and telephone number of residential homeowners of each  
 3.8 specific site that is tested for lead and copper as required by the federal Safe Drinking  
 3.9 Water Act, the United States Environmental Protection Agency's lead and copper rule,  
 3.10 and the department's drinking water protection program are private data on individuals  
 3.11 or nonpublic data.

3.12 Sec. 4. Minnesota Statutes 2004, section 13.87, is amended by adding a subdivision to  
 3.13 read:

3.14 Subd. 4. Name and index service data. (a) For purposes of this section, "name  
 3.15 and event index service data" means data of the Bureau of Criminal Apprehension that  
 3.16 link data on an individual that are stored in one or more databases maintained by criminal  
 3.17 justice agencies, as defined in section 299C.46, subdivision 2, or the judiciary.

3.18 (b) Name and event index service data are private data on individuals, provided  
 3.19 that if the data link private or public data on an individual to confidential data on that  
 3.20 individual, the data are confidential data on that individual. The data become private data  
 3.21 if the data no longer link private or public data to confidential data. The classification of  
 3.22 data in the name and event index service does not change the classification of the data in  
 3.23 the databases linked by the service.

3.24 Sec. 5. Minnesota Statutes 2004, section 136A.162, is amended to read:

3.25 **136A.162 CLASSIFICATION OF DATA.**

3.26 ~~All~~ (a) Except as provided in paragraphs (b) and (c), data on applicants for financial  
 3.27 assistance collected and used by the Higher Education Services Office for student  
 3.28 financial aid programs administered by that office ~~shall be classified as~~ are private data  
 3.29 on individuals ~~under~~ as defined in section 13.02, subdivision 12. ~~Exceptions to this~~  
 3.30 ~~classification are that:~~

3.31 ~~(a) the names and addresses of program recipients or participants are public data;~~



4.1 (b) Data on applicants may be disclosed to the commissioner of human services  
4.2 to the extent necessary to determine eligibility under section 136A.121, subdivision 2,  
4.3 clause (5), and.

4.4 (c) The following data collected in the Minnesota supplemental loan program under  
4.5 section 136A.1701 may be disclosed to a consumer credit reporting agency only if the  
4.6 borrower and the cosigner give informed consent, according to section 13.05, subdivision  
4.7 4, at the time of application for a loan:

- 4.8 (1) the lender-assigned borrower identification number;
- 4.9 (2) the name and address of borrower;
- 4.10 (3) the name and address of cosigner;
- 4.11 (4) the date the account is opened;
- 4.12 (5) the outstanding account balance;
- 4.13 (6) the dollar amount past due;
- 4.14 (7) the number of payments past due;
- 4.15 (8) the number of late payments in previous 12 months;
- 4.16 (9) the type of account;
- 4.17 (10) the responsibility for the account; and
- 4.18 (11) the status or remarks code.

4.19 Sec. 6. Minnesota Statutes 2004, section 138.17, subdivision 7, is amended to read:

4.20 Subd. 7. **Records management program.** ~~A records management program for the~~  
4.21 ~~application of efficient and economical management methods to the creation, utilization,~~  
4.22 ~~maintenance, retention, preservation, and disposal of official records shall be administered~~  
4.23 ~~by the commissioner of administration with assistance from the director of the historical~~  
4.24 ~~society. The State Records Center which stores and services state records not in state~~  
4.25 ~~archives shall be administered by the commissioner of administration. The commissioner~~  
4.26 ~~of administration is empowered to (1) establish standards, procedures, and techniques for~~  
4.27 ~~effective management of government records, (2) make continuing surveys of paper work~~  
4.28 ~~operations, and (3) recommend improvements in current records management practices~~  
4.29 ~~including the use of space, equipment, and supplies employed in creating, maintaining,~~  
4.30 ~~preserving and disposing of government records. It shall be the duty of the head of each~~  
4.31 ~~state agency and the governing body of each county, municipality, and other subdivision~~  
4.32 ~~of government to cooperate with the commissioner in conducting surveys and to establish~~  
4.33 ~~and maintain an active, continuing program for the economical and efficient management~~  
4.34 ~~of the records of each agency, county, municipality, or other subdivision of government.~~  
4.35 ~~When requested by the commissioner, Public officials shall assist in the preparation of~~

5.1 prepare an inclusive inventory of records in their custody, to which shall be attached  
 5.2 a schedule, approved by the head of the governmental unit or agency having custody  
 5.3 of the records ~~and the commissioner~~, establishing a time period for the retention or  
 5.4 disposal of each series of records. When the schedule is unanimously approved by the  
 5.5 records disposition panel, the head of the governmental unit or agency having custody  
 5.6 of the records may dispose of the type of records listed in the schedule at a time and in  
 5.7 a manner prescribed in the schedule for particular records which were created after the  
 5.8 approval. A list of records disposed of pursuant to this subdivision shall be maintained by  
 5.9 the governmental unit or agency.

5.10 Sec. 7. Minnesota Statutes 2004, section 138.17, subdivision 8, is amended to read:

5.11 **Subd. 8. Emergency records preservation.** ~~In light of the danger of nuclear or~~  
 5.12 ~~natural disaster, the commissioner of administration, with the assistance of the director~~  
 5.13 ~~of the historical society, shall establish and maintain a program for the selection and~~  
 5.14 ~~preservation of public records considered essential to the operation of government and to~~  
 5.15 ~~the protection of the rights and interests of persons, and shall make or cause to be made~~  
 5.16 ~~preservation duplicates or designate as preservation duplicates existing copies of such~~  
 5.17 ~~essential public records. Preservation duplicates shall be durable, accurate, complete, and~~  
 5.18 ~~clear, and such duplicates reproduced by photographic or other process which accurately~~  
 5.19 ~~reproduces and forms a durable medium for so reproducing the original shall have the~~  
 5.20 ~~same force and effect for all purposes as the original record whether the original record is~~  
 5.21 ~~in existence or not. A transcript, exemplification, or certified copy of such preservation~~  
 5.22 ~~duplicate shall be deemed for all purposes to be a transcript, exemplification, or certified~~  
 5.23 ~~copy of the original record. Such preservation duplicates shall be preserved in the place~~  
 5.24 ~~and manner of safekeeping prescribed by the commissioner.~~

5.25 Every county, municipality, or other subdivision of government may institute  
 5.26 a program for the preservation of necessary documents essential to the continuity of  
 5.27 government in the event of a disaster or emergency. ~~Such a program shall first be~~  
 5.28 ~~submitted to the commissioner for approval or disapproval and no such program shall be~~  
 5.29 ~~instituted until such approval is obtained.~~

5.30 Sec. 8. Minnesota Statutes 2004, section 144.335, is amended by adding a subdivision  
 5.31 to read:

5.32 **Subd. 3d. Release of records for family and caretaker involvement in mental**  
 5.33 **health care.** (a) Notwithstanding subdivision 3a, a provider providing mental health care

6.1 and treatment may disclose health record information described in paragraph (b) about a  
6.2 patient to a family member of the patient or other person who requests the information if:

6.3 (1) the request for information is in writing;

6.4 (2) the family member or other person lives with, provides care for, or is directly  
6.5 involved in monitoring the treatment of the patient;

6.6 (3) the involvement under clause (2) is verified by the patient's mental health care  
6.7 provider, the patient's attending physician, or a person other than the person requesting  
6.8 the information;

6.9 (4) before the disclosure, the patient is informed in writing of the request, the name  
6.10 of the person requesting the information, the reason for the request, and the specific  
6.11 information being requested;

6.12 (5) the patient agrees to the disclosure, does not object to the disclosure, or is unable  
6.13 to consent or object; and

6.14 (6) the disclosure is necessary to assist in the provision of care or monitoring of the  
6.15 patient's treatment.

6.16 (b) The information disclosed under this subdivision is limited to diagnosis,  
6.17 admission to or discharge from treatment, the name and dosage of the medications  
6.18 prescribed, side effects of the medication, consequences of failure of the patient to take the  
6.19 prescribed medication, and a summary of the discharge plan.

6.20 (c) If a provider reasonably determines that providing information under this  
6.21 subdivision would be detrimental to the physical or mental health of the patient or is  
6.22 likely to cause the patient to inflict self harm or to harm another, the provider must not  
6.23 disclose the information.

6.24 (d) This subdivision does not apply to disclosures for a medical emergency or to  
6.25 family members as authorized or required under subdivision 3a, paragraph (b), clause  
6.26 (1), or paragraph (f).

6.27 Sec. 9. Minnesota Statutes 2005 Supplement, section 171.02, subdivision 1, is  
6.28 amended to read:

6.29 Subdivision 1. **License required.** Except when expressly exempted, a person  
6.30 shall not drive a motor vehicle upon a street or highway in this state unless the person  
6.31 has a license valid under this chapter for the type or class of vehicle being driven. The  
6.32 department shall not issue a driver's license to a person unless and until the person's license  
6.33 from any jurisdiction has been invalidated. The department shall provide to the issuing  
6.34 department of any jurisdiction, information that the licensee is now licensed in Minnesota.  
6.35 A person is not permitted to have more than one valid driver's license at any time. The

7.1 department shall not issue to a person to whom a current Minnesota identification card has  
7.2 been issued a driver's license, other than a limited license, unless the person's Minnesota  
7.3 identification card has been invalidated. This subdivision does not require invalidation of  
7.4 a tribal identification card as a condition of receiving a driver's license.

7.5 Sec. 10. [171.072] TRIBAL IDENTIFICATION CARD.

7.6 (a) If a Minnesota identification card is deemed an acceptable form of identification  
7.7 in Minnesota Statutes or Rules, a tribal identification card is also an acceptable form  
7.8 of identification. A tribal identification card is a primary document for purposes of  
7.9 Minnesota Rules, part 7410.0400, and successor rules.

7.10 (b) For purposes of this subdivision, "tribal identification card" means an unexpired  
7.11 identification card issued by a Minnesota tribal government of a tribe recognized by the  
7.12 Bureau of Indian Affairs, United States Department of the Interior, that contains the legal  
7.13 name, date of birth, signature, and picture of the enrolled tribal member.

7.14 (c) The tribal identification card must contain security features that make it as  
7.15 impervious to alteration as is reasonably practicable in its design and quality of material  
7.16 and technology. The security features must use materials that are not readily available to  
7.17 the general public. The tribal identification card must not be susceptible to reproduction  
7.18 by photocopying or simulation and must be highly resistant to data or photograph  
7.19 substitution and other tampering. The requirements of this section do not apply to tribal  
7.20 identification cards used to prove an individual's residence for purposes of section  
7.21 201.061, subdivision 3.

7.22 Sec. 11. Minnesota Statutes 2005 Supplement, section 270C.03, subdivision 1, is  
7.23 amended to read:

7.24 Subdivision 1. **Powers and duties.** The commissioner shall have and exercise  
7.25 the following powers and duties:

7.26 (1) administer and enforce the assessment and collection of taxes;

7.27 (2) make determinations, corrections, and assessments with respect to taxes,  
7.28 including interest, additions to taxes, and assessable penalties;

7.29 (3) use statistical or other sampling techniques consistent with generally accepted  
7.30 auditing standards in examining returns or records and making assessments;

7.31 (4) investigate the tax laws of other states and countries, and formulate and submit  
7.32 to the legislature such legislation as the commissioner may deem expedient to prevent  
7.33 evasions of state revenue laws and to secure just and equal taxation and improvement in  
7.34 the system of state revenue laws;

8.1 (5) consult and confer with the governor upon the subject of taxation, the  
8.2 administration of the laws in regard thereto, and the progress of the work of the  
8.3 department, and furnish the governor, from time to time, such assistance and information  
8.4 as the governor may require relating to tax matters;

8.5 (6) execute and administer any agreement with the secretary of the treasury or the  
8.6 Bureau of Alcohol, Tobacco, Firearms, and Explosives in the Department of Justice of the  
8.7 United States or a representative of another state regarding the exchange of information  
8.8 and administration of the state revenue laws;

8.9 (7) require town, city, county, and other public officers to report information as to the  
8.10 collection of taxes received from licenses and other sources, and such other information  
8.11 as may be needful in the work of the commissioner, in such form as the commissioner  
8.12 may prescribe;

8.13 (8) authorize the use of unmarked motor vehicles to conduct seizures or criminal  
8.14 investigations pursuant to the commissioner's authority; and

8.15 (9) exercise other powers and authority and perform other duties required of or  
8.16 imposed upon the commissioner by law.

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

8.18 Sec. 12. Minnesota Statutes 2005 Supplement, section 299C.40, subdivision 1, is  
8.19 amended to read:

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

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

8.26 (c) "Law enforcement agency" means a Minnesota municipal police department,  
8.27 the Metropolitan Transit Police, the Metropolitan Airports Police, the University of  
8.28 Minnesota Police Department, the Department of Corrections' Fugitive Apprehension  
8.29 Unit, a Minnesota county sheriff's department, the Bureau of Criminal Apprehension, or  
8.30 the Minnesota State Patrol.

8.31 Sec. 13. Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 1, is  
8.32 amended to read:

8.33 Subdivision 1. **Generally.** (a) A person or entity, not including a government entity,  
8.34 may not do any of the following:

9.1 (1) publicly post or publicly display in any manner an individual's Social Security  
9.2 number. "Publicly post" or "publicly display" means to intentionally communicate or  
9.3 otherwise make available to the general public;

9.4 (2) print an individual's Social Security number on any card required for the  
9.5 individual to access products or services provided by the person or entity;

9.6 (3) require an individual to transmit the individual's Social Security number over the  
9.7 Internet, unless the connection is secure or the Social Security number is encrypted;

9.8 (4) require an individual to use the individual's Social Security number to access an  
9.9 Internet Web site, unless a password or unique personal identification number or other  
9.10 authentication device is also required to access the Internet Web site; ~~or~~

9.11 (5) print a number that the person or entity knows to be an individual's Social  
9.12 Security number on any materials that are mailed to the individual, unless state or federal  
9.13 law requires the Social Security number to be on the document to be mailed. If, in  
9.14 connection with a transaction involving or otherwise relating to an individual, a person  
9.15 or entity receives a number from a third party, that person or entity is under no duty to  
9.16 inquire or otherwise determine whether the number is or includes that individual's Social  
9.17 Security number and may print that number on materials mailed to the individual, unless  
9.18 the person or entity receiving the number has actual knowledge that the number is or  
9.19 includes the individual's Social Security number;

9.20 (6) assign or use a number as an account identifier that is identical to or incorporates  
9.21 an individual's complete Social Security number; or

9.22 (7) sell Social Security numbers obtained from individuals in the course of business.

9.23 Notwithstanding clauses (1) to (5), Social Security numbers may be included in  
9.24 applications and forms sent by mail, including documents sent as part of an application or  
9.25 enrollment process, or to establish, amend, or terminate an account, contract, or policy,  
9.26 or to confirm the accuracy of the Social Security number. Nothing in this paragraph  
9.27 authorizes inclusion of a Social Security number on the outside of a mailing or in the bulk  
9.28 mailing of a credit card solicitation offer.

9.29 (b) A person or entity, not including a government entity, must restrict access to  
9.30 individual Social Security numbers it holds so that only employees who require the  
9.31 numbers in order to perform their job duties have access to the numbers.

9.32 ~~Except as provided in subdivision 2, (c) This section applies only to the use of Social~~  
9.33 ~~Security numbers on or after July 1, 2007.~~

9.34 Sec. 14. Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 3, is  
9.35 amended to read:

10.1           **Subd. 3. Coordination with other law.** This section does not prevent:

10.2           (1) the collection, use, or release of a Social Security number as required by state or  
10.3 federal law ~~or~~;

10.4           (2) the use of a Social Security number for internal verification or administrative  
10.5 purposes;

10.6           (3) the use of a Social Security number to access a credit report for purposes allowed  
10.7 by the federal Fair Credit Reporting Act, United States Code, title 15, section 1681a, if  
10.8 a Social Security number is required in order to access the credit report or the use of a  
10.9 Social Security number in reporting information to a consumer reporting agency; or

10.10          (4) the use of a Social Security number to access or report information to a person  
10.11 who maintains a database of information used in connection with the prevention or  
10.12 detection of fraud.

10.13          Sec. 15. Minnesota Statutes 2004, section 624.714, is amended by adding a subdivision  
10.14 to read:

10.15           Subd. 14a. Parole and probation authority access to records. Parole and  
10.16 probation authorities must be given access to records or data collected, made, or held  
10.17 under this section concerning any applicant or permit holder who is a defendant, parolee,  
10.18 or probationer of a district court.

10.19          Sec. 16. Minnesota Statutes 2004, section 626.557, subdivision 9a, is amended to read:

10.20           **Subd. 9a. Evaluation and referral of reports made to a common entry**  
10.21 **point unit.** The common entry point must screen the reports of alleged or suspected  
10.22 maltreatment for immediate risk and make all necessary referrals as follows:

10.23           (1) if the common entry point determines that there is an immediate need for  
10.24 adult protective services, the common entry point agency shall immediately notify the  
10.25 appropriate county agency;

10.26           (2) if the report contains suspected criminal activity against a vulnerable adult, the  
10.27 common entry point shall immediately notify the appropriate law enforcement agency;

10.28           (3) if the report references alleged or suspected maltreatment and there is no  
10.29 immediate need for adult protective services, the common entry point shall notify the  
10.30 appropriate lead agency as soon as possible, but in any event no longer than two working  
10.31 days;

10.32           (4) if the report does not reference alleged or suspected maltreatment, the common  
10.33 entry point may determine whether the information will be referred; and

11.1 (5) if the report contains information about a suspicious death, the common entry  
 11.2 point shall immediately notify the appropriate law enforcement agencies, the local medical  
 11.3 examiner, and the ombudsman established under section 245.92. Law enforcement  
 11.4 agencies shall coordinate with the local medical examiner and the ombudsman as provided  
 11.5 by law.

11.6 Sec. 17. **REPEALER.**

11.7 Minnesota Statutes 2005 Supplement, section 325E.59, subdivision 2, is repealed.

11.8 **ARTICLE 2**

11.9 **MOTOR VEHICLE AND DRIVER'S LICENSE RECORDS**

11.10 Section 1. Minnesota Statutes 2005 Supplement, section 13.6905, subdivision 3,  
 11.11 is amended to read:

11.12 Subd. 3. **Motor vehicle registration and driver's license data.** ~~Various data on~~  
 11.13 Disclosure and use of motor vehicle registrations are classified under sections 168.327,  
 11.14 subdivision 3, and 168.346 registration and driver's license data is governed by chapter  
 11.15 170A.

11.16 Sec. 2. **[170A.01] PERSONAL INFORMATION IN MOTOR VEHICLE AND**  
 11.17 **DRIVER'S LICENSE RECORDS.**

11.18 Subdivision 1. Definitions. The definitions in United States Code, title 18, section  
 11.19 2725, and chapters 168 and 171, apply to this chapter.

11.20 Subd. 2. **Application.** This chapter applies to:

11.21 (1) personal information on an owner provided to register a motor vehicle under  
 11.22 chapter 168; and

11.23 (2) personal information provided to obtain a driver's license or Minnesota  
 11.24 identification card under chapter 171.

11.25 Subd. 3. **Federal compliance; permissible disclosures under state law.** Except  
 11.26 as otherwise provided in this section, personal information must be treated as provided  
 11.27 in United States Code, title 18, section 2721. The commissioner shall disclose personal  
 11.28 information as required by section 2721, paragraph (b), and for the uses permitted by  
 11.29 paragraph (b), clauses (1) to (3), (5) to (7), (9), and (14), subject to the restrictions on  
 11.30 the disclosure of highly restricted personal information. The commissioner must not  
 11.31 disclose personal information for other uses except as required by law or with the consent  
 11.32 of the subject.



12.1 Subd. 4. Consent. The subject of personal information may expressly consent  
12.2 in writing to the disclosure of the individual's personal information not authorized by  
12.3 United States Code, title 18, section 2721, or this chapter, to a person who makes a written  
12.4 request for the personal information. If the subject of the information is an individual and  
12.5 so authorizes disclosure, the commissioner shall implement the request. The consent  
12.6 must be on a document separate from the application for a motor vehicle registration,  
12.7 driver's license, or Minnesota identification card. The commissioner must not condition  
12.8 the issuance of a registration, license, or card upon a consent or give any preference to an  
12.9 individual who grants consent.

12.10 **Sec. 3. [170A.02] PUBLIC SAFETY DISCLOSURES.**

12.11 The commissioner shall disclose personal information when the use is related to the  
12.12 operation or use of a motor vehicle or public safety, as authorized under United States  
12.13 Code, section 2721(b)(14). The use of personal information is related to public safety if it  
12.14 concerns the physical safety or security of drivers, vehicles, pedestrians, or property.

12.15 **Sec. 4. [170A.03] TYPE OF RECORD ACCESS AUTHORIZED.**

12.16 Subdivision 1. Access limited to individual records. Except as provided in  
12.17 subdivision 2, the commissioner may disclose personal information only on an individual  
12.18 record basis in response to a permissible user's identification of the name of the individual  
12.19 subject of the data to whom the permissible use relates or, in the case of a disclosure for  
12.20 purposes of notifying an owner of a towed or impounded vehicle, the vehicle identification  
12.21 number or license plate number.

12.22 Subd. 2. Exception to individual record requirement for certain uses. The  
12.23 commissioner may disclose personal information in a manner other than an individual  
12.24 record basis only for a permissible use under United States Code, title 18, section  
12.25 2721(b)(1), (2), (5), (6), or (14).

12.26 **Sec. 5. [170A.04] REQUEST AND DISCLOSURE REQUIREMENTS AND**  
12.27 **CONDITIONS.**

12.28 Subdivision 1. Requirements for request; cooperation. A person who requests  
12.29 disclosure of personal information under section 170A.01 must identify the data elements  
12.30 requested and the reason each element is needed. The commissioner shall disclose only  
12.31 those data elements needed to accomplish the use for which the request is made. A person  
12.32 who receives personal information from the commissioner or from a permissible user  
12.33 under subdivision 3 must cooperate in good faith with all compliance activities.

13.1 Subd. 2. Disclosure conditions. (a) Personal information may be disclosed  
13.2 only under the following conditions, which must be reflected in a contract between the  
13.3 permissible user and the commissioner:

13.4 (1) the commissioner may periodically conduct an audit to assess compliance by the  
13.5 permissible user with this section;

13.6 (2) the commissioner shall encrypt data that are released electronically and uniquely  
13.7 identify all data provided to each permissible user in order to prevent unauthorized access  
13.8 and track the source of unauthorized releases of the data; this encryption and unique  
13.9 identifier must not be removed, altered, or otherwise compromised by the permissible user  
13.10 or any subsequent user;

13.11 (3) the permissible user shall submit a signed, dated certification to the commissioner  
13.12 as provided in paragraph (b);

13.13 (4) the commissioner shall disclose only the data elements that are necessary to  
13.14 accomplish the application certified by the permissible user;

13.15 (5) the permissible user may use the data only for the use and applications for which  
13.16 the data are obtained and certified;

13.17 (6) the permissible user shall permit access to the data only by persons for whom  
13.18 access is necessary to perform or support the application certified by the permissible user;

13.19 (7) the permissible user shall establish comprehensive administrative, technical, and  
13.20 administrative safeguards to insure the security and confidentiality of the data, to protect  
13.21 against any anticipated threats or hazards to the security and integrity of the data, and to  
13.22 protect against unauthorized access to or use of the data; and

13.23 (8) the permissible user must not resell or redisclose any data obtained under this  
13.24 section to any subsequent user, except as provided in subdivision 3.

13.25 (b) The certification required under paragraph (a) must state:

13.26 (1) each statutory use under which the user requests the data;

13.27 (2) each specific application of the data by the user consistent with the statutory use;

13.28 (3) each data element necessary to accomplish that application; and

13.29 (4) the reason the data element is necessary to accomplish the application.

13.30 The certification must be made by the permissible user under penalty of perjury and  
13.31 upon direct knowledge of the truth of the matters certified. If any part of the certification is  
13.32 no longer accurate or has changed, the permissible user must file an amended certification  
13.33 before obtaining further access to data under the contract. A permissible user who obtains  
13.34 access to data under the terms of an existing contract is deemed to have affirmed the  
13.35 existing certification.

14.1 Subd. 3. Conditions for resale or redisclosure. A permissible user or subsequent  
14.2 permissible user who receives personal information under this section may resell or  
14.3 redisclose the information only under the following conditions, which must be reflected in  
14.4 a contract between the permissible user and the subsequent permissible user:

14.5 (1) the permissible user shall obtain from the subsequent user a certification meeting  
14.6 the requirements of subdivision 2, paragraph (a), clause (3), and paragraph (b);

14.7 (2) the permissible user shall independently determine and verify the business  
14.8 identity of any subsequent user that is not an individual and that each user has, and is  
14.9 legitimately engaged in, the uses and applications it certified, including, as appropriate,  
14.10 through a site visit;

14.11 (3) the permissible user may redisclose or resell only the data elements that are  
14.12 necessary to accomplish the application certified by the subsequent user;

14.13 (4) the subsequent user may use the data only for the use and applications for which  
14.14 the data are obtained and certified;

14.15 (5) the permissible user shall require that the subsequent user use the data for  
14.16 the same statutory use under which the permissible user received the data from the  
14.17 commissioner, and for no other permissible use or application inconsistent with this use;

14.18 (6) the commissioner or the permissible user may only resell or redisclose data  
14.19 with an encryption and unique identifier in the data placed by the commissioner under  
14.20 subdivision 2, paragraph (a), clause (2), and shall prohibit the subsequent user from  
14.21 removing, altering, or otherwise compromising an encryption and identifier;

14.22 (7) the permissible user shall verify that the subsequent user has established  
14.23 administrative, technical, and administrative safeguards at least as secure as the  
14.24 permissible user's comprehensive security safeguards;

14.25 (8) the commissioner or the permissible user may periodically audit the subsequent  
14.26 user's compliance with its certification and this section; and

14.27 (9) the permissible user shall inform the subsequent user that section 170A.05  
14.28 imposes private and public penalties and remedies for a violation of this chapter or a  
14.29 user contract.

14.30 EFFECTIVE DATE. Subdivision 2, paragraph (a), clause (2), is effective January  
14.31 1, 2007.

14.32 **Sec. 6. [170A.05] REMEDIES AND PENALTIES.**

14.33 The remedies and penalties in section 8.31 apply to a user of personal information  
14.34 or a subsequent user who violates this chapter or the terms of a user contract. Sections

15.1 13.08 and 13.09 apply to a violation of this chapter by a government entity or employee  
15.2 of a government entity.

15.3 **Sec. 7. [170A.06] ORGAN PROCUREMENT ORGANIZATIONS.**

15.4 This chapter does not affect the use of organ donation information on an individual's  
15.5 driver's license or Minnesota identification card or affect access to personal information  
15.6 by a federally certified or designated nonprofit organ procurement organization in  
15.7 connection with its authorized activities.

15.8 **Sec. 8. [170A.07] PRIVACY CLASSIFICATION FOR PERSONAL SAFETY.**

15.9 An individual who is the subject of personal information may request, in writing,  
15.10 that the individual's residence address or name and residence address be classified as  
15.11 private data on individuals, as defined in section 13.02, subdivision 12. The commissioner  
15.12 shall grant the classification on receipt of a signed statement by the individual that the  
15.13 classification is required for the safety of the individual or the individual's family, if the  
15.14 statement also provides a valid, existing address where the individual consents to receive  
15.15 service of process. The commissioner shall use the service of process mailing address  
15.16 in place of the individual's residence address in all documents and notices pertaining  
15.17 to the motor vehicle or driver's license or Minnesota identification card, as applicable.  
15.18 The residence address or name and residence address and any information provided in  
15.19 the classification request, other than the individual's service for process mailing address,  
15.20 are private data on individuals but may be provided to requesting law enforcement  
15.21 agencies, probation and parole agencies, and public authorities, as defined in section  
15.22 518.54, subdivision 9.

15.23 **Sec. 9. [170A.08] REFUSAL TO DISCLOSE INFORMATION UNDER**  
15.24 **CERTAIN CIRCUMSTANCES.**

15.25 The commissioner may refuse to disclose personal information under this chapter if  
15.26 the commissioner has reason to believe that the person requesting the personal information  
15.27 is likely to use the information for an illegal or improper purpose or is otherwise not  
15.28 going to comply with this chapter.

15.29 **Sec. 10. [170A.09] RELATIONSHIP TO DATA PRACTICES ACT.**

15.30 Chapter 13 applies to this chapter except to the extent provisions of this chapter are  
15.31 inconsistent with chapter 13. The disclosures authorized under this chapter are subject to  
15.32 restrictions on access to data under section 13.69 and other applicable law.

16.1 Sec. 11. **REPEALER.**

16.2 Minnesota Statutes 2004, section 13.6905, subdivision 10, and Minnesota Statutes

16.3 2005 Supplement, sections 168.346; and 171.12, subdivisions 7 and 7a, are repealed.

APPENDIX  
Repealed Minnesota Statutes: S3132-1

**13.6905 PUBLIC SAFETY DATA CODED ELSEWHERE.**

Subd. 10. **Driver's license address.** The residence address of certain individuals provided to the commissioner of public safety in drivers' license applications is classified under section 171.12, subdivision 7.

**168.346 PRIVACY OF PERSONAL INFORMATION.**

Subdivision 1. **Vehicle registration data; federal compliance.** (a) Data on an individual provided to register a vehicle shall be treated as provided by United States Code, title 18, section 2721, as in effect on May 23, 2005, and shall be disclosed as required or permitted by that section.

(b) The registered owner of a vehicle who is an individual may consent in writing to the commissioner to disclose the individual's personal information exempted by United States Code, title 18, section 2721, to any person who makes a written request for the personal information. If the registered owner is an individual and so authorizes disclosure, the commissioner shall implement the request.

(c) If authorized by the registered owner as indicated in paragraph (b), the registered owner's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes including surveys, marketing, or solicitation.

Subd. 2. **Personal information disclosure for public safety.** The commissioner shall disclose personal information when the use is related to the operation or use of a vehicle or to public safety. The use of personal information is related to public safety if it concerns the physical safety or security of drivers, vehicles, pedestrians, or property. The commissioner may refuse to disclose data under this subdivision when the commissioner concludes that the requester is likely to use the data for illegal, improper, or noninvestigative purposes.

Subd. 3. **Privacy classification for personal safety.** The registered owner of a vehicle who is an individual may request, in writing, that the registered owner's residence address or name and residence address be classified as "private data on individuals," as defined in section 13.02, subdivision 12. The commissioner shall grant the classification on receipt of a signed statement by the registered owner that the classification is required for the safety of the registered owner or the registered owner's family, if the statement also provides a valid, existing address where the registered owner consents to receive service of process. The commissioner shall use the service of process mailing address in place of the registered owner's residence address in all documents and notices pertaining to the vehicle. The residence address or name and residence address and any information provided in the classification request, other than the individual's service for process mailing address, are private data on individuals but may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

**171.12 DRIVING RECORD; FILING; PRIVATE DATA; SURCHARGE.**

Subd. 7. **Privacy of data.** (a) Data on individuals provided to obtain a driver's license or Minnesota identification card shall be treated as provided by United States Code, title 18, section 2721, as in effect on May 23, 2005, and shall be disclosed as required or permitted by that section.

(b) An applicant for a driver's license or a Minnesota identification card may consent, in writing, to the commissioner to disclose the applicant's personal information exempted by United States Code, title 18, section 2721, to any person who makes a request for the personal information. If the applicant so authorizes disclosures, the commissioner shall implement the request and the information may be used.

(c) If authorized by an applicant for a driver's license or a Minnesota identification card, as indicated in paragraph (b), the applicant's personal information may be used, rented, or sold solely for bulk distribution by organizations for business purposes, including surveys, marketing, or solicitation.

(d) An applicant for a driver's license, instruction permit, or Minnesota identification card may request that the applicant's residence address be classified as "private data on individuals," as defined in section 13.02, subdivision 12. The commissioner shall grant the classification on receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing address where the applicant consents to receive service of process. The commissioner shall use the service for process mailing address in place of the residence address in all documents and notices pertaining to the driver's license, instruction permit, or Minnesota identification card. The residence address and any information provided in the classification request, other than the mailing address, are

APPENDIX

Repealed Minnesota Statutes: S3132-1

private data on individuals and may be provided to requesting law enforcement agencies, probation and parole agencies, and public authorities, as defined in section 518.54, subdivision 9.

Subd. 7a. **Disclosure of personal information.** The commissioner shall disclose personal information where the use is related to the operation of a motor vehicle or to public safety. The use of personal information is related to public safety if it concerns the physical safety or security of drivers, vehicles, pedestrians, or property. The commissioner may refuse to disclose data under this subdivision when the commissioner concludes that the requester is likely to use the data for illegal, improper, or noninvestigative purposes.

**325E.59 USE OF SOCIAL SECURITY NUMBERS.**

Subd. 2. **Continuation of prior use.** A person or entity, not including a government entity, that has used, prior to July 1, 2007, an individual's Social Security number in a manner inconsistent with subdivision 1, may continue using that individual's Social Security number in that manner on or after July 1, 2007, if all the following conditions are met:

- (1) the use of the Social Security number is continuous. If the use is stopped for any reason, subdivision 1 applies;
- (2) the individual is provided an annual disclosure, commencing in 2007, that informs the individual that the individual has the right to stop the use of the individual's Social Security number in a manner prohibited by subdivision 1;
- (3) a written request by an individual to stop the use of the individual's Social Security number in a manner prohibited by subdivision 1 must be implemented within 30 days of the receipt of the request. A fee may not be charged for implementing the request; and
- (4) a person or entity, not including a government entity, shall not deny services to an individual because the individual makes a written request pursuant to this subdivision.

1.1 Senator ..... moves to amend S.F. No. 3132 as follows:

1.2 Page 16, after line 3, insert:

1.3 " **ARTICLE 3**  
1.4 **SALES OR SERVICE CALL CENTER**

1.5 Section 1. **[325F.695] [CUSTOMER SALES OR SERVICE CALL CENTER**  
1.6 **REQUIREMENTS.]**

1.7 **Subdivision 1. Definitions.** For purposes of this section, the following terms have  
1.8 the meanings given them:

1.9 (1) "customer sales and service call center" means an entity whose primary purpose  
1.10 includes the initiating or receiving of telephonic communications on behalf of any person  
1.11 for the purpose of initiating sales, including telephone solicitations as defined in section  
1.12 325E.311, subdivision 6;

1.13 (2) "customer service call center" means an entity whose primary purpose includes  
1.14 the initiating or receiving of telephonic communications on behalf of any person for the  
1.15 purposes of providing or receiving services or information necessary in connection with  
1.16 the providing of services or other benefits; and

1.17 (3) "customer services employee" means a person employed by or working on behalf  
1.18 of a customer sales call center or a customer service call center.

1.19 **Subd. 2. Customers' right to customer sales or customer service call center**  
1.20 **information.** (a) Any person who receives a telephone call from, or places a telephone  
1.21 call to, a customer sales call center or a customer service call center, upon request, has  
1.22 the right to:

1.23 (1) know the identification of the city, state, and country where the customer service  
1.24 employee is located; and

1.25 (2) know the name of the employer of the caller with whom the person is speaking.

1.26 (b) A person who receives a telephone call from, or places a telephone call to, a  
1.27 customer sales call center or a customer service call center located in a foreign country,  
1.28 which requests the person's financial, credit, or identifying information, shall have the  
1.29 right to request the call be rerouted to a customer sales and service center located in the  
1.30 United States before the information is given.

1.31 **Subd. 3. Violation.** It is fraud under section 325F.69 for a person to willfully  
1.32 violate this section.

1.33 **Sec. 2. EFFECTIVE DATE; APPLICATION.**

1.34 This article is effective August 1, 2006. "

1.35 Amend the title accordingly



1.1 Senator ..... moves to amend S.F. No. 3132 as follows:

1.2 Page 9, line 31, before the period, insert "except as required by titles XVIII and XIX

1.3 of the Social Security Act and by Code of Federal Regulations, title 42, section 483.20"

1.1 Senator ..... moves to amend S.F. No. 3132 as follows:

1.2 Page 14, after line 29, insert:

1.3 "Subd. 4. Fees. In addition to all other fees and surcharges allowed by statute, the  
1.4 commissioner shall charge the following fees for access to data under this section by a  
1.5 permissible user, other than an organ procurement organization or government agency:

1.6 (1) \$1.50 for each request for access to personal information on an individual record  
1.7 basis; and

1.8 (2) \$50 for each request for access to personal information other than on an  
1.9 individual record basis.

1.10 The fees collected under this subdivision must be credited to the public safety and  
1.11 financial crimes account created in section 299A.683."

1.12 Page 14, line 30, delete "is" and insert "and subdivision 4 are"

1.13 Page 14, line 31, delete "2007" and insert "2008"

1.14 Page 15, after line 32, insert:

1.15 "Sec. 11. Minnesota Statutes 2005 Supplement, section 299A.681, subdivision 7,  
1.16 is amended to read:

1.17 Subd. 7. **Grants authorized.** (a) The commissioner of public safety, upon  
1.18 recommendation of the oversight council, shall make grants to state and local units of  
1.19 government to combat identity theft and financial crime. The commander, as funding  
1.20 permits, may prepare a budget to establish four regional districts and funding grant  
1.21 allocations programs outside the counties of Hennepin, Ramsey, Anoka, Washington,  
1.22 and Dakota. The budget must be reviewed and approved by the oversight council and  
1.23 recommended to the commissioner to support these efforts.

1.24 (b) The commissioner shall make specialized financial crimes prosecutors' grants  
1.25 as recommended by the oversight council in consultation with representatives of county  
1.26 attorneys and the attorney general.

1.27 Sec. 12. **[299A.683] PUBLIC SAFETY AND FINANCIAL CRIMES ACCOUNT.**

1.28 A public safety and financial crimes account is created in the special revenue fund, to  
1.29 consist of the fees collected under section 170A.04, subdivision 4. An amount equal to the  
1.30 fees collected under section 170A.04, subdivision 4, clause (1), is annually appropriated to  
1.31 the commissioner of public safety to develop and operate the system for access to motor  
1.32 vehicle and driver's license records under chapter 170A. An amount equal to the fees  
.33 collected under section 170A.04, subdivision 4, clause (2), is annually appropriated to  
1.34 the commissioner of public safety to operate the Minnesota Financial Crimes Task Force  
1.35 established under section 299A.681, subdivision 3, clause (1).

2.1       Sec. 13. **ELECTRONIC RECORD ACCESS FEE SURCHARGE.**

2.2       From July 1, 2006, to December 31, 2007, a surcharge of 75 cents is added to the fee  
2.3 of \$4.50 imposed by Minnesota Statutes, section 168.327, subdivision 1, paragraph (f), for  
2.4 a person to inquire into a record by the person's own electronic means. Receipts from the  
2.5 surcharge are appropriated to the commissioner of public safety to develop and operate the  
2.6 system for access to motor vehicle and driver's license records under Minnesota Statutes,  
2.7 chapter 170A, to be available until expended.

2.8       Sec. 14. **APPROPRIATION; SYSTEM FOR ACCESS TO RECORDS.**

2.9       \$354,000 is appropriated from the general fund to the commissioner of public safety  
2.10 to develop and operate the system for access to motor vehicle and driver's license records  
2.11 under Minnesota Statutes, chapter 170A, to be available until June 30, 2008.

2.12       Sec. 15. **APPROPRIATION CANCELLATION.**

2.13       The appropriation in 2006 S.F. No. 3781, article 16, section 5, subdivision 4, item  
2.14 (j), for the Financial Crimes Task Force, if enacted, is canceled."

2.15       Renumber the sections in sequence and correct the internal references

2.16       Amend the title accordingly

1.1 Senator ..... moves to amend S.F. No. 3132 as follows:

1.2 Page 12, line 20, after the first "vehicle" insert "or facilitating motor vehicle

1.3 transfers and registration"

1.1 Senator ..... moves to amend S.F. No. 3132 as follows:

1.2 Page 3, after line 11, insert:

1.3 "Sec. 4. **[13.386] BIOMETRIC DATA.**

1.4 A government entity must not collect or use data on individuals involving iris  
1.5 scanning or facial recognition unless the collection or use of that data for a specific purpose  
1.6 is authorized by statute. A proposal for statutory authorization of the collection or use of  
1.7 this data must include the budget impact and a cost-benefit analysis of the proposal."

1.8 Renumber the sections in sequence and correct the internal references

1.9 Amend the title accordingly

1.1 Senator ..... moves to amend S.F. No. 3132 as follows:

1.2 Page 11, line 29, delete "to (3), (5)"

1.3 Pages 12 to 14, delete sections 4 and 5 and insert:

1.4 "Sec. 4. [170A.03] SECURITY PROGRAM REQUIREMENTS.

1.5 (a) A permissible user who receives personal information under section 170A.01  
1.6 shall implement and maintain a comprehensive information security program that is  
1.7 written in one or more readily accessible parts and contains administrative, technical, and  
1.8 physical safeguards that are appropriate to the user's size and complexity, the nature and  
1.9 scope of its activities, and the sensitivity of the personal information obtained.

1.10 (b) In order to implement and maintain a security program, the permissible user shall  
1.11 identify reasonably foreseeable internal and external risks to the security, confidentiality,  
1.12 and integrity of personal information that could result in the unauthorized disclosure,  
1.13 misuse, or other compromise of the information and assess the sufficiency of any  
1.14 safeguards in place to control the risks.

1.15 (c) The permissible user shall provide an audit to the commissioner from a qualified,  
1.16 objective, independent third-party professional, using procedures and standards generally  
1.17 accepted in the profession as may be reasonably required by the commissioner.

1.18 (d) The permissible user shall oversee customers who acquire the personal  
1.19 information by taking reasonable steps to:

1.20 (1) know the customer;

1.21 (2) require that the customer, as a condition of receiving the personal information,  
1.22 have in place and maintain appropriate safeguards for the personal information;

1.23 (3) include in the contract with a customer the right to monitor the customer's use of  
1.24 the personal information and audit the customer's compliance with the contract; and

1.25 (4) limit the customer's use of the personal information to purposes permitted by  
1.26 section 170A.01.

1.27 (e) At a minimum, a risk assessment must include consideration of risks in each  
1.28 relevant area of the permissible user's operations, including:

1.29 (1) employee training;

1.30 (2) information systems;

1.31 (3) detecting, preventing, and responding to attacks, intrusions, or other system  
1.32 failures;

1.33 (4) the design and implementation of information safeguards to control the risks  
1.34 identified through risk assessment; and

1.35 (5) testing or otherwise monitoring the effectiveness of the safeguards' key controls,  
1.36 systems, and procedures on a regular basis."

- 2.1 Page 14, line 32, delete "170A.05" and insert "170A.04"
- 2.2 Page 15, line 3, delete "170A.06" and insert "170A.05"
- 2.3 Page 15, line 8, delete "170A.07" and insert "170A.06"
- 2.4 Page 15, delete section 9
- 2.5 Page 15, line 29, delete "170A.09" and insert "170A.07"
- 2.6 Page 16, after line 3, insert:
- 2.7 "Sec. 10. EFFECTIVE DATE.
- 2.8 This article is effective January 1, 2007."
- 2.9 Renumber the sections in sequence and correct the internal references
- 2.10 Amend the title accordingly

1.1 **Senator Cohen from the Committee on Finance, to which was re-referred**

1.2 **S.F. No. 3132:** A bill for an act relating to data practices; regulating the disclosure of  
 1.3 certain data; classifying certain data; regulating tribal identification cards; authorizing the  
 1.4 exchange of certain information; requiring the deletion or the correction of certain data;  
 1.5 providing civil remedies; amending Minnesota Statutes 2004, sections 13.072, subdivision  
 1.6 1; 13.32, by adding a subdivision; 13.3805, by adding a subdivision; 13.87, by adding  
 1.7 a subdivision; 136A.162; 138.17, subdivisions 7, 8; 144.335, by adding a subdivision;  
 1.8 624.714, by adding a subdivision; 626.557, subdivision 9a; Minnesota Statutes 2005  
 1.9 Supplement, sections 13.6905, subdivision 3; 171.02, subdivision 1; 270C.03, subdivision  
 1.10 1; 299C.40, subdivision 1; 325E.59, subdivisions 1, 3; proposing coding for new law in  
 1.11 Minnesota Statutes, chapter 171; proposing coding for new law as Minnesota Statutes,  
 1.12 chapter 170A; repealing Minnesota Statutes 2004, section 13.6905, subdivision 10;  
 1.13 Minnesota Statutes 2005 Supplement, sections 168.346; 171.12, subdivisions 7, 7a;  
 1.14 325E.59, subdivision 2.

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

1.16 Page 3, after line 11, insert:

1.17 "Sec. 4. [13.386] BIOMETRIC DATA.

1.18 A government entity must not collect or use data on individuals involving iris  
 1.19 scanning or facial recognition unless the collection or use of that data for a specific purpose  
 1.20 is authorized by statute. A proposal for statutory authorization of the collection or use of  
 1.21 this data must include the budget impact and a cost-benefit analysis of the proposal."

1.22 Page 9, line 31, before the period, insert ", except as required by titles XVIII and XIX  
 1.23 of the Social Security Act and by Code of Federal Regulations, title 42, section 483.20"

1.24 Page 12, line 20, after the first "vehicle" insert "or facilitating motor vehicle transfers  
 1.25 and registration"

1.26 Page 14, after line 29, insert:

1.27 "Subd. 4. Fees. In addition to all other fees and surcharges allowed by statute, the  
 1.28 commissioner shall charge the following fees for access to data under this section by a  
 1.29 permissible user, other than an organ procurement organization or government agency:

1.30 (1) \$1.50 for each request for access to personal information on an individual record  
 1.31 basis; and

1.32 (2) \$50 for each request for access to personal information other than on an  
 1.33 individual record basis.

1.34 The fees collected under this subdivision must be credited to the public safety and  
 1.35 financial crimes account created in section 299A.683."

1.36 Page 14, line 30, delete "is" and insert "and subdivision 4 are"

1.37 Page 14, line 31, delete "2007" and insert "2008"

1.38 Page 15, after line 32, insert:

1.39 "Sec. 11. Minnesota Statutes 2005 Supplement, section 299A.681, subdivision 7,  
 1.40 is amended to read:

1.41 Subd. 7. **Grants authorized.** (a) The commissioner of public safety, upon  
 1.42 recommendation of the oversight council, shall make grants to state and local units of



3.1 Section 1. [325F.696] CUSTOMER SALES OR SERVICE CALL CENTER  
3.2 REQUIREMENTS.

3.3 Subdivision 1. Definitions. For purposes of this section, the following terms have  
3.4 the meanings given them:

3.5 (1) "customer sales and service call center" means an entity whose primary purpose  
3.6 includes the initiating or receiving of telephonic communications on behalf of any person  
3.7 for the purpose of initiating sales, including telephone solicitations as defined in section  
3.8 325E.311, subdivision 6;

3.9 (2) "customer service call center" means an entity whose primary purpose includes  
3.10 the initiating or receiving of telephonic communications on behalf of any person for the  
3.11 purposes of providing or receiving services or information necessary in connection with  
3.12 the providing of services or other benefits; and

3.13 (3) "customer services employee" means a person employed by or working on behalf  
3.14 of a customer sales call center or a customer service call center.

3.15 Subd. 2. Customer's right to customer sales or customer service call center  
3.16 information. (a) Any person who receives a telephone call from, or places a telephone  
3.17 call to, a customer sales call center or a customer service call center, upon request, has  
3.18 the right to:

3.19 (1) know the identification of the city, state, and country where the customer service  
3.20 employee is located; and

3.21 (2) know the name of the employer of the caller with whom the person is speaking.

3.22 (b) A person who receives a telephone call from, or places a telephone call to, a  
3.23 customer sales call center or a customer service call center located in a foreign country,  
24 which requests the person's financial, credit, or identifying information, shall have the  
3.25 right to request the call be rerouted to a customer sales and service center located in the  
3.26 United States before the information is given.

3.27 Subd. 3. Violation. It is fraud under section 325F.69 for a person to willfully  
3.28 violate this section.

3.29 Sec. 2. EFFECTIVE DATE; APPLICATION.

3.30 This article is effective August 1, 2006."

3.31 Renumber the sections in sequence

3.32 Amend the title accordingly

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

3.34 .....  
3.35 (Committee Chair)

3.36 April 27, 2006 ..... 4.27-06 .....  
3.37 (Date of Committee recommendation)

**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. 1973 - Medical Use of Marijuana (Third Engrossment)**

**Author:** Senator Steve Kelley

**Prepared by:** Katie Cavanor, Senate Counsel (651/296-3801) *KIC*  
Chris Turner, Senate Research (651/296-4350) *CT*

**Date:** March 24, 2006

---

**S.F. No. 1973** establishes the legality of the medical use of marijuana.

**Section 1 (13.3806, subdivision 21)** extends data protection to data collected by the Commissioner of Health related to the issuance of registry identification cards.

**Section 2 (152.22)** defines the following terms: “allowable amount of marijuana,” “commissioner,” “debilitating medical condition,” “medical use,” “practitioner,” “primary supplier,” “qualifying patient,” “registry identification card,” “usable marijuana,” and “written certification.”

**Section 3 (152.23)** creates protections for the medical use of marijuana.

**Subdivision 1** states that a qualifying patient who has a registry identification card in possession shall not be arrested, prosecuted, or subject to any penalty for the medical use of marijuana, so long as the patient does not possess more than 2.5 ounces of usable marijuana.

**Subdivision 2** provides the same protection as described in subdivision 1 to a primary supplier for assisting a qualifying patient to whom the supplier is connected through the registration process with the medical use of marijuana, so long as the supplier does not possess more than 12 marijuana plants and 2.5 ounces of useable marijuana for each patient.

**Subdivision 3** states that no school, employer, or landlord may penalize a person solely because of the person’s status as a qualifying patient or a registered primary supplier.

**Subdivision 4** creates a presumption that a qualifying patient or primary supplier is engaged in the medical use of marijuana if the patient or supplier is: (1) in possession of a registry identification card; and (2) in possession of an amount of marijuana that does not exceed the amount permitted. States that this presumption may be rebutted by evidence showing that conduct related to the marijuana was not for the purpose of alleviating the patient's medical condition or symptoms.

**Subdivision 5** permits a primary supplier to receive reimbursement for costs associated with assisting with a registered patient's medical use of marijuana. States that such compensation does not constitute a sale of a controlled substance.

**Subdivision 6** provides protection from arrest, prosecution, or penalty solely for providing written certifications or stating that in the practitioner's opinion the potential benefits of the medical use of marijuana would likely outweigh the health risks for a patient.

**Subdivision 7** states that any interest in or right to property that is used in connection with the medical use of marijuana is not forfeited. States that a law enforcement agency that seizes and does not return usable marijuana to a registered patient or supplier is liable to the cardholder for the fair market value of the marijuana.

**Subdivision 8** states that no person shall be subject to arrest or prosecution for any offense for being in the presence or vicinity of the medical use of marijuana or for assisting a registered patient with using or administering marijuana.

**Subdivision 9** provides reciprocity for a registry identification card or its equivalent issued by another state, territory, or District of Columbia that permits the medical use of marijuana by a qualifying patient or permits a person to assist with a patient's medical use of marijuana.

**Section 4 (152.25)** describes the registry identification cards.

**Subdivision 1, paragraph (a)**, requires the commissioner to issue registry identification cards to qualifying patients who submit:

- (1) a written certification;
- (2) an application or renewal fee;
- (3) the name, address, and date of birth of the patient unless the patient is homeless;
- (4) the name, address, and telephone number of the patient's practitioner; and
- (5) the name, address, and date of birth of each primary supplier of the patient.

**Paragraph (b)** states that the commissioner shall not issue a registry identification card to a qualifying patient under the age of 18 unless:

(1) the practitioner has explained the risks and benefits to the patient and to a parent or guardian of the patient; and

(2) a parent or legal guardian consents in writing to:

(i) allow the patient's use of marijuana;

(ii) serve as one of the patient's primary suppliers; and

(iii) control the acquisition, dosage, and frequency of the medical use of marijuana by the patient.

**Paragraph (c)** requires the commissioner to verify the information contained in an application or renewal submitted under this section and approve or deny the application or renewal within 15 days of receiving it. Permits the commissioner to deny an application or renewal only if the applicant did not provide the information required or the information was falsified. States that a rejection is a final agency action subject to judicial review and jurisdiction and venue are vested in the district court.

**Paragraph (d)** requires the commissioner to issue a registry identification card to each primary supplier who is named on a patient's approved application up to a maximum of two primary suppliers per qualifying patient.

**Paragraph (e)** requires that the registry identification card be issued within five days of approving an application or renewal. States that the card expires one year after the date of issuance. States what information the card must contain.

**Subdivision 2, paragraph (a)**, requires a qualifying patient who has been issued a registry identification card to notify the commissioner within ten days of any change in the patient's name, address, or primary supplier or if the patient ceases to have a debilitating medical condition.

**Paragraph (b)** states that failure to notify the commissioner of these changes is a civil violation, punishable by a fine of no more than \$150. States that the card is null and void if the patient ceases to have a debilitating medical condition and is liable for any other penalties that may apply to the nonmedical use of marijuana.

**Paragraph (c)** requires the registered primary supplier to notify the commissioner within ten days of any change in the supplier's name or address, and failure to do this is a civil violation punishable by a fine of no more than \$150.

**Paragraph (d)** requires the commissioner to issue a new registry identification card within ten days of receiving updated information from a qualifying patient or primary supplier and a \$10 fee.

**Paragraph (e)** states that when a registered qualifying patient ceases to use the assistance of a registered primary supplier, the commissioner must notify the supplier within ten days and the supplier's protections expire ten days after notification.

**Subdivision 3** requires a registered qualifying patient or supplier who loses a registry identification card to notify the commissioner and submit a \$10 fee within ten days of losing the card. Requires the commissioner to issue a new card with a new random number within five days.

**Subdivision 4** states that the possession of, or application for, a registry identification card does not constitute probable cause or reasonable suspicion nor shall it be used to support searching a person or property of the person or otherwise subject the person or property of the person to inspection by any governmental agency.

**Subdivision 5, paragraph (a)**, classifies the registration applications and supporting information submitted as private data on individuals or nonpublic data.

**Paragraph (b)** requires the commissioner to maintain a list of persons who have been issued registry identification cards. The individual names and other identifying information are private data except that:

- (1) upon request of a law enforcement agency, the commissioner must verify the validity of a registration card; and
- (2) the commissioner may notify law enforcement of falsified or fraudulent information submitted to obtain or renew a registration card.

**Subdivision 6** requires the commissioner to report annually to the Legislature on the number of applications for cards, the number of patients and suppliers approved, the nature of the debilitating medical conditions, the number of cards revoked, and the number of practitioners providing written certification. This report shall not include identifying information.

**Section 5 (152.26), paragraph (a)**, clarifies that these sections do not permit:

- (1) a person to undertake a task while under the influence of marijuana, which might constitute negligence or malpractice;
- (2) smoking of marijuana in a school bus or other public transportation, on school grounds, in a correctional facility, or in any public place; and

(3) a person to operate a motor vehicle, aircraft, or motorboat while under the influence of marijuana.

**Paragraph (b)** specifies that the medical assistance program or private health insurer is not required to reimburse a person for the cost associated with the medical use of marijuana. An employer is not required to accommodate the medical use of marijuana in any workplace.

**Paragraph (c)** specifies that nothing in these sections prevents a court from limiting or prohibiting the possession or use of marijuana as a condition of probation or conditional release.

**Section 6 (152.27), paragraph (a)**, states that any fraudulent representation to a law enforcement official of any fact or circumstance relating to the medical use of marijuana to avoid arrest or prosecution is punishable by a fine of \$500 in addition to any other applicable penalties.

**Paragraph (b)** creates a two-year felony for qualifying patients who sell, transfer, or loan marijuana on the patient's registry identification card or sells, transfers, loans, or otherwise gives another person marijuana obtained under these sections.

**Section 7 (152.30)** provides a severability clause.

**Section 8 (152.31)** creates a registration system for organizations that acquire, possess, cultivate, manufacture, deliver, transfer, transport, supply, or dispense marijuana, equipment, or supplies to registered qualified patients and suppliers.

**Subdivision 1** defines a "registered organization."

**Subdivision 2, paragraph (a)**, requires the commissioner to issue a registered organization license within 20 days to any person who provides:

- (1) the established fee;
- (2) the name of the organization;
- (3) the addresses of the organization and any other real property where marijuana is to be possessed, cultivated, manufactured, supplied, or dispensed;
- (4) a bond in the amount of \$100,000; and
- (5) the name, address, and date of birth of any person who is an agent of or employed by the organization.

**Paragraph (b)** requires the commissioner to issue each agent and employee of a registered organization a registry identification card for a cost of \$10 each within ten days of receipt of the identifying information and the fee.

**Paragraph (c)** limits the number of registered organizations that may be licensed to 25.

**Subdivision 3** states that the license for a registered organization and each employee or agent expires one year after the date of issuance.

**Subdivision 4** authorizes the commissioner to make reasonable inspections of registered organizations with reasonable notice given prior to the inspection.

**Subdivision 5, paragraph (a)**, requires that registered organizations be organized as nonprofit entities and are subject to all applicable state laws governing nonprofit entities.

**Paragraph (b)** states that a registered organization may not be located within 500 feet of a school or structure used primarily for religious services or worship.

**Paragraph (c)** requires the operating documents of a registered organization to include procedures for the oversight of the organization and to ensure adequate record keeping.

**Paragraph (d)** requires the registered organization to notify the commissioner within ten days of when an employee or agent stops working at the organization.

**Paragraph (e)** requires the registered organization to notify the commissioner before a new agent or employee begins working at the organization, in writing, and to submit a \$10 fee for the person's identification card.

**Paragraph (f)** states that the registered organization is not subject to civil penalty or disciplinary action for acting in accordance with these sections, provided that the organization does not possess an amount of marijuana that exceeds 12 marijuana plants and 2.5 ounces of usable marijuana for each registered qualifying patient.

**Paragraph (g)** states that no employee, agent, or board member of a registered organization shall be subject to arrest, prosecution, search, seizure, or penalty or disciplinary action for working for a registered organization.

**Paragraph (h)** prohibits the registered organization from:

- (1) obtaining marijuana from outside the state in violation of federal law; or
- (2) using marijuana for any purpose other than to assist registered qualifying patients with the medical use of marijuana directly or through a qualifying primary supplier.

**Paragraph (i)** requires all current and prospective employees of the organization to undergo a background check. The background check shall include systems accessible through the criminal justice data network, the statewide supervision system, and the national criminal history information system. The subject of the check shall provide the director with a written authorization to conduct these checks and a set of fingerprints.

**Subdivision 6** creates a two-year felony for registered organizations that possesses more than the allowable amount of marijuana, or dispense marijuana to a person other than a qualifying patient or primary supplier.

**Subdivision 7** requires registered organizations to keep records of the qualifying patients and primary suppliers to whom it supplies marijuana, including the amounts supplied. Requires these records to be forwarded to the Commissioner of Health on a quarterly basis, and requires that the commissioner maintain this data as private data on individuals.

**Section 9** provides an effective date.

KT/CT:ph/rer



**Consolidated Fiscal Note – 2005-06 Session**

**Bill #: S1973-4A Complete Date: 04/10/06**

**Chief Author: KELLEY, STEVE**

**Title: MEDICAL USE OF MARIJUANA**

Fiscal Impact	Yes	No
State	X	
Local		X
Fee/Departmental Earnings	X	
Tax Revenue		X

**Agencies:** Health Dept (04/10/06)  
 Public Safety Dept (04/05/06)  
 Public Defense Board (03/29/06)

Supreme Court (04/03/06)  
 Sentencing Guidelines Comm (03/31/06)  
 Corrections Dept (04/04/06)

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
<b>Net Expenditures</b>					
State Govt Special Revenue Fund			295	486	679
Health Dept			295	486	679
Misc Special Revenue Fund			87	65	65
Public Safety Dept			87	65	65
<b>Revenues</b>					
State Govt Special Revenue Fund			264	580	711
Health Dept			264	580	711
Misc Special Revenue Fund			27	5	5
Public Safety Dept			27	5	5
<b>Net Cost &lt;Savings&gt;</b>					
State Govt Special Revenue Fund			31	(94)	(32)
Health Dept			31	(94)	(32)
Misc Special Revenue Fund			60	60	60
Public Safety Dept			60	60	60
<b>Total Cost &lt;Savings&gt; to the State</b>			91	(34)	28

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
State Govt Special Revenue Fund			3.50	6.25	9.25
Health Dept			3.50	6.25	9.25
Misc Special Revenue Fund			1.00	1.00	1.00
Public Safety Dept			1.00	1.00	1.00
<b>Total FTE</b>			4.50	7.25	10.25

**Consolidated EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: CRAIG WIEBER  
 Date: 04/10/06 Phone: 282-5065

**Fiscal Note -- 2005-06 Session**

**Bill #: S1973-4A Complete Date: 04/10/06**

**Chief Author: KELLEY, STEVE**

**Title: MEDICAL USE OF MARIJUANA**

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State	X	
Local		X
Fee/Departmental Earnings	X	
Tax Revenue		X

**Agency Name:** Health Dept

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

<b>Dollars (in thousands)</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Expenditures</b>					
State Govt Special Revenue Fund			295	486	679
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
State Govt Special Revenue Fund			295	486	679
<b>Revenues</b>					
State Govt Special Revenue Fund			264	580	711
<b>Net Cost &lt;Savings&gt;</b>					
State Govt Special Revenue Fund			31	(94)	(32)
<b>Total Cost &lt;Savings&gt; to the State</b>			31	(94)	(32)

	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Full Time Equivalents</b>					
State Govt Special Revenue Fund			3.50	6.25	9.25
<b>Total FTE</b>			3.50	6.25	9.25

**Bill Description**

- Sec. 1.** Classifies medical use of marijuana data in the Minnesota Government Data Practices Act.
- Sec. 2.** Provides definitions for the Medical Use of Marijuana (MUM) program.
- Sec. 3.** Provides protection from civil and criminal liability for possession of marijuana for patients, suppliers, and practitioners participating in the MUM program.
- Sec. 4.** Requires the commissioner of health to issue one-year registry identification cards to patients and suppliers participating in the MUM program, classifies the data collected by the commissioner to issue the cards, and requires the commissioner to annually report MUM program data to the legislature.
- Sec. 5.** Defines situations in which participants in the MUM program are not permitted to use marijuana, limits requirements for health insurance providers and employers, and allows courts to limit the possession and use of marijuana.
- Sec. 6.** Provides penalties for fraudulent representation regarding the medical use of marijuana and for misuse of a registry identification card or the marijuana authorized under the program.
- Sec. 7.** Provides for severability.
- Sec. 8.** Requires the commissioner to license and inspect up to 25 registered organizations to supply marijuana to patients and suppliers in the MUM program, specifies requirements the registered organizations must meet, sets penalties for violations by registered organizations, and requires the registered organizations to keep records and provide quarterly reports to the commissioner.
- Sec. 9.** Sets the effective date as the day following final enactment.

**Assumptions**

- Assumes the following participation levels:

	SFY07	SFY08	SFY09 & Ongoing
New patient applications	4,000	6,000	7,000
Approved new patient applications	3,500	5,500	6,500
Renewal patient applications	0	2,750	3,750
Approved renewal patient applications	0	2,500	3,500
Primary suppliers	2,000	4,500	5,500
New registered organization applications	5	5	0
Renewal registered organization applications	0	5	10
Agents & employees of registered organizations	50	100	100
Cards reissued due to loss or content changes	70%	70%	70%

- Assumes that the application and renewal fees will generate revenues sufficient to offset all expenses of implementing and administering the MUM program.
- Assumes that application, renewal, and registered organization fees will not be refunded if the application is denied.
- Assumes a .5 Information Technology Specialist 3 in the first 6 months to set up a registry data base.
- Assumes 1.0 FTE Health Program Representative in the first year, 3.0 FTE in the second year, and 5.0 FTE in the third and on-going years to verify the information contained in new and renewal applications and provide customer assistance to patients and suppliers.
- Assumes a 1.0 FTE Office and Admin Specialist Intermediate in the first year, 2.0 FTE in the second year, and 3.0 FTE in the third and on-going years to enter data into the registry data base, process program paperwork, and issue registry cards.
- Assumes an on-going .25 FTE Health Program Representative Senior to license and inspect registered organizations.
- Assumes an on-going 1.0 FTE State Program Admin Supervisor to provide program direction and oversight, provide training to law enforcement and practitioners, and supervise MUM program staff.

**Expenditure Formula**

	<b>SFY07</b>	<b>SFY08</b>	<b>SFY09</b>
Salaries 3.50 - 9.25 FTE	178,884	299,233	437,828
Operating costs	67,100	106,100	128,100
Administrative support	48,951	80,661	112,620
<b>TOTAL EXPENSES</b>	<b>294,935</b>	<b>485,994</b>	<b>678,548</b>

**Revenue Formula**

	<b>SFY07</b>	<b>SFY08</b>	<b>SFY09</b>
New patient application fees (\$55)	220,000	330,000	385,000
Renewal patient application fees (\$55)	0	151,250	206,250
Registered organization fees (\$1000)	5,000	10,000	10,000
RO employee and agent cards (\$10)	500	1,000	1,000
Reissued cards (\$10)	38,850	88,200	109,200
<b>TOTAL REVENUE</b>	<b>264,350</b>	<b>580,450</b>	<b>711,450</b>

**Long-Term Fiscal Considerations**

These costs are considered to be ongoing.

**Local Government Costs**

None.

**References/Sources**

Participation numbers and expenditure estimates are based on the Oregon Medical Marijuana Program.

**Technical Note**

The second engrossment of this bill included the following language that was deleted in the third engrossment: "Notwithstanding section 16A.1283, the commissioner shall establish application and renewal fees that generate revenues sufficient to offset all expenses of implementing and administering sections 152.22 to 152.31." We believe the author intends the program to be fee-supported and that this language was deleted in error. Without the language, the commissioner would not have the authority to establish and collect fees.

Agency Contact Name: Pati Maier (651-201-3604)  
FN Coord Signature: MARGARET KELLY  
Date: 04/03/06 Phone: 201-5812

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: CRAIG WIEBER  
Date: 04/10/06 Phone: 282-5065

**Fiscal Note – 2005-06 Session**

**Bill #: S1973-4A Complete Date: 04/05/06**

**Chief Author: KELLEY, STEVE**

**Title: MEDICAL USE OF MARIJUANA**

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State	X	
Local		X
Fee/Departmental Earnings	X	
Tax Revenue		X

**Agency Name: Public Safety Dept**

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

<b>Dollars (in thousands)</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Expenditures</b>					
Misc Special Revenue Fund			87	65	65
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
Misc Special Revenue Fund			87	65	65
<b>Revenues</b>					
Misc Special Revenue Fund			27	5	5
<b>Net Cost &lt;Savings&gt;</b>					
Misc Special Revenue Fund			60	60	60
<b>Total Cost &lt;Savings&gt; to the State</b>			60	60	60

	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Full Time Equivalents</b>					
Misc Special Revenue Fund			1.00	1.00	1.00
<b>Total FTE</b>			1.00	1.00	1.00

## **Bill Description**

Provides for the medical use of marijuana and background checks for employees of "registered organizations".

## **Assumptions**

1. The number of Registered Organizations" will be 25 in number and the average number of employees will be 20.
2. Background checks on employees of "Registered Organizations" will be run only once at the time of the enactment of this bill and the approval of the non-profit as a "Registered Organization". Background checks will then be provided based on new employees entering employment with "Registered Organizations".
3. On-going background check estimates are based on 20% employee turnover.
4. The BCA will be responsible for fingerprinting the "Registered Organization" employees, doing the data entry necessary to provide criminal history background check information, predatory offender information, driver and vehicle services information, warrant information and State-wide Supervision System information. This cannot be handled with existing staff levels. The BCA will need to add a staff position to the Criminal History Access Unit.
5. These organizations do not qualify as a charitable non-profit under 501.c3.

## **Issues**

1. FBI fingerprint background checks are not authorized for this purpose by the FBI until State legislation is in place and approval is granted by the Department of Justice.
2. There is no disqualification criteria defined in the bill therefore neither the Minnesota Department of Health nor the "Registered Organization" has a framework to make decisions on granting identification cards to employees.
3. The FBI record may not be released to a private entity (i.e. Registered Organization) and will have to be returned to the Minnesota Department of health for review. If there was a defined set of criteria the BCA Criminal History Access unit could make the determination based on the federal information.

**Expenditure and/or Revenue Formula**

\*\*Background check charges are charged at different rates for State check and FBI Fingerprint checks.

<b>Revenue</b>		
<b>State Criminal History Background Checks</b>	<b>1st Year</b>	<b>On-going</b>
1 <sup>st</sup> Year-25 "Registered Organizations" X average 20 employees=500 background checks per year @ \$15.	\$7,500.00	
On-going-25"Registered Organizations" X 4 employee vacancies=100 background checks per year @ \$15		\$1,500.00
<b>FBI Fingerprint Background Checks</b>		
1 <sup>st</sup> Year-25 "Registered Organizations" X average 20 employees=500 background checks per year @ \$29.	\$14,500.00	
On-going-25"Registered Organizations" X 4 employee vacancies=100 background checks per year @ \$29		\$2,900.00
<b>Fingerprinting "Registered Organization" Employees</b>		
1 <sup>st</sup> Year-25 "Registered Organizations" X average 20 employees=500 background checks per year @ \$10.	\$5,000.00	
On-going-25"Registered Organizations" X 4 employee vacancies=100 background checks per year @ \$10		\$1,000.00
<b>Total Revenue</b>	<b>\$27,000.00</b>	<b>\$5,400.00</b>

<b>Expenses</b>		
<b>Expenses from background checks</b>		
<b>State Criminal History Background Checks</b>		
1 <sup>st</sup> Year-25 "Registered Organizations" X average 20 employees=500 background checks per year @ \$15.	\$7,500.00	
On-going-25"Registered Organizations" X 4 employee vacancies=100 background checks per year @ \$15		\$1,500.00
<b>FBI Fingerprint Background Checks</b>		
1 <sup>st</sup> Year-25 "Registered Organizations" X average 20 employees=500 background checks per year @ \$29.	\$14,500.00	
On-going-25"Registered Organizations" X 4 employee vacancies=100 background checks per year @ \$29		\$2900.00
<b>Fingerprinting "Registered Organization" Employees</b>		
1 <sup>st</sup> Year-25 "Registered Organizations" X average 20 employees=500 background checks per year @ \$10.	\$5,000.00	
On-going-25"Registered Organizations" X 4 employee vacancies=100 background checks per year @ \$10		\$1000.00
<b>Total Expenses</b>	<b>\$27,000.00</b>	<b>\$5,400.00</b>
<b>Personnel</b>		
1 Customer Service Specialist Intermediate (CSSI) position (Salary & Fringe)	\$54,246.00	\$54,246.00
Equipment, training, desk space (10% of salary)	\$5,424.00	\$5,424.00
<b>Total Personnel</b>	<b>\$59,670.00</b>	<b>\$59,670.00</b>

<b>Total First Year Revenue to BCA</b>	<b>\$27,000.00</b>	
<b>Total On-going Revenue to BCA</b>		<b>\$5,400.00</b>
<b>Total First Year Costs to BCA</b>	<b>\$86,670.00</b>	
<b>Total On-going Costs to BCA</b>		<b>\$65,070.00</b>

**Other Expenses**

The process of fingerprinting Registered Organization employees, doing the data entry necessary to provide criminal history background check information, predatory offender information, driver and vehicle services information, warrant information and State-wide Supervision System information requires human intervention and work in several different systems. These systems are not currently accessed as part of a standard Minnesota Criminal History background check. Once the information is entered and retrieved, human intervention is needed to collate all of the returned information into an intelligible format and make a determination as to who can see or be presented with the information given the Minnesota Data Practices Act and then interact with the Registered Organizations and/or the Minnesota Health Department regarding the findings. This will be a labor intensive process that the BCA is not staffed to provide.

- 1 Customer Service Specialist Intermediate (CSSI) position (Salary & Fringe) \$54,246.
- Equipment, training, desk space (10% of salary) \$ 5,424.

Total                   **\$59,670**

**Long-Term Fiscal Considerations**

Personnel and on-going FBI fees

**Local Government Costs**

**References/Sources**

Agency Contact Name: Robert P Johnson 793-1012  
 FN Coord Signature: FRANK AHRENS  
 Date: 04/03/06 Phone: 296-9484

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER  
 Date: 04/05/06 Phone: 215-0594



**Fiscal Note – 2005-06 Session**

**Bill #: S1973-4A Complete Date: 04/03/06**

**Chief Author: KELLEY, STEVE**

**Title: MEDICAL USE OF MARIJUANA**

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name: Supreme Court**

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

<b>Dollars (in thousands)</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Expenditures</b>					
-- No Impact --					
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
-- No Impact --					
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
-- No Impact --					
<b>Total Cost &lt;Savings&gt; to the State</b>					

	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Full Time Equivalents</b>					
-- No Impact --					
<b>Total FTE</b>					

This bill version has no fiscal effect on our agency.

FN Coord Signature: JUDY REHAK  
Date: 04/01/06 Phone: 297-7800

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 04/03/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #: S1973-4A Complete Date: 03/29/06**

**Chief Author: KELLEY, STEVE**

**Title: MEDICAL USE OF MARIJUANA**

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name: Public Defense Board**

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

<b>Dollars (in thousands)</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Expenditures</b>					
-- No Impact --					
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
-- No Impact --					
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
-- No Impact --					
<b>Total Cost &lt;Savings&gt; to the State</b>					

	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Full Time Equivalents</b>					
-- No Impact --					
<b>Total FTE</b>					

This bill version has no fiscal effect on our agency.

FN Coord Signature: KEVIN KAJER

Date: 03/29/06 Phone: 349-2565

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 03/29/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #: S1973-4A Complete Date: 04/04/06**

**Chief Author: KELLEY, STEVE**

**Title: MEDICAL USE OF MARIJUANA**

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name: Corrections Dept**

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

<b>Dollars (in thousands)</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Expenditures</b>					
-- No Impact --					
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
-- No Impact --					
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
-- No Impact --					
<b>Total Cost &lt;Savings&gt; to the State</b>					

	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Full Time Equivalents</b>					
-- No Impact --					
<b>Total FTE</b>					

**Bill Description**

The proposed legislation will authorize the medical use of marijuana. Criminal penalties are established for violations of the provisions of the bill.

**Assumptions**

- **No information is available regarding the number of violations that can be expected to be prosecuted under the provisions of this bill.**
- With a two-year statutory maximum it is likely the offenses will be ranked at a level where most offenders will be recommended probation sentences, so the projected impact on prison beds is minimal.
- There will be minimal impact on supervision caseloads statewide, however the cumulative effect could be significant as new offenses or penalty enhancements are enacted.
- **The bill is effective the day following final enactment.**

**Expenditure and/or Revenue Formula**

N/A

**Long-Term Fiscal Considerations**

N/A

**Local Government Costs**

Unless violations are committed with some degree of frequency, the fiscal impact of this bill on local correctional resources is expected to be minimal.

**References/Sources**

Department of Corrections Staff  
Minnesota Sentencing Guidelines

FN Coord Signature: DENNY FONSECA

Date: 04/04/06 Phone: 642-0220

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 04/04/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #: S1973-4A Complete Date: 03/31/06**

**Chief Author: KELLEY, STEVE**

**Title: MEDICAL USE OF MARIJUANA**

<b>Fiscal Impact</b>	<b>Yes</b>	<b>No</b>
State		X
Local		X
Fee/Departmental Earnings		X
Tax Revenue		X

**Agency Name: Sentencing Guidelines Comm**

This table reflects fiscal impact to state government. Local government impact is reflected in the narrative only.

<b>Dollars (in thousands)</b>	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Expenditures</b>					
-- No Impact --					
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
-- No Impact --					
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
-- No Impact --					
<b>Total Cost &lt;Savings&gt; to the State</b>					

	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Full Time Equivalents</b>					
-- No Impact --					
<b>Total FTE</b>					

**Fiscal Note for SF1973\_4A:  
Medical Marijuana  
Minnesota Sentencing Guidelines Commission  
March 29, 2006**

---

*Minimal impact on state and local correctional resources.*

**Bill Description**

This bill authorizes the medical use of marijuana. It allows patients with qualifying medical conditions to register with the health department and then be protected from prosecution for the possession and use of specified amounts of marijuana. It also affords protections for registered primary suppliers. Criminal penalties are established for violations of the provisions in the bill. Fraudulent representations to law enforcement regarding medical use of marijuana are punishable by fines of up to \$500. A felony offense with a statutory maximum of two years is created for patients who sell or transfer marijuana or the registry identification card. This bill also creates a felony-level offense for registered organizations that possess more than the allowable amounts of marijuana or dispense marijuana to a person other than a qualifying patient or primary supplier, carrying a statutory maximum of two years.

The program is effective the day after enactment.

**Assumptions and Impact on State and Local Correctional Resources**

No information is available regarding the number of violations that can be expected to be prosecuted. However, it is assumed that with a two-year statutory maximum, these offenses will be ranked at severity levels where almost all offenders will be recommended probation sentences. Therefore, the projected impact on state prison resources is minimal. Unless violations are committed with some degree of frequency, the projected impact on local correctional resources is also minimal.

FN Coord Signature: ANNE WALL  
Date: 03/31/06 Phone: 297-2092

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/31/06 Phone: 296-7964



1.1 A bill for an act  
 1.2 relating to health; providing for the medical use of marijuana; providing civil  
 1.3 and criminal penalties; amending Minnesota Statutes 2004, section 13.3806,  
 1.4 by adding a subdivision; proposing coding for new law in Minnesota Statutes,  
 1.5 chapter 152.

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

1.7 Section 1. Minnesota Statutes 2004, section 13.3806, is amended by adding a  
 1.8 subdivision to read:

1.9 Subd. 21. Medical use of marijuana data. Data collected by the commissioner of  
 1.10 health relating to:

1.11 (1) registrations for the medical use of marijuana are classified in section 152.25,  
 1 subdivision 5; and

1.13 (2) individuals obtaining marijuana for medical use from registered organizations  
 1.14 are classified in section 152.31, subdivision 7.

1.15 Sec. 2. [152.22] DEFINITIONS.

1.16 Subdivision 1. Applicability. For purposes of sections 152.22 to 152.31, the terms  
 1.17 defined in this section have the meanings given them.

1.18 Subd. 2. Allowable amount of marijuana. (a) With respect to a qualifying patient,  
 1.19 the "allowable amount of marijuana" means 2.5 ounces of usable marijuana. An allowable  
 1.20 amount of marijuana for a qualifying patient does not include marijuana plants.

1 (b) With respect to a primary supplier or registered organization, the allowable  
 1.22 amount of marijuana for each patient means:

1.23 (1) 12 marijuana plants;

1.24 (2) 2.5 ounces of usable marijuana; and

2.1 (3) any amount of other parts of the marijuana plant.

2.2 Subd. 3. Commissioner. "Commissioner" means the commissioner of health.

2.3 Subd. 4. Debilitating medical condition. "Debilitating medical condition" means:

2.4 (1) cancer, glaucoma, acquired immune deficiency syndrome, hepatitis C, or the  
2.5 treatment of these conditions;

2.6 (2) a chronic or debilitating disease or medical condition or its treatment that  
2.7 produces one or more of the following: cachexia or wasting syndrome; severe or chronic  
2.8 pain; severe nausea; seizures, including but not limited to those characteristic of epilepsy;  
2.9 severe and persistent muscle spasms, including but not limited to those characteristic of  
2.10 multiple sclerosis and Crohn's disease; or agitation of Alzheimer's disease; or

2.11 (3) the condition of an HIV-positive patient when the patient's condition has  
2.12 worsened and the patient's physician believes the patient could benefit from consumption  
2.13 of marijuana.

2.14 Subd. 5. Medical use. "Medical use" means the acquisition, possession, cultivation,  
2.15 manufacture, use, delivery, transfer, or transportation of marijuana or paraphernalia  
2.16 relating to the consumption of marijuana to alleviate a registered qualifying patient's  
2.17 debilitating medical condition or symptoms associated with the medical condition.

2.18 Subd. 6. Practitioner. "Practitioner" means a licensed doctor of medicine or  
2.19 licensed doctor of osteopathy licensed to practice medicine.

2.20 Subd. 7. Primary supplier. "Primary supplier" means a person who is at least  
2.21 18 years old and who has agreed to assist with a qualifying patient's medical use of  
2.22 marijuana. A primary supplier may assist no more than five qualifying patients with  
2.23 their medical use of marijuana.

2.24 Subd. 8. Qualifying patient. "Qualifying patient" means a person who has been  
2.25 diagnosed by a practitioner as having a debilitating medical condition. A qualifying  
2.26 patient may not be a primary supplier.

2.27 Subd. 9. Registry identification card. "Registry identification card" means a  
2.28 document issued by the commissioner that identifies a person as a qualifying patient  
2.29 or primary supplier.

2.30 Subd. 10. Usable marijuana. "Usable marijuana" means the dried leaves and  
2.31 flowers of the marijuana plant, and any mixture or preparation thereof, but does not  
2.32 include the seeds, stalks, and roots of the plant.

2.33 Subd. 11. Written certification. "Written certification" means the qualifying  
2.34 patient's medical records, or a statement signed by a practitioner, stating that in the  
2.35 practitioner's professional opinion the potential benefits of the medical use of marijuana  
2.36 would likely outweigh the health risks for the qualifying patient. A written certification

3.1 shall only be made in the course of a bona fide practitioner-patient relationship after  
3.2 the practitioner has completed a full assessment of the qualifying patient's medical  
3.3 history. The written certification shall specify the qualifying patient's debilitating medical  
3.4 condition or conditions.

3.5 **Sec. 3. [152.23] PROTECTIONS FOR THE MEDICAL USE OF MARIJUANA.**

3.6 **Subdivision 1. Qualifying patient.** A qualifying patient who possesses a registry  
3.7 identification card is not civilly or criminally liable and may not be denied any right or  
3.8 privilege for possession for medical use of an amount of marijuana that does not exceed  
3.9 the allowable amount. This immunity includes a civil penalty or disciplinary action by a  
3.10 business, occupational, or professional licensing board.

3.11 **Subd. 2. Primary supplier.** A primary supplier who possesses a registry  
3.12 identification card is not civilly or criminally liable and may not be denied any right or  
3.13 privilege for:

3.14 (1) assisting a registered qualifying patient for whom the supplier is a registered  
3.15 primary supplier in obtaining for medical use an allowable amount of marijuana; or

3.16 (2) possessing an amount of marijuana that does not exceed the total of the allowable  
3.17 amounts for the registered qualifying patients for whom the supplier is a registered  
3.18 primary supplier.

3.19 This immunity includes a civil penalty or disciplinary action by a business,  
3.20 occupational, or professional licensing board.

3.21 **Subd. 3. Discrimination prohibited.** No school, employer, or landlord may refuse  
3.22 to enroll, employ, lease to, or otherwise penalize a person solely for the person's status as  
3.23 a registered qualifying patient or a registered primary supplier.

3.24 **Subd. 4. Presumption.** (a) There is a presumption that a qualifying patient or  
3.25 primary supplier is engaged in the medical use of marijuana if the qualifying patient  
3.26 or primary supplier:

3.27 (1) is in possession of a registry identification card; and

3.28 (2) is in possession of an amount of marijuana that does not exceed the amount  
3.29 permitted under sections 152.22 to 152.31.

3.30 (b) The presumption may be rebutted by evidence that conduct related to marijuana  
3.31 was not for the purpose of alleviating the qualifying patient's debilitating medical  
3.32 condition or symptoms associated with the medical condition.

3.33 **Subd. 5. Supplier's reimbursement.** A primary supplier may receive  
3.34 reimbursement for costs associated with assisting with a registered qualifying patient's  
3.35 medical use of marijuana. Compensation does not constitute sale of controlled substances.

4.1 Subd. 6. Practitioner. A practitioner shall not be subject to arrest, prosecution,  
4.2 or penalty in any manner or denied any right or privilege, including but not limited  
4.3 to civil penalty or disciplinary action by the Board of Medical Practice or by another  
4.4 business, occupational, or professional licensing board or bureau, solely for providing  
4.5 written certifications or otherwise stating that, in the practitioner's professional opinion,  
4.6 the potential benefits of the medical use of marijuana would likely outweigh the health  
4.7 risks for a patient.

4.8 Subd. 7. Property rights. (a) Any interest in or right to property that is possessed,  
4.9 owned, or used in connection with the medical use of marijuana, or acts incidental to  
4.10 such use, is not forfeited.

4.11 (b) A law enforcement agency that seizes and does not return usable marijuana to a  
4.12 registered qualifying patient or a registered primary supplier is liable to the cardholder  
4.13 for the fair market value of the marijuana.

4.14 Subd. 8. Arrest and prosecution prohibited. No person is subject to arrest  
4.15 or prosecution for constructive possession, conspiracy, aiding and abetting, being an  
4.16 accessory, or any other offense for being in the presence or vicinity of the medical use  
4.17 of marijuana as permitted under sections 152.22 to 152.31 or for assisting a registered  
4.18 qualifying patient with using or administering marijuana.

4.19 Subd. 9. Reciprocity. A registry identification card, or its equivalent, issued under  
4.20 the laws of another state, United States territory, or the District of Columbia to permit the  
4.21 medical use of marijuana by a qualifying patient, or to permit a person to assist with a  
4.22 qualifying patient's medical use of marijuana, shall have the same force and effect as a  
4.23 registry identification card issued by the commissioner.

4.24 **Sec. 4. [152.25] REGISTRY IDENTIFICATION CARDS; ISSUANCE.**

4.25 Subdivision 1. Requirements; issuance. (a) The commissioner shall issue registry  
4.26 identification cards to qualifying patients who submit:

4.27 (1) a written certification;

4.28 (2) the application or renewal fee;

4.29 (3) the name, address, and date of birth of the qualifying patient, except that if the  
4.30 applicant is homeless, no address is required;

4.31 (4) the name, address, and telephone number of the qualifying patient's practitioner;

4.32 and

4.33 (5) the name, address, and date of birth of each primary supplier of the qualifying  
4.34 patient, if any.

5.1 (b) The commissioner shall not issue a registry identification card to a qualifying  
5.2 patient under the age of 18 unless:

5.3 (1) the qualifying patient's practitioner has explained the potential risks and benefits  
5.4 of the medical use of marijuana to the qualifying patient and to a parent, guardian, or  
5.5 person having legal custody of the qualifying patient; and

5.6 (2) a parent, guardian, or person having legal custody consents in writing to:

5.7 (i) allow the qualifying patient's medical use of marijuana;

5.8 (ii) serve as one of the qualifying patient's primary suppliers; and

5.9 (iii) control the acquisition of marijuana, the dosage, and the frequency of the  
5.10 medical use of marijuana by the qualifying patient.

5.11 (c) The commissioner shall verify the information contained in an application or  
5.12 renewal submitted under this section and shall approve or deny an application or renewal  
5.13 within 15 days of receiving it. The commissioner may deny an application or renewal  
5.14 only if the applicant did not provide the information required under this section or if the  
5.15 commissioner determines that the information provided was falsified. Rejection of an  
5.16 application or renewal is a final agency action, subject to judicial review. Jurisdiction and  
5.17 venue for judicial review are vested in the district court.

5.18 (d) The commissioner shall issue a registry identification card to each primary  
5.19 supplier, if any, who is named in a qualifying patient's approved application, up to a  
5.20 maximum of two primary suppliers per qualifying patient.

5.21 (e) The commissioner shall issue a registry identification card within five days of  
5.22 approving an application or renewal. The card expires one year after the date of issuance.

5.23 A registry identification card shall contain:

5.24 (1) the name, address, and date of birth of the qualifying patient;

5.25 (2) the name, address, and date of birth of each primary supplier of the qualifying  
5.26 patient, if any;

5.27 (3) the date of issuance and expiration date of the registry identification card; and

5.28 (4) a random registry identification number.

5.29 **Subd. 2. Notification of changes; penalties.** (a) A qualifying patient who has been  
5.30 issued a registry identification card shall notify the commissioner within ten days of any  
5.31 change in the qualifying patient's name, address, or primary supplier or if the qualifying  
5.32 patient ceases to have a debilitating medical condition.

5.33 (b) Failure to notify the commissioner of a change as required under paragraph (a) is  
5.34 a civil violation, punishable by a fine of no more than \$150. If the person has ceased to  
5.35 have a debilitating medical condition, the card is null and void and the person is liable for  
5.36 any other penalties that may apply to the person's nonmedical use of marijuana.

6.1 (c) A registered primary supplier shall notify the commissioner within ten days of  
6.2 any change in the supplier's name or address. Failure to notify the commissioner of the  
6.3 change is a civil violation, punishable by a fine of no more than \$150.

6.4 (d) When a qualifying patient or primary supplier notifies the commissioner of any  
6.5 changes under this subdivision, the commissioner shall issue the qualifying patient and  
6.6 each primary supplier a new registry identification card within ten days of receiving the  
6.7 updated information and a \$10 fee.

6.8 (e) When a registered qualifying patient ceases to use the assistance of a registered  
6.9 primary supplier, the commissioner shall notify the primary supplier within ten days. The  
6.10 primary supplier's protections as provided under section 152.23 expire ten days after  
6.11 notification by the commissioner.

6.12 Subd. 3. Lost cards. If a registered qualifying patient or a registered primary  
6.13 supplier loses a registry identification card, the patient or supplier shall notify the  
6.14 commissioner and submit a \$10 fee within ten days of losing the card. Within five days,  
6.15 the commissioner shall issue a new registry identification card with a new random  
6.16 identification number.

6.17 Subd. 4. Card as probable cause. Possession of, or application for, a registry  
6.18 identification card does not constitute probable cause or reasonable suspicion, nor shall it  
6.19 be used to support search of the person or property of the person possessing or applying  
6.20 for the registry identification card, or otherwise subject the person or property of the  
6.21 person to inspection by any governmental agency.

6.22 Subd. 5. Data practices. (a) Data in registration applications and supporting data  
6.23 submitted by qualifying patients, including data on primary suppliers and practitioners,  
6.24 are private data on individuals or nonpublic data as defined in section 13.02.

6.25 (b) The commissioner shall maintain a list of persons to whom the commissioner  
6.26 has issued registry identification cards. Data in the list are private data on individuals or  
6.27 nonpublic data except that:

6.28 (1) upon request of a law enforcement agency, the commissioner shall verify whether  
6.29 a registry identification card is valid based on the card number; and

6.30 (2) the commissioner may notify law enforcement of falsified or fraudulent  
6.31 information submitted for purposes of obtaining or renewing a registration card.

6.32 Subd. 6. Report. The commissioner shall report annually to the legislature on the  
6.33 number of applications for registry identification cards, the number of qualifying patients  
6.34 and primary suppliers approved, the nature of the debilitating medical conditions of the  
6.35 qualifying patients, the number of registry identification cards revoked, and the number of  
6.36 practitioners providing written certification for qualifying patients. The commissioner

7.1 must not include identifying information on qualifying patients, primary suppliers, or  
7.2 practitioners in the report.

7.3 Sec. 5. [152.26] CONSTRUCTION.

7.4 (a) Sections 152.22 to 152.31 do not permit:

7.5 (1) a person to undertake a task under the influence of marijuana, when doing so  
7.6 would constitute negligence or professional malpractice;

7.7 (2) smoking of marijuana:

7.8 (i) in a school bus or other form of public transportation;

7.9 (ii) on school grounds;

7.10 (iii) in a correctional facility; or

7.11 (iv) in any public place; and

7.12 (3) a person to operate, navigate, or be in actual physical control of any motor  
7.13 vehicle, aircraft, or motorboat while under the influence of marijuana. However, a  
7.14 registered qualifying patient shall not be considered to be under the influence solely for  
7.15 having marijuana metabolites in the patient's system.

7.16 (b) Nothing in sections 152.22 to 152.31 shall be construed to require:

7.17 (1) a government medical assistance program or private health insurer to reimburse a  
7.18 person for costs associated with the medical use of marijuana; or

7.19 (2) an employer to accommodate the medical use of marijuana in any workplace.

7.20 (c) Nothing in sections 152.22 to 152.30 prevents a court from limiting or prohibiting  
7.21 the possession or use of marijuana as a condition of probation or conditional release.

7.22 Sec. 6. [152.27] PENALTIES.

7.23 (a) Fraudulent representation to a law enforcement official of any fact or  
7.24 circumstance relating to the medical use of marijuana to avoid arrest or prosecution is  
7.25 punishable by a fine of \$500, which shall be in addition to any other penalties that may  
7.26 apply for making a false statement and for the nonmedical use of marijuana.

7.27 (b) In addition to any other penalty applicable in law, a qualifying patient is guilty of  
7.28 a felony and may be sentenced to imprisonment for not more than two years or to payment  
7.29 of a fine of not more than \$3,000, or both, if the patient:

7.30 (1) sells, transfers, loans, or otherwise gives another person the patient's registry  
7.31 identification card; or

7.32 (2) sells, transfers, loans, or otherwise gives another person marijuana obtained  
7.33 under sections 152.22 to 152.31.

8.1     Sec. 7. [152.30] SEVERABILITY.

8.2             Any provision of sections 152.22 to 152.31 being held invalid as to any person or  
8.3 circumstances shall not affect the application of any other provision of sections 152.22 to  
8.4 152.31 that can be given full effect without the invalid section or application.

8.5     Sec. 8. [152.31] REGISTERED ORGANIZATION.

8.6             Subdivision 1. Definition. For purposes of this section, "registered organization"  
8.7 means a nonprofit entity registered with the commissioner under this section that acquires,  
8.8 possesses, cultivates, manufactures, delivers, transfers, transports, supplies, or dispenses  
8.9 marijuana, cultivation equipment, related supplies and educational materials, or marijuana  
8.10 seeds to registered qualifying patients and their registered primary suppliers. A registered  
8.11 organization is a primary supplier, although it may supply marijuana to any number of  
8.12 registered qualifying patients who have designated it as one of their primary suppliers.

8.13             Subd. 2. Registration requirements. (a) Subject to paragraph (c), the commissioner  
8.14 shall issue a registered organization license within 20 days to any person who provides:

8.15                 (1) a fee in an amount established by the commissioner notwithstanding section  
8.16 16A.1283, which shall not exceed \$1,000;

8.17                 (2) the name of the registered organization;

8.18                 (3) the physical addresses of the registered organization and any other real property  
8.19 where marijuana is to be possessed, cultivated, manufactured, supplied, or dispensed  
8.20 relating to the operations of the registered organization;

8.21                 (4) a bond in the amount of \$100,000; and

8.22                 (5) the name, address, and date of birth of any person who is an agent of or employed  
8.23 by the registered organization.

8.24             (b) The commissioner shall issue each agent and employee of a registered  
8.25 organization a registry identification card for a cost of \$10 each within ten days of receipt  
8.26 of the person's identifying information and the fee. Each card shall specify that the  
8.27 cardholder is an employee or agent of a registered organization.

8.28             (c) No more than 25 registered organizations may be licensed by the commissioner  
8.29 at one time. The commissioner shall attempt to ensure that licenses are issued in a manner  
8.30 that provides for geographic disbursement of registered organizations throughout the state.

8.31             Subd. 3. Expiration. A license for a registered organization and each employee or  
8.32 agent registry identification card expires one year after the date of issuance.

8.33             Subd. 4. Inspection. Registered organizations are subject to reasonable inspection  
8.34 by the commissioner to determine that applicable laws are being followed. Reasonable  
8.35 notice shall be given prior to the inspections.



9.1 Subd. 5. Organization requirements. (a) Registered organizations must be  
9.2 organized as a nonprofit corporation under chapter 317A or a similar law of another state.

9.3 (b) Registered organizations may not be located within 500 feet of the property line  
9.4 of a public school, private school, or structure used primarily for religious services or  
9.5 worship.

9.6 (c) The articles or bylaws of a registered organization shall include procedures for the  
9.7 oversight of the registered organization and procedures to ensure adequate record keeping.

9.8 (d) A registered organization shall notify the commissioner within ten days of when  
9.9 an employee or agent ceases to work at the registered organization.

9.10 (e) The registered organization shall notify the commissioner before a new agent or  
9.11 employee begins working at the registered organization, in writing, and the organization  
9.12 shall submit a \$10 fee for the person's registry identification card.

9.13 (f) No registered organization shall be subject to prosecution, search, seizure, or  
9.14 penalty in any manner or denied any right or privilege, including but not limited to civil  
9.15 penalty or disciplinary action by a business, occupational, or professional licensing board  
9.16 or bureau, for acting according to sections 152.22 to 152.31 to assist registered qualifying  
9.17 patients to whom it is connected through the commissioner's registration process with the  
9.18 medical use of marijuana, provided that the registered organization possesses an amount  
9.19 of marijuana that does not exceed the total of the allowable amounts of marijuana for the  
9.20 registered qualifying patients for whom the organization is a registered primary supplier.

9.21 (g) No employees, agents, or board members of a registered organization shall be  
9.22 subject to arrest, prosecution, search, seizure, or penalty in any manner or denied any right  
9.23 or privilege, including but not limited to civil penalty or disciplinary action by a business,  
9.24 occupational, or professional licensing board or bureau, for working for a registered  
9.25 organization according to sections 152.22 to 152.31.

9.26 (h) The registered organization is prohibited from:

9.27 (1) obtaining marijuana from outside the state in violation of federal law; or

9.28 (2) acquiring, possessing, cultivating, manufacturing, delivering, transferring,  
9.29 transporting, supplying, or dispensing marijuana for any purpose except to assist registered  
9.30 qualifying patients with the medical use of marijuana directly or through the qualifying  
9.31 patients' other primary suppliers.

9.32 (i) The director of a registered organization shall ensure that all current and  
9.33 prospective employees and agents of the organization have undergone criminal  
4 background checks. The check shall include:

- 10.1 (1) systems accessible through the criminal justice data communications network,  
10.2 including, but not limited to, criminal history, predatory offender registration, warrants,  
10.3 and driver's license record information from the Department of Public Safety;  
10.4 (2) the statewide supervision system maintained by the Department of Corrections;  
10.5 and  
10.6 (3) national criminal history information maintained by the Federal Bureau of  
10.7 Investigation.

10.8 The subject of the check shall provide the director with a written authorization to conduct  
10.9 the check of these systems and a set of fingerprints, which shall be sent to the Bureau  
10.10 of Criminal Apprehension. The bureau shall exchange the fingerprints with the FBI to  
10.11 facilitate the national background check. The superintendent may recover fees associated  
10.12 with the background checks from the registered organization.

10.13 Subd. 6. **Penalty.** The registered organization may not possess an amount of  
10.14 marijuana that exceeds the total of the allowable amounts of marijuana for the registered  
10.15 qualifying patients for whom the organization is a registered primary supplier. The  
10.16 registered organization may not dispense, deliver, or otherwise transfer marijuana to  
10.17 a person other than a qualifying patient or the patient's primary supplier. A knowing  
10.18 violation of this subdivision is a felony punishable by imprisonment for not more than two  
10.19 years or by payment of a fine of not more than \$3,000, or both. This penalty is in addition  
10.20 to any other penalties applicable in law.

10.21 Subd. 7. **Records.** The registered organization shall keep records of the names of  
10.22 qualifying patients and primary suppliers receiving marijuana from the organization and  
10.23 the amounts received. The organization shall forward these records to the commissioner on  
10.24 a quarterly basis. The commissioner shall maintain this data as private data on individuals.

10.25 **Sec. 9. EFFECTIVE DATE.**

10.26 Sections 1 to 8 are effective the day following final enactment.

1.1 Senator ..... moves to amend S.F. No. 1973 as follows:

1.2 Page 7, after line 33, insert:

1.3 "Sec. 7. [152.28] FEES.

1.4 Notwithstanding section 16A.1283, the commissioners of health and public safety  
1.5 shall establish application, renewal, and background check fees that generate revenues  
1.6 sufficient to offset all expenses of implementing and administering sections 152.22 to  
1.7 152.31. The commissioner of health may vary the application and renewal fees along a  
1.8 sliding scale that accounts for a qualifying patient's income. Fee receipts must be credited  
1.9 to the state government special revenue fund. The commissioner of health may accept  
1.10 donations from private sources to reduce the application and renewal fees."

1.11 Page 10, after line 24, insert:

1.12 "Sec. 10. APPROPRIATIONS.

1.13 Subdivision 1. Commissioner of Health. \$295,000 is appropriated from the state  
1.14 government special revenue fund to the commissioner of health to administer this act, to  
1.15 be available until June 30, 2007.

1.16 Subd. 2. Commissioner of Public Safety. \$87,000 is appropriated from the state  
1.17 government special revenue fund to the commissioner of public safety to administer this  
1.18 act, to be available until June 30, 2007."

1.19 Renumber the sections in sequence and correct the internal references

1.20 Amend the title accordingly

1.1 **Senator Cohen from the Committee on Finance, to which was re-referred**

1.2 **S.F. No. 1973:** A bill for an act relating to health; providing for the medical use of  
1.3 marijuana; providing civil and criminal penalties; amending Minnesota Statutes 2004,  
1.4 section 13.3806, by adding a subdivision; proposing coding for new law in Minnesota  
1.5 Statutes, chapter 152.

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

1.7 Page 7, after line 33, insert:

1.8 "Sec. 7. 152.28 FEES.

1.9 Notwithstanding section 16A.1283, the commissioners of health and public safety  
1.10 shall establish application, renewal, and background check fees that generate revenues  
1.11 sufficient to offset all expenses of implementing and administering sections 152.22 to  
1.12 152.31. The commissioner of health may vary the application and renewal fees along a  
1.13 sliding scale that accounts for a qualifying patient's income. Fee receipts must be credited  
1.14 to the state government special revenue fund. The commissioner of health may accept  
1.15 donations from private sources to reduce the application and renewal fees."

1.16 Page 10, after line 24, insert:

1.17 "Sec. 10. APPROPRIATIONS.

1.18 Subdivision 1. Commissioner of health. \$295,000 is appropriated from the state  
1.19 government special revenue fund to the commissioner of health to administer this act, to  
1.20 be available until June 30, 2007.

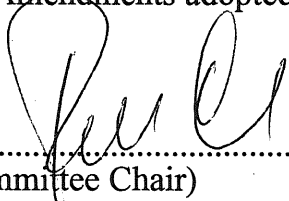
1.21 Subd. 2. Commissioner of public safety. \$87,000 is appropriated from the state  
1.22 government special revenue fund to the commissioner of public safety to administer this  
1.23 act, to be available until June 30, 2007."

1.24 Page 10, line.26, delete "8" and insert "10"

1.25 Renumber the sections in sequence

1.26 Amend the title accordingly

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

1.28   
1.29 .....  
(Committee Chair)

1.30 April 27, 2006 ..... 4-27-06  
1.31 (Date of Committee recommendation)

**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. 2738 - Omnibus Crime Bill**

**Author:** Senator Jane B. Ranum

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

**Date:** April 20, 2006

---

### **Article 1**

#### **Public Safety Supplemental Appropriations**

This is the appropriations article, which is now article 16 of Senate File No. 3781.

### **Article 2**

#### **General Criminal and Sentencing Provisions**

**Sections 1 to 3** amend provisions enacted last year in response to the United States Supreme Court's decision in Blakely v. Washington that specify the procedures to be used when imposing aggravated durational departures. The amendments apply the procedures to situations where the state is requesting an aggravated sentence under any sentencing enhancement statute or a mandatory minimum sentence under Minnesota Statutes, section 609.11 (minimum sentences for crimes committed with dangerous weapons). The amendments have an immediate effective date.

**Section 4** includes the definitions for "bodily harm," "substantial bodily harm," and "great bodily harm" from the criminal statutes for the purpose of the prohibition in section 7 and the penalties prescribed in section 8.

**Section 5** provides that:

- 1) the change of address form for a regulated animal must be prepared by the Minnesota Animal Control Association and approved by the Board of Animal Health;

- 2) the sign required to be displayed on a structure that contains a regulated animal must indicate that the regulated animal is dangerous; and
- 3) that all persons who move a regulated animal must notify the local animal control authority prior to moving the animal.

**Section 6** removes the duty of local animal control authorities or local law enforcement to seize a regulated animal under certain conditions. The seizure would be permissive under the change. This section also makes technical changes.

**Section 7** makes it a violation to negligently fail to control a regulated animal or keep it properly confined when the result is bodily harm, substantial bodily harm, or great bodily harm to another person.

**Section 8** makes the violation of:

- 1) the duty to register a regulated animal a gross misdemeanor;
- 2) the confinement and control requirements that causes bodily harm a misdemeanor;
- 3) the confinement and control requirements that causes substantial bodily harm a gross misdemeanor; and
- 4) the confinement and control requirements that causes great bodily harm or death a felony.

**Section 9** amends the current fine disposition structure for Hennepin County. Currently, all fine and penalty revenue is forwarded to the municipality or subdivision of government where the crime was committed, unless the county attorney had charge of the prosecution, in which case all revenue is credited to the general fund. The bill provides that the municipality or subdivision of government receives 80 percent of the fine revenue and 20 percent goes to the state general fund, unless the county attorney had charge of the prosecution, in which case all revenue is credited to the general fund.

**Section 10** eliminates the fees charged to the county or to the state governmental subdivision for a case prosecuted in the district court.

**Section 11, 17, 18, 19, 29, and 30** amend the Order for Protection, felony Assault in the Fifth Degree, Domestic Assault, Restraining Order, Harassment and Stalking laws to treat enhanced penalties for violations of these laws more uniformly. The changes include:

- a ten-year “look back” period dating from the time of conviction; and
- counting juvenile adjudications as well as adult convictions.

**Section 12** creates a gross misdemeanor penalty for persons who violate domestic abuse no contact orders within ten years of a previous “qualified domestic violence-related offense” conviction or adjudication.

**Section 13** expands the definition of “qualified domestic violence-related offense” to include violation of domestic abuse no contact orders and interference with an emergency call.

**Section 14** amends Minnesota Statutes, section 609.11, by replacing references to court determinations with fact finder determinations. These changes are necessitated by last year’s Minnesota Supreme Court’s decision in State v. Barker. Also strikes language requiring the prosecutor to present evidence related to the defendant’s use of a firearm or a dangerous weapon during the commission of an offense.

**Section 15** includes animal control officers as public employees with mandated duties for the purpose of fourth-degree assault enhancement.

**Section 16** changes the “look back” period for purposes of gross misdemeanor enhancement of Assault in the Fifth Degree against the same person from five years after discharge of sentence to ten years after conviction or adjudication of the same crime. Changes the “look back” period from two to three years for any “qualified domestic violence-related offense” conviction or adjudication.

**Section 20** amends Minnesota Statutes, section 609.282 (Labor Trafficking) by creating a 20-year felony for trafficking persons under the age of 18. Current law does not make an age distinction. The 15-year felony for trafficking persons 18 or older remains.

**Section 21** amends Minnesota Statutes, section 609.283 (Unlawful Conduct With Respect to Documents in Furtherance of Labor or Sex Trafficking) by creating a ten-year felony complicity in trafficking persons under the age of 18. Current law does not make an age distinction. The five-year felony for complicity in trafficking persons 18 or older remains.

**Section 22** adds a subdivision to the sex offender sentencing statute enacted last year. This new subdivision is a recodification of the Patterned Offender Sentencing Law currently codified at Minnesota Statutes, section 609.108 (which is being repealed in section 42 of this article).

**Section 23** amends the sex offender sentencing statute enacted last year. Provides that certain determinations must be made by the fact finder (this is consistent with the Blakely decision) and makes other clarifying changes.

**Section 24** provides that the crime of aiding an offender may be prosecuted in either the county where the underlying crime occurred or the county in which the aiding or obstructing occurred.

**Section 25** increases the ten-year felony, five-year felony, gross misdemeanor and misdemeanor theft value thresholds.

**Section 26** increases the ten-year felony, five-year felony, gross misdemeanor and misdemeanor value thresholds for issuing bad checks.

**Section 27** increases the five-year felony value threshold for criminal damage to property in the first-degree.

**Section 28** increases the gross misdemeanor threshold for criminal damage to property in the third-degree.

**Section 31, Subdivision 1**, defines terms for the purposes of the section.

**Subdivision 2** makes it a crime to knowingly procure, sell, or receive the telephone records of another without that person's authorization or by fraudulent, deceptive, or false means. Graduated penalties are as follows:

- for one telephone record: 1 year / \$3,000 fine;
- for two to ten telephone records: 2 years / \$20,000 fine; or
- for more than ten telephone records: 5 years / \$50,000 fine.

**Subdivision 3** makes the following persons exempt from this section:

- peace officers or law enforcement agents in the course of their duties;
- individuals acting pursuant to a valid court order, warrant, or subpoena; and
- employees of telephone companies acting: (1) as otherwise authorized by law; (2) with the consent of the individual; (3) as may be necessarily incident to the rendition of the service; (4) in cooperation with a governmental entity in the case of an emergency; (5) in cooperation with the National Center for Missing and Exploited Children; or (6) in connection with the sale or transfer of all or part of the company's business or the migration of a customer from one company to another.

**Section 32** requires prosecutors to attempt to notify a victim of criminal sexual conduct in the first- to fifth-degree of a decision to not prosecute or dismiss charges. 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.

**Section 33** 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.

**Section 34** makes the same changes as in section 33 to the possession of pornographic work involving minors crime (Minnesota Statutes, section 617.247).

**Sections 35 to 38** remove the sunset from the Blakely procedural provisions enacted last year (three of which are being amended by sections 1 to 3 of this article).



**Section 39** establishes a collateral consequences committee to study collateral consequences of adult convictions and juvenile adjudications.

**Section 40** 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.

**Section 41** requires the Revisor of Statutes to replace statutory references to the Patterned Offender Sentencing Law with references to section 22.

**Section 42** repeals Minnesota Statutes, section 488A.03, subdivision 11b, an obsolete reference to the municipal court system; and the sections of Minnesota Statutes 2004 and Minnesota Statutes 2005 Supplement, relating to the patterned sex offender, which is being recodified in section 22 of article 2.

### **Article 3**

#### **Controlled Substances, DWI, and Traffic Safety Provisions**

**Section 1** strikes the "knowingly or intentionally" use clause from the definition of drug paraphernalia (the mental state criteria).

**Section 2** explicitly makes selling drug paraphernalia a misdemeanor. Currently, the delivery of drug paraphernalia and the possession or manufacture for delivery is a misdemeanor. However, selling is not specifically addressed. The definition of "sell" in the controlled substance chapter of law is broad. So use of the word "sell" includes, among other conduct, delivering and manufacturing. Changes the mental state criteria for the crime from "knowingly or intentionally" to the easier to establish "knows or has reason to know." Add the selling drug paraphernalia to a minor (currently codified in Minnesota Statutes, section 152.094) to this section.

**Section 3** makes knowing possession of a bong, dugout, glass pipe, marijuana pipe, or one-hit pipe a petty misdemeanor.

**Section 4** requires the court to defer further proceedings and place a defendant on probation for certain first-time drug offenders under Minnesota Statutes, section 152.18, subdivision 1. If the

court finds a deferral inappropriate, it must enter a written finding that states the reasons why. Under current law, the court is not obligated to deter proceedings of first-time drug offenders who meet certain criteria.

**Section 5** 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 or Injury 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.

**Section 6** prohibits the Commissioner of Public Safety from administratively suspending the license of a driver if the individual was convicted of a violation of Minnesota Statutes, section 171.24, subdivision 1 (Driving After Suspension), based on a failure to appear in court, or failure to pay the fine.

**Section 7** repeals Minnesota Statutes, section 152.094, prohibiting the delivery of drug paraphernalia.

#### **Article 4 Public Safety Policy**

**Section 1** 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.

**Sections 2 to 16** amend Minnesota Statutes, chapter 115E, relating to Oil and Hazardous Substance Discharge Preparedness.

**Section 2** is a cross-reference in the Government Data Practices Act that classifies facility security assessments and plans under Minnesota Statutes, section 115E.04, subdivision 4b (see section 13).

**Section 3** expands the definition of “facility” for the purposes of the chapter to include research and development laboratories.

**Sections 4 to 8** define or redefine the following terms for the purposes of the chapter: hazardous substance, lead agency, security measure, use of inherently safer technology, and worst case discharge.

**Section 9** requires persons who own or operate facilities handling hazardous substances or oil to take reasonable security measures to prevent the authorized access of person to the facilities. Requires persons who own or operate facilities subject to Code of Federal Regulations, title 40, part 68, under section 112r of the Clean Air Act and persons who own or operate facilities containing 1,000,000 gallons or more of oil or hazardous substances in tank storage at any time comply with the specific security provisions of sections 10 and 11.

**Section 10** provides that persons of whom specific security measures are required prepare and maintain a facility security plan, completed in consultation with local law enforcement. The plan must:

- summarize the methods used and result of an assessment of vulnerability of the facility to a terrorist attack;
- provide an inventory of the hazardous substance or oil subject to the security plan;
- assess the use of inherently safe technology in reducing or eliminating the vulnerability of the facility;
- describe actions and procedures undertaken to eliminate or lessen the vulnerability of the facility; and
- provide the names of all insurance carriers underwriting the facilities liability and workers’ compensation insurance policies.

**Section 11** provides that plans required under section 10 must be submitted within 90 days of the effective date of this section. Plans must be amended following significant change in the security measures, vulnerability or presence of hazardous substances on the facility.

**Section 12** requires submission of security plans to the Commissioner of Public Safety within five days of their completion. Authorizes the commissioner access to the facility for the purpose of inspection. Authorizes announced and unannounced drills to demonstrate the adequacy of the plan.

**Section 13** provides that assessments and plan prepared under this section are nonpublic data, but may be provided to law enforcement, firefighters, members of the National Guard or other representatives of a government entity responding to a request for services at the facility.

**Section 14** authorizes the Commissioner of Public Safety to require amendment of plans the commissioner finds wanting.

**Section 15** authorizes the Commissioner of Public Safety to require compliance with the security plan if oil or a hazardous substance is discharged from a facility.

**Section 16** provides that it is the jurisdiction of the Commissioner of Public Safety to carry out the security duties of Minnesota Statutes, chapter 115E.

**Section 17** provides that peace officers are covered under the protocols of Minnesota Statutes, section 144.7401, regarding bloodborne pathogens, regardless of whether the officer is engaged in performing emergency services.

**Section 18** modifies Minnesota Statutes, section 181.973, relating to traumatic event peer counseling of public safety employees. Under current law, “peer counseling debriefing” is the term of art. This section separates the counseling and debriefing processes and includes both in the procedural safeguards of the statute.

The article also expands counseling eligibility from public safety employees who have suffered an occupation-related “traumatic event” to employees who have suffered an occupation-related “trauma, illness, or stress.”

**Sections 19 and 20** require sex offenders who are sentenced to lifetime registration in another state must register for life in Minnesota as well.

**Section 21** extends the current statutory definitions for human trafficking to the new provisions created by sections 22 to 24. It also expands the duties of the Commissioner of Public Safety to include analyses of data on human trafficking and the establishment of policies to provide assistance to trafficking victims.

**Section 22** requires the commissioner to develop and implement a plan to address human trafficking. The plan must include training initiatives for law enforcement, prosecutors, social service providers, and public awareness initiatives. Training and awareness initiatives must be evaluated annually to ensure their effectiveness.

**Section 23** authorizes the commissioner to review existing services and facilities to enable the state and nongovernmental to meet trafficking victims’ needs.

**Section 24** creates a 22-member human trafficking task force to advise and assist the commissioner to implement the provisions of sections 22 to 24. This section also details task force membership and procedures, and provides for the appointment of a task force coordinator.

**Section 25** requires the Commissioner of Public Safety to contract with a nonprofit organization to establish a toll-free telephone hotline for trafficking victims by January 1, 2007. The hotline must offer interpretative services in Spanish, Vietnamese, Hmong, and Somali. It must screen trafficking victims and provide appropriate referrals for assistance.

**Section 26, Subdivision 1**, defines the following terms for the purposes of this article:

- “ICAC” means Internet Crimes Against Children Task Force; and
- “Team” means the crimes against children team.

**Subdivision 2** requires the Commissioner of Public Safety to convene a team of Bureau of Criminal Apprehension agents, analysts, and support staff to investigate technology-facilitated crimes against children.

**Subdivision 3** provides that the team shall serve as a statewide source for prevention, education, and investigation of child pornography and solicitation. The team shall assist in implementing the educational “NetSmartz” program.

**Subdivision 4** authorizes the commissioner to enter into a memorandum of understanding with federal agencies which may authorize state law enforcement officers to enforce federal laws.

**Subdivision 5** authorizes the commissioner to enter into a memorandum of understanding with the ICAC Task Force, state law enforcement agencies, city police departments, county sheriff’s departments, and local government units.

**Subdivision 6** requires the team to cooperate fully with existing prosecutorial offices and law enforcement agencies, including county attorney’s offices, the Minnesota Attorney General’s Office, the United States Attorney’s Office, the ICAC Task Force, federal law enforcement agencies, city and county law enforcement agencies, and other state law enforcement agencies.

**Section 27, Subdivision 1**, requires the Department of Public Safety to provide information to local law enforcement agencies about best practices for handling death scene investigations.

**Subdivision 2** requires the official with custody of the human remains after a death scene investigation to ensure that the remains are delivered to the appropriate medical examiner. If the remains are not identified within 24 hours, or if it cannot be determined whether the remains are human, the person with custody of the remains must notify the Department of Public Safety.

**Section 28** 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.

**Section 29** creates a 12-member Forensic Laboratory Advisory Board. The board may develop and implement a reporting system through which laboratories that conduct forensic analyses report professional negligence or misconduct, and investigate any allegation of professional negligence or

misconduct. The board may delegate by contract its investigative duties. It shall make all investigations public, and report all investigation to the Legislature by January 15 of each year.

**Section 30** authorizes the Department of Corrections' Fugitive Apprehension Unit access to the Bureau of Criminal Apprehension's Comprehensive Incident-Based Reporting System (CIBRS).

**Section 31** authorizes the Bureau of Criminal Apprehension (BCA), under the Comprehensive Incident-Based Reporting System "CIBRS" system (See section 30) to employ a secure subscription service.

**Section 32** requires the local law enforcement agency in the location where a missing person was last seen to take a missing person report from an interested party. If this cannot be determined, the law enforcement agency where the missing person last resided must take the report.

**Section 33** 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.

**Section 34** allows direct appeal to the fire marshal who is only obligated to consider any decision or recommendation that may have been made by the local governing body. Under current law, an appeal for a variance from the Uniform Fire Code cannot be accepted by the state fire marshal until the applicant has applied to the local governing body and the local unit has acted on the application.

**Section 35** requires the state fire marshal to reconsider a decision to suspend, revoke, or refuse to renew certification of a fireworks operator upon petition. Requires the fire marshal to render a written decision within 30 days. The decision may be appealed to the district court.

**Section 36** requires the POST Board to include in its peace officer training the best practices for policing immigrant communities.

## **Article 5 Corrections**

**Section 1** authorizes the Commissioner of Corrections to order that an inmate be screened for tuberculosis if the inmate refuses to submit to a screening test.

**Section 2** requires the Department of Corrections to include information about prison-based mental health programs in its biennial performance report. Also requires the Department of Corrections recidivism studies to include statistics on the percentage of offenders who have been assessed as chemically dependent, and maintain separate recidivism rates for persons completing and persons not completing treatment.

**Section 3** 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.

**Section 4** requires the commissioner, upon release of an offender, to provide the corrections agency that will supervise the offender all records on the offender's prison-based substance abuse assessments, treatments, and other related services.

**Section 5** requires the commissioner, by January 15, 2007, and at least once every three years thereafter, to contract for an independent review of the department's prison-based substance abuse assessment activities.

**Section 6** requires the commissioner to cooperate with community-based corrections agencies to determine the substance abuse treatment needs of offenders transitioning from prison to community.

**Section 7** requires the commissioner to keep adequate records regarding inmate participation in substance abuse treatment programs, including noncompliance with assessment recommendations.

**Section 8** authorizes 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 and a good faith effort has been made to consult the inmate's next of kin.

**Section 9** provides that if a prosecuting authority or sentencing court wants to comment regarding the conditional release of a nonviolent drug offender, it must specify the reasons for its position.

**Section 10** extends the sunset for the conditional release of nonviolent drug offenders from July 1, 2007, to July 1, 2009.

**Section 11** amends the sex offender sentencing statute enacted last year. Adds language currently contained in the Patterned Offender Sentencing Law requiring the Commissioner of Corrections to develop a plan to pay for the cost of treatment of conditionally released offenders.

**Section 12** forbids county jails from charging a fee for an inmate to participate in a work release program if the inmate is paying the costs of the inmate's maintenance under subdivision 5 of Minnesota Statutes, section 631.425.

**Section 13** allows a county to unilaterally withdraw from a regional county jail system. Under current law, a county may withdraw only with the consent of all the other county boards in the system. Reimbursement of the county for capital cost, debt service, or lease rental payments, if any, must still receive consent of all other county boards.

**Section 14** requires the commissioner, by January 15, 2007, to report recommendations to the legislature on how to improve the availability and effectiveness of prison-based and community-

based substance abuse treatment programs. These recommendations must include an estimate of the financial cost involved.

## **Article 6 Coroners and Medical Examiners**

This article modifies and updates the law relating to county coroners and medical examiners. Following is a summary of Local Government issues:

**Section 1** provides that each county must have a coroner or medical examiner. The coroner may be elected or appointed; the medical examiner is appointed by the county board. Provides for qualifications for the medical examiner and the coroner and grandfathers in certain incumbents. Provides for vacancies and removal in the offices of medical examiner and coroner.

**Section 2** provides the procedure to select the Hennepin County medical examiner.

**Section 3** provides that the bond for the coroner and medical examiner must be included in the bond held by the county for all appointed and elected county officials.

**Section 4** provides that the office of coroner or medical examiner is an independent agency of the county subject only to appointment, removal, and budgeting by the county board.

**Section 5** provides that the coroner or medical examiner has jurisdiction over the death of a person who dies or is pronounced dead within the county, regardless of where any injury resulting in the death occurred. Provides that if the place of death is unknown and the dead body is found in Minnesota, the place where the body is found is considered the place of death.

**Section 6** clarifies language authorizing the transfer of jurisdiction to the coroner or medical examiner and removes the county sheriff from the process.

**Section 7** the coroner or medical examiner is authorized to appoint staff necessary to fulfill the duties of the office. The assistants must have the same qualifications as the coroner or medical examiner. Also provides the process for appointing the assistants and investigators.

**Section 8** provides that every county need not have a morgue as long as there is a system or a process for receiving, storing, and releasing all dead bodies under this statute.

**Section 9** deals with the investigation of sudden or unexpected deaths or other deaths that may not be due to natural causes.

**Subdivision 1** specifies more types of deaths that are reportable. The coroner or medical examiner must determine that extent of the investigation, including whether an additional



investigation is needed, jurisdiction is assumed, or an autopsy will be performed. This authority is not subject to judicial order or injunction.

**Subdivision 2** deals with autopsies. Tissues retained as part of an autopsy must be disposed of in accordance with standard biohazardous hospital or surgical material and the specific consent or notification of the legal next of kin is not required. Written or oral consent would be necessary if the removal, testing, and use is done only for research or medical knowledge purposes.

**Subdivision 5** deals with inquests. Language is added specifying that inquest records must be public. The county attorney may subpoena witnesses.

**Subdivision 6** deals with records kept by a coroner or medical examiner. Language is added specifying that the records are the property of the county and subject to the Data Practices Act. They must be kept at the coroner's or medical examiner's office, unless no storage space is available. They must be kept with official county records and released only in accordance with the Data Practices Act and retained in accordance with section 15.17 (the official records statute).

**Subdivision 7a** deals with records and other material available to the coroner or medical examiner and the treatment of records and data. The requirement that all data, except health data, be provided to the coroner or medical examiner as part of an investigation is expanded to include more specific types of records. In cases involving a still-born infant or death of a fetus or infant less than one year of age, prenatal records on the decedent's mother must also be made available. Records of a decedent that become part of the file are not subject to subpoena or a request for production of the records. Specified biological samples must be made available. Notwithstanding section 13.384 (the medical data statute) and section 595.02 (the witness privilege statute), the coroner or medical examiner has the power to subpoena any and all documents and records deemed useful in the investigation of a death.

**Subdivision 7b** provides that records and reports of the coroner or medical examiner must be admissible as evidence in any court or grand jury proceeding, provided that the admissibility of this evidence does not include statements made by witnesses or other persons unless otherwise admissible.

**Section 10** provides that the county board is responsible for the reasonable and necessary compensation and expenses of the coroner and the medical examiner and the assistants, investigators, or medical specialists.

**Section 11** clarifies language regarding the fees to be charged by the coroner or medical examiner.

**Section 12** authorizes the coroner or medical examiner to facilitate donations of organs and tissues in compliance with the Uniform Anatomical Gift Act.

**Section 13** authorizes the coroner or medical examiner to give approval for cremation either by signing a cremation authorization form or electronically with the State Registrar.

**Section 14** provides that the county where a dead body is found shall pay reasonable expenses of the burial when a deceased person is unknown and the body is unclaimed.

**Section 15** requires the coroner or medical examiner to release any property or articles needed for a criminal investigation to law enforcement officers conducting the investigation.

**Section 16** delineates the procedures for the possession, retention and release of personal property used in an investigation.

**Section 17** provides that in cases of likely or suspected accidental, suicidal, homicidal, violent, or mysterious deaths, only the county coroner may file the cause or manner of death with the State Registrar. In cases where there is reasonable proof that a death has occurred, but no body has been found, a judge may direct the State Registrar to register the death.

**Section 18** amends the statute dealing with unidentified deceased persons. More specific requirements are included with respect to identification of a body. Requires the coroner or medical examiner to notify the Bureau of Criminal Apprehension (BCA) missing persons clearinghouse after 60 days so information may be entered into federal and state databases. Also requires the submission of tissue to the BCA for DNA analysis. Requirements are included with respect to the preservation of data.

**Section 19** authorizes the coroner or medical examiner to, upon request, make physical examinations and tests incident to any matter of criminal nature under consideration by the district court or county attorney or public defender. The court, attorney, or agency making the request must bear the cost of the examination.

**Section 20** authorizes the county board to contract to perform coroner or medical examiner services with other units of government under a fee schedule approved by the county board.

**Section 21** is the repealer section.

CT:rer

Senators Ranum, Foley, Berglin, Rosen and Neuville introduced—  
S.F. No. 2738: Referred to the Committee on Finance.

A bill for an act

relating to public safety; appropriating money to allow courts to better address  
alcohol and other drug addicted offenders.

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

Section 1. APPROPRIATION.

\$750,000 is appropriated for the fiscal year ending June 30, 2007, from the general  
fund to the chief justice of the Supreme Court. Of this amount:

(1) \$..... is for training multidisciplinary teams on the problem-solving approach  
for alcohol and other drug addicted offenders;

(2) \$..... is for a study to recommend a more uniform and cost-effective structure  
for creating statewide applications of the problem-solving court model;

(3) \$..... is to augment treatment services for problem-solving courts; and

(4) \$..... is for development of a multicounty pilot problem-solving court.

1.1 Senator ..... moves to amend the Public Safety Budget Division Report  
1.2 (SS2738DIV) to S.F. No. 2738 as follows:

1.3 Page 28, after line 21, insert:

1.4 "Sec. 15. Minnesota Statutes 2004, section 609.153, subdivision 1, is amended to  
1.5 read:

1.6 Subdivision 1. **Application.** This section applies to the following misdemeanor-level  
1.7 crimes: sections 152.093 (manufacture or delivery of drug paraphernalia prohibited);  
1.8 152.095 (advertisement of drug paraphernalia prohibited); 609.324 (prostitution);  
1.9 609.3243 (loitering with intent to participate in prostitution); 609.546 (motor vehicle  
1.10 tampering); 609.595 (damage to property); and 609.66 (dangerous weapons);  
1.11 misdemeanor-level violations of section 609.605 (trespass); and violations of local  
1.12 ordinances prohibiting the unlawful sale or possession of controlled substances.

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

1.15 Page 47, after line 11, insert:

1.16 "Sec. 6. Minnesota Statutes 2004, section 169A.70, is amended by adding a  
1.17 subdivision to read:

1.18 **Subd. 9. Court's authority to require assessments in other instances.** A court  
1.19 having jurisdiction over a person in a juvenile, criminal, or civil commitment proceeding  
1.20 may order that the person submit to a chemical use assessment under this section if the  
1.21 court has reason to believe that the person may have a chemical dependency problem.

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

1.24 Renumber the sections in sequence and correct the internal references

1.25 Amend the title accordingly

1.1 Senator ..... moves to amend the Public Safety Budget Division Report  
1.2 (SS2738DIV) to S.F. No. 2738 as follows:

1.3 Page 69, after line 18, insert:

1.4 "Sec. 35. **[299F.50] DEFINITIONS.**

1.5 Subdivision 1. **Scope.** As used in sections 299F.50 to 299F.52, the terms defined in  
1.6 this section have the meanings given them.

1.7 Subd. 2. **Installed.** "Installed" means that an approved carbon monoxide alarm is  
1.8 hard-wired into the electrical wiring, directly plugged into an electrical outlet without a  
1.9 switch, or, if the alarm is battery-powered, attached to the wall of the dwelling.

1.10 Subd. 3. **Single and multifamily dwelling.** "Single and multifamily dwelling"  
1.11 means any building or structure which is wholly or partly used or intended to be used  
1.12 for living or sleeping by human occupants.

1.13 Subd. 4. **Dwelling unit.** "Dwelling unit" means an area meant for living or sleeping  
1.14 by human occupants.

1.15 Subd. 5. **Approved carbon monoxide alarm.** "Approved carbon monoxide alarm"  
1.16 means a device meant for the purpose of detecting carbon monoxide that is certified by a  
1.17 nationally recognized testing laboratory to conform to the latest Underwriters Laboratories  
1.18 Standards (known as UL2034 standards).

1.19 Subd. 6. **Operational.** "Operational" means working and in service.

1.20 **EFFECTIVE DATE.** This section is effective January 1, 2007, for all newly  
1.21 constructed single family and multifamily dwelling units for which building permits were  
1.22 issued on or after January 1, 2007; August 1, 2008, for all existing single family dwelling  
1.23 units; and August 1, 2009, for all multifamily dwelling units.

1.24 Sec. 36. **[299F.51] REQUIREMENTS FOR CARBON MONOXIDE ALARMS.**

1.25 Subdivision 1. **Generally.** Every single family dwelling and every dwelling unit in  
1.26 a multifamily dwelling must have an approved and operational carbon monoxide alarm  
1.27 installed within ten feet of each room lawfully used for sleeping purposes.

1.28 Subd. 2. **Owner's duties.** The owner of a multifamily dwelling unit which is  
1.29 required to be equipped with one or more approved carbon monoxide alarms must:

1.30 (1) provide and install one approved and operational carbon monoxide alarm within  
31 ten feet of each room lawfully used for sleeping; and

1.32 (2) replace any required carbon monoxide alarm that has been stolen, removed,  
1.33 found missing, or rendered inoperable during a prior occupancy of the dwelling unit

2.1 and which has not been replaced by the prior occupant prior to the commencement of a  
2.2 new occupancy of a dwelling unit.

2.3 Subd. 3. **Occupant’s duties.** The occupant of each dwelling unit in a multifamily  
2.4 dwelling in which an approved and operational carbon monoxide alarm has been provided  
2.5 and installed by the owner must:

- 2.6 (1) keep and maintain the device in good repair; and
- 2.7 (2) replace any device that is stolen, removed, missing, or rendered inoperable  
2.8 during the occupancy of the dwelling unit.

2.9 Subd. 4. **Battery removal prohibited.** No person shall remove batteries from, or in  
2.10 any way render inoperable, a required carbon monoxide alarm.

2.11 Subd. 5. **Exceptions; certain multifamily dwellings and state-operated facilities.**

2.12 (a) In lieu of requirements of subdivision 1, multifamily dwellings may have approved and  
2.13 operational carbon monoxide alarms installed between 15 and 25 feet of carbon monoxide  
2.14 producing central fixtures and equipment provided there is a centralized alarm system or  
2.15 other mechanism for responsible parties to hear the alarm at all times.

2.16 (b) An owner of a multifamily dwelling that contains minimal or no sources of  
2.17 carbon monoxide may be exempted from the requirements of subdivision 1, provided that  
2.18 such owner certifies to the commissioner of public safety that such multifamily dwelling  
2.19 poses no foreseeable carbon monoxide risk to the health and safety to the dwelling units.

2.20 (c) The requirements of this section do not apply to facilities owned or operated  
2.21 by the state of Minnesota.

2.22 **EFFECTIVE DATE.** This section is effective January 1, 2007, for all newly  
2.23 constructed single family and multifamily dwelling units for which building permits were  
2.24 issued on or after January 1, 2007; August 1, 2008, for all existing single family dwelling  
2.25 units; and August 1, 2009, for all multifamily dwelling units.

2.26 Sec. 37. **[299F.52] ENFORCEMENT.**

2.27 A violation of section 299F.50 or 299F.51 subjects the owner of the single family  
2.28 dwelling, multifamily dwelling, or dwelling unit to the same penalty and enforcement  
2.29 mechanism provided for violations of the Uniform Fire Code provided in section  
2.30 299F.011, subdivision 6.

2.31 **EFFECTIVE DATE.** This section is effective January 1, 2007, for all newly  
2.32 constructed single family and multifamily dwelling units for which building permits were  
2.33 issued on or after January 1, 2007; August 1, 2008, for all existing single family dwelling  
2.34 units; and August 1, 2009, for all multifamily dwelling units."

- 3.1 Renumber the sections in sequence and correct the internal references
- 3.2 Amend the title accordingly

1.1 Senator ..... moves to amend the Public Safety Budget Division Report  
1.2 (SS2738DIV) to S.F. No. 2738 as follows:

1.3 Pages 1 to 15, delete article 1

1.4 Page 26, after line 30, insert:

1.5 "Sec. 12. Minnesota Statutes 2004, section 518B.01, is amended by adding a  
1.6 subdivision to read:

1.7 Subd. 19a. Entry and enforcement of foreign protective orders. (a) As used in  
1.8 this subdivision, "foreign protective order" means an order for protection entered by a  
1.9 court of another state; and order by an Indian tribe or United States territory that would be  
1.10 a protective order entered under this chapter; a temporary or permanent order or protective  
1.11 order to exclude a respondent from a dwelling; or an order that establishes conditions of  
1.12 release or is a protective order or sentencing order in a criminal prosecution arising from a  
1.13 domestic abuse assault if it had been entered in Minnesota.

1.14 (b) A person for whom a foreign protection order has been issued or the issuing court  
1.15 or tribunal may provide a certified or authenticated copy of a foreign protective order to the  
1.16 court administrator in any county that would have venue if the original action was being  
1.17 commenced in this state or in which the person in whose favor the order was entered may  
1.18 be present, for filing and entering of the same into the state order for protection database.

1.19 (c) The court administrator shall file and enter foreign protective orders that are  
1.20 not certified or authenticated, if supported by an affidavit of a person with personal  
1.21 knowledge, subject to the penalties for perjury. The person protected by the order may  
1.22 provide this affidavit.

1.23 (d) The court administrator shall provide copies of the order as required by this  
1.24 section.

1.25 (e) A valid foreign protective order has the same effect and shall be enforced in the  
1.26 same manner as an order for protection issued in this state whether or not filed with a court  
1.27 administrator or otherwise entered in the state order for protection database.

1.28 (f) A foreign protective order is presumed valid if it meets all of the following:

1.29 (1) The order states the name of the protected individual and the individual against  
1.30 whom enforcement is sought;

1.31 (2) the order has not expired;

1.32 (3) the order was issued by a court or tribunal that had jurisdiction over the parties  
1.33 and subject matter under the law of the foreign jurisdiction; and

1.34 (4) the order was issued in accordance with the respondent's due process rights,  
1.35 either after the respondent was provided with reasonable notice and an opportunity to be  
1.36 heard before the court or tribunal that issued the order, or in the case of an ex parte order,



2.1 the respondent was granted notice and an opportunity to be heard within a reasonable  
 2.2 time after the order was issued.

2.3 (g) Proof that a foreign protective order failed to meet all of the factors listed in  
 2.4 paragraph (f) is an affirmative defense in any action seeking enforcement of the order.

2.5 (h) A peace officer shall treat a foreign protective order as a valid legal document  
 2.6 and shall make an arrest for a violation of the foreign protective order in the same manner  
 2.7 that a peace officer would make an arrest for a violation of a protective order issued  
 2.8 within this state.

2.9 (i) The fact that a foreign protective order has not been filed with the court  
 2.10 administrator or otherwise entered into the state order for protection database shall not be  
 2.11 grounds to refuse to enforce the terms of the order unless it is apparent to the officer that  
 2.12 the order is invalid on its face.

2.13 (j) A peace officer acting reasonably and in good faith in connection with the  
 2.14 enforcement of a foreign protective order is immune from civil and criminal liability in  
 2.15 any action arising in connection with the enforcement.

2.16 (k) Filing and service costs in connection with foreign protective orders are waived.

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

2.18 Page 28, line 16, reinstate the stricken "been convicted of a second or"

2.19 Page 28, line 17, reinstate the stricken "subsequent" and delete the new language

2.20 Page 51, line 14, delete "2" and insert "1a"

2.21 Page 52, line 1, delete "safe" and insert "safer"

2.22 Page 52, line 7, after "(5)" insert "list"

2.23 Pages 58 to 63, delete sections 21 to 26

2.24 Page 63, line 22, delete "REPORTING OF UNIDENTIFIED PERSONS/HUMAN"  
 2.25 and insert "DEATH SCENE INVESTIGATIONS"

2.26 Page 63, line 23, delete "REMAINS"

2.27 Page 63, line 24, delete everything before "(a)"

2.28 Page 63, delete lines 30 to 36

2.29 Page 64, delete lines 1 to 3

2.30 Page 70, delete section 36 and insert:

2.31 "Sec. 30. **MISSING ADULTS MODEL POLICY.**

2.32 The superintendent of the Bureau of Criminal Apprehension, in consultation with

2.33 the Minnesota Sheriffs Association and the Minnesota Chiefs of Police Association, shall

3.1 develop a model policy to address law enforcement efforts and duties regarding missing  
3.2 adults and provide training to local law enforcement agencies on this model policy.

3.3 By February 1, 2007, the superintendent shall report to the chairs and ranking  
3.4 minority members of the senate and house committees and divisions having jurisdiction  
3.5 over criminal justice policy and funding on the model policy and training.

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

3.7 **Sec. 31. POST BOARD AUDIT.**

3.8 The Peace Officer Standards and Training Board shall conduct a training audit of its  
3.9 practitioners, including chiefs of police and county sheriffs, to determine what training  
3.10 is currently offered, what new training is necessary, and how it should be implemented.  
3.11 Training topics shall include the policing of immigrant communities and racial profiling.

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

3.13 Page 75, after line 20, insert:

3.14 "Sec. 14. Laws 2005, chapter 136, article 1, section 13, subdivision 3, is amended to  
3.15 read:

3.16	Subd. 3. <b>Community Services</b>	103,556,000	103,369,000
3.17	Summary by Fund		
3.18	General Fund	103,456,000	103,269,000
3.19	Special Revenue	100,000	100,000

3.20 **SHORT-TERM OFFENDERS. \$1,207,000**

3.21 each year is for costs associated with the  
3.22 housing and care of short-term offenders.  
3.23 The commissioner may use up to 20 percent  
3.24 of the total amount of the appropriation  
3.25 for inpatient medical care for short-term  
3.26 offenders with less than six months to  
3.27 serve as affected by the changes made to  
3.28 Minnesota Statutes, section 609.105, in  
3.29 2003. All funds remaining at the end of  
3.30 the fiscal year not expended for inpatient  
3.31 medical care shall be added to and distributed  
3.32 with the housing funds. These funds shall  
3.33 be distributed proportionately based on the  
3.34 total number of days short-term offenders are

4.1 placed locally, not to exceed \$70 per day.  
4.2 Short-term offenders may be housed in a  
4.3 state correctional facility at the discretion of  
4.4 the commissioner.

4.5 The Department of Corrections is exempt  
4.6 from the state contracting process for the  
4.7 purposes of Minnesota Statutes, section  
4.8 609.105, as amended by Laws 2003, First  
4.9 Special Session chapter 2, article 5, sections  
4.10 7 to 9.

4.11 **GPS MONITORING OF SEX**

4.12 **OFFENDERS.** \$500,000 the first  
4.13 year and \$162,000 the second year are for the  
4.14 acquisition and service of bracelets equipped  
4.15 with tracking devices designed to track  
4.16 and monitor the movement and location of  
4.17 criminal offenders. The commissioner shall  
4.18 use the bracelets to monitor high-risk sex  
4.19 offenders who are on supervised release,  
4.20 conditional release, parole, or probation to  
4.21 help ensure that the offenders do not violate  
4.22 conditions of their release or probation.

4.23 **END OF CONFINEMENT REVIEWS.**

4.24 \$94,000 each year is for end of confinement  
4.25 reviews.

4.26 **COMMUNITY SURVEILLANCE AND**

4.27 **SUPERVISION.** \$1,370,000 each year is  
4.28 to provide housing options to maximize  
4.29 community surveillance and supervision.

4.30 **INCREASE IN INTENSIVE**

4.31 **SUPERVISED RELEASE SERVICES.**

4.32 \$1,800,000 each year is to increase intensive  
4.33 supervised release services.

4.34 **SEX OFFENDER ASSESSMENT**

4.35 **REIMBURSEMENTS.** \$350,000 each year

5.1 is to ~~provide grants to~~ reimburse counties or  
5.2 their designees, or courts ~~for reimbursements~~  
5.3 ~~for~~ sex offender assessments as required  
5.4 under Minnesota Statutes, section 609.3452,  
5.5 subdivision 1, which is being renumbered as  
5.6 section 609.3457.

5.7 **SEX OFFENDER TREATMENT AND**  
5.8 **POLYGRAPHS.** \$1,250,000 each year  
5.9 is to provide treatment for sex offenders  
5.10 on community supervision and to pay for  
5.11 polygraph testing.

5.12 **INCREASED SUPERVISION OF SEX**  
5.13 **OFFENDERS, DOMESTIC VIOLENCE**  
5.14 **OFFENDERS, AND OTHER VIOLENT**  
5.15 **OFFENDERS.** \$1,500,000 each year is for  
5.16 the increased supervision of sex offenders  
5.17 and other violent offenders, including  
5.18 those convicted of domestic abuse. These  
5.19 appropriations may not be used to supplant  
5.20 existing state or county probation officer  
5.21 positions.

5.22 The commissioner shall distribute \$1,050,000  
5.23 in grants each year to Community Corrections  
5.24 Act counties and \$450,000 each year to the  
5.25 Department of Corrections Probation and  
5.26 Supervised Release Unit. The commissioner  
5.27 shall distribute the funds to the Community  
5.28 Corrections Act counties according to the  
5.29 formula contained in Minnesota Statutes,  
5.30 section 401.10.

5.31 Prior to the distribution of these funds, each  
5.32 Community Corrections Act jurisdiction and  
5.33 the Department of Corrections Probation  
5.34 and Supervised Release Unit shall submit  
5.35 to the commissioner an analysis of need

6.1 along with a plan to meet their needs and  
6.2 reduce the number of sex offenders and other  
6.3 violent offenders, including domestic abuse  
6.4 offenders, on probation officer caseloads.

6.5 **COUNTY PROBATION OFFICERS.**

6.6 \$500,000 each year is to increase county  
6.7 probation officer reimbursements.

6.8 **INTENSIVE SUPERVISION AND**  
6.9 **AFTERCARE FOR CONTROLLED**  
6.10 **SUBSTANCES OFFENDERS; REPORT.**

6.11 \$600,000 each year is for intensive  
6.12 supervision and aftercare services for  
6.13 controlled substances offenders released  
6.14 from prison under Minnesota Statutes,  
6.15 section 244.055. These appropriations are  
6.16 not added to the department's base budget.  
6.17 By January 15, 2008, the commissioner  
6.18 shall report to the chairs and ranking  
6.19 minority members of the senate and house  
6.20 of representatives committees and divisions  
6.21 having jurisdiction over criminal justice  
6.22 policy and funding on how this appropriation  
6.23 was spent.

6.24 **REPORT ON ELECTRONIC**  
6.25 **MONITORING OF SEX OFFENDERS.**

6.26 By March 1, 2006, the commissioner shall  
6.27 report to the chairs and ranking minority  
6.28 members of the senate and house of  
6.29 representatives committees and divisions  
6.30 having jurisdiction over criminal justice  
6.31 policy and funding on implementing an  
6.32 electronic monitoring system for sex  
6.33 offenders who are under community  
6.34 supervision. The report must address the  
6.35 following:

- 7.1 (1) the advantages and disadvantages in  
7.2 implementing this system, including the  
7.3 impact on public safety;
- 7.4 (2) the types of sex offenders who should be  
7.5 subject to the monitoring;
- 7.6 (3) the time period that offenders should be  
7.7 subject to the monitoring;
- 7.8 (4) the financial costs associated with the  
7.9 monitoring and who should be responsible  
7.10 for these costs; and
- 7.11 (5) the technology available for the  
7.12 monitoring.

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

7.14 Renumber the sections in sequence and correct the internal references

7.15 Amend the title accordingly

To: Senator Cohen, Chair

Committee on Finance

From: Senator Ranum,

Chair of the Public Safety Budget Division, to which was referred

S.F. No. 2738: A bill for an act relating to public safety; appropriating money to allow courts to better address alcohol and other drug addicted offenders.

Delete everything after the enacting clause and insert:

"ARTICLE 1

PUBLIC SAFETY SUPPLEMENTAL APPROPRIATIONS

Section 1. SUPPLEMENTAL APPROPRIATIONS.

The appropriations in this article are added to or, if shown in parentheses, subtracted from the appropriations enacted into law by the legislature in Laws 2005, chapter 136, or other specified law, to the named agencies and for the specified programs or activities.

The sums shown are appropriated from the general fund, or another named fund, to be available for the fiscal years indicated for each purpose. The figures "2006" and "2007" where used in this article, mean that the appropriation or appropriations listed under them are available for the year ending June 30, 2006, or June 30, 2007, respectively. The term "first year" means the fiscal year ending June 30, 2006, and "second year" means the fiscal year ending June 30, 2007. Supplementary appropriations and reductions to appropriations for the fiscal year ending June 30, 2006, are effective the day following final enactment.

SUMMARY BY FUND

		<u>2006</u>		<u>2007</u>		<u>TOTAL</u>
<u>General</u>	\$	<u>3,869,000</u>	\$	<u>15,032,000</u>	\$	<u>18,901,000</u>
<u>Special Revenue</u>		<u>663,000</u>		<u>717,000</u>		<u>1,380,000</u>
<u>TOTAL</u>	\$	<u>4,532,000</u>	\$	<u>15,749,000</u>	\$	<u>20,281,000</u>

APPROPRIATIONS  
Available for the Year  
Ending June 30  
2006                      2007

Sec. 2. <u>SUPREME COURT</u>		<u>-0-</u>	<u>750,000</u>
------------------------------	--	------------	----------------

AOD offenders

This appropriation is for the first phase of a judicial initiative to more effectively address the increasing numbers of alcohol and other drug (AOD) offenders coming into Minnesota courts, including the increase

2.1 in methamphetamine offenders. This is a  
 2.2 onetime appropriation. Of this amount:  
 2.3 (1) \$150,000 is for training multidisciplinary  
 2.4 teams on the problem-solving approach for  
 2.5 alcohol and other drug addicted offenders;  
 2.6 (2) \$300,000 is for a study to recommend a  
 2.7 more uniform and cost-effective structure  
 2.8 for creating statewide applications of the  
 2.9 problem-solving court model;  
 2.10 (3) \$100,000 is to augment treatment services  
 2.11 for problem-solving courts; and  
 2.12 (4) \$200,000 is for development of a  
 2.13 multicounty pilot problem-solving court.

2.14 **Sec. 3. BOARD ON JUDICIAL**  
 2.15 **STANDARDS**

172,000

75,000

2.16 **Special hearings**  
 2.17 \$172,000 the first year is for costs of special  
 2.18 hearings and an investigation regarding  
 2.19 complaints of judicial misconduct. This is a  
 2.20 onetime appropriation and is available until  
 2.21 June 30, 2007.

2.22 **Investigation services**  
 2.23 \$75,000 the second year is for investigation  
 2.24 services. This is a onetime appropriation.

2.25 **Sec. 4. BOARD OF PUBLIC DEFENSE**

200,000

200,000

2.26 **Appellate transcripts**  
 2.27 This appropriation is for additional costs  
 2.28 associated with appellate transcripts.

2.29 **Sec. 5. PUBLIC SAFETY**

2.30 **Subdivision 1. Total appropriation**

284,000

3,136,000

2.31 These appropriations are added to the  
 2.32 appropriations in Laws 2005, chapter 136,  
 2.33 article 1, section 9. The amounts that may



3.1 be spent from these appropriations for each  
 3.2 program are specified in subdivisions 2 to 4.

3.3 Subd. 2. Emergency management 284,000 62,000

3.4 Matching funds

3.5 \$284,000 the first year is to provide  
 3.6 matching funds for FEMA funds received  
 3.7 for natural disaster assistance payments.

3.8 This appropriation is available until June 30,  
 3.9 2007. This is a onetime appropriation.

3.10 Extraordinarily hazardous substances

3.11 \$62,000 the second year is to implement  
 3.12 the changes made in article 4 to Minnesota  
 3.13 Statutes, chapter 115E, relating to  
 3.14 extraordinarily hazardous substances.

3.15 Subd. 3. Criminal apprehension -0- 920,000

3.16 Internet crimes against children team

3.17 \$620,000 is for the Internet crimes against  
 3.18 children team described in new Minnesota  
 3.19 Statutes, section 299A.82. This appropriation  
 3.20 shall include a minimum of two agents, one  
 3.21 computer technologist, and one criminal  
 3.22 analyst. The base budget for this activity shall  
 3.23 be \$620,000 in fiscal year 2008 and fiscal  
 3.24 year 2009. This appropriation must be used  
 3.25 to increase the complement of individuals  
 3.26 assigned to investigate technology facilitated  
 3.27 crimes against children.

3.28 Predatory offender database

3.29 \$200,000 is for the enhancement of the  
 3.30 predatory offender database to facilitate  
 3.31 notification of noncompliant sex offenders  
 3.32 on the Internet. The base budget for this  
 3.33 activity shall be \$116,000 in fiscal year 2008  
 3.34 and fiscal year 2009.

- 4.1 Missing persons/unidentified bodies  
4.2 backlog  
4.3 \$100,000 is to address the missing persons  
4.4 and unidentified bodies backlog. This is a  
4.5 onetime appropriation.  
4.6 The superintendent shall coordinate with  
4.7 federal and local units of government;  
4.8 federal, state, and local law enforcement  
4.9 agencies; medical examiners; coroners;  
4.10 odontologists; and other entities to reduce  
4.11 the state's reporting, data entry, and record  
4.12 keeping backlog relating to missing persons  
4.13 and unidentified bodies. To the degree  
4.14 feasible, the superintendent shall ensure that  
4.15 all necessary data and samples, including,  
4.16 but not limited to, DNA samples and dental  
4.17 records get entered into all relevant federal  
4.18 and state databases.  
4.19 By February 1, 2007, the superintendent shall  
4.20 report to the chairs and ranking minority  
4.21 members of the senate and house committees  
4.22 and divisions having jurisdiction over  
4.23 criminal justice policy and funding on the  
4.24 efforts to reduce the state's backlog. The  
4.25 report must give detailed information on how  
4.26 this appropriation was spent and how this  
4.27 affected the backlog. In addition, the report  
4.28 must make recommendations for changes  
4.29 to state law, including suggested legislative  
4.30 language, to improve reporting, data entry,  
4.31 and record keeping relating to future cases  
4.32 involving missing persons and unidentified  
4.33 bodies.  
4.34 Missing adults model policy  
4.35 The superintendent, in consultation with  
4.36 the Minnesota Sheriffs Association and the

5.1 Minnesota Chiefs of Police Association,  
 5.2 shall develop a model policy to address law  
 5.3 enforcement efforts and duties regarding  
 5.4 missing adults and provide training to local  
 5.5 law enforcement agencies on this model  
 5.6 policy.

5.7 By February 1, 2007, the superintendent shall  
 5.8 report to the chairs and ranking minority  
 5.9 members of the senate and house committees  
 5.10 and divisions having jurisdiction over  
 5.11 criminal justice policy and funding on the  
 5.12 model policy and training.

5.13 Subd. 4. Office of justice programs -0- 2,154,000

5.14 Gang strike force and narcotic task forces  
 5.15 \$1,080,000 is for expanded operations  
 5.16 of the criminal gang strike force and  
 5.17 narcotics task forces. This money is to  
 5.18 be used to expand the activities of the  
 5.19 criminal gang strike force and narcotics  
 5.20 task forces to include investigations of gang  
 5.21 or narcotics-related human trafficking and  
 5.22 domestic or international drug trafficking  
 5.23 cases. This appropriation must be used to  
 5.24 increase the complement of individuals  
 5.25 assigned to the criminal gang strike force and  
 5.26 narcotics task forces throughout the state.

5.27 Bomb squads  
 5.28 \$52,000 is for grants to municipalities whose  
 5.29 bomb squads provide out-of-area assistance  
 5.30 to other jurisdictions under Minnesota  
 5.31 Statutes, section 299C.063. Of this amount,  
 5.32 \$45,000, in equal amounts of \$15,000 per  
 5.33 city, is for grants to the cities of Minneapolis,  
 5.34 St. Paul, and Bloomington, and \$7,500 is  
 5.35 for a grant to the city of Brainerd and Crow  
 5.36 Wing County.

6.1 Safe harbor for sexually exploited youth  
6.2 pilot project  
6.3 \$98,000 is for a grant to Ramsey County  
6.4 for implementation of the safe harbor for  
6.5 sexually exploited youth pilot project. The  
6.6 project must develop a victim services model  
6.7 to address the needs of sexually exploited  
6.8 youth. The project must focus on intervention  
6.9 and prevention methods; training for law  
6.10 enforcement, educators, social services  
6.11 providers, health care workers, advocates,  
6.12 court officials, prosecutors, and public  
6.13 defenders; and programs promoting positive  
6.14 outcomes for victims. The project must  
6.15 include development and implementation of  
6.16 a statewide model protocol for intervention  
6.17 and response methods for professionals,  
6.18 individuals, and agencies that may encounter  
6.19 sexually exploited youth. "Sexually  
6.20 exploited youth" include juvenile runaways,  
6.21 truants, and victims of criminal sexual  
6.22 conduct, prostitution, labor trafficking, sex  
6.23 trafficking, domestic abuse, and assault. This  
6.24 is a onetime appropriation.  
6.25 By January 15, 2008, Ramsey County shall  
6.26 report to the chairs and ranking minority  
6.27 members of the senate and house committees  
6.28 and divisions having jurisdiction over  
6.29 criminal justice funding and policy on the  
6.30 results of the pilot project.  
6.31 Human trafficking task force and plan  
6.32 \$75,000 is to implement new Minnesota  
6.33 Statutes, sections 299A.78 to 299A.7955,  
6.34 relating to the human trafficking task force  
6.35 and plan. This is a onetime appropriation.  
6.36 Legal advocacy trafficking victims

7.1 \$60,000 is for grants to three weekly clinics  
7.2 in Hennepin County that are staffed by  
7.3 attorneys from a nonprofit organization that  
7.4 provides free legal services to immigrants.  
7.5 This is a onetime appropriation.  
7.6 **Toll-free hotline**  
7.7 \$35,000 is to implement the toll-free hotline  
7.8 for trafficking victims described in new  
7.9 Minnesota Statutes, section 299A.7957. The  
7.10 base budget for this activity shall be \$15,000  
7.11 in fiscal year 2008 and fiscal year 2009.  
7.12 **Youth intervention programs**  
7.13 \$350,000 is for youth intervention programs  
7.14 under Minnesota Statutes, section 299A.73.  
7.15 This money must be used to help existing  
7.16 programs serve unmet needs in communities  
7.17 and to create new programs in underserved  
7.18 areas of the state. This appropriation shall be  
7.19 added to the program's base budget and is  
7.20 available until spent.  
7.21 **Juvenile crime and drug prevention media**  
7.22 **campaign**  
7.23 \$74,000 is for grants to be used to  
7.24 develop a creative marketing and media  
7.25 campaign to fight juvenile crime related to  
7.26 methamphetamine and other drug abuse  
7.27 throughout Minnesota. Collaborative  
7.28 proposals developed by schools, law  
7.29 enforcement agencies, and nonprofit  
7.30 organizations that work with youth shall be  
7.31 given priority.  
7.32 **Crime victim support grant**  
7.33 \$150,000 is for a grant to a private,  
7.34 nonprofit organization dedicated to providing  
7.35 immediate and long-term emotional support  
7.36 and practical help for the families and friends

8.1 of individuals who have died by homicide,  
 8.2 suicide, or accident. This is a onetime  
 8.3 appropriation.  
 8.4 **Minneapolis Security Collaborative**  
 8.5 \$180,000 is for a grant to the city of  
 8.6 Minneapolis. This grant money is to be used  
 8.7 by the Minneapolis Police Department to  
 8.8 expand the worksite system throughout the  
 8.9 city that supports the downtown security  
 8.10 collaborative currently in use in the city's  
 8.11 first precinct. The city shall give the  
 8.12 highest priority to expanding the system to  
 8.13 neighborhoods having the highest crime rate  
 8.14 per capita.

8.15 **Sec. 6. CORRECTIONS**

8.16	<b><u>Subdivision 1. Total appropriation</u></b>	<b><u>3,213,000</u></b>	<b><u>10,871,000</u></b>
------	--	-------------------------	--------------------------

8.17 These appropriations are added to the  
 8.18 appropriations in Laws 2005, chapter 136,  
 8.19 article 1, section 13. The amounts that may  
 8.20 be spent from these appropriations for each  
 8.21 program are specified in subdivisions 2 and  
 8.22 3.

8.23	<b><u>Subd. 2. Correctional institutions</u></b>	<b><u>2,668,000</u></b>	<b><u>8,788,000</u></b>
------	--	-------------------------	-------------------------

8.24	<b><u>Subd. 3. Community services</u></b>	<b><u>545,000</u></b>	<b><u>2,083,000</u></b>
------	---	-----------------------	-------------------------

8.25 **Mentoring program**  
 8.26 \$300,000 the second year is for a grant to a  
 8.27 nonprofit organization that is located in the  
 8.28 greater Twin Cities and provides one-to-one  
 8.29 mentoring relationships to youth enrolled  
 8.30 between the ages of seven to 13 whose  
 8.31 parent or other significant family member  
 8.32 is incarcerated in a county workhouse,  
 8.33 a county jail, state prison, or other type  
 8.34 of correctional facility or is subject to

9.1 correctional supervision. The grant must be  
9.2 used to provide children with adult mentors  
9.3 to strengthen developmental outcomes,  
9.4 including enhanced self-confidence and  
9.5 esteem; improved academic performance;  
9.6 and improved relationships with peers,  
9.7 family, and other adults designed to prevent  
9.8 the mentored youth from entering the  
9.9 juvenile justice system.

9.10 As a condition of receiving the grant, the  
9.11 grant recipient must:

9.12 (1) collaborate with other organizations  
9.13 that have a demonstrated history of  
9.14 providing services to youth and families in  
9.15 disadvantaged situations;

9.16 (2) implement procedures to ensure that the  
9.17 mentors pose no safety risk to the child and  
9.18 have the skills to participate in a mentoring  
9.19 relationship;

9.20 (3) provide enhanced training to mentors  
9.21 focusing on asset building and family  
9.22 dynamics when a parent is incarcerated; and

9.23 (4) provide individual family plan and  
9.24 aftercare.

9.25 The grant recipient must submit an evaluation  
9.26 plan to the commissioner delineating the  
9.27 program and student outcome goals and  
9.28 activities implemented to achieve the stated  
9.29 outcomes. The goals must be clearly stated  
9.30 and measurable. The grant recipient must  
9.31 collect, analyze, and report on participation  
9.32 and outcome data that enable the department  
9.33 to verify that the program goals were met.

9.34 Scott County

9.35 \$196,000 the second year is for an increase  
9.36 in the Community Corrections Act subsidy

10.1 for the addition of Scott County. The  
 10.2 money must be distributed according to the  
 10.3 community corrections aid formula contained  
 10.4 in Minnesota Statutes, section 401.10.

10.5 **Discharge planning**  
 10.6 \$200,000 the second year is for discharge  
 10.7 planning for inmates with mental illness.

10.8 **Immigration specialist**  
 10.9 \$75,000 the second year is for a departmental  
 10.10 immigration specialist to serve as a statewide  
 10.11 resource for counties with noncitizens  
 10.12 convicted of criminal offenses. The specialist  
 10.13 shall provide information on, and actively  
 10.14 seek any federal reimbursement programs  
 10.15 that provide funding to states and localities  
 10.16 for both the direct costs under the state  
 10.17 criminal alien assistance program and  
 10.18 indirect costs related to the incarceration of  
 10.19 noncitizens convicted of criminal offenses.

10.20 **Sec. 7. PEACE OFFICER STANDARDS**  
 10.21 **AND TRAINING BOARD (POST)**

10.22 The board shall implement new Minnesota  
 10.23 Statutes, section 626.8472, relating to policing  
 10.24 immigrant communities.

10.25 The board shall conduct a training audit of its  
 10.26 practitioners, including chiefs of police and  
 10.27 county sheriffs, to determine what training  
 10.28 is currently offered, what new training is  
 10.29 necessary, and how it should be implemented.

10.30 Training topics shall include the policing of  
 10.31 immigrant communities and racial profiling.

10.32 **Sec. 8. Laws 2005, chapter 136, article 1, section 10, is amended to read:**

10.33	<b>Sec. 10. PEACE OFFICER STANDARDS</b>	<del>4,154,000</del>	<del>4,014,000</del>
10.34	<b>AND TRAINING BOARD (POST)</b>	<u>4,817,000</u>	<u>4,731,000</u>

10.35 **EXCESS AMOUNTS TRANSFERRED.**

10.36 **This appropriation is from the peace officer**



11.1 training account in the special revenue fund.  
 2 Any new receipts credited to that account  
 11.3 in the first year in excess of ~~\$4,154,000~~  
 11.4 \$4,817,000 must be transferred and credited  
 11.5 to the general fund. Any new receipts  
 11.6 credited to that account in the second year  
 11.7 in excess of ~~\$4,014,000~~ \$4,731,000 must be  
 11.8 transferred and credited to the general fund.

11.9 **TECHNOLOGY IMPROVEMENTS.**

11.10 \$140,000 the first year is for technology  
 11.11 improvements.

11.12 **PEACE OFFICER TRAINING**

13 **REIMBURSEMENT.** ~~\$2,909,000 each year~~  
 11.14 \$3,572,000 the first year and \$3,626,000 the  
 11.15 second year is for reimbursements to local  
 11.16 governments for peace officer training costs.

11.17 Sec. 9. Laws 2005, chapter 136, article 1, section 13, subdivision 3, is amended to read:

11.18 Subd. 3. **Community Services** 103,556,000 103,369,000

11.19 Summary by Fund

11.20	General Fund	103,456,000	103,269,000
11.21	Special Revenue	100,000	100,000

11.22 **SHORT-TERM OFFENDERS.** \$1,207,000

11.23 each year is for costs associated with the  
 11.24 housing and care of short-term offenders.  
 11.25 The commissioner may use up to 20 percent  
 11.26 of the total amount of the appropriation  
 11.27 for inpatient medical care for short-term  
 11.28 offenders with less than six months to  
 11.29 serve as affected by the changes made to  
 11.30 Minnesota Statutes, section 609.105, in  
 11.31 2003. All funds remaining at the end of  
 11.32 the fiscal year not expended for inpatient  
 11.33 medical care shall be added to and distributed  
 11.34 with the housing funds. These funds shall  
 11.35 be distributed proportionately based on the

- 12.1 total number of days short-term offenders are  
12.2 placed locally, not to exceed \$70 per day.
- 12.3 Short-term offenders may be housed in a  
12.4 state correctional facility at the discretion of  
12.5 the commissioner.
- 12.6 The Department of Corrections is exempt  
12.7 from the state contracting process for the  
12.8 purposes of Minnesota Statutes, section  
12.9 609.105, as amended by Laws 2003, First  
12.10 Special Session chapter 2, article 5, sections  
12.11 7 to 9.
- 12.12 **GPS MONITORING OF SEX**  
12.13 **OFFENDERS.** \$500,000 the first  
12.14 year and \$162,000 the second year are for the  
12.15 acquisition and service of bracelets equipped  
12.16 with tracking devices designed to track  
12.17 and monitor the movement and location of  
12.18 criminal offenders. The commissioner shall  
12.19 use the bracelets to monitor high-risk sex  
12.20 offenders who are on supervised release,  
12.21 conditional release, parole, or probation to  
12.22 help ensure that the offenders do not violate  
12.23 conditions of their release or probation.
- 12.24 **END OF CONFINEMENT REVIEWS.**  
12.25 \$94,000 each year is for end of confinement  
12.26 reviews.
- 12.27 **COMMUNITY SURVEILLANCE AND**  
12.28 **SUPERVISION.** \$1,370,000 each year is  
12.29 to provide housing options to maximize  
12.30 community surveillance and supervision.
- 12.31 **INCREASE IN INTENSIVE**  
12.32 **SUPERVISED RELEASE SERVICES.**  
12.33 \$1,800,000 each year is to increase intensive  
12.34 supervised release services.
- 12.35 **SEX OFFENDER ASSESSMENT**  
12.36 **REIMBURSEMENTS.** \$350,000 each year

13.1 is to ~~provide grants to reimburse~~ counties or  
13.2 their designees, or courts for reimbursements  
13.3 ~~for sex offender assessments as required~~  
13.4 under Minnesota Statutes, section 609.3452,  
13.5 subdivision 1, which is being renumbered as  
13.6 section 609.3457.

13.7 **SEX OFFENDER TREATMENT AND**

13.8 **POLYGRAPHS. \$1,250,000 each year**

13.9 is to provide treatment for sex offenders  
13.10 on community supervision and to pay for  
13.11 polygraph testing.

13.12 **INCREASED SUPERVISION OF SEX**

13.13 **OFFENDERS, DOMESTIC VIOLENCE**

13.14 **OFFENDERS, AND OTHER VIOLENT**

13.15 **OFFENDERS. \$1,500,000 each year is for**

13.16 the increased supervision of sex offenders

13.17 and other violent offenders, including

13.18 those convicted of domestic abuse. These

13.19 appropriations may not be used to supplant

13.20 existing state or county probation officer

13.21 positions.

13.22 The commissioner shall distribute \$1,050,000

13.23 in grants each year to Community Corrections

13.24 Act counties and \$450,000 each year to the

13.25 Department of Corrections Probation and

13.26 Supervised Release Unit. The commissioner

13.27 shall distribute the funds to the Community

13.28 Corrections Act counties according to the

13.29 formula contained in Minnesota Statutes,

13.30 section 401.10.

13.31 Prior to the distribution of these funds, each

13.32 Community Corrections Act jurisdiction and

13.33 the Department of Corrections Probation

13.34 and Supervised Release Unit shall submit

13.35 to the commissioner an analysis of need

13.36 along with a plan to meet their needs and

14.1 reduce the number of sex offenders and other  
14.2 violent offenders, including domestic abuse  
14.3 offenders, on probation officer caseloads.

14.4 **COUNTY PROBATION OFFICERS.**

14.5 \$500,000 each year is to increase county  
14.6 probation officer reimbursements.

14.7 **INTENSIVE SUPERVISION AND**

14.8 **AFTERCARE FOR CONTROLLED**

14.9 **SUBSTANCES OFFENDERS; REPORT.**

14.10 \$600,000 each year is for intensive  
14.11 supervision and aftercare services for  
14.12 controlled substances offenders released  
14.13 from prison under Minnesota Statutes,  
14.14 section 244.055. These appropriations are  
14.15 not added to the department's base budget.  
14.16 By January 15, 2008, the commissioner  
14.17 shall report to the chairs and ranking  
14.18 minority members of the senate and house  
14.19 of representatives committees and divisions  
14.20 having jurisdiction over criminal justice  
14.21 policy and funding on how this appropriation  
14.22 was spent.

14.23 **REPORT ON ELECTRONIC**

14.24 **MONITORING OF SEX OFFENDERS.**

14.25 By March 1, 2006, the commissioner shall  
14.26 report to the chairs and ranking minority  
14.27 members of the senate and house of  
14.28 representatives committees and divisions  
14.29 having jurisdiction over criminal justice  
14.30 policy and funding on implementing an  
14.31 electronic monitoring system for sex  
14.32 offenders who are under community  
14.33 supervision. The report must address the  
14.34 following:

- 15.1 (1) the advantages and disadvantages in  
 15.2 implementing this system, including the  
 15.3 impact on public safety;  
 15.4 (2) the types of sex offenders who should be  
 15.5 subject to the monitoring;  
 15.6 (3) the time period that offenders should be  
 15.7 subject to the monitoring;  
 15.8 (4) the financial costs associated with the  
 15.9 monitoring and who should be responsible  
 15.10 for these costs; and  
 15.11 (5) the technology available for the  
 15.12 monitoring.

15.13 **ARTICLE 2**

15.14 **GENERAL CRIMINAL AND SENTENCING PROVISIONS**

15.15 Section 1. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 5, is  
 15.16 amended to read:

15.17 **Subd. 5. Procedures in cases where state intends to seek an aggravated**  
 15.18 **departure.** (a) When the prosecutor provides reasonable notice under subdivision 4, the  
 15.19 district court shall allow the state to prove beyond a reasonable doubt to a jury of 12  
 15.20 members the factors in support of the state's request for an aggravated departure from  
 15.21 the Sentencing Guidelines or the state's request for an aggravated sentence under any  
 15.22 sentencing enhancement statute or the state's request for a mandatory minimum under  
 15.23 section 609.11 as provided in paragraph (b) or (c).

15.24 (b) The district court shall allow a unitary trial and final argument to a jury regarding  
 15.25 both evidence in support of the elements of the offense and evidence in support of  
 15.26 aggravating factors when the evidence in support of the aggravating factors:

- 15.27 (1) would be admissible as part of the trial on the elements of the offense; or  
 15.28 (2) would not result in unfair prejudice to the defendant.

15.29 The existence of each aggravating factor shall be determined by use of a special  
 15.30 verdict form.

15.31 Upon the request of the prosecutor, the court shall allow bifurcated argument and  
 15.32 jury deliberations.

15.33 (c) The district court shall bifurcate the proceedings, or impanel a resentencing jury,  
 15.34 to allow for the production of evidence, argument, and deliberations on the existence of  
 15.35 factors in support of an aggravated departure after the return of a guilty verdict when the  
 15.36 evidence in support of an aggravated departure:

16.1 (1) includes evidence that is otherwise inadmissible at a trial on the elements of  
16.2 the offense; and

16.3 (2) would result in unfair prejudice to the defendant.

16.4 **EFFECTIVE DATE. This section is effective the day following final enactment**  
16.5 **and applies to sentencing hearings, resentencing hearings, and sentencing departures**  
16.6 **sought on or after that date.**

16.7 Sec. 2. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 6, is  
16.8 amended to read:

16.9 Subd. 6. **Defendants to present evidence and argument.** In either a unitary or  
16.10 bifurcated trial under subdivision 5, a defendant shall be allowed to present evidence  
16.11 and argument to the jury or factfinder regarding whether facts exist that would justify  
16.12 an aggravated ~~durational~~ departure or an aggravated sentence under any sentencing  
16.13 enhancement statute or a mandatory minimum sentence under section 609.11. A defendant  
16.14 is not allowed to present evidence or argument to the jury or factfinder regarding facts in  
16.15 support of a mitigated departure during the trial, but may present evidence and argument  
16.16 in support of a mitigated departure to the judge as factfinder during a sentencing hearing.

16.17 **EFFECTIVE DATE. This section is effective the day following final enactment**  
16.18 **and applies to sentencing hearings, resentencing hearings, and sentencing departures**  
16.19 **sought on or after that date.**

16.20 Sec. 3. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 7, is  
16.21 amended to read:

16.22 Subd. 7. **Waiver of jury determination.** The defendant may waive the right to a  
16.23 jury determination of whether facts exist that would justify an aggravated sentence. Upon  
16.24 receipt of a waiver of a jury trial on this issue, the district court shall determine beyond  
16.25 a reasonable doubt whether the factors in support of the state's motion for aggravated  
16.26 departure or an aggravated sentence under any sentencing enhancement statute or a  
16.27 mandatory minimum sentence under section 609.11 exist.

16.28 **EFFECTIVE DATE. This section is effective the day following final enactment**  
16.29 **and applies to sentencing hearings, resentencing hearings, and sentencing departures**  
16.30 **sought on or after that date.**

16.31 Sec. 4. Minnesota Statutes 2004, section 346.155, subdivision 1, is amended to read:

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

17.1 (b) "Person" means any natural person, firm, partnership, corporation, or association,  
17.2 however organized.

17.3 (c) "Wildlife sanctuary" means a 501(c)(3) nonprofit organization that:

17.4 (1) operates a place of refuge where abused, neglected, unwanted, impounded,  
17.5 abandoned, orphaned, or displaced wildlife are provided care for their lifetime;

17.6 (2) does not conduct any commercial activity with respect to any animal of which  
17.7 the organization is an owner; and

17.8 (3) does not buy, sell, trade, auction, lease, loan, or breed any animal of which the  
17.9 organization is an owner, except as an integral part of the species survival plan of the  
17.10 American Zoo and Aquarium Association.

17.11 (d) "Possess" means to own, care for, have custody of, or control.

17.12 (e) "Regulated animal" means:

17.13 (1) all members of the Felidae family including, but not limited to, lions, tigers,  
17.14 cougars, leopards, cheetahs, ocelots, and servals, but not including domestic cats or cats  
17.15 recognized as a domestic breed, registered as a domestic breed, and shown as a domestic  
17.16 breed by a national or international multibreed cat registry association;

17.17 (2) bears; and

17.18 (3) all nonhuman primates, including, but not limited to, lemurs, monkeys,  
17.19 chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins.

17.20 Regulated animal includes any hybrid or cross between an animal listed in clause  
17.21 (1), (2), or (3) and a domestic animal and offspring from all subsequent generations of  
17.22 those crosses or hybrids.

17.23 (f) "Local animal control authority" means an agency of the state, county,  
17.24 municipality, or other governmental subdivision of the state that is responsible for animal  
17.25 control operations in its jurisdiction.

17.26 (g) "Bodily harm," "substantial bodily harm," and "great bodily harm" have the  
17.27 meanings given them in section 609.02.

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

17.30 Sec. 5. Minnesota Statutes 2004, section 346.155, subdivision 4, is amended to read:

17.31 Subd. 4. **Requirements.** (a) A person who possesses a regulated animal must  
17.32 maintain health and ownership records on each animal and must maintain the records  
17.33 for the life of the animal. If possession of the regulated animal is transferred to another  
17.34 person, a copy of the health and ownership records must accompany the animal.

18.1 (b) A person who possesses a regulated animal must maintain an ongoing program  
18.2 of veterinary care which includes a veterinary visit to the premises at least annually.

18.3 (c) A person who possesses a regulated animal must notify the local animal control  
18.4 authority in writing within ten days of a change in address or location where the regulated  
18.5 animal is kept. The notification of change in address or location form must be prepared by  
18.6 the Minnesota Animal Control Association and approved by the Board of Animal Health.

18.7 (d) A person with a United States Department of Agriculture license for regulated  
18.8 animals shall forward a copy of the United States Department of Agriculture inspection  
18.9 report to the local animal control authority within 30 days of receipt of the inspection  
18.10 report.

18.11 (e) A person who possesses a regulated animal shall prominently display a sign on  
18.12 the structure where the animal is housed indicating that a dangerous regulated animal  
18.13 is on the premises.

18.14 (f) A person who possesses a regulated animal must notify, as soon as practicable,  
18.15 local law enforcement officials of any escape of a regulated animal. The person who  
18.16 possesses the regulated animal is liable for any costs incurred by any person, city, county,  
18.17 or state agency resulting from the escape of a regulated animal unless the escape is due to  
18.18 a criminal act by another person or a natural event.

18.19 (g) A person who possesses a regulated animal must maintain a written recovery  
18.20 plan in the event of the escape of a regulated animal. The person must maintain live traps,  
18.21 or other equipment necessary to assist in the recovery of the regulated animal.

18.22 (h) ~~If requested by the local animal control authority,~~ A person may not move a  
18.23 regulated animal from its location unless the person notifies the local animal control  
18.24 authority prior to moving the animal. The notification must include the date and the  
18.25 location where the animal is to be moved. This paragraph does not apply to a regulated  
18.26 animal transported to a licensed veterinarian.

18.27 (i) If a person who possesses a regulated animal can no longer care for the animal,  
18.28 the person shall take steps to find long-term placement for the regulated animal.

18.29 EFFECTIVE DATE. This section is effective August 1, 2006.

18.30 Sec. 6. Minnesota Statutes 2004, section 346.155, subdivision 5, is amended to read:

18.31 Subd. 5. Seizure. (a) The local animal control authority, upon issuance of a  
18.32 notice of inspection, must be granted access at reasonable times to sites where the local  
18.33 animal control authority has reason to believe a violation of this chapter is occurring or  
18.34 has occurred.



19.1 (b) If a person who possesses a regulated animal is not in compliance with the  
19.2 requirements of this section, the local animal control authority shall take possession of the  
19.3 animal for custody and care, provided that the procedures in this subdivision are followed.

19.4 (c) Upon request of a person possessing a regulated animal, the local animal control  
19.5 authority may allow the animal to remain in the physical custody of the owner for 30 days,  
19.6 during which time the owner shall take all necessary actions to come in compliance with  
19.7 this section. During the 30-day period, the local animal control authority may inspect, at  
19.8 any reasonable time, the premises where the animal is kept.

19.9 (d) If a person who possesses a regulated animal is not in compliance with this  
19.10 section following the 30-day period described in paragraph (c), the local animal control  
19.11 authority shall seize the animal and place it in a holding facility that is appropriate for the  
19.12 species for up to ten days.

19.13 (e) The authority taking custody of an animal under this section shall provide a  
19.14 notice of the seizure by delivering or mailing it to the owner, by posting a copy of it at  
19.15 the place where the animal is taken into custody, or by delivering it to a person residing  
19.16 on the property. The notice must include:

19.17 (1) a description of the animal seized; the authority for and purpose of the seizure;  
19.18 the time, place, and circumstances under which the animal was seized; and a contact  
19.19 person and telephone number;

19.20 (2) a statement that a person from whom a regulated animal was seized may post  
19.21 security to prevent disposition of the animal and may request a hearing concerning the  
19.22 seizure and that failure to do so within five business days of the date of the notice will  
19.23 result in disposition of the animal;

19.24 (3) a statement that actual costs of the care, keeping, and disposal of the regulated  
19.25 animal are the responsibility of the person from whom the animal was seized, except to  
19.26 the extent that a court or hearing officer finds that the seizure or impoundment was not  
19.27 substantially justified by law; and

19.28 (4) a form that can be used by a person from whom a regulated animal was seized  
19.29 for requesting a hearing under this subdivision.

19.30 (f) If a person from whom the regulated animal was seized makes a request  
19.31 within five business days of the seizure, a hearing must be held within five business days  
19.32 of the request to determine the validity of the seizure and disposition of the animal. The  
19.33 judge or hearing officer may authorize the return of the animal to the person from whom  
19.34 the animal was seized if the judge or hearing officer finds:

19.35 (1) that the person can and will provide the care required by law for the regulated  
19.36 animal; and

20.1 (2) the regulated animal is physically fit.

20.2 ~~(f)~~ (g) If a judge or hearing officer orders a permanent disposition of the regulated  
 20.3 animal, the local animal control authority may take steps to find long-term placement for  
 20.4 the animal with a wildlife sanctuary, persons authorized by the Department of Natural  
 20.5 Resources, or an appropriate United States Department of Agriculture licensed facility.

20.6 ~~(g)~~ (h) A person from whom a regulated animal is seized is liable for all actual costs  
 20.7 of care, keeping, and disposal of the animal, except to the extent that a court or hearing  
 20.8 officer finds that the seizure was not substantially justified by law. The costs must be paid  
 20.9 in full or a mutually satisfactory arrangement for payment must be made between the  
 20.10 local animal control authority and the person claiming an interest in the animal before  
 20.11 return of the animal to the person.

20.12 ~~(h)~~ (i) A person from whom a regulated animal has been seized under this  
 20.13 subdivision may prevent disposition of the animal by posting security in the amount  
 20.14 sufficient to provide for the actual costs of care and keeping of the animal. The security  
 20.15 must be posted within five business days of the seizure, inclusive of the day of the seizure.

20.16 ~~(i)~~ (j) If circumstances exist threatening the life of a person or the life of any animal,  
 20.17 local law enforcement or the local animal control authority ~~shall~~ may seize a regulated  
 20.18 animal without an opportunity for hearing or court order, or destroy the animal.

20.19 **EFFECTIVE DATE. This section is effective August 1, 2006.**

20.20 Sec. 7. Minnesota Statutes 2004, section 346.155, is amended by adding a subdivision  
 20.21 to read:

20.22 **Subd. 9a. Confinement and control. A person violates this subdivision who**  
 20.23 **possesses a regulated animal and negligently fails to control the animal or keep it properly**  
 20.24 **confined and as a result the animal causes bodily harm, substantial bodily harm, or great**  
 20.25 **bodily harm to another person.**

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

20.28 Sec. 8. Minnesota Statutes 2004, section 346.155, subdivision 10, is amended to read:

20.29 Subd. 10. Penalty. (a) A person who knowingly violates subdivision 2, 3, paragraph  
 20.30 (b) or (c), or 4 is guilty of a misdemeanor.

20.31 (b) A person who knowingly violates subdivision 3, paragraph (a), is guilty of a  
 20.32 gross misdemeanor.

20.33 (c) A person who violates subdivision 9a, resulting in bodily harm is guilty of a  
 20.34 misdemeanor and may be sentenced to imprisonment for not more than 90 days or to  
 20.35 payment of a fine of not more than \$1,000, or both.

21.1 (d) A person who violates subdivision 9a, resulting in substantial bodily harm is  
 21.2 guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than  
 21.3 one year or to payment of a fine of not more than \$3,000, or both.

21.4 (e) A person who violates subdivision 9a, resulting in great bodily harm or death  
 21.5 is guilty of a felony and may be sentenced to imprisonment for not more than two years  
 21.6 or to payment of a fine of not more than \$5,000, or both, unless a greater penalty is  
 21.7 provided elsewhere.

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

21.10 Sec. 9. Minnesota Statutes 2004, section 488A.03, subdivision 6, is amended to read:

21.11 **Subd. 6. Disposition of fines, fees and other money; accounts.** (a) Except as  
 21.12 otherwise provided ~~herein within this subdivision~~ and except as otherwise provided by law,  
 21.13 the court administrator shall pay ~~to the Hennepin county treasurer~~ all fines and penalties  
 21.14 collected by the court administrator, all fees collected by the court administrator for court  
 21.15 administrator's services, all sums forfeited to the court as ~~hereinafter provided in this~~  
 21.16 subdivision, and all other money received by the court administrator: to the subdivision  
 21.17 of government entitled to it as follows on or before the 20th day after the last day of  
 21.18 the month in which the money was collected. Eighty percent of all fines and penalties  
 21.19 collected during the previous month shall be paid to the treasurer of the municipality or  
 21.20 subdivision of government where the crime was committed. The remainder of the fines  
 21.21 and penalties shall be credited to the general fund of the state. In all cases in which the  
 21.22 county attorney had charge of the prosecution, all fines and penalties shall be credited  
 21.23 to the state general fund.

21.24 (b) The court administrator shall ~~provide the county treasurer with~~ identify the name  
 21.25 of the municipality or other subdivision of government where the offense was committed  
 21.26 ~~and the name and official position of the officer who prosecuted the offense for each fine~~  
 21.27 ~~or penalty~~, and the total amount of fines or penalties collected for each ~~such~~ municipality  
 21.28 or other subdivision of government, ~~or for the county, or for the state.~~

21.29 ~~(c) At the beginning of the first day of any month the amount owing to any~~  
 21.30 ~~municipality or county in the hands of the court administrator shall not exceed \$5,000.~~

21.31 ~~(d) On or before the last day of each month the county treasurer shall pay over to~~  
 32 ~~the treasurer of each municipality or subdivision of government in Hennepin County all~~  
 21.33 ~~fines or penalties collected during the previous month for offenses committed within~~  
 21.34 ~~such municipality or subdivision of government, except that all such fines and penalties~~

22.1 ~~attributable to cases in which the county attorney had charge of the prosecution shall be~~  
 22.2 ~~retained by the county treasurer and credited to the county general revenue fund.~~

22.3 ~~(e)~~ (c) Amounts represented by checks issued by the court administrator or received  
 22.4 by the court administrator which have not cleared by the end of the month may be shown  
 22.5 on the monthly account as having been paid or received, subject to adjustment on later  
 22.6 monthly accounts.

22.7 ~~(f)~~ (d) The court administrator may receive negotiable instruments in payment  
 22.8 of fines, penalties, fees or other obligations as conditional payments, and is not held  
 22.9 accountable ~~therefor~~ for this until collection in cash is made and then only to the extent of  
 22.10 the net collection after deduction of the necessary expense of collection.

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

22.12 Sec. 10. Minnesota Statutes 2004, section 488A.03, subdivision 11, is amended to read:

22.13 Subd. 11. **Fees payable to administrator.** (a) The civil fees payable to the  
 22.14 administrator for services are the same in amount as the fees then payable to the District  
 22.15 Court of Hennepin County for like services. Library and filing fees are not required of  
 22.16 the defendant in an eviction action. The fees payable to the administrator for all other  
 22.17 services of the administrator or the court shall be fixed by rules promulgated by a majority  
 22.18 of the judges.

22.19 (b) Fees are payable to the administrator in advance.

22.20 (c) Judgments will be entered only upon written application.

22.21 ~~(d) The following fees shall be taxed for all charges filed in court where applicable:~~

22.22 ~~(a) The state of Minnesota and any governmental subdivision within the jurisdictional area~~  
 22.23 ~~of any district court herein established may present cases for hearing before said district~~  
 22.24 ~~court; (b) In the event the court takes jurisdiction of a prosecution for the violation of a~~  
 22.25 ~~statute or ordinance by the state or a governmental subdivision other than a city or town~~  
 22.26 ~~in Hennepin County, all fines, penalties, and forfeitures collected shall be paid over to~~  
 22.27 ~~the treasurer of the governmental subdivision which submitted charges for prosecution~~  
 22.28 ~~under ordinance violation and to the county treasurer in all other charges except where~~  
 22.29 ~~a different disposition is provided by law, in which case, payment shall be made to~~  
 22.30 ~~the public official entitled thereto. The following fees shall be taxed to the county or~~  
 22.31 ~~to the state or governmental subdivision which would be entitled to payment of the~~  
 22.32 ~~fines, forfeiture or penalties in any case, and shall be paid to the court administrator for~~  
 22.33 ~~disposing of the matter:~~

22.34 ~~(1) For each charge where the defendant is brought into court and pleads guilty and~~  
 22.35 ~~is sentenced, or the matter is otherwise disposed of without trial ..... \$5.~~

23.1 ~~(2) In arraignments where the defendant waives a preliminary examination .....~~  
 2 \$10.

23.3 ~~(3) For all other charges where the defendant stands trial or has a preliminary~~  
 23.4 ~~examination by the court ..... \$15.~~

23.5 ~~(c) This paragraph applies to the distribution of fines paid by defendants without a~~  
 23.6 ~~court appearance in response to a citation. On or before the tenth day after the last day of~~  
 23.7 ~~the month in which the money was collected, the county treasurer shall pay 80 percent~~  
 23.8 ~~of the fines to the treasurer of the municipality or subdivision within the county where~~  
 23.9 ~~the violation was committed. The remainder of the fines shall be credited to the general~~  
 23.10 ~~revenue fund of the county.~~

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

12 Sec. 11. Minnesota Statutes 2004, section 518B.01, subdivision 14, is amended to read:

23.13 Subd. 14. **Violation of an order for protection.** (a) A person who violates an  
 23.14 order for protection issued by a judge or referee is subject to the penalties provided  
 23.15 in paragraphs (b) to (d).

23.16 (b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for  
 23.17 protection is granted by a judge or referee or pursuant to a similar law of another state,  
 23.18 the United States, the District of Columbia, tribal lands, or United States territories, and  
 23.19 the respondent or person to be restrained knows of the existence of the order, violation of  
 23.20 the order for protection is a misdemeanor. Upon a misdemeanor conviction under this  
 23.21 paragraph, the defendant must be sentenced to a minimum of three days imprisonment and  
 23.22 must be ordered to participate in counseling or other appropriate programs selected by  
 23.23 the court. If the court stays imposition or execution of the jail sentence and the defendant  
 23.24 refuses or fails to comply with the court's treatment order, the court must impose and  
 23.25 execute the stayed jail sentence. A violation of an order for protection shall also constitute  
 23.26 contempt of court and be subject to the penalties provided in chapter 588.

23.27 (c) A person is guilty of a gross misdemeanor who knowingly violates this  
 23.28 subdivision ~~during the time period between~~ within ten years of a previous qualified  
 23.29 domestic violence-related offense conviction ~~and the end of the five years following~~  
 23.30 ~~discharge from sentence for that offense~~ or adjudication of delinquency. Upon a gross  
 23.31 misdemeanor conviction under this paragraph, the defendant must be sentenced to a  
 23.32 minimum of ten days imprisonment and must be ordered to participate in counseling or  
 23.33 other appropriate programs selected by the court. Notwithstanding section 609.135, the  
 23.34 court must impose and execute the minimum sentence provided in this paragraph for  
 23.35 gross misdemeanor convictions.

24.1 (d) A person is guilty of a felony and may be sentenced to imprisonment for not  
24.2 more than five years or to payment of a fine of not more than \$10,000, or both, if the  
24.3 person knowingly violates this subdivision:

24.4 (1) ~~during the time period between~~ within ten years of the first of two or more  
24.5 previous qualified domestic violence-related offense convictions and the end of the five  
24.6 years following discharge from sentence for that offense or adjudications of delinquency;  
24.7 or

24.8 (2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.

24.9 Upon a felony conviction under this paragraph in which the court stays imposition  
24.10 or execution of sentence, the court shall impose at least a 30-day period of incarceration  
24.11 as a condition of probation. The court also shall order that the defendant participate in  
24.12 counseling or other appropriate programs selected by the court. Notwithstanding section  
24.13 609.135, the court must impose and execute the minimum sentence provided in this  
24.14 paragraph for felony convictions.

24.15 (e) A peace officer shall arrest without a warrant and take into custody a person  
24.16 whom the peace officer has probable cause to believe has violated an order granted  
24.17 pursuant to this section or a similar law of another state, the United States, the District of  
24.18 Columbia, tribal lands, or United States territories restraining the person or excluding the  
24.19 person from the residence or the petitioner's place of employment, even if the violation  
24.20 of the order did not take place in the presence of the peace officer, if the existence of the  
24.21 order can be verified by the officer. The probable cause required under this paragraph  
24.22 includes probable cause that the person knows of the existence of the order. If the order  
24.23 has not been served, the officer shall immediately serve the order whenever reasonably  
24.24 safe and possible to do so. An order for purposes of this subdivision, includes the short  
24.25 form order described in subdivision 8a. When the order is first served upon the person  
24.26 at a location at which, under the terms of the order, the person's presence constitutes a  
24.27 violation, the person shall not be arrested for violation of the order without first being  
24.28 given a reasonable opportunity to leave the location in the presence of the peace officer.  
24.29 A person arrested under this paragraph shall be held in custody for at least 36 hours,  
24.30 excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by  
24.31 a judge or judicial officer. A peace officer acting in good faith and exercising due care  
24.32 in making an arrest pursuant to this paragraph is immune from civil liability that might  
24.33 result from the officer's actions.

24.34 (f) If the court finds that the respondent has violated an order for protection and  
24.35 that there is reason to believe that the respondent will commit a further violation of the  
24.36 provisions of the order restraining the respondent from committing acts of domestic abuse

25.1 or excluding the respondent from the petitioner's residence, the court may require the  
25.2 respondent to acknowledge an obligation to comply with the order on the record. The court  
25.3 may require a bond sufficient to deter the respondent from committing further violations  
25.4 of the order for protection, considering the financial resources of the respondent, and not  
25.5 to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the  
25.6 obligation or post a bond under this paragraph, the court shall commit the respondent to  
25.7 the county jail during the term of the order for protection or until the respondent complies  
25.8 with the order under this paragraph. The warrant must state the cause of commitment,  
25.9 with the sum and time for which any bond is required. If an order is issued under this  
25.10 paragraph, the court may order the costs of the contempt action, or any part of them, to be  
25.11 paid by the respondent. An order under this paragraph is appealable.

25.12 (g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested  
25.13 party designated by the court, alleging that the respondent has violated any order for  
25.14 protection granted pursuant to this section or a similar law of another state, the United  
25.15 States, the District of Columbia, tribal lands, or United States territories, the court may  
25.16 issue an order to the respondent, requiring the respondent to appear and show cause within  
25.17 14 days why the respondent should not be found in contempt of court and punished  
25.18 therefor. The hearing may be held by the court in any county in which the petitioner or  
25.19 respondent temporarily or permanently resides at the time of the alleged violation, or in  
25.20 the county in which the alleged violation occurred, if the petitioner and respondent do not  
25.21 reside in this state. The court also shall refer the violation of the order for protection to the  
25.22 appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

25.23 (h) If it is alleged that the respondent has violated an order for protection issued under  
25.24 subdivision 6 or a similar law of another state, the United States, the District of Columbia,  
25.25 tribal lands, or United States territories, and the court finds that the order has expired  
25.26 between the time of the alleged violation and the court's hearing on the violation, the court  
25.27 may grant a new order for protection under subdivision 6 based solely on the respondent's  
25.28 alleged violation of the prior order, to be effective until the hearing on the alleged violation  
25.29 of the prior order. If the court finds that the respondent has violated the prior order, the  
25.30 relief granted in the new order for protection shall be extended for a fixed period, not to  
25.31 exceed one year, except when the court determines a longer fixed period is appropriate.

25.32 (i) The admittance into petitioner's dwelling of an abusing party excluded from the  
25.33 dwelling under an order for protection is not a violation by the petitioner of the order  
25.34 for protection.

25.35 A peace officer is not liable under section 609.43, clause (1), for a failure to perform  
25.36 a duty required by paragraph (e).

26.1 (j) When a person is convicted under paragraph (b) or (c) of violating an order for  
26.2 protection and the court determines that the person used a firearm in any way during  
26.3 commission of the violation, the court may order that the person is prohibited from  
26.4 possessing any type of firearm for any period longer than three years or for the remainder  
26.5 of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor.  
26.6 At the time of the conviction, the court shall inform the defendant whether and for  
26.7 how long the defendant is prohibited from possessing a firearm and that it is a gross  
26.8 misdemeanor to violate this paragraph. The failure of the court to provide this information  
26.9 to a defendant does not affect the applicability of the firearm possession prohibition or the  
26.10 gross misdemeanor penalty to that defendant.

26.11 (k) Except as otherwise provided in paragraph (j), when a person is convicted  
26.12 under paragraph (b) or (c) of violating an order for protection, the court shall inform  
26.13 the defendant that the defendant is prohibited from possessing a pistol for three years  
26.14 from the date of conviction and that it is a gross misdemeanor offense to violate this  
26.15 prohibition. The failure of the court to provide this information to a defendant does not  
26.16 affect the applicability of the pistol possession prohibition or the gross misdemeanor  
26.17 penalty to that defendant.

26.18 (l) Except as otherwise provided in paragraph (j), a person is not entitled to possess a  
26.19 pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996,  
26.20 of violating an order for protection, unless three years have elapsed from the date of  
26.21 conviction and, during that time, the person has not been convicted of any other violation  
26.22 of this section. Property rights may not be abated but access may be restricted by the  
26.23 courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross  
26.24 misdemeanor.

26.25 (m) If the court determines that a person convicted under paragraph (b) or (c) of  
26.26 violating an order for protection owns or possesses a firearm and used it in any way during  
26.27 the commission of the violation, it shall order that the firearm be summarily forfeited  
26.28 under section 609.5316, subdivision 3.

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

26.31 Sec. 12. Minnesota Statutes 2005 Supplement, section 518B.01, subdivision 22,  
26.32 is amended to read:

26.33 **Subd. 22. Domestic abuse no contact order.** (a) A domestic abuse no contact order  
26.34 is an order issued by a court against a defendant in a criminal proceeding for:

26.35 (1) domestic abuse;



27.1 (2) harassment or stalking charged under section 609.749 and committed against  
 27.2 a family or household member;

27.3 (3) violation of an order for protection charged under subdivision 14; or

27.4 (4) violation of a prior domestic abuse no contact order charged under this  
 27.5 subdivision.

27.6 It includes pretrial orders before final disposition of the case and probationary  
 27.7 orders after sentencing.

27.8 (b) A person who knows of the existence of a domestic abuse no contact order issued  
 27.9 against the person and violates the order is guilty of a misdemeanor.

27.10 (c) A person is guilty of a gross misdemeanor who knowingly violates this  
 27.11 subdivision within ten years of a previous qualified domestic violence-related offense  
 27.12 conviction or adjudication of delinquency.

27.13 (d) A peace officer shall arrest without a warrant and take into custody a person  
 27.14 whom the peace officer has probable cause to believe has violated a domestic abuse no  
 27.15 contact order, even if the violation of the order did not take place in the presence of the  
 27.16 peace officer, if the existence of the order can be verified by the officer. The person shall  
 27.17 be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays,  
 27.18 unless the person is released earlier by a judge or judicial officer. A peace officer acting  
 27.19 in good faith and exercising due care in making an arrest pursuant to this paragraph is  
 27.20 immune from civil liability that might result from the officer's actions.

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

27.23 Sec. 13. Minnesota Statutes 2005 Supplement, section 609.02, subdivision 16, is  
 27.24 amended to read:

27.25 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic  
 27.26 violence-related offense" includes the following offenses: sections 518B.01, subdivision  
 27.27 14 (violation of domestic abuse order for protection); 518B.01, subdivision 22  
 27.28 (violation of domestic abuse no contact order); 609.221 (first-degree assault); 609.222  
 27.29 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault);  
 27.30 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.2247 (domestic assault  
 27.31 by strangulation); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree  
 27.32 criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345  
 33 (fourth-degree criminal sexual conduct); 609.377 (malicious punishment of a child);  
 27.34 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining  
 27.35 order); **and** 609.749 (harassment/stalking); and 609.78, subdivision 2 (interference with

28.1 an emergency call); and similar laws of other states, the United States, the District of  
28.2 Columbia, tribal lands, and United States territories.

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

28.5 Sec. 14. Minnesota Statutes 2004, section 609.11, subdivision 7, is amended to read:

28.6 Subd. 7. **Prosecutor shall establish.** ~~Whenever reasonable grounds exist to believe~~  
28.7 ~~that the defendant or an accomplice used a firearm or other dangerous weapon or had in~~  
28.8 ~~possession a firearm, at the time of commission of an offense listed in subdivision 9,~~  
28.9 ~~the prosecutor shall, at the time of trial or at the plea of guilty, present on the record~~  
28.10 ~~all evidence tending to establish that fact unless it is otherwise admitted on the record.~~

28.11 The question of whether the defendant or an accomplice, at the time of commission of  
28.12 an offense listed in subdivision 9, used a firearm or other dangerous weapon or had  
28.13 in possession a firearm shall be determined by the ~~court on the record~~ factfinder at the  
28.14 time of a verdict or finding of guilt at trial or the entry of a plea of guilty based upon the  
28.15 record of the trial or the plea of guilty. The ~~court~~ factfinder shall also determine on the  
28.16 ~~record at the time of sentencing~~ whether the defendant has ~~been convicted of a second or~~  
28.17 ~~subsequent~~ a prior conviction for an offense in which the defendant or an accomplice,  
28.18 at the time of commission of an offense listed in subdivision 9, used a firearm or other  
28.19 dangerous weapon or had in possession a firearm.

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

28.22 Sec. 15. Minnesota Statutes 2004, section 609.2231, subdivision 6, is amended to read:

28.23 Subd. 6. **Public employees with mandated duties.** A person is guilty of a gross  
28.24 misdemeanor who:

28.25 (1) assaults an agricultural inspector, occupational safety and health investigator,  
28.26 child protection worker, public health nurse, animal control officer, or probation or parole  
28.27 officer while the employee is engaged in the performance of a duty mandated by law,  
28.28 court order, or ordinance;

28.29 (2) knows that the victim is a public employee engaged in the performance of the  
28.30 official public duties of the office; and

28.31 (3) inflicts demonstrable bodily harm.

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

28.34 Sec. 16. Minnesota Statutes 2004, section 609.224, subdivision 2, is amended to read:

29.1 Subd. 2. **Gross misdemeanor.** (a) Whoever violates the provisions of subdivision  
29.2 1 against the same victim ~~during the time period between~~ within ten years of a previous  
29.3 qualified domestic violence-related offense conviction or adjudication of delinquency ~~and~~  
29.4 ~~the end of the five years following discharge from sentence or disposition for that offense,~~  
29.5 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than  
29.6 one year or to payment of a fine of not more than \$3,000, or both.

29.7 (b) Whoever violates the provisions of subdivision 1 within ~~two~~ three years of  
29.8 a previous qualified domestic violence-related offense conviction or adjudication of  
29.9 delinquency is guilty of a gross misdemeanor and may be sentenced to imprisonment for  
29.10 not more than one year or to payment of a fine of not more than \$3,000, or both.

29.11 (c) A caregiver, as defined in section 609.232, who is an individual and who violates  
29.12 the provisions of subdivision 1 against a vulnerable adult, as defined in section 609.232, is  
29.13 guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than  
29.14 one year or to payment of a fine of not more than \$3,000, or both.

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

29.17 Sec. 17. Minnesota Statutes 2004, section 609.224, subdivision 4, is amended to read:

29.18 Subd. 4. **Felony.** (a) Whoever violates the provisions of subdivision 1 against  
29.19 the same victim ~~during the time period between~~ within ten years of the first of any  
29.20 combination of two or more previous qualified domestic violence-related offense  
29.21 convictions or adjudications of delinquency ~~and the end of the five years following~~  
29.22 ~~discharge from sentence or disposition for that offense~~ is guilty of a felony and may be  
29.23 sentenced to imprisonment for not more than five years or payment of a fine of not more  
29.24 than \$10,000, or both.

29.25 (b) Whoever violates the provisions of subdivision 1 within three years of the first  
29.26 of any combination of two or more previous qualified domestic violence-related offense  
29.27 convictions or adjudications of delinquency is guilty of a felony and may be sentenced  
29.28 to imprisonment for not more than five years or to payment of a fine of not more than  
29.29 \$10,000, or both.

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

29.32 Sec. 18. Minnesota Statutes 2004, section 609.2242, subdivision 2, is amended to read:

29.33 Subd. 2. **Gross misdemeanor.** Whoever violates subdivision 1 ~~during the time~~  
29.34 ~~period between~~ within ten years of a previous qualified domestic violence-related

30.1 offense conviction or adjudication of delinquency against a family or household member  
30.2 as defined in section 518B.01, subdivision 2, ~~and the end of the five years following~~  
30.3 ~~discharge from sentence or disposition for that offense~~ is guilty of a gross misdemeanor  
30.4 and may be sentenced to imprisonment for not more than one year or to payment of a fine  
30.5 of not more than \$3,000, or both.

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

30.8 Sec. 19. Minnesota Statutes 2004, section 609.2242, subdivision 4, is amended to read:

30.9 Subd. 4. **Felony.** Whoever violates the provisions of this section or section 609.224,  
30.10 subdivision 1, against the same victim ~~during the time period between~~ within ten years of  
30.11 the first of any combination of two or more previous qualified domestic violence-related  
30.12 offense convictions or adjudications of delinquency ~~and the end of the five years following~~  
30.13 ~~discharge from sentence or disposition for that offense~~ is guilty of a felony and may be  
30.14 sentenced to imprisonment for not more than five years or payment of a fine of not more  
30.15 than \$10,000, or both.

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

30.18 Sec. 20. Minnesota Statutes 2005 Supplement, section 609.282, is amended to read:

30.19 **609.282 LABOR TRAFFICKING.**

30.20 Subdivision 1. Individuals under age 18. Whoever knowingly engages in the  
30.21 labor trafficking of an individual who is under the age of 18 is guilty of a crime and  
30.22 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of  
30.23 not more than \$40,000, or both.

30.24 Subd. 2. Other offenses. Whoever knowingly engages in the labor trafficking of  
30.25 another is guilty of a crime and may be sentenced to imprisonment for not more than 15  
30.26 years or to payment of a fine of not more than \$30,000, or both.

30.27 Subd. 3. Consent or age of victim not a defense. In a prosecution under this  
30.28 section the consent or age of the victim is not a defense.

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

30.31 Sec. 21. Minnesota Statutes 2005 Supplement, section 609.283, is amended to read:

30.32 **609.283 UNLAWFUL CONDUCT WITH RESPECT TO DOCUMENTS IN**  
30.33 **FURTHERANCE OF LABOR OR SEX TRAFFICKING.**

31.1            **Subdivision 1. Crime defined.** Unless the person's conduct constitutes a violation  
 31.2 of section 609.282, a person who knowingly destroys, conceals, removes, confiscates, or  
 31.3 possesses any actual or purported passport or other immigration document, or any other  
 31.4 actual or purported government identification document, of another person:

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

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

31.7            (3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority,  
 31.8 a person's liberty to move or travel, in order to maintain the labor or services of that person,  
 31.9 when the person is or has been a victim of a violation of section 609.282 or 609.322;

31.10           is guilty of a crime and may be sentenced as provided in subdivision 2.

31.11           **Subd. 2. Penalties.** A person who violates subdivision 1 may be sentenced as  
 31.12 follows:

31.13            (1) if the crime involves a victim under the age of 18, to imprisonment for not more  
 31.14 than ten years or to payment of a fine of \$20,000, or both; or

31.15            (2) in other cases, to imprisonment for not more than five years or to payment of  
 31.16 a fine of not more than \$10,000, or both.

31.17            **Subd. 3. Consent or age of victim not a defense.** In a prosecution under this  
 31.18 section the consent or age of the victim is not a defense.

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

31.21            Sec. 22. Minnesota Statutes 2005 Supplement, section 609.3455, is amended by adding  
 31.22 a subdivision to read:

31.23            **Subd. 3a. Mandatory sentence for certain engrained offenders.** (a) A court shall  
 31.24 commit a person to the commissioner of corrections for a period of time that is not less  
 31.25 than double the presumptive sentence under the sentencing guidelines and not more than  
 31.26 the statutory maximum, or if the statutory maximum is less than double the presumptive  
 31.27 sentence, for a period of time that is equal to the statutory maximum, if:

31.28            (1) the court is imposing an executed sentence on a person convicted of committing  
 31.29 or attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, or  
 31.30 609.3453;

31.31            (2) the factfinder determines that the offender is a danger to public safety; and

31.32            (3) the factfinder determines that the offender's criminal sexual behavior is so  
 31.33 engrained that the risk of reoffending is great without intensive psychotherapeutic  
 31.34 intervention or other long-term treatment or supervision extending beyond the presumptive  
 31.35 term of imprisonment and supervised release.

32.1 (b) The factfinder shall base its determination that the offender is a danger to public  
 32.2 safety on any of the following factors:

32.3 (1) the crime involved an aggravating factor that would justify a durational departure  
 32.4 from the presumptive sentence under the sentencing guidelines;

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

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

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

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

32.12 (c) As used in this section, "predatory crime" has the meaning given in section  
 32.13 609.341, subdivision 22.

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

32.16 Sec. 23. Minnesota Statutes 2005 Supplement, section 609.3455, subdivision 4,  
 32.17 is amended to read:

32.18 **Subd. 4. Mandatory life sentence; repeat offenders.** (a) Notwithstanding the  
 32.19 statutory maximum penalty otherwise applicable to the offense, the court shall sentence a  
 32.20 person to imprisonment for life if the person is convicted of violating section 609.342,  
 32.21 609.343, 609.344, 609.345, or 609.3453 and:

32.22 (1) the person has two previous sex offense convictions;

32.23 (2) the person has a previous sex offense conviction and:

32.24 (i) the factfinder determines that the present offense involved an aggravating factor  
 32.25 that would provide grounds for an upward durational departure under the sentencing  
 32.26 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct  
 32.27 convictions;

32.28 (ii) the person received an upward durational departure from the sentencing  
 32.29 guidelines for the previous sex offense conviction; or

32.30 (iii) the person was sentenced under this section or section 609.108 for the previous  
 32.31 sex offense conviction; or

32.32 (3) the person has two prior sex offense convictions, and the factfinder determines  
 32.33 that the prior convictions and present offense involved at least three separate victims, and:

32.34 (i) the factfinder determines that the present offense involved an aggravating factor  
 32.35 that would provide grounds for an upward durational departure under the sentencing

33.1 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct  
 33.2 convictions;

33.3 (ii) the person received an upward durational departure from the sentencing  
 33.4 guidelines for one of the prior sex offense convictions; or

33.5 (iii) the person was sentenced under this section or section 609.108 for one of the  
 33.6 prior sex offense convictions.

33.7 (b) Notwithstanding paragraph (a), a court may not sentence a person to  
 33.8 imprisonment for life for a violation of section 609.345, unless the person's previous or  
 33.9 prior sex offense convictions that are being used as the basis for the sentence are for  
 33.10 violations of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute of the  
 33.11 United States, this state, or any other state.

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

33.14 Sec. 24. Minnesota Statutes 2004, section 609.495, is amended by adding a subdivision  
 33.15 to read:

33.16 **Subd. 5. Venue. An offense committed under subdivision 1 or 3 may be prosecuted**  
 33.17 **in:**

33.18 **(1) the county where the aiding or obstructing behavior occurred; or**

33.19 **(2) the county where the underlying criminal act occurred.**

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

33.21 Sec. 25. Minnesota Statutes 2004, section 609.52, subdivision 3, is amended to read:

33.22 **Subd. 3. Sentence. Whoever commits theft may be sentenced as follows:**

33.23 (1) to imprisonment for not more than 20 years or to payment of a fine of not more  
 33.24 than \$100,000, or both, if the property is a firearm, or the value of the property or services  
 33.25 stolen is more than \$35,000 and the conviction is for a violation of subdivision 2, clause  
 33.26 (3), (4), (15), or (16); or

33.27 (2) to imprisonment for not more than ten years or to payment of a fine of not more  
 33.28 than \$20,000, or both, if the value of the property or services stolen exceeds ~~\$2,500~~  
 33.29 \$5,000, or if the property stolen was an article representing a trade secret, an explosive or  
 33.30 incendiary device, or a controlled substance listed in schedule I or II pursuant to section  
 33.31 152.02 with the exception of marijuana; or

33.32 (3) to imprisonment for not more than five years or to payment of a fine of not  
 33.33 more than \$10,000, or both, if:

33.34 (a) the value of the property or services stolen is more than ~~\$500~~ \$1,000 but not  
 33.35 more than ~~\$2,500~~ \$5,000; or

34.1 (b) the property stolen was a controlled substance listed in schedule III, IV, or V  
34.2 pursuant to section 152.02; or

34.3 (c) the value of the property or services stolen is more than ~~\$250~~ \$500 but not more  
34.4 than ~~\$500~~ \$1,000 and the person has been convicted within the preceding five years for an  
34.5 offense under this section, section 256.98; 268.182; 609.24; 609.245; 609.53; 609.582,  
34.6 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another  
34.7 state, the United States, or a foreign jurisdiction, in conformity with any of those sections,  
34.8 and the person received a felony or gross misdemeanor sentence for the offense, or a  
34.9 sentence that was stayed under section 609.135 if the offense to which a plea was entered  
34.10 would allow imposition of a felony or gross misdemeanor sentence; or

34.11 (d) the value of the property or services stolen is not more than ~~\$500~~ \$1,000, and  
34.12 any of the following circumstances exist:

34.13 (i) the property is taken from the person of another or from a corpse, or grave or  
34.14 coffin containing a corpse; or

34.15 (ii) the property is a record of a court or officer, or a writing, instrument or record  
34.16 kept, filed or deposited according to law with or in the keeping of any public officer or  
34.17 office; or

34.18 (iii) the property is taken from a burning, abandoned, or vacant building or upon its  
34.19 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,  
34.20 or the proximity of battle; or

34.21 (iv) the property consists of public funds belonging to the state or to any political  
34.22 subdivision or agency thereof; or

34.23 (v) the property stolen is a motor vehicle; or

34.24 (4) to imprisonment for not more than one year or to payment of a fine of not more  
34.25 than \$3,000, or both, if the value of the property or services stolen is more than ~~\$250~~ \$500  
34.26 but not more than ~~\$500~~ \$1,000; or

34.27 (5) in all other cases where the value of the property or services stolen is ~~\$250~~  
34.28 \$500 or less, to imprisonment for not more than 90 days or to payment of a fine of not  
34.29 more than \$1,000, or both, provided, however, in any prosecution under subdivision 2,  
34.30 clauses (1), (2), (3), (4), and (13), the value of the money or property or services received  
34.31 by the defendant in violation of any one or more of the above provisions within any  
34.32 six-month period may be aggregated and the defendant charged accordingly in applying  
34.33 the provisions of this subdivision; provided that when two or more offenses are committed  
34.34 by the same person in two or more counties, the accused may be prosecuted in any county  
34.35 in which one of the offenses was committed for all of the offenses aggregated under  
34.36 this paragraph.



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

35.3 Sec. 26. Minnesota Statutes 2004, section 609.535, subdivision 2a, is amended to read:

35.4 Subd. 2a. **Penalties.** (a) A person who is convicted of issuing a dishonored check  
35.5 under subdivision 2 may be sentenced as follows:

35.6 (1) to imprisonment for not more than five years or to payment of a fine of not more  
35.7 than \$10,000, or both, if the value of the dishonored check, or checks aggregated under  
35.8 paragraph (b), is more than ~~\$500~~ \$1,000;

35.9 (2) to imprisonment for not more than one year or to payment of a fine of not more  
35.10 than \$3,000, or both, if the value of the dishonored check, or checks aggregated under  
35.11 paragraph (b), is more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000; or

35.12 (3) to imprisonment for not more than 90 days or to payment of a fine of not more  
35.13 than \$1,000, or both, if the value of the dishonored check, or checks aggregated under  
35.14 paragraph (b), is not more than ~~\$250~~ \$500.

35.15 (b) In a prosecution under this subdivision, the value of dishonored checks issued  
35.16 by the defendant in violation of this subdivision within any six-month period may be  
35.17 aggregated and the defendant charged accordingly in applying this section. When two or  
35.18 more offenses are committed by the same person in two or more counties, the accused  
35.19 may be prosecuted in any county in which one of the dishonored checks was issued for all  
35.20 of the offenses aggregated under this paragraph.

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

35.23 Sec. 27. Minnesota Statutes 2004, section 609.595, subdivision 1, is amended to read:

35.24 Subdivision 1. **Criminal damage to property in the first degree.** Whoever  
35.25 intentionally causes damage to physical property of another without the latter's consent  
35.26 may be sentenced to imprisonment for not more than five years or to payment of a fine of  
35.27 not more than \$10,000, or both, if:

35.28 (1) the damage to the property caused a reasonably foreseeable risk of bodily  
35.29 harm; or

35.30 (2) the property damaged belongs to a common carrier and the damage impairs the  
35.31 service to the public rendered by the carrier; or

(3) the damage reduces the value of the property by more than ~~\$500~~ \$1,000 measured  
35.33 by the cost of repair and replacement; or

36.1 (4) the damage reduces the value of the property by more than ~~\$250~~ \$500 measured  
36.2 by the cost of repair and replacement and the defendant has been convicted within the  
36.3 preceding three years of an offense under this subdivision or subdivision 2.

36.4 In any prosecution under clause (3), the value of any property damaged by the  
36.5 defendant in violation of that clause within any six-month period may be aggregated and  
36.6 the defendant charged accordingly in applying the provisions of this section; provided that  
36.7 when two or more offenses are committed by the same person in two or more counties, the  
36.8 accused may be prosecuted in any county in which one of the offenses was committed for  
36.9 all of the offenses aggregated under this paragraph.

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

36.12 Sec. 28. Minnesota Statutes 2004, section 609.595, subdivision 2, is amended to read:

36.13 Subd. 2. **Criminal damage to property in the third degree.** (a) Except as  
36.14 otherwise provided in subdivision 1a, whoever intentionally causes damage to another  
36.15 person's physical property without the other person's consent may be sentenced to  
36.16 imprisonment for not more than one year or to payment of a fine of not more than \$3,000,  
36.17 or both, if the damage reduces the value of the property by more than ~~\$250~~ \$500 but not  
36.18 more than ~~\$500~~ \$1,000 as measured by the cost of repair and replacement.

36.19 (b) Whoever intentionally causes damage to another person's physical property  
36.20 without the other person's consent because of the property owner's or another's actual  
36.21 or perceived race, color, religion, sex, sexual orientation, disability as defined in section  
36.22 363A.03, age, or national origin may be sentenced to imprisonment for not more than one  
36.23 year or to payment of a fine of not more than \$3,000, or both, if the damage reduces the  
36.24 value of the property by not more than ~~\$250~~ \$500.

36.25 (c) In any prosecution under paragraph (a), the value of property damaged by the  
36.26 defendant in violation of that paragraph within any six-month period may be aggregated  
36.27 and the defendant charged accordingly in applying this section. When two or more  
36.28 offenses are committed by the same person in two or more counties, the accused may  
36.29 be prosecuted in any county in which one of the offenses was committed for all of the  
36.30 offenses aggregated under this paragraph.

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

36.33 Sec. 29. Minnesota Statutes 2004, section 609.748, subdivision 6, is amended to read:

37.1 Subd. 6. **Violation of restraining order.** (a) A person who violates a restraining  
37.2 order issued under this section is subject to the penalties provided in paragraphs (b) to (d).

37.3 (b) Except as otherwise provided in paragraphs (c) and (d), when a temporary  
37.4 restraining order or a restraining order is granted under this section and the respondent  
37.5 knows of the order, violation of the order is a misdemeanor.

37.6 (c) A person is guilty of a gross misdemeanor who knowingly violates the order  
37.7 ~~during the time period between~~ within ten years of a previous qualified domestic  
37.8 violence-related offense conviction ~~and the end of the five years following discharge from~~  
37.9 ~~sentence for that offense~~ or adjudication of delinquency.

37.10 (d) A person is guilty of a felony and may be sentenced to imprisonment for not  
37.11 more than five years or to payment of a fine of not more than \$10,000, or both, if the  
37.12 person knowingly violates the order:

37.13 (1) ~~during the time period between~~ within ten years of the first of two or more  
37.14 previous qualified domestic violence-related offense convictions ~~and the end of the five~~  
37.15 ~~years following discharge from sentence for that offense~~ or adjudications of delinquency;

37.16 (2) because of the victim's or another's actual or perceived race, color, religion, sex,  
37.17 sexual orientation, disability as defined in section 363A.03, age, or national origin;

37.18 (3) by falsely impersonating another;

37.19 (4) while possessing a dangerous weapon;

37.20 (5) with an intent to influence or otherwise tamper with a juror or a judicial  
37.21 proceeding or with intent to retaliate against a judicial officer, as defined in section  
37.22 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's  
37.23 performance of official duties in connection with a judicial proceeding; or

37.24 (6) against a victim under the age of 18, if the respondent is more than 36 months  
37.25 older than the victim.

37.26 (e) A peace officer shall arrest without a warrant and take into custody a person  
37.27 whom the peace officer has probable cause to believe has violated an order issued under  
37.28 subdivision 4 or 5 if the existence of the order can be verified by the officer.

37.29 (f) A violation of a temporary restraining order or restraining order shall also  
37.30 constitute contempt of court.

37.31 (g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested  
37.32 party designated by the court, alleging that the respondent has violated an order issued  
37.33 under subdivision 4 or 5, the court may issue an order to the respondent requiring the  
37.34 respondent to appear within 14 days and show cause why the respondent should not be  
37.35 held in contempt of court. The court also shall refer the violation of the order to the  
37.36 appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

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

38.3 Sec. 30. Minnesota Statutes 2004, section 609.749, subdivision 4, is amended to read:

38.4 Subd. 4. **Second or subsequent violations; felony.** (a) A person is guilty of a  
38.5 felony who violates any provision of subdivision 2 ~~during the time period between~~  
38.6 within ten years of a previous qualified domestic violence-related offense conviction  
38.7 or adjudication of delinquency and the end of the ten years following discharge from  
38.8 sentence or disposition for that offense, and may be sentenced to imprisonment for not  
38.9 more than five years or to payment of a fine of not more than \$10,000, or both.

38.10 (b) A person is guilty of a felony who violates any provision of subdivision 2 ~~during~~  
38.11 the time period between within ten years of the first of two or more previous qualified  
38.12 domestic violence-related offense convictions or adjudications of delinquency and the  
38.13 end of ten years following discharge from sentence or disposition for that offense, and  
38.14 may be sentenced to imprisonment for not more than ten years or to payment of a fine of  
38.15 not more than \$20,000, or both.

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

38.18 Sec. 31. **[609.8935] UNLAWFUL CONDUCT RELATING TO TELEPHONE**  
38.19 **RECORDS.**

38.20 **Subdivision 1. Definitions.** (a) As used in this section, the following terms have  
38.21 the meanings given.

38.22 (b) "Customer" means a person or other entity that subscribes to telephone service  
38.23 from a telephone company.

38.24 (c) "Procure" means to obtain by any means, whether electronically, in writing, or in  
38.25 oral form, with or without consideration.

38.26 (d) "Telephone company" means any person or other entity that provides commercial  
38.27 telephone service to a customer, irrespective of the communications technology used to  
38.28 provide the service, including, but not limited to, traditional wireline or cable telephone  
38.29 service; cellular, broadband PCS, or other wireless telephone service; microwave, satellite,  
38.30 or other terrestrial telephone service; and voice over Internet telephone service.

38.31 (e) "Telephone records" include information retained by a telephone company that  
38.32 relates to the telephone number dialed from a customer's telephone, or the incoming call  
38.33 directed to a customer's telephone, or other data related to calls typically contained on  
38.34 a customer's telephone bill, including, but not limited to, the time the call started and  
38.35 ended, the duration of the call, the time of day the call was made, and any charges applied.

39.1 However, for the purposes of this section, any information collected and retained by  
39.2 customers utilizing caller ID, or other similar technology, does not constitute a telephone  
39.3 record.

39.4 Subd. 2. Crime defined; penalty. (a) A person commits the crime of unlawful  
39.5 conduct relating to telephone records if the person:

39.6 (1) knowingly procures a telephone record of another without that person's  
39.7 authorization or by fraudulent, deceptive, or false means;

39.8 (2) knowingly sells a telephone record of another without that person's authorization;  
39.9 or

39.10 (3) receives a telephone record of another knowing that the record has been obtained  
39.11 without that person's authorization or by fraudulent, deceptive, or false means.

39.12 (b) A person who violates this subdivision may be sentenced to:

39.13 (1) imprisonment for not more than one year or to payment of a fine of not more  
39.14 than \$3,000, or both, if the violation involves a single telephone record;

39.15 (2) imprisonment for not more than two years or to payment of a fine of not more  
39.16 than \$20,000, or both, if the violation involves at least two and no more than ten telephone  
39.17 records; or

39.18 (3) imprisonment for not more than five years or to payment of a fine of not more  
39.19 than \$50,000, or both, if the violation involves more than ten telephone records.

39.20 Subd. 3. Exceptions. The penalties in this section do not apply to:

39.21 (1) peace officers or employees or agents of law enforcement agencies acting in  
39.22 the official course of their duties;

39.23 (2) individuals acting pursuant to a valid court order, warrant, or subpoena;

39.24 (3) employees or agents of telephone companies acting:

39.25 (i) as otherwise authorized by law;

39.26 (ii) with the lawful consent of the customer;

39.27 (iii) as may be necessarily incident to the rendition of the service to initiate, render,  
39.28 bill, and collect customer charges, or to the protection of the rights or property of the  
39.29 provider of that service, or to protect users of those services and other companies from  
39.30 fraudulent, abusive, or unlawful use of, or subscription to, these services;

39.31 (iv) in cooperation with a governmental entity, if the telephone company reasonably  
39.32 believes that an emergency involving immediate danger of death or serious physical injury  
39.33 to any person justifies disclosure of the information;

39.34 (v) in cooperation with the National Center for Missing and Exploited Children,  
39.35 in connection with a report submitted to it under United States Code, title 42, section  
39.36 13032; or

40.1 (vi) in connection with the sale or transfer of all or part of the company's business,  
40.2 or the purchase or acquisition of a portion or all of a business, or the migration of a  
40.3 customer from one company to another.

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

40.6 Sec. 32. Minnesota Statutes 2004, section 611A.0315, is amended to read:

40.7 **611A.0315 VICTIM NOTIFICATION; DOMESTIC ASSAULT;**  
40.8 **HARASSMENT.**

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

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

40.20 (c) Whenever a prosecutor notifies a victim of domestic assault or harassment under  
40.21 this section, the prosecutor shall also inform the victim of the method and benefits of  
40.22 seeking an order for protection under section 518B.01 or a restraining order under section  
40.23 609.748 and that the victim may seek an order without paying a fee.

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

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

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

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

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

40.32 (e) "Criminal sexual conduct" means a violation of sections 609.342 to 609.3453.

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

40.34 Sec. 33. Minnesota Statutes 2004, section 617.246, is amended by adding a subdivision  
40.35 to read:

41.1 Subd. 7. Conditional release term. Notwithstanding the statutory maximum  
 41.2 sentence otherwise applicable to the offense or any provision of the sentencing guidelines,  
 41.3 when a court commits a person to the custody of the commissioner of corrections for  
 41.4 violating this section, the court shall provide that after the person has completed the  
 41.5 sentence imposed, the commissioner shall place the person on conditional release for  
 41.6 five years, minus the time the offender served on supervised release. If the person has  
 41.7 previously been convicted of a violation of this section, section 609.342, 609.343,  
 41.8 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United  
 41.9 States, this state, or any state, the commissioner shall place the person on conditional  
 41.10 release for ten years, minus the time the offender served on supervised release. The terms  
 41.11 of conditional release are governed by section 609.3455, subdivision 8.

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

41.14 Sec. 34. Minnesota Statutes 2004, section 617.247, is amended by adding a subdivision  
 41.15 to read:

41.16 Subd. 9. Conditional release term. Notwithstanding the statutory maximum  
 41.17 sentence otherwise applicable to the offense or any provision of the sentencing guidelines,  
 41.18 when a court commits a person to the custody of the commissioner of corrections for  
 41.19 violating this section, the court shall provide that after the person has completed the  
 41.20 sentence imposed, the commissioner shall place the person on conditional release for  
 41.21 five years, minus the time the offender served on supervised release. If the person has  
 41.22 previously been convicted of a violation of this section, section 609.342, 609.343,  
 41.23 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United  
 41.24 States, this state, or any state, the commissioner shall place the person on conditional  
 41.25 release for ten years, minus the time the offender served on supervised release. The terms  
 41.26 of conditional release are governed by section 609.3455, subdivision 8.

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

41.29 Sec. 35. Laws 2005, chapter 136, article 16, section 3, the effective date, is amended to  
 41.30 read:

41.31 EFFECTIVE DATE. This section is effective the day following final enactment  
 32 and applies to sentencing hearings, resentencing hearings, and sentencing departures  
 41.33 sought on or after that date. ~~This section expires February 1, 2007.~~

41.34 EFFECTIVE DATE. This section is effective July 1, 2006.

42.1 Sec. 36. Laws 2005, chapter 136, article 16, section 4, the effective date, is amended to  
42.2 read:

42.3 **EFFECTIVE DATE.** This section is effective the day following final enactment  
42.4 and applies to sentencing hearings, resentencing hearings, and sentencing departures  
42.5 sought on or after that date. ~~This section expires February 1, 2007.~~

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

42.7 Sec. 37. Laws 2005, chapter 136, article 16, section 5, the effective date, is amended to  
42.8 read:

42.9 **EFFECTIVE DATE.** This section is effective the day following final enactment  
42.10 and applies to sentencing hearings, resentencing hearings, and sentencing departures  
42.11 sought on or after that date. ~~This section expires February 1, 2007.~~

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

42.13 Sec. 38. Laws 2005, chapter 136, article 16, section 6, the effective date, is amended to  
42.14 read:

42.15 **EFFECTIVE DATE.** This section is effective the day following final enactment  
42.16 and applies to sentencing hearings, resentencing hearings, and sentencing departures  
42.17 sought on or after that date. ~~This section expires February 1, 2007.~~

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

42.19 Sec. 39. **COLLATERAL CONSEQUENCES COMMITTEE.**

42.20 **Subdivision 1. Establishment; duties.** A collateral consequences committee  
42.21 is established to study collateral consequences of adult convictions and juvenile  
42.22 adjudications. The committee shall identify the uses of collateral consequences of  
42.23 convictions and adjudications and recommend any proposed changes to the legislature on  
42.24 collateral consequences.

42.25 **Subd. 2. Resources.** The Department of Corrections shall provide technical  
42.26 assistance to the committee on request, with the assistance of the commissioner of public  
42.27 safety and the Sentencing Guidelines Commission.

42.28 **Subd. 3. Membership.** The committee consists of:

42.29 **(1) one representative from each of the following groups:**

42.30 **(i) crime victim advocates, appointed by the commissioner of public safety;**

42.31 **(ii) county attorneys, appointed by the Minnesota County Attorneys Association;**

42.32 **(iii) city attorneys, appointed by the League of Minnesota Cities;**

42.33 **(iv) district court judges, appointed by the Judicial Council;**

42.34 **(v) private criminal defense attorneys, appointed by the Minnesota Association of**

42.35 **Criminal Defense Lawyers;**



43.1 (vi) probation officers, appointed by the Minnesota Association of County Probation  
43.2 Officers; and

43.3 (vii) the state public defender or a designee; and

43.4 (2) the commissioner of public safety, or a designee, who shall chair the group.

43.5 Subd. 4. Report and recommendations. The committee shall present the

43.6 legislature with its report and recommendations no later than January 15, 2007. The

43.7 report must be presented to the chairs of the senate Crime Prevention and Public Safety

43.8 Committee and the house Public Safety and Finance Committee.

43.9 EFFECTIVE DATE. This section is effective July 1, 2006.

43.10 Sec. 40. SENTENCING GUIDELINES MODIFICATIONS.

43.11 (a) Except as provided in paragraph (b), the modifications related to sex offenses

43.12 proposed by the Minnesota Sentencing Guidelines Commission and described in the

43.13 January 2006 Report to the Legislature, pages 31 to 45, are adopted and take effect on

43.14 August 1, 2006.

43.15 (b) The proposed rankings of Minnesota Statutes, sections 609.344, subdivision 1,

43.16 clauses (h), (i), and (l); and 609.345, subdivision 1, clauses (h), (i), and (l), are rejected

43.17 and do not take effect.

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

43.19 (1) Minnesota Statutes, section 609.344, subdivision 1, clauses (h), (i), and (l),

43.20 at severity level C;

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

43.22 (3) Minnesota Statutes, section 609.345, subdivision 1, clauses (h), (i), and (l),

43.23 at severity level E; and

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

43.25 (d) If the commission decides to make the changes requested in paragraph (c), it

43.26 shall ensure that the changes are effective on August 1, 2006, and publish an updated

43.27 version of the sentencing guidelines that include the changes by that date.

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

43.29 Sec. 41. REVISOR'S INSTRUCTION.

43.30 When appropriate, the revisor of statutes shall replace statutory references to

43.31 Minnesota Statutes, section 609.108, with references to section 609.3455, subdivision 3a.

43.32 EFFECTIVE DATE. This section is effective August 1, 2006.

43.33 Sec. 42. REPEALER.

44.1 Minnesota Statutes 2004, sections 488A.03, subdivision 11b; 609.108, subdivision  
 44.2 5; and 609.109, subdivisions 1 and 3, and Minnesota Statutes 2005 Supplement, sections  
 44.3 609.108, subdivisions 1, 3, 4, 6, and 7; and 609.109, subdivisions 2, 4, 5, and 6, are  
 44.4 repealed.

44.5 EFFECTIVE DATE. This section is effective August 1, 2006, and applies to  
 44.6 crimes committed on or after that date, except for the repeal of Minnesota Statutes, section  
 44.7 488A.03, subdivision 11b, which is effective July 1, 2006.

### 44.8 ARTICLE 3

#### 44.9 CONTROLLED SUBSTANCES, DWI, AND TRAFFIC SAFETY

#### 44.10 PROVISIONS

44.11 Section 1. Minnesota Statutes 2004, section 152.01, subdivision 18, is amended to read:

44.12 Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b),  
 44.13 "drug paraphernalia" means all equipment, products, and materials of any kind, except  
 44.14 those items used in conjunction with permitted uses of controlled substances under this  
 44.15 chapter or the Uniform Controlled Substances Act, which are ~~knowingly or intentionally~~  
 44.16 used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting,  
 44.17 inhaling, or otherwise introducing into the human body a controlled substance, (3) testing  
 44.18 the strength, effectiveness, or purity of a controlled substance, or (4) enhancing the effect  
 44.19 of a controlled substance.

44.20 (b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or  
 44.21 sale of hypodermic needles or syringes in accordance with section 151.40, subdivision 2.

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

44.24 Sec. 2. Minnesota Statutes 2004, section 152.093, is amended to read:

#### 44.25 152.093 ~~MANUFACTURE OR DELIVERY~~ SALE OF DRUG

#### 44.26 PARAPHERNALIA PROHIBITED.

44.27 Subdivision 1. Sales generally. (a) It is unlawful for any person knowingly or  
 44.28 intentionally to deliver sell drug paraphernalia or knowingly or intentionally to possess or  
 44.29 manufacture drug paraphernalia for delivery, knowing or having reason to know, that the  
 44.30 item will be used primarily to:

44.31 (1) manufacture a controlled substance;

44.32 (2) inject, ingest, inhale, or otherwise introduce into the human body a controlled  
 44.33 substance;

44.34 (3) test the strength, effectiveness, or purity of a controlled substance; or

45.1 (4) enhance the effect of a controlled substance.

45.2 (b) Any violation of this section subdivision is a misdemeanor.

45.3 Subd. 2. Sales to minor. Any person 18 years of age or older who violates  
 45.4 subdivision 1 by selling drug paraphernalia to a person under 18 years of age who is at  
 45.5 least three years younger is guilty of a gross misdemeanor.

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

45.8 Sec. 3. [152.0955] PROHIBITION ON POSSESSION OF CERTAIN ITEMS  
 45.9 ASSOCIATED WITH CONTROLLED SUBSTANCE USE.

45.10 Subdivision 1. Definitions. As used in this section, the following terms have the  
 45.11 meanings given:

45.12 (1) "bong" means any pipe or smoking device, commonly referred to as a bong or  
 45.13 water bong, having one tube that attaches to or is part of the pipe or device, that allows for  
 45.14 a smoked product to be drawn from a reservoir or bowl, through a quantity of water or  
 45.15 other liquid substance, or through another tube or opening on the pipe or device;

45.16 (2) "dugout" means a storage device, commonly referred to as a dugout, designed  
 45.17 with separate reservoirs for marijuana and a one-hit pipe;

45.18 (3) "glass pipe" means any pipe or smoking device that is made of glass and that has  
 45.19 a reservoir capable of holding controlled substances for ingestion;

45.20 (4) "marijuana pipe" means any pipe or smoking device, except for a traditional  
 45.21 pipe, that is made of solid material, including ivory, onyx, glass, metal, stone, or any other  
 45.22 material, having a reservoir and a direct channel or a channel filtered by a screen, leading  
 45.23 to an open end, commonly known as a bowl;

45.24 (5) "one-hit pipe" means any pipe or smoking device that consists of a reservoir on  
 45.25 one end, with a direct channel or a channel filtered by a screen that leads to the opposite  
 45.26 end, designed as a linear device, and without a separately attached bowl or reservoir; and

45.27 (6) "traditional pipe" means a smoking device that has a sole use for consumption of  
 45.28 tobacco, not containing a screen in the bowl section, such as a corncob pipe.

45.29 Subd. 2. Possession prohibited. A person who knowingly possesses a bong,  
 45.30 dugout, glass pipe, marijuana pipe, or one-hit pipe is guilty of a petty misdemeanor.

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

45.33 Sec. 4. Minnesota Statutes 2004, section 152.18, subdivision 1, is amended to read:

45.34 Subdivision 1. Deferring prosecution for certain first time drug offenders. If any  
 45.35 person who has not previously participated in or completed a diversion program authorized

46.1 under section 401.065 or who has not previously been placed on probation without a  
46.2 judgment of guilty and thereafter been discharged from probation under this section is  
46.3 found guilty of a violation of section 152.024, subdivision 2, 152.025, subdivision 2, or  
46.4 152.027, subdivision 2, 3, or 4, for possession of a controlled substance, after trial or upon  
46.5 a plea of guilty, and the court determines that the violation does not qualify as a subsequent  
46.6 controlled substance conviction under section 152.01, subdivision 16a, the court may shall,  
46.7 without entering a judgment of guilty and with the consent of the person, either (1) defer  
46.8 further proceedings and place the person on probation upon such reasonable conditions  
46.9 as it may require and for a period, not to exceed the maximum sentence provided for the  
46.10 violation. The court or (2) state in writing the reason why a deferral is inappropriate. If the  
46.11 court grants a deferral, it may give the person the opportunity to attend and participate  
46.12 in an appropriate program of education regarding the nature and effects of alcohol and  
46.13 drug abuse as a stipulation of probation. Upon violation of a condition of the probation,  
46.14 the court may enter an adjudication of guilt and proceed as otherwise provided. The  
46.15 court may, in its discretion, dismiss the proceedings against the person and discharge the  
46.16 person from probation before the expiration of the maximum period prescribed for the  
46.17 person's probation. If during the period of probation the person does not violate any of the  
46.18 conditions of the probation, then upon expiration of the period the court shall discharge the  
46.19 person and dismiss the proceedings against that person. Discharge and dismissal under this  
46.20 subdivision shall be without court adjudication of guilt, but a not public record of it shall  
46.21 be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts  
46.22 in determining the merits of subsequent proceedings against the person. The not public  
46.23 record may also be opened only upon court order for purposes of a criminal investigation,  
46.24 prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections  
46.25 authorities, the bureau shall notify the requesting party of the existence of the not public  
46.26 record and the right to seek a court order to open it pursuant to this section. The court shall  
46.27 forward a record of any discharge and dismissal under this subdivision to the bureau which  
46.28 shall make and maintain the not public record of it as provided under this subdivision. The  
46.29 discharge or dismissal shall not be deemed a conviction for purposes of disqualifications  
46.30 or disabilities imposed by law upon conviction of a crime or for any other purpose.

46.31 For purposes of this subdivision, "not public" has the meaning given in section  
46.32 13.02, subdivision 8a.

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

46.34 Sec. 5. Minnesota Statutes 2004, section 169A.24, subdivision 1, is amended to read:

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

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

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

47.6 (3) has previously been convicted of a felony under section 609.21, subdivision 1,  
47.7 clause (2), (3), (4), (5), or (6); subdivision 2, clause (2), (3), (4), (5), or (6); subdivision 2a,  
47.8 clause (2), (3), (4), (5), or (6); subdivision 3, clause (2), (3), (4), (5), or (6); or subdivision  
47.9 4, clause (2), (3), (4), (5), or (6).

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

47.12 Sec. 6. Minnesota Statutes 2005 Supplement, section 171.18, subdivision 1, is  
47.13 amended to read:

47.14 Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver  
47.15 without preliminary hearing upon a showing by department records or other sufficient  
47.16 evidence that the licensee:

47.17 (1) has committed an offense for which mandatory revocation of license is required  
47.18 upon conviction;

47.19 (2) has been convicted by a court for violating a provision of chapter 169 or  
47.20 an ordinance regulating traffic, other than a conviction for a petty misdemeanor, and  
47.21 department records show that the violation contributed in causing an accident resulting in  
47.22 the death or personal injury of another, or serious property damage;

47.23 (3) is an habitually reckless or negligent driver of a motor vehicle;

47.24 (4) is an habitual violator of the traffic laws;

47.25 (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

47.26 (6) has permitted an unlawful or fraudulent use of the license;

47.27 (7) has committed an offense in another state that, if committed in this state, would  
47.28 be grounds for suspension;

47.29 (8) has committed a violation of section 169.444, subdivision 2, paragraph (a),  
47.30 within five years of a prior conviction under that section;

47.31 (9) has committed a violation of section 171.22, except that the commissioner may  
47.32 not suspend a person's driver's license based solely on the fact that the person possessed a  
47.33 fictitious or fraudulently altered Minnesota identification card;

47.34 (10) has failed to appear in court as provided in section 169.92, subdivision 4;

47.35 (11) has failed to report a medical condition that, if reported, would have resulted in  
47.36 cancellation of driving privileges;

48.1 (12) has been found to have committed an offense under section 169A.33; or  
48.2 (13) has paid or attempted to pay a fee required under this chapter for a license or  
48.3 permit by means of a dishonored check issued to the state or a driver's license agent,  
48.4 which must be continued until the registrar determines or is informed by the agent that  
48.5 the dishonored check has been paid in full.

48.6 However, an action taken by the commissioner under clause (2) or (5) must conform  
48.7 to the recommendation of the court when made in connection with the prosecution of the  
48.8 licensee.

48.9 (b) The commissioner may not suspend the driver's license of an individual under  
48.10 paragraph (a) who was convicted of a violation of section 171.24, subdivision 1, whose  
48.11 license was under suspension at the time solely because of the individual's failure to  
48.12 appear in court or failure to pay a fine.

48.13 EFFECTIVE DATE. This section is effective July 1, 2006.

48.14 **Sec. 7. REPEALER.**

48.15 Minnesota Statutes 2004, section 152.094, is repealed.

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

48.18 **ARTICLE 4**

48.19 **PUBLIC SAFETY POLICY**

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

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

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

48.26 (2) the statewide supervision system maintained by the Department of Corrections;

48.27 and

48.28 (3) national criminal history information maintained by the Federal Bureau of  
48.29 Investigation;

48.30 on candidates for positions within the governor's residence or appointment by the  
48.31 governor. The candidate shall provide the governor's office with a written authorization  
48.32 to conduct the check of these systems. For a check of the national criminal history  
48.33 information, the request must also include a set of fingerprints which shall be sent to  
48.34 the Bureau of Criminal Apprehension. The bureau has the authority to exchange the

49.1 fingerprints with the FBI to facilitate the national background check. The superintendent  
49.2 may recover fees associated with the background checks from the governor's office.

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

49.4 Sec. 2. Minnesota Statutes 2004, section 13.6905, is amended by adding a subdivision  
49.5 to read:

49.6 Subd. 1a. Facility security assessments and plans. Hazardous substance or oil  
49.7 facility security assessments and plans are classified under section 115E.04, subdivision  
49.8 4b.

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

49.10 Sec. 3. Minnesota Statutes 2004, section 115E.01, subdivision 5, is amended to read:

49.11 Subd. 5. Facility. "Facility" means a structure, group of structures, equipment,  
49.12 or device, other than a vessel, that is used for one or more of the following purposes:  
49.13 exploring for, drilling for, producing, storing, handling, transferring, processing, or  
49.14 transporting oil or a hazardous substance. Facility includes a motor vehicle, rolling stock,  
49.15 or pipeline used for one or more of these purposes. Facility also includes a research and  
49.16 development laboratory, which means a specially designated area used primarily for  
49.17 research, development, and testing activity and not primarily involved in the production of  
49.18 goods for commercial sale. A facility may be in, on, or under land, or in, on, or under  
49.19 waters of the state as defined in section 115.01, subdivision 22.

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

49.21 Sec. 4. Minnesota Statutes 2004, section 115E.01, subdivision 6, is amended to read:

49.22 Subd. 6. Hazardous substance. "Hazardous substance" has the meaning given  
49.23 in section 115B.02, subdivision 8. In addition, hazardous substance includes the  
49.24 substances listed under section 112r of the Clean Air Act, as provided by Code of Federal  
49.25 Regulations, title 40, part 68.

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

49.27 Sec. 5. Minnesota Statutes 2004, section 115E.01, subdivision 7, is amended to read:

49.28 Subd. 7. Lead agency. "Lead agency" means:

49.29 (1) the Department of Agriculture, with respect to agricultural chemicals; or  
49.30 (2) the Pollution Control Agency, for other hazardous substances or oil; or  
49.31 (3) the Department of Public Safety, with respect to the security planning and  
49.32 security measures.

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

50.1 Sec. 6. Minnesota Statutes 2004, section 115E.01, is amended by adding a subdivision  
50.2 to read:

50.3 Subd. 11d. Security measure. "Security measure" means an action carried out to  
50.4 increase the security of a facility, including employee training and background checks,  
50.5 limitation and prevention of access to controls of the facility, protection of the perimeter  
50.6 of the facility, installation and operation of an intrusion detection sensor, or a measure to  
50.7 increase computer or computer network security.

50.8 EFFECTIVE DATE. This section is effective July 1, 2006.

50.9 Sec. 7. Minnesota Statutes 2004, section 115E.01, is amended by adding a subdivision  
50.10 to read:

50.11 Subd. 11e. Use of inherently safer technology. "Use of inherently safer  
50.12 technology" means the use of a technology, product, raw material, or practice that, as  
50.13 compared with the technologies, products, raw materials, or practices currently in use,  
50.14 reduces or eliminates the possibility of a release, and reduces or eliminates the threats to the  
50.15 public health or safety and environment associated with the release or threatened release.

50.16 EFFECTIVE DATE. This section is effective July 1, 2006.

50.17 Sec. 8. Minnesota Statutes 2004, section 115E.01, subdivision 13, is amended to read:

50.18 Subd. 13. **Worst case discharge.** "Worst case discharge" means:

50.19 (1) in the case of a vessel, sudden loss of the entire contents of the vessel in weather  
50.20 conditions that impede cleanup;

50.21 (2) for each tank of a storage tank facility, sudden loss of the entire contents of the  
50.22 tank in weather conditions that impede cleanup;

50.23 (3) in the case of railroad rolling stock facilities, sudden loss of the contents of the  
50.24 maximum expected number of the rail cars containing oil or hazardous substance of a train  
50.25 onto land or into water in weather conditions that impede cleanup;

50.26 (4) in the case of truck and trailer rolling stock facilities, sudden loss of the entire  
50.27 contents of the truck or trailer onto land or into water in weather conditions that impede  
50.28 cleanup;

50.29 (5) in the case of a pipeline facility, sudden loss of the contents of the pipeline  
50.30 which would be expected from complete failure of the pipeline onto land or into water in  
50.31 weather conditions that impede cleanup;

50.32 (6) in the case of oil or hazardous substance transfer facilities, sudden loss of the  
50.33 largest volume which could occur during transfer into or out of a facility; or

50.34 (7) in the case of a facility with more than the threshold quantity of any substance  
50.35 listed in Code of Federal Regulations, title 40, part 68, under section 112r of the Clean



51.1 Air Act, on the property at any point in the year, sudden loss of the maximum expected  
 51.2 inventory of the substances; or

51.3 (8) the worst case discharge for the facility as described by regulations under the  
 51.4 Oil Pollution Act of 1990 if the regulations, when adopted, describe a discharge worse  
 51.5 than one described in clauses (1) to ~~(6)~~ (7).

51.6 EFFECTIVE DATE. This section is effective July 1, 2006.

51.7 Sec. 9. [115E.025] DUTY TO SECURE FACILITIES.

51.8 Subdivision 1. General security. A person who owns or operates a vessel or  
 51.9 facility transporting, storing, or otherwise handling hazardous substances or oil, or who  
 51.10 is otherwise in control of hazardous substances or oil, shall take reasonable security  
 51.11 measures to prevent the unauthorized access of persons to the facilities or to the control  
 51.12 mechanisms of the facility.

51.13 Subd. 2. Specific security measures. The following persons shall comply with the  
 51.14 specific requirements of section 115E.04, subdivision 2:

51.15 (1) persons who own or operate facilities subject to Code of Federal Regulations,  
 51.16 title 40, part 68, under section 112r of the Clean Air Act, except for retail facilities at  
 51.17 which more than one-half of the income is obtained from direct sales of ammonia or  
 51.18 propane to end users; and

51.19 (2) persons who own or operate facilities containing 1,000,000 gallons or more of  
 51.20 oil or hazardous substance in tank storage at any time.

51.21 EFFECTIVE DATE. This section is effective July 1, 2006.

51.22 Sec. 10. Minnesota Statutes 2004, section 115E.04, is amended by adding a subdivision  
 51.23 to read:

51.24 Subd. 1a. Security plan. Persons required to show specific security measures  
 51.25 under section 115E.025, subdivision 2, shall prepare and maintain a facility security  
 51.26 plan. The security plan must be completed in consultation with local law enforcement  
 51.27 agencies. The security plan must:

51.28 (1) summarize the methods used and results of an assessment of vulnerability of  
 51.29 the facility to a terrorist attack or other unauthorized entry and release, the expertise  
 51.30 and affiliation of the evaluators, and any direct or indirect relationship between the  
 51.31 vulnerability evaluators and the owner or operator of the facility;

51.32 (2) provide an inventory of the hazardous substance or oil subject to the security  
 51.33 plan, with ranges of the quantity of each substance expected to be in the facility and  
 51.34 entering and leaving the facility during the course of a year;

- 52.1 (3) assess the use of inherently safe technology in reducing or eliminating the  
52.2 vulnerability of the facility and the possibility of an unauthorized release;  
52.3 (4) describe actions and procedures, including safer design and maintenance of  
52.4 the facility, use of inherently safer technology, and all appropriate security measures  
52.5 undertaken to eliminate or significantly lessen the vulnerability to an unauthorized entry to  
52.6 the facility or an unauthorized release of oil or a hazardous substance; and  
52.7 (5) the names of all insurance carriers underwriting the facility's environmental  
52.8 liability and workers' compensation insurance policies and the scope of the policies,  
52.9 including any limitations and exclusions.

52.10 A plan submitted to the federal government under the Oil Pollution Act of 1990 or  
52.11 prepared under any other law may be used to satisfy the security plan requirement, if the  
52.12 information required by this subdivision is included in the plan. A community water  
52.13 system vulnerability assessment and emergency response plan prepared under the Public  
52.14 Health Security and Bioterrorism Preparedness and Response Act of 2002 may be used  
52.15 to satisfy the security plan requirement.

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

52.17 Sec. 11. Minnesota Statutes 2004, section 115E.04, subdivision 2, is amended to read:

52.18 Subd. 2. **Timing.** (a) A person required to be prepared under section 115E.03, other  
52.19 than a person who owns or operates a motor vehicle, rolling stock, or a facility that stores  
52.20 less than 250,000 gallons of oil or a hazardous substance, shall complete the response plan  
52.21 required by this section by March 1, 1993, unless one of the commissioners orders the  
52.22 person to demonstrate preparedness at an earlier date under section 115E.05.

52.23 (b) A person who owns or operates a motor vehicle, rolling stock, or a facility  
52.24 that stores less than 250,000 gallons of oil or a hazardous substance shall complete the  
52.25 response plan required by this section by January 1, 1994.

52.26 (c) A person required to prepare a security plan shall complete it within 90 days of the  
52.27 effective date of this act. The security plan must be amended following significant change  
52.28 in the security measures, vulnerability, or presence of hazardous substances on the facility.

52.29 (d) Plans required under section 115E.04 or 115E.045 must be updated every three  
52.30 years. Plans must be updated before three years following a significant discharge, upon  
52.31 significant change in vessel or facility operation or ownership, upon significant change in  
52.32 the national or area contingency plans under the Oil Pollution Act of 1990, or upon change  
52.33 in the capabilities or role of a person named in a plan who has an important response role.

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

53.1 Sec. 12. Minnesota Statutes 2004, section 115E.04, is amended by adding a subdivision  
53.2 to read:

53.3 Subd. 4a. Review of security plans. (a) A person required to complete a security  
53.4 plan under section 115E.025, subdivision 2, must submit a copy of the security plan to the  
53.5 Department of Public Safety within five business days of its completion.

53.6 (b) Authorized staff of the Department of Public Safety must be granted access to  
53.7 the facility for the purpose of inspecting security measures.

53.8 (c) Upon the request of authorized staff of the Department of Public Safety, a person  
53.9 shall demonstrate the adequacy of the security plan and security measures by conducting  
53.10 announced or unannounced drills, calling persons and organizations named in a security  
53.11 plan and verifying roles and capabilities, locating and testing security measure procedures  
53.12 or equipment, questioning facility personnel, or other means that in the judgment of the  
53.13 commissioner or sheriff demonstrate security. Before requesting an unannounced security  
53.14 drill, the commissioner of public safety or authorized person shall invite the county sheriff  
53.15 to participate in or witness the drill. If an announced drill is conducted to the satisfaction  
53.16 of the commissioner, the person conducting the security drill may not be required to  
53.17 conduct an additional unannounced security drill in the same calendar year.

53.18 EFFECTIVE DATE. This section is effective July 1, 2006.

53.19 Sec. 13. Minnesota Statutes 2004, section 115E.04, is amended by adding a subdivision  
53.20 to read:

53.21 Subd. 4b. Data. Assessments and plans prepared under this section and material  
53.22 specifically related to preparation, review, or approval of a plan are nonpublic data as  
53.23 defined in section 13.02, except that the data may be provided to law enforcement,  
53.24 firefighters, members of the National Guard, or other representatives of a government  
53.25 entity responding to a request for services at a facility that is the subject of the assessment  
53.26 and plan.

53.27 EFFECTIVE DATE. This section is effective July 1, 2006.

53.28 Sec. 14. Minnesota Statutes 2004, section 115E.05, subdivision 1, is amended to read:

53.29 Subdivision 1. **Amendment to plan.** If one or more of the commissioners finds  
53.30 the prevention and response plans or preparedness measures of a person do not meet the  
53.31 requirements of this chapter, or if the commissioner or public safety finds that the security  
53.32 plan does not meet the requirements of this chapter, the commissioner or commissioners  
53.33 making the finding may by order require that reasonable amendments to the plan or  
53.34 reasonable additional preventive or, preparedness, or security measures be implemented

54.1 in a timely fashion. If more than one commissioner makes the finding, the order must  
54.2 be a joint order.

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

54.4 Sec. 15. Minnesota Statutes 2004, section 115E.05, subdivision 2, is amended to read:

54.5 Subd. 2. **Compliance.** If oil or a hazardous substance is discharged while it is  
54.6 under the control of a person not identified in section 115E.03, subdivision 2, or in  
54.7 section 115E.025, any one of the commissioners with appropriate jurisdiction may by  
54.8 order require the person to comply with the prevention and response plan or security plan  
54.9 requirements of sections 115E.03 and 115E.04 in a timely manner if:

54.10 (1) land, water, or air of the state is polluted or threatened; or

54.11 (2) human life, safety, health, natural resources, or property is damaged or threatened.

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

54.13 Sec. 16. Minnesota Statutes 2004, section 115E.08, subdivision 3, is amended to read:

54.14 Subd. 3. **Jurisdiction.** Except as otherwise provided, the following agencies have  
54.15 primary responsibility for the specified areas in carrying out the duties and authorities  
54.16 of this chapter:

54.17 (1) the Department of Agriculture, for agricultural chemicals;

54.18 (2) the Department of Public Safety, for public safety and protection of property,  
54.19 and security measures;

54.20 (3) the Department of Natural Resources, for assessment and rehabilitation of water  
54.21 resources;

54.22 (4) the Pollution Control Agency, for all other matters subject to this chapter; and

54.23 (5) the Department of Transportation, with respect to requirements related to the  
54.24 packaging, labeling, placarding, routing, and written reporting on releases of hazardous  
54.25 materials that are being transported.

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

54.27 Sec. 17. Minnesota Statutes 2004, section 144.7401, is amended by adding a  
54.28 subdivision to read:

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

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

55.1 Sec. 18. Minnesota Statutes 2004, section 181.973, is amended to read:

55.2 **181.973 EMPLOYEE PUBLIC SAFETY PEER COUNSELING AND**  
 55.3 **DEBRIEFING.**

55.4 A person engaged in a public safety peer counseling or a public safety peer debriefing  
 55.5 shall not, without the permission of the person being debriefed or counseled, be allowed to  
 55.6 disclose any information or opinion which the peer group member or peer counselor has  
 55.7 acquired during the debriefing process. However, this does not prohibit a peer counselor  
 55.8 from disclosing information the peer counselor reasonably believes indicates that the  
 55.9 person may be a danger to self or others, if the information is used only for the purpose of  
 55.10 eliminating the danger to the person or others. Any information or opinion disclosed in  
 55.11 violation of this paragraph is not admissible as evidence in any personnel or occupational  
 55.12 licensing matter involving the person being debriefed or counseled.

55.13 For purposes of this paragraph section, "public safety peer counseling or debriefing"  
 55.14 means a group process oriented debriefing session, or one-to-one contact with a peer  
 55.15 counselor, held for peace officers, firefighters, medical emergency persons, dispatchers,  
 55.16 or other persons involved with public safety emergency services, that is established by  
 55.17 any agency providing public safety emergency services and is designed to help a person  
 55.18 who has suffered an occupation-related ~~traumatic event~~ trauma, illness, or stress begin  
 55.19 the process of healing and effectively dealing with ~~posttraumatic stress~~ the person's  
 55.20 problems or the use of the peer counselor for direction with referrals to better service  
 55.21 these occupation-related issues. A "peer counselor" means someone so designated by  
 55.22 that agency.

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

55.24 Sec. 19. Minnesota Statutes 2005 Supplement, section 243.166, subdivision 1b,  
 55.25 is amended to read:

55.26 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

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

55.31 (i) murder under section 609.185, clause (2);

55.32 (ii) kidnapping under section 609.25;

33 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345;  
 55.34 609.3451, subdivision 3; or 609.3453; or

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

56.1 (2) the person was charged with or petitioned for a violation of, or attempt to  
56.2 violate, or aiding, abetting, or conspiracy to commit false imprisonment in violation of  
56.3 section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of  
56.4 section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of  
56.5 section 609.352; using a minor in a sexual performance in violation of section 617.246;  
56.6 or possessing pornographic work involving a minor in violation of section 617.247, and  
56.7 convicted of or adjudicated delinquent for that offense or another offense arising out  
56.8 of the same set of circumstances;

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

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

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

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

56.17 (2) the person enters this state to reside, work, or attend school, or enters this state  
56.18 and remains for 14 days or longer; and

56.19 (3) ten years have not elapsed since the person was released from confinement  
56.20 or, if the person was not confined, since the person was convicted of or adjudicated  
56.21 delinquent for the offense that triggers registration, unless the person is subject to lifetime  
56.22 registration, ~~in which case.~~ If the person is required to register for life under Minnesota  
56.23 law or the law of any other state in which the person has been convicted, adjudicated, or  
56.24 required to register, the person shall register for life regardless of when the person was  
56.25 released from confinement, convicted, or adjudicated delinquent.

56.26 (c) A person also shall register under this section if the person was committed  
56.27 pursuant to a court commitment order under section 253B.185 or Minnesota Statutes  
56.28 1992, section 526.10, or a similar law of another state or the United States, regardless of  
56.29 whether the person was convicted of any offense.

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

56.31 (1) the person was charged with or petitioned for a felony violation or attempt to  
56.32 violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another  
56.33 state or the United States, or the person was charged with or petitioned for a violation of  
56.34 any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or  
56.35 the United States;

57.1 (2) the person was found not guilty by reason of mental illness or mental deficiency  
57.2 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in  
57.3 states with a guilty but mentally ill verdict; and

57.4 (3) the person was committed pursuant to a court commitment order under section  
57.5 253B.18 or a similar law of another state or the United States.

57.6 **EFFECTIVE DATE.** This section is effective the day following final enactment  
57.7 and applies to offenders residing in Minnesota on or after that date.

57.8 Sec. 20. Minnesota Statutes 2005 Supplement, section 243.166, subdivision 6, is  
57.9 amended to read:

57.10 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section  
57.11 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person  
57.12 required to register under this section shall continue to comply with this section until ten  
57.13 years have elapsed since the person initially registered in connection with the offense, or  
57.14 until the probation, supervised release, or conditional release period expires, whichever  
57.15 occurs later. For a person required to register under this section who is committed under  
57.16 section 253B.18 or 253B.185, the ten-year registration period does not include the period  
57.17 of commitment.

57.18 (b) If a person required to register under this section fails to provide the person's  
57.19 primary address as required by subdivision 3, paragraph (b), fails to comply with the  
57.20 requirements of subdivision 3a, fails to provide information as required by subdivision  
57.21 4a, or fails to return the verification form referenced in subdivision 4 within ten days,  
57.22 the commissioner of public safety may require the person to continue to register for an  
57.23 additional period of five years. This five-year period is added to the end of the offender's  
57.24 registration period.

57.25 (c) If a person required to register under this section is subsequently incarcerated  
57.26 following a conviction for a new offense or following a revocation of probation,  
57.27 supervised release, or conditional release for any offense, the person shall continue to  
57.28 register until ten years have elapsed since the person was last released from incarceration  
57.29 or until the person's probation, supervised release, or conditional release period expires,  
57.30 whichever occurs later.

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

57.32 (1) if the person is convicted of or adjudicated delinquent for any offense for which  
57.33 registration is required under subdivision 1b, or any offense from another state or any  
57.34 federal offense similar to the offenses described in subdivision 1b, and the person has a  
57.35 prior conviction or adjudication for an offense for which registration was or would have

58.1 been required under subdivision 1b, or an offense from another state or a federal offense  
58.2 similar to an offense described in subdivision 1b;

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

58.6 (3) if the person is required to register based upon a conviction for an offense under  
58.7 section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision  
58.8 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g);  
58.9 or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the  
58.10 United States similar to the offenses described in this clause; ~~or~~

58.11 (4) if the person is required to register under subdivision 1b, paragraph (c), following  
58.12 commitment pursuant to a court commitment under section 253B.185 or a similar law  
58.13 of another state or the United States; or

58.14 (5) if the person is required to register for life under the law of any other state in  
58.15 which the person has been previously convicted, adjudicated, or required to register.

58.16 **EFFECTIVE DATE.** This section is effective the day following final enactment  
58.17 and applies to offenders residing in Minnesota on or after that date.

58.18 Sec. 21. Minnesota Statutes 2005 Supplement, section 299A.78, is amended to read:

58.19 **299A.78 STATEWIDE HUMAN TRAFFICKING ASSESSMENT.**

58.20 Subdivision 1. **Definitions.** For purposes of sections 299A.78 to ~~299A.785~~  
58.21 299A.7955, the following definitions apply:

58.22 (a) "Commissioner" means the commissioner of the Department of Public Safety.

58.23 (b) "Nongovernmental organizations" means nonprofit, nongovernmental  
58.24 organizations that provide legal, social, or other community services.

58.25 (c) "Blackmail" has the meaning given in section 609.281, subdivision 2.

58.26 (d) "Debt bondage" has the meaning given in section 609.281, subdivision 3.

58.27 (e) "Forced labor or services" has the meaning given in section 609.281, subdivision  
58.28 4.

58.29 (f) "Labor trafficking" has the meaning given in section 609.281, subdivision 5.

58.30 (g) "Labor trafficking victim" has the meaning given in section 609.281, subdivision

58.31 6.

58.32 (h) "Sex trafficking" has the meaning given in section 609.321, subdivision 7a.

58.33 (i) "Sex trafficking victim" has the meaning given in section 609.321, subdivision 7b.

58.34 (j) "Trafficking" includes "labor trafficking" and "sex trafficking."



59.1 (k) "Trafficking victim" includes "labor trafficking victim" and "sex trafficking  
59.2 victim."

59.3 Subd. 2. **General duties.** The commissioner of public safety, in cooperation with  
59.4 local authorities, shall:

59.5 (1) collect, share, and compile trafficking data among government agencies to assess  
59.6 the nature and extent of trafficking in Minnesota; and

59.7 (2) analyze the collected data to develop a plan to address and prevent human  
59.8 trafficking.

59.9 Subd. 3. **Outside services.** As provided for in section 15.061, the commissioner of  
59.10 public safety may contract with professional or technical services in connection with the  
59.11 duties to be performed under ~~section~~ sections 299A.785, 299A.79, and 299A.795. The  
59.12 commissioner may also contract with other outside organizations to assist with the duties  
59.13 to be performed under ~~section~~ sections 299A.785, 299A.79, and 299A.795.

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

59.15 Sec. 22. **[299A.79] TRAFFICKING STUDY; ANALYSIS AND USE OF DATA.**

59.16 **Subdivision 1. Data analysis.** The commissioner shall analyze the data collected  
59.17 in section 299A.785 to develop a plan to address current trafficking and prevent future  
59.18 trafficking in Minnesota. The commissioner may evaluate various approaches used by  
59.19 other state and local governments to address trafficking. The plan shall include, but not  
59.20 be limited to:

59.21 (1) ways to train agencies, organizations, and officials involved in law enforcement,  
59.22 prosecution, and social services;

59.23 (2) ways to increase public awareness of trafficking; and

59.24 (3) establishing procedures to enable the state government to work with  
59.25 nongovernmental organizations to prevent trafficking.

59.26 **Subd. 2. Training plan.** The training plan required in subdivision 1 must include:

59.27 (1) methods used in identifying trafficking victims, including preliminary interview  
59.28 techniques and appropriate interrogation methods;

59.29 (2) methods for prosecuting traffickers;

59.30 (3) methods for protecting the rights of trafficking victims, taking into account  
59.31 the need to consider human rights and special needs of women and children trafficking  
59.32 victims; and

59.33 (4) methods for promoting the safety of trafficking victims.

59.34 **Subd. 3. Public awareness initiative.** The public awareness initiative required in  
59.35 subdivision 1 must address, at a minimum, the following subjects:

- 60.1 (1) the risks of becoming a trafficking victim;  
60.2 (2) common recruitment techniques; use of debt bondage, blackmail, forced labor  
60.3 and services, prostitution, and other coercive tactics; and risks of assault, criminal sexual  
60.4 conduct, exposure to sexually transmitted diseases, and psychological harm;  
60.5 (3) crime victims' rights; and  
60.6 (4) reporting recruitment activities involved in trafficking.

60.7 Subd. 4. Report to legislature. The commissioner shall report the plan to the chairs  
60.8 and ranking minority members of the senate and house committees and divisions having  
60.9 jurisdiction over criminal justice policy and funding by December 15, 2006.

60.10 EFFECTIVE DATE. This section is effective July 1, 2006.

60.11 **Sec. 23. [299A.795] TRAFFICKING VICTIM ASSISTANCE.**

60.12 The commissioner may review the existing services and facilities to meet trafficking  
60.13 victims' needs and recommend a plan that would coordinate such services including,  
60.14 but not limited to:

- 60.15 (1) medical and mental health services;  
60.16 (2) housing;  
60.17 (3) education and job training;  
60.18 (4) English as a second language;  
60.19 (5) interpreting services;  
60.20 (6) legal and immigration services; and  
60.21 (7) victim compensation.

60.22 EFFECTIVE DATE. This section is effective July 1, 2006.

60.23 **Sec. 24. [299A.7955] HUMAN TRAFFICKING TASK FORCE.**

60.24 Subdivision 1. Creation and duties. By September 1, 2006, the commissioner shall  
60.25 appoint a 22-member task force on human trafficking to advise the commissioner on the  
60.26 commissioner's duties in sections 299A.78 to 299A.795. The task force shall also serve as  
60.27 a liaison between the commissioner and agencies and nongovernmental organizations that  
60.28 provide services to trafficking victims. The members shall receive expense reimbursement  
60.29 as specified in section 15.059.

60.30 Subd. 2. Membership. To the extent possible, the human trafficking task force  
60.31 consists of the following individuals, or their designees, who are knowledgeable in  
60.32 trafficking, crime victims' rights, or violence protection:

- 60.33 (1) a representative of the Minnesota Police Chiefs' Association;  
60.34 (2) a representative of the Bureau of Criminal Apprehension;

- 61.1 (3) a representative of the Minnesota Sheriffs' Association;  
 2 (4) a peace officer who works and resides in the metropolitan area, composed of  
 61.3 Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver Counties;  
 61.4 (5) a peace officer who works and resides in the nonmetropolitan area;  
 61.5 (6) a county attorney who works in Hennepin County;  
 61.6 (7) a county attorney who works in Ramsey County;  
 61.7 (8) a representative of the attorney general's office;  
 61.8 (9) a representative of the Department of Public Safety's office of justice program;  
 61.9 (10) a representative of the federal Homeland Security Office;  
 61.10 (11) a representative of the Department of Health and Human Services;  
 61.11 (12) the chair or executive director of the Council on Asian-Pacific Minnesotans;  
 61.12 (13) the chair or executive director of the Minnesota Chicano Latino Affairs Council;  
 61.13 (14) a representative of the United States Attorney's Office; and  
 61.14 (15) eight representatives from nongovernmental organizations which may include  
 61.15 representatives of:  
 61.16 (i) the Minnesota Coalition for Battered Women;  
 61.17 (ii) the Minnesota Coalition Against Sexual Assault;  
 61.18 (iii) a statewide or local organization that provides civil legal services to women  
 61.19 and children;  
 61.20 (iv) a statewide or local organization that provides mental health services to women  
 61.21 and children;  
 61.22 (v) a statewide or local human rights and social justice advocacy organization;  
 23 (vi) a statewide or local organization that provides services to victims of torture,  
 61.24 trauma, or human trafficking;  
 61.25 (vii) a statewide or local organization that serves the needs of immigrants and  
 61.26 refugee women and children from diverse ethnic communities; and  
 61.27 (viii) a statewide or local organization that provides legal services to low income  
 61.28 immigrants.  
 61.29 Subd. 3. Officers; meetings. (a) The task force shall annually elect a chair and  
 61.30 vice-chair from among its members, and may elect other officers as necessary. The task  
 61.31 force shall meet at least quarterly, or upon the call of its chair. The task force shall meet  
 61.32 sufficiently enough to accomplish the tasks identified in this section.  
 33 (b) The task force shall seek out and enlist the cooperation and assistance of  
 61.34 nongovernmental organizations and academic researchers, especially those specializing in  
 61.35 trafficking, representing diverse communities disproportionately affected by trafficking, or  
 61.36 focusing on child services and runaway services.

62.1 Subd. 4. Expiration. Notwithstanding section 15.059, the task force expires June  
 62.2 30, 2011, or once it has implemented and evaluated the programs and policies in sections  
 62.3 299A.78 to 299A.795 to the satisfaction of the commissioner, whichever occurs first.

62.4 EFFECTIVE DATE. This section is effective July 1, 2006.

62.5 Sec. 25. [299A.7957] TOLL-FREE HOTLINE FOR TRAFFICKING VICTIMS.

62.6 (a) As used in this section, "trafficking victim" has the meaning given in section  
 62.7 299A.78, subdivision 1.

62.8 (b) The commissioner of public safety shall contract with a nonprofit organization  
 62.9 that provides legal services to domestic and international trafficking victims to maintain a  
 62.10 toll-free telephone hotline for trafficking victims.

62.11 The hotline must be in place by January 1, 2007, and must be operated 24 hours  
 62.12 a day, 365 days a year. The hotline must offer language interpreters for languages  
 62.13 commonly spoken in Minnesota, including, but not limited to, Spanish, Vietnamese,  
 62.14 Hmong, and Somali. At a minimum, the hotline must screen trafficking victims, both  
 62.15 domestic and international, and provide appropriate referrals to attorneys and victims'  
 62.16 services organizations.

62.17 EFFECTIVE DATE. This section is effective July 1, 2006.

62.18 Sec. 26. [299A.82] INTERNET CRIMES AGAINST CHILDREN TEAM.

62.19 Subdivision 1. Definitions. (a) For purposes of this section, the following terms  
 62.20 have the meanings given them.

62.21 (b) "ICAC" means the Minnesota Internet Crimes Against Children Task Force.

62.22 (c) "Team" means the crimes against children team.

62.23 Subd. 2. Internet crimes against children team. The commissioner of public  
 62.24 safety shall convene a crimes against children team to investigate technology-facilitated  
 62.25 crimes against children, including the solicitation of minors for sexual purposes and  
 62.26 the possession or distribution of child pornography. The team shall consist of Bureau  
 62.27 of Criminal Apprehension agents, analysts, clerical support, and computer/technology  
 62.28 support.

62.29 Subd. 3. Team duties. (a) The team shall serve as a statewide source of prevention,  
 62.30 education, and investigative expertise to provide assistance to parents, teachers, law  
 62.31 enforcement, and other professionals working on child victimization issues. The team  
 62.32 shall investigate criminal activity involving the possession or distribution of child  
 62.33 pornography and criminal activity involving the exploitation or solicitation of a minor  
 62.34 for sexual purposes.

63.1 (b) The team shall assist in implementing a statewide "NetSmartz" and other  
63.2 educational programs designed to enhance safety awareness for children and to prevent  
63.3 crimes against children.

63.4 Subd. 4. Memorandum of understanding; federal agencies. The commissioner of  
63.5 public safety has the authority to enter into memorandums of understanding with federal  
63.6 agencies in the United States Departments of Justice, Treasury, and Homeland Security.  
63.7 The memorandums may authorize state law enforcement officers to enforce federal laws  
63.8 relating to technology-facilitated crimes against children.

63.9 Subd. 5. Memorandum of understanding; ICAC; local government and  
63.10 law enforcement. The commissioner of public safety has the authority to enter into  
63.11 memorandums of understanding with the ICAC Task Force, state law enforcement  
63.12 agencies, city police departments, county sheriff's departments, and local government  
63.13 units. These memorandums of understanding may authorize city and county law  
63.14 enforcement officers to have statewide authority to conduct criminal investigations and  
63.15 to possess the same powers of arrest as those of a sheriff.

63.16 Subd. 6. Cooperation. The team shall cooperate fully with existing prosecutorial  
63.17 offices and law enforcement agencies including county attorney's offices, the Minnesota  
63.18 Attorney General's office, the United States Attorney's Office, the ICAC Task Force,  
63.19 federal law enforcement agencies, city and county law enforcement agencies, and other  
63.20 state law enforcement agencies.

63.21 EFFECTIVE DATE. This section is effective July 1, 2006.

63.22 Sec. 27. [299A.85] REPORTING OF UNIDENTIFIED PERSONS/HUMAN  
63.23 REMAINS.

63.24 Subdivision 1. Handling of death scene investigations. (a) The Department of  
63.25 Public Safety shall provide information to local law enforcement agencies about best  
63.26 practices for handling death scene investigations.

63.27 (b) The Department of Public Safety shall identify any publications or training  
63.28 opportunities that may be available to local law enforcement agencies or law enforcement  
63.29 officers concerning the handling of death scene investigations.

63.30 Subd. 2. Law enforcement reports. (a) After performing any death scene  
63.31 investigation considered appropriate under the circumstances, the official with custody of  
63.32 the human remains shall ensure that the human remains are delivered to the appropriate  
63.33 medical examiner.

63.34 (b) A person with custody of human remains that are not identified within 24 hours  
63.35 of discovery shall promptly notify the Department of Public Safety of the location of  
63.36 those remains.

64.1 (c) A person with custody of remains who cannot determine whether or not the  
 64.2 remains found are human shall notify the Department of Public Safety of the existence of  
 64.3 possible human remains.

64.4 EFFECTIVE DATE. This section is effective August 1, 2006.

64.5 Sec. 28. Minnesota Statutes 2005 Supplement, section 299C.105, subdivision 3,  
 64.6 is amended to read:

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

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

64.16 EFFECTIVE DATE. This section is effective July 1, 2006.

64.17 Sec. 29. [299C.156] FORENSIC LABORATORY ADVISORY BOARD.

64.18 Subdivision 1. Membership. (a) The Forensic Laboratory Advisory Board consists  
 64.19 of the following:

64.20 (1) the superintendent of the Bureau of Criminal Apprehension or the  
 64.21 superintendent's designee;

64.22 (2) the commissioner of public safety or the commissioner's designee;

64.23 (3) the commissioner of corrections or the commissioner's designee;

64.24 (4) an individual with expertise in the field of forensic science, selected by the  
 64.25 governor;

64.26 (5) an individual with expertise in the field of forensic science, selected by the  
 64.27 attorney general;

64.28 (6) a faculty member of the University of Minnesota, selected by the president of  
 64.29 the university;

64.30 (7) the state public defender or a designee;

64.31 (8) a prosecutor, selected by the Minnesota County Attorneys Association;

64.32 (9) a sheriff, selected by the Minnesota Sheriffs Association;

64.33 (10) a police chief, selected by the Minnesota Chiefs of Police Association;

64.34 (11) a judge or court administrator, selected by the chief justice of the Supreme  
 64.35 Court; and

65.1 (12) a criminal defense attorney, selected by the Minnesota State Bar Association.

5.2 (b) The board shall select a chair from among its members.

65.3 (c) Board members serve four-year terms and may be reappointed.

65.4 (d) The board may employ staff necessary to carry out its duties.

65.5 Subd. 2. Duties. The board may:

65.6 (1) develop and implement a reporting system through which laboratories, facilities,  
65.7 or entities that conduct forensic analyses report professional negligence or misconduct  
65.8 that substantially affects the integrity of the forensic results committed by employees  
65.9 or contractors;

65.10 (2) encourage all laboratories, facilities, or entities that conduct forensic analyses to  
65.11 report professional negligence or misconduct that substantially affects the integrity of the  
65.12 forensic results committed by employees or contractors to the board;

65.13 (3) investigate, in a timely manner, any allegation of professional negligence or  
65.14 misconduct that would substantially affect the integrity of the results of a forensic analysis  
65.15 conducted by a laboratory, facility, or entity; and

65.16 (4) encourage laboratories, facilities, and entities that conduct forensic analyses to  
65.17 become accredited by the American Society of Crime Laboratory Directors/Laboratory  
65.18 Accreditation Board (ALCLD/LAB) or other appropriate accrediting body and develop  
65.19 and implement a process for those entities to report their accreditation status to the board.

65.20 Subd. 3. Investigations. An investigation under subdivision 2, clause (3):

65.21 (1) may include the preparation of a written report that identifies and describes the  
65.22 methods and procedures used to identify:

65.23 (i) the alleged negligence or misconduct;

65.24 (ii) whether negligence or misconduct occurred; and

65.25 (iii) any corrective action required of the laboratory, facility, or entity; and

65.26 (2) may include one or more:

65.27 (i) retrospective reexaminations of other forensic analyses conducted by the  
65.28 laboratory, facility, or entity that may involve the same kind of negligence or misconduct;  
65.29 and

65.30 (ii) follow-up evaluations of the laboratory, facility, or entity to review:

65.31 (A) the implementation of any corrective action required under clause (1), item  
65.32 (iii); or

3 (B) the conclusion of any retrospective reexamination under this clause, item (i).

65.34 Subd. 4. Delegation of duties. The board by contract may delegate the duties  
65.35 described in subdivision 2, clauses (1) and (3), to any person or entity that the board  
65.36 determines to be qualified to assume those duties.

66.1 Subd. 5. Reviews and reports are public. The board shall make all investigation  
66.2 reports completed under subdivision 3, clause (1), available to the public. A report  
66.3 completed under subdivision 3, clause (1), in a subsequent civil or criminal proceeding is  
66.4 not prima facie evidence of the information or findings contained in the report.

66.5 Subd. 6. Reports to legislature. By January 15 of each year, the board shall submit  
66.6 any report prepared under subdivision 3, clause (1), during the preceding calendar year to  
66.7 the governor and the legislature.

66.8 Subd. 7. Forensic analysis processing time period guidelines. (a) By July 1, 2007,  
66.9 the board shall recommend forensic analysis processing time period guidelines applicable  
66.10 to the Bureau of Criminal Apprehension and other laboratories, facilities, and entities that  
66.11 conduct forensic analyses. When adopting and recommending these guidelines and when  
66.12 making other related decisions, the board shall consider the goals and priorities identified  
66.13 by the presidential DNA initiative. The board shall consider the feasibility of the Bureau  
66.14 of Criminal Apprehension completing the processing of forensic evidence submitted to it  
66.15 by sheriffs, chiefs of police, or state or local corrections authorities.

66.16 (b) The bureau shall provide information to the board in the time, form, and manner  
66.17 determined by the board and keep it informed of the most up-to-date data on the actual  
66.18 forensic analysis processing turn around time periods. By January 15 of each year, the  
66.19 board shall report to the legislature on these issues, including the recommendations made  
66.20 by the board to improve turnaround times.

66.21 Subd. 8. Forensic evidence processing deadline. The board may recommend  
66.22 reasonable standards and deadlines for the Bureau of Criminal Apprehension to test and  
66.23 catalog forensic evidence samples relating to alleged crimes committed, including DNA  
66.24 analysis, in their control and possession.

66.25 Subd. 9. Office space. The commissioner of public safety may provide adequate  
66.26 office space and administrative services to the board.

66.27 Subd. 10. Expenses. Section 15.059 applies to the board.

66.28 Subd. 11. Definition. As used in this section, "forensic analysis" means a medical,  
66.29 chemical, toxicologic, ballistic, or other expert examination or test performed on physical  
66.30 evidence, including DNA evidence, for the purpose of determining the connection of  
66.31 the evidence to a criminal action.

66.32 EFFECTIVE DATE. This section is effective July 1, 2006.

66.33 Sec. 30. Minnesota Statutes 2005 Supplement, section 299C.40, subdivision 1, is  
66.34 amended to read:

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



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

67.5 (c) "Law enforcement agency" means a Minnesota municipal police department,  
67.6 the Metropolitan Transit Police, the Metropolitan Airports Police, the University of  
67.7 Minnesota Police Department, the Department of Corrections' Fugitive Apprehension  
67.8 Unit, a Minnesota county sheriff's department, the Bureau of Criminal Apprehension, or  
67.9 the Minnesota State Patrol.

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

67.11 Sec. 31. Minnesota Statutes 2005 Supplement, section 299C.405, is amended to read:  
67.12 **299C.405 SUBSCRIPTION SERVICE.**

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

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

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

67.25 Sec. 32. **[299C.565] MISSING PERSON REPORT.**

67.26 The local law enforcement agency having jurisdiction over the location where a  
67.27 person has been missing or was last seen has the responsibility to take a missing person  
67.28 report from an interested party. If this location cannot be clearly and easily established,  
67.29 the local law enforcement agency having jurisdiction over the last verified location where  
67.30 the missing person last resided has the responsibility to take the report.

67.31 **EFFECTIVE DATE.** This section is effective August 1, 2006.

67.32 Sec. 33. Minnesota Statutes 2005 Supplement, section 299C.65, subdivision 2, is  
67.33 amended to read:

- 68.1 Subd. 2. **Task force.** The policy group shall appoint a task force to assist them  
68.2 in their duties. The task force shall monitor, review, and report to the policy group on  
68.3 CriMNet-related projects and provide oversight to ongoing operations as directed by the  
68.4 policy group. The task force shall consist of the following members:
- 68.5 (1) two sheriffs recommended by the Minnesota Sheriffs Association;
- 68.6 (2) two police chiefs recommended by the Minnesota Chiefs of Police Association;
- 68.7 (3) two county attorneys recommended by the Minnesota County Attorneys  
68.8 Association;
- 68.9 (4) two city attorneys recommended by the Minnesota League of Cities;
- 68.10 (5) two public defenders appointed by the Board of Public Defense;
- 68.11 (6) two district judges appointed by the Conference of Chief Judges, one of whom is  
68.12 currently assigned to the juvenile court;
- 68.13 (7) two community corrections administrators recommended by the Minnesota  
68.14 Association of Counties, one of whom represents a community corrections act county;
- 68.15 (8) two probation officers;
- 68.16 (9) four public members, one of whom has been a victim of crime, and two who  
68.17 are representatives of the private business community who have expertise in integrated  
68.18 information systems and who for the purpose of meetings of the full task force may be  
68.19 compensated pursuant to section 15.059;
- 68.20 (10) two court administrators;
- 68.21 (11) one member of the house of representatives appointed by the speaker of the  
68.22 house;
- 68.23 (12) one member of the senate appointed by the majority leader;
- 68.24 (13) the attorney general or a designee;
- 68.25 (14) two individuals recommended by the Minnesota League of Cities, one of  
68.26 whom works or resides in greater Minnesota and one of whom works or resides in the  
68.27 seven-county metropolitan area;
- 68.28 (15) two individuals recommended by the Minnesota Association of Counties, one  
68.29 of whom works or resides in greater Minnesota and one of whom works or resides in the  
68.30 seven-county metropolitan area;
- 68.31 (16) the director of the Sentencing Guidelines Commission;
- 68.32 (17) one member appointed by the state chief information officer;
- 68.33 ~~(17)~~ (18) one member appointed by the commissioner of public safety;
- 68.34 ~~(18)~~ (19) one member appointed by the commissioner of corrections;
- 68.35 ~~(19)~~ (20) one member appointed by the commissioner of administration; and
- 68.36 ~~(20)~~ (21) one member appointed by the chief justice of the Supreme Court.

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

69.3 The commissioner of public safety may appoint additional, nonvoting members to  
69.4 the task force as necessary from time to time.

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

69.6 Sec. 34. Minnesota Statutes 2004, section 299F.011, subdivision 5, is amended to read:

69.7 Subd. 5. **Appeal policy; variance.** Upon application, the state fire marshal may  
69.8 grant variances from the minimum requirements specified in the code if there is substantial  
69.9 compliance with the provisions of the code, the safety of the public and occupants of  
69.10 such building will not be jeopardized, and undue hardship will result to the applicant  
69.11 unless such variance is granted. No appeal to the state fire marshal for a variance from  
69.12 orders issued by a local fire official from the Uniform Fire Code shall be accepted until  
69.13 the applicant has first made application to the local governing body and the local unit has  
69.14 acted on the application. The state fire marshal shall consider ~~the decision~~ any decisions  
69.15 or recommendations of the local governing body. Any person aggrieved by a decision  
69.16 made by the fire marshal under this subdivision may proceed before the fire marshal as  
69.17 with a contested case in accordance with the Administrative Procedure Act.

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

69.19 Sec. 35. Minnesota Statutes 2004, section 624.22, subdivision 8, is amended to read:

69.20 Subd. 8. **Suspension, revocation, or refusal to renew certification.** (a) The state  
69.21 fire marshal may suspend, revoke, or refuse to renew certification of an operator if the  
69.22 operator has:

- 69.23 (1) submitted a fraudulent application;
- 69.24 (2) caused or permitted a fire or safety hazard to exist or occur during the storage,  
69.25 transportation, handling, preparation, or use of fireworks;
- 69.26 (3) conducted a display of fireworks without receipt of a permit required by the  
69.27 state or a political subdivision;
- 69.28 (4) conducted a display of fireworks with assistants who were not at least 18 years of  
69.29 age, properly instructed, and continually supervised; or
- 69.30 (5) otherwise failed to comply with any federal or state law or regulation, or the  
69.31 guidelines, relating to fireworks.

69.32 (b) Any person aggrieved by a decision made by the state fire marshal under this  
69.33 subdivision may petition the state fire marshal in writing to reconsider the decision. The  
69.34 state fire marshal shall render a decision in writing within 30 days of receipt of the

70.1 written request for reconsideration. Following reconsideration, the person may appeal  
 70.2 the decision to the district court.

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

70.4 **Sec. 36. [626.8472] POLICING IMMIGRANT COMMUNITIES; MATERIALS**  
 70.5 **AND TRAINING.**

70.6 **Subdivision 1. Training; policing immigrant communities.** The board shall  
 70.7 include in its learning objectives for professional peace officer education an objective to  
 70.8 educate peace officers in the best practices for policing in immigrant communities.

70.9 **Subd. 2. Regional training seminars.** The board shall facilitate regional seminars  
 70.10 throughout the state to increase awareness in the best practices for policing in immigrant  
 70.11 communities in specific regions of the state. The training seminars shall satisfy the  
 70.12 learning objectives described in subdivision 1. Participation in the seminars is voluntary  
 70.13 but shall earn participants continuing education credit. The seminar curriculum must be  
 70.14 updated periodically as the board considers appropriate.

70.15 **Subd. 3. In-service training; board requirements.** The board shall provide  
 70.16 to chief law enforcement officers instructional materials patterned after the materials  
 70.17 developed in the training programs under subdivision 1. These materials must meet board  
 70.18 requirements for continuing education credit and be updated periodically as the board  
 70.19 considers appropriate.

70.20 **Subd. 4. Sunset.** Subdivision 2 expires on January 1, 2008.

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

70.22 **ARTICLE 5**

70.23 **CORRECTIONS**

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

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

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

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

71.1 Sec. 2. Minnesota Statutes 2004, section 241.016, subdivision 1, is amended to read:

71.2 Subdivision 1. **Biennial report.** (a) The Department of Corrections shall submit a  
71.3 performance report to the chairs and ranking minority members of the senate and house  
71.4 committees and divisions having jurisdiction over criminal justice funding by January  
71.5 15, 2005, and every other year thereafter. The issuance and content of the report must  
71.6 include the following:

71.7 (1) department strategic mission, goals, and objectives;

71.8 (2) the department-wide per diem, adult facility-specific per diems, and an average  
71.9 per diem, reported in a standard calculated method as outlined in the departmental policies  
71.10 and procedures; ~~and~~

71.11 (3) department annual statistics as outlined in the departmental policies and  
71.12 procedures; and

71.13 (4) information about prison-based mental health programs, including, but not  
71.14 limited to, the availability of these programs, participation rates, and completion rates.

71.15 (b) The department shall maintain recidivism rates for adult facilities on an annual  
71.16 basis. In addition, each year the department shall, on an alternating basis, complete a  
71.17 recidivism analysis of adult facilities, juvenile services, and the community services  
71.18 divisions and include a three-year recidivism analysis in the report described in paragraph

71.19 (a). When appropriate, the recidivism analysis must include education programs,  
71.20 vocational programs, treatment programs, including mental health programs, industry,  
71.21 and employment. In addition, when reporting recidivism for the department's adult and  
71.22 juvenile facilities, the department shall report on the extent to which offenders it has  
71.23 assessed as chemically dependent commit new offenses, with separate recidivism rates  
71.24 reported for persons completing and not completing the department's treatment programs.

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

71.26 **Sec. 3. [241.0222] CONTRACTS WITH NEWLY CONSTRUCTED JAIL**  
71.27 **FACILITIES THAT PROVIDE ACCESS TO CHEMICAL DEPENDENCY**  
71.28 **TREATMENT PROGRAMS.**

71.29 Notwithstanding section 16C.05, subdivision 2, the commissioner may enter into  
71.30 contracts, up to five years in duration, with a county or group of counties to house inmates  
71.31 committed to the custody of the commissioner in newly constructed county or regional jail  
71.32 facilities that provide inmates access to chemical dependency treatment programs licensed  
33 by the Department of Human Services. A contract entered into under this section may  
71.34 contain an option to renew the contract for a term of up to five years.

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

72.1 Sec. 4. Minnesota Statutes 2005 Supplement, section 241.06, is amended by adding a  
72.2 subdivision to read:

72.3 **Subd. 3. Substance abuse information provided to supervising corrections**  
72.4 **agency. When an offender is being released from prison, the commissioner shall provide**  
72.5 **to the corrections agency that will supervise the offender prison records relating to that**  
72.6 **offender's prison-based substance abuse assessments, treatment, and any other substance**  
72.7 **abuse-related services provided to the offender. If the offender did not participate in**  
72.8 **the prison-based substance abuse program to which the offender was directed, the**  
72.9 **commissioner shall provide the supervising agency with an explanation of the reasons.**

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

72.11 Sec. 5. **[241.40] PERIODIC REVIEWS OF SUBSTANCE ABUSE ASSESSMENT**  
72.12 **PROCESS.**

72.13 **By January 15, 2007, and at least once every three years thereafter, the commissioner**  
72.14 **shall ensure that an outside entity conducts an independent review of the department's**  
72.15 **prison-based substance abuse assessment activities.**

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

72.17 Sec. 6. **[241.415] RELEASE PLANS; SUBSTANCE ABUSE.**

72.18 **The commissioner shall cooperate with community-based corrections agencies to**  
72.19 **determine how best to address the substance abuse treatment needs of offenders who are**  
72.20 **being released from prison. The commissioner shall ensure that an offender's prison**  
72.21 **release plan adequately addresses the offender's needs for substance abuse assessment,**  
72.22 **treatment, or other services following release, within the limits of available resources.**

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

72.24 Sec. 7. **[241.416] SUBSTANCE ABUSE PROGRAMS; RECORD KEEPING.**

72.25 **The commissioner shall keep adequate records regarding inmate participation in**  
72.26 **substance abuse treatment programs. For inmates who did not comply with directives to**  
72.27 **participate in substance abuse treatment programs, these records must include the reasons**  
72.28 **why the inmate did not do so.**

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

72.30 Sec. 8. **[241.75] INMATE HEALTH CARE DECISIONS.**

72.31 **Subdivision 1. Definitions. (a) Except as provided in paragraph (b), the definitions**  
72.32 **in chapter 145C apply to this section.**

73.1 (b) "Health care" means any care, treatment, service, or procedure to maintain,  
73.2 diagnose, or otherwise affect a person's physical or mental condition.

73.3 Subd. 2. Health care decisions. The medical director of the Department of  
73.4 Corrections may make a health care decision for an inmate incarcerated in a state  
73.5 correctional facility if the inmate's attending physician determines that the inmate lacks  
73.6 decision-making capacity and:

73.7 (1) there is not a documented health care agent designated by the inmate or the  
73.8 health care agent is not reasonably available to make the health care decision;

73.9 (2) if there is a documented health care directive, the decision is consistent with  
73.10 that directive;

73.11 (3) the decision is consistent with reasonable medical practice and other applicable  
73.12 law; and

73.13 (4) the medical director has made a good-faith attempt to consult with the inmate's  
73.14 next of kin or emergency contact person in making the decision, to the extent those  
73.15 persons are reasonably available.

73.16 Subd. 3. Disagreement regarding health care; guardianship petition. If the  
73.17 medical director consults with an inmate's next of kin under subdivision 2, clause (4), and  
73.18 the inmate's next of kin and the medical director are not in agreement with respect to a  
73.19 health care decision, the commissioner may bring a petition under section 524.5-303 for  
73.20 appointment of a guardian with authority to make health care decisions for the inmate.

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

73.22 Sec. 9. Minnesota Statutes 2005 Supplement, section 244.055, subdivision 10, is  
73.23 amended to read:

73.24 Subd. 10. Notice. Upon receiving an offender's petition for release under  
73.25 subdivision 2, the commissioner shall notify the prosecuting authority responsible for the  
73.26 offender's conviction and the sentencing court. The commissioner shall give the authority  
73.27 and court a reasonable opportunity to comment on the offender's potential release. If the  
73.28 authority or court elects to comment, the comments must specify the reasons for the  
73.29 authority or court's position. This subdivision applies only to offenders sentenced before  
73.30 July 1, 2005.

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

73.32 Sec. 10. Minnesota Statutes 2005 Supplement, section 244.055, subdivision 11,  
73.33 is amended to read:

73.34 Subd. 11. Sunset. This section expires July 1, ~~2007~~ 2009.

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

74.1 Sec. 11. Minnesota Statutes 2005 Supplement, section 609.3455, subdivision 8,  
74.2 is amended to read:

74.3 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The  
74.4 provisions of this subdivision relating to conditional release apply to all sex offenders  
74.5 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, or  
74.6 609.3453. Except as provided in this subdivision, conditional release of sex offenders is  
74.7 governed by provisions relating to supervised release. The commissioner of corrections  
74.8 may not dismiss an offender on conditional release from supervision until the offender's  
74.9 conditional release term expires.

74.10 (b) The conditions of release may include successful completion of treatment and  
74.11 aftercare in a program approved by the commissioner, satisfaction of the release conditions  
74.12 specified in section 244.05, subdivision 6, and any other conditions the commissioner  
74.13 considers appropriate. The commissioner shall develop a plan to pay the cost of treatment  
74.14 of a person released under this subdivision. The plan may include co-payments from  
74.15 offenders, third-party payers, local agencies, or other funding sources as they are identified.  
74.16 This section does not require the commissioner to accept or retain an offender in a  
74.17 treatment program. Before the offender is placed on conditional release, the commissioner  
74.18 shall notify the sentencing court and the prosecutor in the jurisdiction where the offender  
74.19 was sentenced of the terms of the offender's conditional release. The commissioner also  
74.20 shall make reasonable efforts to notify the victim of the offender's crime of the terms of  
74.21 the offender's conditional release. If the offender fails to meet any condition of release, the  
74.22 commissioner may revoke the offender's conditional release and order that the offender  
74.23 serve all or a part of the remaining portion of the conditional release term in prison.

74.24 **EFFECTIVE DATE.** This section is effective August 1, 2006.

74.25 Sec. 12. Minnesota Statutes 2004, section 631.425, subdivision 3, is amended to read:

74.26 Subd. 3. **Continuation of employment.** If the person committed under this  
74.27 section has been regularly employed, the sheriff shall arrange for a continuation of the  
74.28 employment insofar as possible without interruption. If the person is not employed, the  
74.29 court may designate a suitable person or agency to make reasonable efforts to secure some  
74.30 suitable employment for that person. An inmate employed under this section must be paid  
74.31 a fair and reasonable wage for work performed and must work at fair and reasonable hours  
74.32 per day and per week. There must not be a fee or charge for the inmate to participate in  
74.33 any employment under this section if the inmate is paying for the cost of the inmate's  
74.34 maintenance under subdivision 5.

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



75.1 Sec. 13. Minnesota Statutes 2004, section 641.265, subdivision 2, is amended to read:

75.2 Subd. 2. **Withdrawal.** A county board may withdraw from cooperation in a regional  
75.3 jail system ~~if the county boards of all of the other cooperating counties decide, by majority~~  
75.4 ~~vote, to allow the withdrawal~~ in accordance with the terms of a joint powers agreement.

75.5 With the approval of the county board of each cooperating county, the regional jail board  
75.6 shall fix the sum, if any, to be paid to the county withdrawing, to reimburse it for capital  
75.7 cost, debt service, or lease rental payments made by the county prior to withdrawal, in  
75.8 excess of its proportionate share of benefits from the regional jail prior to withdrawal, and  
75.9 the time and manner of making the payments. The payments shall be deemed additional  
75.10 payments of capital cost, debt service, or lease rentals to be made proportionately by the  
75.11 remaining counties and, when received, shall be deposited in and paid from the regional  
75.12 jail fund; provided that:

75.13 ~~(a)~~ (1) payments shall not be made from any amounts in the regional jail fund  
75.14 which are needed for maintenance and operation expenses or lease rentals currently due  
75.15 and payable; and

75.16 ~~(b)~~ (2) the withdrawing county shall remain obligated for the payment of its  
75.17 proportionate share of any lease rentals due and payable after its withdrawal, in the  
75.18 event and up to the amount of any lease payment not made when due by one or more of  
75.19 the other cooperating counties.

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

75.21 Sec. 14. **SUBSTANCE ABUSE TREATMENT; RECOMMENDATIONS,**  
75.22 **REPORT.**

75.23 (a) The commissioner of corrections shall make recommendations to:

75.24 (1) improve the availability of prison-based substance abuse treatment programming  
75.25 and related services; and

75.26 (2) better ensure that offenders released from prison receive appropriate  
75.27 community-based substance abuse treatment and services.

75.28 These recommendations must include an estimate of the financial costs associated  
75.29 with implementing them.

75.30 (b) The commissioner shall recommend changes in prison-based programs or release  
75.31 plans to improve the postprison release outcomes of:

75.32 (1) inmates who are directed to complete prison-based short-term substance abuse  
75.33 programs; and

75.34 (2) inmates who fail the prison-based substance abuse programs they start.

75.35 (c) By January 15, 2007, the commissioner shall report to the chairs and ranking  
75.36 minority members of the senate and house committees and divisions having jurisdiction

78.1 are: (1) graduates of a medical school recognized by the American Medical Association  
78.2 or American Osteopathic Association, (2) members in good standing in the medical  
78.3 profession, (3) eligible for appointment to the staff of the Hennepin County Medical  
78.4 Center, and (4) certified or eligible for certification in forensic pathology by the American  
78.5 Board of Pathology. The Medical Examiner Board shall review the qualifications of the  
78.6 applicants and shall rank the applicants deemed qualified for the position and provide  
78.7 to the county board a report of the seven highest ranked applicants together with their  
78.8 qualifications. The county board shall appoint a county medical examiner from those  
78.9 listed in the report. The term of the examiner shall continue for four years from the date of  
78.10 appointment. Reappointment shall be made at least 90 days prior to the expiration of the  
78.11 term. If a vacancy requires a temporary appointment, the board of commissioners shall  
78.12 appoint a medical doctor on the staff of the county medical examiner's office to assume  
78.13 the duties of the medical examiner until an appointment can be made in compliance with  
78.14 the specified selection procedure. Actual and necessary expenses of the Medical Examiner  
78.15 Board shall be paid in accordance with sections 471.38 to 471.415.

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

78.17 Sec. 3. Minnesota Statutes 2004, section 390.01, is amended to read:

78.18 **390.01 BOND AND INDEMNIFICATION.**

78.19 ~~Before taking office, the coroner shall post bond to the state in a penal sum set by the~~  
78.20 ~~county board, not less than \$500 nor more than \$10,000. The coroner's bond is subject~~  
78.21 ~~to the same conditions in substance as in the bond required by law to be given by the~~  
78.22 ~~sheriff, except as to the description of the office.~~ The coroner or medical examiner shall  
78.23 be included in the bond held by the county for all appointed and elected county officials  
78.24 and shall be defended and indemnified, pursuant to section 466.07. The bond and oath of  
78.25 office shall be recorded and filed with the county recorder.

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

78.27 Sec. 4. **[390.011] AUTONOMY.**

78.28 The coroner or medical examiner is an independent official of the county, subject  
78.29 only to appointment, removal, and budgeting by the county board.

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

78.31 Sec. 5. **[390.012] JURISDICTION.**

78.32 The coroner or medical examiner of the county in which a person dies or is  
78.33 pronounced dead shall have jurisdiction over the death, regardless of where any injury that  
78.34 resulted in the death occurred. The place where death is pronounced is deemed to be the

79.1 place where death occurred. If the place of death is unknown but the dead body is found in  
 79.2 Minnesota, the place where the body is found is considered the place of death. If the date  
 79.3 of death is unknown, the date the body is found is considered the date of death, but only for  
 79.4 purposes of this chapter. When a death occurs in a moving conveyance and the body is first  
 79.5 removed in Minnesota, documentation of death must be filed in Minnesota and the place  
 79.6 of death is considered the place where the body is first removed from the conveyance.

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

79.8 Sec. 6. Minnesota Statutes 2004, section 390.04, is amended to read:

79.9 **390.04 ~~TO ACT WHEN SHERIFF A PARTY TO AN ACTION~~ PROVISION**  
 79.10 **FOR TRANSFER OF JURISDICTION.**

79.11 ~~When the sheriff is a party to an action or when a party, or a party's agent or~~  
 79.12 ~~attorney, files with the court administrator of the district court an affidavit stating that the~~  
 79.13 ~~party believes the sheriff, coroner or medical examiner, because of partiality, prejudice,~~  
 79.14 ~~consanguinity, or interest, will is not faithfully able to perform the sheriff's coroner or~~  
 79.15 ~~medical examiner's duties in an action commenced, or about to be commenced, the clerk~~  
 79.16 ~~shall direct process in the action to the coroner. The coroner shall perform the duties of~~  
 79.17 ~~the sheriff relative to the action in the same manner required for a sheriff, the coroner or~~  
 79.18 ~~medical examiner shall have the authority to transfer jurisdiction to another coroner or~~  
 79.19 ~~medical examiner, as arranged by the county board.~~

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

79.21 Sec. 7. Minnesota Statutes 2005 Supplement, section 390.05, is amended to read:

79.22 **390.05 ~~DEPUTIES~~ MEDICAL EXAMINER OR CORONER STAFF.**

79.23 ~~★ The coroner shall or medical examiner may appoint one or more deputies:~~  
 79.24 ~~assistant coroners or assistant medical examiners, as necessary to fulfill the duties of the~~  
 79.25 ~~office, subject to authorization by the county board. Such assistants shall have the same~~  
 79.26 ~~qualifications as a coroner or medical examiner. When the coroner or medical examiner is~~  
 79.27 ~~absent or unable to act, deputies assistants shall have the same powers and duties and are~~  
 79.28 ~~subject to the same liabilities as coroners. A deputy shall be appointed in writing. The~~  
 79.29 ~~oath and appointment shall be recorded with the county recorder. The deputy shall act by~~  
 79.30 ~~name as deputy coroner and hold office at the same time as the coroner. limitations as the~~  
 79.31 ~~coroner or medical examiner. The assistants shall be appointed in writing, shall take an~~  
 79.32 ~~oath that shall be recorded and filed with the county recorder, and shall be included in the~~  
 79.33 ~~county bond. The assistant shall act by name as assistant coroner or medical examiner and~~  
 79.34 ~~hold office at the pleasure of the coroner or medical examiner.~~

80.1 A coroner or medical examiner may appoint one or more investigators, with such  
 80.2 qualifications as the coroner or medical examiner deems appropriate. Such investigators  
 80.3 shall have the powers and duties that are delegated to them by the coroner or medical  
 80.4 examiner. Unless they are public employees of that county, investigators shall be  
 80.5 appointed in writing and take an oath, shall be included in the county bond, and the  
 80.6 oath and appointment shall be recorded and filed with the county recorder. Subject to  
 80.7 authorization of the county board, assistants may be appointed to the unclassified service  
 80.8 and investigators to the classified service of the county.

80.9 EFFECTIVE DATE. This section is effective July 1, 2006.

80.10 **Sec. 8. [390.061] MORGUE.**

80.11 Every county need not have a morgue, but there must be a system or process for  
 80.12 receiving, storing, and releasing all dead bodies subject to this statute.

80.13 EFFECTIVE DATE. This section is effective July 1, 2006.

80.14 **Sec. 9. Minnesota Statutes 2004, section 390.11, is amended to read:**

80.15 **390.11 INVESTIGATIONS ~~AND INQUESTS.~~**

80.16 **Subdivision 1. ~~Deaths requiring inquests and investigations~~ Reports of death.**

80.17 ~~Except as provided in subdivision 1a, the coroner shall investigate and may conduct~~  
 80.18 ~~inquests in all human deaths of the following types: All sudden or unexpected deaths~~  
 80.19 ~~and all deaths that may be due entirely or in part to any factor other than natural disease~~  
 80.20 ~~processes must be promptly reported to the coroner or medical examiner for evaluation.~~  
 80.21 Sufficient information must be provided to the coroner or medical examiner. Reportable  
 80.22 deaths include, but are not limited to:

80.23 (1) unnatural deaths, including violent deaths, whether apparently homicidal,  
 80.24 suicidal, or accidental, including but not limited to deaths due to thermal, chemical,  
 80.25 electrical, or radiational injury, and deaths due to criminal abortion, whether apparently  
 80.26 self induced or not, arising from homicide, suicide, or accident;

80.27 (2) deaths due to a fire or associated with burns or chemical, electrical, or radiation  
 80.28 injury;

80.29 (3) unexplained or unexpected perinatal and postpartum maternal deaths;

80.30 (2) (4) deaths under suspicious, unusual, or mysterious unexpected circumstances;

80.31 (3) (5) deaths of persons whose bodies are to be cremated, dissected, buried at sea,  
 80.32 or otherwise disposed of so that the bodies will later be unavailable for examination; and

80.33 (4) (6) deaths of inmates of public institutions and persons in custody of law  
 80.34 enforcement officers who are have not been hospitalized primarily for organic disease and  
 80.35 whose deaths are not of any type referred to in clause (1) or (2);

- 81.1 (7) deaths that occur during, in association with, or as the result of diagnostic,  
 81.2 therapeutic, or anesthetic procedures;
- 81.3 (8) deaths due to culpable neglect;
- 81.4 (9) stillbirths of 20 weeks or longer gestation unattended by a physician;
- 81.5 (10) sudden deaths of persons not affected by recognizable disease;
- 81.6 (11) unexpected deaths of persons notwithstanding a history of underlying disease;
- 81.7 (12) deaths in which a fracture of a major bone such as a femur, humerus, or tibia  
 81.8 has occurred within the past six months;
- 81.9 (13) deaths unattended by a physician occurring outside of a licensed health care  
 81.10 facility or licensed residential hospice program;
- 81.11 (14) deaths of persons not seen by their physician within 120 days of demise;
- 81.12 (15) deaths of persons occurring in an emergency department;
- 81.13 (16) stillbirths or deaths of newborn infants in which there has been maternal use of  
 81.14 or exposure to unprescribed controlled substances including street drugs or in which there  
 81.15 is history or evidence of maternal trauma;
- 81.16 (17) unexpected deaths of children;
- 81.17 (18) solid organ donors;
- 81.18 (19) unidentified bodies;
- 81.19 (20) skeletonized remains;
- 81.20 (21) deaths occurring within 24 hours of arrival at a health care facility if death  
 81.21 is unexpected;
- 81.22 (22) deaths associated with the decedent's employment;
- 81.23 (23) deaths of nonregistered hospice patients or patients in nonlicensed hospice  
 81.24 programs; and
- 81.25 (24) deaths attributable to acts of terrorism.
- 81.26 The coroner or medical examiner shall determine the extent of the coroner's or  
 81.27 medical examiner's investigation, including whether additional investigation is needed by  
 81.28 the coroner or medical examiner, jurisdiction is assumed, or an autopsy will be performed,  
 81.29 notwithstanding any other statute.
- 81.30 **Subd. 1a. Commissioner of corrections; investigation of deaths. The**  
 81.31 ~~commissioner of corrections may require that all Department of Corrections incarcerated~~  
 81.32 ~~deaths be reviewed by an independent, contracted, board-certified forensic pathologist.~~  
 81.33 For deaths occurring within a facility licensed by the Department of Corrections, the  
 81.34 coroner or medical examiner shall ensure that a forensic pathologist who is certified by  
 81.35 the American Board of Pathology reviews each death and performs an autopsy on all  
 81.36 unnatural, unattended, or unexpected deaths and others as necessary.

82.1 Subd. 1b. Hospice registration. Each coroner and medical examiner shall establish  
82.2 a registration policy regarding hospice patients. If a hospice patient is determined to be  
82.3 properly preregistered, the coroner or medical examiner may treat the death as attended  
82.4 by a physician.

82.5 Subd. 2. ~~Violent or mysterious deaths;~~ Autopsies. The coroner or medical  
82.6 examiner may ~~conduct~~ order an autopsy, at the coroner or medical examiner's sole  
82.7 discretion, in the case of any human death referred to in subdivision 1, ~~clause (1) or (2);~~  
82.8 when, in the judgment of the coroner ~~judges that~~ or medical examiner the public interest  
82.9 requires ~~would be served by~~ an autopsy, ~~except that an autopsy must be conducted in all~~  
82.10 ~~unattended inmate deaths that occur in a state correctional facility.~~ The autopsy shall be  
82.11 performed without unnecessary delay. A report of the facts developed by the autopsy  
82.12 and findings of the person performing the autopsy shall be made promptly and filed in  
82.13 the office of the coroner or medical examiner. When further investigation is deemed  
82.14 advisable, a copy of the report shall be delivered to the county attorney. Every autopsy  
82.15 performed pursuant to this subdivision shall, whenever practical, be performed in the  
82.16 county morgue. Nothing herein shall require the coroner or medical examiner to order an  
82.17 autopsy upon the body of a deceased person if the person died of known or ascertainable  
82.18 causes or had been under the care of a licensed physician immediately prior to death or if  
82.19 the coroner or medical examiner determines the autopsy to be unnecessary.

82.20 Autopsies performed pursuant to this subdivision may include the removal,  
82.21 retention, testing, or use of organs, parts of organs, fluids or tissues, at the discretion of  
82.22 the coroner or medical examiner, when removal, retention, testing, or use may be useful  
82.23 in determining or confirming the cause of death, mechanism of death, manner of death,  
82.24 identification of the deceased, presence of disease or injury, or preservation of evidence.  
82.25 Such tissue retained by the coroner or medical examiner pursuant to this subdivision shall  
82.26 be disposed of in accordance with standard biohazardous hospital and/or surgical material  
82.27 and does not require specific consent or notification of the legal next of kin. When  
82.28 removal, retention, testing, and use of organs, parts of organs, fluids, or tissues is deemed  
82.29 beneficial, and is done only for research or the advancement of medical knowledge and  
82.30 progress, written consent or documented oral consent shall be obtained from the legal next  
82.31 of kin, if any, of the deceased person prior to the removal, retention, testing, or use.

82.32 Subd. 2a. Deaths caused by fire; autopsies. ~~The coroner shall conduct an autopsy~~  
82.33 ~~in the case of any human death reported to the coroner by the state fire marshal or a chief~~  
82.34 ~~officer under section 299F.04, subdivision 5, and apparently caused by fire.~~ The coroner  
82.35 or medical examiner shall conduct an autopsy or require that one be performed in the  
82.36 case of a death reported to the coroner or medical examiner by the state fire marshal or a

83.1 chief officer under section 299F.04, subdivision 5, and apparently caused by fire, and in  
 83.2 which the decedent is pronounced dead outside of a hospital or in which identification  
 83.3 of the decedent has not been confirmed. If the decedent has died in a hospital and  
 83.4 identification is not in question, an autopsy may be performed or ordered by the coroner or  
 83.5 medical examiner.

83.6 Subd. 3. ~~Other deaths, autopsies; Exhumation; consent disinterment.~~ The  
 83.7 coroner ~~may conduct an autopsy in the case of any human death referred to in subdivision~~  
 83.8 ~~1, clause (3) or (4), or medical examiner may exhume any human body and perform~~  
 83.9 ~~an autopsy on it in the case of any human death referred to in subdivision 1 when the~~  
 83.10 ~~coroner or medical examiner judges that the public interest requires an autopsy. No~~  
 83.11 ~~autopsy exhumation shall be conducted unless the surviving spouse, or legal next of kin~~  
 83.12 ~~if there is no surviving spouse, consents to it, or the district court of the county where the~~  
 83.13 ~~body is located or buried, upon notice as the court directs, enters an order authorizing an~~  
 83.14 ~~autopsy or an exhumation and autopsy orders it. Notice of such exhumation shall be given~~  
 83.15 ~~as directed by the district court. Application for an order may be made by the coroner,~~  
 83.16 ~~medical examiner, or by the county attorney of the county where the body is located or~~  
 83.17 ~~buried, and shall be granted upon a showing that the court deems appropriate.~~

83.18 Subd. 4. Assistance of medical specialists. If during an investigation the coroner or  
 83.19 medical examiner believes the assistance of pathologists, toxicologists, ~~deputy coroners,~~  
 83.20 laboratory technicians, or other medical, scientific, or forensic experts is necessary to  
 83.21 determine or confirm the cause or manner of death, identification, time of death, or to  
 83.22 address other issues requiring expert opinion, the coroner shall or medical examiner may  
 83.23 obtain their assistance.

83.24 Subd. 5. Inquest. An inquest into a death may be held at the request of the medical  
 83.25 examiner and the county attorney or the coroner and the county attorney. An inquest is  
 83.26 optional and the coroner or medical examiner may investigate and certify a death without  
 83.27 one. The coroner or medical examiner and county attorney may decide how to empanel  
 83.28 the inquest. Inquest records will be made public, but the record and report of the inquest  
 83.29 proceedings may not be used in evidence in any civil action arising out of the death for  
 83.30 which an inquest was ordered. Before an inquest is held, the coroner shall notify the  
 83.31 county attorney to appear and examine witnesses at the inquest.

83.32 Whenever the decision is made to hold an inquest, the county attorney may issue  
 03 3 subpoenas for witnesses and enforce their attendance. The persons served with subpoenas  
 83.34 shall be allowed the same compensation and be subject to the same enforcement and  
 83.35 penalties as provided by Rule 22 of the Minnesota Rules of Criminal Procedure.

88.1 examiner except upon order of the coroner ~~or~~, medical examiner, assistant, or deputy  
88.2 authorized investigator. The coroner or medical examiner shall take charge of the effects  
88.3 found on or near the body of a deceased person and dispose of them as ~~the district~~  
88.4 ~~court directs by written order~~ directed under section 390.225. If a crime is suspected  
88.5 in connection with the death of a deceased person ~~is suspected~~, the coroner or medical  
88.6 examiner may prevent any person, except law enforcement personnel, from entering the  
88.7 premises, rooms, or buildings, and shall have the custody of objects that the coroner or  
88.8 examiner deems material evidence in the case. The coroner or medical examiner shall  
88.9 release any property or articles needed for any criminal investigation to law enforcement  
88.10 officers conducting the investigation, except as noted in section 390.225, subdivision 2. A  
88.11 ~~willful~~ knowing violation of this section is a gross misdemeanor.

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

88.13 Sec. 16. **[390.225] PROPERTY.**

88.14 **Subdivision 1. Procedure.** The coroner or medical examiner may take possession of  
88.15 all articles that may be useful in establishing the cause or manner of death, identification,  
88.16 or next of kin of the deceased, and, if taken, mark them for identification, make an  
88.17 inventory, and retain them securely until they are no longer needed for evidence or  
88.18 investigation. Except as noted in subdivision 2, the coroner or medical examiner shall  
88.19 release any property or articles needed for any criminal investigation to law enforcement  
88.20 officers conducting the investigation.

88.21 **Subd. 2. Retention of property.** When a reasonable basis exists for not releasing  
88.22 property or articles to law enforcement officers, the coroner or medical examiner shall  
88.23 consult with the county attorney. If the county attorney determines that a reasonable basis  
88.24 exists for not releasing the property or articles, the coroner or medical examiner may  
88.25 retain them. The coroner or medical examiner shall obtain written confirmation of this  
88.26 opinion and keep a copy in the decedent's file.

88.27 **Subd. 3. Release of property.** With the exception of firearms, when property or  
88.28 articles are no longer needed for the investigation or as evidence, the coroner or medical  
88.29 examiner shall release such property or articles to the person or persons entitled to them.  
88.30 Personal property, including wearing apparel, may be released to the person entitled to  
88.31 control the disposition of the body of the decedent or to the personal representative of the  
88.32 decedent. Personal property not otherwise released pursuant to this subdivision must be  
88.33 disposed of pursuant to section 525.393.

88.34 **Subd. 4. Firearms.** The coroner or medical examiner shall release all firearms,  
88.35 when no longer needed, to the law enforcement agency handling the investigation.



89.1 Subd. 5. Property of unknown decedents. If the name of the decedent is not  
 89.2 known, the coroner or medical examiner shall release such property to the county for  
 89.3 disposal or sale. If the unknown decedent's identity is established and if a representative  
 89.4 shall qualify within six years from the time of such sale, the county administrator, or a  
 89.5 designee, shall pay the amount of the proceeds of the sale to the representative on behalf  
 89.6 of the estate upon order of the court. If no order is made within six years, the proceeds of  
 89.7 the sale shall become a part of the general revenue of the county.

89.8 EFFECTIVE DATE. This section is effective July 1, 2006.

89.9 Sec. 17. Minnesota Statutes 2004, section 390.23, is amended to read:

89.10 **390.23 DEATH RECORDS ~~OF VIOLENT OR MYSTERIOUS DEATH.~~**

89.11 No person, other than the county coroner, ~~or medical examiner, judge exercising~~  
 89.12 ~~probate jurisdiction, or Department of Corrections' independent, contracted,~~  
 89.13 ~~board-certified forensic pathologist, or, for deaths occurring within a facility licensed by~~  
 89.14 ~~the Department of Corrections, the forensic pathologist who reviewed the death, shall issue~~  
 89.15 ~~a record file or amend the cause or manner of death information with the state registrar in~~  
 89.16 ~~cases of likely or suspected accidental, suicidal, homicidal, violent, or mysterious deaths,~~  
 89.17 ~~including suspected homicides, occurring in the county. The Department of Corrections'~~  
 89.18 ~~independent, contracted, board-certified forensic pathologist must issue the certificate of~~  
 89.19 ~~death in all Department of Corrections-incarcerated deaths. The forensic pathologist who~~  
 89.20 ~~reviewed the death of an incarcerated person within a facility licensed by the Department~~  
 89.21 ~~of Corrections may file or amend the cause or manner of death information with the state~~  
 89.22 ~~registrar. If there is reasonable proof that a death has occurred, but no body has been~~  
 89.23 ~~found, a judge may direct the state registrar to register the death with the fact of death~~  
 89.24 ~~information provided by the court order according to section 144.221 subdivision 3.~~

89.25 EFFECTIVE DATE. This section is effective July 1, 2006.

89.26 Sec. 18. Minnesota Statutes 2004, section 390.25, is amended to read:

89.27 **390.25 FINGERPRINTING OF UNIDENTIFIED DECEASED PERSON**  
 89.28 **PERSONS.**

89.29 Subdivision 1. Attempts to identify. Each coroner shall have fingerprinted all  
 89.30 deceased persons in the county whose identity is not immediately established. Within  
 89.31 24 hours after the body is found, the coroner shall forward to the Bureau of Criminal  
 2 Apprehension the fingerprints, fingerprint records, and other identification data. The  
 89.33 superintendent of the bureau shall prescribe the form of these reports. The duties are in  
 89.34 addition to those imposed on the coroner by section 525.393. The coroner or medical  
 89.35 examiner shall make reasonable attempts to identify the deceased person promptly. These

90.1 actions may include obtaining: photographs of the body; fingerprints from the body, if  
90.2 possible; formal dental examination by a dentist with forensic training, with charting and  
90.3 radiographs; full body radiographs; specimens such as tissue, blood, bone, teeth, and/or  
90.4 hair, suitable for DNA analysis or other identification techniques; blood type; photographs  
90.5 of items such as clothing and property found on and with the body; and anthropological  
90.6 determination of age, race, sex, and stature, if appropriate. All of these actions shall be  
90.7 taken prior to the disposition of any unidentified deceased person.

90.8 Subd. 2. Report to BCA. After 60 days, the coroner or medical examiner  
90.9 shall provide to the Bureau of Criminal Apprehension missing persons clearinghouse  
90.10 information to be entered into federal and state databases that can aid in the identification,  
90.11 including the National Crime Information Center database. The coroner or medical  
90.12 examiner shall provide to the Bureau of Criminal Apprehension specimens suitable for  
90.13 DNA analysis. DNA profiles and information shall be entered by the Bureau of Criminal  
90.14 Apprehension into federal and state DNA databases within five business days after the  
90.15 completion of the DNA analysis and procedures necessary for the entry of the DNA profile.

90.16 Subd. 3. Other efforts to identify. Nothing in this section shall be interpreted  
90.17 to preclude any medical examiner or coroner from pursuing other efforts to identify  
90.18 unidentified deceased persons, including publicizing information, descriptions, or  
90.19 photographs that may aid in the identification, allowing family members to identify  
90.20 missing persons, and seeking to protect the dignity of the missing persons.

90.21 Subd. 4. Preservation of data. The coroner or medical examiner may preserve  
90.22 and retain photographs, specimens, documents, and other data such as dental records,  
90.23 radiographs, fingerprints, or DNA, for establishing or confirming the identification of  
90.24 bodies or for other forensic purposes deemed appropriate under the jurisdiction of the  
90.25 office. Upon request by an appropriate agency, or upon the coroner or medical examiner's  
90.26 own initiative, the coroner or medical examiner may make the information available to aid  
90.27 in the establishment of the identity of a deceased person.

90.28 Subd. 5. Notice to state archaeologist. After the coroner or medical examiner  
90.29 has completed the investigation, the coroner or medical examiner shall notify the state  
90.30 archaeologist, according to section 307.08, of all unidentified human remains found  
90.31 outside of platted, recorded, or identified cemeteries and in contexts which indicate  
90.32 antiquity of greater than 50 years.

90.33 EFFECTIVE DATE. This section is effective July 1, 2006.

90.34 Sec. 19. [390.251] REQUEST FOR EXAMINATIONS.

91.1 The coroner or medical examiner may, when requested, make physical examinations  
 91.2 and tests incident to any matter of a criminal nature under consideration by the district  
 91.3 court or county attorney, law enforcement agency, or publicly appointed criminal defense  
 91.4 counsel, and shall deliver a copy of a report of such tests and examinations to the person  
 91.5 making the request. Such an examination does not establish a doctor-patient relationship.  
 91.6 The person making the request shall pay the cost of such examinations and tests.

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

91.8 **Sec. 20. [390.252] CONTRACTS FOR SERVICES.**

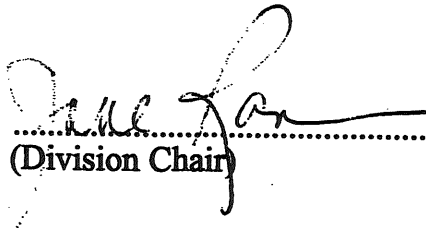
91.9 A county board may contract to perform coroner or medical examiner services  
 91.10 with other units of government or their agencies under a schedule of fees approved by  
 91.11 that board.

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

91.13 **Sec. 21. REPEALER.**

91.14 Minnesota Statutes 2004, sections 383A.36; 383B.225, subdivisions 1, 2, 3, 4, 6, 7,  
 91.15 8, 9, 10, 11, 12, and 13; 390.006; 390.06; 390.07; 390.16; 390.17; 390.19; 390.20; 390.24;  
 91.16 and 390.36, and Minnesota Statutes 2005 Supplement, section 383B.225, subdivision  
 91.17 5, are repealed.

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

91.19   
 91.20 .....  
 (Division Chair)

91.21 .....  
 91.22 (Date of Division action)

1.1 **Senator Cohen from the Committee on Finance, to which was referred**

**S.F. No. 2738:** A bill for an act relating to public safety; appropriating money to allow courts to better address alcohol and other drug addicted offenders.

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

1.5 Delete everything after the enacting clause and insert:

1.6 **"ARTICLE 1**

1.7 **GENERAL CRIMINAL AND SENTENCING PROVISIONS**

1.8 Section 1. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 5, is  
1.9 amended to read:

1.10 Subd. 5. **Procedures in cases where state intends to seek an aggravated**  
1.11 **departure.** (a) When the prosecutor provides reasonable notice under subdivision 4, the  
1.12 district court shall allow the state to prove beyond a reasonable doubt to a jury of 12  
1.13 members the factors in support of the state's request for an aggravated departure from  
1.14 the Sentencing Guidelines or the state's request for an aggravated sentence under any  
1.15 sentencing enhancement statute or the state's request for a mandatory minimum under  
1.16 section 609.11 as provided in paragraph (b) or (c).

1.17 (b) The district court shall allow a unitary trial and final argument to a jury regarding  
1.18 both evidence in support of the elements of the offense and evidence in support of  
1.19 aggravating factors when the evidence in support of the aggravating factors:

1.20 (1) would be admissible as part of the trial on the elements of the offense; or

1.21 (2) would not result in unfair prejudice to the defendant.

1.22 The existence of each aggravating factor shall be determined by use of a special  
1.23 verdict form.

1.24 Upon the request of the prosecutor, the court shall allow bifurcated argument and  
1.25 jury deliberations.

1.26 (c) The district court shall bifurcate the proceedings, or impanel a resentencing jury,  
1.27 to allow for the production of evidence, argument, and deliberations on the existence of  
1.28 factors in support of an aggravated departure after the return of a guilty verdict when the  
1.29 evidence in support of an aggravated departure:

1.30 (1) includes evidence that is otherwise inadmissible at a trial on the elements of  
1.31 the offense; and

1.32 (2) would result in unfair prejudice to the defendant.

1.33 **EFFECTIVE DATE.** This section is effective the day following final enactment  
1.34 and applies to sentencing hearings, resentencing hearings, and sentencing departures  
1.35 sought on or after that date.

2.1 Sec. 2. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 6, is  
2.2 amended to read:

2.3 Subd. 6. **Defendants to present evidence and argument.** In either a unitary or  
2.4 bifurcated trial under subdivision 5, a defendant shall be allowed to present evidence  
2.5 and argument to the jury or factfinder regarding whether facts exist that would justify  
2.6 an aggravated ~~durational~~ departure or an aggravated sentence under any sentencing  
2.7 enhancement statute or a mandatory minimum sentence under section 609.11. A defendant  
2.8 is not allowed to present evidence or argument to the jury or factfinder regarding facts in  
2.9 support of a mitigated departure during the trial, but may present evidence and argument  
2.10 in support of a mitigated departure to the judge as factfinder during a sentencing hearing.

2.11 **EFFECTIVE DATE.** This section is effective the day following final enactment  
2.12 and applies to sentencing hearings, resentencing hearings, and sentencing departures  
2.13 sought on or after that date.

2.14 Sec. 3. Minnesota Statutes 2005 Supplement, section 244.10, subdivision 7, is  
2.15 amended to read:

2.16 Subd. 7. **Waiver of jury determination.** The defendant may waive the right to a  
2.17 jury determination of whether facts exist that would justify an aggravated sentence. Upon  
2.18 receipt of a waiver of a jury trial on this issue, the district court shall determine beyond  
2.19 a reasonable doubt whether the factors in support of the state’s motion for aggravated  
2.20 departure or an aggravated sentence under any sentencing enhancement statute or a  
2.21 mandatory minimum sentence under section 609.11 exist.

2.22 **EFFECTIVE DATE.** This section is effective the day following final enactment  
2.23 and applies to sentencing hearings, resentencing hearings, and sentencing departures  
2.24 sought on or after that date.

2.25 Sec. 4. Minnesota Statutes 2004, section 346.155, subdivision 1, is amended to read:

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

2.28 (b) "Person" means any natural person, firm, partnership, corporation, or association,  
2.29 however organized.

2.30 (c) "Wildlife sanctuary" means a 501(c)(3) nonprofit organization that:

2.31 (1) operates a place of refuge where abused, neglected, unwanted, impounded,  
2.32 abandoned, orphaned, or displaced wildlife are provided care for their lifetime;

2.33 (2) does not conduct any commercial activity with respect to any animal of which  
2.34 the organization is an owner; and

3.1 (3) does not buy, sell, trade, auction, lease, loan, or breed any animal of which the  
3.2 organization is an owner, except as an integral part of the species survival plan of the  
3.3 American Zoo and Aquarium Association.

3.4 (d) "Possess" means to own, care for, have custody of, or control.

3.5 (e) "Regulated animal" means:

3.6 (1) all members of the Felidae family including, but not limited to, lions, tigers,  
3.7 cougars, leopards, cheetahs, ocelots, and servals, but not including domestic cats or cats  
3.8 recognized as a domestic breed, registered as a domestic breed, and shown as a domestic  
3.9 breed by a national or international multibreed cat registry association;

3.10 (2) bears; and

3.11 (3) all nonhuman primates, including, but not limited to, lemurs, monkeys,  
3.12 chimpanzees, gorillas, orangutans, marmosets, lorises, and tamarins.

3.13 Regulated animal includes any hybrid or cross between an animal listed in clause  
3.14 (1), (2), or (3) and a domestic animal and offspring from all subsequent generations of  
3.15 those crosses or hybrids.

3.16 (f) "Local animal control authority" means an agency of the state, county,  
3.17 municipality, or other governmental subdivision of the state that is responsible for animal  
3.18 control operations in its jurisdiction.

3.19 (g) "Bodily harm," "substantial bodily harm," and "great bodily harm" have the  
3.20 meanings given them in section 609.02.

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

3.23 Sec. 5. Minnesota Statutes 2004, section 346.155, subdivision 4, is amended to read:

3.24 Subd. 4. **Requirements.** (a) A person who possesses a regulated animal must  
3.25 maintain health and ownership records on each animal and must maintain the records  
3.26 for the life of the animal. If possession of the regulated animal is transferred to another  
3.27 person, a copy of the health and ownership records must accompany the animal.

3.28 (b) A person who possesses a regulated animal must maintain an ongoing program  
3.29 of veterinary care which includes a veterinary visit to the premises at least annually.

3.30 (c) A person who possesses a regulated animal must notify the local animal control  
3.31 authority in writing within ten days of a change in address or location where the regulated  
3.32 animal is kept. The notification of change in address or location form must be prepared by  
3.33 the Minnesota Animal Control Association and approved by the Board of Animal Health.

3.34 (d) A person with a United States Department of Agriculture license for regulated  
3.35 animals shall forward a copy of the United States Department of Agriculture inspection

4.1 report to the local animal control authority within 30 days of receipt of the inspection  
4.2 report.

4.3 (e) A person who possesses a regulated animal shall prominently display a sign on  
4.4 the structure where the animal is housed indicating that a dangerous regulated animal  
4.5 is on the premises.

4.6 (f) A person who possesses a regulated animal must notify, as soon as practicable,  
4.7 local law enforcement officials of any escape of a regulated animal. The person who  
4.8 possesses the regulated animal is liable for any costs incurred by any person, city, county,  
4.9 or state agency resulting from the escape of a regulated animal unless the escape is due to  
4.10 a criminal act by another person or a natural event.

4.11 (g) A person who possesses a regulated animal must maintain a written recovery  
4.12 plan in the event of the escape of a regulated animal. The person must maintain live traps,  
4.13 or other equipment necessary to assist in the recovery of the regulated animal.

4.14 (h) ~~If requested by the local animal control authority,~~ A person may not move a  
4.15 regulated animal from its location unless the person notifies the local animal control  
4.16 authority prior to moving the animal. The notification must include the date and the  
4.17 location where the animal is to be moved. This paragraph does not apply to a regulated  
4.18 animal transported to a licensed veterinarian.

4.19 (i) If a person who possesses a regulated animal can no longer care for the animal,  
4.20 the person shall take steps to find long-term placement for the regulated animal.

4.21 **EFFECTIVE DATE.** This section is effective August 1, 2006.

4.22 Sec. 6. Minnesota Statutes 2004, section 346.155, subdivision 5, is amended to read:

4.23 Subd. 5. **Seizure.** (a) The local animal control authority, upon issuance of a  
4.24 notice of inspection, must be granted access at reasonable times to sites where the local  
4.25 animal control authority has reason to believe a violation of this chapter is occurring or  
4.26 has occurred.

4.27 (b) If a person who possesses a regulated animal is not in compliance with the  
4.28 requirements of this section, the local animal control authority shall take possession of the  
4.29 animal for custody and care, provided that the procedures in this subdivision are followed.

4.30 (c) Upon request of a person possessing a regulated animal, the local animal control  
4.31 authority may allow the animal to remain in the physical custody of the owner for 30 days,  
4.32 during which time the owner shall take all necessary actions to come in compliance with  
4.33 this section. During the 30-day period, the local animal control authority may inspect, at  
4.34 any reasonable time, the premises where the animal is kept.

5.1 (d) If a person who possesses a regulated animal is not in compliance with this  
5.2 section following the 30-day period described in paragraph (c), the local animal control  
5.3 authority shall seize the animal and place it in a holding facility that is appropriate for the  
5.4 species for up to ten days.

5.5 (e) The authority taking custody of an animal under this section shall provide a  
5.6 notice of the seizure by delivering or mailing it to the owner, by posting a copy of it at  
5.7 the place where the animal is taken into custody, or by delivering it to a person residing  
5.8 on the property. The notice must include:

5.9 (1) a description of the animal seized; the authority for and purpose of the seizure;  
5.10 the time, place, and circumstances under which the animal was seized; and a contact  
5.11 person and telephone number;

5.12 (2) a statement that a person from whom a regulated animal was seized may post  
5.13 security to prevent disposition of the animal and may request a hearing concerning the  
5.14 seizure and that failure to do so within five business days of the date of the notice will  
5.15 result in disposition of the animal;

5.16 (3) a statement that actual costs of the care, keeping, and disposal of the regulated  
5.17 animal are the responsibility of the person from whom the animal was seized, except to  
5.18 the extent that a court or hearing officer finds that the seizure or impoundment was not  
5.19 substantially justified by law; and

5.20 (4) a form that can be used by a person from whom a regulated animal was seized  
5.21 for requesting a hearing under this subdivision.

5.22 (f) If a person from whom the regulated animal was seized makes a request  
5.23 within five business days of the seizure, a hearing must be held within five business days  
5.24 of the request to determine the validity of the seizure and disposition of the animal. The  
5.25 judge or hearing officer may authorize the return of the animal to the person from whom  
5.26 the animal was seized if the judge or hearing officer finds:

5.27 (1) that the person can and will provide the care required by law for the regulated  
5.28 animal; and

5.29 (2) the regulated animal is physically fit.

5.30 (g) If a judge or hearing officer orders a permanent disposition of the regulated  
5.31 animal, the local animal control authority may take steps to find long-term placement for  
5.32 the animal with a wildlife sanctuary, persons authorized by the Department of Natural  
5.33 Resources, or an appropriate United States Department of Agriculture licensed facility.

5.34 (h) A person from whom a regulated animal is seized is liable for all actual costs  
5.35 of care, keeping, and disposal of the animal, except to the extent that a court or hearing  
5.36 officer finds that the seizure was not substantially justified by law. The costs must be paid



6.1 in full or a mutually satisfactory arrangement for payment must be made between the  
 6.2 local animal control authority and the person claiming an interest in the animal before  
 6.3 return of the animal to the person.

6.4 ~~(h)~~ (i) A person from whom a regulated animal has been seized under this  
 6.5 subdivision may prevent disposition of the animal by posting security in the amount  
 6.6 sufficient to provide for the actual costs of care and keeping of the animal. The security  
 6.7 must be posted within five business days of the seizure, inclusive of the day of the seizure.

6.8 ~~(i)~~ (j) If circumstances exist threatening the life of a person or the life of any animal,  
 6.9 local law enforcement or the local animal control authority ~~shall~~ may seize a regulated  
 6.10 animal without an opportunity for hearing or court order, or destroy the animal.

6.11 **EFFECTIVE DATE.** This section is effective August 1, 2006.

6.12 Sec. 7. Minnesota Statutes 2004, section 346.155, is amended by adding a subdivision  
 6.13 to read:

6.14 Subd. 9a. **Confinement and control.** A person violates this subdivision who  
 6.15 possesses a regulated animal and negligently fails to control the animal or keep it properly  
 6.16 confined and as a result the animal causes bodily harm, substantial bodily harm, or great  
 6.17 bodily harm to another person.

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

6.20 Sec. 8. Minnesota Statutes 2004, section 346.155, subdivision 10, is amended to read:

6.21 Subd. 10. **Penalty.** (a) A person who knowingly violates subdivision 2, 3, paragraph  
 6.22 (b) or (c), or 4 is guilty of a misdemeanor.

6.23 (b) A person who knowingly violates subdivision 3, paragraph (a), is guilty of a  
 6.24 gross misdemeanor.

6.25 (c) A person who violates subdivision 9a, resulting in bodily harm is guilty of a  
 6.26 misdemeanor and may be sentenced to imprisonment for not more than 90 days or to  
 6.27 payment of a fine of not more than \$1,000, or both.

6.28 (d) A person who violates subdivision 9a, resulting in substantial bodily harm is  
 6.29 guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than  
 6.30 one year or to payment of a fine of not more than \$3,000, or both.

6.31 (e) A person who violates subdivision 9a, resulting in great bodily harm or death  
 6.32 is guilty of a felony and may be sentenced to imprisonment for not more than two years  
 6.33 or to payment of a fine of not more than \$5,000, or both, unless a greater penalty is  
 6.34 provided elsewhere.

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

7.3 Sec. 9. Minnesota Statutes 2004, section 488A.03, subdivision 6, is amended to read:

7.4 Subd. 6. **Disposition of fines, fees and other money; accounts.** (a) Except as  
7.5 otherwise provided ~~herein~~ within this subdivision and except as otherwise provided by law,  
7.6 the court administrator shall pay ~~to the Hennepin county treasurer~~ all fines and penalties  
7.7 collected by the court administrator, all fees collected by the court administrator for court  
7.8 administrator's services, all sums forfeited to the court as ~~hereinafter~~ provided in this  
7.9 subdivision, and all other money received by the court administrator: to the subdivision  
7.10 of government entitled to it as follows on or before the 20th day after the last day of  
7.11 the month in which the money was collected. Eighty percent of all fines and penalties  
7.12 collected during the previous month shall be paid to the treasurer of the municipality or  
7.13 subdivision of government where the crime was committed. The remainder of the fines  
7.14 and penalties shall be credited to the general fund of the state. In all cases in which the  
7.15 county attorney had charge of the prosecution, all fines and penalties shall be credited  
7.16 to the state general fund.

7.17 (b) The court administrator shall ~~provide the county treasurer with~~ identify the name  
7.18 of the municipality or other subdivision of government where the offense was committed  
7.19 ~~and the name and official position of the officer who prosecuted the offense for each fine~~  
7.20 ~~or penalty~~, and the total amount of fines or penalties collected for each ~~such~~ municipality  
7.21 or other subdivision of government, ~~or for the county, or for the state.~~

7.22 ~~(c) At the beginning of the first day of any month the amount owing to any~~  
7.23 ~~municipality or county in the hands of the court administrator shall not exceed \$5,000.~~

7.24 ~~(d) On or before the last day of each month the county treasurer shall pay over to~~  
7.25 ~~the treasurer of each municipality or subdivision of government in Hennepin County all~~  
7.26 ~~fines or penalties collected during the previous month for offenses committed within~~  
7.27 ~~such municipality or subdivision of government, except that all such fines and penalties~~  
7.28 ~~attributable to cases in which the county attorney had charge of the prosecution shall be~~  
7.29 ~~retained by the county treasurer and credited to the county general revenue fund.~~

7.30 ~~(e)~~ (c) Amounts represented by checks issued by the court administrator or received  
7.31 by the court administrator which have not cleared by the end of the month may be shown  
7.32 on the monthly account as having been paid or received, subject to adjustment on later  
7.33 monthly accounts.

7.34 ~~(f)~~ (d) The court administrator may receive negotiable instruments in payment  
7.35 of fines, penalties, fees or other obligations as conditional payments, and is not held

8.1 accountable ~~therefor~~ for this until collection in cash is made and then only to the extent of  
 8.2 the net collection after deduction of the necessary expense of collection.

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

8.4 Sec. 10. Minnesota Statutes 2004, section 488A.03, subdivision 11, is amended to read:

8.5 Subd. 11. **Fees payable to administrator.** (a) The civil fees payable to the  
 8.6 administrator for services are the same in amount as the fees then payable to the District  
 8.7 Court of Hennepin County for like services. Library and filing fees are not required of  
 8.8 the defendant in an eviction action. The fees payable to the administrator for all other  
 8.9 services of the administrator or the court shall be fixed by rules promulgated by a majority  
 8.10 of the judges.

8.11 (b) Fees are payable to the administrator in advance.

8.12 (c) Judgments will be entered only upon written application.

8.13 ~~(d) The following fees shall be taxed for all charges filed in court where applicable:~~

8.14 ~~(a) The state of Minnesota and any governmental subdivision within the jurisdictional area~~  
 8.15 ~~of any district court herein established may present cases for hearing before said district~~  
 8.16 ~~court; (b) In the event the court takes jurisdiction of a prosecution for the violation of a~~  
 8.17 ~~statute or ordinance by the state or a governmental subdivision other than a city or town~~  
 8.18 ~~in Hennepin County, all fines, penalties, and forfeitures collected shall be paid over to~~  
 8.19 ~~the treasurer of the governmental subdivision which submitted charges for prosecution~~  
 8.20 ~~under ordinance violation and to the county treasurer in all other charges except where~~  
 8.21 ~~a different disposition is provided by law, in which case, payment shall be made to~~  
 8.22 ~~the public official entitled thereto. The following fees shall be taxed to the county or~~  
 8.23 ~~to the state or governmental subdivision which would be entitled to payment of the~~  
 8.24 ~~fines, forfeiture or penalties in any case, and shall be paid to the court administrator for~~  
 8.25 ~~disposing of the matter:~~

8.26 ~~(1) For each charge where the defendant is brought into court and pleads guilty and~~  
 8.27 ~~is sentenced, or the matter is otherwise disposed of without trial ..... \$5:~~

8.28 ~~(2) In arraignments where the defendant waives a preliminary examination ..... \$10:~~  
 8.29

8.30 ~~(3) For all other charges where the defendant stands trial or has a preliminary~~  
 8.31 ~~examination by the court ..... \$15:~~

8.32 ~~(c) This paragraph applies to the distribution of fines paid by defendants without a~~  
 8.33 ~~court appearance in response to a citation. On or before the tenth day after the last day of~~  
 8.34 ~~the month in which the money was collected, the county treasurer shall pay 80 percent~~  
 8.35 ~~of the fines to the treasurer of the municipality or subdivision within the county where~~

9.1 ~~the violation was committed. The remainder of the fines shall be credited to the general~~  
 9.2 ~~revenue fund of the county.~~

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

9.4 Sec. 11. Minnesota Statutes 2004, section 518B.01, subdivision 14, is amended to read:

9.5 Subd. 14. **Violation of an order for protection.** (a) A person who violates an  
 9.6 order for protection issued by a judge or referee is subject to the penalties provided  
 9.7 in paragraphs (b) to (d).

9.8 (b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for  
 9.9 protection is granted by a judge or referee or pursuant to a similar law of another state,  
 9.10 the United States, the District of Columbia, tribal lands, or United States territories, and  
 9.11 the respondent or person to be restrained knows of the existence of the order, violation of  
 9.12 the order for protection is a misdemeanor. Upon a misdemeanor conviction under this  
 9.13 paragraph, the defendant must be sentenced to a minimum of three days imprisonment and  
 9.14 must be ordered to participate in counseling or other appropriate programs selected by  
 9.15 the court. If the court stays imposition or execution of the jail sentence and the defendant  
 9.16 refuses or fails to comply with the court's treatment order, the court must impose and  
 9.17 execute the stayed jail sentence. A violation of an order for protection shall also constitute  
 9.18 contempt of court and be subject to the penalties provided in chapter 588.

9.19 (c) A person is guilty of a gross misdemeanor who knowingly violates this  
 9.20 subdivision ~~during the time period between~~ within ten years of a previous qualified  
 9.21 domestic violence-related offense conviction ~~and the end of the five years following~~  
 9.22 ~~discharge from sentence for that offense~~ or adjudication of delinquency. Upon a gross  
 9.23 misdemeanor conviction under this paragraph, the defendant must be sentenced to a  
 9.24 minimum of ten days imprisonment and must be ordered to participate in counseling or  
 9.25 other appropriate programs selected by the court. Notwithstanding section 609.135, the  
 9.26 court must impose and execute the minimum sentence provided in this paragraph for  
 9.27 gross misdemeanor convictions.

9.28 (d) A person is guilty of a felony and may be sentenced to imprisonment for not  
 9.29 more than five years or to payment of a fine of not more than \$10,000, or both, if the  
 9.30 person knowingly violates this subdivision:

9.31 (1) ~~during the time period between~~ within ten years of the first of two or more  
 9.32 previous qualified domestic violence-related offense convictions ~~and the end of the five~~  
 9.33 ~~years following discharge from sentence for that offense~~ or adjudications of delinquency;

9.34 or

9.35 (2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.

10.1 Upon a felony conviction under this paragraph in which the court stays imposition or  
10.2 execution of sentence, the court shall impose at least a 30-day period of incarceration  
10.3 as a condition of probation. The court also shall order that the defendant participate in  
10.4 counseling or other appropriate programs selected by the court. Notwithstanding section  
10.5 609.135, the court must impose and execute the minimum sentence provided in this  
10.6 paragraph for felony convictions.

10.7 (e) A peace officer shall arrest without a warrant and take into custody a person  
10.8 whom the peace officer has probable cause to believe has violated an order granted  
10.9 pursuant to this section or a similar law of another state, the United States, the District of  
10.10 Columbia, tribal lands, or United States territories restraining the person or excluding the  
10.11 person from the residence or the petitioner's place of employment, even if the violation  
10.12 of the order did not take place in the presence of the peace officer, if the existence of the  
10.13 order can be verified by the officer. The probable cause required under this paragraph  
10.14 includes probable cause that the person knows of the existence of the order. If the order  
10.15 has not been served, the officer shall immediately serve the order whenever reasonably  
10.16 safe and possible to do so. An order for purposes of this subdivision, includes the short  
10.17 form order described in subdivision 8a. When the order is first served upon the person  
10.18 at a location at which, under the terms of the order, the person's presence constitutes a  
10.19 violation, the person shall not be arrested for violation of the order without first being  
10.20 given a reasonable opportunity to leave the location in the presence of the peace officer.  
10.21 A person arrested under this paragraph shall be held in custody for at least 36 hours,  
10.22 excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by  
10.23 a judge or judicial officer. A peace officer acting in good faith and exercising due care  
10.24 in making an arrest pursuant to this paragraph is immune from civil liability that might  
10.25 result from the officer's actions.

10.26 (f) If the court finds that the respondent has violated an order for protection and  
10.27 that there is reason to believe that the respondent will commit a further violation of the  
10.28 provisions of the order restraining the respondent from committing acts of domestic abuse  
10.29 or excluding the respondent from the petitioner's residence, the court may require the  
10.30 respondent to acknowledge an obligation to comply with the order on the record. The court  
10.31 may require a bond sufficient to deter the respondent from committing further violations  
10.32 of the order for protection, considering the financial resources of the respondent, and not  
10.33 to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the  
10.34 obligation or post a bond under this paragraph, the court shall commit the respondent to  
10.35 the county jail during the term of the order for protection or until the respondent complies  
10.36 with the order under this paragraph. The warrant must state the cause of commitment,

11.1 with the sum and time for which any bond is required. If an order is issued under this  
11.2 paragraph, the court may order the costs of the contempt action, or any part of them, to be  
11.3 paid by the respondent. An order under this paragraph is appealable.

11.4 (g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested  
11.5 party designated by the court, alleging that the respondent has violated any order for  
11.6 protection granted pursuant to this section or a similar law of another state, the United  
11.7 States, the District of Columbia, tribal lands, or United States territories, the court may  
11.8 issue an order to the respondent, requiring the respondent to appear and show cause within  
11.9 14 days why the respondent should not be found in contempt of court and punished  
11.10 therefor. The hearing may be held by the court in any county in which the petitioner or  
11.11 respondent temporarily or permanently resides at the time of the alleged violation, or in  
11.12 the county in which the alleged violation occurred, if the petitioner and respondent do not  
11.13 reside in this state. The court also shall refer the violation of the order for protection to the  
11.14 appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

11.15 (h) If it is alleged that the respondent has violated an order for protection issued under  
11.16 subdivision 6 or a similar law of another state, the United States, the District of Columbia,  
11.17 tribal lands, or United States territories, and the court finds that the order has expired  
11.18 between the time of the alleged violation and the court's hearing on the violation, the court  
11.19 may grant a new order for protection under subdivision 6 based solely on the respondent's  
11.20 alleged violation of the prior order, to be effective until the hearing on the alleged violation  
11.21 of the prior order. If the court finds that the respondent has violated the prior order, the  
11.22 relief granted in the new order for protection shall be extended for a fixed period, not to  
11.23 exceed one year, except when the court determines a longer fixed period is appropriate.

11.24 (i) The admittance into petitioner's dwelling of an abusing party excluded from the  
11.25 dwelling under an order for protection is not a violation by the petitioner of the order  
11.26 for protection.

11.27 A peace officer is not liable under section 609.43, clause (1), for a failure to perform  
11.28 a duty required by paragraph (e).

11.29 (j) When a person is convicted under paragraph (b) or (c) of violating an order for  
11.30 protection and the court determines that the person used a firearm in any way during  
11.31 commission of the violation, the court may order that the person is prohibited from  
11.32 possessing any type of firearm for any period longer than three years or for the remainder  
11.33 of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor.  
11.34 At the time of the conviction, the court shall inform the defendant whether and for  
11.35 how long the defendant is prohibited from possessing a firearm and that it is a gross  
11.36 misdemeanor to violate this paragraph. The failure of the court to provide this information

12.1 to a defendant does not affect the applicability of the firearm possession prohibition or the  
12.2 gross misdemeanor penalty to that defendant.

12.3 (k) Except as otherwise provided in paragraph (j), when a person is convicted  
12.4 under paragraph (b) or (c) of violating an order for protection, the court shall inform  
12.5 the defendant that the defendant is prohibited from possessing a pistol for three years  
12.6 from the date of conviction and that it is a gross misdemeanor offense to violate this  
12.7 prohibition. The failure of the court to provide this information to a defendant does not  
12.8 affect the applicability of the pistol possession prohibition or the gross misdemeanor  
12.9 penalty to that defendant.

12.10 (l) Except as otherwise provided in paragraph (j), a person is not entitled to possess a  
12.11 pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996,  
12.12 of violating an order for protection, unless three years have elapsed from the date of  
12.13 conviction and, during that time, the person has not been convicted of any other violation  
12.14 of this section. Property rights may not be abated but access may be restricted by the  
12.15 courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross  
12.16 misdemeanor.

12.17 (m) If the court determines that a person convicted under paragraph (b) or (c) of  
12.18 violating an order for protection owns or possesses a firearm and used it in any way during  
12.19 the commission of the violation, it shall order that the firearm be summarily forfeited  
12.20 under section 609.5316, subdivision 3.

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

12.23 Sec. 12. Minnesota Statutes 2004, section 518B.01, is amended by adding a  
12.24 subdivision to read:

12.25 **Subd. 19a. Entry and enforcement of foreign protective orders.** (a) As used in  
12.26 this subdivision, "foreign protective order" means an order for protection entered by a  
12.27 court of another state; an order by an Indian tribe or United States territory that would be a  
12.28 protective order entered under this chapter; a temporary or permanent order or protective  
12.29 order to exclude a respondent from a dwelling; or an order that establishes conditions of  
12.30 release or is a protective order or sentencing order in a criminal prosecution arising from a  
12.31 domestic abuse assault if it had been entered in Minnesota.

12.32 (b) A person for whom a foreign protection order has been issued or the issuing court  
12.33 or tribunal may provide a certified or authenticated copy of a foreign protective order to the  
12.34 court administrator in any county that would have venue if the original action was being  
12.35 commenced in this state or in which the person in whose favor the order was entered may  
12.36 be present, for filing and entering of the same into the state order for protection database.

13.1 (c) The court administrator shall file and enter foreign protective orders that are  
13.2 not certified or authenticated, if supported by an affidavit of a person with personal  
13.3 knowledge, subject to the penalties for perjury. The person protected by the order may  
13.4 provide this affidavit.

13.5 (d) The court administrator shall provide copies of the order as required by this  
13.6 section.

13.7 (e) A valid foreign protective order has the same effect and shall be enforced in the  
13.8 same manner as an order for protection issued in this state whether or not filed with a court  
13.9 administrator or otherwise entered in the state order for protection database.

13.10 (f) A foreign protective order is presumed valid if it meets all of the following:

13.11 (1) the order states the name of the protected individual and the individual against  
13.12 whom enforcement is sought;

13 (2) the order has not expired;

13.14 (3) the order was issued by a court or tribunal that had jurisdiction over the parties  
13.15 and subject matter under the law of the foreign jurisdiction; and

13.16 (4) the order was issued in accordance with the respondent's due process rights,  
13.17 either after the respondent was provided with reasonable notice and an opportunity to be  
13.18 heard before the court or tribunal that issued the order, or in the case of an ex parte order,  
13.19 the respondent was granted notice and an opportunity to be heard within a reasonable  
13.20 time after the order was issued.

13.21 (g) Proof that a foreign protective order failed to meet all of the factors listed in  
13.22 paragraph (f) is an affirmative defense in any action seeking enforcement of the order.

13.23 (h) A peace officer shall treat a foreign protective order as a valid legal document  
13.24 and shall make an arrest for a violation of the foreign protective order in the same manner  
13.25 that a peace officer would make an arrest for a violation of a protective order issued  
13.26 within this state.

13.27 (i) The fact that a foreign protective order has not been filed with the court  
13.28 administrator or otherwise entered into the state order for protection database shall not be  
13.29 grounds to refuse to enforce the terms of the order unless it is apparent to the officer that  
13.30 the order is invalid on its face.

13.31 (j) A peace officer acting reasonably and in good faith in connection with the  
13.32 enforcement of a foreign protective order is immune from civil and criminal liability in  
13.33 any action arising in connection with the enforcement.

13.34 (k) Filing and service costs in connection with foreign protective orders are waived.

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



14.1 Sec. 13. Minnesota Statutes 2005 Supplement, section 518B.01, subdivision 22,  
14.2 is amended to read:

14.3 Subd. 22. **Domestic abuse no contact order.** (a) A domestic abuse no contact order  
14.4 is an order issued by a court against a defendant in a criminal proceeding for:

14.5 (1) domestic abuse;

14.6 (2) harassment or stalking charged under section 609.749 and committed against  
14.7 a family or household member;

14.8 (3) violation of an order for protection charged under subdivision 14; or

14.9 (4) violation of a prior domestic abuse no contact order charged under this  
14.10 subdivision.

14.11 It includes pretrial orders before final disposition of the case and probationary orders  
14.12 after sentencing.

14.13 (b) A person who knows of the existence of a domestic abuse no contact order issued  
14.14 against the person and violates the order is guilty of a misdemeanor.

14.15 (c) A person is guilty of a gross misdemeanor who knowingly violates this  
14.16 subdivision within ten years of a previous qualified domestic violence-related offense  
14.17 conviction or adjudication of delinquency.

14.18 (d) A peace officer shall arrest without a warrant and take into custody a person  
14.19 whom the peace officer has probable cause to believe has violated a domestic abuse no  
14.20 contact order, even if the violation of the order did not take place in the presence of the  
14.21 peace officer, if the existence of the order can be verified by the officer. The person shall  
14.22 be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays,  
14.23 unless the person is released earlier by a judge or judicial officer. A peace officer acting  
14.24 in good faith and exercising due care in making an arrest pursuant to this paragraph is  
14.25 immune from civil liability that might result from the officer's actions.

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

14.28 Sec. 14. Minnesota Statutes 2005 Supplement, section 609.02, subdivision 16, is  
14.29 amended to read:

14.30 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic  
14.31 violence-related offense" includes the following offenses: sections 518B.01, subdivision  
14.32 14 (violation of domestic abuse order for protection); 518B.01, subdivision 22  
14.33 (violation of domestic abuse no contact order); 609.221 (first-degree assault); 609.222  
14.34 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault);  
14.35 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.2247 (domestic assault  
14.36 by strangulation); 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree

15.1 criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345  
 15.2 (fourth-degree criminal sexual conduct); 609.377 (malicious punishment of a child);  
 15.3 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining  
 15.4 order); ~~and~~ 609.749 (harassment/stalking); and 609.78, subdivision 2 (interference with  
 15.5 an emergency call); and similar laws of other states, the United States, the District of  
 15.6 Columbia, tribal lands, and United States territories.

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

15.9 Sec. 15. Minnesota Statutes 2004, section 609.11, subdivision 7, is amended to read:

15.10 Subd. 7. **Prosecutor shall establish.** ~~Whenever reasonable grounds exist to believe~~  
 15.11 ~~that the defendant or an accomplice used a firearm or other dangerous weapon or had in~~  
 15.12 ~~possession a firearm, at the time of commission of an offense listed in subdivision 9,~~  
 15.13 ~~the prosecutor shall, at the time of trial or at the plea of guilty, present on the record~~  
 15.14 ~~all evidence tending to establish that fact unless it is otherwise admitted on the record.~~  
 15.15 The question of whether the defendant or an accomplice, at the time of commission of  
 15.16 an offense listed in subdivision 9, used a firearm or other dangerous weapon or had  
 15.17 in possession a firearm shall be determined by the ~~court on the record~~ factfinder at the  
 15.18 time of a verdict or finding of guilt at trial or the entry of a plea of guilty based upon the  
 15.19 record of the trial or the plea of guilty. The ~~court~~ factfinder shall also determine on the  
 15.20 ~~record at the time of sentencing~~ whether the defendant has been convicted of a second or  
 15.21 subsequent offense in which the defendant or an accomplice, at the time of commission  
 15.22 of an offense listed in subdivision 9, used a firearm or other dangerous weapon or had  
 15.23 in possession a firearm.

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

15.26 Sec. 16. Minnesota Statutes 2004, section 609.153, subdivision 1, is amended to read:

15.27 Subdivision 1. **Application.** This section applies to the following misdemeanor-level  
 15.28 crimes: sections 152.093 (manufacture or delivery of drug paraphernalia prohibited);  
 15.29 152.095 (advertisement of drug paraphernalia prohibited); 609.324 (prostitution);  
 15.30 609.3243 (loitering with intent to participate in prostitution); 609.546 (motor vehicle  
 15.31 tampering); 609.595 (damage to property); and 609.66 (dangerous weapons);  
 15.32 misdemeanor-level violations of section 609.605 (trespass); and violations of local  
 15.33 ordinances prohibiting the unlawful sale or possession of controlled substances.

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

16.3 Sec. 17. Minnesota Statutes 2004, section 609.2231, subdivision 6, is amended to read:

16.4 Subd. 6. **Public employees with mandated duties.** A person is guilty of a gross  
16.5 misdemeanor who:

16.6 (1) assaults an agricultural inspector, occupational safety and health investigator,  
16.7 child protection worker, public health nurse, animal control officer, or probation or parole  
16.8 officer while the employee is engaged in the performance of a duty mandated by law,  
16.9 court order, or ordinance;

16.10 (2) knows that the victim is a public employee engaged in the performance of the  
16.11 official public duties of the office; and

16.12 (3) inflicts demonstrable bodily harm.

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

16.15 Sec. 18. Minnesota Statutes 2004, section 609.224, subdivision 2, is amended to read:

16.16 Subd. 2. **Gross misdemeanor.** (a) Whoever violates the provisions of subdivision  
16.17 1 against the same victim ~~during the time period between~~ within ten years of a previous  
16.18 qualified domestic violence-related offense conviction or adjudication of delinquency ~~and~~  
16.19 ~~the end of the five years following discharge from sentence or disposition for that offense;~~  
16.20 is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than  
16.21 one year or to payment of a fine of not more than \$3,000, or both.

16.22 (b) Whoever violates the provisions of subdivision 1 within ~~two~~ three years of  
16.23 a previous qualified domestic violence-related offense conviction or adjudication of  
16.24 delinquency is guilty of a gross misdemeanor and may be sentenced to imprisonment for  
16.25 not more than one year or to payment of a fine of not more than \$3,000, or both.

16.26 (c) A caregiver, as defined in section 609.232, who is an individual and who violates  
16.27 the provisions of subdivision 1 against a vulnerable adult, as defined in section 609.232, is  
16.28 guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than  
16.29 one year or to payment of a fine of not more than \$3,000, or both.

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

16.32 Sec. 19. Minnesota Statutes 2004, section 609.224, subdivision 4, is amended to read:

16.33 Subd. 4. **Felony.** (a) Whoever violates the provisions of subdivision 1 against  
16.34 the same victim ~~during the time period between~~ within ten years of the first of any

17.1 combination of two or more previous qualified domestic violence-related offense  
17.2 convictions or adjudications of delinquency ~~and the end of the five years following~~  
17.3 ~~discharge from sentence or disposition for that offense~~ is guilty of a felony and may be  
17.4 sentenced to imprisonment for not more than five years or payment of a fine of not more  
17.5 than \$10,000, or both.

17.6 (b) Whoever violates the provisions of subdivision 1 within three years of the first  
17.7 of any combination of two or more previous qualified domestic violence-related offense  
17.8 convictions or adjudications of delinquency is guilty of a felony and may be sentenced  
17.9 to imprisonment for not more than five years or to payment of a fine of not more than  
17.10 \$10,000, or both.

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

17.13 Sec. 20. Minnesota Statutes 2004, section 609.2242, subdivision 2, is amended to read:

17.14 Subd. 2. **Gross misdemeanor.** Whoever violates subdivision 1 ~~during the time~~  
17.15 ~~period between~~ within ten years of a previous qualified domestic violence-related  
17.16 offense conviction or adjudication of delinquency against a family or household member  
17.17 as defined in section 518B.01, subdivision 2, ~~and the end of the five years following~~  
17.18 ~~discharge from sentence or disposition for that offense~~ is guilty of a gross misdemeanor  
17.19 and may be sentenced to imprisonment for not more than one year or to payment of a fine  
17.20 of not more than \$3,000, or both.

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

17.23 Sec. 21. Minnesota Statutes 2004, section 609.2242, subdivision 4, is amended to read:

17.24 Subd. 4. **Felony.** Whoever violates the provisions of this section or section 609.224,  
17.25 subdivision 1, against the same victim ~~during the time period between~~ within ten years of  
17.26 the first of any combination of two or more previous qualified domestic violence-related  
17.27 offense convictions or adjudications of delinquency ~~and the end of the five years following~~  
17.28 ~~discharge from sentence or disposition for that offense~~ is guilty of a felony and may be  
17.29 sentenced to imprisonment for not more than five years or payment of a fine of not more  
17.30 than \$10,000, or both.

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

17.33 Sec. 22. Minnesota Statutes 2005 Supplement, section 609.282, is amended to read:

17.34 **609.282 LABOR TRAFFICKING.**

18.1 Subdivision 1. Individuals under age 18. Whoever knowingly engages in the  
 18.2 labor trafficking of an individual who is under the age of 18 is guilty of a crime and  
 18.3 may be sentenced to imprisonment for not more than 20 years or to payment of a fine of  
 18.4 not more than \$40,000, or both.

18.5 Subd. 2. Other offenses. Whoever knowingly engages in the labor trafficking of  
 18.6 another is guilty of a crime and may be sentenced to imprisonment for not more than 15  
 18.7 years or to payment of a fine of not more than \$30,000, or both.

18.8 Subd. 3. Consent or age of victim not a defense. In a prosecution under this  
 18.9 section the consent or age of the victim is not a defense.

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

18.12 Sec. 23. Minnesota Statutes 2005 Supplement, section 609.283, is amended to read:

18.13 **609.283 UNLAWFUL CONDUCT WITH RESPECT TO DOCUMENTS IN**  
 18.14 **FURTHERANCE OF LABOR OR SEX TRAFFICKING.**

18.15 Subdivision 1. Crime defined. Unless the person's conduct constitutes a violation  
 18.16 of section 609.282, a person who knowingly destroys, conceals, removes, confiscates, or  
 18.17 possesses any actual or purported passport or other immigration document, or any other  
 18.18 actual or purported government identification document, of another person:

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

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

18.21 (3) to prevent or restrict or to attempt to prevent or restrict, without lawful authority,  
 18.22 a person's liberty to move or travel, in order to maintain the labor or services of that person,  
 18.23 when the person is or has been a victim of a violation of section 609.282 or 609.322;  
 18.24 is guilty of a crime and may be sentenced as provided in subdivision 2.

18.25 Subd. 2. Penalties. A person who violates subdivision 1 may be sentenced as  
 18.26 follows:

18.27 (1) if the crime involves a victim under the age of 18, to imprisonment for not more  
 18.28 than ten years or to payment of a fine of \$20,000, or both; or

18.29 (2) in other cases, to imprisonment for not more than five years or to payment of  
 18.30 a fine of not more than \$10,000, or both.

18.31 Subd. 3. Consent or age of victim not a defense. In a prosecution under this  
 18.32 section the consent or age of the victim is not a defense.

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

19.1 Sec. 24. Minnesota Statutes 2005 Supplement, section 609.3455, is amended by adding  
19.2 a subdivision to read:

19.3 Subd. 3a. **Mandatory sentence for certain engrained offenders.** (a) A court shall  
19.4 commit a person to the commissioner of corrections for a period of time that is not less  
19.5 than double the presumptive sentence under the sentencing guidelines and not more than  
19.6 the statutory maximum, or if the statutory maximum is less than double the presumptive  
19.7 sentence, for a period of time that is equal to the statutory maximum, if:

19.8 (1) the court is imposing an executed sentence on a person convicted of committing  
19.9 or attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, or  
19.10 609.3453;

19.11 (2) the factfinder determines that the offender is a danger to public safety; and

19.12 (3) the factfinder determines that the offender's criminal sexual behavior is so  
19.13 engrained that the risk of reoffending is great without intensive psychotherapeutic  
19.14 intervention or other long-term treatment or supervision extending beyond the presumptive  
19.15 term of imprisonment and supervised release.

19.16 (b) The factfinder shall base its determination that the offender is a danger to public  
19.17 safety on any of the following factors:

19.18 (1) the crime involved an aggravating factor that would justify a durational departure  
19.19 from the presumptive sentence under the sentencing guidelines;

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

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

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

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

19.27 (c) As used in this section, "predatory crime" has the meaning given in section  
19.28 609.341, subdivision 22.

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

19.31 Sec. 25. Minnesota Statutes 2005 Supplement, section 609.3455, subdivision 4,  
19.32 is amended to read:

19.33 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the  
19.34 statutory maximum penalty otherwise applicable to the offense, the court shall sentence a  
19.35 person to imprisonment for life if the person is convicted of violating section 609.342,  
19.36 609.343, 609.344, 609.345, or 609.3453 and:

20.1 (1) the person has two previous sex offense convictions;

20.2 (2) the person has a previous sex offense conviction and:

20.3 (i) the factfinder determines that the present offense involved an aggravating factor  
 20.4 that would provide grounds for an upward durational departure under the sentencing  
 20.5 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct  
 20.6 convictions;

20.7 (ii) the person received an upward durational departure from the sentencing  
 20.8 guidelines for the previous sex offense conviction; or

20.9 (iii) the person was sentenced under this section or section 609.108 for the previous  
 20.10 sex offense conviction; or

20.11 (3) the person has two prior sex offense convictions, and the factfinder determines  
 20.12 that the prior convictions and present offense involved at least three separate victims, and:

20.13 (i) the factfinder determines that the present offense involved an aggravating factor  
 20.14 that would provide grounds for an upward durational departure under the sentencing  
 20.15 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct  
 20.16 convictions;

20.17 (ii) the person received an upward durational departure from the sentencing  
 20.18 guidelines for one of the prior sex offense convictions; or

20.19 (iii) the person was sentenced under this section or section 609.108 for one of the  
 20.20 prior sex offense convictions.

20.21 (b) Notwithstanding paragraph (a), a court may not sentence a person to  
 20.22 imprisonment for life for a violation of section 609.345, unless the person's previous or  
 20.23 prior sex offense convictions that are being used as the basis for the sentence are for  
 20.24 violations of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute of the  
 20.25 United States, this state, or any other state.

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

20.28 Sec. 26. Minnesota Statutes 2004, section 609.495, is amended by adding a subdivision  
 20.29 to read:

20.30 **Subd. 5. Venue.** An offense committed under subdivision 1 or 3 may be prosecuted  
 20.31 in:

20.32 (1) the county where the aiding or obstructing behavior occurred; or

20.33 (2) the county where the underlying criminal act occurred.

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

20.35 Sec. 27. Minnesota Statutes 2004, section 609.52, subdivision 3, is amended to read:

21.1 Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

21.2 (1) to imprisonment for not more than 20 years or to payment of a fine of not more  
21.3 than \$100,000, or both, if the property is a firearm, or the value of the property or services  
21.4 stolen is more than \$35,000 and the conviction is for a violation of subdivision 2, clause  
21.5 (3), (4), (15), or (16); or

21.6 (2) to imprisonment for not more than ten years or to payment of a fine of not more  
21.7 than \$20,000, or both, if the value of the property or services stolen exceeds ~~\$2,500~~  
21.8 \$5,000, or if the property stolen was an article representing a trade secret, an explosive or  
21.9 incendiary device, or a controlled substance listed in schedule I or II pursuant to section  
21.10 152.02 with the exception of marijuana; or

21.11 (3) to imprisonment for not more than five years or to payment of a fine of not  
21.12 more than \$10,000, or both, if:

21.13 (a) the value of the property or services stolen is more than ~~\$500~~ \$1,000 but not  
21.14 more than ~~\$2,500~~ \$5,000; or

21.15 (b) the property stolen was a controlled substance listed in schedule III, IV, or V  
21.16 pursuant to section 152.02; or

21.17 (c) the value of the property or services stolen is more than ~~\$250~~ \$500 but not more  
21.18 than ~~\$500~~ \$1,000 and the person has been convicted within the preceding five years for an  
21.19 offense under this section, section 256.98; 268.182; 609.24; 609.245; 609.53; 609.582,  
21.20 subdivision 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another  
21.21 state, the United States, or a foreign jurisdiction, in conformity with any of those sections,  
21.22 and the person received a felony or gross misdemeanor sentence for the offense, or a  
21.23 sentence that was stayed under section 609.135 if the offense to which a plea was entered  
21.24 would allow imposition of a felony or gross misdemeanor sentence; or

21.25 (d) the value of the property or services stolen is not more than ~~\$500~~ \$1,000, and  
21.26 any of the following circumstances exist:

21.27 (i) the property is taken from the person of another or from a corpse, or grave or  
21.28 coffin containing a corpse; or

21.29 (ii) the property is a record of a court or officer, or a writing, instrument or record  
21.30 kept, filed or deposited according to law with or in the keeping of any public officer or  
21.31 office; or

21.32 (iii) the property is taken from a burning, abandoned, or vacant building or upon its  
21.33 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,  
21.34 or the proximity of battle; or

21.35 (iv) the property consists of public funds belonging to the state or to any political  
21.36 subdivision or agency thereof; or



22.1 (v) the property stolen is a motor vehicle; or  
22.2 (4) to imprisonment for not more than one year or to payment of a fine of not more  
22.3 than \$3,000, or both, if the value of the property or services stolen is more than ~~\$250~~ \$500  
22.4 but not more than ~~\$500~~ \$1,000; or  
22.5 (5) in all other cases where the value of the property or services stolen is ~~\$250~~  
22.6 \$500 or less, to imprisonment for not more than 90 days or to payment of a fine of not  
22.7 more than \$1,000, or both, provided, however, in any prosecution under subdivision 2,  
22.8 clauses (1), (2), (3), (4), and (13), the value of the money or property or services received  
22.9 by the defendant in violation of any one or more of the above provisions within any  
22.10 six-month period may be aggregated and the defendant charged accordingly in applying  
22.11 the provisions of this subdivision; provided that when two or more offenses are committed  
22.12 by the same person in two or more counties, the accused may be prosecuted in any county  
22.13 in which one of the offenses was committed for all of the offenses aggregated under  
22.14 this paragraph.

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

22.17 Sec. 28. Minnesota Statutes 2004, section 609.535, subdivision 2a, is amended to read:

22.18 Subd. 2a. **Penalties.** (a) A person who is convicted of issuing a dishonored check  
22.19 under subdivision 2 may be sentenced as follows:

22.20 (1) to imprisonment for not more than five years or to payment of a fine of not more  
22.21 than \$10,000, or both, if the value of the dishonored check, or checks aggregated under  
22.22 paragraph (b), is more than ~~\$500~~ \$1,000;

22.23 (2) to imprisonment for not more than one year or to payment of a fine of not more  
22.24 than \$3,000, or both, if the value of the dishonored check, or checks aggregated under  
22.25 paragraph (b), is more than ~~\$250~~ \$500 but not more than ~~\$500~~ \$1,000; or

22.26 (3) to imprisonment for not more than 90 days or to payment of a fine of not more  
22.27 than \$1,000, or both, if the value of the dishonored check, or checks aggregated under  
22.28 paragraph (b), is not more than ~~\$250~~ \$500.

22.29 (b) In a prosecution under this subdivision, the value of dishonored checks issued  
22.30 by the defendant in violation of this subdivision within any six-month period may be  
22.31 aggregated and the defendant charged accordingly in applying this section. When two or  
22.32 more offenses are committed by the same person in two or more counties, the accused  
22.33 may be prosecuted in any county in which one of the dishonored checks was issued for all  
22.34 of the offenses aggregated under this paragraph.

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

23.3 Sec. 29. Minnesota Statutes 2004, section 609.595, subdivision 1, is amended to read:

23.4 Subdivision 1. **Criminal damage to property in the first degree.** Whoever  
23.5 intentionally causes damage to physical property of another without the latter's consent  
23.6 may be sentenced to imprisonment for not more than five years or to payment of a fine of  
23.7 not more than \$10,000, or both, if:

23.8 (1) the damage to the property caused a reasonably foreseeable risk of bodily  
23.9 harm; or

23.10 (2) the property damaged belongs to a common carrier and the damage impairs the  
23.11 service to the public rendered by the carrier; or

23.12 (3) the damage reduces the value of the property by more than ~~\$500~~ \$1,000 measured  
23.13 by the cost of repair and replacement; or

23.14 (4) the damage reduces the value of the property by more than ~~\$250~~ \$500 measured  
23.15 by the cost of repair and replacement and the defendant has been convicted within the  
23.16 preceding three years of an offense under this subdivision or subdivision 2.

23.17 In any prosecution under clause (3), the value of any property damaged by the  
23.18 defendant in violation of that clause within any six-month period may be aggregated and  
23.19 the defendant charged accordingly in applying the provisions of this section; provided that  
23.20 when two or more offenses are committed by the same person in two or more counties, the  
23.21 accused may be prosecuted in any county in which one of the offenses was committed for  
23.22 all of the offenses aggregated under this paragraph.

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

23.25 Sec. 30. Minnesota Statutes 2004, section 609.595, subdivision 2, is amended to read:

23.26 Subd. 2. **Criminal damage to property in the third degree.** (a) Except as  
23.27 otherwise provided in subdivision 1a, whoever intentionally causes damage to another  
23.28 person's physical property without the other person's consent may be sentenced to  
23.29 imprisonment for not more than one year or to payment of a fine of not more than \$3,000,  
23.30 or both, if the damage reduces the value of the property by more than ~~\$250~~ \$500 but not  
23.31 more than ~~\$500~~ \$1,000 as measured by the cost of repair and replacement.

32 (b) Whoever intentionally causes damage to another person's physical property  
23.33 without the other person's consent because of the property owner's or another's actual  
23.34 or perceived race, color, religion, sex, sexual orientation, disability as defined in section  
23.35 363A.03, age, or national origin may be sentenced to imprisonment for not more than one

24.1 year or to payment of a fine of not more than \$3,000, or both, if the damage reduces the  
 24.2 value of the property by not more than ~~\$250~~ \$500.

24.3 (c) In any prosecution under paragraph (a), the value of property damaged by the  
 24.4 defendant in violation of that paragraph within any six-month period may be aggregated  
 24.5 and the defendant charged accordingly in applying this section. When two or more  
 24.6 offenses are committed by the same person in two or more counties, the accused may  
 24.7 be prosecuted in any county in which one of the offenses was committed for all of the  
 24.8 offenses aggregated under this paragraph.

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

24.11 Sec. 31. Minnesota Statutes 2004, section 609.748, subdivision 6, is amended to read:

24.12 Subd. 6. **Violation of restraining order.** (a) A person who violates a restraining  
 24.13 order issued under this section is subject to the penalties provided in paragraphs (b) to (d).

24.14 (b) Except as otherwise provided in paragraphs (c) and (d), when a temporary  
 24.15 restraining order or a restraining order is granted under this section and the respondent  
 24.16 knows of the order, violation of the order is a misdemeanor.

24.17 (c) A person is guilty of a gross misdemeanor who knowingly violates the order  
 24.18 ~~during the time period between~~ within ten years of a previous qualified domestic  
 24.19 violence-related offense conviction ~~and the end of the five years following discharge from~~  
 24.20 ~~sentence for that offense~~ or adjudication of delinquency.

24.21 (d) A person is guilty of a felony and may be sentenced to imprisonment for not  
 24.22 more than five years or to payment of a fine of not more than \$10,000, or both, if the  
 24.23 person knowingly violates the order:

24.24 (1) ~~during the time period between~~ within ten years of the first of two or more  
 24.25 previous qualified domestic violence-related offense convictions ~~and the end of the five~~  
 24.26 ~~years following discharge from sentence for that offense~~ or adjudications of delinquency;

24.27 (2) because of the victim's or another's actual or perceived race, color, religion, sex,  
 24.28 sexual orientation, disability as defined in section 363A.03, age, or national origin;

24.29 (3) by falsely impersonating another;

24.30 (4) while possessing a dangerous weapon;

24.31 (5) with an intent to influence or otherwise tamper with a juror or a judicial  
 24.32 proceeding or with intent to retaliate against a judicial officer, as defined in section  
 33 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's  
 24.34 performance of official duties in connection with a judicial proceeding; or

25.1 (6) against a victim under the age of 18, if the respondent is more than 36 months  
25.2 older than the victim.

25.3 (e) A peace officer shall arrest without a warrant and take into custody a person  
25.4 whom the peace officer has probable cause to believe has violated an order issued under  
25.5 subdivision 4 or 5 if the existence of the order can be verified by the officer.

25.6 (f) A violation of a temporary restraining order or restraining order shall also  
25.7 constitute contempt of court.

25.8 (g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested  
25.9 party designated by the court, alleging that the respondent has violated an order issued  
25.10 under subdivision 4 or 5, the court may issue an order to the respondent requiring the  
25.11 respondent to appear within 14 days and show cause why the respondent should not be  
25.12 held in contempt of court. The court also shall refer the violation of the order to the  
25.13 appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

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

25.16 Sec. 32. Minnesota Statutes 2004, section 609.749, subdivision 4, is amended to read:

25.17 Subd. 4. **Second or subsequent violations; felony.** (a) A person is guilty of a  
25.18 felony who violates any provision of subdivision 2 ~~during the time period between~~  
25.19 within ten years of a previous qualified domestic violence-related offense conviction  
25.20 or adjudication of delinquency and the end of the ten years following discharge from  
25.21 sentence or disposition for that offense, and may be sentenced to imprisonment for not  
25.22 more than five years or to payment of a fine of not more than \$10,000, or both.

25.23 (b) A person is guilty of a felony who violates any provision of subdivision 2 ~~during~~  
25.24 the time period between within ten years of the first of two or more previous qualified  
25.25 domestic violence-related offense convictions or adjudications of delinquency and the  
25.26 end of ten years following discharge from sentence or disposition for that offense, and  
25.27 may be sentenced to imprisonment for not more than ten years or to payment of a fine of  
25.28 not more than \$20,000, or both.

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

25.31 Sec. 33. **[609.8935] UNLAWFUL CONDUCT RELATING TO TELEPHONE**  
25.32 **RECORDS.**

25.33 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have  
25.34 the meanings given.

26.1 (b) "Customer" means a person or other entity that subscribes to telephone service  
26.2 from a telephone company.

26.3 (c) "Procure" means to obtain by any means, whether electronically, in writing, or in  
26.4 oral form, with or without consideration.

26.5 (d) "Telephone company" means any person or other entity that provides commercial  
26.6 telephone service to a customer, irrespective of the communications technology used to  
26.7 provide the service, including, but not limited to, traditional wireline or cable telephone  
26.8 service; cellular, broadband PCS, or other wireless telephone service; microwave, satellite,  
26.9 or other terrestrial telephone service; and voice over Internet telephone service.

26.10 (e) "Telephone records" include information retained by a telephone company that  
26.11 relates to the telephone number dialed from a customer's telephone, or the incoming call  
26.12 directed to a customer's telephone, or other data related to calls typically contained on  
13 a customer's telephone bill, including, but not limited to, the time the call started and  
26.14 ended, the duration of the call, the time of day the call was made, and any charges applied.  
26.15 However, for the purposes of this section, any information collected and retained by  
26.16 customers utilizing caller ID, or other similar technology, does not constitute a telephone  
26.17 record.

26.18 Subd. 2. **Crime defined; penalty.** (a) A person commits the crime of unlawful  
26.19 conduct relating to telephone records if the person:

26.20 (1) knowingly procures a telephone record of another without that person's  
26.21 authorization or by fraudulent, deceptive, or false means;

26.22 (2) knowingly sells a telephone record of another without that person's authorization;  
26.23 or

26.24 (3) receives a telephone record of another knowing that the record has been obtained  
26.25 without that person's authorization or by fraudulent, deceptive, or false means.

26.26 (b) A person who violates this subdivision may be sentenced to:

26.27 (1) imprisonment for not more than one year or to payment of a fine of not more  
26.28 than \$3,000, or both, if the violation involves a single telephone record;

26.29 (2) imprisonment for not more than two years or to payment of a fine of not more  
26.30 than \$20,000, or both, if the violation involves at least two and no more than ten telephone  
26.31 records; or

26.32 (3) imprisonment for not more than five years or to payment of a fine of not more  
26.33 than \$50,000, or both, if the violation involves more than ten telephone records.

26.34 Subd. 3. **Exceptions.** The penalties in this section do not apply to:

26.35 (1) peace officers or employees or agents of law enforcement agencies acting in  
26.36 the official course of their duties;

- 27.1 (2) individuals acting pursuant to a valid court order, warrant, or subpoena;  
 27.2 (3) employees or agents of telephone companies acting:  
 27.3 (i) as otherwise authorized by law;  
 27.4 (ii) with the lawful consent of the customer;  
 27.5 (iii) as may be necessarily incident to the rendition of the service to initiate, render,  
 27.6 bill, and collect customer charges, or to the protection of the rights or property of the  
 27.7 provider of that service, or to protect users of those services and other companies from  
 27.8 fraudulent, abusive, or unlawful use of, or subscription to, these services;  
 27.9 (iv) in cooperation with a governmental entity, if the telephone company reasonably  
 27.10 believes that an emergency involving immediate danger of death or serious physical injury  
 27.11 to any person justifies disclosure of the information;  
 27.12 (v) in cooperation with the National Center for Missing and Exploited Children,  
 27.13 in connection with a report submitted to it under United States Code, title 42, section  
 27.14 13032; or  
 27.15 (vi) in connection with the sale or transfer of all or part of the company's business,  
 27.16 or the purchase or acquisition of a portion or all of a business, or the migration of a  
 27.17 customer from one company to another.

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

27.20 Sec. 34. Minnesota Statutes 2004, section 611A.0315, is amended to read:

27.21 **611A.0315 VICTIM NOTIFICATION; DOMESTIC ASSAULT;**  
 27.22 **HARASSMENT.**

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

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

27.34 (c) Whenever a prosecutor notifies a victim of domestic assault or harassment under  
 27.35 this section, the prosecutor shall also inform the victim of the method and benefits of

28.1 seeking an order for protection under section 518B.01 or a restraining order under section  
28.2 609.748 and that the victim may seek an order without paying a fee.

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

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

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

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

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

28.11 (e) "Criminal sexual conduct" means a violation of sections 609.342 to 609.3453.

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

28.13 Sec. 35. Minnesota Statutes 2004, section 617.246, is amended by adding a subdivision  
28.14 to read:

28.15 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum  
28.16 sentence otherwise applicable to the offense or any provision of the sentencing guidelines,  
28.17 when a court commits a person to the custody of the commissioner of corrections for  
28.18 violating this section, the court shall provide that after the person has completed the  
28.19 sentence imposed, the commissioner shall place the person on conditional release for  
28.20 five years, minus the time the offender served on supervised release. If the person has  
28.21 previously been convicted of a violation of this section, section 609.342, 609.343,  
28.22 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United  
28.23 States, this state, or any state, the commissioner shall place the person on conditional  
28.24 release for ten years, minus the time the offender served on supervised release. The terms  
28.25 of conditional release are governed by section 609.3455, subdivision 8.

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

28.28 Sec. 36. Minnesota Statutes 2004, section 617.247, is amended by adding a subdivision  
28.29 to read:

28.30 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum  
28.31 sentence otherwise applicable to the offense or any provision of the sentencing guidelines,  
28.32 when a court commits a person to the custody of the commissioner of corrections for  
28.33 violating this section, the court shall provide that after the person has completed the  
28.34 sentence imposed, the commissioner shall place the person on conditional release for  
28.35 five years, minus the time the offender served on supervised release. If the person has

29.1 previously been convicted of a violation of this section, section 609.342, 609.343,  
 29.2 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United  
 29.3 States, this state, or any state, the commissioner shall place the person on conditional  
 29.4 release for ten years, minus the time the offender served on supervised release. The terms  
 29.5 of conditional release are governed by section 609.3455, subdivision 8.

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

29.8 Sec. 37. Laws 2005, chapter 136, article 16, section 3, the effective date, is amended to  
 29.9 read:

29.10 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 29.11 and applies to sentencing hearings, resentencing hearings, and sentencing departures  
 29.12 sought on or after that date. ~~This section expires February 1, 2007.~~

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

29.14 Sec. 38. Laws 2005, chapter 136, article 16, section 4, the effective date, is amended to  
 29.15 read:

29.16 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 29.17 and applies to sentencing hearings, resentencing hearings, and sentencing departures  
 29.18 sought on or after that date. ~~This section expires February 1, 2007.~~

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

29.20 Sec. 39. Laws 2005, chapter 136, article 16, section 5, the effective date, is amended to  
 29.21 read:

29.22 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 29.23 and applies to sentencing hearings, resentencing hearings, and sentencing departures  
 29.24 sought on or after that date. ~~This section expires February 1, 2007.~~

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

29.26 Sec. 40. Laws 2005, chapter 136, article 16, section 6, the effective date, is amended to  
 29.27 read:

29.28 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 29.29 and applies to sentencing hearings, resentencing hearings, and sentencing departures  
 29.30 sought on or after that date. ~~This section expires February 1, 2007.~~

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

29.32 Sec. 41. **COLLATERAL CONSEQUENCES COMMITTEE.**



30.1 Subdivision 1. Establishment; duties. A collateral consequences committee  
 30.2 is established to study collateral consequences of adult convictions and juvenile  
 30.3 adjudications. The committee shall identify the uses of collateral consequences of  
 30.4 convictions and adjudications and recommend any proposed changes to the legislature on  
 30.5 collateral consequences.

30.6 Subd. 2. Resources. The Department of Corrections shall provide technical  
 30.7 assistance to the committee on request, with the assistance of the commissioner of public  
 30.8 safety and the Sentencing Guidelines Commission.

30.9 Subd. 3. Membership. The committee consists of:

30.10 (1) one representative from each of the following groups:

30.11 (i) crime victim advocates, appointed by the commissioner of public safety;

30.12 (ii) county attorneys, appointed by the Minnesota County Attorneys Association;

30.13 (iii) city attorneys, appointed by the League of Minnesota Cities;

30.14 (iv) district court judges, appointed by the Judicial Council;

30.15 (v) private criminal defense attorneys, appointed by the Minnesota Association of  
 30.16 Criminal Defense Lawyers;

30.17 (vi) probation officers, appointed by the Minnesota Association of County Probation  
 30.18 Officers; and

30.19 (vii) the state public defender or a designee; and

30.20 (2) the commissioner of public safety, or a designee, who shall chair the group.

30.21 Subd. 4. Report and recommendations. The committee shall present the  
 30.22 legislature with its report and recommendations no later than January 15, 2007. The  
 30.23 report must be presented to the chairs of the senate Crime Prevention and Public Safety  
 30.24 Committee and the house Public Safety and Finance Committee.

30.25 EFFECTIVE DATE. This section is effective July 1, 2006.

30.26 Sec. 42. SENTENCING GUIDELINES MODIFICATIONS.

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

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

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

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

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

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

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

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

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

31.11 Sec. 43. **REVISOR'S INSTRUCTION.**

31.12 When appropriate, the revisor of statutes shall replace statutory references to  
31.13 Minnesota Statutes, section 609.108, with references to section 609.3455, subdivision 3a.

31.14 **EFFECTIVE DATE.** This section is effective August 1, 2006.

31.15 Sec. 44. **REPEALER.**

31.16 Minnesota Statutes 2004, sections 488A.03, subdivision 11b; 609.108, subdivision  
31.17 5; and 609.109, subdivisions 1 and 3, and Minnesota Statutes 2005 Supplement, sections  
31.18 609.108, subdivisions 1, 3, 4, 6, and 7; and 609.109, subdivisions 2, 4, 5, and 6, are  
31.19 repealed.

31.20 **EFFECTIVE DATE.** This section is effective August 1, 2006, and applies to  
31.21 crimes committed on or after that date, except for the repeal of Minnesota Statutes, section  
31.22 488A.03, subdivision 11b, which is effective July 1, 2006.

## 31.23 **ARTICLE 2**

### 31.24 **CONTROLLED SUBSTANCES, DWI, AND TRAFFIC SAFETY PROVISIONS**

31.25 Section 1. Minnesota Statutes 2004, section 152.01, subdivision 18, is amended to read:

31.26 Subd. 18. **Drug paraphernalia.** (a) Except as otherwise provided in paragraph (b),  
31.27 "drug paraphernalia" means all equipment, products, and materials of any kind, except  
31.28 those items used in conjunction with permitted uses of controlled substances under this  
31.29 chapter or the Uniform Controlled Substances Act, which are ~~knowingly or intentionally~~  
31.30 used primarily in (1) manufacturing a controlled substance, (2) injecting, ingesting,  
31.31 inhaling, or otherwise introducing into the human body a controlled substance, (3) testing  
31.32 the strength, effectiveness, or purity of a controlled substance, or (4) enhancing the effect  
31.33 of a controlled substance.

32.1 (b) "Drug paraphernalia" does not include the possession, manufacture, delivery, or  
 32.2 sale of hypodermic needles or syringes in accordance with section 151.40, subdivision 2.

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

32.5 Sec. 2. Minnesota Statutes 2004, section 152.093, is amended to read:

32.6 **152.093 MANUFACTURE OR DELIVERY SALE OF DRUG**  
 32.7 **PARAPHERNALIA PROHIBITED.**

32.8 Subdivision 1. Sales generally. (a) It is unlawful for any person knowingly or  
 32.9 intentionally to deliver sell drug paraphernalia or knowingly or intentionally to possess or  
 32.10 manufacture drug paraphernalia for delivery, knowing or having reason to know, that the  
 32.11 item will be used primarily to:

32.12 (1) manufacture a controlled substance;

32.13 (2) inject, ingest, inhale, or otherwise introduce into the human body a controlled  
 32.14 substance;

32.15 (3) test the strength, effectiveness, or purity of a controlled substance; or

32.16 (4) enhance the effect of a controlled substance.

32.17 (b) Any violation of this section subdivision is a misdemeanor.

32.18 Subd. 2. Sales to minor. Any person 18 years of age or older who violates  
 32.19 subdivision 1 by selling drug paraphernalia to a person under 18 years of age who is at  
 32.20 least three years younger is guilty of a gross misdemeanor.

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

32.23 Sec. 3. **[152.0955] PROHIBITION ON POSSESSION OF CERTAIN ITEMS**  
 32.24 **ASSOCIATED WITH CONTROLLED SUBSTANCE USE.**

32.25 Subdivision 1. Definitions. As used in this section, the following terms have the  
 32.26 meanings given:

32.27 (1) "bong" means any pipe or smoking device, commonly referred to as a bong or  
 32.28 water bong, having one tube that attaches to or is part of the pipe or device, that allows for  
 32.29 a smoked product to be drawn from a reservoir or bowl, through a quantity of water or  
 32.30 other liquid substance, or through another tube or opening on the pipe or device;

32.31 (2) "dugout" means a storage device, commonly referred to as a dugout, designed  
 32.32 with separate reservoirs for marijuana and a one-hit pipe;

32.33 (3) "glass pipe" means any pipe or smoking device that is made of glass and that has  
 32.34 a reservoir capable of holding controlled substances for ingestion;

33.1           (4) "marijuana pipe" means any pipe or smoking device, except for a traditional  
33.2 pipe, that is made of solid material, including ivory, onyx, glass, metal, stone, or any other  
33.3 material, having a reservoir and a direct channel or a channel filtered by a screen, leading  
33.4 to an open end, commonly known as a bowl;

33.5           (5) "one-hit pipe" means any pipe or smoking device that consists of a reservoir on  
33.6 one end, with a direct channel or a channel filtered by a screen that leads to the opposite  
33.7 end, designed as a linear device, and without a separately attached bowl or reservoir; and

33.8           (6) "traditional pipe" means a smoking device that has a sole use for consumption of  
33.9 tobacco, not containing a screen in the bowl section, such as a corncob pipe.

33.10          Subd. 2. **Possession prohibited.** A person who knowingly possesses a bong,  
33.11 dugout, glass pipe, marijuana pipe, or one-hit pipe is guilty of a petty misdemeanor.

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

33.14          Sec. 4. Minnesota Statutes 2004, section 152.18, subdivision 1, is amended to read:

33.15          Subdivision 1. **Deferring prosecution for certain first time drug offenders.** If any  
33.16 person who has not previously participated in or completed a diversion program authorized  
33.17 under section 401.065 or who has not previously been placed on probation without a  
33.18 judgment of guilty and thereafter been discharged from probation under this section is  
33.19 found guilty of a violation of section 152.024, subdivision 2, 152.025, subdivision 2, or  
33.20 152.027, subdivision 2, 3, or 4, for possession of a controlled substance, after trial or upon  
33.21 a plea of guilty, and the court determines that the violation does not qualify as a subsequent  
33.22 controlled substance conviction under section 152.01, subdivision 16a, the court ~~may~~ shall,  
33.23 without entering a judgment of guilty and with the consent of the person, either (1) defer  
33.24 further proceedings and place the person on probation upon such reasonable conditions  
33.25 as it may require and for a period, not to exceed the maximum sentence provided for the  
33.26 violation. ~~The court~~ or (2) state in writing the reason why a deferral is inappropriate. If the  
33.27 court grants a deferral, it may give the person the opportunity to attend and participate  
33.28 in an appropriate program of education regarding the nature and effects of alcohol and  
33.29 drug abuse as a stipulation of probation. Upon violation of a condition of the probation,  
33.30 the court may enter an adjudication of guilt and proceed as otherwise provided. The  
33.31 court may, in its discretion, dismiss the proceedings against the person and discharge the  
33.32 person from probation before the expiration of the maximum period prescribed for the  
33.33 person's probation. If during the period of probation the person does not violate any of the  
33.34 conditions of the probation, then upon expiration of the period the court shall discharge the  
33.35 person and dismiss the proceedings against that person. Discharge and dismissal under this

34.1 subdivision shall be without court adjudication of guilt, but a not public record of it shall  
 34.2 be retained by the Bureau of Criminal Apprehension for the purpose of use by the courts  
 34.3 in determining the merits of subsequent proceedings against the person. The not public  
 34.4 record may also be opened only upon court order for purposes of a criminal investigation,  
 34.5 prosecution, or sentencing. Upon request by law enforcement, prosecution, or corrections  
 34.6 authorities, the bureau shall notify the requesting party of the existence of the not public  
 34.7 record and the right to seek a court order to open it pursuant to this section. The court shall  
 34.8 forward a record of any discharge and dismissal under this subdivision to the bureau which  
 34.9 shall make and maintain the not public record of it as provided under this subdivision. The  
 34.10 discharge or dismissal shall not be deemed a conviction for purposes of disqualifications  
 34.11 or disabilities imposed by law upon conviction of a crime or for any other purpose.

34.12 For purposes of this subdivision, "not public" has the meaning given in section  
 34.13 13.02, subdivision 8a.

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

34.15 Sec. 5. Minnesota Statutes 2004, section 169A.24, subdivision 1, is amended to read:

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

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

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

34.21 (3) has previously been convicted of a felony under section 609.21, subdivision 1,  
 34.22 clause (2), (3), (4), (5), or (6); subdivision 2, clause (2), (3), (4), (5), or (6); subdivision 2a,  
 34.23 clause (2), (3), (4), (5), or (6); subdivision 3, clause (2), (3), (4), (5), or (6); or subdivision  
 34.24 4, clause (2), (3), (4), (5), or (6).

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

34.27 Sec. 6. Minnesota Statutes 2004, section 169A.70, is amended by adding a subdivision  
 34.28 to read:

34.29 **Subd. 8. Court's authority to require assessments in other instances.** A court  
 34.30 having jurisdiction over a person in a juvenile, criminal, or civil commitment proceeding  
 34.31 may order that the person submit to a chemical use assessment under this section if the  
 34.32 court has reason to believe that the person may have a chemical dependency problem.

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

35.1 Sec. 7. Minnesota Statutes 2005 Supplement, section 171.18, subdivision 1, is  
35.2 amended to read:

35.3 Subdivision 1. **Offenses.** (a) The commissioner may suspend the license of a driver  
35.4 without preliminary hearing upon a showing by department records or other sufficient  
35.5 evidence that the licensee:

35.6 (1) has committed an offense for which mandatory revocation of license is required  
35.7 upon conviction;

35.8 (2) has been convicted by a court for violating a provision of chapter 169 or  
35.9 an ordinance regulating traffic, other than a conviction for a petty misdemeanor, and  
35.10 department records show that the violation contributed in causing an accident resulting in  
35.11 the death or personal injury of another, or serious property damage;

35.12 (3) is an habitually reckless or negligent driver of a motor vehicle;

35.13 (4) is an habitual violator of the traffic laws;

35.14 (5) is incompetent to drive a motor vehicle as determined in a judicial proceeding;

35.15 (6) has permitted an unlawful or fraudulent use of the license;

35.16 (7) has committed an offense in another state that, if committed in this state, would  
35.17 be grounds for suspension;

35.18 (8) has committed a violation of section 169.444, subdivision 2, paragraph (a),  
35.19 within five years of a prior conviction under that section;

35.20 (9) has committed a violation of section 171.22, except that the commissioner may  
35.21 not suspend a person's driver's license based solely on the fact that the person possessed a  
35.22 fictitious or fraudulently altered Minnesota identification card;

35.23 (10) has failed to appear in court as provided in section 169.92, subdivision 4;

35.24 (11) has failed to report a medical condition that, if reported, would have resulted in  
35.25 cancellation of driving privileges;

35.26 (12) has been found to have committed an offense under section 169A.33; or

35.27 (13) has paid or attempted to pay a fee required under this chapter for a license or  
35.28 permit by means of a dishonored check issued to the state or a driver's license agent,  
35.29 which must be continued until the registrar determines or is informed by the agent that  
35.30 the dishonored check has been paid in full.

35.31 However, an action taken by the commissioner under clause (2) or (5) must conform to  
35.32 the recommendation of the court when made in connection with the prosecution of the  
35.33 licensee.

4 (b) The commissioner may not suspend the driver's license of an individual under  
35.35 paragraph (a) who was convicted of a violation of section 171.24, subdivision 1, whose  
35.36 license was under suspension at the time solely because of the individual's failure to  
35.37 appear in court or failure to pay a fine.

36.1 EFFECTIVE DATE. This section is effective July 1, 2006.

36.2 Sec. 8. REPEALER.

36.3 Minnesota Statutes 2004, section 152.094, is repealed.

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

36.6 **ARTICLE 3**  
36.7 **PUBLIC SAFETY POLICY**

36.8 Section 1. [4.055] GOVERNOR'S RESIDENCE EMPLOYEES AND  
36.9 GOVERNOR APPOINTEE BACKGROUND CHECKS.

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

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

36.14 (2) the statewide supervision system maintained by the Department of Corrections;

36.15 and

36.16 (3) national criminal history information maintained by the Federal Bureau of  
36.17 Investigation;

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

36.25 EFFECTIVE DATE. This section is effective July 1, 2006.

36.26 Sec. 2. Minnesota Statutes 2004, section 13.6905, is amended by adding a subdivision  
36.27 to read:

36.28 Subd. 1a. Facility security assessments and plans. Hazardous substance or oil  
36.29 facility security assessments and plans are classified under section 115E.04, subdivision  
36.30 4b.

31 EFFECTIVE DATE. This section is effective July 1, 2006.

36.32 Sec. 3. Minnesota Statutes 2004, section 115E.01, subdivision 5, is amended to read:

36.33 Subd. 5. Facility. "Facility" means a structure, group of structures, equipment,  
36.34 or device, other than a vessel, that is used for one or more of the following purposes:

37.1 exploring for, drilling for, producing, storing, handling, transferring, processing, or  
37.2 transporting oil or a hazardous substance. Facility includes a motor vehicle, rolling stock,  
37.3 or pipeline used for one or more of these purposes. Facility also includes a research and  
37.4 development laboratory, which means a specially designated area used primarily for  
37.5 research, development, and testing activity and not primarily involved in the production of  
37.6 goods for commercial sale. A facility may be in, on, or under land, or in, on, or under  
37.7 waters of the state as defined in section 115.01, subdivision 22.

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

37.9 Sec. 4. Minnesota Statutes 2004, section 115E.01, subdivision 6, is amended to read:

37.10 Subd. 6. **Hazardous substance.** "Hazardous substance" has the meaning given  
37.11 in section 115B.02, subdivision 8. In addition, hazardous substance includes the  
37.12 substances listed under section 112r of the Clean Air Act, as provided by Code of Federal  
37.13 Regulations, title 40, part 68.

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

37.15 Sec. 5. Minnesota Statutes 2004, section 115E.01, subdivision 7, is amended to read:

37.16 Subd. 7. **Lead agency.** "Lead agency" means:

- 37.17 (1) the Department of Agriculture, with respect to agricultural chemicals; ~~or~~  
37.18 (2) the Pollution Control Agency, for other hazardous substances or oil; or  
37.19 (3) the Department of Public Safety, with respect to the security planning and  
37.20 security measures.

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

37.22 Sec. 6. Minnesota Statutes 2004, section 115E.01, is amended by adding a subdivision  
37.23 to read:

37.24 Subd. 11d. **Security measure.** "Security measure" means an action carried out to  
37.25 increase the security of a facility, including employee training and background checks,  
37.26 limitation and prevention of access to controls of the facility, protection of the perimeter  
37.27 of the facility, installation and operation of an intrusion detection sensor, or a measure to  
37.28 increase computer or computer network security.

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

37.30 Sec. 7. Minnesota Statutes 2004, section 115E.01, is amended by adding a subdivision  
37.31 to read:

37.32 Subd. 11e. **Use of inherently safer technology.** "Use of inherently safer  
37.33 technology" means the use of a technology, product, raw material, or practice that, as



38.1 compared with the technologies, products, raw materials, or practices currently in use,  
38.2 reduces or eliminates the possibility of a release, and reduces or eliminates the threats to the  
38.3 public health or safety and environment associated with the release or threatened release.

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

38.5 Sec. 8. Minnesota Statutes 2004, section 115E.01, subdivision 13, is amended to read:

38.6 Subd. 13. **Worst case discharge.** "Worst case discharge" means:

38.7 (1) in the case of a vessel, sudden loss of the entire contents of the vessel in weather  
38.8 conditions that impede cleanup;

38.9 (2) for each tank of a storage tank facility, sudden loss of the entire contents of the  
38.10 tank in weather conditions that impede cleanup;

38.11 (3) in the case of railroad rolling stock facilities, sudden loss of the contents of the  
38.12 maximum expected number of the rail cars containing oil or hazardous substance of a train  
38.13 onto land or into water in weather conditions that impede cleanup;

38.14 (4) in the case of truck and trailer rolling stock facilities, sudden loss of the entire  
38.15 contents of the truck or trailer onto land or into water in weather conditions that impede  
38.16 cleanup;

38.17 (5) in the case of a pipeline facility, sudden loss of the contents of the pipeline  
38.18 which would be expected from complete failure of the pipeline onto land or into water in  
38.19 weather conditions that impede cleanup;

38.20 (6) in the case of oil or hazardous substance transfer facilities, sudden loss of the  
38.21 largest volume which could occur during transfer into or out of a facility; ~~or~~

38.22 (7) in the case of a facility with more than the threshold quantity of any substance  
38.23 listed in Code of Federal Regulations, title 40, part 68, under section 112r of the Clean  
38.24 Air Act, on the property at any point in the year, sudden loss of the maximum expected  
38.25 inventory of the substances; or

38.26 (8) the worst case discharge for the facility as described by regulations under the  
38.27 Oil Pollution Act of 1990 if the regulations, when adopted, describe a discharge worse  
38.28 than one described in clauses (1) to ~~(6)~~ (7).

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

38.30 Sec. 9. **[115E.025] DUTY TO SECURE FACILITIES.**

38.31 Subdivision 1. **General security.** A person who owns or operates a vessel or  
38.32 facility transporting, storing, or otherwise handling hazardous substances or oil, or who  
38.33 is otherwise in control of hazardous substances or oil, shall take reasonable security

39.1 measures to prevent the unauthorized access of persons to the facilities or to the control  
39.2 mechanisms of the facility.

39.3 Subd. 2. Specific security measures. The following persons shall comply with the  
39.4 specific requirements of section 115E.04, subdivision 1a:

39.5 (1) persons who own or operate facilities subject to Code of Federal Regulations,  
39.6 title 40, part 68, under section 112r of the Clean Air Act, except for retail facilities at  
39.7 which more than one-half of the income is obtained from direct sales of ammonia or  
39.8 propane to end users; and

39.9 (2) persons who own or operate facilities containing 1,000,000 gallons or more of  
39.10 oil or hazardous substance in tank storage at any time.

39.11 EFFECTIVE DATE. This section is effective July 1, 2006.

39.12 Sec. 10. Minnesota Statutes 2004, section 115E.04, is amended by adding a subdivision  
39.13 to read:

39.14 Subd. 1a. Security plan. Persons required to show specific security measures  
39.15 under section 115E.025, subdivision 2, shall prepare and maintain a facility security  
39.16 plan. The security plan must be completed in consultation with local law enforcement  
39.17 agencies. The security plan must:

39.18 (1) summarize the methods used and results of an assessment of vulnerability of  
39.19 the facility to a terrorist attack or other unauthorized entry and release, the expertise  
39.20 and affiliation of the evaluators, and any direct or indirect relationship between the  
39.21 vulnerability evaluators and the owner or operator of the facility;

39.22 (2) provide an inventory of the hazardous substance or oil subject to the security  
39.23 plan, with ranges of the quantity of each substance expected to be in the facility and  
39.24 entering and leaving the facility during the course of a year;

39.25 (3) assess the use of inherently safer technology in reducing or eliminating the  
39.26 vulnerability of the facility and the possibility of an unauthorized release;

39.27 (4) describe actions and procedures, including safer design and maintenance of  
39.28 the facility, use of inherently safer technology, and all appropriate security measures  
39.29 undertaken to eliminate or significantly lessen the vulnerability to an unauthorized entry to  
39.30 the facility or an unauthorized release of oil or a hazardous substance; and

39.31 (5) list the names of all insurance carriers underwriting the facility's environmental  
39.32 liability and workers' compensation insurance policies and the scope of the policies,  
39.33 including any limitations and exclusions.

39.34 A plan submitted to the federal government under the Oil Pollution Act of 1990 or  
39.35 prepared under any other law may be used to satisfy the security plan requirement, if the  
39.36 information required by this subdivision is included in the plan. A community water

40.1 system vulnerability assessment and emergency response plan prepared under the Public  
 40.2 Health Security and Bioterrorism Preparedness and Response Act of 2002 may be used  
 40.3 to satisfy the security plan requirement.

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

40.5 Sec. 11. Minnesota Statutes 2004, section 115E.04, subdivision 2, is amended to read:

40.6 Subd. 2. **Timing.** (a) A person required to be prepared under section 115E.03, other  
 40.7 than a person who owns or operates a motor vehicle, rolling stock, or a facility that stores  
 40.8 less than 250,000 gallons of oil or a hazardous substance, shall complete the response plan  
 40.9 required by this section by March 1, 1993, unless one of the commissioners orders the  
 40.10 person to demonstrate preparedness at an earlier date under section 115E.05.

40.11 (b) A person who owns or operates a motor vehicle, rolling stock, or a facility  
 40.12 that stores less than 250,000 gallons of oil or a hazardous substance shall complete the  
 40.13 response plan required by this section by January 1, 1994.

40.14 (c) A person required to prepare a security plan shall complete it within 90 days of the  
 40.15 effective date of this act. The security plan must be amended following significant change  
 40.16 in the security measures, vulnerability, or presence of hazardous substances on the facility.

40.17 (d) Plans required under section 115E.04 or 115E.045 must be updated every three  
 40.18 years. Plans must be updated before three years following a significant discharge, upon  
 40.19 significant change in vessel or facility operation or ownership, upon significant change in  
 40.20 the national or area contingency plans under the Oil Pollution Act of 1990, or upon change  
 40.21 in the capabilities or role of a person named in a plan who has an important response role.

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

40.23 Sec. 12. Minnesota Statutes 2004, section 115E.04, is amended by adding a subdivision  
 40.24 to read:

40.25 Subd. 4a. **Review of security plans.** (a) A person required to complete a security  
 40.26 plan under section 115E.025, subdivision 2, must submit a copy of the security plan to the  
 40.27 Department of Public Safety within five business days of its completion.

40.28 (b) Authorized staff of the Department of Public Safety must be granted access to  
 40.29 the facility for the purpose of inspecting security measures.

40.30 (c) Upon the request of authorized staff of the Department of Public Safety, a person  
 40.31 shall demonstrate the adequacy of the security plan and security measures by conducting  
 40.32 announced or unannounced drills, calling persons and organizations named in a security  
 40.33 plan and verifying roles and capabilities, locating and testing security measure procedures  
 40.34 or equipment, questioning facility personnel, or other means that in the judgment of the  
 40.35 commissioner or sheriff demonstrate security. Before requesting an unannounced security

41.1 drill, the commissioner of public safety or authorized person shall invite the county sheriff  
 41.2 to participate in or witness the drill. If an announced drill is conducted to the satisfaction  
 41.3 of the commissioner, the person conducting the security drill may not be required to  
 41.4 conduct an additional unannounced security drill in the same calendar year.

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

41.6 Sec. 13. Minnesota Statutes 2004, section 115E.04, is amended by adding a subdivision  
 41.7 to read:

41.8 **Subd. 4b. Data.** Assessments and plans prepared under this section and material  
 41.9 specifically related to preparation, review, or approval of a plan are nonpublic data as  
 41.10 defined in section 13.02, except that the data may be provided to law enforcement,  
 41.11 firefighters, members of the National Guard, or other representatives of a government  
 41.12 entity responding to a request for services at a facility that is the subject of the assessment  
 41.13 and plan.

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

41.15 Sec. 14. Minnesota Statutes 2004, section 115E.05, subdivision 1, is amended to read:

41.16 **Subdivision 1. Amendment to plan.** If one or more of the commissioners finds  
 41.17 the prevention and response plans or preparedness measures of a person do not meet the  
 41.18 requirements of this chapter, or if the commissioner or public safety finds that the security  
 41.19 plan does not meet the requirements of this chapter, the commissioner or commissioners  
 41.20 making the finding may by order require that reasonable amendments to the plan or  
 41.21 reasonable additional preventive ~~or~~, preparedness, or security measures be implemented  
 41.22 in a timely fashion. If more than one commissioner makes the finding, the order must  
 41.23 be a joint order.

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

41.25 Sec. 15. Minnesota Statutes 2004, section 115E.05, subdivision 2, is amended to read:

41.26 **Subd. 2. Compliance.** If oil or a hazardous substance is discharged while it is  
 41.27 under the control of a person not identified in section 115E.03, subdivision 2, or in  
 41.28 section 115E.025, any one of the commissioners with appropriate jurisdiction may by  
 41.29 order require the person to comply with the prevention and response plan or security plan  
 41.30 requirements of sections 115E.03 and 115E.04 in a timely manner if:

- 41.31 (1) land, water, or air of the state is polluted or threatened; or  
 41.32 (2) human life, safety, health, natural resources, or property is damaged or threatened.

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

42.1 Sec. 16. Minnesota Statutes 2004, section 115E.08, subdivision 3, is amended to read:

42.2 Subd. 3. **Jurisdiction.** Except as otherwise provided, the following agencies have  
42.3 primary responsibility for the specified areas in carrying out the duties and authorities  
42.4 of this chapter:

42.5 (1) the Department of Agriculture, for agricultural chemicals;

42.6 (2) the Department of Public Safety, for public safety ~~and~~ protection of property,  
42.7 and security measures;

42.8 (3) the Department of Natural Resources, for assessment and rehabilitation of water  
42.9 resources;

42.10 (4) the Pollution Control Agency, for all other matters subject to this chapter; and

42.11 (5) the Department of Transportation, with respect to requirements related to the  
42.12 packaging, labeling, placarding, routing, and written reporting on releases of hazardous  
42.13 materials that are being transported.

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

42.15 Sec. 17. Minnesota Statutes 2004, section 144.7401, is amended by adding a  
42.16 subdivision to read:

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

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

42.22 Sec. 18. Minnesota Statutes 2004, section 181.973, is amended to read:

42.23 **181.973 EMPLOYEE PUBLIC SAFETY PEER COUNSELING AND**  
42.24 **DEBRIEFING.**

42.25 A person engaged in a public safety peer counseling or a public safety peer debriefing  
42.26 shall not, without the permission of the person being debriefed or counseled, be allowed to  
42.27 disclose any information or opinion which the peer group member or peer counselor has  
42.28 acquired during the debriefing process. However, this does not prohibit a peer counselor  
42.29 from disclosing information the peer counselor reasonably believes indicates that the  
42.30 person may be a danger to self or others, if the information is used only for the purpose of  
42.31 eliminating the danger to the person or others. Any information or opinion disclosed in  
42.32 violation of this paragraph is not admissible as evidence in any personnel or occupational  
42.33 licensing matter involving the person being debriefed or counseled.

42.34 For purposes of this ~~paragraph~~ section, "public safety peer counseling or debriefing"  
42.35 means a group process oriented debriefing session, or one-to-one contact with a peer

43.1 counselor, held for peace officers, firefighters, medical emergency persons, dispatchers,  
43.2 or other persons involved with public safety emergency services, that is established by  
43.3 any agency providing public safety emergency services and is designed to help a person  
43.4 who has suffered an occupation-related ~~traumatic event~~ trauma, illness, or stress begin  
43.5 the process of healing and effectively dealing with ~~posttraumatic stress~~ the person's  
43.6 problems or the use of the peer counselor for direction with referrals to better service  
43.7 these occupation-related issues. A "peer counselor" means someone so designated by  
43.8 that agency.

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

43.10 Sec. 19. Minnesota Statutes 2005 Supplement, section 243.166, subdivision 1b,  
43.11 is amended to read:

43.12 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

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

43.17 (i) murder under section 609.185, clause (2);

43.18 (ii) kidnapping under section 609.25;

43.19 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345;  
43.20 609.3451, subdivision 3; or 609.3453; or

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

43.22 (2) the person was charged with or petitioned for a violation of, or attempt to  
43.23 violate, or aiding, abetting, or conspiracy to commit false imprisonment in violation of  
43.24 section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of  
43.25 section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of  
43.26 section 609.352; using a minor in a sexual performance in violation of section 617.246;  
43.27 or possessing pornographic work involving a minor in violation of section 617.247, and  
43.28 convicted of or adjudicated delinquent for that offense or another offense arising out  
43.29 of the same set of circumstances;

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

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

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

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

44.4 (2) the person enters this state to reside, work, or attend school, or enters this state  
 44.5 and remains for 14 days or longer; and

44.6 (3) ten years have not elapsed since the person was released from confinement  
 44.7 or, if the person was not confined, since the person was convicted of or adjudicated  
 44.8 delinquent for the offense that triggers registration, unless the person is subject to lifetime  
 44.9 registration, ~~in which case.~~ If the person is required to register for life under Minnesota  
 44.10 law or the law of any other state in which the person has been convicted, adjudicated, or  
 44.11 required to register, the person shall register for life regardless of when the person was  
 44.12 released from confinement, convicted, or adjudicated delinquent.

44.13 (c) A person also shall register under this section if the person was committed  
 44.14 pursuant to a court commitment order under section 253B.185 or Minnesota Statutes  
 44.15 1992, section 526.10, or a similar law of another state or the United States, regardless of  
 44.16 whether the person was convicted of any offense.

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

44.18 (1) the person was charged with or petitioned for a felony violation or attempt to  
 44.19 violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another  
 44.20 state or the United States, or the person was charged with or petitioned for a violation of  
 44.21 any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or  
 44.22 the United States;

44.23 (2) the person was found not guilty by reason of mental illness or mental deficiency  
 44.24 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in  
 44.25 states with a guilty but mentally ill verdict; and

44.26 (3) the person was committed pursuant to a court commitment order under section  
 44.27 253B.18 or a similar law of another state or the United States.

44.28 **EFFECTIVE DATE.** This section is effective the day following final enactment  
 44.29 and applies to offenders residing in Minnesota on or after that date.

44.30 Sec. 20. Minnesota Statutes 2005 Supplement, section 243.166, subdivision 6, is  
 44.31 amended to read:

44.32 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section  
 44.33 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person  
 44.34 required to register under this section shall continue to comply with this section until ten  
 44.35 years have elapsed since the person initially registered in connection with the offense, or  
 44.36 until the probation, supervised release, or conditional release period expires, whichever

45.1 occurs later. For a person required to register under this section who is committed under  
45.2 section 253B.18 or 253B.185, the ten-year registration period does not include the period  
45.3 of commitment.

45.4 (b) If a person required to register under this section fails to provide the person's  
45.5 primary address as required by subdivision 3, paragraph (b), fails to comply with the  
45.6 requirements of subdivision 3a, fails to provide information as required by subdivision  
45.7 4a, or fails to return the verification form referenced in subdivision 4 within ten days,  
45.8 the commissioner of public safety may require the person to continue to register for an  
45.9 additional period of five years. This five-year period is added to the end of the offender's  
45.10 registration period.

45.11 (c) If a person required to register under this section is subsequently incarcerated  
45.12 following a conviction for a new offense or following a revocation of probation,  
45.13 supervised release, or conditional release for any offense, the person shall continue to  
45.14 register until ten years have elapsed since the person was last released from incarceration  
45.15 or until the person's probation, supervised release, or conditional release period expires,  
45.16 whichever occurs later.

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

45.18 (1) if the person is convicted of or adjudicated delinquent for any offense for which  
45.19 registration is required under subdivision 1b, or any offense from another state or any  
45.20 federal offense similar to the offenses described in subdivision 1b, and the person has a  
45.21 prior conviction or adjudication for an offense for which registration was or would have  
45.22 been required under subdivision 1b, or an offense from another state or a federal offense  
45.23 similar to an offense described in subdivision 1b;

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

45.27 (3) if the person is required to register based upon a conviction for an offense under  
45.28 section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision  
45.29 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g);  
45.30 or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the  
45.31 United States similar to the offenses described in this clause; ~~or~~

45.32 (4) if the person is required to register under subdivision 1b, paragraph (c), following  
45.33 commitment pursuant to a court commitment under section 253B.185 or a similar law  
45.34 of another state or the United States; or

45.35 (5) if the person is required to register for life under the law of any other state in  
45.36 which the person has been previously convicted, adjudicated, or required to register.



46.1 EFFECTIVE DATE. This section is effective the day following final enactment  
46.2 and applies to offenders residing in Minnesota on or after that date.

46.3 Sec. 21. [299A.85] DEATH SCENE INVESTIGATIONS.

46.4 (a) The Department of Public Safety shall provide information to local law  
46.5 enforcement agencies about best practices for handling death scene investigations.

46.6 (b) The Department of Public Safety shall identify any publications or training  
46.7 opportunities that may be available to local law enforcement agencies or law enforcement  
46.8 officers concerning the handling of death scene investigations.

46.9 EFFECTIVE DATE. This section is effective August 1, 2006.

46.10 Sec. 22. Minnesota Statutes 2005 Supplement, section 299C.105, subdivision 3,  
46.11 is amended to read:

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

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

46.21 EFFECTIVE DATE. This section is effective July 1, 2006.

46.22 Sec. 23. [299C.156] FORENSIC LABORATORY ADVISORY BOARD.

46.23 Subdivision 1. Membership. (a) The Forensic Laboratory Advisory Board consists  
46.24 of the following:

46.25 (1) the superintendent of the Bureau of Criminal Apprehension or the  
46.26 superintendent's designee;

46.27 (2) the commissioner of public safety or the commissioner's designee;

46.28 (3) the commissioner of corrections or the commissioner's designee;

46.29 (4) an individual with expertise in the field of forensic science, selected by the  
46.30 governor;

46.31 (5) an individual with expertise in the field of forensic science, selected by the  
46.32 attorney general;

46.33 (6) a faculty member of the University of Minnesota, selected by the president of  
46.34 the university;

- 47.1 (7) the state public defender or a designee;  
47.2 (8) a prosecutor, selected by the Minnesota County Attorneys Association;  
47.3 (9) a sheriff, selected by the Minnesota Sheriffs Association;  
47.4 (10) a police chief, selected by the Minnesota Chiefs of Police Association;  
47.5 (11) a judge or court administrator, selected by the chief justice of the Supreme  
47.6 Court; and  
47.7 (12) a criminal defense attorney, selected by the Minnesota State Bar Association.  
47.8 (b) The board shall select a chair from among its members.  
47.9 (c) Board members serve four-year terms and may be reappointed.  
47.10 (d) The board may employ staff necessary to carry out its duties.  
47.11 Subd. 2. Duties. The board may:  
47.12 (1) develop and implement a reporting system through which laboratories, facilities,  
47.13 or entities that conduct forensic analyses report professional negligence or misconduct  
47.14 that substantially affects the integrity of the forensic results committed by employees  
47.15 or contractors;  
47.16 (2) encourage all laboratories, facilities, or entities that conduct forensic analyses to  
47.17 report professional negligence or misconduct that substantially affects the integrity of the  
47.18 forensic results committed by employees or contractors to the board;  
47.19 (3) investigate, in a timely manner, any allegation of professional negligence or  
47.20 misconduct that would substantially affect the integrity of the results of a forensic analysis  
47.21 conducted by a laboratory, facility, or entity; and  
47.22 (4) encourage laboratories, facilities, and entities that conduct forensic analyses to  
47.23 become accredited by the American Society of Crime Laboratory Directors/Laboratory  
47.24 Accreditation Board (ALCLD/LAB) or other appropriate accrediting body and develop  
47.25 and implement a process for those entities to report their accreditation status to the board.  
47.26 Subd. 3. Investigations. An investigation under subdivision 2, clause (3):  
47.27 (1) may include the preparation of a written report that identifies and describes the  
47.28 methods and procedures used to identify:  
47.29 (i) the alleged negligence or misconduct;  
47.30 (ii) whether negligence or misconduct occurred; and  
47.31 (iii) any corrective action required of the laboratory, facility, or entity; and  
47.32 (2) may include one or more:  
47.33 (i) retrospective reexaminations of other forensic analyses conducted by the  
47.34 laboratory, facility, or entity that may involve the same kind of negligence or misconduct;  
47.35 and  
47.36 (ii) follow-up evaluations of the laboratory, facility, or entity to review:

48.1 (A) the implementation of any corrective action required under clause (1), item  
48.2 (iii); or

48.3 (B) the conclusion of any retrospective reexamination under this clause, item (i).

48.4 Subd. 4. **Delegation of duties.** The board by contract may delegate the duties  
48.5 described in subdivision 2, clauses (1) and (3), to any person or entity that the board  
48.6 determines to be qualified to assume those duties.

48.7 Subd. 5. **Reviews and reports are public.** The board shall make all investigation  
48.8 reports completed under subdivision 3, clause (1), available to the public. A report  
48.9 completed under subdivision 3, clause (1), in a subsequent civil or criminal proceeding is  
48.10 not prima facie evidence of the information or findings contained in the report.

48.11 Subd. 6. **Reports to legislature.** By January 15 of each year, the board shall submit  
48.12 any report prepared under subdivision 3, clause (1), during the preceding calendar year to  
48.13 the governor and the legislature.

48.14 Subd. 7. **Forensic analysis processing time period guidelines.** (a) By July 1, 2007,  
48.15 the board shall recommend forensic analysis processing time period guidelines applicable  
48.16 to the Bureau of Criminal Apprehension and other laboratories, facilities, and entities that  
48.17 conduct forensic analyses. When adopting and recommending these guidelines and when  
48.18 making other related decisions, the board shall consider the goals and priorities identified  
48.19 by the presidential DNA initiative. The board shall consider the feasibility of the Bureau  
48.20 of Criminal Apprehension completing the processing of forensic evidence submitted to it  
48.21 by sheriffs, chiefs of police, or state or local corrections authorities.

48.22 (b) The bureau shall provide information to the board in the time, form, and manner  
48.23 determined by the board and keep it informed of the most up-to-date data on the actual  
48.24 forensic analysis processing turn around time periods. By January 15 of each year, the  
48.25 board shall report to the legislature on these issues, including the recommendations made  
48.26 by the board to improve turnaround times.

48.27 Subd. 8. **Forensic evidence processing deadline.** The board may recommend  
48.28 reasonable standards and deadlines for the Bureau of Criminal Apprehension to test and  
48.29 catalog forensic evidence samples relating to alleged crimes committed, including DNA  
48.30 analysis, in their control and possession.

48.31 Subd. 9. **Office space.** The commissioner of public safety may provide adequate  
48.32 office space and administrative services to the board.

48.33 Subd. 10. **Expenses.** Section 15.059 applies to the board.

48.34 Subd. 11. **Definition.** As used in this section, "forensic analysis" means a medical,  
48.35 chemical, toxicologic, ballistic, or other expert examination or test performed on physical

49.1 evidence, including DNA evidence, for the purpose of determining the connection of  
49.2 the evidence to a criminal action.

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

49.4 Sec. 24. Minnesota Statutes 2005 Supplement, section 299C.40, subdivision 1, is  
49.5 amended to read:

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

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

49.12 (c) "Law enforcement agency" means a Minnesota municipal police department,  
49.13 the Metropolitan Transit Police, the Metropolitan Airports Police, the University of  
49.14 Minnesota Police Department, the Department of Corrections' Fugitive Apprehension  
49.15 Unit, a Minnesota county sheriff's department, the Bureau of Criminal Apprehension, or  
49.16 the Minnesota State Patrol.

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

49.18 Sec. 25. Minnesota Statutes 2005 Supplement, section 299C.405, is amended to read:

49.19 **299C.405 SUBSCRIPTION SERVICE.**

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

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

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

49.32 Sec. 26. **[299C.565] MISSING PERSON REPORT.**

49.33 The local law enforcement agency having jurisdiction over the location where a  
49.34 person has been missing or was last seen has the responsibility to take a missing person

50.1 report from an interested party. If this location cannot be clearly and easily established,  
50.2 the local law enforcement agency having jurisdiction over the last verified location where  
50.3 the missing person last resided has the responsibility to take the report.

50.4 **EFFECTIVE DATE.** This section is effective August 1, 2006.

50.5 Sec. 27. Minnesota Statutes 2005 Supplement, section 299C.65, subdivision 2, is  
50.6 amended to read:

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

50.11 (1) two sheriffs recommended by the Minnesota Sheriffs Association;

50.12 (2) two police chiefs recommended by the Minnesota Chiefs of Police Association;

50.13 (3) two county attorneys recommended by the Minnesota County Attorneys  
50.14 Association;

50.15 (4) two city attorneys recommended by the Minnesota League of Cities;

50.16 (5) two public defenders appointed by the Board of Public Defense;

50.17 (6) two district judges appointed by the Conference of Chief Judges, one of whom is  
50.18 currently assigned to the juvenile court;

50.19 (7) two community corrections administrators recommended by the Minnesota  
50.20 Association of Counties, one of whom represents a community corrections act county;

50.21 (8) two probation officers;

50.22 (9) four public members, one of whom has been a victim of crime, and two who  
50.23 are representatives of the private business community who have expertise in integrated  
50.24 information systems and who for the purpose of meetings of the full task force may be  
50.25 compensated pursuant to section 15.059;

50.26 (10) two court administrators;

50.27 (11) one member of the house of representatives appointed by the speaker of the  
50.28 house;

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

50.30 (13) the attorney general or a designee;

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

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

- 51.1 (16) the director of the Sentencing Guidelines Commission;
- 51.2 (17) one member appointed by the state chief information officer;
- 51.3 ~~(17)~~ (18) one member appointed by the commissioner of public safety;
- 51.4 ~~(18)~~ (19) one member appointed by the commissioner of corrections;
- 51.5 ~~(19)~~ (20) one member appointed by the commissioner of administration; and
- 51.6 ~~(20)~~ (21) one member appointed by the chief justice of the Supreme Court.

51.7 In making these appointments, the appointing authority shall select members with

51.8 expertise in integrated data systems or best practices.

51.9 The commissioner of public safety may appoint additional, nonvoting members to

51.10 the task force as necessary from time to time.

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

51.12 Sec. 28. Minnesota Statutes 2004, section 299F.011, subdivision 5, is amended to read:

51.13 Subd. 5. **Appeal policy; variance.** Upon application, the state fire marshal may

51.14 grant variances from the minimum requirements specified in the code if there is substantial

51.15 compliance with the provisions of the code, the safety of the public and occupants of

51.16 such building will not be jeopardized, and undue hardship will result to the applicant

51.17 unless such variance is granted. No appeal to the state fire marshal for a variance from

51.18 orders issued by a local fire official from the Uniform Fire Code shall be accepted until

51.19 the applicant has first made application to the local governing body and the local unit has

51.20 acted on the application. The state fire marshal shall consider ~~the decision~~ any decisions

51.21 or recommendations of the local governing body. Any person aggrieved by a decision

51.22 made by the fire marshal under this subdivision may proceed before the fire marshal as

51.23 with a contested case in accordance with the Administrative Procedure Act.

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

51.25 Sec. 29. **[299F.50] DEFINITIONS.**

51.26 Subdivision 1. **Scope.** As used in sections 299F.50 to 299F.52, the terms defined in

51.27 this section have the meanings given them.

51.28 Subd. 2. **Installed.** "Installed" means that an approved carbon monoxide alarm is

51.29 hard-wired into the electrical wiring, directly plugged into an electrical outlet without a

51.30 switch, or, if the alarm is battery-powered, attached to the wall of the dwelling.

51.31 Subd. 3. **Single and multifamily dwelling.** "Single and multifamily dwelling"

51.32 means any building or structure which is wholly or partly used or intended to be used

51.33 for living or sleeping by human occupants.

52.1 Subd. 4. Dwelling unit. "Dwelling unit" means an area meant for living or sleeping  
52.2 by human occupants.

52.3 Subd. 5. Approved carbon monoxide alarm. "Approved carbon monoxide alarm"  
52.4 means a device meant for the purpose of detecting carbon monoxide that is certified by a  
52.5 nationally recognized testing laboratory to conform to the latest Underwriters Laboratories  
52.6 Standards (known as UL2034 standards).

52.7 Subd. 6. Operational. "Operational" means working and in service.

52.8 EFFECTIVE DATE. This section is effective January 1, 2007, for all newly  
52.9 constructed single family and multifamily dwelling units for which building permits were  
52.10 issued on or after January 1, 2007; August 1, 2008, for all existing single family dwelling  
52.11 units; and August 1, 2009, for all multifamily dwelling units.

52.12 Sec. 30. [299F.51] REQUIREMENTS FOR CARBON MONOXIDE ALARMS.

52.13 Subdivision 1. Generally. Every single family dwelling and every dwelling unit in  
52.14 a multifamily dwelling must have an approved and operational carbon monoxide alarm  
52.15 installed within ten feet of each room lawfully used for sleeping purposes.

52.16 Subd. 2. Owner's duties. The owner of a multifamily dwelling unit which is  
52.17 required to be equipped with one or more approved carbon monoxide alarms must:

52.18 (1) provide and install one approved and operational carbon monoxide alarm within  
52.19 ten feet of each room lawfully used for sleeping; and

52.20 (2) replace any required carbon monoxide alarm that has been stolen, removed,  
52.21 found missing, or rendered inoperable during a prior occupancy of the dwelling unit  
52.22 and which has not been replaced by the prior occupant prior to the commencement of a  
52.23 new occupancy of a dwelling unit.

52.24 Subd. 3. Occupant's duties. The occupant of each dwelling unit in a multifamily  
52.25 dwelling in which an approved and operational carbon monoxide alarm has been provided  
52.26 and installed by the owner must:

52.27 (1) keep and maintain the device in good repair; and

52.28 (2) replace any device that is stolen, removed, missing, or rendered inoperable  
52.29 during the occupancy of the dwelling unit.

52.30 Subd. 4. Battery removal prohibited. No person shall remove batteries from, or in  
52.31 any way render inoperable, a required carbon monoxide alarm.

52.32 Subd. 5. Exceptions; certain multifamily dwellings and state-operated facilities.

52.33 (a) In lieu of requirements of subdivision 1, multifamily dwellings may have approved and  
52.34 operational carbon monoxide alarms installed between 15 and 25 feet of carbon monoxide

53.1 producing central fixtures and equipment provided there is a centralized alarm system or  
53.2 other mechanism for responsible parties to hear the alarm at all times.

53.3 (b) An owner of a multifamily dwelling that contains minimal or no sources of  
53.4 carbon monoxide may be exempted from the requirements of subdivision 1, provided that  
53.5 such owner certifies to the commissioner of public safety that such multifamily dwelling  
53.6 poses no foreseeable carbon monoxide risk to the health and safety to the dwelling units.

53.7 (c) The requirements of this section do not apply to facilities owned or operated  
53.8 by the state of Minnesota.

53.9 **EFFECTIVE DATE.** This section is effective January 1, 2007, for all newly  
53.10 constructed single family and multifamily dwelling units for which building permits were  
53.11 issued on or after January 1, 2007; August 1, 2008, for all existing single family dwelling  
53.12 units; and August 1, 2009, for all multifamily dwelling units.

53.13 **Sec. 31. [299F.52] ENFORCEMENT.**

53.14 A violation of section 299F.50 or 299F.51 subjects the owner of the single family  
53.15 dwelling, multifamily dwelling, or dwelling unit to the same penalty and enforcement  
53.16 mechanism provided for violations of the Uniform Fire Code provided in section  
53.17 299F.011, subdivision 6.

53.18 **EFFECTIVE DATE.** This section is effective January 1, 2007, for all newly  
53.19 constructed single family and multifamily dwelling units for which building permits were  
53.20 issued on or after January 1, 2007; August 1, 2008, for all existing single family dwelling  
53.21 units; and August 1, 2009, for all multifamily dwelling units.

53.22 **Sec. 32. Minnesota Statutes 2004, section 624.22, subdivision 8, is amended to read:**

53.23 **Subd. 8. Suspension, revocation, or refusal to renew certification. (a) The state**  
53.24 **fire marshal may suspend, revoke, or refuse to renew certification of an operator if the**  
53.25 **operator has:**

53.26 (1) submitted a fraudulent application;

53.27 (2) caused or permitted a fire or safety hazard to exist or occur during the storage,  
53.28 transportation, handling, preparation, or use of fireworks;

53.29 (3) conducted a display of fireworks without receipt of a permit required by the  
53.30 state or a political subdivision;

53.31 (4) conducted a display of fireworks with assistants who were not at least 18 years of  
53.32 age, properly instructed, and continually supervised; or

53.33 (5) otherwise failed to comply with any federal or state law or regulation, or the  
53.34 guidelines, relating to fireworks.



54.1 (b) Any person aggrieved by a decision made by the state fire marshal under this  
54.2 subdivision may petition the state fire marshal in writing to reconsider the decision. The  
54.3 state fire marshal shall render a decision in writing within 30 days of receipt of the  
54.4 written request for reconsideration. Following reconsideration, the person may appeal  
54.5 the decision to the district court.

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

54.7 **Sec. 33. MISSING ADULTS MODEL POLICY.**

54.8 The superintendent of the Bureau of Criminal Apprehension, in consultation with  
54.9 the Minnesota Sheriffs Association and the Minnesota Chiefs of Police Association, shall  
54.10 develop a model policy to address law enforcement efforts and duties regarding missing  
54.11 adults and provide training to local law enforcement agencies on this model policy.

54.12 By February 1, 2007, the superintendent shall report to the chairs and ranking  
54.13 minority members of the senate and house committees and divisions having jurisdiction  
54.14 over criminal justice policy and funding on the model policy and training.

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

54.16 **Sec. 34. POST BOARD AUDIT.**

54.17 The Peace Officer Standards and Training Board shall conduct a training audit of its  
54.18 practitioners, including chiefs of police and county sheriffs, to determine what training  
54.19 is currently offered, what new training is necessary, and how it should be implemented.  
54.20 Training topics shall include the policing of immigrant communities and racial profiling.

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

54.22 **ARTICLE 4**

54.23 **CORRECTIONS**

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

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

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

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

55.2 Sec. 2. Minnesota Statutes 2004, section 241.016, subdivision 1, is amended to read:

55.3 Subdivision 1. **Biennial report.** (a) The Department of Corrections shall submit a  
55.4 performance report to the chairs and ranking minority members of the senate and house  
55.5 committees and divisions having jurisdiction over criminal justice funding by January  
55.6 15, 2005, and every other year thereafter. The issuance and content of the report must  
55.7 include the following:

55.8 (1) department strategic mission, goals, and objectives;

55.9 (2) the department-wide per diem, adult facility-specific per diems, and an average  
55.10 per diem, reported in a standard calculated method as outlined in the departmental policies  
55.11 and procedures; ~~and~~

55.12 (3) department annual statistics as outlined in the departmental policies and  
55.13 procedures; and

55.14 (4) information about prison-based mental health programs, including, but not  
55.15 limited to, the availability of these programs, participation rates, and completion rates.

55.16 (b) The department shall maintain recidivism rates for adult facilities on an annual  
55.17 basis. In addition, each year the department shall, on an alternating basis, complete a  
55.18 recidivism analysis of adult facilities, juvenile services, and the community services  
55.19 divisions and include a three-year recidivism analysis in the report described in paragraph  
55.20 (a). When appropriate, the recidivism analysis must include education programs,  
55.21 vocational programs, treatment programs, including mental health programs, industry,  
55.22 and employment. In addition, when reporting recidivism for the department's adult and  
23 juvenile facilities, the department shall report on the extent to which offenders it has  
55.24 assessed as chemically dependent commit new offenses, with separate recidivism rates  
55.25 reported for persons completing and not completing the department's treatment programs.

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

55.27 Sec. 3. **[241.0222] CONTRACTS WITH NEWLY CONSTRUCTED JAIL**  
55.28 **FACILITIES THAT PROVIDE ACCESS TO CHEMICAL DEPENDENCY**  
55.29 **TREATMENT PROGRAMS.**

55.30 Notwithstanding section 16C.05, subdivision 2, the commissioner may enter into  
55.31 contracts, up to five years in duration, with a county or group of counties to house inmates  
55.32 committed to the custody of the commissioner in newly constructed county or regional jail  
3 facilities that provide inmates access to chemical dependency treatment programs licensed  
55.34 by the Department of Human Services. A contract entered into under this section may  
55.35 contain an option to renew the contract for a term of up to five years.

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

56.2 Sec. 4. Minnesota Statutes 2005 Supplement, section 241.06, is amended by adding a  
56.3 subdivision to read:

56.4 Subd. 3. Substance abuse information provided to supervising corrections  
56.5 agency. When an offender is being released from prison, the commissioner shall provide  
56.6 to the corrections agency that will supervise the offender prison records relating to that  
56.7 offender's prison-based substance abuse assessments, treatment, and any other substance  
56.8 abuse-related services provided to the offender. If the offender did not participate in  
56.9 the prison-based substance abuse program to which the offender was directed, the  
56.10 commissioner shall provide the supervising agency with an explanation of the reasons.

56.11 EFFECTIVE DATE. This section is effective July 1, 2006.

56.12 Sec. 5. [241.40] PERIODIC REVIEWS OF SUBSTANCE ABUSE ASSESSMENT  
56.13 PROCESS.

56.14 By January 15, 2007, and at least once every three years thereafter, the commissioner  
56.15 shall ensure that an outside entity conducts an independent review of the department's  
56.16 prison-based substance abuse assessment activities.

56.17 EFFECTIVE DATE. This section is effective July 1, 2006.

56.18 Sec. 6. [241.415] RELEASE PLANS; SUBSTANCE ABUSE.

56.19 The commissioner shall cooperate with community-based corrections agencies to  
56.20 determine how best to address the substance abuse treatment needs of offenders who are  
56.21 being released from prison. The commissioner shall ensure that an offender's prison  
56.22 release plan adequately addresses the offender's needs for substance abuse assessment,  
56.23 treatment, or other services following release, within the limits of available resources.

56.24 EFFECTIVE DATE. This section is effective July 1, 2006.

56.25 Sec. 7. [241.416] SUBSTANCE ABUSE PROGRAMS; RECORD KEEPING.

56.26 The commissioner shall keep adequate records regarding inmate participation in  
56.27 substance abuse treatment programs. For inmates who did not comply with directives to  
56.28 participate in substance abuse treatment programs, these records must include the reasons  
56.29 why the inmate did not do so.

56.30 EFFECTIVE DATE. This section is effective July 1, 2006.

56.31 Sec. 8. [241.75] INMATE HEALTH CARE DECISIONS.

56.32 Subdivision 1. Definitions. (a) Except as provided in paragraph (b), the definitions  
56.33 in chapter 145C apply to this section.

57.1 (b) "Health care" means any care, treatment, service, or procedure to maintain,  
 57.2 diagnose, or otherwise affect a person's physical or mental condition.

57.3 Subd. 2. **Health care decisions.** The medical director of the Department of  
 57.4 Corrections may make a health care decision for an inmate incarcerated in a state  
 57.5 correctional facility if the inmate's attending physician determines that the inmate lacks  
 57.6 decision-making capacity and:

57.7 (1) there is not a documented health care agent designated by the inmate or the  
 57.8 health care agent is not reasonably available to make the health care decision;

57.9 (2) if there is a documented health care directive, the decision is consistent with  
 57.10 that directive;

57.11 (3) the decision is consistent with reasonable medical practice and other applicable  
 57.12 law; and

57.13 (4) the medical director has made a good-faith attempt to consult with the inmate's  
 57.14 next of kin or emergency contact person in making the decision, to the extent those  
 57.15 persons are reasonably available.

57.16 Subd. 3. **Disagreement regarding health care; guardianship petition.** If the  
 57.17 medical director consults with an inmate's next of kin under subdivision 2, clause (4), and  
 57.18 the inmate's next of kin and the medical director are not in agreement with respect to a  
 57.19 health care decision, the commissioner may bring a petition under section 524.5-303 for  
 57.20 appointment of a guardian with authority to make health care decisions for the inmate.

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

57.22 Sec. 9. Minnesota Statutes 2005 Supplement, section 244.055, subdivision 10, is  
 57.23 amended to read:

57.24 Subd. 10. **Notice.** Upon receiving an offender's petition for release under  
 57.25 subdivision 2, the commissioner shall notify the prosecuting authority responsible for the  
 57.26 offender's conviction and the sentencing court. The commissioner shall give the authority  
 57.27 and court a reasonable opportunity to comment on the offender's potential release. If the  
 57.28 authority or court elects to comment, the comments must specify the reasons for the  
 57.29 authority or court's position. This subdivision applies only to offenders sentenced before  
 57.30 July 1, 2005.

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

57.32 Sec. 10. Minnesota Statutes 2005 Supplement, section 244.055, subdivision 11,  
 57.33 is amended to read:

57.34 Subd. 11. **Sunset.** This section expires July 1, ~~2007~~ 2009.

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

58.1 Sec. 11. Minnesota Statutes 2005 Supplement, section 609.3455, subdivision 8,  
58.2 is amended to read:

58.3 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The  
58.4 provisions of this subdivision relating to conditional release apply to all sex offenders  
58.5 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, or  
58.6 609.3453. Except as provided in this subdivision, conditional release of sex offenders is  
58.7 governed by provisions relating to supervised release. The commissioner of corrections  
58.8 may not dismiss an offender on conditional release from supervision until the offender's  
58.9 conditional release term expires.

58.10 (b) The conditions of release may include successful completion of treatment and  
58.11 aftercare in a program approved by the commissioner, satisfaction of the release conditions  
58.12 specified in section 244.05, subdivision 6, and any other conditions the commissioner  
58.13 considers appropriate. The commissioner shall develop a plan to pay the cost of treatment  
58.14 of a person released under this subdivision. The plan may include co-payments from  
58.15 offenders, third-party payers, local agencies, or other funding sources as they are identified.  
58.16 This section does not require the commissioner to accept or retain an offender in a  
58.17 treatment program. Before the offender is placed on conditional release, the commissioner  
58.18 shall notify the sentencing court and the prosecutor in the jurisdiction where the offender  
58.19 was sentenced of the terms of the offender's conditional release. The commissioner also  
58.20 shall make reasonable efforts to notify the victim of the offender's crime of the terms of  
58.21 the offender's conditional release. If the offender fails to meet any condition of release, the  
58.22 commissioner may revoke the offender's conditional release and order that the offender  
58.23 serve all or a part of the remaining portion of the conditional release term in prison.

58.24 **EFFECTIVE DATE.** This section is effective August 1, 2006.

58.25 Sec. 12. Minnesota Statutes 2004, section 631.425, subdivision 3, is amended to read:

58.26 Subd. 3. **Continuation of employment.** If the person committed under this  
58.27 section has been regularly employed, the sheriff shall arrange for a continuation of the  
58.28 employment insofar as possible without interruption. If the person is not employed, the  
58.29 court may designate a suitable person or agency to make reasonable efforts to secure some  
58.30 suitable employment for that person. An inmate employed under this section must be paid  
58.31 a fair and reasonable wage for work performed and must work at fair and reasonable hours  
58.32 per day and per week. There must not be a fee or charge for the inmate to participate in  
3 any employment under this section if the inmate is paying for the cost of the inmate's  
58.34 maintenance under subdivision 5.

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

59.1 Sec. 13. Minnesota Statutes 2004, section 641.265, subdivision 2, is amended to read:

59.2 Subd. 2. **Withdrawal.** A county board may withdraw from cooperation in a regional  
 59.3 jail system ~~if the county boards of all of the other cooperating counties decide, by majority~~  
 59.4 ~~vote, to allow the withdrawal~~ in accordance with the terms of a joint powers agreement.

59.5 With the approval of the county board of each cooperating county, the regional jail board  
 59.6 shall fix the sum, if any, to be paid to the county withdrawing, to reimburse it for capital  
 59.7 cost, debt service, or lease rental payments made by the county prior to withdrawal, in  
 59.8 excess of its proportionate share of benefits from the regional jail prior to withdrawal, and  
 59.9 the time and manner of making the payments. The payments shall be deemed additional  
 59.10 payments of capital cost, debt service, or lease rentals to be made proportionately by the  
 59.11 remaining counties and, when received, shall be deposited in and paid from the regional  
 59.12 jail fund; provided that:

59.13 (a) (1) payments shall not be made from any amounts in the regional jail fund  
 59.14 which are needed for maintenance and operation expenses or lease rentals currently due  
 59.15 and payable; and

59.16 (b) (2) the withdrawing county shall remain obligated for the payment of its  
 59.17 proportionate share of any lease rentals due and payable after its withdrawal, in the  
 59.18 event and up to the amount of any lease payment not made when due by one or more of  
 59.19 the other cooperating counties.

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

59.21 Sec. 14. Laws 2005, chapter 136, article 1, section 13, subdivision 3, is amended to  
 59.22 read:

59.23	Subd. 3. <b>Community Services</b>	103,556,000	103,369,000
59.24	Summary by Fund		
59.25	General Fund	103,456,000	103,269,000
59.26	Special Revenue	100,000	100,000

59.27 **SHORT-TERM OFFENDERS.** \$1,207,000

59.28 each year is for costs associated with the  
 59.29 housing and care of short-term offenders.

59.30 The commissioner may use up to 20 percent  
 59.31 of the total amount of the appropriation  
 59.32 for inpatient medical care for short-term  
 59.33 offenders with less than six months to

59.34 serve as affected by the changes made to  
 59.35 Minnesota Statutes, section 609.105, in  
 59.36 2003. All funds remaining at the end of

60.1 the fiscal year not expended for inpatient  
60.2 medical care shall be added to and distributed  
60.3 with the housing funds. These funds shall  
60.4 be distributed proportionately based on the  
60.5 total number of days short-term offenders are  
60.6 placed locally, not to exceed \$70 per day.  
60.7 Short-term offenders may be housed in a  
60.8 state correctional facility at the discretion of  
60.9 the commissioner.

60.10 The Department of Corrections is exempt  
60.11 from the state contracting process for the  
60.12 purposes of Minnesota Statutes, section  
60.13 609.105, as amended by Laws 2003, First  
60.14 Special Session chapter 2, article 5, sections  
60.15 7 to 9.

60.16 **GPS MONITORING OF SEX**  
60.17 **OFFENDERS.** \$500,000 the first  
60.18 year and \$162,000 the second year are for the  
60.19 acquisition and service of bracelets equipped  
60.20 with tracking devices designed to track  
60.21 and monitor the movement and location of  
60.22 criminal offenders. The commissioner shall  
60.23 use the bracelets to monitor high-risk sex  
60.24 offenders who are on supervised release,  
60.25 conditional release, parole, or probation to  
60.26 help ensure that the offenders do not violate  
60.27 conditions of their release or probation.

60.28 **END OF CONFINEMENT REVIEWS.**  
60.29 \$94,000 each year is for end of confinement  
60.30 reviews.

60.31 **COMMUNITY SURVEILLANCE AND**  
60.32 **SUPERVISION.** \$1,370,000 each year is  
60.33 to provide housing options to maximize  
60.34 community surveillance and supervision.

60.35 **INCREASE IN INTENSIVE**  
60.36 **SUPERVISED RELEASE SERVICES.**

61.1 \$1,800,000 each year is to increase intensive  
61.2 supervised release services.

61.3 **SEX OFFENDER ASSESSMENT**

61.4 **REIMBURSEMENTS.** \$350,000 each year  
61.5 is to ~~provide grants to~~ reimburse counties or  
61.6 their designees, or courts for reimbursements  
61.7 ~~for~~ sex offender assessments as required  
61.8 under Minnesota Statutes, section 609.3452,  
61.9 subdivision 1, which is being renumbered as  
61.10 section 609.3457.

61.11 **SEX OFFENDER TREATMENT AND**

61.12 **POLYGRAPHS.** \$1,250,000 each year  
61.13 is to provide treatment for sex offenders  
61.14 on community supervision and to pay for  
61.15 polygraph testing.

61.16 **INCREASED SUPERVISION OF SEX**  
61.17 **OFFENDERS, DOMESTIC VIOLENCE**  
61.18 **OFFENDERS, AND OTHER VIOLENT**  
61.19 **OFFENDERS.** \$1,500,000 each year is for  
61.20 the increased supervision of sex offenders  
61.21 and other violent offenders, including  
61.22 those convicted of domestic abuse. These  
61.23 appropriations may not be used to supplant  
61.24 existing state or county probation officer  
61.25 positions.

61.26 The commissioner shall distribute \$1,050,000  
61.27 in grants each year to Community Corrections  
61.28 Act counties and \$450,000 each year to the  
61.29 Department of Corrections Probation and  
61.30 Supervised Release Unit. The commissioner  
61.31 shall distribute the funds to the Community  
61.32 Corrections Act counties according to the  
61.33 formula contained in Minnesota Statutes,  
61.34 section 401.10.

61.35 Prior to the distribution of these funds, each  
61.36 Community Corrections Act jurisdiction and



62.1 the Department of Corrections Probation  
62.2 and Supervised Release Unit shall submit  
62.3 to the commissioner an analysis of need  
62.4 along with a plan to meet their needs and  
62.5 reduce the number of sex offenders and other  
62.6 violent offenders, including domestic abuse  
62.7 offenders, on probation officer caseloads.

62.8 **COUNTY PROBATION OFFICERS.**

62.9 \$500,000 each year is to increase county  
62.10 probation officer reimbursements.

62.11 **INTENSIVE SUPERVISION AND**

62.12 **AFTERCARE FOR CONTROLLED**

62.13 **SUBSTANCES OFFENDERS; REPORT.**

62.14 \$600,000 each year is for intensive  
62.15 supervision and aftercare services for  
62.16 controlled substances offenders released  
62.17 from prison under Minnesota Statutes,  
62.18 section 244.055. These appropriations are  
62.19 not added to the department's base budget.  
62.20 By January 15, 2008, the commissioner  
62.21 shall report to the chairs and ranking  
62.22 minority members of the senate and house  
62.23 of representatives committees and divisions  
62.24 having jurisdiction over criminal justice  
62.25 policy and funding on how this appropriation  
62.26 was spent.

62.27 **REPORT ON ELECTRONIC**

62.28 **MONITORING OF SEX OFFENDERS.**

62.29 By March 1, 2006, the commissioner shall  
62.30 report to the chairs and ranking minority  
62.31 members of the senate and house of  
62.32 representatives committees and divisions  
62.33 having jurisdiction over criminal justice  
62.34 policy and funding on implementing an  
62.35 electronic monitoring system for sex  
62.36 offenders who are under community

63.1 supervision. The report must address the  
63.2 following:

- 63.3 (1) the advantages and disadvantages in  
63.4 implementing this system, including the  
63.5 impact on public safety;  
63.6 (2) the types of sex offenders who should be  
63.7 subject to the monitoring;  
63.8 (3) the time period that offenders should be  
63.9 subject to the monitoring;  
63.10 (4) the financial costs associated with the  
63.11 monitoring and who should be responsible  
63.12 for these costs; and  
63.13 (5) the technology available for the  
63.14 monitoring.

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

63.16 Sec. 15. **SUBSTANCE ABUSE TREATMENT; RECOMMENDATIONS,**  
63.17 **REPORT.**

63.18 (a) The commissioner of corrections shall make recommendations to:

63.19 (1) improve the availability of prison-based substance abuse treatment programming  
63.20 and related services; and

63.21 (2) better ensure that offenders released from prison receive appropriate  
63.22 community-based substance abuse treatment and services.

63.23 These recommendations must include an estimate of the financial costs associated with  
63.24 implementing them.

63.25 (b) The commissioner shall recommend changes in prison-based programs or release  
63.26 plans to improve the postprison release outcomes of:

63.27 (1) inmates who are directed to complete prison-based short-term substance abuse  
63.28 programs; and

63.29 (2) inmates who fail the prison-based substance abuse programs they start.

63.30 (c) By January 15, 2007, the commissioner shall report to the chairs and ranking  
63.31 minority members of the senate and house committees and divisions having jurisdiction  
63.32 over criminal justice policy and funding on the commissioner's recommendations under  
63.33 paragraphs (a) and (b).

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

63.35 **ARTICLE 5**

64.1 **CORONERS AND MEDICAL EXAMINERS**

64.2 Section 1. Minnesota Statutes 2004, section 390.005, is amended to read:

64.3 **390.005 ELECTION OR APPOINTMENT, ELIGIBILITY; VACANCIES;**  
 64.4 **REMOVAL.**

64.5 Subdivision 1. ~~County election~~ Selection of coroner or medical examiner. Each  
 64.6 county must have a coroner or medical examiner. A coroner ~~shall~~ may be elected ~~in each~~  
 64.7 ~~county,~~ as prescribed by section 382.01, ~~except as provided in this section~~ or appointed in  
 64.8 each county. A medical examiner must be appointed by the county board. The term of an  
 64.9 appointed coroner or medical examiner must not be longer than four years.

64.10 Subd. 2. **Appointment by resolution.** ~~In a county where the office of coroner has~~  
 64.11 ~~not been abolished,~~ The board of county commissioners may, by resolution, state its  
 64.12 intention to fill the office of coroner by appointment. The resolution must be adopted at  
 64.13 least six months before the end of the term of the incumbent coroner, if elected. After the  
 64.14 resolution is adopted, the board shall fill the office by appointing a person not less than  
 64.15 30 days before the end of the incumbent's term. The appointed coroner shall serve for a  
 64.16 term of office determined by the board beginning upon the expiration of the term of the  
 64.17 incumbent. The term must not be longer than four years.

64.18 If there is a vacancy in the elected office ~~in the county,~~ the board may by resolution,  
 64.19 state its intention to fill the office by appointment. When the resolution is adopted, the  
 64.20 board shall fill the office by appointment immediately. The coroner shall serve for a term  
 64.21 determined by the board. The term must not be longer than four years.

64.22 Subd. 3. ~~Educational requirements~~ Qualifications. ~~A coroner must have~~  
 64.23 ~~successfully completed academic courses in pharmacology, surgery, pathology, toxicology,~~  
 64.24 ~~and physiology. However, if a board of county commissioners determines that the office~~  
 64.25 ~~of coroner shall not be elective and it cannot appoint any person meeting the educational~~  
 64.26 ~~qualifications as coroner, the board may:~~

64.27 (1) ~~appoint any qualified person, whether or not a resident of the county; or~~  
 64.28 (2) ~~if no qualified person can be found, appoint a person who is serving or has served~~  
 64.29 ~~as deputy coroner, whether or not a resident of the county.~~ (a) The medical examiner must  
 64.30 be a forensic pathologist who is certified or eligible for certification by the American  
 64.31 Board of Pathology. The medical examiner is an appointed public official in a system of  
 64.32 death investigation in which the administrative control, the determination of the extent  
 64.33 of the examination, need for autopsy, and the filing of the cause and manner of death  
 64.34 information with the state registrar pursuant to section 144.221 are all under the control  
 64.35 of the medical examiner.

65.1 (b) The coroner must be a physician with a valid license in good standing under  
 65.2 chapter 147, to practice medicine as defined under section 147.081, subdivision 3. The  
 65.3 coroner is a public official, elected or appointed, whose duty is to make inquiry into deaths  
 65.4 in certain categories, determine the cause and manner of death, and file the information  
 65.5 with the state registrar pursuant to section 144.221. The coroner must obtain additional  
 65.6 training in medicolegal death investigation, such as training by the American Board of  
 65.7 Medicolegal Death Investigators, within four years of taking office, unless the coroner  
 65.8 has already obtained this training.

65.9 (c) The coroner or medical examiner need not be a resident of the county.

65.10 Subd. 4. **Certain incumbents.** An incumbent coroner or medical examiner in  
 65.11 office on July 1, 1965 meets the effective date of this section is hereby deemed to meet  
 65.12 the qualifications prescribed by this section for the purpose of continuance in, reelection  
 65.13 to, or appointment to the office of coroner until the end of the current term of office,  
 65.14 after which this statute will apply.

65.15 Subd. 5. **Vacancies, removal.** Vacancies in the office of coroner or medical  
 65.16 examiner shall be filled according to sections 375.08 and 382.02, or under subdivision 1.  
 65.17 A The medical examiner or appointed coroner may be removed from office as provided  
 65.18 by law. by the county board during a term of office for cause shown after a hearing upon  
 65.19 due notice of written charges. The hearing shall be conducted in accordance with that  
 65.20 county's human resources policy.

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

65.22 **Sec. 2. [390.0065] HENNEPIN COUNTY MEDICAL EXAMINER; SELECTION**  
 65.23 **AND TERM.**

65.24 Hennepin County shall use the following procedure to select the Hennepin County  
 65.25 medical examiner: the Hennepin County Board shall designate three licensed physicians  
 65.26 who shall constitute a Medical Examiner Board. One member shall be a dean or professor  
 65.27 of the Department of Pathology of a Class A medical school as designated by the American  
 65.28 Medical Association. Another member of the board shall be a member of the Minnesota  
 65.29 Society of Pathologists. The third member shall be designated by the Hennepin County  
 65.30 Medical Association from its membership. The Medical Examiner Board shall accept  
 65.31 applications for the position of Hennepin County medical examiner when a vacancy exists  
 65.32 in the office. Applications therefore shall be considered from doctors of medicine who  
 65.33 are: (1) graduates of a medical school recognized by the American Medical Association  
 65.34 or American Osteopathic Association, (2) members in good standing in the medical  
 65.35 profession, (3) eligible for appointment to the staff of the Hennepin County Medical  
 65.36 Center, and (4) certified or eligible for certification in forensic pathology by the American

66.1 Board of Pathology. The Medical Examiner Board shall review the qualifications of the  
 66.2 applicants and shall rank the applicants deemed qualified for the position and provide  
 66.3 to the county board a report of the seven highest ranked applicants together with their  
 66.4 qualifications. The county board shall appoint a county medical examiner from those  
 66.5 listed in the report. The term of the examiner shall continue for four years from the date of  
 66.6 appointment. Reappointment shall be made at least 90 days prior to the expiration of the  
 66.7 term. If a vacancy requires a temporary appointment, the board of commissioners shall  
 66.8 appoint a medical doctor on the staff of the county medical examiner's office to assume  
 66.9 the duties of the medical examiner until an appointment can be made in compliance with  
 66.10 the specified selection procedure. Actual and necessary expenses of the Medical Examiner  
 66.11 Board shall be paid in accordance with sections 471.38 to 471.415.

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

66.13 Sec. 3. Minnesota Statutes 2004, section 390.01, is amended to read:

66.14 **390.01 BOND AND INDEMNIFICATION.**

66.15 ~~Before taking office, the coroner shall post bond to the state in a penal sum set by the~~  
 66.16 ~~county board, not less than \$500 nor more than \$10,000. The coroner's bond is subject~~  
 66.17 ~~to the same conditions in substance as in the bond required by law to be given by the~~  
 66.18 ~~sheriff, except as to the description of the office. The coroner or medical examiner shall~~  
 66.19 be included in the bond held by the county for all appointed and elected county officials  
 66.20 and shall be defended and indemnified, pursuant to section 466.07. The ~~bond and~~ oath of  
 66.21 office shall be recorded and filed with the county recorder.

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

66.23 Sec. 4. **[390.011] AUTONOMY.**

66.24 The coroner or medical examiner is an independent official of the county, subject  
 66.25 only to appointment, removal, and budgeting by the county board.

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

66.27 Sec. 5. **[390.012] JURISDICTION.**

66.28 The coroner or medical examiner of the county in which a person dies or is  
 66.29 pronounced dead shall have jurisdiction over the death, regardless of where any injury that  
 66.30 resulted in the death occurred. The place where death is pronounced is deemed to be the  
 66.31 place where death occurred. If the place of death is unknown but the dead body is found in  
 66.32 Minnesota, the place where the body is found is considered the place of death. If the date  
 66.33 of death is unknown, the date the body is found is considered the date of death, but only for  
 66.34 purposes of this chapter. When a death occurs in a moving conveyance and the body is first

67.1 removed in Minnesota, documentation of death must be filed in Minnesota and the place  
 2 of death is considered the place where the body is first removed from the conveyance.

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

67.4 Sec. 6. Minnesota Statutes 2004, section 390.04, is amended to read:

67.5 **390.04 ~~TO ACT WHEN SHERIFF A PARTY TO AN ACTION~~ PROVISION**  
 67.6 **FOR TRANSFER OF JURISDICTION.**

67.7 When the sheriff is a party to an action or when a party, or a party's agent or  
 67.8 attorney, files with the court administrator of the district court an affidavit stating that the  
 67.9 party believes the sheriff, coroner or medical examiner, because of partiality, prejudice,  
 67.10 consanguinity, or interest, will is not faithfully able to perform the sheriff's coroner or  
 67.11 medical examiner's duties in an action commenced, or about to be commenced, the clerk  
 67.12 shall direct process in the action to the coroner. The coroner shall perform the duties of  
 67.13 the sheriff relative to the action in the same manner required for a sheriff., the coroner or  
 67.14 medical examiner shall have the authority to transfer jurisdiction to another coroner or  
 67.15 medical examiner, as arranged by the county board.

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

67.17 Sec. 7. Minnesota Statutes 2005 Supplement, section 390.05, is amended to read:

67.18 **390.05 ~~DEPUTIES~~ MEDICAL EXAMINER OR CORONER STAFF.**

67.19 ~~A~~ The coroner shall or medical examiner may appoint one or more deputies.  
 67.20 assistant coroners or assistant medical examiners, as necessary to fulfill the duties of the  
 67.21 office, subject to authorization by the county board. Such assistants shall have the same  
 67.22 qualifications as a coroner or medical examiner. When the coroner or medical examiner is  
 67.23 absent or unable to act, ~~deputies~~ assistants shall have the same powers and duties and are  
 67.24 subject to the same liabilities as coroners. A deputy shall be appointed in writing. The  
 67.25 oath and appointment shall be recorded with the county recorder. The deputy shall act by  
 67.26 name as deputy coroner and hold office at the same time as the coroner. ~~limitations as the~~  
 67.27 coroner or medical examiner. The assistants shall be appointed in writing, shall take an  
 67.28 oath that shall be recorded and filed with the county recorder, and shall be included in the  
 67.29 county bond. The assistant shall act by name as assistant coroner or medical examiner and  
 67.30 hold office at the pleasure of the coroner or medical examiner.

67.31 A coroner or medical examiner may appoint one or more investigators, with such  
 67.32 qualifications as the coroner or medical examiner deems appropriate. Such investigators  
 67.33 shall have the powers and duties that are delegated to them by the coroner or medical  
 67.34 examiner. Unless they are public employees of that county, investigators shall be  
 67.35 appointed in writing and take an oath, shall be included in the county bond, and the

68.1 oath and appointment shall be recorded and filed with the county recorder. Subject to  
 68.2 authorization of the county board, assistants may be appointed to the unclassified service  
 68.3 and investigators to the classified service of the county.

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

68.5 Sec. 8. **[390.061] MORGUE.**

68.6 Every county need not have a morgue, but there must be a system or process for  
 68.7 receiving, storing, and releasing all dead bodies subject to this statute.

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

68.9 Sec. 9. Minnesota Statutes 2004, section 390.11, is amended to read:

68.10 **390.11 INVESTIGATIONS AND INQUESTS.**

68.11 Subdivision 1. ~~Deaths requiring inquests and investigations~~ Reports of death.

68.12 ~~Except as provided in subdivision 1a, the coroner shall investigate and may conduct~~  
 68.13 ~~inquests in all human deaths of the following types:~~ All sudden or unexpected deaths  
 68.14 and all deaths that may be due entirely or in part to any factor other than natural disease  
 68.15 processes must be promptly reported to the coroner or medical examiner for evaluation.  
 68.16 Sufficient information must be provided to the coroner or medical examiner. Reportable  
 68.17 deaths include, but are not limited to:

68.18 (1) unnatural deaths, including violent deaths, whether apparently homicidal,  
 68.19 suicidal, or accidental, including but not limited to deaths due to thermal, chemical,  
 68.20 electrical, or radiational injury, and deaths due to criminal abortion, whether apparently  
 68.21 self induced or not, arising from homicide, suicide, or accident;

68.22 (2) deaths due to a fire or associated with burns or chemical, electrical, or radiation  
 68.23 injury;

68.24 (3) unexplained or unexpected perinatal and postpartum maternal deaths;

68.25 ~~(2)~~ (4) deaths under suspicious, unusual, or mysterious unexpected circumstances;

68.26 ~~(3)~~ (5) deaths of persons whose bodies are to be cremated, dissected, buried at sea,  
 68.27 or otherwise disposed of so that the bodies will later be unavailable for examination; and

68.28 ~~(4)~~ (6) deaths of inmates of public institutions and persons in custody of law  
 68.29 enforcement officers who are have not been hospitalized primarily for organic disease and  
 68.30 whose deaths are not of any type referred to in clause (1) or (2);

68.31 (7) deaths that occur during, in association with, or as the result of diagnostic,  
 68.32 therapeutic, or anesthetic procedures;

68.33 (8) deaths due to culpable neglect;

68.34 (9) stillbirths of 20 weeks or longer gestation unattended by a physician;

68.35 (10) sudden deaths of persons not affected by recognizable disease;

- 69.1 (11) unexpected deaths of persons notwithstanding a history of underlying disease;  
 69.2 (12) deaths in which a fracture of a major bone such as a femur, humerus, or tibia  
 69.3 has occurred within the past six months;  
 69.4 (13) deaths unattended by a physician occurring outside of a licensed health care  
 69.5 facility or licensed residential hospice program;  
 69.6 (14) deaths of persons not seen by their physician within 120 days of demise;  
 69.7 (15) deaths of persons occurring in an emergency department;  
 69.8 (16) stillbirths or deaths of newborn infants in which there has been maternal use of  
 69.9 or exposure to unprescribed controlled substances including street drugs or in which there  
 69.10 is history or evidence of maternal trauma;  
 69.11 (17) unexpected deaths of children;  
 69.12 (18) solid organ donors;  
 69.13 (19) unidentified bodies;  
 69.14 (20) skeletonized remains;  
 69.15 (21) deaths occurring within 24 hours of arrival at a health care facility if death  
 69.16 is unexpected;  
 69.17 (22) deaths associated with the decedent's employment;  
 69.18 (23) deaths of nonregistered hospice patients or patients in nonlicensed hospice  
 69.19 programs; and  
 69.20 (24) deaths attributable to acts of terrorism.

69.21 The coroner or medical examiner shall determine the extent of the coroner's or medical  
 69.22 examiner's investigation, including whether additional investigation is needed by the  
 69.23 coroner or medical examiner, jurisdiction is assumed, or an autopsy will be performed,  
 69.24 notwithstanding any other statute.

69.25 **Subd. 1a. Commissioner of corrections; investigation of deaths.** ~~The~~  
 69.26 ~~commissioner of corrections may require that all Department of Corrections incarcerated~~  
 69.27 ~~deaths be reviewed by an independent, contracted, board-certified forensic pathologist.~~  
 69.28 For deaths occurring within a facility licensed by the Department of Corrections, the  
 69.29 coroner or medical examiner shall ensure that a forensic pathologist who is certified by  
 69.30 the American Board of Pathology reviews each death and performs an autopsy on all  
 69.31 unnatural, unattended, or unexpected deaths and others as necessary.

69.32 **Subd. 1b. Hospice registration.** Each coroner and medical examiner shall establish  
 69.33 a registration policy regarding hospice patients. If a hospice patient is determined to be  
 69.34 properly preregistered, the coroner or medical examiner may treat the death as attended  
 69.35 by a physician.



70.1 Subd. 2. ~~Violent or mysterious deaths; Autopsies.~~ The coroner or medical  
70.2 examiner may conduct order an autopsy, at the coroner or medical examiner's sole  
70.3 discretion, in the case of any human death referred to in subdivision 1, clause (1) or (2),  
70.4 when, in the judgment of the coroner judges that or medical examiner the public interest  
70.5 requires would be served by an autopsy, except that an autopsy must be conducted in all  
70.6 unattended inmate deaths that occur in a state correctional facility. The autopsy shall be  
70.7 performed without unnecessary delay. A report of the facts developed by the autopsy  
70.8 and findings of the person performing the autopsy shall be made promptly and filed in  
70.9 the office of the coroner or medical examiner. When further investigation is deemed  
70.10 advisable, a copy of the report shall be delivered to the county attorney. Every autopsy  
70.11 performed pursuant to this subdivision shall, whenever practical, be performed in the  
70.12 county morgue. Nothing herein shall require the coroner or medical examiner to order an  
70.13 autopsy upon the body of a deceased person if the person died of known or ascertainable  
70.14 causes or had been under the care of a licensed physician immediately prior to death or if  
70.15 the coroner or medical examiner determines the autopsy to be unnecessary.

70.16 Autopsies performed pursuant to this subdivision may include the removal,  
70.17 retention, testing, or use of organs, parts of organs, fluids or tissues, at the discretion of  
70.18 the coroner or medical examiner, when removal, retention, testing, or use may be useful  
70.19 in determining or confirming the cause of death, mechanism of death, manner of death,  
70.20 identification of the deceased, presence of disease or injury, or preservation of evidence.  
70.21 Such tissue retained by the coroner or medical examiner pursuant to this subdivision shall  
70.22 be disposed of in accordance with standard biohazardous hospital and/or surgical material  
70.23 and does not require specific consent or notification of the legal next of kin. When  
70.24 removal, retention, testing, and use of organs, parts of organs, fluids, or tissues is deemed  
70.25 beneficial, and is done only for research or the advancement of medical knowledge and  
70.26 progress, written consent or documented oral consent shall be obtained from the legal next  
70.27 of kin, if any, of the deceased person prior to the removal, retention, testing, or use.

70.28 Subd. 2a. ~~Deaths caused by fire; autopsies.~~ ~~The coroner shall conduct an autopsy~~  
70.29 ~~in the case of any human death reported to the coroner by the state fire marshal or a chief~~  
70.30 ~~officer under section 299F.04, subdivision 5, and apparently caused by fire.~~ The coroner  
70.31 or medical examiner shall conduct an autopsy or require that one be performed in the  
70.32 case of a death reported to the coroner or medical examiner by the state fire marshal or a  
70.33 chief officer under section 299F.04, subdivision 5, and apparently caused by fire, and in  
70.34 which the decedent is pronounced dead outside of a hospital or in which identification  
70.35 of the decedent has not been confirmed. If the decedent has died in a hospital and

71.1 identification is not in question, an autopsy may be performed or ordered by the coroner or  
2 medical examiner.

71.3 Subd. 3. ~~Other deaths, autopsies, Exhumation; consent~~ disinterment. The  
71.4 coroner ~~may conduct an autopsy in the case of any human death referred to in subdivision~~  
71.5 ~~1, clause (3) or (4), or~~ medical examiner may exhume any human body and perform  
71.6 an autopsy on it in the case of any human death referred to in subdivision 1 when the  
71.7 coroner or medical examiner judges that the public interest requires an autopsy. No  
71.8 autopsy exhumation shall be conducted unless the surviving ~~spouse, or legal~~ next of kin  
71.9 ~~if there is no surviving spouse,~~ consents to it, or the district court of the county where the  
71.10 body is located or buried, ~~upon notice as the court directs, enters an order authorizing an~~  
71.11 autopsy or an exhumation and autopsy orders it. Notice of such exhumation shall be given  
71.12 as directed by the district court. Application for an order may be made by the coroner,  
71.13 medical examiner, or by the county attorney of the county where the body is located or  
71.14 buried, and shall be granted upon a showing that the court deems appropriate.

71.15 Subd. 4. **Assistance of medical specialists.** If during an investigation the coroner or  
71.16 medical examiner believes the assistance of pathologists, toxicologists, ~~deputy coroners,~~  
71.17 laboratory technicians, or other medical, scientific, or forensic experts is necessary to  
71.18 determine or confirm the cause or manner of death, identification, time of death, or to  
71.19 address other issues requiring expert opinion, the coroner ~~shall~~ or medical examiner may  
71.20 obtain their assistance.

71.21 Subd. 5. **Inquest.** An inquest into a death may be held at the request of the medical  
71.22 examiner and the county attorney or the coroner and the county attorney. An inquest is  
71.23 optional and the coroner or medical examiner may investigate and certify a death without  
71.24 one. The coroner or medical examiner and county attorney may decide how to empanel  
71.25 the inquest. Inquest records will be made public, but the record and report of the inquest  
71.26 proceedings may not be used in evidence in any civil action arising out of the death for  
71.27 which an inquest was ordered. Before an inquest is held, the coroner shall notify the  
71.28 county attorney to appear and examine witnesses at the inquest.

71.29 Whenever the decision is made to hold an inquest, the county attorney may issue  
71.30 subpoenas for witnesses and enforce their attendance. The persons served with subpoenas  
71.31 shall be allowed the same compensation and be subject to the same enforcement and  
71.32 penalties as provided by Rule 22 of the Minnesota Rules of Criminal Procedure.

71.33 Subd. 6. **Records kept by coroner or medical examiner.** The coroner or medical  
71.34 examiner shall keep full and complete records, properly indexed records, giving the name,  
71.35 if known, of every person whose death is investigated, the place where the body was  
71.36 found, the date, cause, and manner of death, and all other relevant available information

72.1 concerning the death: that the coroner or medical examiner considers pertinent. These  
72.2 records of the coroner or medical examiner are the property of the county and subject to  
72.3 chapter 13. These records shall be kept at the coroner's or medical examiner's office,  
72.4 unless no storage space is available. They shall then be kept with official county records  
72.5 and only released in accordance with the Data Practices Act. Records shall be kept in  
72.6 accordance with section 15.17.

72.7 Subd. 7. **Reports Duty to report.** ~~(a)~~ Deaths of the types described in this section  
72.8 must be promptly reported for investigation to the coroner or medical examiner and, when  
72.9 appropriate, to the law enforcement agency with jurisdiction, by the law enforcement  
72.10 officer, attending physician, health care professional, mortician or funeral director, person  
72.11 in charge of the public institutions referred to in subdivision 1, ~~or other person with~~  
72.12 ~~knowledge of the death.~~ anyone who discovers a deceased person. In a case in which a  
72.13 crime may be involved, the coroner or medical examiner shall promptly notify the law  
72.14 enforcement agency with jurisdiction over a criminal investigation of the death.

72.15 Subd. 7a. **Records and other material available to coroner or medical examiner.**

72.16 ~~(b) For the purposes of this section, health-related records or data on a decedent, Except~~  
72.17 for health data defined in section 13.3805, subdivision 1, paragraph (a), clause (2),  
72.18 health-related records or data on a decedent whose death is being investigated under  
72.19 this section, whether the records or data are recorded or unrecorded, including but  
72.20 not limited to those concerning medical, surgical, psychiatric, psychological, or any  
72.21 other consultation, diagnosis, or treatment, including medical imaging, shall be made  
72.22 promptly available to the coroner or medical examiner, upon the coroner's or medical  
72.23 examiner's written request, by a any person, agency, entity, or organization having  
72.24 custody of, possession of, access to, or knowledge of the records or data. This provision  
72.25 includes records and data, whether recorded or unrecorded, including but not limited to,  
72.26 records and data, including medical imaging, concerning medical, surgical, psychiatric,  
72.27 psychological, chemical dependency, or any other consultation, diagnosis, or treatment.  
72.28 In cases involving a stillborn infant or the death of a fetus or infant less than one year  
72.29 of age, the prenatal records on the decedent's mother may also be subpoenaed by the  
72.30 coroner or medical examiner. The coroner or medical examiner shall pay the reasonable  
72.31 costs of copies of records or data so provided to the coroner under this section. Data  
72.32 collected or created pursuant to this subdivision relating to any psychiatric, psychological,  
72.33 or mental health consultation with, diagnosis of, or treatment of the decedent whose  
72.34 death is being investigated shall remain confidential or protected nonpublic data, except  
72.35 that the coroner's or medical examiner's final summary report may contain a summary  
72.36 of, or references to, such data. Where records of a decedent become part of the medical

73.1 examiner's or coroner's file, they are not subject to subpoena or a request for production  
 73.2 directed to the medical examiner or coroner. Body fluids, slides, tissue, organ specimens,  
 73.3 radiographs, monitor records, video or other recordings, and any other material or article  
 73.4 of diagnostic value obtained from the decedent prior to death, shall be made available to  
 73.5 the coroner or medical examiner upon request. Notwithstanding the provisions of sections  
 73.6 13.384 and 595.02, the coroner or medical examiner shall have the power to subpoena any  
 73.7 and all documents, records, including medical records, and papers deemed useful in the  
 73.8 investigation of a death.

73.9 Subd. 7b. **Records released by coroner or medical examiner.** Records and  
 73.10 reports, including those of autopsies performed, generated, and certified by the coroner or  
 73.11 medical examiner shall be admissible as evidence in any court or grand jury proceeding.  
 73.12 The admissibility of such evidence under this subdivision shall not include statements  
 73.13 made by witnesses or other persons unless otherwise admissible.

73.14 Subd. 8. **Investigation procedure; coroner or medical examiner in charge of**  
 73.15 body. Upon notification of a ~~the~~ death ~~subject to~~ of any person as defined in this section,  
 73.16 the coroner or ~~deputy~~ ~~shall~~ medical examiner staff or their designee may proceed to the  
 73.17 body, take charge of it, and; ~~arrange for transfer of it, when appropriate.~~ This provision  
 73.18 also applies to bones, body parts, and specimens that may be human remains. Discovery  
 73.19 of such bones, body parts, and specimens must be promptly reported to the coroner or  
 73.20 medical examiner. When necessary, the coroner or medical examiner staff, in coordination  
 73.21 with the applicable law enforcement agency, may order that there be no interference with  
 73.22 or compromise of the body or the scene of death. In the event a person is transported to  
 73.23 an emergency vehicle or facility and pronounced dead, the scene of death shall include  
 73.24 the original location of the decedent when first discovered to be ill, unresponsive, or  
 73.25 stricken prior to removal by emergency medical personnel. Any person violating such  
 73.26 an order is guilty of a gross misdemeanor. The coroner or medical examiner staff shall  
 73.27 make inquiry regarding the cause and manner of death and, in cases that fall under the  
 73.28 medical examiner's or coroner's jurisdiction, prepare written findings together with the  
 73.29 report of death and its circumstances, which shall be filed in the office of the coroner or  
 73.30 medical examiner.

73.31 Subd. 9. **Criminal act report.** ~~On coming to believe that the death may have~~  
 73.32 ~~resulted from a criminal act,~~ The coroner or ~~deputy~~ medical examiner shall deliver a  
 73.33 ~~signed copy of the report of investigation or inquest to the county attorney,~~ to the county  
 73.34 attorney copies of reports or other information created by the coroner's or medical  
 73.35 examiner's office in any cases of a potential criminal nature.

74.1 Subd. 10. ~~Sudden Infant death.~~ If a child under the age of two years dies suddenly  
74.2 and unexpectedly ~~under circumstances indicating that the death may have been caused~~  
74.3 ~~by sudden infant death syndrome, the coroner, medical examiner, or personal physician~~  
74.4 ~~shall notify the child's parents or guardian that an autopsy is essential to establish the~~  
74.5 ~~cause of death as sudden infant death syndrome. If an autopsy reveals that sudden infant~~  
74.6 ~~death syndrome is the cause of death, that fact must be stated in the autopsy report.,~~ the  
74.7 parents or guardian of the child shall be promptly notified of the ~~cause of death and of the~~  
74.8 availability of counseling services.

74.9 Subd. 11. ~~Autopsy fees.~~ The coroner may charge a reasonable fee to a person  
74.10 requesting an autopsy if the autopsy would not otherwise be conducted under subdivision  
74.11 ~~1, 2, or 3.~~

74.12 Subd. 12. ~~Authorized removal of the brain.~~ If the coroner or medical examiner is  
74.13 informed by a physician ~~or pathologist~~ that a ~~dead person~~ decedent is suspected of having  
74.14 had Alzheimer's disease, the coroner ~~shall~~ or medical examiner may authorize the removal  
74.15 of the brain ~~of the dead person~~ for the purposes of sections 145.131 and 145.132.

74.16 EFFECTIVE DATE. This section is effective July 1, 2006.

74.17 Sec. 10. Minnesota Statutes 2004, section 390.111, is amended to read:

74.18 **390.111 EXPENSES AND COMPENSATION.**

74.19 The county board ~~may allow~~ is responsible for the reasonable and necessary  
74.20 compensation and expenses of the coroner or ~~deputies incurred for telephone tolls,~~  
74.21 ~~telegrams, postage, the cost of transcribing the testimony taken at an inquest, and other~~  
74.22 ~~expenses incurred solely for the officers' official business under this chapter.~~ medical  
74.23 examiner, assistants, investigators, and other medical specialists.

74.24 EFFECTIVE DATE. This section is effective July 1, 2006.

74.25 Sec. 11. Minnesota Statutes 2004, section 390.15, is amended to read:

74.26 **390.15 WITNESSES; FEES.**

74.27 The coroner or medical examiner ~~may issue subpoenas for witnesses, returnable~~  
74.28 ~~immediately or at a specified time and place. The persons served with the subpoenas shall~~  
74.29 ~~be allowed the fees, the coroner shall enforce their attendance, and they shall be subject~~  
74.30 ~~to the penalties provided by statute or the Rules of Criminal Procedure.~~ charge a fee for  
74.31 cremation approval, duplication of reports, and other administrative functions to recover  
74.32 reasonable expenses, subject to county board approval.

74.33 EFFECTIVE DATE. This section is effective July 1, 2006.

74.34 Sec. 12. **[390.151] ORGAN AND TISSUE DONATION.**

75.1 The coroner or medical examiner may facilitate donation of organs and tissues in  
 2 compliance with the Uniform Anatomical Gift Act, sections 525.921 to 525.9224.

75.3 EFFECTIVE DATE. This section is effective July 1, 2006.

75.4 Sec. 13. [390.152] CREMATION APPROVAL.

75.5 After investigating deaths of persons who are to be cremated, the coroner or medical  
 75.6 examiner may give approval for cremation and shall record such approval by either  
 75.7 signing a cremation authorization form, or electronically through the centralized electronic  
 75.8 system for the processing of death records established by the state registrar. It shall be a  
 75.9 misdemeanor to perform a cremation without such approval.

75.10 EFFECTIVE DATE. This section is effective July 1, 2006.

75.11 Sec. 14. Minnesota Statutes 2004, section 390.21, is amended to read:

75.12 **390.21 DISPOSITION; BURIAL.**

75.13 ~~When a coroner holds an inquest upon view of the dead body of any person~~  
 75.14 ~~unknown, or, being called for that purpose, does not think it necessary, on view of~~  
 75.15 ~~the body, that an inquest be held, the coroner shall have the body decently buried. All~~  
 75.16 ~~expenses of the inquisition and burial shall be paid by the county where the dead body is~~  
 75.17 ~~found. After an investigation has been completed, including an autopsy if one is done, the~~  
 75.18 ~~body shall be released promptly to the person or persons who have the right to control the~~  
 75.19 ~~disposition of the body. Section 149A.80, subdivision 2, shall control. If the identity of~~  
 75.20 ~~the deceased person is unknown, or if the body is unclaimed, the medical examiner or~~  
 75.21 ~~coroner shall provide for dignified burial or storage of the remains. Dignified burial shall~~  
 75.22 ~~not include cremation, donation for anatomic dissection, burial at sea, or other disposition~~  
 75.23 ~~that will make the body later unavailable. The county where the dead body is found shall~~  
 75.24 ~~pay reasonable expenses of the burial. If an estate is opened within six years and claim~~  
 75.25 ~~made for the property or proceeds of the sale of the property of the decedent, the county~~  
 75.26 ~~shall be reimbursed the amount spent on burial, with interest at the statutory rate.~~

75.27 EFFECTIVE DATE. This section is effective July 1, 2006.

75.28 Sec. 15. Minnesota Statutes 2004, section 390.221, is amended to read:

75.29 **390.221 BODIES; EFFECTS; CUSTODY.**

75.30 A person may not ~~remove~~ move, interfere with, or handle the body or the effects  
 1 of ~~any person~~ a decedent subject to an investigation by the ~~county~~ coroner or medical  
 75.32 examiner except upon order of the coroner ~~or, medical examiner, assistant, or deputy~~  
 75.33 authorized investigator. The coroner or medical examiner shall take charge of the effects  
 75.34 found on or near the body of a deceased person and dispose of them as ~~the district~~

76.1 ~~court directs by written order~~ directed under section 390.225. If a crime is suspected  
76.2 in connection with the death of a deceased person ~~is suspected~~, the coroner or medical  
76.3 examiner may prevent any person, except law enforcement personnel, from entering the  
76.4 premises, rooms, or buildings, and shall have the custody of objects that the coroner or  
76.5 examiner deems material evidence in the case. The coroner or medical examiner shall  
76.6 release any property or articles needed for any criminal investigation to law enforcement  
76.7 officers conducting the investigation, except as noted in section 390.225, subdivision 2. A  
76.8 ~~willful~~ knowing violation of this section is a gross misdemeanor.

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

76.10 Sec. 16. **[390.225] PROPERTY.**

76.11 Subdivision 1. Procedure. The coroner or medical examiner may take possession of  
76.12 all articles that may be useful in establishing the cause or manner of death, identification,  
76.13 or next of kin of the deceased, and, if taken, mark them for identification, make an  
76.14 inventory, and retain them securely until they are no longer needed for evidence or  
76.15 investigation. Except as noted in subdivision 2, the coroner or medical examiner shall  
76.16 release any property or articles needed for any criminal investigation to law enforcement  
76.17 officers conducting the investigation.

76.18 Subd. 2. Retention of property. When a reasonable basis exists for not releasing  
76.19 property or articles to law enforcement officers, the coroner or medical examiner shall  
76.20 consult with the county attorney. If the county attorney determines that a reasonable basis  
76.21 exists for not releasing the property or articles, the coroner or medical examiner may  
76.22 retain them. The coroner or medical examiner shall obtain written confirmation of this  
76.23 opinion and keep a copy in the decedent's file.

76.24 Subd. 3. Release of property. With the exception of firearms, when property or  
76.25 articles are no longer needed for the investigation or as evidence, the coroner or medical  
76.26 examiner shall release such property or articles to the person or persons entitled to them.  
76.27 Personal property, including wearing apparel, may be released to the person entitled to  
76.28 control the disposition of the body of the decedent or to the personal representative of the  
76.29 decedent. Personal property not otherwise released pursuant to this subdivision must be  
76.30 disposed of pursuant to section 525.393.

76.31 Subd. 4. Firearms. The coroner or medical examiner shall release all firearms,  
76.32 when no longer needed, to the law enforcement agency handling the investigation.

76.33 Subd. 5. Property of unknown decedents. If the name of the decedent is not  
76.34 known, the coroner or medical examiner shall release such property to the county for  
76.35 disposal or sale. If the unknown decedent's identity is established and if a representative

77.1 shall qualify within six years from the time of such sale, the county administrator, or a  
 77.2 designee, shall pay the amount of the proceeds of the sale to the representative on behalf  
 77.3 of the estate upon order of the court. If no order is made within six years, the proceeds of  
 77.4 the sale shall become a part of the general revenue of the county.

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

77.6 Sec. 17. Minnesota Statutes 2004, section 390.23, is amended to read:

77.7 **390.23 DEATH RECORDS OF VIOLENT OR MYSTERIOUS DEATH.**

77.8 No person, other than the county coroner, ~~or medical examiner, judge exercising~~  
 77.9 ~~probate jurisdiction, or Department of Corrections' independent, contracted,~~  
 77.10 ~~board-certified forensic pathologist, or, for deaths occurring within a facility licensed by~~  
 77.11 ~~the Department of Corrections, the forensic pathologist who reviewed the death, shall issue~~  
 77.12 ~~a record file or amend the cause or manner of death information with the state registrar in~~  
 77.13 ~~cases of likely or suspected accidental, suicidal, homicidal, violent, or mysterious deaths,~~  
 77.14 ~~including suspected homicides, occurring in the county. The Department of Corrections'~~  
 77.15 ~~independent, contracted, board-certified forensic pathologist must issue the certificate of~~  
 77.16 ~~death in all Department of Corrections-incarcerated deaths. The forensic pathologist who~~  
 77.17 ~~reviewed the death of an incarcerated person within a facility licensed by the Department~~  
 77.18 ~~of Corrections may file or amend the cause or manner of death information with the state~~  
 77.19 ~~registrar. If there is reasonable proof that a death has occurred, but no body has been~~  
 77.20 ~~found, a judge may direct the state registrar to register the death with the fact of death~~  
 77.21 ~~information provided by the court order according to section 144.221 subdivision 3.~~

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

77.23 Sec. 18. Minnesota Statutes 2004, section 390.25, is amended to read:

77.24 **390.25 FINGERPRINTING OF UNIDENTIFIED DECEASED PERSON**  
 77.25 **PERSONS.**

77.26 **Subdivision 1. Attempts to identify.** ~~Each coroner shall have fingerprinted all~~  
 77.27 ~~deceased persons in the county whose identity is not immediately established. Within~~  
 77.28 ~~24 hours after the body is found, the coroner shall forward to the Bureau of Criminal~~  
 77.29 ~~Apprehension the fingerprints, fingerprint records, and other identification data. The~~  
 77.30 ~~superintendent of the bureau shall prescribe the form of these reports. The duties are in~~  
 77.31 ~~addition to those imposed on the coroner by section 525.393. The coroner or medical~~  
 77.32 examiner shall make reasonable attempts to identify the deceased person promptly. These  
 77.33 actions may include obtaining: photographs of the body; fingerprints from the body, if  
 77.34 possible; formal dental examination by a dentist with forensic training, with charting and  
 77.35 radiographs; full body radiographs; specimens such as tissue, blood, bone, teeth, and/or



78.1 hair, suitable for DNA analysis or other identification techniques; blood type; photographs  
78.2 of items such as clothing and property found on and with the body; and anthropological  
78.3 determination of age, race, sex, and stature, if appropriate. All of these actions shall be  
78.4 taken prior to the disposition of any unidentified deceased person.

78.5 Subd. 2. Report to BCA. After 60 days, the coroner or medical examiner  
78.6 shall provide to the Bureau of Criminal Apprehension missing persons clearinghouse  
78.7 information to be entered into federal and state databases that can aid in the identification,  
78.8 including the National Crime Information Center database. The coroner or medical  
78.9 examiner shall provide to the Bureau of Criminal Apprehension specimens suitable for  
78.10 DNA analysis. DNA profiles and information shall be entered by the Bureau of Criminal  
78.11 Apprehension into federal and state DNA databases within five business days after the  
78.12 completion of the DNA analysis and procedures necessary for the entry of the DNA profile.

78.13 Subd. 3. Other efforts to identify. Nothing in this section shall be interpreted  
78.14 to preclude any medical examiner or coroner from pursuing other efforts to identify  
78.15 unidentified deceased persons, including publicizing information, descriptions, or  
78.16 photographs that may aid in the identification, allowing family members to identify  
78.17 missing persons, and seeking to protect the dignity of the missing persons.

78.18 Subd. 4. Preservation of data. The coroner or medical examiner may preserve  
78.19 and retain photographs, specimens, documents, and other data such as dental records,  
78.20 radiographs, fingerprints, or DNA, for establishing or confirming the identification of  
78.21 bodies or for other forensic purposes deemed appropriate under the jurisdiction of the  
78.22 office. Upon request by an appropriate agency, or upon the coroner or medical examiner's  
78.23 own initiative, the coroner or medical examiner may make the information available to aid  
78.24 in the establishment of the identity of a deceased person.

78.25 Subd. 5. Notice to state archaeologist. After the coroner or medical examiner  
78.26 has completed the investigation, the coroner or medical examiner shall notify the state  
78.27 archaeologist, according to section 307.08, of all unidentified human remains found  
78.28 outside of platted, recorded, or identified cemeteries and in contexts which indicate  
78.29 antiquity of greater than 50 years.

78.30 EFFECTIVE DATE. This section is effective July 1, 2006.

78.31 Sec. 19. [390.251] REQUEST FOR EXAMINATIONS.

78.32 The coroner or medical examiner may, when requested, make physical examinations  
78.33 and tests incident to any matter of a criminal nature under consideration by the district  
78.34 court or county attorney, law enforcement agency, or publicly appointed criminal defense  
78.35 counsel, and shall deliver a copy of a report of such tests and examinations to the person

79.1 making the request. Such an examination does not establish a doctor-patient relationship.  
79.2 The person making the request shall pay the cost of such examinations and tests.

79.3 EFFECTIVE DATE. This section is effective July 1, 2006.

79.4 Sec. 20. [390.252] CONTRACTS FOR SERVICES.

79.5 A county board may contract to perform coroner or medical examiner services  
79.6 with other units of government or their agencies under a schedule of fees approved by  
79.7 that board.

79.8 EFFECTIVE DATE. This section is effective July 1, 2006.

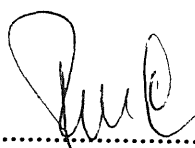
79.9 Sec. 21. REPEALER.

79.10 Minnesota Statutes 2004, sections 383A.36; 383B.225, subdivisions 1, 2, 3, 4, 6, 7,  
79.11 8, 9, 10, 11, 12, and 13; 390.006; 390.06; 390.07; 390.16; 390.17; 390.19; 390.20; 390.24;  
79.12 and 390.36, and Minnesota Statutes 2005 Supplement, section 383B.225, subdivision  
79.13 5, are repealed.

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

79.15 Amend the title accordingly

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

79.17   
79.18 .....  
(Committee Chair)

79.19 April 27, 2006 ..... 4-27-06  
79.20 (Date of Committee recommendation)