

**Governor's Supplemental Budget  
All Funds by Omnibus Bill and Agency**

*Dollars in Thousands*

FY 2006      FY 2007      FY 2008      FY 2009

**Public Safety**

**Corrections Dept**

**Salary Costs and Prison Bed Savings**

General	Expenditure	3,213	10,100	10,100	10,100
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This item funds employee and benefit increases that were not included in the biennial budget. Most correctional employees provide direct care to offenders, either in correctional institutions or through community supervision. These costs are partially offset by estimated prison bed savings resulting from a lower than previously anticipated prison population. The November 2005 forecast projected 9,118 offenders in prison at the end of FY 2007, down from 9,835 offenders projected the previous year for the same time.

**Grant--Mentoring Children of Inmates**

General	Expenditure	0	300	300	300
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This item funds a grant to an organization providing mentoring to Minnesota children of incarcerated offenders. The program should match mentors with children whose parent or other significant family member is incarcerated. Outcomes should include reducing the incidence of these children entering the juvenile justice system.

**Scott County--Community Corrections Act**

General	Expenditure	0	196	196	196
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This funding adds Scott County to the Community Corrections Act counties under Minnesota Statutes, Chapter 401, as the county has requested. The funding amount is the net increase necessary to hold harmless other counties already funded under the Act. Under this law counties may apply to the commissioner of corrections for grant funding for certain community-based correctional programs.

<b>Corrections Dept</b>	<b>General</b>	<b>3,213</b>	<b>10,596</b>	<b>10,596</b>	<b>10,596</b>
<b>Total Net Change</b>	<b>Other Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Judicial Standards Board**

**Deficiency Request--Hearings Costs**

General	Expenditure	172	0	0	0
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This deficiency request is for estimated costs of three public hearings on complaints of judicial misconduct which are anticipated this year and for investigation costs related to one of those hearings. The amount is in addition to \$50,000 in funds already appropriated to the Board for special hearings costs this biennium.

<b>Judicial Standards Board</b>	<b>General</b>	<b>172</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Net Change</b>	<b>Other Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Peace Officers Board (POST)**

**Governor's Supplemental Budget**  
**All Funds by Omnibus Bill and Agency**

*Dollars in Thousands*

FY 2006    FY 2007    FY 2008    FY 2009

**Public Safety**

**Peace Officers Board (POST)**

**Training Reimbursements**

General	Transfer In	(663)	(717)	(717)	(717)
Special Revenue	Expenditure	663	717	717	717
Special Revenue	Transfer Out	(663)	(717)	(717)	(717)

This item supplements dedicated training reimbursement funds to local units of government added to the agency's budget this biennium. Actual dedicated receipts from drivers license reinstatements, the dedicated funding source, are significantly less than originally forecast. This brings the total funding increase back up to the originally anticipated funding level, \$763,000 in FY 2006 and \$832,000 in FY 2007.

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<b>Peace Officers Board (POST)</b>	<b>General</b>	<b>663</b>	<b>717</b>	<b>717</b>	<b>717</b>
<b>Total Net Change</b>	<b>Other Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Public Defense Board**

**Appellate Transcripts**

General	Expenditure	200	200	200	200
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This proposal pays for additional mandatory transcript costs. While the number of appeals continues to increase, transcripts are required for appeals of convictions, supervised release/parole revocations, and community notification actions. The State Public Defender's Office (SPD) provides services to indigent prisoners in these proceedings.

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<b>Public Defense Board</b>	<b>General</b>	<b>200</b>	<b>200</b>	<b>200</b>	<b>200</b>
<b>Total Net Change</b>	<b>Other Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Public Safety Dept**

**Deficiency--State Disaster Match**

General	Expenditure	284	0	0	0
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This change is for additional state match costs related to three past disaster declarations: additional eligible local government disaster costs by the City of Hastings (2001 storms), cost overruns from the 1998 tornado disaster for the City of St. Peter, and costs associated with the recent major disaster declaration for nine counties in western Minnesota that suffered significant damage from a winter storm that struck that area November 27-29, 2005.

**Internet Child Pornography Team**

General	Expenditure	0	1,000	778	778
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This proposal creates a child pornography investigative unit in the Bureau of Criminal Apprehension. The team will feature four BCA agents who will be specially trained and have statewide jurisdiction, as well as a computer technologist, a criminal analyst and a training specialist who will work with local officials. This team will work with criminal justice agencies across the state, including the Internet Crimes Against Children Task Force in the St. Paul Police Department, as well as federal law enforcement officials.

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FY 2006    FY 2007    FY 2008    FY 2009

**Public Safety**

**Public Safety Dept**

**Mn. Illegal Immigration Enforcement Team**

General	Expenditure	0	2,186	1,187	1,187
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To better enforce immigration laws and improve public safety in Minnesota, this proposal would create a team of ten state law enforcement agents who will serve as the Minnesota Illegal Immigration Enforcement Team (MIET). These officers will obtain additional training and receive dual jurisdiction to enforce federal immigration laws. MIET efforts will be focused on illegal immigrants that commit crimes such as human trafficking, identity theft, illegal drug use, and terrorism. This proposal also includes enhancements to the Criminal History data systems to improve tracking.

**Posting of Non-compliant Sex Offenders**

General	Expenditure	0	200	116	116
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Minnesota law requires predatory offenders to register with the Department of Corrections and local law enforcement agencies following conviction for serious crimes such as criminal sexual conduct and kidnapping. This proposal would enhance the capability of the predatory offender database to allow the publishing on the internet of information about non-compliant sex offenders.

**Alcohol Vendor Training**

General	Expenditure	0	100	100	100
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This initiative would add a training component to the licensing of alcohol vendors to help prevent youth access to alcohol.

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<b>Public Safety Dept</b>	<b>General</b>	<b>284</b>	<b>3,486</b>	<b>2,181</b>	<b>2,181</b>
<b>Total Net Change</b>	<b>Other Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Supreme Court**

**Judicial Chemical Dependency Initiative**

General	Expenditure	0	750	0	0
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Funding 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's courts, including the dramatic increase in methamphetamine offenders. The first phase will involve (1) training for multidisciplinary teams on the problem solving approach to high-risk AOD offenders; (2) a study of existing funding streams for a more cost-effective funding structure for this approach; and (3) filling gaps in available treatment and other services for current problem solving courts.

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<b>Supreme Court</b>	<b>General</b>	<b>0</b>	<b>750</b>	<b>0</b>	<b>0</b>
<b>Total Net Change</b>	<b>Other Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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**Judicial Standards Board**

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<b>Judicial Standards Board</b>	<b>General</b>	<b>172</b>	<b>0</b>	<b>0</b>	<b>0</b>
<b>Total Net Change</b>	<b>Other Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

**Peace Officers Board (POST)**

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**Peace Officers Board (POST)**

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**Supreme Court**

**Judicial Chemical Dependency Initiative**

General	Expenditure	0	750	0	0
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<b>Supreme Court</b>	<b>General</b>	<b>0</b>	<b>750</b>	<b>0</b>	<b>0</b>
<b>Total Net Change</b>	<b>Other Funds</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

19 Strike Force

Minnesota Gang Strike Force				Funding and Member History					
Funding Level	1998	1999	2000	2001	2002	2003	2004	2005	
One-Time Appropriation	\$2,771,000	\$2,820,000			\$750,000	\$750,000			
State Appropriation			\$1,917,000	\$3,178,000	\$1,847,000	\$1,853,000	\$352,000	\$352,000	
One-Time Funding							\$1,069,000*	\$315,792**	
<b>TOTAL FUNDING</b>	<b>\$2,771,000</b>	<b>\$2,820,000</b>	<b>\$1,917,000</b>	<b>\$3,178,000</b>	<b>\$2,597,000</b>	<b>\$2,603,000</b>	<b>\$1,421,000</b>	<b>\$667,792</b>	
Totals Include Administrative and Oversight Council Expenses, Gang Data System Expenses and Grants to Local Agencies.									
# of participating officers (Inc. Federal & BCA members)	70 total/40 metro		60 total/36 metro		49 total/32 metro		32 total/16 metro	29 total/16 metro	
* includes federal fine, forfeiture, extended grants and funds from the Attorney General									
** includes OJP general fund of \$79,725 and \$236,067 in Byrne turnback-MGSF forfeiture not reflected									
<b>Participating Agencies</b>	<b># of Officers</b>	<b>Participating Agencies</b>	<b># of Officers</b>						
Minneapolis	2	St. Cloud	2						
Mpls/Metro Commander	1	Stearns	1						
St. Paul	6	Duluth	3						
St. Paul Commander	1	Goodhue	1						
Ramsey	5	Rochester	1						
Brooklyn Park	1	Marshall	1						
Dakota County	1	Worthington	1						
Sherburne	1	Mankato	1						
			29						
Agencies to be reimbursed \$5,000 per officer per quarter									
Agencies to be reimbursed actual costs of statewide and metro commanders									

1998-99  
3,591

2000-01  
5,095

2002-03  
5,200

2004-05  
2,955 state  
1,069 fed  
4,024 total

06-07  
1,748

Source: Frank Ahrens, Finance Director, DPS

Senate Public Safety Finance Division, 2006 Supplemental Appropriations Bill  
(all dollars in thousands)

	Agency/Item Summary	Fund	FY06	Gov Rec FY07	FY06-07	Gov Rec Tails			Chairman's Rec			Chairman Rec Tails		
						FY08	FY09	FY08-09	FY06	FY07	FY06-07	FY08	FY09	FY08-09
1	<b>SUPREME COURT</b>													
2	Judicial Chemical Dependency Initiative	GF	0	750	750	0	0	0	0	750	750	0	0	0
3														
4	<b>Total Supreme Court</b>	GF	0	750	750	0	0	0	0	750	750	0	0	0
5														
6	<b>BOARD OF JUDICIAL STANDARDS</b>													
7	Deficiency Request - Hearing Costs	GF	172	0	172		0	0	172	0	172	0	0	0
8	Investigation Services (SF 3330)	GF	0	0	0	0	0	0	0	75	75	0	0	0
9														
10	<b>Total Board of Judicial Standards</b>	GF	172	0	172	0	0	0	172	75	247	0	0	0
11														
12	<b>PUBLIC DEFENSE BOARD</b>													
13	Appellate Transcripts	GF	200	200	400	200	200	400	200	200	400	200	200	400
14														
15	<b>Total Public Defense Board</b>	GF	200	200	400	200	200	400	200	200	400	200	200	400
16														
17	<b>PUBLIC SAFETY</b>													
18														
19	<b>Homeland Security / Emergency Management</b>													
20	Deficiency - State Disaster Match	GF	284	0	284	0	0	0	284	0	284	0	0	0
21	Hazardous Substances Planner (SF 2757)	GF	0	0	0	0	0	0	0	62	62	62	62	124
22														
23	<b>Total Homeland Security / Emergency Mgmt</b>	GF	284	0	284	0	0	0	284	62	346	62	62	124
24														
25	<b>Bureau of Criminal Apprehension (BCA)</b>													
26	Internet Child Pornography Team - 4 agents	GF	0	1,000	1,000	778	778	1,556	0	620	620	620	620	1,240
27	Illegal Immigration Enforcement Team - 10 agents	GF	0	2,186	2,186	1,187	1,187	2,374	0	0	0	0	0	0
28	Non-Compliant Predatory Offender Data Base	GF	0	200	200	116	116	232	0	200	200	116	116	232
29	Missing and Unidentified Persons (SF 3249)	GF	0	0	0	0	0	0	0	100	100	100	100	200
30														
31	<b>Total Bureau of Criminal Apprehension</b>	GF	0	3,386	3,386	2,081	2,081	4,162	0	920	920	836	836	1,672
32														
33	<b>Alcohol and Gambling Enforcement</b>													
34	Alcohol Vender Training	GF	0	100	100	100	100	200	0	0	0	0	0	0
35														
36	<b>Total Alcohol and Gambling Enforcement</b>	GF	0	100	100	100	100	200	0	0	0	0	0	0

37	Agency/Item Summary	Fund	FY06	Gov Rec FY07	FY06-07	Gov Rec Tails FY08	FY09	FY08-09	Chairman's Rec FY06	FY07	FY06-07	Chairman Rec Tails FY08	FY09	FY08-09
39	<b>Office of Justice Programs</b>													
41	Gang Strike Force Supplement	GF	0	0	0	0	0	0	0	1,080	1,080	1,080	1,079	2,159
42	Bomb Squads (SF 3341)	GF	0	0	0	0	0	0	0	52	52	52	52	104
43	Human Trafficking Protocol Training (SF 2915)	GF	0	0	0	0	0	0	0	98	98	80	80	160
44	Human Trafficking Task Force and Plan (SF 2870)	GF	0	0	0	0	0	0	0	75	75	0	0	0
45	Legal Advocacy Trafficking Victims (SF 2870)	GF	0	0	0	0	0	0	0	60	60	0	0	0
46	Trafficking Hotline (SF 3126)	GF	0	0	0	0	0	0	0	35	35	15	15	30
47	Youth Intervention Program (SF 2631)	GF	0	0	0	0	0	0	0	350	350	350	350	700
	Juvenile Crime and Drug Prevention Campaign	GF	0	0	0	0	0	0	0	74	74	0	0	0
48	Crime Victim Intervention Program (SF 3498)	GF	0	0	0	0	0	0	0	150	150	0	0	0
49	Expand Downtown Security System (3 sites)	GF	0	0	0	0	0	0	0	180	180	0	0	0
50														
51	<b>Total Office of Justice Programs</b>	GF	0	0	0	0	0	0	0	2,154	2,154	1,577	1,576	3,153
52														
53	<b>Total Public Safety</b>	GF	284	3,486	3,770	2,181	2,181	4,362	284	3,136	3,420	2,475	2,474	4,949
54														
55	<b>POST BOARD</b>													
56	Training Reimbursements	SR	663	717	1,380	717	717	1,434	663	717	1,380	717	717	1,434
57														
58	<b>CORRECTIONS</b>													
59														
60	<b>Institutions</b>													
61	Salary Supplement and New Guidelines Beds	GF	8,855	17,288	26,143	17,288	17,288	34,576	8,855	17,288	26,143	17,288	17,288	34,576
62	Forecast Adjustment	GF	-6,187	-8,500	-14,687	-8,500	-8,500	-17,000	-6,187	-8,500	-14,687	-8,500	-8,500	-17,000
63	Supplemental Net Appropriation	GF	2,668	8,788	11,456	8,788	8,788	17,576	2,668	8,788	11,456	8,788	8,788	17,576
64														
65	<b>Total Institutions</b>	GF	2,668	8,788	11,456	8,788	8,788	17,576	2,668	8,788	11,456	8,788	8,788	17,576
66														
67	<b>Community Services</b>													
68	Salary Supplement	GF	545	1,312	1,857	1,312	1,312	2,624	545	1,312	1,857	1,312	1,312	2,624
69	Grant - Mentoring Children of Inmates	GF	0	300	300	300	300	600	0	300	300	300	300	600
70	Scott County - Entry Comm Corr Act	GF	0	196	196	196	196	392	0	196	196	196	196	392
71	Immigration Specialist	GF	0	0	0	0	0	0	0	75	75	75	75	150
72	Discharge Planning for Mentally Ill (SF3643)	GF	0	0	0	0	0	0	0	200	200	100	100	200
73														
74	<b>Total Community Services</b>	GF	545	1,808	2,353	1,808	1,808	3,616	545	2,083	2,628	1,983	1,983	3,966
75														
76	<b>Total Corrections</b>	GF	3,213	10,596	13,809	10,596	10,596	21,192	3,213	10,871	14,084	10,771	10,771	21,542
77														
78	<b>TOTALS</b>	GF	3,869	15,032	18,901	12,977	12,977	25,954	3,869	15,032	18,901	13,446	13,445	26,891
79		SR	663	717	1,380	717	717	1,434	663	717	1,380	717	717	1,434
80			4,532	15,749	20,281	13,694	13,694	27,388	4,532	15,749	20,281	14,163	14,162	28,325
81	<b>Revenue Adjustment - General Fund</b>													
82	POST Board GF Reduction for SR Increase	GF	663	717	1,380	717	717	1,434	663	717	1,380	717	717	1,434
83														
84	<b>GENERAL FUND TARGET</b>	GF	4,532	15,749	20,281	13,694	13,694	27,388	4,532	15,749	20,281	14,163	14,162	28,325

Special Agent	Criminal Intell. Analyst	Office & Admin Specialist	Information Tech. Spec. 5	Training Specialist (used EDS4)	Governor's Initiative Internet Crimes Against Children (ICAC)					FY2007 Total	FY2008 Total	FY2009 Total
					4 Four Special Agents FY 2007	2 Two Criminal Intell. Analysts	1 One Office & Admin Specialist Int.	1 One Information Tech. Spec. 5	1 One Training Specialist			
\$81,363	\$61,868	\$49,514	114840	75338	\$325,452	\$123,736	\$49,514	\$114,840	\$75,338	\$688,880	\$690,896	\$690,896
7,628					30,512					30,512	30,512	30,512
100 450	50	50	50	50	2,200	100	\$50	50	50	2,450	2,450	2,450
3,800					3,800					3,800	3,800	3,800
600 600					4,800					4,800	4,800	4,800
1,000					4,000					4,000		
200 1,200	200 500	200 500	200 500	200 500	5,600	1,400	700	700	700	9,100	9,100	9,100
1,500				1,500	14,000			8,000	1,500	23,500	17,500	17,500
8,000			8,000									
	3,800					7,600				7,600		
2,600 1,300 500 400					19,200	400	200	76,820	200	96,820	13,000	13,000
3,000 5,000 500 500	3,000	3,000	3,000	3,000 5,000	36,000	6,000	3,000	66,993	3,000	119,993		
			63,993									
1,500	500	500	500	500	6,000	1,000	500	500	500	8,500	6,000	6,000
<b>\$121,741</b>	<b>\$70,118</b>	<b>\$53,964</b>	<b>\$287,903</b>	<b>\$86,288</b>	<b>\$451,564</b>	<b>\$140,236</b>	<b>\$53,964</b>	<b>\$267,903</b>	<b>\$81,288</b>	<b>\$999,955</b>	<b>\$778,058</b>	<b>\$778,058</b>

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

**Bill #:** S2373-1E **Complete Date:** 03/29/06

**Chief Author:** BETZOLD, DON

**Title:** REGULATED ANIMALS OWNERSHIP

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

**Agencies:** Animal Health Board (03/29/06)  
 Public Defense Board (03/23/06)  
 Corrections Dept (03/27/06)

Supreme Court (03/22/06)  
 Sentencing Guidelines Comm (03/29/06)

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>					
-- 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>					

**Consolidated EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: KEITH BOGUT  
 Date: 03/29/06 Phone: 296-7642

**Fiscal Note – 2005-06 Session**

**Bill #: S2373-1E Complete Date: 03/29/06**

**Chief Author: BETZOLD, DON**

**Title: REGULATED ANIMALS OWNERSHIP**

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

**Agency Name: Animal Health 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 Equivalent</b>					
-- No Impact --					
<b>Total FTE</b>					

This bill version has no fiscal effect on our agency.

FN Coord Signature: BARBARA TROYER  
Date: 03/29/06 Phone: 201-6817

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: KEITH BOGUT  
Date: 03/29/06 Phone: 296-7642

**Fiscal Note – 2005-06 Session**

**Bill #:** S2373-1E **Complete Date:** 03/22/06

**Chief Author:** BETZOLD, DON

**Title:** REGULATED ANIMALS OWNERSHIP

<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 Equivalent</b>					
-- No Impact --					
<b>Total FTE</b>					

This bill version has no fiscal effect on our agency.

FN Coord Signature: JUDY REHAK  
Date: 03/22/06 Phone: 297-7800

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/22/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #: S2373-1E Complete Date: 03/23/06**

**Chief Author: BETZOLD, DON**

**Title: REGULATED ANIMALS OWNERSHIP**

<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 Equivalent</b>					
-- No Impact --					
<b>Total FTE</b>					

This bill version has no fiscal effect on our agency.

FN Coord Signature: KEVIN KAJER

Date: 03/23/06 Phone: 349-2565

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 03/23/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S2373-1E **Complete Date:** 03/27/06

**Chief Author:** BETZOLD, DON

**Title:** REGULATED ANIMALS OWNERSHIP

<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 Equivalent</b>					
-- No Impact --					
<b>Total FTE</b>					

### **Bill Description**

The proposed legislation will amend Minnesota Statutes, 2004, section 346.155, subdivisions 1, 4, 5 and 10 by adding a subdivision (9a) that creates criminal penalties for persons who negligently fail to control a regulated animal and as a result the animal causes bodily harm to another person. The penalty is a misdemeanor if the result is bodily harm, a gross misdemeanor if the result is substantial bodily harm, or a felony if the negligence results in great bodily harm or death. The offender may receive a sentence of not more than 90 days for a misdemeanor, not more than one year for a gross misdemeanor and a maximum of two years for a felony conviction. Additionally, the bill creates a gross misdemeanor penalty for persons who knowingly fail to register a regulated animal in accordance with registration requirements effective January 1, 2005.

### **Assumptions**

- Approximately six people in the state of Minnesota are known to be in possession of regulated animals that are not currently registered.
- It is unknown how many convictions will result from failing to register regulated animals. However, because there are no felony provisions for this offense, there will be no impact on state prisons.
- It is unknown how many people in Minnesota sustain injuries from regulated animals each year, and it is therefore unclear how many convictions will occur. It is anticipated the number will be minimal. Additionally, the related offenses are likely to be ranked at a severity level where most offenders will be recommended probationary sentences, so the impact on state correctional resources is expected to be 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 August 1, 2006 and applies to crimes committed on or after that date.**

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

N/A

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

N/A

### **Local Government Costs**

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: 03/27/06 Phone: 642-0220

### **EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 03/27/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S2373-1E **Complete Date:** 03/29/06

**Chief Author:** BETZOLD, DON

**Title:** REGULATED ANIMALS OWNERSHIP

<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 SF2373\_1E:  
Criminal Penalties for Negligent Possession of  
Regulated Animals**

Minnesota Sentencing Guidelines Commission  
March 22, 2006

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*Minimal impact on state prison and local correctional resources.*

**Bill Description**

This bill amends Minnesota Statutes 2004, section 346.155, subdivisions 1, 4, 5, and 10 by adding a subdivision (9a) that creates criminal penalties for persons who negligently fail to control a regulated animal and, as a result, the animal causes bodily harm to another person. If a person is in violation of subdivision 9a and the animal causes any "bodily harm," the person is guilty of a misdemeanor with a statutory maximum of 90 days and a \$1,000 fine. If the animal causes "substantial bodily harm," the person is guilty of a gross misdemeanor with a statutory maximum of one year and a \$3,000 fine. In cases where the animal causes "great bodily harm," the person is guilty of a felony, with a statutory maximum of two years and a \$5,000 fine.

"Regulated animal" is defined in subdivision 1(e) of this section. Definitions for "bodily harm," "substantial bodily harm," and "great bodily harm" can be found in section 609.02 of the Minnesota Criminal Code.

This bill also creates a misdemeanor offense for any person who knowingly failed to comply with the registration requirements effective January 1, 2005, and also for those persons who have knowingly taken possession of a regulated animal after this date.

The effective date is August 1, 2006 and it applies to offenses committed on or after that date.

**Assumptions and Impact on State and Local Correctional Resources**

**Failing to Register Regulated Animals**

The Minnesota Board of Animal Health (MBAH) estimates that about 6 people in the state of Minnesota are in possession of regulated animals that are not currently registered with the local animal control authorities. This estimate is based on regulated animals that are registered with the USDA, but not local animal control authorities, per section 346.155; therefore, the true number of individuals in violation of this provision could be greater. It is unknown how many convictions will result from this expanded offense. However, because there are no felony provisions for this offense, there will be no impact on state prisons.

**Negligence in Controlling Regulated Animals**

It is unknown how many people in Minnesota sustain injuries from regulated animals each year. Because of this uncertainty, it is unclear how many persons would be convicted under the new subdivision created by this bill. Therefore, this agency is unable to determine exactly how state prisons will be impacted. However, with a statutory maximum of two years, the offense will likely be ranked at a severity level where most offenders will be recommended probationary sentences. Therefore, the impact is projected to be minimal.

FN Coord Signature: ANNE WALL  
Date: 03/29/06 Phone: 297-2092

**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 #:** S3466-0 **Complete Date:** 04/04/06

**Chief Author:** RANUM, JANE

**Title:** HENNEPIN COUNTY FINES DISTRIBUTION

Fiscal Impact	Yes	No
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.

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>					
General Fund			58	70	70
<b>Net Cost &lt;Savings&gt;</b>					
General Fund			(58)	(70)	(70)
<b>Total Cost &lt;Savings&gt; to the State</b>			(58)	(70)	(70)

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

**Bill Description**

HF 3679 converts a fixed \$5, \$10, or \$15 service fee per case which is sent to the state general fund to a percentage state share (20%) of fine revenue for minor criminal cases presented to the court for adjudication. The effective date of this bill is assumed to be August 1, 2006.

**Assumptions**

The method of calculating the revenue to each governmental entity (fixed fee vs. percentage) is changed. The aggregate amount of revenue to municipalities and the state remains approximately the same. The change in the method of calculation allows the state to avoid an unanticipated programming cost to MNCIS for this fee unique to Hennepin County for which no appropriation was received.

**Expenditure and/or Revenue Formula**

2005 annual applicable fine	\$2,541,673
2005 state fees taxed to local govt.	\$ 421,260
2005 state share of fine revenue at 20%	\$ 508,335
Net Increase to state from 20%	\$ 87,075

A similar calculation based on 2004 fine revenue resulted in a \$60,000 increased revenue to the state. The mix of cases will result in a slightly different calculation each year.

Because of the August 1, 2006 implementation date and a one-month lag in distributing the revenue to the general fund by the court administrator, the revenue estimated in the first year is calculated at .83%.

**Long-Term Fiscal Considerations**

**Local Government Costs**

The impact on court fine revenue to individual municipalities in Hennepin County presenting cases for adjudication varies.

**References/Sources**

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: 04/04/06 Phone: 296-7964

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

**Bill #:** S2911-1E **Complete Date:** 03/23/06

**Chief Author:** RANUM, JANE

**Title:** DOMESTIC ABUSE NO CONTACT ORDER

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

**Agencies:** Supreme Court (03/23/06)  
Public Defense Board (03/23/06)

Corrections Dept (03/23/06)  
Sentencing Guidelines Comm (03/21/06)

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		0	126	332	414
Corrections Dept		0	126	332	414
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund		0	126	332	414
Corrections Dept		0	126	332	414
<b>Total Cost &lt;Savings&gt; to the State</b>		0	126	332	414

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
General Fund		0.00	2.00	5.30	6.60
Corrections Dept		0.00	2.00	5.30	6.60
<b>Total FTE</b>		0.00	2.00	5.30	6.60

**Consolidated EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/23/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S2911-1E **Complete Date:** 03/23/06

**Chief Author:** RANUM, JANE

**Title:** DOMESTIC ABUSE NO CONTACT ORDER

<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 Equivalent</b>					
-- No Impact --					
<b>Total FTE</b>					

## **Bill Description**

This bill modifies the definition of the time period during which repeat violations of certain domestic abuse offenses can be enhanced to gross misdemeanors and felonies. Currently repeat violations can become gross misdemeanors if they occur within five years following discharge from a previous offense and can become felonies if they occur within five years of the discharge from the first of two or more offenses. In this bill, the time period is simplified to within ten years of a previous conviction. The offenses which qualify as priors are termed "qualified domestic violence-related offenses". The offenses which can be enhanced if they are repeat violations are: violation of an order for protection, fifth degree assault, domestic assault, violations of a harassment restraining order, and harassment-stalking.

This bill also enhances the penalty for repeat violations of domestic abuse no contact orders. The offense is currently a misdemeanor. This bill creates a gross misdemeanor offense for offenders who commit violations within ten years of a previous qualified domestic violence-related offense conviction.

This bill also adds violations of domestic abuse no contact orders to the list of crimes defined as "qualified domestic violence-related offenses" in 609.02 subd.16. If an offender commits domestic assault, fifth degree assault, a violation of an order for protection, harassment, or a violation of a harassment restraining order, the offense can be enhanced to a gross misdemeanor or felony if they have previous convictions for crimes listed in 609.02 subd.16.

The effective date is August 1, 2006, and it applies to offenses committed on or after that date.

## **Assumptions**

### **Changes to Definition of Time Period for Enhancing Subsequent Offenses**

The change to the definition of the time period during which subsequent offenses can be enhanced could result in more gross misdemeanor and felony level cases. Most misdemeanor probation lengths are limited to one year. For misdemeanor domestic and fifth degree assault, the court can extend that probation period to two years in some circumstances. Therefore, under the provisions of this bill, there could be a 3-4 year longer period of time during which repeat offenses could become gross misdemeanors. Gross misdemeanor probation is limited to two years. Therefore, the time period during which repeat violations can be enhanced to felonies will increase by three years. A ten year time period already applies to subsequent harassment offenses, so the number of those felony offenses should not increase.

Information from the MSGC monitoring system indicates that in 2004, there were 84 offenders sentenced for felony-level domestic assault (609.2242), 129 offenders sentenced for felony fifth degree assault (609.224), 26 offenders sentenced for felony-level violations of harassment restraining orders (609.748), 12 offenders sentenced for subsequent harassment (609.749), and 123 offenders sentenced for felony-level violations of orders for protection (518B.01).

It is not known how many more gross misdemeanor and felony level cases will occur as a result of the increase in the time period during which subsequent offenses can be enhanced. If the number of felony convictions increases by 10 percent, the projected caseload impact is 37 cases. If the increase is 20 percent, the caseload impact would be 74 cases. Additional cases could be anticipated at the gross misdemeanor level.

### **Gross Misdemeanor Violations of Domestic Abuse No Contact Orders (518B.01 subd. 22):**

Information from the State Court Research Office indicates that in 2005, there were 48 convictions for violations of the provisions of 518B.01 subd.22, which currently are misdemeanors. The provisions of this bill will elevate some portion of these offenses to gross misdemeanors. Because the total number of misdemeanor convictions is so small, the impact of the bill is likely to be small.

### **Addition of Violations of Domestic Abuse No Contact Orders to List of Qualified Domestic Violence-Related Offenses (609.02 subd.16):**

Because the number of misdemeanor convictions is so small, only a very small increase in the number of felony offenders is expected.

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

**Long-Term Fiscal Considerations**

While the immediate impact on the courts of this bill is likely to be manageable within existing resources, the caseload based on a longer look-back period is likely to increase with time.

**Local Government Costs**

**References/Sources**

FN Coord Signature: JUDY REHAK  
Date: 03/23/06 Phone: 297-7800

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/23/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S2911-1E **Complete Date:** 03/23/06

**Chief Author:** RANUM, JANE

**Title:** DOMESTIC ABUSE NO CONTACT ORDER

Fiscal Impact	Yes	No
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.

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 Equivalent</b>					
-- No Impact --					
<b>Total FTE</b>					

### **Bill Description**

This bill modifies the definition of the time period during which repeat violations of certain domestic abuse offenses can be enhanced to gross misdemeanors and felonies. This changes the time computation for a variety of offenses, including various types of assault and terroristic threats that have the commission of a prior domestic abuse offense as an element of the new crime. As these laws currently work, the time period within which the new offense must be committed is 5 years from discharge of sentence or disposition from the prior domestic. This changes that period to 10 years from the date of the prior domestic conviction.

While this will not create new offenses, since the new conduct at issue is an offense anyway, it does enhance that offense (from a misdemeanor to a gross and on up the scale).

This bill also adds violations of domestic abuse no contact orders to the list of crimes defined as "qualified domestic violence-related offenses" in 609.02 subd.16. If an offender commits domestic assault, fifth degree assault, a violation of an order for protection, harassment, or a violation of a harassment restraining order, the offense can be enhanced to a gross misdemeanor or felony if they have previous convictions for crimes listed in 609.02 subd.16.

While these changes will not create new offenses, since the new conduct at issue is an offense anyway, it does enhance the offense(s), making the existing cases more difficult.

### **Assumptions**

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

The provisions of this bill will have an impact on the public defense system. It presents the already overburdened criminal justice and public defender systems with additional time commitments. Any time there is an increase in penalties or expansion of criminal law the result will be more cases, more contested cases, and more appeals.

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

### **Local Government Costs**

### **References/Sources**

FN Coord Signature: KEVIN KAJER  
Date: 03/23/06 Phone: 349-2565

### **EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/23/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S2911-1E **Complete Date:** 03/23/06

**Chief Author:** RANUM, JANE

**Title:** DOMESTIC ABUSE NO CONTACT ORDER

Fiscal Impact	Yes	No
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.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
<b>Expenditures</b>					
General Fund		0	126	332	414
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
General Fund		0	126	332	414
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund		0	126	332	414
<b>Total Cost &lt;Savings&gt; to the State</b>		0	126	332	414

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
General Fund		0.00	2.00	5.30	6.60
<b>Total FTE</b>		0.00	2.00	5.30	6.60

**Bill Description**

This bill modifies the definition of the time period during which repeat violations of certain domestic abuse offenses can be enhanced to gross misdemeanors and felonies. Currently repeat violations can become gross misdemeanors if they occur within five years following discharge from a previous offense and can become felonies if they occur within five years of the discharge from the first of two or more offenses. In this bill, the time period is simplified to within ten years of a previous conviction. The offenses, which qualify as priors are termed "qualified domestic violence-related offenses". The offenses which can be enhanced if they are repeat violations are: violation of an order for protection, fifth degree assault, domestic assault, violations of a harassment restraining order, and harassment-stalking.

This bill also enhances the penalty for repeat violations of domestic abuse no contact orders. The offense is currently a misdemeanor. This bill creates a gross misdemeanor offense for offenders who commit violations within ten years of a previous qualified domestic violence-related offense conviction.

This bill also adds violations of domestic abuse no contact orders to the list of crimes defined as "qualified domestic violence-related offenses" in 609.02 subd. 16. If an offender commits domestic assault, fifth degree assault, a violation of an order for protection, harassment, or a violation of a harassment restraining order, the offense can be enhanced to a gross misdemeanor or felony if they have previous convictions for crimes listed in 609.02 subd. 16.

**Assumptions**

- According to sentencing guidelines the ten-year time period already applies to subsequent harassment offenses so the number of those felonies offenses should not increase.
- For those gross misdemeanors that will be enhanced to felonies thus increasing their supervision time frame by three (3) years according to Sentencing Guidelines the exact number is not known however, there will be an impact on supervision caseloads and local jail resources statewide. This impact may be significant in conjunction with other enhancements and new offenses enacted this year by the legislature.
- Because only repeat offenses will be elevated to gross misdemeanors and the total number of misdemeanor convictions is so small, the impact on supervision caseloads and local jail resources is expected to be minimal.
- According to Minnesota Sentencing Guidelines Commission (SGC) there may be an increase in the need for prison beds. Using a ten percent conviction rate there could be a need of 12 beds in FY07. Using a twenty percent conviction rate there could be a need for 24 beds. For the purposes of this fiscal note a mid-range of 18 beds will be used to estimate costs.
- Prison bed costs are based on a marginal cost per diem for each fiscal year. The annual per diems are as follows: FY06 \$69.85, FY07 \$61.34, FY08 \$62.19, and FY09 \$63.08. This includes marginal costs for all facility, private and public bed rental, health care, and support costs.
- In order to estimate the annual cost the number of prison beds needed is phased in on a quarterly basis. Then multiplying the number of beds for each quarter by the subsequent annual per diem determines the estimate for the annual costs of prison beds.
- Prison bed FTE impact for the increase in the inmate population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary is \$50,000 per year including benefits.
- This bill is effective August 1, 2006.

**Expenditure and/or Revenue Formula**

Expenditures for Prison Beds

Fiscal Year	2006	2007	2008	2009	2010
Number of Prison Beds	0	9	18	18	18
Costs of Prison Beds (1=1,000)	\$0	\$126	\$332	\$414	\$414
<b>Total DOC Cost (1=1,000)</b>	<b>\$0</b>	<b>\$126</b>	<b>\$332</b>	<b>\$414</b>	<b>\$414</b>
FTE	0	2	5.3	6.6	6.6

**Long-Term Fiscal Considerations**

Prison bed costs will be recognized in subsequent years.

**Local Government Costs**

N/A

**References/Sources**

Minnesota Sentencing Guidelines staff.  
Minnesota Department of Corrections staff.

FN Coord Signature: DENNY FONSECA  
Date: 03/23/06 Phone: 642-0220

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/23/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S2911-1E **Complete Date:** 03/21/06

**Chief Author:** RANUM, JANE

**Title:** DOMESTIC ABUSE NO CONTACT ORDER

Fiscal Impact	Yes	No
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.

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 Equivalent</b>					
-- No Impact --					
<b>Total FTE</b>					

**Fiscal Note for SF2911:  
Domestic Abuse No Contact Order  
Enhanced Penalties for Violations  
Minnesota Sentencing Guidelines Commission  
March 20, 2006**

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*Projected impact on state prison resources of 12-24 beds.  
The impact on local correctional resources is uncertain.*

**Bill Description**

This bill modifies the definition of the time period during which repeat violations of certain domestic abuse offenses can be enhanced to gross misdemeanors and felonies. Currently repeat violations can become gross misdemeanors if they occur within five years following discharge from a previous offense and can become felonies if they occur within five years of the discharge from the first of two or more offenses. In this bill, the time period is simplified to within ten years of a previous conviction. The offenses which qualify as priors are termed "qualified domestic violence-related offenses". The offenses which can be enhanced if they are repeat violations are: violation of an order for protection, fifth degree assault, domestic assault, violations of a harassment restraining order, and harassment-stalking.

This bill also enhances the penalty for repeat violations of domestic abuse no contact orders. The offense is currently a misdemeanor. This bill creates a gross misdemeanor offense for offenders who commit violations within ten years of a previous qualified domestic violence-related offense conviction.

This bill also adds violations of domestic abuse no contact orders to the list of crimes defined as "qualified domestic violence-related offenses" in 609.02 subd.16. If an offender commits domestic assault, fifth degree assault, a violation of an order for protection, harassment, or a violation of a harassment restraining order, the offense can be enhanced to a gross misdemeanor or felony if they have previous convictions for crimes listed in 609.02 subd.16.

The effective date is August 1, 2006, and it applies to offenses committed on or after that date.

**Assumptions and Impact on State and Local Correctional Resources**

**Changes to Definition of Time Period for Enhancing Subsequent Offenses**

The change to the definition of the time period during which subsequent offenses can be enhanced could result in more gross misdemeanor and felony level convictions. Most misdemeanor probation lengths are limited to one year. For misdemeanor domestic and fifth degree assault, the court can extend that probation period to two years in some circumstances. Therefore, under the provisions of this bill, there could be a 3-4 year longer period of time during which repeat offenses could become gross misdemeanors. Gross misdemeanor probation is limited to two years. Therefore, the time period during which repeat violations can be enhanced to felonies will increase by three years. A ten year time period already applies to subsequent harassment offenses, so the number of those felony offenses should not increase.

Information from the MSGC monitoring system indicates that in 2004, there were 84 offenders sentenced for felony-level domestic assault (609.2242), 129 offenders sentenced for felony fifth degree assault (609.224), 26 offenders sentenced for felony-level violations of harassment restraining orders (609.748), 12 offenders sentenced for subsequent harassment (609.749), and 123 offenders sentenced for felony-level violations of orders for protection (518B.01). Most of these offenses are ranked at severity level 4 (some harassment offenses are ranked at severity level 5). The imprisonment rate for these offenses in 2004 was 26 percent (97 offenders), with an average pronounced sentence of 22 months (serving 14.7 months). Ninety percent of the offenders placed on probation for these offenses in 2004 received local time as a condition of probation, with an average pronounced time of 133 days.

It is not known how many more gross misdemeanor and felony level convictions will occur as a result of the increase in the time period during which subsequent offenses can be enhanced. If the number of felony convictions increases by 10 percent, the projected prison bed impact is 12 beds. If the increase is 20 percent, the

bed impact would be 24 beds. Allowing a six month delay before the impact is realized; between 6 and 12 beds would be needed in FY2007 and from 12-24 beds in FY2008. It is not known if felons serve more local jail time than those convicted of gross misdemeanors do, but it can be expected that an increase in the number of gross misdemeanor and felony convictions will result in some impact on local jail resources and probation caseloads.

Gross Misdemeanor Violations of Domestic Abuse No Contact Orders (518B.01 subd. 22):

Information from the State Court Research Office indicates that in 2005, there were 48 convictions for violations of the provisions of 518B.01 subd.22, which currently are misdemeanors. The provisions of this bill will elevate some portion of these offenses to gross misdemeanors. No information is available on the type of sentences typically pronounced for these misdemeanors, but it can be anticipated that gross misdemeanors will receive longer periods of probation and, perhaps, longer periods of local incarceration. Because only repeat offenses will be elevated to gross misdemeanors and the total number of misdemeanor convictions is so small, the impact on local correctional resources is projected to be minimal. There will be no impact on state prison beds.

Addition of Violations of Domestic Abuse No Contact Orders to List of Qualified Domestic Violence-Related Offenses (609.02 subd.16):

Because the number of misdemeanor convictions is so small, only a very small increase in the number of felony offenders is expected and most will receive probation. Therefore, the projected impact on state prison resources is minimal. The projected impact on local correctional resources is also minimal.

FN Coord Signature: ANNE WALL  
Date: 03/21/06 Phone: 297-2092

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/21/06 Phone: 296-7964

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

**Bill #:** S2870-1E **Complete Date:** 04/03/06

**Chief Author:** PAPPAS, SANDRA

**Title:** EXPAND HUMAN TRAFFICKING PROVISIONS

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

**Agencies:** Public Safety Dept (03/31/06)  
 Corrections Dept (03/31/06)  
 Sentencing Guidelines Comm (03/29/06)

Supreme Court (04/03/06)  
 Public Defense Board (03/29/06)

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			75	75	75
Public Safety Dept			75	75	75
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund			75	75	75
Public Safety Dept			75	75	75
<b>Total Cost &lt;Savings&gt; to the State</b>			75	75	75

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
General Fund			1.00	1.00	1.00
Public Safety Dept			1.00	1.00	1.00
<b>Total FTE</b>			1.00	1.00	1.00

**Consolidated EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER  
 Date: 04/03/06 Phone: 215-0594

**Fiscal Note – 2005-06 Session**

**Bill #:** S2870-1E **Complete Date:** 03/31/06

**Chief Author:** PAPPAS, SANDRA

**Title:** EXPAND HUMAN TRAFFICKING PROVISIONS

Fiscal Impact	Yes	No
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.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
<b>Expenditures</b>					
General Fund			75	75	75
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
General Fund			75	75	75
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund			75	75	75
<b>Total Cost &lt;Savings&gt; to the State</b>			75	75	75

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
General Fund			1.00	1.00	1.00
<b>Total FTE</b>			1.00	1.00	1.00

### **Bill Description**

Mandates the Commissioner of Public Safety collect and analyze human trafficking data to: 1) develop and carry out a prevention plan; 2) conduct awareness training; 3) establish policies to enable direct service to trafficking victims.

Creates a 21 member advisory board and a position of unclassified coordinator.

### **Assumptions**

Position would begin 7/1/06

Advisory Board will meet in quarterly

Eight members of the task force request & are eligible for per diem

All members eligible for mileage

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

1 FTE State Program Administrator Principal= SFY07 \$70,688

8 members eligible for per diem  $8 \times \$55 \times 4 = \$1,760$

Mileage .445 X25 miles average X 21 members X 4 meetings = \$934

Meeting costs for 4 meetings =  $\$350 \times 4 = \$1,400$

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

### **Local Government Costs**

### **References/Sources**

Agency Contact Name: Jeri Boisvert 284-3318

FN Coord Signature: FRANK AHRENS

Date: 03/31/06 Phone: 296-9484

### **EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER

Date: 03/31/06 Phone: 215-0594

**Fiscal Note – 2005-06 Session**

**Bill #:** S2870-1E **Complete Date:** 04/03/06

**Chief Author:** PAPPAS, SANDRA

**Title:** EXPAND HUMAN TRAFFICKING PROVISIONS

<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 #: S2870-1E Complete Date: 03/29/06**

**Chief Author: PAPPAS, SANDRA**

**Title: EXPAND HUMAN TRAFFICKING PROVISIONS**

<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 #:** S2870-1E **Complete Date:** 03/31/06

**Chief Author:** PAPPAS, SANDRA

**Title:** EXPAND HUMAN TRAFFICKING PROVISIONS

<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 create a human trafficking task force and increases the statutory maximum sentence for labor trafficking to 20 years if the victim is under 18 years of age. The bill also increases the statutory maximum for unlawful conduct with respect to documents in furtherance of labor or sex trafficking to 10 years if the victim is under 18 years of age.

### Assumptions

- To date, no offenders are known to have been sentenced for these offenses.
- Current impact on state prison resources will be 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 August 1, 2006 and applies to crimes committed on or after that date.**

### Expenditure and/or Revenue Formula

N/A

### Long- Term Fiscal Considerations

If creation of a Human Trafficking Task Force results in an increase in arrests and prosecutions for the applicable trafficking offenses, there could be some potential prison bed impact.

### Local Government Costs

N/A

### References/Sources

Department of Corrections Staff  
Minnesota Sentencing Guidelines

FN Coord Signature: DENNY FONSECA

Date: 03/31/06 Phone: 642-0220

### EBO Comments

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 03/31/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S2870-1E **Complete Date:** 03/29/06

**Chief Author:** PAPPAS, SANDRA

**Title:** EXPAND HUMAN TRAFFICKING PROVISIONS

<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 Equivalent</b>					
-- No Impact --					
<b>Total FTE</b>					

**Fiscal Note for SF2870\_1E:  
Increased Penalties for Human Trafficking Offenses**  
Minnesota Sentencing Guidelines Commission  
March 28, 2006

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*Minimal impact on state prison resources.  
The impact on local correctional resources is uncertain.*

**Bill Description**

This bill creates a Human Trafficking Task Force and directs the Commissioner of Public Safety to analyze and use data to address trafficking problems in Minnesota. This bill also increases the penalties for trafficking in persons. The current statutory maximum for labor trafficking is 15 years. This bill increases that statutory maximum to 20 years if the victim is under the age of 18. The current statutory maximum for unlawful conduct with respect to documents in furtherance of labor or sex trafficking is 5 years. This bill increases that statutory maximum to 10 years if the victim is under the age of 18.

The effective date is August 1, 2006, and it applies to offenses committed on or after that date.

**Assumptions and Impact on State and Local Correctional Resources**

It is estimated that the increases in the statutory maximums for labor trafficking offenses will have a minimal impact on state prison resources because, as of this date, no offenders are known to have been sentenced for these offenses. If the creation of a Human Trafficking Task Force results in an increase in arrests and prosecutions for these offenses, potential prison bed impact would be greater.

FN Coord Signature: ANNE WALL  
Date: 03/29/06 Phone: 297-2092

**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 #:** S3126-0 **Complete Date:** 03/24/06

**Chief Author:** LIMMER, WARREN

**Title:** TRAFFICKING VICTIM TOLL-FREE HOTLINE

<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			35	15	15
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
General Fund			35	15	15
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund			35	15	15
<b>Total Cost &lt;Savings&gt; to the State</b>			35	15	15

	<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**

Directs the Department of Public Safety to develop a contract with a non-profit organization that provides legal services to domestic and international trafficking victims to maintain a toll-free telephone for trafficking victims.

**Assumptions**

Administrative costs will be minimal for the Office of Justice Program in executing the contract. No monitoring or evaluation of program will be necessary.

An assumption is made that the program would be ongoing.

**Expenditure and/or Revenue Formula**

Estimated cost of contracting with a nonprofit organization to maintain a toll-free telephone hotline for trafficking victims is estimated to be \$35,000 in the first year and \$15,000 in subsequent years.

**Long-Term Fiscal Considerations**

Costs would continue.

**Local Government Costs**

None

**References/Sources**

Agency Contact Name: Jeri Boisvert 284-3318

FN Coord Signature: FRANK AHRENS

Date: 03/24/06 Phone: 296-9484

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER

Date: 03/24/06 Phone: 215-0594

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

**Bill #:** S3005-1A **Complete Date:** 04/03/06

**Chief Author:** KELLEY, STEVE

**Title:** UNLAWFUL CONDUCT; PHONE RECORDS

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

**Agencies:** Corrections Dept (03/31/06)  
Public Defense Board (03/27/06)

Supreme Court (04/03/06)  
Sentencing Guidelines Comm (03/29/06)

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

Dollars (in thousands)	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<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>					

**Consolidated 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 #:** S3005-1A **Complete Date:** 03/31/06

**Chief Author:** KELLEY, STEVE

**Title:** UNLAWFUL CONDUCT; PHONE RECORDS

<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.

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**

The proposed legislation will create a new offense for unlawful conduct related to phone records.

**Assumptions**

- Information is not available regarding how often phone records are currently procured, sold or received without permission, so it is unknown how many prosecutions there might be under the law.
- The proposed felony offenses are expected to be ranked at severity levels where most offenders will be recommended probation, so there will be a minimal impact on state correctional resources.
- It is expected 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 August 1, 2006 and applies to crimes committed on or after that date.

**Expenditure and/or Revenue Formula**

N/A

**Long-Term Fiscal Considerations**

N/A

**Local Government Costs**

The fiscal impact of this bill on local correctional resources is uncertain, but is expected to be minimal.

**References/Sources**

Department of Corrections Staff  
Minnesota Sentencing Guidelines

FN Coord Signature: DENNY FONSECA

Date: 03/31/06 Phone: 642-0220

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 03/31/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S3005-1A **Complete Date:** 04/03/06

**Chief Author:** KELLEY, STEVE

**Title:** UNLAWFUL CONDUCT; PHONE RECORDS

<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 #:** S3005-1A **Complete Date:** 03/29/06

**Chief Author:** KELLEY, STEVE

**Title:** UNLAWFUL CONDUCT; PHONE RECORDS

<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 SF3005\_1A:  
Unlawful Conduct: Phone Records  
Minnesota Sentencing Guidelines Commission  
March 27, 2006**

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*Minimal impact on state correctional resources; local impact uncertain.*

**Bill Description**

This bill creates a new offense for unlawful conduct related to phone records. It makes it illegal to procure, sell, or receive the phone record of another without the person's permission. Offenses involving a single phone record would be gross misdemeanors. Offenses involving from two to ten phone records would be felonies with a statutory maximum of two years, and offenses involving more than 10 records would have a statutory maximum of five years.

The effective date is August 1, 2006 and it applies to offenses committed on or after that date.

**Assumptions and Impact on State and Local Correctional Resources**

Information is not available regarding how often phone records are currently obtained without permission, so it is not known how many prosecutions there might be under this law. The felony offenses are expected to be ranked at severity levels where most offenders will be recommended probation; there will probably be minimal impact on state resources. The Commission has no data from which to assess local impact.

FN Coord Signature: ANNE WALL  
Date: 03/29/06 Phone: 297-2092

**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 #:** S3005-1A **Complete Date:** 03/27/06

**Chief Author:** KELLEY, STEVE

**Title:** UNLAWFUL CONDUCT; PHONE RECORDS

<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.

Dollars (in thousands)	<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: 03/27/06 Phone: 349-2565

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/27/06 Phone: 296-7964

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

**Bill #:** S3520-0 **Complete Date:** 04/04/06

**Chief Author:** RANUM, JANE

**Title:** ADOPT SENTENCING GUIDELINES COMM REC

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

**Agencies:** Corrections Dept (03/30/06)  
Public Defense Board (04/03/06)

Supreme Court (04/04/06)  
Sentencing Guidelines Comm (03/30/06)

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			547	1,681	2,908
Corrections Dept			547	1,681	2,908
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund			547	1,681	2,908
Corrections Dept			547	1,681	2,908
<b>Total Cost &lt;Savings&gt; to the State</b>			547	1,681	2,908

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
General Fund			8.70	26.90	46.50
Corrections Dept			8.70	26.90	46.50
<b>Total FTE</b>			8.70	26.90	46.50

**Consolidated 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 #:** S3520-0 **Complete Date:** 03/30/06

**Chief Author:** RANUM, JANE

**Title:** ADOPT SENTENCING GUIDELINES COMM REC

<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.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
<b>Expenditures</b>					
General Fund			547	1,681	2,908
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
General Fund			547	1,681	2,908
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund			547	1,681	2,908
<b>Total Cost &lt;Savings&gt; to the State</b>			547	1,681	2,908

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
General Fund			8.70	26.90	46.50
<b>Total FTE</b>			8.70	26.90	46.50

**Bill Description**

The proposed legislation will authorize the Minnesota Sentencing Guidelines Commission (MSGC) to correct two misprinted severity level rankings in its adopted sex offender modifications as set forth in their report to the Legislature.

**Assumptions**

- The MSGC estimates the modifications it adopted for sentencing sex offenders will have a prison bed impact of 372 beds, including the effect of changing the ranking of offenses listed in this bill to the severity levels specified in the bill.
- The adopted severity level rankings for several occupation-based sex offenses and unranked third- and fourth-degree offenses were incorrectly stated in the MSGC’s report to the Legislature.
- The misprints do not represent the original intent of the Commission.
- A deliberate change by MSGC from the modifications submitted last year is to rank all occupation-based offenses at each degree at the same severity level on the sex offender grid adopted for August 1, 2006, and to rank the third- and fourth-degree offenses that had been previously unranked.
- Very few cases are sentenced in any given year for the offenses listed in this bill (only one in 2004 and none in 2003).
- The impact of this bill on supervision caseloads statewide will be minimal, so adjusting the severity rankings will have minimal impact on correctional resources.
- **Prison bed costs are based on a marginal cost per diem for each fiscal year. The annual per diems are as follows: FY07 \$61.34, FY08 \$62.19, FY09 \$63.08. This includes marginal costs for all facility, private and public bed rental, health care and support costs.**
- In order to estimate the annual cost the number of prison beds needed is phased in on a quarterly basis. Multiplying the number of beds each quarter by the subsequent annual per diem determines the estimate for the annual costs of prison beds.
- Prison bed FTE impact for the increase in the offender population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary is \$50,000 per year including benefits.
- This bill is effective the day following final enactment. The ranking of offenses will take effect August 1, 2006 and apply to crimes committed on or after that date.

**Expenditure and/or Revenue Formula (in thousands)**

***Costs for Prison Beds - DOC***

Fiscal Year	2006	2007	2008	2009
Number of Prison Beds	0	39	95	145
Costs of Prison Beds	0	547	1,681	2,908
FTE	0	8.7	26.9	46.5

**Long-Term Fiscal Considerations**

By 2028 the number of prison beds increase to 372, costing \$8.6 million annually.

**Local Government Costs**

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: 03/30/06 Phone: 642-0220

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING



**Fiscal Note – 2005-06 Session**

**Bill #:** S3520-0 **Complete Date:** 04/04/06

**Chief Author:** RANUM, JANE

**Title:** ADOPT SENTENCING GUIDELINES COMM REC

Fiscal Impact	Yes	No
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.

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 Equivalent</b>					
-- No Impact --					
<b>Total FTE</b>					

This bill version has no fiscal effect on our agency.

FN Coord Signature: JUDY REHAK  
Date: 04/04/06 Phone: 297-7800

**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 #:** S3520-0 **Complete Date:** 03/30/06

**Chief Author:** RANUM, JANE

**Title:** ADOPT SENTENCING GUIDELINES COMM REC

<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.

Dollars (in thousands)	<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 SF3520:  
Sentencing Guidelines Sex Offender Modifications: Adjustments**  
Minnesota Sentencing Guidelines Commission  
March 28, 2006

---

*Projected impact on state prison resources of 372 beds from implementing Sentencing Guidelines modifications.  
Minimal impact on local correctional resources.*

**Bill Description**

This bill authorizes the Commission to correct two misprinted severity level rankings in its adopted sex offender modifications as set forth in its Report to the Legislature. The modifications as printed in that Report do not reflect the Commission's original intent. A third chart was correctly printed and does show these rankings as intended.

The bill is effective the day following enactment; the severity level rankings will take effect August 1, 2006 and apply to offenses committed on or after that date.

**Assumptions and Impact on State and Local Correctional Resources**

The Sentencing Guideline Commission estimates that the modifications it adopted for sentencing sex offenders will have a prison bed impact of 372 beds. That estimate includes the effect of changing the ranking of offenses listed in this bill to the severity levels specified in the bill. In the Commission's Report to the Legislature, the adopted severity level rankings for several of the occupation-based sex offenses and unranked third- and fourth-degree offenses were incorrectly stated. It was the Commission's intent that, on the sex offender grid adopted for August 1, 2006, all of the occupation-based offenses at each degree would be ranked at the same severity level. This was a deliberate change from the modifications submitted last year. In addition, the Commission decided to rank the third- and fourth-degree offenses that had previously been unranked. These are offenses that can only be committed by juveniles and are only handled in adult court if the juveniles are certified. Only a very few cases are sentenced in any given year for the offenses listed in this bill (only one in 2004, none in 2003). Therefore, adjusting the severity rankings for these offenses will have minimal impact on state prison resources.

**Year by Year Bed Impact of Implementing Guidelines Modifications for Sex Offenders**

<b>Fiscal Year</b>	<b>Bed Impact</b>	<b>Fiscal Year</b>	<b>Bed Impact</b>
FY 2007	39	FY 2019	333
FY 2008	95	FY 2020	342
FY 2009	145	FY 2021	349
FY 2010	186	FY 2022	356
FY 2011	215	FY 2023	363
FY 2012	238	FY 2024	366
FY 2013	259	FY 2025	369
FY 2014	276	FY 2026	369
FY 2015	295	FY 2027	371
FY 2016	307	FY 2028	372
FY 2017	316	FY 2029	372
FY 2018	324		

FN Coord Signature: ANNE WALL  
Date: 03/29/06 Phone: 297-2092

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/30/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S3520-0 **Complete Date:** 04/03/06

**Chief Author:** RANUM, JANE

**Title:** ADOPT SENTENCING GUIDELINES COMM REC

<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.

Dollars (in thousands)	<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**

This bill authorizes the Commission to correct two misprinted severity level rankings in its adopted sex offender modifications as set forth in its Report to the Legislature. The modifications as printed in that Report do not reflect the Commission's original intent. A third chart was correctly printed and does show these rankings as intended.

While there is a minimal impact in this biennium, there is a greater one in the out years.

While the provisions of this bill do not have a major impact on the public defense system, it does present the already overburdened criminal justice and public defender systems with additional cases and time commitments. Any time there is an increase in penalties or expansion of criminal law the result will be more cases, more contested cases, and more appeals.

FN Coord Signature: KEVIN KAJER  
Date: 03/31/06 Phone: 349-2565

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 04/03/06 Phone: 296-7964

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

**Bill #:** S3226-0 **Complete Date:** 03/23/06

**Chief Author:** RANUM, JANE

**Title:** CAREER OFFENDERS SENTENCING MODS

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

**Agencies:** Corrections Dept (03/23/06)  
Public Defense Board (03/23/06)

Supreme Court (03/21/06)  
Sentencing Guidelines Comm (03/22/06)

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

Dollars (in thousands)	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Net Expenditures</b>					
General Fund		0	42	153	207
Corrections Dept		0	42	153	207
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund		0	42	153	207
Corrections Dept		0	42	153	207
<b>Total Cost &lt;Savings&gt; to the State</b>		0	42	153	207

	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Full Time Equivalents</b>					
General Fund			0.80	3.10	4.10
Corrections Dept			0.80	3.10	4.10
<b>Total FTE</b>			0.80	3.10	4.10

**Consolidated EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/23/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S3226-0 **Complete Date:** 03/23/06

**Chief Author:** RANUM, JANE

**Title:** CAREER OFFENDERS SENTENCING MODS

<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.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
<b>Expenditures</b>					
General Fund		0	42	153	207
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
General Fund		0	42	153	207
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund		0	42	153	207
<b>Total Cost &lt;Savings&gt; to the State</b>		0	42	153	207

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
General Fund			0.80	3.10	4.10
<b>Total FTE</b>			0.80	3.10	4.10

### **Bill Description**

This bill repeals the sunset provisions for *Blakely* hearings and extends those procedures to other sentencing enhancements, including the mandatory minimum provisions of 609.11. It recodifies the patterned sex offender sentencing provision and amends the career offender sentencing provision by removing the requirement that the fact finder find that the offenses establish a pattern of criminal conduct.

The modifications to the sentencing procedures for aggravated departures are effective the day following enactment, while the changes to 609.11, patterned sex offender and career offender sentencing provisions are effective August 1, 2006, and apply to crimes committed on or after that date.

### **Assumptions**

- According to Minnesota Sentencing Guidelines Commission (SGC) there may be an increase in the need for prison beds. There is an estimated increase of three beds in FY07 and nine beds each year following.
- Prison bed costs are based on a marginal cost per diem for each fiscal year. The annual per diems are as follows: FY06 \$69.85, FY07 \$61.34, FY08 \$62.19, and FY09 \$63.08. This includes marginal costs for all facility, private and public bed rental, health care, and support costs.
- In order to estimate the annual cost the number of prison beds needed is phased in on a quarterly basis. Then multiplying the number of beds for each quarter by the subsequent annual per diem determines the estimate for the annual costs of prison beds.
- Prison bed FTE impact for the increase in the inmate population assumes 80 percent of the ongoing bed impact is personnel-related and the average salary is \$50,000 per year including benefits.

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

Expenditures for Prison Beds

Fiscal Year	2006	2007	2008	2009	2010
Number of Prison Beds	0	3	9	9	9
Costs of Prison Beds (1=1,000)	\$0	\$42	\$153	\$207	\$207
<b>Total DOC Cost (1=1,000)</b>	<b>\$0</b>	<b>\$42</b>	<b>\$153</b>	<b>\$207</b>	<b>\$207</b>
FTE	0	.8	3.1	4.1	4.1

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

Prison bed costs will be recognized in subsequent years.

### **Local Government Costs**

N/A

### **References/Sources**

Minnesota Sentencing Guidelines staff.  
Minnesota Department of Corrections staff.

FN Coord Signature: DENNY FONSECA  
Date: 03/23/06 Phone: 642-0220

### **EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/23/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S3226-0 **Complete Date:** 03/21/06

**Chief Author:** RANUM, JANE

**Title:** CAREER OFFENDERS SENTENCING MODS

<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: 03/21/06 Phone: 297-7800

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/21/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S3226-0 **Complete Date:** 03/22/06

**Chief Author:** RANUM, JANE

**Title:** CAREER OFFENDERS SENTENCING MODS

<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.

Dollars (in thousands)	<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 HF3540:  
Career Offender and Blakely Modifications  
Minnesota Sentencing Guidelines Commission  
March 21, 2006**

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*Projected impact on state prison resources of 9 beds; 3 in FY2007, 9 in FY2008 and every year after.*

**Bill Description**

This bill repeals the sunset provisions for *Blakely* hearings and extends those procedures to other sentencing enhancements, including the mandatory minimum provisions of 609.11. It recodifies the patterned sex offender sentencing provision and amends the career offender sentencing provision by removing the requirement that the factfinder find that the offenses establish a pattern of criminal conduct.

The modifications to the sentencing procedures for aggravated departures are effective the day following enactment, while the changes to 609.11, patterned sex offender and career offender sentencing provisions are effective August 1, 2006, and apply to crimes committed on or after that date.

**Assumptions and Impact on State and Local Correctional Resources**

Most of the provisions of this bill will have no impact on state prison beds. There is no substantive change to the patterned sex offender provision or the mandatory minimum provisions of 609.11. The requirement that sentencing enhancements under 609.11 follow the same sentencing procedures as are used for aggravated departures could result in increased costs for courts, prosecutors and defense attorneys. In 2004, 884 offenders were sentenced under that specific statute. Of the 884 offenders, 505 offenders received a mandatory sentence that was greater than the applicable guideline sentence based on the sentencing grid. Of those 505 cases, 461 involved offenses in which possession of the weapon was an element of the crime, leaving 44 cases in which possession of a weapon had to be established separately from establishing that the offender was guilty of the offense charge.

Regarding the career offender sentencing provision, the removal of the requirement that the factfinder find that the offense is part of a pattern of criminal conduct could result in more offenders being sentenced as career offenders. In 2004, only 30 offenders who received prison sentences were sentenced as career offenders, whereas there were 524 other offenders who committed an offense with a presumptive prison sentence who had 5 or more felony priors that were true priors to the offense they were being sentenced for. Of those, there were 454 separate individuals (70 offenders were sentenced in more than one county or at different times in the year). After looking at when the prior offenses were sentenced, MSGC staff estimate that about half (230) could be eligible to be sentenced as a career offender because they were sentenced for the prior offenses on at least 5 different occasions. MSGC does not have information about the dates of offense for the prior offenses, only the dates on which they were sentenced. Because of this, MSGC staff counted how many sentencing episodes occurred at least 6 months prior to the next sentencing date. This could result in an overestimate of the number who might qualify, but not an underestimate. It is unknown how often prosecutors would seek to have these offenders sentenced as career offenders, since they are currently not using the statute very often. However, removing the requirement of establishing that the offense is part of a pattern of criminal conduct could result in an increase in the number.

The average sentence length increase for the 30 offenders sentenced as career offenders in 2004 was 27 months (18 extra months to serve), meaning each career offender sentenced in 2004 will result in the need for an extra 1.5 prison beds. If removing the pattern of criminal conduct requirement from the career offender sentencing provision results in a 10% increase in the number of career offenders sentenced, the increase in needed prison beds will be 4.5 beds. If there is a 20% increase, there will be a need for 9 additional prison beds.

FN Coord Signature: ANNE WALL  
Date: 03/22/06 Phone: 297-2092

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 03/22/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S3226-0 **Complete Date:** 03/23/06

**Chief Author:** RANUM, JANE

**Title:** CAREER OFFENDERS SENTENCING MODS

<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 Equivalent</b>					
-- No Impact --					
<b>Total FTE</b>					

## **Bill Description**

### **Assumptions**

While the provisions of this bill do not have a major impact on the public defense system, it does present the already overburdened criminal justice and public defender systems with additional cases and time commitments. Any time there is an increase in penalties or expansion of criminal law the result will be more cases, more contested cases, and more appeals.

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

## **Long-Term Fiscal Considerations**

## **Local Government Costs**

## **References/Sources**

FN Coord Signature: KEVIN KAJER  
Date: 03/23/06 Phone: 349-2565

## **EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/23/06 Phone: 296-7964

**From:** "Kerr, John" <John.Kerr@state.mn.us>  
**To:** "Senator Jane B. Ranum (E-mail)" <sen.jane.ranum@senate.mn>, "Representative Jean Wagenius (E-mail)" <rep.jean.wagenius@house.mn>  
**Date:** 3/23/2006 5:13:35 PM  
**Subject:** HF 2950/SF 2757: Estimated cost for (1) FTE that will be required

Senator Ranum and Representative Wagenius:

As per Senator Ranum's request, provided below is a cost estimate for (1) FTE that this Division would need in conjunction with the security plan requirement included in HF 2950/SF 2757. The rationale behind our request for the additional FTE, for one year only, is as follows:

1.) We estimate there will be 200-250 facilities that would become subject to the security plan requirement;

2.) In the first year the requirement is in effect, our Division will need to: a.) Monitor compliance with the requirement. We anticipate we would have to follow-up in some manner with those facilities that are subject to the requirement, but which have not submitted a plan; b.) At a minimum, we will need to review and comment on 200-250 security plans. If a plan appears to be very incomplete/inadequate, we would have to follow-up with the facility; and, based on our experience with administering other programs that impact facilities, we would receive many phone calls by those who have questions about the requirements.

Once the first year following enactment of the bill is past, we presume that the number of plans that will be submitted; and amendments to plans previously submitted, will be fairly limited. Therefore, we feel we can handle those plan/amendment review's with existing staff.

Cost estimate for (1) FTE:

Planner Senior Community position, at step 3:

\$40,549/year (salary for State FY 07).

16,724/year (fringe benefits, including health insurance and FICA for FY 07)

\$57,273 (total salary and fringe for one year)

3,000 (rent for one year)

1,000 (communications for one year)

1,000 (computer/other equipment)

\$62,273 (Total cost for one year)

By all means, if you have any questions regarding the foregoing information, I would be very happy to respond to them

Thank you.

John Kerr, Deputy Director  
Minnesota Division of Homeland Security &  
Emergency Management  
444 Cedar Street, Suite 223  
St. Paul, MN 55101  
john.kerr@state.mn.us  
651/296-0481

**CC:** "Stephen Lee (E-mail)" <Stephen.Lee@state.mn.us>, "Leslie, Tim" <Tim.Leslie@state.mn.us>, "Tomlyanovich, Steve" <Steve.Tomlyanovich@state.mn.us>, "Wiggins, Scott" <Scott.Wiggins@state.mn.us>

Minnesota Bureau of Criminal Apprehension  
Agent Full Time Employees

FY 2006 - Agent Hiring Plan

- ◆ In July 2005 BCA had a total of 60 agents
- ◆ As of March 22, 2006 BCA has a total of 65 agents
- ◆ Four retirements from July 2005 to present
- ◆ 9 agents started since January 11, 2006
- ◆ 4 agents will be hired in May, 2006
- ◆ 4 agents will be hired in June, 2006

Unit	Total agents*	Assignments Based on '05 Initiatives
St. Paul Regional Office	13 agents	2 Meth positions – 1 Alexandria, 1 Mankato
Special Investigations Unit	25 agents	8 Meth positions total – 3 assigned to HQ, 1 Mankato, 1 Bemidji, 1 Brainerd, 1 Moorhead, 1 Grand Rapids
Training and Investigations	14 agents	3 POR positions total – 3 assigned to HQ
Support and Administrative Services	2 agents	
Bemidji Regional Office	11 agents	

\*(includes 5 investigative Special Agents in Charge)

Agent Positions (FY 2006)

60 (agents as of 7/05)  
 -4 (retirements – 7/05 – present)  
 56  
 +9 (agents hired – 1/11 – present)  
 65 agents total (3/06)  
 4 agents to be hired (5/06)  
 4 agents to be hired (6/06)  
 73 filled positions (as of 7/06)

2006 Initiatives

ICAP – 4 agents  
 MIJET\* – 10 agents  
 Total = 14 agents  
 (\*MN Illegal Immigration Enforcement Team)

Total agent positions with the proposed 2006 initiatives = 87 (beginning FY 07)

Overview of Progress with Hiring for 2005 BCA Initiatives:

- ◆ As of 3/06 the Agent positions obtained through the 2005 Public Safety Initiatives have been filled either through new hires or existing agent reassignments.
- ◆ The 4 agents that will be hired in May 2006 are among those that will fill the resulting vacancies (10) from the newly hired & reassigned Meth agents; Three of the four remaining vacancies along with those created by retirements will be filled in June 2006 or as soon as possible thereafter.

Factors Impacting Hiring:

- ◆ An expedited application & selection process (background, physical and psychological testing) takes approximately 5 months if there are no issues that have to be resolved.
- ◆ The application and screening of candidates can occur in large groups; however, to ensure that new agents are adequately trained and acclimated without having a detrimental impact on investigations, the actual hiring spacing has to occur in phases (process used in 2006 hiring).
- ◆ The Bureau's field training program is done by active agents. These agents accomplish this as a collateral duty and they are dispersed in the various sections of the Bureau. This impacts the number of new agents that can be trained and acclimated to Bureau procedures per hiring cycle.
- ◆ To maintain the effectiveness of the FTA program, the potential burnout of agents who have this responsibility must be factored into the hiring cycle. These agents are typically given a respite of approx. 2-3 months as managers and supervisors feel necessary or at the request of the FTA.
- ◆ Additional retirements are anticipated during FY 2007.

Anticipated Assignments for Proposed 2006 Initiatives:

- ◆ Internet Crimes Against Children (ICAC) - 4 agents assigned to BCA Headquarters, so that agents **can utilize** specialized equipment and facilities and can work in close connection with the federally funded **ICAC task force** operated by St. Paul PD.
- ◆ Minnesota Illegal Immigration Enforcement Team (MIET) - 10 agents will be dispersed throughout **the various** assignments within the Bureau's investigative section in a manner that will best facilitate their mission **(as an example** several will be assigned to field offices in areas that have been identified as having serious issues **with illegal** immigration, 1-2 assigned to the Immigration and Customs Enforcement Task Force to assist with **border and interstate** investigations that impact Minnesota, others will be assigned to general or special investigations **to deal with False ID** and fraud cases related to immigration, at least one will work with the FBI's Joint Terrorism Task Force **to assist with** investigations related to terrorist cells, and information that has a connection to immigration.)\*\*

(\*\* these assignments are in keeping with feedback from Florida that has had some success in this area).

Additional Information Requested:

- ◆ Agents on staff at the BCA during FY 2002 = 63 (includes 5 Special Agents in Charge); **specific assignments not** available.
- ◆ Although 1997 data on the number of agents was requested, we no longer have access to that data.

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

**Bill #:** S2757-1E **Complete Date:** 04/06/06

**Chief Author:** RANUM, JANE

**Title:** EXTRAORDINARY HAZARDOUS SUBSTANCES

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

**Agencies:** Pollution Control Agency (04/03/06)

Public Safety Dept (04/06/06)

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			60		
Public Safety Dept			60		
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund			60		
Public Safety Dept			60		
<b>Total Cost &lt;Savings&gt; to the State</b>			60		

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
General Fund			1.00		
Public Safety Dept			1.00		
<b>Total FTE</b>			1.00		

**Consolidated EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: MARSHA BATTLES-JENKS

Date: 04/06/06 Phone: 296-8510

**Fiscal Note – 2005-06 Session**

**Bill #:** S2757-1E **Complete Date:** 04/03/06

**Chief Author:** RANUM, JANE

**Title:** EXTRAORDINARY HAZARDOUS SUBSTANCES

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**

The bill seeks to require security planning and security measures at facilities that use or store a list of extremely hazardous chemicals. The bill as introduced in the Senate contained a short list of such chemicals, and required MPCA to conduct rulemaking to add chemicals to the list.

The bill was amended by a delete-all amendment in Senate Environment and Natural Resources Committee to use the federal Clean Air Act Section 112r list of chemicals. This amendment also removed the MPCA rulemaking requirement from the bill. The amendment appropriated funding for one position to the Department of Public Safety.

The bill as amended is not yet available on the Revisor's web page. The bill was re-referred to Senate Finance Committee.

The companion bill, HF 2950 has not received any committee hearings. The House author, Representative Wagenius, concurs with the amendments made in Senate Environment and Natural Resources Committee.

### **Assumptions**

Assumption is made that the Senate version as amended in Environment and Natural Resources will be the prevailing version. Assumption is made that lead agency Department of Public Safety is also completing a fiscal note on the bill.

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

None for MPCA

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

None for MPCA

### **Local Government Costs**

Small expenditure for copying existing security plans for some water treatment plants and submitting them to Department of Public Safety for review.

### **References/Sources**

Agency Contact Name: STEVE LEE (651-297-8610)  
FN Coord Signature: GLENN OLSON  
Date: 04/03/06 Phone: 297-1609

### **EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: MARSHA BATTLES-JENKS  
Date: 04/03/06 Phone: 296-8510

**Fiscal Note – 2005-06 Session**

**Bill #:** S2757-1E **Complete Date:** 04/06/06

**Chief Author:** RANUM, JANE

**Title:** EXTRAORDINARY HAZARDOUS SUBSTANCES

Fiscal Impact	Yes	No
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.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
<b>Expenditures</b>					
General Fund			60		
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
General Fund			60		
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund			60		
<b>Total Cost &lt;Savings&gt; to the State</b>			60		

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalents</b>					
General Fund			1.00		
<b>Total FTE</b>			1.00		

**Bill Description**

The bill: 1.) Establishes a list of extraordinarily hazardous substances; which would be the substances/chemical compounds identified in M.S., Section 115E.21, Subd. 1, and identified by rule according to section 115E.21, Subd. 3., 2.) Defines “extraordinarily hazardous substances”, “facility”, “security measure”, “unauthorized release”, and “use of inherently safer technology”, 3.) Establishes an “initial list” of extraordinarily hazardous substance list, and the threshold quantity of each; 4.) Requires the commissioner of the department of public safety (DPS) to develop and issue, within 60 days of the effective date of the act, a registration form to be completed within 120 days by the owner/operator of a facility that generates, stores, or handles any of the extraordinarily hazardous substances, in the threshold amounts, on the initial list; 5.) Requires the commissioner of the pollution control agency to develop and adopt as a rule an extraordinarily hazardous substance list, within 18 months of the effective date of the bill; 6.) Requires, within 90 days of the adoption of the extraordinary hazardous substance list referenced in item 4 above, that the owner/operator of each facility in the state that generates, stores, or handles any of the extraordinarily hazardous substances in the threshold amounts on the extraordinarily hazardous substance list, not registered as described in item 4. above, to complete the registration form; 7.) Requires that, within (1) year of the effective date of the act, the owner/operator of every facility in the state that generates, stores, or handles any of the extraordinarily hazardous substances in the threshold amounts on the list adopted under M.S., Section 115E.21: a.) Conducts a vulnerability assessment, b.) Identifies and assesses hazards that may result from the unauthorized release of hazardous substances, and c.) Assesses the use of inherently safer technology in reducing/eliminating releases; 8.) Requires that within (18) months of the effective date of the act, the owner/operator of a facility required to complete the assessment described in 7. above, to prepare and submit to the DPS commissioner a prevention, preparedness, and response plan; 9.) Stipulates the contents of the plan described in 8. above, 10.) Stipulates that the vulnerability assessment, and the prevention, preparedness, etc. plan constitutes nonpublic data; except that it may be provided to certain specified government entities.

**Assumptions**

- 1.) The DPS-Division of Homeland Security and Emergency Management (HSEM) would be the state agency given the responsibility of developing, issuing, processing, and tracking the submission of the registration form, and the plan required in the bill.
- 2.) At a minimum, over (200) facilities in Minnesota would be subject to the reporting and planning requirements included in the bill.
- 4.) DPS-HSEM would receive many phone calls, especially during the first year following passage of the bill, from facilities with questions as to its various requirements.
- 5.) During the first year following passage of the bill, most of the affected facilities in the state would have submitted the required registration form and plan.
- 6.) The effective date of the bill would be July 1, 2006. *If the effective date is prior to July 1, 2006, HSEM's costs would be higher than those described below.*

**Expenditure and/or Revenue Formula**

The registration form and the plan required by the bill would significantly increase the workload of HSEM staff during the first year following the bill's passage. In order to process those documents, respond to telephone inquiries, review plans, and follow-up with affected facilities that have not submitted the necessary documents, an additional 1.00 FTE, a Planner Senior Community, would be required for one year. After one year, it is anticipated that the number of registration forms and plans received by HSEM would decline considerably, and existing staff would be sufficient to handle them.

**Expenditures for FY 07:**

(1) Planner Senior Community, at step 3:	\$40,394
Fringe benefits, including health insurance and FICA:	<u>17,893</u>

Total:	\$58,287
Communications for one year:	1,000
Computer/other equipment:	<u>1,000</u>
<b>TOTAL:</b>	<b>\$60,287</b>

**Long-Term Fiscal Considerations**

None

**Local Government Costs**

None

**References/Sources**

Agency Contact Name: Kris Eide 296-0450; John Kerr 296-0481  
FN Coord Signature: FRANK AHRENS  
Date: 04/04/06 Phone: 296-9484

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER  
Date: 04/06/06 Phone: 215-0594

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

**Bill #:** S2380-0 **Complete Date:** 03/16/06

**Chief Author:** RANUM, JANE

**Title:** CHILD PORN OFFENDER COND RELEASE

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

**Agencies:** Corrections Dept (03/16/06)  
Public Defense Board (03/16/06)

Supreme Court (03/15/06)  
Sentencing Guidelines Comm (03/14/06)

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>					
-- 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>					

**Consolidated EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/16/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S2380-0 **Complete Date:** 03/16/06

**Chief Author:** RANUM, JANE

**Title:** CHILD PORN OFFENDER COND RELEASE

<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 impose a conditional release term on offenders sentenced for possession or dissemination of child pornography. The conditional release terms are set at five years for first-time offenders and ten years for subsequent offenses or offenses by offenders with prior convictions for criminal sexual conduct offenses.

**Assumptions**

- Only three child pornography offenders received executed sentences in 2004 and therefore would be subject to the imposition of conditional release.
- **The estimated number of offenders who could eventually receive conditional release remains small.**
- There will be minimal impact on supervision caseloads statewide, however the accumulative effect could be significant as new offenses or penalty enhancements are enacted.
- The bill is effective August 1, 2006 and applies to crimes committed on or after that date.

**Expenditure and/or Revenue Formula**

N/A

**Long-Term Fiscal Considerations**

N/A

**Local Government Costs**

The fiscal impact on local correctional resources is expected to be minimal.

**References/Sources**

Department of Corrections Staff  
Minnesota Sentencing Guidelines

FN Coord Signature: DENNY FONSECA

Date: 03/16/06 Phone: 642-0220

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING

Date: 03/16/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S2380-0 **Complete Date:** 03/15/06

**Chief Author:** RANUM, JANE

**Title:** CHILD PORN OFFENDER COND RELEASE

<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>					

### **Bill Description**

This bill imposes conditional release terms on offenders sentenced for possession or dissemination of child pornography. The conditional release terms are set at five years for first-time offenders and ten years for subsequent offenses or offenses by offenders with prior convictions for criminal sexual conduct offenses.

The effective date is August 1, 2006 and it applies to offenses committed on or after that date.

### **Assumptions**

It is estimated that the imposition of conditional release terms will have a minimal impact on the workload of the courts because of the small number of cases. In 2004, only three child pornography offenders received executed prison sentences, and therefore would be subject to the imposition of conditional release. One of those offenders would qualify for the ten year conditional release term. In 2003, 6 offenders received executed prison sentences for child pornography offenses. While the number of offenders eventually subject to conditional release could increase if some of the offenders placed on probation eventually have their probation revoked, because of the small total number of offenders sentenced for these offenses (35 in 2004 and 56 in 2003), the estimated number of offenders who could eventually receive conditional release and potential revocations remains small.

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

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

### **Local Government Costs**

### **References/Sources**

FN Coord Signature: JUDY REHAK  
Date: 03/15/06 Phone: 297-7800

### **EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/15/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S2380-0 **Complete Date:** 03/14/06

**Chief Author:** RANUM, JANE

**Title:** CHILD PORN OFFENDER COND RELEASE

<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 HF2837:  
Conditional Release for Child Pornography Offenders**  
Minnesota Sentencing Guidelines Commission  
March 14, 2006

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*Minimal impact on state and local correctional resources.*

**Bill Description**

This bill imposes conditional release terms on offenders sentenced for possession or dissemination of child pornography. The conditional release terms are set at five years for first-time offenders and ten years for subsequent offenses or offenses by offenders with prior convictions for criminal sexual conduct offenses.

The effective date is August 1, 2006 and it applies to offenses committed on or after that date.

**Assumptions and Impact on State and Local Correctional Resources**

It is estimated that the imposition of conditional release terms will have a minimal impact on state and local correctional resources. In 2004, only three child pornography offenders received executed prison sentences, and therefore would be subject to the imposition of conditional release. One of those offenders would qualify for the ten year conditional release term. In 2003, 6 offenders received executed prison sentences for child pornography offenses. While the number of offenders eventually subject to conditional release could increase if some of the offenders placed on probation eventually have their probation revoked, because of the small total number of offenders sentenced for these offenses (35 in 2004 and 56 in 2003), the estimated number of offenders who could eventually receive conditional release remains small.

FN Coord Signature: ANNE WALL  
Date: 03/14/06 Phone: 297-2092

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/14/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

**Bill #:** S2380-0 **Complete Date:** 03/16/06

**Chief Author:** RANUM, JANE

**Title:** CHILD PORN OFFENDER COND RELEASE

<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>					

## **Bill Description**

### **Assumptions**

While the provisions of this bill do not have a major impact on the public defense system, it does present the already overburdened criminal justice and public defender systems with additional cases and time commitments. Any time there is an increase in penalties or expansion of criminal law the result will be more cases, more contested cases, and more appeals.

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

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

### **Local Government Costs**

### **References/Sources**

FN Coord Signature: KEVIN KAJER  
Date: 03/16/06 Phone: 349-2565

### **EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: JIM KING  
Date: 03/16/06 Phone: 296-7964

**Fiscal Note – 2005-06 Session**

Bill #: S2607-2E Complete Date: 03/31/06

Chief Author: REITER, MADY

Title: INTERNET CRIMES AGAINST CHILDREN

Fiscal Impact	Yes	No
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.

Dollars (in thousands)	FY05	FY06	FY07	FY08	FY09
<b>Expenditures</b>					
General Fund			1,000	778	778
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
General Fund			1,000	778	778
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund			1,000	778	778
<b>Total Cost &lt;Savings&gt; to the State</b>			1,000	778	778

	FY05	FY06	FY07	FY08	FY09
<b>Full Time Equivalent</b>					
General Fund			9.00	9.00	9.00
<b>Total FTE</b>			9.00	9.00	9.00

**Bill Description**

The bill established a Crimes Agent Children's Team to investigate technology facilitated crimes against children including solicitation of minors for sexual purposes and possession or distribution of child pornography. In addition to investigative duties, the team will implement a statewide "NetSmartz" or other educational/prevention programs.

**Assumptions**

This legislation will require the hiring of four agents, two analysts, one clerical support, one Information Technology Specialist and one training specialist in order to carry out the duties described.

**Expenditure and/or Revenue Formula**

Expenditures are set forth below:

<u>Object</u>	<u>Description</u>	<u>(4) Special Agents</u>	<u>(2) Criminal Intel Analyst</u>	<u>(1) Office/Admin Spec. Inter.</u>	<u>(1) Info Tech Spec. 5</u>	<u>(1) Trng. Spec.</u>
1A	Salary/Fringe	\$325,452	\$123,736	\$ 49,514	\$114,840	\$75,338
1C	Overtime 234 hrs annual (@\$32.60 hr.)	\$ 30,512				
1E	Workers Comp Agent Clothing Allowance	\$2,200	\$ 100	\$ 50	\$ 50	\$ 50
2A	Out-State Agent Office Space	\$ 3,800				
2B	Vehicles/ Equip/Maint.	\$ 4,800				
2D	Agent Physical/ Psychological (1 <sup>st</sup> yr)	\$ 4,000				
2F	Comm/Postage Phone Costs	\$ 5,600	\$ 1,400	\$ 700	\$ 700	\$ 700
2G	Agent Travel Expenses (1 <sup>st</sup> yr)	\$ 14,000			\$ 1,000	\$ 1,500
2H	Analyst Anacapa Trng. (1 <sup>st</sup> yr)		\$ 7,600			
2J	Supplies/Gas Ammo (1 <sup>st</sup> yr)	\$ 19,200	\$ 400	\$ 200	\$ 76,820	\$ 200
2K	Equip/Comp/ Cell/Guns (1 <sup>st</sup> yr)	\$ 36,000	\$ 6,000	\$3,000	\$ 66,993	\$8,000

2L	Employee Development	\$ 12,000	\$ 1,000	\$ 500	\$ 1,500	\$ 500
	<b>Total Expenditures</b>	<b>\$457,564</b>	<b>\$140,236</b>	<b>\$53,964</b>	<b>\$261,903</b>	<b>\$86,288</b>
						<b>\$999,955</b>

The total for subsequent fiscal years is estimated at \$778,058 based on the elimination of "first-year only" expenditures, and decreases in Agent Travel Expenses and Supplies (some of which are "first-year only" expenses)

**Long-Term Fiscal Considerations**

To continue these investigative and educational duties, the fiscal considerations would need to be made a part of the BCA's budget.

**Local Government Costs**

**References/Sources**

Agency Contact Name: Tim O'Malley 793-1020  
 FN Coord Signature: FRANK AHRENS  
 Date: 03/31/06 Phone: 296-9484

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER  
 Date: 03/31/06 Phone: 215-0594

**Fiscal Note – 2005-06 Session**

**Bill #:** S3249-0 **Complete Date:** 03/30/06

**Chief Author:** RANUM, JANE

**Title:** BCA MISSING PERSONS BACKLOG REDUCTN

<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			98	0	0
<b>Less Agency Can Absorb</b>					
-- No Impact --					
<b>Net Expenditures</b>					
General Fund			98	0	0
<b>Revenues</b>					
-- No Impact --					
<b>Net Cost &lt;Savings&gt;</b>					
General Fund			98	0	0
<b>Total Cost &lt;Savings&gt; to the State</b>			98	0	0

	<b>FY05</b>	<b>FY06</b>	<b>FY07</b>	<b>FY08</b>	<b>FY09</b>
<b>Full Time Equivalents</b>					
General Fund			2.00		
<b>Total FTE</b>			2.00		

**Bill Description**

This bill requires the Bureau of Criminal Apprehension to coordinate with federal, state and local law enforcement agencies, medical examiners, coroners, odontologists and others, to reduce the state's backlog relating to missing persons and unidentified bodies, and to ensure that all necessary data and samples, including DNA and dental records, are entered into all relevant federal and state databases. The BCA is also required to develop a model policy addressing law enforcement efforts and duties, and provide training to local law enforcement on the model policy.

**Assumptions**

**Expenditure and/or Revenue Formula**

Expenditures would cover the salaries and fringes of two Office/Administrative Specialist Intermediate (OASI) positions to work with the appropriate agencies, medical examiners, coroners and others, to collect and verify records and data and enter all information into the designated databases. No funding would be needed to develop the model policy or provide training.

<u>Object</u>	<u>Description</u>	<u>(2) Office/Admin Specialist, Inter.</u>
1A	Mid-Range Salary w/Fringe	98,274

**Long-Term Fiscal Considerations**

This is a one-time appropriation, however, this is an ongoing problem which may require a continuation of funding to keep a backlog from redeveloping. The February 1, 2007 report to the legislature should identify other areas that may require future funding.

**Local Government Costs**

**References/Sources**

Agency Contact Name: Janell Rasmussen 793-1106  
FN Coord Signature: FRANK AHRENS  
Date: 03/30/06 Phone: 296-9484

**EBO Comments**

I have reviewed this Fiscal Note for accuracy and content.

EBO Signature: NORMAN FOSTER  
Date: 03/30/06 Phone: 215-0594

1.1 To: Senator Cohen, Chair  
1.2 Committee on Finance

1.3 From: Senator Ranum,

1.4 Chair of the Public Safety Budget Division, to which was referred

1.5 S.F. No. 2738: A bill for an act relating to public safety; appropriating money to  
1.6 allow courts to better address alcohol and other drug addicted offenders.

1.7 Delete everything after the enacting clause and insert:

1.8 "ARTICLE 1

1.9 PUBLIC SAFETY SUPPLEMENTAL APPROPRIATIONS

1.10 Section 1. SUPPLEMENTAL APPROPRIATIONS.

1.11 The appropriations in this article are added to or, if shown in parentheses, subtracted  
1.12 from the appropriations enacted into law by the legislature in Laws 2005, chapter 136, or  
1.13 other specified law, to the named agencies and for the specified programs or activities.  
1.14 The sums shown are appropriated from the general fund, or another named fund, to be  
1.15 available for the fiscal years indicated for each purpose. The figures "2006" and "2007"  
1.16 where used in this article, mean that the appropriation or appropriations listed under them  
1.17 are available for the year ending June 30, 2006, or June 30, 2007, respectively. The term  
1.18 "first year" means the fiscal year ending June 30, 2006, and "second year" means the fiscal  
1.19 year ending June 30, 2007. Supplementary appropriations and reductions to appropriations  
1.20 for the fiscal year ending June 30, 2006, are effective the day following final enactment.

1.21 SUMMARY BY FUND

		<u>2006</u>		<u>2007</u>		<u>TOTAL</u>
1.22						
1.23	<u>General</u>	\$ 3,869,000	\$	15,032,000	\$	18,901,000
1.24	<u>Special Revenue</u>	663,000		717,000		1,380,000
1.25	<u>TOTAL</u>	\$ 4,532,000	\$	15,749,000	\$	20,281,000

<u>APPROPRIATIONS</u>	
<u>Available for the Year</u>	
<u>Ending June 30</u>	
<u>2006</u>	<u>2007</u>

1.30 Sec. 2. SUPREME COURT -0- 750,000

1.31 AOD offenders

1.32 This appropriation is for the first phase  
1.33 of a judicial initiative to more effectively  
address the increasing numbers of alcohol  
1.35 and other drug (AOD) offenders coming into  
1.36 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  
 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  
 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  
 3 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>	<u>3,213,000</u>	<u>10,871,000</u>
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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>	<u>2,668,000</u>	<u>8,788,000</u>
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8.24 <b><u>Subd. 3. Community services</u></b>	<u>545,000</u>	<u>2,083,000</u>
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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><u>Sec. 10. PEACE OFFICER STANDARDS</u></b>	<del>4,154,000</del>	<del>4,014,000</del>
10.34	<b><u>AND TRAINING BOARD (POST)</u></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.  
 11.2 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**

11.13 **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. <b>Community Services</b>	103,556,000	103,369,000
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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~~  
 21.32 ~~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 .....~~  
 23.2 ~~\$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.

23.12 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  
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  
27.33 (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

3            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

2 (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  
41.32 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.

5.2 (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  
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  
3 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~~  
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;

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;

55.33 (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;  
 61.2 (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;  
 61.23 (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.

65.2 (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

65.33 (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

76.1 over criminal justice policy and funding on the commissioner's recommendations under  
 76.2 paragraphs (a) and (b).

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

## 76.4 ARTICLE 6

### 76.5 CORONERS AND MEDICAL EXAMINERS

76.6 Section 1. Minnesota Statutes 2004, section 390.005, is amended to read:

76.7 **390.005 ELECTION OR APPOINTMENT, ELIGIBILITY; VACANCIES;**  
 76.8 **REMOVAL.**

76.9 Subdivision 1. ~~County election~~ **Selection of coroner or medical examiner.** Each  
 76.10 county must have a coroner or medical examiner. A coroner ~~shall~~ may be elected ~~in each~~  
 76.11 ~~county,~~ as prescribed by section 382.01, ~~except as provided in this section~~ or appointed in  
 76.12 each county. A medical examiner must be appointed by the county board. The term of an  
 76.13 appointed coroner or medical examiner must not be longer than four years.

76.14 Subd. 2. **Appointment by resolution.** ~~In a county where the office of coroner has~~  
 76.15 ~~not been abolished,~~ The board of county commissioners may, by resolution, state its  
 76.16 intention to fill the office of coroner by appointment. The resolution must be adopted at  
 76.17 least six months before the end of the term of the incumbent coroner, if elected. After the  
 76.18 resolution is adopted, the board shall fill the office by appointing a person not less than  
 76.19 30 days before the end of the incumbent's term. The appointed coroner shall serve for a  
 76.20 term of office determined by the board beginning upon the expiration of the term of the  
 76.21 incumbent. The term must not be longer than four years.

76.22 If there is a vacancy in the elected office ~~in the county,~~ the board may by resolution,  
 76.23 state its intention to fill the office by appointment. When the resolution is adopted, the  
 76.24 board shall fill the office by appointment immediately. The coroner shall serve for a term  
 76.25 determined by the board. The term must not be longer than four years.

76.26 Subd. 3. ~~Educational requirements~~ **Qualifications.** ~~A coroner must have~~  
 76.27 ~~successfully completed academic courses in pharmacology, surgery, pathology, toxicology,~~  
 76.28 ~~and physiology. However, if a board of county commissioners determines that the office~~  
 76.29 ~~of coroner shall not be elective and it cannot appoint any person meeting the educational~~  
 76.30 ~~qualifications as coroner, the board may:~~

76.31 (1) ~~appoint any qualified person, whether or not a resident of the county, or~~

76.32 (2) ~~if no qualified person can be found, appoint a person who is serving or has served~~  
 76.33 ~~as deputy coroner, whether or not a resident of the county.~~ (a) The medical examiner must  
 76.34 be a forensic pathologist who is certified or eligible for certification by the American  
 76.35 Board of Pathology. The medical examiner is an appointed public official in a system of

77.1 death investigation in which the administrative control, the determination of the extent  
77.2 of the examination, need for autopsy, and the filing of the cause and manner of death  
77.3 information with the state registrar pursuant to section 144.221 are all under the control  
77.4 of the medical examiner.

77.5 (b) The coroner must be a physician with a valid license in good standing under  
77.6 chapter 147, to practice medicine as defined under section 147.081, subdivision 3. The  
77.7 coroner is a public official, elected or appointed, whose duty is to make inquiry into deaths  
77.8 in certain categories, determine the cause and manner of death, and file the information  
77.9 with the state registrar pursuant to section 144.221. The coroner must obtain additional  
77.10 training in medicolegal death investigation, such as training by the American Board of  
77.11 Medicolegal Death Investigators, within four years of taking office, unless the coroner  
77.12 has already obtained this training.

77.13 (c) The coroner or medical examiner need not be a resident of the county.

77.14 Subd. 4. Certain incumbents. An incumbent coroner or medical examiner in  
77.15 office on July 1, 1965 meets the effective date of this section is hereby deemed to meet  
77.16 the qualifications prescribed by this section for the purpose of continuance in, reelection  
77.17 to, or appointment to the office of coroner until the end of the current term of office,  
77.18 after which this statute will apply.

77.19 Subd. 5. Vacancies, removal. Vacancies in the office of coroner or medical  
77.20 examiner shall be filled according to sections 375.08 and 382.02, or under subdivision 1.  
77.21 ~~A~~ The medical examiner or appointed coroner may be removed from office as provided  
77.22 by law: by the county board during a term of office for cause shown after a hearing upon  
77.23 due notice of written charges. The hearing shall be conducted in accordance with that  
77.24 county's human resources policy.

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

77.26 Sec. 2. **[390.0065] HENNEPIN COUNTY MEDICAL EXAMINER; SELECTION**  
77.27 **AND TERM.**

77.28 Hennepin County shall use the following procedure to select the Hennepin County  
77.29 medical examiner: the Hennepin County Board shall designate three licensed physicians  
77.30 who shall constitute a Medical Examiner Board. One member shall be a dean or professor  
77.31 of the Department of Pathology of a Class A medical school as designated by the American  
77.32 Medical Association. Another member of the board shall be a member of the Minnesota  
77.33 Society of Pathologists. The third member shall be designated by the Hennepin County  
77.34 Medical Association from its membership. The Medical Examiner Board shall accept  
77.35 applications for the position of Hennepin County medical examiner when a vacancy exists  
77.36 in the office. Applications therefore shall be considered from doctors of medicine who

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 ~~A~~ 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  
83.33 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.

84.1 Subd. 6. Records kept by coroner or medical examiner. The coroner or medical  
84.2 examiner shall keep full and complete records, properly indexed records, giving the name,  
84.3 if known, of every person whose death is investigated, the place where the body was  
84.4 found, the date, cause, and manner of death, and all other ~~relevant~~ available information  
84.5 concerning the death: that the coroner or medical examiner considers pertinent. These  
84.6 records of the coroner or medical examiner are the property of the county and subject to  
84.7 chapter 13. These records shall be kept at the coroner's or medical examiner's office,  
84.8 unless no storage space is available. They shall then be kept with official county records  
84.9 and only released in accordance with the Data Practices Act. Records shall be kept in  
84.10 accordance with section 15.17.

84.11 Subd. 7. Reports Duty to report. (a) Deaths of the types described in this section  
84.12 must be promptly reported for investigation to the coroner or medical examiner and, when  
84.13 appropriate, to the law enforcement agency with jurisdiction, by the law enforcement  
84.14 officer, attending physician, health care professional, mortician or funeral director, person  
84.15 in charge of the public institutions referred to in subdivision 1, or ~~other person with~~  
84.16 knowledge of the death: anyone who discovers a deceased person. In a case in which a  
84.17 crime may be involved, the coroner or medical examiner shall promptly notify the law  
84.18 enforcement agency with jurisdiction over a criminal investigation of the death.

84.19 Subd. 7a. Records and other material available to coroner or medical examiner.  
84.20 ~~(b) For the purposes of this section, health-related records or data on a decedent, Except~~  
84.21 for health data defined in section 13.3805, subdivision 1, paragraph (a), clause (2),  
84.22 health-related records or data on a decedent whose death is being investigated under  
84.23 this section, whether the records or data are recorded or unrecorded, including but  
84.24 not limited to those concerning medical, surgical, psychiatric, psychological, or any  
84.25 other consultation, diagnosis, or treatment, including medical imaging, shall be made  
84.26 promptly available to the coroner or medical examiner, upon the coroner's or medical  
84.27 examiner's written request, by a any person, agency, entity, or organization having  
84.28 custody of, possession of, access to, or knowledge of the records or data. This provision  
84.29 includes records and data, whether recorded or unrecorded, including but not limited to,  
84.30 records and data, including medical imaging, concerning medical, surgical, psychiatric,  
84.31 psychological, chemical dependency, or any other consultation, diagnosis, or treatment.  
84.32 In cases involving a stillborn infant or the death of a fetus or infant less than one year  
84.33 of age, the prenatal records on the decedent's mother may also be subpoenaed by the  
84.34 coroner or medical examiner. The coroner or medical examiner shall pay the reasonable  
84.35 costs of copies of records or data ~~so provided to the coroner~~ under this section. Data  
84.36 collected or created pursuant to this subdivision relating to any psychiatric, psychological,

85.1 or mental health consultation with, diagnosis of, or treatment of the decedent whose  
85.2 death is being investigated shall remain confidential or protected nonpublic data, except  
85.3 that the coroner's or medical examiner's final summary report may contain a summary  
85.4 of, or references to, such data. Where records of a decedent become part of the medical  
85.5 examiner's or coroner's file, they are not subject to subpoena or a request for production  
85.6 directed to the medical examiner or coroner. Body fluids, slides, tissue, organ specimens,  
85.7 radiographs, monitor records, video or other recordings, and any other material or article  
85.8 of diagnostic value obtained from the decedent prior to death, shall be made available to  
85.9 the coroner or medical examiner upon request. Notwithstanding the provisions of sections  
85.10 13.384 and 595.02, the coroner or medical examiner shall have the power to subpoena any  
85.11 and all documents, records, including medical records, and papers deemed useful in the  
85.12 investigation of a death.

85.13 Subd. 7b. Records released by coroner or medical examiner. Records and  
85.14 reports, including those of autopsies performed, generated, and certified by the coroner or  
85.15 medical examiner shall be admissible as evidence in any court or grand jury proceeding.  
85.16 The admissibility of such evidence under this subdivision shall not include statements  
85.17 made by witnesses or other persons unless otherwise admissible.

85.18 Subd. 8. Investigation procedure; coroner or medical examiner in charge of  
85.19 body. Upon notification of a ~~the death subject to~~ of any person as defined in this section,  
85.20 the coroner or ~~deputy shall~~ medical examiner staff or their designee may proceed to the  
85.21 body, take charge of it, and, ~~arrange for transfer of it,~~ when appropriate. This provision  
85.22 also applies to bones, body parts, and specimens that may be human remains. Discovery  
85.23 of such bones, body parts, and specimens must be promptly reported to the coroner or  
85.24 medical examiner. When necessary, the coroner or medical examiner staff, in coordination  
85.25 with the applicable law enforcement agency, may order that there be no interference with  
85.26 or compromise of the body or the scene of death. In the event a person is transported to  
85.27 an emergency vehicle or facility and pronounced dead, the scene of death shall include  
85.28 the original location of the decedent when first discovered to be ill, unresponsive, or  
85.29 stricken prior to removal by emergency medical personnel. Any person violating such  
85.30 an order is guilty of a gross misdemeanor. The coroner or medical examiner staff shall  
85.31 make inquiry regarding the cause and manner of death and, in cases that fall under the  
85.32 medical examiner's or coroner's jurisdiction, prepare written findings together with the  
85.33 report of death and its circumstances, which shall be filed in the office of the coroner or  
85.34 medical examiner.

85.35 Subd. 9. Criminal act report. ~~On coming to believe that the death may have~~  
85.36 ~~resulted from a criminal act,~~ The coroner or ~~deputy~~ medical examiner shall deliver a

86.1 ~~signed copy of the report of investigation or inquest to the county attorney to the county~~  
 86.2 ~~attorney copies of reports or other information created by the coroner's or medical~~  
 86.3 ~~examiner's office in any cases of a potential criminal nature.~~

86.4 Subd. 10. ~~Sudden Infant death.~~ If a child under the age of two years dies suddenly  
 86.5 and unexpectedly ~~under circumstances indicating that the death may have been caused~~  
 86.6 ~~by sudden infant death syndrome, the coroner, medical examiner, or personal physician~~  
 86.7 ~~shall notify the child's parents or guardian that an autopsy is essential to establish the~~  
 86.8 ~~cause of death as sudden infant death syndrome. If an autopsy reveals that sudden infant~~  
 86.9 ~~death syndrome is the cause of death, that fact must be stated in the autopsy report., the~~  
 86.10 parents or guardian of the child shall be promptly notified of the ~~cause of death and of the~~  
 86.11 availability of counseling services.

86.12 Subd. 11. ~~Autopsy fees.~~ The coroner may charge a reasonable fee to a person  
 86.13 requesting an autopsy if the autopsy would not otherwise be conducted under subdivision  
 86.14 ~~1, 2, or 3.~~

86.15 Subd. 12. ~~Authorized removal of the brain.~~ If the coroner or medical examiner is  
 86.16 informed by a physician ~~or pathologist~~ that a ~~dead person~~ decedent is suspected of having  
 86.17 had Alzheimer's disease, the coroner ~~shall~~ or medical examiner may authorize the removal  
 86.18 of the brain ~~of the dead person~~ for the purposes of sections 145.131 and 145.132.

86.19 EFFECTIVE DATE. This section is effective July 1, 2006.

86.20 Sec. 10. Minnesota Statutes 2004, section 390.111, is amended to read:

86.21 **390.111 EXPENSES AND COMPENSATION.**

86.22 The county board ~~may allow~~ is responsible for the reasonable and necessary  
 86.23 compensation and expenses of the coroner or ~~deputies incurred for telephone tolls,~~  
 86.24 ~~telegrams, postage, the cost of transcribing the testimony taken at an inquest, and other~~  
 86.25 ~~expenses incurred solely for the officers' official business under this chapter.~~ medical  
 86.26 examiner, assistants, investigators, and other medical specialists.

86.27 EFFECTIVE DATE. This section is effective July 1, 2006.

86.28 Sec. 11. Minnesota Statutes 2004, section 390.15, is amended to read:

86.29 **390.15 WITNESSES; FEES.**

86.30 The coroner or medical examiner may ~~issue subpoenas for witnesses, returnable~~  
 86.31 ~~immediately or at a specified time and place. The persons served with the subpoenas shall~~  
 86.32 ~~be allowed the fees, the coroner shall enforce their attendance, and they shall be subject~~  
 86.33 ~~to the penalties provided by statute or the Rules of Criminal Procedure.~~ charge a fee for  
 86.34 cremation approval, duplication of reports, and other administrative functions to recover  
 86.35 reasonable expenses, subject to county board approval.

87.1 EFFECTIVE DATE. This section is effective July 1, 2006.

87.2 **Sec. 12. [390.151] ORGAN AND TISSUE DONATION.**

87.3 The coroner or medical examiner may facilitate donation of organs and tissues in  
87.4 compliance with the Uniform Anatomical Gift Act, sections 525.921 to 525.9224.

87.5 EFFECTIVE DATE. This section is effective July 1, 2006.

87.6 **Sec. 13. [390.152] CREMATION APPROVAL.**

87.7 After investigating deaths of persons who are to be cremated, the coroner or medical  
87.8 examiner may give approval for cremation and shall record such approval by either  
87.9 signing a cremation authorization form, or electronically through the centralized electronic  
87.10 system for the processing of death records established by the state registrar. It shall be a  
87.11 misdemeanor to perform a cremation without such approval.

87.12 EFFECTIVE DATE. This section is effective July 1, 2006.

87.13 Sec. 14. Minnesota Statutes 2004, section 390.21, is amended to read:

87.14 **390.21 DISPOSITION; BURIAL.**

87.15 ~~When a coroner holds an inquest upon view of the dead body of any person~~  
87.16 ~~unknown, or, being called for that purpose, does not think it necessary, on view of~~  
87.17 ~~the body, that an inquest be held, the coroner shall have the body decently buried. All~~  
87.18 ~~expenses of the inquisition and burial shall be paid by the county where the dead body is~~  
87.19 ~~found. After an investigation has been completed, including an autopsy if one is done, the~~  
87.20 body shall be released promptly to the person or persons who have the right to control the  
87.21 disposition of the body. Section 149A.80, subdivision 2, shall control. If the identity of  
87.22 the deceased person is unknown, or if the body is unclaimed, the medical examiner or  
87.23 coroner shall provide for dignified burial or storage of the remains. Dignified burial shall  
87.24 not include cremation, donation for anatomic dissection, burial at sea, or other disposition  
87.25 that will make the body later unavailable. The county where the dead body is found shall  
87.26 pay reasonable expenses of the burial. If an estate is opened within six years and claim  
87.27 made for the property or proceeds of the sale of the property of the decedent, the county  
87.28 shall be reimbursed the amount spent on burial, with interest at the statutory rate.

87.29 EFFECTIVE DATE. This section is effective July 1, 2006.

30 Sec. 15. Minnesota Statutes 2004, section 390.221, is amended to read:

31/31 **390.221 BODIES; EFFECTS; CUSTODY.**

87.32 A person may not ~~remove~~ move, interfere with, or handle the body or the effects  
87.33 ~~of any person~~ a decedent subject to an investigation by the ~~county~~ coroner or medical

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  
89.32 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.

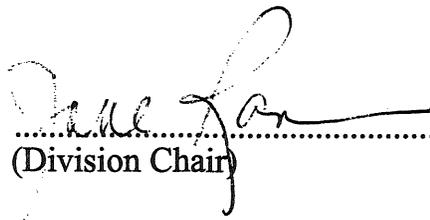
91.12 **EFFECTIVE DATE.** This section is effective July 1, 2006.

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 ..... moves to amend the delete-everything amendment  
1.2 (SCS2738A-2) to S.F. No. 2738 as follows:

1.3 Page 10, line 16, delete everything after "resource" and insert "for counties with  
1.4 noncitizens convicted of criminal offenses. The specialist shall provide information on,  
1.5 and actively seek any federal reimbursement programs that provide funding to states and  
1.6 localities for both the direct costs under the state criminal alien assistance program and  
1.7 indirect costs related to the incarceration of noncitizens convicted of criminal offenses."

1.1 Senator ..... moves to amend the delete-everything amendment  
1.2 (SCS2738A-2) to S.F. No. 2738 as follows:

1.3 Page 66, line 24, before "By" insert "(a)"

1.4 Page 66, after line 31, insert:"

1.5 (b) The bureau shall provide information to the board in the time, form, and manner  
1.6 determined by the board and keep it informed of the most up-to-date data on the actual  
1.7 forensic analysis processing turn around time periods. By January 15 of each year, the  
1.8 board shall report to the legislature on these issues, including the recommendations made  
1.9 by the board to improve turnaround times."

- 1.1 Senator ..... moves to amend the delete-everything amendment
- 1.2 (SCS2738A-2) to S.F. No. 2738 as follows:
- 1.3 Page 2, line 30, delete "5" and insert "4"

# DIVISION REPORT - WITH AMENDMENTS

TO:

Finance Committee

FROM:

Public Safety Budget Division

S. F. No. 2738

Amendments:

SCS 2738 A-2

SCS 2738 A-4

SCS 2738 A-6

SCS 2738 A-7

Division recommendation:

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

And when so amended that the bill \_\_\_\_\_

\_\_\_\_\_

4/5/06 (date of division action)