

1.1 ..... moves to amend H.F. No. 440 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1

1.4 APPROPRIATIONS

1.5 Section 1. SUMMARY OF APPROPRIATIONS.

1.6 The amounts shown in this section summarize direct appropriations, by fund, made  
1.7 in this article.

		<u>2012</u>		<u>2013</u>		<u>Total</u>
1.8						
1.9	<u>General</u>	\$ 363,408,000	\$	363,408,000	\$	<u>726,816,000</u>
1.10	<u>Special Revenue</u>	\$	\$		\$	
1.11	<b><u>Total</u></b>	<b><u>\$ 363,408,000</u></b>	<b><u>\$</u></b>	<b><u>363,408,000</u></b>	<b><u>\$</u></b>	<b><u>726,816,000</u></b>

1.12 Sec. 2. APPROPRIATIONS.

1.13 The sums shown in the columns marked "Appropriations" are appropriated to the  
1.14 agencies and for the purposes specified in this section. The appropriations are from the  
1.15 general fund, or another named fund, and are available for the fiscal years indicated  
1.16 for each purpose. The figures "2012" and "2013" used in this article mean that the  
1.17 appropriation listed under them is available for the fiscal year ending June 30, 2012,  
1.18 or June 30, 2013, respectively.

1.19 **APPROPRIATIONS**  
1.20 **Available for the Year**  
1.21 **Ending June 30**  
1.22 **2012**                      **2013**

1.23 Sec. 3. SUPREME COURT

1.24	<u>Subdivision 1. Total Appropriation</u>	\$	<u>41,274,000</u>	\$	<u>39,575,000</u>
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2.1 The amounts that may be spent for each  
 2.2 purpose are specified in the following  
 2.3 subdivisions.

2.4 **Subd. 2. Supreme Court Operations** 30,458,000 30,759,000

2.5 **(a) Contingent Account.** \$5,000 each year  
 2.6 is for a contingent account for expenses  
 2.7 necessary for the normal operation of the  
 2.8 court for which no other reimbursement is  
 2.9 provided.

2.10 **(b) Judicial and Referee Vacancies.**

2.11 The Supreme Court shall not certify a  
 2.12 judicial or referee vacancy under Minnesota  
 2.13 Statutes, section 2.722, until it has examined  
 2.14 alternative options, such as temporarily  
 2.15 suspending certification of the vacant  
 2.16 position or assigning a retired judge to  
 2.17 temporarily fill the position.

2.18 **(c) Employee Healthcare.** The chief  
 2.19 justice of the Supreme Court shall study and  
 2.20 report to the chairs and ranking minority  
 2.21 members of the house and senate committees  
 2.22 with jurisdiction over judiciary finance by  
 2.23 January 15, 2012, on the advantages and  
 2.24 disadvantages of having judicial branch  
 2.25 officials and employees leave the state  
 2.26 employee group insurance program and  
 2.27 form their own group benefit plan, including  
 2.28 the option of shifting to a plan based on  
 2.29 high-deductible health savings accounts.

2.30 **Subd. 3. Civil Legal Services** 10,816,000 8,816,000

2.31 **(a) Legal Services to Low-Income**  
 2.32 **Clients in Family Law Matters.** Of this  
 2.33 appropriation, \$877,000 each year is to  
 2.34 improve the access of low-income clients to



4.1 Sec. 8. **UNIFORM LAWS COMMISSION**        \$            **30,000** \$            **30,000**

4.2 **Membership dues.** This appropriation is  
 4.3 to pay the state's membership dues to the  
 4.4 National Uniform Laws Commission. No  
 4.5 portion of this appropriation may be used to  
 4.6 fund the travel or expenses of members of  
 4.7 the commission.

4.8 Sec. 9. **BOARD ON JUDICIAL STANDARDS** \$            **456,000** \$            **456,000**

4.9 Sec. 10. **BOARD OF PUBLIC DEFENSE**        \$            **64,726,000** \$            **64,726,000**

4.10 **Public defense corporations**  
 4.11 **representation.** Funds appropriated  
 4.12 to public defense corporations shall  
 4.13 only be used to defend clients who are  
 4.14 constitutionally or statutorily entitled to a  
 4.15 public defender and who meet the income  
 4.16 eligibility standards in Minnesota Statutes,  
 4.17 section 611.17.

4.18 Sec. 11. **SENTENCING GUIDELINES**        \$            **586,000** \$            **586,000**

4.19 Sec. 12. **PROHIBITION ON USE OF**  
 4.20 **APPROPRIATIONS**

4.21 No portion of these appropriations may be used for the purchase of motor vehicles  
 4.22 or out-of-state travel that is not directly connected with and necessary to carry out the core  
 4.23 functions of the organizations funded in this article.

4.24 Sec. 13. **SALARY FREEZE.**

4.25 (a) Effective July 1, 2011, a state employee funded under this article may not receive  
 4.26 a salary or wage increase. This section prohibits any increases, including but not limited  
 4.27 to: across-the-board increases; cost-of-living adjustments; increases based on longevity;  
 4.28 step increases; increases in the form of lump-sum payments; increases in employer  
 4.29 contributions to deferred compensation plans; or any other pay grade adjustments of any  
 4.30 kind. This section does not prohibit an increase in the rate of salary and wages for an

5.1 employee who is promoted or transferred to a position with greater responsibilities and  
5.2 with a higher salary or wage rate.

5.3 (b) A state appointing authority may not enter into a collective bargaining agreement  
5.4 or implement a compensation plan that increases salary or wages in a manner prohibited  
5.5 by this section. Neither a state appointing authority nor an exclusive representative of state  
5.6 employees may request interest arbitration in relation to an increase in salary or wages that  
5.7 is prohibited by this section, and an arbitrator may not issue an award that would increase  
5.8 salary or wages in a manner prohibited by this section.

5.9 (c) This section expires on June 30, 2013.

5.10 **EFFECTIVE DATE.** Paragraph (b) is effective the day following final enactment.  
5.11 Paragraph (a) is effective June 30, 2011.

5.12 Sec. 14. **CAPPING MILEAGE REIMBURSEMENT.**

5.13 For entities funded by an appropriation in this bill, no official or employee may be  
5.14 reimbursed for mileage expenses at a rate that exceeds \$0.51 per mile. No entity may enter  
5.15 into a collective bargaining agreement or compensation plan that conflicts with this section.

## 5.16 **ARTICLE 2**

### 5.17 **COURTS AND SENTENCING**

5.18 Section 1. Minnesota Statutes 2010, section 169.79, subdivision 6, is amended to read:

5.19 Subd. 6. **Other motor vehicles.** If the motor vehicle is any kind of motor vehicle  
5.20 other than those provided for in subdivisions 2 to 4, ~~one plate~~ two plates must be displayed  
5.21 ~~on. One plate must be displayed at the front and one on the rear~~ and one  
5.22 at the back. The two plates must either be mounted on the front and rear bumpers of  
5.23 the vehicle or on the front and back of the vehicle exterior in places designed to hold a  
5.24 license plate.

5.25 Sec. 2. Minnesota Statutes 2010, section 169.797, subdivision 4, is amended to read:

5.26 Subd. 4. **Penalty.** (a) A person who violates this section is guilty of a misdemeanor.  
5.27 A person is guilty of a gross misdemeanor who violates this section within ten years  
5.28 of the first of two prior convictions under this section, section 169.791, or a statute or  
5.29 ordinance in conformity with one of those sections. The operator of a vehicle who violates  
5.30 subdivision 3 and who causes or contributes to causing a vehicle accident that results in  
5.31 the death of any person or in substantial bodily harm to any person, as defined in section  
5.32 609.02, subdivision 7a, is guilty of a gross misdemeanor. The same prosecuting authority  
5.33 who is responsible for prosecuting misdemeanor violations of this section is responsible

6.1 for prosecuting gross misdemeanor violations of this section. In addition to any sentence  
6.2 of imprisonment that the court may impose on a person convicted of violating this section,  
6.3 the court shall impose a fine of not less than \$200 nor more than the maximum amount  
6.4 authorized by law. The court may allow community service in lieu of any fine imposed if  
6.5 the defendant is indigent.

6.6 (b) A driver who is the owner of the vehicle may, no later than the date and time  
6.7 specified in the citation for the driver's first court appearance, produce proof of insurance  
6.8 stating that security had been provided for the vehicle that was being operated at the time  
6.9 of demand to the court administrator. The required proof of insurance may be sent by mail  
6.10 by the driver as long as it is received no later than the date and time specified in the  
6.11 citation for the driver's first court appearance. If a citation is issued, no person shall be  
6.12 convicted of violating this section if the court administrator receives the required proof of  
6.13 insurance no later than the date and time specified in the citation for the driver's first court  
6.14 appearance. If the charge is made other than by citation, no person shall be convicted of  
6.15 violating this section if the person presents the required proof of insurance at the person's  
6.16 first court appearance after the charge is made.

6.17 (c) If the driver is not the owner of the vehicle, the driver shall, no later than the  
6.18 date and time specified in the citation for the driver's first court appearance, provide the  
6.19 district court administrator with proof of insurance or the name and address of the owner.  
6.20 Upon receipt of the name and address of the owner, the district court administrator shall  
6.21 communicate the information to law enforcement agency.

6.22 (d) If the driver is not the owner of the vehicle, the officer may send or provide a  
6.23 notice to the owner of the vehicle requiring the owner to produce proof of insurance for  
6.24 the vehicle that was being operated at the time of the demand. Notice by mail is presumed  
6.25 to be received five days after mailing and shall be sent to the owner's current address or the  
6.26 address listed on the owner's driver's license. Within ten days after receipt of the notice,  
6.27 the owner shall produce the required proof of insurance to the place stated in the notice  
6.28 received by the owner. The required proof of insurance may be sent by mail by the owner  
6.29 as long as it is received within ten days. Any owner who fails to produce proof of insurance  
6.30 within ten days of an officer's request under this subdivision is guilty of a misdemeanor.  
6.31 The peace officer may mail the citation to the owner's current address or address stated  
6.32 on the owner's driver's license. It is an affirmative defense to a charge against the owner  
6.33 that the driver used the owner's vehicle without consent, if insurance would not have been  
6.34 required in the absence of the unauthorized use by the driver. It is not a defense that a  
6.35 person failed to notify the Department of Public Safety of a change of name or address as  
6.36 required under section 171.11. The citation may be sent after the ten-day period.

7.1 ~~(b)~~ (e) The court may impose consecutive sentences for offenses arising out of a  
7.2 single course of conduct as permitted in section 609.035, subdivision 2.

7.3 ~~(e)~~ (f) In addition to the criminal penalty, the driver's license of an operator convicted  
7.4 under this section shall be revoked for not more than 12 months. If the operator is also an  
7.5 owner of the vehicle, the registration of the vehicle shall also be revoked for not more  
7.6 than 12 months. Before reinstatement of a driver's license or registration, the operator  
7.7 shall file with the commissioner of public safety the written certificate of an insurance  
7.8 carrier authorized to do business in this state stating that security has been provided by the  
7.9 operator as required by section 65B.48.

7.10 ~~(d)~~ (g) The commissioner shall include a notice of the penalties contained in this  
7.11 section on all forms for registration of vehicles required to maintain a plan of reparation  
7.12 security.

7.13 Sec. 3. Minnesota Statutes 2010, section 357.021, subdivision 6, is amended to read:

7.14 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided  
7.15 in this paragraph, the court shall impose and the court administrator shall collect a \$75  
7.16 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or  
7.17 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle  
7.18 parking, for which there shall be a \$12 surcharge. When a defendant is convicted of more  
7.19 than one offense in a case, the surcharge shall be imposed only once in that case. In the  
7.20 Second Judicial District, the court shall impose, and the court administrator shall collect,  
7.21 an additional \$1 surcharge on every person convicted of any felony, gross misdemeanor,  
7.22 misdemeanor, or petty misdemeanor offense, including a violation of a law or ordinance  
7.23 relating to vehicle parking, if the Ramsey County Board of Commissioners authorizes the  
7.24 \$1 surcharge. The surcharge shall be imposed whether or not the person is sentenced to  
7.25 imprisonment or the sentence is stayed. The surcharge shall not be imposed when a person  
7.26 is convicted of a petty misdemeanor for which no fine is imposed.

7.27 (b) If the court fails to impose a surcharge as required by this subdivision, the court  
7.28 administrator shall show the imposition of the surcharge, collect the surcharge, and  
7.29 correct the record.

7.30 (c) The court may not waive payment of the surcharge required under this  
7.31 subdivision. Upon a showing of indigency or undue hardship upon the convicted person  
7.32 or the convicted person's immediate family, the sentencing court may authorize payment  
7.33 of the surcharge in installments.

7.34 (d) The court administrator or other entity collecting a surcharge shall forward it to  
7.35 the commissioner of management and budget.

8.1 (e) If the convicted person is sentenced to imprisonment and has not paid the  
8.2 surcharge before the term of imprisonment begins, the chief executive officer of the  
8.3 correctional facility in which the convicted person is incarcerated shall collect the  
8.4 surcharge from any earnings the inmate accrues from work performed in the facility  
8.5 or while on conditional release. The chief executive officer shall forward the amount  
8.6 collected to the court administrator or other entity collecting the surcharge imposed by  
8.7 the court.

8.8 (f) A person who ~~successfully completes a diversion or similar program~~ enters  
8.9 a diversion program, continuance without prosecution, continuance for dismissal, or  
8.10 stay of adjudication for a violation of chapter 169 must pay the surcharge described in  
8.11 this subdivision. A surcharge imposed under this paragraph shall be imposed only once  
8.12 per case.

8.13 (g) The surcharge does not apply to administrative citations issued pursuant to  
8.14 section 169.999.

8.15 Sec. 4. Minnesota Statutes 2010, section 563.01, subdivision 3, is amended to read:

8.16 Subd. 3. **Authorization of forma pauperis.** (a) Any court of the state of Minnesota  
8.17 or any political subdivision thereof may authorize the commencement or defense of any  
8.18 civil action, or appeal therein, without prepayment of fees, costs and security for costs by  
8.19 a natural person who makes affidavit stating (a) the nature of the action, defense or appeal,  
8.20 (b) a belief that affiant is entitled to redress, and (c) that affiant is financially unable to  
8.21 pay the fees, costs and security for costs.

8.22 (b) Upon a finding by the court that the action is not of a frivolous nature, the court  
8.23 shall allow the person to proceed in forma pauperis if the affidavit is substantially in the  
8.24 language required by this subdivision and is not found by the court to be untrue. Persons  
8.25 meeting the requirements of this subdivision include, but are not limited to, a person who  
8.26 is receiving public assistance, who is represented by an attorney on behalf of a civil legal  
8.27 services program or a volunteer attorney program based on indigency, or who has an  
8.28 annual income not greater than 125 percent of the poverty line established under United  
8.29 States Code, title 42, section 9902(2), except as otherwise provided by section 563.02.

8.30 (c) If, at or following commencement of the action, the party is or becomes able  
8.31 to pay a portion of the fees, costs, and security for costs, the court may order any of  
8.32 the following:

8.33 (1) payment of a fee of not less than \$75;

8.34 (2) partial payment of fees, costs, and security for costs; or



9.1 (3) reimbursement of all or a portion of fees, costs, and security for costs paid in  
 9.2 monthly payments as directed by the court.

9.3 The court administrator shall transmit any fees or payments to the commissioner of  
 9.4 management and budget for deposit in the state treasury and credit them to the general  
 9.5 fund.

9.6 **EFFECTIVE DATE.** This section is effective July 1, 2011.

### 9.7 **ARTICLE 3**

#### 9.8 **PUBLIC DEFENDERS**

9.9 Section 1. Minnesota Statutes 2010, section 609.131, subdivision 1, is amended to read:

9.10 Subdivision 1. **General rule.** Except as provided in subdivision 2, an alleged  
 9.11 misdemeanor violation must be treated as a petty misdemeanor if the prosecuting attorney  
 9.12 believes that it is in the interest of justice that the defendant not be imprisoned if convicted  
 9.13 and certifies that belief to the court at or before the time of arraignment or pretrial hearing,  
 9.14 and the court approves of the certification motion. Prior to the appointment of a public  
 9.15 defender to represent a defendant charged with a misdemeanor, the court shall inquire of  
 9.16 the prosecutor whether the prosecutor intends to certify the case as a petty misdemeanor.  
 9.17 The defendant's consent to the certification is not required. When an offense is certified  
 9.18 as a petty misdemeanor under this section, ~~the defendant's eligibility for court-appointed~~  
 9.19 ~~counsel must be evaluated as though the offense were a misdemeanor~~ defendant is not  
 9.20 eligible for the appointment of a public defender.

9.21 Sec. 2. Minnesota Statutes 2010, section 611.16, is amended to read:

#### 9.22 **611.16 REQUEST FOR APPOINTMENT OF PUBLIC DEFENDER.**

9.23 Any person described in section 611.14 ~~or any other person entitled by law to~~  
 9.24 ~~representation by counsel~~, may at any time request the court in which the matter is pending,  
 9.25 or the court in which the conviction occurred, to appoint a public defender to represent the  
 9.26 person. In a proceeding defined by ~~clause (2) of~~ section 611.14, clause (2), application for  
 9.27 the appointment of a public defender may also be made to a judge of the Supreme Court.

9.28 Sec. 3. Minnesota Statutes 2010, section 611.17, is amended to read:

#### 9.29 **611.17 FINANCIAL INQUIRY; STATEMENTS; CO-PAYMENT;** 9.30 **STANDARDS FOR DISTRICT PUBLIC DEFENSE ELIGIBILITY.**

9.31 (a) Each judicial district must screen requests for representation by the district public  
 9.32 defender. A defendant is financially unable to obtain counsel if:

10.1 (1) the defendant, ~~or any dependent of the defendant who resides in the same~~  
10.2 ~~household as the defendant, receives means-tested governmental benefits; or is charged~~  
10.3 with a misdemeanor and has an annual household income not greater than 125 percent of  
10.4 the poverty guidelines updated periodically in the Federal Register by the United States  
10.5 Department of Health and Human Services under the authority of United States Code,  
10.6 title 42, section 9902(2);

10.7 (2) the defendant is charged with a gross misdemeanor and has an annual household  
10.8 income not greater than 150 percent of the poverty guidelines updated periodically in the  
10.9 Federal Register by the United States Department of Health and Human Services under  
10.10 the authority of United States Code, title 42, section 9902(2);

10.11 (3) the defendant is charged with a felony and has an annual household income not  
10.12 greater than 175 percent of the poverty guidelines updated periodically in the Federal  
10.13 Register by the United States Department of Health and Human Services under the  
10.14 authority of United States Code, title 42, section 9902(2); or

10.15 ~~(2)~~ (4) the court determines that the defendant, through any combination of liquid  
10.16 assets and current income, would be unable to pay the reasonable costs charged by private  
10.17 counsel in that judicial district for a defense of the same matter.

10.18 (b) Upon a request for the appointment of counsel, the court shall make an  
10.19 appropriate inquiry into the determination of financial circumstances eligibility under  
10.20 paragraph (a) of the applicant, who shall submit a financial statement under oath or  
10.21 affirmation setting forth the applicant's assets and liabilities, including the value of any  
10.22 real property owned by the applicant, whether homestead or otherwise, less the amount of  
10.23 any encumbrances on the real property, the source or sources of income, and any other  
10.24 information required by the court. The applicant shall be under a continuing duty while  
10.25 represented by a public defender to disclose any changes in the applicant's financial  
10.26 circumstances that might be relevant to the applicant's eligibility for a public defender.  
10.27 The state public defender shall furnish appropriate forms for the financial statements,  
10.28 which must be used by the district courts throughout the state. The forms must contain  
10.29 conspicuous notice of the applicant's continuing duty to disclose to the court changes in  
10.30 the applicant's financial circumstances. The forms must also contain conspicuous notice  
10.31 of the applicant's obligation to make a co-payment for the services of the district public  
10.32 defender, as specified under paragraph (c). The information contained in the statement  
10.33 shall be confidential and for the exclusive use of the court and the public defender  
10.34 ~~appointed by the court to represent the applicant~~ except for any prosecution under  
10.35 section 609.48. A refusal to execute the financial statement or produce financial records  
10.36 constitutes a waiver of the right to the appointment of a public defender. The court shall

11.1 not appoint a district public defender to a defendant who is financially able to retain  
 11.2 private counsel but refuses to do so.

11.3 An inquiry to determine financial eligibility of a defendant for the appointment of  
 11.4 the district public defender shall be made whenever possible prior to the court appearance  
 11.5 and by such persons as the court may direct. This inquiry may be combined with the  
 11.6 prerelease investigation provided for in Minnesota Rule of Criminal Procedure 6.02,  
 11.7 subdivision 3. ~~In no case shall the district public defender be required to perform this~~  
 11.8 ~~inquiry or investigate the defendant's assets or eligibility. The court has the sole duty to~~  
 11.9 ~~conduct a financial inquiry.~~ The inquiry must include the following:

- 11.10 (1) the liquidity of real estate assets, including the defendant's homestead;  
 11.11 (2) any assets that can be readily converted to cash or used to secure a debt;  
 11.12 (3) the determination of whether the transfer of an asset is voidable as a fraudulent  
 11.13 conveyance; and  
 11.14 (4) the value of all property transfers occurring on or after the date of the alleged  
 11.15 offense. The burden is on the accused to show that the accused is financially unable  
 11.16 to afford counsel. Defendants who fail to provide information necessary to determine  
 11.17 eligibility shall be deemed ineligible. The court must not appoint the district public  
 11.18 defender as advisory counsel.

11.19 (c) Upon disposition of the case, an individual who has received public defender  
 11.20 services shall pay to the court a \$75 co-payment for representation provided by a public  
 11.21 defender, unless the co-payment is, or has been, reduced in part or waived by the court.

11.22 The co-payment must be credited to the general fund. If a term of probation is  
 11.23 imposed as a part of an offender's sentence, the co-payment required by this section must  
 11.24 not be made a condition of probation. The co-payment required by this section is a civil  
 11.25 obligation and must not be made a condition of a criminal sentence.

11.26 (d) The court shall not appoint a public defender to a defendant who is financially  
 11.27 able to retain counsel but refuses to do so, refuses to execute the financial statement or  
 11.28 refuses to provide information necessary to determine financial eligibility under this  
 11.29 section, or waives appointment of a public defender under section 611.19.

11.30 Sec. 4. Minnesota Statutes 2010, section 611.18, is amended to read:

11.31 **611.18 APPOINTMENT OF PUBLIC DEFENDER.**

11.32 If it appears to a court that a person requesting the appointment of counsel satisfies  
 11.33 the requirements of this chapter, the court shall order the appropriate public defender to  
 11.34 represent the person ~~at all further stages of the proceeding through appeal, if any.~~ For a  
 11.35 person appealing from a conviction, or a person pursuing a postconviction proceeding

12.1 and who has not already had a direct appeal of the conviction, according to the standards  
12.2 of sections 611.14, clause (2), and 611.25, subdivision 1, paragraph (a), clause (2), the  
12.3 ~~state chief appellate public defender~~ shall be appointed. For a person covered by section  
12.4 611.14, clause (1), ~~and (3), or (4)~~, the chief district public defender shall be appointed to  
12.5 represent that person. ~~If (a) conflicting interests exist, (b) the district public defender for~~  
12.6 ~~any other reason is unable to act, or (c) the interests of justice require, the state public~~  
12.7 ~~defender may be ordered to represent a person. When the state public defender is directed~~  
12.8 ~~by a court to represent a defendant or other person, the state public defender may assign~~  
12.9 ~~the representation to any district public defender.~~ If at any stage of the proceedings;  
12.10 ~~including an appeal~~, the court finds that the defendant is financially unable to pay counsel  
12.11 whom the defendant had retained, the court may appoint the ~~appropriate~~ public defender  
12.12 to represent the defendant, as provided in this section. Prior to any court appearance, a  
12.13 public defender may represent a person accused of violating the law, who appears to be  
12.14 financially unable to obtain counsel, ~~and shall continue to represent the person unless it~~  
12.15 ~~is subsequently determined that the person is financially able to obtain counsel.~~ The  
12.16 representation may be made available at the discretion of the public defender, ~~upon the~~  
12.17 ~~request of the person or someone on the person's behalf. Any law enforcement officer may~~  
12.18 ~~notify the public defender of the arrest of any such person.~~

12.19 Sec. 5. Minnesota Statutes 2010, section 611.20, subdivision 3, is amended to read:

12.20 Subd. 3. **Reimbursement.** In each fiscal year, the commissioner of management  
12.21 and budget shall deposit the payments in the special revenue fund and credit them to a  
12.22 separate account with the Board of Public Defense. The amount credited to this account is  
12.23 appropriated to the Board of Public Defense.

12.24 The balance of this account does not cancel but is available until expended.  
12.25 Expenditures by the board from this account for each judicial district public defense office  
12.26 must be based on the amount of the payments received by the state from the courts in  
12.27 each judicial district. ~~A district public defender's office that receives money under this~~  
12.28 ~~subdivision shall use the money to supplement office overhead payments to part-time~~  
12.29 ~~attorneys providing public defense services in the district.~~ By January 15 of each year,  
12.30 the Board of Public Defense shall report to the chairs and ranking minority members of  
12.31 the senate and house of representatives divisions having jurisdiction over criminal justice  
12.32 funding on the amount appropriated under this subdivision, the number of cases handled  
12.33 by each district public defender's office, the number of cases in which reimbursements  
12.34 were ordered, and the average amount of reimbursement ordered, ~~and the average amount~~  
12.35 ~~of money received by part-time attorneys under this subdivision.~~

13.1 **EFFECTIVE DATE.** This section is effective July 1, 2011.

13.2 Sec. 6. Minnesota Statutes 2010, section 611.20, subdivision 4, is amended to read:

13.3 Subd. 4. **Employed defendants; ability to pay.** (a) A court shall order a defendant  
 13.4 who is employed when a public defender is appointed, or who becomes employed while  
 13.5 represented by a public defender, or who is or becomes able to make partial payments  
 13.6 for counsel, to reimburse the state for the cost of the public defender. If reimbursement  
 13.7 is required under this subdivision, the court shall order the reimbursement when a  
 13.8 public defender is first appointed or as soon as possible after the court determines that  
 13.9 reimbursement is required. The court may accept partial reimbursement from the  
 13.10 defendant if the defendant's financial circumstances warrant a reduced reimbursement  
 13.11 schedule. ~~The court may consider the guidelines in subdivision 6 in determining a~~  
 13.12 ~~defendant's reimbursement schedule.~~ If a defendant does not agree to make payments,  
 13.13 the court may order the defendant's employer to withhold a percentage of the defendant's  
 13.14 income to be turned over to the court. ~~The percentage to be withheld may be determined~~  
 13.15 ~~under subdivision 6~~ In determining the percentage to be withheld, the court shall consider  
 13.16 the income and assets of the defendant based on the financial statement provided by the  
 13.17 defendant when applying for the public defender under section 611.17.

13.18 (b) If a court determines under section 611.17 that a defendant is financially unable to  
 13.19 pay the reasonable costs charged by private counsel due to the cost of a private retainer fee,  
 13.20 the court shall evaluate the defendant's ability to make partial payments or reimbursement.

13.21 Sec. 7. **REPEALER.**

13.22 Minnesota Statutes 2010, section 611.20, subdivision 6, is repealed.

## 13.23 ARTICLE 4

### 13.24 SEXUALLY EXPLOITED YOUTH

13.25 Section 1. Minnesota Statutes 2010, section 260B.007, subdivision 6, is amended to  
 13.26 read:

13.27 Subd. 6. **Delinquent child.** (a) Except as otherwise provided in ~~paragraph~~  
 13.28 paragraphs (b) and (c), "delinquent child" means a child:

13.29 (1) who has violated any state or local law, except as provided in section 260B.225,  
 13.30 subdivision 1, and except for juvenile offenders as described in subdivisions 16 to 18;

13.31 (2) who has violated a federal law or a law of another state and whose case has been  
 13.32 referred to the juvenile court if the violation would be an act of delinquency if committed  
 13.33 in this state or a crime or offense if committed by an adult;

14.1 (3) who has escaped from confinement to a state juvenile correctional facility after  
14.2 being committed to the custody of the commissioner of corrections; or

14.3 (4) who has escaped from confinement to a local juvenile correctional facility after  
14.4 being committed to the facility by the court.

14.5 (b) The term delinquent child does not include a child alleged to have committed  
14.6 murder in the first degree after becoming 16 years of age, but the term delinquent child  
14.7 does include a child alleged to have committed attempted murder in the first degree.

14.8 (c) The term delinquent child does not include a child who is alleged to have  
14.9 engaged in conduct which would, if committed by an adult, violate any federal, state, or  
14.10 local law relating to being hired, offering to be hired, or agreeing to be hired by another  
14.11 individual to engage in sexual penetration or sexual conduct.

14.12 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to  
14.13 offenses committed on or after that date.

14.14 Sec. 2. Minnesota Statutes 2010, section 260B.007, subdivision 16, is amended to read:

14.15 Subd. 16. **Juvenile petty offender; juvenile petty offense.** (a) "Juvenile petty  
14.16 offense" includes a juvenile alcohol offense, a juvenile controlled substance offense,  
14.17 a violation of section 609.685, or a violation of a local ordinance, which by its terms  
14.18 prohibits conduct by a child under the age of 18 years which would be lawful conduct if  
14.19 committed by an adult.

14.20 (b) Except as otherwise provided in paragraph (c), "juvenile petty offense" also  
14.21 includes an offense that would be a misdemeanor if committed by an adult.

14.22 (c) "Juvenile petty offense" does not include any of the following:

14.23 (1) a misdemeanor-level violation of section 518B.01, 588.20, 609.224, 609.2242,  
14.24 609.324, subdivision 2, 609.324, subdivision 3, 609.5632, 609.576, 609.66, 609.746,  
14.25 609.748, 609.79, or 617.23;

14.26 (2) a major traffic offense or an adult court traffic offense, as described in section  
14.27 260B.225;

14.28 (3) a misdemeanor-level offense committed by a child whom the juvenile court  
14.29 previously has found to have committed a misdemeanor, gross misdemeanor, or felony  
14.30 offense; or

14.31 (4) a misdemeanor-level offense committed by a child whom the juvenile court  
14.32 has found to have committed a misdemeanor-level juvenile petty offense on two or  
14.33 more prior occasions, unless the county attorney designates the child on the petition  
14.34 as a juvenile petty offender notwithstanding this prior record. As used in this clause,

15.1 "misdemeanor-level juvenile petty offense" includes a misdemeanor-level offense that  
15.2 would have been a juvenile petty offense if it had been committed on or after July 1, 1995.

15.3 (d) A child who commits a juvenile petty offense is a "juvenile petty offender." The  
15.4 term juvenile petty offender does not include a child alleged to have violated any law  
15.5 relating to being hired, offering to be hired, or agreeing to be hired by another individual  
15.6 to engage in sexual penetration or sexual conduct which, if committed by an adult, would  
15.7 be a misdemeanor.

15.8 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to  
15.9 offenses committed on or after that date.

15.10 Sec. 3. Minnesota Statutes 2010, section 260C.007, subdivision 6, is amended to read:

15.11 Subd. 6. **Child in need of protection or services.** "Child in need of protection or  
15.12 services" means a child who is in need of protection or services because the child:

15.13 (1) is abandoned or without parent, guardian, or custodian;

15.14 (2)(i) has been a victim of physical or sexual abuse as defined in section 626.556,  
15.15 subdivision 2, (ii) resides with or has resided with a victim of child abuse as defined in  
15.16 subdivision 5 or domestic child abuse as defined in subdivision 13, (iii) resides with or  
15.17 would reside with a perpetrator of domestic child abuse as defined in subdivision 13 or  
15.18 child abuse as defined in subdivision 5 or 13, or (iv) is a victim of emotional maltreatment  
15.19 as defined in subdivision 15;

15.20 (3) is without necessary food, clothing, shelter, education, or other required care  
15.21 for the child's physical or mental health or morals because the child's parent, guardian,  
15.22 or custodian is unable or unwilling to provide that care;

15.23 (4) is without the special care made necessary by a physical, mental, or emotional  
15.24 condition because the child's parent, guardian, or custodian is unable or unwilling to  
15.25 provide that care;

15.26 (5) is medically neglected, which includes, but is not limited to, the withholding of  
15.27 medically indicated treatment from a disabled infant with a life-threatening condition. The  
15.28 term "withholding of medically indicated treatment" means the failure to respond to the  
15.29 infant's life-threatening conditions by providing treatment, including appropriate nutrition,  
15.30 hydration, and medication which, in the treating physician's or physicians' reasonable  
15.31 medical judgment, will be most likely to be effective in ameliorating or correcting all  
15.32 conditions, except that the term does not include the failure to provide treatment other  
15.33 than appropriate nutrition, hydration, or medication to an infant when, in the treating  
15.34 physician's or physicians' reasonable medical judgment:

15.35 (i) the infant is chronically and irreversibly comatose;

16.1 (ii) the provision of the treatment would merely prolong dying, not be effective in  
 16.2 ameliorating or correcting all of the infant's life-threatening conditions, or otherwise be  
 16.3 futile in terms of the survival of the infant; or

16.4 (iii) the provision of the treatment would be virtually futile in terms of the survival  
 16.5 of the infant and the treatment itself under the circumstances would be inhumane;

16.6 (6) is one whose parent, guardian, or other custodian for good cause desires to be  
 16.7 relieved of the child's care and custody, including a child who entered foster care under a  
 16.8 voluntary placement agreement between the parent and the responsible social services  
 16.9 agency under section 260C.212, subdivision 8;

16.10 (7) has been placed for adoption or care in violation of law;

16.11 (8) is without proper parental care because of the emotional, mental, or physical  
 16.12 disability, or state of immaturity of the child's parent, guardian, or other custodian;

16.13 (9) is one whose behavior, condition, or environment is such as to be injurious or  
 16.14 dangerous to the child or others. An injurious or dangerous environment may include, but  
 16.15 is not limited to, the exposure of a child to criminal activity in the child's home;

16.16 (10) is experiencing growth delays, which may be referred to as failure to thrive, that  
 16.17 have been diagnosed by a physician and are due to parental neglect;

16.18 (11) ~~has engaged in prostitution as defined in section 609.321, subdivision 9~~ is a  
 16.19 sexually exploited youth as defined in subdivision 31;

16.20 (12) has committed a delinquent act or a juvenile petty offense before becoming  
 16.21 ten years old;

16.22 (13) is a runaway;

16.23 (14) is a habitual truant;

16.24 (15) has been found incompetent to proceed or has been found not guilty by reason  
 16.25 of mental illness or mental deficiency in connection with a delinquency proceeding, a  
 16.26 certification under section 260B.125, an extended jurisdiction juvenile prosecution, or a  
 16.27 proceeding involving a juvenile petty offense; or

16.28 (16) has a parent whose parental rights to one or more other children were  
 16.29 involuntarily terminated or whose custodial rights to another child have been involuntarily  
 16.30 transferred to a relative and there is a case plan prepared by the responsible social services  
 16.31 agency documenting a compelling reason why filing the termination of parental rights  
 16.32 petition under section 260C.301, subdivision 3, is not in the best interests of the child.

16.33 **EFFECTIVE DATE.** This section is effective August 1, 2011.

16.34 Sec. 4. Minnesota Statutes 2010, section 260C.007, subdivision 11, is amended to read:

16.35 Subd. 11. **Delinquent child.** "Delinquent child" ~~means a child.~~



17.1 ~~(1) who has violated any state or local law, except as provided in section 260B.225,~~  
 17.2 ~~subdivision 1, and except for juvenile offenders as described in subdivisions 19 and 28; or~~  
 17.3 ~~(2) who has violated a federal law or a law of another state and whose case has been~~  
 17.4 ~~referred to the juvenile court if the violation would be an act of delinquency if committed~~  
 17.5 ~~in this state or a crime or offense if committed by an adult has the meaning given in~~  
 17.6 ~~section 260B.007, subdivision 6.~~

17.7 **EFFECTIVE DATE.** This section is effective August 1, 2011.

17.8 Sec. 5. Minnesota Statutes 2010, section 260C.007, is amended by adding a  
 17.9 subdivision to read:

17.10 **Subd. 31. Sexually exploited youth.** "Sexually exploited youth" means an  
 17.11 individual who:

17.12 (1) is alleged to have engaged in conduct which would, if committed by an adult,  
 17.13 violate any federal, state, or local law relating to being hired, offering to be hired, or  
 17.14 agreeing to be hired by another individual to engage in sexual penetration or sexual  
 17.15 conduct;

17.16 (2) is a victim of a crime described in section 609.342, 609.343, 609.345, 609.3451,  
 17.17 609.3453, 609.352, 617.246, or 617.247;

17.18 (3) is a victim of a crime described in United States Code, title 18, section 2260;  
 17.19 2421; 2422; 2423; 2425; 2425A; or 2256; or

17.20 (4) is a sex trafficking victim as defined in section 609.321, subdivision 7b.

17.21 **EFFECTIVE DATE.** This section is effective August 1, 2011.

17.22 Sec. 6. Minnesota Statutes 2010, section 609.321, subdivision 8, is amended to read:

17.23 **Subd. 8. Prostitute.** "Prostitute" means an individual 18 years of age or older who  
 17.24 engages in prostitution.

17.25 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes  
 17.26 committed on or after that date.

17.27 Sec. 7. Minnesota Statutes 2010, section 609.3241, is amended to read:

17.28 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

17.29 (a) When a court sentences an adult convicted of violating section 609.322 or  
 17.30 609.324, while acting other than as a prostitute, the court shall impose an assessment of  
 17.31 not less than ~~\$250~~ \$500 and not more than ~~\$500~~ \$750 for a violation of section 609.324,

18.1 subdivision 2, or a misdemeanor violation of section 609.324, subdivision 3; otherwise  
18.2 the court shall impose an assessment of not less than ~~\$500~~ \$750 and not more than  
18.3 \$1,000. ~~The mandatory minimum portion of the assessment is to be used for the purposes~~  
18.4 ~~described in section 626.558, subdivision 2a, shall be distributed as provided in paragraph~~  
18.5 (c) and is in addition to the surcharge required by section 357.021, subdivision 6. ~~Any~~  
18.6 ~~portion of the assessment imposed in excess of the mandatory minimum amount shall be~~  
18.7 ~~deposited in an account in the special revenue fund and is appropriated annually to the~~  
18.8 ~~commissioner of public safety. The commissioner, with the assistance of the General~~  
18.9 ~~Crime Victims Advisory Council, shall use money received under this section for grants to~~  
18.10 ~~agencies that provide assistance to individuals who have stopped or wish to stop engaging~~  
18.11 ~~in prostitution. Grant money may be used to provide these individuals with medical care,~~  
18.12 ~~child care, temporary housing, and educational expenses.~~

18.13 (b) The court may not waive payment of the minimum assessment required by  
18.14 this section. If the defendant qualifies for the services of a public defender or the court  
18.15 finds on the record that the convicted person is indigent or that immediate payment of  
18.16 the assessment would create undue hardship for the convicted person or that person's  
18.17 immediate family, the court may reduce the amount of the minimum assessment to not  
18.18 less than \$100. The court also may authorize payment of the assessment in installments.

18.19 (c) The assessment collected under paragraph (a) must be distributed as follows:

18.20 (1) 40 percent of the assessment shall be forwarded to the political subdivision that  
18.21 employs the arresting officer for use in enforcement, training, and education activities  
18.22 related to combating sexual exploitation of youth, or if the arresting officer is an employee  
18.23 of the state, this portion shall be forwarded to the commissioner of public safety for those  
18.24 purposes identified in clause (3);

18.25 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that  
18.26 handled the case for use in training and education activities relating to combating sexual  
18.27 exploitation activities of youth; and

18.28 (3) 40 percent of the assessment must be forwarded to the commissioner of public  
18.29 safety to be deposited in the safe harbor for youth account in the special revenue fund  
18.30 and are appropriated to the commissioner for distribution to crime victims services  
18.31 organizations that provide services to sexually exploited youth, as defined in section  
18.32 260C.007, subdivision 31.

18.33 (d) A safe harbor for youth account is established as a special account in the state  
18.34 treasury.

18.35 **EFFECTIVE DATE.** This section is effective August 1, 2011.

19.1 Sec. 8. Minnesota Statutes 2010, section 626.558, subdivision 2a, is amended to read:

19.2 Subd. 2a. ~~Juvenile prostitution~~ **Sexually exploited youth outreach program.** A

19.3 multidisciplinary child protection team may assist the local welfare agency, local law  
19.4 enforcement agency, or an appropriate private organization in developing a program of  
19.5 outreach services for ~~juveniles who are engaging in prostitution~~ sexually exploited youth,  
19.6 including homeless, runaway, and truant youth who are at risk of sexual exploitation.

19.7 For the purposes of this subdivision, at least one representative of a youth intervention  
19.8 program or, where this type of program is unavailable, one representative of a nonprofit  
19.9 agency serving youth in crisis, shall be appointed to and serve on the multidisciplinary  
19.10 child protection team in addition to the standing members of the team. These services may  
19.11 include counseling, medical care, short-term shelter, alternative living arrangements, and  
19.12 drop-in centers. ~~The county may finance these services by means of the penalty assessment~~  
19.13 ~~authorized by section 609.3241.~~ A juvenile's receipt of intervention services under this  
19.14 subdivision may not be conditioned upon the juvenile providing any evidence or testimony.

19.15 **EFFECTIVE DATE.** This section is effective August 1, 2011.

19.16 Sec. 9. **SAFE HARBOR FOR SEX TRAFFICKED YOUTH; SEXUALLY**  
19.17 **EXPLOITED YOUTH; STATEWIDE VICTIM SERVICES MODEL.**

19.18 (a) If sufficient funding from outside sources is donated, the commissioner of public  
19.19 safety shall develop a statewide model as provided in this section. By June 30, 2012,  
19.20 the commissioner of public safety, in consultation with the commissioner of health and  
19.21 the commissioner of human services, shall develop a victim services model to address  
19.22 the needs of sexually exploited youth and youth at risk of sexual exploitation. The  
19.23 commissioner shall take into consideration the findings and recommendations as reported  
19.24 to the legislature on the results of the safe harbor for sexually exploited youth pilot project  
19.25 authorized by Laws 2006, chapter 282, article 13, section 4, paragraph (b). In addition,  
19.26 the commissioner shall seek recommendations from prosecutors, public safety officials,  
19.27 public health professionals, child protection workers, and service providers.

19.28 (b) By January 15, 2013, the commissioner of public safety shall report to the chairs  
19.29 and ranking minority members of the senate and house of representatives divisions having  
19.30 jurisdiction over health and human services and criminal justice funding and policy on the  
19.31 development of the statewide model, including recommendations for additional legislation  
19.32 or funding for services for sexually exploited youth or youth at risk of sexual exploitation.

19.33 (c) As used in this section, "sexually exploited youth" has the meaning given in  
19.34 section 260C.007, subdivision 31.

20.1 **EFFECTIVE DATE.** This section is effective August 1, 2011.

20.2 Sec. 10. **REPEALER.**

20.3 Minnesota Statutes 2010, sections 260B.141, subdivision 5; and 260C.141,  
20.4 subdivision 6, are repealed.

20.5 **EFFECTIVE DATE.** This section is effective August 1, 2014.

## 20.6 **ARTICLE 5**

### 20.7 **PROSTITUTION CRIMES**

20.8 Section 1. Minnesota Statutes 2010, section 609.321, subdivision 4, is amended to read:

20.9 Subd. 4. **Patron.** "Patron" means an individual who ~~hires or offers or agrees~~  
20.10 engages in prostitution by hiring, offering to hire, or agreeing to hire another individual to  
20.11 engage in sexual penetration or sexual contact.

20.12 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes  
20.13 committed on or after that date.

20.14 Sec. 2. Minnesota Statutes 2010, section 609.321, subdivision 8, is amended to read:

20.15 Subd. 8. **Prostitute.** "Prostitute" means an individual who engages in prostitution  
20.16 by being hired, offering to be hired, or agreeing to be hired by another individual to  
20.17 engage in sexual penetration or sexual contact.

20.18 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes  
20.19 committed on or after that date.

20.20 Sec. 3. Minnesota Statutes 2010, section 609.321, subdivision 9, is amended to read:

20.21 Subd. 9. **Prostitution.** "Prostitution" means ~~engaging or offering or agreeing to~~  
20.22 ~~engage for hire~~ hiring, offering to hire, or agreeing to hire another individual to engage in  
20.23 sexual penetration or sexual contact, or being hired, offering to be hired, or agreeing to be  
20.24 hired by another individual to engage in sexual penetration or sexual contact.

20.25 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes  
20.26 committed on or after that date.

20.27 Sec. 4. Minnesota Statutes 2010, section 609.324, subdivision 2, is amended to read:

21.1 Subd. 2. **Prostitution in public place; penalty for patrons.** Whoever, while acting  
21.2 as a patron, intentionally does any of the following while in a public place is guilty of a  
21.3 gross misdemeanor:

21.4 (1) engages in prostitution with an individual 18 years of age or older; or

21.5 (2) hires ~~or~~ offers to hire, or agrees to hire an individual 18 years of age or older to  
21.6 engage in sexual penetration or sexual contact.

21.7 Except as otherwise provided in subdivision 4, a person who is convicted of violating this  
21.8 subdivision ~~while acting as a patron~~ must, at a minimum, be sentenced to pay a fine  
21.9 of at least \$1,500.

21.10 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes  
21.11 committed on or after that date.

21.12 Sec. 5. Minnesota Statutes 2010, section 609.324, subdivision 3, is amended to read:

21.13 Subd. 3. **General prostitution crimes; penalties for patrons.** (a) Whoever, while  
21.14 acting as a patron, intentionally does any of the following is guilty of a misdemeanor:

21.15 (1) engages in prostitution with an individual 18 years of age or ~~above~~ older; or

21.16 (2) hires ~~or~~ offers to hire, or agrees to hire an individual 18 years of age or ~~above~~  
21.17 older to engage in sexual penetration or sexual contact. Except as otherwise provided in  
21.18 subdivision 4, a person who is convicted of violating this paragraph ~~while acting as a~~  
21.19 ~~patron~~ must, at a minimum, be sentenced to pay a fine of at least \$500.

21.20 (b) Whoever violates the provisions of this subdivision within two years of a  
21.21 previous prostitution conviction for violating this section or section 609.322 is guilty  
21.22 of a gross misdemeanor. Except as otherwise provided in subdivision 4, a person who  
21.23 is convicted of violating this paragraph ~~while acting as a patron~~ must, at a minimum,  
21.24 be sentenced as follows:

21.25 (1) to pay a fine of at least \$1,500; and

21.26 (2) to serve 20 hours of community work service.

21.27 The court may waive the mandatory community work service if it makes specific,  
21.28 written findings that the community work service is not feasible or appropriate under the  
21.29 circumstances of the case.

21.30 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes  
21.31 committed on or after that date.

21.32 Sec. 6. Minnesota Statutes 2010, section 609.324, is amended by adding a subdivision  
21.33 to read:

22.1            Subd. 6. Prostitution in public place; penalty for prostitutes. Whoever, while  
22.2 acting as a prostitute, intentionally does any of the following while in a public place is  
22.3 guilty of a gross misdemeanor:

22.4            (1) engages in prostitution with an individual 18 years of age or older; or

22.5            (2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age  
22.6 or older to engage in sexual penetration or sexual contact.

22.7            **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes  
22.8 committed on or after that date.

22.9            Sec. 7. Minnesota Statutes 2010, section 609.324, is amended by adding a subdivision  
22.10 to read:

22.11            Subd. 7. General prostitution crimes; penalties for prostitutes. (a) Whoever,  
22.12 while acting as a prostitute, intentionally does any of the following is guilty of a  
22.13 misdemeanor:

22.14            (1) engages in prostitution with an individual 18 years of age or older; or

22.15            (2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age  
22.16 or older to engage in sexual penetration or sexual contact.

22.17            (b) Whoever violates the provisions of this subdivision within two years of a  
22.18 previous prostitution conviction for violating this section or section 609.322 is guilty  
22.19 of a gross misdemeanor.

22.20            **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes  
22.21 committed on or after that date."

22.22            Amend the title accordingly