



OJP PROPOSAL

Crime victim rights and technical changes

HF3825/SF3871

This proposal includes five separate provisions: Two minor statutory changes to correct oversights related to victims and three statutory changes that would enhance crime victim rights

Protection over victim identity

This proposal would expand the protections over victim identity to include the crime of using a minor in sexual performance (section 617.246). The purpose of section 609.3471 is to protect the identity of minor victims of crimes related to sexual assault, abuse, and exploitation. The use of a minor in a sexual performance is a crime that falls into that category and these victims should be similarly protected.

Protection against employer retaliation

This proposal would expand the protections against employer retaliation provided to victims of violent crime to include victims of stalking (section 611A.036). The crime of stalking is consistent with the other listed under the definition of violent crime and was likely inadvertently omitted during the years where the definition of stalking and harassment changed back and forth.

Ensuring victim notification of plea and sentencing hearings

This proposal would establish a procedure during plea and sentencing hearings that places a duty on the judge to inquire if the victims have been notified of the hearing, are present, have received their statutorily required notifications, and wish to be heard.

Protection of victim identity in sentence adjustments

This proposal would eliminate the requirement that the victim be specifically identified in a prosecutor's petition for a sentence adjustment (609.133). The prosecutor will still have the responsibility to notify the victim of the petition under section 609.133, subd. 5.

Notice to victim when an offense is eligible for automatic expungement

This proposal would expand the circumstances where the prosecutor is required to notify the victim that an offense is eligible for automatic expungement. Currently under section 611A.03, subdivision 1, when a prosecutor notifies the victim of the contents of proposed plea agreement, they must also notify them of "the eligibility of the offense for automatic expungement under section 609A.015." There is no similar notice requirement for situations where the outcome of a case is a conviction or dismissal in the absence of a plea agreement, or if the defendant is acquitted.