

House Research Act Summary

CHAPTER: 212

SESSION: 2014 Regular Session

TOPIC: Department of Public Safety outdated statutes amended/repealed

Analyst: Rebecca Pirius
Jeffrey Diebel

Date: May 14, 2014

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This act amends and repeals outdated and redundant statutes relating to the Department of Public Safety (DPS).

Section

Article 1: Office of Justice Programs

- 1 **Advisory Council on Battered Women.** Deletes obsolete references to the Advisory Council on Battered Women and Domestic Abuse. The council no longer exists.
- 2 **Domestic abuse or sexual attack program.** Changes the term sexual “attack” to sexual “assault” and corrects a cross reference in section 13.823 to the newly codified “Programs for Victims of Sexual Assault,” section 611A.211 (section 8).
- 3 **Advisory Council on Battered Women.** Deletes obsolete references to the Advisory Council on Battered Women and Domestic Abuse. The council no longer exists.
- 4 **OFP forms.** Changes “develop” to “update” in reference to the uniform order for protection form. Also deletes obsolete references to the Advisory Council on Battered Women and Domestic Abuse.
- 5 **Victims’ rights.** Changes “develop” to “update” in reference to notice to the rights of victims.
- 6 **Victims’ rights; juvenile court.** Changes “develop” to “update” in reference to notice to the rights of victims in juvenile court.

Section

- 7** **Domestic abuse case plans.** Updates the reference of “model plan” to simply “plan” in reference to local plans for improving the efficiency and just disposition of domestic abuse cases.
- 8** **Grant programs.** Codifies “Programs for Victims of Sexual Assault” (section 611A.211) under the Office of Justice Programs. Approximately 15 years ago services were provided by the Department of Corrections (DOC). They were transferred to DPS in the early 2000s and are currently funded through the Office of Justice Policy.
- 9** **Office of Justice Programs.** Updates a reference in the definition of “designated shelter facility” by changing “center” to “Office of Justice Programs” to conform with the department’s current structure.
- 10** **Grant programs.** Codifies “Programs for Victims of Crime” (section 611A.45) under the Office of Justice Programs. Approximately 15 years ago victim services were provided by the Department of Corrections (DOC). They were transferred to DPS in the early 2000s and are currently funded through the Office of Justice Policy.
- 11** **Crime victim hotline.** Deletes “operate” and inserts “fund” in reference to the statewide toll-free 24-hour telephone line providing crime victims with referrals for victim services and resources.
- 12** **Arrest policies.** Updates a 1992 law requiring the development and implementation of a written policy regarding arrest procedures for domestic abuse incidents. Also deletes obsolete references to the Advisory Council on Battered Women and Domestic Abuse.
- 13** **Data collection; domestic abuse.** Directs the commissioner to consult with others; develop recommendations for collection of domestic abuse victims data; and report to the legislature by January 15, 2016.
- 14** **Revisor’s instruction.** Corrects a headnote. (See section 2)
- 15** **Repealer.** Repeals the following sections of Minnesota Statutes, 2012.
- **Section 299A.63, Weed and Seed Program.** The program was created in 1996 and is no longer active. It is on the Legislative Commission on Planning and Fiscal Policy list to delete.
 - **Section 611A.02, subdivision 1. Notification of Victim Services and Victim Rights.** Repeals reference to the development plan to provide victims with information concerning victim services, to be presented to the Legislature no later than February 1, 1984.
 - **Section 611A.0311, subdivision 3. Notice Filed with Department of Public Safety.** Repeals a provision requiring each city and county to file notice with DPS that a domestic abuse prosecution plan has been adopted by June 1, 1994. A model plan was developed and all agencies submitted a copy to DPS.

Section

- **Section 611A.21. Development of Statewide Program; Definitions; Services.** This section requires DOC to develop a community based, statewide program to aid victims of reported sexual attacks. Victim service related activities were formerly provided through DOC. In the early 2000s, victim services were moved to DPS and house in the Office of Justice Programs. (See Article 1, section 8)
- **Section 611A.22. Powers of Commissioner.** This section gives the Commissioner of Corrections the authority to provide training to prosecutors and assist the POST Board with law enforcement training related to sexual assault. DOC no longer has oversight authority over sexual assault programs.
- **Section 611A.221. Additional Power.** This section gives DOC the authority to accept and expend funds from other state agencies and units of government that result from the distribution of resource materials on victim services. Victim services are no longer under DOC's jurisdiction.
- **Section 611A.36. Data Collection.** This section mandates data collection by law enforcement on domestic abuse victims. Data collection was found ineffective and was discontinued. (See Article 1, section 13)
- **Section 611A.41. Crime Victim Crisis Center.** This section requires the DOC to establish at least two crime victim service centers by January 1, 1978. Victim services are no longer under DOC's jurisdiction. (See Article 1, section 10)
- **Section 611A.43. Functions** (of the crisis centers). The Office of Justice Programs funds community based crime victim service programs, but does not run an "operational center" for crime victim services.
- **Section 611A.78. Crime Victim Services Roundtable.** This section creates a crime victim services roundtable with membership from all relevant state agencies. The roundtable met four times following enactment of the statute in 1996 and was then discontinued.

Article 2: Emergency Communications Networks

- 1 **911 system; contractual requirements.** Deletes the requirement that the state contract with the appropriate wireless telecommunications service providers for maintaining, enhancing, and expanding the 911 system. The requirement is outdated and redundant as the Federal Communications Commission (FCC) requires wireless providers to participate in the 911 system.
- 2 **911 calls; operate and maintain.** Deletes the requirement that all public safety answering points be capable of answering 911 calls from wireless phones. The requirement is outdated, as the capability has been achieved.

Section

- 3 **911 service; plan.** Deletes the requirement that wireless service providers and 911 service providers integrate cellular and other wireless services into existing 911 services. Integration is required by the FCC.
- 4 **Emergency service fee.** Deletes obsolete language that allows 911 special revenue account funds to be used to provide 911 service to telephone service subscribers currently without access, and to upgrade existing 911 service. This authorization is outdated. Section 4 also deletes redundant language that is already required by the FCC.
- 5 **Repealer.** Repeals Minnesota Statutes, section 403.02, subdivision 15, defining “local location identification. The term and process is antiquated.

Article 3: State Fire Marshal

- 1 **Repealer.** Repeals the following sections of Minnesota Statutes 2012.
 - **Section 299F.01, subdivision 1. Commissioner’s Powers and Duties Transferred.** This section revokes the Commissioner of Commerce’s authority as the ex officio state fire marshal, and transfers the powers and duties to DPS. The state fire marshal has been a division of DPS since 1969.
 - **Section 299F.04, subdivision 3a. Arson Investigative Data System.** This section establishes an arson investigation data system in DPS. The language is duplicative.
 - **Section 299F.37. Uniform Fire Hose Threads and Fittings.** This section mandates certain equipment standards to be met by January 1, 1970. The language is antiquated.

Article 4: Bureau of Criminal Apprehension (BCA)

- 1 **Division of Criminal Statistics.** Deletes an organizational structure for the Division of Criminal Statistics that is no longer in use.
- 2 **Suspense file reporting.** Deletes the suspense file reporting requirement to the Criminal and Juvenile Justice Information Policy Group. Suspense file statistics are now available on the DPS Web site.
- 3 **Repealer.** Repeals the following sections of Minnesota Statutes 2012.
 - **Section 237.83, subdivision 4. Provider Contact Information.** This section requires the BCA to obtain contact information for all wireless telecommunications service providers authorized to do business in Minnesota and disseminate the information to all public safety answering points in the state on a quarterly basis. Though only four years old, this section is obsolete as the BCA works directly with the providers on cell tracking technology.

Section

- **Section 299C.01, subdivision 1. Powers Transferred to the Commissioner.** Repeals language abolishing the BCA as a freestanding agency and transferring its powers and duties to the Commissioner of Public Safety. This transfer took place in 1969.
- **Section 299C.04. Employees, Civil Service; Expenses.** This section is redundant. The BCA has not been an independent agency since 1969 and is now covered under the state civil service statutes.
- **Section 299C.145, subdivision 4. Rules.** Repeals rulemaking authority of the BCA for a distinctive physical mark identification system. It has been determined that rule are not necessary for this task.
- **Section 299C.19. Employees Included in Workers' Compensation Laws.** Again, BCA is no longer an independent agency. The provisions of this section are covered in the Workers' Compensation statutes.
- **Section 299C.20. Statutory Construction.** Construction of statutes is covered by chapter 645, Interpretation of Statutes and Rules.
- **Section 299C.215. Report of 30-Day Storage of Motor Vehicle.** There is no record that this statute has ever been used.
- **Sections 299C.30 to 299C.34.** These sections authorizes the Commissioner of Administration to acquire and install police radio stations, the BCA to maintain them, police cars to have radios, each city and the BCA to have locked-in radio sets. These requirements are outdated. These statutes were enacted in 1935.
- **Section 299C.49. Grant Review.** This section requires the Commissioner of Public Safety to review all grant requests for federal and state funds from the Governor's Commission on Crime Prevention and Control. For criminal justice information systems. The group has not met for 20 years, so no action has been taken under this section.

Article 5: Revisor's Instruction

- 1 Revisor's instruction.** Instructs the revisor, in consultation with the Department of Public Safety, to prepare draft legislation showing technical and other necessary changes to Minnesota Statutes resulting from the repealers in articles 1, 2, 3, and 4, and submit it to the Legislature.