

House Research Act Summary

CHAPTER: 263

SESSION: 2014 Regular Session

TOPIC: GPS monitoring; domestic violence; pilot projects

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Overview

This act would permit a judicial district to use GPS monitoring in domestic abuse cases, if the district adopts district-wide standards. GPS monitoring would be allowed as a condition of pre-trial release and probation. The act outlines minimum standards and requires a report from participating districts. These changes are part of a pilot project set to expire on August 1, 2017.

(Current law permits the DOC to adopt statewide standards as a condition for using GPS monitoring, but this authority has not been used. The law had also allowed for certain judicial district pilot projects; this authorization expired January 15, 2014.)

Section

- 1** **GPS monitoring; probation; pilot.** (a) Provides that a judicial district shall not use GPS monitoring to protect domestic abuse victims as a condition of probation until that judicial district has adopted standards under section 2.
- (b) Expands the list of crimes for which GPS may not be used until standards are adopted. Adds the following crimes if committed against a family or household member: stalking, violation of harassment restraining order; violation of a domestic abuse no contact order; and interference with 911 call.
- (c) Provides a cross reference to the definition of security information under the data practices act. Security information is confidential data. Authorizes sharing of victim's or defendant's GPS location data between agencies involved in developing and monitoring conditions of probation.

Section

(d) Provides that if a location restriction is violated while the offender and victim are both mobile, it is not an automatic violation of conditions of release.

Effective the day following final enactment.

Sunset: amendments to section expire August 1, 2017.

2 **GPS monitoring; pretrial release; pilot.** (a) Provides that a judicial district shall not use GPS monitoring to protect domestic abuse victims as a condition of pre-trial release until that judicial district has adopted standards under paragraph (b).

(b) Reverts back to similar language enacted by the Legislature in 2010. Permits a judicial district to convene an advisory group of stakeholders to develop and biennially update standards for using GPS in domestic violence cases. Outlines minimum standards, including use of active, real-time monitoring (vs. passive); notification to victim on risks and benefits of GPS monitoring; informed voluntary consent by victim; and ongoing training.

(c) Same data provisions as found in section 1.

(d) Same mobile violation provisions as found in section 1.

Effective **retroactively** from January 15, 2014.

Sunset: amendments to section expire August 1, 2017.

Background: In 2010, the legislature amended paragraph (b) to permit judicial districts to conduct pilot projects to use GPS monitoring in domestic abuse cases. The chief judge was required to convene an advisory group to develop standards and report back to the legislature on the pilot. This authority expired on January 15, 2014. On that date, the law reverted back to the 2008 language, which authorizes only the 10th Judicial District to conduct a pilot.

3 **Report required.** (a) Requires participating districts to file a report with the legislature one year after date of implementation (i.e., date the first defendant is placed on electronic monitoring).

(b) Requires the Second Judicial District (which already has a pilot project) to submit an interim report by January 15, 2015; a final report by January 15, 2017 to the legislature.