

\$120,000 each year for court costs related to six month review of child custody, custody, parenting time, and child support orders.

\$320,000* (FY02) to Carlton County for extraordinary expenses due to homicide trials.

\$611,000 (FY02) and \$1,511,000 (FY03) for increased salaries for district court law clerks.

\$532,000 (FY02) and \$483,000 (FY03) for trial court infrastructure staff.

\$2,191,000 (FY02) and \$2,319,000 (FY03) for mandated court costs.

\$125,000* each year for community courts in Hennepin County.

\$125,000* each year for community courts in Ramsey County.

\$585,000 (FY02) and \$515,000 (FY03) for screener collector programs.

5 **Board on judicial standards.** \$243,000 (FY02) and \$245,000 (FY03).

6 **Board of public defense.**

Subd. 1. Total. \$48,320,000 (FY02) and \$48,805,000 (FY03)

Prohibits use of the appropriation to pay an employee solely to provide lobbying services.

Permits the board of public defense to reallocate funds from its base budget to the five public defense corporations.

Requires a report to the legislature regarding public defense corporations.

Subd. 2. State public defender. \$3,327,000 (FY02) and \$3,355,000 (FY03).

Subd. 3. Administrative services office. \$2,115,000 (FY02) and \$2,126,000 (FY03).

Subd. 4. District public defense. \$42,878,000 (FY02) and \$43,324,000 (FY03).

7 **Tax court.** \$729,000 (FY02) and \$740,000 (FY03)

\$43,000 (FY02) and \$38,000 (FY03) for a tax court law clerk.

8 **Human rights.** \$3,520,000 (FY02) and \$3,555,000 (FY03).

9 **Uniform laws commission.** \$43,000 (FY02) and \$43,000 (FY03).

10 **Corrections.**

Subd. 1. Total. \$361,743,000 (FY02) and \$374,354,000 (FY03).

Requires the commissioner of corrections, commissioner of health, and commissioner of public safety to make reasonable efforts to transfer employees whose jobs are eliminated in the next biennium to other jobs in those agencies.

Subd. 2. Correctional institutions. \$226,257,000 (FY02) and \$231,492,000 (FY03).

Requires the commissioner of corrections, to the extent possible, to demand payment of a per diem rate equal to or greater than the per diem rate for Minnesota prisoners when renting beds at Rush City.

\$100,000 each year for a partially publicly funded, values-based prerelease program with a community reintegration component.

Permits the commissioner of corrections to establish a prison health care commission to develop an inmate health care plan. If established, the commission is obligated to report to the legislature and governor regarding its proposals.

Subd. 3. Juvenile services. \$13,984,000 (FY02) and \$14,086,000 (FY03).

Requires the department of corrections to make necessary changes to the girls facility and program in order to be in compliance with IV-E guidelines in order to receive Federal

IV-E funds.

Subd. 4. Community services. \$107,753,000 (FY02) and \$114,953,000 (FY03).

\$5,926,000 (FY02) and \$8,000,000 (FY03) for juvenile residential treatment grants.

\$5,000,000 (FY02) and \$10,000,000 (FY03) for increased funding for community corrections act subsidies. Of this allocation, \$260,000 of the amount granted to Hennepin County must be used for a chronic offender pilot project. Hennepin County must provide a \$160,000 match to receive the funds.

\$2,500,000 each year for enhanced supervision of adult felony sex offenders by employing additional probation officers. Of this amount, \$150,000 each year is for a grant to a multicounty community corrections agency to continue to provide increased supervision of sex offenders.

\$1,500,000 each year for the productive day initiative program divided as follows: - \$265,000 to Ramsey County;

- \$133,000 to Dakota County;

- \$176,000 to Anoka County;

- \$320,000 to Arrowhead community corrections agency;

- \$243,000 to Dodge-Fillmore-Olmsted community corrections agency; and

- \$98,000 to tri-county (Polk, Norman, and Red Lake) community corrections agency.

\$50,000 each year for the emergency housing initiative.

\$40,000* (FY02) for a grant to the Institute of Criminal Justice to fund a study of the sanctions imposed by judges on extended jurisdiction juveniles whose juvenile court disposition is revoked.

\$20,000* (FY02) for a grant to the Institute of Criminal Justice to fund a study of felony DWI.

\$1,400,000 reduction each year for extended jurisdiction juvenile (EJJ) grants. Limits EJJ grants to \$9,500 per juvenile.

\$421,000 *reduction* each year for prerelease and post-release services to American Indians.

\$200,000 *reduction* each year for community preservation unit.

\$50,000 *reduction* each year for the Amicus program.

Subd. 5. Management services. \$13,749,000 (FY02) and \$13,823,000 (FY03).

\$100,000 *reduction* each year to the employee development unit.

\$750,000 each year for various computer systems.

11 **Sentencing guidelines commission.** \$526,000 (FY02) and \$531,000 (FY03)

\$15,000 each year for an increase in the salary of the executive director of the commission.

Limits the search for a new executive director to a statewide search.

12 **Crime victim ombudsman.** \$135,000 (FY02) and \$138,000 (FY03).

13 **Public safety.** \$84,996,000 (FY02) and \$80,115,000 (FY03).

Subd. Emergency Management. \$3,787,000 (FY02) and \$3,846,000 (FY03).

Requires that three of the combination hazardous materials emergency response/chemical assessment teams convert to stand alone chemical assessment teams.

Requires two new chemical assessment teams. All teams must have four members.

\$80,000 each year must be reallocated within the base budget for reimbursement to bomb disposal units.

\$40,000 each year must be reallocated within the base budget for training and equipment for bomb disposal units.

Subd. 3. Criminal apprehension.

\$1,332,000 general fund and \$354,000 and trunk highway fund (FY02); \$1,357,000 general fund and \$361,000 trunk highway fund (FY03) for DWI lab analysis.

\$99,000 each year for grants to local officials for investigation of cross-jurisdictional criminal activity.

\$445,000 (FY02) and \$458,000 (FY03) for laboratory activities.

\$750,000 each year for the criminal and juvenile justice information policy group for CriMNet.

\$2,000,000 each year for the CriMNet backbone.

\$1,000,000 each year to eliminate files in a criminal history suspense file.

\$1,501,000 (FY02) and \$1,499,000 (FY03) for CriMNet integration.

Up to \$4,000,000 of federal funds received under the Crime Identification Technology Act be used for CriMNet.

Provides various policies regarding CriMNet and its development.

Subd. 4. Fire marshal. \$3,272,000 (FY02) and \$3,300,000 (FY03).

Subd. 5. Alcohol and gambling enforcement. \$1,814,000 (FY02) and \$1,827,000 (FY03).

Subd. 6. Crime victims services center. \$33,702,000 (FY02) and \$29,713,000 (FY03).

\$1,500,000 (FY02) and \$1,500,000 (FY03) for an increase in funding to domestic abuse shelters. \$1,000,000 each year must be reallocated from within the crime victims services center base budget.

Prohibits the use of funds to build or open new shelters.

\$50,000 each year is for male domestic abuse victims and their children.

\$75,000 each year must be reallocated within the base budget to Minneapolis and St. Paul for support services to survivors of individuals killed by homicide, suicide, and accidental death.

Subd. 7. Law enforcement and community grants. \$7,762,000 (FY02) and \$6,766,000 (FY03).

\$100,000* (FY02) for increasing awareness of racial profiling.

\$150,000* (FY02) for developing and implementing four model policing program pilot projects for racial profiling.

\$250,000* (FY02) to Ramsey County for joint-domestic prosecution unit.

\$150,000* each year for Center for Reducing Rural Violence.

\$663,000* (FY02) and \$662,000* (FY03) for peace officer overtime including for St. Paul's HEAT program and the financial crimes investigation unit. Fifty percent of the funds go to St. Paul/Minneapolis and 50 percent go to out-state.

\$500,000* (FY02) for costs related law enforcement activities relating to Meth labs.

\$150,000* each year for a grant to a non-profit gang organization that runs a gang prevention program.

Requires the commissioner of public safety to consider using Byrne grants for gang prevention program grants.

\$1,000,000* each year for the criminal gang strike force.force.

- 14 **Board of peace officer standards and training.** \$5,092,200 (FY02) and \$4,724,000 (FY03).
\$400,000* (FY02) for regional seminars regarding racial profiling.profiling.
Requires the POST Board to convene a conference to address its programs,programs, standards, and training.
- 15 **Board of private detective and protective agent services.** \$143,000 (FY02) and \$144,000 (FY03)
- 16 **Department of administration.** \$35,000 (FY02).
\$35,000* (FY02) for severance costs related to elimination of office of correctionscorrections of ombudsman.
- 17 **Deficiency appropriation.**
 - Subd. 1. Emergency management deficiency.**
\$4,400,000 (FY01) to match federal emergency management grants.grants.
 - Subd. 2. Tax court deficiency.**
\$14,000 (FY01) for unanticipated severance costs for the tax court.court.
- 18 **Sunset of uncodified language.** Sunsets all uncodified language in article one on June 30, 2003.

Article 2

CriMNet Provisions

Overview

This article contains the CriMNet provisions from H.F. 260.0

CriMNet is a system, under development, to integrate, track, and share criminal justice information among law enforcement, courts, public safety, and other criminal justice agencies. Currently, Minnesota's criminal justice agencies do not use integrated systems or protocols to collect, store, or disseminate criminal justice data. This article makes changes to certain criminal justice data policies for the continued development of CriMNet.

- 1 **Required Fingerprinting.** Changes the law enforcement obligation to collect fingerprints and other identification data from a "duty" to a requirement. Provides the following additional triggering events for the taking of fingerprints: when a person appears in court on a charge of, is convicted of, or is adjudicated delinquent for targeted crimes. Under current law, the triggering event for taking fingerprints is an arrest. However, not all people charged with targeted crimes are immediately, or ever, arrested. Makes other technical changes.
- 2 **Identification Data Furnished to Bureau.** Makes technical and conforming changes related to section 1.
- 3 **Suspense File Reporting.** Requires the BCA to inform police departments, sheriff's offices, and other individuals or entities required to take fingerprints of the number of disposition records not linked to an arrest record. That is, requires the BCA to inform police departments of the number of files for which it ought to have fingerprints but does not. Requires reporting twice per year. Also requires immediate notice when a record without required fingerprints is received.
- 4 **CriMNet Data Access.** Permits the courts to access CriMNet data relating to an offender's conditions of release.
- 5 **Membership; duties - CriMNet policy group.** Permits the commissioner of public safety to appoint additional, nonvoting members to the policy group. Provides that the commissioner is chair of the policy group and has overall responsibility for CriMNet. Provides that the BCA is

responsible for day-to-day operations and may hire a program manager. Requires the utilization of certain project management techniques for CriMNet implementation and product acquisition.

- 6 **Task force - CriMNet.** Provides that the commissioner may appoint additional, nonvoting members to the CriMNet task force.
- 7 **Fingerprinting Required.** Requires courts to order certain offenders to report to law enforcement for fingerprinting and the collection of other identification data, unless already collected or the offender is in custody. Provides that failure to report subjects a person to probation revocation, contempt of court, or another appropriate remedy. Clarifies that this section does not limit other state or local policies.
- 8 **Effective Dates.** Provides effective dates.

Article 3

Predatory Offender Registration and Related Provisions

Overview

This article changes and clarifies provisions in various sex offender laws. This article also repeals a subdivision of the predatory offender registration law passed in 2000. The purpose of this subdivision was to make the law easier to apply and to provide for more uniform application. The provision is being repealed retroactively to its effective date because of a potential judicial misinterpretation that was neither intended nor contemplated by the legislature. The potential problem is that there are some offenders who are required to register under the law who have not done so, but are no longer under any form of incarceration or release. The provision potentially excludes those offenders from coverage under the law, which was not the legislature's intent. The sections of this article were originally contained in H. F. 1960.

- 1 **Registration required.** Removes language in existing law that specifies that an offender must register in Minnesota if the offender comes into the state within ten years of the time the offender is released from confinement or, if not confined, since convicted or adjudicated delinquent. (Prior to 2000, ten years was the length of a person's registration period.) This provision is inconsistent with the requirement for some of these offenders to register for life under Minnesota law; therefore, the reference to ten years is stricken.

Requires an offender to register when the offender enters the state to reside, work, or attend school. Existing language potentially excluded application of new provisions of the law to people already living in the state. As amended, the provision applies to offenders living in the state and applies to qualifying crimes no matter when they occurred.
- 2 **Registration procedure.** Clarifies that the requirement that an offender notify law enforcement at least five days before living at an address applies to the offender's move to a new *primary* address. For other types of residences (*e.g.*, secondary recreational residences, property owned by the offender), the offender must notify the offender's probation officer within five days of when the change goes into effect.

Specifies that, if the offender became subject to Minnesota's registration law based upon the offender's move into the state after a conviction for an offense and registration in another state, the offender's obligation to register in Minnesota terminates when the offender begins living in a new state. In addition, for those offenders who register in Minnesota solely because they work or attend school here, language is added to clarify that their obligation to register here terminates when they no longer work or attend school in the state. However, if the offender returns to Minnesota, the offender must register for the duration of the offender's original registration period, if any.
- 3 **Information required to be provided.** Clarifies that the addresses that offender's must provide of

other property (e.g., secondary recreational addresses, property owned by the offender) are the addresses of other *Minnesota* property. Defines the term "motor vehicle" to have the meaning given "vehicle" in section 169.01, subdivision 2. Under this definition, "vehicle" means "every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks." This definition makes clear that offenders do not need to register jet skis, snowmobiles, or other similar vehicles.

- 4 **Registration period.** Clarifies that the five-year period that the Superintendent of the BCA may add to an offender's registration period if the offender fails to register following a change in residence is added to the end of the offender's registration period.
- 5 **Definition.** Adds felony fifth degree assault to the law requiring registration for other offenses. The law already includes gross misdemeanor fifth degree assault and the omission of the felony level offense was a drafting error.

Provides that a person must register for the violation of a similar law *of another state or of the United States*. This change is consistent with the scope of the sex offender registration law.

6 **DNA analysis of sex offenders required.**

Subd. 1. Upon sentencing. Current law requires offenders who are sentenced for certain crimes, mostly sex crimes, to submit a biological specimen for DNA analysis. This provision adds the crime of felony fifth degree criminal sexual conduct to the offenses for which a biological specimen will be required. It also adds a variation of the crime of felony-level indecent exposure (involving a second offense in the presence of a minor under age 16) to the list of offenses requiring a biological specimen.

Felony fifth degree criminal sexual conduct occurs when a person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present and it is the person's second offense for this conduct or the first offense for this conduct, but the person has a previous conviction or adjudication for engaging in similar behavior prohibited by the indecent exposure law. The elements of indecent exposure are very similar to those of fifth degree criminal sexual conduct. Both adults and juveniles convicted or adjudicated delinquent for these offenses must provide a biological specimen.

Subd. 2. Before release. Makes clear that an offender must provide a biological specimen for DNA testing before release if the offender has ever been convicted of an enumerated offense.

Expands the scope of the law to require collection of specimens from offenders incarcerated in Minnesota facilities whose conviction or charge for a current or past offense is for a violation of a similar law *of another state or the United States*.

Adds the same offenses added in section 1 (felony fifth degree criminal sexual conduct and felony indecent exposure involving a minor under 16) to the list of offenses that trigger a requirement for the commissioner of corrections or local corrections authority to require the person who has committed the offense to provide a biological specimen before completion of the person's term of imprisonment. This provision allows the state to collect biological specimens for DNA analysis from offenders who did not provide the specimen upon sentencing, but are still incarcerated.

- 7 **Legislative intent.** States that the original intent of the legislature in enacting subdivision 10 of the predatory offender registration law (section 243.166), was to provide for a more uniform application of the predatory offender registration law. Provides that the idea of applying certain amendments to the law retroactively to certain offenders (see section 8) was intended to ease the administrative burden on agencies enforcing it and better serve the policy behind the law. Clarifies that the subdivision was not intended to act as a limitation on registration requirements but rather, in

some cases, as an expansion.

Specifies that the intent in repealing subdivision 10 (section 8) is to prevent a potential judicial misinterpretation of it that was neither intended nor contemplated by the legislature. Provides that the repeal shall not be construed as a substantive change in the application or scope of the predatory offender registration law.

- 8 **Repealer.** Repeals subdivision 10 of the predatory offender registration law (section 243.166). This provision, which was enacted last year, provides that all provisions of the predatory offender registration law apply to a predatory offender convicted of or adjudicated delinquent for an offense described in subdivision 1 that requires registration if the offender is incarcerated or on any form of release as of the effective date of this subdivision, regardless of the date of the predatory offender's conviction or delinquency adjudication.

Clarifies that this provision of law does not change the obligation of any offender to register who began to register under this section before April 4, 2000.

The problem with this provision is that there are some offenders who are required to register under the law who have not done so, but are no longer under any form of incarceration or release. This provision potentially excludes those offenders from coverage under the law, which was not the legislature's intent

- 9 **Effective dates.** Provides that sections 1 to 7 are effective the day following final enactment except that section 2, subdivision 3, paragraphs (b) and (c) are effective retroactively. Provides that section 8 is effective retroactively to April 4, 2000.

Article 4

General Criminal Provisions

Overview

This article makes several changes to the laws regarding mistreatment of animals (H.F. 1330). Most notably, it provides specific, increased penalties for substantial bodily harm, great bodily harm, or death inflicted on a service animal (such as a service dog for a person who is blind) or a pet or companion animal. It also provides certain increased penalties for harm to pet or companion animals when the intent is to threaten, intimidate, or terrorize another person.

This article increases the penalty for fleeing an officer under certain circumstances and expands the applicability of the crimes of aiding an offender and being an accomplice after the fact. This article also expands the scope of the crime of possessing shoplifting gear and creates a felony for manufacturing false IDs (H. F. 2122). Finally, this article increases the penalties for dissemination and possession of child pornography and authorizes electronic search warrants (H. F. 848).

- 1 **Pet or companion animal.** Defines a pet or companion animal.
- 2 **Service Animal.** Defines a service animal.
- 3 **Substantial bodily harm.** Defines substantial bodily harm. Identical to the definition in Chapter 609, except that it applies to service, pet, or companion animals.
- 4 **Great bodily harm.** Defines great bodily harm. Identical to the definition in Chapter 609, except that it applies to service, pet, or companion animals.
- 5 **Harming a service animal.** Establishes the offense of harming a service animal. Requires intent and lack of justification.
- 6 **Penalty.** Provides additional penalties for violations against service, pet, or companion animals.
(b) Engaging in torture or cruelty to a pet or companion animal that results in substantial bodily

harm = gross misdemeanor.

(c) A second violation of paragraph (b) within five years of a previous conviction = two year felony.

(d) Engaging in torture or cruelty to a pet or companion animal that results in death or great bodily harm = two year felony.

(e) Harming a service animal, resulting in substantial bodily harm = two year felony.

(f) Engaging in torture or cruelty to a pet or companion animal to threaten, intimidate, or terrorize another person, resulting in substantial bodily harm = two year felony.

(g) Harming a service animal, resulting in death or great bodily harm = four year felony.

(h) Engaging in torture or cruelty to a pet or companion animal to threaten, intimidate, or terrorize another person, resulting in death or great bodily harm = four year felony.

- 7 **Restrictions.** Makes certain changes to the additional restrictions that the court may or must impose on a person convicted of mistreating an animal.
- 8 **Fleeing an officer; death; bodily injury.** Increases the penalty for fleeing a peace officer when the course of fleeing results in death to a 40-year felony and a fine of not more than \$80,000, or both. This penalty is the same as the penalty for second degree murder. The current penalty for the offense is a ten-year felony and a fine of not more than \$20,000, or both.
- 9 **Aiding an offender.** Provides a three-year felony for harboring, concealing, aiding, or assisting another whom the actor knows or has reason to know has committed a crime if the crime committed or attempted by the other person is a felony. Currently, this penalty applies only if the person who harbors, conceals, or aids another knows the person has committed a felony.
- 10 **Accomplice after the fact.** Provides a penalty for one who serves as an accomplice after the fact of not more than one-half of the statutory maximum sentence of the principal offender if the person aids another person the actor knows or has reason to know has committed a criminal act. Current law provides this penalty only to one who aids another person known by the actor to have committed a criminal act.
- 11 **Possession of shoplifting gear.** Makes it a crime to possess, with intent to use, any device, gear, or instrument designed to assist in shoplifting or defeating an electronic article surveillance system. The crime is punishable by up to three years in prison or a fine of up to \$5000, or both. Defines "electronic article surveillance system" as any electronic device or devices that are designed to detect the unauthorized removal of marked merchandise from a store.
- 12 **Fraudulent drivers' licenses and identification cards.**
- Subd. 1. Definition.** Defines "driver's license or identification card" as a driver's license or identification card issued by the driver and vehicle services division of the department of public safety or its authorized agents or those of any state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle or that issues identification cards recognized in this state for the purpose of indicating a person's true name and age.
- Defines "fraudulent driver's license or identification card" as a document purporting to be a driver's license or identification card, but that is not authentic.
- Defines "sell" to mean sell, give away, barter, deliver, exchange, distribute, or dispose of to another.
- Subd. 2. Criminal acts.** Identifies the following acts, if done with intent to manufacture, sell, issue, publish, or pass more than one fraudulent driver's license or identification card or to cause or permit any of the items identified below to be used in forging or making more than one false or counterfeit driver's license or identification card for consideration, to be criminal:
- to control, have custody, or possess any plate, block, press, stone, digital image, computer

software program, encoding equipment, computer optical scanning equipment, or digital photo printer, or other implement, or any part of such an item, designed to assist in making a fraudulent driver's license or identification card;

to engrave, make, or amend, or begin to engrave, make or amend, any plate, block, press, stone, or other implement for the purpose of producing a fraudulent driver's license or identification card;

to use a photocopier, digital camera, photographic image or computer software to generate a fraudulent driver's license or identification card; or

to control, have custody, or possess or make or provide paper or other material adapted and designed for the making of a fraudulent driver's license or identification card.

Subd. 3. Penalties. Subjects first time violators of this section to a gross misdemeanor. Subjects second-time violators to imprisonment of not more than four (4) years or to a fine of not more than \$10,000, or both.

13 **Dissemination of child pornography.** Increases the penalties for knowingly disseminating child pornography from a five-year felony to a seven-year felony for a first offense and from a ten-year felony to 15-year felony for a subsequent offense. Makes dissemination of child pornography by a registered predatory sex offender a 15-year felony.

14 **Possession of child pornography.** Increases the penalties for knowingly possessing child pornography from a three-year felony to a five-year felony for a first offense and from a five-year felony to ten-year felony for a subsequent offense. Makes possession of child pornography by a registered predatory sex offender a ten-year felony.

15 **Electronic data search warrants.**

Subd. 1. Definitions. Defines the following terms: "electronic communication services"; "remote computing services"; "adverse result"; "applicant"; "Minnesota corporation"; "foreign corporation"; and "properly served."

Subd. 2. Application. Requires foreign corporations that conduct business in Minnesota and that provide electronic communication services or remote computing services to the general public to comply within eight business days to a search warrant for client records and communications issued by a Minnesota court. Addresses procedural elements of compliance with a search warrant issued under this section such as response-time variances, quashing a warrant, and affidavits of authenticity.

Subd. 3. Warrant from another state. Requires Minnesota corporations that provide electronic communication services or remote computing services to the general public to comply with search warrants for client records and communications issued by non-Minnesota courts.

Subd. 4. Immunity. Provides immunity to corporations and their employees from lawsuits filed against them based on their efforts to comply with a warrant issued under this section.

16 **Effective dates.** Provides effective dates.

Article 5

Courts

Overview

This article empowers the chief justice of the supreme court to determine the pay for retired judges, sets in place an automatic salary adjustment for judges, adds provisions relating to child support, ties the state public defender's salary to the salary of district court judges (H. F. 1918), and grants the public defender free access to public criminal history data on the internet.

- 1 **Retired justices and judges.** Requires the chief justice of the supreme court to determine the pay and expenses to be received by a retired judge.
- 2 **Ranges for other judicial positions.** Requires the state board of public defense to set the salary for the state public defender at a level that does not exceed the salary of a district judge.
- 3 **Office of state public defender; appointment; salary.** Requires that the salary of the state public defender not exceed the salary of a district judge.
- 4 **Access to government data.** Grants the public defender free internet access to public criminal history data.
- 5 **Effective date.** Establishes January 1, 2004, as the effective date for section 2 of this article.

Article 6

Public Safety

Overview

This article makes various changes to laws relating to public safety, including:

permitting the bureau of criminal apprehension to charge a fee for Internet access to certain criminal history data (H. F. 1373)

allowing local governmental units to form a financial crimes investigation unit (H.F.(H.F. 1835)

establishing an advisory board and authorizing grants related to developing policing models for responding to calls involving individuals with mental illness (H.F. 1486)

raising the driver's license reinstatement fee in certain instances

provisions relating to racial profiling (H. F. 505)

provisions relating to the auto theft prevention surcharge

- 1 **Internet access.** (a) Authorizes the BCA to charge up to \$5 per inquiry for Internet access to criminal history data. Provides a sunset of August 1, 2005. Makes an exception to the general rule that no charge may be assessed to inspect public government data.
 (b) Requires the Web site to include a notice regarding the procedures for contesting the accuracy or completeness of the data.
 (c) Requires the Web site to include an effective date for posted data.
 (d) Requires the Web site to include a notice of data that is NOT available on the site or accessible to the public.
 (e) Requires the Web site to include a notice that there is a duty to disclose data obtained if it adversely affects a decision regarding employment, housing, or credit. However, does not create a civil cause of action if not disclosed.
- 2 **Driver's license fee reinstatement fee raised.** Raises from \$290 to \$400 the fee for reinstatement of a person's driver's license following revocation for an implied consent violation or a DWI conviction. Modifies the distribution of that fee. Additionally, adds violations for criminal vehicular homicide or injury to the list of offenses to which this subdivision applies.
- 3 **Financial crimes unit established.**
Subd. 1. Investigation unit established. Allows two or more local governmental units to enter an agreement to form a major financial crimes investigation unit.
Subd. 2. Investigation unit's duties. Sets forth the crimes and criminals that the investigation unit shall investigate. The crimes are identity theft and financial crimes, including a variety of forms of theft, fraud, and forgery. The criminals are those who: (1) commit multiple cross-jurisdictional crimes; (2) employ computers and other sophisticated technology; or (3) illegally obtain consumer

information for identity theft.

Subd. 3. Role of participating local governmental units. Outlines the subject matter that the formation agreement shall and may address. The agreement shall establish procedures and guidelines for the unit. The agreement may address such areas as command structure, equipment acquisition, selection of members, resolution of disputes between participants and all other issues.

Subd. 4. Commander. Creates the role of commander and defines the commander's duties.

Subd. 5. Members. Identifies who may serve on the investigation unit.

Subd. 6. Jurisdiction. Provides statewide jurisdiction to members who are peace officers.

Subd. 7. Collaboration with other prosecutors and law enforcement officers. Encourages the unit to cooperate with prosecutors and law enforcement agencies.

Subd. 8. Prosecutor. Allows a local governmental unit to seek a grant for reimbursement for the time and resources that its prosecutors provide to the unit.

Subd. 9. Forfeiture. Allows the unit to retain the proceeds from forfeited property that it seizes.

Subd. 10. Required reports. Requires the commander and commissioner of public safety to file reports on the unit's efforts.

Subd. 11. Expiration. Establishes June 30, 2003 as the unit's expiration date.

4 **Program described; commissioner's duties - automobile theft prevention board.** Modifies the purposes for which auto theft prevention funds may be utilized to include public education about auto theft. Requires the commissioner to distribute the full amount of proceeds collected for auto theft prevention each year.

5 **Criteria; application.** Lists entities that may apply for auto theft prevention grants. Establishes criteria for the distribution of auto theft prevention grants.

6 **Advisory board.** Establishes an auto theft prevention advisory board.

7 **Membership - arson strike force.** Extends the sunset on the arson strike force to June 30, 2005.

8 **Creation.** Transfers office of crime victims ombudsman to department of public safety.

9 **Organization of office.** Explains who may appoint employees to the office of crime victims ombudsman; requires public safety to provide office space; and requires a report to the legislature.

10 **Responding to calls involving emotional crises and mental illness.**

Subd. 1. Model policing program. Authorizes DPS to award grants for the development and promotion of community policing models relating to responding to calls involving individuals with mental illness. Establishes criteria for pilot projects.

Subd. 2. Community mental health peace officer advisory board. Requires the commissioner of public safety to appoint a community mental health peace officer advisory board. Establishes board membership. The board expires June 30, 2003.

11 **Avoiding racial profiling; policies and learning objectives required.**

Subd. 1. Purpose. States the purpose of the legislation. Provides that the legislature finds that the perception of racial profiling by law enforcement alienates citizens from police, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the citizens who law enforcement tries to protect and serve. Specifies that no stop of a citizen should be made without a legitimate reason, and race, ethnicity, or national origin alone never provide a sufficient reason. States that law enforcement policies and training programs must emphasize the need to respect the balance between the rights of all citizens to be free from unreasonable governmental intrusions and law enforcement's need to enforce the law.

Subd. 2. Definition. Defines racial profiling to mean any law enforcement-initiated action that relies upon the race, ethnicity, or national origin of an individual rather than the behavior of the

individual or information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity. Specifies that the term includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Clarifies that racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

Subd. 3. Statewide model policy. Requires the board of peace officer standards and training (POST) to consult with various law enforcement associations in developing an anti-racial profiling model policy governing the conduct of peace officers engaged in stops of citizens. Requires the policy to define racial profiling and identify conduct that violates the law. States that the policy must be adopted by August 1, 2001.

Subd. 4. Agency policies required. Requires the chief law enforcement officer of every state and local law enforcement agency to establish and enforce a written anti-racial profiling policy that complies with the model policy. Requires the chief law enforcement officer to ensure that each peace officer receives a copy of the policy, is aware of the policy's purpose, and understands the conduct prohibited by it. Requires state and local law enforcement agencies to certify annually to POST that it is in compliance with this subdivision. States that the board must assist state and local agencies in developing policies under this subdivision.

Subd. 5. Preservice training learning objectives; requirements. Requires the POST board to establish learning objectives for preservice training of peace officers by August 1, 2001. These objectives must address how to instruct peace officers in avoiding racial profiling when making stops of citizens. Specifies that these learning objectives shall become part of the required curriculum of professional peace officer education programs. Provides that an individual is ineligible to take the peace officer licensing exam or part-time peace officer licensing exam until:

the individual has received preservice training consistent with this subdivision; and

the individual has completed a psychological examination that demonstrates that the person is not likely to engage in racial profiling.

Subd. 6. In-service training learning objectives. Requires the POST board to prepare learning objectives for in-service training of officers on avoiding racial profiling when making stops of citizens. The learning objectives must be prepared by August 1, 2001. Requires the Board to evaluate and monitor in-service training courses to ensure they satisfy the learning objectives.

Subd. 7. Chief law enforcement officer and supervisors; requirements. Requires the executive director of the POST board to prepare training materials for chief law enforcement officers and supervisors on how to detect and respond to racial profiling by peace officers under their command. Requires the materials to address both the agency's policy and procedural components aimed at eliminating racial profiling in stops of citizens.

Subd. 8. POST board; compliance reviews. Authorizes the POST board to inspect state and local agency policies to ensure compliance with this section. Allows the board to conduct this inspection based upon a complaint it receives or through a random selection process.

12 **Sunset repealer.** Repeals the sunset of the automobile theft prevention surcharge.

13 **Regional training seminars.** Requires the POST board to facilitate regional seminars throughout the state to increase awareness about racial profiling issues unique to specific regions of the state and to promote a community-oriented response to the issue of racial profiling. Requires the training seminars to satisfy the learning objectives established by the POST board. Requires the seminars to be completed by December 31, 2001.

14 **Reports.** Requires reports relating to racial profiling and mental illness response pilot projects.

Subd. 1. Racial profiling - POST board. Requires the executive director of the POST board to report to the legislature by February 15, 2002, on the development of a model policy; learning

objectives; regional training seminars, including attendance figures for the seminars; and the training materials prepared for chief law enforcement officers and supervisors.

Subd. 2. Racial profiling - law enforcement agencies. Requires law enforcement agencies to report to the POST board on racial profiling complaints and dispositions.

Subd. 3. Mental illness response pilot projects. Requires reports on the police/mental illness response pilot projects under section 10.

15 **Effective date.** July 1, 2001.

Article 7

Felony Driving While Impaired Provisions

Overview

This article creates a felony level penalty for certain repeat DWI offenders.

1 **Attorney general costs.** Requires the attorney general to bill counties for the cost of services the attorney general provides to a county in a first-degree driving while impaired case.

2 **Felony.** Defines felony for purposes of the DWI statutes as a crime punishable by up to 7 years in prison, payment of a \$14,000 fine, or both.

3 **Sentence.** Conforming amendment.

4 **First-degree driving while Impaired.**

Subd. 1. Degree described. Provides that a DWI violation is classified as first-degree if a person has three prior DWI convictions in the last ten years *in addition to* the current violation. Therefore, this is a "4-in-10" provision. Also provides that a DWI violation is first-degree if a person was previously convicted of first-degree DWI.

Subd. Criminal penalty. Provides that a first-degree violation is a felony. Provides that a person convicted of felony DWI is subject to the mandatory penalties in section 10 of article 7.

5 **Second-degree DWI.** Conforming amendment.

6 **Third-degree DWI.** Conforming amendment.

7 **Fourth-degree DWI.** Conforming amendment.

8 **Fourth offense.** Provides a cross-reference indicating that the sentence for a felony DWI offender is first governed by Minn. Stat. § 169A.276 (section 10 of article 7). The remainder of the section is current law and provides the minimum incarceration period for a felony DWI offender whose prison term is not executed: 180 days in local jail, with at least 30 of those days served consecutively (unless the offender is sentenced to certain intensive probation programs for DWI offenders).

The current law reproduced in this section also provides the sentence for an offender's fourth *qualified prior impaired driving incident* in ten years (not necessarily a felony), as opposed to the fourth *conviction* (a felony under this article). By definition, a conviction always counts as an incident, but an incident may not result in a conviction.

9 **Level of care recommended in chemical use assessment.** Conforming amendment.

10 **Mandatory penalties; felony violations.**

Subd. 1. Mandatory prison sentence. (a) Provides that felony DWI offenders must be sentenced to at least 3 years in prison (this does not necessarily mean 3 years of executed and served prison time; see paragraphs (b) through (e)).

(b) Provides that the court may not stay imposition of the sentence but may stay execution of the sentence as provided in subdivision 2.

(c) Provides that if the court executes the prison sentence for a felony DWI, the offender must serve

at least 1/3 of that time in prison, but not more than 2/3, provided the person has successfully completed chemical dependency treatment. The remainder of the time will be served on conditional release.

(d) Further provides that an offender may be released 60 days before serving 1/3 of the prison sentence if in an approved work release program.

(e) Requires a five year conditional release period for offenders sentenced to prison. Permits the DOC to impose conditions of release, including certain intensive probation programs for DWI offenders. Provides for probation revocation. Provides that an offender may not be released from supervision before the five years expires.

Subd. 2. Stay of mandatory sentence. Provides that if the court does not *execute* the sentence under subdivision 1, the provisions of Minn. Stat. § 169A.283, (and § 169A.275) apply. Therefore, if the court stays the execution of the prison sentence, the minimum incarceration for a 4-in-10 DWI offender is 180 days in local jail, with at least 30 of those days served consecutively and no more than 150 days on home detention, *unless* the offender is sentenced to certain intensive probation programs for DWI offenders.

Subd. 3. Driver's license revocation; no stay permitted. Provides that the court may not stay execution of a driver's license revocation.

- 11 **Stay authorized.** Primarily a conforming amendment. Provides that, subject first to the mandatory penalties and required conditions of stayed sentences under §§ 169A.275 and 169A.276, if the court stays execution of a sentence for a DWI offender it must require the offender to submit to the level of care recommended in a chemical use assessment report (or state on the record its reasons for not doing so).
- 12 **Custodial arrest.** Adds felony DWI to the DWI offenses requiring custodial arrest.
- 13 **Definitions; "designated offense."** Adds felony DWI to the DWI offenses that trigger vehicle forfeiture.
- 14 **Appropriations.** Appropriates a total of \$3,356,000 to fund felony DWI. The appropriation is divided among corrections (\$2,844,000), public safety (\$84,000), district courts (\$257,000), court of appeals (\$46,000), and board of public defense (\$125,000).
- 15 **Study.** Requires the commissioner of corrections each year to conduct a study of felony DWI.
- 16 **Supervision level.** Requires that persons convicted of felony DWI be assigned a supervision level consistent with existing law.
- 17 **Repealer.** Repeals the subdivision of law (169A.275, subd. 4) relating to mandatory penalties for 5-in-10 DWI offenders. These offenders fall under the felony sentencing provisions.
- 18 **Effective date.** July 1, 2002.

Article 8

Corrections Provisions

Overview

This article: (1) redirects correctional fees for probation costs from the general fund to the county treasurer in the county where supervision is provided (H. F. 2141); (2) increases the percentage that the commissioner of corrections must charge to counties that send juveniles to Red Wing from 65 percent to 80 percent; (3) requires the commissioner of corrections to charge other states and the federal government for housing or temporary custody of a non-Minnesota inmate, to the extent possible, a per diem equal to or greater than the cost of a Minnesota prisoner; (4) sets forth legislative findings regarding the interstate compact on the supervision of adult offenders, a contract among member states

regarding procedures and regulations for supervising offenders on probation or parole when they cross state lines (with court permission) and requires the department of corrections to report on and provide a recommendation regarding the council of state governments' proposed updated compact that provides a funding structure, clearer and more binding enforcement authority, and certain other changes or enhancements (H. F. 1353); (5) requires Hennepin county to conduct a 12-month chronic offender pilot project; and (6) abolishes the office of the ombudsman for corrections.

- 1 **Use of fees.** Redirects correctional fees for probation costs from the general fund to the county treasurer in the county where supervision is provided.
- 2 **Charges to counties.** Increases the percentage that the commissioner of corrections must charge to counties to house juveniles at Red Wing from 65% to 80%. The commissioner shall charge counties at this rate until June 30, 2002.
- 3, 4 **Contracting with other states and federal government.** Requires the commissioner of corrections to charge other states and the federal government for housing or temporary custody of non-Minnesota prisoners, to the extent possible, at a per diem rate equal to or greater than the amount that it costs to do the same for a Minnesota inmate at the same facility.
- 5 **Findings.** Provides legislative findings regarding the updated interstate compact on adult offenders, as proposed by the council of state governments.
- 6 **Legislative recommendations; state policy plan.** Requires DOC to submit recommendations to the legislature regarding the updated interstate compact on adult offenders. Requires development of a state policy plan for handling interstate transfers of adult offenders.
- 7 **Chronic offender pilot project.** Requires Hennepin County to conduct a chronic offender pilot project for 12 months and to report to the legislature about the project and its impact.
- 8 **Office abolished.** Abolishes the office of the ombudsman for the state department of corrections.
- 9 **Repealer.** Repeals the statutes that created and bestowed authority on the ombudsman for the state department of corrections.
- 10 **Effective dates.** Establishes effective dates for the sections in Article 8.

Article 9

Domestic Violence Provisions

Overview

This article contains numerous items related to domestic abuse (H.F. 699). The article:

- expands the definition of domestic abuse to include interference with an emergency call;
- clarifies that there are no residency requirements for applying for an order for protection;
- provides that when an individual who is served with an order for protection at a location that the order prohibits the offender from being, the offender must be given a reasonable opportunity to leave the location in the presence of the officer serving the order;
- expands the past offenses that may be used to enhance the penalty for violation of an order for protection to include assault in the fifth degree, domestic assault, and criminal harassment and defines the offenses that may be used to enhance a penalty as a "qualified domestic violence-related offense";
- requires courts to order domestic abuse offenders to complete a domestic abuse counseling program or educational program as a condition of a stayed sentence or as part of an order for protection proceeding;
- permits shelters that receive state grants to use the funds for gender specific programs;

amends the factors the court must consider in deciding whether to release or detain a person arrested for domestic abuse or harassment pending trial, expands application of these factors to violations of orders for protection and violations of domestic abuse no contact orders, requires written findings, and specifies release conditions for the court to consider in releasing an arrested person;

requires the interagency task force on domestic violence and sexual assault prevention to study issues related to gender and domestic violence and to assess the needs of men who are victims of domestic abuse; and

repeals the domestic abuse investigation fee.

- 1 **Definitions.** Expands the definition of domestic abuse in the domestic abuse act to include interference with an emergency call.
- 2 **Court jurisdiction.** Specifies that there are no residency requirements that must be met for a person to petition for an order for protection. Also makes a punctuation change to provide that jurisdictional requirements are satisfied if the application for relief is filed in the court having jurisdiction over dissolution actions *or* in the county of residence of either party.
- 3 **Relief by the court.** Current law allows a court to provide certain relief in a proceeding for an order for protection under the domestic abuse act, including ordering the abusing party to participate in treatment or counseling services. This provision is amended to allow the court to require the abusing party to attend a domestic abuse counseling or educational program (see section 5).
- 4, **Violation of an order for protection; fifth degree assault; domestic assault; and criminal**
7- **harassment law.** Amends the penalty provisions of the order for protection, fifth degree assault,
14 domestic assault, and criminal harassment laws to ensure they apply consistently to violations of similar laws of another state, the United States, the District of Columbia, tribal lands, and United States territories. Also makes consistent the list of offenses that may be used to enhance a penalty for a violation of these laws, which in many cases involves adding new offenses to the list of offenses that will result in an enhanced penalty. The offenses that may be used to enhance a penalty for any of these laws are:
 - violation of an order for protection,
 - assault in the first through fifth degree,
 - domestic assault,
 - criminal sexual conduct in the first through fourth degree,
 - malicious punishment of a child,
 - violation of a harassment restraining order,
 - terroristic threats, and
 - criminal harassment.

Most of these provisions are made consistent through reference to the definition for a "qualified domestic violence-related offense." This definition, created in section 6, identifies the offenses that may be used to enhance a penalty for certain offenses. Also makes technical changes to current law.

Section 4 also clarifies that the probable cause sufficient for finding a violation of an order for protection is probable cause that the person knowingly violated the order. Provides that if the person is served with the order at a location where the person's presence constitutes a violation, the person shall be given a reasonable opportunity to leave the location in the officer's presence.

- 5 **Court order to domestic abuse counseling program or educational program.** States that, when a court stays imposition or execution of sentence for a domestic abuse offense and places an offender on probation, the court must order that, as a condition of the stayed sentence, the offender participate in and successfully complete a domestic abuse counseling or educational program.

- 6 **Qualified domestic violence-related offense.** Adds a definition of "qualified domestic violence-related offense" to the criminal code. This definition is used in the domestic abuse act, fifth-degree assault, harassment restraining order, and criminal harassment laws to enhance the criminal penalties for these crimes (see sections 4, and 7 to 14). The term is defined to include violations of orders for protection, first through fifth degree assaults, domestic assaults, first through fourth degree criminal sexual conduct, malicious punishment of a child, violations of harassment restraining orders, terroristic threats, and criminal harassment. The term also includes violations of similar laws of another state, the United States, the District of Columbia, tribal lands, or United States territories.
- 15 **Director's responsibilities.** Adds to the responsibilities of the director of domestic violence and sexual assault prevention and to the interagency task force on these issues. Adds the duty of studying issues involving domestic violence and sexual assault by both men and women and presenting findings and recommendations resulting from these studies to all branches of government.
- 16 **Scope of programs.** Permits shelters that receive state funds to use the funds for gender specific programs.
- 17 **Bail in cases of domestic abuse, harassment, violation of an order for protection, or violation of a domestic abuse no contact order.** Expands the application of the bail provisions that apply to domestic assault and harassment cases to include cases involving a violation of an order for protection and a violation of a domestic abuse no contact order. Amends current law regarding how the court should make the decision whether to detain or release a person pending trial. States that, in making this decision, the court shall review the facts of the arrest and detention and determine whether release of the person poses a threat to the alleged victim or another family or household member, poses a threat to public safety, or there is a substantial likelihood the person will fail to appear at subsequent proceedings. Requires the officer in charge of the police station or the county sheriff to consider the same factors in determining whether to issue a citation in lieu of continued detention. Specifies that the court must make findings on the record regarding these factors.

Allows the judge to impose conditions of release or bail to protect the alleged victim or other family or household members and to ensure the appearance of the person at subsequent proceedings. Specifies the conditions the court may include in an order. These conditions include:

- enjoining the person from threatening to commit or committing acts of domestic abuse or harassment against the alleged victim or other family or household members or from violating an order for protection;
- prohibiting the person from harassing, annoying, telephoning, contacting, or otherwise communicating with the alleged victim, either directly or indirectly;
- directing the person to vacate or stay away from the alleged victim's home and any other location the victim is likely to be;
- prohibiting the person from possessing a firearm or other weapon;
- prohibiting the person from possessing or consuming alcohol or controlled substances; and
- identifying any other matter required to protect the victim's safety and ensure the person's appearance at subsequent proceedings.

This section also clarifies that it is the prosecutor's or prosecutor's designee's responsibility to present relevant information about the victim's or victim's family's account of the alleged crime to the judge to be considered in making a decision about the arrested person's release.

Also defines the terms "harassment," "violation of an order for protection," and "violation of a domestic abuse no contact order." Makes other technical changes.

- 18 **Study; interagency task force on domestic violence and sexual assault prevention.** Requires the

interagency task force on domestic violence and sexual assault prevention to study issues related to gender and domestic violence and to assess the needs of male victims of domestic violence and false assault accusations. Requires the director of domestic violence and sexual assault prevention to report to the legislature on the task force's study, findings, and recommendations.

- 19 **Instructions to the revisor.** Instructs the revisor to change all references to "battered women" and "battered women's" to "domestic abuse victims" or "domestic abuse".
- 20 **Repealer.** Repeals the domestic abuse investigation fee.
- 21 **Effective dates.** Sections 4 and 7 to 14 are effective August 1, 2001, and apply to crimes committed on or after that date. The remaining sections are effective July 1, 2001.

Article 10

Miscellaneous and Technical Provisions

Overview

This article expands the scope of the attorney general's subpoena power, modifies the definition of "misdemeanor," modifies the list of misdemeanors that quadruple cash bail may apply, and approves the fee increase for the private detectives board.

- 1 **Attorney general's subpoena power.** Expands the scope of the attorney general's subpoena power to include requiring production of the names and addresses of subscribers of private computer networks including Internet service providers or computer bulletin board systems.
- 2 **Misdemeanor.** Increases the fine portion of the definition of "misdemeanor" from \$700 to \$1000.
- 3 **Quadruple fine.** Modifies the list of misdemeanors for which a court may impose quadruple cash bail. The relevant misdemeanors are: driving accidents (169.09); driving while impaired (169A.20); operating a motor vehicle without a license based on the commissioner of public safety's determination that allowing the person to drive would be "inimical to public safety or welfare" (171.24, subd. 5); and bringing stolen goods into the state (609.525).
- 4 **Fee increase; private detectives board.** Approves the fee increases proposed for the private detectives board by the governor in the 2002-2003 criminal justice biennial budget document.
- 5 **Effective dates.** Establishes effective dates for the sections in Article 10.

Article 11

DWI Technical

Overview

This article makes a number of changes to statutes related to impaired driving. It creates a reporting requirement for health professionals who have any evidence of alcohol involvement in a traffic crash involving injuries or fatalities, with civil and criminal immunity for failure to comply. It adds definitions; provides courts with greater flexibility in using electronic alcohol monitoring to ensure compliance with alcohol abstinence during probation; extends the list of crimes for which consecutive sentencing is allowed to include a violation of the "no-alcohol" condition of a limited license, as well as the crime of test refusal; extends the list of permitted uses of the alcohol screening test (PBT test) to include a prosecution for a violation of the crime of refusing to submit to the chemical test; updates the names of health occupations permitted to draw blood for DWI tests; extends the list of DWI offenders who are ineligible for a shortened license revocation period to include any person whose alcohol concentration at the time of the violation exceeds 0.20 (twice the legal limit); clarifies that a person who violates implied consent law with an alcohol concentration of 0.20 or more, or with a child under age 16 in the vehicle, is eligible for license plate impoundment; increases the legal penalty to the level of a

gross misdemeanor for a violation of the "no-alcohol" condition on a restricted driver's license, if the violation occurs while the person is driving a motor vehicle; and raises the license reinstatement fee for a person convicted of criminal vehicular homicide or injury.

- 1,2 **Adds definitions.** Adds definitions of "alcohol by volume" and "alcohol by weight." However, these terms are not used elsewhere in DWI law.
- 3 **Electronic alcohol monitoring requirement.** Provides courts with greater flexibility in ordering the use of electronic alcohol monitoring for certain repeat (generally third-time or more) DWI offenders during probation following conviction. Currently, courts must order EAM to be used continuously during the first one-third of the person's probation. The bill would require only that it be used for at least 30 consecutive days during each year of the person's probation.
- 4, 14 **Permissive consecutive sentences.** Adds a "B-card violation" to the list of offenses for which consecutive sentencing (i.e., "sentence stacking") is permitted, when a court is sentencing a person who has two or more prior impaired driving convictions within the past ten years. The list of offenses currently includes the following offenses: driving while impaired; failure to provide insurance or proof of insurance; driving without a valid license, including after suspension, revocation, cancellation or disqualification; and violation of the condition of a limited license. A "B-card violation" is a violation of the "no alcohol" condition of a restricted driver's license, whether or not the violation occurs in a motor vehicle. Generally, a person with a "B-card license" has 3 or more prior impaired driving violations on record.

The bill would also permit consecutive sentencing for the separate DWI crime of test refusal for anyone convicted of both test refusal and any other regular DWI crime. Under current plea bargaining practice, it is common for a prosecutor to drop the test refusal crime upon the defendant's guilty plea to DWI itself. Nevertheless, the bill would permit consecutive sentencing of any offender convicted of both these crimes. [This provision would restore language deleted by the year 2000 DWI recodification bill.]

Under current law (Minn. Stat. § 609.15, subd. 2), the sentences of a person being sentenced for multiple gross misdemeanor offenses listed above shall not exceed four years total, and the period of incarceration is served in a local jail or workhouse.

- 5 **Crimes defined.** Creates new misdemeanor crimes for: (1) a person who is subject to a plate impoundment order, to drive any motor vehicle during the impoundment period unless the vehicle bears specially-coded plates issued by the state (the person must also be properly licensed to drive, as required under chapter 171); or (2) for a person who buys or acquires the offender's vehicle, to allow the offender to have control of that vehicle at any time during the plate impoundment period. Under other provisions of the bill, the plate impoundment period will be lengthened to a minimum of one year in length, even though some offenders might become relicensed to drive in less time than that.
- 6 **Permitted uses of the alcohol screening test.** Extends the list of permitted uses of the alcohol screening test (PBT test) to include a prosecution for a violation of the crime of refusing to submit to the chemical test (which is itself a violation of DWI law).
- 7 **Who draws the blood.** Updates the terminology for the titles of health professionals allowed to draw blood samples to chemically test a person for DWI-related purposes.
- 8 **Implied consent revocation; restricted from shortening for certain offenders.** Currently the administrative license revocation period for certain first-time DWI offenders is reduced upon the person's conviction for the offense (typically from 90 days to 30 days or time served). However, offenders who were under age 21 at the time of the violation, as well as offenders whose impaired driving violation constituted "DWI-child endangerment," are not eligible for such reduction. This provision would extend the list of ineligible DWI offenders to include any person whose alcohol

concentration at the time of the violation exceeds 0.20 (twice the legal limit).

- 9 **Definition of terms related to license plate impoundment.** Clarifies that a first-time impaired driving violator who violates implied consent law with an alcohol concentration of 0.20 or more, or with a child under age 16 in the vehicle, is eligible for license plate impoundment. It also defines "significant relationship," a term which is used in section 11 to prohibit arrangements that enable a DWI violator who is subject to plate impoundment to continue to drive his own vehicle during the impoundment period.
- 10 **Plate impoundment strengthened.** Specifies that the plate impoundment period must be at least one-year in duration and that the offender must be validly relicensed before receiving new regular registration plates. The commissioner is authorized to issue specially-coded plates for the vehicle if the person becomes relicensed to drive before the period of plate impoundment has expired. Under current law, the plate impoundment period terminates as soon as a person becomes relicensed to drive, in some cases in as little as 30 days. This section also clarifies the conditions under which new registration plates must be issued for a vehicle.
- 11 **Prohibits certain sales of an offender's vehicle during plate impoundment.** Prohibits under criminal penalty the sale or transfer of a vehicle that is subject to plate impoundment, unless the transferee signs a sworn statement attesting that the transferee has never had a "significant relationship" with the offender/seller, and that the transferee understands that it is a crime to allow the seller access to the vehicle following the transfer.
- 12 **Conditional license violation: penalty increased.** Under current law, a violation of any condition of a restricted driver's license triggers license revocation; however, the violation is a misdemeanor if it involves driving a motor vehicle. The bill would increase the penalty to the level of a gross misdemeanor if the condition being violated while driving is the requirement that the person consume "no alcohol" at any time whatsoever.
- 13 **Driver's license fee raised following criminal vehicular homicide.** Raises from \$30 to \$290 the fee for reinstatement of a person's driver's license following revocation if the violation involved criminal vehicular homicide or injury. Current law applies the higher fee to a person whose license is revoked for an implied consent violation or a DWI conviction. However, in the event of a traffic crash involving suspected criminal vehicular homicide or injury, implied consent law is often not invoked; furthermore, the DWI charge itself is typically dropped upon the person's conviction for the felony-level offense of criminal vehicular homicide or injury. The bill would ensure that such offenders nevertheless pay the same fee as a DWI offender for driver's license reinstatement.
- 15 **Reporting by health professionals.** Extends the reporting requirement for health professionals to include instances in which the professional treats a person for an injury resulting from a motor vehicle accident where there is evidence that the person involved had consumed alcohol or a controlled substance. Under current law health professionals must report injuries involving firearms or other dangerous weapons, as well as serious burns. The bill also provides immunity, both civil and criminal, for a person complying with this section, but also stipulates that no cause of action may be brought against any person failing to comply with this section.
- 16 **Grants immunity from criminal penalties for alcohol reporting by health professionals.** Extends the current exemption from criminal penalty for noncompliance with the burn reporting requirement to also include noncompliance with the new alcohol-crash reporting requirement. The current criminal penalty for noncompliance with the reporting requirements for firearms and other dangerous weapons remains in effect.
- 17 **Repealer.** Repeals a superfluous subdivision.
- 18 **Effective dates.** Sections 1 to 12 and 14 to 17 are effective August 1, 2001 and apply to crimes committed on or after that date. Section 13 is effective July 1, 2001.

Articles 12, 13, 14

Child Support Income Shares Model and

Chapter 518 Recodification

Overview

These articles contain provisions from H. F. 1446. For a summary of those provisions, please see the summary of H. F. 1446. Articles 12, 13, and 14 of this bill correspond to articles 1, 2, and 3 of H. F. 1446, respectively.