

HOUSE RESEARCH

Bill Summary

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Section

Article 1: Appropriations

Overview

Article 1 contains appropriations for the following state government entities: Department of Public Safety, Peace Officers Standards and Training Board, Private Detective Board, Department of Human Rights, Department of Corrections, Supreme Court, Court of Appeals, Trial Courts, Guardian Ad Litem Board, Tax Court, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, and Sentencing Guidelines Commission.

- 1 Summary of Appropriations.** Summarizes direct appropriations by fund.
- 2 Appropriations.** Describes, in general terms, the appropriations contained in this article.
- 3 Supreme Court.**

Subd. 1. Total appropriation. Appropriates \$41,474,000 for FY12 and \$41,775,000 for FY13.

Subd. 2. Supreme Court Operations. Appropriates \$30,458,000 for FY12 and \$30,759,000 for FY13.

- **Contingent account.** Authorizes \$5,000 each year for a contingent account for expenses necessary for the normal operation of the court.
- **Employee healthcare.** Requests the court to study and report to the

legislature on the advantages and disadvantages of having judicial branch employees leave the state employee group insurance program to form their own benefit plan.

- **Judicial and referee vacancies.** Provides that the Supreme Court shall not certify any judicial or referee vacancies until it has examined alternative options.

Subd. 3. Civil legal services. Appropriates \$11,016,000 each year.

(a) Legal services to low-income clients. Provides that \$877,000 each year is to improve access of low-income clients to legal representation in family law matters.

(b) Case priorities. Directs civil legal services to give priority to state civil matters when using state funds.

4 **Court of Appeals.** Appropriates \$10,106,000 for FY12 and \$10,228,000 for FY13.

5 **Trial Courts.** Appropriates \$233,511,000 for FY12 and \$236,828,000 for FY13.

6 **Guardian Ad Litem board.** Appropriates \$12,067,000 each year.

- **Case priority.** Directs the board to give priority in assigning GALs to clients who are statutorily entitled to representation.

7 **Tax Court.** Appropriates \$825,000 each year.

- **Operating schedule.** Provides that at least one judge shall conduct regular business on all days that executive branch agencies are open for business.

8 **Uniform Laws Commission.** Appropriates \$49,000 each year.

9 **Board on Judicial Standards.** Appropriates \$746,000 for FY12 and \$456,000 for FY13.

- **Deficiency.** Provides that \$290,000 in FY12 is for deficiencies occurring in FY11.
- **Special investigative/hearing costs.** Provides that \$125,000 each year is for special investigative and hearing costs. The amount does not cancel.

10 **Board of Public Defense.** Appropriates \$65,976,000 each year.

- **Additional Funding.** Directs the board to use additional funding beyond the projected baseline appropriation for any or all of the following, at the board's discretion: constitutionally mandated services under *Padilla v. Kentucky*, increased transcript costs, expert witness costs, investigations, and additional public defenders.

11 Public Safety.

Subd. 1. Total appropriation. Appropriates \$159,987,000 for FY12 and \$157,373,000 for FY13.

Subd. 2. Emergency management. Appropriates \$2,525,000 each year to the emergency management division.

- Appropriates \$604,000 each year from the Fire Safety Account to fund Hazmat and Chemical Assessment Teams.

Subd. 3. Criminal apprehension. Appropriates \$42,237,000 each year to the BCA.

- **DWI analysis.** Transfers funds for DWI lab analysis from the trunk highway fund to the general fund.

Subd. 4. Fire Marshal. Appropriates \$5,757,000,000 each year to fund the state fire marshal and firefighter training grants. Transfers \$4,227,000 in FY12 and \$4,228,000 in FY13 from the fire safety account to the general fund.

Subd. 5. Alcohol and Gambling Enforcement. Appropriates \$2,236,000 each year to the alcohol and gambling enforcement division. \$500,000 from the alcohol enforcement account is transferred each year to the general fund.

Subd. 6. Office of Justice Programs. Appropriates \$33,057,000 each year to OJP.

- **Administration Costs.** Permits OJP to use up to 2.5 percent of the funds to administer the grant program.

Subd. 7. Emergency communications networks. Appropriates \$69,948,000 the first year and \$67,333,000 the second year from the 911 emergency telecommunications service fee account for emergency communications.

- Funds public safety answering points, medical resource communication centers, ARMER debt service, MET Council debt service, ARMER state backbone operating costs, and ARMER improvements.

12 Peace Officers Standards and Training Board. Appropriates \$3,770,000 each year to the POST Board. \$2,634,000 is for reimbursements to local governments for peace officer training costs.

13 Private Detective Board. Appropriates \$120,000 each year to the private detective board.

14 Human Rights. Appropriates \$3,171,000 each year for the Department of Human Rights.

15 Department of Corrections.

Subd. 1. Total appropriation. Appropriates \$457,023,000 the first year and \$458,032,000 the second year to the Department of Corrections.

Subd. 2. Correctional institutions. Appropriates \$327,182,000 the first year and \$328,191,000 the second year to correctional institutions.

- **Correctional study.** Suggests that the commissioner study the use of earned credit programs, deportation of illegal immigrant prisoners, early release, accepting inmates from other states or closing all or part of a facility, reducing inmate medical costs, and reforming the department's role in the juvenile justice system.

Subd. 3. Community services. Appropriates \$108,937,000 each year for community services.

- **Probation revocation reform.** Suggests that the commissioner study probation revocation reform including policies that would reduce probation revocations and the value of adopting a unified probation and supervised release system.

Subd. 4. Operations support. Appropriates \$20,904,000 each year for the department's operations support group.

Subd. 5. Transfers.

- Transfers \$600,000 each year from the MINNCOR revolving fund to the general fund.
- Transfers \$400,000 each year from various special revenue accounts within the department to the general fund.

16 Sentencing Guidelines. Appropriates \$586,000 each year.

17 Prohibition on use of appropriations. Provides that no appropriated funds in sections 3 to 10 and 16 may be used for the purchase of motor vehicles or out-of-state travel that is not directly connected with and necessary to carry out core functions.

18 Capping mileage reimbursement. Caps mileage reimbursement for entities funded under sections 3 to 10 and 16 of this article at \$.51 per mile.

19 Effective date. Provides that this article is effective retroactively to July 1, 2011, and supersedes any funding authorized through court orders.

Article 2: Public Safety and Corrections

Overview

Article 2 contains policy initiatives that relate to the appropriations to public safety and corrections.

- 1 **Inmate medical co-pay.** Requires the Commissioner of Corrections to impose an inmate healthcare co-payment of at least \$5 for each inmate visit to a healthcare provider.
- 2 **Fire safety account.** Increases the amount of funds transferred from the fire safety account to the general fund in each of the next two years.
- 3 **In service training in police pursuits required.** Requires peace officers to be trained in police pursuit training every 5 years instead of every 4 years.
- 4 **Medical aid.** Authorizes county jails to reimburse healthcare providers at the medical assistance payment rate for care provided to inmates.
- 5 **Acquisition of easement; DOC – Faribault.** Authorizes the commissioner of administration to purchase an easement to serve the Minnesota Correctional Facility at Faribault.
- 6 **Effective date.** Provides an immediate effective date for this article.

Article 3: Courts and Sentencing

Overview

This article makes the following changes relating to courts: establishes administrative dismissal process for submitting proof of insurance in failure to provide vehicle insurance cases; clarifies responsibility for payment of GAL expenses; clarifies fees and surcharges for diversion cases; and authorizes partial payments or reimbursement in IFP cases.

- 1 **Penalty.** Establishes a process for administrative dismissal of a citation for failure to provide vehicle insurance. Allows a driver or owner to submit proof of insurance to the court administrator. If the required proof is timely received, the person shall not be convicted of violating this section. (This process is currently used in “no proof of insurance” violations.)
- 2 **Court expenses.** Provides that in no event may a court charge guardian ad litem expenses upon a county. (Current law provides that the State Guardian Ad Litem Board shall pay GAL expenses.)
- 3 **Surcharges on criminal and traffic offenders.** Provides that a surcharge imposed in cases where a defendant participates in a diversion program or receives a continuance or stay of adjudication be paid upon entering the program and not upon completion. Clarifies that only one surcharge may be imposed per case.
- 4 **Authorization of forma pauperis (IFP).** Amends the *in forma pauperis* (IFP) statute. Under the current IFP statute, if the court finds that a person is financially unable to pay the fees and costs of a civil court action, the court may authorize commencement or defense of the action without prepayment of costs, including filing fees, process server fees, witness

fees, deposition and transcript expenses, and copy costs. These expenses are then paid by the state.

This section authorizes the court to seek partial payment or reimbursement of court fees and costs from a party proceeding IFP if the person becomes able to pay. Payments are credited to the general fund.

- 5 **Effective date.** Provides an immediate effective date for the article.

Article 4: Sexually Exploited Youth

Overview

This article provides that juveniles under the age of 16 may not be prosecuted for committing a prostitution offense (as a prostitute) under the delinquency code. These juveniles and others would fall under the definition of “sexually exploited youth” as a child in need of protection or services (“CHIPS”).

A 16 or 17 year old who is alleged to have committed a first-time prostitution offense must be referred to diversion or child protection. Upon a subsequent offense, a prosecutor may file a delinquency or CHIPS petition. (Changes to the juvenile delinquency code are delayed until August 1, 2014.)

Article 4 also makes changes to a penalty assessment currently imposed on adult patrons by increasing and amending distribution of the assessment. Finally, article 4 directs DPS to develop a statewide victim service model for sexually exploited youth, if funded.

- 1 **Delinquent child.** Excludes juvenile prostitutes under the age of 16 from the definition of delinquent child. (Juveniles, age 16 to 17 or who are alleged to have violated prostitution laws while acting other than as a prostitute, are not affected by this change.)
Effective: August 1, 2014.
- 2 **Juvenile petty offender.** Excludes juvenile prostitutes under the age of 16 from the definition of juvenile petty offender.
Effective: August 1, 2014.
- 3 **Child in need of protection or services.** Adds “sexually exploited youth” to the definition of a child in need of protection or services. (*See* § 5.)
- 4 **Delinquent child.** Provides a cross-reference in the CHIPS chapter to the definition of “delinquent child.”
- 5 **Sexually exploited youth.** Defined as an individual who: (1) is alleged to have committed prostitution; (2) is a victim of sexual assault or a pornography crime involving minors; (3) is a victim of a federal prostitution crime; or (4) is a sex trafficking victim.
- 6 **Juvenile prostitution; diversion or child protection proceedings.** Directs a prosecutor to refer a 16 or 17 year old who is alleged to have committed a first time prostitution offense to diversion or CHIPS. Defines a first time prostitution offense. Provides that if the child fails to successfully complete diversion or fails to fully comply with the CHIPS order, the child may be referred back to the court for further proceedings under chapter 260B. If the child successfully completes diversion, fully complies with a CHIPS order, or is not found to be a child in need of protection or services, the court shall dismiss the charges.

Effective August 1, 2014.

- 7 **Penalty assessment.** Amends the penalty assessment currently imposed on adults convicted of violating prostitution laws, while acting other than as a prostitute. Increases the minimum and maximum penalty amounts.
Provides that the court may not waive payment of the penalty assessment. If the person is indigent or payment would create an undue hardship, the court may reduce the amount to not less than \$100. The court may also authorize payment in installments.
Amends the distribution of the assessment. Provides that the assessment shall be distributed as follows: (1) 40 percent to the political subdivision employing the arresting officer; (2) 20 percent to the prosecuting agency that handled the case; and (3) 40 percent to DPS for distribution to crime victim service organizations that provide services to sexually exploited youth. The funds must be used by the agencies to combat sexual exploitation of youth.
(Under current law, the mandatory minimum assessment may be used for juvenile prostitution outreach programs in section 8.)
- 8 **Sexually exploited youth outreach program.** Strikes references to “juvenile prostitution” and replaces them with references to “sexually exploited youth.” Makes conforming changes (*see* § 7).
- 9 **Safe harbor for sex trafficked youth; sexually exploited youth; statewide victims services model.** Provides that if sufficient outside funding is donated, DPS, in consultation with HHS, shall develop a victim services model to address the needs of sexually exploited youth by June 30, 2012. Directs DPS to take into consideration results of a prior pilot project and to seek recommendations from stakeholders. Requires a report to the legislature by January 15, 2013, on development of the model, including additional recommendations for legislation or funding.

Article 5: Prostitution Crimes

Overview

This article amends the crimes of general prostitution and prostitution in a public place by separating and creating new subdivisions to distinguish and track prosecution of crimes by prostitutes versus crimes by patrons. It also clarifies the definitions of the crime as they apply to patrons and prostitutes. The article does not change or add any penalties.