

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 2295  
**Version:** Second engrossment

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**Subject:** GPS monitoring; domestic violence

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### Overview

This amendment 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.

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.** (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**

**2**        **GPS monitoring; pretrial release.** (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 development of policies and ongoing training.

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

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

*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 10<sup>th</sup> Judicial District to conduct a pilot.

**3**        **Repealing.** Repealing language requesting the DOC to develop standards for GPS monitoring to protect victims of domestic abuse.