

HOUSE RESEARCH

Bill Summary

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Authors: Cornish and Latz

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Analyst: Rebecca Pirius
Jeff Diebel
Kenneth Backhus

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Section

Article 1: Appropriations

Overview

This article appropriates money to the Supreme Court, Court of Appeals, district courts, civil legal services, Guardian Ad Litem Board, Tax Court, Uniform Laws Commission, Board on Judicial Standards, Board of Public Defense, Sentencing Guidelines Commission, Department of Public Safety, Peace Officers Standards and Training Board, Private Detective Board, Department of Human Rights, and Department of Corrections. Transfers sums from the MINNCOR revolving fund and the fire safety account to the general fund.

1 - 18 These sections contain the article's appropriations and transfers, including:

State Employee Salaries and Insurance

- 1.8 percent annual increase for all employees except for the Courts, Public Defender and Department of Corrections.

Courts (Supreme, Appeals, and District)

- Judges' salary increase of four percent each year.
- Employee salary increase of four percent each year.

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- \$350,000 each year is to expand specialty courts.

Guardian ad Litem Board

- \$2 million base increase.

Tax Court

- Judges' salary increase of four percent each year.
- Employee salary increase of three percent each year.
- New case management system.

Public Defense

- Salary and insurance increase of five percent each year equivalent.
- \$9.4 million for caseload reduction (new attorneys and staff).
- \$100,000 each year is for public defender training.

Public Safety

Homeland Security and Emergency Management

- \$1 million for disaster contingency account. If the general fund balance at the end of the 2014-2015 biennium exceeds the projected fund balance by at least \$17.5 million, an additional \$15 million will be transferred into the disaster contingency account. (See also fire safety account transfer, below.)
- \$250,000 to combat the recruitment of Minnesota residents by terrorist organizations.
- \$592,000 for additional Chemical Assessment and HazMat teams.

Bureau of Criminal Apprehension

- \$11.4 million for additional personnel and equipment.
- \$650,000 for replacement of Livescan machines.

Fire Marshal

- \$912,000 increase for the Fire Marshal.
- \$2.5 million for firefighter training and education.
- \$2 million for Minnesota Task Force 1.
- \$380,000 for Minnesota Air Rescue Team

Office of Justice Programs

- \$5.5 million for crime prevention and victim services grants, including youth intervention programs, crime victim services, crime victim support, child advocacy centers, prosecutor and law enforcement training, sex trafficking investigations, regional law enforcement server, JDAI, and Advocates for Family Peace.

Emergency Communication Networks

- \$26.9 million for Next Generation 911 and ARMER upgrades and maintenance.

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Post Board

- Peace officer training reimbursement.
- \$100,000 each year for de-escalation training.

Private Detective Board

- One administrative assistant.

Human Rights

- \$300,000 base increase.

Corrections

Institutions

- \$1.6 million for new fugitive apprehension agents.
- \$30,000 each year for doula grants.

Community Services

- 5 new Intensive Supervised Release agents.
- 2.5 new Challenge Incarceration agents.
- \$3.6 million CCA subsidy increase.
- \$589,000 county probation officer reimbursement increase.
- \$170,000 Scott County caseload/workload reduction grant.

Operations Support

- \$1 million for information technology upgrades and staffing.

Transfers

- \$2 million from the MINNCOR account to the general fund.
- \$2.5 million from the fire safety account to the general fund. If the general fund balance at the end of the 2014-2015 biennium exceeds the projected fund balance by at least \$17.5 million, \$2.5 million will be transferred into the fire safety account and appropriated to the commissioner of public safety for activities under section 299F.012. (See also disaster contingency account, above.)

Avian Influenza Emergency Response

- Authorizes the use of disaster contingency account monies to pay for costs of eligible avian influenza emergency response activities in fiscal years 2016 and 2017. Requires a report from the commissioner of management and budget to the Legislature by January 15, 2018, on monies used from the account to fund these activities.

Please refer to the spreadsheet for more specific information.

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- 19** **Fee amounts.** Provides that an Application for Discharge of Judgment is exempt from the \$310 civil filing fee. Specifies that the filing fee in section 548.181 applies instead (\$5 for each judgment to be discharged).
- 20** **Programs for sexual assault primary prevention.** Establishes a grant program under which the commissioner of public safety must award grants to programs that provide sexual assault primary prevention services. Describes the application process and the duties of grantees.
- 21** **Tax Court.** Amends the 2013 appropriation rider for the Tax Court to allow funds dedicated to law clerks, CLE costs, and Westlaw to be used for operating expenses. Makes funds in the first year of the biennium available in the second year.
- 22** **Board on Judicial Standards.** Amends the 2013 appropriation rider for the Board on Judicial Standards to provide that only *unencumbered* and unspent balances carry over to subsequent fiscal years.
- 23** **Lifesaver grant program.** Requires the commissioner of public safety to establish a Lifesaver grant program to assist local law enforcement agencies with the cost of developing rapid response programs to quickly find individuals with medical conditions that cause wandering or result in them becoming lost and missing. Specifies the agencies that are eligible to receive grants and what a grant application must include. Authorizes the commissioner to award, on a first-come, first-served basis, grants of up to \$4,000 to eligible applicants to develop new Lifesaver programs and up to \$2,000 to eligible applicants to expand existing programs. Addresses how grant recipients may use the grants and requires them to file reports with the commissioner on how the money was spent.

Article 2: Courts

Overview

This article contains provisions relating to courts.

- 1** **Place of hearing.** Allows the initial civil commitment hearing to be conducted by interactive video conference. Requires compliance with the provisions on the use of interactive video teleconference found in the General Rules of Practice, rule 131, and Minnesota Rules of Civil Commitment, rule 14.
- 2** **Time and place of hearing.** Allows the civil commitment review hearing to be conducted by interactive video conference. Requires compliance with the provisions on the use of interactive video teleconference found in the General Rules of Practice, rule 131, and Minnesota Rules of Civil Commitment, rule 14.
- 3** **Procedure.** Allows the Judicial Appeal Panel to conduct a hearing related to the continued commitment of a person who is committed as a sexually dangerous person or as a sexual psychopathic personality by interactive video conference. Requires compliance with the provisions on the use of interactive video teleconference found in the General Rules of Practice, rule 131, and Minnesota Rules of Civil Commitment, rule 14.
- 4** **Disclosure; court reporter requirements.** Requires disclosure of existence of exclusive agreement with a court reporter or reporting firm in the notice of deposition or legal proceeding. Expands requirements that apply to freelance court reporters to also apply to

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court reporting firms. Requires court reporters or firms to charge the same rate to all parties for transcript copies.

- 5 **Remedies.** Provides that, upon a violation of the disclosure provision in subdivision 2, paragraph (a) (see § 4), the court may impose sanctions, including civil contempt, costs, and attorneys' fees, rather than require re-conducting the legal proceeding.

Article 3: Public Safety

Overview

This article contains policy provisions related to the Department of Public Safety, firearms, and crime victims.

- 1 **Legal proceedings; protective order.** Provides that a person or entity may not be compelled to disclose the actual address of a participant in the Safe at Home Address Confidentiality Program in a legal proceeding, unless the court or tribunal determines that there is reason to believe that the matter cannot proceed without disclosure, and there is no other practicable way of obtaining the information or evidence. The court must provide notice to the program participant of the requested disclosure and give the participant an opportunity to present evidence of any potential harm to the participant due to the disclosure. The court must determine whether the interest in disclosure outweighs the harm to the program participant's safety. In a criminal proceeding, the court must order disclosure if protecting the address would violate the defendant's constitutional confrontation rights. The order for disclosure must be limited to ensure that the address is disclosed no wider than that necessary for purposes of the investigation, prosecution, or litigation. This section maintains the existing permissive authority for a court or tribunal to issue a protective order to prevent disclosure of information that could reasonably lead to the discovery of a participant's location.
- 2 **Discoverability of not public data.** Requires consideration of potential Safe at Home data protections when not public data are considered for release during the discovery phase of a legal proceeding.
- 3 **License Revocation after conviction; firearm suppressor.** Establishes a five year period of ineligibility for a hunting license for persons convicted of specified hunting violations while possessing a firearm with a suppressor.
- 4 **Definitions; scrap vehicles.** Strikes the definition of "interchange file specification format" (*i.e.*, APS) from the section on scrap vehicle transactions and reporting. Reporting through APS will no longer be required, but written or electronic records will still be required (see § 38 – Repealer).
- 5 **Additional reporting.** Conforming change.
- 6 **Bondsman or bail enforcement agent vehicle.** Provides that vehicles used by bondsmen or bail enforcement agents may have any colors other than those specified for law enforcement vehicles and may not display markings typically associated with law enforcement vehicles.

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- 7 Youth intervention grant applications.** Lowers the local matching requirement for a youth intervention grant from a two-to-one to a one-to-one match. Increases the grant per agency limit from \$50,000 to \$75,000.
- 8 Bureau to broadcast criminal information.** Strikes references to outdated broadcast and communication systems and replace with references to updated technology.
- 9 Priority of police communications; misdemeanor.** Strikes references to outdated broadcast and communication systems and replace with references to updated technology.
- 10 Criminal justice agency defined.** Strikes a cross-reference to a statute that was repealed in 2014.
- 11 Noncriminal justice agency defined.** Strikes a cross-reference to a statute that was repealed in 2014.
- 12 Definitions; scrap metal.** Strikes the definition of “interchange file specification format” (*i.e.*, APS) from the section on scrap metal transactions and reporting. Reporting through APS will no longer be required but written or electronic records will still be required (see § 38 – Repealer).
- 13 Retention required.** Conforming change.
- 14 Registration required.** Deletes a sunset provision on the DPS scrap metal dealer registry.
- 15 Member.** Clarifies a reference to a repealed law.
- 16 Ammunition.** Defines ammunition for purposes of the primary criminal law chapter (609). Excludes ornaments, curiosities, and other components that are not operable as ammunition.
- 17 Applicable offenses.** Amends a cross-reference in the mandatory minimum sentencing statute to reflect the expansion of certain firearm offenses to also include ammunition.
- 18 Restoration of civil rights; possession of firearms and ammunition.** Expands the firearms prohibitions placed on certain offenders to also include prohibitions on ammunition.
- 19 Felony crimes; suppressors; reckless discharge.** Narrows the crime of possessing suppressors (silencers) from a flat prohibition to one that only applies in cases where the suppressor is NOT lawfully possessed under federal law. The federal National Firearms Act (NFA) requires that all suppressors be registered with the federal government. Federal law also requires the following of persons who wish to possess a suppressor:
- use a Class 3 firearms dealer to gain possession;
 - complete required transfer paperwork;
 - obtain law enforcement signatures and be fingerprinted (certification);
 - pay a transfer tax;
 - be cleared to take possession of the suppressor; and
 - complete a required ATF form.
- Defines the term “suppressor.”
- 20 Possession of firearms at Capitol.** Minnesota Statutes, section 609.66, subdivision 1g, provides that a person who carries a dangerous weapon in any state building within the Capitol Area is guilty of a felony. This law does not apply to persons with a permit to carry a

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pistol who provide prior notice to the commissioner of public safety of their intent to carry their firearms in the Capitol Area. This section adds that the issuance of a permit to carry constitutes notification of the commissioner of public safety and satisfies the notification requirement.

- 21 Scope.** Strikes a cross-reference to a statute that was repealed in 2014.
- 22 Duties of commissioner.** Strikes a cross-reference to a statute that was repealed in 2014.
- 23 Domestic abuse program director.** Strikes a cross-reference to a statute that was repealed in 2014.
- 24 Gun control; application of federal law.** Clarifies that long guns can be purchased and sold to persons in other states. Under current law, a federally licensed firearms dealer from Minnesota is only expressly authorized to sell and deliver long guns to persons who live in states that are contiguous with Minnesota. Similarly, residents of Minnesota are only expressly authorized to purchase firearms from persons and dealers who reside in states that are contiguous with Minnesota. In both situations, this section removes the contiguous state limitation and expressly allows for the sale and purchase of firearms from any state.
- 25 Ammunition.** Defines ammunition for purposes of the gun control chapter (624).
- 26 Ineligible person.** Extends the firearms prohibitions placed on certain persons to also include ammunition.
- 27 Ineligible to receive, ship, transport.** Extends the firearms prohibition placed on a person charged with a felony to also include ammunition.
- 28 Penalties.** Establishes penalties for persons who are convicted of being an ineligible person in possession of ammunition.
- 29 Notice.** Requires courts to inform defendants when they are ineligible to possess ammunition.
- 30 Restoration of firearms and ammunition eligibility to civilly committed person; petition authorized.** Establishes the criteria for a civilly committed person to regain the right to possess ammunition.
- 31 Purchasing firearm on behalf of ineligible person.** Prohibits “straw purchases” of firearms by making it a gross misdemeanor for a person to purchase or obtain a firearm on behalf of a person who is ineligible to purchase or possess one.
- 32 Recognition of permits from other states.** Amends the Minnesota Personal Protection Act to require the Commissioner to only place states with laws that are not “similar” to Minnesota’s law on the non-reciprocity list. The Minnesota Personal Protection act requires the commissioner of public safety to annually publish a list of states that have laws governing the issuance of permits to carry weapons that are **not substantially** similar to Minnesota’s laws regarding permits to carry weapons. An individual with a permit from a state that is on this list may not use the license or permit in Minnesota.
- 33 Exemptions; antiques and ornaments.** Clarifies that the prohibitions on possessing ammunition do not apply to ammunition designed for antiques and ornaments.

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34 Authority to seize and confiscate firearms.

Para. (a). Provides that this section applies only during a state of emergency proclaimed by the Governor relating to a public disorder or disaster.

Para. (b). Provides that a peace officer may disarm an individual only temporarily and only if the officer believes it is immediately necessary. Before releasing the individual, the peace officer must return any seized weapons, ammunition, or accessories unless the officer takes the individual into custody or seizes the items as evidence.

Para. (c). Provides that no government unit or person acting under government authority may, with regard to weapons, ammunition, or accessories: (1) prohibit or regulate the otherwise lawful possession, carrying, transportation, transfer, or use; (2) seize, commandeer, or confiscate; (3) suspend or revoke a valid permit; or (4) close or limit the operating hours of businesses that sell or service these items, unless the limitation applies to all forms of commerce.

Para. (d). Provides that no provision of law relating to a public disorder or national emergency proclamation shall be construed as authorizing any government official to act in violation of paragraphs (b), (c), or (d).

Para. (e). (1) An individual aggrieved by a violation of this section may seek specified relief in the district court with jurisdiction over the county in which the individual resides or in which the violation occurred.

(2) An individual aggrieved by a violation of a paragraph (c) may additionally apply for the immediate return of the items to the office of the clerk for the county in which the items were seized. Except as provided in paragraph (b), the court must order the immediate return of the items.

(3) In an action or proceeding to enforce this section, the court must award the prevailing plaintiff reasonable court costs and expenses, including attorney fees.

35 Uniforms; peace officers, security guards; color. Provides that the uniforms of bail bondsmen or bail enforcement agents or persons acting at the direction of a surety may be any color other than those specified for law enforcement officers. A violation is a petty misdemeanor. Defines “bail bondsman” and “bail enforcement agent.”

36 Blue alert system.

Subd. 1. Establishment. Directs the commissioner of public safety, in coordination with law enforcement agencies and television and radio broadcasters, to establish a Blue Alert system to disseminate urgent information to the public to aid in identifying, locating, and apprehending an individual suspected of killing or injuring a law enforcement officer.

Subd. 2. Criteria and procedures. Directs the commissioner, in consultation with specified agencies, to develop and to adopt criteria and procedures for the system by October 1, 2015.

Subd. 3. Oversight. Directs the commissioner to regularly review the function of the system and make changes as needed.

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Subd. 4. Scope. Provides that the system will include all public agencies capable of quickly disseminating information to the public and any private entities that volunteer to participate.

Subd. 5. Additional notice. Authorizes the commissioner to notify authorities and entities outside of the state once the system is established.

Subd. 6. False reports. Provides that a person who knowingly makes a false report that triggers the system is guilty of a misdemeanor.

37 Statewide accounting of untested rape kits. Requires the director of the forensic science division of the Bureau of Criminal Apprehension, each executive director of a publicly funded forensic laboratory, and each sheriff and chief of police to prepare a written report, by August 1, 2015, that identifies the number of untested rape kits in the possession of the official's agency or department. Defines "untested rape kit" as a rape kit that has been used to collect evidence and: (i) has not been submitted to the bureau for DNA analysis but has been cleared for testing through the written consent of the victim; or (ii) has been submitted to the bureau for DNA analysis but the analysis has not been completed.

Requires the superintendent to prepare a report by December 1, 2015, that identifies each untested rape kit disclosed, provides explanation of why each kit was not tested, and provides a plan to resolve any backlog of untested rape kits.

38 Repealer. Repeals the following sections:

- 168A.1501, subs. 5 and 5a – requirement that scrap vehicle operators report all transactions through APS; and authorization for Minneapolis to charge fees for use of APS.
- 299C.36 – repeals language requiring telegraph and telephone companies to give priority to messages or calls directed to broadcasting stations.
- 325E.21, subs. 1c and 1d – requirement that scrap metal dealers report all transactions through APS; and authorization for Minneapolis to charge fees for use of APS.
- Laws 2014, ch. 190, §§ 10 & 11 – grace period for enforcement of APS and local approval requirement for Minneapolis to set APS fee. (These provisions would no longer be needed due to the above sections being repealed.)
- 97B.031, subd. 4 – the general prohibition on the possession of silencers in the game and fish chapter.
- 609.66, subd. 1h – the current law that provides for limited exceptions to the ban on the possession and use of suppressors in the state.

Article 4: Firefighters

Overview

This article contains a variety of policy initiatives affecting firefighters.

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- 1 **Payroll deduction for volunteer firefighter relief association dues.** Allows employer payroll deductions for dues to volunteer firefighter relief associations and the Bloomington fire department relief association. In Minnesota, volunteer firefighters typically have pension coverage as part of their compensation package and that pension coverage is provided by the various local volunteer firefighter relief associations located in the state.
- 2 **Volunteer firefighter wages.** Allows employers of volunteer firefighters and ambulance drivers or attendants to pay wages at intervals longer than 31 days, provided both the employee and employer agree. Currently, all Minnesota employers must pay employee wages at least once every 31 days.
- 3 **Authorized programs within department.** Requires that any balance remaining in the fire safety account after the first year of the biennium must be appropriated to the commissioner of public safety for the purposes specified in law.
- 4 **Chief firefighting officer.** Clarifies the definition of "chief firefighting officer" to include the highest ranking employee or appointed official's designee for the purposes of Minnesota Statutes, chapter 299N.
- 5 **Full-time firefighter.** Makes technical changes.
- 6 **Licensed firefighter.** Makes technical changes.
- 7 **Volunteer firefighter.** Makes technical changes.
- 8 **Certain baccalaureate or associate degree holders eligible to take certification examination.** Makes technical changes.
- 9 **Licensure requirement.** Removes the grandfather clause established for licensure of full time firefighters.
- 10 **Newly employed firefighters.** Strikes obsolete language regarding full-time firefighter licensure. Under current law, all full-time firefighters were required to be licensed by the Board by July 1, 2011. Licenses are valid for three years, so the date of employment in statute is now unnecessary.
- 11 **Obtaining a firefighter license.** Requires firefighters to complete an application to secure licensure from the board. A license is valid for a three-year period determined by the board.
- 12 **License renewal; expiration and reinstatement.** Modifies license renewal and reinstatement requirements and procedures.
- 13 **Duties of chief firefighting officer.** Modifies duties of chief firefighting officers in regards to ensuring licensure of their firefighters.
- 14 **Revocation; suspension; denial.** Expands grounds for which the board may revoke, suspend, or deny a license. Requires notice of criminal convictions be provided to the board.
- 15 **Eligibility for reciprocity examination based on relevant military experience.** Establishes a reciprocity exam based on relevant military experience. Provides that a person is eligible to take the reciprocity examination if he or she has relevant military experience and has been honorably discharged or is currently in active service.

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- 16** **Repealer.** Repeals section 299N.05, subdivision 3, which provides for licensure of firefighters appointed prior to July 1, 2011.

Article 5: Corrections

Overview

This article contains policy provisions regulating corrections and probation.

- 1** **Insurance contributions; former employees.** A 2014 law requires the Commissioner of Corrections to continue to make the employer contribution for insurance coverage for any former Department of Corrections employee who was a member of the Minnesota State Retirement System (MSRS) general plan who was assaulted by an inmate at a state correctional institution and was determined to be totally and permanently physically disabled under MSRS laws.
- This section extends the law to apply to positions covered by either the MSRS correctional plan or the general state employees retirement plan and to former employees assaulted by either patients at institutions under control of the Commissioner of Human Services or inmates at state prisons.
- 2** **Restraint.** Requires that, if wrist restraints are used on a pregnant, incarcerated woman, they must be applied so the woman may protect herself and her fetus in case of a forward fall.
- 3** **Required annual report.** Requires an annual legislative report by the commissioner of corrections on the use of restraints on pregnant women, women in labor, and postpartum women incarcerated in state and local correctional facilities. No reporting is required on use of handcuffs on the front of the body of a pregnant woman.
- 4** **Applicability.** Technical correction.
- 5** **Requirements.** Paragraph (a) amends standard of care provided by correctional facilities relating to incarcerated women: (1) requires current pregnancy testing be taken within 14 days of incarceration (applies to women under age 50 who consent); (2) strikes requirement to test for sexually transmitted diseases and replaces with requirement on providing prevailing medical standard of care; and (8) extends notice on laws and policies to be given to women who have given birth in the past six months (applies currently to pregnant women).
- Paragraph (b) authorizes grants for doula services.
- 6** **Supervised release; electronic surveillance.** Authorizes the Commissioner of Corrections to keep an inmate in custody or under direct probation supervision until the inmate has electronic surveillance activated. Places the burden of ensuring the inmate's home is properly equipped and the inmate's telecommunications system is properly configured on the inmate. Failure to maintain the proper equipment or configuration is grounds for revocation of supervised release.
- 7** **Intensive supervised release; electronic surveillance.** Requires direct supervision of a state prison inmate designated for intensive community supervision until the offender's electronic monitoring is activated in cases where the Commissioner of Corrections imposes electronic monitoring as a condition of the offender's release. Places the burden of ensuring the inmate's home is properly equipped and the inmate's telecommunications system is

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properly configured on the inmate. Failure to maintain the proper equipment or configuration is grounds for revocation of intensive supervised release.

- 8 Juveniles; electronic surveillance.** Authorizes a court to keep a juvenile in custody or under direct probation supervision until the juvenile has electronic surveillance activated. Places the burden of ensuring the juvenile's home is properly equipped and the juvenile's telecommunications system is properly configured on the juvenile's parent or guardian.
- 9 Community corrections aid calculation.** To determine the community corrections aid amount to be paid to each participating county, the commissioner of corrections must apply a formula provided under Minnesota Statutes 2014, section 401.10, subdivision 1. This section modifies how the base funding amount used in this formula is calculated. Currently, each participating county's base funding amount is the aid amount that the county received under this section for fiscal year 1995 as reported by the commissioner of corrections. This section adds the amount received by a county in caseload or workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal year 2015 to the county's base funding amount.
- This section also makes the same change to how the aggregate base funding amount is calculated. The aggregate base funding amount is equal to the sum of the base funding amounts for all participating counties. If a county that did not participate under this section in fiscal year 1995 chooses to participate in any given year, then the aggregate base funding amount must be increased by the amount of aid that the county would have received had it participated in fiscal year 1995 plus the estimated amount it would have received in caseload or workload reduction, felony caseload reduction, and sex offender supervision grants in fiscal year 2015.
- 10 County probation; electronic surveillance.** Authorizes the court or sheriff to keep an offender in custody or under direct probation supervision until the offender has electronic surveillance activated. Places the burden of ensuring the offender's home is properly equipped and the offender's telecommunications system is properly configured on the offender. Failure to maintain the proper equipment or configuration is grounds for revocation of probation.
- 11 Electronic surveillance; purpose statement.** Establishes a purpose statement of the use of electronic surveillance of offenders.
- 12 Colton's law; title.** Identifies sections 6, 7, 8, 10, and 11 dealing with electronic surveillance of offenders as Colton's law.

Article 6: General Criminal Provisions

Overview

This article contains provisions relating to crimes and crime victims.

- 1 Criminal penalty.** Amends the Safe At Home chapter of law to provide that when the performance of an act is prohibited under the chapter as of February 1, 2015, but no penalty is provided, the commission of the act is a misdemeanor. This section creates an exception to the change made in section 22.

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- 2** **Protection of identities.** Expands data protections by prohibiting public access to law enforcement data that would reveal a sex trafficking victim’s identity.
- 3** **Reckless driving.** (a) Amends the crime of reckless driving. Strikes the current definition of reckless driving – “willful or . . .wanton disregard for the safety of persons or property”, and replaces it with driving “while aware of and consciously disregarding a substantial and justifiable risk” of harm to persons or property.
- (c) Maintains the misdemeanor penalty for reckless driving, except in cases resulting in great bodily harm or death, the penalty is a gross misdemeanor.
- 4** **Application.** Amends careless and reckless driving statute. Provides that a person may be prosecuted for conduct that constitutes any other crime.
- 5 – 9** **Aggravating factor; DWI.** Lower the blood alcohol concentration (BAC) from .20 to .16 for the definition of aggravating factor. Aggravating factors enhance criminal provisions under DWI law, including penalties, assessments, and level of care recommendations. (This would make the BAC threshold for criminal penalties the same as for administrative sanctions.)
- 10** **Judicial hearing; implied consent.** Amends the DWI implied consent law to specifically authorize a petitioner to raise the affirmative defense of necessity. Under common law, necessity is a defense “in emergency situations where the peril is instant, overwhelming, and leaves no alternative but the conduct in question.”
- This section is in response to a recent Minnesota Supreme Court ruling (*Axelberg v. Commissioner of Public Safety*) holding that the common law affirmative defense of necessity is not available in DWI implied consent proceedings.
- 11** **Hiring minor to engage in prostitution.** Creates a five-year felony for hiring or agreeing to hire an individual the actor reasonably believes to be under the age of 18 to engage in prostitution.
- 12** **No defense; undercover operative.** Provides that the use of an undercover operative is not a defense to a charge under section 609.324 (patrons/prostitution).
- 13** **Affirmative defense.**
- Updates a cross-reference to reflect re-structuring of section 609.324 (prostitution) in the 2011 session.
 - Amends the burden to establish an affirmative defense to a prostitution charge by a trafficking victim. Requires defendant to prove that the acts were the result of being a trafficking victim. Currently, the defendant must prove the acts were committed under compulsion by another through threat of bodily harm.
- 14** **Fifth degree criminal sexual conduct.** Extends the offense of fifth-degree criminal sexual conduct to cover cases where the criminal sexual contact is made through the offender’s seminal fluid.
- 15** **Records pertaining to victim identity confidential.** Expands data protections by prohibiting public access to charging documents that would reveal a sex trafficking victim’s identity. (Current law protects sexual assault victims.)

Section

- 16** **Definitions; forfeiture.** Adds the crime of financial exploitation of a vulnerable adult to the list of felony-level, designated offenses in the forfeiture laws. (A felony-level crime under Minnesota Statutes, section 609.2335, involves more than \$1,000 in stolen property.)
- 17** **Adulteration by bodily fluid.**
- Subd. 1. Definition.** Defines “adulteration” and “bodily fluid” for purposes of this section. “Bodily fluid” means human blood, seminal fluid, vaginal fluid, urine, or feces.
- Subd. 2. Crime.** Creates the new crime of adulteration by bodily fluid.
- Para. (a).** Establishes a misdemeanor penalty for adulterating a substance that is intended for human consumption.
- Para. (b).** Establishes a gross misdemeanor penalty where an offender violates paragraph (a) and a person ingests the adulterated substance.
- 18 – 19** **Polygraph prohibition.** Prohibit law enforcement or prosecutors from requiring a sex trafficking victim to submit to a polygraph as a condition of charging the case. (Current law protects sexual assault victims.)
- 20** **Restriction on ownership; adult business establishment.** Adds sex trafficking to the list of offenses that disqualify a person from operating an adult business establishment until three years after discharge of the sentence.
- 21** **Limitations.** Increases the criminal limitations period for filing sex trafficking charges. The current limitations period is three years from commission of the offense. This section provides that the limitations period for sex trafficking would be the same as for criminal sexual conduct:
- If physical evidence is collected and preserved that is capable of DNA testing, there is no limitations period.
- Otherwise,
- If the victim was under age 18 at the time of the offense, limitations period is nine years after the offense or three years after reporting offense to law enforcement, whichever is later.
 - If the victim was 18 or older at the time of the offense, limitations period is nine years after the commission of the offense.
- 22** **Punishment for prohibited acts.** Provides that the commission of any act prohibited by statute for which no penalty is imposed is a petty misdemeanor. Under current law, the commission of these acts are misdemeanors unless the prohibition is in a statute enacted or amended after September 1, 2014, in which case it is a petty misdemeanor. Thus, this section broadens the petty misdemeanor default to include the commission of all statutorily prohibited acts for which no penalty is imposed.
- 23** **Jacquelyn Devney and Thomas Considine Roadway Safety Act.** Identified as sections 3 and 4 (Reckless driving; enhanced penalties).

Article 7: Disaster Assistance

Section

Overview

This article contains policy language affecting the distribution of disaster assistance.

- 1 **Disaster assistance contingency account.** Authorizes the use of money from the disaster assistance account to provide matching funds received from the Federal Highway Administration emergency relief program and the United States Department of Agriculture emergency watershed protection program.
- 2 **Applicant.** Authorizes state government agencies to apply for disaster assistance matching grants from the disaster assistance contingency account.
- 3 **County.** Adds a definition of “county” to the public disaster assistance chapter (12B).
- 4 **Payment required; eligibility criteria.** Replaces a reference to “local” government with a reference to “county” government clarifying that the criteria for disaster assistance includes a declaration of a disaster or emergency by the state or county government.
- 5 **Application process.** Establishes timelines for counties to request that the governor declare a state disaster and specifies what a county’s request for declaration of a state disaster must include.

Article 8: Controlled Substances

Overview

This article amends the state’s controlled substance schedules. Many of the proposed changes will align Minnesota’s controlled substance schedules II through V with federal schedules II through V. The U.S. Drug Enforcement Administration has amended the federal schedules, but the state has not made corresponding changes to the state’s controlled substance schedules. Of the federal changes, the addition of tramadol to Schedule IV and the movement of hydrocodone-containing products (e.g., Vicodin) from Schedule III to Schedule II are the two most noteworthy.

Healthcare practitioners will not be impacted by the federal rescheduling of prescription drugs such as Vicodin because the practitioners will continue to be authorized to prescribe and dispense the drugs. The changes will, however, strengthen the tools available to law enforcement agencies and prosecutors in holding persons who are found in possession of, selling or abusing these drugs without a valid prescription accountable.

This article also adds certain synthetic cannabinoid, stimulant, and hallucinogenic drugs to Minnesota’s controlled substance schedule I. Most offenses involving schedule I drugs are felonies. An important exception is the penalties for the sale and possession of synthetic cannabinoids. Although some synthetic cannabinoid sale offenses are felonies, others are gross misdemeanors and the possession of synthetic cannabinoids is a misdemeanor.