

# HOUSE RESEARCH

## Bill Summary

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### **Article 1: Appropriations Overview**

Article 1 contains appropriations for the supreme court, court of appeals, district courts, board on judicial standards, tax court, public safety, crime victim services center, crime victim ombudsman, board of private detective and protective agent services, board of peace officer standards and training, board of public defense, corrections, corrections ombudsman, sentencing guidelines commission, human rights, uniform laws commission, administration, attorney general, and auto theft prevention board.

- 1** Criminal justice appropriations. Specifies general fund and other fund appropriations for FY99 (deficiency), FY00 and FY01.

- 2 Supreme court.** Specifies FY00 and FY01 appropriations for the supreme court.
- Subd. 1. Total appropriation.** Provides that the amounts that may be spent for each program are specified in the following subdivisions.
- Subd. 2. Supreme court operations.** Contains the following riders:
- specifies a judicial salary supplement;
  - specifies an amount for a contingent account for expenses necessary for the normal operation of the court; and
  - requires the supreme court to consider purchasing furniture or fixtures made as part of an industrial or commercial activity under section 241.27 (MINNCOR) when purchasing furniture or fixtures.
- Subd. 3. Civil legal services.** Contains the following riders:
- specifies an amount for civil legal services for low income clients and family farm legal assistance; and
  - specifies an amount for civil legal services for low income clients in family law matters.
- Subd. 4. State court administration.** Contains the following riders:
- specifies an amount for the expanded use of technology;
  - specifies an amount for a grant writer;
  - specifies an amount for state court takeover costs under article 6, contingent on the enactment of certain provisions in the omnibus tax bill;
  - transfers an amount from the base budget to the center for crime victim services for the victim-offender mediation program; and
  - provides that money appropriated in 1998 for the parental cooperation task force is available until expended.
- Subd. 5. Law library operations.** Specifies an amount for law library operations.
- 3 Court of appeals.** Specifies FY00 and FY01 appropriations for the court of appeals. Specifies an amount for a judicial salary supplement.
- 4 District courts.** Specifies FY00 and FY01 appropriations for the district courts. Contains the following riders:
- specifies an amount for a judicial salary supplement;
  - specifies an amount for human resources enhancements, including six new trial court judge units, plus six new law clerks;
  - specifies an amount for judicial branch infrastructure;
  - specifies an amount for guardian ad litem coordinators; and
  - specifies an amount for continued funding for the community courts in the second and fourth judicial districts. Requires quarterly reports from the two judicial districts on the implementation of the community courts. Provides that the appropriation is available for the fourth judicial district community court only if the court focuses on certain crimes.
- 5 Board on judicial standards.** Specifies FY00 and FY01 appropriations for the board on judicial standards.
- 6 Tax court.** Specifies FY00 and FY01 appropriations for the tax court.
- 7 Public safety.** Specifies FY00 and FY01 appropriations for the department of public safety.
- Subd. 1. Total appropriation.** Provides that the amounts that may be spent for each program are specified in the subdivisions below.
- Subd. 2. Emergency management.** Specifies an amount for bomb disposal reimbursement and

requires the commissioner to develop an implementation plan under which the division of emergency management makes bomb disposal and bio-hazard response services available to local governments.

**Subd. 3. Criminal apprehension.** Contains the following riders:

- specifies an amount for the criminal justice data network upgrade;
- specifies an amount to be transferred to the commissioner of corrections for a statewide probation system component of the criminal justice information system;
- specifies an amount in the special revenue fund for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity;
- specifies an amount from the special revenue fund for laboratory activities;
- specifies an amount for a lab information management system;
- specifies an amount for start-up costs for the northern BCA satellite laboratory facility in the city of Bemidji; and
- specifies an amount to expand DNA testing of certain offenders.

**Subd. 4. Fire marshal.** Contains the following riders:

- specifies an amount for a fire code development and training position; and
- requires the state fire marshal to use part of the division's base budget appropriation to purchase and maintain equipment for use at fire scenes to enhance its response in arson investigations.

**Subd. 5. Alcohol and gambling enforcement.** Specifies FY00 and FY01 appropriations.

**Subd. 6. Law enforcement and community grants.** Contains the following riders:

- specifies an amount for continued operation for the criminal gang oversight council and strike force;
- specifies an amount for grants under the CODEFOR demonstration grant program;
- specifies an amount for grants for local law enforcement agencies to assign overtime officers to high crime areas within their jurisdictions;
- specifies an amount for a grant to the Ramsey county attorney's office to establish and fund a domestic assault and child abuse prosecution unit;
- specifies an amount for grants to pay the costs of developing or implementing a criminal justice information integration plan;
- requires the commissioner of public safety and the Minnesota safety council to work with the commissioner of transportation and local government to develop a plan to implement the crosswalk safety law;
- specifies an amount for a grant to the center for reducing rural violence to continue the technical assistance and related rural violence prevention services offered by the center;
- specifies an amount to assist volunteer ambulance services in purchasing automatic external defibrillators;
- requires the commissioner of public safety to administer a program to distribute computer-controlled driving simulators to local or state law enforcement agencies or POST-certified skills programs selected by the commissioner; and
- requires the commissioner of public safety to administer a program to distribute tire deflators to local or state law enforcement agencies selected by the commissioner.

## **8 Crime Victim Services Center.**

**Subd. 1. Total appropriation.** Specifies FY00 and FY01 appropriations for the crime victim

services center.

**Subd. 2. Crime victim reparations board.** Specifies an amount for computer system enhancements.

**Subd. 3. Crime victims assistance.** Contains the following riders:

specifies an amount for a grant to Cornerstone Advocacy Services, Inc.;

specifies an amount for a grant to the American Indian Community Housing Organization;

specifies an amount for the administration of battered women's shelter per diem payments;

specifies an amount for the pilot project grant program to provide neighborhood-based services to crime victims and witnesses (see article 5); and

specifies an amount for the residential program for women leaving prostitution (see article 5).

**9 Crime victim ombudsman.** Specifies FY00 and FY01 appropriations for the crime victim ombudsman.

**10 Board of private detective and protective agent services.** Specifies FY00 and FY01 appropriations for the board of private detective and protective agent services.

**11 Board of peace officer standards and training.** Specifies FY00 and FY01 appropriations for the POST board. Contains the following riders:

specifies that receipts credited to the peace officer training account in the special revenue account in excess of the amounts appropriated are transferred and credited to the general fund; and

specifies an amount each year from the general fund to reimburse local law enforcement agencies for the cost of training in emergency vehicle operations and police pursuit.

**12 Board of public defense.**

**Subd. 1. Total appropriation.** Specifies FY00 and FY01 appropriations for the board of public defense. Prohibits using the appropriation for lawsuits against public agencies or officials to change social or public policy.

**Subd. 2. State public defender.** Specifies an amount each year for salary increases.

**Subd. 3. Administrative services office.** Contains the following riders:

specifies an amount for salary increases; and

allows the use of money appropriated as part of the base budget to hire a personnel director.

**Subd. 4. District public defense.** Contains the following riders:

specifies an amount for salary increases;

specifies an amount for caseload equity;

specifies an amount for grants to the five existing public defense corporations; and

specifies an amount for the statewide connection project.

**13 Corrections.**

**Subd. 1. Total appropriation.** Specifies FY00 and FY01 appropriations for the department of corrections. Contains the following riders:

provides that balances remaining in the first year do not cancel and are available the second year;

allows the commissioner of corrections to transfer positions and administrative money

within the department if the commissioner of finance approves the transfer in advance;  
allows the commissioner of corrections to transfer funds to or from salaries if the commissioner of finance approves the transfer in advance; and  
allows the commissioner of corrections to transfer discretionary funds within management services or community services to hire a housing coordinator for the affordable housing project.

**Subd. 2. Correctional institutions.** Contains the following riders:

specifies an amount for asset preservation and facility repair and allows the commissioner to transfer funding between programs if it is used for the same purpose and to use any other available funding for this purpose if it is not inconsistent with any other law;

specifies an amount for expanding the mental health and infirmary units at Oak Park Heights; and

allows the commissioner to contract with private corporations or Minnesota governmental units to house adult offenders, but requires the commissioner to make every effort to house offenders in Minnesota correctional facilities.

**Subd. 3. Juvenile services.** Contains the following riders:

specifies an amount for asset preservation and facility repair and allows the commissioner to transfer funding between programs if it is used for the same purpose and to use any other available funding for this purpose if it is not inconsistent with any other law;

specifies an amount for juvenile female programs;

specifies an amount to expand aftercare and transition services for youth who are under DOC supervision;

specifies an amount for an additional academic teacher at Red Wing;

specifies an amount for increased funding for vocational education at Red Wing; and

specifies an amount for the week-end juvenile camp program at Camp Ripley.

**Subd. 4. Community Services.** Contains the following riders:

appropriates annually all domestic abuse investigation fees received by the commissioner for use in conducting the investigations;

specifies an amount for an increase in Community Corrections Act subsidy funding to be distributed according to the statutory formula;

specifies an amount for statewide probation and supervised release caseload reduction;

specifies an amount for grants to community corrections counties that employ probation officers with specialized caseloads consisting of only sex offenders to reduce these specialized caseloads to an average of 35 offenders;

specifies an amount for sex offender transitional programming;

specifies an amount for increased funding for intensive community services;

specifies an amount for increased bed capacity for work release offenders;

specifies an amount for programming for adult female offenders;

specifies an amount as base-level funding for community corrections agencies currently operating productive day initiative programs;

specifies an amount to support institution work crews in the sentencing to service program.

specifies an amount for youth intervention programs and specifies how the funds are to be used;

specifies an amount for juvenile mentoring;  
specifies an amount for grants for new and existing restorative justice programs; and  
specifies that funds for restorative justice programs may not be used in certain cases of domestic abuse.

**Subd. 5. Management services.** Specifies an amount each year for technology improvements.

- 14 Sentencing guidelines commission.** Specifies FY00 and FY01 appropriations for the sentencing guidelines commission.
- 15 Human rights.** Specifies FY00 and FY01 appropriations for the department of human rights.
- 16 Uniform laws commission.** Specifies FY00 and FY01 appropriations for the uniform laws commission.
- 17 Administration.** Appropriates funds to the commissioner of administration to administer enforcement of bleacher safety standards and to assist places of public accommodation to meet these standards in hardship cases. Requires the grantee to provide matching funds for this state assistance.
- 18 Attorney general.** Appropriates funding for the DARE advisory council.
- 19 Auto theft prevention board.** Specifies FY00 and FY01 appropriations for the automobile theft prevention board. The appropriation comes from the automobile theft prevention account in the special revenue fund. Requires the transfer of a portion of these funds to the commissioner of public safety for the purchase of computer-controlled driving simulators and tire deflators for use in police pursuits and police pursuit training. Provides for the return of unused funds to the automobile theft prevention account for use in other automobile theft prevention activities.
- 20 Deficiency appropriation.** Adds funds to the FY98-99 emergency management division appropriation to provide matching funds for federal emergency management assistance funds received for natural disaster assistance payments.
- 21 Sunset of uncodified language.** Provides that all uncodified language in this article expires at the end of the fiscal biennium unless a different expiration date is specified.

## **Article 2: Sentencing Provisions**

### **Overview**

Sections 1, 2, and 6 require courts to sentence a person to imprisonment for life if the person is convicted of a violent felony after two or more convictions for violent felonies, unless the court finds substantial and compelling mitigating reasons to waive the mandatory life imprisonment penalty. Sections 3 to 5 authorize separate sentences for multiple crimes committed during a violation of the "fleeing a peace officer" law and permit the sentencing court to order that the sentences be served consecutively. Sections 7 to 9 require individuals convicted of certain crimes to provide a biological specimen for DNA analysis. Currently, only sex offenders must provide a specimen for DNA analysis.

- 1** Minimum imprisonment, life sentence. Cross-reference amendment relating to "three-strikes" provision in section 6.
- 2** **Supervised release, life sentence.** Cross-reference amendment relating to "three-strikes" provision in section 6.
- 3-5** **Fleeing a peace officer; multiple sentences.** Authorize the sentencing court to impose separate sentences for multiple crimes committed in a single behavioral incident when one of the crimes is fleeing a peace officer. The usual rule is that a person can be convicted of multiple crimes committed during a single behavioral incident but may be sentenced for only one of them. Also allow the sentencing court to impose consecutive sentences for fleeing a peace officer and for any

other crime committed as part of the same incident. Under the sentencing guidelines, consecutive sentencing usually is a departure and needs to be supported, in writing, by substantial and compelling reasons.

- 6 Third violent felony; life sentence.** Requires a court to sentence a person who is convicted of a violent crime that is a felony to imprisonment for life (no parole eligibility for 30 years) if the court determines on the record at the time of sentencing that the person has two or more prior felony convictions for violent crimes. Allows the court to waive the mandatory life imprisonment penalty if the court finds substantial and compelling mitigating reasons for doing so.

Provides that "violent crime" does not include a violation of certain controlled substance crimes (sections 152.023 and 152.024), possession of firearms by a person convicted of a crime of violence (section 609.165), assault in the second or third degree (sections 609.222 and 609.223), simple and aggravated robbery (sections 609.24 and 609.245), false imprisonment (section 609.255), arson in the second degree (section 609.562), adulteration (section 609.687), and certain possession of a firearm crimes (section 624.713).

- 7 Upon sentencing.** Current law requires a court to order an adult offender to provide a biological specimen for DNA analysis when the court sentences a person charged with violating or attempting to violate certain sex crimes or an offense arising out of the same set of circumstances. Currently, juveniles who are adjudicated for these offenses also must provide a specimen.

This section expands mandatory DNA testing by requiring adults and juveniles to provide the biological specimen when sentenced or adjudicated delinquent for: murder; manslaughter; first, second, or third degree assault; robbery or aggravated robbery; kidnapping; false imprisonment; criminal sexual conduct; incest; first-degree burglary of an occupied dwelling; or felony-level indecent exposure.

- 8 Before release.** Makes the same changes as in section 7 for offenders who are required to provide the biological specimen before release from incarceration. Also makes technical changes.
- 9 Instruction to revisor.** Instructs the revisor to renumber the statute requiring offenders to submit a biological specimen for DNA analysis (sections 7 and 8) to move it from the sex crimes section of the criminal code to the sentencing section of the criminal code.
- 10 Effective date.** Sections 1 to 6 are effective August 1, 1999, and apply to crimes committed on or after that date. Requires courts to consider convictions occurring before August 1, 1999, as prior convictions in sentencing offenders under sections 1, 2, and 6. Sections 7 to 9 are effective July 1, 2000, and apply to offenders sentenced or released on or after that date.

### **Article 3: Public Safety**

#### **Overview**

This article contains a variety of provisions relating to public safety issues. It includes provisions relating to: aid for disaster relief (sections 1 and 2); the transfer of the Office of Drug Policy from the Department of Children, Families and Learning to the Department of Public Safety (sections 3 to 10, 12, 25, 26); expanding the activities of the Auto Theft Prevention Board (section 11); creating a CODEFOR demonstration grant program (section 13); bomb disposal reimbursement (section 14); developing integrated criminal justice information systems (sections 15 to 21); and training for police pursuits (sections 22 to 24).

- 1 Aid for extraordinary local disaster expenses.** Permits an eligible political subdivision to apply for state aid needed due to a disaster and specifies eligibility requirements.
- 2 Assistance for disasters and extraordinary expenses.**
- Subd. 1. Study.** Requires the commissioners of public safety and finance to establish a work

group to study the issues of disasters and the extraordinary emergency expenses they cause. Requires the study to address: (1) situations that may meet the definition of disaster; (2) eligible recipients for assistance; (3) appropriate types of disaster funding and funding sources; and (4) measures that might prevent or reduce the costs of disasters and extraordinary emergency expenses.

**Subd. 2. Membership.** Includes representatives from the following groups as members of the work group: the Association of Minnesota Cities, the League of Minnesota Cities, the Minnesota Townships Association, the Association of Minnesota Emergency Managers, and the Metropolitan Emergency Managers Association. Permits the commissioners to appoint additional members as necessary.

**Subd. 3. Report.** Requires the commissioners to submit a report on their study by October 1, 1999, to the chairs and ranking minority members of the relevant legislative committees.

**3-10, 12, 25, 26 Office of drug policy and violence prevention.** Transfer the office of drug policy and violence prevention and the community advisory violence prevention council from the department of children, families, and learning to the department of public safety. Make various technical changes consistent with this transfer, including renumbering the statutes to move them to the public safety chapter, codifying the transfer, and repealing language related to the prior transfer of the program from the department of public safety to the department of children, families, and learning. In addition, section 3:

strikes language requiring the office of drug policy and violence prevention to be headed by an assistant commissioner; strikes language requiring at least one professional staff member to be dedicated to the chemical abuse prevention resource council; and provides that the resources of the office shall be used to conduct activities related to crime prevention and enforcement as deemed necessary; and

expands the commissioner's duties to include taking actions in addition to the enumerated duties to reduce the incidence of crime and allows the commissioner to use this office to support activities and strategies of the criminal gang council and strike force.

- 11 Automobile theft prevention board; program duties.** Expands the purposes for which funds allocated to the automobile theft prevention board may be used. Allows funds to be used for improved equipment and techniques for responding to automobile theft. (The board's funding is generated by a semiannual 50 cent surcharge on automobile insurance premiums.)
- 13 Demonstration grant program.** Establishes a demonstration grant program within the department of public safety to assist the city of Minneapolis or Hennepin county in implementing a coordinated criminal justice response to the Computer Optimized Development-Focus on Results (CODEFOR) program.
- 14 Expense reimbursement.** Amends the law that authorizes the commissioner of public safety to reimburse local governments for their bomb disposal expenses. Eliminates a provision that limits reimbursements to the extent of appropriated funds.

*Integrated criminal justice information systems.*

*Sections 15 to 21 authorize the award of matching funds to pay the costs of developing and implementing "best practices" plans to integrate criminal justice information systems at the county and statewide level.*

- 15 Report; task force.** Increases the membership of the task force that advises the criminal and juvenile justice information policy group. Adds the following four new members: two public members who are representatives of the private business community and who have expertise in integrated information systems; the attorney general or a designee; and the commissioner of

administration or a designee. Also directs the appointing authorities of all task force members to select members who have expertise in integrated data systems or best practices.

**16 Review of funding and grant requests.** Amends the current law that requires the policy group to review funding requests for criminal justice information systems from state and local government agencies. Sets forth the requirements applicable to requests for criminal justice information system grants and requires the commissioner of public safety, within the limits of available funds, to make grants for projects approved by the policy group.

**17 Development of integration plan.** Specifies requirements for applications for matching funds to develop a comprehensive criminal justice integration plan. Requires the application to contain:

the vision, mission, goals, objectives, and scope of the integration plan;

a statement of need identifying the problems to be addressed by the plan;

a statement that addresses the six major business functions of the criminal justice community (incident reporting, investigation, arrest, detention, adjudication and disposition) and includes offenses committed by adults and juveniles, as well as related civil actions;

a statement that the requester has identified barriers and gaps through consultation with individuals involved in the day-to-day workings of criminal justice information systems;

a planning methodology that will result in the creation of the data and business redesign models, data architecture, gap analyses, and long-range integration plans needed to implement an integrated data system;

projected time lines for implementing the system;

a preliminary evaluation of potential solutions and outcomes;

an estimate of the resources needed to develop, implement, operate, and maintain the integration plan and resulting systems;

a statement that the final plan will contain all the components specified in this section in final form and not as estimates or projections;

a description of how the requester will fulfill the match requirement of subdivision 8 (section 19); and

any other matters the policy group deems necessary.

Also permits an agency to submit an interim integration plan if it identifies high priority tasks during development of the full integration plan. Requires the interim plan to identify the tasks and the business case for completing these tasks ahead of completing the rest of the plan.

**18 Implementation of integration plan.** Requires that if a funding request is for matching funds to implement an integration plan, the requester must submit the following to the policy group: an integration plan that complies with subdivision 6 (section 17); a description of how implementation of the plan will improve operation of the criminal justice system in the requester's jurisdiction; a description of how the requester will fulfill the match requirement of subdivision 8 (section 19); and a means for evaluating outcomes of the plan's implementation.

**19 Local match.** Requires applicants to provide matching funds for 50 percent of the costs of developing or implementing an integration plan. Permits the policy group to adopt policies regulating the use of in-kind resources to satisfy a portion of the match and the sources from which the matching funds may be obtained.

**20 Documentation and reporting requirements.** Requires recipients of matching funds to develop or implement an integration plan to submit to the policy group all requested documentation, including a report evaluating whether and how the plan improved the operation of the criminal justice system in the requester's jurisdiction.

- 21 **Criminal justice information system improvement aid.** Establishes criminal justice information system improvement aid as a type of local aid that may be obtained under Minnesota Statutes, chapter 477A for the purpose of developing integrated criminal justice information systems.
- 22-23 **Pursuit of fleeing suspects by peace officers; reports.** Strike language from two current laws relating to state and local police pursuit policies in order to unify all of the provisions relating to police pursuit policies within one new law (section 24). Leave unchanged the current statutory language in section 22 concerning the duty to report police pursuits within 30 days of the pursuit, because it is located in the appropriate place in chapter 626; *i.e.* the part relating to other, similar reporting requirements.
- 24 **Vehicle pursuits; policies and instruction required.**
- Subd. 1. Purpose.** States the legislative purpose behind this section. Specifies the need for law enforcement agencies to engage in emergency vehicle operations as part of their duty to safeguard public safety. Also states that continuous and effective training is essential to ensure that law enforcement officers act appropriately in conducting these operations.
- Subd. 2. Statewide model policy.** Requires the POST board to adopt a new or revised model police pursuit policy by July 1, 1999. Also requires the board to review and, as necessary, revise the model policy in collaboration with law enforcement industry groups. Sets forth the issues that the model policy must address, including the following:
- a statement describing the philosophy of the model policy;
  - the factors to be considered in initiating and terminating pursuits;
  - the procedures, tactics and technologies used during pursuits;
  - the various responsibilities of law enforcement officers involved in conducting or supervising the pursuit;
  - interjurisdictional pursuit issues;
  - procedures governing care of injured persons;
  - contents of police pursuit reports filed with the commissioner of public safety; and
  - procedures for reviewing and evaluating each pursuit.
- Subd. 3. Local agency policies required.** Requires the chief law enforcement officer of every state and local law enforcement agency to adopt and enforce a written policy governing the conduct of police pursuits by officers employed in the agency and to certify annually to the POST board that it has done so. The agencies' policies must, at a minimum, comply with the state model policy and must take into account any pursuit vehicle technology available to the agency. Directs the POST board to assist law enforcement agencies in complying with this duty.
- Subd. 4. Pre-service training in police pursuits required.** Requires the POST board to prepare learning objectives for instructing peace officers in emergency vehicle operations and police pursuits. The course must consist of at least seven hours of classroom and skills-based training. Requires all peace officer candidates to have received this training in order to be eligible to take the licensing exam on or after July 1, 2000.
- Subd. 5. In-service training in police pursuits required.** Requires the head of every state and local law enforcement agency to provide the agency's peace officers in-service training in emergency vehicle operations and police pursuits every two years, consisting of at least eight hours of classroom and skills-based training.
- Subd. 6. Licensing sanctions; injunctive relief.** Provides injunctive and licensing sanction remedies for agencies that fail to comply with this section.

#### Article 4: Corrections

## Overview

This article contains a variety of provisions relating to corrections. Specifically, it: (1) allows the Commissioner of Corrections to charge offenders a fee for probation, supervision and other correctional services (sections 1, 6 and 7); (2) allows the commissioner to charge counties for the per diem cost of confining female juveniles committed to the commissioner (section 4); (3) changes the county-level productive day initiative program to a voluntary program for adults and juveniles that any county can initiate (sections 2, 3 and 9); (4) closes the Camp Ripley work program (sections 8 and 9); and (5) authorizes the Commissioner of Corrections to open and operate the Minnesota correctional facility-Rush City (section 5).

### 1 Fee Collection

**Subd. 1. Definition.** Defines "correctional fees" to include fees for community service work placement and supervision; restitution collection; supervision; court-ordered investigations; or any service provided by a probation officer or parole agency for offenders supervised by the commissioner of corrections.

Also defines "probation" and "supervised release".

**Subd. 2. Correctional fees established.** Authorizes the commissioner of corrections to establish a schedule of correctional fees and to charge the fees to convicted persons who are supervised by the commissioner of corrections. Requires the fees to relate to offenders' abilities to pay and the actual costs of correctional services.

**Subd. 3. Fee collection.** Allows the commissioner to collect fees while an offender is on probation or supervised release or after a sentence is discharged. Allows the commissioner to use any civil means of debt collection.

**Subd. 4. Exemption from fee.** Allows the commissioner to waive payment of a fee if an offender does not have the ability to pay, the prospects for payment are poor, or for other extenuating circumstances justifying waiver. Allows the commissioner to require an offender to perform community service as a means of paying a fee.

**Subd. 5. Restitution payment priority.** Obligates an offender to pay restitution before paying correctional fees but allows the commissioner to collect a correctional fee if an offender is making reasonable payments to satisfy a restitution obligation.

**Subd. 6. Use of fees.** Designates that correctional fees collected under this section go to the general fund.

### 2 Productive day initiative program establishment.

Provides that a "correctional facility," for purposes of productive day programs, includes a community-based day program for adult or juvenile offenders. Changes the requirement in current law that limits the productive day initiative program to Hennepin, Ramsey and St. Louis counties and encourages all counties to establish a productive day initiative program for adult and juvenile offenders.

### 3 Productive day initiative program components.

Provides that the current mandatory productive day initiative program requirements are permissive.

### 4 Charges to counties.

Current law allows the commissioner to charge counties the per diem cost of confining juveniles at Red Wing. Because only male juveniles are housed at Red Wing, current law does not authorize the commissioner to charge per diem costs for juvenile females who are committed to the commissioner's custody. This section allows the commissioner to also charge counties the per diem cost of confining juvenile females committed to the commissioner of corrections.

### 5 Minnesota Correctional Facility - Rush City.

Establishes the Minnesota Correctional Facility - Rush City at Rush City, Minnesota. Provides that persons committed to the commissioner of

corrections' custody may be placed in the facility and that the general control and management of the facility shall be under the commissioner of corrections.

- 6 Fee collection.** Prohibits a local correctional facility from collecting correctional fees from an offender supervised by the commissioner of corrections if the commissioner of corrections imposes and collects a fee from that offender.
- 7 Imposition of correctional fee.** Provides that the commissioner of corrections may collect a correctional fee from a person convicted of a crime and supervised by the commissioner.
- 8 Camp Ripley work program; closure.** Requires the transfer of all offenders from the Camp Ripley work program back to a local facility in the offender's sentencing county by June 30, 1999.
- 9 Repealer.** Repeals the productive day initiative program reporting requirement imposed on Hennepin, Ramsey, and St. Louis counties. Repeals the provisions establishing the Camp Ripley work program. Repeals the provisions establishing the ombudsman for corrections.
- 10 Effective date.** July 1, 1999.

## **Article 5: Crime Victim Services**

### **Overview**

Section 1 transfers responsibilities for mediation programs for crime victims and offenders from the office of the state court administrator to the executive director of the center for crime victim services. Sections 2 and 5 delay for one year the transfer of the powers, duties, and functions relating to the operation and funding of battered women shelters from the commissioner of human services to the executive director of crime victim services. Section 3 establishes a residential program to assist women leaving prostitution; and section 4 creates a pilot grant program to provide neighborhood-based services to victims and witnesses of crimes at convenient times and locations.

- 1** Mediation programs for crime victims and offenders. Transfers responsibility for mediation programs for crime victims and offenders from the office of the state court administrator to the executive director of the center for crime victim services. Under this program, the executive director must award grants:
  - to expand existing mediation programs;
  - to initiate victim-offender mediation programs in areas that have no victim-offender mediation programs;
  - to expand opportunities for crime victims to be involved in the criminal justice process;
  - to evaluate the effectiveness of victim-offender mediation programs in reducing recidivism and encouraging payment of court-ordered restitution; and
  - to evaluate the satisfaction of victims who participate in the mediation programs.
- 3, 5** Transfer of responsibilities for per diem funding for women at battered women's shelters. Delay for one year the transfer of the powers, duties, and functions relating to the operation and funding of battered women shelters from the commissioner of human services to the director of the center for crime victim services. Provide that no payments by the general assistance program for residents at shelters shall be made after the effective date of this transfer (June 30, 2000). Repeals the statutory provisions governing payments by the general assistance program, effective July 1, 2000.
- 3** Residential program for women leaving prostitution; grant.

Subd. 1. Grant authorized. Requires the executive director of the center for crime victim services to award a grant to a nonprofit corporation to develop and administer a residential program for

women leaving prostitution. The corporation must demonstrate a 25 percent funding match. Program services must include chemical dependency services; sexual trauma mental health services; services to develop independent living skills; and coordination of community resources.

Subd. 2. Grant administration. Requires the executive director of the crime victim services center to develop a process for administering the grant program, including establishing criteria and developing forms. Requires the director to issue requests for proposals that will obtain information the director considers necessary to evaluate and select a grant recipient.

**4** Pilot project grant program to provide services to crime victims and witnesses.

Subd. 1. Program established. Requires the executive director of the center for crime victim services to administer a pilot project grant program and to make grants to nonprofit organizations to provide neighborhood-based services to victims and witnesses of crime during the period between the time of the crime and the filing of charges against the alleged perpetrator. Requires the executive director to ensure that grants fund services at a minimum of five locations throughout the state. Specifies that services shall be offered at a time and location convenient to prospective clients.

Requires grant recipients to target victims and witnesses of crime from groups that under report crime, including recent immigrants or refugees, communities of color, and victims of bias-motivated crime. Allows services to include legal advice, advocacy services, and methods to address the lack of trust and understanding prospective clients may have of the judicial system.

Subd. 2. Required report. Requires the executive director to report, by January 15, 2002, to the chairs and ranking minority members of the senate and house committees and divisions with jurisdiction over criminal justice funding on the grants made and pilot projects funded under this section.

**5** Effective date. Section 5 is effective July 1, 2000. Remaining provisions are effective July 1, 1999.

## **Article 6: Court Provisions Overview**

This article contains a variety of provisions relating to the judicial branch, including the following: (1) it increases the number of district judges by six over the fiscal biennium (section 1); (2) it provides for the state to take over all court administration employees and costs in the 5th, 7th, 8th, and 9th judicial districts; and to assume responsibility for certain court administration costs in the remaining districts (sections 2 to 11, 13, 14, and 17 to 33); (3) it creates a court interpreter training and certification program (section 12); and (4) it authorizes all judicial districts to establish housing courts (sections 15 and 16).

**1** Number of judges in each judicial district; description. Increases the number of district judges by six and assigns them to the following judicial districts: one apiece in the seventh and ninth judicial districts; and two apiece in the first and tenth judicial districts. Also updates the statute to reflect previous reassignment of judges to new districts in response to weighted case load needs. The effective date of the new judgeships is July 1, 1999 for the two assigned to the seventh and ninth districts and one of the judges assigned to the tenth district; the remaining three judgeships are effective July 1, 2000.

*State financing of judicial districts.*

*Sections 2 to 11, 13, 14, and 17 to 33 provide that the state eventually will pay all costs, statewide, for the following court-related programs: court interpreter costs, guardian ad litem*

*costs, rule 20 and mental commitment examination costs, and in forma pauperis costs. Employees associated with guardian ad litem programs become state employees. In addition, the bill provides for the state to take over all court administration employees and costs in the 5th, 7th, 8th, and 9th judicial districts. Key sections are 13 and 14, which provide for the state to pay certain court costs statewide, and which transfer to state employment court administrator employees in the 5th, 7th, 8th and 9th judicial districts.*

- 2** Judicial branch employees. Amends definition of "judicial branch" under laws dealing with state employment to refer to judicial district employees who are state employees under section 480.181, subdivision 1 and to all guardian ad litem program employees.
- 3** State insurance program. Amends laws dealing with eligibility for the state employee insurance program to refer to judicial district employees who are state employees under section 480.181, subdivision 1 and to all guardian ad litem program employees. Clarifies insurance status of public defender employees.
- 4** Court reporter costs. Requires the state courts, instead of the county, to pay for transcripts and tapes furnished by court reporters in connection with commitment of persons to correctional facilities. Strikes reference to fees to be filed with county auditor.
- 5** Costs of hearings. Requires the state courts, instead of the county, to pay the costs of examiners in civil commitment proceedings.
- 6** Transcript costs. Requires the state courts to pay the cost of transcripts in civil commitment proceedings.
- 7** Guardian ad litem reimbursements. Requires that guardian ad litem reimbursements be deposited in the general fund and credited to a separate account with the trial courts. The balance in the account does not cancel. Expenditures from the account must be based on reimbursements received from the courts in each judicial district.
- 8** Guardian ad litem expenses. Provides that the state courts, not the county, will pay for guardian ad litem expenses. Strikes reference to travel and board expenses for district court judges.
- 9** Guardian ad litem reimbursements. Requires that guardian ad litem reimbursements be deposited in the general fund and credited to a separate account with the trial courts. The balance in the account does not cancel. Expenditures from the account must be based on reimbursements received from the courts in each judicial district.
- 10** Counsel for juveniles; guardian ad litem. Requires cost of guardian ad litem for juveniles to be paid by the state courts, instead of the county. Counsel costs would continue to be paid by the county.
- 11** Municipal tort immunity law. Removes from the municipal tort liability law guardians ad litem and other judicial employees who become state employees under this bill.
- 12** Qualified court interpreters. Requires the supreme court, through the state court administrator's office, to establish a program for training, testing, registering, and certifying qualified court interpreters. Authorizes the court to adopt rules and assess fees for this program. Appropriates the fees annually to the court for the program.
- 13** State employees. Makes the following people state employees: guardian ad litem program coordinators and staff; and the court administrator and employees of the court administrator who are in the fifth, seventh, eighth, or ninth judicial district.
- 14** State assumption of court costs. Provides that the state will pay for the following court-related programs and costs:
  - (1) court interpreter programs;
  - (2) guardian ad litem programs and personnel;

- (3) examinations, not including hospitalization or treatment, for mental commitments and related proceedings under chapter 253B;
- (4) examination under Rule 20 of the Rules of Criminal Procedure;
- (5) in forma pauperis costs;
- (6) costs of transcripts mandated by statute, except in appeal and post-conviction cases handled by the board of public defense;
- (7) jury program costs, not including personnel.

- 15** Housing courts; establishment. Authorizes district courts outside Hennepin and Ramsey counties to establish a court calendar that consolidates landlord/tenant cases to ensure continuity and uniformity in case disposition. Under current law there are housing calendars in Hennepin and Ramsey counties only.
- 16** Jurisdiction. Provides for the housing calendar to include consolidation of landlord/tenant damage actions and actions for rent at the request of either party. Under current law applicable to Hennepin and Ramsey counties, these matters are included in the housing calendar.
- 17** Ramsey County. Amends law governing Ramsey County to require state to provide guardian ad litem program coordinators and staff.
- 18** Hennepin County. Amends law governing Hennepin County to require state to provide guardian ad litem program coordinators and staff.
- 19** Salary set by county board. Provides that the law requiring county boards to set court administrator salaries does not apply in counties where the state pays court administrator costs.
- 20** Salary set by county board. Provides that the law requiring county boards to set certain court salaries does not apply in counties where the state pays court administrator costs.
- 21** Salary set by county board. Provides that the law requiring county boards to set certain court salaries does not apply in counties where the state pays court administrator costs.
- 22** Duties; assignment. Provides for functions relating to vital statistics, notaries public, hospital liens, and marriage licenses to become county functions when there is full state funding of court administrator offices in a judicial district.
- 23** County employees. Provides that law requiring county board to determine number and compensation of court employees does not apply in state-funded judicial districts.
- 24** Guardian ad litem fees. Requires that guardian ad litem reimbursements be deposited in the general fund and credited to a separate account with the trial courts. The balance in the account does not cancel. Expenditures from the account must be based on reimbursements received from the courts in each judicial district.
- 25** Jurors. Requires state courts, not counties, to pay certain jury food and lodging costs.
- 26** Interpreters. Requires state courts to pay fees and expenses of qualified per diem interpreter for a court.
- 27** In forma pauperis expenses. Requires the state to pay in forma pauperis expenses.
- 28** In forma pauperis deposits. Provides that when a court directs a party to pay costs when permission to proceed in forma pauperis is rescinded, the money will be deposited in the state general fund.
- 29** In forma pauperis deposits. Provides that when person proceeding in forma pauperis recovers certain costs, the money will be deposited in the state general fund.
- 30** Interpreters. Requires the state courts to pay fees and expenses of interpreters. However, interpreters requested by law enforcement, the board of public defense, prosecutors, or corrections agents for purposes other than court appearances will be paid by the agency

requesting services.

- 31** Study. Requests the Supreme Court to establish a task force to make recommendations on funding and administering court-appointed attorney functions in civil cases in which indigent persons are entitled to court-appointed counsel. States that the goal is to design a system that is independent from court and county administration and funding, and that promotes equal access to justice and equal representation for indigent persons across the state. Requires the task force to consider: (1) creation of an independent court-appointed attorney board; and (2) other options identified by the task force. Requests a report by January 15, 2001.
- 32** Transition.
- Subd. 1. Hiring and salary moratorium. Forbids a county from increasing the number of employees in a position that is being transferred to the state without approval of the Supreme Court, unless the increase was authorized before January, 1999. Forbids salary increases for these employees without Supreme Court approval, unless under a plan adopted before January, 1999.
- Subd. 2. Property. Transfers to the state property used by employees who are transferred to state employment.
- Subd. 3. Rules. Authorizes Supreme Court, in consultation with conference of chief judges, to adopt rules to implement the state financing provisions of this article.
- Subd. 4. Budgets. Requires court administrators for offices being transferred to the state to submit budgets to Supreme Court.
- 33** Repealer. Repeals sections 357.021, subdivision 2a (portion of marriage dissolution fee to be paid to the state); and 563.01 (definition of "proper governing body" for in forma pauperis action fees).
- 34** Effective dates.
- (1) State financing provisions. Provides that these provisions take effect only if an appropriation and offsetting aids and fine transfers specified in the 1999 tax bill take effect in FY01. Provisions relating to the 8th judicial district are effective January 1, 2000. Provisions relating to the 5th, 7th, and 9th judicial districts are effective July 1, 2000. Provisions relating to court reporter transcript and jury costs are effective July 1, 2000. Provisions relating to court interpreter costs, guardian ad litem costs, rule 20 and mental commitment examination costs, and in forma pauperis costs are effective January 1, 2000 in the 8th judicial district, July 1, 2000 in the 5th, 7th, and 9th judicial districts, and July 1, 2001 in remaining districts.
- (2) New district judges. July 1, 1999 for the two judges assigned to the seventh and ninth districts and one of the judges assigned to the tenth district; the remaining three judgeships are effective July 1, 2000.
- (3) Housing court authorization. July 1, 1999.
- (4) Court interpreter program. July 1, 1999.

## **Article 7**

### **Other Provisions Relating to State Financing of Judicial Districts**

#### **Overview**

This article amends the Public Employment Relations Act (PELRA) to describe collective bargaining rights and procedures for court employees. For purposes of this article "court employees" are employees of the Supreme Court, Court of Appeals, and employees in state-funded judicial districts. These provisions are related to the provisions in article 6 relating the assumption of certain court costs by the state.

- 1 Essential employee. States that employees for whom the state court administrator is the negotiating employer are not essential employees (Under the collective bargaining law, essential employees cannot strike, but have the right to binding arbitration to determine contract provisions.)
- 2 **Exclusion from PELRA.** Lists court employees who are excluded from coverage under PELRA: personal secretaries to judges, court reporters, law clerks, managerial employees, confidential employees, and supervisory employees.
- 3 **Public employer.** Defines the state court administrator as the "public employer" for court employees for purposes of collective bargaining under PELRA.
- 4 **Court employee.** Defines "court employee" for purposes of PELRA, as a public employee employed by the Supreme Court, Court of Appeals or a state-funded judicial district.
- 5 **Exclusions.** Excludes confidential, supervisory and managerial court employees from bargaining.
- 6 **Court employee classifications.** Requires the commissioner of mediation services to assign court employee job classifications to appropriate bargaining units where this is not assigned by law.
- 7 **Court units.**

**Subd. 1. Employee units.** Provides that the bargaining units provided in this section are the only appropriate units for court employees. Establishes a process for initial assignment of classifications to bargaining units. Sets three units:

the judicial district unit, consisting of clerical, administrative and technical employees of a state-funded judicial district (or of more than one judicial district if the districts are represented by the same employee organization);

the appellate courts unit, consisting of clerical, administrative, and technical employees of the court of appeals and the supreme court; and

the court employees professional unit, consisting of appellate and trial court professional employees.

**Subd. 2. Exclusions.** Provides exclusions from bargaining units, parallel to the exclusions from PELRA in section 2.

**Subd. 3. Employee organizations representing more than one district.** If an employee organization is the exclusive representative of employees in more than one judicial district, the judicial district units are combined.

8 **Transition to new units.**

**Subd. 1. Application.** This section applies to the initial certification and decertification of exclusive representatives for court units.

**Subd. 2. Existing majority.** An employee organization that currently represents a majority of employees within a unit will be certified as the exclusive representative for the unit. Two or more employee organizations may petition jointly.

**Subd. 3. No existing majority.** If no exclusive representative is certified under subdivision 2, a group certified as the representative of fewer than a majority of employees in a unit will be certified if no other employee organization files a petition and if a majority of the employees in the unit are represented by more than one employee organization. Provides further processes for certifying an exclusive representative, either by petition indicating that a majority wish representation, or by an election.

**Subd. 4. Decertification.** Provides that an exclusive representative certified under this section may not be decertified for a year.

**Subd. 5. Existing agreements.** Provides for terms and conditions of existing collective bargaining agreements to remain in effect until successor agreements become effective.

**Subd. 6. Contract and representation duties.** Provides continuing representation and contract administration responsibilities for current exclusive representatives until new contracts are agreed upon.

**9 General provisions for court employees.**

**Subd. 1. Contracts.** Requires contracts for the period beginning July 1, 2000 for state funded judicial districts to be negotiated with the state court administrator.

**Subd. 2. Date of employment.** Provides that the date of first employment by the state court system is the date on which services were first performed for the employer from which the employee is transferred.

**Subd. 3. Probationary periods.** Specifies that, except as provided in a successor contract, probationary periods are not affected by the transfer.

**Subd. 4. Wage protection.** Prohibits decrease in employee wages as a result of the transfer.

**10 Unit elections.** Amends law dealing with state unit elections to refer to the judicial branch.

**11 Employer.** Clarifies that for PELRA purposes, the commissioner the commissioner of employee relations is the "employer" only of executive branch employees.

**12 Duties.** Clarifies that for PELRA purposes, the commissioner of employee relations is the "employer" only of executive branch employees.

**13 Court employees; negotiations.** Provides that for purposes of PELRA, the state court administrator or designated representatives is the employer of court employees. Requires specified judicial branch officials to cooperate with the administrator in labor negotiations. Authorizes the state court administrator to enter into agreements with exclusive representatives.

**14 Effective date.** Provides that this article does not take effect unless an appropriation and offsetting aids and fine transfers specified in the 1999 omnibus tax bill take effect in FY01.