

HOUSE RESEARCH

Bill Summary

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Subject: Criminal Penalties for Taking Responsibility for the Criminal Acts of Another

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OVERVIEW

The bill creates a gross misdemeanor offense of taking responsibility for a criminal act with intent to obstruct, impede, or prevent a criminal investigation. It also creates a civil action for destruction of or damage to crops, animals, and organisms in a product development program.

Section

1 **Destruction of field crop products, animals, and organisms; civil liability.**

Subd. 1. Liability. Prohibits willful, knowing damage or destruction of a crop, animal, or organism grown for testing or research for a product development program at a private research facility, a university, or a federal, state, or local government. Makes a violator civilly liable for three times the value of the item destroyed. Does not apply to covered items damaged or destroyed by emergency vehicles and personnel acting reasonably and prudently.

Subd. 2. Damages; factors to consider. Requires the court in awarding damages to consider market value of the item before damage or destruction; and production, research, testing, replacement, and development costs.

Subd. 3. Damages; limit. Limits damages to (1) three times the item's market value before destruction plus three times the actual damages involving production, research, testing, replacement, and development costs related to the damaged or destroyed item; and (2) up to \$100,000 to compensate for delays in completing testing or research because of a violation of subdivision 1.

2 **Taking responsibility for criminal acts.** Minn. Stat. § 609.495, subd. 4. (a) Establishes a crime of taking responsibility for the criminal act of another with the intent to obstruct an investigation applies unless a person is convicted of the underlying crime. The crime is a gross misdemeanor.

(b) Permits a private lawsuit for three times the amount of damages plus costs and fees.

(c) Provides that this subdivision shall not be construed to limit constitutionally protected

speech.

- 3 **Effective date.** Section 1 is effective July 1, 2002 and applies to causes of action on or after that date. Section 2 is effective August 1, 2002 for crimes committed on or after that date.