



## **Article 1 : Appropriations**

- 1 Corrections and criminal justice appropriations and transfers. Shows the total appropriations changes made in this article by fund and fiscal year.
- 2 Corrections. Provides additional funding in FY05 to the Department of Corrections for increases in prison populations, methamphetamine enforcement and awareness, behavioral treatment programs for offenders, global positioning systems for supervising level III sex offenders, intensive supervised release services, assessment and evaluation of high risk sex offenders, revocation hearings for sex offenders, apprehension of fugitive sex offenders, and community notification for sex offenders moving into the state. Reduces funding in FY05 for gate money for supervised release violators and short-term offenders.
- 3 Permits unused funds in the remote electronic alcohol monitoring fund to be used to fund intensive supervision programs for DWI offenders. Requires the commissioner of corrections to transfer \$500,000 from the Rush City per diem receipts to the general fund.
- 4 Sentencing guidelines. Appropriates \$40,000 to the Sentencing Guidelines Commission to conduct a detailed study on alternatives to the current determinate sentencing system, including alternatives options for sentencing drug offenders.
- 5 Human rights. Reduces the FY05 appropriation for the Department of Human Rights.
- 6 Board on Judicial Standards. Provides a FY04 deficiency appropriation for the Board on Judicial Standards for deficiency costs relating to proceedings against a judge.
- 7 Board of Public Defense. Provides additional base budget funding in FY05 to compensate for the loss of public defender co-payment revenue. Also provides additional funding in FY05 for costs relating to the sex offender assessment process under the community notification law and for increases in methamphetamine and sex offense caseloads.
- 8 Supreme Court. Reduces the FY05 appropriation to the Supreme Court for civil legal services. Requires the State Court Administrator to study and evaluate the impact of the sex offender legislation contained in this bill on the courts and public defender system. The report is due to the legislature by February 15, 2005.
- 9 District courts. Provides additional funding to create 8 new judgeships, which are needed to accommodate the anticipated increase in methamphetamine and sex offender cases (see article 8). Appropriates money to fund the administration of the \$1 Ramsey County criminal surcharge.
- 10 Public safety. Reduces the Department of Public Safety's operating budget in FY05. Provides additional funding in FY05 for the BCA to enforce compliance with the predatory offender registration law, to process DNA and other critical evidence, and to improve the predatory offender database. Also provides additional funding in FY05 to support methamphetamine enforcement and awareness (one-time funding), to reform and enhance gang and drug task forces, to match federal delinquency prevention and intervention efforts, to fund fully the fire marshal, to fund registration law oversight of homeless offenders and community notification law oversight of out-of-state offenders, to cover expenditures related to the 911 program, and to fund crime victims services. Transfers to the general fund all balances remaining in the special revenue fund's criminal justice special projects account for which spending authorization ended at the end of FY04. Funds a chemical assessment team in International Falls.

10 Sunset of uncoded language. Sunsets uncoded language in this article at the end of FY05 unless otherwise specified.

## **Article 2 : Mandatory Life Sentences and Indeterminate Sentences for Sex Offenders; Other Sex Offender Sentencing Changes**

This article contains increased and mandatory sentences for sex offenders and is effective August 1, 2004, for crimes committed on or after that date. It provides a life sentence without the possibility of release for first-degree criminal sexual conduct offenses where the offender commits sexual penetration with force, coercion, violence, or a dangerous weapon; the victim suffers personal injury; or the abuse involves multiple acts over an extended period of time. It also creates an indeterminate sentencing structure that applies to certain first-degree criminal sexual conduct offenders; the most serious second-, third-, and fourth- degree criminal sexual conduct offenders; and criminal sexual predatory conduct offenders (a modified version of a crime that currently exists and has been held unconstitutional by the Minnesota Supreme Court).

Under the indeterminate sentencing structure, the court must sentence an offender to both a minimum and maximum term of imprisonment. The maximum term of imprisonment for all offenses is life. The minimum term of imprisonment is two-thirds of the Sentencing Guidelines Commission presumptive sentence. A person sentenced under this structure is not eligible for release unless the person has served the entire minimum term of imprisonment plus any disciplinary time imposed by the Commissioner of Corrections. If and when released, the person is subject to conditional release for the remainder of the person's life.

1 Legislative findings and purpose. States the legislature's findings and purpose in enacting this legislation. Notes that the legislature finds that sex offenders pose a significant threat to public safety, are unique in their psychological makeup, and are particularly likely to continue to be dangerous after their release from imprisonment. Also recognizes that sex offenders inflict longstanding psychological harm on their victims and undermine victim and community safety to a greater extent than most other criminal offenses. States that, based on these findings, the legislature believes sex offenders need long-term treatment and supervision beyond that provided other offenders and that this treatment and supervision is best provided in a secure correctional facility.

Also notes that the legislature's purpose in enacting this legislation is to provide courts and corrections and treatment professionals with the tools necessary to protect public safety through use of longer, more flexible sentences than currently available. States the legislature's intent that a sex offender's past and future dangerousness be considered in both sentencing and release decisions.

2 Definitions. Defines a number of terms for the purpose of the conditional release and indeterminate sentencing provisions in the bill (section 4 and article 3). Defines "conditional release," "first eligible for release," "minimum term of imprisonment," "Minnesota Sex Offender Review Board," and "sex offense."

3 Supervised release; life sentence. Strikes a reference to a statute repealed under the bill. Requires preparation of a community investigation report on sex offenders subject to conditional release under the indeterminate sentencing provisions of the bill. This report

currently is prepared only for individuals who are subject to a life sentence and eligible for *supervised release* after serving the term of imprisonment specified in this statute. Also requires the commissioner to submit the community investigation report to the Minnesota Sex Offender Review Board at least six months before the sex offender is first eligible for release. Also requires the commissioner to give the board information gathered in compiling the report.

4 Conditional release term for sex offenders. Creates a new section of law that applies specifically to conditional release of sex offenders.

Subd. 1. Conditional release required. Requires every inmate sentenced for a sex offense to serve a conditional release term upon the person's release from a state correctional facility.

Subd. 2. Relationship to supervised release. Clarifies that the provisions applicable to supervised release under section 244.05 apply to conditional release, except as otherwise provided.

Subd. 3. Minimum imprisonment; life sentence. Provides that an inmate serving a mandatory life sentence for first-degree criminal sexual conduct shall not be given conditional release unless the person is serving an indeterminate sentence. Provides that an inmate serving an indeterminate sentence shall not be given conditional release without first serving the minimum term of imprisonment specified by the court. An inmate sentenced as a repeat sex offender under section 20 may not be given conditional release until serving a minimum of 30 years imprisonment.

Subd. 4. Conditional release; life sentence. Allows the Minnesota sex offender review board established in article 3 to give conditional release to an inmate serving a life sentence under the indeterminate sentencing provisions after the inmate has served the minimum term of imprisonment. The board may give an inmate sentenced under the repeat sex offender law (section 20) conditional release after the inmate has served a minimum of 30 years imprisonment. Specifies that the terms of conditional release are governed by this section and section 609.3459, a new section dealing exclusively with conditional release.

5 End-of-confinement review committee. Amends language in the community notification law to require the commissioner of corrections to convene the appropriate end-of-confinement review committee at least nine months before an offender subject to an indeterminate sentence is first eligible for release. Identifies the procedure to follow in cases where the inmate is received for confinement with fewer than nine months remaining before the person is first eligible for release. Requires the committee to give the assessment report to the offender, the commissioner, and the Minnesota Sex Offender Review Board at least six months before the offender is first eligible for release.

Also requires the end-of-confinement review committee to review the risk level of an offender granted conditional release by the Sex Offender Review Board at its first regularly scheduled meeting after the decision to release the inmate is made. Requires the commissioner of corrections to make reasonable efforts to ensure that the offender's earlier risk level determination is reviewed and confirmed or reassigned at least 60 days before the offender's release date. Specifies that the assessment report shall be given to the offender and law enforcement agency at least 60 days before the offender is released from confinement.

- 6 Report. Requires the commissioner of corrections to file a report with the legislature each fiscal year. The report must identify the instances where the commissioner failed to notify properly the appropriate county attorney when the commissioner releases a sex offender who should be considered for civil commitment. In order to provide proper notice, the commissioner must provide 12-month advance notice for inmates held longer than one year and must merely provide advance notice for inmates held less than one year.
- 7 Conditional release. Amends the definitions in the criminal sexual conduct section of the criminal code by adding the definition of conditional release created in section 2 of this article.
- 8 First eligible for release. Amends the definitions in the criminal sexual conduct section of the criminal code by adding a definition of "first eligible for release." "First eligible for release" means the day after the offender has served the entire minimum term of imprisonment, plus any disciplinary time imposed by the commissioner of corrections. Or, if the person was sentenced to life under the repeat sex offender law, the person is first eligible the day after the inmate has served 30 years imprisonment.
- 9 Minimum term of imprisonment. Amends the definitions in the criminal sexual conduct section of the criminal code by adding a definition of "minimum term of imprisonment." "Minimum term of imprisonment" means the minimum length of time an offender is incarcerated under an indeterminate sentence and is equal to two-thirds of the sentence length called for by the presumptive sentence under the appropriate cell of the sentencing guidelines grid, plus any disciplinary time imposed by the commissioner of corrections. States that, if the sentencing guidelines do not provide the presumptive sentence for the offense, the minimum term of imprisonment is as provided by statute or, if not so provided, as determined by the court.
- 10 Predatory crime. Amends the definitions in the criminal sexual conduct section of the criminal code by adding a definition of "predatory crime." A predatory crime means any felony violation of, or felony attempt to violate, the following crimes: first-, second-, and third-degree murder; manslaughter in the first and second degree; first-, second-, and third-degree assault; simple and aggravated robbery; kidnapping; false imprisonment; incest, or first-degree burglary.
- This definition of predatory crime is similar to the definition of predatory crime under the current predatory and patterned offender law (section 609.108), which is amended by this article, except that it does not include first- through fourth-degree criminal sexual conduct, arson, and witness tampering. This definition is used for the purpose of the criminal sexual predatory conduct crime in section 17.
- 11 Sex offense. Amends the definitions in the criminal sexual conduct section of the criminal code by adding a definition of "sex offense." States that, unless otherwise provided, "sex offense" means any violation of, or attempt to violate, first- through fourth-degree criminal sexual conduct, criminal sexual predatory conduct (see section 17), or any similar statute of the United States or any other state.
- 12 Criminal sexual conduct in the first degree.

Subd. 1. Crime defined. No changes.

Subd. 2. Penalty. Increases the statutory maximum penalty for first-degree criminal sexual conduct from 30 years to life. An offender is subject to a life sentence without the possibility of release when the offender commits sexual penetration with force, coercion, violence, or a dangerous weapon; causes personal injury to the victim; or

commits multiple acts over an extended period of time.

For all other types of first-degree criminal sexual conduct, the offender is subject to a mandatory life sentence and indeterminate sentencing under section 18. These offenses involve situations where the victim's age or the victim's and offender's age are elements of the offense. The law continues to call for a presumptive executed sentence of 144 months for these first-degree criminal sexual conduct offenders. For the purpose of indeterminate sentencing, the minimum term of imprisonment is 96 months for a completed offenses and 48 months for an attempted offense. The maximum sentence is life.

Subd. 3. Stay. Retains the subdivision allowing a court to stay imposition or execution of sentence when the offense is a certain type of criminal sexual conduct occurring within a family context. The stay does not apply if the person is subject to a life sentence (minimum of 30 years of imprisonment) as a repeat sex offender.

13 Criminal sexual conduct in the second degree.

Subd. 1. Crime defined. No changes.

Subd. 2. Penalty. Increases the statutory maximum penalty for second-degree criminal sexual conduct from 25 years to life. Requires the court to sentence the person to an indeterminate sentence if section 18 applies. Specifies that, if the indeterminate sentencing law does not apply, then the person shall be sentenced to an executed sentence of 90 months if the offense involved force, coercion, injury, etc. (non-age related offenses).

If the indeterminate sentencing law applies, the court must presume a minimum term of imprisonment of 60 months if the offender is convicted of a non age-related offense and 30 months if the offender is convicted of an attempted violation of a non age-related offense, unless the law otherwise requires a longer sentence for the offense.

Subd. 3. Stay. Amends the subdivision allowing a court to stay imposition or execution of sentence when the offense is a certain type of criminal sexual conduct occurring within a family context. Allows the court to stay the sentence except when imprisonment is required under the patterned and dangerous offender law or law providing penalties for repeat or aggravated offenses (sections 19 and 20). Current law permits the stay except when the person is a repeat offender or has committed a sex crime where the court imposes an upward departure under the sentencing guidelines.

Specifies that, if a person receiving a stay under this subdivision violates the stay, the person shall be subject to an indeterminate sentence under section 18.

14 Criminal sexual conduct in the third degree.

Subd. 1. Crime defined. No changes.

Subd. 2. Penalty. Increases the statutory maximum penalty for second-degree criminal sexual conduct from 15 years to life. Requires the court to sentence the person to an indeterminate sentence if section 18 applies. Specifies that, if the indeterminate sentencing law does not apply, then the person shall be sentenced to the

presumptive sentence under the sentencing guidelines for the offense.

Subd. 3. Stay. Amends the subdivision allowing a court to stay imposition or execution of sentence when the offense is a certain type of criminal sexual conduct occurring within a family context. Allows the court to stay the sentence except when imprisonment is required under the patterned and dangerous offender law or law providing penalties for repeat or aggravated offenses (sections 19 and 20). Current law permits the stay except when the person is a repeat offender or has committed a sex crime where the court imposes an upward departure under the sentencing guidelines.

Specifies that, if a person receiving a stay under this subdivision violates the stay, the person shall be subject to an indeterminate sentence under section 18.

15 Criminal sexual conduct in the fourth degree.

Subd. 1. Crime defined. No changes.

Subd. 2. Penalty. Increases the statutory maximum penalty for second-degree criminal sexual conduct from 15 years to life. Requires the court to sentence the person to an indeterminate sentence if section 18 applies. Specifies that, if the indeterminate sentencing law does not apply, then the person shall be sentenced to the presumptive sentence under the sentencing guidelines for the offense.

Subd. 3. Stay. Amends the subdivision allowing a court to stay imposition or execution of sentence when the offense is a certain type of criminal sexual conduct occurring within a family context. Allows the court to stay the sentence except when imprisonment is required under the patterned and dangerous offender law or law providing penalties for repeat or aggravated offenses (sections 19 and 20). Current law permits the stay except when the person is a repeat offender or has committed a sex crime where the court imposes an upward departure under the sentencing guidelines.

Specifies that, if a person receiving a stay under this subdivision violates the stay, the person shall be subject to an indeterminate sentence under section 18.

16 Definition. Changes the definition of "sex offense" in the law requiring sex offender assessments to include a violation of the criminal sexual predatory conduct law (section 17).

17 Criminal sexual predatory conduct.

Subd. 1. Crime defined. Provides that a person is guilty of criminal sexual predatory conduct if the person commits a predatory crime and the predatory crime was motivated by the offender's sexual impulses or was part of a predatory pattern of behavior that had criminal sexual conduct as its goal. "Predatory crime" is defined in section 10.

A somewhat different version of this crime exists in section 609.108 of current law. The current version of the law is unconstitutional under *State v. Grossman*, 636 N.W.2d 545 (Minn. 2001). (See note under section 19.)

Subd. 2. Penalty. Specifies that a person convicted under subdivision 1 or for an attempted violation of subdivision 1 is subject to indeterminate sentencing under

section 18. Calls for a fine of not more than \$30,000. Provides that the minimum term of imprisonment for a conviction under subdivision 1 is double the minimum term of imprisonment that would apply to the predatory crime. The minimum term of imprisonment for an attempted violation is the minimum term of imprisonment that would apply to the predatory crime.

Indeterminate sentences for sex offenses.

Subd. 1. Applicability. Identifies the offenders who are subject to indeterminate sentencing for a sex offense. This section applies to criminal sexual predatory conduct offenses and attempted criminal sexual predatory conduct offenses. It also applies to an offender convicted of a violation or attempted violation of first-degree criminal sexual conduct (age-related offenses only) and second- through fourth-degree criminal sexual conduct when:

- ▶ the sentencing guidelines presume an executed sentence for the offense,
- ▶ the law for repeat or aggravated offenses applies (section 20), or
- ▶ the sentencing guidelines presume a stayed sentence for the offense and the court imposes an upward dispositional departure.

This provision also applies to offenders convicted of certain first- through fourth-degree criminal sexual conduct offenses occurring within the family context when the offender previously received a stay of imposition or execution of sentence and violated a condition of the stayed sentence.

Requires the court to sentence an offender covered by this subdivision to a minimum and maximum term of imprisonment.

Subd. 2. Minimum and maximum term of imprisonment. Specifies that the minimum term of imprisonment for an offense shall be the minimum term of imprisonment for the offense committed or, in the case of an upward dispositional departure, the minimum term of imprisonment set by the court, unless a longer mandatory minimum sentence is otherwise required by law.

Requires a court sentencing an offender under this section to consider whether a longer mandatory minimum sentence is required under the second degree criminal sexual conduct law, the patterned and dangerous offender law (section 19), or the law providing penalties for offenders committing repeat and aggravated offenses (section 20). Clarifies that the minimum term of imprisonment must be served before the offender may be granted conditional release.

Specifies that the maximum sentence for an offender sentenced under subdivision 1 is life. Prohibits the court from staying imposition or execution of sentence under this section and provides that an offender committed to the commissioner's custody under this section may not be released from incarceration except as provided by the conditional release and medical release provisions in chapter 244.

Allows the prosecutor to file a motion for a downward durational departure under the sentencing guidelines. The court may grant this motion if substantial and compelling

reasons support the departure.

Subd. 3. Conditional release. Specifies that a person released from a state correctional facility after receiving an indeterminate sentence shall be subject to conditional release for the remainder of the person's life.

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Mandatory minimum sentences for certain dangerous, patterned sex offenders; no previous conviction required. This section creates a new patterned and dangerous offender law, to replace the current version in section 609.108, parts of which have been declared unconstitutional. Most of section 609.108 is amended and moved to this section. This article separately amends the predatory offender part of the law, which becomes the new criminal sexual predatory conduct crime in section 17. The amendments to this section (1) address constitutional defects in section 609.108, as explained below, and (2) provide references to the indeterminate sentencing law (section 18).

Subd. 1. Mandatory increased sentence. Contains language from section 609.108, subdivision 1, as amended. Requires the court to commit a person to the commissioner of corrections for a period of time not less than double the presumptive Sentencing Guidelines sentence and not more than the statutory maximum, or if the statutory maximum is less than double the presumptive sentence, for a period of time equal to the statutory maximum if:

- ▶ the court is imposing an executed sentence on a person convicted of committing or attempting to commit a violation of first-, second-, third-, and fourth-degree criminal sexual conduct or criminal sexual predatory conduct;
- ▶ the court finds the offender is a danger to public safety; and
- ▶ the court finds the offender needs long-term treatment or supervision beyond the presumptive term of imprisonment and supervised release.

This language is the same as the language that currently exists in section 609.108, subdivision 1 except that it removes a provision allowing a court to make a finding that the crime was motivated by the offender's sexual impulses or was part of a predatory pattern of behavior that had criminal sexual conduct as its goal. This language was ruled unconstitutional in *State v. Grossman*, 636 N.W.2d 545 (Minn. 2001) under *Apprendi v. New Jersey*, 530 U.S. 466 (2000). In *Apprendi*, the United States Supreme Court held that, "[o]ther than the fact of a prior conviction, any fact that increases the penalty for a crime beyond the statutory maximum must be submitted to a jury and proved beyond a reasonable doubt." The *Grossman* court determined that allowing a court to make a finding on an offender's sexual motivation was unconstitutional under the reasoning of *Apprendi* and held the provision unconstitutional. (Another provision in section 609.108, which is repealed by this bill, allows the court to impose a sentence in excess of the statutory maximum for various crimes if various criteria are satisfied.)

Also adds language stating that, if a person sentenced under this subdivision is subject to indeterminate sentencing, the minimum term of imprisonment will be two-thirds of the minimum sentence specified by this subdivision, plus disciplinary time.

Subd. 2. Danger to public safety. Contains the language from section 609.108 that

may be used to determine a person is a danger to public safety under subdivision 1.

Subd. 3. Departure from guidelines. Retains language from section 609.108 specifying that a sentence imposed under subdivision 1 is a departure from the sentencing guidelines.

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Mandatory minimum sentences for repeat or aggravated sex offenses. This law currently exists as section 609.109, but is moved to section 609.3458 so that it is placed in the criminal sexual conduct section of the criminal code. This section also changes the penalty provision for one repeat criminal sexual conduct offense and provides a new penalty for another situation where the offender has repeat criminal sexual conduct offenses within a five-year period of discharge from sentence. Finally, the section is amended to require sentencing under the indeterminate sentence provision when appropriate.

Subd. 1. Definition; conviction of offense. Defines "offense" to mean a completed offense or attempt to commit an offense.

Subd. 2. Presumptive executed sentence. Provides that a person convicted of second-through fourth-degree criminal sexual conduct who has a previous sex offense conviction shall be committed to the commissioner of corrections for a minimum sentence of not less than three years. Under current law, this penalty applies only if the second or subsequent offense occurs within 15 years of the time of the first conviction.

This subdivision also adds a new five-year felony penalty for situations where a person commits a second or subsequent criminal sexual conduct offense within five years of discharge from sentence for a previous sex offense conviction.

A court may stay execution of sentence under this subdivision only if indeterminate sentencing does not apply to the offense (all offenses will be covered) and a professional assessment indicates the offender is accepted by and can respond to a long-term inpatient treatment program for sex offenders, which has been approved by the commissioner of corrections. If the court stays execution of sentence, it must impose some incarceration time in a local correctional facility and a requirement that the offender successfully complete the treatment program as conditions of probation.

Finally, this subdivision provides that the minimum term of imprisonment for a sentence imposed under this section is two-thirds of the sentence, unless a longer minimum sentence applies. The maximum term of imprisonment is life.

Subd. 3. Mandatory life sentence. Requires the court to sentence a person to imprisonment for life if:

- ▶ the person is convicted of first-degree criminal sexual conduct; and
- ▶ the court determines that the person has previously been sentenced as a repeat offender, or the person has two previous first-, second-, or third-degree criminal sexual conduct offenses, or the person has one previous first-, second-, or third-degree criminal sexual conduct offense for which the person was sent to prison under an upward durational departure with a resulting sentence at least twice the sentencing guidelines presumptive sentence. Under the life penalty, the person is eligible for release by the Minnesota Sex Offender

Review Board after 30 years. The court may not stay this sentence.

Subd. 4. Mandatory minimum 30-year sentence. Requires the court to commit a person to the commissioner of corrections for a minimum sentence of not less than 30 years if the person is convicted of a listed violent first- or second-degree criminal sexual conduct offense, the court determines that the crime involved an aggravating factor under the sentencing guidelines, and the person has a previous conviction for first-, second-, or third-degree criminal sexual conduct or attempted first-, second-, or third-degree criminal sexual conduct. A court may not stay a sentence under this subdivision. Under the indeterminate sentencing provision, the minimum term of imprisonment for this offense is two-thirds of the minimum sentence unless a longer minimum term of imprisonment is otherwise required for the offense. The maximum term of imprisonment is life.

Subd. 5. Previous sex offense conviction. Provides that an offense is a previous sex offense conviction if the person was convicted of a sex offense before the commission of the present offense of conviction.

Subd. 6. Mandatory minimum departure for sex offenders. Requires the court to sentence a person to at least twice the presumptive sentence recommended under the sentencing guidelines if the person is convicted for a listed violent first-, second-, or third-degree criminal sexual conduct offense and the court determines that the crime involved an aggravating factor that would provide grounds for an upward departure under the sentencing guidelines. Provides that, if an indeterminate sentence applies, the minimum term of imprisonment is two-thirds of the sentence imposed, unless a longer minimum term of imprisonment is required for the offense. The maximum term of imprisonment is life.

21 Conditional release for sex offenders.

Subd. 1. Applicability. Provides that this provision applies to those who commit a sex offense, as defined in section 11.

Subd. 2. Length of conditional release. Requires a court sentencing a person to the commissioner of corrections for first- through fourth-degree criminal sexual conduct or criminal sexual predatory conduct (including attempts) to provide that the commissioner of corrections must place the person on conditional release upon the person's release from a state correctional facility. This provision applies notwithstanding the statutory maximum sentence for an offense or any provision of the sentencing guidelines

Provides a five-year conditional release period if the person was convicted for a violation or attempted violation of second-, third-, or fourth-degree criminal sexual conduct and the person was not sentenced under the indeterminate sentencing provision. A ten-year conditional release period applies if the person is convicted for a violation or attempted violation of second-, third-, or fourth-degree criminal sexual conduct after a previous sex offense conviction or the person was sentenced to a mandatory departure under section 609.3458, subdivision 5 (section 20), and the person was not sentenced under the indeterminate sentencing provision.

A person sentenced under the indeterminate sentencing provision who is granted

conditional release is subject to conditional release for life.

Subd. 3. Terms of conditional release. Specifies that the conditions of release may include various requirements, including those set by the commissioner of corrections. (These requirements are the same requirements provided in sections 609.108 and 609.109 of current law.) Specifies that, if an offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the person serve the remaining portion of the conditional release term in prison.

Specifies that conditional release under this section is governed by provisions related to supervised release, except as otherwise provided. Also provides that conditional release is governed by section 4. Requires the commissioner to develop a plan to pay the cost of treatment for sex offender parolees.

22 Instruction to Sentencing Guidelines Commission. Directs the Minnesota Sentencing Guidelines Commission to review the new and increased penalties for various crimes in this bill to ensure the presumptive sentences under the sentencing guidelines reflect the legislature's assessment of the severity of those crimes. If the presumptive sentences do not reflect the legislature's assessment of the severity of the crimes, the commission shall increase the level at which various crimes are ranked and set new presumptive sentences for the crimes, if necessary.

23 Repealer. Repeals sections 609.108 and 609.109 and requires the revisor to include a note accompanying the repeal to inform the reader that the statutes have been amended and recodified as set forth in sections 19 and 20.

### **Article 3 : Minnesota Sex Offender Review Board**

This article creates the Minnesota Sex Offender Review Board to review whether sex offenders subject to an indeterminate sentence are appropriate for conditional release. The article establishes the board's membership, appointment terms, and responsibilities. This article also establishes the board's hearing process and requires the development of criteria and procedures to govern the board's decision making.

1 Predatory offenders; Minnesota Sex Offender Review Board. Amends the Data Practices Act to specify that certain data are made accessible to the Minnesota Sex Offender Review Board under section 244.0515 (section 3).

2 Exceptions. Creates an exception to the Minnesota Open Meeting Law to permit meetings of the Minnesota Sex Offender Review Board (hereafter "board") to remain closed to the public.

3 Minnesota Sex Offender Review Board. Establishes the board to review and approve the conditional release of sex offenders who are sentenced to an indeterminate sentence under sections 609.3455 and 609.3458, subdivision 3.

Subd. 1. Definitions. Defines the following terms used in this section:

- ▶ "board" means the Minnesota Sex Offender Review Board;
- ▶ "end-of-confinement review committee" means the committee within the Department of Corrections that classifies offenders' risk levels under the community notification act; and

- ▶ "victim" means the person who suffered harm due to the inmate's crime or, if deceased, that person's surviving spouse or next of kin.

Subd. 2. Board; establishment. Creates the five-member board and provides that it will be governed by the statute that applies to other state-level administrative boards.

Subd. 3. Members. Provides that the board's membership consists of the following members:

- ▶ the commissioner of corrections or designee;
- ▶ the commissioner of human services or designee;
- ▶ a retired judge appointed by the governor;
- ▶ a sex offender treatment professional appointed by the governor who is not employed by DOC or DHS; and
- ▶ a public member appointed by the governor.

Also provides that the governor will designate one of the board members to serve as chair.

Subd. 4. Appointment terms. Provides four-year terms for board members and specifies procedures for the appointment of successors.

Subd. 5. Responsibilities. Describes the hearing process the board must follow in determining whether an inmate should be granted conditional release from prison. Requires the board to hold a conditional release hearing at least 90 days before an inmate becomes eligible for release. Also requires the board to hold a hearing whenever an inmate petitions for one under subdivision 6. Requires the board to consider the following in making its decisions:

- ▶ the risk assessment report prepared by the DOC's end-of-confinement review committee and the information the committee reviewed in making its decision;
- ▶ the community investigation report prepared by the DOC in advance of the inmate's release and the information gathered for use in compiling it;
- ▶ the inmate's criminal offense history;
- ▶ the inmate's behavior while in prison;
- ▶ the inmate's participation in and completion of appropriate treatment;
- ▶ the inmate's need for additional treatment, training, or supervision;
- ▶ the danger the inmate poses to the public if released; and
- ▶ any other information deemed relevant.

Requires the board to make a decision whether or not to grant conditional release within 14 days of the hearing. Sets forth procedures the board must follow if it decides not to grant conditional release. Provides that if the board decides to grant an inmate conditional release at the inmate's first hearing before the board, the commissioner of corrections must release the inmate at the time the inmate is first eligible for release. If conditional release is granted at a later hearing, the commissioner must release the

inmate within 90 days of the board's release decision. Prohibits releasing an inmate on a weekend or holiday.

Identifies the data the board may have access to in making a release decision.

Subd. 6. Petition for release. Permits an inmate to petition the board for conditional release once the inmate has served the minimum term of imprisonment. Unless otherwise authorized by the board, prohibits an inmate from petitioning for release unless either two years have passed since the board's last release decision concerning the inmate or the inmate has satisfied all of the conditions set by the board when it previously denied release. Prohibits an inmate who is released by the board and subsequently reincarcerated from petitioning for release until two years have passed since the offender was reincarcerated, unless the commissioner grants the prisoner leave to file a petition sooner.

Subd. 7. Release hearing. Requires the commissioner of corrections to notify various individuals of the time and place of an inmate's release hearing within 45 days after the inmate becomes eligible for or petitions for release. The parties entitled to advance notice include the inmate, the sentencing court, the county attorney's office involved in the prosecution of the case, and the victim. Permits the victim to make an oral or written statement at the hearing summarizing the victim's harm and giving the victim's recommendation concerning release. Requires the board to consider the victim's statement when making this decision. Sets forth other procedural requirements for the hearing.

Subd. 8. Administrative services. Requires the commissioner of corrections to provide administrative support services for the board.

Subd. 9. Administrator. Authorizes the board to hire an administrator and other staff.

Subd. 10. Exemption from chapter 14. Allows the board and commissioner of corrections to adopt expedited rules when proceeding under this section and sections 244.0514 and 609.3459. Otherwise provides that chapter 14 does not apply to the board and commissioner of corrections for the purposes of this section.

4 Direction to commissioner of corrections. Requires the commissioner of corrections to develop criteria and procedures governing the board's conditional release decisions. Requires the commissioner to seek input from various parties, including the end-of-confinement review committee at each state correctional and treatment facility where predatory offenders are confined, as well as individuals who are knowledgeable in health and human services; public safety; Minnesota's Sex Offender Treatment Program; treatment of sex offenders; crime victim issues; criminal law; sentencing guidelines; law enforcement; and probation; supervised release; and conditional release. Requires the commissioner to establish these criteria and procedures by November 15, 2004, and provides that they will become effective on June 1, 2005, unless the legislature takes contrary action before that time. Requires the commissioner to report to the legislature by November 15, 2004, on the input gathered to develop these criteria and procedures and on the commissioner's proposed criteria and procedures. (Effective the day following enactment.)

## Article 4 : Predatory Offender Registration and Community Notification Provisions

This article clarifies the procedures individuals who lack a primary address (i.e., are homeless) must follow if they are required to register under the Predatory Offender Registration Law (POR Law). This clarification responds to the Minnesota Supreme Court's decision in *State v. Iverson*, 664 N.W.2d 346 (Minn. 2003), which essentially made the POR law inapplicable to homeless offenders. Numerous other changes are made to the POR law to increase public safety and make it easier for law enforcement to track offenders. This article also amends the community notification law and imposes notification, information sharing, and investigation obligations on the BCA, DOC, and local law enforcement authorities in relation to individuals who enter Minnesota from another state. It also sets up procedures to ensure that offenders from other states are subject to community notification under Minnesota law. Finally, it requires courts to impose lifetime conditional release on level III sex offenders who are convicted of failing to register.

- 1 Registration of predatory offenders. This section makes numerous substantive and technical changes to the Predatory Offender Registration Law.

Subd. 1. Registration required. Repeals current language in this subdivision in order to recodify it in the newly-created subdivision 1b. The purpose of this recodification is to relocate all of the law's definitions at the beginning of the statutory section.

Subd. 1a. Definitions. Contains the definitions used in the Predatory Offender Registration Act. These definitions are relocated in this new subdivision from the existing subdivisions 1, 4 and 8. Also adds new definitions for "bureau," "dwelling," "incarceration," and "confinement." The existing definitions of "primary residence" and "secondary residence" are changed to "primary address" and "secondary address" respectively. In addition, the definitions of "primary address" and "secondary address" are substantively overhauled.

Subd. 1b. Registration required. Sets forth the criteria governing who must register as a predatory offender under the law. These criteria were relocated from the repealed subdivision 1, with the following changes:

- ▶ it provides that the law applies to offenders who aid, abet, or conspire to commit an offense currently requiring registration;
- ▶ it expands the law to require registration for all false imprisonment offenses, not only those involving a child; and
- ▶ it requires a person to register if the person enters this state and remains for 14 days or longer.

Subd. 2. Notice. Contains technical changes relating to the recodification of subdivision 1.

Subd. 3. Registration procedure. Contains technical changes relating to the recodified definitions. Also clarifies that if a person subject to registration moves out of the state,

registration with Minnesota terminates when the BCA confirms the address in the new state.

Subd. 3a. Registration procedure when person lacks primary address. Addresses a current gap in the law relating to persons who lack a primary address (i.e. are homeless).

- ▶ Provides that, when a person leaves a primary address and does not have a new one, the person must register with the law enforcement authority in the area where the person is staying within 24 hours of the time the person no longer has a primary address. Requires compliance with this registration process every time the person moves to a new jurisdiction. Requires the person, in lieu of reporting a primary address, to describe the location where the person is staying with as much specificity as possible.
- ▶ Also provides that, if the person continues to lack a primary address, the person must report in person, on a weekly basis, to the law enforcement agency in the area where the person is staying. Does not require the person to re-register weekly but, rather, requires the person to inform the law enforcement authority of any changes to the information provided upon initial registration. Authorizes the law enforcement authority to allow an offender to follow an alternative reporting procedure if it determines that, due to an offender's unique circumstances, it is impractical to require the offender to report weekly. Specifies the parameters of such an alternative reporting procedure to ensure that it is practical and that it serves the needs of public safety.
- ▶ Requires the person lacking a primary address to re-register annually or, if civilly committed as a sexually dangerous person, every three months.
- ▶ Requires the law enforcement authority to forward this registration information to the Bureau of Criminal Apprehension within two business days of receiving it.
- ▶ Also provides that a person who fails to report a primary address will be deemed to be a person who lacks a primary address and will be subject to all of the responsibilities outlined in this subdivision.

Subd. 4. Contents of registration. Makes the following changes to the registration process:

- ▶ Requires an offender subject to registration to consent to allowing the offender's residential housing unit or shelter to release information on the offender to law enforcement.
- ▶ Establishes a verification procedure for the Bureau to use when a registered offender lacks a primary address. In such cases, the Bureau must mail the verification form to the law enforcement authority to which the person reports weekly, and the authority is required to ensure that the offender fills out the form at the next weekly meeting
- ▶ Requires level II and III predatory offenders who are no longer under correctional supervision to have an annual in-person contact with the law enforcement authority with jurisdiction over where the offender lives, during

which the offender must be photographed and the accuracy of the offender's registration information must be verified. Also requires the BCA to verify the address of level III offenders who are no longer under correctional supervision by mail every six months.

- ▶ Requires the BCA and the local law enforcement authority to immediately investigate a level III offender's location when the person fails to return a signed form to the BCA verifying the person's address.

Subds. 4a to 5. Contain technical, conforming changes.

Subd. 5a. Conditional release. Requires courts to impose lifetime conditional on level three sex offenders who are convicted of failing to register as a predatory offender.

Subd. 6. Registration period. Permits the commissioner of public safety to extend a person's registration period for five years if the person fails to provide the person's primary address as required, fails to comply with the registration procedure applicable to homeless persons, fails to provide accurate or updated registration information, or fails to return the address verification letter within ten days. Expands the provision restarting a person's registration period upon release from incarceration to include persons who are incarcerated based upon a revocation of probation, supervised release, or conditional release for *any* offense. Current law restarts the registration period in this context only when the revocation is related to the offense triggering the person's obligation to register.

Subds. 7 to 8. Contain either technical, conforming changes or no changes.

Subd. 9. Offenders from other states. Imposes notification, information sharing, and investigation obligations on the bureau, local law enforcement authorities, and the Department of Corrections regarding offenders who move to Minnesota from other states. Requires the bureau to notify the commissioner of corrections when:

- ▶ the bureau receives notice from a local law enforcement agency that an out-of-state offender has registered as a sex offender,
- ▶ a registration authority, corrections agent, or law enforcement agency in another state notifies the bureau that a sex offender is moving to Minnesota, or
- ▶ the bureau learns that a person from another state is in Minnesota and has unlawfully failed to register under the Predatory Offender Registration law.

Also provides that, if the bureau receives information from an out-of-state registration authority, corrections agent, or law enforcement authority which indicates that a person who may be subject to the registration law is moving to Minnesota, the bureau must ask if the person is subject to community notification in another state and, if so, what the person's assigned risk level is, if any. The bureau must notify the local law enforcement agency and provide all information available on the person when it receives notice from another state that a sex offender is moving to Minnesota. The bureau must also forward any information it receives to the commissioner of corrections. The commissioner of corrections must determine the supervised release

status of out-of-state offenders referred to the department.

Subd. 10. Venue; aggregation. Adds a new provision to the registration law that specifies venue for prosecuting violations of the law. Provides that the prosecution takes place in any jurisdiction where an offense occurred. Requires the prosecutor where the person last registered a primary address to be responsible initially to review the case. Permits multiple offenses occurring in different locations to be prosecuted in any county in which one of them occurred.

Subd. 11. Certified copies as evidence. Provides that certified copies of registration records are admissible as substantive evidence when necessary to prove the commission of a designated offense.

[Except for subdivision 5a, section 1 is effective the day following final enactment and applies to persons subject to registration on or after that date. Subdivision 5a is effective August 1, 2004, and applies to crimes committed on or after that date.]

2 Registration under the predatory offender registration law for other offenses. Amends the law that requires predatory offender registration by offenders who commit a crime against the person and who previously registered under the law but whose registration period ended or who would have had to register except the law did not apply to the offender at the time of the offense. Expands the definition of "crime against the person" to include fourth-degree assault. Also expands this law to apply to offenders who are convicted of a crime against the person and who previously completed registration in another state. [Effective August 1, 2004, for crimes committed on or after that date.]

3 Sex offenders; civil commitment determination. Amends the language requiring the commissioner of corrections to make a preliminary determination as to whether civil commitment may be appropriate for certain high risk sex offenders. Adds language stating that the commissioner's determination must be based on a recommendation of a Department of Corrections screening committee and a legal review and recommendation from a representative of the attorney general's office who is knowledgeable about the civil commitment law.

4 End-of-confinement review committee. Strikes existing statutory language in the Community Notification Act relating to the process for assigning risk levels to offenders who move to Minnesota from other states or are released from federal correctional facilities located in Minnesota. Relocates that language, with changes, to the new subdivision created in section 5. [Effective July 1, 2004, and applicable to all persons subject to community notification on or after that date.]

5 Offenders from other states and offenders released from federal facilities. Amends the existing process under which the Department of Corrections assigns Community Notification Act risk levels to predatory offenders who are released from federal correctional facilities or out-of-state correctional facilities and who intend to reside in Minnesota.

- ▶ Expands the process to include offenders released from any federal correctional facility, offenders accepted for supervision under any interstate agreement, and out-of-state offenders not subject to an interstate agreement but for whom local law enforcement agencies wish to have a Minnesota risk level assigned.
- ▶ Requires the assignment of a risk level to all of these offenders, except those who are accepted for probation supervision. Such probationary offenders do not receive a risk level but, rather, are subject to a notification process similar to

that applicable to level II offenders.

- ▶ Requires the end-of-confinement review committee responsible for assigning risk levels to out-of-state offenders to collect and review all relevant information on these offenders and to follow the same timelines, policies, and procedures applicable to in-state offenders in assigning a risk level.
- ▶ Requires law enforcement authorities to notify the BCA and the commissioner of corrections within three business days when they learn an offender living in Minnesota is subject to this section and has not yet been assigned a Minnesota risk level.
- ▶ Provides that if the commissioner of corrections receives reliable information from the BCA or a local law enforcement agency that an out-of-state offender is living in Minnesota and a local law enforcement authority so requests, the commissioner must determine if the offender was issued a risk level under a law comparable to Minnesota's law. If so, the commissioner shall notify the local agency and the local agency may proceed with community notification based on the offender's risk level assessment from another state. If the offender was not issued a risk level under a comparable law, the local agency may proceed with notification but only up to a level II notification. If an agency wishes to make a broader disclosure than a level II notification or as authorized by the offender's out-of-state risk level assessment, the agency may request that an end-of-confinement review committee at the Department of Corrections issue the offender a Minnesota risk level. Permits agencies to continue with up to a level II notification until the end-of-confinement review committee assigns the person a Minnesota risk level.

[Effective July 1, 2004, and applicable to all persons subject to community notification on or after that date.]

6 Law enforcement agency; disclosure of information to the public. Amends the Community Notification Act to clarify that the duty imposed by the Act on law enforcement agencies to continue to disclose information on registered offenders for as long as they are required to register applies as well to offenders who lack a primary address. [Effective the day following final enactment and applicable to all persons subject to community notification on or after that date.]

7 Revisor's instruction. Technical. [Effective day following final enactment.]

8 Repealer. Technical repealer, relating to the recodification of language in the Predatory Offender Registration Law. [Effective day following final enactment.]

## Article 5: Sex Offender Technical and Conforming Changes

This article makes technical and conforming changes that are necessary to complete the changes made in the preceding articles of the bill. It also includes a revisor's instruction to renumber certain sections.

Sections 1 through 18 contain the technical and conforming changes. Section 19 requires the revisor to renumber two provisions that would otherwise cause the new provisions in article 1 to appear out of order in the criminal code. The revisor also is instructed to correct cross references and include a notation in Minnesota Statutes to inform readers of the renumbering of these two sections so that they are easy to find.

The entire article has an August 1, 2004, effective date.

## Article 6 : Methamphetamine Provisions

This article strengthens penalties already in place as well as introduces new crimes and programs concerning the possession and sale of methamphetamine and its precursors. Specifically, the article: exempts industrial uses of GBL and BDO from the controlled substances schedules; increases the penalty for possession of certain substances with intent to manufacture methamphetamine; requires restitution in cases where the crime required an emergency response due to the presence of dangerous chemicals; requires notification of county health officials of clandestine lab sites; requires remediation of lab sites prior to re-occupation of the land or property; establishes requirements relating to over-the-counter sales of methamphetamine precursors; creates two new crimes related to the illegal use of anhydrous ammonia; criminalizes various methamphetamine-related activities that may impact children or vulnerable adults; creates a methamphetamine awareness and educational account; establishes a methamphetamine laboratory cleanup revolving fund; and mandates implementation of a methamphetamine awareness retail and consumer education program.

- 1 **GBL and BDO.** Exempts the chemicals GBL and BDO from the controlled substances schedules when the chemicals are in their natural concentration or intended for industrial use (as opposed to human consumption). [Effective August 1, 2004, for crimes committed on or after that date.]
- 2 **Methamphetamine Manufacture Crime; Possession of Substances with Intent to Manufacture Methamphetamine Crime.** Amends the attempted manufacture of methamphetamine crime to clarify that this crime is not an "attempt crime" but rather a crime of possession of "any chemical reagents or precursors with the intent to manufacture methamphetamine." Provides that the list of chemical reagents or precursors in the statute is not an exclusive one. Strikes the cross-referenced definition of "anhydrous ammonia." [Effective August 1, 2004, for crimes committed on or after that date.]
- 3 **Penalty.** Increases the maximum criminal penalty for a violation of section 2 from a three-year/\$5,000 felony to a ten-year/\$20,000 felony and for a repeat offense from a four-year/\$5,000 felony to a 15-year/\$30,000 felony. [Effective August 1, 2004, for crimes committed on or after that date.]

## **Certain Controlled Substance Offenses; Restitution; Prohibitions on Property Use.**

**Subd. 1. Restitution.** Requires restitution from persons convicted of manufacturing or attempting to manufacture a controlled substance or of illegal activities involving precursors where the response to the crime involved an emergency response. The restitution goes to the public entities and property owners who participated in the response. The court may reduce the restitution if the convicted person is indigent or the restitution payment would create an undue hardship for the convicted person's immediate family.

**Subd. 2. Property-related prohibitions.** Mandates that police officers who arrest a person at a clandestine lab site notify the appropriate county or local health department and other entities of the arrest and the location of the site. Requires that local units of government, local health departments and sheriffs prohibit all clandestine property from being occupied, rented, sold, or used until it has been assessed and remediated. Specifies the process for remediation, including the circumstances under which the applicable authority must vacate its property use restriction order. The registrar of motor vehicles must be notified when a motor vehicle has been contaminated and also when the authority vacates its order. [Effective August 1, 2004.]

5 **Exceptions.** Amends the current ephedrine statute to add a cross-reference to section 6. [Effective August 1, 2004, for crimes committed on or after that date.]

6 **Sales of Methamphetamine Precursor Drugs; Criminal Penalties; Reporting.**

**Subd. 1. Definitions.** Defines methamphetamine precursor drugs, over-the-counter sale, and suspicious transaction.

**Subd. 2. Prohibited conduct.** Establishes requirements relating to over-the-counter sale of methamphetamine precursor drugs. Places limitations on the amount of precursor drugs that may be sold in a single over-the-counter sale.

**Subd. 3. Suspicious transactions; reporting; immunity.** Suspicious transactions must be reported by any person employed by a business establishment to the owner, supervisor, or manager who in turn may report the transaction to local law enforcement. A person who reports in good faith is immune from civil liability relating to the report.

**Subd. 4. Exemption.** Exempts lawfully-labeled pediatric products from the scope of this section.

**Subd. 5. Preemption.** The section pre-empts local ordinances regulating the sale of the covered products.

[Effective January 1, 2005.]

7 **Anhydrous Ammonia; Prohibited Conduct; Criminal Penalties; Civil Liability.**

**Subd. 1. Definitions.** Defines the term tamper.

**Subd. 2. Prohibited conduct.** Recodifies the prohibited fertilizer activities currently codified in Minnesota Statutes, sections 18C.201 and 18D.331. (These provisions are repealed in section 14.) A person may not steal, unlawfully take or carry away any

amount of anhydrous ammonia; or purchase, possess, transfer or distribute any amount of anhydrous ammonia knowing or having reason to know that it will be used to unlawfully manufacture a controlled substance. Includes requirements for containing and transporting anhydrous ammonia.

**Subd. 3. No cause of action.** Prohibits a person who is injured while tampering with a container storing anhydrous ammonia to seek damages from a person who is the rightful owner of the container.

**Subd. 4. Criminal penalty.** A knowing violation of these provisions results in a felony and imprisonment of no more than five years or a fine of not more than \$50,000 or both.

[Effective August 1, 2004, for crimes committed on or after that date.]

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### **Methamphetamine-Related Crimes Involving Children and Vulnerable Adults.**

**Subd. 1. Definitions.** Defines chemical substance, child, methamphetamine paraphernalia, methamphetamine waste products, and vulnerable adult.

**Subd. 2. Prohibited conduct.** Criminalizes various methamphetamine-related activities that may impact children or vulnerable adults. Prohibited conduct includes knowingly engaging in manufacturing or attempting to manufacture methamphetamine, storing any chemical substance, storing any methamphetamine waste products, or storing any methamphetamine paraphernalia in the presence of a child or a vulnerable adult. These activities are prohibited in the residence, building, structure, conveyance, or outdoor location, in a room offered to the public for overnight accommodation or any multiple unit residential building where a child or vulnerable adult may reasonably be. Also prohibits person from knowingly causing or permitting a child or vulnerable adult to inhale, be exposed to, have contact with, or ingest methamphetamine, a chemical substance, or methamphetamine paraphernalia.

**Subd. 3. Criminal penalty.** Violation of these provisions results in a felony and imprisonment of not more than five years or a fine of not more than \$10,000 or both.

**Subd. 4. Multiple sentences.** A sentence under this section is not a bar to a sentence for any other crime committed by the defendant as part of the same conduct.

**Subd. 5. Consecutive sentences.** Authorizes imposition of consecutive sentences.

**Subd. 6. Protective custody.** Police officers may take children who are found in areas where prohibited activities are taking place into protective custody. Requires children taken into protective custody to undergo health screening assessments.

**Subd. 7. Reporting maltreatment of vulnerable adult.** Proposes reporting obligations for police officers and mandated reporters for vulnerable adults who were exposed to a methamphetamine lab. Instructs county entry point staff and county social service agency staff how to respond to a police report indicating a vulnerable adult has been exposed to a meth lab.

[Effective August 1, 2004, for crimes committed on or after that date.]

9 **Methamphetamine Awareness and Educational Account.** Creates a methamphetamine awareness and educational account as a special revenue account in the state treasury. The state may accept contributions, gifts, grants, and bequests for deposit into the fund. [Effective August 1, 2004.]

10 **Content of Certificate.** Mandates that each certificate of title issued for a vehicle contaminated by methamphetamine production contain the term "hazardous waste contaminated vehicle" if the registrar has received the notice described in section 4. [Effective August 1, 2004.]

11 **Methamphetamine Laboratory Cleanup Revolving Fund.**

**Subd. 1. Definitions.** Defines clandestine lab site, property, and remediate.

**Subd. 2. Fund established.** Mandates the Public Facilities Authority to establish a methamphetamine laboratory cleanup revolving fund.

**Subd. 3. Applications.** Specifies the application process for loans from the fund.

**Subd. 4. Loan eligibility.** Specifies county or city eligibility for loans from the fund.

**Subd. 5. Use of loan proceeds; reimbursement by property owner.** Mandates that loans be used to remediate contaminated sites or to reimburse the applicable county or city fund. A loan recipient must seek reimbursement for the costs of remediation from the owner of the property containing the clandestine lab site.

**Subd. 6. Award and disbursement of funds.** Outlines the procedures for awarding and disbursing loans.

**Subd. 7. Loan conditions and terms.** Specifies terms and conditions of loans made under this section.

**Subd. 8. Authority to incur debt.** Authorizes counties and cities to incur debt under this section by resolution of the board or council authorizing issuance of a revenue bond to the authority.

[Effective August 1, 2004.]

12 **Definitions.** Expands the definition of "violent crime" in the criminal code's sentencing provision for certain dangerous and repeat felony offenders to include within it section 8. [Effective August 1, 2004, for crimes committed on or after that date.]

13 **Methamphetamine Retail and Consumer Education Program.** Mandates the commissioner of public safety to develop and implement a methamphetamine retail and consumer education program. The proposal is modeled after a similar program in Kansas called MethWatch. [Effective July 1, 2004.]

14 **Repealer.** Repeals provisions in Minnesota Statutes, chapters 18C and 18D, relating to anhydrous ammonia that are addressed in this article. [Effective August 1, 2004.]

## Article 7: General Criminal Provisions

This article makes changes to a variety of criminal laws. The article makes various changes to the law requiring persons to adopt an "appropriate reduced speed" when approaching or passing an emergency vehicle. It expands the crime of possessing contraband in a state prison or hospital. It establishes retention requirements for biological evidence used to convict a person. It expands the crime of first-degree murder involving child abuse to include patterns of child abuse involving more than one child. It increases penalties for certain assaults committed against peace officers, against probation officers who are working in correctional facilities, and against those who provide care and treatment to sex offenders in state prisons and hospitals. It imposes penalties on sex trafficking activity and changes how forfeited proceeds from such crimes and certain prostitution crimes are distributed. It creates criminal penalties for fleeing a peace officer without using a motor vehicle and for interfering with ambulance service personnel. It expands the crime of providing false information to a police officer. It increases penalties for the crime of surreptitious intrusion. Finally, this article makes several changes to the harassment restraining order law and the criminal harassment law.

- 1 Reduced speed. Amends the law that requires an appropriate reduced speed when approaching or passing an emergency vehicle, by specifying that an appropriate reduced speed when approaching or passing an emergency vehicle stopped on a highway is a speed that allows the driver to control the vehicle enough, up to and including stopping, to prevent a collision, avoid injury and property damage, and avoid interference with emergency personnel. [Effective August 1, 2004, for crimes committed on or after that date.]
- 2 Driver education. Requires the Department of Public Safety to require that students in school driver education programs and in commercial driver training schools are given instruction as to responsibility of drivers when approaching emergency scenes. [Effective July 1, 2004.]
- 3 Arrest within four hours. Allows a peace officer to arrest a person for failure to drive at an appropriate reduced speed when approaching or passing an emergency vehicle if the arrest is within four hours of the violation. Provides that the owner of a vehicle that commits such a violation is guilty of a petty misdemeanor. Exempts owners of stolen vehicles and instances where another person is convicted of the offense. [Effective August 1, 2004, for crimes committed on or after that date.]
- 4 Driver's manual. Requires the Minnesota driver's manual to contain a section on responsibility of drivers when approaching emergency scenes. [Effective July 1, 2004.]
- 5 Contraband articles. Expands the crime of bringing contraband into a state correctional facility or hospital to include persons who are found in possession of the contraband item. [Effective August 1, 2004, for crimes committed on or after that date.]
- 6 Preservation of evidence. Requires governmental entities to retain any item of physical evidence that contains biological material that is used to secure a conviction in a criminal case for the period of time that the convicted person remains incarcerated, on probation or parole, civilly committed, or subject to registration as a sex offender as a result of the conviction. [Effective the day following final enactment.]
- 7 Gas drive offs. Clarifies that criminal liability for stealing gas is not barred by a retailer seeking to impose civil liability on the perpetrator.
- 8 Murder in the first degree. Expands the first-degree murder crime that applies when a person causes the death of a minor while committing child abuse so that it applies when the perpetrator has previously engaged in child abuse against any child, not just the child whose death the perpetrator causes. Currently, this crime occurs when a perpetrator causes the death of a child while committing child abuse and the person has engaged in a past pattern of child

abuse upon "the child" and the death occurs under circumstances manifesting an extreme indifference to human life. Under this section, the crime would occur when a perpetrator has engaged in a past pattern of child abuse on "a child," not necessarily the same child, and the death occurs under circumstances manifesting an extreme indifference to human life. The penalty for this crime is life, although the commissioner of corrections may release the offender from prison after the offender has served 30 years. [Effective the day following final enactment for crimes committed on or after that date.]

9 Peace officers. Expands the crime of third degree assault to provide felony-level penalties for an assault against a peace officer where the offender intentionally throws or otherwise transfers bodily fluids or feces at or onto the officer. [Effective August 1, 2004, for crimes committed on or after that date.]

10 Correctional employees; probation officers; sex offender treatment providers. Expands the felony-level crime of third degree assault to include certain assaults against: (1) probation officers and other persons who are qualified to supervise offenders within a correctional facility, and (2) those who provide care or treatment to sex offenders in state prisons and hospitals. This crime currently covers assaults committed against correctional employees where the assault involves demonstrable bodily harm or the intentional throwing or transferring of bodily fluids or feces at or onto the victim. [Effective August 1, 2004, for crimes committed on or after that date.]

11 Promotes the prostitution of an individual. Amends the promotion of prostitution crime to include the activity of engaging in the sex trafficking of an individual (defined in section 12). [Effective August 1, 2004, for crimes committed on or after that date.]

12 Sex trafficking. Defines "sex trafficking" to mean receiving, recruiting, enticing, harboring, providing, or obtaining by any means, an individual to aid in the prostitution of an individual. [Effective August 1, 2004, for crimes committed on or after that date.]

13 Fleeing, other than a vehicle. Establishes the misdemeanor crime of fleeing from a peace officer in a manner other than in a motor vehicle. Applies if a person attempts to evade or elude a peace officer to avoid arrest, detention, investigation, or to conceal or destroy potential evidence related to a crime. Includes running, hiding, or other means of eluding capture. [Effective August 1, 2004, for crimes committed on or after that date.]

14 Crime. Establishes a crime for interfering with ambulance service personnel engaged in the performance of duties. Utilizes a broad definition of "ambulance service personnel" from the chapter of statutes relating to the Emergency Medical Services Regulatory Board. The new provision is placed in the section of the criminal code dealing with obstructing peace officers and firefighters and it uses the same penalty format as those offenses. A basic offense is a misdemeanor. If the act was accompanied by force or the threat of force, the penalty is a gross misdemeanor. If the act causes, or creates a risk of, death, substantial bodily harm, or serious property damage, the penalty is a felony (up to five years in prison; \$10,000 fine). [Effective August 1, 2004, for crimes committed on or after that date.]

15 Lying to peace officers; falsely reporting police misconduct.

Subd. 1. False reporting. Establishes a crime for providing false information to an on-duty peace officer regarding the conduct of others. The crime applies if the person knew the information was false and intended the officer to act in reliance upon it. Under current law in Minnesota, it is illegal to falsely report *a crime* to a law enforcement officer. Under another statute it is also illegal to give a false name or date of birth to a peace officer.

Subd. 2. Reporting police misconduct. (a) Establishes a crime for falsely reporting police misconduct if the person knows the allegation is false. It is a misdemeanor if the

reported act is not criminal in nature. It is a gross misdemeanor if the reported act is criminal in nature.

(b) Requires restitution of expenses incurred in the investigation of the false allegation. Restitution may be waived by the court if it makes a written finding that restitution is inappropriate under the circumstances.

[Effective August 1, 2004, for crimes committed on or after that date.]

16 Disposition. Technical amendment to criminal forfeiture law relating to section 17.

[Effective August 1, 2004, for crimes committed on or after that date.]

17 Disposition of certain forfeited proceeds; prostitution, trafficking offenses. Amends the provision of the forfeiture law that outlines how the forfeited proceeds of criminal activity are distributed. Provides that when a property forfeiture results from the crime of soliciting, inducing, or promoting prostitution, the proceeds are divided as follows:

- ▶ 40 percent to the law enforcement agency involved in the forfeiture;
- ▶ 20 percent to the prosecuting agency that handled the forfeiture; and
- ▶ 40 percent to the Department of Public Safety for distribution to crime victims services organizations that provide services to victims of prostitution or sex trafficking crimes

Requires the commissioner of public safety, beginning in April 2005, to report annually to the legislature on how these funds are expended and distributed. [Effective August 1, 2004, for crimes committed on or after that date.]

18 Surreptitious intrusion; observation device. Increases the penalty for the crime of surreptitious intrusion into a place where the victim has an expectation of privacy (so-called "peeping tom" crime) from a misdemeanor to a gross misdemeanor. Increases the penalty from a gross misdemeanor to a two-year felony where the crime is a repeat violation or when it is knowingly committed against a minor, including minors over age 16 (not covered by the current enhanced penalty). [Effective August 1, 2004, for crimes committed on or after that date.]

19 Restraining order; jurisdiction. Amends the harassment restraining order law to permit stepparents, besides a minor's parent or guardian, to seek a harassment restraining order on behalf of a minor. [Effective August 1, 2004, for crimes committed on or after that date.]

20 Filing fee; cost of service. Provides that filing fees for a harassment restraining order are waived if the petition alleges acts constituting criminal sexual conduct as the basis for seeking the order. Under current law, such fees are waived only when the petition alleges acts constituting criminal harassment as the basis for seeking the order. [Effective August 1, 2004, for crimes committed on or after that date.]

21 Harassment definition. Amends the definition of "harassment," as used in the criminal harassment law, to eliminate the requirement that the defendant's harassing conduct be proven to have caused the victim to feel frightened, threatened, oppressed, persecuted, or intimidated. [Effective August 1, 2004, for crimes committed on or after that date.]

22 Harassment and stalking crimes. Amends the elements of the crime of stalking/harassment to include the monitoring of a person, whether in person or by technological means. [Effective August 1, 2004, for crimes committed on or after that date.]

## Article 8: Court Policy and Public Defense

This article makes the following changes to laws relating to public defense: eliminates the duty to represent parents in CHIPs cases, limits the discretionary appointment of public defenders by the court, clarifies who is eligible for a public defender, amends the public defender co-payment provisions, modifies the access rights of public defenders to certain government data, and repeals a statute addressing the appointment of public defenders. The article also creates eight new judgeships. It allows retired court commissioners to serve as active commissioners. The article also authorizes Ramsey County to collect and receive a \$1 criminal surcharge in order to fund the County's petty misdemeanor diversion program. Finally, it specifies that the governmental unit bringing a criminal appeal is not required to pay the attorney's fees and costs of the defendant in such an appeal.

- 1 New judgeships. Creates eight new judgeships throughout the state to accommodate anticipated increased workloads stemming from increased sex offender penalties and methamphetamine law changes. [Effective January 1, 2005.]
- 2 Court commissioners. Authorizes the Chief Justice to assign retired court commissioners to serve as active court commissioners. [Effective July 1, 2004.]
- 3 Appointment of counsel. Prohibits a court from appointing a public defender to represent parents or guardians in CHIPs cases. [Effective July 1, 2004.]
- 4 Debt. Removes the public defender co-payment from the purview of the Revenue Recapture Act. [Effective July 1, 2004.]
- 5 Surcharges on criminal and traffic offenders. Permits the Ramsey County Board of Commissioners to authorize imposition of a \$1 criminal surcharge for every conviction of a felony, gross misdemeanor, misdemeanor, or petty misdemeanor offense, including parking tickets. It is the responsibility of judges in the 2<sup>nd</sup> Judicial District (Ramsey County) to impose the \$1 surcharge and for the court administrator to collect the surcharge. [Effective either the day after the Ramsey County Board authorizes the surcharge, or July 1, 2004, whichever is the later date. The surcharge will apply to convictions obtained on or after the effective date.]
- 6 Disbursement of surcharges by commissioner of finance. Requires the Second Judicial District Court Administrator to transmit the surcharge authorized by section 5 to the commissioner of finance who shall credit the general fund accordingly. [Effective either the day after the Ramsey County Board authorizes the surcharge, or July 1, 2004, whichever is the later date.]
- 7 **Court commissioner retirement.** Clarifies that retired court commissioners may be appointed by the Chief Justice to serve as active commissioners. [Effective July 1, 2004.]
- 8 **Appeal of pretrial orders; attorney fees; defendant; not government responsibility.** Amends the responsibility of the government to pay attorneys fees and costs in certain criminal case appeals. Pursuant to the current Minnesota Rules of Criminal Procedure, the Minnesota Supreme Court has adopted rules requiring a governmental unit to pay the attorney's fees and costs incurred by the defendant on the unit's appeal in the following cases:
  - ▶ from a pretrial order of the trial court,
  - ▶ from an order granting postconviction relief, and
  - ▶ from a judgment of acquittal by the trial court entered after the jury returns a verdict of guilty under certain provisions of the Minnesota Rules of Criminal Procedure.

This section states that, notwithstanding the relevant Minnesota Rule of Criminal Procedure, the governmental unit is not required to pay attorney's fees and costs in these cases **or** in an appeal from any sentence imposed or stayed by the trial court in a felony case. Current law does not require the governmental unit to pay a defendant's fees and costs in this type of sentencing appeal. Exempts defendants who are represented by the public defender.

[Effective July 1, 2004.]

- 9 Right to representation by public defender. Provides additional language that authorizes the prohibition on courts appointing a public defender to represent parents or guardians in CHIPs cases. [Effective July 1, 2004.]
- 10 Request for appointment of public defender. Limits the list of parties who may request a public defender to those parties specifically identified in section 611.14. The list in section 611.14 includes persons charged with a felony, gross misdemeanor, or misdemeanor, persons appealing from a conviction for a felony or gross misdemeanor, persons subject to revocation of a stayed sentence, and minors ten years of age or older who are subject to delinquency or CHIPs proceedings. [Effective July 1, 2004, for crimes committed on or after that date.]
- 11 Standards for district public defense eligibility. Imposes the public defender co-payment obligation on clients after the court disposes of the individual's case, unless the court waives the co-payment. Under current law, the obligation attaches at the time counsel is appointed. Requires that co-payments collected be deposited in the state general fund. Strikes language directing co-payments to a public defender co-pay account. [Effective July 1, 2004, for crimes committed on or after that date.]
- 12 Structure; membership. Permits the Speaker of the House and the Senate Majority Leader to appoint one attorney member each to the seven member Board of Public Defense. Currently, the Supreme Court appoints four members and the governor appoints three. This proposal would reduce the Supreme Court's number of appointments to two. [Effective July 1, 2004.]
- 13 Representation. Eliminates the Supreme Court and Court of Appeals' discretionary authority to appoint public defenders. Eliminates the State Public Defender's authority to delegate representation of court appointed defendants to district public defenders. [Effective July 1, 2004, for crimes committed on or after that date.]
- 14 Persons defended. Prohibits a court from appointing a public defender to represent parents or guardians in CHIPs cases. [Effective July 1, 2004.]
- 15 Access to government data. Eliminates the prohibition on public defenders accessing the criminal justice information network to obtain information on individuals other than their clients. Allows the public defender to access the network to obtain the criminal record of a witness. Clarifies that the public defender shall have access to data stored via CriMNet or other methods. Specifies that the public defender may not access data systems maintained by a prosecuting attorney. [Effective July 1, 2004.]
- 16 Repealer. Repeals section 611.18, which covers a variety of issues, related to the appointment of public defenders. Repeals section 486.055, which requires court reporters to file accounting reports. [Effective July 1, 2004.]

## Article 9 : Corrections and Public Safety

This article makes some changes to the DWI laws. It amends the DWI implied consent law to permit arresting officers to invalidate a violator's driver's license by clipping its upper corner instead of requiring the officer to confiscate or destroy it. It clarifies that DWI plate impoundment is not negated by dismissal of the original DWI charge but that the license revocation also would have to be rescinded. It requires the arresting officer to be notified when a judicial forfeiture action is filed by the DWI law violator. Finally, it requires the commissioner of public safety to purge a driver's record of alcohol-related infractions after seven years, if the driver has not incurred additional alcohol-related offenses.

This article also adds an expedited process, eliminating the need for a court hearing, to obtain a blood sample if certain requirements are met. It makes certain offenders released from state correctional facilities ineligible for gate money. It creates a new Oversight Council on Gang and Drug Crime to replace the current Criminal Gang Council and Strike Force. It increases the cap on bulletproof vest reimbursements. Finally, it requires the immediate transfer to the state general fund of money deposited after June 30, 2003, in the criminal justice special projects account in the special revenue fund.

- 1 Test refusal; driving privilege lost. Directs that, when a driver is arrested for an impaired driving violation and either refuses or fails the alcohol concentration test, the arresting officer must invalidate the person's driver's license, by clipping the upper corner of the card, and immediately return it to the person. Under current law, the officer has the option of either invalidating and returning the person's driver's license or confiscating it. This section does not change the additional requirements to issue the person a seven-day temporary driver's license, and to notify the Department of Public Safety of the license revocation action. [Effective July 1, 2004.]
- 2 Rescission of revocation and dismissal or acquittal; new plates. Clarifies the DWI plate impoundment law by specifying that dismissal of the original DWI charge, *alone*, does not negate the plate impoundment; the driver's license revocation stemming from the arrest would *also* need to be rescinded before the plate impoundment could be negated. [Effective the day following final enactment.]
- 3 Administrative forfeiture procedure. Amends the DWI vehicle forfeiture law by broadening the requirement for serving notice on authorities when a violator files a judicial appeal of the forfeiture action. Under current law, only the prosecutor must be served with the notice. The bill would require that the notice of appeal also be served on the law enforcement agency that made the arrest. [Effective August 1, 2004.]
- 4 Application and record, when destroyed. Requires the commissioner of public safety to purge a driver's record of prior impaired driving-related convictions and license losses after seven years, if the driver has not incurred additional alcohol-related offenses or licensing actions. [Effective July 1, 2004.]
- 5 Procedures without consent; expedited process; inmate notice. Paragraph (a). Provides that the head of a correctional facility may order an inmate to provide a blood sample for testing if the subdivision's requirements are met.

Para. (b). Before a blood sample can be ordered, an affidavit must be executed attesting:

- ▶ the correctional facility attempted to obtain the sample voluntarily;
- ▶ a doctor determines that a significant exposure has occurred;
- ▶ the corrections employee has provided a blood sample; and
- ▶ a doctor determines that a blood sample from the inmate is needed to determine the proper course of treatment for the corrections employee.

Para. (c). The head of the correctional facility may order the blood sample if:

- ▶ there is probable cause to believe there was a significant exposure;
- ▶ there are safeguards against unauthorized/unnecessary disclosure including that the test results may not be used in unrelated criminal or civil proceedings;
- ▶ the test is needed to determine the proper scope of medical treatment; and
- ▶ the interests of the state and employee in obtaining the test results outweigh the interests of the inmate.

Para. (d). Requires correctional facilities to cooperate with employees to provide necessary affidavits.

Para. (e). Requires written notice of this procedure to inmates through the inmate handbook. [Effective the day following final enactment.]

6 Chief executive officer to increase fund to \$100. Provides that offenders who are discharged from a state correctional facility are entitled to receive \$100 in "gate money" only once and are ineligible to receive it for any second or subsequent release from incarceration relating to the same offense. Also provides that offenders sentenced as short-term offenders are ineligible to receive gate money. [Effective July 1, 2004.]

7 Bulletproof vest reimbursement . Authorizes the commissioner of public safety and political subdivisions to reimburse peace officers up to \$600 for the purchase of bulletproof vests. Peace officers may seek up to \$600 dollars from both the commissioner and the political subdivision that employs them. Currently the reimbursement is capped at \$300.

8 See section 7.

9 Gang and drug oversight council. Creates a Gang and Drug Oversight Council.

Subd. 1. Oversight council established. Establishes the Gang and Drug Oversight Council to provide guidance to investigations and prosecutions of gang and drug crime.

Subd. 2. Membership. Designates the council's membership and provides that it will include a variety of state, federal and local criminal justice professionals involved in the investigation and prosecution of gang and drug crime, including four members appointed by the councils of color.

Subd. 3. Oversight council's duties. Requires the council to develop an overall strategy to ameliorate the harm caused by gang and drug crime in Minnesota, including the development of protocols and procedure to permit multi-jurisdictional investigation of these crimes. Also requires the council, among other things, to:

- ▶ establish multi-jurisdictional task forces and strike forces to combat gang and

drug crimes,

- ▶ make funding recommendations to the commissioner of public safety on grants to support efforts to combat gang and drug crime,
- ▶ develop a process for sharing information among agencies, and
- ▶ adopt criteria for determining gang membership.

Subd. 4. Statewide coordinator. Requires the commissioner of public safety to appoint a statewide coordinator, as selected by the council, to coordinate and monitor the activities of task forces, facilitate local efforts and training, ensure statewide coordination of efforts to combat gang and drug crimes, monitor compliance with investigative protocols, and implement an outcome evaluation and data quality control process.

Subd. 5. Participating officers; employment status. Requires participating officers to be licensed peace officers or qualified federal law enforcement officers. Provides that they remain employees of their original agencies and do not become state employees through their participation in a task force.

Subd. 6. Jurisdiction and powers. Grants statewide jurisdiction to participating officers to conduct criminal investigations and grants them the same arrest powers as a sheriff.

Subd. 7. Grants authorized. Permits the commissioner to make grants to combat gang and drug crime after considering the recommendations of the council.

Subd. 8. Oversight council is permanent. Makes the council permanent and not subject to expiration.

Subd. 9. Funding. Permits participating agencies to accept funding from other sources.

Subd. 10. Role of the attorney general. Provides that the attorney general shall provide general advice on any matters the council deems appropriate.

Subd. 11. Attorney general; community liaison. Provides that the attorney general will act as a liaison between the council and the various communities of color councils. Requires the attorney general to keep the councils informed of the oversight council's activities and plans and to inform the oversight council of the councils' reactions to those activities and plans. Provides that the council will keep the names of individuals under investigation confidential and that other data in its possession retains its original data classification. [Effective July 1, 2004.]

10 Proceeds collected for the criminal justice special projects account. Requires the state treasurer to transfer to the general fund any proceeds received after June 30, 2003, for the criminal justice special projects account in the special revenue fund. [Effective immediately.]

11 Repealer. Repeals current laws relating to the Criminal Gang Council and Strike Force (replaced by the oversight council created in this article). [Effective July 1, 2004.]

## Article 10. Rights of Victims of Sexual Assault

This article contains provisions that are intended to provide a victim of sexual assault with notice and information regarding the civil commitment of the person who sexually assaulted the victim.

- 1 Victim. Defines the term victim for purposes of the civil commitment chapter of law.
- 2 Prepetition screening. Entitles victims to receive notice from prepetition civil commitment screening teams regarding the civil commitment process. Requires prepetition screening teams to send a copy of the report recommending civil commitment to the victims. Requires the county attorney to provide victims with notice of their decision to pursue civil commitment.
- 3 Prehearing examination; notice and summons procedure. Requires that notice of a prehearing examination and a commitment hearing must be served on all victims. Requires that the prepetition screening report, the petition, and the examiner's supporting statement must be distributed to all victims.
- 4 Notice of hearing. Requires five day advance notice of commitment hearings be provided to victims.
- 5 Witnesses. Permits victims to testify at civil commitment hearings.
- 6 Notification of discharge. Requires the head of a treatment facility to provide advance notice to victims when a committed person is scheduled for discharge or provisional discharge. The notice must inform the victims that they may attend the staff meeting and present any information relevant to the discharge of the patient.
- 7 Release on pass; notification. Requires ten-day advance notice to victims when a committed person is granted a temporary release pass.
- 8 Pass-eligible status; notification. Requires ten-day advance notice to victims that a committed person's pass-eligible status will be determined.
- 9 Special review board. Requires the special review board established to evaluate transfer petitions filed by committed persons to receive and consider statements from victims.
- 10 Petition; Notice of hearing; attendance; order. Requires 14-day advance, written notice to victims of hearings for the transfer, discharge, or revocation of provisional discharge of committed persons. Requires copies of all documents submitted for the hearing to be provided to victims.
- 11 Petition; hearing. Requires notice to victims when an appeal is filed with the appeal panel challenging a commissioner's decision regarding a committed person.
- 12 Notice to designated agency and victims. Requires the head of a treatment facility to provide advance notice to victims of the scheduled provisional discharge of a committed person.
- 13 Victims' rights. Requires the Crime Victim and Witness Advisory Council to include in their model notice to victims a statement that informs sex assault victims of their right to be informed of and participate in hearings and other proceedings regarding the civil commitment of the person who assaulted them.