

HOUSE RESEARCH

Bill Summary

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Contents

Article 1: Supplemental Appropriations	2
Article 2: General Crimes and Sentencing	3
Article 3: Controlled Substances, DWI, and Driving Provisions	10
Article 4: Public Safety	12
Article 5: Corrections	20
Article 6: Courts and Public Defenders	22
Article 7: Emergency Communications	26
Article 8: Immigration; Law Enforcement	28
Article 9: Fraudulent or Improper Financing Statements	30
Article 10: Fraudulent Identity Documents	31
Article 11: Computer Crimes	31

Article 1: Supplemental Appropriations

Overview

Article 1 contains the Public Safety Supplemental Appropriations for the following state government entities: Supreme Court, Board of Judicial Standards, Public Safety, Corrections, Secretary of State, and Peace Officers Standards and Training Board.

- 1. 1 Supplemental appropriations. Describes, in general terms, the appropriations contained in this article.
- 2 Supreme Court. Appropriates \$125,000 for the first phase of a judicial initiative to more effectively address the increasing numbers of alcohol and other drug offenders coming to court.
- 3 Board of Judicial Standards. Appropriates \$172,000 in FY06 for costs of special hearings and an investigation regarding complaints of judicial misconduct.
- 4 Public Safety.

Subd. 1. Total appropriations.

Subd. 2. Emergency management. Provides funds to obtain FEMA matching grants to cover the cost of repair of Hastings' hydroelectric power facility. Also, appropriates \$52,000 in FY07 for grants to municipalities whose bomb squads provide out-of-area assistance.

Subd. 3. Criminal apprehension. Appropriates \$656,000 to create the Special Crimes Unit. Appropriates \$100,000 for the enhancement of the predatory offender database regarding noncompliant sex offenders. Appropriates \$42,000 to the BCA to conduct background checks requested by mentoring service organizations.

Subd. 4. Office of Justice Programs. Appropriates \$80,000 to Ramsey county for implementation of the safe harbor for sexually exploited youth pilot project. Appropriates \$40,000 to the Victim Intervention Program. Appropriates \$75,000 to implement the human trafficking task force and plan.

- 5 Corrections.

Subd. 1. Total appropriations.

Subd. 2. Correctional institutions. Of this appropriation, \$42,000 is for the bed impact

of the career offender policy change contained in article 2.

Subd. 3. Community Services. Appropriates \$300,000 for a pilot project that focuses on offender re-entry programs. Appropriates \$21,000 for a validity and reliability study of the risk assessment tool used to screen sex offenders. Increases the base in FY08 by \$196,000 for the addition of Scott County to the Community Corrections Act.

6 Secretary of State. Appropriates \$50,000 to implement an address confidentiality program.
7 Peace Officer Standards and Training Board. Amends provisions enacted in 2005 regarding
excess receipts and training reimbursements.

8 Sex offender assessment reimbursement grants. Permits counties, their designees, or courts
to receive reimbursement for sex offender assessments. The change clarifies that not only
counties are entitled to reimbursement from the \$350,000 appropriated to the commissioner
of corrections for this purpose.

Article 2: General Crimes and Sentencing

Overview

Article 2 creates and modifies various criminal and sentencing provisions. It addresses the following: alcohol without liquid devices, child pornography crimes, criminal sexual conduct crimes, the crime of aiding an offender, domestic abuse no-contact orders, repeat domestic assaults, neglect of a vulnerable adult, trafficking crimes involving minors, counterfeiting currency, dollar amount thresholds for theft crimes, regulated animal possession and ownership, assaults on animal control officers, collateral consequences, sentencing guideline modifications, and bias crimes. In addition, article 2 applies *Blakely* provisions to sentencing enhancement statutes, recodifies the patterned sex offender sentencing law, modifies the career offender sentencing law, and removes the sunset provision for *Blakely* hearing provisions.

1. 1 Procedures in cases where state intends to seek an aggravated departure. Applies *Blakely* procedures to a state's request for an aggravated sentence under any sentencing enhancement statute or a state's request for a mandatory minimum under section 609.11. (In *State v. Barker*, the Minnesota Supreme Court held that section 609.11 was unconstitutional to the extent it authorized the court to make an upward departure upon finding of a sentencing factor without the aid of a jury or admission by the defendant.) [H.F. 3540]

[Effective: Day following enactment and applies to sentencing hearings and sentencing departures sought on or after that date.]

1. 2 Defendants to present evidence and argument. Permits a defendant to present evidence and argument to the factfinder regarding whether facts exist that would justify an aggravated departure, *enhanced sentence*, or a *mandatory minimum sentence under section 609.11*. Deletes reference to "durational" departures. (In *State v. Allen*, the Minnesota Supreme Court held that *Blakely* applies to durational and dispositional departures.) [H.F. 3540]

[Effective: Day following enactment and applies to sentencing hearings and sentencing departures sought on or after that date.]

1. 3 Waiver of jury determination. Authorizes the court to determine beyond a reasonable doubt whether factors exist in support of a state's motion for an aggravated sentence, *enhanced sentence, or a mandatory minimum sentence under section 609.11* when the defendant waives the right to a jury determination. [H.F. 3540]

[Effective: Day following enactment and applies to sentencing hearings and sentencing departures sought on or after that date.]

- 4 Customer sales or service call center.

Subd. 1. Definitions. Defines the terms "customer sales and service call center," "customer service call center," and "customer service employee."

Subd. 2. Customers' right to customer sales or customer service call center information. Provides that a customer on the telephone with a call center has the right to know the state or country in which the call center is located. Provides a special provision that applies if the person is asked for financial, credit, or identifying information, permitting the customer to request an alternative option, if available.

Subd. 3. Violation. Makes a violation of this section a violation of the consumer fraud act and subjects violators to an injunction.

Subd. 4. Application to other remedies. Provides that this section does not create a new remedy or affect existing ones.

[Effective date. August 1, 2006, for violation committed on or after that date.]

- 5 Alcohol without liquid devices prohibited.

Subd. 1. Definition. Defines "alcohol with liquid device" as a device, machine, apparatus, or appliance that mixes an alcoholic beverage with pure or diluted oxygen to produce a vapor that may be inhaled. It does not include a device that is designed and intended to be used for medical purposes.

Subd. 2. Prohibition. Prohibits a person or business from possessing, purchasing, selling, offering to sell, or using an alcohol without liquid device. A violation is a misdemeanor.

Subd. 3. Research exemption. Exempts hospitals, state institutions, private colleges or universities, and pharmaceutical companies conducting bona fide research from the provisions of this section.

Subd. 4. Penalty. Prohibits utilizing a nebulizer, inhaler, or other medical device for the purposes of inhaling alcoholic beverages, except for bona fide research. A violation is a misdemeanor.

[H.F. 3336, as amended]

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 6 Definitions. Provides that for purposes of the regulated animal statutes the terms "bodily harm," "substantial bodily harm," and "great bodily harm" have the meaning accorded them under Minn. Stat. § 609.02 (criminal definitions). [H.F. 3119]

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

7 Requirements. Requires a person who possesses a regulated animal to have the Minnesota Animal Control Association prepare a change of address or location form and to have it approved by the Board of Animal Health. In addition, when a regulated animal is housed on a particular premises, a sign must be posted indicating that a "dangerous" regulated animal is present on the premises. It also mandates that a person notify local animal control whenever the individual intends to move a regulated animal. [H.F. 3119]

8 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Seizure. Technical changes applied to the regulated animal statute's organization. [H.F. 3119]

9 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Confinement and control. Establishes the crime of negligent control or confinement of a regulated animal where the negligence results in bodily harm to a human. [H.F. 3119]

10 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Penalty. Establishes a tiered penalty scheme for violations of the regulated animal statute (section 346.155). [H.F. 3119]

11 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Domestic abuse no contact order. Adds a gross misdemeanor penalty for violation of a domestic abuse no contact order. This penalty applies to violations of no contact orders that occur within five years of a previous conviction for a "qualified domestic violence related offense." [H.F. 3091]

12 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Qualified domestic violence-related offense. Expands the definition of a "qualified domestic violence-related offense" to include violations of domestic abuse no contact orders and the crime of interference with an emergency call. [H.F. 3091]

13 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Increased sentences for offender who commits a sixth felony. Eliminates the requirement that the state prove under the career offender sentencing law that the present offense is a felony that was committed as part of a pattern of criminal conduct. [H.F. 3540]

14 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Prosecutor shall establish. Eliminates the requirement that the state must, at the time of trial or at the plea of guilty, present on the record all evidence to establish that the defendant or an accomplice used a firearm or dangerous weapon during the commission of certain offenses. Changes references from "court" to "factfinder" to comply with *Blakely*. [H.F. 3540]

15 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Increased Penalties for Crimes Motivated by Bias.

Subd. 1. Crimes motivated by bias. Creates enhanced penalties if a crime was committed because of the victim's, property owner's, or another's actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin.

Subd. 2. Penalties. Increases penalties for crimes committed under subdivision 1.

- If the crime committed is a felony, the statutory maximum is increased by 5 years.
- If the crime committed is a gross misdemeanor, the person is guilty of a felony and may be sentenced to imprisonment for not more than 2 years and/or to payment of a fine of not more than \$10,000.
- If the crime committed is a misdemeanor, the person is guilty of a gross misdemeanor.

Subd. 3. Exception. Provides that enhanced penalties under this section do not apply if proof of bias is already required for a conviction of a crime.

[H.F. 3471]

16 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Assaults motivated by bias. Increases the penalty for an assault motivated by bias that is committed within 5 years of a previous violation of the same statute. Currently, the maximum sentence is imprisonment for one year and a day and/or a \$3,000 fine. The new sentence is a maximum of two years' imprisonment and a \$10,000 fine. [H.F. 3471]

17 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Public employees with mandated duties. Adds "animal control officer" to the fourth degree assault statute. [H.F. 2692]

18 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Felony. Amends the domestic assault statute's felony provision. Eliminates the requirement that an assault be against the "same victim" of two or more previous qualified domestic violence related offense convictions.

19 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Crime. Provides that a caregiver or operator who intentionally neglects a vulnerable adult or knowingly permits conditions to exist that result in the abuse or neglect of a vulnerable adult may be sentenced as provided in section 0. [H.F. 3235]

20 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Penalties.

Para. (a). Provides that a caregiver or operator who violates section 0 is guilty of a gross misdemeanor (except as provided in paragraph (b)).

Para. (b). Provides that a caregiver, who is an individual and has responsibility for the care of a vulnerable adult as a result of a family relationship, may be sentenced to: (1) a five-year felony if neglect results in substantial bodily harm or the risk of death, or (2) a ten-year felony if neglect results in death.

[H.F. 3235]

21 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Labor trafficking. Creates a 20-year felony for the crime of engaging in the labor trafficking of an individual who is under the age of 18. Other labor trafficking offenses carry a 15-year felony. [H.F. 3244, art. 2]

22 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Unlawful conduct with respect to documents in furtherance of labor or sex trafficking. Creates a new 10-year felony for the crime of unlawful conduct with respect to documents in furtherance of labor or sex trafficking. The 10-year felony applies if the crime involved a victim under the age of 18. Other offenses carry a 5-year felony. [H.F. 3244, art. 2]

23 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Personal body or cosmetic services. Defined as services for hire including massage, bodywork, acupuncture, esthetician services, body piercing, or tattooing. [H.F. 3863]

24 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Crime defined. Adds the following act to the definition of criminal sexual conduct in the third degree: nonconsensual sexual penetration during or immediately before or after the actor performs personal body or cosmetic services on the complainant. [H.F. 3863]

25 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Crime defined. Adds the following act to the definition of criminal sexual conduct in the fourth degree: nonconsensual sexual contact during or immediately before or after the actor performs personal body or cosmetic services on the complainant. [H.F. 3863]

26 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Mandatory sentences for certain engrained offenders. Recodifies section 609.108, subdivisions 1, 3, and 4 (mandatory sentences for certain patterned and predatory sex offenders; no prior conviction needed). [H.F. 3540]

1. 27 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Mandatory life sentence; repeat offenders. Applies *Blakely* provisions to the dangerous sex offender law. [H.F. 3540]

1. 28 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Terms of conditional release; applicable to all sex offenders. Recodifies section 609.108, subdivision 7. [H.F. 3540]

29 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Venue. Permits prosecutors to charge persons with harboring, concealing, or aiding an offender and obstructing a criminal investigation in either: (1) the county where the offense occurred; or (2) the county where the underlying criminal act occurred. [H.F. 3796, as amended]

30 [Effective: July 1, 2006.]
Sentence. Increases the dollar amount thresholds for theft offenses. The effect of these changes is to lower sentences for theft offenses involving less than \$5000. [H.F. 3345]

31 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Criminal damage to property in the first degree. Increases the dollar amount thresholds for

first-degree criminal damage to property. The effect of these changes is to reduce the number of cases that qualify as first-degree offenses. [H.F. 3345]

32 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Criminal damage to property in the second degree. Increases the penalty for criminal damage to property motivated by bias. Currently, the maximum sentence is imprisonment for one year and a day and/or a \$3,000 fine. The new sentence is a maximum of two years' imprisonment and/or a \$5,000 fine. [H.F. 3471]

33 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Criminal damage to property in the third degree. Increases the dollar amount thresholds for third-degree criminal damage to property. The effect of these changes is to reduce the number of cases that qualify as third-degree offenses. [H.F. 3345]

34 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Counterfeiting of Currency.

Subd. 1. Manufacturing; Printing. Creates the crime of manufacturing or printing currency with intent to defraud.

Subd. 2. Means for False Reproduction. Creates the crime of possessing or using counterfeiting devices with intent to defraud.

Subd. 3. Uttering or Possessing. Creates the crime of issuing or possessing counterfeit currency with intent to defraud. (Utter means to issue a forged document.)

Subd. 4. Penalty. Establishes penalties for violations of subdivisions 1 to 3. Violations of subdivisions 1 and 2 expose offenders to up to 20 years in prison and a fine of up to \$100,000. Violations of subdivision 3 range from a gross misdemeanor for offenses involving small amounts of counterfeit currency to a 20-year felony for offenses involving large amounts of counterfeit currency.

Subd. 5. Aggregation; Venue. Permits aggregation of the dollar amounts, over a six month period, where there are multiple offenses involving counterfeit currency. Permits offenses to be prosecuted in any county where any one of a series of offenses was committed.

[H.F. 3506]

35 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Conditional release term. Requires courts who sentence offenders to prison based on a conviction for using minors in sexual performances (617.246) to impose a five-year conditional release period to be served upon release from prison. The court must impose a 10-year conditional release term for those with previous sex offense convictions. [H.F. 3849]

36 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Conditional release term. Requires courts who sentence offenders to prison based on a conviction for disseminating or possessing child pornography (617.247) to impose a five-year conditional release period to be served upon release from prison. The court must

impose a 10-year conditional release term for those with previous sex offense convictions. [H.F. 3849]

37 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Federal Law Enforcement Officer. Updates and expands the definition of federal law enforcement officer. Removes a reference to Immigration and Naturalization Service and replaces it with the Department of Homeland Security and adds the U.S. Postal inspection service to the list of federal law enforcement agencies recognized by the state. Recognized federal law enforcement officers are granted limited arrest and detention authority in the State. [H.F. 3506]

38-41 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Effective date. Repeal the February 1, 2007 sunset provision for *Blakely* procedures enacted in 2005. [H.F. 3540]

42 [Effective: Day following final enactment.]
Sentencing Guidelines Modifications. Except as noted, adopts the modifications related to sex offenses proposed by the commission in its January 2006 report. Rejects certain changes made by the commission relating to criminal sexual conduct in the third and fourth degrees and requests that the offenses be ranked at a higher level. Directs the commission to publish an updated version by August 1, 2006, that reflects any changes made.

[Effective: July 1, 2006]

1. 43 **Collateral consequences committee.** Establishes an eight-member collateral consequences committee to study collateral consequences of adult convictions and juvenile adjudications and recommend any proposed changes to the Legislature. Requires the Department of Corrections to provide technical assistance to the committee, with the assistance of the Department of Public Safety and the Sentencing Guidelines Commission. Requires the committee to submit a report to the Legislature no later than January 15, 2007. [H.F. 3345, as amended]

[Effective: July 1, 2006.]

44 Revisor's instructions. Instructs the Revisor to replace statutory references to section 609.108 with section 609.3455, subdivision 3a (section 26). [H.F. 3540]

45 [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
Repealer. Repeals recodified provisions and provisions that were made obsolete by sex offender sentencing reform enacted in 2005. [H.F. 3540]

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

Article 3: Controlled Substances, DWI, and Driving Provisions

Overview

Article 3 makes the following changes to controlled substances, DWI, and driving laws. It amends criminal provisions regulating the possession and sale of prohibited drug paraphernalia, requires a court to provide reasons upon denying a request to defer prosecution for certain first-time drug possession offenders, amends the definition of "chemically dependent person," enhances the penalty for an impaired driving violation if the person has previously been convicted of criminal vehicular homicide, amends the crime of reckless driving, and amends penalties for minors who drive while talking on a cell phone.

1. 1 Drug paraphernalia. Amends the definition of drug paraphernalia by eliminating the requirement that the paraphernalia be "knowingly or intentionally" used to manufacture, consume, test, or enhance illegal drugs. [H.F. 3298]

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]
1. 2 Sale of drug paraphernalia prohibited. Creates the new crime of sale of drug paraphernalia and eliminates the current crime of manufacture and delivery of drug paraphernalia. It is a misdemeanor to sell prohibited drug paraphernalia to adults. A person over the age of 18 who sells prohibited drug paraphernalia to someone who is under 18 years of age and at least three years younger than the seller is guilty of a gross misdemeanor. [H.F. 3298]

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]
2. 3 Prohibition on possession of certain items associated with controlled substance use. Creates a petty misdemeanor for knowingly possessing a dugout, glass pipe, marijuana pipe, or one-hit pipe. [H.F. 3298]

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]
3. 4 Deferring prosecution for certain first-time drug offenders. Allows courts to (1) either to defer prosecution for certain first-time, low-level drug possession offenders or (2) to state orally on the record or enter a written finding that states reasons why a deferral is inappropriate. Currently, courts have discretion regarding deferral of prosecution in these cases and do not need to defend their decision to deny a deferral. [H.F. 3345, sec. 3]

[Effective: July 1, 2006]
4. 5 Reckless, Careless, or Exhibition driving. Expands the definition of reckless driving to include racing, which consists of speed contests regardless of whether a vehicle goes over the speed limit. Creates a new violation for exhibition driving, defined as an unnecessary amount of acceleration, with a penalty of a petty misdemeanor.

This section does not apply to authorized emergency vehicles, emergency operation of a vehicle to avoid imminent danger, racing facilities, and other approved public events. [H.F. 3521]

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

5. 6 **Degree described.** Enhances the criminal penalty for an impaired driving violation (DWI) to the felony level, if the person has previously been convicted of a felony crime under section 609.21, subdivision 1 (criminal vehicular homicide) or subdivision 3 (death to an unborn child). The conviction must have occurred within the previous ten years and involved impaired driving. **[H.F. 3808, as amended]**

[Effective: August 1, 2006, and applies to violations of section 169A.20 occurring on or after that date.]

6. 7 Instruction permit use by person under age 18. Specifies that a minor who is caught driving while talking on a cell phone has committed a petty misdemeanor. **[H.F. 2954]**

[Effective: June 1, 2006, and applies to violations committed on or after that date.]

7. 8 Use of a provisional license. Specifies that a minor who is caught driving while talking on a cell phone has committed a petty misdemeanor. **[H.F. 2954]**

[Effective: June 1, 2006, and applies to violations committed on or after that date.]

8. 9 **Chemically dependent person.** Adds "opium" to the list of controlled substances used habitually or excessively by a pregnant woman for purposes of defining a chemically dependent person. This definition applies to the civil commitment chapter and the maltreatment of minors act. (Currently, the list references cocaine, heroin, phencyclidine, methamphetamine, an amphetamine.) **[H.F. 3776]**

[Effective: July 1, 2006]

9. 10 **Remediation of harm caused by misdemeanor convictions for minors driving with mobile telephones.**

Subd. 1. Remediation by commissioner. Directs the commissioner of public safety to expunge from a licensee's driving record a misdemeanor conviction for violating section 171.05, subd. 2b, para. (d), or 171.055, subd. 2, para. (b) (driving while communicating on a cell phone by a permit holder under the age of 18 or by a provisional license holder).

Subd. 2. Remediation by the courts. (a) Directs a court to vacate a conviction for violating section 171.05, subd. 2b, para. (d), or 171.055, subd. 2, para. (b), on its own motion, without cost to the person convicted, and notify the person that the conviction has been vacated. (b) Directs the commissioner of finance, in consultation with the Supreme Court administrator, to develop and implement a refund procedure for fines charged in excess of \$300.

Subdivisions 1 and 2 apply to infractions that occurred between July 1, 2005 and June 30, 2006. **[H.F. 2954]**

[Effective: July 1, 2006.]

10. 11 Repealer. Repeals the statute that creates a gross misdemeanor for "delivering" drug paraphernalia to minors. (This language, in modified form, is included in section 2, subdivision 2.) **[H.F. 3298]**

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

Article 4: Public Safety

Overview

Article 4 contains provisions that relate to public safety, including: background checks, law enforcement records and services, crime victim address confidentiality program, indexing services for the criminal justice system, peer counseling protections, predatory offender registration and notification, sanctuary ordinances, human trafficking, capitol security, fire code appeals, fire insurance surcharges, carbon monoxide alarm system requirements, organ donation inquiries, victim notification rights, and protocols for exposure to bloodborne pathogens by peace officers.

1. 1 Governor's residence employees and governor appointee background checks. Authorizes the governor's office to request a background check on executive branch appointees and governor's residence employees. The check may consist of: (1) systems accessible through the criminal justice data communications network, (2) the statewide supervision system (DOC), and (3) national criminal history information maintained by the FBI. The candidate must provide written authorization for the background check, and the authorization must include a set of fingerprints if there is a check of the national criminal history database. The BCA may recover fees from the governor's office. [H.F. 3433]
- 2 Definitions. Defines terms used in a series of statutes establishing a program that allows domestic violence, sexual assault, and stalking victims to maintain a confidential address through the secretary of state. [H.F. 4112]
- 3 Address confidentiality program. Creates a program that allows victims of sexual assault, domestic abuse, and stalking who believe that disclosure of their actual address endangers their lives to use the secretary of state's address as their address of record. [H.F. 4112]
- 4 Certification cancellation. Establishes grounds for canceling certification of a person participating in the secretary of state's Address Confidentiality Program. [H.F. 4112]
- 5 Agency use of designated address. Establishes the guidelines for the use of the secretary of state's address when provided by a program participant to a state or local agency. [H.F. 4112]
- 6 Voting by program participant; use of designated address by county auditor. Permits address confidentiality program participants to register as absentee voters. [H.F. 4112]
- 7 Disclosure of records prohibited; exceptions. Prohibits the secretary from releasing an address confidentiality program participant's address unless ordered to do so by court order. [H.F. 4112]
- 8 Assistance for program applicants. Directs the secretary to designate agencies to assist victims in applying for participation in the Address Confidentiality Program. [H.F. 4112]
- 9 Adoption of rules. Authorizes the secretary to adopt rules necessary to implement the Address Confidentiality Program. [H.F. 4112]
- 10 Juvenile Photos. Provides that photographs or electronically produced images of juveniles

adjudicated delinquent shall not be expunged from law enforcement records or databases. [H.F. 3650]

11 Name and index service; data classification. The Bureau of Criminal Apprehension (BCA) is creating a new indexing service of individuals who have had contact with the criminal justice system. This section classifies data in this service as private (available to the data subject but no one else outside the BCA) but makes it confidential (not available to the subject or anyone else) if the private data is joined with confidential data. [H.F. 3389, as amended]

12 Public safety peer counseling and debriefing. Extends confidentiality protections to comments that public safety officers make during one-on-one peer counseling. Currently, the statute only protects comments made during post-traumatic event group debriefings. The section is intended to encourage public safety officers to seek peer counseling by eliminating the concern that their comments will be added to their personnel records. [H.F. 2775]

13 Registration required. Requires predatory offenders who move to Minnesota from other states and who are obligated to register for life in their states of origin to register for life in Minnesota. [No bill introduced]

14 Contents of registration. Excuses level III offenders from having to appear for a photo every six months for periods of time when they are incarcerated. [No bill introduced]

15 Health care facility; notice of status. Modifies the notice requirements placed on health care facilities regarding predatory offenders living in their facilities. [No bill introduced]

16 Registration period. Requires predatory offenders who move to Minnesota from other states and who are obligated to register for life in their states of origin to register for life in Minnesota. [No bill introduced]

17 Disclosure of information to the public. Requires schools, daycare facilities, and other facilities that primarily educate or serve children to notify parents when there is a predatory offender residing or working in the surrounding community and when the offender is given access through his child to other children at the facility. [H.F. 4085]

18 Surcharges on fire safety premiums. This section involves a change in what is now a tax on fire insurance premiums. The tax rate is currently one-half of one percent of those premiums. The premium base is commercial fire insurance and the portion of homeowner's insurance premiums attributable to fire coverage. The taxes collected are now deposited in the general fund.

This section transforms the tax on insurers to a three-fourths of one percent surcharge on policyholders of policies that cover fire. Insurers would collect the surcharge when collecting the premium. Changing the tax on insurers to a surcharge on policyholders eliminates the retaliatory insurance premium tax imposed by other states on Minnesota insurance companies, due to our current fire tax. The proposed surcharge is three-fourths of one percent of gross premiums and assessments, less return premiums, on direct business received by a company for homeowner's and commercial fire and nonliability insurance policies in this state. Establishes a fire safety account in the state treasury, to receive the surcharge payments. The legislature maintains control over how the funds in the account are appropriated. [Effective Date: July 1, 2007.] [H.F. 2916]

19 Fire insurance surcharge. Specifies the remittance schedule for fire insurance surcharges collected by insurance companies. [Effective Date: July 1, 2007.] [H.F. 2916]

20 Notice of multiple law enforcement operations conflicts. Authorizes the Department of Public Safety to employ a secure subscription service designed to notify law enforcement agencies of conflicts where multiple law enforcement operations may be occurring on the same subject or vehicle, or near the same location. System data is classified as criminal

21 investigative data under the Data Practices Act. [H.F. 2585]
Preemption of local law; illegal immigration.

Subd. 1. Immigration status; prohibiting local governmental interference.

Paragraph (a). Preempts local laws that prohibit or in any way restrict employees from sending or receiving immigration data from federal authorities.

Paragraph (b). Preempts local laws that prohibit or in any way restrict government employees from:

(1) sharing immigration data with federal authorities;

(2) maintaining immigration data; and

(3) exchanging immigration data with federal, state, or local units of government.

Paragraph (c). Preempts local ordinances and policies that prohibit or unconditionally restrict government employees from inquiring about immigration status.

Paragraph (d). Authorizes local governmental units to continue to enforce ordinances and policies intended to eliminate racial profiling.

Subd. 2. Local governmental unit. Defines local governmental unit broadly. [H.F. 2576]

22 Statewide human trafficking assessment.

Subd. 1. Applies the human trafficking definitions enacted last year to new sections added in this bill.

Subd. 2. Expands the general duties of the commissioner of the department of public safety with respect to this article. The commissioner's duties include (1) cooperating with authorities to collect, share, and compile trafficking data; and (2) analyzing the data and developing a plan to address and prevent trafficking.

23 Subd. 3. Authorizes the commissioner to contract for outside services. [H.F. 3244]
Trafficking study; analysis and use of data. Directs the commissioner to develop a plan to address and prevent trafficking in Minnesota. The plan must include: (1) ways to train law enforcement, prosecutors, and other agencies; (2) ways to increase public awareness; and (3) procedures to enable state government to work with nongovernmental organizations. The commissioner shall report the plan to the legislature by December 15, 2006. [H.F. 3244]

24 Trafficking victim assistance. Directs the commissioner to recommend a plan that will coordinate services such as: medical services, housing, job training, legal services, interpreting services and victim services. [H.F. 3244]

25 Human Trafficking Task Force. Creates the Human Trafficking Task Force. The 22-member task force shall advise and assist the commissioner in carrying out its duties. The committee shall consist of representatives who are knowledgeable in trafficking, crime victims' rights, or violence prevention. The committee shall meet at least quarterly and

receive per diem expenses. The task force expires on June 30, 2011, or once it has implemented and evaluated the programs and policies. [H.F. 3244]

26 Reporting of unidentified persons/human remains.

Subd. 1. Handling of death scene investigations. Directs DPS to provide law enforcement agencies with information regarding best practices for handling death scene investigations, including identifying any relevant publications or training available to law enforcement.

Subd. 2. Law enforcement reports. (a) Directs an official with custody of human remains to ensure that the remains are delivered to the appropriate medical examiner. (b) Requires a person with custody of human remains that are not identified within 24 hours to promptly notify DPS. (c) Requires a person with custody of remains that cannot be identified as human remains to notify DPS of the existence of possible human remains. [H.F. 3648]

27 **Retention.** Requires that juvenile history data on a child who was adjudicated for an offense which requires registration under the predatory offender registry law to be retained for as long as the data would be retained for an adult offender.

[H.F. 3414]

28 Definitions. Adds the Fugitive Apprehension Unit to the list of law enforcement agencies that have access to CIBRS - the Comprehensive Incident-Based Reporting System. CIBRS is a statewide system containing data from law enforcement agencies. [H.F. 2585]

29 Task force. Adds a member to the Criminal and Juvenile Justice Information Task Force. The new member is appointed by the state chief information officer. In addition, the section provides compensation for the four public members of the task force. The task force is responsible for monitoring, reviewing, and reporting to the policy group on CrimNet related projects. [H.F. 3359]

30 Responsibilities. Clarifies the responsibilities of the Capitol Complex Security Division. The division must utilize state employees for security and public information services in state-owned buildings and state leased to own buildings in the Capitol area. [Effective: July 1, 2007.] [H.F. 3954]

31 Appeal policy; variance. Amends the application procedure for a fire code variance. Requires the Fire Marshal to consider any decisions or recommendations from a local governing body during an appeal from the local body's decision on a uniform fire code variance. [H.F. 3412]

32 Fire safety account.

Subd. 1. Authorized programs within department. Directs the commissioner of public safety to spend the funds in the fire safety account for activities and programs recommended by the fire service advisory committee. The commissioner must use the funds to ensure that the State Fire Marshal Division's responsibilities are fulfilled.

Subd. 2. Fire services advisory committee. Establishes the fire services advisory committee. the committee is tasked with making recommendations to the commissioner on how funds in the fire safety account should be spent.

Subd. 3. Report; accounting; carryover. Requires the commissioner to provide an annual accounting to the legislature on how funds in the fire safety account were allocated. Permits funds in the account to carryover. [Effective Date: July 1, 2007.] [H.F. 2916]

33 Definitions. Defines terms associated with the following provisions that mandate the

installation and use of carbon monoxide detectors. [H.F. 1337]

[Effective: Jan. 1, 2007 for all newly constructed single family and multifamily dwelling units, Aug. 1, 2008, for all existing and newly constructed single family dwelling units, and August 1, 2009, for all existing and newly constructed multifamily dwelling units.]

34 Requirements for carbon monoxide alarms. Requires that every single family dwelling and dwelling unit in a multifamily dwelling have an approved and operational carbon monoxide alarm installed on each level of the residence and within ten feet of each room lawfully used for sleeping purposes. Delineates an owner's and occupant's duties. [H.F. 1337]

[Effective: Jan. 1, 2007 for all newly constructed single family and multifamily dwelling units, Aug. 1, 2008, for all existing and newly constructed single family dwelling units, and August 1, 2009, for all existing and newly constructed multifamily dwelling units.]

35 Enforcement. Violation of the carbon monoxide requirement results in a misdemeanor penalty. No person may be convicted for a violation unless the person has notice of the violation in writing and reasonable time to comply. [H.F. 1337]

[Effective: Jan. 1, 2007 for all newly constructed single family and multifamily dwelling units, Aug. 1, 2008, for all existing and newly constructed single family dwelling units, and August 1, 2009, for all existing and newly constructed multifamily dwelling units.]

36 **Routine inquiry and required request; search and notification.** Imposes obligations on emergency responders and peace officers to contact the state's organ procurement organization when a deceased person is sent to a morgue.

Amends a section of Minnesota's Uniform Anatomical Gift Act. Under current law, public safety officers are obligated to search gravely injured and deceased citizens for documents indicating the persons' intentions regarding organ donation. The law requires a public safety officer who finds evidence of donor intent to provide that information to hospital staff if the person is sent to a hospital. The statute is silent in cases where a deceased citizen is sent directly to the morgue.

Under this section, if a public safety officer finds a document of gift for a person being sent to the morgue, the public safety officer must notify his or her dispatcher. The dispatcher, in turn, must notify the federally designated management organization for organ transplant in Minnesota (Lifesource). By shifting the responsibility to the dispatcher the public safety officer will not be distracted from his or her on site duties. If this procedure is followed, it should result in Lifesource receiving timely notice of potential donors who currently may go undetected while placed in a morgue. **[H.F. 2673]**

37 Victim notification; domestic assault; harassment.

Subd. 1. Notice of decision not to prosecute. Requires a prosecutor to notify a victim of a criminal sexual conduct offense if the prosecutor decides to decline prosecution of the case or dismiss the criminal charges. If a prosecutor dismisses the charges, a record of the reasons for dismissal must be made.

Subd. 2. Definitions. Defines "criminal sexual conduct" as a violation of criminal sexual conduct in the first through fifth degrees and criminal sexual predatory conduct. [H.F. 3415]

38 Suspension, revocation, or refusal to renew certificates. Provides a process for appealing a decision of the state fire marshal to suspend, revoke, or refuse to renew a fireworks operator

certification. Any person who is aggrieved by a decision may petition the state fire marshal in writing for reconsideration. The state fire marshal must render a decision in 30 days. If denied, the person may appeal the decision to district court. [H.F. 3413]

39 **Definitions.** Adds § 626.9601. Defines the following terms: bloodborne pathogens, law enforcement agency, peace officer ("PO"), source individual, significant exposure, and facility (*i.e.*, hospital).

"Significant exposure" includes exposure to any bodily fluid that may carry a bloodborne pathogen. [H.F. 2812]

40 **Conditions for applicability of procedures.** Adds § 626.9602. Specifies conditions under which procedures for responding to a PO who may have had a significant exposure to a bloodborne pathogen apply. Establishes procedures for locating source individuals of bloodborne pathogens.

Subd . 1. Request for procedures. Allows a PO or law enforcement agency to request that a facility follow the bill's significant exposure procedures when a PO may have experienced a significant exposure to a bloodborne pathogen.

Subd . 2. Conditions. Requires facilities to follow these procedures when the facility determines that a significant exposure has occurred, the source individual's blood test results are needed to determine a course of treatment, and the exposed PO consents to provide a blood sample for testing for bloodborne pathogens.

Subd. 3. Locating source individual. Requires the law enforcement agency and the facility to make reasonable efforts to locate or contact the source individual, and allows the agency and facility to exchange private data about the source individual as necessary. [H.F. 2812]

41 **Information required to be given to individuals.** Adds § 626.9603. Before seeking any consent from a source individual to obtain a blood sample, test a blood sample, or obtain existing blood test results, requires a facility to inform the source individual that the individual's test results will be reported to the exposed PO if the PO so requests, and that the test results are for medical purposes.

Also requires the facility to inform the source individual: of the insurance protections in section 72A.20, subd. 29; that the individual may refuse to provide a blood sample and a refusal may result in a court order for the sample; and that the facility will tell the PO about the confidentiality requirements and penalties for unauthorized releases before disclosing any test information.

Before disclosing any information about a source individual to a PO, requires the facility to inform the PO about the confidentiality requirements and penalties for unauthorized release, and about the insurance protections in section 72A.20, subd. 29. [H.F. 2812]

42 **Disclosure of positive bloodborne pathogen test results.** Adds § 626.9604. Requires a facility to: (1) ask the source individual and the PO if either of them has ever had a positive test for a bloodborne pathogen; (2) try to get existing test results before trying to obtain blood samples or perform new tests; and (3) disclose the source individual's test results to the exposed PO without any identifying information about the source individual. [H.F. 2812]

43 **Consent procedures generally.** Adds § 626.9605. Specifies that the facility must follow its usual procedures for obtaining consent when it needs to obtain consent for a procedure

involving a source individual or PO. Provides that consent from a source individual or representative to test an existing blood sample is not required if (1) the facility has made reasonable efforts to obtain the representative's consent, but that consent cannot be obtained within 24 hours of the exposure, or (2) the source individual dies before being able to give consent to blood collection or testing. If testing occurs without consent, requires the facility to give the source individual certain required information whenever it is possible to do so. [H.F. 2812]

44 **Testing of available blood.** Adds § 626.9606. Establishes procedures by which a facility may test an available sample of a source individual's blood, with the source individual's consent or without the source individual's consent.

Subd. 1. Procedures with consent. Provides that if the source individual is or was under the care of the facility and a sample of the source individual's blood is available with the individual's consent, the facility must test the blood sample if the individual consents.

Subd. 2. Procedures without consent . Establishes criteria under which an available blood sample may be tested for bloodborne pathogens without the source individual's consent, if the PO or the law enforcement agency requests the test. (One of these criteria is that the PO was exposed to blood or body fluids while performing their job.)

Subd. 3. Follow-up. Requires the facility to tell the source individual and the exposed PO their own test results. Also requires the facility to tell the PO of the source individual's test results without any identifying information about the source individual. [H.F. 2812]

45 **Blood sample collection for testing.** Adds § 626.9607. Establishes procedures by which a facility may obtain and test a blood sample from a source individual with or without the individual's consent.

Subd . 1. Procedures with consent. Establishes procedures for collecting and testing blood samples and making the test results available when the source individual consents to provide a blood sample. If the source individual refuses to consent, requires the facility to so inform the exposed PO of the refusal.

Subd . 2. Procedures without consent. Allows a law enforcement agency or a PO to petition for a court order to require a source individual to provide a blood sample for testing for bloodborne pathogens. Requires facilities to provide any information needed by petitioners. A court must order a source individual to provide a blood sample if:

- there is probable cause (*i.e.*, having more evidence for than against) to believe a significant exposure occurred;
- a licensed physician for the PO needs the test results to treat the PO; and
- the court finds "reasonable" need for the test results. (Under the other bloodborne pathogen statutes, the court must find a "compelling" need for the

test results.)

The court must impose appropriate safeguards against unauthorized disclosure of test results and personal information, if an order is issued.

Requires the court to schedule the hearing within 24 hours of receiving the petition. (The other bloodborne pathogen statutes do not impose a hearing deadline.) The court may hold the proceedings in camera (*i.e.*, behind closed doors), unless the court concludes that an open hearing is necessary. The hearing may be ex parte: the source individual need not be present or have received prior notice of the hearing. Finally, requires the court to issue an order within 24 hours of the hearing. (The other bloodborne pathogen statutes do not impose a deadline for issuing a ruling.)

Requires the petitioner to serve an ex parte order on the source individual. Permits a source individual to challenge an ex parte order within 48 hours of receiving the order. Requires a court to hold a hearing on an appeal within 24 hours of receiving the appeal. The court may vacate its ex parte order if the source individual proves by clear and convincing evidence that his blood did not contact the PO. The court must issue its ruling on an appeal within 24 hours of the conclusion of the hearing.

A person ordered to submit blood must do so within 48 hours of receiving a copy of the order. Failure to comply with an order will place the person in contempt of court and subject them to detention until they comply with the order. [H.F. 2812]

46 **No discrimination.** Adds § 626.9608. Prohibits facilities from conditioning decisions about admitting a source individual to a facility or providing care or treatment on any requirement that the source individual consent to a blood test for bloodborne pathogens. [H.F. 2812]

47 **Use of test results.** Adds § 626.9609. Specifies that test results of a source individual can be used only for diagnostic and treatment purposes, and prohibits them from being used as evidence in criminal or civil proceedings, except for actions under the health threat procedures statute. [H.F. 2812]

48 **Test information confidentiality.** Adds § 626.9611. Classifies information on test results for bloodborne pathogens as private data for public facilities, and prohibits private facilities from disclosing data without consent as required by a section governing access to health records. Prohibits facilities, individuals, and employers from disclosing any identifying information about a source individual to a PO without a written release from the source individual. [H.F. 2812]

Note: There is no section 626.9610. It was purposely omitted so that the bill tracks the provisions in chapter 144 as closely as possible. (There is no §144.7610.)

49 **Penalty for unauthorized release of information.** Adds § 626.9612. Makes the unauthorized release of information subject to the remedies and penalties in the Data Practices Act. Specifies that private causes of action may also be pursued against any person responsible for releasing private data or information protected from disclosure. [H.F. 2812]

50 **Responsibility for testing and treatment; costs.** Adds § 626.9613. Requires the facility to ensure that tests for bloodborne pathogens are performed if requested by a PO or a law enforcement agency, provided the conditions established in this bill are met. Specifies that the law enforcement agency that employs the PO who requests the test must pay for, or arrange for the payment of, the costs of testing and treating the PO and the costs of testing the source individual. [H.F. 2812]

51 **Protocols for exposure to bloodborne pathogens.** Adds § 626.9614. Requires law enforcement agencies and facilities to have post-exposure protocols to follow when a PO experiences a significant exposure.

Subd. 1. Law enforcement agency requirements. Requires the law enforcement agency to have procedures for a PO to notify a facility that the person may have experienced a significant exposure, and procedures to locate the source individual if necessary.

Subd. 2. Facility protocol requirements. Requires facilities to adopt a post-exposure protocol for POs who have experienced a significant exposure. Requires the post-exposure protocol to follow the current recommendations of the U.S. Public Health Service, and lists the minimum criteria that must be met. [H.F. 2812]

52 **Penalties and immunity.** Adds § 626.9615. Establishes penalties and immunity for certain individuals.

Subd. 1. Penalties. Makes it a misdemeanor to willfully violate any of the sections concerning the exposure of PO to bloodborne pathogens.

Subd. 2. Immunity. Extends immunity to facilities, physicians, and designated health care personnel who have made a good faith effort to comply with these sections. [H.F. 2812]

53 Richfield disabled firefighter health care eligibility review. Authorizes a specific Richfield firefighter to have his claim for continued health care benefits considered by the public safety officers disability review panel created by the legislature in 2005. The firefighter was injured prior to the panel's inception and the panel is only authorized to review claims that arise after its creation. Accordingly, the Richfield firefighter needs special dispensation from the legislature to have his claim reviewed by the panel. [H.F. 3907]

54 Repealer. Repeals section 297I.05, subdivision 6 (the current fire tax). [Effective Date: July 1, 2007.] [H.F. 2916]

Article 5: Corrections

Overview

Article 5 contains a variety of initiatives that impact the department of corrections, county and regional jails, and those who work and reside in jails and prisons.

1. 1 Chaplains in classified service. Strikes chaplains employed by the state from the list of employees who serve in the unclassified state civil service. Under existing law, all state positions not designated as unclassified are in the classified civil service. [H.F. 432]
- 2 Drug offender education materials. Permits the commissioner of health to provide education materials to be used by sheriffs and the commissioner of corrections in educating county jail and prison inmates on the health hazards of drug use and manufacture. [H.F. 2147]
- 3 TB Testing. Authorizes the Department of Corrections to require annual testing of all state

inmates for tuberculosis. [H.F. 3338]

4 Inmate health care decisions; medical director, department of corrections; agent.

Subd. 1. Definitions. Defines the following terms:

"Decision making capacity" means the ability to understand the significant benefits, risks, and alternatives to proposed health care and to make and communicate a health care decision.

"Health care agent" or "agent" means the Department of Corrections medical director who is a licensed physician employed by the commissioner of corrections to provide services to inmates.

"Health care power of attorney" means an instrument appointing one or more health care agents to make health care decisions for the inmate.

"Health care" means any care, treatment, service, or procedure to maintain, diagnose, or otherwise affect a person's physical or mental condition.

"Health care decision" means the consent, refusal of consent, or withdrawal of consent to health care.

"Next of kin" means an inmate's spouse, parent, adult children, or adult sibling.

"Principal" means the Department of Corrections' medical director.

Subd. 2. Health care agent; decisions. Provides that in situations where (1) a medical doctor determines that an inmate lacks decision-making capacity for making directives regarding health care decisions, (2) an emergency contact person is not available or has not been appointed as a health care agent, and (3) next of kin has been notified but is not available, the medical director of the Department of Corrections has the authority to make health care decisions for the inmate. [H.F. 3565]

5 Drug education; prisons. Permits the commissioner of corrections to provide drug education materials to new inmates. [H.F. 2147]

6 Notice. Requires courts and prosecuting authorities that elect to comment on a nonviolent drug offender's application for conditional release from prison to specify the reasons for their position. [H.F. 3345]

7 Drug education; jails. Permits the sheriff to provide everyone incarcerated in the county jail with education materials on the hazards of drug use and manufacture. [H.F. 2147]

8 Incarceration Fee. Removes the requirement that a person must be sentenced in order for a local correctional agency to impose a fee for incarcerating the person. Permits a local correctional agency to impose a fee on all persons "placed" under the supervision and control of a local jail, regardless of whether a court issued a sentence or not. [H.F. 3849]

9 Continuation of employment. Prohibits sheriffs from charging jail inmates who serve part of their sentence on work-release a fee to participate in the program. [H.F. 3345]

10 Recidivism study; report to legislature. Requires the commissioner of corrections to undertake a study on recidivism for sex offenders and to report the results of the study to the legislature. [No bill.]

11 Transition. Provides that the incumbent of a position transferred from the unclassified to the

classified service under section 1 is appointed to the newly-classified position. [H.F. 432]

Article 6: Courts and Public Defenders

Overview

Article 6 addresses provisions relating to the courts and public defenders.

This article repeals outdated statutes relating to county and municipal courts as a result of trial court unification; moves relevant county and municipal court statutes to chapter 484; amends statutes to reflect the creation of the Judicial Council (new governance body for the judicial branch) and the sunset of the Conference of Chief Judges (former governance body for the trial courts); amends fine dispositions for Hennepin County, and removes outdated language from other court statutes.

The article also amends several statutory provisions related to public defenders. It expands the list of persons entitled to public defender representation and limits public defender representation to those statutorily designated persons. It also clarifies a county's responsibility to provide counsel in CHIPS cases.

Finally, it addresses the following provisions: foreign protective orders, court debts, and the domestic fatality review team pilot project.

1. 1 Definition. Amended to delete reference to county and municipal courts. [H.F. 3931, as amended]
1. 2 General. Amended to delete reference to county and municipal courts. [H.F. 3931, as amended]
2. 3 Order. Amended to delete reference to county and municipal courts. [H.F. 3931, as amended]

3. 4 Violation of provision for stopping train at crossing. Amended to delete reference to county and municipal courts. [H.F. 3931, as amended]
4. 5 Appointment of counsel. Specifies that in CHIPS cases when appropriate (except truancy cases), the court must appoint public defenders to represent the following individuals: a child who is ten years of age or older, and a custodial parent, guardian, or custodian. A noncustodial parent is only entitled to counsel at public expense if the court makes the parent a party to the case and the county has an account to pay for representation. (See sections 52 to 56.)

[Effective: July 1, 2006]
5. 6 Notice; appraisers. Amended to delete reference to county and municipal courts. [H.F. 3931, as amended]
6. 7 Public nuisance. Amended to delete reference to county and municipal courts. [H.F. 3931, as amended]
7. 8 Appointment by district judge. Amended to delete reference to county and municipal courts. [H.F. 3931, as amended]
8. 9 May relocate Bloomington court. Amended to delete reference to county and municipal courts. [H.F. 3931, as amended]
9. 10 Person charged and arrested. Amended to delete reference to county and municipal courts. [H.F. 3931, as amended]
10. 11 Subpoena power. Amended to delete reference to county and municipal courts. [H.F. 3931, as amended]
11. 12 State employees; compensations. Amended to recognize Judicial Council. [H.F. 3931, as amended]
12. 13 Election to retain insurance and benefits; retirement. Amended to recognize Judicial Council. [H.F. 3931, as amended]
13. 14 State assumption of certain court costs. Amended to reflect state funding. [H.F. 3931, as amended]
14. 15 General. New language from section 487.14. [H.F. 3931, as amended]
15. 16 Jurisdiction. Amended to reflect unification of courts. [H.F. 3931, as amended]
16. 17 Court administrator for Probate Court, Second Judicial District. Amended to reflect state funding. [H.F. 3931, as amended]
17. 18 Courthouse; jail; expenses; St. Louis County. Amended to reflect state funding. [H.F. 3931, as amended]
18. 19 Reimbursement filings. Amended to reflect state funding. [H.F. 3931, as amended]
19. 20 Law clerks appointments. Amended to reflect state funding and unification. [H.F. 3931, as amended]
20. 21 Chambers and supplies. Amended to reflect state funding. [H.F. 3931, as amended]
21. 22 Space; personnel; supplies. Amended to reflect state funding. [H.F. 3931, as amended]
22. 23 Appointment. Recodifies section 487.21, subdivision 4. [H.F. 3931, as amended]
23. 24 Rules. Amended to recognize Judicial Council. [H.F. 3931, as amended]

24. 25 Location of trial courts. Recodifies section 487.23. Also replaces section 448A.09. [H.F. 3931, as amended]
25. 26 Pleading; practice; procedure. Recodifies section 487.25. [H.F. 3931, as amended]
26. 27 Misdemeanor offenses. Recodifies section 487.29. [H.F. 3931, as amended]
27. 28 Reinstatement of forfeited funds. Recodifies section 487.32, subdivision 3. [H.F. 3931, as amended]
28. 29 Fine disposition. Recodifies section 487.33, subdivision 2. [H.F. 3931, as amended]
29. 30 Disposition of fines, fees and other money; accounts. Recodifies section 488A.20, subdivision 4. [H.F. 3931, as amended]
30. 31 Court divisions. Recodifies sections 487.27 and 487.28. [H.F. 3931, as amended]
31. 32 Pleading, practice, procedure and form in criminal proceedings. Recodifies section 488A.10. [H.F. 3931, as amended]
32. 33 County attorney as prosecutor, notice to county. Recodifies section 488A.101. [H.F. 3931, as amended]
33. 34 Order for prison release. Recodifies section 488A.03, subdivision 10. [H.F. 3931, as amended]
34. 35 Fees payable to court administrator. Recodifies section 487.31. [H.F. 3931, as amended]
35. 36 Misdemeanor violations bureau. Recodifies section 488A.08. [H.F. 3931, as amended]
36. 37 Additional employees. Amended to reflect court unification. Recodifies section 487.11, subdivision 1. [H.F. 3931, as amended]
37. 38 Appointment; bond; duties. Amended to reflect current law (state employees do not need to post bonds). [H.F. 3931, as amended]
38. 39 Collection of fees. Amended to reflect state funding. [H.F. 3931, as amended]
39. 40 Investment of funds deposited with court administrator. Amended to reflect state funding. [H.F. 3931, as amended]
40. 41 Deputies. Amended to reflect existence of judicial branch human resources rules. [H.F. 3931, as amended]
41. 42 Deputy court administrator in St. Louis County. Amended to reflect existence of judicial branch human resources rules. [H.F. 3931, as amended]
42. 43 Printed calendars. Amended to reflect state funding. [H.F. 3931, as amended]
43. 44 Disposition of fines, fees and other money; accounts. Amends the current fine disposition structure for Hennepin County. Currently, all fine and penalty revenue is forwarded to the municipality or subdivision of government where the crime was committed, unless the county attorney had charge of the prosecution. If the county attorney had charge of the prosecution, all of the revenue is credited to the General Fund. The new language provides that the municipality or subdivision of government receives 80 percent of the fine revenue and 20 percent goes to the state general fund, unless the county attorney had charge of the prosecution. If the county attorney had charge of the prosecution, all fines and penalties are credited to the General Fund. [H.F. 3679]
44. 45 Fees payable to administrator. Eliminates the fees charged to the county or to the state or governmental subdivision for a case prosecuted in the district court. [H.F. 3679]

45. 46 Power to appoint court commissioner; duty. Amended to delete reference to county and municipal courts. [H.F. 3931, as amended]
46. 47 Minimum standards; plan. Amended to reflect that programs have been implemented and to reflect the sunset of CCJ. [H.F. 3931, as amended]
47. 48 Entry and enforcement of foreign protective orders. Requires the court to file and enter into the state order for protection database foreign protective orders that have been issued by a court in another state, by an Indian tribe, or by a United States territory. A valid foreign protective order has the same effect and shall be enforced in the same manner as an order issued in this state. Filing and service costs are waived. [Effective: July 1, 2006.] [H.F. 3586]
48. 49 Board of judicial standards review. Amended to delete reference to county and municipal courts. [H.F. 3931, as amended]
49. 50 Competency of witnesses. Clarifies that, in any court action or proceeding, a sexual assault counselor may not be allowed to disclose any opinion or information received from or about the victim without the victim's consent. [H.F. 3863]
- [Effective: July 1, 2006]
50. 51 Minimum fines; other crimes. Amended to recognize Judicial Council. [H.F. 3931, as amended]
51. 52 Right to representation by a public defender. Expands the list of persons who are entitled to be represented by a public defender to include a custodial parent who is entitled to be represented in a CHIPS proceeding, or if there is no custodial parent, the guardian or custodian of the child. In cases governed by the Indian Child Welfare Act, the district public defender may represent both parents regardless of custody rights, or the guardian or the custodian.
- Limits representation by public defenders to statutorily designated persons. [H.F. 3344]
52. 53 Request for appointment of public defender. Clarifies that public defender representation is limited to the circumstances described in section 52. [H.F. 3344]
53. 54 Appointment of public defender. Clarifies that a state public defender must be appointed in cases involving an appeal or post-conviction relief and district public defenders must be appointed in all other eligible cases. Eliminates the court's discretion to appoint a state public defender instead of a district public defender if a conflict exists or the district public defender is unable to act. [H.F. 3344]
54. 55 Representation. Eliminates the Supreme Court and Court of Appeals' discretionary authority to appoint state public defender representation. Eliminates the state public defender's authority to delegate representation of court appointed defendants to district public defenders. [H.F. 3344]
55. 56 Persons defended. Makes changes to conform with section 52. [H.F. 3344]
56. 57 Pretrial bail evaluation. Amended to recognize Judicial Council. [H.F. 3931, as amended]
57. 58 District jails, how designated. Amended to delete reference to county and municipal courts. [H.F. 3931, as amended]
58. 59 Domestic fatality review team pilot project extension. Authorizes the fourth judicial district to extend the duration of the domestic fatality review team pilot project until December 31, 2008. If the pilot project is extended, the team must submit a report to the legislature by January 15, 2009. [H.F. 3197]
59. 60 Uncollected fines and penalties task force.

Para. (a). Creates a 13-member task force to study issues related to uncollected debts owed to the state and units of local government. The task force consists of:

- two members from the house of representatives, one from each caucus;
- two senators, one from each caucus;
- a county commissioner;
- a county sheriff;
- a representative from the Department of Public Safety;
- a representative from the Department of Revenue;
- a representative from court administration; and
- four public members appointed by the Governor.

Para. (b). Directs the task force to recommend changes in law and administrative practices necessary to improve collection efforts. Requires a report to the legislature by January 15, 2007.

Para. (c). Provides that the Legislative Coordinating Commission and the Department of Administration must provide administrative support to the task force.

[Effective: Day following final enactment.] [H.F.2912, as amended]

60. 61 Repealer. Repeals outdated court language.

[Effective date: July 1, 2006]

Article 7: Emergency Communications

Overview

Article 7 contains a series of provisions affecting emergency communications. It modifies provisions of 911 service contracts, integration-reporting requirements, and payments for recurring 911 system costs. It also eliminates obsolete language relating to the Metropolitan Radio Board that was left after the creation of the Statewide Radio Board and authorization of regional radio boards.

1. 1 Combined local access surcharge. Deletes the provision that requires the commissioner of public safety to divide fees collected on telephone access lines "proportional to the individual surcharge." The commissioner of public safety collects the following fees: the 911 fee (Minn. Stat. § 403.11), Telephone Access Program (TAP) (Minn. Stat. § 237.52), and Telephone Access Minnesota (TAM) (Minn. Stat. § 237.52). [H.F. 3532]

2. 2 Secondary public safety answering point. Defines the term "secondary public safety answering point" for purposes of chapter 403 (911 Emergency and Public Safety Communications). [H.F. 3299]
3. 3 Contractual requirements. Eliminates the requirement that that state must enter into a three-way contract with government agencies and 911-service providers. Provides that the state must contract with a government agency and enter into a separate contract with a 911-service provider. [H.F. 3532]
4. 4 Agreements for service. Provides that a government agency is entitled to be a party to a contract between the state and a 911-service provider if requested by the agency. See section 3 . [H.F. 3532]
5. 5 Duties. Eliminates the August 1, 1997 deadline by which wireless carriers were to develop a plan to integrate wireless 911 services into the enhanced 911 networks. Provides that wireless carriers must provide the commissioner of public safety with an annual report on estimates of the installation costs and recurring expenses for integration. [H.F. 3532]
6. 6 Emergency telecommunications service fee; account. Eliminates obsolete language and consolidates other language to clarify that the fee assessed to a telephone customer is to cover or offset the following costs: (1) ongoing maintenance and related improvements for trunking and central office switching equipment, (2) administrative and staffing costs of the commissioner for managing 911 services, (3) distribution costs under section 403.113, and (4) administrative and staffing costs incurred by the State Patrol in handling wireless 911 calls. Modifies language applicable to the reimbursement of wireless carriers for installation and recurring charges for integrating wireless 911 calls into the statewide plan, and consolidates language providing for the reimbursement of competitive local exchanges carrier for recurring costs of integrating into the 911 network. [H.F. 3532]
7. 7 Method of payment. Technical, conforming change. See section 6 . [H.F. 3532]
8. 8 Timely invoices. Eliminates the requirement that all 911 expenses must be certified to the commissioner and specifies that invoices for services provided for in a 911 service contract must be submitted to the commissioner within 90 days of the new service. [H.F. 3532]
9. 9 Declaration. Modifies the certification process for 911 expense claims. Provides that if the commissioner disputes an invoice submitted under section 8 , the service provider must submit a sworn declaration to the commissioner describing and affirming the contents of the invoice within 90 days. If a service provider fails to timely submit the declaration, the disputed amount of the invoice is disallowed. [H.F. 3532]
10. 10 Audit. Technical, conforming change. [H.F. 3532]
11. 11 Fee. Eliminates language redundant with Minn. Stat. § 403.11, subdivision 1, but retains the language requiring the fee collected to fund implementation, operation, maintenance, enhancement, and expansion of enhanced 911 services. Deletes various provisions requiring the fee to be collected in accordance with and in the same amount as the fee collected in Minn. Stat. § 403.11. Deletes the requirement that the commissioner consult with the counties and 911 system users to determine the amount of the enhanced 911-service fee. [H.F. 3532]
12. 12 Local expenditures. Technical, conforming change. See section 11 . [H.F. 3532]
13. 13 Board. Clarifies that "board" means the Statewide Radio Board. [H.F. 3529]
14. 14 Plan. Clarifies that a plan means a plan adopted by a regional radio board. [H.F. 3529]

15. 15 Subsystems. Technical changes. [H.F. 3529]
16. 16 System backbone. Technical changes. [H.F. 3529]
17. 17 Local planning. Directs the regional radio board for the metropolitan area to undertake several duties previously performed by the Metropolitan Radio Board. These duties include encouraging the establishment of local public safety radio subsystem committees in each metro county and creation of joint or multi-county planning for the region-wide public safety radio system. All plans for the public safety radio subsystem must be presented to and approved by the regional radio board for the metropolitan area. [H.F. 3529]
18. 18 Optional local use of statewide system.
 - Subd. 1. Options. Technical changes.
 - Subd. 2. Requirements to join. Technical changes. [H.F. 3529]
19. 19 Membership. Requires that the Statewide Radio Board must include the chair of the regional radio board for the metropolitan area and the chair of the Met Council. Removes the Commissioner of Health from the Board. [H.F. 3529]
20. 20 Advisory groups. Technical changes. [H.F. 3529]
21. 21 Repealer. Repeals section 403.08, subdivision 8, relating to the 1997 deadline for planning integration into the enhanced 911 system to meet FCC-enhanced 911 standards. Also, repeals statutory provisions related to the Metropolitan Radio Board. [H.F. 3529 and 3532]

Article 8: Immigration; Law Enforcement

Overview

Article 8 creates the Special Crimes Unit in the Department of Public Safety, authorizes the commissioner of public safety to enter into memorandums of understanding with federal authorities regarding immigration law enforcement, and requires law enforcement officers to collect, and the BCA to maintain, immigration data on arrestees.

1. 1 Illegal immigration enforcement.
 - Subd. 1. Memorandums of understanding. Authorizes the commissioner of public safety to enter into memorandums of understanding with federal immigration and justice officials regarding the enforcement of immigration laws in Minnesota by state and local peace officers.
 - Subd. 2. Immigration enforcement training. Requires the commissioner to develop an immigration law enforcement training program, in consultation with federal authorities, designed to train state and local peace officers to enforce federal immigration laws.
 - Subd. 3. Special Crimes Unit. Establishes the Special Crimes Unit. The team serves at the direction of the commissioner of public safety and is comprised of at least ten members. The team is tasked to help local officials with immigration related criminal problems and to identify and apprehend illegal immigrants who are involved in felony level activity. Provides guidance to the commissioner as to how to deploy the

team members. [H.F. 3308]

- 2 Arrestee immigration data. Requires the law enforcement officer who books an arrestee to collect citizenship and immigration status information from the person. [H.F. 3308]
- 3 Citizenship data maintenance requirements. Specifies what type of information a booking officer must collect from an arrestee regarding citizenship and immigration status and identifies the terms the booking officer must use to describe a non-citizen's immigration status (*i.e.*, legal immigrant, legal visa-holder, status uncertain, and illegal alien). Requires the booking officer to contact federal immigration authorities if the officer is unable to determine the person's citizenship or immigration status. [H.F. 3308]
- 4 Identification data other than DNA. Requires law enforcement agencies to forward the citizenship and immigration status information collected pursuant to sections 2 and 3 to the BCA. [H.F. 3308]
- 5 Citizenship and immigration data.

Paragraph (a) : Requires the BCA to maintain both citizenship and immigration data in the bureau's criminal history database.

Paragraph (b) : Directs the BCA to maintain, update, and correct citizenship and immigration status information and facilitate appropriate law enforcement access to the data.

Paragraph (c) : Requires the BCA to provide the special crimes unit with data statistics concerning the number of crimes committed by persons with uncertain or illegal alien status.

Paragraph (d) : Grants immunity to the BCA for the agency's maintenance of the information collected under this section.

Paragraph (e) : Requires the data collected under this section to have the same privacy protections that other criminal justice data receive. [H.F. 3308]

Article 9: Fraudulent or Improper Financing Statements

Overview

Article 9 deals with fraudulent filings of financing statements with the secretary of state under the Uniform Commercial Code (codified in Minnesota Statutes as Article 9 of chapter 336). The article addresses filings made to harass public officials.

In the regular course of business, a financing statement is filed by a creditor as a public record that the creditor has a security interest in (a lien on) certain personal property owned by a debtor. For instance, a business or individual may buy furniture on credit. The creditor files a financing statement as notice that the creditor has a security interest in the furniture as collateral for payment of the debt. If someone else buys the furniture, or lends money to the owner and accepts a security interest in the furniture as collateral, the new buyer's ownership or the new creditor's security interest in the furniture is subject to the security interest of the first creditor. Financing statements are a way of protecting security interests held by creditors. **[H.F. 3526, 2d eng., as amended]**

1 to 10 Notarial acts by electronic means. Authorize a notary to perform a notarial act by electronic means. Make conforming and technical changes in chapter 358.

[Effective: July 1, 2006]

11 Expedited process to review and determine the effectiveness of financing statements forms. Provides an expedited court procedure by which any person harmed by a fraudulent financing statement may challenge its validity and get a court determination of whether it is valid.

[Effective: July 1, 2006]

12 Civil liability for fraudulent or otherwise improper financing statements; harassment. Provides a civil cause of action for damages against a person who files a financing statement that is fraudulent or filed for an improper purpose. In addition, allows a person harmed by an improper financing statement filing to request specific relief like terminating the financing statement and removing the named debtor from the index so the party would not show up in a search for debtors.

[Effective: July 1, 2006]

13 Fraudulent or improper financing statement. Creates a crime of fraudulent or improper filing of a financing statement. Makes it a gross misdemeanor, except it becomes a felony (five years and/or \$10,000) if the offense (1) is intended to tamper with a juror or judicial proceeding or to retaliate against a judicial officer; or (2) is a second or subsequent offense.

Allows prosecution in the county where the filing is made or where the listed debtor resides.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

Article 10: Fraudulent Identity Documents

Overview

Article 10 addresses penalties for possessing, manufacturing, and selling fraudulent identification documents. The article increases current penalties and expands the penalties to include identification documents other than driver's licenses and state identification cards, such as passports, visas, birth certificates, and military identification cards. In addition, the article adds the crime of possessing or displaying a fraudulent or false identification document under the identity theft law. **[H.F. 3308]**

1. 1 Definitions. Defines "identification document" under the identity theft law to include any document or card issued to an individual by the authority of a government agency containing the person's name and a description of the person or the person's photograph, or both, including a passport, visa, birth certificate, military identification card, Social Security card, driver's license, or identification card.
2. 2 Fraudulent identification cards; crime. Creates a misdemeanor penalty for (1) knowingly possessing, displaying, or using any false, fictitious, fraudulent or altered identification document, or (2) displaying or representing as one's own an identification document not issued to that person. A second or subsequent offense is a gross misdemeanor.
3. 3 Definitions. Deletes the definition of "driver's license or identification card" under section 609.652 (fraudulent driver's license or identification card; penalty). Incorporates the definition of "identification document" in section 1.
4. 4 Criminal acts. Replaces "driver's license or identification card" with "identification document."
5. 5 Penalties. Increases the penalties for manufacturing or possessing more than one fraudulent "identification document" with intent to commit a crime. A first time offense is raised from a gross misdemeanor to a two-year felony subject to a \$10,000 fine. A second or subsequent offense remains a five-year felony but the fine is increased from \$10,000 to \$20,000. If the crime committed involves more than three identities, the statutory maximum is increased by five years.

Article 11: Computer Crimes

Overview

Article 11 relates to computer crimes. It creates the crimes of criminal use of encryption and facilitating access to a computer security system. It increases penalties for unauthorized computer access to personal data. Finally, it deletes the requirement that a hacker must receive notice of entry into a computer security system to be found guilty of unauthorized computer access. **[H.F. 3308]**

1. 1 Applicability. Technical, conforming change.
2. Computer security system. Amends the definition of "computer security system" by eliminating the requirement that the security system display a conspicuous warning to a user that the user is entering a secure system.

1. 3 Encryption. Defines "encryption" as "any protective or disruptive measure, including but not limited to, cryptography, enciphering, or encoding that: (1) causes or makes any data, information, image, program, signal, or sound unintelligible or unusable; or (2) prevents, impedes, delays, or disrupts access to any data, information, image, program, signal, or sound."
- 4 Personal data. Defines "personal data" as any computer property or computer program which contains records of the employment, salary, credit, or other financial or personal information relating to another person.
- 5 Crime. Technical, conforming change.
- 6 Gross misdemeanor. Creates a gross misdemeanor penalty for unauthorized computer access if a person intentionally and without authorization penetrates a computer security system and gains access to personal data as defined in section 4.
- 7 Criminal use of encryption.

Subd. 1. Crime. Criminalizes intentionally using or attempting to use encryption to (1) commit, further, or facilitate conduct constituting a crime; (2) conceal the commission of a crime; (3) conceal or protect the identity of another who has committed a crime; or (4) prevent, impede, delay, or disrupt the normal operation of a computer.

Subd. 2. Penalties. If the crime involved in subdivision 1 is a felony or the person has two or more prior convictions for a computer crime, the person is guilty of a felony and may be imprisoned for five years and/or fined \$10,000. Any other violation of subdivision 1 is a gross misdemeanor.

- 8 Facilitating access to a computer security system. Imposes a gross misdemeanor penalty if a person knows or has reason to know that by facilitating access to a computer system the person is aiding another who intends to and does commit a crime. "Facilitating access" includes the intentional disclosure of a computer password or other confidential information which provides a person with a means to commit a crime.

Article 12: Immigration Employment Violations

Overview

Article 12 authorizes a state agency to impose fines on certain employers for violating federal immigration laws governing hiring, retention, recruiting, or referral of employees in Minnesota. **[H.F. 3308]**

1. 1 Employer violation of federal immigration law.

Subd. 1. Crime. Authorizes a state agency to impose a fine ranging from \$250 to \$5,000 if an employer licensed by the state violates a federal immigration law governing the hiring, retention, recruiting, or referral of employees in Minnesota. Existing laws and procedures that govern the agency's authority to take action against an employer apply.

Subd. 2. Violations established. Violations of federal immigration laws include; (1) a final order or fine issued by the United States Immigration and Customs Enforcement Office; (2) a final order following a hearing conducted by the Office of the Chief Administrative Hearing Officer, Executive Office for Immigration Review, United

States Department of Justice; or (3) a criminal conviction or settlement.

Subd. 3. Definitions.

"Employer" means any person having one or more employees in Minnesota.

"License" includes a certification, registration, permit, or other authorization required for a business or employer to operate in Minnesota.

"Person" includes an individual, company, corporation, or other legal or commercial entity.

"State agency" means the state, and any office, officer, department, division, bureau, board, commissioner, authority, district, or agency of the state, including the University of Minnesota and the MnSCU system.

Subd. 4. Exception. Prohibits assessment of fines against employers that are actively cooperating with federal immigration authorities to screen workers. [H.F. 3308]