

1.1 moves to amend H.F. No. 1301 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "ARTICLE 1
1.4 PREDATORY OFFENDERS

1.5 Section 1. Minnesota Statutes 2008, section 243.166, subdivision 1a, is amended to
1.6 read:

1.7 Subd. 1a. **Definitions.** (a) As used in this section, unless the context clearly
1.8 indicates otherwise, the following terms have the meanings given them.

1.9 (b) "Bureau" means the Bureau of Criminal Apprehension.

1.10 (c) "Dwelling" means the building where the person lives under a formal or informal
1.11 agreement to do so.

1.12 (d) "Incarceration" and "confinement" do not include electronic home monitoring.

1.13 (e) "Instant messaging or chat room" means a program that requires a person to
1.14 register or create an account, a user name, or a password to become a member or registered
1.15 user of the program and allows members or authorized users to communicate over the
1.16 Internet in real time using typed text or voice, including programs associated with online
1.17 games, and other online communities. The term does not include an electronic mail
1.18 (e-mail) or message board program.

1.19 ~~(e)~~ (f) "Law enforcement authority" or "authority" means, with respect to a home
1.20 rule charter or statutory city, the chief of police, and with respect to an unincorporated
1.21 area, the county sheriff.

1.22 ~~(f)~~ (g) "Motor vehicle" has the meaning given in section 169.011, subdivision ~~92~~ 42.

1.23 ~~(g)~~ (h) "Primary address" means the mailing address of the person's dwelling. If
1.24 the mailing address is different from the actual location of the dwelling, primary address
1.25 also includes the physical location of the dwelling described with as much specificity as
1.26 possible.

2.1 ~~(h)~~ (i) "School" includes any public or private educational institution, including any
2.2 secondary school, trade, or professional institution, or institution of higher education, that
2.3 the person is enrolled in on a full-time or part-time basis.

2.4 ~~(i)~~ (j) "Secondary address" means the mailing address of any place where the person
2.5 regularly or occasionally stays overnight when not staying at the person's primary address.
2.6 If the mailing address is different from the actual location of the place, secondary address
2.7 also includes the physical location of the place described with as much specificity as
2.8 possible.

2.9 (k) "Social networking Web site" means an Internet Web site that has a primary
2.10 purpose of facilitating social interaction between two or more persons for the purposes of
2.11 friendship, meeting other persons, or information exchanges, and allows users to create
2.12 Web pages or profiles that provide information about themselves and are available publicly
2.13 or to other users and that offers a mechanism for communication with other users, such as
2.14 a forum, chat room, electronic mail, or instant messaging.

2.15 ~~(j)~~ (l) "Treatment facility" means a residential facility, as defined in section 244.052,
2.16 subdivision 1, and residential chemical dependency treatment programs and halfway
2.17 houses licensed under chapter 245A, including, but not limited to, those facilities directly
2.18 or indirectly assisted by any department or agency of the United States.

2.19 ~~(k)~~ (m) "Work" includes employment that is full time or part time for a period of
2.20 time exceeding 14 days or for an aggregate period of time exceeding 30 days during
2.21 any calendar year, whether financially compensated, volunteered, or for the purpose of
2.22 government or educational benefit.

2.23 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to
2.24 predators who are required to register before, on, or after that date.

2.25 Sec. 2. Minnesota Statutes 2008, section 243.166, subdivision 4, is amended to read:

2.26 Subd. 4. **Contents of registration.** (a) The registration provided to the corrections
2.27 agent or law enforcement authority, must consist of a statement in writing signed by the
2.28 person, giving information required by the bureau, a fingerprint card, and photograph of
2.29 the person taken at the time of the person's release from incarceration or, if the person
2.30 was not incarcerated, at the time the person initially registered under this section. The
2.31 registration information also must include a written consent form signed by the person
2.32 allowing a treatment facility or residential housing unit or shelter to release information to
2.33 a law enforcement officer about the person's admission to, or residence in, a treatment
2.34 facility or residential housing unit or shelter. Registration information on adults and
2.35 juveniles may be maintained together notwithstanding section 260B.171, subdivision 3.

3.1 (b) For persons required to register under subdivision 1b, paragraph (c), following
3.2 commitment pursuant to a court commitment under section 253B.185 or a similar law
3.3 of another state or the United States, in addition to other information required by this
3.4 section, the registration provided to the corrections agent or law enforcement authority
3.5 must include the person's offense history and documentation of treatment received during
3.6 the person's commitment. This documentation is limited to a statement of how far the
3.7 person progressed in treatment during commitment.

3.8 (c) Within three days of receipt, the corrections agent or law enforcement authority
3.9 shall forward the registration information to the bureau. The bureau shall ascertain
3.10 whether the person has registered with the law enforcement authority in the area of the
3.11 person's primary address, if any, or if the person lacks a primary address, where the person
3.12 is staying, as required by subdivision 3a. If the person has not registered with the law
3.13 enforcement authority, the bureau shall send one copy to that authority.

3.14 (d) The corrections agent or law enforcement authority may require that a person
3.15 required to register under this section appear before the agent or authority to be
3.16 photographed. The agent or authority shall forward the photograph to the bureau.

3.17 (1) Except as provided in clause (2), the agent or authority shall require a person
3.18 required to register under this section who is classified as a level III offender under
3.19 section 244.052 to appear before the agent or authority at least every six months to be
3.20 photographed.

3.21 (2) The requirements of this paragraph shall not apply during any period where
3.22 the person to be photographed is: (i) committed to the commissioner of corrections and
3.23 incarcerated, (ii) incarcerated in a regional jail or county jail, or (iii) committed to the
3.24 commissioner of human services and receiving treatment in a secure treatment facility.

3.25 (e) During the period a person is required to register under this section, the following
3.26 provisions apply:

3.27 (1) Except for persons registering under subdivision 3a, the bureau shall mail a
3.28 verification form to the person's last reported primary address. This verification form must
3.29 provide notice to the offender that, if the offender does not return the verification form
3.30 as required, information about the offender may be made available to the public through
3.31 electronic, computerized, or other accessible means. For persons who are registered under
3.32 subdivision 3a, the bureau shall mail an annual verification form to the law enforcement
3.33 authority where the offender most recently reported. The authority shall provide the
3.34 verification form to the person at the next weekly meeting and ensure that the person
3.35 completes and signs the form and returns it to the bureau. Notice is sufficient under this
3.36 paragraph, if the verification form is sent by first class mail to the person's last reported

4.1 primary address, or for persons registered under subdivision 3a, to the law enforcement
4.2 authority where the offender most recently reported.

4.3 (2) The person shall mail the signed verification form back to the bureau within ten
4.4 days after receipt of the form, stating on the form the current and last address of the
4.5 person's residence and the other information required under subdivision 4a.

4.6 (3) In addition to the requirements listed in this section, a person who is assigned
4.7 to risk level II or III under section 244.052, and who is no longer under correctional
4.8 supervision for a registration offense, or a failure to register offense, but who resides,
4.9 works, or attends school in Minnesota, shall have an annual in-person contact with a law
4.10 enforcement authority as provided in this section. If the person resides in Minnesota, the
4.11 annual in-person contact shall be with the law enforcement authority that has jurisdiction
4.12 over the person's primary address or, if the person has no address, the location where the
4.13 person is staying. If the person does not reside in Minnesota but works or attends school
4.14 in this state, the person shall have an annual in-person contact with the law enforcement
4.15 authority or authorities with jurisdiction over the person's school or workplace. During
4.16 the month of the person's birth date, the person shall report to the authority to verify the
4.17 accuracy of the registration information and to be photographed. Within three days of this
4.18 contact, the authority shall enter information as required by the bureau into the predatory
4.19 offender registration database and submit an updated photograph of the person to the
4.20 bureau's predatory offender registration unit.

4.21 (4) If the person fails to mail the completed and signed verification form to the
4.22 bureau within ten days after receipt of the form, or if the person fails to report to the
4.23 law enforcement authority during the month of the person's birth date, the person is in
4.24 violation of this section.

4.25 (5) For any person who fails to mail the completed and signed verification form to
4.26 the bureau within ten days after receipt of the form and who has been determined to be
4.27 a risk level III offender under section 244.052, the bureau shall immediately investigate
4.28 and notify local law enforcement authorities to investigate the person's location and to
4.29 ensure compliance with this section. The bureau also shall immediately give notice of the
4.30 person's violation of this section to the law enforcement authority having jurisdiction over
4.31 the person's last registered address or addresses.

4.32 (6) Persons required to register under this section shall not access, or create or
4.33 maintain a personal Web page, profile, account, password, or user name for: (i) a social
4.34 networking Web site; or (ii) an instant messaging or chat room program, that permits
4.35 persons under the age of 18 to become a member or to create or maintain a personal
4.36 Web page.

5.1 For persons required to register under subdivision 1b, paragraph (c), following
5.2 commitment pursuant to a court commitment under section 253B.185 or a similar law of
5.3 another state or the United States, the bureau shall comply with clause (1) at least four
5.4 times each year. For persons who, under section 244.052, are assigned to risk level III and
5.5 who are no longer under correctional supervision for a registration offense or a failure to
5.6 register offense, the bureau shall comply with clause (1) at least two times each year. For
5.7 all other persons required to register under this section, the bureau shall comply with clause
5.8 (1) each year within 30 days of the anniversary date of the person's initial registration.

5.9 (f) When sending out a verification form, the bureau shall determine whether the
5.10 person to whom the verification form is being sent has signed a written consent form
5.11 as provided for in paragraph (a). If the person has not signed such a consent form, the
5.12 bureau shall send a written consent form to the person along with the verification form.
5.13 A person who receives this written consent form shall sign and return it to the bureau
5.14 at the same time as the verification form.

5.15 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to
5.16 predatory offenders who are required to register before, on, or after that date.

5.17 Sec. 3. Minnesota Statutes 2008, section 243.166, subdivision 6, is amended to read:

5.18 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section
5.19 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person
5.20 required to register under this section shall continue to comply with this section until ten
5.21 years have elapsed since the person initially registered in connection with the offense, or
5.22 until the probation, supervised release, or conditional release period expires, whichever
5.23 occurs later. For a person required to register under this section who is committed under
5.24 section 253B.18 or 253B.185, the ten-year registration period does not include the period
5.25 of commitment.

5.26 (b) If a person required to register under this section fails to provide the person's
5.27 primary address as required by subdivision 3, paragraph (b), fails to comply with the
5.28 requirements of subdivision 3a, fails to provide information as required by subdivision
5.29 4a, or fails to return the verification form referenced in subdivision 4 within ten days,
5.30 the commissioner of public safety may require the person to continue to register for an
5.31 additional period of five years. This five-year period is added to the end of the offender's
5.32 registration period.

5.33 (c) If a person required to register under this section is ~~subsequently incarcerated~~
5.34 ~~following a conviction~~ arrested for any new offenses or any probation, parole, supervised
5.35 release, or conditional release violations prior to the end of the person's registration period

6.1 and is convicted of and incarcerated for a new offense or following is incarcerated
6.2 for a revocation of probation, parole, supervised release, or conditional release for any
6.3 offense, the person shall continue to register until ten years have elapsed since the person
6.4 was last released from incarceration or until the person's probation, supervised release, or
6.5 conditional release period expires, whichever occurs later. For the purposes of this section,
6.6 incarcerated includes credit for time served prior to the conviction or revocation.

6.7 (d) A person shall continue to comply with this section for the life of that person:

6.8 (1) if the person is convicted of or adjudicated delinquent for any offense for which
6.9 registration is required under subdivision 1b, or any offense from another state or any
6.10 federal offense similar to the offenses described in subdivision 1b, and the person has a
6.11 prior conviction or adjudication for an offense for which registration was or would have
6.12 been required under subdivision 1b, or an offense from another state or a federal offense
6.13 similar to an offense described in subdivision 1b;

6.14 (2) if the person is required to register based upon a conviction or delinquency
6.15 adjudication for an offense under section 609.185, clause (2), or a similar statute from
6.16 another state or the United States;

6.17 (3) if the person is required to register based upon a conviction for an offense under
6.18 section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision
6.19 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g);
6.20 or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the
6.21 United States similar to the offenses described in this clause; or

6.22 (4) if the person is required to register under subdivision 1b, paragraph (c), following
6.23 commitment pursuant to a court commitment under section 253B.185 or a similar law of
6.24 another state or the United States.

6.25 (e) A person described in subdivision 1b, paragraph (b), who is required to register
6.26 under the laws of a state in which the person has been previously convicted or adjudicated
6.27 delinquent, shall register under this section for the time period required by the state of
6.28 conviction or adjudication unless a longer time period is required elsewhere in this section.

6.29 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to
6.30 predatory offenders who are required to register before, on, or after that date.

6.31 Sec. 4. Minnesota Statutes 2008, section 244.05, subdivision 6, is amended to read:

6.32 Subd. 6. **Intensive supervised release.** The commissioner may order that an
6.33 inmate be placed on intensive supervised release for all or part of the inmate's supervised
6.34 release or parole term if the commissioner determines that the action will further the
6.35 goals described in section 244.14, subdivision 1, clauses (2), (3), and (4). In addition, the

7.1 commissioner may order that an inmate be placed on intensive supervised release for all
7.2 of the inmate's conditional or supervised release term if the inmate was convicted of
7.3 a sex offense under section 609.342, 609.343, 609.344, 609.345, or 609.3453 or was
7.4 sentenced under the provisions of section 609.3455, subdivision 3a. The commissioner
7.5 shall order that all level III predatory offenders be placed on intensive supervised release
7.6 for the entire supervised release, conditional release, or parole term. The commissioner
7.7 may impose appropriate conditions of release on the inmate including but not limited to
7.8 unannounced searches of the inmate's person, vehicle, ~~or~~ premises, computer, or other
7.9 electronic devices capable of accessing the Internet by an intensive supervision agent;
7.10 compliance with court-ordered restitution, if any; random drug testing; house arrest; daily
7.11 curfews; frequent face-to-face contacts with an assigned intensive supervision agent;
7.12 work, education, or treatment requirements; and electronic surveillance. In addition, any
7.13 sex offender placed on intensive supervised release may be ordered to participate in an
7.14 appropriate sex offender program as a condition of release. If the inmate violates the
7.15 conditions of the intensive supervised release, the commissioner shall impose sanctions as
7.16 provided in subdivision 3 and section 609.3455.

7.17 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to
7.18 predatory offenders who are required to register before, on, or after that date.

7.19 Sec. 5. Minnesota Statutes 2008, section 609.352, subdivision 2a, is amended to read:

7.20 Subd. 2a. ~~Internet or computer~~ Electronic solicitation of children. A person
7.21 18 years of age or older who uses the Internet ~~or~~ a computer, computer program,
7.22 computer network, ~~or~~ computer system, an electronic communications system, or a
7.23 telecommunications, wire, or radio communications system, or other electronic device
7.24 capable of electronic data storage or transmission to commit any of the following acts,
7.25 with the intent to arouse the sexual desire of any person, is guilty of a felony and may be
7.26 sentenced as provided in subdivision 4:

7.27 (1) soliciting a child or someone the person reasonably believes is a child to engage
7.28 in sexual conduct;

7.29 (2) engaging in communication ~~relating to or describing sexual conduct~~ with a
7.30 child or someone the person reasonably believes is a child, relating to or describing
7.31 sexual conduct; or

7.32 (3) distributing any material, language, or communication, including a photographic
7.33 or video image, that relates to or describes sexual conduct to a child or someone the
7.34 person reasonably believes is a child.

8.1 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
8.2 committed on or after that date.

8.3 **ARTICLE 2**
8.4 **CRIME VICTIMS**

8.5 Section 1. Minnesota Statutes 2008, section 611A.0315, subdivision 1, is amended to
8.6 read:

8.7 Subdivision 1. **Notice of decision not to prosecute.** (a) A prosecutor shall make
8.8 every reasonable effort to notify a victim of domestic assault, a criminal sexual conduct
8.9 offense, or harassment that the prosecutor has decided to decline prosecution of the case
8.10 or to dismiss the criminal charges filed against the defendant. Efforts to notify the victim
8.11 should include, in order of priority: (1) contacting the victim or a person designated by the
8.12 victim by telephone; and (2) contacting the victim by mail. If a suspect is still in custody,
8.13 the notification attempt shall be made before the suspect is released from custody.

8.14 (b) Whenever a prosecutor dismisses criminal charges against a person accused of
8.15 domestic assault, a criminal sexual conduct offense, or harassment, a record shall be made
8.16 of the specific reasons for the dismissal. If the dismissal is due to the unavailability of the
8.17 witness, the prosecutor shall indicate the specific reason that the witness is unavailable.

8.18 (c) Whenever a prosecutor notifies a victim of domestic assault, criminal sexual
8.19 conduct, or harassment under this section, the prosecutor shall also inform the victim of
8.20 the method and benefits of seeking an order for protection under section 518B.01 or a
8.21 restraining order under section 609.748 and that the victim may seek an order without
8.22 paying a fee.

8.23 **EFFECTIVE DATE.** This section is effective July 1, 2009.

8.24 Sec. 2. Minnesota Statutes 2008, section 629.341, subdivision 1, is amended to read:

8.25 Subdivision 1. **Arrest.** Notwithstanding section 629.34 or any other law or rule, a
8.26 peace officer may arrest a person anywhere without a warrant, including at the person's
8.27 residence, if the peace officer has probable cause to believe that within the preceding
8.28 ~~12~~ 24 hours the person has committed domestic abuse, as defined in section 518B.01,
8.29 subdivision 2. The arrest may be made even though the assault did not take place in
8.30 the presence of the peace officer.

8.31 **EFFECTIVE DATE.** This section is effective July 1, 2009.

8.32 Sec. 3. Laws 1999, chapter 216, article 2, section 27, subdivision 1, as amended by
8.33 Laws 2000, chapter 468, section 29, is amended to read:

9.1 Subdivision 1. ~~Pilot project authorized~~ **Domestic fatality review teams; purpose.**
 9.2 ~~The fourth~~ A judicial district may establish a domestic fatality review team ~~as a 30-month~~
 9.3 ~~pilot project~~ to review domestic violence deaths that have occurred in the district. The
 9.4 team may review cases in which prosecution has been completed or the prosecutorial
 9.5 authority has decided not to pursue the case. The purpose of the review team is to
 9.6 assess domestic violence deaths in order to develop recommendations for policies and
 9.7 protocols for community prevention and intervention initiatives to reduce and eliminate
 9.8 the incidence of domestic violence and resulting fatalities.

9.9 **EFFECTIVE DATE.** This section is effective July 1, 2009.

9.10 Sec. 4. Laws 1999, chapter 216, article 2, section 27, subdivision 3c, as added by Laws
 9.11 2000, chapter 468, section 32, is amended to read:

9.12 Subd. 3c. **Immunity.** Members of the ~~fourth judicial district~~ domestic fatality
 9.13 advisory board, members of the domestic fatality review team, and members of each
 9.14 review panel, as well as their agents or employees, are immune from claims and are
 9.15 not subject to any suits, liability, damages, or any other recourse, civil or criminal,
 9.16 arising from any act, proceeding, decision, or determination undertaken or performed or
 9.17 recommendation made by the domestic fatality review team, provided they acted in good
 9.18 faith and without malice in carrying out their responsibilities. Good faith is presumed until
 9.19 proven otherwise and the complainant has the burden of proving malice or a lack of good
 9.20 faith. No organization, institution, or person furnishing information, data, testimony,
 9.21 reports, or records to the domestic fatality review team as part of an investigation is civilly
 9.22 or criminally liable or subject to any other recourse for providing the information.

9.23 **EFFECTIVE DATE.** This section is effective July 1, 2009.

9.24 Sec. 5. Laws 1999, chapter 216, article 2, section 27, subdivision 4, is amended to read:

9.25 Subd. 4. **Evaluation and report.** (a) ~~The~~ Each domestic fatality review team
 9.26 shall develop a system for evaluating the effectiveness of its program and shall focus on
 9.27 identifiable goals and outcomes. An evaluation must include data components as well as
 9.28 input from individuals involved in the review process.

9.29 (b) ~~The~~ Each domestic fatality review team shall issue ~~two~~ an annual reports report
 9.30 to the legislature ~~during the pilot project, one on or before December 31, 2000, and one on~~
 9.31 ~~or before December 31, 2001.~~ The reports report must consist of the written aggregate
 9.32 recommendations of the domestic fatality review team without reference to specific cases.
 9.33 ~~The December 31, 2001, report must include recommendations for legislation. The reports~~

10.1 report must be available upon request and distributed to the governor, attorney general,
10.2 supreme court, county board, and district court.

10.3 **EFFECTIVE DATE.** This section is effective July 1, 2009.

10.4 Sec. 6. **REPEALER.**

10.5 Laws 2002, chapter 266, section, 1 as amended by Laws 2004, chapter 290, section
10.6 38, and Laws 2006, chapter 260, article 5, section 53, is repealed.

10.7 **EFFECTIVE DATE.** This section is effective July 1, 2009.

10.8 **ARTICLE 3**

10.9 **COURTS AND PUBLIC DEFENDER**

10.10 Section 1. Minnesota Statutes 2008, section 484.91, subdivision 1, is amended to read:

10.11 Subdivision 1. **Establishment.** Misdemeanor violations bureaus in the Fourth
10.12 Judicial District shall be established in ~~Minneapolis, a southern suburb location, and at~~
10.13 ~~any other northern and western suburban locations dispersed throughout the county as~~
10.14 ~~may be~~ designated by a majority of the judges of the court.

10.15 Sec. 2. Minnesota Statutes 2008, section 491A.03, subdivision 1, is amended to read:

10.16 Subdivision 1. **Judges; referees.** The judges of district court ~~shall~~ may serve as
10.17 judges of conciliation court. ~~In the Second and Fourth Judicial Districts, a majority of~~
10.18 ~~the judges~~ The chief judge of the district may appoint one or more suitable persons to act
10.19 as referees in conciliation court; ~~a majority of the judges~~ the chief judge of the district
10.20 shall establish qualifications for the office, specify the duties and length of service of
10.21 referees, and fix their compensation ~~not to exceed an amount per day determined by the~~
10.22 ~~chief judge of the judicial district.~~

10.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

10.24 Sec. 3. Minnesota Statutes 2008, section 609.131, subdivision 1, is amended to read:

10.25 Subdivision 1. **General rule.** Except as provided in subdivision 2, an alleged
10.26 misdemeanor violation must be treated as a petty misdemeanor if the prosecuting attorney
10.27 believes that it is in the interest of justice that the defendant not be imprisoned if convicted
10.28 and certifies that belief to the court at or before the time of arraignment or pretrial
10.29 hearing, and the court approves of the certification motion. The defendant's consent to the
10.30 certification is ~~not~~ required. When an offense is certified as a petty misdemeanor under
10.31 this section, the defendant's eligibility for court-appointed counsel must be evaluated

11.1 as though the offense were a petty misdemeanor and the defendant will not be eligible
11.2 for the appointment of a public defender.

11.3 **EFFECTIVE DATE.** This section is effective July 1, 2009.

11.4 Sec. 4. Minnesota Statutes 2008, section 611.17, is amended to read:

11.5 **611.17 FINANCIAL INQUIRY; STATEMENTS; CO-PAYMENT;**
11.6 **STANDARDS FOR DISTRICT PUBLIC DEFENSE ELIGIBILITY.**

11.7 (a) Each judicial district must screen requests for representation by the district public
11.8 defender. A defendant is financially unable to obtain counsel if:

11.9 (1) ~~the defendant, or any dependent of the defendant who resides in the same~~
11.10 ~~household as the defendant, receives means-tested governmental benefits~~ is charged with a
11.11 misdemeanor, has no liquid assets, and has an annual income not greater than 150 percent
11.12 of the poverty guidelines updated periodically in the Federal Register by the United States
11.13 Department of Health and Human Services under the authority of United States Code,
11.14 title 42, section 9902(2); or

11.15 (2) the defendant is charged with a gross misdemeanor, has no liquid assets, and
11.16 has an annual income not greater than 175 percent of the poverty guidelines updated
11.17 periodically in the Federal Register by the United States Department of Health and Human
11.18 Services under the authority of United States Code, title 42, section 9902(2); or

11.19 (3) the defendant is charged with a felony, has no liquid assets, and has an annual
11.20 income not greater than 200 percent of the poverty guidelines updated periodically in the
11.21 Federal Register by the United States Department of Health and Human Services under
11.22 the authority of United States Code, title 42, section 9902(2); or

11.23 (4) the defendant, through any combination of liquid assets and current income,
11.24 would be unable to pay the reasonable costs charged by private counsel in that judicial
11.25 district for a defense of the same matter.

11.26 (b) Upon a request for the appointment of counsel, the court shall make appropriate
11.27 inquiry into the financial circumstances of the applicant, who shall submit a financial
11.28 statement under oath or affirmation setting forth the applicant's assets and liabilities,
11.29 including the value of any real property owned by the applicant, whether homestead or
11.30 otherwise, less the amount of any encumbrances on the real property, the source or sources
11.31 of income, and any other information required by the court. The applicant shall be under
11.32 a continuing duty while represented by a public defender to disclose any changes in the
11.33 applicant's financial circumstances that might be relevant to the applicant's eligibility for a
11.34 public defender. The state public defender shall furnish appropriate forms for the financial
11.35 statements. The forms must contain conspicuous notice of the applicant's continuing duty

12.1 to disclose to the court changes in the applicant's financial circumstances. The forms must
12.2 also contain conspicuous notice of the applicant's obligation to make a co-payment for the
12.3 services of the district public defender, as specified under paragraph (c). The information
12.4 contained in the statement shall be confidential and for the exclusive use of the court
12.5 and the public defender appointed by the court to represent the applicant except for any
12.6 prosecution under section 609.48. A refusal to execute the financial statement or produce
12.7 financial records constitutes a waiver of the right to the appointment of a public defender.
12.8 The court shall not appoint a district public defender to a defendant who is financially able
12.9 to retain private counsel but refuses to do so.

12.10 An inquiry to determine financial eligibility of a defendant for the appointment of
12.11 the district public defender shall be made whenever possible prior to the court appearance
12.12 and by such persons as the court may direct. This inquiry may be combined with the
12.13 prerelease investigation provided for in Minnesota Rule of Criminal Procedure 6.02,
12.14 subdivision 3. In no case shall the district public defender be required to perform this
12.15 inquiry or investigate the defendant's assets or eligibility. The court has the sole duty to
12.16 conduct a financial inquiry. The inquiry must include the following:

12.17 (1) the liquidity of real estate assets, including the defendant's homestead;
12.18 (2) any assets that can be readily converted to cash or used to secure a debt;
12.19 (3) the determination of whether the transfer of an asset is voidable as a fraudulent
12.20 conveyance; and

12.21 (4) the value of all property transfers occurring on or after the date of the alleged
12.22 offense. The burden is on the accused to show that he or she is financially unable to afford
12.23 counsel. Defendants who fail to provide information necessary to determine eligibility
12.24 shall be deemed ineligible. The court must not appoint the district public defender as
12.25 advisory counsel.

12.26 (c) Upon disposition of the case, an individual who has received public defender
12.27 services shall pay to the court a \$28 co-payment for representation provided by a public
12.28 defender, unless the co-payment is, or has been, waived by the court.

12.29 The co-payment must be credited to the general fund. If a term of probation is
12.30 imposed as a part of an offender's sentence, the co-payment required by this section must
12.31 not be made a condition of probation. The co-payment required by this section is a civil
12.32 obligation and must not be made a condition of a criminal sentence.

12.33 **EFFECTIVE DATE.** This section is effective July 1, 2009.

12.34 Sec. 5. Minnesota Statutes 2008, section 611.18, is amended to read:

12.35 **611.18 APPOINTMENT OF PUBLIC DEFENDER.**

13.1 If it appears to a court that a person requesting the appointment of counsel satisfies
13.2 the requirements of this chapter, the court shall order the appropriate public defender to
13.3 represent the person ~~at all further stages of the proceeding through appeal, if any.~~ For a
13.4 person appealing from a conviction, or a person pursuing a postconviction proceeding
13.5 and who has not already had a direct appeal of the conviction, according to the standards
13.6 of sections 611.14, clause (2), and 611.25, subdivision 1, paragraph (a), clause (2), the
13.7 ~~state chief appellate~~ public defender shall be appointed. For a person covered by section
13.8 611.14, clause (1), (3), or (4), a district public defender shall be appointed to represent
13.9 that person. ~~If (a) conflicting interests exist, (b) the district public defender for any other~~
13.10 ~~reason is unable to act, or (c) the interests of justice require, the state public defender~~
13.11 ~~may be ordered to represent a person. When the state public defender is directed by a~~
13.12 ~~court to represent a defendant or other person, the state public defender may assign the~~
13.13 ~~representation to any district public defender.~~ If at any stage of the proceedings, ~~including~~
13.14 ~~an appeal~~, the court finds that the defendant is financially unable to pay counsel whom the
13.15 defendant had retained, the court may appoint the appropriate public defender to represent
13.16 the defendant, as provided in this section. Prior to any court appearance, a public defender
13.17 may represent a person accused of violating the law, who appears to be financially unable
13.18 to obtain counsel, and shall continue to represent the person unless it is subsequently
13.19 determined that the person is financially able to obtain counsel. The representation may
13.20 be made available at the discretion of the public defender, upon the request of the person
13.21 or someone on the person's behalf. Any law enforcement officer may notify the public
13.22 defender of the arrest of any such person.

13.23 **EFFECTIVE DATE.** This section is effective July 1, 2009.

13.24 Sec. 6. Minnesota Statutes 2008, section 611.20, subdivision 3, is amended to read:

13.25 Subd. 3. **Reimbursement.** In each fiscal year, the commissioner of finance shall
13.26 deposit the payments in the general fund and credit them to a separate account with the
13.27 Board of Public Defense. The amount credited to this account is appropriated to the Board
13.28 of Public Defense, except that reimbursements collected in the Fourth Judicial District
13.29 shall be returned to Hennepin County to offset the county's contribution to pay for the
13.30 public defender system under section 611.26, subdivision 3a, paragraph (c).

13.31 The balance of this account does not cancel but is available until expended.
13.32 Expenditures by the board from this account for each judicial district public defense office
13.33 must be based on the amount of the payments received by the state from the courts in
13.34 each judicial district. A district public defender's office that receives money under this
13.35 subdivision shall use the money to supplement office overhead payments to part-time

14.1 attorneys providing public defense services in the district. By January 15 of each year,
14.2 the Board of Public Defense shall report to the chairs and ranking minority members of
14.3 the senate and house of representatives divisions having jurisdiction over criminal justice
14.4 funding on the amount appropriated under this subdivision, the number of cases handled
14.5 by each district public defender's office, the number of cases in which reimbursements
14.6 were ordered, the average amount of reimbursement ordered, and the average amount of
14.7 money received by part-time attorneys under this subdivision.

14.8 **EFFECTIVE DATE.** This section is effective July 1, 2009.

14.9 Sec. 7. Minnesota Statutes 2008, section 611.21, is amended to read:

14.10 **611.21 SERVICES OTHER THAN COUNSEL.**

14.11 (a) ~~Counsel~~ For purposes of this section, "counsel" means a public defender
14.12 appointed by the court for an indigent defendant, or an attorney who is working for a
14.13 public defense corporation under section 611.216 and is representing a defendant who, at
14.14 the outset of the prosecution, has an annual income not greater than 125 percent of the
14.15 poverty line established under United States Code, title 42, section 9902(2).

14.16 (b) Counsel may file an ex parte application requesting investigative, expert, or other
14.17 services necessary to an adequate defense in the case. Upon finding, after appropriate
14.18 inquiry in an ex parte proceeding, that the services are necessary and that the defendant is
14.19 financially unable to obtain them, the court shall authorize counsel to obtain the services
14.20 on behalf of the defendant. The court may establish a limit on the amount which may
14.21 be expended or promised for such services. The court may, in the interests of justice,
14.22 and upon a finding that timely procurement of necessary services could not await prior
14.23 authorization, ratify such services after they have been obtained, but such ratification shall
14.24 be given only in unusual situations. The court shall determine reasonable compensation
14.25 for the services and direct payment by the county in which the prosecution originated, to
14.26 the organization or person who rendered them, upon the filing of a claim for compensation
14.27 supported by an affidavit specifying the time expended, services rendered, and expenses
14.28 incurred on behalf of the defendant, and the compensation received in the same case or for
14.29 the same services from any other source.

14.30 ~~(b)~~ (c) The compensation to be paid to a person for such service rendered to a
14.31 defendant under this section, or to be paid to an organization for such services rendered by
14.32 an employee, may not exceed \$1,000, exclusive of reimbursement for expenses reasonably
14.33 incurred, unless payment in excess of that limit is certified by the court as necessary to
14.34 provide fair compensation for services of an unusual character or duration and the amount

15.1 of the excess payment is approved by the chief judge of the district. The chief judge of the
15.2 judicial district may delegate approval authority to an active district judge.

15.3 ~~(e)~~ (d) If the court denies authorizing counsel to obtain services on behalf of the
15.4 defendant, the court shall make written findings of fact and conclusions of law that state
15.5 the basis for determining that counsel may not obtain services on behalf of the defendant.
15.6 When the court issues an order denying counsel the authority to obtain services, the
15.7 defendant may appeal immediately from that order to the Court of Appeals and may
15.8 request an expedited hearing.

15.9 **EFFECTIVE DATE.** This section is effective July 1, 2009.

15.10 Sec. 8. **[634.36] EVIDENCE OF VIDEOTAPES, AUDIOTAPES, OR OTHER**
15.11 **RECORDINGS.**

15.12 In any hearing or trial of a criminal offense or petty misdemeanor or proceeding
15.13 pursuant to section 169A.53, subdivision 3, evidence of a videotape, audiotape, or
15.14 electronic or digital recording prepared by a peace officer, using recording equipment in a
15.15 law enforcement vehicle, while in the performance of official duties shall not be excluded
15.16 on the ground that a written transcript of the recording was not prepared and available at
15.17 or prior to trial. As used in this section, "peace officer" has the meaning given in section
15.18 169A.03, subdivision 18.

15.19 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to trials and
15.20 hearings beginning on or after that date.

15.21 Sec. 9. **LICENSE REINSTATEMENT DIVERSION PILOT PROGRAM.**

15.22 Subdivision 1. **Establishment.** An eligible city may establish a license reinstatement
15.23 diversion pilot program for holders of class D drivers' licenses who have been charged
15.24 with violating Minnesota Statutes, section 171.24, subdivision 1 or 2, but have not yet
15.25 entered a plea in the proceedings. An individual charged with driving after revocation
15.26 under Minnesota Statutes, section 171.24, subdivision 2, is eligible for diversion only if
15.27 the revocation was due to a violation of Minnesota Statutes, section 169.791; 169.797;
15.28 169A.52; 169A.54; or 171.17, subdivision 1, paragraph (a), clause (6). An individual
15.29 who is a holder of a commercial driver's license or who has committed an offense in a
15.30 commercial motor vehicle is ineligible for participation in the diversion pilot program.

15.31 Subd. 2. **Eligible cities.** Each of the cities of Duluth, St. Paul, South St. Paul,
15.32 West St. Paul, and Inver Grove Heights is eligible to establish the license reinstatement
15.33 diversion pilot program within its city.

16.1 Subd. 3. **Contract.** Notwithstanding any law or ordinance to the contrary, an
16.2 eligible city may contract with a third party to create and administer the diversion program.

16.3 Subd. 4. **Diversion of individual.** A prosecutor for a participating city may
16.4 determine whether to accept an individual for diversion, and in doing so shall consider:

16.5 (1) whether the individual has a record of driving without a valid license or other
16.6 criminal record, or has previously participated in a diversion program;

16.7 (2) the strength of the evidence against the individual, along with any mitigating
16.8 factors; and

16.9 (3) the apparent ability and willingness of the individual to participate in the
16.10 diversion program and comply with its requirements.

16.11 Subd. 5. **Diversion driver's license.** (a) Notwithstanding any law to the contrary,
16.12 the commissioner of public safety may issue a diversion driver's license to a person who
16.13 is a participant in a pilot program for diversion, following receipt of an application and
16.14 payment of:

16.15 (1) the reinstatement fee under Minnesota Statutes, section 171.20, subdivision 4, by
16.16 a participant whose driver's license has been suspended;

16.17 (2) the reinstatement fee under Minnesota Statutes, section 171.29, subdivision 2,
16.18 paragraph (a), by a participant whose driver's license has been revoked under Minnesota
16.19 Statutes, section 169.791; 169.797; or 171.17, subdivision 1, paragraph (a), clause (6); or

16.20 (3) the reinstatement fee under Minnesota Statutes, section 171.29, subdivision 2,
16.21 paragraph (a), by a participant whose driver's license has been revoked under Minnesota
16.22 Statutes, section 169A.52 or 169A.54. The reinstatement fee and surcharge, both of which
16.23 are provided under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), also
16.24 must be paid during the course of, and as a condition of, the diversion program.

16.25 The diversion driver's license may bear restrictions imposed by the commissioner suitable
16.26 to the licensee's driving ability or other restrictions applicable to the licensee as the
16.27 commissioner may determine to be appropriate to assure the safe operation of a motor
16.28 vehicle by the licensee.

16.29 (b) Payments by participants in the diversion program of the reinstatement fee and
16.30 surcharge under Minnesota Statutes, section 171.29, subdivision 2, paragraph (b), must be
16.31 applied first toward payment of the reinstatement fee, and after the reinstatement fee has
16.32 been fully paid, toward payment of the surcharge. Each payment that is applied toward
16.33 the reinstatement fee must be credited as provided in Minnesota Statutes, section 171.29,
16.34 subdivision 2, paragraph (b), and each payment that is applied toward the surcharge must
16.35 be credited as provided in Minnesota Statutes, section 171.29, subdivision 2, paragraphs
16.36 (c) and (d).

17.1 Subd. 6. **Components of program.** (a) At a minimum, the diversion program
17.2 must require individuals to:

17.3 (1) successfully attend and complete, at the individual's expense, educational classes
17.4 that provide, among other things, information on drivers' licensure;

17.5 (2) pay, according to a schedule approved by the prosecutor, all required fees,
17.6 finances, and charges, including applicable statutory license reinstatement fees and costs
17.7 of participation in the program;

17.8 (3) comply with all traffic laws; and

17.9 (4) demonstrate compliance with vehicle insurance requirements.

17.10 (b) An individual who is accepted into the pilot program is eligible to apply for a
17.11 diversion driver's license.

17.12 Subd. 7. **Termination of participation in diversion program.** (a) An individual's
17.13 participation in the diversion program may terminate when:

17.14 (1) during participation in the program, the individual is guilty of a moving traffic
17.15 violation or failure to provide vehicle insurance;

17.16 (2) the third-party administrator of the diversion program informs the court and the
17.17 commissioner of public safety that the individual is no longer satisfying the conditions
17.18 of the diversion; or

17.19 (3) the third-party administrator informs the court, the prosecutor, and the
17.20 commissioner of public safety that the individual has met all conditions of the diversion
17.21 program, including, at a minimum, satisfactory fulfillment of the components in
17.22 subdivision 6, whereupon the court shall dismiss the charge or the prosecutor shall decline
17.23 to prosecute.

17.24 (b) Upon termination of an individual's participation in the diversion program, the
17.25 commissioner shall cancel the individual's diversion driver's license.

17.26 (c) The original charge against the individual of violation of Minnesota Statutes,
17.27 section 171.24, may be reinstated against an individual whose participation in the
17.28 diversion program terminates under paragraph (a), clause (1) or (2).

17.29 (d) The commissioner shall reinstate the driver's license of an individual whose
17.30 participation in the diversion program terminates under paragraph (a), clause (3).

17.31 Subd. 8. **Report.** (a) By February 1, 2011, the commissioner of public safety and
17.32 each eligible city that participates in the diversion program shall report to the legislative
17.33 committees with jurisdiction over transportation and the judiciary concerning the results
17.34 of the program. The report must include, without limitation, the effect of the program on:

17.35 (1) recidivism rates for participants in the diversion pilot program;

18.1 (2) the number of unlicensed drivers who continue to drive in violation of Minnesota
18.2 Statutes, section 171.24;

18.3 (3) payment of the fees and fines collected in the diversion pilot program to cities,
18.4 counties, and the state;

18.5 (4) educational support provided to participants in the diversion pilot program; and

18.6 (5) the total number of participants in the diversion pilot program and the number of
18.7 participants who have terminated from the pilot program under subdivision 7, paragraph
18.8 (a), clauses (1) to (3).

18.9 (b) The report must include recommendations regarding the future of the program
18.10 and any necessary legislative changes.

18.11 Subd. 9. **Sunset.** The pilot project under this section expires June 30, 2011.

18.12 **EFFECTIVE DATE.** This section is effective July 1, 2009.

18.13 Sec. 10. **REPEALER.**

18.14 Minnesota Statutes 2008, section 383B.65, subdivision 2, is repealed.

18.15 **ARTICLE 4**

18.16 **CORRECTIONS AND SENTENCING GUIDELINES**

18.17 Section 1. Minnesota Statutes 2008, section 244.10, is amended by adding a
18.18 subdivision to read:

18.19 Subd. 5a. **Aggravating factors.** Notwithstanding section 609.035 or 609.04 or other
18.20 law to the contrary, when a court sentences an offender for a felony conviction, the court
18.21 may order an aggravated sentence based on any aggravating factor that is not an element
18.22 of the crime of conviction being sentenced, regardless of whether the factor constitutes
18.23 an element of another crime of conviction in the same prosecution, or uncharged acts or
18.24 behavior occurring during the same course of conduct in the same prosecution.

18.25 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
18.26 committed on or after that date.

18.27 Sec. 2. Minnesota Statutes 2008, section 357.021, subdivision 6, is amended to read:

18.28 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided
18.29 in this paragraph, the court shall impose and the court administrator shall collect a \$75
18.30 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
18.31 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
18.32 parking, for which there shall be a \$4 surcharge. In the Second Judicial District, the
18.33 court shall impose, and the court administrator shall collect, an additional \$1 surcharge

19.1 on every person convicted of any felony, gross misdemeanor, misdemeanor, or petty
19.2 misdemeanor offense, including a violation of a law or ordinance relating to vehicle
19.3 parking, if the Ramsey County Board of Commissioners authorizes the \$1 surcharge. The
19.4 surcharge shall be imposed whether or not the person is sentenced to imprisonment or the
19.5 sentence is stayed. The surcharge shall not be imposed when a person is convicted of a
19.6 petty misdemeanor for which no fine is imposed.

19.7 (b) If the court fails to impose a surcharge as required by this subdivision, the court
19.8 administrator shall show the imposition of the surcharge, collect the surcharge, and
19.9 correct the record.

19.10 (c) The court may not waive payment of the surcharge required under this
19.11 subdivision. Upon a showing of indigency or undue hardship upon the convicted person
19.12 or the convicted person's immediate family, the sentencing court may authorize payment
19.13 of the surcharge in installments.

19.14 (d) The court administrator or other entity collecting a surcharge shall forward it
19.15 to the commissioner of finance.

19.16 (e) If the convicted person is sentenced to imprisonment and has not paid the
19.17 surcharge before the term of imprisonment begins, the chief executive officer of the
19.18 correctional facility in which the convicted person is incarcerated shall collect the
19.19 surcharge from any earnings the inmate accrues from work performed in the facility
19.20 or while on conditional release. The chief executive officer shall forward the amount
19.21 collected to the ~~commissioner of finance~~ court administrator or other entity collecting the
19.22 surcharge imposed by the court.

19.23 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to
19.24 surcharges collected by the chief executive officer of a correctional facility on or after
19.25 that date.

19.26 Sec. 3. Minnesota Statutes 2008, section 401.025, subdivision 1, is amended to read:

19.27 Subdivision 1. **Peace officers and probation officers serving CCA counties.** (a)
19.28 When it appears necessary to enforce discipline or to prevent a person on conditional
19.29 release from escaping or absconding from supervision, the chief executive officer or
19.30 designee of a community corrections agency in a CCA county has the authority to issue
19.31 a written order directing any peace officer ~~in the county~~ or any probation officer in the
19.32 state serving the district and juvenile courts ~~of the county~~ to detain and bring the person
19.33 before the court or the commissioner, whichever is appropriate, for disposition. This
19.34 written order is sufficient authority for the peace officer or probation officer to detain the

20.1 person for not more than 72 hours, excluding Saturdays, Sundays, and holidays, pending a
 20.2 hearing before the court or the commissioner.

20.3 (b) The chief executive officer or designee of a community corrections agency in a
 20.4 CCA county has the authority to issue a written order directing a peace officer or probation
 20.5 officer serving the district and juvenile courts of the county to release a person detained
 20.6 under paragraph (a) within 72 hours, excluding Saturdays, Sundays, and holidays, without
 20.7 an appearance before the court or the commissioner. This written order is sufficient
 20.8 authority for the peace officer or probation officer to release the detained person.

20.9 (c) The chief executive officer or designee of a community corrections agency in a
 20.10 CCA county has the authority to issue a written order directing any peace officer ~~in the~~
 20.11 ~~county~~ or any probation officer serving the district and juvenile courts ~~of the county~~ to
 20.12 detain any person on court-ordered pretrial release who absconds from pretrial release
 20.13 or fails to abide by the conditions of pretrial release. A written order issued under this
 20.14 paragraph is sufficient authority for the peace officer or probation officer to detain the
 20.15 person.

20.16 **EFFECTIVE DATE.** This section is effective July 1, 2009.

20.17 Sec. 4. Minnesota Statutes 2008, section 471.59, is amended by adding a subdivision
 20.18 to read:

20.19 Subd. 12b. **Correctional officers.** If there is an agreement, merger, or consolidation
 20.20 between two or more local correctional or detention facilities, a correctional officer who
 20.21 becomes employed by a new entity created by the agreement, merger, or consolidation
 20.22 must receive credit for accumulated vacation and sick leave time earned by the correctional
 20.23 officer during the officer's employment with a governmental unit immediately preceding
 20.24 the creation of the new entity. If a correctional officer working pursuant to an agreement,
 20.25 merger, or consolidation becomes employed by the new entity, the correctional officer is
 20.26 considered to have begun employment with the new entity on the first day of employment
 20.27 with the governmental unit employing the correctional officer immediately preceding the
 20.28 creation of the new entity and must be credited with all previously accumulated vacation
 20.29 and sick leave time.

20.30 **EFFECTIVE DATE.** This section is effective July 1, 2009.

20.31 Sec. 5. Minnesota Statutes 2008, section 629.34, subdivision 1, is amended to read:

20.32 Subdivision 1. **Peace officers.** (a) A peace officer, as defined in section 626.84,
 20.33 subdivision 1, clause (c), who is on or off duty within the jurisdiction of the appointing

21.1 authority, or on duty outside the jurisdiction of the appointing authority pursuant to section
21.2 629.40, may arrest a person without a warrant as provided under paragraph (c).

21.3 (b) A part-time peace officer, as defined in section 626.84, subdivision 1, clause (d),
21.4 who is on duty within the jurisdiction of the appointing authority, or on duty outside the
21.5 jurisdiction of the appointing authority pursuant to section 629.40 may arrest a person
21.6 without a warrant as provided under paragraph (c).

21.7 (c) A peace officer or part-time peace officer who is authorized under paragraph (a)
21.8 or (b) to make an arrest without a warrant may do so under the following circumstances:

21.9 (1) when a public offense has been committed or attempted in the officer's presence;

21.10 (2) when the person arrested has committed a felony, although not in the officer's
21.11 presence;

21.12 (3) when a felony has in fact been committed, and the officer has reasonable cause
21.13 for believing the person arrested to have committed it;

21.14 (4) upon a charge based upon reasonable cause of the commission of a felony by
21.15 the person arrested;

21.16 (5) under the circumstances described in clause (2), (3), or (4), when the offense is a
21.17 gross misdemeanor violation of section 609.52, 609.595, 609.631, 609.749, or 609.821; ~~or~~

21.18 (6) under circumstances described in clause (2), (3), or (4), when the offense is a
21.19 nonfelony violation of a restraining order or no contact order previously issued by a
21.20 court; ~~or~~

21.21 (7) under the circumstances described in clause (2), (3), or (4), when the offense is
21.22 a gross misdemeanor violation of section 609.485 and the person arrested is a juvenile
21.23 committed to the custody of the commissioner of corrections.

21.24 (d) To make an arrest authorized under this subdivision, the officer may break open
21.25 an outer or inner door or window of a dwelling house if, after notice of office and purpose,
21.26 the officer is refused admittance.

21.27 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to
21.28 persons escaping from custody on or after that date.

21.29 **Sec. 6. SENTENCING GUIDELINES COMMISSION; CONSOLIDATION OF**
21.30 **REPORTS.**

21.31 The Sentencing Guidelines Commission may consolidate legislatively mandated
21.32 reports to achieve administrative efficiencies or fiscal savings or to reduce the burden of
21.33 reporting requirements. The Sentencing Guidelines Commission may not eliminate a
21.34 legislatively mandated reporting requirement without prior legislative approval.

21.35 **EFFECTIVE DATE.** This section is effective the day following final enactment.

22.1 Sec. 7. **REPEALER.**

22.2 Minnesota Statutes 2008, sections 260B.199, subdivision 2; and 260B.201,
22.3 subdivision 3, are repealed.

22.4 **EFFECTIVE DATE.** This section is effective the day following final enactment.

22.5 **ARTICLE 5**

22.6 **PUBLIC SAFETY**

22.7 Section 1. Minnesota Statutes 2008, section 152.02, subdivision 6, is amended to read:

22.8 Subd. 6. **Schedule V; restrictions on methamphetamine precursor drugs.** (a) As
22.9 used in this subdivision, the following terms have the meanings given:

22.10 (1) "methamphetamine precursor drug" means any compound, mixture, or
22.11 preparation intended for human consumption containing ephedrine or pseudoephedrine as
22.12 its sole active ingredient or as one of its active ingredients; and

22.13 (2) "over-the-counter sale" means a retail sale of a drug or product but does not
22.14 include the sale of a drug or product pursuant to the terms of a valid prescription.

22.15 (b) The following items are listed in Schedule V:

22.16 (1) any compound, mixture, or preparation containing any of the following limited
22.17 quantities of narcotic drugs, which shall include one or more nonnarcotic active medicinal
22.18 ingredients in sufficient proportion to confer upon the compound, mixture or preparation
22.19 valuable medicinal qualities other than those possessed by the narcotic drug alone:

22.20 (i) not more than 100 milligrams of dihydrocodeine per 100 milliliters or per 100
22.21 grams;

22.22 (ii) not more than 100 milligrams of ethylmorphine per 100 milliliters or per 100
22.23 grams;

22.24 (iii) not more than 2.5 milligrams of diphenoxylate and not less than 25 micrograms
22.25 of atropine sulfate per dosage unit; or

22.26 (iv) not more than 15 milligrams of anhydrous morphine per 100 milliliters or per
22.27 100 grams; and

22.28 (2) any compound, mixture, or preparation containing ephedrine or pseudoephedrine
22.29 as its sole active ingredient or as one of its active ingredients.

22.30 (c) No person may sell in a single over-the-counter sale more than two packages of a
22.31 methamphetamine precursor drug or a combination of methamphetamine precursor drugs
22.32 or any combination of packages exceeding a total weight of six grams.

22.33 (d) Over-the-counter sales of methamphetamine precursor drugs are limited to:

23.1 (1) packages containing not more than a total of three grams of one or
23.2 more methamphetamine precursor drugs, calculated in terms of ephedrine base or
23.3 pseudoephedrine base; or

23.4 (2) for nonliquid products, sales in blister packs, where each blister contains not
23.5 more than two dosage units, or, if the use of blister packs is not technically feasible, sales
23.6 in unit dose packets or pouches.

23.7 (e) A business establishment that offers for sale methamphetamine precursor drugs
23.8 in an over-the-counter sale shall ensure that all packages of the drugs are displayed
23.9 behind a checkout counter where the public is not permitted and are offered for sale only
23.10 by a licensed pharmacist, a registered pharmacy technician, or a pharmacy clerk. The
23.11 establishment shall ensure that the person making the sale requires the buyer:

23.12 (1) to provide photographic identification showing the buyer's date of birth; and

23.13 (2) to sign a written or electronic document detailing the date of the sale, the name
23.14 of the buyer, and the amount of the drug sold.

23.15 A document described under clause (2) must be retained by the establishment for
23.16 at least three years and must at all reasonable times be open to the inspection of any
23.17 law enforcement agency.

23.18 Nothing in this paragraph requires the buyer to obtain a prescription for the drug's
23.19 purchase.

23.20 (f) No person may acquire through over-the-counter sales more than six grams of
23.21 methamphetamine precursor drugs within a 30-day period.

23.22 (g) No person may sell in an over-the-counter sale a methamphetamine precursor
23.23 drug to a person under the age of 18 years. It is an affirmative defense to a charge under
23.24 this paragraph if the defendant proves by a preponderance of the evidence that the
23.25 defendant reasonably and in good faith relied on proof of age as described in section
23.26 340A.503, subdivision 6.

23.27 (h) A person who knowingly violates paragraph (c), (d), (e), (f), or (g) is guilty of
23.28 a misdemeanor and may be sentenced to imprisonment for not more than 90 days, or to
23.29 payment of a fine of not more than \$1,000, or both.

23.30 (i) An owner, operator, supervisor, or manager of a business establishment that
23.31 offers for sale methamphetamine precursor drugs whose employee or agent is convicted of
23.32 or charged with violating paragraph (c), (d), (e), (f), or (g) is not subject to the criminal
23.33 penalties for violating any of those paragraphs if the person:

23.34 (1) did not have prior knowledge of, participate in, or direct the employee or agent to
23.35 commit the violation; and

24.1 (2) documents that an employee training program was in place to provide the
 24.2 employee or agent with information on the state and federal laws and regulations regarding
 24.3 methamphetamine precursor drugs.

24.4 (j) Any person employed by a business establishment that offers for sale
 24.5 methamphetamine precursor drugs who sells such a drug to any person in a suspicious
 24.6 transaction shall report the transaction to the owner, supervisor, or manager of the
 24.7 establishment. The owner, supervisor, or manager may report the transaction to local law
 24.8 enforcement. A person who reports information under this subdivision in good faith is
 24.9 immune from civil liability relating to the report.

24.10 (k) Paragraphs (b) to (j) do not apply to:

24.11 (1) pediatric products labeled pursuant to federal regulation primarily intended for
 24.12 administration to children under 12 years of age according to label instructions;

24.13 (2) methamphetamine precursor drugs that are certified by the Board of Pharmacy as
 24.14 being manufactured in a manner that prevents the drug from being used to manufacture
 24.15 methamphetamine;

24.16 (3) methamphetamine precursor drugs in gel capsule or liquid form; or

24.17 (4) compounds, mixtures, or preparations in powder form where pseudoephedrine
 24.18 constitutes less than one percent of its total weight and is not its sole active ingredient.

24.19 (l) The Board of Pharmacy, in consultation with the Department of Public Safety,
 24.20 shall certify methamphetamine precursor drugs that meet the requirements of paragraph
 24.21 (k), clause (2), and publish an annual listing of these drugs.

24.22 (m) Wholesale drug distributors licensed and regulated by the Board of Pharmacy
 24.23 pursuant to sections 151.42 to 151.51 and registered with and regulated by the United
 24.24 States Drug Enforcement Administration are exempt from the methamphetamine precursor
 24.25 drug storage requirements of this section.

24.26 (n) This section preempts all local ordinances or regulations governing the sale
 24.27 by a business establishment of over-the-counter products containing ephedrine or
 24.28 pseudoephedrine. All ordinances enacted prior to the effective date of this act are void.

24.29 **EFFECTIVE DATE.** This section is effective August 1, 2009.

24.30 Sec. 2. Minnesota Statutes 2008, section 299A.681, is amended to read:

24.31 **299A.681 FINANCIAL CRIMES ~~OVERSIGHT COUNCIL~~ ADVISORY**
 24.32 **BOARD AND TASK FORCE.**

24.33 Subdivision 1. **Oversight Council Advisory board.** The Minnesota Financial
 24.34 Crimes ~~Oversight Council~~ **Advisory Board** shall provide ~~guidance~~ **advice** to the

25.1 commissioner of public safety related to the investigation and prosecution of identity
 25.2 theft and financial crime.

25.3 Subd. 2. **Membership.** The ~~Oversight Council~~ advisory board consists of the
 25.4 following individuals, or their designees:

25.5 (1) the commissioner of public safety;

25.6 (2) the attorney general;

25.7 (3) two chiefs of police, selected by the Minnesota Chiefs of Police Association
 25.8 ~~from police departments that participate in the Minnesota Financial Crimes Task Force;~~

25.9 (4) two sheriffs, selected by the Minnesota Sheriffs Association ~~from sheriff~~
 25.10 ~~departments that participate in the task force;~~

25.11 (5) the United States attorney for the district of Minnesota;

25.12 (6) a county attorney, selected by the Minnesota County Attorneys Association;

25.13 ~~(7) a representative from the United States Postal Inspector's Office, selected by the~~
 25.14 ~~oversight council;~~

25.15 ~~(8) a representative from a not-for-profit retail merchants industry, selected by the~~
 25.16 ~~oversight council;~~

25.17 ~~(9) a representative from a not-for-profit banking and credit union industry, selected~~
 25.18 ~~by the oversight council;~~

25.19 ~~(10) a representative from a not-for-profit association representing senior citizens,~~
 25.20 ~~selected by the oversight council;~~

25.21 (7) a representative from the Board of Public Defense, selected by that board;

25.22 (8) a representative from a federal law enforcement agency, selected by the advisory
 25.23 board;

25.24 (9) a representative from the retail merchants industry, selected by the advisory
 25.25 board;

25.26 (10) a representative from the banking and credit union industry, selected by the
 25.27 advisory board;

25.28 (11) a representative on behalf of senior citizens, selected by the advisory board;

25.29 ~~(11)~~ (12) the statewide commander of the task force;

25.30 ~~(12) a representative from the Board of Public Defense, selected by the board;~~

25.31 (13) two additional members selected by the ~~oversight council~~ advisory board;

25.32 (14) a senator who serves on the committee having jurisdiction over criminal justice
 25.33 policy, chosen by the Subcommittee on Committees of the senate Committee on Rules
 25.34 and Administration; and

25.35 (15) a representative who serves on the committee having jurisdiction over criminal
 25.36 justice policy, chosen by the speaker of the house.

26.1 The ~~oversight council~~ advisory board may adopt procedures to govern its conduct and
 26.2 shall select a chair from among its members. The legislative members of the ~~council~~
 26.3 advisory board may not vote on matters before the ~~council~~ board.

26.4 Subd. 3. **Duties.** The ~~oversight council shall develop~~ advisory board shall offer
 26.5 advice to the commissioner on the development of an overall strategy to ameliorate the
 26.6 harm caused to the public by identity theft and financial crime within Minnesota. The
 26.7 strategy may include the development of protocols and procedures to investigate financial
 26.8 crimes and a structure for best addressing these issues on a statewide basis and in a
 26.9 multijurisdictional manner. ~~Additionally, the oversight council~~ The commissioner shall:

26.10 (1) establish a multijurisdictional statewide Minnesota Financial Crimes Task Force
 26.11 to investigate major financial crimes;

26.12 (2) with advice from the advisory board, select a statewide commander of the task
 26.13 force who serves at the pleasure of the ~~oversight council~~ commissioner;

26.14 (3) ~~assist the Department of Public Safety in developing~~ develop an objective grant
 26.15 review application process that is free from conflicts of interest;

26.16 (4) ~~make funding recommendations to the commissioner of public safety on~~ with
 26.17 advice from the advisory board, issue grants to support efforts to combat identity theft
 26.18 and financial crime;

26.19 (5) with advice from the advisory board, assist law enforcement agencies and victims
 26.20 in developing a process to collect and share information to improve the investigation and
 26.21 prosecution of identity theft and financial crime;

26.22 (6) with advice from the advisory board, develop and approve an operational budget
 26.23 for the office of the statewide commander and the ~~oversight council~~ Minnesota Financial
 26.24 Crimes Task Force; and

26.25 (7) enter into any contracts necessary to establish and maintain a relationship with
 26.26 retailers, financial institutions, and other businesses to deal effectively with identity theft
 26.27 and financial crime.

26.28 The task force described in clause (1) may consist of members from local law enforcement
 26.29 agencies, federal law enforcement agencies, state and federal prosecutors' offices, ~~the~~
 26.30 ~~Board of Public Defense~~, and representatives from ~~elderly victims~~, retail businesses,
 26.31 financial institutions, and not-for-profit organizations.

26.32 Subd. 4. **Statewide commander.** (a) ~~The Minnesota Financial Crimes Task Force~~
 26.33 ~~commander under Minnesota Statutes 2004, section 299A.68, shall oversee the transition~~
 26.34 ~~of that task force into the task force described in subdivision 3 and remain in place as its~~
 26.35 ~~commander until July 1, 2008. On that date,~~ The commissioner of public safety shall

27.1 appoint ~~as a statewide commander the individual selected by the oversight council under~~
 27.2 ~~subdivision 3.~~

27.3 (b) The commander shall:

27.4 (1) coordinate and monitor all multijurisdictional identity theft and financial crime
 27.5 enforcement activities;

27.6 (2) facilitate local efforts and ensure statewide coordination with efforts to combat
 27.7 identity theft and financial crime;

27.8 (3) facilitate training for law enforcement and other personnel;

27.9 (4) monitor compliance with investigative protocols;

27.10 (5) implement an outcome evaluation and data quality control process;

27.11 (6) be responsible for the selection and for cause removal of assigned task force
 27.12 investigators who are designated participants under a memorandum of understanding or
 27.13 who receive grant funding;

27.14 (7) provide supervision of assigned task force investigators;

27.15 (8) submit a task force operational budget to the ~~oversight council~~ commissioner of
 27.16 public safety for approval; and

27.17 (9) submit quarterly task force activity reports to the ~~oversight council~~ advisory
 27.18 board.

27.19 Subd. 5. **Participating officers; employment status.** All law enforcement officers
 27.20 selected to participate in the task force must be licensed peace officers as defined in section
 27.21 626.84, subdivision 1, or qualified federal law enforcement officers as defined in section
 27.22 626.8453. Participating officers remain employees of the same entity that employed them
 27.23 before joining any multijurisdictional entity established under this section. Participating
 27.24 officers are not employees of the state.

27.25 Subd. 6. **Jurisdiction and powers.** Law enforcement officers participating in any
 27.26 multijurisdictional entity established under this section have statewide jurisdiction to
 27.27 conduct criminal investigations and have the same powers of arrest as those possessed
 27.28 by a sheriff. ~~The task force shall retain from its predecessor the assigned originating~~
 27.29 ~~reporting number for case reporting purposes.~~

27.30 Subd. 7. **Grants authorized.** The commissioner of public safety, ~~upon~~
 27.31 ~~recommendation of the oversight council~~ with advice from the advisory board, shall
 27.32 make grants to state and local units of government to combat identity theft and financial
 27.33 crime. The commander, as funding permits, may prepare a budget to establish four
 27.34 regional districts and funding grant allocations programs outside the counties of Hennepin,
 27.35 Ramsey, Anoka, Washington, and Dakota. The budget must be reviewed and approved by
 27.36 the ~~oversight council and recommended to the~~ commissioner to support these efforts.

28.1 Subd. 8. **Victims assistance program.** (a) The ~~oversight council~~ commissioner
28.2 may establish a victims' assistance program to assist victims of economic crimes and
28.3 provide prevention and awareness programs. The ~~oversight council~~ commissioner may
28.4 retain the services of not-for-profit organizations to assist in the development and delivery
28.5 systems in aiding victims of financial crime. The program may not provide any financial
28.6 assistance to victims, but may assist victims in obtaining police assistance and advise
28.7 victims in how to protect personal accounts and identities. Services may include a victim
28.8 toll-free telephone number, fax number, Web site, Monday through Friday telephone
28.9 service, e-mail response, and interfaces to other helpful Web sites. Victims' information
28.10 compiled are governed under chapter 13.

28.11 (b) The ~~oversight council~~ commissioner may post or communicate through public
28.12 service announcements in newspapers, radio, television, cable access, billboards, Internet,
28.13 Web sites, and other normal advertising channels, a financial reward of up to \$2,000 for
28.14 tips leading to the apprehension and successful prosecution of individuals committing
28.15 economic crime. All rewards must ~~meet the oversight council's standards~~ be approved by
28.16 the commissioner. The release of funds must be made to an individual whose information
28.17 leads to the apprehension and prosecution of offenders committing economic or financial
28.18 crimes against citizens or businesses in Minnesota. All rewards paid to an individual must
28.19 be reported to the Department of Revenue along with the individual's Social Security
28.20 number.

28.21 Subd. 9. ~~Oversight council~~ **Advisory board and task force are permanent.**
28.22 Notwithstanding section 15.059, this section does not expire.

28.23 Subd. 10. **Funding.** The ~~oversight council~~ commissioner may accept lawful grants
28.24 and in-kind contributions from any federal, state, or local source or legal business or
28.25 individual not funded by this section for general operation support, including personnel
28.26 costs. These grants or in-kind contributions are not to be directed toward the case of a
28.27 particular victim or business. The ~~oversight council's~~ task force's fiscal agent shall handle
28.28 all funds approved by the ~~oversight council~~ commissioner, including in-kind contributions.

28.29 Subd. 11. **Forfeiture.** Property seized by the task force is subject to forfeiture
28.30 pursuant to sections 609.531, 609.5312, 609.5313, and 609.5315 if ownership cannot be
28.31 established. The ~~council~~ task force shall receive the proceeds from the sale of all property
28.32 properly seized and forfeited.

28.33 ~~Subd. 12. **Transfer equipment from current task force.** All equipment possessed~~
28.34 ~~by the task force described in Minnesota Statutes 2004, section 299A.68, is transferred to~~
28.35 ~~the oversight council for use by the task force described in this section.~~

29.1 Subd. 13. **Report required.** By February 1 of each year, the ~~oversight council~~
 29.2 commissioner shall report to the chairs and ranking minority members of the senate and
 29.3 house of representatives committees and divisions having jurisdiction over criminal
 29.4 justice policy and funding on the activities of the ~~council and~~ task force. At a minimum,
 29.5 this annual report must include:

29.6 (1) a description of the ~~council's and~~ task force's goals for the previous year and
 29.7 for the coming year;

29.8 (2) a description of the outcomes the ~~council and~~ task force achieved or did not
 29.9 achieve during the preceding year and a description of the outcomes they will seek to
 29.10 achieve during the coming year;

29.11 (3) any legislative recommendations the ~~council or task force~~ advisory board or
 29.12 commissioner has including, where necessary, a description of the specific legislation
 29.13 needed to implement the recommendations;

29.14 (4) a detailed accounting of how appropriated money, grants, and in-kind
 29.15 contributions were spent; and

29.16 (5) a detailed accounting of the grants awarded under this section.

29.17 **EFFECTIVE DATE.** This section is effective July 1, 2009.

29.18 Sec. 3. Minnesota Statutes 2008, section 299C.40, subdivision 2, is amended to read:

29.19 Subd. 2. **Purpose.** CIBRS is a statewide system containing data from law
 29.20 enforcement agencies. Data in CIBRS must be made available to law enforcement
 29.21 agencies ~~in order~~ to:

29.22 (1) prepare a case against a person, whether known or unknown, for the commission
 29.23 of a crime or other offense for which the agency has investigative authority;

29.24 (2) serve process in a criminal case;

29.25 (3) inform law enforcement officers of possible safety issues prior to service of
 29.26 process;

29.27 (4) enforce no contact orders;

29.28 (5) locate missing persons; or

29.29 ~~for purposes of~~ (6) conduct background investigations required by section 626.87.

29.30 **EFFECTIVE DATE.** This section is effective July 1, 2009.

29.31 Sec. 4. **[325F.135] UNSAFE RECALLED TOYS; PROHIBITION ON SALE.**

29.32 (a) No commercial retailer shall sell in this state a toy that the commercial retailer
 29.33 knows at the time of the sale has been recalled for any safety-related reason by an agency
 29.34 of the federal government or by the toy's manufacturer, wholesaler, distributor, or importer.

30.1 (b) For purposes of this section, "toy" means an item designed primarily for the
30.2 purpose of play activity by children under the age of 12 years and "recalled" excludes
30.3 corrective actions that involve safety alerts, parts replacement, or consumer repairs.

30.4 (c) This section shall be enforced under sections 325F.14 to 325F.16.

30.5 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to
30.6 violations occurring on or after that date.

30.7 Sec. 5. **[364.021] PUBLIC EMPLOYMENT; CONSIDERATION OF CRIMINAL**
30.8 **RECORDS.**

30.9 (a) A public employer may not inquire into or consider the criminal record or
30.10 criminal history of an applicant for public employment until the applicant has been
30.11 selected for an interview by the employer.

30.12 (b) This section does not apply to the Department of Corrections or to public
30.13 employers who have a statutory duty to conduct a criminal history background check
30.14 or otherwise take into consideration a potential employee's criminal history during the
30.15 hiring process.

30.16 (c) This section does not prohibit a public employer from notifying applicants that
30.17 law or the employer's policy will disqualify an individual with a particular criminal history
30.18 background from employment in particular positions.

30.19 Sec. 6. Minnesota Statutes 2008, section 471.59, is amended by adding a subdivision
30.20 to read:

30.21 Subd. 12a. **Joint exercise of police power; employees.** If an agreement,
30.22 merger, or consolidation authorizes the exercise of peace officer or police powers by an
30.23 officer appointed by one of the governmental units within the jurisdiction of the other
30.24 governmental unit, a peace officer or public safety dispatcher working, pursuant to or as
30.25 a result of that agreement, merger, or consolidation must receive credit for accumulated
30.26 vacation and sick leave time earned within the governmental unit employing the peace
30.27 officer or public safety dispatcher immediately preceding the agreement, merger, or
30.28 consolidation. If a peace officer or public safety dispatcher working pursuant to an
30.29 agreement, merger, or consolidation becomes employed by the new entity, that peace
30.30 officer or public safety dispatcher is considered to have begun employment with the new
30.31 entity on the first day of employment by the governmental unit employing the peace
30.32 officer or public safety dispatcher immediately preceding the creation of the new entity
30.33 and must be credited with all previously accumulated vacation and sick leave time.

30.34 **EFFECTIVE DATE.** This section is effective July 1, 2009.

31.1 Sec. 7. Minnesota Statutes 2008, section 609.2231, is amended by adding a subdivision
31.2 to read:

31.3 Subd. 8. **Public utility employees and contractors.** (a) A person is guilty of a
31.4 gross misdemeanor who:

31.5 (1) assaults an employee or contractor of a utility while the employee or contractor
31.6 is engaged in the performance of the employee's or contractor's duties;

31.7 (2) knows that the victim is a utility employee or contractor (i) performing duties of
31.8 the victim's employment or (ii) fulfilling the victim's contractual obligations; and

31.9 (3) inflicts demonstrable bodily harm.

31.10 (b) As used in this subdivision, "utility" has the meaning given it in section 609.594,
31.11 subdivision 1, clause (3).

31.12 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
31.13 committed on or after that date.

31.14 Sec. 8. Minnesota Statutes 2008, section 609.605, subdivision 1, is amended to read:

31.15 Subdivision 1. **Misdemeanor.** (a) The following terms have the meanings given
31.16 them for purposes of this section.

31.17 (1) "Premises" means real property and any appurtenant building or structure.

31.18 (2) "Dwelling" means the building or part of a building used by an individual as a
31.19 place of residence on either a full-time or a part-time basis. A dwelling may be part of a
31.20 multidwelling or multipurpose building, or a manufactured home as defined in section
31.21 168.002, subdivision 16.

31.22 (3) "Construction site" means the site of the construction, alteration, painting, or
31.23 repair of a building or structure.

31.24 (4) "Owner or lawful possessor," as used in paragraph (b), clause (9), means the
31.25 person on whose behalf a building or dwelling is being constructed, altered, painted, or
31.26 repaired and the general contractor or subcontractor engaged in that work.

31.27 (5) "Posted," as used:

31.28 (i) in paragraph (b), clause (9), means the placement of a sign at least 11 inches
31.29 square in a conspicuous place on the exterior of the building that is under construction,
31.30 alteration, or repair, and additional signs in at least two conspicuous places for each ten
31.31 acres being protected. The sign must carry an appropriate notice and the name of the
31.32 person giving the notice, followed by the word "owner" if the person giving the notice
31.33 is the holder of legal title to the land on which the construction site is located or by the
31.34 word "occupant" if the person giving the notice is not the holder of legal title but is a
31.35 lawful occupant of the land; and

- 32.1 (ii) in paragraph (b), clause (10), means the placement of signs that:
- 32.2 (A) state "no trespassing" or similar terms;
- 32.3 (B) display letters at least two inches high;
- 32.4 (C) state that Minnesota law prohibits trespassing on the property; and
- 32.5 (D) are posted in a conspicuous place and at intervals of 500 feet or less.
- 32.6 (6) "Business licensee," as used in paragraph (b), clause (9), includes a representative
- 32.7 of a building trades labor or management organization.
- 32.8 (7) "Building" has the meaning given in section 609.581, subdivision 2.
- 32.9 (b) A person is guilty of a misdemeanor if the person intentionally:
- 32.10 (1) permits domestic animals or fowls under the actor's control to go on the land
- 32.11 of another within a city;
- 32.12 (2) interferes unlawfully with a monument, sign, or pointer erected or marked to
- 32.13 designate a point of a boundary, line or a political subdivision, or of a tract of land;
- 32.14 (3) trespasses on the premises of another and, without claim of right, refuses to
- 32.15 depart from the premises on demand of the lawful possessor;
- 32.16 (4) occupies or enters the dwelling or locked or posted building of another, without
- 32.17 claim of right or consent of the owner or the consent of one who has the right to give
- 32.18 consent, except in an emergency situation;
- 32.19 (5) enters the premises of another with intent to take or injure any fruit, fruit trees, or
- 32.20 vegetables growing on the premises, without the permission of the owner or occupant;
- 32.21 (6) enters or is found on the premises of a public or private cemetery without
- 32.22 authorization during hours the cemetery is posted as closed to the public;
- 32.23 (7) returns to the property of another with the intent to abuse, disturb, or cause
- 32.24 distress in or threaten another, after being told to leave the property and not to return, if the
- 32.25 actor is without claim of right to the property or consent of one with authority to consent;
- 32.26 (8) returns to the property of another within one year after being told to leave the
- 32.27 property and not to return, if the actor is without claim of right to the property or consent
- 32.28 of one with authority to consent;
- 32.29 (9) enters the locked or posted construction site of another without the consent of the
- 32.30 owner or lawful possessor, unless the person is a business licensee; ~~or~~
- 32.31 (10) enters the locked or posted aggregate mining site of another without the consent
- 32.32 of the owner or lawful possessor, unless the person is a business licensee; or
- 32.33 (11) crosses into or enters any public or private area lawfully cordoned off by or at
- 32.34 the direction of a peace officer engaged in the performance of official duties. As used in
- 32.35 this clause: (i) an area may be "cordoned off" through the use of tape, barriers, or other
- 32.36 means conspicuously placed and identifying the area as being restricted by the police;

33.1 and (ii) "peace officer" has the meaning given in section 626.84, subdivision 1. It is an
 33.2 affirmative defense to a charge under this clause that a peace officer permitted entry into
 33.3 the restricted area.

33.4 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
 33.5 committed on or after that date.

33.6 Sec. 9. Minnesota Statutes 2008, section 626.843, subdivision 1, is amended to read:

33.7 Subdivision 1. **Rules required.** The board shall adopt rules with respect to:

33.8 (1) the certification of ~~peace officer training schools, programs, or courses including~~
 33.9 ~~training schools for the Minnesota State Patrol. Such schools, programs and courses~~
 33.10 ~~shall include those administered by the state, county, school district, municipality, or~~
 33.11 ~~joint or contractual combinations thereof, and shall include preparatory instruction in~~
 33.12 ~~law enforcement and minimum basic training courses~~ postsecondary schools to provide
 33.13 programs of professional peace officer education;

33.14 (2) minimum courses of study, ~~attendance requirements,~~ and equipment and facilities
 33.15 to be required at each certified ~~peace officers training~~ school ~~located~~ within the state;

33.16 (3) minimum qualifications for coordinators and instructors at certified ~~peace officer~~
 33.17 ~~training~~ schools offering a program of professional peace officer education located within
 33.18 this state;

33.19 (4) minimum standards of physical, mental, and educational fitness which shall
 33.20 govern the ~~recruitment~~ admission to professional peace officer education programs and
 33.21 the licensing of peace officers within the state, by any state, county, municipality, or joint
 33.22 or contractual combination thereof, including members of the Minnesota State Patrol;

33.23 (5) board-approved continuing education courses that ensure professional
 33.24 competence of peace officers and part-time peace officers;

33.25 (6) minimum standards of conduct which would affect the individual's performance
 33.26 of duties as a peace officer. These standards shall be established and published. The
 33.27 board shall review the minimum standards of conduct described in this clause for possible
 33.28 modification in 1998 and every three years after that time;

33.29 ~~(6) minimum basic training which peace officers appointed to temporary or~~
 33.30 ~~probationary terms shall complete before being eligible for permanent appointment,~~
 33.31 ~~and the time within which such basic training must be completed following any such~~
 33.32 ~~appointment to a temporary or probationary term;~~

33.33 ~~(7) minimum specialized training which part-time peace officers shall complete in~~
 33.34 ~~order to be eligible for continued employment as a part-time peace officer or permanent~~

34.1 ~~employment as a peace officer, and the time within which the specialized training must~~
34.2 ~~be completed;~~

34.3 ~~(8) content of minimum basic training courses required of graduates of certified law~~
34.4 ~~enforcement training schools or programs. Such courses shall not duplicate the content~~
34.5 ~~of certified academic or general background courses completed by a student but shall~~
34.6 ~~concentrate on practical skills deemed essential for a peace officer. Successful completion~~
34.7 ~~of such a course~~ (7) a set of educational learning objectives that must be met within a
34.8 certified school's professional peace officer education program. These learning objectives
34.9 must concentrate on the knowledge, skills, and abilities deemed essential for a peace
34.10 officer. Education in these learning objectives shall be deemed ~~satisfaction~~ satisfactory for
34.11 the completion of the minimum basic training requirement;

34.12 ~~(9) grading, reporting, attendance and other records, and certificates of attendance~~
34.13 ~~or accomplishment;~~

34.14 ~~(10) the procedures to be followed by a part-time peace officer for notifying~~
34.15 ~~the board of intent to pursue the specialized training for part-time peace officers who~~
34.16 ~~desire to become peace officers pursuant to clause (7), and section 626.845, subdivision~~
34.17 ~~1, clause (7);~~

34.18 ~~(11)~~ (8) the establishment and use by any political subdivision or state law
34.19 enforcement agency ~~which~~ that employs persons licensed by the board of procedures for
34.20 investigation and resolution of allegations of misconduct by persons licensed by the board.
34.21 The procedures shall be in writing and shall be established on or before October 1, 1984;

34.22 ~~(12)~~ (9) the issues that must be considered by each political subdivision and state
34.23 law enforcement agency that employs persons licensed by the board in establishing
34.24 procedures under section 626.5532 to govern the conduct of peace officers who are in
34.25 pursuit of a vehicle being operated in violation of section 609.487, and requirements for
34.26 the training of peace officers in conducting pursuits. The adoption of specific procedures
34.27 and requirements is within the authority of the political subdivision or agency;

34.28 ~~(13)~~ (10) supervision of part-time peace officers and requirements for documentation
34.29 of hours worked by a part-time peace officer who is on active duty. These rules shall be
34.30 adopted by December 31, 1993;

34.31 ~~(14)~~ (11) citizenship requirements for ~~full-time~~ peace officers and part-time peace
34.32 officers;

34.33 ~~(15)~~ (12) driver's license requirements for ~~full-time~~ peace officers and part-time
34.34 peace officers; and

34.35 ~~(16)~~ (13) such other matters as may be necessary consistent with sections 626.84 to
34.36 626.863. Rules promulgated by the attorney general with respect to these matters may be

35.1 continued in force by resolution of the board if the board finds the rules to be consistent
35.2 with sections 626.84 to 626.863.

35.3 **EFFECTIVE DATE.** This section is effective August 1, 2009.

35.4 Sec. 10. Minnesota Statutes 2008, section 626.843, subdivision 3, is amended to read:

35.5 Subd. 3. **Board authority.** The board may, in addition:

35.6 (1) recommend studies, surveys, and reports to be made by the executive director
35.7 regarding the carrying out of the objectives and purposes of sections 626.841 to 626.863;

35.8 (2) visit and inspect any ~~peace officer training~~ certified school approved by the
35.9 ~~executive director~~ that offers the professional peace officer education program or for
35.10 which application for ~~such approval~~ certification has been made;

35.11 (3) make recommendations, from time to time, to the executive director, attorney
35.12 general, and the governor regarding the carrying out of the objectives and purposes of
35.13 sections 626.841 to 626.863;

35.14 (4) perform such other acts as may be necessary or appropriate to carry out the
35.15 powers and duties of the board ~~as set forth in~~ under sections 626.841 to 626.863; and

35.16 (5) cooperate with and receive financial assistance from and join in projects or
35.17 enter into contracts with the federal government or its agencies for the furtherance of
35.18 the purposes of Laws 1977, chapter 433.

35.19 **EFFECTIVE DATE.** This section is effective August 1, 2009.

35.20 Sec. 11. Minnesota Statutes 2008, section 626.845, subdivision 1, is amended to read:

35.21 Subdivision 1. **Powers and duties.** The board shall have the following powers
35.22 and duties:

35.23 (1) to certify ~~peace officers' training schools or programs administered by state,~~
35.24 ~~county and municipalities located within this state in whole or in part no later than 90~~
35.25 ~~days after receipt of an application for certification. The reasons for noncertification of~~
35.26 ~~any school or program or part thereof shall be transmitted to the school within 90 days~~
35.27 ~~and shall contain a detailed explanation of the reasons for which the school or program~~
35.28 ~~was disapproved and an explanation of what supporting material or other requirements~~
35.29 ~~are necessary for the board to reconsider. Disapproval of a school or program shall~~
35.30 ~~not preclude the reapplication for certification of the school or program~~ postsecondary
35.31 schools to provide programs of professional peace officer education based on a set of
35.32 board-approved professional peace officer education learning objectives;

35.33 (2) to issue certificates to postsecondary schools, and to revoke ~~such~~ certification
35.34 when necessary to maintain the objectives and purposes of sections 626.841 to 626.863;

36.1 ~~(3) to certify, as qualified, instructors at peace officer training schools, and to issue~~
36.2 ~~appropriate certificates to such instructors;~~

36.3 ~~(4) to license peace officers who have satisfactorily completed certified basic training~~
36.4 ~~programs, met the education and experience requirements and passed examinations as~~
36.5 ~~required by the board;~~

36.6 ~~(4) to develop and administer licensing examinations based on the board's learning~~
36.7 ~~objectives;~~

36.8 ~~(5) to cause studies and surveys to be made relating to the establishment, operation,~~
36.9 ~~and approval of state, county, and municipal peace officer training schools;~~

36.10 ~~(6) to consult and cooperate with state, county, and municipal peace officer training~~
36.11 ~~schools continuing education providers for the development of in-service training~~
36.12 ~~programs for peace officers;~~

36.13 ~~(7) (6) to consult and cooperate with universities, colleges, and technical colleges~~
36.14 ~~postsecondary schools for the development of specialized courses of instruction and study~~
36.15 ~~in the state for peace officers and part-time peace officers in police science and police~~
36.16 ~~administration and improvement of professional peace officer education;~~

36.17 ~~(8) (7) to consult and cooperate with other departments and agencies of the state and~~
36.18 ~~federal government concerned with peace officer standards and training;~~

36.19 ~~(9) (8) to perform such other acts as may be necessary and appropriate to carry out~~
36.20 ~~the powers and duties as set forth in the provisions of sections 626.841 to 626.863;~~

36.21 ~~(10) to coordinate the provision, on a regional basis, of skills oriented basic training~~
36.22 ~~courses to graduates of certified law enforcement training schools or programs;~~

36.23 ~~(11) (9) to obtain criminal conviction data for persons seeking a license to be issued~~
36.24 ~~or possessing a license issued by the board. The board shall have authority to obtain~~
36.25 ~~criminal conviction data to the full extent that any other law enforcement agency, as that~~
36.26 ~~term is defined by state or federal law, has to obtain the data;~~

36.27 ~~(12) (10) to prepare and transmit annually to the governor a report of its activities~~
36.28 ~~with respect to allocation of ~~moneys~~ money appropriated to it for peace officers training,~~
36.29 ~~including the name ~~and address~~ of each recipient of money for that purpose; and the~~
36.30 ~~amount awarded; ~~and the purpose of the award~~; and~~

36.31 ~~(13) (11) to assist and cooperate with any political subdivision or state law~~
36.32 ~~enforcement agency ~~which~~ that employs persons licensed by the board to establish written~~
36.33 ~~procedures for the investigation and resolution of allegations of misconduct of policies as~~
36.34 ~~mandated by the state pertaining to persons licensed by the board, and to enforce licensing~~
36.35 ~~sanctions for failure to implement ~~such procedures~~ these policies.~~

37.1 In addition, the board may maintain data received from law enforcement agencies
 37.2 under section 626.87, subdivision 5, provide the data to requesting law enforcement
 37.3 agencies who are conducting background investigations, and maintain data on applicants
 37.4 and licensees as part of peace officer license data. The data that may be maintained
 37.5 include the name of the law enforcement agency conducting the investigation and data on
 37.6 the candidate provided under section 626.87, subdivision 5, clauses (1) and (2).

37.7 **EFFECTIVE DATE.** This section is effective August 1, 2009.

37.8 Sec. 12. Minnesota Statutes 2008, section 626.863, is amended to read:

37.9 **626.863 UNAUTHORIZED PRACTICE.**

37.10 (a) A person who is not a peace officer or part-time peace officer is guilty of a
 37.11 misdemeanor if the person: (1) makes a representation of being a peace officer or part-time
 37.12 peace officer, or (2) performs or attempts to perform an act, duty, or responsibility reserved
 37.13 by law for licensed peace officers and part-time peace officers.

37.14 (b) A peace officer who authorizes or knowingly allows a person to violate paragraph
 37.15 (a) is guilty of a misdemeanor.

37.16 (c) The board shall designate the appropriate law enforcement agency to investigate
 37.17 violations of this section. The attorney general shall prosecute violations of this section.

37.18 (d) A person who violates this section and who has previously been convicted of a
 37.19 violation of this section is guilty of a gross misdemeanor.

37.20 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to crimes
 37.21 committed on or after that date.

37.22 **ARTICLE 6**

37.23 **EMERGENCY COMMUNICATIONS**

37.24 Section 1. Minnesota Statutes 2008, section 13.87, subdivision 1, is amended to read:

37.25 Subdivision 1. **Criminal history data.** (a) **Definition.** For purposes of this
 37.26 subdivision, "criminal history data" means all data maintained in criminal history
 37.27 records compiled by the Bureau of Criminal Apprehension ~~and disseminated through~~
 37.28 ~~the criminal justice information system~~, including, but not limited to fingerprints,
 37.29 photographs, identification data, arrest data, prosecution data, criminal court data, custody
 37.30 and supervision data.

37.31 (b) **Classification.** Criminal history data maintained by agencies, political
 37.32 subdivisions and statewide systems are classified as private, pursuant to section 13.02,
 37.33 subdivision 12, except that data created, collected, or maintained by the Bureau of
 37.34 Criminal Apprehension that identify an individual who was convicted of a crime, the

38.1 offense of which the individual was convicted, associated court disposition and sentence
38.2 information, controlling agency, and confinement information are public data for 15 years
38.3 following the discharge of the sentence imposed for the offense. If an individual's name
38.4 or other identifying information is erroneously associated with a criminal history and a
38.5 determination is made through a fingerprint verification that the individual is not the
38.6 subject of the criminal history, the name or other identifying information must be redacted
38.7 from the public criminal history data. The name and other identifying information must be
38.8 retained in the criminal history and are classified as private data.

38.9 The Bureau of Criminal Apprehension shall provide to the public at the central office
38.10 of the bureau the ability to inspect in person, at no charge, through a computer monitor the
38.11 criminal conviction data classified as public under this subdivision.

38.12 (c) **Limitation.** Nothing in paragraph (a) or (b) shall limit public access to data
38.13 made public by section 13.82.

38.14 **EFFECTIVE DATE.** This section is effective August 1, 2009.

38.15 Sec. 2. Minnesota Statutes 2008, section 84.027, subdivision 17, is amended to read:

38.16 Subd. 17. **Background checks for volunteer instructors.** (a) The commissioner
38.17 may conduct background checks for volunteer instructor applicants for department safety
38.18 training and education programs, including the programs established under sections
38.19 84.791 (youth off-highway motorcycle safety education and training), 84.86 and 84.862
38.20 (youth and adult snowmobile safety training), 84.925 (youth all-terrain vehicle safety
38.21 education and training), 97B.015 (youth firearms safety training), and 97B.025 (hunter
38.22 and trapper education and training).

38.23 (b) The commissioner shall perform the background check by retrieving criminal
38.24 history data as defined in section 13.87 maintained in the criminal justice information
38.25 system (CJS) by the Bureau of Criminal Apprehension in the Department of Public
38.26 Safety and other data sources.

38.27 (c) The commissioner shall develop a standardized form to be used for requesting a
38.28 background check, which must include:

38.29 (1) a notification to the applicant that the commissioner will conduct a background
38.30 check under this section;

38.31 (2) a notification to the applicant of the applicant's rights under paragraph (d); and

38.32 (3) a signed consent by the applicant to conduct the background check expiring one
38.33 year from the date of signature.

38.34 (d) The volunteer instructor applicant who is the subject of a background check
38.35 has the right to:

39.1 (1) be informed that the commissioner will request a background check on the
39.2 applicant;

39.3 (2) be informed by the commissioner of the results of the background check and
39.4 obtain a copy of the background check;

39.5 (3) obtain any record that forms the basis for the background check and report;

39.6 (4) challenge the accuracy and completeness of the information contained in the
39.7 report or a record; and

39.8 (5) be informed by the commissioner if the applicant is rejected because of the
39.9 result of the background check.

39.10 **EFFECTIVE DATE.** This section is effective August 1, 2009.

39.11 Sec. 3. Minnesota Statutes 2008, section 122A.18, subdivision 8, is amended to read:

39.12 Subd. 8. **Background checks.** (a) The Board of Teaching and the commissioner
39.13 of education must request a criminal history background check from the superintendent
39.14 of the Bureau of Criminal Apprehension on all applicants for initial licenses under their
39.15 jurisdiction. An application for a license under this section must be accompanied by:

39.16 (1) an executed criminal history consent form, including fingerprints; and

39.17 (2) a money order or cashier's check payable to the Bureau of Criminal Apprehension
39.18 for the fee for conducting the criminal history background check.

39.19 (b) The superintendent of the Bureau of Criminal Apprehension shall perform
39.20 the background check required under paragraph (a) by retrieving criminal history data
39.21 ~~maintained in the criminal justice information system computers~~ as defined in section
39.22 13.87 and shall also conduct a search of the national criminal records repository, ~~including~~
39.23 ~~the criminal justice data communications network~~. The superintendent is authorized to
39.24 exchange fingerprints with the Federal Bureau of Investigation for purposes of the criminal
39.25 history check. The superintendent shall recover the cost to the bureau of a background
39.26 check through the fee charged to the applicant under paragraph (a).

39.27 (c) The Board of Teaching or the commissioner of education may issue a license
39.28 pending completion of a background check under this subdivision, but must notify
39.29 the individual that the individual's license may be revoked based on the result of the
39.30 background check.

39.31 **EFFECTIVE DATE.** This section is effective August 1, 2009.

39.32 Sec. 4. Minnesota Statutes 2008, section 123B.03, subdivision 1, is amended to read:

39.33 Subdivision 1. **Background check required.** (a) A school hiring authority shall
39.34 request a criminal history background check from the superintendent of the Bureau of

40.1 Criminal Apprehension on all individuals who are offered employment in a school and
40.2 on all individuals, except enrolled student volunteers, who are offered the opportunity to
40.3 provide athletic coaching services or other extracurricular academic coaching services to a
40.4 school, regardless of whether any compensation is paid. In order for an individual to be
40.5 eligible for employment or to provide the services, the individual must provide an executed
40.6 criminal history consent form and a money order or check payable to either the Bureau of
40.7 Criminal Apprehension or the school hiring authority, at the discretion of the school hiring
40.8 authority, in an amount equal to the actual cost to the Bureau of Criminal Apprehension
40.9 and the school district of conducting the criminal history background check. A school
40.10 hiring authority deciding to receive payment may, at its discretion, accept payment in the
40.11 form of a negotiable instrument other than a money order or check and shall pay the
40.12 superintendent of the Bureau of Criminal Apprehension directly to conduct the background
40.13 check. The superintendent of the Bureau of Criminal Apprehension shall conduct the
40.14 background check by retrieving criminal history data ~~maintained in the criminal justice~~
40.15 ~~information system computers~~ as defined in section 13.87. A school hiring authority,
40.16 at its discretion, may decide not to request a criminal history background check on an
40.17 individual who holds an initial entrance license issued by the State Board of Teaching or
40.18 the commissioner of education within the 12 months preceding an offer of employment.

40.19 (b) A school hiring authority may use the results of a criminal background check
40.20 conducted at the request of another school hiring authority if:

40.21 (1) the results of the criminal background check are on file with the other school
40.22 hiring authority or otherwise accessible;

40.23 (2) the other school hiring authority conducted a criminal background check within
40.24 the previous 12 months;

40.25 (3) the individual who is the subject of the criminal background check executes a
40.26 written consent form giving a school hiring authority access to the results of the check; and

40.27 (4) there is no reason to believe that the individual has committed an act subsequent
40.28 to the check that would disqualify the individual for employment.

40.29 (c) A school hiring authority may, at its discretion, request a criminal history
40.30 background check from the superintendent of the Bureau of Criminal Apprehension on
40.31 any individual who seeks to enter a school or its grounds for the purpose of serving as a
40.32 school volunteer or working as an independent contractor or student employee. In order
40.33 for an individual to enter a school or its grounds under this paragraph when the school
40.34 hiring authority decides to request a criminal history background check on the individual,
40.35 the individual first must provide an executed criminal history consent form and a money
40.36 order, check, or other negotiable instrument payable to the school district in an amount

41.1 equal to the actual cost to the Bureau of Criminal Apprehension and the school district
41.2 of conducting the criminal history background check. Notwithstanding section 299C.62,
41.3 subdivision 1, the cost of the criminal history background check under this paragraph is
41.4 the responsibility of the individual.

41.5 (d) For all nonstate residents who are offered employment in a school, a school
41.6 hiring authority shall request a criminal history background check on such individuals
41.7 from the superintendent of the Bureau of Criminal Apprehension and from the government
41.8 agency performing the same function in the resident state or, if no government entity
41.9 performs the same function in the resident state, from the Federal Bureau of Investigation.
41.10 Such individuals must provide an executed criminal history consent form and a money
41.11 order, check, or other negotiable instrument payable to the school hiring authority in an
41.12 amount equal to the actual cost to the government agencies and the school district of
41.13 conducting the criminal history background check. Notwithstanding section 299C.62,
41.14 subdivision 1, the cost of the criminal history background check under this paragraph is
41.15 the responsibility of the individual.

41.16 (e) At the beginning of each school year or when a student enrolls, a school hiring
41.17 authority must notify parents and guardians about the school hiring authority's policy
41.18 requiring a criminal history background check on employees and other individuals who
41.19 provide services to the school, and identify those positions subject to a background check
41.20 and the extent of the hiring authority's discretion in requiring a background check. The
41.21 school hiring authority may include the notice in the student handbook, a school policy
41.22 guide, or other similar communication. Nothing in this paragraph affects a school hiring
41.23 authority's ability to request a criminal history background check on an individual under
41.24 paragraph (c).

41.25 **EFFECTIVE DATE.** This section is effective August 1, 2009.

41.26 Sec. 5. Minnesota Statutes 2008, section 246.13, subdivision 2, is amended to read:

41.27 Subd. 2. **Definitions; risk assessment and management.** (a) As used in this
41.28 section:

41.29 (1) "appropriate and necessary medical and other records" includes patient medical
41.30 records and other protected health information as defined by Code of Federal Regulations,
41.31 title 45, section 164.501, relating to a patient in a state-operated services facility including,
41.32 but not limited to, the patient's treatment plan and abuse prevention plan that is pertinent
41.33 to the patient's ongoing care, treatment, or placement in a community-based treatment
41.34 facility or a health care facility that is not operated by state-operated services, and

42.1 includes information describing the level of risk posed by a patient when the patient
42.2 enters the facility;

42.3 (2) "community-based treatment" means the community support services listed in
42.4 section 253B.02, subdivision 4b;

42.5 (3) "criminal history data" means those data maintained or used by the Departments
42.6 of Corrections and Public Safety and by the supervisory authorities listed in section
42.7 13.84, subdivision 1, that relate to an individual's criminal history or propensity for
42.8 violence, including data in the Corrections Offender Management System (COMS) and
42.9 Statewide Supervision System (S3) maintained by the Department of Corrections; ~~the~~
42.10 ~~Criminal Justice Information System (CJIS)~~ criminal history data as defined in section
42.11 13.87, Integrated Search Service as defined in section 13.873 and the Predatory Offender
42.12 Registration (POR) system maintained by the Department of Public Safety; ~~and the~~
42.13 ~~CrimNet system;~~

42.14 (4) "designated agency" means the agency defined in section 253B.02, subdivision 5;

42.15 (5) "law enforcement agency" means the law enforcement agency having primary
42.16 jurisdiction over the location where the offender expects to reside upon release;

42.17 (6) "predatory offender" and "offender" mean a person who is required to register as
42.18 a predatory offender under section 243.166; and

42.19 (7) "treatment facility" means a facility as defined in section 253B.02, subdivision 19.

42.20 (b) To promote public safety and for the purposes and subject to the requirements of
42.21 this paragraph, the commissioner or the commissioner's designee shall have access to, and
42.22 may review and disclose, medical and criminal history data as provided by this section, as
42.23 necessary to comply with Minnesota Rules, part 1205.0400:

42.24 (1) to determine whether a patient is required under state law to register as a
42.25 predatory offender according to section 243.166;

42.26 (2) to facilitate and expedite the responsibilities of the special review board and
42.27 end-of-confinement review committees by corrections institutions and state treatment
42.28 facilities;

42.29 (3) to prepare, amend, or revise the abuse prevention plans required under section
42.30 626.557, subdivision 14, and individual patient treatment plans required under section
42.31 253B.03, subdivision 7;

42.32 (4) to facilitate the custody, supervision, and transport of individuals transferred
42.33 between the Department of Corrections and the Department of Human Services; or

42.34 (5) to effectively monitor and supervise individuals who are under the authority of
42.35 the Department of Corrections, the Department of Human Services, and the supervisory
42.36 authorities listed in section 13.84, subdivision 1.

43.1 (c) The state-operated services treatment facility must make a good faith effort
43.2 to obtain written authorization from the patient before releasing information from the
43.3 patient's medical record.

43.4 (d) If the patient refuses or is unable to give informed consent to authorize the
43.5 release of information required above, the chief executive officer for state-operated
43.6 services shall provide the appropriate and necessary medical and other records. The chief
43.7 executive officer shall comply with the minimum necessary requirements.

43.8 (e) The commissioner may have access to the National Crime Information Center
43.9 (NCIC) database, through the Department of Public Safety, in support of the law
43.10 enforcement functions described in paragraph (b).

43.11 **EFFECTIVE DATE.** This section is effective August 1, 2009.

43.12 Sec. 6. Minnesota Statutes 2008, section 253B.141, subdivision 1, is amended to read:

43.13 Subdivision 1. **Report of absence.** (a) If a patient committed under this chapter or
43.14 detained under a judicial hold is absent without authorization, and either: (1) does not
43.15 return voluntarily within 72 hours of the time the unauthorized absence began; or (2) is
43.16 considered by the head of the treatment facility to be a danger to self or others, then the
43.17 head of the treatment facility shall report the absence to the local law enforcement agency.
43.18 The head of the treatment facility shall also notify the committing court that the patient is
43.19 absent and that the absence has been reported to the local law enforcement agency. The
43.20 committing court may issue an order directing the law enforcement agency to transport the
43.21 patient to an appropriate facility.

43.22 (b) Upon receiving a report that a patient subject to this section is absent without
43.23 authorization, the local law enforcement agency shall enter information on the patient
43.24 ~~through the criminal justice information system~~ into the missing persons file of the
43.25 National Crime Information Center computer according to the missing persons practices.

43.26 **EFFECTIVE DATE.** This section is effective August 1, 2009.

43.27 Sec. 7. Minnesota Statutes 2008, section 299C.115, is amended to read:

43.28 **299C.115 WARRANT INFORMATION PROVIDED TO STATE.**

43.29 (a) By January 1, 1996, every county shall, in the manner provided in either clause
43.30 (1) or (2), make warrant information available to other users of the ~~Minnesota criminal~~
43.31 ~~justice information system~~ criminal justice data communications network as defined
43.32 in section 299C.46:

44.1 (1) the county shall enter the warrant information in the warrant file ~~of the Minnesota~~
44.2 ~~criminal justice information system~~ maintained by the Bureau of Criminal Apprehension
44.3 in the Department of Public Safety; or

44.4 (2) the county, at no charge to the state, shall make the warrant information that
44.5 is maintained in the county's computer accessible by means of a single query ~~to the~~
44.6 ~~Minnesota criminal justice information system~~ made through the Bureau of Criminal
44.7 Apprehension in the Department of Public Safety.

44.8 (b) As used in this section, "warrant information" means information on all
44.9 outstanding felony, gross misdemeanor, and misdemeanor warrants for adults and
44.10 juveniles that are issued within the county.

44.11 **EFFECTIVE DATE.** This section is effective August 1, 2009.

44.12 Sec. 8. Minnesota Statutes 2008, section 299C.40, subdivision 1, is amended to read:

44.13 Subdivision 1. **Definitions.** (a) The definitions in this subdivision apply to this
44.14 section.

44.15 (b) "CIBRS" means the Comprehensive Incident-Based Reporting System, located
44.16 in the Department of Public Safety and managed by the Bureau of Criminal Apprehension;
44.17 ~~Criminal Justice Information Systems Section.~~ A reference in this section to "CIBRS"
44.18 includes the Bureau of Criminal Apprehension.

44.19 (c) "Law enforcement agency" means a Minnesota municipal police department,
44.20 the Metropolitan Transit Police, the Metropolitan Airports Police, the University of
44.21 Minnesota Police Department, the Department of Corrections Fugitive Apprehension
44.22 Unit, a Minnesota county sheriff's department, the Bureau of Criminal Apprehension, or
44.23 the Minnesota State Patrol.

44.24 **EFFECTIVE DATE.** This section is effective August 1, 2009.

44.25 Sec. 9. Minnesota Statutes 2008, section 299C.46, subdivision 1, is amended to read:

44.26 Subdivision 1. **Establishment; interconnection.** The commissioner of public
44.27 safety shall establish a criminal justice data communications network which will enable
44.28 the interconnection of the criminal justice agencies within the state ~~into a unified criminal~~
44.29 ~~justice information system.~~ The commissioner of public safety is authorized to lease
44.30 or purchase facilities and equipment as may be necessary to establish and maintain the
44.31 data communications network.

44.32 **EFFECTIVE DATE.** This section is effective August 1, 2009.

44.33 Sec. 10. Minnesota Statutes 2008, section 299C.52, subdivision 1, is amended to read:

45.1 Subdivision 1. **Definitions.** As used in sections 299C.52 to 299C.56, the following
45.2 terms have the meanings given them:

45.3 (a) "Child" means any person under the age of 18 years or any person certified or
45.4 known to be mentally incompetent.

45.5 ~~(b) "CJIS" means Minnesota criminal justice information system.~~

45.6 ~~(e)~~ (b) "Missing" means the status of a child after a law enforcement agency that
45.7 has received a report of a missing child has conducted a preliminary investigation and
45.8 determined that the child cannot be located.

45.9 ~~(d)~~ (c) "NCIC" means National Crime Information Center.

45.10 ~~(e)~~ (d) "Endangered" means that a law enforcement official has received sufficient
45.11 evidence that the child is with a person who presents a threat of immediate physical injury
45.12 to the child or physical or sexual abuse of the child.

45.13 **EFFECTIVE DATE.** This section is effective August 1, 2009.

45.14 Sec. 11. Minnesota Statutes 2008, section 299C.52, subdivision 3, is amended to read:

45.15 Subd. 3. **Computer equipment and programs.** The commissioner shall provide
45.16 the necessary computer hardware and computer programs to enter, modify, and cancel
45.17 information on missing children in the NCIC computer ~~through the CJIS~~. These programs
45.18 must provide for search and retrieval of information using the following identifiers:
45.19 physical description, name and date of birth, name and Social Security number, name
45.20 and driver's license number, vehicle license number, and vehicle identification number.
45.21 The commissioner shall also provide a system for regional, statewide, multistate, and
45.22 nationwide broadcasts of information on missing children. These broadcasts shall be
45.23 made by local law enforcement agencies where possible or, in the case of statewide or
45.24 nationwide broadcasts, by the Bureau of Criminal Apprehension upon request of the local
45.25 law enforcement agency.

45.26 **EFFECTIVE DATE.** This section is effective August 1, 2009.

45.27 Sec. 12. Minnesota Statutes 2008, section 299C.52, subdivision 4, is amended to read:

45.28 Subd. 4. **Authority to enter or retrieve information.** Only law enforcement
45.29 agencies may enter missing child information ~~through the CJIS~~ into the NCIC computer or
45.30 retrieve information ~~through the CJIS~~ from the NCIC computer.

45.31 **EFFECTIVE DATE.** This section is effective August 1, 2009.

45.32 Sec. 13. Minnesota Statutes 2008, section 299C.53, subdivision 1, is amended to read:

46.1 Subdivision 1. **Investigation and entry of information.** Upon receiving a report
46.2 of a child believed to be missing, a law enforcement agency shall conduct a preliminary
46.3 investigation to determine whether the child is missing. If the child is initially determined
46.4 to be missing and endangered, the agency shall immediately consult the Bureau of
46.5 Criminal Apprehension during the preliminary investigation, in recognition of the fact
46.6 that the first two hours are critical. If the child is determined to be missing, the agency
46.7 shall immediately enter identifying and descriptive information about the child ~~through~~
46.8 ~~the CJS~~ into the NCIC computer. Law enforcement agencies having direct access to ~~the~~
46.9 ~~CJS~~ and the NCIC computer shall enter and retrieve the data directly and shall cooperate
46.10 in the entry and retrieval of data on behalf of law enforcement agencies which do not
46.11 have direct access to the systems.

46.12 **EFFECTIVE DATE.** This section is effective August 1, 2009.

46.13 Sec. 14. Minnesota Statutes 2008, section 299C.62, subdivision 1, is amended to read:

46.14 Subdivision 1. **Generally.** The superintendent shall develop procedures to enable a
46.15 children's service provider to request a background check to determine whether a children's
46.16 service worker is the subject of any reported conviction for a background check crime.
46.17 The superintendent shall perform the background check by retrieving and reviewing data
46.18 on background check crimes ~~maintained in the CJS computers~~. The superintendent is
46.19 authorized to exchange fingerprints with the Federal Bureau of Investigation for purposes
46.20 of a criminal history check. The superintendent shall recover the cost of a background
46.21 check through a fee charged the children's service provider.

46.22 **EFFECTIVE DATE.** This section is effective August 1, 2009.

46.23 Sec. 15. Minnesota Statutes 2008, section 299C.65, subdivision 1, is amended to read:

46.24 Subdivision 1. **Membership, duties.** (a) The Criminal and Juvenile Justice
46.25 Information Policy Group consists of the commissioner of corrections, the commissioner
46.26 of public safety, the state chief information officer, the commissioner of finance, four
46.27 members of the judicial branch appointed by the chief justice of the Supreme Court,
46.28 and the chair and first vice-chair of the Criminal and Juvenile Justice Information Task
46.29 Force. The policy group may appoint additional, nonvoting members as necessary from
46.30 time to time.

46.31 (b) The commissioner of public safety is designated as the chair of the policy group.
46.32 The commissioner and the policy group have overall responsibility for the ~~successful~~
46.33 ~~completion~~ integration of statewide criminal justice information ~~system integration~~
46.34 ~~(CrimNet)~~ systems. This integration effort shall be known as CriMNet. The policy group

47.1 may hire an executive director to manage the CriMNet projects and to be responsible for
47.2 the day-to-day operations of CriMNet. The executive director shall serve at the pleasure
47.3 of the policy group in unclassified service. The policy group must ensure that generally
47.4 accepted project management techniques are utilized for each CriMNet project, including:

- 47.5 (1) clear sponsorship;
- 47.6 (2) scope management;
- 47.7 (3) project planning, control, and execution;
- 47.8 (4) continuous risk assessment and mitigation;
- 47.9 (5) cost management;
- 47.10 (6) quality management reviews;
- 47.11 (7) communications management;
- 47.12 (8) proven methodology; and
- 47.13 (9) education and training.

47.14 (c) Products and services for CriMNet project management, system design,
47.15 implementation, and application hosting must be acquired using an appropriate
47.16 procurement process, which includes:

- 47.17 (1) a determination of required products and services;
- 47.18 (2) a request for proposal development and identification of potential sources;
- 47.19 (3) competitive bid solicitation, evaluation, and selection; and
- 47.20 (4) contract administration and close-out.

47.21 (d) The policy group shall study and make recommendations to the governor, the
47.22 Supreme Court, and the legislature on:

- 47.23 (1) a framework for integrated criminal justice information systems, including the
47.24 development and maintenance of a community data model for state, county, and local
47.25 criminal justice information;
- 47.26 (2) the responsibilities of each entity within the criminal and juvenile justice systems
47.27 concerning the collection, maintenance, dissemination, and sharing of criminal justice
47.28 information with one another;
- 47.29 (3) actions necessary to ensure that information maintained in the criminal justice
47.30 information systems is accurate and up-to-date;
- 47.31 (4) the development of an information system containing criminal justice
47.32 information on gross misdemeanor-level and felony-level juvenile offenders that is part of
47.33 the integrated criminal justice information system framework;
- 47.34 (5) the development of an information system containing criminal justice
47.35 information on misdemeanor arrests, prosecutions, and convictions that is part of the
47.36 integrated criminal justice information system framework;

- 48.1 (6) comprehensive training programs and requirements for all individuals in criminal
48.2 justice agencies to ensure the quality and accuracy of information in those systems;
- 48.3 (7) continuing education requirements for individuals in criminal justice agencies
48.4 who are responsible for the collection, maintenance, dissemination, and sharing of
48.5 criminal justice data;
- 48.6 (8) a periodic audit process to ensure the quality and accuracy of information
48.7 contained in the criminal justice information systems;
- 48.8 (9) the equipment, training, and funding needs of the state and local agencies that
48.9 participate in the criminal justice information systems;
- 48.10 (10) the impact of integrated criminal justice information systems on individual
48.11 privacy rights;
- 48.12 (11) the impact of proposed legislation on the criminal justice system, including any
48.13 fiscal impact, need for training, changes in information systems, and changes in processes;
- 48.14 (12) the collection of data on race and ethnicity in criminal justice information
48.15 systems;
- 48.16 (13) the development of a tracking system for domestic abuse orders for protection;
- 48.17 (14) processes for expungement, correction of inaccurate records, destruction of
48.18 records, and other matters relating to the privacy interests of individuals; and
- 48.19 (15) the development of a database for extended jurisdiction juvenile records and
48.20 whether the records should be public or private and how long they should be retained.

48.21 **EFFECTIVE DATE.** This section is effective August 1, 2009.

48.22 Sec. 16. Minnesota Statutes 2008, section 299C.65, subdivision 5, is amended to read:

48.23 Subd. 5. **Review of funding and grant requests.** (a) The Criminal and Juvenile
48.24 Justice Information Policy Group shall review the funding requests for criminal justice
48.25 information systems from state, county, and municipal government agencies. The
48.26 policy group shall review the requests for compatibility to statewide criminal justice
48.27 information system standards. The review shall be forwarded to the chairs and ranking
48.28 minority members of the house of representatives and senate committees and divisions
48.29 with jurisdiction over criminal justice funding and policy.

48.30 (b) The ~~CrimNet program office~~ executive director, in consultation with the
48.31 Criminal and Juvenile Justice Information Task Force and with the approval of the policy
48.32 group, shall create the requirements for any grant request and determine the integration
48.33 priorities for the grant period. The ~~CrimNet program office~~ executive director shall also
48.34 review the requests submitted for compatibility to statewide criminal justice information
48.35 systems standards.

49.1 (c) The task force shall review funding requests for criminal justice information
49.2 systems grants and make recommendations to the policy group. The policy group shall
49.3 review the recommendations of the task force and shall make a final recommendation
49.4 for criminal justice information systems grants to be made by the commissioner of
49.5 public safety. Within the limits of available state appropriations and federal grants, the
49.6 commissioner of public safety shall make grants for projects that have been recommended
49.7 by the policy group.

49.8 (d) The policy group may approve grants only if the applicant provides an
49.9 appropriate share of matching funds as determined by the policy group to help pay up to
49.10 one-half of the costs of the grant request. The matching requirement must be constant for
49.11 all applicants within each grant offering. The policy group shall adopt policies concerning
49.12 the use of in-kind resources to satisfy the match requirement and the sources from which
49.13 matching funds may be obtained. Local operational or technology staffing costs may be
49.14 considered as meeting this match requirement. Each grant recipient shall certify to the
49.15 policy group that it has not reduced funds from local, county, federal, or other sources
49.16 which, in the absence of the grant, would have been made available to the grant recipient
49.17 to improve or integrate criminal justice technology.

49.18 (e) All grant recipients shall submit to the ~~CrimNet program office~~ executive
49.19 director all requested documentation including grant status, financial reports, and a final
49.20 report evaluating how the grant funds improved the agency's criminal justice integration
49.21 priorities. The ~~CrimNet program office~~ executive director shall establish the recipient's
49.22 reporting dates at the time funds are awarded.

49.23 **EFFECTIVE DATE.** This section is effective August 1, 2009.

49.24 Sec. 17. Minnesota Statutes 2008, section 299C.68, subdivision 2, is amended to read:

49.25 Subd. 2. **Procedures.** The superintendent shall develop procedures to enable an
49.26 owner to request a background check to determine whether a manager is the subject of
49.27 a reported conviction for a background check crime. The superintendent shall perform
49.28 the background check by retrieving and reviewing data on background check crimes
49.29 ~~maintained in the CJS computers.~~ The superintendent shall notify the owner in writing
49.30 of the results of the background check. If the manager has resided in Minnesota for
49.31 less than ten years or upon request of the owner, the superintendent shall also either:
49.32 (1) conduct a search of the national criminal records repository, including the criminal
49.33 justice data communications network; or (2) conduct a search of the criminal justice data
49.34 communications network records in the state or states where the manager has resided
49.35 for the preceding ten years. The superintendent is authorized to exchange fingerprints

50.1 with the Federal Bureau of Investigation for purposes of the criminal history check.
 50.2 The superintendent shall recover the cost of a background check through a fee charged
 50.3 to the owner.

50.4 **EFFECTIVE DATE.** This section is effective August 1, 2009.

50.5 Sec. 18. Minnesota Statutes 2008, section 388.24, subdivision 4, is amended to read:

50.6 Subd. 4. **Reporting of data to ~~criminal justice information system (CJIS)~~**

50.7 **Bureau of Criminal Apprehension.** Effective August 1, 1997, every county attorney who
 50.8 establishes a diversion program under this section shall report the following information
 50.9 to the Bureau of Criminal Apprehension:

50.10 (1) the name and date of birth of each diversion program participant and any other
 50.11 identifying information the superintendent considers necessary;

50.12 (2) the date on which the individual began to participate in the diversion program;

50.13 (3) the date on which the individual is expected to complete the diversion program;

50.14 (4) the date on which the individual successfully completed the diversion program,

50.15 where applicable; and

50.16 (5) the date on which the individual was removed from the diversion program for
 50.17 failure to successfully complete the individual's goals, where applicable.

50.18 The superintendent shall cause the information described in this subdivision to be
 50.19 entered into and maintained in the criminal history file ~~of the Minnesota Criminal Justice~~
 50.20 ~~Information System~~ as defined in section 13.87.

50.21 **EFFECTIVE DATE.** This section is effective August 1, 2009.

50.22 Sec. 19. Minnesota Statutes 2008, section 401.065, subdivision 3a, is amended to read:

50.23 Subd. 3a. **Reporting of data to ~~criminal justice information system (CJIS)~~**

50.24 **Bureau of Criminal Apprehension.** (a) Every county attorney who establishes a
 50.25 diversion program under this section shall report the following information to the Bureau
 50.26 of Criminal Apprehension:

50.27 (1) the name and date of birth of each diversion program participant and any other
 50.28 identifying information the superintendent considers necessary;

50.29 (2) the date on which the individual began to participate in the diversion program;

50.30 (3) the date on which the individual is expected to complete the diversion program;

50.31 (4) the date on which the individual successfully completed the diversion program,

50.32 where applicable; and

50.33 (5) the date on which the individual was removed from the diversion program for
 50.34 failure to successfully complete the individual's goals, where applicable.

51.1 The superintendent shall cause the information described in this subdivision to be
51.2 entered into and maintained in the criminal history file ~~of the Minnesota criminal justice~~
51.3 ~~information system~~ as defined in section 13.87.

51.4 (b) Effective August 1, 1997, the reporting requirements of this subdivision shall
51.5 apply to misdemeanor offenses.

51.6 **EFFECTIVE DATE.** This section is effective August 1, 2009.

51.7 Sec. 20. Minnesota Statutes 2008, section 403.36, is amended by adding a subdivision
51.8 to read:

51.9 Subd. 1g. State Interoperability Executive Committee. (a) In addition to
51.10 responsibilities provided for in subdivision 1e, the Statewide Radio Board is designated as
51.11 Minnesota's State Interoperability Executive Committee.

51.12 (b) As Minnesota's State Interoperability Executive Committee, the Statewide
51.13 Radio Board shall:

51.14 (1) develop and maintain a statewide plan for local and private public safety
51.15 communications interoperability that integrates with the Minnesota emergency operation
51.16 plan;

51.17 (2) develop and adopt guidelines and operational standards for local and private
51.18 public safety communications interoperability within Minnesota;

51.19 (3) promote coordination and cooperation among local, state, federal, and
51.20 tribal public safety agencies in addressing statewide public safety communications
51.21 interoperability within Minnesota;

51.22 (4) advise the commissioner of the Department of Public Safety on public safety
51.23 communications interoperability and on the allocation and use of funds made available to
51.24 Minnesota to support public safety communications interoperability;

51.25 (5) to the extent permitted by federal law, Federal Communications Commission
51.26 regulations, and the National Telecommunications and Information Administration,
51.27 develop guidelines and standards for the efficient use of interoperability frequencies on all
51.28 frequency spectrums assigned to public safety users; and

51.29 (6) to the extent permitted by federal law and treaties with Canada, develop
51.30 guidelines and standards that support interoperability with adjoining states and provinces
51.31 of Canada along Minnesota's northern border.

51.32 **EFFECTIVE DATE.** This section is effective August 1, 2009.

51.33 Sec. 21. Minnesota Statutes 2008, section 403.36, subdivision 2, is amended to read:

52.1 Subd. 2. **Plan contents.** (a) The statewide, shared radio and communication system
52.2 project plan must include:

52.3 (1) standards, guidelines, and comprehensive design for the system, including use
52.4 and integration of existing public and private communications infrastructure;

52.5 (2) proposed project implementation schedule, phases, and estimated costs for each
52.6 phase of the plan;

52.7 (3) recommended statutory changes required for effective implementation and
52.8 administration of the statewide, shared trunked radio and communication system; ~~and~~

52.9 (4) an interoperability committee to make recommendations on the statewide plan
52.10 for local and private public safety communications interoperability and on guidelines and
52.11 operational standards necessary to promote public safety communications interoperability
52.12 within Minnesota; and

52.13 ~~(4)~~ (5) a policy for the lease of excess space or capacity on systems constructed under
52.14 the project plan, consistent with section 174.70, subdivision 2, with priority given first to
52.15 local units of government for public safety communication transmission needs and second
52.16 to any other communications transmission needs of either the public or private sector.

52.17 (b) The Statewide Radio Board must ensure that generally accepted project
52.18 management techniques are utilized for each project or phase of the backbone of the
52.19 statewide, shared radio and communication system consistent with guidelines of the
52.20 Project Management Office of the Office of Enterprise Technology:

52.21 (1) clear sponsorship;

52.22 (2) scope management;

52.23 (3) project planning, control, and execution;

52.24 (4) continuous risk assessment and mitigation;

52.25 (5) cost management;

52.26 (6) quality management reviews;

52.27 (7) communications management; and

52.28 (8) proven methodology.

52.29 **EFFECTIVE DATE.** This section is effective August 1, 2009.

52.30 Sec. 22. Minnesota Statutes 2008, section 480.23, is amended to read:

52.31 **480.23 COMPUTER ACQUISITION BY COURTS.**

52.32 In order to facilitate the effective management and coordination of the Minnesota
52.33 courts system, an appropriate official of any court or of a local governmental unit in
52.34 providing services to any court, if authorized by the state court administrator and with the
52.35 concurrence of the contracting vendor, may acquire electronic data processing equipment

53.1 or services through an existing contract originated by the Supreme Court. The state court
53.2 administrator shall grant this authority only pursuant to the implementation of justice
53.3 information systems compatible with systems ~~participating on the Minnesota Criminal~~
53.4 ~~Justice Information Systems Communications Network~~ administered by the Bureau of
53.5 Criminal Apprehension in the Department of Public Safety.

53.6 **EFFECTIVE DATE.** This section is effective August 1, 2009.

53.7 Sec. 23. Minnesota Statutes 2008, section 518.165, subdivision 5, is amended to read:

53.8 Subd. 5. **Procedure, criminal history, and maltreatment records background**
53.9 **study.** (a) When the court requests a background study under subdivision 4, paragraph
53.10 (a), the request shall be submitted to the Department of Human Services through the
53.11 department's electronic online background study system.

53.12 (b) When the court requests a search of the National Criminal Records Repository,
53.13 the court must provide a set of classifiable fingerprints of the subject of the study on a
53.14 fingerprint card provided by the commissioner of human services.

53.15 (c) The commissioner of human services shall provide the court with ~~information~~
53.16 criminal history data as defined in section 13.87 from the Bureau of Criminal
53.17 ~~Apprehension's Criminal Justice Information System~~ Apprehension in the Department of
53.18 Public Safety, other criminal history data held by the commissioner of human services,
53.19 and data regarding substantiated maltreatment of a minor under section 626.556, and
53.20 substantiated maltreatment of a vulnerable adult under section 626.557, within 15
53.21 working days of receipt of a request. If the subject of the study has been determined by
53.22 the Department of Human Services or the Department of Health to be the perpetrator
53.23 of substantiated maltreatment of a minor or vulnerable adult in a licensed facility, the
53.24 response must include a copy of the public portion of the investigation memorandum
53.25 under section 626.556, subdivision 10f, or the public portion of the investigation
53.26 memorandum under section 626.557, subdivision 12b. When the background study shows
53.27 that the subject has been determined by a county adult protection or child protection
53.28 agency to have been responsible for maltreatment, the court shall be informed of the
53.29 county, the date of the finding, and the nature of the maltreatment that was substantiated.
53.30 The commissioner shall provide the court with information from the National Criminal
53.31 Records Repository within three working days of the commissioner's receipt of the data.
53.32 When the commissioner finds no criminal history or substantiated maltreatment on a
53.33 background study subject, the commissioner shall make these results available to the court
53.34 electronically through the secure online background study system.

54.1 (d) Notwithstanding section 626.556, subdivision 10f, or 626.557, subdivision
54.2 12b, if the commissioner or county lead agency has information that a person on whom
54.3 a background study was previously done under this section has been determined to be a
54.4 perpetrator of maltreatment of a minor or vulnerable adult, the commissioner or the county
54.5 may provide this information to the court that requested the background study.

54.6 **EFFECTIVE DATE.** This section is effective August 1, 2009.

54.7 Sec. 24. Minnesota Statutes 2008, section 524.5-118, subdivision 2, is amended to read:

54.8 **Subd. 2. Procedure; criminal history and maltreatment records background**
54.9 **check.** (a) The court shall request the commissioner of human services to complete a
54.10 background study under section 245C.32. The request must be accompanied by the
54.11 applicable fee and the signed consent of the subject of the study authorizing the release of
54.12 the data obtained to the court. If the court is requesting a search of the National Criminal
54.13 Records Repository, the request must be accompanied by a set of classifiable fingerprints
54.14 of the subject of the study. The fingerprints must be recorded on a fingerprint card
54.15 provided by the commissioner of human services.

54.16 (b) The commissioner of human services shall provide the court with ~~information~~
54.17 criminal history data as defined in section 13.87 from the Bureau of Criminal
54.18 ~~Apprehension's criminal justice information system~~ Apprehension in the Department of
54.19 Public Safety, other criminal history data held by the commissioner of human services,
54.20 and data regarding substantiated maltreatment of vulnerable adults under section 626.557
54.21 and substantiated maltreatment of minors under section 626.556 within 15 working days
54.22 of receipt of a request. If the subject of the study has been the perpetrator of substantiated
54.23 maltreatment of a vulnerable adult or minor, the response must include a copy of the
54.24 public portion of the investigation memorandum under section 626.557, subdivision
54.25 12b, or the public portion of the investigation memorandum under section 626.556,
54.26 subdivision 10f. If the court did not request a search of the National Criminal Records
54.27 Repository and information from the Bureau of Criminal Apprehension indicates that the
54.28 subject is a multistate offender or that multistate offender status is undetermined, the
54.29 response must include this information. The commissioner shall provide the court with
54.30 information from the National Criminal Records Repository within three working days
54.31 of the commissioner's receipt of the data.

54.32 (c) Notwithstanding section 626.557, subdivision 12b, or 626.556, subdivision 10f, if
54.33 the commissioner of human services or a county lead agency has information that a person
54.34 on whom a background study was previously done under this section has been determined
54.35 to be a perpetrator of maltreatment of a vulnerable adult or minor, the commissioner or the

55.1 county may provide this information to the court that requested the background study. The
 55.2 commissioner may also provide the court with additional criminal history or substantiated
 55.3 maltreatment information that becomes available after the background study is done.

55.4 **EFFECTIVE DATE.** This section is effective August 1, 2009.

55.5 Sec. 25. Minnesota Statutes 2008, section 611.272, is amended to read:

55.6 **611.272 ACCESS TO GOVERNMENT DATA.**

55.7 The district public defender, the state public defender, or an attorney working for
 55.8 a public defense corporation under section 611.216 has access to the criminal justice
 55.9 data communications network described in section 299C.46, as provided in this section.
 55.10 Access to data under this section is limited to data necessary to prepare criminal cases in
 55.11 which the public defender has been appointed as follows:

55.12 (1) access to data about witnesses in a criminal case shall be limited to records of
 55.13 criminal convictions; and

55.14 (2) access to data regarding the public defender's own client which includes, but
 55.15 is not limited to, criminal history data under section 13.87; juvenile offender data under
 55.16 section 299C.095; warrant information data under section 299C.115; incarceration data
 55.17 under section 299C.14; conditional release data under section 241.065; and diversion
 55.18 program data under section 299C.46, subdivision 5.

55.19 The public defender has access to data under this section, whether accessed via ~~CrimNet~~
 55.20 the integrated search service as defined in section 13.873 or other methods. The public
 55.21 defender does not have access to law enforcement active investigative data under section
 55.22 13.82, subdivision 7; data protected under section 13.82, subdivision 17; confidential
 55.23 arrest warrant indices data under section 13.82, subdivision 19; or data systems maintained
 55.24 by a prosecuting attorney. The public defender has access to the data at no charge, except
 55.25 for the monthly network access charge under section 299C.46, subdivision 3, paragraph
 55.26 (b), and a reasonable installation charge for a terminal. Notwithstanding section 13.87,
 55.27 subdivision 3; 299C.46, subdivision 3, paragraph (b); 299C.48, or any other law to the
 55.28 contrary, there shall be no charge to public defenders for Internet access to the criminal
 55.29 justice data communications network.

55.30 **EFFECTIVE DATE.** This section is effective August 1, 2009.

55.31 Sec. 26. Minnesota Statutes 2008, section 628.69, subdivision 6, is amended to read:

55.32 Subd. 6. **Reporting of data to ~~criminal justice information system (CJIS)~~**

55.33 **Bureau of Criminal Apprehension.** Every county attorney who has established a pretrial

56.1 diversion program under this section shall report the following information to the Bureau
56.2 of Criminal Apprehension:

56.3 (1) the name and date of birth of each diversion program participant, and any other
56.4 identifying information the superintendent considers necessary;

56.5 (2) the date on which the individual began to participate in the diversion program;

56.6 (3) the date on which the individual is expected to complete the diversion program;

56.7 (4) the date on which the individual successfully completed the diversion program,
56.8 where applicable; and

56.9 (5) the date on which the individual was removed from the diversion program for
56.10 failure to successfully complete the individual's goals, where applicable.

56.11 The superintendent shall cause the information described in this subdivision to be
56.12 entered into and maintained in the criminal history file ~~of the Minnesota Criminal Justice~~
56.13 ~~Information System~~ as defined in section 13.87.

56.14 **EFFECTIVE DATE.** This section is effective August 1, 2009.

56.15 Sec. 27. **REPEALER.**

56.16 Minnesota Statutes 2008, sections 299C.61, subdivision 8; 299C.67, subdivision 3;
56.17 and 403.36, subdivision 1f, are repealed.

56.18 **EFFECTIVE DATE.** This section is effective August 1, 2009."