

1.1 moves to amend H.F. No. 2295 as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2012, section 609.135, subdivision 5a, is amended to
1.4 read:

1.5 Subd. 5a. **Domestic abuse victims; electronic monitoring.** (a) Until the
1.6 ~~commissioner of corrections~~ a judicial district has adopted standards under section 629.72,
1.7 subdivision 2a, paragraph (b), governing electronic monitoring devices used to protect
1.8 victims of domestic abuse, ~~the~~ a court within the judicial district, as a condition of a stay
1.9 of imposition or execution of a sentence, may not order an offender convicted of a crime
1.10 described in paragraph (b) to use an electronic monitoring device to protect a victim's safety.

1.11 (b) This subdivision applies to the following crimes, if committed by the defendant
1.12 against a family or household member as defined in section 518B.01, subdivision 2:

1.13 (1) violations of orders for protection issued under chapter 518B;

1.14 (2) assault in the first, second, third, or fifth degree under section 609.221, 609.222,
1.15 609.223, or 609.224; or domestic assault under section 609.2242;

1.16 (3) criminal damage to property under section 609.595;

1.17 (4) disorderly conduct under section 609.72;

1.18 (5) harassing telephone calls under section 609.79;

1.19 (6) burglary under section 609.582;

1.20 (7) trespass under section 609.605;

1.21 (8) criminal sexual conduct in the first, second, third, fourth, or fifth degree under
1.22 section 609.342, 609.343, 609.344, 609.345, or 609.3451; and

1.23 (9) terroristic threats under section 609.713-₂;

1.24 (10) stalking under section 609.749;

1.25 (11) violations of harassment restraining orders under section 609.748;

1.26 (12) violations of domestic abuse no contact orders under section 629.75; and

1.27 (13) interference with an emergency call under section 609.78, subdivision 2.

2.1 (c) ~~Notwithstanding paragraph (a), the judges in the Tenth Judicial District may~~
2.2 ~~order, as a condition of a stay of imposition or execution of a sentence, a defendant~~
2.3 ~~convicted of a crime described in paragraph (b), to use an electronic monitoring device~~
2.4 ~~to protect the victim's safety. The judges shall make data on the use of electronic~~
2.5 ~~monitoring devices to protect a victim's safety in the Tenth Judicial District available to~~
2.6 ~~the commissioner of corrections to evaluate and to aid in development of standards for the~~
2.7 ~~use of devices to protect victims of domestic abuse. The location data associated with the~~
2.8 ~~victim are security information as defined in section 13.37. Location data maintained by~~
2.9 ~~a law enforcement agency, probation authority, prosecutorial agency, or court services~~
2.10 ~~department may be shared among those agencies to develop and monitor conditions of a~~
2.11 ~~stayed sentence under this section.~~

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

2.13 Sec. 2. Minnesota Statutes 2012, section 629.72, subdivision 2a, is amended to read:

2.14 Subd. 2a. **Electronic monitoring; condition of pretrial release.** (a) ~~Until the~~
2.15 ~~commissioner of corrections~~ a judicial district has adopted standards under paragraph
2.16 (b) governing electronic monitoring devices used to protect victims of domestic abuse,
2.17 ~~the~~ a court within the judicial district, as a condition of release, may not order a person
2.18 arrested for a crime described in section 609.135, subdivision 5a, paragraph (b), to use an
2.19 electronic monitoring device to protect a victim's safety.

2.20 (b) ~~Notwithstanding paragraph (a), district courts in the Tenth Judicial District may~~
2.21 ~~order, as a condition of a release, a person arrested on a charge of a crime described~~
2.22 ~~in section 609.135, subdivision 5a, paragraph (b), to use an electronic monitoring~~
2.23 ~~device to protect the victim's safety. The courts shall make data on the use of electronic~~
2.24 ~~monitoring devices to protect a victim's safety in the Tenth Judicial District available to~~
2.25 ~~the commissioner of corrections to evaluate and to aid in development of standards for the~~
2.26 ~~use of devices to protect victims of domestic abuse. The chief judge of a judicial district~~
2.27 ~~may appoint and convene an advisory group to develop and biennially update standards~~
2.28 ~~for the use of electronic monitoring and global positioning system devices to protect~~
2.29 ~~victims of domestic abuse. The advisory group must be comprised of representatives~~
2.30 ~~from law enforcement, prosecutors, defense attorneys, corrections, court administrators,~~
2.31 ~~probation, judges, and crime victim organizations, and include an industry representative~~
2.32 ~~with expertise in global positioning system devices. At a minimum, the standards must:~~

2.33 (1) require a judge to order only the use of active, real-time monitoring;

2.34 (2) require that the victim be provided with information on the risks and benefits of
2.35 using active, real-time monitoring and a notice outlining the district's standards;

