

House Research Act Summary

CHAPTER: 216

SESSION: 1999 Regular Session

TOPIC: Omnibus Judiciary Finance Bill (signed by the Governor May 25, 1999)

Date: May 26, 1999

Analyst: TOPIC: Omnibus Judiciary Finance Bill (signed by the Governor May 25, 1999)

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd.

Article 1 contains appropriations for the following state government agencies: supreme court, court of appeals, district courts, board on judicial standards, tax court, public safety, crime victim services center, crime victim ombudsman, board of private detective and protective agent services, board of peace officer standards and training, board of public defense, corrections, corrections ombudsman, sentencing guidelines commission, human rights, uniform laws commission, auto theft prevention board, administration, and economic security.

- 1 **Criminal justice appropriations.** Specifies general fund and other fund appropriations for FY99 (deficiency), FY00 and FY01.
- 2 **Supreme court.** Specifies FY00 and FY01 appropriations for the supreme court.

Subd. 1. Total appropriation. Provides that the amounts that may be spent for each program are specified in the following subdivisions.

Subd. 2. Supreme court operations. Contains the following riders:

- specifies an amount for a contingent account for normal operational expenses;
- requires the supreme court to consider purchasing furniture or fixtures made in the prison industries program when it purchases these items;
- specifies an amount for access to justice initiatives;
- specifies an amount for judicial branch infrastructure; and
- specifies an amount for the judicial salary supplement.

Subd. 3. Civil legal services. Contains the following riders:

- specifies an amount for civil legal services for low income clients and family farm legal assistance; and
- identifies an amount for civil legal services for low income clients in family law matters.

Subd. 4. State court administration. (*As amended by S.F. 2224, correction #11A*) Contains the

following riders:

- specifies an amount to begin development and implementation of the infrastructure for a coordinated and integrated statewide criminal and juvenile justice information network and to implement the judicial branch information network;
- specifies an amount for a grant writer;
- specifies an amount for court document translation costs;
- specifies an amount for regional adult detention facility construction planning grants under article 2, § 22 and for development and issuance of a request for proposals for a private vendor to construct and operate such a facility;
- specifies an amount for the state's share of costs relating to the precommitment detention of sexually dangerous persons; and
- provides that money appropriated in 1998 for the parental cooperation task force is available until expended.

Subd. 5. Law library operations. Contains the following riders:

- specifies an amount for increased costs in maintaining the library's publication collection; and
- specifies an amount for a law library MNET connection.

- 3 Court of appeals.** Specifies FY00 and FY01 appropriations for the court of appeals.
- 4 District courts.** Specifies FY00 and FY01 appropriations for the district courts. Contains the following riders:

- specifies an amount for human resources enhancements, including one new trial court judge unit apiece in the seventh, ninth and tenth judicial districts beginning July 1, 1999, two new trial judge units in the first judicial district beginning January 1, 2000, one new trial judge unit in the tenth judicial district beginning January 1, 2000, one new trial judge unit apiece in the seventh, ninth and tenth judicial districts beginning July 1, 2000, one new trial judge unit apiece in the first and tenth judicial districts beginning January 1, 2001, and two new trial judge units in the fourth judicial district beginning January 1, 2001. Each trial judge unit consists of a judge, a law clerk and a court reporter. Also funds six new law clerk positions beginning July 1, 1999;
- specifies an amount for one referee conversion apiece in the second and fourth judicial districts;
- specifies an amount for salary costs relating to the community court in the fourth judicial district;
- specifies an amount for continued funding of the community court in the second judicial district;
- requires quarterly reports, beginning October 1, 1999, from the second and fourth judicial districts to the chairs and ranking minority members of the relevant legislative committees on how community court funding was spent and on the cooperation of other criminal justice agencies and county government units in the community courts' efforts. Prohibits the use of community courts appropriations to comply with this reporting requirement;
- specifies an amount for statewide expansion of video technology in the court system; and
- specifies an amount for judicial branch infrastructure upgrades.

- 5 Board on judicial standards.** Specifies FY00 and FY01 appropriations for the board on judicial standards.
- 6 Tax court.** Specifies FY00 and FY01 appropriations for the tax court.

7 **Public safety.**

Subd. 1. Total appropriation. Provides that the amounts that may be spent for each program are specified in the subdivisions below.

Subd. 2. Emergency management. Contains the following riders:

specifies an amount for bomb disposal reimbursement; and
requires the commissioner of public safety to develop an implementation plan under which the division of emergency management makes bomb disposal and domestic terrorism response services available to local governments. Requires the submission of an implementation plan to the chairs and ranking minority members of the relevant legislative committees by January 15, 2001.

Subd. 3. Criminal apprehension. Contains the following riders:

specifies an amount from the special revenue fund for grants to local officials for the cooperative investigation of cross-jurisdictional criminal activity;
specifies an amount from the special revenue fund for laboratory activities;
specifies an amount for the statewide criminal and juvenile justice data information system upgrade;
specifies an amount to be transferred to the commissioner of corrections for a statewide probation system component of the criminal justice information system;
specifies an amount for a lab information management system;
specifies an amount for laboratory supplies and equipment;
specifies an amount for start-up costs for the northern BCA satellite laboratory facility in the city of Bemidji;
specifies an amount for the capitol security study described in article 5, § 13; and
specifies an amount to expand DNA testing of certain offenders.

Subd. 4. Fire marshal. Contains the following riders:

specifies an amount for a fire code development and training position; and
requires the state fire marshal to use part of the division's base budget appropriation to purchase and maintain equipment for use at fire scenes to enhance its response in arson investigations.

Subd. 5. Alcohol and gambling enforcement. Contains the following rider:

specifies an amount for liquor law compliance check grants under article 2, § 21. Requires the commissioner to report to the chairs and ranking minority members of the relevant legislative committees by January 15, 2002, on the grants awarded under this provision.

Subd. 6. Law enforcement and community grants. Contains the following riders:

specifies an amount for grants to pay the costs of developing or implementing a criminal justice information integration plan. Requires the commissioner to award at least two grants. Also requires the commissioner to consider using federal Byrne grant money to pay for some of these costs;
specifies an amount for a grant to the city of Marshall to construct, furnish, and equip a regional emergency response training center;
specifies an amount for the costs of reconvening the task force that developed, under a 1998 legislative directive, the statewide master plan for fire and law enforcement training centers. Requires the task force to develop specific recommendations concerning the siting, financing and use of these training facilities and to submit a report to the chairs and

ranking minority members of the relevant legislative committees by January 15, 2000, that details these recommendations;

specifies an amount for continued operation of the criminal gang oversight council and strike force;

specifies an amount for reimbursement grants awarded to local law enforcement agencies that contribute members to the criminal gang strike force;

requires the criminal gang oversight council to submit a report by January 15, 2000, to the chairs and ranking minority members of the relevant legislative committees. The report must describe the types of crimes on which the council and strike force have focused their efforts since their inception, provide a detailed accounting of how they have spent their funds, and describe the extent to which their activities overlap those of other law enforcement task forces and the long-term goals they hope to achieve;

requires the commissioner to consider using a portion of federal Byrne grant funds for criminal gang prevention and intervention activities;

specifies an amount for a grant to the Minnesota Safety Council to continue the crosswalk safety awareness campaign. Also requires the council to work with the department of transportation to develop a long range plan to continue the campaign;

specifies an amount for grants awarded under the COPS grant program described in Minn. Stat. § 299A.62, as amended by article 2, § 13.

specifies an amount from the COPS grant program appropriation for grants to requesting law enforcement agencies to purchase dogs trained to locate controlled substances by scent;

specifies an amount for a grant to the Ramsey county attorney's office to establish and fund a domestic assault and child abuse prosecution unit (**vetoed by the governor**);

specifies an amount for grants to the northwest Hennepin human services council to administer the northwest community law enforcement project;

specifies an amount to assist volunteer ambulance services in purchasing automatic external defibrillators;

specifies an amount for grants to organizations that focus on the intervention and prevention of teenage prostitution;

requires the commissioner of public safety to administer a program to distribute tire deflators to local or state law enforcement agencies selected by the commissioner, and to distribute or otherwise make available a computer-controlled driving simulator to local or state law enforcement agencies or POST-certified skills programs selected by the commissioner. Provides a process for distributing the equipment and requires the submission of a report on the program to the chairs and ranking minority members of the relevant legislative committees by January 15, 2001;

specifies an amount for grants to the city of Minneapolis, Hennepin county and the fourth judicial district public defender's office, to implement a coordinated criminal justice system response to, or otherwise accommodate, the CODEFOR law enforcement strategy;

specifies an amount for grants under the weed and seed program;

specifies an amount for a grant to the center for reducing rural violence to continue the technical assistance and related rural violence prevention services offered by the center;

specifies an amount to operate the weekend camp program at Camp Ripley and transfers the current powers and duties of the commissioner of corrections concerning that program to the commissioner of public safety. Requires the commissioner to attempt to expand the

program to serve 500 juveniles per year; specifies an additional amount for the weekend camp program at Camp Ripley; and specifies an amount for Asian-American juvenile crime intervention and prevention grants and transfers the current powers and duties of the commissioner of human services concerning that program to the commissioner of public safety.

8 Crime Victim Services Center.

Subd. 1. Total appropriation. Specifies FY00 and FY01 appropriations for the crime victim services center.

Subd. 2. Crime victim reparations board. Specifies an amount for computer system enhancements.

Subd. 3. Crime victims assistance. Contains the following riders:

requires the director and the commissioner of human services, in consultation with the affected parties, to report by October 15, 1999, to the governor, the commissioner of finance, and the relevant legislative committee chairs, on a complete plan and legislation for transferring payments for battered women's shelters from the human services department to the crime victim services center;

specifies an amount for the crime victim emergency fund;

specifies an amount for the administration of battered women's shelter per diem payments;

specifies an amount for the pilot project grant program to provide neighborhood-based services to crime victims and witnesses described in article 2, § 23;

specifies an amount for grants to an existing battered women's shelter in Bloomington and to an American Indian battered women's shelter in Duluth;

specifies an amount for a grant to the center for applied research and policy analysis at Metro state university to conduct a research study to assess violence in the Asian-Pacific communities and to improve the data collection practices of organizations that work with Asian-Pacific communities. Requires a report on the research study to the chairs and ranking minority members of the relevant legislative committees by March 1, 2000;

specifies an amount for grants to the family violence coordinating council in the fourth judicial district to develop the plan and evaluation report of the domestic fatality review team under article 2, § 27;

specifies an amount for a grant to the residential program for women leaving prostitution described in article 2, § 25;

specifies an amount for grants to St. Paul to provide support services to surviving family members of homicide, suicide, and accidental death victims; and

specifies an amount for crime victim mediation program grants and transfers the powers and duties of the supreme court over the mediation grant program to the center. *(Added by S.F. 2224, correction #11C)*

9 Crime victim ombudsman. Specifies FY00 and FY01 appropriations for the crime victim ombudsman. Also specifies an amount for the crime victims case management system.

10 Board of private detective and protective agent services. Specifies FY00 and FY01 appropriations for the board of private detective and protective agent services.

11 Board of peace officer standards and training. Specifies FY00 and FY01 appropriations for the POST board. Contains the following riders:

specifies that receipts credited to the peace officer training account in the special revenue account in excess of the amounts appropriated are transferred and credited to the general

fund;

specifies an amount to reimburse local law enforcement agencies for the cost of providing training in emergency vehicle operations and police pursuit; and

authorizes the board to transfer positions to conduct the compliance reviews mandated under Minn. Stat. § 626.8459 (see article 5, § 8).

12 Board of public defense.

Subd. 1. Total appropriation. Specifies FY00 and FY01 appropriations for the board of public defense. Prohibits using the appropriation for lawsuits against public agencies or officials to change social or public policy. Authorizes the board to use money from the agency's base budget to hire a personnel director. (*As amended by S.F. 2224, correction #7*)

Subd. 2. State public defender. Specifies an amount for salary increases.

Subd. 3. Administrative services office. Specifies an amount for salary increases.

Subd. 4. District public defense. Contains the following riders:

specifies an amount for salary increases;

specifies an amount for grants to the five existing public defense corporations;

specifies an amount for the statewide connection project; and

specifies an amount for increased public defender costs in the second judicial district related to the Ramsey county attorney's domestic assault and child abuse prosecution unit.

13 Corrections.

Subd. 1. Total appropriation. Specifies FY00 and FY01 appropriations for the department of corrections. Contains the following riders:

provides that balances remaining in the first year do not cancel and are available the second year;

allows the commissioner of corrections to transfer positions and administrative money within the department if the commissioner of finance approves the transfer in advance;

allows the commissioner of corrections to transfer funds to or from salaries if the commissioner of finance approves the transfer;

allows the commissioner to contract with private corporations or Minnesota governmental units to house adult offenders, but requires the commissioner to make every effort to house offenders committed to the commissioner in Minnesota correctional facilities;

provides that if the commissioner finds it necessary to reduce staff positions during the fiscal biennium, the commissioner must reduce at least the same percentage of management and supervisory personnel as line and support personnel. If staff reductions are necessary, the commissioner must report to the chairs and ranking minority members of the relevant legislative committees by January 15, 2002, on how the reductions were accomplished;

provides that if the commissioner finds it necessary to reduce services or staffing within a correctional facility, the commissioner must meet with affected exclusive representatives and make every effort to retain correctional officer and prison industry employees; and requires the commissioner to consider ways to reduce the per diem in adult correctional facilities, including by means of staff reduction where feasible, within the parameters of institution safety and security. Requires the commissioner to report to the chairs and ranking minority members of the relevant legislative committees by January 15, 2002, on what methods were considered to reduce per diems and what changes were implemented, if any, to accomplish the reductions.

Subd. 2. Correctional institutions. Contains the following riders:

specifies an amount for start-up and operating expenses of the Rush city prison; provides that if the commissioner contracts with other jurisdictions to rent beds in the Rush city prison, the commissioner must charge a per diem that is equal to or greater than the per diem cost of housing Minnesota inmates in the facility, calculated on the assumption that the facility is at or near capacity. Permits the commissioner to use per diem monies to operate the state prisons;

specifies an amount for asset preservation and facility repair and allows the commissioner to transfer funding between programs if it is used for the same purpose and to use any other available funding for this purpose if it is not inconsistent with any other law;

specifies an amount for expanding the mental health and infirmary unit at the Oak Park Heights prison; and

specifies an amount for a grant to an organization based in Rice county for purchasing and placing cemetery or memorial monuments on the graves of former Faribault regional center residents. Prohibits the placement of a monument if the family of the deceased resident objects.

Subd. 3. Juvenile services. Contains the following riders:

specifies an amount for asset preservation and facility repair and allows the commissioner to transfer funding between programs if it is used for the same purpose and to use any other available funding for this purpose if it is not inconsistent with any other law;

specifies an amount to expand aftercare and transition services for youth who are under DOC supervision;

specifies an amount for two additional academic teacher positions at the Red Wing juvenile facility;

specifies an amount for increased funding for vocational education at the Red Wing juvenile facility; and

specifies an amount for severance costs related to the closure of the Sauk Centre juvenile facility.

Subd. 4. Community Services. Contains the following riders:

appropriates annually all domestic abuse investigation fees received by the commissioner for use in conducting the investigations;

specifies an amount for increased funding for intensive community supervision;

specifies an amount for statewide probation and supervised release caseload and workload reduction. Provides a process for distributing the funding according to the subsidy formula in the community corrections act. Specifies various ways in which the funding may be used to reduce caseload and workload overcrowding and to increase supervision of probationers. Requires the commissioner to report to the chairs and ranking minority members of the relevant legislative committees by January 15, 2001, on the outcomes achieved through the use of probation caseload reduction appropriations since 1995, including an analysis of results as they relate to the outcome measures in the 1998 report of the statewide probation outcome measures workgroup;

specifies an amount for a grant to the Dodge-Filmore-Olmsted community corrections agency for a pilot project to increase supervision of sex offenders by reducing the number of offenders supervised by specialized probation officers to an average of 35 offenders. Requires a report on the outcomes of the pilot project by January 15, 2002;

specifies an amount for county probation officer reimbursements;

specifies an amount for the emergency housing initiative;
specifies an amount for probation and supervised release services;
specifies an amount for increased funding of the sentencing to service program and for a housing coordinator for institution work crews in the program;
specifies an amount for sex offender transition programming;
specifies an amount for increased bed capacity for work release offenders;
specifies an amount for programming for adult female offenders;
specifies amounts for community corrections agencies currently operating productive day initiative programs;
specifies an amount for grants to Dakota county for the community justice zone pilot project described in article 2, § 24;
specifies an amount for grants for new and existing restorative justice programs;
states that funds for restorative justice programs may not be used in domestic abuse cases if the process involves a face-to-face meeting between the victim and the offender; and
specifies an amount for juvenile mentoring.

Subd. 5. Management services. Specifies an amount for technology improvements.

- 14 **Corrections ombudsman.** Specifies FY00 and FY01 appropriations for the corrections ombudsman. Provides that if the reduction in the ombudsman's base level funding causes a reduction in the number of employees, the commissioners of corrections and public safety must make reasonable efforts to transfer the affected employees to positions within their departments.
- 15 **Sentencing guidelines commission.** Specifies FY00 and FY01 appropriations for the sentencing guidelines commission. Specifies an amount for the sentencing guidelines worksheet.
- 16 **Human rights.** Specifies FY00 and FY01 appropriations for the department of human rights.
- 17 **Uniform laws commission.** Specifies FY00 and FY01 appropriations for the uniform laws commission.
- 18 **Auto theft prevention board.** Specifies FY00 and FY01 appropriations for the automobile theft prevention board from the automobile theft prevention account in the special revenue fund. Also contains the following riders:
 - requires the transfer of a portion of these funds to the commissioner of public safety for the purchase of a computer-controlled driving simulator and tire deflators for use in police pursuits and police pursuit training. Provides for the return of unused funds to the automobile theft prevention account for use in other automobile theft prevention activities;
 - prohibits the board from spending more money from its account than is appropriated to it under this section without legislative approval (*amended by S.F. 2224, correction #11D*);
 - and
 - prohibits the executive director of the board from being a member of the board.
- 19 **Administration.** Contains the following riders:
 - specifies an amount to complete design documents and site preparation for a new BCA facility in St Paul. Permits the commissioner to use a design-build method of development and construction for this project and permits the commissioner to award the design-build contract with or without bids; and
 - specifies an amount for maintenance of the former correctional facility at Sauk Centre.
- 20 **Economic security.** Specifies an amount for grants to cities of the first class for expansion of curfew enforcement, truancy prevention and pretrial diversion programs. Requires programs to

have outcome measures and to report to the commissioner on the achievement of these measures before June 30, 2001.

- 21 **Deficiency appropriation.** Adds funds to the FY98-99 emergency management division appropriation to provide matching funds for federal emergency management assistance funds received for natural disaster assistance payments. Makes the appropriation effective the day following final enactment.
- 22 **Sunset of uncodified language.** Provides that all uncodified language in this article expires at the end of the fiscal biennium unless a different expiration date is specified.

Article 2

Crime Prevention and Law Enforcement Grants

Article 2 contains a variety of provisions related to crime prevention and law enforcement grants. The article transfers the Office of Drug Policy from the Department of Children, Families and Learning to the Department of Public Safety (sections 1-9, 12, 28, 29) and the Asian-American juvenile crime intervention and prevention program from the Department of Human Services to the Department of Public Safety (sections 10, 11, 28). It also expands the community-oriented policing program to include additional policing initiatives (section 13); creates a pilot project for community justice zones in Dakota county (section 24); authorizes a BCA satellite lab facility in Bemidji (section 26); and establishes a domestic fatality review team (section 27). The article alters the task force on integrated criminal justice information systems, sets forth a grant review process for integrated systems, and requires a report on the advisability of using local aid as an initiative for local entities to develop integrated criminal justice information systems (sections 14 to 20). Finally, the article authorizes grants for liquor law compliance checks (section 21), regional adult detention facility construction planning (section 22), pilot programs to provide services to crime victims and witnesses (section 23), and residential programs for women leaving prostitution (section 25).

- 1-9, **Office of drug policy and violence prevention.** These provisions transfer the office of drug policy and violence prevention back to the department of public safety (the office was only recently transferred from DPS to the department of children, families, and learning) and recodify the provisions in Minnesota Statutes, chapter 299A (the DPS chapter of law) via a revisor's instruction (section 28). Of note, language relating to the office being headed by an assistant commissioner is stricken, as is language relating to a professional staff member assisting the work of the chemical abuse prevention resource council. Also, the commissioner of public safety is authorized to support the activities and strategies of the criminal gang council and strike force through this office.
- 10 **Grant program.** Replaces a reference to the commissioner of human services with a reference to the commissioner of public safety in the Asian-American juvenile crime intervention and prevention grant program. This change is necessitated by the transfer of the responsibility for the grant program from the DHS to the DPS in article 1. This program is recodified in chapter 299A via the revisor's instruction in section 28.
- 11 **Grant recipients.** Requires the commissioner of public safety to consult with the Asian-Pacific council when awarding Asian-American juvenile crime intervention and prevention grants (see article 2, section 10).
- 13 **COPS; program established.** Expands the community-oriented policing (COPS) program for grants to enable local law enforcement agencies to implement or expand:
 - community-oriented policing projects;
 - liaison efforts with local school districts; and
 - other innovative community policing initiatives.

Sections 14-19 make changes to the criminal and juvenile justice information policy group's statutory section. Section 20 requires a report from the legislative commission on planning and fiscal policy on the advisability of using local aid to develop integrated criminal justice information systems.

- 14 Report, task force.** Alters the membership of the task force that the policy group is directed by statute to appoint to assist it in formulating criminal justice information systems policy. Decreases the legislative members from two senators and two representatives to one of each. Increases the number of public members from two to four and requires that at least two of these members be representatives of the private business community with expertise in integrated information systems. Adds the attorney general or a designee, the commissioner of administration or a designee, and two additional members, one appointed by the League of Minnesota Cities and the other appointed by the Association of Minnesota Counties. Directs the appointing authorities of all task force members to select members with expertise in integrated data systems or best practices.
- 15 Review of funding and grant requests.** Requires the policy group to review funding requests for criminal justice information systems grants to be made by the commissioner of public safety under this section. Specifies what must be included in funding requests.
- 16 Development of integration plan.** Specifies what a requesting agency must submit to the policy group if the request is for funds to develop a comprehensive criminal justice information integration plan. Authorizes an agency to submit an interim integration plan to the policy group if it identifies high priority integration tasks during the development of the integration plan.
- 17 Implementation of integration plan.** Specifies what a requesting agency must submit to the policy group if the request is for funds to implement an integration plan.
- 18 Local match.** Requires grant applicants to provide a match of one-half the costs of developing or implementing the plan, part of which may be an in-kind match.
- 19 Documentation and reporting requirements.** Requires grant recipients to submit requested documentation to the policy group. The report must address whether and how the development or implementation of the integration plan improved operating of the criminal justice system in the requesting agency's jurisdiction.
- 20 Integrated criminal justice information system aid; report required.** Requires the legislative commission on planning and fiscal policy to report to the legislature on the advisability of using county criminal justice aid to encourage the development of integrated criminal justice information systems.
- 21 Liquor law compliance check grant program.** Allows the commissioner of public safety to award grants to local units of government to conduct liquor law compliance checks to determine whether on-sale and off-sale intoxicating liquor license holders are complying with section 340A.503 (persons under 21; illegal acts). Requires the commissioner to develop criteria for issuing grants. Requires grant recipients to report to the commissioner on how grant money was used.
- 22 Regional adult detention facility construction planning grants.**
 - Subd. 1. Grant program established; contents of required plans.** Requires the supreme court, through the state court administrator, to make grants to judicial districts, groups of two or more counties, or groups that include at least one county or judicial district and a tribal government, to plan the construction of regional adult detention facilities. Specifies what a plan must include. Requires that if the amount of the grant permits, the recipient must conduct a predesign study for the proposed facility.
 - Subd. 2. Grant distribution.** Requires the court administrator to distribute grants equitably

across the state so that the planning needs of each district are addressed. Requires the administrator to award grants in a manner that attempts to bring districts across the state to a uniform level of planning for the construction of facilities.

Subd. 3. Report required. Requires the state court administrator to report to the legislature on the grants and requires grant recipients to forward their plans to the legislature.

23 Pilot project grant program to provide services to crime victims and witnesses.

Subd. 1. Program established. Requires the executive director of the center for crime victim services to administer a pilot project grant program and to make grants to nonprofit organizations to provide neighborhood-based services to victims and witnesses of crime during the period between the time of the crime and the filing of charges against the alleged perpetrator. Requires the executive director to ensure that grants fund services at a minimum of two locations. Specifies that services shall be offered at a time and location convenient to prospective clients.

Requires grant recipients to target victims and witnesses of crime from groups that underreport crime, including recent immigrants or refugees, communities of color, and victims of bias-motivated crime. Allows services to include legal advice, advocacy services, and methods to address the lack of trust and understanding prospective clients may have of the judicial system.

Subd. 2. Required report. Requires the executive director to report to the legislature by January 15, 2002, on the grants made and pilot projects funded under this section.

24 Pilot project for community justice zone in Dakota county.

Subd. 1. Pilot project established. Authorizes Dakota county to establish a community justice zone pilot project that includes a redesign of the juvenile court.

Subd. 2. Program designed and implementation. Requires Dakota county to select two or three communities as sites for the project. Requires that organizations be identified to serve as partners in the development of the community justice zone. Requires that an action plan be adopted and specifies that it may include:

- community forums with criminal justice system representatives;
- development of a criminal justice team with a community prosecutor, local police officers, and probation officers;
- coordinated efforts of peace and probation officers; and
- other criminal justice initiatives.

Subd. 3. Report. Requires a report to the legislature by January 15, 2001, containing an evaluation of the project and recommendations for implementation in other jurisdictions.

25 Residential programs for women leaving prostitution; grant.

Subd. 1. Grant authorized. Requires the executive director of the center for crime victim services to award a grant to a nonprofit organization to develop and administer a residential program for women leaving prostitution. The organization must demonstrate a 25 percent funding match. Program services must include:

- chemical dependency services;
- sexual trauma mental health services;
- services to develop independent living skills; and
- coordination of community resources.

Subd. 2. Grant administration. Requires the executive director to develop a process for administering the grant, including establishing criteria and developing forms. Requires the executive director to issue a request for proposals (RFP) that will obtain information the executive

director considers necessary to evaluate and select a grant recipient.

- 26 **Bureau of criminal apprehension; Bemidji satellite laboratory facility.**
- Subd. 1. Lease-purchase agreement.** Authorizes the commissioner of administration and the city of Bemidji to enter into a lease-purchase agreement that provides for the state to acquire a northern satellite laboratory facility for the BCA. Specifies the terms to which the agreement is subject.
- Subd. 2. Construction of facility.** Authorizes the city of Bemidji to acquire the site and construct the facility in accordance with the agreement in subdivision 1.
- 27 **Domestic fatality review team pilot project.**
- Subd. 1. Pilot project authorized; purpose.** Authorizes establishment of the domestic fatality review team pilot project in the fourth judicial district as a 30-month pilot project to review domestic violence deaths that have occurred in the district. States the project's purpose is to assess domestic violence deaths in order to develop recommendations for community prevention and intervention initiatives.
- Subd. 2. Definition of domestic violence.** Contains the definition of "domestic violence death" that is used to describe the types of homicides or suicides that will be reviewed by the team. Specifies that "domestic violence death" must be interpreted broadly to allow for review of fatalities that have occurred both directly and peripherally to domestic relationships.
- Subd. 3. Membership.** Provides for membership of the domestic fatality review team. Specifies that the chief judge, in consultation with the family violence coordinating council, shall appoint members. Requires the team to invite other relevant persons to serve on an ad hoc basis for a particular review.
- Subd. 4. Evaluation and report.** Requires the review team to develop a system for evaluating the effectiveness of its program and to submit two reports to the legislature during the operation of the program.
- 28 **Instruction to revisor.** Contains the revisor's instruction described earlier relating to the office of drug policy and violence prevention and the Asian-American juvenile crime intervention and prevention grant program.
- 29 **Repealer.** Repeals a statutory section in chapter 119A that is no longer necessary because of the transfer of the office of drug policy and violence prevention back to the department of public safety.

Article 3

General Criminal Provisions

Article 3 contains general criminal provisions. It requires that a minimum fine of \$100 be assessed against an underage person who violates certain provisions of the liquor law (section 1); allows a convicted individual to request scientific testing of evidence to demonstrate innocence and to seek postconviction relief based upon this evidence (sections 2 to 3); allows for separate punishment and consecutive sentences for offenses committed as part of fleeing a peace officer (sections 4 to 6); requires additional offenders to provide a biological specimen for DNA testing (sections 7 to 9); and repeals the sentencing provision in the criminal code relating to the Camp Ripley work program (section 10).

- 1 **Misdemeanors.** Requires that a minimum fine of \$100 be assessed against an underage person who violates Minnesota Statutes, section 340A.503 (persons under 21; illegal acts).
- 2 **Petition.** Specifically provides that scientific evidence not available at trial and obtained pursuant to a motion under section 3 that establishes the petitioner's actual innocence is a ground for post conviction relief.

- 3** **Motion for fingerprint or forensic testing not available at trial.** Provides that a person convicted of a crime may make a motion for the performance of scientific testing to demonstrate the person's actual innocence, if certain conditions are met. Specifies what the moving party must show and the criteria for the court to order the testing.
- 4-5** **Fleeing a peace officer.** Make technical changes related to section 6.
- 6** **Exception; fleeing a peace officer.** Provides that a prosecution or conviction for violating the fleeing a peace officer in a motor vehicle crime (section 609.487) is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. Also provides that it is not a departure from the sentencing guidelines for a court to impose consecutive sentences for these crimes.
- 7** **Upon sentencing.** Current law requires a court to order an adult offender to provide a biological specimen for DNA analysis when the court sentences a person charged with violating or attempting to violate certain sex crimes or an offense arising out of the same set of circumstances. Currently, juveniles who are adjudicated for these offenses also must provide a specimen. This section expands mandatory DNA testing by requiring adults and juveniles to provide the biological specimen when sentenced or adjudicated delinquent for: murder; manslaughter; first, second, or third degree assault; robbery or aggravated robbery; kidnaping; false imprisonment; criminal sexual conduct; incest; first-degree burglary of an occupied dwelling; or felony-level indecent exposure.
- 8** **Before release.** Makes the same changes as in section 7 for offenders who are required to provide the biological specimen before release from incarceration. Also makes technical changes.
- 9** **Instruction to revisor.** Instructs the revisor to renumber the statute requiring offenders to submit a biological specimen for DNA analysis (sections 7 and 8) to move it from the sex crimes section of the criminal code to the sentencing section of the criminal code.
- 10** **Repealer.** Repeals the sentencing provision in the criminal code relating to the Camp Ripley work program for adult male nonviolent offenders (the work program is being repealed in article 4, section 17, paragraph (b)).
- 11** **Effective date.** Contains the effective dates for the article. Of note, the repealer is effective the day following final enactment. The DNA provisions (not including the post conviction relief provisions) are effective July 1, 2000.

Article 4

Corrections

This article contains a variety of provisions related to corrections. Specifically, it provides that the prohibition on using state appropriations for art does not apply to art produced through correctional programming (section 1); requires the DOC to issue an annual performance report (section 2); places limits on training costs under the juvenile detention subsidy program (section 3); authorizes the DOC to impose and collect correctional fees for correctional services (sections 4, 9, 10); modifies provisions related to productive day programs (sections 5, 6, 17); requires the commissioner to charge counties the actual per diem costs of juvenile females committed to the commissioner's custody (section 7); closes the Camp Ripley work program (sections 11 and 17) and the Sauk Centre juvenile facility (section 14); establishes the Rush City correctional facility (section 8); authorizes issuance of an RFP for the provision of educational programming at Red Wing (section 12) and for female juvenile programming (section 15); requires the commissioner to study correctional officer staffing issues (section 13); and requires a study on supervision of sex offenders (section 16).

- 1** **Exception.** Specifies that a prohibition on using state appropriations to pay for art in correctional facilities does not apply to art produced through programming in correctional facilities.

- 2 **Annual performance report required.** Requires the DOC to issue annual rather than biennial performance reports.
- 3 **Minimum standards.** Adds a provision to the juvenile detention services subsidy program to allow the commissioner to establish minimum training service requirements and the maximum amount of funding that will be expended annually for training costs.
- 4 **Fee Collection**
 - Subd. 1. Definition.** Defines "correctional fees" to include fees for community service work placement and supervision; restitution collection; supervision; court-ordered investigations; or any service provided by a probation officer or parole agency for offenders supervised by the commissioner of corrections.
 - Also defines "probation" and "supervised release."
 - Subd. 2. Correctional fees established.** Authorizes the commissioner of corrections to establish a schedule of correctional fees and to charge the fees to convicted persons who are supervised by the commissioner of corrections. Requires the fees to relate to offenders' abilities to pay and the actual costs of correctional services.
 - Subd. 3. Fee collection.** Allows the commissioner to collect fees while an offender is on probation or supervised release or after a sentence is discharged. Allows the commissioner to use any civil means of debt collection.
 - Subd. 4. Exemption from fee.** Allows the commissioner to waive payment of a fee if an offender does not have the ability to pay, the prospects for payment are poor, or for other extenuating circumstances justifying waiver. Allows the commissioner to require an offender to perform community service as a means of paying a fee.
 - Subd. 5. Restitution payment priority.** Obligates an offender to pay restitution before paying correctional fees but allows the commissioner to collect a correctional fee if an offender is making reasonable payments to satisfy a restitution obligation.
 - Subd. 6. Use of fees.** Designates that correctional fees collected under this section go to the general fund.
 - Subd. 7. Annual report.** Requires the commissioner of corrections to report to the legislature annually on the fees imposed and collected.
- 5 **Productive day initiative; program establishment.** Provides that a "correctional facility," for purposes of productive day programs, includes a community-based day program for adult or juvenile offenders. Changes the requirement in current law that limits the productive day initiative program to Hennepin, Ramsey and St. Louis counties and encourages all counties to establish a productive day initiative program for adult and juvenile offenders.
- 6 **Productive day initiative; program components.** Provides that the current mandatory productive day initiative program requirements are permissive.
- 7 **Charges to counties.** Requires the commissioner to charge counties the actual per diem costs for juvenile females committed to the commissioner of corrections.
- 8 **Minnesota Correctional Facility - Rush City.** Establishes the Minnesota Correctional Facility - Rush City at Rush City, Minnesota. Provides that persons committed to the commissioner's custody may be placed in the facility and that the general control and management of the facility shall be under the commissioner of corrections.
- 9 **Fee collection.** Prohibits a local correctional facility from collecting correctional fees from an offender supervised by the commissioner of corrections if the commissioner of corrections imposes and collects a fee from that offender. This change corresponds with section 4, which allows the commissioner to impose correctional fees.

- 10 Imposition of correctional fee.** Consistent with section 4, provides that the commissioner of corrections may collect a correctional fee from a person convicted of a crime and supervised by the commissioner.
- 11 Camp Ripley work program; closure.** Consistent with the closure of the Camp Ripley work program, requires the transfer of all offenders from the Camp Ripley work program back to a local facility in the offender's sentencing county by June 30, 1999.
- 12 Private vendor to operate educational program at MCF-Red Wing.** Requires the assessment for excellence task force, appointed by the commissioner of corrections, to assist the commissioner of administration in developing an RFP from vendors to operate the educational program at MCF-Red Wing. Requires the vendor to begin operating the program by January 1, 2000. Allows the DOC to respond to the RFP.
- 13 Study of correctional officer staffing.** Requires the commissioner of corrections to study issues related to correctional officer staffing at its correctional facilities.
Requires the study to focus on:
the ratio of supervisory officers to nonsupervisory officers;
the criteria and average length of time for promotion to supervisory positions;
the salaries of supervisory and nonsupervisory officers;
the ratio of all officers to inmates; and
other related issues.
Also requires, to the extent feasible, a comparison of Minnesota's correctional staffing and pay scale to that of other states with comparable correctional systems, the federal government, and private vendors.
Specifies what the study must focus on and requires a report to the legislature by January 15, 2000.
- 14 Minnesota correctional facility-Sauk Centre; transfer.** Requires that the commissioner of corrections transfer the residents of MCF-Sauk Centre to other facilities by January 1, 2000. Beginning on that date, the responsibility for operating and maintaining the state land and buildings at the facility is transferred to the commissioner of administration.
- 15 Authority to issue RFP; juvenile female programming.** Allows the commissioner of corrections to develop and issue an RFP from vendors to provide residential services to juvenile females committed to the commissioner's custody. Allows the commissioner to select the vendor. Limits the authority granted under this section until such time that a state-operated juvenile female facility is available to house juvenile female offenders.
- 16 Study of supervision of sex offenders.** Directs the commissioner of corrections to study issues related to the caseloads of probation officers supervising sex offenders. Requires the commissioner to consult with probation agencies, law enforcement, a treatment professional, and a victim services professional in conducting the study and to report to the legislature on recommendations resulting from the study.
- 17 Repealer.** Paragraph (a), repeals the reporting requirement for productive day programs.
Paragraph (b) repeals the provision establishing the Camp Ripley work program.
- 18 Effective dates.** The provisions related to the Camp Ripley work program are effective the day following final enactment; however, the program shall continue to operate until all offenders at the program on the day following final enactment have completed it, or June 30, 1999, whichever is earlier. The provisions relating to issuance of an RFP for the educational program at Red Wing and for juvenile female services and the study on supervision of sex offenders are effective the day following final enactment.

Article 5 **Law Enforcement**

Article 5 contains provisions related to law enforcement. It expands the program duties of the automobile theft prevention board (section 1); extends the sunset date on a provision requiring release of certain juvenile records related to certain gang activities (section 2); provides a posttraumatic stress syndrome benefit for affected law enforcement officers (section 3) requires a model policy and agency policies related to police pursuits and sets preservice and inservice training requirements on police pursuits (sections 6, 7, 15); requires the POST board to conduct compliance reviews on law enforcement agencies (section 8); and contains provisions related to competency requirements, training requirements, licensing examinations, and the maximum allowable number of part-time peace officers (sections 9 to 12, 15); The article also requires an annual report from the criminal gang oversight council (section 4); a biannual report from the POST board (sections 5); a study on capitol complex security issues (section 13); and a study on assistance for disasters and extraordinary expenses (section 14).

- 1 Automobile theft prevention board; program duties.** Expands the purposes for which funds allocated to the automobile theft prevention board may be used. Allows funds to be used for improved equipment and techniques for responding to automobile theft. Requires the board to annually audit the plans and programs it has funded.
- 2 Records required to be kept.** Extends the sunset date from July 1, 1999, to July 1, 2001, on a provision requiring the release of certain records relating to juveniles for the purposes of investigating and prosecuting the gang crime provision.
- 3 Posttraumatic stress syndrome benefit.** Creates a new section of law providing that a peace officer who suffers a debilitating psychological reaction to a traumatic event, is diagnosed by a psychiatrist or a licensed psychologist as suffering from post-traumatic stress syndrome, and is determined by a psychiatrist or a licensed psychologist to be unable to perform other peace officer job duties through reassignment is entitled to up to one year's payment by the employer for: (1) unreimbursed lost wages; and (2) unreimbursed medical treatment, including counseling. Provides that if the peace officer is able to perform other duties through reassignment, the officer is not entitled to lost wages. Further provides that the employer may request the peace officer to undergo an examination by a psychiatrist or a licensed psychologist selected by the employer. Defines "traumatic event" and "debilitating psychological reaction."
- 4 Required report.** Requires that the criminal gang oversight council's annual report to the legislature include specified information relating to the council's goals, achievements, and legislative recommendations.
- 5 Reporting requirements.** Requires the POST board to report biannually to specified legislators on its activities. The report must include detailed information concerning the compliance reviews required in section 8.
- 6 Powers and duties.** Strikes language from the POST board law relating to police pursuit policies. Section 7 unifies all of the provisions relating to police pursuit policies within one new law.
- 7 Vehicle pursuits; policies and instruction required.** Creates a new statutory section relating to police pursuits.
Subd. 1. Purpose. States the legislative purpose behind this section. Recognizes that emergency vehicle operations are an integral part of law enforcement's commitment to public safety. Also states that continuous and effective training is essential to ensure that law enforcement officers act appropriately in conducting these operations.
Subd. 2. Statewide model policy. Requires the POST board to adopt a new or revised model police pursuit policy by July 1, 1999. Requires that the board seek and consider the comments of members of the public when adopting the policy. Also requires the board to review and, as

necessary, revise the model policy in collaboration with law enforcement industry groups. Sets forth the issues that the model policy must address, including the following:

- a statement describing the philosophy of the model policy;
- the factors to be considered in initiating and terminating pursuits;
- the procedures, tactics, and technologies used during pursuits;
- the various responsibilities of law enforcement officers involved in conducting or supervising the pursuit;
- interjurisdictional pursuit issues;
- procedures governing care of injured persons;
- contents of police pursuit reports filed with the commissioner of public safety; and
- procedures for reviewing and evaluating each pursuit.

Subd. 3. Agency policies required. Requires the chief law enforcement officer of every state and local law enforcement agency to adopt and enforce a written policy governing the conduct of police pursuits by officers employed by the agency and to certify annually to the POST board that it has done so. The agencies' policies must, at a minimum, comply with the state model policy and must take into account any pursuit vehicle technology available to the agency. Directs the board to assist law enforcement agencies in complying with this duty.

Subd. 4. Preservice training in police pursuits required. Requires the POST board to prepare learning objectives for instructing peace officers in emergency vehicle operations and police pursuits. The course must consist of at least seven hours of classroom and skills-based training. Requires all peace officer candidates to have received this training in order to be eligible to take the licensing exam on or after July 1, 2000.

Subd. 5. In-service training in police pursuits required. Requires the head of every state and local law enforcement agency to provide in-service training in emergency vehicle operations and police pursuits to officers who the agency head determines may be involved in a police pursuit given the officers' responsibilities. Requires that the training consist of at least eight hours of classroom and skills-based training every three years.

Subd. 6. Licensing sanctions; injunctive relief. Provides injunctive and licensing sanction remedies for agencies that fail to comply with this section.

- 8 **POST board; compliance reviews required.** Requires the POST board to conduct compliance reviews on all law enforcement agencies. The reviews must ensure that the agencies are complying with all requirements imposed on them by statute and rule. Requires the board to include certain specified information in its biannual reports to the legislature (see section 5). Authorizes the board to impose licensing sanctions and to seek injunctive relief for an agency's failure to comply with a requirement imposed on it in statute or rule.
- 9 **Competency requirements.** Amends the law addressing licensing examinations for part-time peace officers. Under current law, the examination must be designed to ensure competency in certain listed subject areas reasonably achievable within a total hourly maximum of 54 hours. This section lengthens this maximum to 80 hours and adds training in the permissible use of force, including deadly force, to the list of subject areas. Requires the POST board to prepare learning objectives for an 80 hour course to test competency in these subject areas.
- 10 **Appointment requirements.** Requires the POST board to develop a new licensing examination for part-time peace officers that tests in depth the expanded competency requirements described in section 9.
- 11 **Part-time peace officer license, restriction.** Provides that a current provision of law making licensed part-time peace officers eligible for appointment or employment anywhere in the state as

part-time officers is subject to the new cap on the number of part-time peace officers a law enforcement agency may employ (see section 12).

12 Part-time peace officers; cap on number per agency, expanded training required, continuing education.

Subd. 1. Cap on number of part-time peace officers per agency. Allows law enforcement agencies that employed a licensed part-time peace officer, or that was in the process of training an individual to become one on or before February 1, 1999, to continue to do so, but prohibits agencies from employing more part-time officers than it employed in calendar year 1996, 1997, or 1998. Authorizes the board to issue additional part-time peace officer licenses after January 1, 2000, to law enforcement agencies that employ a part-time peace officer and that demonstrate to the board an extraordinary and temporary need for the additional license. Provides an exception to the cap applicable when a local unit of government dissolves a law enforcement agency that employs part-time officers and contracts with another law enforcement agency to provide law enforcement services. This exception allows the agency contracted with to add the number of part-time positions that the agency being dissolved had if the agency contracted with hires or offers employment to all full-time officers employed by the dissolved agency.

Subd. 2. Expanded training required. Requires that all persons seeking initial licensure as a part-time peace officer must successfully complete the training described in section 9. Requires that the POST board ensure that an applicant has successfully completed the training before issuing the person a part-time peace officer license or allowing the person to take the part-time licensing examination. Requires the agency head employing or seeking to employ an applicant to submit proof to the board that the applicant has successfully completed the training before the applicant may take the examination.

Subd. 3. Continuing education. Provides that all licensed part-time peace officers must comply with continuing education standards required by the POST board. Provides that the officers may receive reimbursement for the cost of this education from the peace officers training account.

13 Capitol complex study.

Subd. 1. Study required. Requires the superintendent of the BCA to conduct an in-depth study on issues related to capitol complex security. Requires the superintendent to analyze the strengths and weaknesses of the current manner in which security is provided and, if feasible, to examine how similar security is provided in other states.

Subd. 2. Report required. Requires the superintendent to report to the legislature and the governor on the results of the study. The report must include recommendations on ways to improve security, address the advisability of having a single entity provide the security, and assess which state agency or division would be best suited to do this.

14 Assistance for disasters and extraordinary expenses.

Subd. 1. Study. Requires the commissioners of public safety and finance to establish a work group to study the issues of disasters and the extraordinary emergency expenses they cause. Requires the study to address: (1) situations that may meet the definition of disaster; (2) eligible recipients for assistance; (3) appropriate types of disaster funding and funding sources; (4) measures that might prevent or reduce the costs of disasters and extraordinary emergency expenses; and (5) possible legislative responses to requests for state aid for local extraordinary disaster expenses.

Subd. 2. Membership. Includes representatives from the following groups as members of the work group: the Association of Minnesota Counties, the League of Minnesota Cities, the Minnesota Townships Association, the Association of Minnesota Emergency Managers, and the Metropolitan Emergency Managers Association. Permits the commissioners to appoint additional

members as necessary.

Subd. 3. Report. Requires the commissioners to submit a report on their study by October 1, 1999, to the chairs and ranking minority members of the relevant legislative committees.

- 15 Repealer.** Paragraph (a) repeals a subdivision of law relating to police pursuit procedures. Paragraph (b) repeals a provision of law relating to the number of part-time peace officer positions that a law enforcement agency may employ.
- 16 Effective date.** Makes the peace officer post-traumatic stress provision and the part-time peace officer provisions effective immediately.

Article 6 **Other Provisions**

This article contains a variety of provisions that: (1) increase the number of district court judges (section 1); (2) require agencies that supervise level III sex offenders to consider and attempt to mitigate the concentration of offenders living near each other (sections 2-5); (3) clarify financial responsibility for pre-commitment expenses (section 6); (4) expand civil liability for the unauthorized release of animals (section 14); (5) expand the housing court (sections 16-17); (6) establish a court interpreter program (section 15); and (7) implement reforms to the juvenile out-of-home placement system (sections 7-13 and 20-24).

- 1 Number of judges in each judicial district; description.** Adds 13 district court judges as follows:

3 to the 1st district (Goodhue, Dakota, Carver, LeSueur, McLeod, Scott, and Sibley);
2 to the 4th district (Hennepin);
2 to the 7th district (Benton, Douglas, Mille Lacs, Morrison, Otter Tail, Stearns, Todd, Clay, Becker and Wadena);
2 to the 9th district (Norman, Polk, Marshall, Kittson, Red Lake, Roseau, Mahnomen, Pennington, Aitkin, Itasca, Crow Wing, Hubbard, Beltrami, Lake of the Woods, Clearwater, Cass and Koochiching); and
4 to the 10th district (Anoka, Isanti, Wright, Sherburne, Kanabec, Pine, Chisago, and Washington).

Also amends the statute to reflect the past transfer of one judge unit from the fifth district to the first district and the past conversion of two referees to judges in the second district and one conversion from a referee to judge in the fourth district.

- 2-5 Level III offenders; limitation on approved release plan.** Amend the community notification law. Section 2 defines residential facility. Section 3 requires the end-of-confinement review committee to determine if residency restrictions should be a condition of a level III sex offender release plan. Sections 4 and 5 apply to level III offenders released from confinement or a residential facility to reside in the community or to level III offenders who change residence while on supervised or conditional release and require that the agency responsible for supervision consider the proximity of the offender's residence to the residences of other level III offenders. Also requires the agency to mitigate the concentration of level III offenders to the extent feasible.
- 6 Financial responsibility, pre-commitment expenses.** Specifies that, when a petition is filed for civil commitment pursuant to the notice required in section 244.05, subdivision 7 (requiring the commissioner of corrections to make a preliminary determination on whether certain sex offenders should be committed as sexually dangerous persons or persons with sexual psychopathic personalities), the state and county are each responsible for 50 percent of the cost of a person's confinement at a state facility or county jail prior to commitment. Establishes a reimbursement procedure for counties and caps the state's responsibility for its share to the

amount appropriated for this purpose.

Sections 7 through 13 implement recommendations from the legislative auditor's report on juvenile out-of-home placement.

- 7 **Specific powers, standards.** Requires the commissioner of human services to develop recommended standards for foster care homes that provide therapeutic services.
- 8 **Juvenile treatment screening team.** Requires the local social services agency in all counties to establish a juvenile treatment screening team. Under current law, counties are authorized but not required to establish these teams. Requires courts to notify the county welfare agency when proposing to place a child in an out-of-home setting potentially exceeding 30 days in duration. This allows the county's juvenile treatment screening team the option of screening the child.
- 9 **Classification system for juvenile offenders.** Requires each county to develop a written classification system for juvenile offenders which must include methods to classify the re-offense risk and service needs of these offenders. Requires that, to the extent practicable, each county must consult with the DOC and attempt to achieve compatibility with other counties' classification systems. Requires the department to cooperate with counties in the development of their classification systems.
- 10 **Intended outcomes.** Requires courts to state the intended outcome of out-of-home placements in their disposition orders.
- 11 **Case plan.** Requires courts, when ordering a juvenile delinquency disposition for an out-of-home placement potentially exceeding 30 days, to require that a written case plan be prepared and specifies what the plan must include. Requires that the court review the case plan and upon approving it, incorporate it into the disposition order.
- 12 **County responsibility for transitional service plans.** Provides that when a child is placed in an out-of-home placement potentially exceeding 30 days in a residential treatment program, the county in which the court is located is responsible for monitoring the implementation of a transitional service plan upon the child's discharge from the program.
- 13 **Reports on outcomes of court ordered out-of-home placements.** Requires the commissioners of corrections and human services to report to the legislature on the extent to which the goals of court-ordered out-of-home placements are being met (see article 6, section 10).
- 14 **Unauthorized release of animals, liability for damages.** Expands the current provision imposing civil liability on persons who release an animal lawfully confined for science, research, commerce, or education without permission. Provides that the interruption of an experiment may result in civil liability. Provides that a person is liable for all damage the person causes to property in a facility from which an animal was released.
Provides that a person damaged by failure or interruption of an experiment under subdivision 2, clause (3), or damage to property in the facility under subdivision 2, clause (4), may recover minimum damages of \$5,000 or three times the actual damages incurred, whichever is greater, and punitive damages, costs, and reasonable attorney fees.
Provides for joint and several liability for persons or organizations who plan or assist in the development of a plan to release, without permission, or who take responsibility for the release of an animal lawfully confined for science, research, commerce, or education, or who otherwise aid, advise, hire, counsel, or encourage another to commit the act. Provides for a rebuttable presumption of liability for persons or organizations who claim responsibility for the act.
- 15 **Qualified court interpreters.** Requires the supreme court, through the state court administrator's office, to establish a program for training, testing, registering, and certifying qualified court interpreters. Authorizes the court to adopt rules and assess fees for this program. Appropriates the fees annually to the court for the program.

- 16 Housing courts; establishment.** Authorizes district courts outside Hennepin and Ramsey counties to establish a court calendar that consolidates landlord/tenant cases to ensure continuity and uniformity in case disposition. Under current law, there are housing calendars in Hennepin and Ramsey counties only.
- 17 Jurisdiction.** Provides procedures for the housing calendar program to consolidate landlord/tenant damage actions and actions for rent at the request of either party.
- 18 Mediation programs for crime victims and offenders.** Transfers responsibility for mediation programs for crime victims and offenders from the office of the state court administrator to the executive director of the center for crime victim services. Under this program, the executive director must award grants:
- to expand existing mediation programs;
 - to initiate victim-offender mediation programs in areas that have no victim-offender mediation programs;
 - to expand opportunities for crime victims to be involved in the criminal justice process;
 - to evaluate the effectiveness of victim-offender mediation programs in reducing recidivism and encouraging payment of court-ordered restitution; and
 - to evaluate the satisfaction of victims who participate in the mediation programs.
- 19 Transfer of responsibilities for providing secure crisis shelter.** Amends a 1997 session law transferring the powers, duties, and functions of the commissioner of human services relating to the operating and funding of battered women's shelters to the commissioner of corrections effective fiscal year 2000. Delays the transfer by one year to fiscal year 2001 and requires that the transfer be to the executive director of the center for crime victim services.
- Sections 20 through 24 implement recommendations contained in the legislative auditor's report on juvenile out-of-home placement.*
- 20 Task force on juvenile out-of-home placement goals.** Requests the chief justice of the supreme court to convene a task force on juvenile out-of-home placement goals. Specifies what the task force is responsible for and its membership, if convened. Requires that the task force report to the legislature on its recommendations. Specifies that the task force expires upon submission of its report.
- 21 Task force on information collection for out-of-home placements.** Requires the commissioners of corrections and human services to convene a task force to identify ways to collect comprehensive statewide information on juvenile out-of-home placement spending and individual juvenile out-of-home placements. Specifies the task force's duties and provides for its expiration. Requires the commissioners to report to the legislature on the task force's recommendations.
- 22 Task force on residential program completion information.** Requires the commissioners of corrections and human services to convene a task force to adopt uniform definitions for measuring residential program completion rates for juveniles placed in residential facilities. Requires the commissioners to report to the legislature on the task force's recommendations and provides for the expiration of the task force.
- 23 Culturally appropriate services for juveniles.** Requires the commissioners of corrections and human services to study issues involving providing culturally appropriate screening, assessment, case management, and direct services for juveniles in juvenile court and to identify a set of best practices in these areas. Requires the commissioners to report on their findings and recommendations to the legislature.
- 24 Juvenile out-of-home placement database.** Requires the DHS to continue to review and monitor the social services information system to ensure the accuracy and completeness of data on

- juvenile out-of-home placements and, to the extent possible, identify and correct errors and omissions in its current database.
- 25 **New judges.** Phases in new judges and makes three effective July 1, 1999; three January 1, 2000; three July 1, 2000; and four January 2, 2001.
- 26 **Repealer.** Repeals provisions relating to general assistance payments for battered women's shelters under the jurisdiction of the DHS. This repealer is related to the transfer of the operation and funding of these shelters to the executive director of the center for crime victim services under article 6, section 19.
- 27 **Effective dates.** August 1, 1999 for sex offender residence provisions. July 1, 2000 for the repealer in section 26 and the provision relating to county responsibility for juvenile transitional service plans in section 12. Immediately for the provision expanding the civil liability for the release of animals. July 1, 1999 for the remaining provisions.

Article 7

State Funding of Programs and Judicial Districts; Collective Bargaining

This article (1) implements the state takeover of all court administration employees and costs in the 5th, 7th, 8th and 9th judicial districts and other court costs in all judicial districts; and (2) conforms PELRA provisions to the current practices of the state board of public defense and its employees.

- 1 **Judicial branch employees.** Amends the definition of "judicial branch" in the chapter covering state employees to include court employees who are state employees under existing law as well as guardian ad litem program employees.
- 2 **State insurance program.** Amends the law governing eligibility for the state employee insurance program to cover the employees affected by section 1.
- 3 **Essential employee.** Provides that employees for whom the state court administrator is the negotiating employer are not essential employees (who are not allowed to strike, but must instead settle labor disputes through binding arbitration).
- 4 **Exclusion from PELRA.** Excludes from coverage under PELRA personal secretaries to judges; court reporters; law clerks; and managerial, confidential, and supervisory employees.
- 5 **Public employer.** Defines the state court administrator as the public employer for court employees for purposes of collective bargaining under PELRA, and the state board of public defense as the public employer for its employees.
- 6 **Court employee.** Defines "court employee," for purposes of PELRA, as a public employee of the supreme court, court of appeals, or a state-funded judicial district.
- 7 **Exclusions.** Excludes confidential and supervisory court employees from collective bargaining.
- 8 **Court employee classifications.** Requires the commissioner of mediation services to assign court employee job classifications to appropriate bargaining units when the assignment is not covered by law.
- 9 **Court units.** Defines three bargaining units for court employees: one for clerical, administrative and technical employees of state-funded judicial districts; one for clerical, administrative, and technical employees of the appellate court; and one for professional employees of the court of appeals, the supreme court, and a state-funded judicial district. Requires that copies of collective bargaining agreements be submitted to the legislative coordinating commission for its information.
- 10 **Transition to new units.** Covers the establishment and employee transfers to the new bargaining units, including certification, decertification, and status of existing collective bargaining agreements.
- 11 **General provisions for court employees.** Covers new contracts, employment dates, probationary

- periods, and wage protection for court employees.
- 12 **Board of public defense.** Defines the bargaining units for the state board of public defense.
- 13 **Unit elections.** Amends the law governing state unit elections to include the judicial branch.
- 14-15 **Employer.** Clarify that, for purposes of PELRA, the commissioner of employee relations is the employer of only executive branch employees.
- 16 **Court employees; negotiations.** Provides that, for purposes of PELRA, the state court administrator or a designated representative is the employer of court employees and may enter into collective bargaining agreements with exclusive representatives.
- 17 **Board of public defense employees.** Provides that, for purposes of PELRA, the chief administrator of the state board of public defense or the administrator's designee will represent the board and may enter into collective bargaining agreements.
- 18 **Court reporter costs.** Requires the state, rather than a county, to pay for transcripts and tapes furnished by court reporters relating to commitment to correctional facilities.
- 19-20 **Costs of hearings; transcripts.** Require the state, rather than a county, to pay the cost of examiners and transcripts in civil commitment proceedings.
- 21, 23 **Guardian ad litem reimbursements.** Require guardian ad litem reimbursements to be deposited in the general fund and to be credited to a separate account in the state court administrator's office.
- 22 **Guardian ad litem expenses.** Requires the state, rather than a county, to pay guardian ad litem expenses. Requires the state to pay for counsel to a guardian ad litem in the eighth judicial district until the recommendations of the task force created in section 42 are implemented.
- 24 **Counsel for juveniles; guardian ad litem.** Requires the state, rather than a county, to pay guardian ad litem costs for juveniles. Requires the state to pay for counsel to a guardian ad litem in the eighth judicial district until the recommendations of the task force created in section 42 are implemented.
- 25 **Municipal tort liability law.** Removes guardian ad litem employees and other court employees who will become state employees from coverage by the municipal tort immunity law.
- 26 **State employees.** Transfers to state employment guardian ad litem program coordinators and staff as well as the court administrators and their employees in the fifth, seventh, eighth, and ninth judicial districts.
- 27 **State assumption of court costs.** Requires the state to pay for court interpreter programs; guardian ad litem programs and personnel; examinations, but not hospitalization and treatment, for mental commitments and related proceedings; examinations under Rule 20 of the Rules of Criminal Procedure; in forma pauperis costs; costs of transcripts required by law; and jury program, but not personnel, costs.
Also requires the state to pay witness and mileage fees specified for various court proceedings.
- 28 **Ramsey county.** Amends the law governing Ramsey county to require the state to cover guardian ad litem personnel costs.
- 29 **Hennepin county.** Does the same for Hennepin county.
- 30-32 **Salary set by county board.** Provide that the law requiring county boards to set certain salaries and budgets does not apply in counties where the state pays administrator costs.
- 33 **Duties; assignment.** Gives counties responsibility for functions relating to vital statistics, notaries public, hospital liens, and marriage licenses when the state fully funds court administrator costs in a judicial district.
- 34 **County employees.** Makes inapplicable the law requiring county boards to determine the number

and compensation of court employees in state-funded judicial districts.

- 35 **Guardian ad litem fees.** Requires the state to pay the costs of guardian ad litems not paid by the parties in a child custody proceeding. Requires counties to pay the uncovered cost of counsel to guardian ad litems except that the state pays those costs in the eighth district until the recommendations of the task force created in section 42 are implemented. Requires that guardian ad litem reimbursement be deposited in the general fund and credited to a separate account in the state court administrator's office.
- 36 **Jurors.** Requires the state, rather than counties, to pay certain jury food and lodging costs.
- 37, 41 **Interpreters.** Require the state to pay the fees and expenses of qualified per diem court interpreters. Interpreter expenses outside of court appearances are the responsibility of the agency requesting the service.
- 38 **In forma pauperis expenses.** Requires the state to pay in forma pauperis costs.
- 39 **In forma pauperis deposits.** Requires the money to be deposited in the state general fund when a court directs a party to pay costs when permission to proceed in forma pauperis is rescinded.
- 40 **In forma pauperis deposits.** Requires the money to be deposited in the state general fund when a party proceeding in forma pauperis recovers certain costs.
- 42 **Study.** Requests the supreme court to establish a task force to study and make recommendations by January 15, 2001 on funding and administering court-appointed attorney functions in civil cases in which indigent persons are entitled to court-appointed counsel.
- 43 **Transition.** Sets out interim provisions, including a moratorium on hiring and salary increases for positions transferred to state employment, transfers of property, adoption of rules by the supreme court, and submission of budgets by transferred court administrators.
- 44 **Plan.** Requests the supreme court, in consultation with the conference of chief judges, to prepare a plan for state assumption of court administration costs in all judicial districts. Provides that the plan should include a timetable providing for state assumption by July 1, 2003. Also requests a report to the legislature by December 15, 2000.
- 45 **Repealer.** Repeals statutes requiring a portion of marriage dissolution fees to be paid to the state and defining "proper governing body" for in forma pauperis action fees.
- 47 **Effective dates.** Makes provisions relating to the takeover of the eighth judicial district effective January 1, 2000; provisions relating to the takeover of the fifth, seventh, and ninth districts effective July 1, 2000; and provisions governing interpreter costs, Rule 20 and mental commitment examination costs, and guardian ad litem costs effective January 1, 2000, in the eighth district, July 1, 2000, in the fifth, seventh, and ninth districts, and July 1, 2001, in the remaining districts. Further provides that, none of the provisions in this article relating to the state takeover of court costs take effect unless an appropriation and off-setting state aids and fine transfers specified in the 1999 tax bill take effect in fiscal year 2000. Makes the provisions covering the state board of public defense and the supreme court's report on state assumption of costs in all judicial districts effective immediately.