

House Research Act Summary

CHAPTER: 8

SESSION: 2001 First Special Session

TOPIC: Transportation and Public Safety Omnibus Bill

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Article 1: Transportation Appropriations

Section

FY01 FY02 FY03

(Dollars in thousands)

1	Total appropriation.	1,774,710	1,800,139
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General fund	13,725	98,398	98,680
State airports fund		20,807	20,548
County state-aid highway fund		405,330	418,113
Highway user tax distribution fund	875	11,753	11,386
Municipal state-aid street fund		106,469	109,827
Special revenue fund		979	994
Trunk highway fund	445	1,130,974	1,140,591
2 Transportation. Appropriations are from the trunk highway fund except where noted.			
Subd. 1. Total appropriation.	2,000	1,592,195	1,614,393
Summary by fund:			
General fund	2,000	18,507	18,533
State airports fund		20,757	20,498
County state-aid highway fund		405,330	418,113
Municipal state-aid street fund		106,469	109,827
Trunk highway fund		1,041,132	1,047,422
Subd. 2. Aeronautics		20,748	20,489
Summary by fund:			
State airports fund		20,687	20,428
General fund		50	50
Trunk highway		11	11
(a) Airport development and assistance. Allows transfers of appropriation between fiscal years.		14,298	14,298
(b) Aviation support		6,315	6,053
Civil air patrol			
On-line aircraft registration			
GPS navigation systems. Specifies that \$350,000 each year is one-time.			
(c) Air transportation service		135	138
Summary by fund:			
State airports		74	77
General		50	50
Trunk highway		11	11
Directs the department to seek federal waivers allowing the sale of a jet aircraft previously purchased from federal DEA. Requires proceeds from a sale to be deposited in the general fund.			
Subd. 3. Greater Minnesota transit.		18,339	18,360
Summary by fund:			
General fund		17,999	18,012
Trunk highway fund		340	348
(a) Greater Minnesota transit assistance		17,501	17,501
From the general fund. Allows carryover from the first to			

second year.			
(b) Transit administration.		838	859
Summary by fund:			
General fund		498	511
Trunk highway fund		340	348
Subd. 4. Railroads and waterways.	2,000	1,758	1,804
Summary by fund:			
General fund	2,000	273	280
Trunk highway fund		1,485	1,524
Port development assistance, through the state ports development assistance program.	1,000		
Transfer to the Minnesota rail service improvement fund from the general fund.	1,000		
Subd. 5. Motor carrier regulation.		4,024	4,123
Summary by fund:			
General fund		122	126
Trunk highway fund		3,902	3,997
Commercial vehicle information systems. Specifies that of this amount \$325,000 adds to the budget base.		500	500
Subd. 6. Local roads.		511,799	527,940
Summary by fund:			
County state-aid		405,330	418,113
Municipal state-aid		106,469	109,827
(a) County state-aids (from CSA fund)		405,330	418,113
(b) Municipal state-aids (from MSA fund)		106,469	109,827
Allows unanticipated revenue from highway user taxes to these funds to be added to the above appropriation.			
(d) Study of local road program			
Directs the commissioner to study alternative methods of establishing a local road improvement program to distribute appropriations for local road improvements other than through the county and municipal state-aid funds. Requires consultation with local government, local highway engineers, and highway users.			
Subd. 7. State roads		975,975	988,878
Summary by fund:			
General fund		9	9
Trunk highway fund		975,966	988,869
(a) State road construction.		564,707	564,707
Advantages to transit in connection with trunk highway projects.		1,000	1,000
Allows use for shoulder bus lanes, bus park-and-ride facilities, and bus passenger waiting areas, but excludes LRT, commuter rail, and			

bus facilities in LRT and commuter rail corridors		
Amount that the department may transfer to transportation revolving loan fund.	15,000	
Advance acquisition of right-of-way prior to final design.	5,000	5,000
Prohibits use of trunk highway funds to provide bus service to mitigate effects of trunk highway construction.		
Prohibits the commissioner from canceling, or removing from the statewide transportation improvement project, the T. H. 36 bridge across the St. Croix river (Stillwater bridge) until July 1, 2002.		
(b) Debt service	19,235	24,228
(c) Research and investment management.	12,187	12,211
Planning grants to regional development commissions, joint powers boards in regions with no RDC, and MnDOT districts in regions with no RDC or joint-powers board, outside the Twin Cities metro area.	600	600
Planning grants to metropolitan planning organizations outside the Twin Cities area.	266	266
One-time appropriation for updated state transportation plan.	200	
Transportation research contingent accounts, for research costs reimbursable from other sources.	75	75
Study of opening high-occupancy vehicle lanes on I-394 and I-35W to all vehicles. Requires contracting with independent consultant to study effects on traffic flow and congestion, highway safety, and impacts on other roadways. Prohibits any action that would result in loss of federal funds to the state or delay in federally-aided state or local projects. Requires a report to the legislature by February 1, 2002.	100	
(d) Central engineering services	65,031	66,338
(e) Design and construction engineering.	89,335	91,046
Planning, environmental studies, and preliminary engineering for major river crossings, other than rail, on the trunk highway system	500	
(f) State road operations	219,863	224,602
Requires the department to retain all federal funds made available for hazard elimination for that purpose, and prohibits transfer of any part of these funds to another agency.		
Facility maintenance	2,750	2,750
Road equipment	3,000	3,000
Improved highway striping	2,000	2,000
Highway signal and lighting maintenance	875	875
(g) Electronic communications.	5,617	5,746
Summary by fund:		

General fund	9	9
Trunk highway fund	5,608	5,737
Lake of the Woods weather broadcasting, from the general fund.	9	9
Subd. 8. General support.	51,836	52,799
Summary by fund:		
General fund	54	56
State airports fund	70	70
Trunk highway fund	51,712	52,673
(a) General management	39,148	39,865
Information systems technology infrastructure.	6,600	6,600
(b) General services	12,688	12,934
Summary by fund:		
General fund	54	56
State airports fund	70	70
Trunk highway fund	12,564	12,808
Information technology development, added to budget base.	1,000	1,000
Subd. 9. Buildings	7,716	
Available until June 30, 2003.		
Subd. 10. Transfers.		
(a) Allows the commissioner, with finance department approval, to transfer unencumbered balances among appropriations from the trunk highway fund and state airports fund. Requires reports to legislative finance committees.		
(b) Transfers \$6,400,000 the first year and \$2,400,000 the second year from the flexible account in the county state-aid highway fund to the municipal turnback account. Provides that the remaining amounts in the flexible account (\$26,100,000 in 2002 and \$31,100,000 in 2003) remain in the county state-aid fund for county turnbacks and town roads and bridges.		
Subd. 11 Previous appropriations		
Allows money appropriated to the department in previous years for state road construction to be used in the 2002-03 biennium to the extent that it will be used on the construction project for which it was originally encumbered.		
Subd. 12. Contingent appropriations.		
Allows MnDOT, with governor's approval after consultation with legislative advisory commission, to transfer unappropriated balances in the trunk highway fund for trunk highway construction, emergency maintenance, and tort and environmental claims.		
3 Metropolitan council transit. From the general fund.	68,101	68,101

Limits metro mobility to \$42,200,000 for the biennium, except for proceeds from bond sales.

Specifies that the agency's budget base in 2004-05 is \$65,601,000 each year.

4 **Public safety.** Appropriations are from the general fund except where noted. 1,320 113,439 116,670

Subd. 1. Total appropriation.

Summary by fund:

General fund 11,790 12,046

Trunk highway fund 445 89,042 92,369

Highway user tax distribution fund 875 11,628 11,261

Special revenue fund 979 994

Subd. 2. Administration. 13,169 13,365

Summary by fund:

General fund 4,578 4,603

Trunk highway fund 7,206 7,377

Highway user tax distribution fund 1,385 1,385

(a) Office of communications 390 398

Summary by fund:

General fund 20 20

Trunk highway fund 370 378

(b) Public safety support 7,903 7,995

Summary by fund:

General fund 3,086 3,087

Trunk highway fund 3,451 3,542

Highway user tax distribution fund 1,366 1,366

Payment of public safety officer survivor benefits. Allows transfers between fiscal years. 326 326

Transfer to public safety officer's benefit account for health benefits 314 314

Soft body armor reimbursements, to reimburse peace officers for part of the cost of purchasing soft body armor. 508 508

Transfer from general fund to trunk highway fund, to reimburse trunk highway fund for public safety administrative expenses not related to trunk highways. 1,830 1,830

Transfer from highway user tax distribution fund to trunk highway fund, to reimburse trunk highway fund for HUTDF purposes in public safety administration. 610 610

Transfer from highway user tax distribution fund to general fund, to reimburse general fund for costs related to criminal justice data network related to driver and vehicle services. 716 716

(c) Technical support services 4,876 4,972

Summary by fund:

General fund		1,472	1,496
Trunk highway fund		3,385	3,457
Highway user tax distribution fund		19	19
Subd. 3. State Patrol		60,717	64,195
Summary by fund:			
General fund		3,354	3,447
Trunk highway fund		57,071	60,456
Highway user tax distribution fund		292	292
(a) Patrolling highways		50,905	54,111
Summary by fund:			
General fund		37	37
Trunk highway fund		50,776	53,982
Highway user tax distribution fund		92	92
Funding of 65 new state trooper positions and recruit training academy.		1,212	3,082
(b) Commercial vehicle enforcement, from the trunk highway fund.		6,295	6,474
(c) Capitol security		3,517	3,610
Summary by fund:			
General fund		3,317	3,410
Highway user tax distribution fund		200	200
Prohibits (1) using money from trunk highway fund for capital security, and (2) permanent transfer of state troopers from patrolling highways to capital security. Prohibits transfer to capitol security of any money appropriated for public safety administration, patrolling highways, commercial vehicle enforcement, and driver and vehicle services.			
Specifies that the budget base for this activity in 2004-05 is \$3,610,000 from the general fund.			
Subd. 4. Driver and vehicle services.	1,320	38,257	37,792
Summary by fund:			
General fund		3,858	3,996
Trunk highway fund	445	24,448	24,212
Highway user tax distribution fund	875	9,951	9,584
(a) Vehicle registration and title		13,754	13,524
Summary by fund:			
General fund		3,803	3,940
Highway user tax distribution fund	875	9,951	9,584
Increased license plate costs in 2000-2001, from the highway user tax distribution fund. Available until June 30, 2003.	875		
Requires a study of effect on department costs and public			

	safety of increased authorization and use of special license plates.			
	(b) Licensing drivers	445	24,503	24,268
	Summary by fund:			
	General fund		55	56
	Trunk highway fund	445	24,448	24,212
	Driver's license production unanticipated costs, from the trunk highway fund. Available until June 30, 2003. Expenditure requires approval by finance department and notice to legislative budget committees.		800	
	Increased driver license costs in 2000-01, from the trunk highway fund.	445		
	Subd. 5. Traffic safety.		317	324
	From the trunk highway fund			
	Subd. 6. Pipeline safety.		979	994
	From the pipeline safety account in the special revenue fund.			
5	General contingent accounts. Expenditure requires approval of the governor after consultation with legislative advisory commission.		375	375
	Summary by fund:			
	Trunk highway fund		200	200
	Highway user tax distribution fund		125	125
	State airports fund		50	50
6	Tort claims. To the commissioner of finance, from the trunk highway fund.		600	600
7	Office of pipeline safety assessments. Provides that assessments by the office of pipeline safety to fund the appropriation in section 3, subdivision 6, are deemed approved for purposes of the law that requires legislative approval for departmental fee increases.			
8	District 1 budget. Directs the department to reduce the construction budget in district 1 (Duluth district) for fiscal years 2003 through 2007 to make up for advances into the 2002-03 construction budget.			
9	Implementation of 2001 legislation. Directs the finance department, in implementing the sales tax rebate provisions of the 2001 special session tax bill, to give effect to FY 2001 appropriations that would affect the projected unrestricted general budget balance.			
10	Technical. Makes a technical change in a 1999 appropriation of lease fees from MnDOT towers.			
11	Busway location. Amends the FY 2001 appropriation of \$6.3 million to the metropolitan council for bus transit ways, by allowing study of busways in the northwest LRT corridor in Hennepin county, and that part of the southwest LRT corridor in Hennepin county between Hopkins and Minneapolis. Requires the study to consider alternative alignments including existing roads, highways, and transportation facilities.			
12	Scheduled transfers from general fund to highway user fund. Increases from \$149,804,000 to \$161,529,000 the schedule transfer in fiscal 2001 from the general fund to the highway user tax distribution fund. Cancels the scheduled appropriation of \$161,723,000 in fiscal year 2002 from the general fund to the highway user tax distribution fund. This cancellation will be made up by the FY			

2002 dedication of 30.86 percent of motor vehicle sales tax revenue to that fund.

- 13 **Effective date.** Makes the article effective July 1, 2001.

Article 2: Transportation Development

- 1 **GPS tower in Hubbard county.** Directs the department of transportation to construct a global positioning system (GPS) tower in a specified location in Hubbard county. Directs the department of natural resources to negotiate a long-term lease with the U. S. coast guard for the tower.

- 2 **Crosstown project moratorium.** Prohibits the department of transportation from reconstructing the T. H. 62 (crosstown highway)/35W interchange improvement until after May 1, 2002. Exempts maintenance and preservation projects. Specifies that the restriction does not affect MnDOT or metropolitan council decisions on transit enhancements on 35W north of 50th street.

Requires the department to contract with a consultant to prepare a report to legislative committees by January 15, 2002, on:

(1) 20-year projections for growth in economic development, population, and traffic on TH 62 and 35W

(2) adequacy of present and reconstructed T. H. 62 to carry present and predicted traffic levels

(3) alternative feasible designs, including stacking and tunneling, that will increase capacity, stay within the present right-of-way, keep Lyndale Avenue access, and include a transit component

(4) availability of funding for the project and alternatives

(5) applicability of road pricing in the corridor

(6) present and predicted levels of traffic on all segments of the highways and other affected trunk highways

(7) a plan to provide transit during the construction period

(8) a discussion of coordination of the project with other trunk highway projects

(9) methods of completing the project in the most timely manner

- 3 **Port of Minneapolis; findings.** Makes a legislative finding that continued use of the Mississippi river upper harbor for commercial navigation is a necessary element of the regional transportation system.

- 4 **Restriction on MnDOT and metropolitan council authority over highway projects and funds.** Prohibits the commissioner of transportation from refusing to program or construct a trunk highway project, or make any other decision concerning the location, design, or timing of such a project, on the grounds that the city or county in which the project is located:

(1) has enacted a zoning ordinance or determination not approved by the commissioner or metropolitan council, or failed to enact a zoning ordinance or determination requested by the commissioner or metropolitan council, or

(2) has failed to impose housing density requirements requested by the commissioner or metropolitan council.

Provides that these restrictions do not apply to local zoning ordinances or determinations that relate to trunk highway access.

Imposes similar restrictions with respect to the metropolitan council's authority to approve highway projects and distribute state and federal transportation funds.

- 5 **State trooper training report.** Requires the department of public safety to report to legislative committees on transportation policy and finance by February 15, 2002, on an evaluation of the efficiency and cost-effectiveness of the present state trooper training academy, compared to alternative training formats.

- 6 **State aid for cities.** Allows a city that has become ineligible for the municipal state-aid system because of a population below 5,000 to remain eligible for the system until June 30, 2004, if its population is between 4,900 and 5,000.
- 7 **State-aid rules advisory committee.** Repeals a provision of 2001 law that repeals the law creating the state-aid rules advisory committee.
- 8 **Trunk highway bond proceeds.** Allows the department of transportation, before the proceeds of trunk highway bond sales are deposited in the trunk highway fund, to transfer money from the general fund to the trunk highway fund, or authorize spending from the trunk highway fund, up to the amount of the anticipated receipts. Requires return of money to the general fund or replacement in the trunk highway fund when the bond proceeds are received.
- 9 **Vehicles of gambling control board.** Allows gambling control board investigative staff vehicles to be unmarked.
- 10 **MnDOT work orders.** Provides that the general requirement for a signature of either the commissioner of administration or attorney general for state contracts does not apply to work orders and amendments thereto related to MnDOT contracts.
- 11 **Publication of notice of MnDOT contracts.** Increases from \$25,000 to \$100,000 the threshold level of MnDOT solicitations of acquisitions that must be published.
- 12 **Solicitation process.** Increases from \$25,000 to \$1000,000 the threshold level at which formal solicitations by the department of transportation must be used to acquire goods, service contracts, and utilities. Increases from \$25,000 to \$100,000 the maximum amounts of contracts for which the department of transportation may use an informal solicitation for goods and service contracts. The comparable levels for other agencies would remain at \$25,000.
- 13 **Relocation expenses.** Allows an authority acquiring property from a business to consider reimbursing up to \$50,000 in relocation expenses.
- 14 **Expenditures from town bridge account.** Expands eligibility of certain high-cost town bridge projects for money in the town bridge account (an account for town bridge replacement the comes from dedicated highway user taxes). Under present law there is a separate set of eligibility criteria for town bridges where the cost of approach work exceeds \$10,000 or the cost of replacement culverts exceeds \$20,000. Under this change the list is expanded to include bridges where engineering costs exceed \$10,000.
- 15 **King of trails.** Designates trunk highway No. 75 from the Canada border to the Iowa border as the "King of Trails." The commissioner is to erect appropriate signs upon assurance of payment from nonstate sources.
- 16 **MnDOT tower fees.** Exempts revenues from leases made by the department of transportation with wireless service providers (for installing their equipment on state property) from the law that allocates revenue/ from leases for excess trunk highway property 70 percent to the trunk highway fund and 30 percent to counties. This section is effective immediately.
- 17- **Electronic bids.** Allows advertisements for bids on state trunk highway projects by the department
20 of transportation to be placed on the internet.
Allows the department to require that security furnished by bidders (bid, performance, or payment bonds) be furnished electronically.
Allows bids on trunk highway contracts to be submitted electronically. Allows records of bids to be posted on the internet after award of the contract.
- 21 **MnDOT consultant contracts.** Regulates MnDOT consultant contracts.
Subd. 1. Authority. Establishes the duty of the commissioner of transportation to award and approve transportation plans, specifications, and contracts.

Subd. 2. Definition. Defines "professional or technical services" as meaning intellectual services that result in the production of a report or completion of a task.

Subd. 3. Commissioner duties. Defines the commissioner's duties in entering into a professional or technical services contract exceeding \$100,000, including certifying that no current state employee could perform the service, the product will be original in character, and reasonable efforts to publicize the availability of the contract were made.

Subd. 4. Contract procedures. Requires the commissioner to determine, before approving a professional or technical services contract, that no employment relationship is established, that no other agency has previously performed the work, that the work results will be evaluated, and that the contract will not exceed five years (two years for the original contract).

Subd. 5. Contract termination. Requires a professional or technical services contract to give the commissioner the unilateral right to terminate the contract. The commissioner must make final payment on these contracts within 6 months of submittal. Overdue payments are subject to the prompt payment law.

Subd. 6. Reports. Requires the commissioner to report annually on all executed professional or technical services contracts and to issue an annual fiscal year report summarizing contract review activities.

Subd. 7. Procurement from small business. Specifies that the section is subject to the law requiring small businesses to receive at least 25 percent of the value of state procurement of goods and services.

22 **Advance funding for interregional corridor projects.** Allows local road authorities to make advances to the department to expedite development of an interregional transportation corridor, including costs of design, right-of-way, construction, and other related expenditures. Allows repayment by the department with interest, subject to be department's debt management policy limit or \$10 million, which ever is less. This section is effective immediately.

23 **Construction contracts in taconite relief area.** Allows MnDOT to require contractors on transportation contracts in the taconite tax relief area to hire an unspecified percentage of workers who live in the area. This provision would be effective immediately.

(A comparable provision was also enacted in Laws 2001, chapter 213, but with an August 1, 2001, effective date.)

24 **County state-aid disaster account.** Increases from one to two percent the maximum percentage of total county state-aid highway apportionments that may accumulate in the county state-aid disaster account. The annual limitation on the disaster account of one percent of the county state-aid highway fund is not increased. The disaster account is reserved for aid to counties that incur hardship as a result of disasters affecting their county state-aid highways.

25 **Municipal state-aid disaster account.** Reduces from five to three percent the maximum percentage of total municipal state-aid street apportionments that may accumulate in the municipal state-aid disaster account. The annual limitation on the disaster account of two percent of the municipal state-aid street fund is not increased.

26 **Property purchased with highway bond proceeds.** Provides for sale and lease of real property bought with proceeds from trunk highway bonds.

Subd. 1. Definitions. Defines terms.

Subd. 2. Leases. Allows property bought with trunk highway bond proceeds to be leased in accordance with law and executive orders. Limits such leases, including renewals at the lessee's option, to a term substantially less than the useful life of the property, but allows renewal beyond that term if the department determines that the use and term are lawful.

Requires such a lease to be terminable by the department if the other party defaults.

Requires a money received from such leases to be deposited in the trunk highway fund and used to pay, redeem, or defease outstanding trunk highway bonds.

Subd. 3. Sales. Prohibits sale of property bought with trunk highway bond proceeds unless the sale is lawful and approved by the commissioner of finance. Requires a money received from such sales to be deposited in the trunk highway fund and used to pay, redeem, or defease outstanding trunk highway bonds.

Subd. 4. Application. Provides that this section applies to all property bought with trunk highway bond proceeds unless otherwise provided by law.

- 27 **Deposits in trunk highway bond proceeds account.** Adds a reference to other sources of funds deposited in the trunk highway bond proceeds account.
- 28 **One-ton vans taxed as autos.** Increases from 3/4 ton to one ton the maximum carrying capacity of a van that is subject to licensing and taxation as a passenger automobile.
- 29 **Gambling board vehicles.** Allows staff of the gambling control board to use unmarked state vehicles with ordinary license plates in investigations and reviews. Requires certification by the chair of the board to the effect that the vehicles will be used exclusively for official duties of the board.
- 30 **Lifetime trailer registration.** Requires trailers with a registered gross weight of 3,000 lbs. or less to be registered for the life of the vehicle. Under present law such registration is for a two-year period.
- Provides a registration tax of \$55 for such trailers when registered for the first time in Minnesota. Provides that the tax for a currently-registered trailer is \$25 if the owner wishes lifetime registration. Provides that if the owner does not wish to register it immediately for the life of the trailer, the tax is \$10 for a two-year period if renewal is made between July 1, 2001, and June 30, 2003. In the latter instance, the owner would be required to obtain lifetime registration when the two-year registration expires, at a tax of \$20.
- Provides that for trailers whose registration is not next renewed until after July 1, 2003, the registration is for the life of the trailer at a tax of \$20.
- 31 **Temporary permit for collector vehicles.** Allows classic, pioneer, street rod, and collector vehicles to display a temporary permit in conjunction with expired registration if the plates have been applied for and taxes paid, and the vehicle will be used only as a collector vehicle while displaying the temporary permit.
- 32 **Veterans plates to be lifetime.** Provides that special plates issued to veterans are valid for the life of the veteran. Under general law these plates would have to be replaced every seven years.
- 33 **Veterans' plates exempt from decal law.** Exempts all special license plates for veterans from the law that provides for generic special plates with unique symbols or decals.
- 34 **Cancellation of vehicle dealer license.** Requires notice to the dealer before a motor vehicle dealer's license may be canceled by the department of public safety. Makes a dealer's ceasing to operate at the licensed location grounds for cancellation.
- 35 **Utility trailers.** Changes the definition of "utility trailer," from a vehicle with a carrying capacity of 2000 pounds or less, to a vehicle with a gross vehicle weight of 4,000 pounds or less. Sellers of utility trailers are exempt from regulation as motor vehicle dealers.
- 36 **Filing fee.** Increases the filing fee for motor vehicle transactions from \$3.50 to \$4.50 for vehicle registration renewals, and to \$7 for other transactions (such as new vehicle registrations and vehicle title applications)

Allows vehicle dealers to retain \$2.50 of the filing fee for a completed sale of a vehicle by or to a

dealer, if the dealer electronically transmits the transaction to the state or a deputy registrar.

- 37 **Standing appropriation for license plate costs.** Establishes an open and standing appropriation from the highway user tax distribution fund to the commissioner of public safety to pay the costs of purchasing, delivering, and mailing motor vehicle license plates, tabs and stickers, and registration notices. Under current practice amounts for these purposes are appropriated biennially.
- 38 **Cancellation of sale.** Adds to the motor vehicle title chapter a section of law on cancellation of a motor vehicle sale by a purchaser. Provides that a refund of taxes and fees as a result of a cancellation of a sale may only be given if the parties submit a correct certificate of title within 90 days of the original purchase.
- 39 **Electronic accident reports.** Allows reports of accidents submitted to the department by peace officers to be submitted electronically.
- 40 **Forms.** Allows the department to prepare electronic forms for accident reports.
- 41 **Use required.** Deletes requirement that all accident forms be made in writing.
- 42 **Exception to keep-to-the-right.** Adds an exception to the general rule requiring motorists to drive on the right half of the roadway. A driver need not drive on the right half of the roadway when approaching an emergency vehicle stopped on the roadway, subject to the next section..
- 43 **Avoiding emergency vehicles.** Requires a driver to safely move the vehicle to a lane away from an authorized emergency vehicle stopped on or next to the roadway, before passing that vehicle. This section applies to highways with two or more lanes in the same direction
- 44 **Surge brakes.** Allows surge brakes on trailers and semitrailers.
- 45 **Permit in conjunction with expired registration.** Allows a vehicle to display a permit in conjunction with expired registration, whether or not the vehicle displays the license plate to which the last registration was issued.
- 46 **Contents of driver's license.** Deletes the requirement that a licensee's signature and date of birth be written on the license in pen and ink.
- 47 **Driver's license suspension for unpaid judgment.** Increases from \$25,000 to \$30,000 the minimum amount that must be paid on an unpaid court judgment for death or injury to one person in order to lift the driver's license suspension resulting from the unpaid judgment.
Increases from \$50,000 to \$60,000 the comparable threshold level for unpaid judgments for death or injury to two or more persons.
- 48 **Disposition of DWI reinstatement fee.** Changes the allocation of 12 percent of the \$250 fee for reinstating a drivers' license after revocation for an alcohol-related offense.
Under present law the first \$200,000 of this share goes to the department of children, families, and learning for alcohol/highway safety programs in K-12 schools, and the remainder to the highway safety center at St. Cloud State for similar purposes. Under this section this allocation will be in effect only until April 1, 2002. From April 1 to June 30, 2002, the amount not going to DCFL will go to the department of public safety for grants for alcohol/highway safety programs in K-12 schools. In fiscal 2003 and subsequent years, the entire 12 percent will go to the department of public safety for grants for alcohol/highway safety programs in K-12 schools.
- 49 **Driving school license exemption.** Deletes an obsolete reference from the list of entities exempt from driving school licensing.
- 50 **Pavement striping.** Allows MnDOT to bill its own operating units and local road authorities for costs of a centrally managed pavement marking program. Creates a separate account in the trunk highway fund to receive payments. Makes a standing appropriation of money in the account to the department to pay costs for which billings are made.
- 51 **Greater Minnesota transit funding formulas.** Eliminates the separate funding category for the

Duluth transit authority for purposes of determining maximum local share of total operating costs (50 percent). Specifies that total operating costs for DTA do not include costs related to the contract with Superior, WI, and the contract to provide school transportation in Duluth.

52 **Light rail transit studies by MnDOT.** Prohibits the commissioner of transportation from spending state funds to study light rail transit unless the funds are appropriated in a law that identifies the route to be studied, including origin and destination..

53 **High-speed rail studies.** Requires the commissioner of transportation to notify legislative budget chairs whenever the commissioner spends state funds to study high-speed intercity passenger rail service.

54 **Reports to major transportation projects commission.** Deletes the provision that requires that annual reports by MnDOT to the major transportation projects commission must include potential major projects only if they do not have a draft environmental impact statement.

55 **Definition of major transportation project.** Redefines "major transportation project" in the law establishing the major transportation projects commission, by deleting the criterion that a project have a total cost of more than \$5 million and substituting a criterion that a project cost more than 25 percent of its district's annual construction budget.

56- **MnDOT tower leases.** Amends the law that authorizes the department to lease space on its
57 communications towers to private wireless communications companies, and exchange space on its communications towers for space on those companies' towers. These sections make the following changes:

Specifies that the lease authority is for the state's communication system, and provides that it is intended to facilitate the maintenance as well as construction of that system.

Prohibits the department from making agreements that allow exclusive use of towers.

Requires the department to publish annually a list of state-owned tower sites that are available for lease.

Allows reciprocal agreements with tower owners who are not commercial wireless service providers.

Broadens the permitted uses of lease revenues deposited in the trunk highway fund, to allow their use for developing and maintaining communications systems that serve state agencies. Under present law these revenues may only be used for the departments of transportation and public safety shares of these costs.

Specifies that the law is not to be construed to create a right to install private towers on trunk highway right-of-way.

These sections are effective immediately.

58 **Commuter rail studies.** Prohibits the commissioner of transportation from spending state funds to study commuter rail unless the funds are appropriated in a law that identifies the route to be studied, including origin and destination.

59 **Quiet zones.** Authorizes cities, counties, and towns to establish "quiet zones" in which the sounding of railroad horns, whistles, and other audible warnings is regulated or prohibited. Requires quiet zones to be at least one-half mile long. Requires quiet zone ordinances and regulations to conform to federal law and regulation.

(Under recent rules of the federal railroad administration localities are allowed to regulate train whistles only if they establish quiet zones where all rail-highway grade crossings have protective measures, including crossing gates, that "fully compensate for the absence of the audible warning provided by the locomotive horn.")

60 **Rail bank excess property.** Allows the department of transportation to lease rail right-of-way in

the state rail bank to a public or private entity for nontransportation purposes when:

- (1) the right-of-way to be leased is more than what is needed for preserve the right-of-way for future public use,
- (2) the lease will not reduce the useable width of the corridor in the rail bank to less than 50 feet,
- (3) the cost of the lease is based on fair market value as appraised,
- (4) the lease allows termination by the department on 90 days notice, and
- (5) the lease prohibits any permanent structure within the 50 foot rail bank corridor and requires a permanent structure to be removed and the property restored to previous condition on 90 days notice.

- 61 **Utilities on railroad right-of-way.** Expands the authority of the department of public service over use of railroad right-of-way by utilities for lines crossing or paralleling railroad right-of-way. Under present law this authority applies to electric wires and natural gas pipelines. Under this change it would also apply to telephone, telegraph, telecommunications, cable, and fiber optic providers and facilities.

Makes a comparable change in the law authorizing the department to regulate charges made by railroads for use of their right-of-way for utility facilities. Specifies that this authority applies to facilities that more or less parallel railroad right-of-way.

Exempts railroad right-of-way owned by the state or a regional rail authority.

"Paralleling" would be defined to mean adjacent to a rail line for up to one mile, or another distance mutually agreed to, before ending or crossing or exiting the rail right-of-way.

- 62 **Gas tax revenue attributable to snowmobiles.** Increases from .75 percent to 1 percent the percentage of gasoline tax revenues that is presumed to be attributable to snowmobiles. Under other law this revenue is dedicated to the snowmobile trails and enforcement account.
- 63 **Sales tax exemption.** Amends the sales tax exemption given to the metropolitan council in the 2001 tax bill for light rail transit equipment. This section specifies that the exemption is for vehicle and repair parts. The tax bill provided that the exemption was for all materials, supplies, and equipment for LRT operations.
- 64 **Motor vehicle sales tax revenue.** Dedicates 30.86 percent of motor vehicle sales tax revenue in fiscal year 2002 to the highway user tax distribution fund. The present dedication of 32 percent of this revenue to this fund for fiscal 2003 and beyond would remain in effect.
- 65 **Department of public safety advertising sales.** Adds media productions and other informational materials to the types of publications and productions for which the Commissioner of Public Safety may accept paid advertising.
- 66 **Public safety survivor benefit eligibility.** Adds public safety department employees whose primary employment is enforcement of commercial vehicle laws and regulations to the list of public safety officers eligible under the public safety officer survivor benefits program.
- Specifies that first responders eligible under the program are certified by the emergency medical services regulatory board rather than the commissioner of health.
- 67 **Transportation revolving loan fund.** Makes changes in the law setting up the transportation revolving loan fund (TRLF).
- Subd. 1. Definitions.** Deletes references to separate trunk highway, county state-aid, and municipal state-aid revolving loan accounts in the TRLF..
- Subd. 2. Purpose.** Makes the same changes as in subdivision 1. Amends the purposes of the fund by allowing it to be used for projects not federally-aided.
- Subd. 3. Establishment of fund.** Specifies that the highway account in the TRLF is for projects

eligible for federal aid under the highway chapter of the U. S. Code. Specifies that the transit account in the TRLF is for projects eligible for federal aid under the transportation chapter of the U. S. Code.

Establishes a new "state funds general loan account" for projects eligible for funding under state law but not eligible for federal aid. Allows establishment of other accounts in the TRLF as necessary.

Subd. 4. Management of fund. Deletes references to the accounts deleted under subdivision 1 and adds references to unspecified individual accounts in the fund.

Subd. 5. Transfer of money. Repeals the law allowing the department of transportation to transfer money among the trunk highway revolving loan account and the state-aid revolving account.

Subd. 6. Committee. Makes a technical change.

Subd. 7. Applications. Makes the same changes as in subdivision 1.

Subd. 8. Certification of projects. Makes the same changes as in subdivision 1.

Subd. 9. Loan conditions. Makes the same changes as in subdivision 1. Requires the committee in the public facilities authority that decides on loans from the TRLF to comply with state as well as federal law.

Subd. 10. Loans in anticipation of future apportionments. Makes no change.

Subd. 11. City and county payments. Makes the same changes as in subdivision 1.

Subd. 12-14. No change.

This section is effective immediately.

- 68 **Recreational vehicles on highway right-of-way.** Adds to the list of claims from which local governments are immune from tort liability claims arising from the use of recreational motor vehicles (snowmobiles, ATVs, other off-road vehicles) on the right of way of any highway. Denies the exemption where the local government engages in conduct that would entitle a trespasser to damages against a private person.

This section would apply to county state-aid highways, other county highways, municipal state-aid streets, and town roads (including cartways).

- 69 **Light rail transit operating costs in budget.** Requires the metropolitan council, in any budget submitted to the legislature or governor that requests operating funds for light rail transit, include those funds separately from any other operating assistance.

- 70 **Transportation advisory board.** Specifies the membership of the metropolitan council's transportation advisory board:

- (1) the commissioner of transportation or the commissioner's designee;
- (2) the commissioner of the pollution control agency or the commissioner's designee
- (3) one member of the metropolitan airports commission appointed by the commission
- (4) one person appointed by the council to represent non-motorized transportation
- (5) one person appointed by the commissioner of transportation to represent the freight transportation industry;
- (6) two persons appointed by the council to represent public transit;
- (7) ten elected officials of cities within the metropolitan area, appointed by the association of metropolitan municipalities, with one each coming from Minneapolis and St. Paul;
- (8) seven elected officials of counties, appointed by each county board
- (9) eight citizens appointed by the council, one from each council precinct; and
- (10) one member of the council, appointed by the council.

Provides that the board elects its own chair. Under current practice the local elected officials and chair are appointed by the council.

- 71 **Metropolitan council studies of commuter rail and LRT.** Prohibits the metropolitan council from spending state funds to study light rail transit or commuter rail unless the funds are appropriated in a law that identifies the route to be studied, including origin and destination..
- 72 **Transit taxing district.** Provides that the metropolitan council may not levy property taxes for transit capital purposes in any city or town that was not in the transit taxing district on January 1, 2001, unless the council and the governing body of the city or town has agreed to a service expansion plan.
- 73 **Land use plans.** Provides that land use plans adopted by local governments must include the local government's goals, intentions and priorities concerning aggregate and other natural resources, transportation infrastructure, land use compatibility, habitat, agricultural preservation, and other planning priorities.
- 74 **Application.** Provides that section 73 applies to local land-use plans in metropolitan-area counties adopted or amended in relation to aggregate, or when the local government receives an application from a landowner for adoption or amendment of a land use plan relating to aggregate, after August 1, 2001.
- 75 **Performance-based funding for transit operators.** Repeals the June 30, 2001, sunset date for the metropolitan council's demonstration program to establish percentage operating subsidies granted to recipients of transit operating assistance from the council Reduces the maximum percentage of total operating costs that recipients may be required to pay from 100 percent to 41.5 percent.
- 76 **Repealer.** Repeals an existing law relating to the special funding category of the Duluth transit authority.
- 77 **Effective date.** Provides that all sections in the article are effective July 1, 2001, except where otherwise noted.

Article 3: Design-Build

- 1 **Definitions.** Defines a "design-build contract" as a contract between the department of transportation and a design-build permit to provide architectural, engineering, and design services as well as labor, material, supplies, equipment, and construction services for a transportation project.
Defines a "design professional" as a person licensed by the state who must be registered under Minnesota law.
- 2 **Design-build for major projects.** Allows the department of transportation to award design-build contracts for major projects.
 - Subd. 1. Best value.** Allows the department to solicit and award a design-build contract on the basis of a best value selection process.
 - Subd. 2. Application.** Provides that the bill applies only to projects using a two-step competitive process utilizing public solicitation for design-build services.
 - Subd. 3. Restriction; reports.** Restricts the total number of design-build contracts in a year to ten percent of the total number of transportation construction contracts issued by the department in the previous year. Requires the department to report to appropriate legislative committee chairs whenever it decides to use the design-build method on a project.
 - Subd. 4. Municipal consent.** Makes use of the design-build method subject to state law governing municipal consent to highways.
- 3 **Preliminary determination to award.** Sets out criteria for determining if a design-build contract is appropriate for a project.

Subd. 1. General. Allows a design-build contracting procedure to be used only after the department determines that awarding a design-build contract will serve the public interest, or that the traditional method of awarding a construction contract to the lowest bidder is not practical for meeting quality standards or delivery schedules.

Subd. 2. Specific criteria. Sets out specific criteria for determining when to use the design-build method.

4 **Notice.** Sets out notice requirements for design-build contracts..

Subd. 1. Summary report. Requires the department to make a written summary of its reasons for using the design-build process. Requires the summary to be made available to interested parties.

Subd. 2. Final determination. Provides that final determination to use the design-build procedure may be made only by the commissioner of transportation.

5 **Licensing requirements.** Sets out licensing requirements and makes liability provisions.

Subd. 1. Professional required. Requires a firm proposing to design and build a transportation project to employ or have as a partner, member, officer, co-venturer, or subcontractor a person licensed and registered to provide design services required to complete the project and do business in the state.

Subd. 2. Contracting for professional. Allows such a firm to enter into a contract for services that the firm is not licensed, registered, or qualified to perform, if the firm provides those services through subcontractors with licensed, registered, or otherwise qualified persons.

Subd. 3. Liability. Specifies that the law does not limit or eliminate the responsibility or liability owed by a professional on a design-build project to the state, county, city or other third parties. Specifies that the design service portion of a design-build contract is considered a service and not a product.

6 **Procedure for awarding contract.** Sets out the procedure for awarding a design-build contract, consisting of phase one (request for qualifications) and phase two (request for proposals).

Subd. 1. Procedure. Provides that if the department determines that the design-build method is appropriate for a project, it must establish a two-phase process for awarding the contract.

Subd. 2. Technical review committee. Requires the department to establish a technical review committee of up to five persons during phase one. Requires at least one member to be selected from a list submitted by the Minnesota chapter of Associated General Contractors after consultation with other contractors' organizations. Makes committee members who are not state employees subject to the state government data practices act in the same manner as state employees. Prohibits a committee member from participating in the review or discussion of responses from a person in whom the member has a financial interest.

Subd. 3. Request for qualifications. Sets out the criteria for information to be included in the RFQ, including firm qualifications, project requirements, experience, and resources, selection criteria, phase-two requirements, timetables, and cost estimates.

Subd. 4. Evaluation. Requires the technical review committee to evaluate the design-build qualifications of responding firms, and compile a short list of firms in accordance with criteria based on technical and construction qualifications. Allows re-advertising or cancellation of the project if only one firm responds to the RFQ.

7 **Request for proposals.** Sets out procedures for phase two, request for proposals. Requires the department to issue an RFP to firms on the short list, including scope of the work, required qualifications, time limits of the project, project cost, and various requirements for each proposal.

8 **Replacing team members.** Prohibits persons identified in a response to an RFQ or RFP from being replaced without department approval. Allows the department to revoke a contract if subcontractors

or firms are replaced without approval. Allows approval to be given only if the request for approval documents that the replacement person will be equal to or better than the replaced person, using the criteria in the RFQ or RFP.

- 9 **Award; stipulated fees.** Governs awarding of design-build contracts and stipends to unsuccessful proposers.

Subd. 1. Award. Sets out procedures to be followed after the department has reviewed the submitted proposals:

technical review committee scores technical proposals using the selection criteria in the RFP
technical review team submits a technical proposal score for each firm
department announces technical proposal score for each firm
department opens price proposals and divides each price by the proposer's technical score
The selected builder is the responsible and responsive proposer with the lowest adjusted score.

Allows the department to adjust bids to account for a time factor. Allows the department to reject all proposals. Requires the department to award to contract to the responsible and responsible design-builder with the lowest adjusted score. Allows the department to reject all proposals.

Subd. 2. Alternative process. Provides an alternative process for projects with a projected cost of under \$5 million. Under this proposal, the department gives the lowest cost proposal the full number of price points defined in the RFP, awards other proposals a percentage of the price points based on relation to the lowest price, adds the technical score and price score and award the contract to the responder with the highest total score.

Subd. 3. Stipulated fee. Requires the department to award a stipulated fee of at least .2 percent of the estimated cost of designing and building the contract to all responsible proposers on the short list who provide a responsive but unsuccessful proposal. Requires all proposers on the short list to be awarded the fee if the contract is not awarded, or if the contract is canceled before review of the technical proposals. Allows the department to use ideas and information in the proposals without further obligation for payment, unless a proposer waives the stipulated fee.

Subd. 4. Low-bid design-build process. Allows the department to use a low-bid, design-build procedure where the scope of the work can be clearly defined. Requires each proposal for such a contract to include a technical proposal and a price proposal. Sets out a two-step process for such a contract:

In step 1 the technical review committee reviews the technical proposal to determine if it complies with the RFP and is responsive.

In step 2 the low bidder is determined based on the price proposal.

Requires the contract to be issued to the low bid that is responsive to the technical requirements. Prohibits paying stipulated fees for unsuccessful bids on low-bid design-build contracts.

Subd. 5. Rejection of bids. Allows the department to reject all bids under this section.

- 10 **List of design-build contracts.** Requires the department to submit annually to the governor and legislative transportation policy and finance committees a list of all executed design-build contracts.

- 11 **Effective date.** All sections effective immediately.

Article 4: CriminalJustice Appropriations

See spreadsheet prepared by the fiscal analyst.

Article 5: Public Safety and Judiciary Policy Provisions

Overview

The Public Safety and Judiciary Policy provisions in article 5, among other things, increase the number and salary of judges, make changes to the automobile theft prevention program, including repealing the sunset on the automobile theft prevention surcharge, authorize the Bureau of Criminal Apprehension (BCA) to charge a fee for Internet access to public criminal history data, extend the sunsets of certain entities, require the crime victims ombudsman to report to the Commissioner of Public Safety, approve fee increases for the private detectives board, create various pilot projects and grant programs, and require various reports.

Section

- 1 **Description.** Authorizes five new judgeships. One each in the first, third, and seventh judicial districts and two in the tenth judicial district.
- 2 **Retired justices and judges.** Requires that the chief justice of the supreme court determine the pay of retired judges hearing cases.
- 3 **Internet access.** Allows the BCA to charge a fee for internet access to public criminal history data provided through August 1, 2003. Specifies what the internet web-site must contain.
- 4 **Membership of council.** Removes the executive director of the Minnesota police and peace officers association from the criminal gang oversight council.
- 5 **Financial crimes investigation task force established.** Authorizes groups of two or more local governmental units to enter into an agreement to establish a major financial crimes investigation task force. Specifies the task force's duties, membership, command structure, and jurisdiction, and the role of participating local governmental units. Specifies that property seized by the task force is subject to state forfeiture law. Requires reports on the task force's activities. Sunsets the task force on June 30, 2003.
- 6 **Program described; commissioner's duties.** Modifies the purposes for which auto theft prevention funds may be utilized. Requires the commissioner of public safety to distribute the full amount of proceeds collected for auto theft prevention each year.
- 7 **Criteria; application.** Lists entities that may apply for auto theft prevention grants. Establishes criteria for the distribution of auto theft prevention grants.
- 8 **Advisory board; creation; membership.** Establishes an auto theft prevention advisory board.
- 9 **Membership.** Extends the sunset on the arson strike force from June 30, 2001, to June 30, 2003.
- 10 **State assumption of certain court costs.** Clarifies that the state is responsible for the costs of hiring court interpreters.
- 11 **Access to government data.** Grants public defenders free internet access to public criminal history data for which section 3 authorizes the BCA to charge a fee.
- 12 **Terms; vacancies; expenses.** Extends the sunset on the sexual assault advisory council from June 30, 2001, to June 30, 2003.
- 13 **Terms; Vacancies; Expenses.** Extends the sunset on the general crime victims advisory council from June 30, 2001, to June 30, 2003.
- 14 **Creation.** Requires the crime victims ombudsman to periodically report to commissioner of public safety on the operations and activities of the office.
- 15 **Responding to calls involving emotional crises and mental illness; model program pilot projects.** Authorizes the department of public safety (DPS) to award grants for the development and promotion of community policing models relating to responding to calls involving

individuals with mental illness. Establishes criteria for pilot projects. Requires the commissioner of public safety to appoint a community mental health peace officer advisory board. Establishes board membership. The board expires June 30, 2003.

- 16 **Repealer.** Repeals the sunset of the automobile theft prevention surcharge.
- 17 **Report; mental illness calls; pilot projects.** Requires reports on the police/mental illness response pilot projects under section 15.
- 18 **Development and grants for alternative dispute resolution programs.** Establishes alternative dispute resolution programs in the third and fifth judicial districts. Specifies the purposes of the programs and requires a report to the Legislature.
- 19 **Child support pilot project; ninth judicial district.** Authorizes pilot projects in the ninth judicial district on six-month review hearings and accounting for child support by obligees. Requires an evaluation and a report to the Legislature.
- 20 **Data collection; report.** Requires each chief of police and sheriff to report specified data annually relating to applications for permits to carry pistols to the Superintendent of the BCA. Requires the superintendent to report a summary of the data received annually to the chairs of the Senate and House committees with jurisdiction over criminal justice policy. Sunsets the data collection requirement on June 30, 2003.
- 21 **Fee increase approval; private detectives board.** Approves the fee increases for the private detectives board proposed by the governor in the 2002-2003 criminal justice budget.
- 22 **Judicial salary increase.** Increases the salaries of judges by 19 percent in four stages ending on January 1, 2004.
- 23 **Appropriation.** Amends an appropriation to the supreme court in the 2001 special session tax bill to replace references to the supreme court with the trial courts.
- 24 **Effective dates.** Provides the effective dates for this article.

Article 6: CriMNet Overview

Article 6 contains the CriMNet policy provisions. CriMNet is a system, under development, to integrate, track, and share criminal justice information among law enforcement, courts, public safety, and other criminal justice agencies. Currently, Minnesota's criminal justice agencies do not use integrated systems or protocols to collect, store, or disseminate criminal justice data. This article makes changes to certain criminal justice data policies for the continued development of CriMNet.

The appropriations for CriMNet are found in Article 4. The legislature appropriated \$27,000,000 for CriMNet. Of that amount, \$15,000,000 will be transferred to the State Court Administrator to continue redevelopment of the court information system. The State Court Administrator must provide the board of public defense \$225,000 the first year for upgrades to the public defender's information systems. The Department of Public Safety will receive \$10,500,000. Of this amount, \$1,500,000 is for new CriMNet staff, \$4,000,000 is for the CriMNet backbone, \$2,000,000 is for reducing suspense files, and \$3,000,000 is for grants to fund local planning and implementation. The Department of Corrections will receive \$1,500,000 for CriMNet. Article 4 also contains rider language addressing distribution of (1) federal funds, (2) the funds distributed to the State Court Administrator, and (3) budget approval by the CriMNet policy group.

- 1 **Required fingerprinting.** Changes the law enforcement obligation to collect fingerprints and other identification data from a "duty" to a requirement. Provides the following additional triggering events for the taking of fingerprints: when a person appears in court on a charge of, is convicted of, or is adjudicated delinquent for targeted crimes. Under current law, the triggering

event for taking fingerprints is an arrest. However, not all people charged with targeted crimes are immediately, or ever, arrested. Makes other technical changes.

- 2 **Identification data furnished to bureau.** Makes technical and conforming changes related to section 1.
- 3 **Suspense file reporting.** Requires the BCA to inform police departments, sheriff's offices, and other individuals or entities required to take fingerprints of the number of disposition records not linked to an arrest record. That is, requires the BCA to inform police departments of the number of files for which it ought to have fingerprints but does not. Requires reporting twice per year. Also requires immediate notice when a record without required fingerprints is received. Requires the BCA, twice a year, to provide the criminal and justice information policy group with the number of identification records not entered on the automated fingerprint identification system and the criminal history files.
- 4 **CriMNet data access.** Permits the courts to access CriMNet data relating to an offender's conditions of release.
- 5 **Membership; duties - CriMNet policy group.** Permits the commissioner of public safety to appoint additional, nonvoting members to the policy group. Provides that the commissioner is chair of the policy group and that the commissioner and policy group share overall responsibility for CriMNet. Provides that the BCA is responsible for day-to-day operations and may hire a program manager. Requires the utilization of certain project management techniques for CriMNet implementation and product acquisition.
- 6 **Task force - CriMNet.** Provides that the commissioner may appoint additional, nonvoting members to the CriMNet task force.
- 7 **Fingerprinting required.** Requires courts to order certain offenders to report to law enforcement for fingerprinting and the collection of other identification data, unless already collected or the offender is in custody. Provides that failure to report subjects a person to probation revocation, contempt of court, or another appropriate remedy. Clarifies that this section does not limit other state or local policies.
- 8 **Outside review.** Requires the commissioner of administration to obtain an independent outside expert review of CriMNet projects funded in this act. The outside expert must report to the legislature on its review by February 15, 2002.
- 9 **Effective Date.** July 1, 2001.

Article 7: Antiracial Profiling Provisions

Overview

This article sets guidelines for a statewide racial profiling study. Agencies may elect to participate in the study. The article provides funding for video cameras in police cars and specifies that law enforcement agencies receiving cameras must participate in the study. The article also provides funding for the costs of participating in the study, the costs of an outside expert to analyze the data, and the costs of setting up a toll-free line to receive racial profiling complaints. Under this law, the peace officer standards and training board (POST) is required to adopt a model antiracial profiling policy and each law enforcement agency in the state is required to adopt an antiracial profiling policy. The POST board also must establish learning objectives on racial profiling for preservice and inservice training of peace officers. The article also provides for a racial profiling advisory committee to assist in development of the antiracial profiling policy and to review summary data on complaints. The article also requires regional training seminars on racial profiling.

- 1 **Surcharges on criminal and traffic offenders.** Raises the surcharge on individuals convicted of a felony, gross misdemeanor, misdemeanor, or petty misdemeanor, other than a violation of a

law or ordinance relating to vehicle parking, from \$25 to \$28.

2 **Disbursement of surcharges by state treasurer.** Amends the law regarding the disbursement of surcharges to require the state treasurer to credit \$3 of each surcharge to a criminal justice special projects account in the special revenue fund. Specifies that the account is available for appropriation to the commissioner of public safety for grants to law enforcement agencies and for other purposes specified by the legislature.

3 **Avoiding racial profiling; policies and learning objectives required.**

Subd. 1. Purpose. States the purpose of the legislation. Provides that the legislature finds that the perception of racial profiling by law enforcement alienates citizens from police, hinders community policing efforts, and causes law enforcement to lose credibility and trust among the citizens who law enforcement tries to protect and serve. Specifies that no stop of a citizen should be made without a legitimate reason, and race, ethnicity, or national origin alone never provide a sufficient reason. States that law enforcement policies and training programs must emphasize the need to respect the balance between the rights of all citizens to be free from unreasonable governmental intrusions and law enforcement's need to enforce the law.

Subd. 2. Definition. Defines racial profiling to mean any law enforcement-initiated action that relies upon the race, ethnicity, or national origin of an individual rather than the behavior of the individual or information that leads law enforcement to a particular individual who has been identified as being engaged in or having been engaged in criminal activity. Specifies that the term includes use of racial or ethnic stereotypes as factors in selecting whom to stop and search. Clarifies that racial profiling does not include law enforcement's use of race or ethnicity to determine whether a person matches a specific description of a particular subject.

Subd. 3. Statewide model policy. Requires the board of peace officer standards and training (POST) to consult with various law enforcement associations in developing an antiracial profiling model policy governing the conduct of peace officers engaged in stops of citizens. Requires the policy to define racial profiling and identify conduct that violates the law. Specifies that the policy must include a duty for an officer to give the officer's name or badge number and identify the officer's department during routine traffic stops. Requires the policy to be adopted and administered to all chief law enforcement officers by August 1, 2001.

Subd. 4. Agency policies required. Requires the chief law enforcement officer of every state and local law enforcement agency to establish and enforce a written antiracial profiling policy that complies with the model policy. Requires the chief law enforcement officer to ensure that each peace officer receives a copy of the policy, is aware of the policy's purpose, and understands the conduct prohibited by it. Requires state and local law enforcement agencies to certify annually to POST that it is in compliance with this subdivision. States that the board must assist state and local agencies in developing policies under this subdivision.

Subd. 5. Preservice training learning objectives; requirements. Requires the POST board to establish learning objectives for preservice training of peace officers by August 1, 2001. These objectives must address how to instruct peace officers in avoiding racial profiling when making stops of citizens. Specifies that these learning objectives shall become part of the required curriculum of professional peace officer education programs. Provides that an individual is ineligible to take the peace officer licensing exam or part-time peace officer licensing exam until:

- the individual has received preservice training consistent with this subdivision; and
- the individual has completed a psychological examination that demonstrates that the person is not likely to engage in racial profiling.

Subd. 6. In-service training learning objectives. Requires the POST board to prepare learning

objectives for in-service training of officers on avoiding racial profiling when making stops of citizens. The learning objectives must be prepared by August 1, 2001. Requires the board to evaluate and monitor in-service training courses to ensure they satisfy the learning objectives.

Subd. 7. Chief law enforcement officer and supervisors; requirements. Requires the executive director of the POST board to prepare training materials for chief law enforcement officers and supervisors on how to detect and respond to racial profiling by peace officers under their command. Requires the materials to address both the agency's policy and procedural components aimed at eliminating racial profiling in stops of citizens.

Subd. 8. POST board; compliance reviews. Authorizes the POST board to inspect state and local agency policies to ensure compliance with this section. Allows the board to conduct this inspection based upon a complaint it receives or through a random selection process.

4 **Certain baccalaureate degree holders eligible to take licensing examination.** Authorizes a person with a baccalaureate degree from an accredited college or university who has successfully completed a board-certified practice skills oriented basic training course to take the peace officer licensing examination.

5 **Eligibility for reciprocity examination based on relevant military experience.** Authorizes a person with relevant military experience (five years of active duty military police service) and who has been honorably discharged from the military to take the reciprocity examination.

6 **Racial profiling study; report required.**

Subd. 1. Racial profiling study. Requires the commissioner of public safety to oversee a statewide study on traffic stops of citizens to determine whether racial profiling exists. Requires law enforcement agencies that participate in the study to follow the procedures set forth in this section. Specifies that agencies receiving money for installation of video cameras in police vehicles shall participate in the study. Specifies the data that must be collected as part of the study. Clarifies that the data listed in this section that must be collected is the minimum that an agency must collect and that nothing prohibits an agency from collecting additional data. Specifies that any additional data collected is subject to the data provisions in this section (subdivision 7). Indicates that the study will last 12 months, from January 1, 2002, to December 31, 2002.

Subd. 2. Submission of data to commissioner. Requires each agency participating in the study to submit data to the commissioner for each traffic stop conducted by the agency's officers. Allows the commissioner of public safety to determine the frequency with which this data is submitted.

Subd. 3. Method of data collection. Allows data to be submitted on paper forms supplied by the commissioner of public safety or electronically, if the method of doing so is compatible with the department of public safety's computer system.

Subd. 4. Outside expert. Requires the commissioners of public safety and administration to retain a sufficiently experienced and independent organization or individual to design and oversee data collection, develop baseline measures for data analysis, develop and implement a data compliance auditing process to ensure data accuracy, and analyze the data.

Subd. 5. Other duties of commissioner. Requires the commissioner to ensure that data it receives is entered into a central database in a timely manner. Also requires the commissioner to cooperate with the outside expert to facilitate the ability of the expert to fulfill its duties and to develop and distribute to law enforcement agencies a paper form to collect data.

Subd. 6. Report required. Requires the outside expert to analyze the data collected to determine the degree to which, if at all, racial profiling occurs in traffic stops made by law enforcement agencies participating in the study. Mandates a report by the expert to the

legislature by December 1, 2003.

Subd. 7. Data. Classifies data collected on traffic stops, including video data, as private data on individuals or nonpublic data as defined by the data practices law. Provides that this subdivision does not affect the classification of the same data collected for other law enforcement purposes.

7 **Racial profiling advisory committee.**

Subd. 1. Committee established; members. Specifies the membership of the racial profiling advisory committee. The membership consists of law enforcement associations, associations representing the interests of various persons of color, and a person appointed by the commissioner of public safety.

Subd. 2. Duties. Specifies the duties of the racial profiling advisory committee. These duties include advising the POST board on the development of an antiracial profiling model policy; advising the POST board on racial profiling training objectives, materials, and implementation; advising the attorney general on the racial profiling public awareness campaign; and advising the POST board on any other policies relating to racial profiling based upon review of summary data on racial profiling complaints.

Subd. 3. Committee action. Specifies that committee action, including any action recommended, must be approved by a two-thirds majority of the whole committee.

Subd. 4. Expiration. Indicates that the advisory committee expires on June 30, 2003.

8 **Toll-free telephone number.** Requires the attorney general to operate and maintain a toll-free telephone number for complaints dealing with racial profiling. Also requires the attorney general to act as a clearinghouse for racial profiling complaints and to forward the complaints to the POST board.

9 **Grant program for installation of video cameras in police vehicles.**

Subd. 1. Grants; cameras described. Requires the commissioner of public safety to make grants to law enforcement agencies participating in the racial profiling study for the purchase, installation, and maintenance of video cameras on police vehicles designed to record traffic stops. Provides that a video camera installed pursuant to a grant must be automatically activated during every traffic stop, contain an audio feature, and be designed and installed so as to record the stop in its entirety. Emphasizes that cameras may not be equipped with manual shut-off switches and that they must be activated during the entirety of a traffic stop.

Subd. 2. Storage of video. Notwithstanding other laws, requires video tapes or discs from video cameras installed in police vehicles through a grant under this section be stored for a minimum of 60 days after use. Allows for reuse of the tape after this time period if the attorney general or POST board has not instructed the chief law enforcement officer to retain the tape beyond this period of time. Requires tapes and discs to be clearly labeled and stored and maintained in an accessible manner.

Subd. 3. Availability of video tape. Requires a chief law enforcement officer to provide a copy of a video tape or disk that recorded a traffic stop to a driver of a stopped vehicle upon the driver's request and at the driver's expense, if the tape has not yet been reused.

10 **Study.** Requires the chief of the state patrol to identify measures to better recruit minorities and increase their representation in the state patrol to more accurately reflect the population served by the state patrol. Requires a report to the legislature by January 15, 2002, on the measures identified and the resources needed to implement these measures,

11 **Regional training seminars.** Requires the POST board to facilitate regional seminars throughout the state to increase awareness about racial profiling issues unique to specific regions of the state and to promote a community-oriented response to the issue of racial profiling. Requires the training seminars to satisfy the learning objectives established by the

POST board. Requires the seminars to be completed by December 31, 2001.

12 **Reports.**

Subd. 1. Model policy; training. Requires the executive director of the POST board to report to the legislature by February 15, 2002, on the development of a model policy; learning objectives; regional training seminars, including attendance figures for the seminars; and the training materials prepared for chief law enforcement officers and supervisors.

Subd. 2. Complaints. Requires the POST board to forward to the racial profiling advisory committee and make available to the public summary data on racial profiling complaints.

13 **Instruction to revisor; legislative intent.** Specifies that the surcharge increase in this act is superseded by any other increase to the surcharge enacted in the 2001 First Special Session.

14 **Appropriations.**

Subd. 1. Special revenue spending authorization. Authorizes the commissioner of public safety to spend funds appropriated from the criminal justice special projects account in the special revenue fund for video cameras, costs related to the outside expert, reimbursement of law enforcement agencies for costs incurred in participating (up to a maximum of \$325,000 as distributed under this subdivision), and to increase the amount available for reimbursements to local agencies for the cost of administering POST board-approved continuing education for peace officers to allow designated state agencies or divisions to be eligible to receive reimbursements for training costs in the same manner and in like amounts as local agencies (up to a maximum of \$535,000).

Requires the commissioner to issue a request for proposals and select a vendor from whom to purchase video cameras. Specifies that the vendor selected must be able to provide maintenance and extended warranties for the cameras. Also mandates the commissioner to aggressively seek federal grants related to eliminating racial profiling and to assist local units of government in receiving federal funding.

Specifies the amounts by which the commissioner may reimburse law enforcement agencies for the costs they incur in participating in a racial profiling study. The amount an agency may receive varies from \$5,000 to \$60,000 depending upon the size of the agency.

Subd. 2. Special revenue transfer authorization. Authorizes the commissioner of public safety to transfer designated amounts appropriated from the criminal justice special projects account to the attorney general to obtain and maintain the toll-free telephone number to receive racial profiling complaints and to develop and implement, in consultation with the racial profiling advisory committee, a public awareness campaign on racial profiling and the availability of the toll-free number to make a complaint; and to the POST board for costs associated with the regional training seminars.

Subd. 3. Expiration and use. Specifies that the authorization in this section expires June 30, 2003, and that funds appropriated from the criminal justice special projects account may be used only for the purposes authorized by this section.

15 **Effective date.** July 1, 2001.

Article 8: General Crime Provisions

Overview

Chapter 8, Article 8, General Criminal Provisions Summary.

1 **Schedule I.** Adds MDMA (3,4-methylenedioxymethamphetamine) to schedule I of the controlled substance schedules. MDMA is a street drug, which is an amphetamine analog. This

drug is already under schedule I pursuant to Minnesota board of pharmacy rules, but is not currently included in the statutory schedules.

Schedule I controlled substances are substances with a high potential for abuse, no currently accepted medical use in the United States, and a lack of accepted safety for use under medical supervision.

- 2 **Sale crimes.** Provides that it is a controlled substance crime in the second degree if a person sells any amount of MDMA (3,4-methylenedioxymethamphetamine) or MDA (3,4-methylenedioxyamphetamine). MDMA is added to schedule I of the controlled substances laws under section 1; MDA is already listed as a schedule I controlled substance.

The penalty for a controlled substance crime in the second degree is up to 25 years of imprisonment, a fine of not more than \$500,000, or both. If the conviction is for a subsequent offense, the person must be committed to the commissioner of corrections for not less than three years nor more than 40 years and, in addition, may be sentenced to payment of a fine of not more than \$500,000.

- 3 **Possession crime.** Provides that it is a controlled substance crime in the third degree if a person, on one or more occasions within a 90-day period, possesses any amount of MDMA or MDA in a school zone, a park zone, a public housing zone, or a drug treatment facility.

The penalty for a controlled substance crime in the third degree is imprisonment for not more than 20 years, or payment of a fine of not more than \$250,000, or both. If the conviction is for a subsequent offense, the person must be committed to the commissioner of corrections for not less than two years nor more than 30 years and, in addition, may be sentenced to payment of a fine of not more than \$250,000.

- 4 **Misdemeanor.** Increases the fine portion of the definition of "misdemeanor" from \$700 to \$1,000 in Chapter 169A. This is a technical change to comport with the misdemeanor fine increase instituted last year.

- 5 **Pet or companion animal.** Defines a pet or companion animal.

- 6 **Service animal.** Defines a service animal.

- 7 **Substantial bodily harm.** Defines substantial bodily harm. Identical to the definition in Chapter 609, except that it applies to service, pet, or companion animals.

- 8 **Great bodily harm.** Defines great bodily harm. Identical to the definition in Chapter 609, except that it applies to service, pet, or companion animals.

- 9 **Harming a service animal.** Establishes the offense of harming a service animal. Requires intent and lack of justification.

- 10 **Penalty.** Creates additional penalties for causing injury or death to service, pet, or companion animals.

(a) Default penalty for causing harm or death to pet or companion animal = misdemeanor.

(b) Engaging in torture or cruelty to a pet or companion animal that results in substantial bodily harm = gross misdemeanor.

(c) A second violation of paragraph (b) within five years of a previous conviction = two-year felony.

(d) Engaging in torture or cruelty to a pet or companion animal that results in death or great bodily harm = two-year felony.

(e) Harming a service animal, resulting in substantial bodily harm = two-year felony.

(f) Engaging in torture or cruelty to a pet or companion animal to threaten, intimidate, or terrorize another person, resulting in substantial bodily harm = two-year felony.

(g) Harming a service animal, resulting in death or great bodily harm = four-year felony.

(h) Engaging in torture or cruelty to a pet or companion animal to threaten, intimidate, or terrorize another person, resulting in death or great bodily harm = four-year felony.

11 **Restrictions.** Makes certain changes to the additional restrictions that the court may or must impose on a person convicted of mistreating an animal, including requiring the person to undergo psychological counseling.

12 **General rule.** Amends current law on the humane disposition of animals. Adds to the law animals that have been the victims of cruelty or used in unlawful animal fights.

13 **Notice; right to hearing.** Amends current law on providing notice that an animal is in custody and may be disposed of by the animal control authority. Adds owners of animals that have been the victims of cruelty or used in unlawful animal fights to the list of persons entitled to notice.

14 **Terms.** Amends existing law to reflect application of the definitions in section 347.50 to new sections of law.

15 **Great bodily harm.** Defines "great bodily harm" as it is defined in section 609.02, subdivision 8, for purposes of sections 347.50 to 347.56.

16 **Registration for dangerous dogs.** Reorganizes current law and makes substantive changes. Eliminates references to counties and replaces them with "animal control authority." Imposes a \$500 annual fee for dangerous dogs, in addition to any regular dog licensing fee. References a new microchip identification requirement.

17 **Dangerous dog designation review.** Permits the owner of a dangerous dog to seek a review of the designation after six months. The owner must prove to the animal control authority that the dog is no longer dangerous. An owner may challenge the designation once a year. If the owner establishes that the dog is no longer dangerous, the animal control authority may rescind the dangerous dog designation.

18 **Contracted services.** Requires all registration fees for dangerous or potentially dangerous dogs to be paid to the county and for all certificates of registration to be issued in the name of the county where the dog resides. The purpose of this provision is to prevent non-governmental animal control authorities from receiving registration fees and ensuring that the governmental function of issuing registration certificates is done in the name of the county.

19 **Microchip identification.** Requires the owner of a dangerous or potentially dangerous dog to have a microchip implanted in the dog for identification and bear the costs involved. Requires information about the microchip to be provided to the animal control authority.

20 **Dangerous dogs; requirements.** Requires annual registration of dangerous dogs. Requires registration in a new jurisdiction if the owner moves. Requires the owner to notify the animal control authority if the animal dies or is moved to a new jurisdiction. Authorizes an animal control authority to require that a dangerous dog be sterilized or to sterilize the dog. In either case, the owner pays. Requires a tenant who has a dangerous dog to so notify the landlord. Requires an owner to inform a purchaser that the dog has been designated dangerous and to inform the animal control authority of the new owner's name, address, and telephone number if the dog is sold.

21 **Penalty.** Stylistic change in current penalty language. Also adds a new misdemeanor: (1) removing a microchip from a dangerous or potentially dangerous dog; (2) failing to account for a dog's death or removal from the jurisdiction; and (3) signing a false affidavit about a dog's death or removal from the jurisdiction.

22 **Destruction of dog in certain circumstances.** Permits the animal control authority to destroy a dog that inflicts substantial bodily harm on a human being on public or private property without provocation. Allows an owner to appeal the animal control authority's decision to an impartial

decisionmaker before the dog is destroyed.

23 **Fleeing an officer; death; bodily injury.** Increases the penalty for fleeing a peace officer when the course of fleeing results in death to a 40-year felony and a fine of not more than \$80,000, or both. This penalty is the same as the penalty for second degree murder. The current penalty for the offense is a ten-year felony and a fine of not more than \$20,000, or both.

24 **Aiding an offender.** Provides a three-year felony for harboring, concealing, aiding, or assisting another whom the actor knows or has reason to know has committed a crime if the crime committed or attempted by the other person is a felony. Currently, this penalty applies only if the person who harbors, conceals, or aids another knows the person has committed a felony.

25 **Accomplice after the fact.** Provides a penalty for one who serves as an accomplice after the fact of not more than one-half of the statutory maximum sentence of the principal offender if the person aids another person the actor knows or has reason to know has committed a criminal act. Current law provides this penalty only to one who aids another person known by the actor to have committed a criminal act.

26 **Possession of shoplifting gear.** Makes it a crime to possess, with intent to use, any device, gear, or instrument designed to assist in shoplifting or defeating an electronic article surveillance system. The crime is punishable by up to three years in prison or a fine of up to \$5,000, or both. Defines "electronic article surveillance system" as any electronic device that is designed to detect the unauthorized removal of marked merchandise from a store.

27 **Fraudulent drivers' licenses and identification cards.**

Subd. 1. Definitions. Defines "driver's license or identification card" as a driver's license or identification card issued by the driver and vehicle services division of the department of public safety or receipts issued by its authorized agents or those of any state or jurisdiction that issues licenses recognized in this state for the operation of a motor vehicle or that issues identification cards recognized in this state for the purpose of indicating a person's legal name and age.

Defines "fraudulent driver's license or identification card" as a document purporting to be a driver's license or identification card, but that is not authentic.

Defines "sell" to mean sell, barter, deliver, exchange, distribute, or dispose of to another.

Subd. 2. Criminal acts. (a) Identifies the following acts, if done for consideration and with intent to manufacture, sell, issue, publish, or pass more than one fraudulent driver's license or identification card or to cause or permit any of the items identified below to be used in forging or making more than one false or counterfeit driver's license or identification card, to be criminal:

- to control, have custody, or possess any plate, block, press, stone, digital image, computer software program, encoding equipment, computer optical scanning equipment, or digital photo printer, or other implement, or any part of such an item, designed to assist in making a fraudulent driver's license or identification card;

- to engrave, make, or amend, or begin to engrave, make or amend, any plate, block, press, stone, or other implement for the purpose of producing a fraudulent driver's license or identification card;

- to use a photocopier, digital camera, photographic image or computer software to generate a fraudulent driver's license or identification card;

- to control, have custody, or possess or make or provide paper or other material adapted and designed for the making of a fraudulent driver's license or identification card; or

- to print, photograph, or in any manner make or execute an engraved photograph, print, or impression purporting to be a driver's license or identification card.

- (b) Codifies the distinction between the crime of making and using a false ID for a person's own benefit under section 171.22 and the new crime of manufacturing more than one false ID with intent to sell that is created in this section.

Subd. 3. Penalties. Subjects first-time violators of this section to a gross misdemeanor. Subjects second-time violators to imprisonment of not more than five (5) years or to a fine of not more than \$10,000, or both.

- 28 **Dissemination of child pornography.** Makes dissemination of child pornography by a registered predatory sex offender a 15-year felony.
- 29 **Quadruple fine.** Modifies the list of misdemeanors for which a court may impose quadruple cash bail. The relevant misdemeanors are: driving accidents (169.09); driving while impaired (169A.20); operating a motor vehicle without a license based on the commissioner of public safety's determination that allowing the person to drive would be "inimical to public safety or welfare" (171.24, subd. 5); and bringing stolen goods into the state (609.525).
- 30 **Repealer.** Repeals the subdivision of the dangerous dog law that required the county auditor to serve as the registrar for dangerous dogs if no other government actor had assumed that responsibility or contracted with a private party to provide that service.
- 31 **Effective date.** August 1, 2001.

Article 9: Predatory Offender Registration and Related Provisions

Overview

This article changes and clarifies provisions in various sex offender laws. This article also repeals a subdivision of the predatory offender registration law passed in 2000. The purpose of this subdivision was to make the law easier to apply and to provide for more uniform application. The provision is being repealed retroactively to its effective date because of a potential judicial misinterpretation that was neither intended nor contemplated by the legislature. The potential problem is that there are some offenders who are required to register under the law who have not done so, but are no longer under any form of incarceration or release. The provision potentially excludes those offenders from coverage under the law, which was not the legislature's intent.

- 1 **Registration required.** Clarifies the provision requiring an individual to register if ten years have not elapsed since the person was released from confinement, or if the person was not confined, since the person was convicted or adjudicated delinquent for the offense. States that this ten year limit is not applicable to those subject to lifetime registration. These offenders must register for life regardless of when they were released from confinement, convicted, or adjudicated delinquent.
- 2 **Registration procedure.** Clarifies that the requirement that an offender notify law enforcement at least five days before living at an address applies to the offender's move to a new *primary* address. For other types of residences (*e.g.*, secondary recreational residences, property owned by the offender), the offender must notify the offender's probation officer within five days of when the change goes into effect.
- Specifies that, if the offender became subject to Minnesota's registration law based upon the offender's move into the state after a conviction for an offense and registration in another state, the offender's obligation to register in Minnesota terminates when the offender begins living in a new state. In addition, for those offenders who register in Minnesota solely because they work or attend school here, language is added to clarify that their obligation to register here terminates when they no longer work or attend school in the state.
- 3 **Information required to be provided.** Clarifies that the addresses that offender's must provide of other property (*e.g.*, secondary recreational addresses, property owned by the offender) are

the addresses of other *Minnesota* property. Defines the term "motor vehicle" to have the meaning given "vehicle" in section 169.01, subdivision 2. Under this definition, "vehicle" means "every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks." This definition makes clear that offenders do not need to register jet skis, snowmobiles, or other similar vehicles.

4 **Registration period.** Clarifies that the five-year period that the Superintendent of the BCA may add to an offender's registration period if the offender fails to register following a change in residence is added to the end of the offender's registration period. Also limits the offenses that will subject a juvenile to lifetime registration to the crime of causing the death of another in the course of committing certain sexual assaults, or the violation of a similar law of another state.

5 **Definition.** Adds felony fifth degree assault to the law requiring registration for other offenses. The law already includes gross misdemeanor fifth degree assault and the omission of the felony level offense was a drafting error.

Provides that a person must register for the violation of a similar law *of another state or of the United States*. This change is consistent with the scope of the sex offender registration law.

6 **DNA analysis of sex offenders required.**

Subd. 1. Upon sentencing. Current law requires offenders who are sentenced for certain crimes, mostly sex crimes, to submit a biological specimen for DNA analysis. This provision adds the crime of felony fifth degree criminal sexual conduct to the offenses for which a biological specimen will be required. It also adds a variation of the crime of felony-level indecent exposure (involving a second offense in the presence of a minor under age 16) to the list of offenses requiring a biological specimen.

Felony fifth degree criminal sexual conduct occurs when a person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present and it is the person's second offense for this conduct or the first offense for this conduct, but the person has a previous conviction or adjudication for engaging in similar behavior prohibited by the indecent exposure law. The elements of indecent exposure are very similar to those of fifth degree criminal sexual conduct. Both adults and juveniles convicted or adjudicated delinquent for these offenses must provide a biological specimen.

Subd. 2. Before release. Makes clear that an offender must provide a biological specimen for DNA testing before release if the offender has ever been convicted of an enumerated offense.

Expands the scope of the law to require collection of specimens from offenders incarcerated in Minnesota facilities whose conviction or charge for a current or past offense is for a violation of a similar law *of another state or the United States*.

Adds the same offenses added in section 1 (felony fifth degree criminal sexual conduct and felony indecent exposure involving a minor under 16) to the list of offenses that trigger a requirement for the commissioner of corrections or local corrections authority to require the person who has committed the offense to provide a biological specimen before completion of the person's term of imprisonment. This provision allows the state to collect biological specimens for DNA analysis from offenders who did not provide the specimen upon sentencing, but are still incarcerated.

7 **Legislative intent.** States that the original intent of the legislature in enacting subdivision 10 of the predatory offender registration law (section 243.166), was to provide for a more uniform application of the predatory offender registration law. Provides that the idea of applying certain amendments to the law retroactively to certain offenders (see section 8) was intended to ease the

administrative burden on agencies enforcing it and better serve the policy behind the law. Clarifies that the subdivision was not intended to act as a limitation on registration requirements but rather, in some cases, as an expansion.

Specifies that the intent in repealing subdivision 10 (section 8) is to prevent a potential judicial misinterpretation of it that was neither intended nor contemplated by the legislature. Provides that the repeal shall not be construed as a substantive change in the application or scope of the predatory offender registration law.

- 8 **Repealer.** Repeals subdivision 10 of the predatory offender registration law (section 243.166). This provision, which was enacted last year, provides that all provisions of the predatory offender registration law apply to a predatory offender convicted of or adjudicated delinquent for an offense described in subdivision 1 that requires registration if the offender is incarcerated or on any form of release as of the effective date of this subdivision, regardless of the date of the predatory offender's conviction or delinquency adjudication.

Clarifies that this provision of law does not change the obligation of any offender to register who began to register under this section before April 4, 2000.

The problem with this provision is that there are some offenders who are required to register under the law who have not done so, but are no longer under any form of incarceration or release. This provision potentially excludes those offenders from coverage under the law, which was not the legislature's intent

- 9 **Effective dates.** Provides that sections 1 to 7 are effective the day following final enactment. Section 8 is effective retroactively to April 4, 2000.

Article 10: Domestic Violence Provisions

Overview

This article contains numerous items related to domestic abuse. The article:

- expands the definition of domestic abuse to include interference with an emergency call and fifth degree criminal sexual conduct;
- clarifies that there are no residency requirements for applying for an order for protection;
- provides that when an individual who is served with an order for protection at a location that the order prohibits the offender from being, the offender must be given a reasonable opportunity to leave the location in the presence of the officer serving the order;
- expands the past offenses that may be used to enhance the penalty for violation of an order for protection, fifth degree assault, domestic assault, and criminal harassment and defines the offenses that may be used to enhance a penalty as a "qualified domestic violence-related offense";
- requires courts to order domestic abuse offenders to complete a domestic abuse counseling program or educational program as a condition of a stayed sentence;
- amends the factors the court must consider in deciding whether to release or detain a person arrested for domestic abuse or harassment pending trial, expands application of these factors to violations of orders for protection and violations of domestic abuse no contact orders, requires written findings, and specifies release conditions for the court to consider in releasing an arrested person;
- requires the interagency task force on domestic violence and sexual assault prevention to study issues related to gender and domestic violence and to assess the needs of men who are victims of domestic abuse; and
- repeals the domestic abuse investigation fee.

- 1 **Definitions.** Expands the definition of domestic abuse in the domestic abuse act to include interference with an emergency call and fifth degree criminal sexual conduct.
- 2 **Court jurisdiction.** Specifies that there are no residency requirements that must be met for a person to petition for an order for protection. Also makes a punctuation change to provide that jurisdictional requirements are satisfied if the application for relief is filed in the court having jurisdiction over dissolution actions *or* in the county of residence of either party.
- 3 **Relief by the court.** Current law allows a court to provide certain relief in a proceeding for an order for protection under the domestic abuse act, including ordering the abusing party to participate in treatment or counseling services. This provision is amended to allow the court to require the abusing party to attend a domestic abuse counseling or educational program (see section 6).
- 4, 8-13 **Violation of an order for protection; fifth degree assault; domestic assault; and criminal**
& 15- **harassment law.** Amends the penalty provisions of the order for protection, fifth degree
16 assault, domestic assault, and criminal harassment laws to ensure they apply consistently to violations of similar laws of another state, the United States, the District of Columbia, tribal lands, and United States territories. Also makes consistent the list of offenses that may be used to enhance a penalty for a violation of these laws, which in many cases involves adding new offenses to the list of offenses that will result in an enhanced penalty. The offenses that may be used to enhance a penalty for any of these laws are:
- violation of an order for protection,
 - assault in the first through fifth degree,
 - domestic assault,
 - criminal sexual conduct in the first through fourth degree,
 - malicious punishment of a child,
 - violation of a harassment restraining order,
 - terroristic threats, and
 - criminal harassment.

Most of these provisions are made consistent through reference to the definition for a "qualified domestic violence-related offense." This definition, created in section 7, identifies the offenses that may be used to enhance a penalty for certain offenses. Also makes technical changes to current law.

Section 4 also clarifies that the probable cause sufficient for finding a violation of an order for protection is probable cause that the person knowingly violated the order. Provides that if the person is served with the order at a location where the person's presence constitutes a violation, the person shall be given a reasonable opportunity to leave the location in the officer's presence.

- 5 **Notices.** Amends the notice provision in the domestic abuse act to clarify that violation of an order for protection is a misdemeanor, gross misdemeanor, or felony.

6 **Domestic abuse counseling program or educational program required.**

Subd. 1. Court-ordered domestic abuse counseling or educational program. States that, when a court stays imposition or execution of sentence for a domestic abuse offense and places an offender on probation, the court must order that, as a condition of the stayed sentence, the offender participate in and successfully complete a domestic abuse counseling or educational program.

Subd. 2. Standards for domestic abuse counseling and educational programs. Identifies standards that domestic abuse counseling and educational programs must meet. Requires the programs to provide documentation to the probation department or court on program policies

and how the program meets the criteria specified. The standards address the amount of programming that must be provided, the procedures for handling violence or threat of violence, procedures for handling information, and several other matters.

Subd. 3. Program accountability. Requires the Minnesota center for crime victim services to consult with domestic abuse counseling and educational programs, probation departments, and the interagency task force on the prevention of domestic and sexual abuse on acceptable measures to ensure program accountability. Requires a report to the legislature by December 30, 2001, on this information.

7 **Qualified domestic violence-related offense.** Adds a definition of "qualified domestic violence-related offense" to the criminal code. This definition is used in the domestic abuse act, fifth-degree assault, harassment restraining order, and criminal harassment laws to enhance the criminal penalties for these crimes (see sections 4, and 7 to 14). The term is defined to include violations of orders for protection, first through fifth degree assaults, domestic assaults, first through fourth degree criminal sexual conduct, malicious punishment of a child, violations of harassment restraining orders, terroristic threats, and criminal harassment. The term also includes violations of similar laws of another state, the United States, the District of Columbia, tribal lands, or United States territories.

14 **Notice.** Amends the notice provision in the harassment restraining order law to require the notice to provide that a violation may be punishable as a misdemeanor, gross misdemeanor, or felony.

17 **Director's responsibilities.** Adds to the responsibilities of the director of domestic violence and sexual assault prevention and to the interagency task force on these issues. Adds the duty of studying issues involving domestic violence and sexual assault by both men and women and presenting findings and recommendations resulting from these studies to all branches of government.

18 **Bail in cases of domestic abuse, harassment, violation of an order for protection, or violation of a domestic abuse no contact order.** Expands the application of the bail provisions that apply to domestic assault and harassment cases to include cases involving a violation of an order for protection and a violation of a domestic abuse no contact order. Amends current law regarding how the court should make the decision whether to detain or release a person pending trial. States that, in making this decision, the court shall review the facts of the arrest and detention and determine whether release of the person poses a threat to the alleged victim or another family or household member, poses a threat to public safety, or there is a substantial likelihood the person will fail to appear at subsequent proceedings. Requires the officer in charge of the police station or the county sheriff to consider the same factors in determining whether to issue a citation in lieu of continued detention. Specifies that the court must make findings on the record regarding these factors.

Allows the court to set bail at an amount that will protect victims and the public and ensure that the accused reappears for future court proceedings. These factors relate to cases involving domestic assault crimes against the person.

Allows the judge to impose conditions of release or bail to protect the alleged victim or other family or household members and to ensure the appearance of the person at subsequent proceedings. Specifies the conditions the court may include in an order. These conditions include:

- enjoining the person from threatening to commit or committing acts of domestic abuse or harassment against the alleged victim or other family or household members or from violating an order for protection;
- prohibiting the person from harassing, annoying, telephoning, contacting, or otherwise

communicating with the alleged victim, either directly or indirectly;

- directing the person to vacate or stay away from the alleged victim's home and any other location the victim is likely to be;

- prohibiting the person from possessing a firearm or other weapon;

- prohibiting the person from possessing or consuming alcohol or controlled substances; and

- identifying any other matter required to protect the victim's safety and ensure the person's appearance at subsequent proceedings.

This section also clarifies that it is the prosecutor's or prosecutor's designee's responsibility to present relevant information about the victim's or victim's family's account of the alleged crime to the judge to be considered in making a decision about the arrested person's release.

Also defines the terms "harassment," "violation of an order for protection," and "violation of a domestic abuse no contact order." Makes other technical changes.

19 **Study; interagency task force on domestic violence and sexual assault prevention.** Requires the interagency task force on domestic violence and sexual assault prevention to study issues related to gender and domestic violence and to assess the needs of male victims of domestic violence including false assault accusations. Requires the director of domestic violence and sexual assault prevention to report to the legislature on the task force's study, findings, and recommendations.

20 **Repealer.** Repeals the domestic abuse investigation fee.

21 **Effective dates.** The sections of this article pertaining to crimes are effective August 1, 2001, and apply to crimes committed on or after that date. The remaining sections are effective July 1, 2001.

Article 11: Felony Driving While Impaired Provisions

Overview

This article creates a felony-level penalty for certain repeat DWI offenders. The language in sections 1 to 14 is identical to language in Laws 2001, first special session, chapter 9, article 19, sections 2 to 15. The effective date in chapter 9, article 19, supersedes the effective date in this article. The effective date in chapter 9, article 19, is identical except that it states that violations occurring before August 1, 2002, that are listed in section 169A.03, subdivisions 20 and 21, are considered qualified prior driving while impaired driving incidents for the purpose of this act.

1, 2 **Degrees of DWI crimes.** Conforming amendment to update the tiered schema to accommodate the new felony level DWI crime as "first degree."

3 **First-degree driving while Impaired.**

Subd. 1. Degree described. Provides that a DWI violation is classified as first-degree if a person has three prior DWI incidents within the last ten years *in addition to* the current violation. Therefore, this is a "4th-in-10" provision. Also provides that a DWI violation is first-degree if a person ever was previously convicted of first-degree DWI.

Subd. 2. Criminal penalty. Provides that a first-degree violation is a felony. Provides that a person convicted of felony DWI is subject to the mandatory penalties in section 8 of this article.

4 **Second-degree DWI.** Conforming amendment.

5 **Third-degree DWI.** Conforming amendment.

6 **Fourth-degree DWI.** Conforming amendment.

7 **Mandatory penalties; nonfelony violations.** Provides cross-references indicating that the

sentence for a felony DWI offender is governed first by Minn. Stat. § 169A.276 (section 8 of this article). The remainder of the section is current law and provides the minimum incarceration period for a felony DWI offender whose prison term is not executed: for a 4th-time offense, 180 days in local jail, with at least 30 of those days served consecutively (unless the offender is sentenced to certain intensive probation programs for DWI offenders); and for a 5th or more offense, one year in local jail, with at least 60 of those days served consecutively. The current law reproduced in this section also provides the sentence for an offender's fourth *qualified prior impaired driving incident* in ten years (not necessarily a felony), as opposed to the fourth *conviction* (a felony under this article). By definition, a conviction always counts as an incident, but an incident may not result in a conviction.

Also specifies that the requirement for the court to sentence to the level of care recommended in the chemical use assessment is inapplicable if the person is sentenced to prison.

8 **Mandatory penalties; felony violations.**

Subd. 1. Mandatory prison sentence. (a) Provides that felony DWI offenders must be sentenced to at least 3 years in prison (this does not necessarily mean 3 years of executed and served prison time; see paragraphs (b) through (e)).

(b) Provides that the court may not stay imposition of the sentence nor impose a sentence of less than 3 years, but it may stay execution of the sentence as provided in subdivision 2.

(c) Provides that if the court executes the prison sentence for a felony DWI conviction, the offender is not eligible for earlier release unless the person has successfully completed chemical dependency treatment while in prison.

(d) Following release from prison, the offender must be placed on conditional release for a period of 5 years. The commissioner may impose any conditions of release deemed appropriate, and must require as a condition of release that the person complete a program of intensive probation. If the person fails to comply, the commissioner may revoke the person's conditional release and require the person to serve all or part of the remaining period of conditional release in prison. The commissioner may not release the person from supervision before the conditional release period expires. Conditional release is governed by provisions relating to supervised release.

(e) The commissioner must require the offender to pay as much of the cost of conditional and supervised release as possible.

Subd. 2. Stay of mandatory sentence. Provides that if the court does not *execute* the sentence under subdivision 1, the provisions of Minn. Stat. §§ 169A.275 and 169A.283 apply. Therefore, if the court stays the execution of the prison sentence, the minimum incarceration for a 4th-in-10 DWI offender is 180 days in local jail, with at least 30 of those days served consecutively and no more than 150 days on home detention, *unless* the offender is sentenced to certain intensive probation programs for DWI offenders.

Subd. 3. Driver's license revocation; no stay permitted. Provides that the court may not stay execution of a driver's license revocation.

9 **Stay authorized.** Primarily a conforming amendment. Provides that, subject first to the mandatory penalties and required conditions of stayed sentences under §§ 169A.275 and 169A.276, if the court stays execution of a sentence for a DWI offender it must require the offender to submit to the level of care recommended in a chemical use assessment report (or state on the record its reasons for not doing so).

10 **Custodial arrest.** Adds felony DWI to the DWI offenses requiring custodial arrest.

11 **Definitions; "designated offense."** Adds felony DWI to the DWI offenses that trigger vehicle

forfeiture.

- 12 **Driver's license reinstatement fee increase.** Increases the fee for reinstatement of a person's driver's license following revocation for an implied consent and/or DWI violation from the current \$290 (\$40 surcharge) to \$395 (\$145 surcharge) beginning July 1, 2002, and to \$630 (\$380 surcharge) beginning July 1, 2003. This applies to all DWI violators and, under additional 2001 legislation (in Article 12, of this Act), to persons convicted of criminal vehicular homicide or injury, as well. The fee increases will be reflected in the surcharge portion of the reinstatement fee, which will continue to be accounted for in the remote electronic alcohol monitoring account for direct pass-through to the state's general fund.
- 13 **Supervision level.** Clarifies that nothing in this act should be construed to require a different level of supervision for offenders than is currently required by law.
- 14 **Study required.** Requires the commissioner of corrections each year to conduct a study of felony DWI by tracking several specific data items of relevance.
- 15 **Appropriations.** Appropriates a total of \$2,670,000 from the general fund to the following agencies for the fiscal year ending June 30, 2003:
\$2,334,000 to corrections (\$2,137,000 to institutions; \$197,000 to community services);
\$84,000 to public safety (for trial support);
\$125,000 to public defense (for trials and appeals); and
\$127,000 to the attorney general (for criminal appeals).
- 16 **Legislative intent regarding appropriations.** Provides that the appropriations contained in this article are superseded by any other appropriations for the same purpose enacted during the 2001 First Special Session.
- 17 **Effective dates.** Sections 1 to 11, 13, and 14 are effective August 1, 2002, and apply to crimes committed on or after that date. The remaining sections are effective July 1, 2001.

Article 12: DWI Technical Provisions

Overview

This article makes a number of changes to statutes related to impaired driving. It adds:

definitions;

provides courts with greater flexibility in using electronic alcohol monitoring to ensure compliance with alcohol abstinence during probation;

extends the list of crimes for which consecutive sentencing is allowed to include a violation of the "no-alcohol" condition of a limited license, as well as the crime of test refusal;

extends the list of permitted uses of the alcohol screening test (PBT test) to include a prosecution for a violation of the crime of refusing to submit to the chemical test;

updates the names of health occupations permitted to draw blood for DWI tests and provides immunity for health professionals responding to certain mandatory reporting requirements;

extends the list of DWI offenders who are ineligible for a shortened license revocation period to include any person whose alcohol concentration at the time of the violation exceeds 0.20 (twice the legal limit);

clarifies that a person who violates implied consent law with an alcohol concentration of 0.20 or more,

or with a child under age 16 in the vehicle, is eligible for license plate impoundment;

increases the legal penalty to the level of a gross misdemeanor for a violation of the "no-alcohol" condition on a restricted driver's license, if the violation occurs while the person is driving a motor vehicle;

strengthens vehicle license plate impoundment sanctions in various ways; broadens the definition of "prosecuting authority" for DWI-related vehicle forfeiture to include designees and for cases not pursued locally, the attorney general;

redirects the proceeds from the sale of forfeited vehicles to the arresting agency (70 percent) and the prosecuting authority (30 percent); and

raises the license reinstatement fee for a person convicted of criminal vehicular homicide or injury.

- 1 **Electronic alcohol monitoring requirement.** Provides courts with greater flexibility in ordering the use of electronic alcohol monitoring for certain repeat (generally third-time or more) DWI offenders during probation following conviction. Currently, courts must order EAM to be used continuously during the first one-third of the person's probation. The bill would require only that it be used for at least 30 consecutive days during each year of the person's probation.
- 2, 16 **Permissive consecutive sentences.** Adds a "B-card violation" to the list of offenses for which consecutive sentencing (i.e., "sentence stacking") is permitted, when a court is sentencing a person who has two or more prior impaired driving convictions within the past ten years. The list currently includes the following offenses: driving while impaired; failure to provide insurance or proof of insurance; driving without a valid license, including after suspension, revocation, cancellation or disqualification; and violation of the condition of a limited license. A "B-card violation" is a violation of the "no alcohol" condition of a restricted driver's license, whether or not the violation occurs in a motor vehicle. Generally, a person with a "B-card license" has 3 or more prior impaired driving violations on record.
The bill would also permit consecutive sentencing for the separate DWI crime of test refusal for anyone convicted of both test refusal and any other regular DWI crime. Under current plea bargaining practice, it is common for a prosecutor to drop the test refusal crime upon the defendant's guilty plea to DWI itself. Nevertheless, the bill would permit consecutive sentencing of any offender convicted of both these crimes. [This provision would restore language deleted by the year 2000 DWI recodification bill.]
Under current law (Minn. Stat. § 609.15, subd. 2), the sentences of a person being sentenced for multiple gross misdemeanor offenses listed above shall not exceed four years total, and the period of incarceration is served in a local jail or workhouse.
- 3, 4 **Definitions.** Adds definitions of "alcohol by volume" and "alcohol by weight" and cross references other definitions in liquor-control law.
- 5 **Crimes defined.** Creates new misdemeanor crimes for: (1) a person who is subject to a plate impoundment order, to drive any motor vehicle during the impoundment period unless the vehicle bears specially-coded plates issued by the state (the person must also be properly licensed to drive, as required under chapter 171); or (2) for a person who buys or acquires the offender's vehicle, to allow the offender to have control of that vehicle at any time during the plate impoundment period. Under other provisions of the bill, the plate impoundment period will be lengthened to a minimum of one year in length, even though some offenders might become relicensed to drive in less time than that. (Related sections: 5, 9, 10 and 11.)

- 6 **Permitted uses of the alcohol screening test.** Extends the list of permitted uses of the alcohol screening test (PBT test) to include a prosecution for the crime of refusing to submit to the chemical test (which is itself a violation of DWI law).
- 7 **Who draws the blood.** Updates the terminology for the titles of health professionals allowed to draw blood samples to chemically test a person for DWI-related purposes.
- 8 **Implied consent revocation; restricted from shortening for certain offenders.** Currently the administrative license revocation period for certain first-time DWI offenders is reduced upon the person's conviction for the offense (typically from 90 days to 30 days or time served). However, offenders who were under age 21 at the time of the violation, as well as offenders whose impaired driving violation constituted "DWI-child endangerment," are not eligible for such reduction. This provision would extend the list of ineligible DWI offenders to include any person whose alcohol concentration at the time of the violation exceeds 0.20 (twice the legal limit).
- 9 **Definition of terms related to license plate impoundment.** Clarifies that a first-time impaired driving violator who violates implied consent law with an alcohol concentration of 0.20 or more, or with a child under age 16 in the vehicle, is eligible for license plate impoundment. It also defines "significant relationship," a term which is used in section 11 to prohibit arrangements that enable a DWI violator who is subject to plate impoundment to continue to drive his own vehicle during the impoundment period. (Related sections: 5, 9, 10 and 11.)
- 10 **Plate impoundment strengthened.** Specifies that the plate impoundment period must be at least one-year in duration and that the offender must be validly relicensed before receiving new regular registration plates. The commissioner is authorized to issue specially-coded plates for the vehicle if the person becomes relicensed to drive before the period of plate impoundment has expired. Under current law, the plate impoundment period terminates as soon as a person becomes relicensed to drive, in some cases in as little as 30 days. This section also clarifies the conditions under which new registration plates must be issued for a vehicle. (Related sections: 5, 9, 10 and 11.)
- 11 **Prohibits certain sales of an offender's vehicle during plate impoundment.** Prohibits under criminal penalty the sale or transfer of a vehicle that is subject to plate impoundment, unless the transferee signs a sworn statement attesting that the transferee has never had a "significant relationship" with the offender/seller, and that the transferee understands that it is a crime to allow the seller access to the vehicle following the transfer. (Related sections: 5, 9, 10 and 11.)
- 12 **Vehicle forfeiture: prosecuting authority.** Broadens the definition of "prosecuting authority" - currently the relevant prosecutor for the DWI charge itself - to include a designee. Also provides that, if the arrest is made by a state agency (e.g., the State Patrol, DNR, etc.), and if the prosecuting authority declines to pursue the forfeiture, then forfeiture may be initiated by the attorney general or its designee.
- 13 **Vehicle forfeiture: distribution of proceeds.** Changes the distribution of the proceeds from the sale of a (DWI-related) forfeited vehicle by directing 70 percent of the proceeds, after expenses, to the operating fund of the arresting agency and 30 percent to the operating fund of the prosecuting authority. Previously, the funds were directed to the treasury of the political subdivision that employs the arresting officer (for local agency arrests) or to certain designated state funds (for state agency arrests).
- 14 **Conditional license violation: penalty increased.** Under current law, a violation of any condition of a restricted driver's license triggers license revocation; however, the violation is a misdemeanor if it involves driving a motor vehicle. This provision increases the penalty to the level of a gross misdemeanor if the condition being violated while driving is the requirement that the person possess or consume "no alcohol" or controlled substances at any time

whatsoever.

- 15 **Driver's license fee raised following criminal vehicular homicide.** Raises from \$30 to \$290 the fee for reinstatement of a person's driver's license following revocation if the violation involved criminal vehicular homicide or injury. Current law applies the higher fee to a person whose license is revoked for an implied consent violation or a DWI conviction. Under the DWI felony law - enacted as Article 11 of this Act - the driver's license reinstatement fee will be raised from the current \$290 level to \$395 beginning July 1, 2002, and to \$630 beginning July 1, 2003.
- 17 **Immunity for health professionals doing required reporting.** Provides civil and criminal immunity for any health professional who, acting in good faith, reports or fails to report incidents involving wounds from gunshots or other dangerous weapons, or burn injuries. Under current law, failure to report such incidents, except for burns injuries, constitutes a gross misdemeanor crime.
- 18 **Repealer.** Repeals a superfluous subdivision.
- 19 **Effective dates.** Provisions in this article that relate to crimes are effective August 1, 2001, and apply to crimes or acts committed on or after that date. The remaining provisions are effective July 1, 2001.