

House Research Act Summary

CHAPTER: 116

SESSION: 2003 Regular Session

TOPIC: Certain Crime Victim Rights Provisions

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Overview

Clarifies a limitation on a defendant's access to and use of victim videotapes during physical and sexual abuse cases. Defines terms in the predatory offender registration law. Clarifies the rape examination law. Allows crime victims to have input earlier in the plea agreement.

Section

- 1 **Videotapes of child abuse victims.** Amends the Government Data Practices Act by clarifying that the prohibition against obtaining a copy of the videotaped interview of a child victim of physical or sexual abuse does not prohibit a defendant's other rights of access in the discovery process in a criminal case. (See section 6)
- 2 **Information required to be provided.** Defines "primary residence" and "secondary residence" for the purpose of the predatory offender registration law.

A primary residence means any place where the person resides longer than 14 days or that is deemed a primary residence by a person's corrections agent, if one is assigned to a person.

A secondary residence means any place where the person regularly stays overnight when not staying at the person's primary residence, and includes, but is not limited to:

- ▶ the person's parent's home if the person is a student and stays at the home at times when the person is not staying at school; and
- ▶ the home of someone with whom the person has a minor child in common where the child's custody is shared.

Section

- 3** **Costs of medical examination.** Provides that costs incurred for the examination of a victim of criminal sexual conduct must be borne by the county in which the offense occurred. This obligation is not dependant on whether or not the victim reports the crime to law enforcement, or the existence or status of any investigation or prosecution. Clarifies what costs must be covered. Provides that a county may seek insurance reimbursement from the victim's insurer only if authorized by the victim and that the county must tell the victim that if this authorization does not occur, the county has responsibility for the costs and the victim is in no way liable for these costs or obligated to authorize the reimbursement.
- 4** **Right to submit statement at plea agreement presentation hearing.** Grants crime victims the right to attend plea agreement hearings and express orally or in writing any objections to the agreement and requires prosecutors to inform them of this right. Current law extends this right to the sentencing hearing only.
- 5** Technical amendment to reflect change made in section 4.
- 6** **Videotape of child victims; conditions of disclosure.** Provides that if a videotaped interview of a child victim of physical or sexual abuse is disclosed by the prosecution during the discovery process, the following conditions apply:
- ▶ no more than two copies of the tape or any portion of the tape may be made by the defendant's attorney, investigator, expert, or other representative or agent of the defendant;
 - ▶ the tape may not be used for any purpose other than defense preparation;
 - ▶ the tape may not be publicly exhibited except in judicial proceedings;
 - ▶ the tape may be viewed only by the defendant, the defendant's attorney and the attorney's employees, investigators and experts;
 - ▶ no transcript of the tape, nor the substance of any section of the tape, may be divulged to those not authorized to view the tape under this section;
 - ▶ no person may be granted access to the tape, transcription of the tape, or substance of any portion of the tape unless that person has first signed a written agreement that the person is aware of, and may be held in contempt of court for violation of, this statute; and
 - ▶ upon final disposition of the case, the tape and any transcripts of the tape must be returned to the prosecuting attorney.
- 7** **Effective date.** Provides an August 1, 2003 effective date, and applies to crimes committed and persons subject to registration on or after that date.