

House Research Act Summary

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Article 1: General Criminal and Sentencing Provisions

Overview

Article 1 creates and modifies various criminal and sentencing provisions. It addresses the following: alcohol without liquid devices, child pornography crimes, the crime of aiding an offender, domestic abuse crimes, counterfeiting currency, regulated animal possession and ownership, assaults on animal control officers, trafficking crimes, computer crimes, collateral consequences, and sentencing guidelines modifications. In addition, article 1 applies *Blakely* provisions to sentencing enhancement statutes, recodifies the patterned sex offender sentencing law, and removes the sunset provision for *Blakely* hearing provisions.

- 1 Procedures in cases where state intends to seek an aggravated departure.** Applies *Blakely* procedures to a state's request for an aggravated sentence under any sentencing enhancement statute or a state's request for a mandatory minimum under section 609.11. (In *State v. Barker*, the Minnesota Supreme Court held that section 609.11 was unconstitutional to the extent it authorized the court to make an upward departure upon finding of a sentencing factor without the aid of a jury or admission by the defendant.)

[Effective: Day following enactment and applies to sentencing hearings, resentencing hearing, and sentencing departures sought on or after that date.]

- 2 Defendants to present evidence and argument.** Permits a defendant to present evidence and argument to the factfinder regarding whether facts exist that would justify an aggravated departure, *enhanced sentence*, or *a mandatory minimum sentence under section 609.11*. Deletes reference to "durational" departures. (In *State v. Allen*, the Minnesota Supreme Court held that *Blakely* applies to durational and dispositional departures.)

[Effective: Day following enactment and applies to sentencing hearings, resentencing hearing, and sentencing departures sought on or after that date.]

- 3 Waiver of jury determination.** Authorizes the court to determine beyond a reasonable doubt whether factors exist in support of a state's motion for an aggravated sentence, *enhanced sentence*, or *a mandatory minimum sentence under section 609.11* when the defendant waives the right to a jury determination.

[Effective: Day following enactment and applies to sentencing hearings, resentencing hearing, and sentencing departures sought on or after that date.]

- 4 Alcohol without liquid devices prohibited.**

Subd. 1. Definition. Defines "alcohol with liquid device" as a device, machine, apparatus, or appliance that mixes an alcoholic beverage with pure or diluted oxygen to produce a vapor that may be inhaled. It does not include a device that is designed and intended to be used for medical purposes.

Subd. 2. Prohibition. Prohibits a person or business from possessing, purchasing, selling, offering to sell, or using an alcohol without liquid device. A violation is a misdemeanor.

Subd. 3. Research exemption. Exempts hospitals, state institutions, private colleges or universities, and pharmaceutical companies conducting bona fide research from the provisions of this section.

Subd. 4. Penalty. Prohibits utilizing a nebulizer, inhaler, or other medical device for the purposes of inhaling alcoholic beverages, except for bona fide research. A violation is a misdemeanor.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

5 **Definitions.** Provides that for purposes of the regulated animal statutes the terms "bodily harm," "substantial bodily harm," and "great bodily harm" have the meaning accorded them under Minn. Stat. § 609.02 (criminal definitions).

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

6 **Requirements.** Requires a person who possesses a regulated animal to have the Minnesota Animal Control Association prepare a change of address or location form and to have it approved by the Board of Animal Health. In addition, when a regulated animal is housed on a particular premises, a sign must be posted indicating that a "dangerous" regulated animal is present on the premises. It also mandates that a person notify local animal control whenever the individual intends to move a regulated animal.

[Effective: August 1, 2006.]

7 **Seizure.** Technical changes applied to the regulated animal statute's organization.

[Effective: August 1, 2006.]

8 **Confinement and control.** Establishes the crime of negligent control or confinement of a regulated animal where the negligence results in bodily harm to a human.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

9 **Penalty.** Establishes a tiered penalty scheme for violations of the regulated animal statute (section 346.155).

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

10 **Violation of an order for protection.** Amends the Order for Protection statute by adding a ten-year look back period dating from the time of conviction and counting juvenile adjudications as well as adult convictions for purposes of determining repeat violations.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

11 **Domestic abuse no contact order.** Adds a gross misdemeanor penalty for violation of a domestic abuse no contact order. This penalty applies to violations of no contact orders that occur within ten years of a previous conviction for a "qualified domestic violence related offense" conviction or adjudication of delinquency.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

12 **Qualified domestic violence-related offense.** Adds violations of domestic abuse no contact orders and interference with an emergency call to the list of offenses that constitute a qualified domestic violence-related offense.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 13** **Prosecutor shall establish.** Eliminates the requirement that the state must, at the time of trial or at the plea of guilty, present on the record all evidence to establish that the defendant or an accomplice used a firearm or dangerous weapon during the commission of certain offenses. Changes references from “court” to “factfinder” to comply with *Blakely*.
- [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
- 14** **Application.** Authorizes the court to enhance misdemeanor drug paraphernalia crimes, trespass, and loitering to gross misdemeanors for repeat offenders.
- [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
- 15** **Assault of public employees with mandated duties.** Adds “animal control officer” to the fourth degree assault statute.
- [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
- 16** **Fifth degree assault; gross misdemeanor.** Amends the gross misdemeanor penalty for Fifth Degree Assault statute by adding a ten-year look back period dating from the time of conviction when the previous offense had the same victim and adding a three-year look back period dating from the time of conviction for any previous qualified domestic violence-related offense.
- [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
- 17** **Fifth degree assault; felony.** Amends the felony penalty for Fifth Degree Assault statute by adding a ten-year look back period dating from the time of conviction.
- [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
- 18** **Domestic assault; gross misdemeanor.** Amends the domestic assault statute’s gross misdemeanor provision by adding a ten-year look back period dating from the time of conviction.
- [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
- 19** **Domestic assault; felony.** Amends the domestic assault statute’s felony provision. Eliminates the requirement that an assault be against the “same victim” of two or more previous qualified domestic violence related offense convictions. Adds a ten-year look back period.
- [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
- 20** **Labor trafficking.** Amends Minnesota Statutes, section 609.282 (Labor Trafficking), by creating a 20-year felony for trafficking persons under the age of 18. Current law does not make an age distinction. The 15-year felony for trafficking persons 18 or older remains.
- [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
- 21** **Unlawful conduct with respect to documents in furtherance of labor or sex trafficking.** Amends Minnesota Statutes, section 609.283 (Unlawful Conduct With Respect to Documents in Furtherance of Labor or Sex Trafficking), by creating a ten-year felony complicity in trafficking persons under the age of 18. Current law does not make an age distinction. The five-year felony for complicity in trafficking persons 18 or older remains.
- [Effective: August 1, 2006, and applies to crimes committed on or after that date.]
- 22** **Mandatory sentences for certain engrained offenders.** Recodifies section 609.108, subdivisions 1, 3, and 4 (mandatory sentences for certain patterned and predatory sex

offenders; no prior conviction needed).

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 23 **Mandatory life sentence; repeat offenders.** Applies *Blakely* provisions to the dangerous sex offender law.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 24 **Acts prohibited.** Amends Minn. Stat. 2005 Supplement, § 609.485, subdivision 2. Adds to prohibited acts escape while under the supervision of a facility under section 253B.18, subdivision 1, pursuant to a court hold under section 253B.185 (Persons with Sexual Psychopathic Personalities and Sexually Dangerous Persons).

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 25 **Sentence.** Amends Minn. Stat. 2005 Supplement, § 609.485, subdivision 4. Adds that if a person who escapes is under a court hold, civil commitment, or supervision under section 253B.185 (Persons with Sexual Psychopathic Personalities and Sexually Dangerous Persons) or Minn. Stat. 1992, § 526.10, that person is subject to imprisonment for not more than five years or to a fine of not more than \$10,000 or both.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 26 **Venue.** Permits prosecutors to charge persons with harboring, concealing, or aiding an offender and obstructing a criminal investigation in either: (1) the county where the offense occurred; or (2) the county where the underlying criminal act occurred.

[Effective: July 1, 2006.]

- 27 **Counterfeiting of currency.**

Subd. 1. Manufacturing; printing. Creates the crime of manufacturing or printing currency with intent to defraud.

Subd. 2. Means for false reproduction. Creates the crime of possessing or using counterfeiting devices with intent to defraud.

Subd. 3. Uttering or possessing. Creates the crime of issuing or possessing counterfeit currency with intent to defraud. (Utter means to issue a forged document.)

Subd. 4. Penalty. Establishes penalties for violations of subdivisions 1 to 3. Violations of subdivisions 1 and 2 expose offenders to up to 20 years in prison and a fine of up to \$100,000. Violations of subdivision 3 range from a gross misdemeanor for offenses involving small amounts of counterfeit currency to a 20-year felony for offenses involving large amounts of counterfeit currency.

Subd. 5. Aggregation; venue. Permits aggregation of the dollar amounts, over a six month period, where there are multiple offenses involving counterfeit currency. Permits offenses to be prosecuted in any county where any one of a series of offenses was committed.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 28 **Violation of restraining order; gross misdemeanor.** Amends the gross misdemeanor

penalty of the Violation of Restraining Order statute by adding a ten-year look back period dating from the time of conviction and counting juvenile adjudications as well as adult convictions for purposes of determining repeat violations.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 29 **Violation of restraining order; felony.** Amends the felony penalty of the Violation of Restraining Order statute by adding a ten-year look back period dating from the time of conviction.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 30 **Applicability.** Technical, conforming change made to computer crimes statute.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 31 **Computer security system.** Amends the definition of “computer security system” by eliminating the requirement that the security system display a conspicuous warning to a user that the user is entering a secure system.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 32 **Encryption.** Defines “encryption” as “any protective or disruptive measure, including but not limited to, cryptography, enciphering, or encoding that: (1) causes or makes any data, information, image, program, signal, or sound unintelligible or unusable; or (2) prevents, impedes, delays, or disrupts access to any data, information, image, program, signal, or sound.”

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 33 **Personal data.** Defines “personal data” as any computer property or computer program which contains records of the employment, salary, credit, or other financial or personal information relating to another person.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 34 **Crime.** Technical, conforming change to computer crimes statute.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 35 **Gross misdemeanor.** Creates a gross misdemeanor penalty for unauthorized computer access if a person intentionally and without authorization penetrates a computer security system and gains access to personal data as defined in section 33.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 36 **Criminal use of encryption.**

Subd. 1. Crime. Criminalizes intentionally using or attempting to use encryption to (1) commit, further, or facilitate conduct constituting a crime; (2) conceal the commission of a crime; (3) conceal or protect the identity of another who has committed a crime; or (4) prevent, impede, delay, or disrupt the normal operation of a computer.

Subd. 2. Penalties. If the crime involved in subdivision 1 is a felony or the person has two or more prior convictions for a computer crime, the person is guilty of a felony and may be imprisoned for five years and/or fined

\$10,000. Any other violation of subdivision 1 is a gross misdemeanor.[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 37 **Facilitating access to a computer security system.** Imposes a gross misdemeanor penalty if a person knows or has reason to know that by facilitating access to a computer system the person is aiding another who intends to and does commit a crime. “Facilitating access” includes the intentional disclosure of a computer password or other confidential information which provides a person with a means to commit a crime.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 38 **Conditional release term.** Requires courts that sentence offenders to prison based on a conviction for using minors in sexual performances (617.246) to impose a five-year conditional release period to be served upon release from prison. The court must impose a 10-year conditional release term for those with previous sex offense convictions. The conditional release term runs concurrently with the supervised release term.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 39 **Conditional release term.** Requires courts that sentence offenders to prison based on a conviction for disseminating or possessing child pornography (617.247) to impose a five-year conditional release period to be served upon release from prison. The court must impose a ten-year conditional release term for those with previous sex offense convictions. The conditional release term runs concurrently with the supervised release term.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 40 **Federal law enforcement officer.** Updates and expands the definition of federal law enforcement officer. Removes a reference to Immigration and Naturalization Service and replaces it with the Department of Homeland Security and adds the U.S. Postal inspection service to the list of federal law enforcement agencies recognized by the state. Recognized federal law enforcement officers are granted limited arrest and detention authority in the State.

[Effective: August 1, 2006.]

- 41 – 44 **Blakely provisions; effective dates.** Repeal the February 1, 2007 sunset provision for *Blakely* procedures enacted in 2005.

[Effective: Day following final enactment.]

- 45 **Collateral consequences committee.** Establishes a collateral consequences committee to study collateral consequences of adult convictions and juvenile adjudications.

[Effective: July 1, 2006.]

- 46 **Sentencing guidelines modifications.** Except as noted, adopts the modifications related to sex offenses proposed by the commission in its January 2006 report and provides that the changes take effect in August 2006. Rejects certain changes made by the commission relating to criminal sexual conduct in the third and fourth degrees and requests that the offenses be ranked at a higher level. Directs the commission to publish an updated version by August 1, 2006, that reflects any changes made.

[Effective: Day following final enactment.]

- 47 **Revisor’s instructions.** Instructs the Revisor to replace statutory references to section

609.108 with section 609.3455, subdivision 3a (section 22).

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 48 Repealer.** Repeals recodified provisions and provisions that were made obsolete by sex offender sentencing reform enacted in 2005.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

Article 2: Controlled Substances, DWI, and Traffic Safety Provisions

Overview

Article 2 makes changes to controlled substances, DWI, and traffic safety laws. It amends the definition of “chemically dependent person,” enhances the penalty for an impaired driving violation if the person has previously been convicted of criminal vehicular homicide, amends the crime of reckless driving, broadens the prohibition against driving while impaired by controlled substances to include the metabolites of those substances, amends mandatory consecutive sentencing requirements for felony level DWI violations, and amends penalties for minors who drive while talking on a cell phone.

- 1 Reckless or Careless Exhibition driving.** Expands the definition of reckless driving to include racing, which consists of speed contests regardless of whether a vehicle goes over the speed limit.

This section does not apply to authorized emergency vehicles, emergency operation of a vehicle to avoid imminent danger, racing facilities, and other approved public events.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 2 Driving while impaired crime.** Amends the definition of a DWI by broadening the prohibition against driving while impaired by controlled substances to include the metabolites of those substances.

[Effective: August 1, 2006, and applies to impaired driving offenses occurring on or after that date.]

- 3 Degree described.** Enhances the criminal penalty for an impaired driving violation (DWI) to the felony level, if the person has previously been convicted of a felony crime under section 609.21, subdivisions 1, 2, 2a, 3, or 4.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

- 4 Consecutive sentences.** Provides that when the court is sentencing an offender for a felony level DWI offense, the mandatory consecutive sentencing provision does not apply.

[Effective: Day following final enactment.]

- 5 Alcohol concentration evidence.** Authorizes the admission into evidence, in a criminal prosecution, the results of any test indicating the presence of a controlled substance or its metabolite or a hazardous substance.

[Effective: August 1, 2006, and applies to impaired driving offenses occurring on or after that date.]

6 to 9 and 11 to 12 **Implied consent; testing; license revocation; judicial hearing.** Broadens language in DWI law referring to controlled substances to include metabolites of those substances.

[Effective: August 1, 2006, and applies to impaired driving offenses occurring on or after that date.]

10 **Reporting test results for prosecution.** Adds a requirement that when the test results indicate the presence of a hazardous substance, the results of that test must be reported to the prosecuting authority (only).

These results are not reported to the Department of Public Safety and thus, do not trigger administrative revocation of the violator's driver's license. Instead, license revocation depends on obtaining a court conviction for the offense.

Note, in contrast that existing language in the same subdivision of current statutes requires that test results showing per se alcohol concentrations or the presence of a controlled substance must be reported to the DPS for immediate driver's license revocation, as well as to the prosecutor for criminal charging.

[Effective: August 1, 2006, and applies to impaired driving offenses occurring on or after that date.]

13 & 14 **Technical.** Corrects cross-references to non-existing statutes.

[Effective: August 1, 2006, and applies to impaired driving offenses occurring on or after that date.]

15 **Instruction permit use by person under age 18.** Specifies that a minor who is caught driving while talking on a cell phone has committed a petty misdemeanor.

[Effective: June 1, 2006, and applies to violations committed on or after that date.]

16 **Use of a provisional license.** Specifies that a minor who is caught driving while talking on a cell phone has committed a petty misdemeanor.

[Effective: June 1, 2006, and applies to violations committed on or after that date.]

17 **Offenses.** Prohibits the Commissioner of Public Safety from administratively suspending the license of a driver if the individual was convicted of a violation of section 171.24, subd. 1 (driver after suspension), based on a failure to appear in court, or failure to pay the fine.

[Effective: July 1, 2006]

18 **Chemically dependent person.** Adds "opium" to the list of controlled substances used habitually or excessively by a pregnant woman for purposes of defining a chemically dependent person. This definition applies to the civil commitment chapter and the maltreatment of minors act. (Currently, the list references cocaine, heroin, phencyclidine, methamphetamine, and amphetamine.)

[Effective: July 1, 2006.]

19 **Remediation of harm caused by misdemeanor convictions for minors driving with mobile telephones.**

Subd. 1. Remediation by commissioner. Directs the commissioner of public safety to expunge from a licensee's driving record a misdemeanor conviction for

violating section 171.05, subd. 2b, para. (d), or 171.055, subd. 2, para. (b) (driving while communicating on a cell phone by a permit holder under the age of 18 or by a provisional license holder).

Subd. 2. Remediation by the courts. (a) Directs a court to vacate a conviction for violating section 171.05, subd. 2b, para. (d), or 171.055, subd. 2, para. (b), on its own motion, without cost to the person convicted, and notify the person that the conviction has been vacated. (b) Directs the commissioner of finance, in consultation with the state court administrator, to develop and implement a refund procedure for fines charged in excess of \$300.

Subdivisions 1 and 2 apply to infractions that occurred between July 1, 2005 and June 30, 2006.

[Effective: July 1, 2006.]

20 Repealer. Repeals a cross-reference regarding refusal of the preliminary breath test.

[Effective: August 1, 2006, and applies to impaired driving offenses occurring on or after that date.]

Article 3: Public Safety Policy

Overview

Article 3 contains provisions that relate to public safety, including: background checks, law enforcement records and services, indexing services for the criminal justice system, peer counseling protections, predatory offender registration and notification, death scene and missing person investigations, a forensic laboratory advisory board, capitol security, fire code appeals, carbon monoxide alarm system requirements, organ donation inquiries, and victim notification rights.

1 Background checks; governor's residence employees. Authorizes the governor's office to request a background check on executive branch appointees and governor's residence employees. The check may consist of: (1) systems accessible through the criminal justice data communications network, (2) the statewide supervision system (DOC), and (3) national criminal history information maintained by the FBI. The candidate must provide written authorization.

[Effective: July 1, 2006.]

2 Juvenile photos. Provides that photographs or electronically produced images of juveniles adjudicated delinquent shall not be expunged from law enforcement records or databases.

[Effective: July 1, 2006.]

3 Name and index service; data classification. The Bureau of Criminal Apprehension (BCA) is creating a new indexing service of individuals who have had contact with the criminal justice system. This section classifies data in this service as private (available to the data subject but no one else outside the BCA) but makes it confidential (not available to the subject or anyone else) if the private data is joined with confidential data.

[Effective: July 1, 2006.]

4 Peace officers; bloodborne pathogen testing. Provides that peace officers are covered

under the protocols of Minnesota Statutes, section 144.7401, regarding bloodborne pathogens, regardless of whether the officer is engaged in performing emergency services.

[Effective: July 1, 2006.]

- 5 **Licensing; felons.** Directs the Board of Barbers and Cosmetologist Examiners to adopt rules that create a uniform system for evaluating licensing applications from persons who have been convicted of a felony.

[Effective: July 1, 2006.]

- 6 **Public safety peer counseling and debriefing.** Extends confidentiality protections to comments that public safety officers make during one-on-one peer counseling. Currently, the statute only protects comments made during post-traumatic event group debriefings. The section is intended to encourage public safety officers to seek peer counseling by eliminating the concern that their comments will be added to their personnel records.

[Effective: July 1, 2006.]

- 7 **Registration required.** Requires predatory offenders who move to Minnesota from other states and who are obligated to register for a longer period of time in their states of origin than in Minnesota to register for that same period in Minnesota.

[Effective: July 1, 2006.]

- 8 **Contents of registration.** Excuses level III offenders from having to appear for a photo every six months for periods of time when they are incarcerated.

[Effective: July 1, 2006.]

- 9 **Health care facility; notice of status.** Modifies the notice requirements placed on health care facilities regarding predatory offenders living in their facilities.

[Effective: July 1, 2006.]

- 10 **Registration period.** Requires predatory offenders who move to Minnesota from other states and who are obligated to register for a longer period of time in their states of origin than in Minnesota to register for that period of time in Minnesota.

[Effective: July 1, 2006.]

- 11 **Disclosure of information to the public.** Requires schools, daycare facilities, and other facilities that primarily educate or serve children to notify parents when there is a predatory offender residing or working in the surrounding community and when the offender is given access through his child to other children at the facility.

[Effective: July 1, 2006.]

- 12 **Death scene investigations.** Directs DPS to provide law enforcement agencies with information regarding best practices for handling death scene investigations, including identifying any relevant publications or training available to law enforcement.

[Effective: July 1, 2006.]

- 13 **Forensic Laboratory Advisory Board.** Creates a 12-member Forensic Laboratory Advisory Board. The board may develop and implement a reporting system through which laboratories that conduct forensic analyses report professional negligence or misconduct, and investigate any allegation of professional negligence or misconduct. The board may delegate by contract its investigative duties. It shall make all investigations public, and

report all investigations to the legislature by January 15 of each year.

[Effective: July 1, 2006.]

- 14** **Definitions.** Adds the Fugitive Apprehension Unit to the list of law enforcement agencies that have access to CIBRS – the Comprehensive Incident-Based Reporting System. CIBRS is a statewide system containing data from law enforcement agencies.

[Effective: July 1, 2006.]

- 15** **Notice of multiple law enforcement operations conflicts.** Authorizes the Department of Public Safety to employ a secure subscription service designed to notify law enforcement agencies of conflicts where multiple law enforcement operations may be occurring on the same subject or vehicle, or near the same location.

[Effective: July 1, 2006.]

- 16** **Missing person report.** Requires the local law enforcement agency in the location where a missing person was last seen to take a missing person report from an interested party. If this cannot be determined, the law enforcement agency where the missing person last resided must take the report.

[Effective: July 1, 2006.]

- 17** **Task force.** Adds a member to the Criminal and Juvenile Justice Information Task Force. The new member is appointed by the state chief information officer. In addition, the section provides compensation for the four public members of the task force. The task force is responsible for monitoring, reviewing, and reporting to the policy group on CrimNet related projects. Updates obsolete reference to conference of chief judges with judicial council.

[Effective: July 1, 2006.]

- 18** **Responsibilities.** Clarifies the responsibilities of the Capitol Complex Security Division. The division must utilize state employees for security and public information services in state-owned buildings and state leased-to-own buildings in the Capitol area.

[Effective: July 1, 2006.]

- 19** **Appeal policy; variance.** Amends the application procedure for a fire code variance. Requires the Fire Marshal to consider any decisions or recommendations from a local governing body during an appeal from the local body's decision on a uniform fire code variance.

[Effective: July 1, 2006.]

- 20** **Carbon monoxide detectors; definitions.** Defines terms associated with the requirement of carbon monoxide detectors in homes (section 21).

[Effective: January 1, 2007, for all newly constructed single family and multifamily dwelling units for which building permits were issued on or after January 1, 2007; August 1, 2008, for all existing single family dwelling units; and August 1, 2009, for all multifamily dwelling units.]

- 21** **Carbon monoxide detectors; required.** Requires every single-family dwelling and every unit in a multifamily dwelling to have approved and operational carbon monoxide alarms on each level of the residence and within ten feet of each room used for sleeping purposes. There are no penalties established for failing to comply with the requirements of this section.

[Effective: January 1, 2007, for all newly constructed single family and multifamily dwelling units for which building permits were issued on or after January 1, 2007; August 1, 2008, for all existing single family dwelling units; and August 1, 2009, for all multifamily dwelling units.]

- 22 **Routine inquiry and required request; search and notification.** Imposes obligations on emergency responders and peace officers to contact the state's organ procurement organization when a deceased person is sent to a morgue.

Amends a section of Minnesota's Uniform Anatomical Gift Act. Under current law, public safety officers are obligated to search gravely injured and deceased citizens for documents indicating the persons' intentions regarding organ donation. The law requires a public safety officer who finds evidence of donor intent to provide that information to hospital staff if the person is sent to a hospital. The statute is silent in cases where a deceased citizen is sent directly to the morgue.

Under this section, if a public safety officer finds a document of gift for a person being sent to the morgue, the public safety officer must notify his or her dispatcher. The dispatcher, in turn, must notify the federally designated management organization for organ transplant in Minnesota (Lifesource). By shifting the responsibility to the dispatcher the public safety officer will not be distracted from his or her on site duties. If this procedure is followed, it should result in Lifesource receiving timely notice of potential donors who currently may go undetected while placed in a morgue.

[Effective: July 1, 2006.]

- 23 **Victim notification; domestic assault; harassment.**

Subd. 1. Notice of decision not to prosecute. Requires a prosecutor to notify a victim of a criminal sexual conduct offense if the prosecutor decides to decline prosecution of the case or dismiss the criminal charges. If a prosecutor dismisses the charges, a record of the reasons for dismissal must be made.

Subd. 2. Definitions. Defines "criminal sexual conduct" as a violation of criminal sexual conduct in the first through fifth degrees and criminal sexual predatory conduct.

[Effective: July 1, 2006.]

- 24 **Suspension, revocation, or refusal to renew certificates.** Provides a process for appealing a decision of the state fire marshal to suspend, revoke, or refuse to renew a fireworks operator certification. Any person who is aggrieved by a decision may petition the state fire marshal in writing for reconsideration. The state fire marshal must render a decision in 30 days. If denied, the person may appeal the decision to district court.

[Effective: July 1, 2006.]

- 25 **Sex offender assessment reimbursement grants.** Permits counties, their designees, or courts to receive reimbursement for sex offender assessments. The change clarifies that not only counties are entitled to reimbursement from the \$350,000 appropriated to the commissioner of corrections for this purpose.

[Effective: July 1, 2006.]

- 26 **Richfield disabled firefighter health care eligibility review.** Authorizes a specific Richfield firefighter to have his claim for continued health care benefits considered by the public safety officers disability review panel created by the legislature in 2005. The

firefighter was injured prior to the panel's inception and the panel is only authorized to review claims that arise after its creation. Accordingly, the Richfield firefighter needs special dispensation from the legislature to have his claim review by the panel.

[Effective: Day following final enactment.]

- 27 **Missing adults model policy.** Requires the superintendent of the Bureau of Criminal Apprehension to develop a model policy to address law enforcement efforts and duties regarding missing adults and provide training to local law enforcement agencies on this model policy.

[Effective: July 1, 2006.]

Article 4: Corrections

Overview

Article 4 contains a variety of initiatives that impact the department of corrections, county and regional jails, and those who work and reside in jails and prisons.

- 1 **Chaplains in classified service.** Strikes chaplains employed by the state from the list of employees who serve in the unclassified state civil service. Under existing law, all state positions not designated as unclassified are in the classified civil service.

[Effective: July 1, 2006.]

- 2 **TB testing.** Authorizes the Department of Corrections to require annual testing of all state inmates for tuberculosis.

[Effective: July 1, 2006.]

- 3 **Biennial report.** Requires the Department of Corrections to include information about prison-based mental health programs in its biennial performance report. Also requires the Department of Corrections recidivism studies to include statistics on the percentage of offenders who have been assessed as chemically dependent, and maintain separate recidivism rates for persons completing and persons not completing treatment.

[Effective: July 1, 2006.]

- 4 **Contracts with newly constructed jail facilities that provide access to chemical dependency treatment programs.** Authorizes the commissioner of corrections to rent beds from a newly constructed county or regional jail licensed to provide chemical dependency treatment. The contract may be up to five years in duration.

[Effective: Day following final enactment.]

- 5 **Substance abuse information provided to supervising corrections agency.** Requires the commissioner, upon release of an offender, to provide the corrections agency that will supervise the offender all records on the offender's prison-based substance abuse assessments, treatments, and other related services.

[Effective: July 1, 2006.]

- 6 **Social Security Administration incentive payments; inmate discharge planning.** Beginning in 2007, money received by the commissioner of corrections from the Social Security Administration as a result of the incentive payment agreement under the Personal Responsibility and Work Opportunity Reconciliation Act is to be used for discharge

planning for inmates with mental illness.

[Effective: July 1, 2007.]

- 7 **Periodic reviews of substance abuse assessment process.** Requires the commissioner, by January 15, 2007, and at least once every three years thereafter, to contract for an independent review of the department's prison-based substance abuse assessment activities.

[Effective: July 1, 2006.]

- 8 **Release plans; substance abuse.** Requires the commissioner to cooperate with community-based corrections agencies to determine the substance abuse treatment needs of offenders transitioning from prison to community.

[Effective: July 1, 2006.]

- 9 **Substance abuse programs; record keeping.** Requires the commissioner to keep adequate records regarding inmate participation in substance abuse treatment programs, including noncompliance with assessment recommendations.

[Effective: July 1, 2006.]

- 10 **Inmate health care decisions; medical director, department of corrections; agent.**

Subd. 1. Definitions. Defines "health care" as any care, treatment, service, or procedure to maintain, diagnose, or otherwise affect a person's physical or mental condition.

Subd. 2. Health care agent; decisions. Provides that the medical director of the department may make a health care decision for an inmate if the inmate lacks decision making capacity and:

- (1) the inmate does not have a documented health care agent;
- (2) the decision is consistent with a health care directive (if available);
- (3) the decision is consistent with reasonable medical practices and other applicable law; and
- (4) the director made a good faith attempt to consult with the inmate's next of kin or emergency contact.

Subd. 3. Disagreement regarding health care; guardianship petition. If the commissioner is not in agreement with the inmate's next of kin, the commissioner may bring a petition for appointment of a guardian.

[Effective: July 1, 2006.]

- 11 **Notice.** Provides that if a prosecuting authority or sentencing court wants to comment regarding the conditional release of a nonviolent drug offender, it must specify the reasons for its position.

[Effective: July 1, 2006.]

- 12 **Sunset.** Extends the sunset for the conditional release of nonviolent drug offenders law from July 1, 2007, to July 1, 2009.

- [Effective: July 1, 2006.]
- 13 Incarceration Fee.** Removes the requirement that a person must be sentenced in order for a local correctional agency to impose a fee for incarcerating the person. Permits a local correctional agency to impose a fee on all persons “placed” under the supervision and control of a local jail, regardless of whether a court issued a sentence or not.
- [Effective: July 1, 2006.]
- 14 Terms of conditional release; applicable to all sex offenses.** Recodifies section 609.108, subdivision 7.
- [Effective: July 1, 2006.]
- 15 Continuation of employment.** Forbids county jails from charging a fee for an inmate to participate in a work release program if the inmate is paying the costs of the inmate’s maintenance under subdivision 5 of Minnesota Statutes, section 631.425.
- [Effective: July 1, 2006.]
- 16 Transition.** Provides that the incumbent of a position transferred from the unclassified to the classified service under section 1 is appointed to the newly-classified position.
- [Effective: July 1, 2007.]
- 17 Substance abuse treatment; recommendations, report.** Requires the commissioner, by January 15, 2007, to report recommendations to the legislature on how to improve the availability and effectiveness of prison-based and community-based substance abuse treatment programs. These recommendations must include an estimate of the financial cost involved.

[Effective: July 1, 2006.]

Article 5: Courts

Overview

Article 5 addresses provisions relating to the courts. This article repeals outdated statutes relating to county and municipal courts as a result of trial court unification; moves relevant county and municipal court statutes to chapter 484; amends statutes to reflect the creation of the Judicial Council (new governance body for the judicial branch) and the sunset of the Conference of Chief Judges (former governance body for the trial courts); and removes outdated language from other court statutes. In addition, it addresses the following provisions: foreign protective orders, court debts, and the domestic fatality review team pilot project.

[All effective dates are July 1, 2006, unless otherwise noted.]

- 1 Definition.** Amended to delete reference to county and municipal courts.
- 2 General.** Amended to delete reference to county and municipal courts.
- 3 Agency participation.** Directs a court to furnish a debtor’s social security number when referring a debt to the Department of Revenue.

[Effective: day following final enactment]

- 4 Order.** Amended to delete reference to county and municipal courts.
- 5 Violation of provision for stopping train at crossing.** Amended to delete reference to

county and municipal courts.

- 6 **Federal tax refund offset fees.** Provides that state judicial debt referrals are subject to the current provisions regarding federal offset fees. It exempts state judicial debt referrals from the ten-year time limit. (This section is contingent upon the passing of federal legislation that would authorize the state to refer court debts to the IRS for federal tax refund interception.)

[Effective: day following final enactment]

- 7 **Notice; appraisers.** Amended to delete reference to county and municipal courts.
8 **Public nuisance.** Amended to delete reference to county and municipal courts.
9 **Appointment by district judge.** Amended to delete reference to county and municipal courts.
10 **May relocate Bloomington court.** Amended to delete reference to county and municipal courts.
11 **Person charged and arrested.** Amended to delete reference to county and municipal courts.
12 **Subpoena power.** Amended to delete reference to county and municipal courts.
13 **State employees; compensations.** Amended to recognize Judicial Council.
14 **Election to retain insurance and benefits; retirement.** Amended to recognize Judicial Council.
15 **State assumption of certain court costs.** Amended to reflect state funding.
16 **General.** New language from section 487.14.
17 **Jurisdiction.** Amended to reflect unification of courts.
18 **Court administrator for Probate Court, Second Judicial District.** Amended to reflect state funding.
19 **Courthouse; jail; expenses; St. Louis County.** Amended to reflect state funding.
20 **Reimbursement filings.** Amended to reflect state funding.
21 **Law clerks appointments.** Amended to reflect state funding and unification.
22 **Chambers and supplies.** Amended to reflect state funding.
23 **Space; personnel; supplies.** Amended to reflect state funding.
24 **Appointment.** Recodifies section 487.21, subdivision 4.
25 **Rules.** Amended to recognize Judicial Council.
26 **Location of trial courts.** Recodifies section 487.23. Also replaces section 448A.09.
27 **Pleading; practice; procedure.** Recodifies section 487.25.
28 **Misdemeanor offenses.** Recodifies section 487.29.
29 **Reinstatement of forfeited funds.** Recodifies section 487.32, subdivision 3.
30 **Disposition of fines, fees, and other money accounts; Hennepin County District Court.** Recodifies section 488A.03, subdivisions 6 and 11.

[Sunsets on June 30, 2007.] See section 31.

- 31 **Disposition of fines, fees, and other money accounts; Hennepin County District Court.** Amends the current fine disposition structure for Hennepin County. Currently, all fine and penalty revenue is forwarded to the municipality or subdivision of government where the crime was committed, unless the county attorney had charge of the prosecution, in which case all revenue is credited to the county general fund. Provides that the municipality or subdivision of government receives 80 percent of the fine revenue and 20 percent goes to the state general fund, unless the county attorney had charge of the prosecution, in which case all revenue is credited to the state general fund. Eliminates the fees charged to the county or to the state governmental subdivision for a case prosecuted in the Hennepin County District Court.

[Effective: July 1, 2007.] See section 30.

- 32 **Disposition of fines, fees and other money; accounts; Ramsey County District Court.** Recodifies section 488A.20, subdivision 4.
- 33 **Court divisions.** Recodifies sections 487.27 and 487.28.
- 34 **Pleading, practice, procedure and form in criminal proceedings.** Recodifies section 488A.10.
- 35 **County attorney as prosecutor, notice to county.** Recodifies section 488A.101.
- 36 **Order for prison release.** Recodifies section 488A.03, subdivision 10.
- 37 **Fees payable to court administrator.** Recodifies sections 487.31 and 487.33, subdivisions 3-5.
- 38 **Misdemeanor violations bureau.** Recodifies section 488A.08.
- 39 **Additional employees.** Amended to reflect court unification. Recodifies section 487.11, subdivision 1.
- 40 **Appointment; bond; duties.** Amended to reflect current law (state employees do not need to post bonds).
- 41 **Collection of fees.** Amended to reflect state funding.
- 42 **Investment of funds deposited with court administrator.** Amended to reflect state funding.
- 43 **Deputies.** Amended to reflect existence of judicial branch human resources rules.
- 44 **Deputy court administrator in St. Louis County.** Amended to reflect existence of judicial branch human resources rules.
- 45 **Printed calendars.** Amended to reflect state funding.
- 46 **Power to appoint court commissioner; duty.** Amended to delete reference to county and municipal courts.
- 47 **Minimum standards; plan.** Amended to reflect that programs have been implemented and to reflect the sunset of CCJ.
- 48 **Entry and enforcement of foreign protective orders.** Requires the court to file and enter into the state order for protection database foreign protective orders that have been issued by a court in another state, by an Indian tribe, or by a United States territory. A valid foreign protective order has the same effect and shall be enforced in the same manner as an order issued in this state. Filing and service costs are waived.

[Effective: July 1, 2006.]

- 49 **Board of judicial standards review.** Amended to delete reference to county and municipal courts.
- 50 **Minimum fines; other crimes.** Amended to recognize Judicial Council.
- 51 **Pretrial bail evaluation.** Amended to recognize Judicial Council.
- 52 **District jails, how designated.** Amended to delete reference to county and municipal courts.
- 53 **Domestic fatality review team pilot project extension.** Authorizes the fourth judicial district to extend the duration of the domestic fatality review team pilot project until December 31, 2008. If the pilot project is extended, the team must submit a report to the legislature by January 15, 2009.

[Effective: Day following final enactment.]

- 54 **Repealer.** Repeals outdated court language.

Article 6: Emergency Communications

Overview

Article 6 contains a series of provisions affecting emergency communications. It modifies provisions of 911 service contracts, integration-reporting requirements, and payments for recurring 911 system costs. It also eliminates obsolete language relating to the Metropolitan Radio Board that was left after the creation of the Statewide Radio Board and authorization of regional radio boards.

[Effective dates: July 1, 2006.]

- 1 Combined local access surcharge.** Deletes the provision that requires the commissioner of public safety to divide fees collected on telephone access lines “proportional to the individual surcharge.” The commissioner of public safety collects the following fees: the 911 fee (Minn. Stat. § 403.11), Telephone Access Program (TAP) (Minn. Stat. § 237.52), and Telephone Access Minnesota (TAM) (Minn. Stat. § 237.52).
- 2 Secondary public safety answering point.** Defines the term “secondary public safety answering point” for purposes of chapter 403 (911 Emergency and Public Safety Communications).
- 3 Contractual requirements.** Eliminates the requirement that that state must enter into a three-way contract with government agencies and 911-service providers. Provides that the state must contract with a government agency and enter into a separate contract with a 911-service provider.
- 4 Agreements for service.** Provides that a government agency is entitled to be a party to a contract between the state and a 911-service provider if requested by the agency. See **section 3**.
- 5 Duties.** Eliminates the August 1, 1997 deadline by which wireless carriers were to develop a plan to integrate wireless 911 services into the enhanced 911 networks. Provides that wireless carriers must provide the commissioner of public safety with an annual report on estimates of the installation costs and recurring expenses for integration.
- 6 Emergency telecommunications service fee; account.** Eliminates obsolete language and consolidates other language to clarify that the fee assessed to a telephone customer is to cover or offset the following costs: (1) ongoing maintenance and related improvements for trunking and central office switching equipment, (2) administrative and staffing costs of the commissioner for managing 911 services, (3) distribution costs under section 403.113, and (4) administrative and staffing costs incurred by the State Patrol in handling wireless 911 calls. Modifies language applicable to the reimbursement of wireless carriers for installation and recurring charges for integrating wireless 911 calls into the statewide plan, and consolidates language providing for the reimbursement of competitive local exchanges carrier for recurring costs of integrating into the 911 network.
- 7 Method of payment.** Technical, conforming change. See **section 6**.
- 8 Timely invoices.** Eliminates the requirement that all 911 expenses must be certified to the commissioner and specifies that invoices for services provided for in a 911 service contract must be submitted to the commissioner within 90 days of the new service.
- 9 Declaration.** Modifies the certification process for 911 expense claims. Provides that if the commissioner disputes an invoice submitted under **section 8**, the service provider must submit a sworn declaration to the commissioner describing and affirming the contents of the invoice within 90 days. If a service provider fails to timely submit the declaration, the disputed amount of the invoice is disallowed.
- 10 Audit.** Technical, conforming change.

- 11 **Fee.** Eliminates language redundant with Minn. Stat. § 403.11, subdivision 1, but retains the language requiring the fee collected to fund implementation, operation, maintenance, enhancement, and expansion of enhanced 911 services. Deletes various provisions requiring the fee to be collected in accordance with and in the same amount as the fee collected in Minn. Stat. § 403.11. Deletes the requirement that the commissioner consult with the counties and 911 system users to determine the amount of the enhanced 911-service fee.
- 12 **Local expenditures.** Technical, conforming change. See **section 11.**
- 13 **Board.** Clarifies that “board” means the Statewide Radio Board.
- 14 **Plan.** Clarifies that a plan means a plan adopted by a regional radio board.
- 15 **Subsystems.** Technical changes.
- 16 **System backbone.** Technical changes.
- 17 **Local planning.** Directs the regional radio board for the metropolitan area to undertake several duties previously performed by the Metropolitan Radio Board. These duties include encouraging the establishment of local public safety radio subsystem committees in each metro county and creation of joint or multi-county planning for the region-wide public safety radio system. All plans for the public safety radio subsystem must be presented to and approved by the regional radio board for the metropolitan area.
- 18 **Optional local use of statewide system.**
- Subd. 1. Options.** Technical changes.
- Subd. 2. Requirements to join.** Technical changes.
- 19 **Membership.** Requires that the Statewide Radio Board must include the chair of the regional radio board for the metropolitan area and the chair of the Met Council. Removes the Commissioner of Health from the Board.
- 20 **Advisory groups.** Technical changes.
- 21 **Repealer.** Repeals section 403.08, subdivision 8, relating to the 1997 deadline for planning integration into the enhanced 911 system to meet FCC-enhanced 911 standards. Also, repeals statutory provisions related to the Metropolitan Radio Board.

Article 7: Fraudulent and Improper Financing Statements

Overview

Article 7 deals with fraudulent filings of financing statements with the secretary of state under the Uniform Commercial Code (codified in Minnesota Statutes as Article 9 of chapter 336). The article addresses filings made to harass public officials.

In the regular course of business, a financing statement is filed by a creditor as a public record that the creditor has a security interest in (a lien on) certain personal property owned by a debtor. For instance, a business or individual may buy furniture on credit. The creditor files a financing statement as notice that the creditor has a security interest in the furniture as collateral for payment of the debt. If someone else buys the furniture, or lends money to the owner and accepts a security interest in the furniture as collateral, the new buyer’s ownership or the new creditor’s security interest in the furniture is subject to the security interest of the first creditor. Financing statements are a way of protecting security interests held by creditors.

- 1 to 10 **Notarial acts by electronic means.** Authorize a notary to perform a notarial act by

electronic means. Make conforming and technical changes in chapter 358.

[Effective: July 1, 2006]

- 11 Expedited process to review and determine the effectiveness of financing statements forms.** Provides an expedited court procedure by which any person harmed by a fraudulent financing statement may challenge its validity and get a court determination of whether it is valid.

[Effective: July 1, 2006]

- 12 Civil liability for fraudulent or otherwise improper financing statements; harassment.** Provides a civil cause of action for damages against a person who files a financing statement that is fraudulent or filed for an improper purpose. In addition, allows a person harmed by an improper financing statement filing to request specific relief like terminating the financing statement and removing the named debtor from the index so the party would not show up in a search for debtors.

[Effective: July 1, 2006]

- 13 Fraudulent or improper financing statement.** Creates a crime of fraudulent or improper filing of a financing statement. Makes it a gross misdemeanor, except it becomes a felony (five years and/or \$10,000) if the offense (1) is intended to tamper with a juror or judicial proceeding or to retaliate against a judicial officer; or (2) is a second or subsequent offense.

Allows prosecution in the county where the filing is made or where the listed debtor resides.

[Effective: August 1, 2006, and applies to crimes committed on or after that date.]

Article 8: Coroners and Medical Examiners

Overview

Article 8 updates and modifies provisions relating to coroners and medical examiners.

[Effective: July 1, 2006.]

- 1 Election or appointment, eligibility; vacancies; removal.** Provides that each county must have a coroner or medical examiner. The coroner may be elected or appointed; the medical examiner is appointed by the county board. Provides for qualifications for the medical examiner and the coroner and grandfathers in certain incumbents. Provides for vacancies and removal in the offices of medical examiner and coroner.
- 2 Hennepin county medical examiner; selection and term.** Provides the procedure to select the Hennepin County medical examiner.
- 3 Bond and indemnification.** Provides that the bond for the coroner and medical examiner must be included in the bond held by the county for all appointed and elected county officials.
- 4 Autonomy.** Provides that the office of coroner or medical examiner is an independent agency of the county subject only to appointment, removal, and budgeting by the county board.
- 5 Jurisdiction.** Provides that the coroner or medical examiner has jurisdiction over the death of a person who dies or is pronounced dead within the county, regardless of where any injury resulting in the death occurred. Provides that if the place of death is unknown and the dead body is found in Minnesota, the place where the body is found is considered the

place of death.

- 6 **Provision for transfer of jurisdiction.** Clarifies language authorizing the transfer of jurisdiction to the coroner or medical examiner and removes the county sheriff from the process.
- 7 **Medical examiner or coroner staff.** The coroner or medical examiner is authorized to appoint staff necessary to fulfill the duties of the office. The assistants must have the same qualifications as the coroner or medical examiner. Also provides the process for appointing the assistants and investigators.
- 8 **Morgue.** Provides that every county need not have a morgue as long as there is a system or a process for receiving, storing, and releasing all dead bodies under this statute.
- 9 **Investigation.** Deals with the investigation of sudden or unexpected deaths or other deaths that may not be due to natural causes.

Subd. 1. Specifies more types of deaths that are reportable. The coroner or medical examiner must determine that extent of the investigation, including whether an additional investigation is needed, jurisdiction is assumed, or an autopsy will be performed. This authority is not subject to judicial order or injunction.

Subd. 2. Deals with autopsies. Tissues retained as part of an autopsy must be disposed of in accordance with standard biohazardous hospital or surgical material and the specific consent or notification of the legal next of kin is not required. Written or oral consent would be necessary if the removal, testing, and use is done only for research or medical knowledge purposes.

Subd. 5. Deals with inquests. Language is added specifying that inquest records must be public. The county attorney may subpoena witnesses.

Subd. 6. Deals with records kept by a coroner or medical examiner. Language is added specifying that the records are the property of the county and subject to the Data Practices Act. They must be kept at the coroner's or medical examiner's office, unless no storage space is available. They must be kept with official county records and released only in accordance with the Data Practices Act and retained in accordance with section 15.17 (the official records statute).

Subd. 7a. Deals with records and other material available to the coroner or medical examiner and the treatment of records and data. The requirement that all data, except health data, be provided to the coroner or medical examiner as part of an investigation is expanded to include more specific types of records. In cases involving a still-born infant or death of a fetus or infant less than one year of age, prenatal records on the decedent's mother must also be made available. Records of a decedent that become part of the file are not subject to subpoena or a request for production of the records. Specified biological samples must be made available. Notwithstanding section 13.384 (the medical data statute) and section 595.02 (the witness privilege statute), the coroner or medical examiner has the power to subpoena any and all documents and records deemed useful in the investigation of a death.

Subd. 7b. Provides that records and reports of the coroner or medical examiner must be admissible as evidence in any court or grand jury proceeding, provided that the admissibility of this evidence does not include statements made by witnesses or other persons unless otherwise admissible.

- 10 Expenses and compensation.** Provides that the county board is responsible for the reasonable and necessary compensation and expenses of the coroner and the medical examiner and the assistants, investigators, or medical specialists.
- 11 Fees.** Clarifies language regarding the fees to be charged by the coroner or medical examiner.
- 12 Organ and tissue donation.** Authorizes the coroner or medical examiner to facilitate donations of organs and tissues in compliance with the Uniform Anatomical Gift Act.
- 13 Cremation approval.** Authorizes the coroner or medical examiner to give approval for cremation either by signing a cremation authorization form or electronically with the State Registrar.
- 14 Disposition; bail.** Provides that the county where a dead body is found shall pay reasonable expenses of the burial when a deceased person is unknown and the body is unclaimed.
- 15 Bodies; effects custody.** Requires the coroner or medical examiner to release any property or articles needed for a criminal investigation to law enforcement officers conducting the investigation.
- 16 Property.** Delineates the procedures for the possession, retention and release of personal property used in an investigation.
- 17 Death records.** Provides that in cases of likely or suspected accidental, suicidal, homicidal, violent, or mysterious deaths, only the county coroner may file the cause or manner of death with the State Registrar. In cases where there is reasonable proof that a death has occurred, but no body has been found, a judge may direct the State Registrar to register the death.
- 18 Unidentified deceased persons.** Amends the statute dealing with unidentified deceased persons. More specific requirements are included with respect to identification of a body. Requires the coroner or medical examiner to notify the Bureau of Criminal Apprehension (BCA) missing persons clearinghouse after 60 days so information may be entered into federal and state databases. Also requires the submission of tissue to the BCA for DNA analysis. Requirements are included with respect to the preservation of data.
- 19 Request for examinations.** Authorizes the coroner or medical examiner to, upon request, make physical examinations and tests incident to any matter of criminal nature under consideration by the district court or county attorney or public defender. The court, attorney, or agency making the request must bear the cost of the examination.
- 20 Contracts for services.** Authorizes the county board to contract to perform coroner or medical examiner services with other units of government under a fee schedule approved by the county board.
- 21 Repealer.** Repeals provisions in chapters 383A; 383B; and 390.