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## Overview

Minnesota Statutes address crime victims in several ways. The law provides victims of crime with financial assistance, advocacy and support services, protection from harm or harassment, notification of significant developments in an offender's status, and the right to participate in the criminal process. This publication summarizes the major features of laws enacted in Minnesota to protect the rights and interests of crime victims. It also includes a historical summary of legislation dealing with victim rights through the 2021 legislative session.

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# Topical Summary of Crime Victim Laws

## Financial Assistance for Victims

### Reparations

A person who is the victim of a crime in Minnesota and suffers economic loss as a direct result of injury or death may apply for and receive financial compensation from the state.

Additionally, Minnesota residents who become victims of crime outside Minnesota are eligible for reparations from this state if the jurisdiction (domestic or abroad) where the crime occurred does not have a reparations law covering the resident's injury or death. If, however, the crime was an act of international terrorism, Minnesota residents are eligible for reparations regardless of where the crime occurred or whether the jurisdiction has a reparations law for crime victims. The victim is eligible for reparations whether or not the perpetrator is prosecuted for the crime. However, a victim is not eligible for reparations if the victim was an accomplice of the offender or was in the process of committing a criminal act at the time of the injury.

In most cases, the crime must have been reported to the police within 30 days of its occurrence, and the reparations claim must have been filed within three years of the victim's injury or death. The law contains two exceptions to these deadlines. First, if a report could not reasonably be made within 30 days of the crime's occurrence, it must be made within 30 days of the time when a report could reasonably have been made. Second, for cases involving child abuse the reparations claim must be filed within three years of the time the crime was reported to the police, and there is no time deadline for when the police report must be made.

The types of economic loss for which reparations may be paid are:

- medical, chiropractic, rehabilitative, and hospital expenses;
- recreational therapy associated with the loss of a limb;
- expenses incurred for necessary psychiatric or psychological services, up to a maximum limit set by the Crime Victims Reparations Board;
- loss of income;
- expenses incurred for necessary child care or household services;
- funeral, burial, or cremation expenses;
- loss of support; and
- reasonable costs incurred to return a child victim of kidnapping or abduction home.

The victim must pay the first \$50 of economic loss, and the maximum amount of reparations that may be paid to an individual is \$50,000.

Victims submit claims to the Crime Victims Reparations Board, whose staff reviews them individually and decides the amount of reparations to which the victim is entitled. The claimant must be a victim, a family member of a victim, dependent, estate of a deceased victim, a person purchasing products or services for a victim, or the victim's guardian, guardian ad litem,

conservator, or authorized agent.<sup>1</sup> A claimant who disputes the amount of reparations awarded may ask the entire board to reconsider the staff's decision. The board, upon reconsideration, may affirm, reverse, or modify the prior ruling. If the board denies reparations upon reconsideration, a claimant may appeal the decision under the Administrative Procedures Act.

The board receives funding for reparations from a number of sources including the state general fund, deductions from prison inmate wages, reimbursements from court-ordered restitution payments, payments made under the "Son of Sam" law (see page 5), and penalty assessments or surcharges imposed on federal crimes. Minn. Stat. §§ 611A.51 to 611A.67.

## Restitution

Under Minnesota law, a sentencing judge may stay execution or imposition of a sentence and place the offender on probation under conditions prescribed by the judge. One of these conditions of probation can be the payment of restitution. Indeed, if the offender is not ordered to serve jail time as a condition of probation, the statute directs the sentencing judge to order a noninstitutional sanction, such as the payment of restitution, where practicable. With the victim's consent, a court also may order an offender to work in lieu of, or to work off, restitution. Minn. Stat. § 609.135. Courts may also order restitution in cases where a sentence is imposed and executed. If the victim is deceased or already has been fully compensated, the court may order the offender to pay the restitution to a victim assistance program or other program directed by the court. When an offender does not pay the entire amount of court-ordered restitution and the fine at the same time, the court may order that all restitution be paid before the fine is paid. Minn. Stat. §§ 609.10 and 609.125. In a few instances, restitution is mandatory, although it may be reduced or paid in installments if the offender is indigent. See Minn. Stat. §§ 343.21, subd. 9a (harm to service animals); 609.226, subd. 4 (harm to service animals); 609.527, subd. 4 (identity theft victims; no indigency provision); and 609.596, subd. 2b (harm to public safety dog).

Under the Crime Victims Bill of Rights, every crime victim, including a corporation, governmental entity, or victim of a juvenile offender, who incurs loss or harm as a result of a crime, has the right to receive court-ordered restitution as part of the disposition of a criminal charge or juvenile delinquency proceeding. If the person who incurred the loss or harm was a minor, incapacitated person, or incompetent, or if the person died, the term "victim" includes the family members, guardian, conservator, or custodian of that person. Minn. Stat. § 611A.01. If there is more than one victim of a crime, the court must give priority to victims who are not governmental entities when ordering restitution. The Crime Victims Reparations Board also may seek restitution on behalf of a reparations claimant.

A person seeking restitution submits the request to the court or the court's designee. The court or its designee, often a probation agent who prepares the Presentence Investigation, has a duty to seek out information from a victim. The request for restitution must itemize the amounts claimed and the reasons justifying these amounts. If an offender intends to challenge these restitution amounts, he or she must produce detailed evidence in affidavit form of the basis for

<sup>1</sup> See <https://dps.mn.gov/divisions/ojp/forms-documents/Documents/Service-Provider-Handbook.pdf>.

the challenge and request a hearing within 30 days of receiving written notice of the amount of restitution requested, or within 30 days of sentencing, whichever is later.

If the court orders the payment of restitution, it must include a payment schedule or structure in the order, or direct another person to create that structure. In practice, courts generally direct the offender's probation agent to develop the schedule. If the court orders partial restitution, it also must specify the full amount of restitution that may be docketed as a civil judgment. If the court denies restitution, it must state on the record its reasons for doing so. The court may not use an actual or prospective civil action or a docketed civil judgment as a basis for denying restitution. [Minn. Stat. §§ 611A.01; 611A.04](#); and [611A.045](#). (See also [Minn. Stat. § 152.0275](#), subd. 1, paras. (b) and (c) [restitution allowed in methamphetamine manufacture cases].)

If restitution is ordered but not paid, the victim may seek enforcement of the order in the same manner as he or she would seek enforcement of a civil judgment. Filing fees for docketing an order of restitution as a civil judgment are waived for any victim named in the restitution order. [Minn. Stat. § 611A.04](#).

Restitution also may be collected from the offender's prison wages, tax refund, or cash bail deposit, if any. [Minn. Stat. §§ 243.23](#), subd. 3; [244.18](#); and [270A.03](#), subd. 5. Restitution orders, regardless of whether they are docketed as civil judgments, are debts that are not dischargeable in bankruptcy. In addition, if restitution was ordered as a condition of probation, the court may revoke probation for failure to pay and sentence the offender to prison or payment of a fine. However, a court can only revoke probation if the failure to pay is intentional. If the offender did not have the financial ability to pay, the court cannot revoke probation.

- Probation officers can seek a probation review hearing if restitution is not paid in accordance with the payment schedule or structure in the restitution order.
- Probation officers must seek a probation review hearing if restitution has not been paid by an adult or juvenile offender 60 days prior to the expiration of probation.

Courts can extend an offender's probation period for up to one year if the court finds at a probation review hearing that the offender has failed to pay court-ordered restitution in accordance with the payment schedule and that it is unlikely that the offender will satisfy the restitution obligation before probation expires. This one-year extension may be renewed once if the same circumstances are present one year later at another review hearing.

[Minn. Stat. §§ 609.135](#), subds. 1a and 2, para. (g); and [260B.198](#), subd. 8.

The district court administrator must keep track of the amount of restitution ordered in each case, any changes to the restitution order, and the amount of restitution actually paid by the offender. The district court administrator must forward this data to the state court administrator who compiles statistics on the degree to which victims are being compensated for economic injury by means of restitution payments. [Minn. Stat. § 611A.04](#), subd. 2.

If the court holds restitution payments for a victim and these payments are not claimed for more than three years, the court must deposit the amount being held into the general crime victims' account in the state treasury for use as crime victim reparations. When it makes this deposit, the court must record the name and last known address of the victim and the amount being deposited and forward this information to the Crime Victims Reparations Board. [Minn. Stat. § 611A.04](#), subd. 5.

The financial assets of accused felons may be attached and frozen if \$10,000 or more allegedly has been lost as a result of the crime and an attachment order is necessary to ensure eventual restitution to victims of the crime. [Minn. Stat. § 609.532](#).

### **Immunity from Civil Liability for Offender's Injuries**

A perpetrator of a violent crime assumes the risk of loss, injury, or death resulting from or arising out of a course of criminal conduct committed by the perpetrator or an accomplice. The crime victim is immune from and not liable for any civil damages as a result of the victim's acts or omissions if the victim used reasonable force. Additionally, the court in such a civil action may award attorney's fees and costs to the victim if the perpetrator does not prevail. [Minn. Stat. § 611A.08](#).

### **"Son of Sam" Law**

[Minnesota Statutes, section 611A.68](#), colloquially known as the "Son of Sam" law, prohibits persons convicted of a felony or found not guilty of a felony by reason of insanity from receiving profits through a contract with the media or entertainment industry. Any person or organization that enters into a contract with a felony offender for the reenactment of or an interview about the crime must forward any money owed to the offender under the contract to the Minnesota Crime Victims Reparations Board. This prohibition applies for ten years following the conviction or finding of not guilty by reason of insanity or, if the offender is imprisoned, for ten years after the offender's release. The board is authorized to disburse contract proceeds for the following purposes:

- to reimburse itself for any reparations award previously made to the victim of the offender's crime;
- to allocate up to 10 percent of the proceeds for the benefit of the offender's minor dependent children if it can be shown that the funds will not be used to benefit the offender;
- to make reparations payments to the victim of the offender's crime including, where needed, reparations for pain and suffering and reparations in excess of the \$50,000 maximum limit contained in the reparations act; and
- to use the proceeds to pay reparations to victims of other crimes, if any money remains after these other claims are paid, or if no claims are made against the proceeds within five years of the date on which the board received them.

Moreover, if ordered by a court, the board must pay from the offender's account reasonable legal expenses related to the offender's appeal of the felony conviction or defense against a

victim's claim for reparations. It is a gross misdemeanor to willfully fail to notify the board of the existence of a contract covered by the Son of Sam law, and it is a misdemeanor to take any other action to defeat the operation of the statute.

### The Constitutionality of the Son of Sam Law

The constitutionality of Minnesota's Son of Sam law has been called into question by the U.S. Supreme Court's decision in *Simon & Schuster, Inc. v. Members of the New York State Crime Victims Board*, [112 S. Ct. 501](#) (1991). In that case, the Court held that New York's Son of Sam law was overbroad and violated free expression rights under the First Amendment for two reasons: (1) it covered all works concerning the criminal activity of the author, whether or not the author was convicted or even accused of any crime; and (2) it applied to any work by an offender on any subject so long as the work included some thought or recollection by the author concerning his or her crime.

Because Minnesota's law is limited to felony offenders who have been convicted or found not guilty by reason of insanity, it does not share the first defect of the New York law. However, Minnesota's law may be vulnerable to constitutional attack for the second reason cited by the Court, because it applies not only to a reenactment of the felony offender's crime, but also to works containing "the expression of the offender's thoughts, feelings, opinions, or emotions about the crime." [Minn. Stat. § 611A.68](#), subd. 1, para. (a).

Subsequent court decisions have indicated that the government's interests in compensating victims and depriving criminals of the profits of their crime can be achieved constitutionally through content-neutral laws, such as forfeiture laws. Because such laws focus on depriving criminals of all crime-derived profits, not just those generated by the offender's exercise of First Amendment-protected speech, they likely would be ruled constitutional. See e.g. *In Re Opinion of Justices to the Senate*, 764 N.E.2d 343, 350 (Mass. 2002).

### Fund for Emergency Needs of Crime Victims

Prosecutors and victim assistance programs can apply for emergency grants to provide emergency assistance to victims. "Emergency assistance" includes, among other things:

- replacement of necessary property that was lost, damaged, or stolen as a result of the crime;
- purchase and installation of necessary home security devices;
- transportation to locations related to the victim's needs, such as medical facilities and facilities of the criminal justice system;
- cleanup of the crime scene;
- reimbursement for reasonable travel and living expenses the victim incurred to attend court proceedings that were held at a location other than the place where the crime occurred due to a change of venue; and
- reimbursement of towing and storage fees incurred due to impoundment of a recovered stolen vehicle.

[Minn. Stat. § 611A.675.](#)

## **Protection of Victims From Harm or Harassment**

### **Tampering with a Witness**

It is unlawful to use force, threats, or coercion to prevent or dissuade another person from being a witness in any legal proceeding or from reporting a crime to the police. It also is unlawful to coerce a witness into testifying falsely at a legal proceeding or providing false information to law enforcement authorities, or to retaliate or threaten to retaliate against a witness for the witness's testimony or report. The criminal penalty for these offenses is a five-year felony, gross misdemeanor, or misdemeanor depending on the degree of force or intimidation used or attempted. If, however, the person causes or, by means of an explicit or implicit credible threat, threatens to cause great bodily harm or death to another in the course of committing first-degree witness tampering in connection with a criminal proceeding, the crime is punishable by up to 20 years' imprisonment and/or a \$30,000 fine. [Minn. Stat. § 609.498](#). If an offender uses a firearm or other dangerous weapon as part of the commission of a felony witness tampering offense, the mandatory minimum sentences of [Minnesota Statutes, section 609.11](#), apply. [Minn. Stat. § 609.11](#), subd. 9.

### **Privacy of Address, Telephone Number, and Date of Birth**

Prosecutors may elect to withhold a victim's or witness's home address, employment address, telephone number, or date of birth upon certification to the trial court that:

- the defendant or respondent has been charged with or is alleged to have committed a crime;
- nondisclosure is necessary for safety reasons; and
- the information is not relevant to the prosecution's case.

A prosecutor who makes such a certification must also make a motion with proper notice for the court's permission to continue to withhold the information. The court must then either: (1) order the information disclosed to the defense counsel but not disclosed to the defendant, or (2) order the prosecutor to contact the victim or witness to arrange a confidential meeting with the defense counsel if the victim or witness consents to the meeting. The law expressly states that it shall not be construed to compel a victim or witness to give a statement to, or to attend a meeting with, defense counsel. [Minn. Stat. § 611A.035](#).

A crime victim or witness who testifies in court proceedings may not be compelled to state his or her home or business address or date of birth on the record in open court unless the court finds that the testimony would be relevant evidence. [Minn. Stat. § 611A.035](#).

Additionally, Minnesota law allows any motor vehicle owner, driver's license holder, and Minnesota ID cardholder to request that the Commissioner of Public Safety not release that person's residence address to the public. Motor vehicle owners also may ask the commissioner not to release their names to the public. The commissioner must grant the request if the individual states in writing that keeping this information private is needed to protect the safety

of the individual or the individual's family. If the commissioner shields the residence address under this provision, the individual must provide a substitute mailing address for the commissioner to use in any documents and notices relating to the motor vehicle, driver's license, or ID card. The individual's residence address or, where applicable, name will remain available to law enforcement agencies. Additionally, the commissioner may disclose personal information when its use is related to the operation of a motor vehicle or to public safety. The commissioner may, however, refuse disclosure if the requester seems likely to use the information for an illegal, improper, or noninvestigative purpose. [Minn. Stat. §§ 168.346](#) and [171.12](#), subd. 7.

## **Witness and Victim Protection Fund**

Statute directs the Commissioner of Public Safety to administer a witness and victim protection fund<sup>2</sup> for awarding grants to local officials to provide relocation and other assistance to witnesses and victims who are likely targets of violence or intimidation. The law provides examples of the types of assistance for which this fund should be used, including providing documents to enable the person to establish a new identity, new housing, transportation of household goods to the new residence, payment of basic living expenses, and employment assistance. [Minn. Stat. § 299C.065](#), subd. 1a.

## **Address Confidentiality Program**

A victim of domestic violence, sexual assault, or stalking may apply to the secretary of state to participate in the address confidentiality program, known as the "Safe at Home" program. As a participant, the victim may designate the secretary of state as an agent for purposes of service of process and for receiving mail. A person may apply on behalf of a minor or incapacitated person.

Since the program started in 2007, it has expanded and more protections have been added. For example, a program participant may notify his or her landlord and request that the landlord not display the individual's name at the protected address. A program participant involved in a legal proceeding may obtain a protective order from a court to prevent disclosure of the individual's location. A participant may also register as an absentee voter. [Minn. Stat. §§ 5B.01](#) to 5B.11.

## **Right to Terminate Lease**

A victim of domestic abuse, criminal sexual conduct, or harassment may terminate a lease without penalty or liability provided the tenant provides a landlord with advanced written notice. [Minn. Stat. § 504B.206](#).

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<sup>2</sup> The legislature established this program in [Laws 1994, chapter 636](#), article 4, section 17. Using a line-item veto, the governor removed an appropriation of \$200,000 from the law. In 1995, the legislature amended [Minnesota Statutes, section 171.29](#), subdivision 2, and directed that 1.6 percent of the driver's license reinstatement fee charged to a person whose licenses was revoked for a DWI, criminal vehicular homicide, or criminal vehicular operation offense be used for the purposes of [Minnesota Statutes, section 299C.065](#). That statute includes two separate provisions and there is no statutory requirement that any particular amount of the reinstatement fee be dedicated to the witness and victim protection fund.

## Notice of Right to Keep Identity Confidential

A crime victim or witness has the right to ask a law enforcement agency to withhold public access to public information in the agency's records relating to the victim's or witness's identity. The agency must do so unless it reasonably determines that revealing the victim's or witness's identity would not threaten that person's personal safety or property. The identity of a victim of criminal sexual conduct or sex trafficking must be kept confidential, whether the victim requests it or not. [Minn. Stat. §§ 13.82](#), subd. 17(b) and (d); and [611A.021](#).

## Separate Waiting Area

If possible, courts must provide victims with a waiting area during court proceedings that is separate from the waiting area used by the defendant, defense witnesses, and the defendant's relatives. If a separate waiting area is not feasible, the court must provide other safeguards, such as increased bailiff surveillance and escort services, to minimize the victim's contact with such people during court proceedings. [Minn. Stat. § 611A.034](#).

## Employer Retaliation

An employer is prohibited from retaliating against an employee that takes reasonable time off from work to: (1) answer a subpoena or request of a prosecutor, (2) seek an order for protection (OFP), or (3) seek a restraining order. This protection also applies to a victim's spouse or next of kin if the case involves a violent crime. An employer that violates this provision is guilty of a misdemeanor and must pay back wages and offer reinstatement. An employee may also bring a civil cause of action and seek damages, costs and disbursements, and attorney's fees.

An employee must provide an employer with 48 hours' advance notice of expected absence from the workplace, except in cases of imminent danger to the health or safety of the employee or employee's child. An employer may ask for verification as to the employee's whereabouts, but any information provided must be kept confidential. [Minn. Stat. §§ 518B.01](#), subd. 23; [609.748](#), subd. 10; and [611A.036](#).

## Harassment Crimes

Minnesota law provides gross misdemeanor and felony penalties for harassment.<sup>3</sup> A person can commit harassment in any of eight ways specified in the statute. This includes communicating an intent to harm someone by committing an illegal act; following or pursuing someone; and repeatedly contacting someone by phone, text, or mail.

Gross misdemeanor harassment includes making threats; monitoring or pursuing another; returning to the property of another without consent or claim of right to the property; making

<sup>3</sup> Minnesota Statutes have defined this conduct using the terms "stalking" and "harass" at different times. In 2010, the legislature replaced the terms "harass" and "harassment" with stalking. See, [Laws 2010, ch. 299](#), § 8. In 2019, the legislature returned to the terms "harass" and "harassment." See, [Laws 2019, 1st Spec. Sess. ch. 5](#), art. 2, § 18. In 2020, the legislature repealed the general statutory definition and replaced it with a list of eight ways in which a person can commit harassment. See [Laws 2020, ch. 96](#), §§ 2 and 6.

repeated phone calls or inducing a victim to make phone calls; making someone's telephone repeatedly ring; repeatedly mailing or delivering objects to a person; repeatedly sending messages to a person (including electronic messages); knowingly making false allegations against a peace officer about the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties; or using the personal information of another person without consent to invite, encourage, or solicit a third party to engage in a sexual act with the person. Felony penalties apply to persons who commit repeat harassment violations; commit certain "aggravated" harassment crimes, such as harassing another with intent to tamper with a juror or judicial proceeding or retaliate against a judicial officer or attorney in connection with a judicial proceeding; or engage in a pattern of stalking conduct that is directed at an individual or one or more members of a single household and that causes the victim to feel terrorized or fear bodily harm. [Minn. Stat. § 609.749](#).

A mandatory minimum penalty applies when a person possesses a dangerous weapon at the time of the offense. If the dangerous weapon is a firearm, a three-year penalty applies for the first offense, and a five-year penalty applies to subsequent offenses; if the dangerous weapon is not a firearm, a one-year penalty applies to the first offense, and a three-year penalty applies to subsequent offenses. [Minn. Stat. § 609.11](#), subds. 4, 5, and 9.

## **Harassment Restraining Order**

Victims of harassment may seek and obtain (on their own) civil relief from harassment under the harassment restraining order law. "Harassment" is defined in this law to include: (1) a single physical or sexual assault act, or repeated, intrusive, or unwanted acts, words, or gestures that have or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the parties; (2) repeated "targeted residential picketing" directed solely at a particular residence that either interferes with the occupant's access to or exit from the property, or otherwise adversely affects the occupant's safety, security, or privacy; and (3) engaging in a pattern of attending public events after being notified that the person's presence is harassing to another. Filing fees for restraining orders are waived if the petition alleges that acts would constitute stalking or criminal sexual conduct.

The restraining order issued by the court may require the respondent to cease the harassing conduct or to have no contact with the petitioner for up to two years. Relief granted may be longer (for up to 50 years) if there have been multiple violations or orders.

The first violation of the restraining order is punishable as a misdemeanor, and certain repeat violations are punishable as a gross misdemeanor or felony, depending on the number of violations within a designated period of time. [Minn. Stat. § 609.748](#).

Felony penalties also apply to persons who violate an order in any of the following ways:

- by falsely impersonating another;
- while possessing a dangerous weapon;
- against a victim under age 18, if the respondent is more than 36 months older than the victim;

- with an intent to influence or tamper with a juror or judicial proceeding or officer of the court in connection with judicial proceedings; or
- because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin.

Minn. Stat. § 609.748.<sup>4</sup>

## **Victim Notification System on Inmate Status**

A 1997 session law required the Department of Corrections to maintain a toll-free call center for victims to check on inmate status and location. The purpose of the notification system is to reduce harassment of the victim. [Laws 1997, ch. 239](#), art. 1, § 12, subd. 5. Due to subsequent government reorganizations of victim services, part of this telephone service is administered by the Department of Public Safety (Office of Justice Programs) and is known as the VINE (Victim Information and Notification Everyday) service. VINE monitors the custody status of offenders in county jails and local detention facilities (1-877-MN-4-VINE or [www.vineline.com](http://www.vineline.com)). For offenders in a state correctional facility, the Department of Corrections provides notification updates through Minnesota Haven or the Department of Correction's Victim Assistance Program.

## **Training on Harassment Crimes**

Training requirements for judges, law enforcement, and prosecutors include professional training on harassment crimes. These laws require the state supreme court to provide training to district court judges; the Peace Officers Standards and Training (POST) Board to provide training to peace officers; and the county attorneys association, in conjunction with the attorney general's office, to provide training to city and county attorneys. The groups have flexibility to adjust and update the training as long as it meets the general requirements identified in the laws. [Minn. Stat. §§ 480.30; 626.8451](#), subd. 1a; and [Laws 1993, ch. 326](#), art. 2, § 32.

## **Victim Notification Provisions**

### **Notice of Victim Services and Rights**

The Office of Justice Programs must update a plan to provide victims with notice of those victim services that exist in the geographic area where the crime occurred. [Minn. Stat. § 611A.02](#).

Minnesota law requires the distribution of two model notices of crime victim rights. Peace officers must distribute the initial notice to victims at the time of initial contact with the victim. This notice must inform victims of:

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<sup>4</sup> If domestic abuse is involved, the victim could seek an order for protection (civil relief) or the court in a criminal case may issue a no-contact order. [Minn. Stat. §§ 518B.01; 629.75](#). To assist law enforcement in enforcing these orders, a data communications network between justice agencies must include these orders and no-contact orders must be accompanied by a photograph of the offender, if available and verified by the court. [Minn. Stat. § 299C.46](#). See also the House Research publication, *Domestic Abuse Laws in Minnesota*, September 2019.

- their right to apply for reparations;
- their right to request that data disclosing their identity be kept private;
- the nearest crime victim assistance program or resource;
- their right to participate in the criminal justice process and to request restitution; and
- if the victim is a victim of domestic abuse, the right to receive notice of the defendant's pretrial release and upcoming court dates.

Prosecutors must distribute the supplemental notice within a reasonable time after charges are filed, informing victims of their rights under the victim rights laws including:

- the right to request restitution;
- the right to be notified of plea negotiations;
- the right to be present at the sentencing hearing and to object orally or in writing to a proposed plea agreement or disposition;
- the right to be notified of the final case disposition; and
- in homicide cases, the right to be notified of laws effecting the deceased's estate.

[Minn. Stat. § 611A.02](#), subd. 2.

### **Higher Education Institution Sexual Harassment and Violence Policy**

Higher education institutions are mandated (and the University of Minnesota is requested<sup>5</sup>) to adopt sexual harassment and violence policies that, among other things, inform victims of their rights under the state crime victim bill of rights law. The school's policy must apply to criminal incidents occurring on school property and involving a student or employee of the school. The policy for sexual assault cases must, at a minimum, include provisions:

- to facilitate reporting the incident to law enforcement if the victim chooses to make a report;
- requiring the educational facilities to treat victims with dignity;
- protecting victim privacy;
- providing victims with notice regarding both services and disciplinary hearings; and
- facilitating transfers by victims into or out of a Minnesota school.

[Minn. Stat. § 135A.15](#).

### **Notice of Rights to Victims of Domestic Assault**

Peace officers must tell a victim of domestic violence whether shelter services are available and must provide victims with notice of the rights related to a criminal prosecution and protective orders. [Minn. Stat. § 629.341](#).

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<sup>5</sup> The law's application to the University of Minnesota is a request, rather than a mandate, due to the university's status as a constitutionally autonomous legal entity. [Minn. Const. art. XIII](#), § 3.

## Notice of Bail Hearings

When a court is scheduled to review the pretrial detention of a person arrested or detained for domestic abuse, harassment/stalking, violation of an OFP, or violation of a domestic abuse no-contact order, the court must make a reasonable good faith effort to notify the victim of the time and place of the review and the fact that the victim and the victim's family may attend the review. At the review, the prosecutor shall present relevant information involving the victim's account of the alleged offense. [Minn. Stat. § 629.72](#), subds. 2 and 7.

## Notice of Release from Pretrial Detention

Before releasing a person arrested or detained for domestic abuse, harassment/stalking, violation of an OFP, or violation of a domestic abuse no-contact order, the custodial law enforcement agency must make a reasonable and good faith effort to orally inform the alleged victim, other involved law enforcement agencies, and, if requested by the victim, any battered women's and domestic abuse program or sexual assault program of the following matters:

- the time of the release;
- any conditions imposed on the release;
- the time and place of the next court appearance and the victim's right to attend; and
- the location and telephone number of the area battered women's shelter or sexual assault program, if appropriate.

The law enforcement agency also is required to mail written notice of the above information to the alleged victim as soon as practical after the release. [Minn. Stat. §§ 629.72](#), subd. 6; [629.725](#); and [629.73](#).

## Notice of Decision Not to Prosecute Domestic Assault, Harassment, or Criminal Sexual Conduct

Prosecutors must make reasonable efforts to notify a victim of domestic assault, harassment, stalking, or criminal sexual conduct by telephone or by mail if they decide to decline prosecution of the case or to dismiss charges. If the suspect is still in custody, the notification attempt must be made before the suspect is released. Additionally, prosecutors who dismiss domestic assault, harassment, or criminal sexual conduct charges must state the specific reasons for the dismissal on the record. If the dismissal is due to witness unavailability, the prosecutor must indicate the specific reason why the witness is unavailable. Finally, the prosecutor must inform the victim of the availability of alternative avenues of civil relief (i.e., restraining or protective orders). [Minn. Stat. § 611A.0315](#).

## Notice of Plea Bargain Agreements

Prosecuting attorneys must make a good faith effort to inform crime victims of the contents of plea bargain agreements before presenting the plea agreement to the court. The prosecutor also must inform the victim of his or her right to be present at the sentencing hearing to express in writing any objections the victim may have to the proposed disposition. If the victim is not present at the hearing but has communicated these objections to the prosecutor, the

prosecutor shall communicate the objections to the court. [Minn. Stat. §§ 611A.03](#) and [611A.0301](#).

### **Notice of Benefit to a Jailhouse Witness**

A prosecutor must make reasonable efforts to notify victims if the prosecutor offers any of the following in exchange for the offender's testimony against another defendant:

- reduction or dismissal of charges;
- a plea bargain;
- support for modifying the amount or conditions of bail; or
- support for a motion to modify or reduce a sentence.

[Minn. Stat. § 634.045](#), subd. 5.

### **Notice of Change in Court Schedule**

Prosecutors must make reasonable efforts to provide advance notice of any change in the court's proceedings to any victim who has been subpoenaed or requested to testify. [Minn. Stat. § 611A.033](#).

### **Notice of Rights at Sentencing and Plea Presentation Hearing**

A probation officer conducting a presentence investigation of a convicted person must notify the victim of the following events and the victim's rights related to the sentencing or plea presentation hearing:

- the charge of which the defendant has been convicted or to which he or she has pled guilty;
- the victim's right to request restitution;
- the time and place of the hearing and the victim's right to be present at it; and
- the victim's right to object in writing to the proposed disposition prior to the time of sentencing.

[Minn. Stat. § 611A.037](#).

### **Notice of Final Case Disposition**

Prosecutors must make a reasonable and good faith effort to provide identifiable crime victims with a written or oral notice of the final disposition of the case within 15 working days after conviction, acquittal, or dismissal. The notice must include the right to request an additional notice when the offender will be released from confinement. However, if the prosecutor contacts the crime victim in advance of final case disposition and notifies the victim of the victim's right to receive this information, the prosecutor only has to notify those victims who indicate in advance their desire to be notified of the final disposition. [Minn. Stat. § 611A.039](#).

## **Notice of Modification of Sentence**

The court or its designee must make a reasonable and good faith effort to notify a crime victim when the court is considering modifying the sentence for a felony, a crime of violence, or an attempted crime of violence. If the victim is incapacitated or deceased, the notice must be given to the victim's family, and if the victim is a minor, notice must be given to the victim's parent or guardian. The notice must include the location, date, and approximate time of the review; the name and telephone number of a person to contact for additional information; and a statement that the victim and victim's family may provide input to the court concerning sentence modification. [Minn. Stat. § 611A.039](#), subd. 1.

## **Notice of Pending Appeal and Final Decision on Appeal**

Prosecutors must make a reasonable and good faith effort to provide notice of a pending appeal to each affected crime victim within 30 days of when the respondent's brief was filed. The notice must contain a brief explanation of the contested issues or a copy of the brief, an explanation of the applicable process, information about scheduled oral arguments or hearings, a statement that the victim and the victim's family are permitted to attend the argument or hearing, and the telephone number of a person who may be contacted for additional information. Prosecutors also must make a reasonable and good faith effort to notify a crime victim within 15 working days of a final decision on an appeal. The notice must explain what effect, if any, the decision has upon the judgment of the trial court. Victims who have previously indicated a desire not to be notified are excepted from these notice requirements. [Minn. Stat. § 611A.0395](#).

## **Notice of Offender Release from Confinement**

The Commissioner of Corrections or other custodial authority must make a good faith effort to notify the victim, on request, that an adult or juvenile offender is to be:

- released from imprisonment or incarceration, including release on work release or extended furlough;
- released from a facility in which the offender was confined due to incompetency, mental illness or deficiency, or civil commitment as mentally ill and dangerous; or
- reduced to a lower custody status.

The victim must send the written request for notice to the county facility where the offender is confined or, if the offender is in a state prison, to the Department of Corrections. The notice given to a victim of a felony crime against the person must occur 60 days before the offender's release, transfer, or change to minimum security status if the offender was sentenced to prison for more than 18 months. The notice given to a victim of any crime against the person also must include the conditions governing the offender's release and either the identity of the supervising corrections agent or a means to identify the supervising court services agency. If the victim and offender have been household or family members, and the offender committed a qualified domestic violence related offense, the victim has the right to learn the city and zip code of the offender's residence upon release from the Department of Corrections. All identifying information about the victim, including the victim's request for the notice and the

notice of release are classified as private data under the Minnesota Government Data Practices Act. [Minn. Stat. § 611A.06](#); see also id. [§ 244.05](#), subd. 5, para. (c).

Additionally, custodial authorities must notify victims of crimes of violence, harassment/stalking, domestic abuse, and sexual assault when the alleged offender is released from pretrial detention. This notice must inform the victim of the conditions of release and of the time and place of the next scheduled court hearing. [Minn. Stat. §§ 629.72](#) and [629.73](#).

### **Notice of Release of Predatory Offender**

The victim or deceased victim's next of kin may request notice in writing of a predatory offender's impending release. Requests should be sent at least 60 days before that release and should be directed to the commissioner of corrections if the offender is confined in a state prison; the head of the county correctional facility if the offender is held in a county facility; or the commissioner of human services if the person is confined due to incompetency, mental illness, mental deficiency, or commitment on the basis of being mentally ill and dangerous or being a sex offender. A written notice of the impending release also must be sent to any witnesses who testified against the inmate in any court proceedings involving the offense, if the witness requests the notice in writing, and to any person specified by the prosecuting attorney. The notice that is sent to victims must inform the person that he or she has the right to request and receive information about the offender under the community notification law. The notice to victims provided by this law does not limit a victim's right to request notice of release under [Minnesota Statutes, section 611A.06](#). [Minn. Stat. § 244.053](#).

### **Community Notification Law; Disclosure of Information on Predatory Offender**

The law enforcement agency in the area where a predatory offender resides or expects to reside, is employed, or is regularly found, must disclose information about the offender to victims of the offender's offense who have requested disclosure. [Minn. Stat. § 244.052](#), subd. 4.

### **Notice of Information Regarding Predatory Offender on Probation**

When the court grants an offender a downward dispositional departure from the Sentencing Guidelines and places a predatory offender on probation, a probation officer or court services officer assigned to supervise the predatory offender must provide written notice to a victim of, and any witnesses to, an offense committed by the offender, if the victim or the witness has requested notice. [Minn. Stat. § 244.10](#), subd. 8.

### **Notification of Civil Commitment Petition and Release**

A county attorney who files a civil commitment petition alleging that a person is mentally ill and dangerous, has a sexual psychopathic personality, or is a sexually dangerous person must make a reasonable effort to notify victims of the petition and resolution. The head of the treatment facility must notify victims that the person may be discharged or released and that the victim has the right to submit a written statement regarding the release decision. A victim may request these notifications by submitting a written request to the executive director of the facility in which the offender is confined. If a victim sends a request to the Department of

Corrections or county attorney, the recipient must forward the request to the appropriate person. [Minn. Stat. § 253B.18](#), subd. 5a.

### **Notice of Escape**

The Commissioner of Corrections or other custodial authority must make all reasonable efforts to notify a victim if an offender escapes from imprisonment or confinement. This notice must be given to any victim who has previously requested notice of the offender's release and must occur, if possible, within six hours after discovery of the escape. If possible, the victim also must be notified within 24 hours after the offender is apprehended. [Minn. Stat. § 611A.06](#), subd. 3.

### **Notice of Expungement Provisions and of Offender's Request to Expunge Records**

In every case in which there is an identifiable crime victim, a prosecutor must make reasonable efforts at the time of sentencing or disposition to inform the victim of the expungement provisions in Minnesota law. Additionally, prosecutors must make reasonable efforts to notify victims, on request, when an offender seeks expungement of the offender's record. The prosecutor must give the victim a copy of the expungement petition and notify the victim of the right to be present at the hearing and to make an impact statement there. [Minn. Stat. §§ 611A.039](#) and [611A.06](#), subd. 1a.

### **Notice of Pardon Hearing**

When the Board of Pardons holds a meeting to take formal action on an application for a pardon, the victim of the applicant's crime has a right to submit an oral or written statement at the hearing. The secretary of the Board of Pardons must publish notice of the application in the local newspaper of the county where the crime occurred and make all reasonable efforts to locate and notify any victim of the applicant's crime. [Minn. Stat. §§ 638.04](#) and [638.06](#).

### **Notice from Hospitals Concerning General Rights; Sexually Transmitted Diseases; Emergency Contraception; Prophylactics**

Hospitals must give written notice about victim rights and available resources to a person seeking medical services in the hospital who reports being the victim of sexual assault or other unwanted sexual contact or sexual penetration. Minnesota law requires hospitals to give information about sexually transmitted diseases to sexual assault crime victims whom they treat. This notice must inform the victim of the risk of contracting sexually transmitted diseases as a result of the sexual assault, the symptoms of these diseases, recommendations for periodic testing, where appropriate, and locations where confidential testing is done. [Minn. Stat. §§ 144.6586](#) and [611A.20](#).

State law establishes a minimum standard of care that hospital emergency rooms must meet or exceed when treating female and male sexual assault victims. For all victims, the hospital must provide information about prophylactic antibiotics for treatment of sexually transmitted diseases and immediately provide treatment upon request. For female victims, the hospital must also provide information about emergency contraception and provide it upon request.

This latter provision is not mandatory if the female victim has a positive pregnancy test. [Minn. Stat. §§ 145.4711](#) to 145.4713.

### **Notice Concerning HIV Testing of Convicted Offender**

A victim may get a court order requiring a convicted violent crime offender to have an HIV test and to release the results to the victim. A court can only order testing if there is evidence that the crime involved circumstances under which the HIV virus might have been transmitted. [Minn. Stat. § 611A.19](#). Sexual assault counselors and others must notify victims of this right. [Minn. Stat. § 611A.20](#), subd. 2. Insurers may not use a test administered under [Minnesota Statutes, section 611A.19](#), or any HIV test conducted on a crime victim to make an underwriting decision and may not ask victims or offenders if they have had such a test. [Minn. Stat. § 72A.20](#), subd. 29.

### **Notice to Victims of Motor Vehicle Theft**

Law enforcement agencies must make reasonable efforts to notify the victim of a reported vehicle theft within 48 hours after the vehicle is recovered. The notice must specify when the agency expects to release the vehicle and where the owner may pick it up. The law also requires dismissal of any traffic violation citation given to the owner of a stolen vehicle if the owner presents, by mail or in person, verification that the vehicle was stolen at the time of the violation. [Minn. Stat. § 169.042](#). (See Fund for Emergency Needs of Crime Victims)

### **Notice to Parents in Custody Order; Child Crime Victim**

A custody order must give each party the right to access police reports about minor children. In addition, each parent must notify the other parent if the minor child is the victim of an alleged crime, and the notice needs to include the name of the investigating officer or agency. There is no duty to notify a parent who is the alleged perpetrator. The law provides alternatives to direct notifications if there is a protection order in place or a party is in the Safe at Home program. [Minn. Stat. § 518.17](#), subd. 3.

## **Victim Participation in the Criminal Justice System**

### **Victim Input Regarding Pretrial Diversion**

Prosecutors must make every reasonable effort to notify and seek input from the victim before referring persons accused of certain serious crimes into a pretrial diversion program in lieu of prosecution. [Minn. Stat. § 611A.031](#).

### **Victim Input Regarding Plea Bargain Agreement**

A victim has the right to express orally or in writing any objections he or she may have to the contents of a plea agreement that the prosecutor is presenting to the court in a plea presentation or sentencing hearing. If the victim requests, or is not present at the hearing, the prosecutor must present the victim's objection to the court. [Minn. Stat. §§ 611A.03](#); [611A.0301](#); and [611A.038](#).

## **Victim's Right to Request a Speedy Trial**

A victim has the right to ask the prosecutor to make a speedy trial demand under the criminal procedure rules and, thereby, cause the trial to begin within 60 days. The prosecutor must make reasonable efforts to comply with the victim's request. If the victim is a vulnerable adult, the state may move for a speedy trial. [Minn. Stat. § 611A.033](#).

## **Right to the Presence of a Supportive Person at Pretrial Hearing or Trial**

A minor who is a witness for the prosecution in a criminal case involving assault or another violent crime may choose to be accompanied by a supportive person at the omnibus or pretrial hearing and at trial. Adult prosecution witnesses in criminal sexual conduct cases also have the right to the presence of a supportive person at the omnibus or pretrial hearing. If the supportive person has been called as a witness, the court may nonetheless permit him or her to be present if it finds that there is no substantial risk that the supportive person's presence at the proceeding will influence his or her testimony. [Minn. Stat. § 631.046](#). Crime victims testifying in juvenile delinquency proceedings have a similar right to the presence of a supportive person; however, the supportive person may not also be a witness scheduled to testify in the proceedings. [Minn. Stat. § 260B.163](#), subd. 3.

## **Victim Impact Statement in the Presentence Investigation Report (PSI)**

Every presentence investigation report must contain a "victim impact statement" consisting of the following information:

- a summary of the damages or harm and any other problems generated by the criminal occurrence;
- a concise statement of what disposition the victim deems appropriate for the defendant, including the reasons given, if any, by the victim in support of his or her opinion; and
- an attachment to the report consisting of the victim's written objections, if any, to the proposed disposition if these objections are given to the preparer of the report sufficiently in advance of the disposition.

[Minn. Stat. § 611A.037](#).

## **Victim's Right to Make a Statement at Sentencing or Plea Presentation Hearing**

Victims have the right to submit an impact statement to the court at the time of the plea presentation hearing and the sentencing or disposition hearing. The victim may choose whether to make the impact statement orally or in writing. If the victim requests, the prosecutor must present the statement orally to the court. The victim's statement may address the harm, trauma, or economic loss suffered by the victim as a result of the crime, and the victim's reaction to the proposed plea agreement, sentence, or disposition. [Minn. Stat. §§ 611A.0301](#) and [611A.038](#).

## Community or Neighborhood Impact Statements

A representative of a community affected by a crime may submit a victim impact statement describing the adverse social or economic effects the offense has had on persons residing, and businesses operating, in the community where the offense occurred. [Minn. Stat. § 611A.038](#).

Additionally, persons who conduct presentence investigations of defendants convicted of felony level drug sale or distribution offenses must make reasonable efforts to include a “neighborhood impact statement” in the presentence investigation report. This neighborhood impact statement may describe any adverse social or economic effects the defendant’s crime has had on persons who reside in the neighborhood where the crime was committed. [Minn. Stat. § 609.115](#), subd. 1.

## Victim’s Right to Request Probation Review Hearing

Victims have the right to ask the offender’s probation officer to request a probation review hearing if the offender fails to pay restitution as required in a restitution order. [Minn. Stat. § 611A.046](#).

## Victim’s Right to Make a Statement at Expungement Hearing

When an offender seeks to expunge his or her criminal record, the victim of the offender’s crime has the right to submit an oral or written impact statement to the court at the expungement hearing summarizing the harm the victim suffered and the victim’s recommendation on whether expungement should be granted. [Minn. Stat. § 609A.03](#), subd. 4.

## Victim Attendance at Juvenile Delinquency Proceedings

Although members of the public are usually excluded from juvenile court hearings, victims have the right to attend these hearings. Victims of a child’s delinquent act may attend any related delinquency proceeding the victim chooses, except that the court may exclude any victim:

- as a witness under the Rules of Criminal Procedure; and
- from portions of a certification hearing in order to discuss psychological material or other evidence that would not be accessible to the public.

[Minn. Stat. § 260B.163](#), subd. 1.

## Victim Inspection of Records

A victim of any delinquent act may obtain the following information in the juvenile delinquency case:

- the juvenile’s name and age;
- the act and the date of the offense; and
- the disposition, including dismissal of the petition, diversion, probation, detention, fines, or restitution.

Minn. Stat. § 260B.171, subd. 4, para. (c).

### **Victim's Right to Peace Officer Records on Juveniles**

Victims or their representatives have the right to submit a written request to a prosecuting authority for investigative data collected by a law enforcement agency. The prosecuting authority may deny a victim's request if (1) it would violate the law on release of child abuse videotapes; (2) prosecutors reasonably believe that release will interfere with the investigation; or (3) the victim's request is prompted by a desire to engage in unlawful activities. [Minn. Stat. § 260B.171](#), subd. 5, para. (h).

### **Criminal Sexual Assault Victims; Polygraphs**

Law enforcement officers and prosecutors may not require victims of sexual assault or sex trafficking to submit to a polygraph exam as part of or a condition to proceeding with the investigation, charging, or prosecution of the crime. A polygraph exam may be conducted if the victim provides written, informed consent and has had the opportunity to consult with a sexual assault counselor. [Minn. Stat. § 611A.26](#).

### **Criminal Sexual Assault Victims; Sexual Assault Kits**

The Bureau of Criminal Apprehension must prepare a uniform sexual assault examination kit consent form and distribute the form to law enforcement agencies and medical providers. The Bureau of Criminal Apprehension must also maintain a website to provide sexual assault victims with information on the status of their kits. Law enforcement agencies must provide status updates on kits on request and must have policies to provide that information. Counties must pay the cost of a medical forensic examination for criminal sexual assault victims. [Minn. Stat. §§ 299C.106](#), subds. 3a and 3b; [609.35](#); and [611A.27](#).

### **Witness Testimony; Counselors and Advocates**

Sexual assault counselors may not be allowed to disclose information received from or about a victim without the victim's consent. If good cause exists, the court may compel the counselor to disclose information related to child protection or termination of parental rights proceedings. Similarly, a domestic abuse advocate may not be compelled to disclose information from or about the victim without the victim's consent unless ordered by the court. [Minn. Stat. § 595.02](#), subd. 1, paras. (k) and (l).

## **Victim/Witness Assistance Programs**

### **Crime Victim Services in the Office of Justice Programs**

[Minnesota Statutes, chapter 611A](#), contains numerous statutes relating to victim services and assistance programs under which victims may obtain financial assistance and assistance with the enforcement of their rights. See e.g., [Minn. Stat. §§ 611A.201](#) to 611A.78. The structure of state agencies administering these programs changed significantly following their inception and the statutes did not reliably describe the programs they referenced or the state agencies that administered them until 2014.<sup>6</sup>

**Grants to Local Programs Providing Assistance to Crime Victims.** The Crime Victim Grants Unit in the Office of Justice Programs administers and distributes state and federal funds to agencies throughout the state to provide direct advocacy services to crime victims. The type of program services provided by these agencies include:

- domestic violence programs, which provide intervention, shelter, emergency housing, support, and advocacy services to victims of domestic abuse and their children;<sup>7</sup>
- sexual assault programs, which provide advocacy and support services for victims of sexual assault, including crisis intervention, assistance during medical procedures, investigation and court activities, and assistance in accessing services;<sup>8</sup>
- general crime victims programs, which provide services to victims of other types of crime, such as homicide, assault, robbery, burglary, theft, and identity theft;<sup>9</sup>
- abused children programs, which provide advocacy and assistance services to victims of child abuse and neglect;<sup>10</sup>

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<sup>6</sup> These administrative changes began in 1998, when Governor Carlson issued a reorganization order that transferred the crime victim services functions of the Department of Corrections, the Department of Administration, and the Department of Public Safety (DPS) to the Office of Crime Victim Ombudsman and, ultimately, to a new office known as the Center for Crime Victim Services. In 2003, Governor Pawlenty consolidated crime victim services further by creating, within DPS, the Crime Victim Services Unit in the Office of Justice Programs. In addition, the unit was given authority over the crime victim programs consolidated under the earlier reorganization order as well as additional programs transferred from the Department of Economic Security (juvenile justice programs), the Department of Education (abused children grant programs), and the Minnesota Planning Agency (crime statistics). The legislature has contributed to these administrative changes by enacting legislation terminating numerous advisory councils located throughout state government, including many located within the crime victim services area. Certain positions and programs have been eliminated due to budget reductions (e.g., [Minn. Stat. § 611A.201](#)).

<sup>7</sup> See [Minn. Stat. §§ 611A.31](#) to 611A.36.

<sup>8</sup> See [Minn. Stat. §§ 611A.211](#) to 611A.212.

<sup>9</sup> The statutes establishing crime victim crisis centers and their purpose, [Minn. Stat. §§ 611A.41](#) to 611A.43, were repealed in 1996 and 2014, but the Office of Justice Programs receives money through the state and federal government to issue grants in this category.

<sup>10</sup> See [Minn. Stat. § 119A.04](#), subd. 4.

- child advocacy centers, which provide a comprehensive, multidisciplinary team response to allegations of physical and sexual child abuse in a dedicated child-friendly setting;<sup>11</sup>
- parenting time centers, which provide a safe environment for parenting time, visitation, or exchange of children at a neutral site;<sup>12</sup> and
- emergency grant programs, which provide funds to meet the emergency needs of victims, such as paying for moving expenses, temporary shelter, transportation to court hearings, and home security enhancements.<sup>13</sup>

**Crime Victim Reparations.** Under this program, reparations are awarded to compensate victims and their families for losses suffered due to violent crime. The program also provides training to service providers and advocates about the reparations program. Decisions on reparation claims are made by program staff and a five-member reparations board appointed by the Commissioner of Public Safety. [Minn. Stat. §§ 611A.51](#) to 611A.67.

**Crime Victim Justice Unit.** The Crime Victim Justice Unit provides information and assistance to help crime victims navigate the criminal justice system. It also investigates complaints brought by victims who allege their rights have been violated or that they have otherwise been mistreated by the criminal justice system. Prior to the most recent reorganization, the Office of Crime Victim Ombudsman provided these services.<sup>14</sup> See [Minn. Stat. §§ 611A.72](#) to 611A.74.

## State Policy on Services to Crime Victims

Minnesota law states that, in furtherance of the state's policy of zero tolerance for violence found in [Minnesota Statutes, section 1.50](#), the state should provide every victim of violence in Minnesota, and every child who is a witness to abuse, access to necessary services. Necessary services include the following:

- crisis intervention services;
- safe housing;
- counseling;
- assistance in pursuing legal remedies and medical care;
- crisis child care; and
- safe and supervised parenting time or neutral exchange locations.

[Minn. Stat. § 15.87](#).

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<sup>11</sup> See [Laws 2007, ch. 54, art. 1, § 18](#) and [Laws 2015, ch. 65](#), art. 1, § 11, subdivision 6, paragraph (e).

<sup>12</sup> See [Minn. Stat. § 119A.37](#).

<sup>13</sup> See [Minn. Stat. § 611A.675](#).

<sup>14</sup> <https://dps.mn.gov/divisions/ojp/help-for-crime-victims/pages/crime-victim-rights-enforcement.aspx>

## Crime Victim Services Hotline

The Department of Public Safety must establish and operate a 24-hour telephone line to provide referrals for crime victim services. [Minn. Stat. § 611A.76](#).

## Crime Victim Mediation Programs<sup>15</sup>

The Office of Justice Programs may award grants to nonprofit organizations to create or expand mediation programs for crime victims and offenders. Eligibility is limited to the mediation of nonviolent crimes in which the victim was not a family or household member of the offender. [Minn. Stat. § 611A.77](#).

## Restorative Justice Programs

Community-based organizations, in collaboration with local governmental units, have authority to establish restorative justice programs. These programs provide a forum where certain individuals charged with or petitioned for having committed an offense meet with the victim and others, including law enforcement officials, prosecutors, and community members. The purpose of the meeting is to discuss the impact of the offense on the victim and the community, to provide victim support, to assign an appropriate sanction for the offender, and to reintegrate the offender into the community. Sentencing courts have authority to order the performance of work service in a restorative justice program as a condition of a stayed sentence or as part of a nonfelony sentence. For first-time juvenile petty offenders, a prosecutor must refer the child to a restorative justice program, so long as the program is available and appropriate and the case does not involve domestic violence or domestic assault. [Minn. Stat. §§ 609.092; 609.125; 609.135](#), subd. 1; and [611A.775](#).

## Trafficking Victims

The Department of Public Safety is charged with developing a trafficking victims' assistance plan that will coordinate services, such as medical services, housing, education, job training, interpreting services, legal and immigration services, and victim compensation.<sup>16</sup> [Minn. Stat. §§ 299A.78](#) to 299A.7957.

## Sexually Exploited Youth

Courts impose a penalty assessment on offenders convicted of offenses including being a patron or promoter of prostitution, coercion, soliciting children to engage in sexual conduct, possession of pornography works involving minors, and displaying harmful materials to minors. Money from the penalty assessments must be used by law enforcement, prosecutors, and crime victim service organizations to combat sexual exploitation of youth. [Minn. Stat. § 609.3241](#).

<sup>15</sup> Grants for these mediation programs were initially issued by the judicial branch. When the program moved to the Center for Crime Victim Services, no funding was directly attached. [Laws 1999, ch. 216](#), art. 5, § 18.

<sup>16</sup> Statute also directs the department to establish and maintain a toll-free telephone hotline for trafficking victims. This hotline was eliminated due to funding reductions. A national hotline exists.

## Minimum Fines

Sentencing courts must impose a minimum fine, equal to 30 percent of the maximum fine authorized by law for the offense, on persons convicted of assault or sexual assault, unless the court makes findings on the record that the offender is indigent or that the fine will cause financial hardship. The fine may not be reduced below \$50; however, the court may substitute community service for the fine. The court must forward 70 percent of the minimum fine proceeds to local victim assistance programs and the remaining 30 percent to the state general fund. If there is no local victim assistance program, the court must forward all of the fine proceeds to the state general fund. Fine proceeds received by local victim assistance programs must be used to provide direct services to victims. [Minn. Stat. § 609.101](#), subds. 2 and 5.

## Prison Wage Contributions

The Commissioner of Corrections may withhold up to 20 percent of a prison inmate's gross wages for the purpose of contributing to the Crime Victims Reparations Board's account in the state treasury. [Minn. Stat. §§ 241.26](#) and [243.23](#).

## Victims of "Bias Crimes"

### Reporting of Crimes Motivated by Bias

Every peace officer must file a report with the head of the officer's department whenever the peace officer has reason to believe that an offender was motivated to commit a crime because of the victim's race, religion, national origin, sex, age, disability, or characteristics identified as sexual orientation. The head of the law enforcement agency must file a monthly report with the Bureau of Criminal Apprehension describing crimes reported under this law, and the Commissioner of Public Safety must file an annual report with the legislature and the Department of Human Rights summarizing the information received. The commissioner may include information in the annual report concerning any additional criminal activity motivated by bias against a group that is not otherwise covered by the statute. [Minn. Stat. § 626.5531](#).

### Peace Officer Training on Bias Crimes

The POST board must prepare a training course to assist officers in identifying and responding to bias crimes, and in accurately reporting them. The board must update the course periodically, as appropriate. The statute provides that an individual may not be licensed as a peace officer unless the individual has received this training.

Additionally, the POST board must make instructional materials available to chief law enforcement officers for use by existing peace officers for continuing education credit. The board must also seek funding for an educational conference on bias crimes and, if it obtains funding, sponsor the conference on its own or with other public or private groups. [Minn. Stat. § 626.8451](#).

## **Prosecutor Training on Bias Crimes**

The county attorneys association, in conjunction with the attorney general's office, must prepare and conduct a prosecutor training course on bias-motivated crimes. The law requires the head of each prosecuting agency to maintain records on the number of prosecutors who have attended the course and the number who have not, and report this information to the attorney general annually. [Minn. Stat. § 8.34](#); [Laws 1994, ch. 636](#), art. 4, § 40.

## **Increased Criminal Penalties for Crimes Motivated by Bias**

Minnesota law provides increased criminal penalties for certain crimes if the crime was committed because of the victim's actual or perceived race, color, religion, sex, sexual orientation, disability, age, or national origin. The criminal acts affected include assault, criminal damage to property, harassment, and stalking. [Minn. Stat. §§ 609.2231](#), subd. 4; [609.595](#), subds. 1a, 2, and 3; [609.748](#), subd. 6, para. (d), cl. (2); and [609.749](#), subd. 3.

## **Civil Damages for Bias Offenses**

Any person damaged by a bias-motivated offense may bring a civil cause of action against the offender and can recover the greater of \$500 or the person's actual damages, including damages for emotional distress. The person may bring the civil action regardless of the existence or outcome of a related criminal proceeding. The law permits the awarding of punitive damages. [Minn. Stat. § 611A.79](#).

## **Consumer Violations Against an Elderly or Handicapped Person**

Minnesota law provides a gross misdemeanor penalty for any person who violates laws regarding charitable solicitation, consumer fraud, deceptive trade practices, or false advertising, if the person knows of or has reason to know that his or her conduct is directed at one or more handicapped persons or senior citizens and will cause, or is likely to cause, a handicapped person or a senior citizen to suffer loss or encumbrance of designated assets or sources of income. The attorney general has statewide jurisdiction to prosecute violations. The attorney general's jurisdiction is concurrent with that of the local prosecuting authority responsible for prosecuting gross misdemeanors in the place where the violation was committed. [Minn. Stat. § 609.2336](#).

# Historical Summary of Victim Rights Legislation: 1974-2021

The following is a chronological summary of victim rights legislation in Minnesota. Details of each law referred to in this section are presented more fully in the topical sections of this information brief.

Year	Legislative Changes
<b>1974</b>	<p>The chronology of victim rights legislation in Minnesota began in 1974 with the enactment of the Crime Victims Reparations Act. This legislation offered financial compensation to persons who were injured, killed, or otherwise damaged by the criminal act of a third party. Financed by state appropriations, this act represented one of the first efforts by the state to offer direct aid to crime victims. It was also among the first expressions by the legislature of the notion that the state had a policy interest not only in the successful prosecution of criminal offenders, but also in the welfare of the offender's victim.</p> <p>The reparations act has been amended almost every year since 1974; however, the amendments have mainly fine-tuned the act's provisions, and the act remains substantially in the same form as it was originally passed. In addition to the reparations act, the 1974 Legislature also created a new program to aid victims of sexual assault.</p>
<b>1976</b>	<p>In 1976, the legislature made it a crime to tamper with a witness or a potential witness to any legal proceeding. This crime prohibited the use of force, violence, or coercion to prevent or dissuade a witness from attending or testifying at any trial or other legal proceeding.</p>
<b>1977</b>	<p>The 1977 Legislature directed the Commissioner of Corrections to establish at least two "victim crisis centers" in the state. These centers were statutorily designed to offer direct services to crime victims as well as general educational functions in the geographic area. That year, the legislature also explicitly authorized sentencing judges to order convicted offenders to pay restitution to their victims as a condition of probation.</p>
<b>1979</b>	<p>In 1979, the legislature enacted a law prohibiting convicted felons from profiting commercially from their crimes. Known colloquially as the "Son of Sam" law, this legislation required persons who enter into contracts with convicted felons regarding the reenactment of the crime in movies, books, or other entertainment forms, to forward the profits of the venture to the Crime Victims Reparations Board for payment to the victims of the offender's crime.</p>

Year	Legislative Changes
<b>1981</b>	In 1981, the legislature passed a bill designed to provide funding for victims services from a new source: persons convicted of crimes other than traffic or parking violations. This legislation imposed a fine surcharge of 10 percent of the person's fine or, if no fine was imposed, a penalty assessment of between \$20 and \$40. The sentencing judge could waive the surcharge or assessment under circumstances of indigency or undue hardship.
<b>1983</b>	1983 was perhaps the most significant year for victim legislation in Minnesota since the passage of the reparations act in 1974. In 1983, the legislature enacted the so-called Crime Victims Bill of Rights, which, among other things, provided crime victims with notice of certain events in the prosecution of the crime of which they were victimized and provided them with certain limited rights of participation in that criminal process. The significance of this legislation lay primarily in the public policy that it expressed: namely, that a criminal prosecution is not solely a matter between the offender and the state, and that the victim has a separate interest in the outcome which, though secondary to that of the state, is nonetheless publicly recognized.
<b>1984</b>	The 1984 Legislature shifted its focus from victim involvement in the system back to victim compensation by enacting legislation expanding the authority of sentencing courts to order the payment of restitution and expressing a preference for the use of restitution and other types of noninstitutional sanctions in cases where incarceration is not ordered.
<b>1985</b>	<p>In 1985, the legislature further enhanced the usefulness of restitution orders by simplifying the procedure through which the victim may seek civil enforcement of the order in court. The legislature also authorized the Commissioner of Corrections and prison inmates to withhold up to 20 percent of earned prison wages for the purpose of funding victims services programs.</p> <p>In response to recommendations made by a Task Force on Crime Victims established by the attorney general, the legislature created a Crime Victim and Witness Advisory Council to centralize the oversight of victims programs, services, and legislation in Minnesota and to advocate for any needed changes. The legislature also created a Crime Victim Ombudsman to investigate possible violations of the rights of individual crime victims or witnesses by the criminal justice system and to act as a liaison between the aggrieved victim or witness and the agency responsible for the complaint.</p>

Year	Legislative Changes
<b>1986</b>	The 1986 Legislature added a number of new rights to the Crime Victims Bill of Rights to further increase the ability of victims to participate in the criminal justice process and achieve satisfaction of restitution orders, and to minimize the potentially adverse effects of the victim's participation in the criminal prosecution.
<b>1987</b>	The 1987 Legislature made several changes to the statutes governing victim restitution to broaden their coverage and further simplify their enforcement. The 1987 Legislature also passed new laws designed to further safeguard the personal safety of victims, including a provision requiring notice to domestic assault and harassment victims of an alleged offender's release from pretrial detention. Additionally, the legislature enacted new measures to provide funding for victims services by means of criminal fine proceeds. And finally, the 1987 Legislature specified that at least one member of the Sentencing Guidelines Commission must have been the victim of a felony-level crime.
<b>1988</b>	<p>The 1988 Legislature passed a wide variety of crime victim laws. Three of these laws made fairly significant changes or additions to existing law. First, the legislature streamlined the process through which crime victims may make reparations claims under the Son of Sam law by replacing the judicial procedures with administrative procedures. The law was also broadened to permit the use of Son of Sam contract proceeds for financial assistance for minor dependents of the offender and for paying reparations to victims of other offenders' crimes.</p> <p>Second, the legislature gave crime victims the right to describe their damages and their reaction to the offender's proposed sentence to the sentencing judge orally or in writing. And third, the legislature required law enforcement officials to file reports with the state on crimes believed to have been motivated by "bias" against the victim's race or other group affiliation, and to receive training on the detection of and response to such bias crimes.</p>
<b>1989</b>	In 1989, the legislature reworked the statutes relating to court-ordered restitution to provide clearer guidance to courts on the types of damages that are compensable through restitution orders and on the process by which compliance with these orders is attained. The 1989 Legislature also continued to address the issue of "bias" crimes by enhancing penalties for committing certain criminal acts when the act is motivated by bias against the victim's race or other group affiliation.

Year	Legislative Changes
<b>1990</b>	<p>The 1990 Legislature made four noteworthy changes to the crime victim laws. First, it enhanced legal protections for victims of “harassment” by: (1) increasing criminal penalties for certain types of harassing conduct; (2) creating civil remedies to help victims protect themselves from harassment; and (3) increasing the ability of individuals to keep their identities confidential in certain government records.</p> <p>Second, it expanded the scope of the Crime Victims Reparations Act to cover certain losses and injuries that had previously been excluded from the act’s coverage. Third, it required hospitals to give sexual assault victims information regarding the risk and symptoms of sexually transmitted diseases and the availability of confidential testing for these diseases. And finally, the 1990 Legislature required prosecutors who dismiss domestic assault charges to state the specific reasons for the dismissal on the court record and, where the dismissal was due to witness unavailability, to state publicly the specific reason why the witness was unavailable.</p>
<b>1991</b>	<p>In 1991, the legislature amended the statutes governing court-ordered restitution to enable courts to extend an offender’s probation period if the offender fails to pay the restitution in accordance with the payment schedule and it appears that the restitution will not be fully paid before probation expires. This extension of probation may be for a one-year period and may be renewed once. The 1991 Legislature also amended the Crime Victims Bill of Rights to require prosecutors to make reasonable efforts to notify victims of final case dispositions and to require custodial authorities to notify victims, on request, if an offender either escapes from confinement, or is transferred to a correctional program with less security.</p> <p>Finally, the 1991 Legislature made numerous changes to the membership, structure, and duties of the Battered Women Advisory Council and created two new advisory councils within the Department of Corrections: one for victims of sexual assault and one for general crime victims.</p>
<b>1992</b>	<p>In 1992, the legislature made the following changes to the crime victim laws. First, it required higher education institutions to adopt sexual harassment and violence policies that inform victims of their rights under state law and that contain specific provisions relating to the investigation and resolution of sexual assault incidents occurring on school property and involving students or school employees. Second, it allowed sex crime victims to get a court order requiring convicted offenders to have an HIV test and to release the results to the victim.</p>

Year	Legislative Changes
	<p>Other victim law changes enacted by the 1992 Legislature include: (1) further streamlining of the court-ordered restitution process; (2) increasing the penalty assessment imposed on all convicted offenders (other than traffic law offenders) from 10 percent to 20 percent of the fine imposed; (3) authorizing grants for mediation programs in cases involving nonviolent offenses; (4) creating a statewide 24-hour telephone hotline to provide referrals for crime victim services; and (5) permitting victims of juvenile offenders to have a supportive person present in the courtroom during the victim's testimony.</p>
<b>1993</b>	<p>The 1993 Legislature extensively revised and strengthened criminal and civil laws protecting victims of harassment. It also made several changes to the crime victim laws, including the following: (1) requiring law enforcement agencies to make reasonable efforts to notify a motor vehicle theft victim that the vehicle has been recovered and how to pick it up; (2) requiring dismissal of any traffic ticket given to the owner of a stolen vehicle if it is shown that the vehicle was stolen at the time of the theft; (3) streamlining procedures for giving victims written notice of their rights; (4) waiving court fees for docketing a restitution order as a civil judgment; (5) expanding the size of the Crime Victim and Witness Advisory Council by one member; and (6) allowing minor prosecuting witnesses to have a supportive person in the courtroom during the witness's testimony in any criminal case involving a violent crime or an assault.</p>
<b>1994</b>	<p>In 1994, the legislature adjusted the crime victim laws in several ways. It expanded the law prohibiting employer retaliation against victim-witnesses to include all witnesses. It expanded the law requiring notice to sexual abuse victims of an alleged offender's release to include notice to victims of all crimes of violence or attempted crimes of violence. It expanded the law requiring notice to victims of an offender's release from confinement to include situations where an offender's custody status has been reduced. In addition, it required courts, at the time of sentencing or disposition, to notify victims of the right to request notice of the offender's release from confinement.</p> <p>The legislature strengthened victims' rights to restitution by prohibiting courts from denying restitution solely on the basis of an actual or prospective civil action or a docketed civil judgment, and by requiring offenders who challenge restitution amounts to produce detailed evidence in affidavit form of the basis for the challenge. The legislature also expanded the right to request that an offender be tested for HIV to include all convicted violent crime offenders and adjudicated juvenile sex offenders.</p>

Year	Legislative Changes
	<p>Finally, the legislature increased the fees and expense reimbursements paid to witnesses in court cases and expanded the time periods within which victims may apply for reparations as follows: crimes must be reported to the police within 30 days of occurrence instead of five; and reparations claims must be filed within two years of the victim's injury or death instead of one year.</p>
<b>1995</b>	<p>The 1995 Legislature strengthened laws providing financial assistance to crime victims and witnesses, such as restitution, reparations, emergency financial assistance, and relocation and other protective services for victims and witnesses who are potential targets of intimidation or violence. In addition, the legislature granted immunity to victims of violent crimes in civil lawsuits filed by offenders who are injured in the course of the criminal conduct, provided that the victim used reasonable force as authorized by law.</p> <p>The legislature also strengthened the rights of crime victims to keep government data concerning them confidential and their rights to require HIV testing of convicted violent and sex offenders and adjudicated juvenile sex offenders. Finally, the legislature clarified the duties of the crime victim ombudsman and mandated that various crime victim advisory councils and mediation programs develop a plan by 1996 to consolidate their services.</p>
<b>1996</b>	<p>The 1996 Legislature amended the laws concerning restitution: (1) to provide that restitution orders are not dischargeable in bankruptcy; (2) to require court administrators to notify the Commissioner of Revenue of restitution debts to permit the attachment of tax refunds; (3) to clarify the right of the Crime Victims Reparations Board to collect restitution on a victim's behalf; and (4) to allow government agencies to collect restitution for losses incurred in controlled substance cases. In addition, the legislature set forth the state's goals concerning the necessary services it will strive to provide victims of violent crime.</p> <p>The legislature expanded the victim notice provisions to require notice of bail hearings to victims of domestic assault and harassment. In addition, the legislature enacted a provision that requires a prosecutor, in a domestic abuse or harassment case, to present relevant information involving a victim's account of an alleged offense to judges conducting bail hearings. The legislature also created a civil cause of action for victims damaged by bias-motivated crimes. Finally, the legislature, in response to the report produced on the consolidation of victim services required by 1995 legislation, did not consolidate victim services into one agency. Rather, the legislature created a crime victim services roundtable to discuss the delivery and funding of victim</p>

Year	Legislative Changes
	services and to present initiatives to the legislature that require legislative action.
<b>1997</b>	<p>In 1997, the legislature created a felony penalty for certain harassment restraining order violations and clarified that prosecutors do not need to prove specific intent as an element of criminal harassment. Additionally, the legislature amended laws related to restitution to allow courts to require restitution to be paid before fines; to include governmental entities within the definition of "victim"; and to require that, when there is more than one victim of a crime, nongovernmental entities take priority over governmental entities. A working group was created to study methods to improve the collection of restitution.</p> <p>The reparations law was amended to include acts of international terrorism within its scope and to expand the description of economic loss in the case of injury or death to include household services and child care services that the claimant provided; the description of eligible emergency assistance was expanded to include the cleanup of the crime scene and reimbursement for reasonable travel and living expenses related to a change of venue. The legislature made administrative changes in the grant program for emergency assistance to victims. Also, the legislature changed the appointing authority for the Crime Victim Ombudsman and designated some ombudsman responsibilities.</p> <p>The legislature created the following notification provisions: (1) prosecutors must notify affected crime victims of a pending appeal and a final decision on appeal; (2) the court or its designee must notify a crime victim when the court is considering modifying the sentence for a felony, a crime of violence, or an attempted crime of violence; and (3) the Commissioner of Corrections is required to implement a victim notification system to allow victims to check on inmate status and location.</p> <p>The legislature authorized local governmental units to establish restorative justice programs and gave sentencing courts authority to order the performance of work service in a restorative justice program as a condition of a stayed sentence or as part of a nonfelony sentence. The legislature created limited exceptions to the general rules of nondisclosure of juvenile court records and peace officer records on juveniles to allow for disclosure to a victim. The legislature provided a means by which prosecutors can elect not to disclose a victim's or witness's address or telephone number in certain cases. The legislature amended the presentence investigation law to allow community victim impact statements. Finally, the legislature provided a gross</p>

Year	Legislative Changes
	misdemeanor penalty for designated consumer law violations against elderly or handicapped individuals.
<b>1998</b>	In 1998, the legislature increased victim access to juvenile delinquency proceedings and juvenile records. The 1998 Legislature gave community-based organizations, in collaboration with local governmental units, authority to establish restorative justice programs. In addition, the legislature responded to Reorganization Order No. 180, a January 1998 order issued by the governor to consolidate the crime victim service components of the Department of Corrections, Department of Public Safety, and Department of Administration, into the Office of the Crime Victim Ombudsman. This order resulted in the creation of a Center for Crime Victim Services. The legislature acted to ensure that the center: (1) maintain the duties of the crime-specific councils; (2) maintain the current funding allocations; and (3) conduct focus groups to ascertain victim and provider priorities.
<b>1999</b>	The 1999 Legislature extended from two years to three years the amount of time a victim has to file a reparations claim. The legislature limited the time period a defendant has to challenge restitution and provided for deposit of unclaimed restitution payments in the general crime victims' account in the state treasury for use in crime victims' reparations. In addition, the legislature authorized moving expenses (in certain cases) as an eligible item for which a victim may seek reparations. Finally, the legislature provided that a prosecutor may elect not to disclose a crime victim's or witness's date of birth in a criminal proceeding.
<b>2000</b>	The 2000 Legislature addressed the issues of domestic violence and sexual assault prevention by creating an Interagency Task Force on Domestic Violence and Sexual Assault Prevention within the Crime Victim Services Unit. The legislature also required the appointment of a director of domestic violence and sexual assault prevention and outlined the director's wide-ranging duties to develop policies and resources in this area of prevention.
<b>2001</b>	The 2001 Legislature required that victims be informed when an offender files a petition seeking expungement of his or her criminal record and gave victims an opportunity to submit an oral or written statement at the expungement hearing regarding the harm the victim has suffered and whether expungement should be granted. The legislature also made numerous changes to the domestic abuse laws, including the establishment of standards for domestic abuse counseling programs and the expansion of special pretrial release rules applicable to domestic abuse and harassment cases.

Year	Legislative Changes
<b>2002</b>	<p>The 2002 Legislature increased criminal penalties applicable to criminal harassment crimes committed against victims under the age of 16 when the act is committed with sexual or aggressive intent, and when the crime is the offender's third or subsequent offense. The legislature also expanded the government's responsibility to pay for medical examination services provided to sexual assault victims, including tests for sexually transmitted disease and pregnancy.</p> <p>Additionally, the legislature prohibited hotel/motel owners from knowingly renting rooms to level III predatory offenders when the owner simultaneously provides shelter services, under government contract, to domestic assault victims. Finally, the legislature abolished the Office of Crime Victim Ombudsman and transferred its duties to the Center for Crime Victim Services. It also changed the payment structure for subsidizing battered women shelters from a per diem system to a grant program.</p>
<b>2003</b>	<p>The 2003 Legislature clarified the law governing county responsibility to pay a sexual assault victim's medical examination costs by providing that the county where the crime occurred is responsible regardless of whether the crime was reported to law enforcement or is the subject of a law enforcement investigation. The legislature also expanded the right of victims to make an impact statement during the criminal proceedings by providing that this right applies to plea presentation hearings as well as sentencing hearings. Finally, the legislature provided standards governing a defendant's access to videotapes of child abuse victims.</p>
<b>2005</b>	<p>The 2005 Legislature expanded the term "victim" under chapter <a href="#">611A</a> to include the family members, guardian, or custodian of a minor or incompetent, incapacitated, or deceased person. The legislature also expanded eligibility for reparations to include victims injured overseas. Additionally, changes were made to the employer retaliation law. It was expanded to include persons who take time off from work to obtain an OFP or restraining order. Notification and verification provisions were also added to the retaliation laws. The legislature implemented victim notification provisions in civil commitment cases and waived the filing fee for a restraining order petition that alleges acts of criminal harassment or criminal sexual conduct. Finally, it imposed a mandatory restitution obligation of not less than \$1,000 for each direct victim of identity theft.</p>

Year	Legislative Changes
<b>2006</b>	In 2006, the legislature implemented human trafficking victim assistance programs and an address confidentiality program for victims of domestic violence, sexual assault, or harassment. These programs were scheduled to begin in 2007. The legislature also expanded the notice provisions when a prosecutor decides not to prosecute a case to include cases involving criminal sexual conduct.
<b>2007</b>	The 2007 Legislature expanded the protection against employer retaliation for crime victims to attend criminal proceedings, established minimum standards of care for hospitals providing care to sexual assault victims, established procedures for polygraph examinations of sexual assault victims, authorized emergency grants for victims of vehicle theft to reimburse them for impound fees and towing charges; and provided that a no-contact order in the criminal justice data communication network must be accompanied by a photograph of the offender (when available and court verified).
<b>2008</b>	The 2008 Legislature made changes to the Safe at Home program and created a process for obtaining a 50-year order for protection or restraining order after multiple violations or continued threats.
<b>2009</b>	In 2009, the legislature added sexual assault victims to the statute requiring prosecutors to provide victims with information on civil protection orders and it added protections to the Safe at Home program. In addition, it created a restorative justice alternative disposition option for certain juvenile petty offenders. (A restorative justice program provides a forum for offenders and victims to discuss the impact of the offense, assign an appropriate sanction, and provide support for victims.)
<b>2010</b>	The 2010 Legislature enacted a domestic abuse omnibus bill that contained provisions relating to orders for protection (OFP), domestic abuse no-contact orders (DANCO), witness tampering, stalking, and bail. As part of this omnibus bill, the legislature restructured two provisions in law: (1) criminal harassment was renamed stalking and provisions were expanded to address updates in technology; and (2) the criminal DANCO law was recodified and moved out of the civil order for protection law. In a separate bill, the legislature imposed mandatory restitution for harm or bodily injury to a service animal.

Year	Legislative Changes
<b>2011</b>	In 2011, another mandatory restitution provision was added for harming or killing a public safety dog. The 2011 Legislature also enacted provisions related to sexually exploited youth, including child protection, funding for victim organizations, and a statewide victim services model. It also added protections to the Safe at Home program.
<b>2012</b>	The 2012 Legislature enacted Jacob's law. Jacob's law added and amended notification provisions that apply when a child is a crime victim, including notice requirements of parents subject to custody orders and law enforcement notice to social services if a child is a victim of neglect or abuse occurring outside the home. It also expanded the filing fee waiver for restraining order petitions.
<b>2013</b>	In 2013, the legislature passed several laws relating to victims. It classified all identifying information regarding a person requesting notification of change in custody status of an arrested, detained, or confined person from the Department of Corrections (DOC) or other custodial authority that is made through an automated electronic notification system, including the fact that the notice was requested and provided, as private data. It also updated obsolete references to the DOC and replaced them with references to the Office of Justice Programs. It further directed the Department of Public Safety to convene a working group to study how restitution is currently being requested, ordered, and collected. Another act provided that if a victim dies before or after a request for restitution is made or order is issued, the victim's estate may request or enforce an order on the victim's behalf. There were substantial changes to orders for protection, harassment restraining orders, and domestic abuse no-contact orders including striking the term "knowingly" from the provisions that provided for enhanced penalties for those who violate the orders and expanding the potential venues for prosecution of offenses. The legislature also amended the state's "slayer" statute to prevent unjust enrichment in homicide cases by providing that the killer cannot benefit from a decedent's death through inheritance.
<b>2014</b>	The 2014 Legislature made several statutory changes related to the Office of Justice Programs. The changes were technical in nature and consisted of amending and repealing redundant and outdated statutes and references. The legislature also permitted the use of GPS monitoring devices as a condition of pretrial release in domestic abuse cases with the goal of protecting domestic abuse victims, but required judicial districts to adopt standards for the use of the devices.

Year	Legislative Changes
<b>2015</b>	In 2015, legislation extended protections for Safe at Home participants. The new law prohibits a person or entity from disclosing the actual address of a participant in the Safe at Home Address Confidentiality Program in a legal proceeding, unless the court or tribunal determines that there is reason to believe that the matter cannot proceed without disclosure, and there is no other practicable way of obtaining the information or evidence. Legislation also required consideration of potential Safe at Home data protections when not public data are considered for release during the discovery phase of a legal proceeding. The legislature also began to address concerns about untested rape kits by requiring laboratories, sheriffs, and chiefs of police to provide a written report detailing the number of untested kits in their possession.
<b>2016</b>	The 2016 Legislature eliminated the mandatory hearing requirement for extension of an order for protection (OFP), when the petitioner seeks only <i>limited</i> relief. Limited relief includes prohibiting contact with petitioner, excluding abusing party from petitioner's residence or workplace, continuing insurance coverage, and directing care and protection of companion animals.
<b>2017</b>	In 2017, the legislature permitted all peace officers as well as corrections officers including probation agents, court services officers, parole officers, and employees of jail and other correctional facilities to serve harassment restraining orders and created a short-form notification form to inform a respondent of the existence of a harassment restraining order.
<b>2018</b>	The 2018 Legislature expanded the list of crimes requiring payment of a penalty assessment that is used, in part, to fund crime victim services programs that provide services to victims of trafficking offenses. The legislature also mandated that hotel employees undergo training to recognize and report sex trafficking.
<b>2019</b>	In 2019, the legislature created a task force on missing and murdered indigenous women to report on the systemic causes behind violence against indigenous women and appropriate measures to assist victims and their families. Legislation also permitted victims of sexual assault to initiate law enforcement investigations by contacting any law enforcement agency, regardless of where the crime occurred.
<b>2020</b>	The 2020 Legislature amended the crime of harassment in response to a supreme court decision finding portions of that crime unconstitutional.

Year	Legislative Changes
2021	<p>In 2021, the legislature enacted the following provisions related to crime victims:</p> <ul style="list-style-type: none"> <li>▪ appropriated money for grants to address emerging or unmet needs of crime victims;</li> <li>▪ established a statewide antitrafficking investigation coordinator to oversee responses to the trafficking and exploitation of youth;</li> <li>▪ directed the Bureau of Criminal Apprehension to conduct investigations involving the alleged sexual assault of members of the Minnesota National Guard by another member;</li> <li>▪ created a “good Samaritan” law protecting sexual assault victims and individuals who report that a sexual assault victim needs assistance from prosecution for certain crimes;</li> <li>▪ created a task force on missing and murdered African-American women;</li> <li>▪ established a process for local law enforcement organizations to provide victims who are immigrants with needed documentation to apply for a U-visa;</li> <li>▪ created a requirement that victims be notified in certain cases involving the use of jailhouse witnesses;</li> <li>▪ revised the criminal sexual conduct laws including eliminating the statute of limitations in those cases; and</li> <li>▪ revised the victim notification requirements for cases involving civil commitment of an offender.</li> </ul>



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