

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 1098

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DATE	D-PG	OFFICIAL STATUS
02/16/2017	641	Introduction and first reading
03/09/2017		Referred to Judiciary and Public Safety Finance and Policy Comm report: To pass as amended and re-refer to Finance

- 1.1 A bill for an act
- 1.2 relating to public safety; expanding the damage to property crime by including
- 1.3 public safety motor vehicles; imposing criminal penalties; amending Minnesota
- 1.4 Statutes 2016, section 609.595, subdivisions 1, 2, by adding a subdivision.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2016, section 609.595, subdivision 1, is amended to read:
- 1.7 Subdivision 1. **Criminal damage to property in the first degree.** Whoever intentionally
- 1.8 causes damage to physical property of another without the latter's consent may be sentenced
- 1.9 to imprisonment for not more than five years or to payment of a fine of not more than
- 1.10 \$10,000, or both, if:
- 1.11 (1) the damage to the property caused a reasonably foreseeable risk of bodily harm; or
- 1.12 (2) the property damaged was a public safety motor vehicle, the defendant knew the
- 1.13 vehicle was a public safety motor vehicle, and the damage to the vehicle caused a substantial
- 1.14 interruption or impairment of public safety service or a reasonably foreseeable risk of bodily
- 1.15 harm; or
- 1.16 (3) the property damaged belongs to a common carrier and the damage impairs the
- 1.17 service to the public rendered by the carrier; or
- 1.18 ~~(3)~~ (4) the damage reduces the value of the property by more than \$1,000 measured by
- 1.19 the cost of repair and replacement; or
- 1.20 ~~(4)~~ (5) the damage reduces the value of the property by more than \$500 measured by
- 1.21 the cost of repair and replacement and the defendant has been convicted within the preceding
- 1.22 three years of an offense under this subdivision or subdivision 2.

2.1 In any prosecution under clause ~~(3)~~ (4), the value of any property damaged by the
2.2 defendant in violation of that clause within any six-month period may be aggregated and
2.3 the defendant charged accordingly in applying the provisions of this section; provided that
2.4 when two or more offenses are committed by the same person in two or more counties, the
2.5 accused may be prosecuted in any county in which one of the offenses was committed for
2.6 all of the offenses aggregated under this paragraph.

2.7 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
2.8 committed on or after that date.

2.9 Sec. 2. Minnesota Statutes 2016, section 609.595, subdivision 2, is amended to read:

2.10 Subd. 2. **Criminal damage to property in the third degree.** (a) Except as otherwise
2.11 provided in subdivision 1a, whoever intentionally causes damage to another person's physical
2.12 property without the other person's consent may be sentenced to imprisonment for not more
2.13 than one year or to payment of a fine of not more than \$3,000, or both, if: (1) the damage
2.14 reduces the value of the property by more than \$500 but not more than \$1,000 as measured
2.15 by the cost of repair and replacement; or (2) the damage was to a public safety motor vehicle
2.16 and the defendant knew the vehicle was a public safety motor vehicle.

2.17 (b) Whoever intentionally causes damage to another person's physical property without
2.18 the other person's consent because of the property owner's or another's actual or perceived
2.19 race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age,
2.20 or national origin may be sentenced to imprisonment for not more than one year or to
2.21 payment of a fine of not more than \$3,000, or both, if the damage reduces the value of the
2.22 property by not more than \$500.

2.23 (c) In any prosecution under paragraph (a), clause (1), the value of property damaged
2.24 by the defendant in violation of that paragraph within any six-month period may be
2.25 aggregated and the defendant charged accordingly in applying this section. When two or
2.26 more offenses are committed by the same person in two or more counties, the accused may
2.27 be prosecuted in any county in which one of the offenses was committed for all of the
2.28 offenses aggregated under this paragraph.

2.29 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
2.30 committed on or after that date.

3.1 Sec. 3. Minnesota Statutes 2016, section 609.595, is amended by adding a subdivision to
3.2 read:

3.3 Subd. 4. **Definitions.** (a) As used in this section, "public safety motor vehicle" includes:

3.4 (1) marked vehicles used by law enforcement agencies and specially marked vehicles
3.5 permitted under section 169.98, subdivision 2a, owned or leased by the state or a political
3.6 subdivision;

3.7 (2) fire apparatuses, including fire-suppression support vehicles, owned or leased by the
3.8 state or a political subdivision;

3.9 (3) ambulances owned or leased by the state or a political subdivision;

3.10 (4) vehicles owned by ambulance services licensed under section 144E.10 that are
3.11 equipped and specifically intended for emergency response or providing ambulance services;
3.12 and

3.13 (5) marked vehicles used by conservation officers of the Division of Enforcement and
3.14 Field Service of the Department of Natural Resources.

3.15 (b) As used in subdivision 1, clause (2), and subdivision 2, paragraph (a), clause (2),
3.16 "damage" includes tampering with a public safety motor vehicle and acts that obstruct or
3.17 interfere with the vehicle's use.

3.18 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
3.19 committed on or after that date.