

A bill for an act

relating to public safety; providing for the courts and public defenders including court vacancies, referees, fines and fees, surcharges, collection policies and procedures, driving while impaired, judgments, and restorative justice for juvenile petty offenders; providing for public safety and corrections including reports, controlled substance crimes, sentencing, MINNCOR, challenge incarceration program, supervised release violations, and county-based revocation center pilot project; authorizing a task force and forum; providing for penalties; appropriating money for the courts, public defenders, public safety, corrections, certain other criminal justice agencies, boards, and commissions; amending Minnesota Statutes 2008, sections 2.722, subdivisions 4, 4a; 2.724, subdivisions 2, 3; 3.195, subdivision 1, by adding a subdivision; 86B.705, subdivision 2; 134A.09, subdivision 2a; 134A.10, subdivision 3; 152.025, subdivisions 1, 2; 152.0262, subdivision 1; 169A.20, subdivision 1, by adding subdivisions; 169A.25, subdivision 1; 169A.26, subdivision 1; 169A.27, subdivision 1; 169A.28, subdivision 2; 169A.284; 169A.46, subdivision 1; 169A.54, subdivision 1; 171.29, subdivision 2; 241.016, subdivision 1; 241.27, subdivision 1a, by adding subdivisions; 244.055, subdivision 11; 244.17; 244.172, subdivision 1; 299A.01, subdivision 1a, by adding a subdivision; 299C.65, subdivision 3a; 299D.03, subdivision 5; 357.021, subdivisions 2, 6, 7; 357.022; 357.08; 364.08; 375.14; 480.15, by adding a subdivision; 484.85; 484.90, subdivision 6; 484.91, subdivision 1; 491A.02, subdivision 9; 491A.03, subdivision 1; 525.091, subdivision 1; 549.09, subdivision 1; 550.011; 609.035, subdivision 2; 609.10, subdivision 1; 609.101, subdivisions 3, 4; 609.105, subdivision 1; 609.125, subdivision 1; 609.135, subdivisions 1, 1a, 2; 611.17; 631.48; proposing coding for new law in Minnesota Statutes, chapters 244; 609; repealing Minnesota Statutes 2008, sections 152.025, subdivision 3; 152.0262, subdivision 2; 260B.199, subdivision 2; 260B.201, subdivision 3; 325E.22; 383B.65, subdivision 2; 484.90, subdivisions 1, 2, 3; 487.08, subdivisions 1, 2, 3, 5; 609.105, subdivisions 1a, 1b; 609.135, subdivision 8.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

ARTICLE 1

APPROPRIATIONS

Section 1. **SUMMARY OF APPROPRIATIONS.**

3.1 (b) Criminal Justice Forum. The chief
3.2 justice is requested to continue the criminal
3.3 justice forum to evaluate and examine
3.4 criminal justice efficiencies and costs
3.5 savings, and may submit a report of the
3.6 findings and recommendations to the chairs
3.7 and ranking minority members of the house
3.8 of representatives and senate committees
3.9 with jurisdiction over public safety policy
3.10 and finance by February 15, 2010.

3.11 (c) Civil Justice Forum. The chief justice
3.12 is requested to convene a civil justice
3.13 forum to evaluate and examine civil justice
3.14 efficiencies and cost savings and may submit
3.15 a report of the findings and recommendations
3.16 to the chairs and ranking minority members
3.17 of the house of representatives and senate
3.18 committees with jurisdiction over public
3.19 safety policy and finance by February 15,
3.20 2010.

3.21 (d) Federal Stimulus Funds. The Supreme
3.22 Court is encouraged to apply for all available
3.23 grants for federal stimulus funds to: (1)
3.24 continue drug court programs that lose
3.25 state funding; and (2) make technological
3.26 improvements within the judicial system.

3.27 (e) Judicial and Referee Vacancies.
3.28 The Supreme Court shall not certify a
3.29 judicial or referee vacancy under Minnesota
3.30 Statutes, section 2.722, until it has examined
3.31 alternative options, such as temporarily
3.32 suspending certification of the vacant
3.33 position or assigning a retired judge to
3.34 temporarily fill the position.

3.35 Subd. 3. Civil Legal Services 12,100,000 12,100,000

4.1 **Legal Services to Low-Income Clients in**
 4.2 **Family Law Matters.** Of this appropriation,
 4.3 \$877,000 each year is to improve the
 4.4 access of low-income clients to legal
 4.5 representation in family law matters. This
 4.6 appropriation must be distributed under
 4.7 Minnesota Statutes, section 480.242, to
 4.8 the qualified legal services programs
 4.9 described in Minnesota Statutes, section
 4.10 480.242, subdivision 2, paragraph (a). Any
 4.11 unencumbered balance remaining in the first
 4.12 year does not cancel and is available in the
 4.13 second year.

4.14 Sec. 4. **COURT OF APPEALS** \$ 10,285,000 \$ 10,285,000

4.15 Sec. 5. **TRIAL COURTS** \$ 250,116,000 \$ 250,116,000

4.16 Sec. 6. **TAX COURT** \$ 818,000 \$ 818,000

4.17 Sec. 7. **UNIFORM LAWS COMMISSION** \$ 51,000 \$ 51,000

4.18 Sec. 8. **BOARD ON JUDICIAL STANDARDS** \$ 456,000 \$ 456,000

4.19 \$125,000 each year is for special
 4.20 investigative and hearing costs for major
 4.21 disciplinary actions undertaken by the
 4.22 board. This appropriation does not cancel.
 4.23 Any encumbered and unspent balances
 4.24 remain available for these expenditures in
 4.25 subsequent fiscal years.

4.26 Sec. 9. **BOARD OF PUBLIC DEFENSE** \$ 66,028,000 \$ 66,028,000

4.27 Sec. 10. **PUBLIC SAFETY**

4.28 **Subdivision 1. Total Appropriation** \$ 158,678,000 \$ 162,441,000

4.29 Appropriations by Fund
 4.30 2010 2011

5.1	<u>General</u>	<u>80,463,000</u>	<u>80,463,000</u>
5.2	<u>Special Revenue</u>	<u>9,632,000</u>	<u>9,632,000</u>
5.3	<u>State Government</u>		
5.4	<u>Special Revenue</u>	<u>66,573,000</u>	<u>70,336,000</u>
5.5	<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>
5.6	<u>Trunk Highway</u>	<u>1,941,000</u>	<u>1,941,000</u>

5.7 The amounts that may be spent for each
 5.8 purpose are specified in the following
 5.9 subdivisions.

5.10 (a) Car Fleet. By January 1, 2010,
 5.11 the commissioner shall reduce the
 5.12 department's fleet of cars that are not used for
 5.13 investigations by at least five percent when
 5.14 compared to the fleet's status on January 1,
 5.15 2009. This paragraph shall not apply to State
 5.16 Patrol vehicles purchased or maintained
 5.17 using trunk highway funds.

5.18 (b) Prohibition on Use of Appropriation.
 5.19 No portion of this appropriation may be
 5.20 used for the purchase of motor vehicles
 5.21 or out-of-state travel that is not directly
 5.22 connected with and necessary to carry out
 5.23 the core functions of the department.

5.24 Subd. 2. Emergency Management 2,583,000 2,583,000

5.25	<u>Appropriations by Fund</u>		
5.26	<u>General</u>	<u>1,910,000</u>	<u>1,910,000</u>
5.27	<u>Special Revenue</u>	<u>604,000</u>	<u>604,000</u>
5.28	<u>Environmental</u>	<u>69,000</u>	<u>69,000</u>

5.29 Hazmat and Chemical Assessment Teams.
 5.30 \$604,000 each year is appropriated from the
 5.31 fire safety account in the special revenue
 5.32 fund. These amounts must be used to
 5.33 fund the hazardous materials and chemical
 5.34 assessment teams.

5.35 Subd. 3. Criminal Apprehension 43,368,000 43,368,000

6.1	<u>Appropriations by Fund</u>		
6.2	<u>General</u>	<u>41,420,000</u>	<u>41,420,000</u>
6.3	<u>State Government</u>		
6.4	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
6.5	<u>Trunk Highway</u>	<u>1,941,000</u>	<u>1,941,000</u>

6.6 **DWI Lab Analysis; Trunk Highway Fund.**

6.7 Notwithstanding Minnesota Statutes, section
 6.8 161.20, subdivision 3, \$1,941,000 each year
 6.9 is appropriated from the trunk highway fund
 6.10 for laboratory analysis related to driving
 6.11 while impaired cases.

6.12	<u>Subd. 4. Fire Marshal</u>	<u>8,125,000</u>	<u>8,125,000</u>
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6.13 This appropriation is from the fire safety
 6.14 account in the special revenue fund.

6.15 Of this amount, \$5,857,000 each year is for
 6.16 activities under Minnesota Statutes, section
 6.17 299F.012, and \$2,268,000 each year is for
 6.18 transfer to the general fund under Minnesota
 6.19 Statutes, section 297I.06, subdivision 3.

6.20	<u>Subd. 5. Alcohol and Gambling Enforcement</u>	<u>2,538,000</u>	<u>2,538,000</u>
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6.21	<u>Appropriations by Fund</u>		
6.22	<u>General</u>	<u>1,635,000</u>	<u>1,635,000</u>
6.23	<u>Special Revenue</u>	<u>903,000</u>	<u>903,000</u>

6.24 This appropriation is from the alcohol
 6.25 enforcement account in the special revenue
 6.26 fund. Of this appropriation, \$750,000 each
 6.27 year shall be transferred to the general fund.
 6.28 The transfer amount for fiscal year 2012 and
 6.29 fiscal year 2013 shall be \$500,000 per year.

6.30	<u>Subd. 6. Office of Justice Programs</u>	<u>35,594,000</u>	<u>35,594,000</u>
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6.31	<u>Appropriations by Fund</u>		
6.32	<u>General</u>	<u>35,498,000</u>	<u>35,498,000</u>
6.33	<u>State Government</u>		
6.34	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>

7.1 (a) Federal Stimulus Money. The Office
7.2 of Justice programs shall give priority to
7.3 awarding grants for federal stimulus money
7.4 to the following activities and programs:

7.5 (1) organizations that provide mentoring
7.6 grants for children of incarcerated parents;

7.7 (2) youth intervention programs, as defined
7.8 under Minnesota Statutes, section 299A.73,
7.9 with an emphasis on those programs that
7.10 provide early intervention youth services to
7.11 children in their communities;

7.12 (3) re-entry programs for offenders, with a
7.13 priority on continuing to fund the nonprofit
7.14 organization selected to administer the
7.15 demonstration project for high risk adults
7.16 under Laws 2007, chapter 54, article 1,
7.17 section 19;

7.18 (4) trafficking victim programs, including
7.19 legal advocacy clinics, training programs,
7.20 public awareness initiatives, and victim
7.21 services hotlines;

7.22 (5) nonprofit organizations dedicated
7.23 to providing immediate and long-term
7.24 emotional support and practical help for
7.25 families and friends of persons who have
7.26 died traumatically;

7.27 (6) programs that seek to develop and
7.28 increase juvenile detention alternatives;

7.29 (7) restorative justice programs, as defined
7.30 in Minnesota Statutes, section 611A.775,
7.31 except that a program that receives federal
7.32 funds shall not use the funds for cases
7.33 involving domestic assault; and

8.1 (8) judicial branch efficiency programs,
8.2 including e-citation and fine management
8.3 and collection program improvements.

8.4 For purposes of this subdivision, "federal
8.5 stimulus money" means money provided to
8.6 the state under the American Recovery and
8.7 Reinvestment Act of 2009.

8.8 **(b) Crime Victim and Youth Intervention**
8.9 **Programs.** For the biennium ending June
8.10 30, 2011, funding for the following programs
8.11 must not be reduced by more than three
8.12 percent from the level of state base funding
8.13 provided for the biennium ending June 30,
8.14 2009: (1) crime victim reparations; (2)
8.15 battered women's shelters and domestic
8.16 violence programs; (3) general crime victim
8.17 programs; (4) sexual assault victim programs;
8.18 and (5) youth intervention programs.

8.19 **(c) Administration Costs.** Up to 2.5 percent
8.20 of the grant money appropriated in this
8.21 subdivision may be used to administer the
8.22 grant program.

8.23 **Subd. 7. Emergency Communication Networks** 66,470,000 70,233,000

8.24 This appropriation is from the state
8.25 government special revenue fund for 911
8.26 emergency telecommunications services.

8.27 **(a) Public Safety Answering Points.**
8.28 \$13,664,000 each year is to be distributed
8.29 as provided in Minnesota Statutes, section
8.30 403.113, subdivision 2.

8.31 **(b) Medical Resource Communication**
8.32 **Centers.** \$683,000 each year is for grants
8.33 to the Minnesota Emergency Medical
8.34 Services Regulatory Board for the Metro

9.1 East and Metro West Medical Resource
9.2 Communication Centers that were in
9.3 operation before January 1, 2000.

9.4 (c) **ARMER Debt Service.** \$17,557,000 the
9.5 first year and \$23,261,000 the second year
9.6 are to the commissioner of finance to pay
9.7 debt service on revenue bonds issued under
9.8 Minnesota Statutes, section 403.275.

9.9 Any portion of this appropriation not needed
9.10 to pay debt service in a fiscal year may be
9.11 used by the commissioner of public safety to
9.12 pay cash for any of the capital improvements
9.13 for which bond proceeds were appropriated
9.14 by Laws 2005, chapter 136, article 1, section
9.15 9, subdivision 8, or Laws 2007, chapter 54,
9.16 article 1, section 10, subdivision 8.

9.17 (d) **Metropolitan Council Debt Service.**
9.18 \$1,410,000 each year is to the commissioner
9.19 of finance for payment to the Metropolitan
9.20 Council for debt service on bonds issued
9.21 under Minnesota Statutes, section 403.27.

9.22 (e) **ARMER State Backbone Operating**
9.23 **Costs.** \$5,060,000 each year is to the
9.24 commissioner of transportation for costs
9.25 of maintaining and operating the statewide
9.26 radio system backbone.

9.27 (f) **ARMER Improvements.** \$1,000,000
9.28 each year is for the Statewide Radio Board
9.29 for costs of design, construction, maintenance
9.30 of, and improvements to those elements
9.31 of the statewide public safety radio and
9.32 communication system that support mutual
9.33 aid communications and emergency medical
9.34 services or provide enhancement of public
9.35 safety communication interoperability.

10.1 (g) Next Generation 911. \$3,431,000 the
 10.2 first year and \$6,490,000 the second year
 10.3 are to replace the current system with the
 10.4 Next Generation Internet Protocol (IP) based
 10.5 network. The base level of funding for fiscal
 10.6 year 2012 shall be \$2,965,000.

10.7 (h) Grants to Local Government.
 10.8 \$5,000,000 the first year is for grants to
 10.9 local units of government to assist with
 10.10 the transition to the ARMER system. This
 10.11 appropriation is available until June 30, 2012.

10.12 Sec. 11. PEACE OFFICER STANDARDS
 10.13 AND TRAINING BOARD (POST) \$ 4,012,000 \$ 4,012,000

10.14 (a) Excess Amounts Transferred. This
 10.15 appropriation is from the peace officer
 10.16 training account in the special revenue fund.
 10.17 Any new receipts credited to that account in
 10.18 the first year in excess of \$4,012,000 must be
 10.19 transferred and credited to the general fund.
 10.20 Any new receipts credited to that account in
 10.21 the second year in excess of \$4,012,000 must
 10.22 be transferred and credited to the general
 10.23 fund.

10.24 (b) Peace Officer Training
 10.25 Reimbursements. \$2,859,000 each
 10.26 year is for reimbursements to local
 10.27 governments for peace officer training costs.

10.28 (c) Prohibition on Use of Appropriation.
 10.29 No portion of this appropriation may be
 10.30 used for the purchase of motor vehicles
 10.31 or out-of-state travel that is not directly
 10.32 connected with and necessary to carry out
 10.33 the core functions of the board.

10.34 Sec. 12. PRIVATE DETECTIVE BOARD \$ 123,000 \$ 123,000

12.1	<u>Appropriations by Fund</u>		
12.2	<u>General</u>	<u>295,761,000</u>	<u>337,619,000</u>
12.3	<u>Special Revenue</u>	<u>580,000</u>	<u>580,000</u>
12.4	<u>Federal</u>	<u>38,000,000</u>	<u>0</u>

12.5 \$38,000,000 the first year is from the fiscal
 12.6 stabilization account in the federal fund. This
 12.7 is a onetime appropriation.

12.8 The general fund base for this program shall
 12.9 be \$326,085,000 in fiscal year 2012 and
 12.10 \$330,430,000 in fiscal year 2013.

12.11 **(a) Treatment Alternatives; Report.** By
 12.12 December 15, 2009, the commissioner
 12.13 must submit an electronic report to the
 12.14 chairs and ranking minority members of
 12.15 the house of representatives and senate
 12.16 committees with jurisdiction over public
 12.17 safety policy and finance concerning
 12.18 alternative chemical dependency treatment
 12.19 opportunities. The report must identify
 12.20 alternatives that represent best practices in
 12.21 chemical dependency treatment of offenders.

12.22 The report must contain suggestions for
 12.23 reducing the length of time between
 12.24 offender commitment to the custody of the
 12.25 commissioner and graduation from chemical
 12.26 dependency treatment. To the extent
 12.27 possible, the report shall identify options
 12.28 that will (1) reduce the cost of treatment;
 12.29 (2) expand the number of treatment beds;
 12.30 (3) improve treatment outcomes; and (4)
 12.31 lower the rate of substance abuse relapse and
 12.32 criminal recidivism.

12.33 **(b) Challenge Incarceration; Maximum**
 12.34 **Occupancy.** The commissioner shall work to
 12.35 fill all available challenge incarceration beds

13.1 for both male and female offenders. If the
13.2 commissioner fails to fill at least 90 percent
13.3 of the available challenge incarceration beds
13.4 by December 1, 2009, the commissioner
13.5 must submit a report to the chairs and
13.6 ranking minority members of the house of
13.7 representatives and senate committees with
13.8 jurisdiction over public safety policy and
13.9 finance by January 15, 2010, explaining what
13.10 steps the commissioner has taken to fill the
13.11 beds and why those steps failed to reach the
13.12 goal established by the legislature.

13.13 **(c) Institutional Efficiencies.** The
13.14 commissioner shall strive for institutional
13.15 efficiencies and must reduce the fiscal year
13.16 2008 average adult facility per diem of
13.17 \$89.77 by one percent. The base is cut by
13.18 \$2,850,000 in the first year and \$2,850,000
13.19 in the second year to reflect a one percent
13.20 reduction in the projected adult facility per
13.21 diem. In reducing the projected adult facility
13.22 per diem, the commissioner must consider
13.23 the following:

13.24 (1) cooperating with the state of Wisconsin
13.25 to obtain economies of scale;
13.26 (2) increasing the bed capacity of the
13.27 challenge incarceration program;
13.28 (3) increasing the number of nonviolent drug
13.29 offenders who are granted conditional release
13.30 under Minnesota Statutes, section 244.055;
13.31 (4) increasing the use of compassionate
13.32 release or less costly detention alternatives
13.33 for elderly and infirm offenders;
13.34 (5) discontinuing the department's practice
13.35 of annually assigning a warden to serve as

- 14.1 a legislative liaison during the legislative
14.2 session;
- 14.3 (6) consolidating staff from correctional
14.4 institutions in geographical proximity to each
14.5 other to achieve efficiencies and cost savings,
14.6 including wardens, deputy wardens, and
14.7 human resources, technology, and employee
14.8 development personnel;
- 14.9 (7) consolidating the department's human
14.10 resources, technology, and employee
14.11 development functions in a centralized
14.12 location;
- 14.13 (8) implementing corrections best practices;
14.14 and
- 14.15 (9) implementing cost-saving measures used
14.16 by other states and the federal government.
- 14.17 The commissioner must not eliminate
14.18 correctional officer positions or implement
14.19 any other measure that will jeopardize public
14.20 safety to achieve the mandated cost savings.
- 14.21 The commissioner also must not eliminate
14.22 treatment beds to achieve the mandated cost
14.23 savings.
- 14.24 **(d) Per Diem Reduction.** If the
14.25 commissioner fails to reduce the per diem by
14.26 one percent, the commissioner must:
- 14.27 (1) reduce the funding for operations support
14.28 by the amount of unrealized savings; and
- 14.29 (2) submit a report by February 15,
14.30 2010, to the chairs and ranking minority
14.31 members of the house of representatives
14.32 and senate committees with jurisdiction
14.33 over public safety policy and finance that
14.34 contains descriptions of what efforts the

15.1 commissioner made to reduce the per diem,
 15.2 explanations for why those steps failed to
 15.3 reduce the per diem by one percent, proposed
 15.4 legislative options that would assist the
 15.5 commissioner in reducing the adult facility
 15.6 per diem, and descriptions of the specific
 15.7 actions the commissioner took to reduce
 15.8 funding in operations support.

15.9 If the commissioner reduces the per diem
 15.10 by more than one percent, the commissioner
 15.11 must use the savings to provide treatment to
 15.12 offenders.

15.13 **(e) Reductions to Certain Programming**

15.14 **Prohibited.** When allocating reductions
 15.15 in services and programming under this
 15.16 appropriation, the commissioner may not
 15.17 make reductions to inmate educational
 15.18 programs, chemical dependency programs,
 15.19 or reentry programs.

15.20 **(f) Drug Court Bed Savings.** The
 15.21 commissioner must consider the bed impact
 15.22 savings of drug courts in formulating its
 15.23 prison bed projections.

15.24 **(g) Transfer.** Notwithstanding Minnesota
 15.25 Statutes, section 241.27, the commissioner
 15.26 of finance shall transfer \$1,000,000 the first
 15.27 year and \$1,000,000 the second year from the
 15.28 Minnesota Correctional Industries revolving
 15.29 fund to the general fund.

15.30 **Subd. 3. Community Services** 114,144,000 112,537,000

15.31	<u>Appropriations by Fund</u>		
15.32	<u>General</u>	<u>114,044,000</u>	<u>112,437,000</u>
15.33	<u>Special Revenue</u>	<u>100,000</u>	<u>100,000</u>

15.34 **Short-Term Offenders.** \$1,607,000 the
 15.35 first year is for costs associated with the

16.1 housing and care of short-term offenders
16.2 sentenced prior to June 30, 2009, and housed
16.3 in local jails. The commissioner may use
16.4 up to ten percent of the total amount of the
16.5 appropriation for inpatient medical care
16.6 for short-term offenders with less than six
16.7 months to serve as affected by the changes
16.8 made to Minnesota Statutes, section 609.105,
16.9 by Laws 2003, First Special Session chapter
16.10 2, article 5, sections 7 to 9. All funds not
16.11 expended for inpatient medical care shall be
16.12 added to and distributed with the housing
16.13 funds. These funds shall be distributed
16.14 proportionately based on the total number of
16.15 days short-term offenders are placed locally,
16.16 not to exceed the fiscal year 2009 per diem.
16.17 All funds remaining after reimbursements are
16.18 made shall be transferred to the department's
16.19 institution base budget to offset the costs
16.20 of housing short-term offenders who are
16.21 sentenced on or after July 1, 2009, and
16.22 incarcerated in state correctional facilities.
16.23 Short-term offenders sentenced before July
16.24 1, 2009, may be housed in a state correctional
16.25 facility at the discretion of the commissioner.
16.26 This does not preclude the commissioner
16.27 from contracting with local jails to house
16.28 offenders committed to the custody of the
16.29 commissioner.
16.30 The Department of Corrections is exempt
16.31 from the state contracting process for the
16.32 purposes of Minnesota Statutes, section
16.33 609.105, as amended by Laws 2003, First
16.34 Special Session chapter 2, article 5, sections
16.35 7 to 9.

17.1	<u>Subd. 4. Operations Support</u>		<u>21,359,000</u>	<u>21,359,000</u>
17.2		<u>Appropriations by Fund</u>		
17.3	<u>General</u>	<u>21,149,000</u>	<u>21,149,000</u>	
17.4	<u>Special Revenue</u>	<u>210,000</u>	<u>210,000</u>	

17.5 Sec. 15. **SENTENCING GUIDELINES** \$ 604,000 \$ 604,000

17.6 **Prohibition on Use of Appropriation. No**
 17.7 portion of this appropriation may be used for
 17.8 the purchase of motor vehicles or out-of-state
 17.9 travel that is not directly connected with and
 17.10 necessary to carry out the core functions of
 17.11 the commission.

17.12 **ARTICLE 2**

17.13 **COURTS AND PUBLIC DEFENDERS**

17.14 Section 1. Minnesota Statutes 2008, section 2.722, subdivision 4, is amended to read:

17.15 Subd. 4. **Determination of a judicial vacancy.** (a) When a judge of the district
 17.16 court dies, resigns, retires, or is removed from office, the Supreme Court, in consultation
 17.17 with judges and attorneys in the affected district, shall determine ~~within 90 days of~~ after
 17.18 receiving notice of a vacancy from the governor whether the vacant office is necessary
 17.19 for effective judicial administration or is necessary for adequate access to the courts.

17.20 In determining whether the position is necessary for adequate access to the courts, the
 17.21 Supreme Court shall consider whether abolition or transfer of the position would result in
 17.22 a county having no chambered judge. The Supreme Court may continue the position, may
 17.23 order the position abolished, or may transfer the position to a judicial district where need
 17.24 for additional judges exists, designating the position as either a county, county/municipal
 17.25 or district court judgeship. The Supreme Court shall certify any vacancy to the governor,
 17.26 who shall fill it in the manner provided by law.

17.27 (b) If a judge of district court fails to timely file an affidavit of candidacy and filing
 17.28 fee or petition in lieu of a fee, the official with whom the affidavits of candidacy are
 17.29 required to be filed shall notify the Supreme Court that the incumbent judge is not seeking
 17.30 reelection. Within five days of receipt of the notice, the Supreme Court shall determine
 17.31 whether the judicial position is necessary for effective judicial administration or adequate
 17.32 access to the courts and notify the official responsible for certifying the election results of
 17.33 its determination. In determining whether the position is necessary for adequate access to

18.1 the courts, the Supreme Court shall consider whether abolition or transfer of the position
18.2 would result in a county having no chambered judge. The Supreme Court may continue
18.3 the position, may order the position abolished, or may transfer the position to a judicial
18.4 district where the need for additional judgeships exists. If the position is abolished or
18.5 transferred, the election may not be held. If the position is transferred, the court shall also
18.6 notify the governor of the transfer. Upon transfer, the position is vacant and the governor
18.7 shall fill it in the manner provided by law. An order abolishing or transferring a position is
18.8 effective the first Monday in the next January.

18.9 Sec. 2. Minnesota Statutes 2008, section 2.722, subdivision 4a, is amended to read:

18.10 Subd. 4a. **Referee vacancy; conversion to judgeship.** When a referee of the
18.11 district court dies, resigns, retires, or is voluntarily removed from the position, the chief
18.12 judge of the district shall notify the Supreme Court and may petition to request that the
18.13 position be converted to a judgeship. The Supreme Court shall determine ~~within 90~~
18.14 ~~days of the petition~~ whether to order the position abolished or convert the position to a
18.15 judgeship in the affected or another judicial district. The Supreme Court shall certify any
18.16 judicial vacancy to the governor, who shall fill it in the manner provided by law. The
18.17 conversion of a referee position to a judgeship under this subdivision shall not reduce the
18.18 total number of judges and referees hearing cases in the family and juvenile courts.

18.19 Sec. 3. Minnesota Statutes 2008, section 2.724, subdivision 2, is amended to read:

18.20 Subd. 2. **Procedure.** To promote and secure more efficient administration of justice,
18.21 the chief justice of the Supreme Court of the state shall supervise and coordinate the work
18.22 of the courts of the state. The Supreme Court may provide by rule that the chief justice not
18.23 be required to write opinions as a member of the Supreme Court. Its rules may further
18.24 provide for it to hear and consider cases in divisions. It may by rule assign temporarily
18.25 any retired justice of the Supreme Court or one judge of the Court of Appeals or district
18.26 court judge at a time to act as a justice of the Supreme Court or any number of justices
18.27 or retired justices of the Supreme Court to act as judges of the Court of Appeals. Upon
18.28 the assignment of a Court of Appeals judge or a district court judge to act as a justice of
18.29 the Supreme Court, a judge previously acting as a justice may complete unfinished duties
18.30 of that position. Any number of justices may disqualify themselves from hearing and
18.31 considering a case, in which event the Supreme Court may assign temporarily a retired
18.32 justice of the Supreme Court, a Court of Appeals judge, or a district court judge to hear
18.33 and consider the case in place of each disqualified justice. ~~A retired justice who is acting~~
18.34 ~~as a justice of the Supreme Court or judge of the Court of Appeals under this section shall~~

19.1 ~~receive, in addition to retirement pay, out of the general fund of the state, an amount to~~
19.2 ~~make the retired justice's total compensation equal to the same salary as a justice or judge~~
19.3 ~~of the court on which the justice is acting.~~

19.4 Sec. 4. Minnesota Statutes 2008, section 2.724, subdivision 3, is amended to read:

19.5 Subd. 3. **Retired justices and judges.** (a) The chief justice of the Supreme Court
19.6 may assign a retired justice of the Supreme Court to act as a justice of the Supreme Court
19.7 pursuant to subdivision 2 or as a judge of any other court. The chief justice may assign a
19.8 retired judge of any court to act as a judge of any court except the Supreme Court. The
19.9 chief justice of the Supreme Court shall determine the pay and expenses to be received by
19.10 a justice or judge acting pursuant to this paragraph.

19.11 (b) A judge who has been elected to office and who has retired as a judge in good
19.12 standing and is not practicing law may also be appointed to serve as judge of any court
19.13 except the Supreme Court. A retired judge acting under this paragraph will receive pay
19.14 and expenses in the amount established by the Supreme Court.

19.15 Sec. 5. Minnesota Statutes 2008, section 86B.705, subdivision 2, is amended to read:

19.16 Subd. 2. **Fines and bail money.** (a) All fines, installment payments, and forfeited
19.17 bail money collected from persons convicted of violations of this chapter or rules adopted
19.18 thereunder, or of a violation of section 169A.20 involving a motorboat, shall be ~~paid to~~
19.19 ~~the county treasurer of the county where the violation occurred by the court administrator~~
19.20 ~~or other person collecting the money within 15 days after the last day of the month the~~
19.21 ~~money was collected~~ deposited in the state treasury.

19.22 (b) One-half of the receipts shall be credited to the general revenue fund ~~of the~~
19.23 ~~county.~~ The other one-half of the receipts shall be transmitted ~~by the county treasurer~~ to
19.24 the commissioner of natural resources ~~to be deposited in the state treasury~~ and credited to
19.25 the water recreation account for the purpose of boat and water safety.

19.26 Sec. 6. Minnesota Statutes 2008, section 134A.09, subdivision 2a, is amended to read:

19.27 Subd. 2a. **Petty misdemeanor cases and criminal convictions; fee assessment.** In
19.28 Hennepin County and Ramsey County, the district court administrator or a designee may,
19.29 upon the recommendation of the board of trustees and by standing order of the judges
19.30 of the district court, include in the costs or disbursements assessed against a defendant
19.31 convicted in the district court of the violation of a statute or municipal ordinance, a county
19.32 law library fee. This fee may be collected in all petty misdemeanor cases and criminal
19.33 prosecutions in which, upon conviction, the defendant may be subject to the payment of

20.1 the costs or disbursements in addition to a fine or other penalty. When a defendant is
20.2 convicted of more than one offense in a case, the county law library fee shall be imposed
20.3 only once in that case.

20.4 Sec. 7. Minnesota Statutes 2008, section 134A.10, subdivision 3, is amended to read:

20.5 Subd. 3. **Petty misdemeanor cases and criminal convictions; fee assessment.**

20.6 The judge of district court may, upon the recommendation of the board of trustees and
20.7 by standing order, include in the costs or disbursements assessed against a defendant
20.8 convicted in the district court of the violation of any statute or municipal ordinance, in
20.9 all petty misdemeanor cases and criminal prosecutions in which, upon conviction, the
20.10 defendant may be subject to the payment of the costs or disbursements in addition to a fine
20.11 or other penalty a county law library fee. When a defendant is convicted of more than one
20.12 offense in a case, the county law library fee shall be imposed only once in that case. The
20.13 item of costs or disbursements may not be assessed for any offense committed prior to the
20.14 establishment of the county law library.

20.15 Sec. 8. Minnesota Statutes 2008, section 152.0262, subdivision 1, is amended to read:

20.16 Subdivision 1. **Possession of precursors.** (a) A person is guilty of a crime if the
20.17 person possesses any chemical reagents or precursors with the intent to manufacture
20.18 methamphetamine and if convicted may be sentenced to imprisonment for not more than
20.19 ten years or to payment of a fine of not more than \$20,000, or both.

20.20 (b) A person is guilty of a crime if the person possesses any chemical reagents or
20.21 precursors with the intent to manufacture methamphetamine and may be sentenced to
20.22 imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000,
20.23 or both, if the conviction is for a subsequent controlled substance conviction.

20.24 As used in this section and section 152.021, "chemical reagents or precursors"
20.25 includes any of the following substances, or any similar substances that can be used to
20.26 manufacture methamphetamine, or the salts, isomers, and salts of isomers of a listed or
20.27 similar substance:

- 20.28 (1) ephedrine;
20.29 (2) pseudoephedrine;
20.30 (3) phenyl-2-propanone;
20.31 (4) phenylacetone;
20.32 (5) anhydrous ammonia;
20.33 (6) organic solvents;
20.34 (7) hydrochloric acid;

- 21.1 (8) lithium metal;
- 21.2 (9) sodium metal;
- 21.3 (10) ether;
- 21.4 (11) sulfuric acid;
- 21.5 (12) red phosphorus;
- 21.6 (13) iodine;
- 21.7 (14) sodium hydroxide;
- 21.8 (15) benzaldehyde;
- 21.9 (16) benzyl methyl ketone;
- 21.10 (17) benzyl cyanide;
- 21.11 (18) nitroethane;
- 21.12 (19) methylamine;
- 21.13 (20) phenylacetic acid;
- 21.14 (21) hydriodic acid; or
- 21.15 (22) hydriotic acid.

21.16 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
21.17 committed on or after that date.

21.18 Sec. 9. Minnesota Statutes 2008, section 169A.20, subdivision 1, is amended to read:

21.19 Subdivision 1. **Driving while impaired crime; motor vehicle.** It is a crime for
21.20 any person to drive, operate, or be in physical control of any motor vehicle, as defined
21.21 in section 169A.03, subdivision 15, except for motorboats in operation and off-road
21.22 recreational vehicles, within this state or on any boundary water of this state when:

- 21.23 (1) ~~when~~ the person is under the influence of alcohol;
- 21.24 (2) ~~when~~ the person is under the influence of a controlled substance;
- 21.25 (3) ~~when~~ the person is knowingly under the influence of a hazardous substance that
21.26 affects the nervous system, brain, or muscles of the person so as to substantially impair
21.27 the person's ability to drive or operate the motor vehicle;
- 21.28 (4) ~~when~~ the person is under the influence of a combination of any two or more of
21.29 the elements named in clauses (1), ~~(2), and~~ to (3);
- 21.30 (5) ~~when~~ the person's alcohol concentration at the time, or as measured within
21.31 two hours of the time, of driving, operating, or being in physical control of the motor
21.32 vehicle is 0.08 or more;
- 21.33 (6) ~~when~~ the vehicle is a commercial motor vehicle and the person's alcohol
21.34 concentration at the time, or as measured within two hours of the time, of driving,
21.35 operating, or being in physical control of the commercial motor vehicle is 0.04 or more; or

22.1 (7) ~~when~~ the person's body contains any amount of a controlled substance listed in
22.2 schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

22.3 EFFECTIVE DATE. This section is effective July 1, 2009, and applies to crimes
22.4 committed on or after that date.

22.5 Sec. 10. Minnesota Statutes 2008, section 169A.20, is amended by adding a
22.6 subdivision to read:

22.7 Subd. 1a. Driving while impaired crime; motorboat in operation. It is a crime
22.8 for any person to operate or be in physical control of a motorboat in operation on any
22.9 waters or boundary water of this state when:

22.10 (1) the person is under the influence of alcohol;

22.11 (2) the person is under the influence of a controlled substance;

22.12 (3) the person is knowingly under the influence of a hazardous substance that affects
22.13 the nervous system, brain, or muscles of the person so as to substantially impair the
22.14 person's ability to drive or operate the motorboat;

22.15 (4) the person is under the influence of a combination of any two or more of the
22.16 elements named in clauses (1) to (3);

22.17 (5) the person's alcohol concentration at the time, or as measured within two hours
22.18 of the time, of driving, operating, or being in physical control of the motorboat is 0.08 or
22.19 more; or

22.20 (6) the person's body contains any amount of a controlled substance listed in
22.21 schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

22.22 EFFECTIVE DATE. This section is effective July 1, 2009, and applies to crimes
22.23 committed on or after that date.

22.24 Sec. 11. Minnesota Statutes 2008, section 169A.20, is amended by adding a
22.25 subdivision to read:

22.26 Subd. 1b. Driving while impaired crime; snowmobile and all-terrain vehicle. It
22.27 is a crime for any person to operate or be in physical control of a snowmobile as defined in
22.28 section 84.81, subdivision 3, or all-terrain vehicle as defined in section 84.92, subdivision
22.29 8, anywhere in this state or on the ice of any boundary water of this state when:

22.30 (1) the person is under the influence of alcohol;

22.31 (2) the person is under the influence of a controlled substance;

23.1 (3) the person is knowingly under the influence of a hazardous substance that affects
23.2 the nervous system, brain, or muscles of the person so as to substantially impair the
23.3 person's ability to drive or operate the snowmobile or all-terrain vehicle;

23.4 (4) the person is under the influence of a combination of any two or more of the
23.5 elements named in clauses (1) to (3);

23.6 (5) the person's alcohol concentration at the time, or as measured within two hours
23.7 of the time, of driving, operating, or being in physical control of the snowmobile or
23.8 all-terrain vehicle is 0.08 or more; or

23.9 (6) the person's body contains any amount of a controlled substance listed in
23.10 schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

23.11 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
23.12 committed on or after that date.

23.13 Sec. 12. Minnesota Statutes 2008, section 169A.20, is amended by adding a
23.14 subdivision to read:

23.15 Subd. 1c. **Driving while impaired crime; off-highway motorcycle and off-road**
23.16 **vehicle.** It is a crime for any person to operate or be in physical control of any off-highway
23.17 motorcycle as defined in section 84.787, subdivision 7, or any off-road vehicle as defined
23.18 in section 84.797, subdivision 7, anywhere in this state or on the ice of any boundary
23.19 water of this state when:

23.20 (1) the person is under the influence of alcohol;

23.21 (2) the person is under the influence of a controlled substance;

23.22 (3) the person is knowingly under the influence of a hazardous substance that affects
23.23 the nervous system, brain, or muscles of the person so as to substantially impair the
23.24 person's ability to drive or operate the off-highway motorcycle or off-road vehicle;

23.25 (4) the person is under the influence of a combination of any two or more of the
23.26 elements named in clauses (1) to (3);

23.27 (5) the person's alcohol concentration at the time, or as measured within two hours of
23.28 the time, of driving, operating, or being in physical control of the off-highway motorcycle
23.29 or off-road vehicle is 0.08 or more; or

23.30 (6) the person's body contains any amount of a controlled substance listed in
23.31 schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols.

23.32 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
23.33 committed on or after that date.

24.1 Sec. 13. Minnesota Statutes 2008, section 169A.25, subdivision 1, is amended to read:

24.2 Subdivision 1. **Degree described.** (a) A person who violates section 169A.20,
24.3 subdivision 1, 1a, 1b, or 1c (driving while impaired crime), is guilty of second-degree
24.4 driving while impaired if two or more aggravating factors were present when the violation
24.5 was committed.

24.6 (b) A person who violates section 169A.20, subdivision 2 (refusal to submit to
24.7 chemical test crime), is guilty of second-degree driving while impaired if one aggravating
24.8 factor was present when the violation was committed.

24.9 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
24.10 committed on or after that date.

24.11 Sec. 14. Minnesota Statutes 2008, section 169A.26, subdivision 1, is amended to read:

24.12 Subdivision 1. **Degree described.** (a) A person who violates section 169A.20,
24.13 subdivision 1, 1a, 1b, or 1c (driving while impaired crime), is guilty of third-degree driving
24.14 while impaired if one aggravating factor was present when the violation was committed.

24.15 (b) A person who violates section 169A.20, subdivision 2 (refusal to submit to
24.16 chemical test crime), is guilty of third-degree driving while impaired.

24.17 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
24.18 committed on or after that date.

24.19 Sec. 15. Minnesota Statutes 2008, section 169A.27, subdivision 1, is amended to read:

24.20 Subdivision 1. **Degree described.** A person who violates section 169A.20,
24.21 subdivision 1, 1a, 1b, or 1c (driving while impaired crime), is guilty of fourth-degree
24.22 driving while impaired.

24.23 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
24.24 committed on or after that date.

24.25 Sec. 16. Minnesota Statutes 2008, section 169A.28, subdivision 2, is amended to read:

24.26 Subd. 2. **Permissive consecutive sentences; multiple offenses.** (a) When a person
24.27 is being sentenced for a violation of a provision listed in paragraph (e), the court may
24.28 sentence the person to a consecutive term of imprisonment for a violation of any other
24.29 provision listed in paragraph (e), notwithstanding the fact that the offenses arose out of the
24.30 same course of conduct, subject to the limitation on consecutive sentences contained in
24.31 section 609.15, subdivision 2, and except as provided in paragraphs (b) and (c).

25.1 (b) When a person is being sentenced for a violation of section 171.09 (violation
25.2 of condition of restricted license), 171.20 (operation after revocation, suspension,
25.3 cancellation, or disqualification), 171.24 (driving without valid license), or 171.30
25.4 (violation of condition of limited license), the court may not impose a consecutive sentence
25.5 for another violation of a provision in chapter 171 (drivers' licenses and training schools).

25.6 (c) When a person is being sentenced for a violation of section 169.791 (failure to
25.7 provide proof of insurance) or 169.797 (failure to provide vehicle insurance), the court
25.8 may not impose a consecutive sentence for another violation of a provision of sections
25.9 169.79 to 169.7995.

25.10 (d) This subdivision does not limit the authority of the court to impose consecutive
25.11 sentences for crimes arising on different dates or to impose a consecutive sentence when
25.12 a person is being sentenced for a crime and is also in violation of the conditions of
25.13 a stayed or otherwise deferred sentence under section 609.135 (stay of imposition or
25.14 execution of sentence).

25.15 (e) This subdivision applies to misdemeanor and gross misdemeanor violations of
25.16 the following if the offender has two or more prior impaired driving convictions within
25.17 the past ten years:

25.18 (1) section 169A.20, subdivision 1, 1a, 1b, or 1c (driving while impaired; impaired
25.19 driving offenses);

25.20 (2) section 169A.20, subdivision 2 (driving while impaired; test refusal offense);

25.21 (3) section 169.791;

25.22 (4) section 169.797;

25.23 (5) section 171.09 (violation of condition of restricted license);

25.24 (6) section 171.20, subdivision 2 (operation after revocation, suspension,
25.25 cancellation, or disqualification);

25.26 (7) section 171.24; and

25.27 (8) section 171.30.

25.28 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
25.29 committed on or after that date.

25.30 Sec. 17. Minnesota Statutes 2008, section 169A.284, is amended to read:

25.31 **169A.284 CHEMICAL DEPENDENCY ASSESSMENT CHARGE;**
25.32 **SURCHARGE.**

25.33 Subdivision 1. **When required.** (a) When a court sentences a person convicted
25.34 of an offense enumerated in section 169A.70, subdivision 2 (chemical use assessment;

26.1 requirement; form), it shall order the person to pay the cost of the assessment directly
26.2 to the entity conducting the assessment or providing the assessment services in an
26.3 amount determined by the entity conducting or providing the service and shall impose
26.4 a chemical dependency assessment charge of ~~\$125~~ \$25. The court may waive the \$25
26.5 assessment charge, but may not waive the cost for the assessment paid directly to the
26.6 entity conducting the assessment or providing assessment services. A person shall pay
26.7 an additional surcharge of \$5 if the person is convicted of a violation of section 169A.20
26.8 (driving while impaired) within five years of a prior impaired driving conviction or a prior
26.9 conviction for an offense arising out of an arrest for a violation of section 169A.20 or
26.10 Minnesota Statutes 1998, section 169.121 (driver under influence of alcohol or controlled
26.11 substance) or 169.129 (aggravated DWI-related violations; penalty). This section applies
26.12 when the sentence is executed, stayed, or suspended. The court may not waive payment
26.13 or authorize payment of the assessment charge and surcharge in installments unless it
26.14 makes written findings on the record that the convicted person is indigent or that the
26.15 assessment charge and surcharge would create undue hardship for the convicted person or
26.16 that person's immediate family.

26.17 (b) The chemical dependency assessment charge and surcharge required under
26.18 this section are in addition to the surcharge required by section 357.021, subdivision 6
26.19 (surcharges on criminal and traffic offenders).

26.20 Subd. 2. **Distribution of money.** The ~~county~~ court administrator shall collect and
26.21 forward ~~to the commissioner of finance \$25 of the chemical dependency assessment~~
26.22 ~~charge and the \$5 surcharge, if any, within 60 days after sentencing or explain to the~~
26.23 ~~commissioner in writing why the money was not forwarded within this time period. The~~
26.24 ~~commissioner shall credit the money to the commissioner of finance to be deposited in the~~
26.25 state treasury and credited to the general fund. ~~The county shall collect and keep \$100 of~~
26.26 ~~the chemical dependency assessment charge.~~

26.27 Sec. 18. Minnesota Statutes 2008, section 169A.46, subdivision 1, is amended to read:

26.28 Subdivision 1. **Impairment occurred after driving ceased.** If proven by a
26.29 preponderance of the evidence, it is an affirmative defense to a violation of section
26.30 169A.20, subdivision 1, clause (5); 1a, clause (5); 1b, clause (5); or 1c, clause (5) (driving
26.31 while impaired, alcohol concentration within two hours of driving), or 169A.20 by a
26.32 person having an alcohol concentration of 0.20 or more as measured at the time, or within
26.33 two hours of the time, of the offense, that the defendant consumed a sufficient quantity
26.34 of alcohol after the time of the violation and before the administration of the evidentiary
26.35 test to cause the defendant's alcohol concentration to exceed the level specified in the

27.1 applicable clause. Evidence that the defendant consumed alcohol after the time of the
27.2 violation may not be admitted in defense to any alleged violation of section 169A.20,
27.3 unless notice is given to the prosecution prior to the omnibus or pretrial hearing in the
27.4 matter.

27.5 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
27.6 committed on or after that date.

27.7 Sec. 19. Minnesota Statutes 2008, section 169A.54, subdivision 1, is amended to read:

27.8 Subdivision 1. **Revocation periods for DWI convictions.** Except as provided in
27.9 subdivision 7, the commissioner shall revoke the driver's license of a person convicted
27.10 of violating section 169A.20 (driving while impaired) or an ordinance in conformity
27.11 with it, as follows:

27.12 (1) for an offense under section 169A.20, subdivision 1 (driving while impaired
27.13 crime): not less than 30 days;

27.14 (2) for an offense under section 169A.20, subdivision 2 (refusal to submit to
27.15 chemical test crime): not less than 90 days;

27.16 (3) for an offense occurring within ten years of a qualified prior impaired driving
27.17 incident:

27.18 (i) if the current conviction is for a violation of section 169A.20, subdivision
27.19 1, 1a, 1b, or 1c, not less than 180 days and until the court has certified that treatment
27.20 or rehabilitation has been successfully completed where prescribed in accordance with
27.21 section 169A.70 (chemical use assessments); or

27.22 (ii) if the current conviction is for a violation of section 169A.20, subdivision 2, not
27.23 less than one year and until the court has certified that treatment or rehabilitation has been
27.24 successfully completed where prescribed in accordance with section 169A.70;

27.25 (4) for an offense occurring within ten years of the first of two qualified prior
27.26 impaired driving incidents: not less than one year, together with denial under section
27.27 171.04, subdivision 1, clause (10), until rehabilitation is established in accordance with
27.28 standards established by the commissioner; or

27.29 (5) for an offense occurring within ten years of the first of three or more qualified
27.30 prior impaired driving incidents: not less than two years, together with denial under
27.31 section 171.04, subdivision 1, clause (10), until rehabilitation is established in accordance
27.32 with standards established by the commissioner.

27.33 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
27.34 committed on or after that date.

28.1 Sec. 20. Minnesota Statutes 2008, section 299D.03, subdivision 5, is amended to read:

28.2 Subd. 5. **Traffic fines and forfeited bail money.** (a) All fines and forfeited bail
28.3 money, ~~from traffic and motor vehicle law violations,~~ collected from persons apprehended
28.4 or arrested by officers of the State Patrol, shall be ~~paid~~ transmitted by the person or
28.5 officer collecting the fines, forfeited bail money, or installments thereof, on or before the
28.6 tenth day after the last day of the month in which these moneys were collected, to the
28.7 ~~county treasurer of the county where the violation occurred.~~ commissioner of finance.
28.8 Except where a different disposition is required in this paragraph, paragraph (b), section
28.9 387.213, or otherwise provided by law, three-eighths of these receipts shall be credited to
28.10 the general revenue fund of the county, except that in a county in a judicial district under
28.11 section 480.181, subdivision 1, paragraph (b), this three-eighths share must be transmitted
28.12 to the commissioner of finance for deposit deposited in the state treasury and credited to
28.13 the state general fund. The other five-eighths of these receipts ~~shall be transmitted by that~~
28.14 ~~officer to the commissioner of finance and~~ must be deposited in the state treasury and
28.15 credited as follows: (1) the first \$600,000 in each fiscal year must be credited to the
28.16 Minnesota grade crossing safety account in the special revenue fund, and (2) remaining
28.17 receipts must be credited to the state trunk highway fund. If, however, the violation occurs
28.18 within a municipality and the city attorney prosecutes the offense, and a plea of not guilty
28.19 is entered, one-third of the receipts shall be deposited in the state treasury and credited
28.20 to the state general revenue fund ~~of the county~~, one-third of the receipts shall be paid
28.21 to the municipality prosecuting the offense, and one-third shall be ~~transmitted to the~~
28.22 ~~commissioner of finance as provided in this subdivision.~~ deposited in the state treasury
28.23 and credited to the Minnesota grade crossing safety account or the state trunk highway
28.24 fund as provided in this paragraph. When section 387.213 also is applicable to the fine,
28.25 section 387.213 shall be applied before this paragraph is applied. All costs of participation
28.26 in a nationwide police communication system chargeable to the state of Minnesota shall
28.27 be paid from appropriations for that purpose.

28.28 (b) Notwithstanding any other provisions of law, all fines and forfeited bail money
28.29 from violations of statutes governing the maximum weight of motor vehicles, collected
28.30 from persons apprehended or arrested by employees of the state of Minnesota, by means
28.31 of stationary or portable scales operated by these employees, shall be ~~paid~~ transmitted by
28.32 the person or officer collecting the fines or forfeited bail money, on or before the tenth day
28.33 after the last day of the month in which the collections were made, to the ~~county treasurer~~
28.34 ~~of the county where the violation occurred~~ commissioner of finance. Five-eighths of these
28.35 receipts shall be ~~transmitted by that officer to the commissioner of finance and shall be~~
28.36 deposited in the state treasury and credited to the state highway user tax distribution fund.

29.1 Three-eighths of these receipts shall be deposited in the state treasury and credited to the
29.2 state general revenue fund of the county, except that in a county in a judicial district
29.3 under section 480.181, subdivision 1, paragraph (b), this three-eighths share must be
29.4 transmitted to the commissioner of finance for deposit in the state treasury and credited
29.5 to the general fund.

29.6 Sec. 21. Minnesota Statutes 2008, section 357.021, subdivision 2, is amended to read:

29.7 Subd. 2. **Fee amounts.** The fees to be charged and collected by the court
29.8 administrator shall be as follows:

29.9 (1) In every civil action or proceeding in said court, including any case arising under
29.10 the tax laws of the state that could be transferred or appealed to the Tax Court, the plaintiff,
29.11 petitioner, or other moving party shall pay, when the first paper is filed for that party in said
29.12 action, a fee of ~~\$240~~ \$310, except in marriage dissolution actions the fee is ~~\$270~~ \$340.

29.13 The defendant or other adverse or intervening party, or any one or more of several
29.14 defendants or other adverse or intervening parties appearing separately from the others,
29.15 shall pay, when the first paper is filed for that party in said action, a fee of ~~\$240~~ \$310,
29.16 except in marriage dissolution actions the fee is ~~\$270~~ \$340.

29.17 The party requesting a trial by jury shall pay ~~\$75~~ \$100.

29.18 The fees above stated shall be the full trial fee chargeable to said parties irrespective
29.19 of whether trial be to the court alone, to the court and jury, or disposed of without trial,
29.20 and shall include the entry of judgment in the action, but does not include copies or
29.21 certified copies of any papers so filed or proceedings under chapter 103E, except the
29.22 provisions therein as to appeals.

29.23 (2) Certified copy of any instrument from a civil or criminal proceeding, ~~\$10~~ \$14,
29.24 and ~~\$5~~ \$8 for an uncertified copy.

29.25 (3) Issuing a subpoena, ~~\$12~~ \$16 for each name.

29.26 (4) Filing a motion or response to a motion in civil, family, excluding child support,
29.27 and guardianship cases, ~~\$55~~ \$100.

29.28 (5) Issuing an execution and filing the return thereof; issuing a writ of attachment,
29.29 injunction, habeas corpus, mandamus, quo warranto, certiorari, or other writs not
29.30 specifically mentioned, ~~\$40~~ \$55.

29.31 (6) Issuing a transcript of judgment, or for filing and docketing a transcript of
29.32 judgment from another court, ~~\$30~~ \$40.

29.33 (7) Filing and entering a satisfaction of judgment, partial satisfaction, or assignment
29.34 of judgment, \$5.

30.1 (8) Certificate as to existence or nonexistence of judgments docketed, \$5 for each
30.2 name certified to.

30.3 (9) Filing and indexing trade name; or recording basic science certificate;
30.4 or recording certificate of physicians, osteopaths, chiropractors, veterinarians, or
30.5 optometrists, \$5.

30.6 (10) For the filing of each partial, final, or annual account in all trusteeships, ~~\$40~~ \$55.

30.7 (11) For the deposit of a will, ~~\$20~~ \$27.

30.8 (12) For recording notary commission, \$100, of which, notwithstanding subdivision
30.9 1a, paragraph (b), \$80 must be forwarded to the commissioner of finance to be deposited
30.10 in the state treasury and credited to the general fund.

30.11 (13) Filing a motion or response to a motion for modification of child support,
30.12 a fee of ~~\$55~~ \$100.

30.13 (14) All other services required by law for which no fee is provided, such fee
30.14 as compares favorably with those herein provided, or such as may be fixed by rule or
30.15 order of the court.

30.16 (15) In addition to any other filing fees under this chapter, a surcharge in the
30.17 amount of \$75 must be assessed in accordance with section 259.52, subdivision 14, for
30.18 each adoption petition filed in district court to fund the fathers' adoption registry under
30.19 section 259.52.

30.20 The fees in clauses (3) and (5) need not be paid by a public authority or the party
30.21 the public authority represents.

30.22 Sec. 22. Minnesota Statutes 2008, section 357.021, subdivision 6, is amended to read:

30.23 Subd. 6. **Surcharges on criminal and traffic offenders.** (a) Except as provided
30.24 in this paragraph, the court shall impose and the court administrator shall collect a \$75
30.25 surcharge on every person convicted of any felony, gross misdemeanor, misdemeanor, or
30.26 petty misdemeanor offense, other than a violation of a law or ordinance relating to vehicle
30.27 parking, for which there shall be a ~~\$4~~ \$12 surcharge. When a defendant is convicted
30.28 of more than one offense in a case, the surcharge shall be imposed only once in that
30.29 case. In the Second Judicial District, the court shall impose, and the court administrator
30.30 shall collect, an additional \$1 surcharge on every person convicted of any felony, gross
30.31 misdemeanor, misdemeanor, or petty misdemeanor offense, including a violation of a law
30.32 or ordinance relating to vehicle parking, if the Ramsey County Board of Commissioners
30.33 authorizes the \$1 surcharge. The surcharge shall be imposed whether or not the person is
30.34 sentenced to imprisonment or the sentence is stayed. The surcharge shall not be imposed
30.35 when a person is convicted of a petty misdemeanor for which no fine is imposed.

31.1 (b) If the court fails to impose a surcharge as required by this subdivision, the court
31.2 administrator shall show the imposition of the surcharge, collect the surcharge, and
31.3 correct the record.

31.4 (c) The court may not waive payment of the surcharge required under this
31.5 subdivision. Upon a showing of indigency or undue hardship upon the convicted person
31.6 or the convicted person's immediate family, the sentencing court may authorize payment
31.7 of the surcharge in installments.

31.8 (d) The court administrator or other entity collecting a surcharge shall forward it
31.9 to the commissioner of finance.

31.10 (e) If the convicted person is sentenced to imprisonment and has not paid the
31.11 surcharge before the term of imprisonment begins, the chief executive officer of the
31.12 correctional facility in which the convicted person is incarcerated shall collect the
31.13 surcharge from any earnings the inmate accrues from work performed in the facility
31.14 or while on conditional release. The chief executive officer shall forward the amount
31.15 collected to the ~~commissioner of finance~~ court administrator or other entity collecting the
31.16 surcharge imposed by the court.

31.17 (f) A person who successfully completes a diversion or similar program for a
31.18 violation of chapter 169 must pay the surcharge described in this subdivision.

31.19 Sec. 23. Minnesota Statutes 2008, section 357.021, subdivision 7, is amended to read:

31.20 Subd. 7. **Disbursement of surcharges by commissioner of finance.** (a) Except
31.21 as provided in paragraphs (b), (c), and (d), the commissioner of finance shall disburse
31.22 surcharges received under subdivision 6 and section 97A.065, subdivision 2, as follows:

31.23 (1) one percent shall be credited to the game and fish fund to provide peace officer
31.24 training for employees of the Department of Natural Resources who are licensed under
31.25 sections 626.84 to 626.863, and who possess peace officer authority for the purpose of
31.26 enforcing game and fish laws;

31.27 (2) 39 percent shall be credited to the peace officers training account in the special
31.28 revenue fund; and

31.29 (3) 60 percent shall be credited to the general fund.

31.30 (b) The commissioner of finance shall credit \$3 of each surcharge received under
31.31 subdivision 6 and section 97A.065, subdivision 2, to the general fund.

31.32 (c) In addition to any amounts credited under paragraph (a), the commissioner
31.33 of finance shall credit \$47 of each surcharge received under subdivision 6 and section
31.34 97A.065, subdivision 2, and the ~~\$4~~ \$12 parking surcharge, to the general fund.

32.1 (d) If the Ramsey County Board of Commissioners authorizes imposition of
32.2 the additional \$1 surcharge provided for in subdivision 6, paragraph (a), the court
32.3 administrator in the Second Judicial District shall transmit the surcharge to the
32.4 commissioner of finance. The \$1 special surcharge is deposited in a Ramsey County
32.5 surcharge account in the special revenue fund and amounts in the account are appropriated
32.6 to the trial courts for the administration of the petty misdemeanor diversion program
32.7 operated by the Second Judicial District Ramsey County Violations Bureau.

32.8 Sec. 24. Minnesota Statutes 2008, section 357.022, is amended to read:

32.9 **357.022 CONCILIATION COURT FEE.**

32.10 The court administrator in every county shall charge and collect a filing fee of ~~\$50~~
32.11 \$65 from every plaintiff and from every defendant when the first paper for that party is
32.12 filed in any conciliation court action. This section does not apply to conciliation court
32.13 actions filed by the state. The court administrator shall transmit the fees monthly to the
32.14 commissioner of finance for deposit in the state treasury and credit to the general fund.

32.15 Sec. 25. Minnesota Statutes 2008, section 357.08, is amended to read:

32.16 **357.08 PAID BY APPELLANT IN APPEAL.**

32.17 There shall be paid to the clerk of the appellate courts by the appellant, or moving
32.18 party or person requiring the service, in all cases of appeal, certiorari, habeas corpus,
32.19 mandamus, injunction, prohibition, or other original proceeding, when initially filed with
32.20 the clerk of the appellate courts, the sum of ~~\$500~~ \$550 to the clerk of the appellate courts.
32.21 An additional filing fee of \$100 shall be required for a petition for accelerated review by
32.22 the Supreme Court. A filing fee of ~~\$500~~ \$550 shall be paid to the clerk of the appellate
32.23 courts upon the filing of a petition for review from a decision of the Court of Appeals. A
32.24 filing fee of ~~\$500~~ \$550 shall be paid to the clerk of the appellate courts upon the filing
32.25 of a petition for permission to appeal. A filing fee of \$100 shall be paid to the clerk of
32.26 the appellate courts upon the filing by a respondent of a notice of review. The clerk shall
32.27 transmit the fees to the commissioner of finance for deposit in the state treasury and
32.28 credit to the general fund.

32.29 The clerk shall not file any paper, issue any writ or certificate, or perform any service
32.30 enumerated herein, until the payment has been made for it. The clerk shall pay the sum
32.31 into the state treasury as provided for by section 15A.01.

32.32 The charges provided for shall not apply to disbarment proceedings, nor to an
32.33 action or proceeding by the state taken solely in the public interest, where the state is the
32.34 appellant or moving party, nor to copies of the opinions of the court furnished by the clerk

33.1 to the parties before judgment, or furnished to the district judge whose decision is under
33.2 review, or to such law library associations in counties having a population exceeding
33.3 50,000, as the court may direct.

33.4 Sec. 26. Minnesota Statutes 2008, section 364.08, is amended to read:

33.5 **364.08 PRACTICE OF LAW; EXCEPTION.**

33.6 This chapter shall not apply to the practice of law or judicial branch employment;
33.7 but nothing in this section shall be construed to preclude the Supreme Court, in its
33.8 discretion, from adopting the policies set forth in this chapter.

33.9 Sec. 27. Minnesota Statutes 2008, section 375.14, is amended to read:

33.10 **375.14 OFFICES AND SUPPLIES FURNISHED FOR COUNTY OFFICERS.**

33.11 The county board shall provide offices at the county seat for the auditor, treasurer,
33.12 county recorder, sheriff, court administrator of the district court, and an office for the
33.13 county engineer at a site determined by the county board, with suitable furniture and
33.14 safes and vaults for the security and preservation of the books and papers of the offices,
33.15 and provide heating, lighting, and maintenance of the offices. The board shall furnish
33.16 all county officers with all books, stationery, letterheads, envelopes, postage, telephone
33.17 service, office equipment, electronic technology, and supplies necessary to the discharge
33.18 of their respective duties ~~and make like provision for the judges of the district court~~
33.19 ~~as necessary to the discharge of their duties within the county or concerning matters~~
33.20 ~~arising in it.~~ The board is not required to furnish any county officer with professional or
33.21 technical books or instruments except when the board deems them directly necessary to
33.22 the discharge of official duties as part of the permanent equipment of the office.

33.23 Sec. 28. Minnesota Statutes 2008, section 480.15, is amended by adding a subdivision
33.24 to read:

33.25 Subd. 10c. **Uniform collections policies and procedures for courts.** (a) The
33.26 state court administrator under the direction of the Judicial Council may promulgate
33.27 uniform collections policies and procedures for the courts and may contract with credit
33.28 bureaus, public and private collection agencies, the Department of Revenue, and other
33.29 public or private entities providing collection services as necessary for the collection
33.30 of court debts. The court collection process and procedures are not subject to section
33.31 16A.1285. Court debts referred to the Department of Revenue for collection are not
33.32 subject to section 16D.07.

34.1 (b) Court debt means an amount owed to the state directly or through the judicial
34.2 branch on account of a fee, duty, rent, service, overpayment, fine, assessment, surcharge,
34.3 court cost, penalty, restitution, damages, interest, bail bond, forfeiture, reimbursement,
34.4 liability owed, an assignment to the judicial branch, recovery of costs incurred by the
34.5 judicial branch, or any other source of indebtedness to the judicial branch as well as
34.6 amounts owed to other public or private entities for which the judicial branch acts in
34.7 providing collection services, or any other amount owed to the judicial branch.

34.8 (c) The courts must pay for the collection services of public or private collection
34.9 entities as well as the cost of one or more court employees to provide collection interface
34.10 services between the Department of Revenue, the courts, and one or more collection
34.11 entities from the money collected. The portion of the money collected which must be paid
34.12 to the collection entity as collection fees and costs and the portion of the money collected
34.13 which must be paid to the courts or Department of Revenue for collection services are
34.14 appropriated from the fund to which the collected money is due.

34.15 (d) As determined by the state court administrator, collection costs shall be added to
34.16 the debts referred to a public or private collection entity for collection.

34.17 Collection costs shall include the fees of the collection entity, and may include, if
34.18 separately provided, skip tracing fees, credit bureau reporting charges, fees assessed
34.19 by any public entity for obtaining information necessary for debt collection, or other
34.20 collection-related costs. Collection costs shall also include the costs of one or more court
34.21 employees employed by the state court administrator to provide a collection interface
34.22 between the collection entity, the Department of Revenue, and the courts.

34.23 If the collection entity collects an amount less than the total due, the payment is
34.24 applied proportionally to collection costs and the underlying debt. Collection costs in
34.25 excess of collection agency fees and court employee collection interface costs must be
34.26 deposited in the general fund as nondedicated receipts.

34.27 Sec. 29. Minnesota Statutes 2008, section 484.85, is amended to read:

34.28 **484.85 DISPOSITION OF FINES, FEES, AND OTHER MONEY;**
34.29 **ACCOUNTS; RAMSEY COUNTY DISTRICT COURT.**

34.30 ~~(a) In the event the Ramsey County District Court takes jurisdiction of a prosecution~~
34.31 ~~for the violation of a statute or ordinance by the state or a governmental subdivision other~~
34.32 ~~than a city or town in Ramsey County, all fines, penalties, and forfeitures collected shall be~~
34.33 ~~paid over to the county treasurer except where a different disposition is provided by law,~~
34.34 ~~and the following fees shall be taxed to the state or governmental subdivision other than~~
34.35 ~~a city or town within Ramsey County which would be entitled to payment of the fines,~~

35.1 ~~forfeitures, or penalties in any case, and shall be paid to the administrator of the court for~~
35.2 ~~disposal of the matter. The administrator shall deduct the fees from any fine collected for~~
35.3 ~~the state of Minnesota or a governmental subdivision other than a city or town within~~
35.4 ~~Ramsey County and transmit the balance in accordance with the law, and the deduction of~~
35.5 ~~the total of the fees each month from the total of all the fines collected is hereby expressly~~
35.6 ~~made an appropriation of funds for payment of the fees:~~

35.7 ~~(1) in all cases where the defendant is brought into court and pleads guilty and is~~
35.8 ~~sentenced, or the matter is otherwise disposed of without a trial, \$5;~~

35.9 ~~(2) in arraignments where the defendant waives a preliminary examination, \$10;~~

35.10 ~~(3) in all other cases where the defendant stands trial or has a preliminary~~
35.11 ~~examination by the court, \$15; and~~

35.12 ~~(4) the court shall have the authority to waive the collection of fees in any particular~~
35.13 ~~case.~~

35.14 ~~(b) On or before the last day of each month, the county treasurer shall pay over~~
35.15 ~~to the treasurer of the city of St. Paul two-thirds of all fines, penalties, and forfeitures~~
35.16 ~~collected and to the treasurer of each other municipality or subdivision of government in~~
35.17 ~~Ramsey County one-half of all fines or penalties collected during the previous month from~~
35.18 ~~those imposed for offenses committed within the treasurer's municipality or subdivision~~
35.19 ~~of government in violation of a statute; an ordinance; or a charter provision, rule, or~~
35.20 ~~regulation of a city. All other fines and forfeitures and all fees and costs collected by the~~
35.21 ~~district court shall be paid to the treasurer of Ramsey County, who shall dispense the~~
35.22 ~~same as provided by law.~~

35.23 (a) In all cases prosecuted in Ramsey County District Court by an attorney for
35.24 a municipality or subdivision of government within Ramsey County for violation of
35.25 a statute; an ordinance; or a charter provision, rule, or regulation of a city; all fines,
35.26 penalties, and forfeitures collected by the court administrator shall be deposited in the state
35.27 treasury and distributed according to this paragraph. Except where a different disposition
35.28 is provided by section 299D.03, subdivision 5, or other law, on or before the last day of
35.29 each month, the court shall pay over all fines, penalties, and forfeitures collected by the
35.30 court administrator during the previous month as follows:

35.31 (1) for offenses committed within the city of St. Paul, two-thirds paid to the treasurer
35.32 of the city of St. Paul and one-third credited to the state general fund; and

35.33 (2) for offenses committed within any other municipality or subdivision of
35.34 government within Ramsey County, one-half to the treasurer of the municipality or
35.35 subdivision of government and one-half credited to the state general fund.

36.1 All other fines, penalties, and forfeitures collected by the district court shall be
36.2 distributed by the courts as provided by law.

36.3 (b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph
36.4 (a) when:

36.5 (1) a city contracts with the county attorney for prosecutorial services under section
36.6 484.87, subdivision 3; or

36.7 (2) the attorney general provides assistance to the city attorney under section 484.87,
36.8 subdivision 5.

36.9 Sec. 30. Minnesota Statutes 2008, section 484.90, subdivision 6, is amended to read:

36.10 Subd. 6. **Allocation.** ~~The court administrator shall provide the county treasurer with~~
36.11 ~~the name of the municipality or other subdivision of government where the offense was~~
36.12 ~~committed which employed or provided by contract the arresting or apprehending officer~~
36.13 ~~and the name of the municipality or other subdivision of government which employed the~~
36.14 ~~prosecuting attorney or otherwise provided for prosecution of the offense for each fine or~~
36.15 ~~penalty and the total amount of fines or penalties collected for each municipality or other~~
36.16 ~~subdivision of government. On or before the last day of each month, the county treasurer~~
36.17 ~~shall pay over to the treasurer of each municipality or subdivision of government within~~
36.18 ~~the county all fines or penalties for parking violations for which complaints and warrants~~
36.19 ~~have not been issued and one-third of all fines or penalties collected during the previous~~
36.20 ~~month for offenses committed within the municipality or subdivision of government from~~
36.21 ~~persons arrested or issued citations by officers employed by the municipality or subdivision~~
36.22 ~~or provided by the municipality or subdivision by contract. An additional one-third of all~~
36.23 ~~fines or penalties shall be paid to the municipality or subdivision of government providing~~
36.24 ~~prosecution of offenses of the type for which the fine or penalty is collected occurring~~
36.25 ~~within the municipality or subdivision, imposed for violations of state statute or of an~~
36.26 ~~ordinance, charter provision, rule, or regulation of a city whether or not a guilty plea is~~
36.27 ~~entered or bail is forfeited. Except as provided in section 299D.03, subdivision 5, or as~~
36.28 ~~otherwise provided by law, all other fines and forfeitures and all fees and statutory court~~
36.29 ~~costs collected by the court administrator shall be paid to the county treasurer of the county~~
36.30 ~~in which the funds were collected who shall dispense them as provided by law. In a county~~
36.31 ~~in a judicial district under section 480.181, subdivision 1, paragraph (b), all other fines,~~
36.32 ~~forfeitures, fees, and statutory court costs must be paid to the commissioner of finance for~~
36.33 ~~deposit in the state treasury and credited to the general fund. (a) In all cases prosecuted in~~
36.34 district court by an attorney for a municipality or other subdivision of government within
36.35 the county for violations of state statute, or of an ordinance; or charter provision, rule,

37.1 or regulation of a city; all fines, penalties, and forfeitures collected shall be deposited in
37.2 the state treasury and distributed according to this paragraph. Except where a different
37.3 disposition is provided by section 299D.03, subdivision 5, 484.841, 484.85, or other law,
37.4 on or before the last day of each month, the courts shall pay over all fines, penalties, and
37.5 forfeitures collected by the court administrator during the previous month as follows:

37.6 (1) 100 percent of all fines or penalties for parking violations for which complaints
37.7 and warrants have not been issued to the treasurer of the city or town in which the offense
37.8 was committed; and

37.9 (2) two-thirds of all other fines to the treasurer of the city or town in which the
37.10 offense was committed and one-third credited to the state general fund.

37.11 All other fines, penalties, and forfeitures collected by the court administrator shall be
37.12 distributed by the courts as provided by law.

37.13 (b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph
37.14 (a) when:

37.15 (1) a city contracts with the county attorney for prosecutorial services under section
37.16 484.87, subdivision 3;

37.17 (2) a city has a population of 600 or less and has given the duty to prosecute cases to
37.18 the county attorney under section 487.87; or

37.19 (3) the attorney general provides assistance to the county attorney as permitted
37.20 by law.

37.21 Sec. 31. Minnesota Statutes 2008, section 484.91, subdivision 1, is amended to read:

37.22 Subdivision 1. **Establishment.** Misdemeanor violations bureaus in the Fourth
37.23 Judicial District shall be established in ~~Minneapolis, a southern suburb location, and at~~
37.24 ~~any other northern and western suburban locations dispersed throughout the county as~~
37.25 ~~may be~~ designated by a majority of the judges of the court.

37.26 Sec. 32. Minnesota Statutes 2008, section 491A.02, subdivision 9, is amended to read:

37.27 Subd. 9. **Judgment debtor disclosure.** Notwithstanding any contrary provision in
37.28 rule 518 of the Conciliation Court Rules, unless the parties have otherwise agreed, if a
37.29 conciliation court judgment or a judgment of district court on removal from conciliation
37.30 court has been docketed in district court, the judgment creditor's attorney as an officer of
37.31 the court may or the district court in the county in which the judgment originated shall,
37.32 upon request of the judgment creditor, order the judgment debtor to mail to the judgment
37.33 creditor information as to the nature, amount, identity, and locations of all the debtor's
37.34 assets, liabilities, and personal earning. The information must be provided on a form

38.1 prescribed by the Supreme Court, and the information shall be sufficiently detailed to
38.2 enable the judgment creditor to obtain satisfaction of the judgment by way of execution on
38.3 nonexempt assets and earnings of the judgment debtor. The order must contain a notice
38.4 that failure to complete the form and mail it to the judgment creditor within ten days after
38.5 service of the order may result in a citation for civil contempt of court. Cash bail posted as
38.6 a result of being cited for civil contempt of court order under this section may be ordered
38.7 payable to the creditor to satisfy the judgment, either partially or fully.

38.8 Sec. 33. Minnesota Statutes 2008, section 491A.03, subdivision 1, is amended to read:

38.9 Subdivision 1. **Judges; referees.** The judges of district court ~~shall~~ may serve as
38.10 judges of conciliation court. ~~In the Second and Fourth Judicial Districts, A majority of~~
38.11 ~~the judges~~ The chief judge of the district may appoint one or more suitable persons to act
38.12 as referees in conciliation court; ~~a majority of the judges~~ the chief judge of the district
38.13 shall establish qualifications for the office, specify the duties and length of service of
38.14 referees, and fix their compensation ~~not to exceed an amount per day determined by the~~
38.15 ~~chief judge of the judicial district.~~

38.16 **EFFECTIVE DATE.** This section is effective the day following final enactment.

38.17 Sec. 34. Minnesota Statutes 2008, section 525.091, subdivision 1, is amended to read:

38.18 Subdivision 1. **Original documents.** The court administrator of any county upon
38.19 order of the judge exercising probate jurisdiction may destroy all the original documents
38.20 in any probate proceeding of record in the office ~~five years~~ after the file in such proceeding
38.21 has been closed provided the original or a Minnesota state archives commission approved
38.22 photographic, photostatic, microphotographic, microfilmed, or similarly reproduced copy
38.23 of the original of the following enumerated documents in the proceeding are on file in
38.24 the office.

38.25 Enumerated original documents:

38.26 (a) In estates, the jurisdictional petition and proof of publication of the notice of
38.27 hearing thereof; will and certificate of probate; letters; inventory and appraisal; orders
38.28 directing and confirming sale, mortgage, lease, or for conveyance of real estate; order
38.29 setting apart statutory selection; receipts for federal estate taxes and state estate taxes;
38.30 orders of distribution and general protection; decrees of distribution; federal estate tax
38.31 closing letter, consent to discharge by commissioner of revenue and order discharging
38.32 representative; and any amendment of the listed documents.

38.33 When an estate is deemed closed as provided in clause (d) of this subdivision, the
38.34 enumerated documents shall include all claims of creditors.

39.1 (b) In guardianships or conservatorships, the jurisdictional petition and order for
39.2 hearing thereof with proof of service; letters; orders directing and confirming sale,
39.3 mortgage, lease or for conveyance of real estate; order for restoration to capacity and order
39.4 discharging guardian; and any amendment of the listed documents.

39.5 (c) In mental, inebriety, and indigent matters, the jurisdictional petition; report of
39.6 examination; warrant of commitment; notice of discharge from institution, or notice of
39.7 death and order for restoration to capacity; and any amendment of the listed documents.

39.8 (d) Except for the enumerated documents described in this subdivision, the court
39.9 administrator may destroy all other original documents in any probate proceeding without
39.10 retaining any reproduction of the document. For the purpose of this subdivision, a
39.11 proceeding is deemed closed if no document has been filed in the proceeding for a period
39.12 of 15 years, except in the cases of wills filed for safekeeping and those containing wills of
39.13 decedents not adjudicated upon.

39.14 Sec. 35. Minnesota Statutes 2008, section 549.09, subdivision 1, is amended to read:

39.15 Subdivision 1. **When owed; rate.** (a) When a judgment or award is for the recovery
39.16 of money, including a judgment for the recovery of taxes, interest from the time of
39.17 the verdict, award, or report until judgment is finally entered shall be computed by the
39.18 court administrator or arbitrator as provided in paragraph (c) and added to the judgment
39.19 or award.

39.20 (b) Except as otherwise provided by contract or allowed by law, preverdict,
39.21 preaward, or prereport interest on pecuniary damages shall be computed as provided
39.22 in paragraph (c) from the time of the commencement of the action or a demand for
39.23 arbitration, or the time of a written notice of claim, whichever occurs first, except as
39.24 provided herein. The action must be commenced within two years of a written notice of
39.25 claim for interest to begin to accrue from the time of the notice of claim. If either party
39.26 serves a written offer of settlement, the other party may serve a written acceptance or a
39.27 written counteroffer within 30 days. After that time, interest on the judgment or award
39.28 shall be calculated by the judge or arbitrator in the following manner. The prevailing
39.29 party shall receive interest on any judgment or award from the time of commencement
39.30 of the action or a demand for arbitration, or the time of a written notice of claim, or as
39.31 to special damages from the time when special damages were incurred, if later, until the
39.32 time of verdict, award, or report only if the amount of its offer is closer to the judgment or
39.33 award than the amount of the opposing party's offer. If the amount of the losing party's
39.34 offer was closer to the judgment or award than the prevailing party's offer, the prevailing
39.35 party shall receive interest only on the amount of the settlement offer or the judgment or

40.1 award, whichever is less, and only from the time of commencement of the action or a
40.2 demand for arbitration, or the time of a written notice of claim, or as to special damages
40.3 from when the special damages were incurred, if later, until the time the settlement offer
40.4 was made. Subsequent offers and counteroffers supersede the legal effect of earlier offers
40.5 and counteroffers. For the purposes of clause (2), the amount of settlement offer must
40.6 be allocated between past and future damages in the same proportion as determined by
40.7 the trier of fact. Except as otherwise provided by contract or allowed by law, preverdict,
40.8 preaward, or prereport interest shall not be awarded on the following:

40.9 (1) judgments, awards, or benefits in workers' compensation cases, but not including
40.10 third-party actions;

40.11 (2) judgments or awards for future damages;

40.12 (3) punitive damages, fines, or other damages that are noncompensatory in nature;

40.13 (4) judgments or awards not in excess of the amount specified in section 491A.01;

40.14 and

40.15 (5) that portion of any verdict, award, or report which is founded upon interest, or
40.16 costs, disbursements, attorney fees, or other similar items added by the court or arbitrator.

40.17 (c)(1) For a judgment or award of \$50,000 or less, the interest shall be computed as
40.18 simple interest per annum. The rate of interest shall be based on the secondary market
40.19 yield of one year United States Treasury bills, calculated on a bank discount basis as
40.20 provided in this section.

40.21 On or before the 20th day of December of each year the state court administrator
40.22 shall determine the rate from the one-year constant maturity treasury yield for the most
40.23 recent calendar month, reported on a monthly basis in the latest statistical release of the
40.24 board of governors of the Federal Reserve System. This yield, rounded to the nearest one
40.25 percent, or four percent, whichever is greater, shall be the annual interest rate during the
40.26 succeeding calendar year. The state court administrator shall communicate the interest
40.27 rates to the court administrators and sheriffs for use in computing the interest on verdicts
40.28 and shall make the interest rates available to arbitrators.

40.29 (2) For a judgment or award over \$50,000, the interest rate shall be ten percent
40.30 per year until paid.

40.31 (3) When a judgment creditor, or the judgment creditor's attorney or agent, has
40.32 received a payment after entry of judgment, whether the payment is made voluntarily by
40.33 or on behalf of the judgment debtor, or is collected by legal process other than execution
40.34 levy where a proper return has been filed with the court administrator, the judgment
40.35 creditor, or the judgment creditor's attorney, before applying to the court administrator
40.36 for an execution shall file with the court administrator an affidavit of partial satisfaction.

41.1 The affidavit must state the dates and amounts of payments made upon the judgment after
41.2 the most recent affidavit of partial satisfaction filed, if any; the part of each payment that
41.3 is applied to taxable disbursements and to accrued interest and to the unpaid principal
41.4 balance of the judgment; and the accrued, but the unpaid interest owing, if any, after
41.5 application of each payment.

41.6 (d) This section does not apply to arbitrations between employers and employees
41.7 under chapter 179 or 179A. An arbitrator is neither required to nor prohibited from
41.8 awarding interest under chapter 179 or under section 179A.16 for essential employees.

41.9 **EFFECTIVE DATE.** This section is effective August 1, 2009, and applies to
41.10 judgments and awards finally entered on or after that date.

41.11 Sec. 36. Minnesota Statutes 2008, section 550.011, is amended to read:

41.12 **550.011 JUDGMENT DEBTOR DISCLOSURE.**

41.13 Unless the parties have otherwise agreed, if a judgment has been docketed in
41.14 district court for at least 30 days, and the judgment is not satisfied, the judgment creditor's
41.15 attorney as an officer of the court may or the district court in the county in which the
41.16 judgment originated shall, upon request of the judgment creditor, order the judgment
41.17 debtor to mail by certified mail to the judgment creditor information as to the nature,
41.18 amount, identity, and locations of all the debtor's assets, liabilities, and personal earnings.
41.19 The information must be provided on a form prescribed by the Supreme Court, and
41.20 the information shall be sufficiently detailed to enable the judgment creditor to obtain
41.21 satisfaction of the judgment by way of execution on nonexempt assets and earnings of the
41.22 judgment debtor. The order must contain a notice that failure to complete the form and
41.23 mail it to the judgment creditor within ten days after service of the order may result in a
41.24 citation for civil contempt of court. Cash bail posted as a result of being cited for civil
41.25 contempt of court order under this section may be ordered payable to the creditor to
41.26 satisfy the judgment, either partially or fully.

41.27 Sec. 37. Minnesota Statutes 2008, section 609.035, subdivision 2, is amended to read:

41.28 Subd. 2. **Consecutive sentences.** (a) When a person is being sentenced for a
41.29 violation of a provision listed in paragraph (e), the court may sentence the person to a
41.30 consecutive term of imprisonment for a violation of any other provision listed in paragraph
41.31 (e), notwithstanding the fact that the offenses arose out of the same course of conduct,
41.32 subject to the limitation on consecutive sentences contained in section 609.15, subdivision
41.33 2, and except as provided in paragraphs (b), (c), and (f) of this subdivision.

42.1 (b) When a person is being sentenced for a violation of section 171.09, 171.20,
42.2 171.24, or 171.30, the court may not impose a consecutive sentence for another violation
42.3 of a provision in chapter 171.

42.4 (c) When a person is being sentenced for a violation of section 169.791 or 169.797,
42.5 the court may not impose a consecutive sentence for another violation of a provision
42.6 of sections 169.79 to 169.7995.

42.7 (d) This subdivision does not limit the authority of the court to impose consecutive
42.8 sentences for crimes arising on different dates or to impose a consecutive sentence when a
42.9 person is being sentenced for a crime and is also in violation of the conditions of a stayed
42.10 or otherwise deferred sentence under section 609.135.

42.11 (e) This subdivision applies to misdemeanor and gross misdemeanor violations of
42.12 the following if the offender has two or more prior impaired driving convictions as defined
42.13 in section 169A.03 within the past ten years:

42.14 (1) section 169A.20, subdivision 1, 1a, 1b, or 1c, driving while impaired;

42.15 (2) section 169A.20, subdivision 2, test refusal;

42.16 (3) section 169.791, failure to provide proof of insurance;

42.17 (4) section 169.797, failure to provide vehicle insurance;

42.18 (5) section 171.09, violation of condition of restricted license;

42.19 (6) section 171.20, subdivision 2, operation after revocation, suspension,
42.20 cancellation, or disqualification;

42.21 (7) section 171.24, driving without valid license; and

42.22 (8) section 171.30, violation of condition of limited license.

42.23 (f) When a court is sentencing an offender for a violation of section 169A.20 and a
42.24 violation of an offense listed in paragraph (e), and the offender has five or more qualified
42.25 prior impaired driving incidents, as defined in section 169A.03, within the past ten years,
42.26 the court shall sentence the offender to serve consecutive sentences for the offenses,
42.27 notwithstanding the fact that the offenses arose out of the same course of conduct.

42.28 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
42.29 committed on or after that date.

42.30 **Sec. 38. [609.092] JUVENILE PETTY OFFENDERS; USE OF RESTORATIVE**
42.31 **JUSTICE.**

42.32 **Subdivision 1. First-time juvenile petty offenders; applicability; procedure. (a)**

42.33 **This subdivision applies to a child alleged to be a juvenile petty offender who:**

42.34 **(1) has not been previously adjudicated delinquent or as a petty offender;**

43.1 (2) has not previously participated in or completed a diversion program for an
43.2 offense;

43.3 (3) has not previously been placed on probation without an adjudication for an
43.4 offense or received a continuance under section 260B.198, subdivision 7; and

43.5 (4) agrees to successfully complete a restorative justice program under this section.

43.6 (b) Subject to subdivision 6, the prosecutor shall refer a child described in paragraph
43.7 (a) to a restorative justice program or provider that has been included on the approved
43.8 provider list described in subdivision 4. The program or provider shall arrange an
43.9 appropriate outcome for the matter using restorative justice concepts. The program
43.10 or provider shall involve the victim of the offense in the proceedings. If the victim
43.11 is unwilling or unable to proceed, or if there is no identifiable victim, the program or
43.12 provider shall ensure that someone serves as a proxy for the victim. The program or
43.13 provider and child, along with other participants, shall agree in writing to an appropriate
43.14 sanction for the child. The sanction may include any of the dispositions authorized in
43.15 section 260B.235, if appropriate, along with any other sanctions agreed to.

43.16 Subd. 2. **Failure to comply.** If a person fails to comply with the settlement
43.17 agreement, the person shall be referred back to the court for further proceedings.

43.18 Subd. 3. **Dismissal of charge.** Upon the successful completion by a person of the
43.19 sanctions agreed to in the settlement agreement, the program or provider shall notify the
43.20 court and the court shall dismiss the charge against the person.

43.21 Subd. 4. **Approved list.** The prosecutor shall maintain a list of approved restorative
43.22 justice programs and providers to which persons may be referred under this section.

43.23 Subd. 5. **Preference for culturally specific programs.** If a restorative justice
43.24 program or provider that is tailored in a more culturally specific manner to the person is
43.25 on the list of approved providers under subdivision 4, and the prosecutor is referring the
43.26 person to a restorative justice program or provider under this section, the prosecutor shall
43.27 refer the person to the more appropriate program or provider.

43.28 Subd. 6. **Exceptions; availability of programs; diversion alternatives; domestic**
43.29 **abuse.** This section applies only in jurisdictions where suitable restorative justice
43.30 programs and providers are available and are able to accept the referral. This section does
43.31 not apply if a prosecutor has determined that a nonrestorative justice diversion program is
43.32 more appropriate for the person. In addition, this section does not apply to cases involving
43.33 domestic violence or domestic assault.

43.34 Subd. 7. **Definition.** As used in this section, "restorative justice" has the meaning
43.35 given in section 611A.775. The term also includes Native American sentencing circles.

44.1 Sec. 39. Minnesota Statutes 2008, section 609.10, subdivision 1, is amended to read:

44.2 Subdivision 1. **Sentences available.** (a) Upon conviction of a felony and compliance
44.3 with the other provisions of this chapter the court, if it imposes sentence, may sentence
44.4 the defendant to the extent authorized by law as follows:

44.5 (1) to life imprisonment; or

44.6 (2) to imprisonment for a fixed term of years set by the court; or

44.7 (3) to both imprisonment for a fixed term of years and payment of a fine; or

44.8 (4) to payment of a fine without imprisonment ~~or to imprisonment for a fixed term of~~
44.9 ~~years if the fine is not paid~~ or as an intermediate sanction on a stayed sentence; or

44.10 (5) to payment of court-ordered restitution in addition to either imprisonment
44.11 or payment of a fine, or both; or

44.12 (6) to payment of a local correctional fee as authorized under section 609.102 in
44.13 addition to any other sentence imposed by the court.

44.14 (b) If the court imposes a fine or orders restitution under paragraph (a), payment is
44.15 due on the date imposed unless the court otherwise establishes a due date or a payment
44.16 plan.

44.17 Sec. 40. Minnesota Statutes 2008, section 609.101, subdivision 3, is amended to read:

44.18 Subd. 3. **Controlled substance offenses; minimum fines.** (a) Notwithstanding any
44.19 other law, when a court sentences a person convicted of a controlled substance crime
44.20 under sections 152.021 to 152.025 and 152.0262, it must impose a fine of not less than
44.21 30 percent of the maximum fine authorized by law nor more than the maximum fine
44.22 authorized by law.

44.23 (b) The minimum fine required by this subdivision is in addition to the surcharge or
44.24 assessment required by section 357.021, subdivision 6, and is in addition to any sentence
44.25 of imprisonment or restitution imposed or ordered by the court.

44.26 (c) The court shall collect the fine mandated by this subdivision and forward 70
44.27 percent of it to a local drug abuse prevention or intervention program existing or being
44.28 implemented in the county in which the crime was committed. The court shall forward the
44.29 remaining 30 percent to the commissioner of finance to be credited to the general fund. If
44.30 more than one drug abuse prevention or intervention program serves the county in which
44.31 the crime was committed, the court may designate on a case-by-case basis which program
44.32 will receive the fine proceeds, giving consideration to the community in which the crime
44.33 was committed, the funding needs of the program, the number of peace officers in each
44.34 community certified to teach the program, and the number of children served by the
44.35 program in each community. If no drug abuse prevention or intervention program serves

45.1 communities in that county, the court shall forward 100 percent of the fine proceeds to the
45.2 commissioner of finance to be credited to the general fund.

45.3 (d) The minimum fines required by this subdivision shall be collected as are other
45.4 fines. Fine proceeds received by a local drug abuse prevention or intervention program
45.5 must be used to support that program, and may be used for salaries of program staff or
45.6 peace officers certified to teach the program. The ~~drug abuse resistance education~~ program
45.7 must report receipt and use of money generated under this subdivision ~~as prescribed by~~
45.8 ~~the Drug Abuse Resistance Education Advisory Council~~ to the state court administrator
45.9 by January 15 of each year. The state court administrator must make this information
45.10 available upon request.

45.11 (e) As used in this subdivision, "drug abuse prevention or intervention program"
45.12 and "program" include:

45.13 (1) the drug abuse resistance education program described in section 299A.33; ~~and~~

45.14 (2) ~~any similar~~ a drug abuse education and prevention program that includes the
45.15 following components:

45.16 (i) instruction for students enrolled in kindergarten through grade six that is
45.17 designed to teach students to recognize and resist pressures to experiment with controlled
45.18 substances and alcohol;

45.19 (ii) provisions for parental involvement;

45.20 (iii) classroom instruction by uniformed law enforcement personnel;

45.21 (iv) the use of positive student leaders to influence younger students not to use
45.22 drugs; and

45.23 (v) an emphasis on activity-oriented techniques designed to encourage
45.24 student-generated responses to problem-solving situations; and

45.25 (3) a juvenile court program that:

45.26 (i) provides intervention strategies to reduce drug abuse and criminal behavior
45.27 in juvenile offenders; and

45.28 (ii) promotes local drug abuse prevention efforts within the community.

45.29 Sec. 41. Minnesota Statutes 2008, section 609.101, subdivision 4, is amended to read:

45.30 Subd. 4. **Minimum fines; other crimes.** Notwithstanding any other law:

45.31 (1) when a court sentences a person convicted of a felony that is not listed in
45.32 subdivision 2 or 3, it must impose a fine of not less than 30 percent of the maximum fine
45.33 authorized by law nor more than the maximum fine authorized by law; and

45.34 (2) when a court sentences a person convicted of a gross misdemeanor or
45.35 misdemeanor that is not listed in subdivision 2, it must impose a fine of not less than

46.1 30 percent of the maximum fine authorized by law nor more than the maximum fine
46.2 authorized by law, unless the fine is set at a lower amount on a uniform fine schedule
46.3 established by the Judicial Council in consultation with affected state and local agencies.
46.4 This schedule shall be promulgated not later than September 1 of each year and shall
46.5 become effective on January 1 of the next year unless the legislature, by law, provides
46.6 otherwise.

46.7 The minimum fine required by this subdivision is in addition to the surcharge or
46.8 assessment required by section 357.021, subdivision 6, and is in addition to any sentence
46.9 of imprisonment or restitution imposed or ordered by the court.

46.10 ~~The court shall collect the fines mandated in this subdivision and, except for fines for~~
46.11 ~~traffic and motor vehicle violations governed by section 169.871 and section 299D.03 and~~
46.12 ~~fish and game violations governed by section 97A.065, forward 20 percent of the revenues~~
46.13 ~~to the commissioner of finance for deposit in the general fund.~~

46.14 Sec. 42. **[609.104] FINE AND SURCHARGE COLLECTION.**

46.15 Subdivision 1. Failure to pay restitution or fine. (a) Any portion of a fine,
46.16 surcharge, court cost, restitution, or fee that the defendant fails to pay by the due date may
46.17 be referred for collection under section 480.15, subdivision 10c. If the defendant has
46.18 agreed to a payment plan but fails to pay an installment when due, the entire amount
46.19 remaining becomes due and payable and may be referred for collection under section
46.20 480.15, subdivision 10c.

46.21 (b) The defendant may contest the referral for collection based on inability to pay by
46.22 requesting a hearing no later than the due date. The defendant shall be notified in writing
46.23 at sentencing that under section 480.15, subdivision 10c, the court may refer the case for
46.24 collection for nonpayment, and collection costs may be added to the amount due. The
46.25 defendant shall also be notified in writing of the right to contest a referral for collection.
46.26 The state court administrator shall develop the notice language.

46.27 Subd. 2. Fine and surcharge collection. (a) A defendant's obligation to pay
46.28 court-ordered fines, surcharges, court costs, restitution, and fees shall survive after the due
46.29 date for a period set by the Judicial Council.

46.30 (b) Any change in the collection period established by the Judicial Council shall be
46.31 effective on court-ordered fines, surcharges, court costs, restitution, and fees imposed on
46.32 or after the effective date of this section.

46.33 (c) The period relating to a defendant's obligation to pay restitution under paragraph
46.34 (a) does not limit the victim's right to collect restitution through other means such as a
46.35 civil judgment.

47.1 (d) Nothing in this subdivision extends the period of a defendant's stay of sentence
47.2 imposition or execution.

47.3 Sec. 43. Minnesota Statutes 2008, section 609.125, subdivision 1, is amended to read:

47.4 Subdivision 1. **Sentences available.** (a) Upon conviction of a misdemeanor or gross
47.5 misdemeanor the court, if sentence is imposed, may, to the extent authorized by law,
47.6 sentence the defendant:

47.7 (1) to imprisonment for a definite term; or

47.8 (2) to payment of a fine, ~~or to imprisonment for a specified term if the fine is not paid~~
47.9 without imprisonment or as an intermediate sanction on a stayed sentence; or

47.10 (3) to both imprisonment for a definite term and payment of a fine; or

47.11 (4) to payment of court-ordered restitution in addition to either imprisonment
47.12 or payment of a fine, or both; or

47.13 (5) to payment of a local correctional fee as authorized under section 609.102 in
47.14 addition to any other sentence imposed by the court; or

47.15 (6) to perform work service in a restorative justice program in addition to any other
47.16 sentence imposed by the court.

47.17 (b) If the court imposes a fine or orders restitution under paragraph (a), payment is
47.18 due on the date imposed unless the court otherwise establishes a due date or a payment
47.19 plan.

47.20 Sec. 44. Minnesota Statutes 2008, section 609.135, subdivision 1, is amended to read:

47.21 Subdivision 1. **Terms and conditions.** (a) Except when a sentence of life
47.22 imprisonment is required by law, or when a mandatory minimum sentence is required by
47.23 section 609.11, any court may stay imposition or execution of sentence and:

47.24 (1) may order intermediate sanctions without placing the defendant on probation; or

47.25 (2) may place the defendant on probation with or without supervision and on the
47.26 terms the court prescribes, including intermediate sanctions when practicable. The court
47.27 may order the supervision to be under the probation officer of the court, or, if there is
47.28 none and the conviction is for a felony or gross misdemeanor, by the commissioner of
47.29 corrections, or in any case by some other suitable and consenting person. Unless the court
47.30 directs otherwise, state parole and probation agents and probation officers may impose
47.31 community work service or probation violation sanctions, consistent with section 243.05,
47.32 subdivision 1; sections 244.196 to 244.199; or 401.02, subdivision 5.

48.1 No intermediate sanction may be ordered performed at a location that fails to
48.2 observe applicable requirements or standards of chapter 181A or 182, or any rule
48.3 promulgated under them.

48.4 (b) For purposes of this subdivision, subdivision 6, and section 609.14, the term
48.5 "intermediate sanctions" includes but is not limited to incarceration in a local jail or
48.6 workhouse, home detention, electronic monitoring, intensive probation, sentencing to
48.7 service, reporting to a day reporting center, chemical dependency or mental health
48.8 treatment or counseling, restitution, fines, day-fines, community work service, work
48.9 service in a restorative justice program, work in lieu of or to work off fines and, with the
48.10 victim's consent, work in lieu of or to work off restitution.

48.11 (c) A court may not stay the revocation of the driver's license of a person convicted
48.12 of violating the provisions of section 169A.20.

48.13 (d) If the court orders a fine, day-fine, or restitution as an intermediate sanction,
48.14 payment is due on the date imposed unless the court otherwise establishes a due date
48.15 or a payment plan.

48.16 Sec. 45. Minnesota Statutes 2008, section 609.135, subdivision 1a, is amended to read:

48.17 Subd. 1a. **Failure to pay restitution or fine.** If the court orders payment of
48.18 restitution ~~or a fine~~ as a condition of probation and if the defendant fails to pay the
48.19 restitution ~~or a fine~~ in accordance with the payment schedule or structure established
48.20 by the court or the probation officer, the prosecutor or the defendant's probation officer
48.21 may, on the prosecutor's or the officer's own motion or at the request of the victim,
48.22 ask the court to hold a hearing to determine whether or not the conditions of probation
48.23 should be changed or probation should be revoked. The defendant's probation officer
48.24 shall ask for the hearing if the restitution ~~or fine~~ ordered has not been paid prior to 60
48.25 days before the term of probation expires. The court shall schedule and hold this hearing
48.26 and take appropriate action, including action under subdivision 2, paragraph (g), before
48.27 the defendant's term of probation expires.

48.28 Nothing in this subdivision limits the court's ability to refer the case to collections
48.29 under section 609.104 when a defendant fails to pay court-ordered restitution.

48.30 Sec. 46. Minnesota Statutes 2008, section 609.135, subdivision 2, is amended to read:

48.31 Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony
48.32 other than section 609.21, subdivision 1a, paragraph (b) or (c), the stay shall be for not
48.33 more than four years or the maximum period for which the sentence of imprisonment
48.34 might have been imposed, whichever is longer.

49.1 (b) If the conviction is for a gross misdemeanor violation of section 169A.20
49.2 or 609.21, subdivision 1a, paragraph (d), or for a felony described in section 609.21,
49.3 subdivision 1a, paragraph (b) or (c), the stay shall be for not more than six years. The
49.4 court shall provide for unsupervised probation for the last year of the stay unless the court
49.5 finds that the defendant needs supervised probation for all or part of the last year.

49.6 (c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the
49.7 stay shall be for not more than two years.

49.8 (d) If the conviction is for any misdemeanor under section 169A.20; 609.746,
49.9 subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or
49.10 609.224, subdivision 1, in which the victim of the crime was a family or household
49.11 member as defined in section 518B.01, the stay shall be for not more than two years. The
49.12 court shall provide for unsupervised probation for the second year of the stay unless the
49.13 court finds that the defendant needs supervised probation for all or part of the second year.

49.14 (e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay
49.15 shall be for not more than one year.

49.16 (f) The defendant shall be discharged six months after the term of the stay expires,
49.17 unless the stay has been revoked or extended under paragraph (g), or the defendant has
49.18 already been discharged.

49.19 (g) Notwithstanding the maximum periods specified for stays of sentences under
49.20 paragraphs (a) to (f), a court may extend a defendant's term of probation for up to one year
49.21 if it finds, at a hearing conducted under subdivision 1a, that:

49.22 (1) the defendant has not paid court-ordered restitution ~~or a fine~~ in accordance
49.23 with the payment schedule or structure; and

49.24 (2) the defendant is likely to not pay the restitution ~~or fine~~ the defendant owes before
49.25 the term of probation expires.

49.26 This one-year extension of probation for failure to pay restitution ~~or a fine~~ may be
49.27 extended by the court for up to one additional year if the court finds, at another hearing
49.28 conducted under subdivision 1a, that the defendant still has not paid the court-ordered
49.29 restitution ~~or fine~~ that the defendant owes.

49.30 Nothing in this subdivision limits the court's ability to refer the case to collections
49.31 under section 609.104.

49.32 (h) Notwithstanding the maximum periods specified for stays of sentences under
49.33 paragraphs (a) to (f), a court may extend a defendant's term of probation for up to three
49.34 years if it finds, at a hearing conducted under subdivision 1c, that:

49.35 (1) the defendant has failed to complete court-ordered treatment successfully; and

50.1 (2) the defendant is likely not to complete court-ordered treatment before the term of
50.2 probation expires.

50.3 Sec. 47. Minnesota Statutes 2008, section 611.17, is amended to read:

50.4 **611.17 FINANCIAL INQUIRY; STATEMENTS; CO-PAYMENT;**
50.5 **STANDARDS FOR DISTRICT PUBLIC DEFENSE ELIGIBILITY.**

50.6 (a) Each judicial district must screen requests for representation by the district public
50.7 defender. A defendant is financially unable to obtain counsel if:

50.8 (1) the defendant, or any dependent of the defendant who resides in the same
50.9 household as the defendant, receives means-tested governmental benefits; or

50.10 (2) the defendant, through any combination of liquid assets and current income,
50.11 would be unable to pay the reasonable costs charged by private counsel in that judicial
50.12 district for a defense of the same matter.

50.13 (b) Upon a request for the appointment of counsel, the court shall make appropriate
50.14 inquiry into the financial circumstances of the applicant, who shall submit a financial
50.15 statement under oath or affirmation setting forth the applicant's assets and liabilities,
50.16 including the value of any real property owned by the applicant, whether homestead or
50.17 otherwise, less the amount of any encumbrances on the real property, the source or sources
50.18 of income, and any other information required by the court. The applicant shall be under
50.19 a continuing duty while represented by a public defender to disclose any changes in the
50.20 applicant's financial circumstances that might be relevant to the applicant's eligibility for a
50.21 public defender. The state public defender shall furnish appropriate forms for the financial
50.22 statements. The forms must contain conspicuous notice of the applicant's continuing duty
50.23 to disclose to the court changes in the applicant's financial circumstances. The forms must
50.24 also contain conspicuous notice of the applicant's obligation to make a co-payment for the
50.25 services of the district public defender, as specified under paragraph (c). The information
50.26 contained in the statement shall be confidential and for the exclusive use of the court
50.27 and the public defender appointed by the court to represent the applicant except for any
50.28 prosecution under section 609.48. A refusal to execute the financial statement or produce
50.29 financial records constitutes a waiver of the right to the appointment of a public defender.
50.30 The court shall not appoint a district public defender to a defendant who is financially able
50.31 to retain private counsel but refuses to do so.

50.32 An inquiry to determine financial eligibility of a defendant for the appointment of
50.33 the district public defender shall be made whenever possible prior to the court appearance
50.34 and by such persons as the court may direct. This inquiry may be combined with the
50.35 prerelease investigation provided for in Minnesota Rule of Criminal Procedure 6.02,

51.1 subdivision 3. In no case shall the district public defender be required to perform this
51.2 inquiry or investigate the defendant's assets or eligibility. The court has the sole duty to
51.3 conduct a financial inquiry. The inquiry must include the following:

51.4 (1) the liquidity of real estate assets, including the defendant's homestead;
51.5 (2) any assets that can be readily converted to cash or used to secure a debt;
51.6 (3) the determination of whether the transfer of an asset is voidable as a fraudulent
51.7 conveyance; and

51.8 (4) the value of all property transfers occurring on or after the date of the alleged
51.9 offense. The burden is on the accused to show that he or she is financially unable to afford
51.10 counsel. Defendants who fail to provide information necessary to determine eligibility
51.11 shall be deemed ineligible. The court must not appoint the district public defender as
51.12 advisory counsel.

51.13 (c) Upon disposition of the case, an individual who has received public defender
51.14 services shall pay to the court a ~~\$28~~ \$75 co-payment for representation provided by a
51.15 public defender, unless the co-payment is, or has been, waived by the court.

51.16 The co-payment must be credited to the general fund. If a term of probation is
51.17 imposed as a part of an offender's sentence, the co-payment required by this section must
51.18 not be made a condition of probation. The co-payment required by this section is a civil
51.19 obligation and must not be made a condition of a criminal sentence.

51.20 Sec. 48. Minnesota Statutes 2008, section 631.48, is amended to read:

51.21 **631.48 SENTENCE; COSTS OF PROSECUTION.**

51.22 In a criminal action, upon conviction of the defendant, the court may order as part of
51.23 the sentence that defendant shall pay the whole or any part of the disbursements of the
51.24 prosecution, including disbursements made to extradite a defendant. The court may order
51.25 this payment in addition to any other penalty authorized by law which it may impose. The
51.26 payment of the disbursements of prosecution may be enforced in the same manner as the
51.27 sentence, or by execution against property. When collected, the disbursements ~~must be~~
51.28 ~~paid into the treasury of the county of conviction, but~~ of ordered prosecution costs shall be
51.29 paid to the municipality or subdivision of government which employed the prosecuting
51.30 attorney or otherwise provided for prosecution of the case. This payment may not interfere
51.31 with the payment of officers', witnesses', or jurors' fees.

51.32 Sec. 49. **PUBLIC DEFENDER FEE.**

51.33 Subdivision 1. Authorization. (a) The Supreme Court, through the lawyer
51.34 registration office, may assess a public defender fee on each licensed attorney in the

52.1 state. If imposed, the fee must not be more than \$75 or less than the civil legal services
52.2 fee established by the Supreme Court in 1997 that licensed attorneys are required to pay
52.3 pursuant to the rules of the supreme court on lawyer registration.

52.4 (b) The fee described in paragraph (a) may apply only to attorneys actively engaged
52.5 in the practice of law.

52.6 Subd. 2. **Creation of account.** The public defender fee account is created in the
52.7 special revenue fund. The state court administrator shall forward fees collected under
52.8 subdivision 1 to the commissioner of finance who shall deposit them in the state treasury
52.9 and credit them to this account. Money in the account is appropriated to the Board
52.10 of Public Defense.

52.11 Sec. 50. **REPEALER.**

52.12 (a) Minnesota Statutes 2008, section 152.0262, subdivision 2, is repealed effective
52.13 July 1, 2009, and applies to crimes committed on or after that date.

52.14 (b) Minnesota Statutes 2008, sections 383B.65, subdivision 2; 484.90, subdivisions
52.15 1, 2, and 3; 487.08, subdivisions 1, 2, 3, and 5; and 609.135, subdivision 8, are repealed.

ARTICLE 3

PUBLIC SAFETY AND CORRECTIONS

52.18 Section 1. Minnesota Statutes 2008, section 3.195, subdivision 1, is amended to read:

52.19 Subdivision 1. **Distribution of reports.** (a) Except as provided in subdivision
52.20 4, a report to the legislature required of a department or agency shall be made, unless
52.21 otherwise specifically required by law, by filing one copy with the secretary of the senate,
52.22 one copy with the chief clerk of the house of representatives, and six copies with the
52.23 Legislative Reference Library. The same distribution procedure shall be followed for
52.24 other reports and publications unless otherwise requested by a legislator or the Legislative
52.25 Reference Library.

52.26 (b) A public entity as defined in section 16B.122, shall not distribute a report
52.27 or publication to a member or employee of the legislature, except the secretary of the
52.28 senate, the chief clerk of the house of representatives, and the Legislative Reference
52.29 Library, unless the entity has determined that the member or employee wants the reports
52.30 or publications published by that entity or the member or employee has requested the
52.31 report or publication. This prohibition applies to both mandatory and voluntary reports
52.32 and publications. A report or publication may be summarized in an executive summary
52.33 and distributed as the entity chooses. Distribution of a report to legislative committee

53.1 or commission members during a committee or commission hearing is not prohibited
53.2 by this section.

53.3 (c) A report or publication produced by a public entity may not be sent to both the
53.4 home address and the office address of a representative or senator unless mailing to both
53.5 addresses is requested by the representative or senator.

53.6 (d) Reports, publications, periodicals, and summaries under this subdivision must
53.7 be printed in a manner consistent with section 16B.122.

53.8 Sec. 2. Minnesota Statutes 2008, section 3.195, is amended by adding a subdivision to
53.9 read:

53.10 Subd. 4. **Reports of criminal justice agencies; electronic versions only.** (a) As
53.11 used in this subdivision, "criminal justice agency" means the Departments of Corrections,
53.12 Public Safety, and Human Rights; the Boards of Public Defense, Peace Officer Standards
53.13 and Training, Private Detective and Protective Agent Services, and Judicial Standards; the
53.14 Sentencing Guidelines and Uniform Laws Commissions; and the courts.

53.15 (b) A criminal justice agency that submits a report to the legislature under this
53.16 section shall do so by submitting an electronic version rather than a printed one.
53.17 Notwithstanding subdivision 1, paragraph (a), and section 15.18, the agency need submit
53.18 only one electronic copy to the Legislative Reference Library, the State Library, and the
53.19 Minnesota Historical Society. In addition, the agency shall submit one printed copy to
53.20 the Legislative Reference Library.

53.21 Sec. 3. Minnesota Statutes 2008, section 152.025, subdivision 1, is amended to read:

53.22 Subdivision 1. **Sale crimes.** (a) A person is guilty of controlled substance crime in
53.23 the fifth degree and if convicted may be sentenced to imprisonment for not more than five
53.24 years or to payment of a fine of not more than \$10,000, or both if:

53.25 (1) the person unlawfully sells one or more mixtures containing marijuana or
53.26 tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or

53.27 (2) the person unlawfully sells one or more mixtures containing a controlled
53.28 substance classified in schedule IV.

53.29 (b) Except as provided in paragraph (c), if a person is guilty of controlled substance
53.30 crime in the fifth degree and the conviction is a subsequent controlled substance
53.31 conviction, the person convicted shall be committed to the commissioner of corrections or
53.32 to a local correctional authority for not less than six months nor more than ten years and,
53.33 in addition, may be sentenced to payment of a fine of not more than \$20,000 if:

54.1 (1) the person unlawfully sells one or more mixtures containing marijuana or
54.2 tetrahydrocannabinols, except a small amount of marijuana for no remuneration; or

54.3 (2) the person unlawfully sells one or more mixtures containing a controlled
54.4 substance classified in schedule IV.

54.5 (c) Prior to the time of sentencing, the prosecutor may file a motion to have the
54.6 person sentenced without regard to the mandatory minimum sentence established by
54.7 paragraph (b). The motion must be accompanied by a statement on the record of the
54.8 reasons for it. When presented with the motion, or on its own motion, the court may
54.9 sentence the person without regard to the mandatory minimum sentence if the court finds,
54.10 on the record, substantial and compelling reasons to do so. Sentencing a person in this
54.11 manner is a departure from the sentencing guidelines.

54.12 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
54.13 committed on or after that date.

54.14 Sec. 4. Minnesota Statutes 2008, section 152.025, subdivision 2, is amended to read:

54.15 Subd. 2. **Possession and other crimes.** (a) A person is guilty of controlled
54.16 substance crime in the fifth degree and if convicted may be sentenced to imprisonment for
54.17 not more than five years or to payment of a fine of not more than \$10,000, or both if:

54.18 (1) the person unlawfully possesses one or more mixtures containing a controlled
54.19 substance classified in schedule I, II, III, or IV, except a small amount of marijuana; or

54.20 (2) the person procures, attempts to procure, possesses, or has control over a
54.21 controlled substance by any of the following means:

54.22 (i) fraud, deceit, misrepresentation, or subterfuge;

54.23 (ii) using a false name or giving false credit; or

54.24 (iii) falsely assuming the title of, or falsely representing any person to be, a
54.25 manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice
54.26 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
54.27 obtaining a controlled substance.

54.28 (b) Except as provided in paragraph (c), if a person is guilty of controlled substance
54.29 crime in the fifth degree and the conviction is a subsequent controlled substance
54.30 conviction, the person convicted shall be committed to the commissioner of corrections or
54.31 to a local correctional authority for not less than six months nor more than ten years and,
54.32 in addition, may be sentenced to payment of a fine of not more than \$20,000 if:

54.33 (1) the person unlawfully possesses one or more mixtures containing a controlled
54.34 substance classified in schedule I, II, III, or IV, except a small amount of marijuana; or

55.1 (2) the person procures, attempts to procure, possesses, or has control over a
55.2 controlled substance by any of the following means:
55.3 (i) fraud, deceit, misrepresentation, or subterfuge;
55.4 (ii) using a false name or giving false credit; or
55.5 (iii) falsely assuming the title of, or falsely representing any person to be, a
55.6 manufacturer, wholesaler, pharmacist, physician, doctor of osteopathy licensed to practice
55.7 medicine, dentist, podiatrist, veterinarian, or other authorized person for the purpose of
55.8 obtaining a controlled substance.

55.9 (c) Prior to the time of sentencing, the prosecutor may file a motion to have the
55.10 person sentenced without regard to the mandatory minimum sentence established by
55.11 paragraph (b). The motion must be accompanied by a statement on the record of the
55.12 reasons for it. When presented with the motion, or on its own motion, the court may
55.13 sentence the person without regard to the mandatory minimum sentence if the court finds,
55.14 on the record, substantial and compelling reasons to do so. Sentencing a person in this
55.15 manner is a departure from the sentencing guidelines.

55.16 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to crimes
55.17 committed on or after that date.

55.18 Sec. 5. Minnesota Statutes 2008, section 171.29, subdivision 2, is amended to read:

55.19 Subd. 2. **Reinstatement fees and surcharges allocated and appropriated.** (a)
55.20 An individual whose driver's license has been revoked as provided in subdivision 1,
55.21 except under section 169A.52, 169A.54, or 609.21, must pay a \$30 fee before the driver's
55.22 license is reinstated.

55.23 (b) A person whose driver's license has been revoked as provided in subdivision 1
55.24 under section 169A.52, 169A.54, or 609.21, must pay a \$250 fee plus a \$430 surcharge
55.25 before the driver's license is reinstated, except as provided in paragraph (f). The \$250
55.26 fee is to be credited as follows:

55.27 (1) Twenty percent must be credited to the driver services operating account in the
55.28 special revenue fund as specified in section 299A.705.

55.29 (2) Sixty-seven percent must be credited to the general fund.

55.30 (3) Eight percent must be credited to a separate account to be known as the Bureau of
55.31 Criminal Apprehension account. Money in this account ~~may be~~ is annually appropriated
55.32 to the commissioner of public safety and the appropriated amount must be apportioned
55.33 80 percent for laboratory costs and 20 percent for carrying out the provisions of section
55.34 299C.065.

56.1 (4) Five percent must be credited to a separate account to be known as the vehicle
56.2 forfeiture account, which is created in the special revenue fund. The money in the account
56.3 is annually appropriated to the commissioner for costs of handling vehicle forfeitures.

56.4 (c) The revenue from \$50 of the surcharge must be credited to a separate account
56.5 to be known as the traumatic brain injury and spinal cord injury account. The revenue
56.6 from \$50 of the surcharge on a reinstatement under paragraph (f) is credited from the
56.7 first installment payment to the traumatic brain injury and spinal cord injury account.
56.8 The money in the account is annually appropriated to the commissioner of health to be
56.9 used as follows: 83 percent for contracts with a qualified community-based organization
56.10 to provide information, resources, and support to assist persons with traumatic brain
56.11 injury and their families to access services, and 17 percent to maintain the traumatic
56.12 brain injury and spinal cord injury registry created in section 144.662. For the purposes
56.13 of this paragraph, a "qualified community-based organization" is a private, not-for-profit
56.14 organization of consumers of traumatic brain injury services and their family members.
56.15 The organization must be registered with the United States Internal Revenue Service under
56.16 section 501(c)(3) as a tax-exempt organization and must have as its purposes:

56.17 (1) the promotion of public, family, survivor, and professional awareness of the
56.18 incidence and consequences of traumatic brain injury;

56.19 (2) the provision of a network of support for persons with traumatic brain injury,
56.20 their families, and friends;

56.21 (3) the development and support of programs and services to prevent traumatic
56.22 brain injury;

56.23 (4) the establishment of education programs for persons with traumatic brain injury;

56.24 and

56.25 (5) the empowerment of persons with traumatic brain injury through participation
56.26 in its governance.

56.27 A patient's name, identifying information, or identifiable medical data must not be
56.28 disclosed to the organization without the informed voluntary written consent of the patient
56.29 or patient's guardian or, if the patient is a minor, of the parent or guardian of the patient.

56.30 (d) The remainder of the surcharge must be credited to a separate account to be
56.31 known as the remote electronic alcohol-monitoring program account. The commissioner
56.32 shall transfer the balance of this account to the commissioner of finance on a monthly
56.33 basis for deposit in the general fund.

56.34 (e) When these fees are collected by a licensing agent, appointed under section
56.35 171.061, a handling charge is imposed in the amount specified under section 171.061,

57.1 subdivision 4. The reinstatement fees and surcharge must be deposited in an approved
57.2 depository as directed under section 171.061, subdivision 4.

57.3 (f) A person whose driver's license has been revoked as provided in subdivision
57.4 1 under section 169A.52 or 169A.54 and who the court certifies as being financially
57.5 eligible for a public defender under section 611.17, may choose to pay 50 percent and
57.6 an additional \$25 of the total amount of the surcharge and 50 percent of the fee required
57.7 under paragraph (b) to reinstate the person's driver's license, provided the person meets all
57.8 other requirements of reinstatement. If a person chooses to pay 50 percent of the total and
57.9 an additional \$25, the driver's license must expire after two years. The person must pay an
57.10 additional 50 percent less \$25 of the total to extend the license for an additional two years,
57.11 provided the person is otherwise still eligible for the license. After this final payment of
57.12 the surcharge and fee, the license may be renewed on a standard schedule, as provided
57.13 under section 171.27. A handling charge may be imposed for each installment payment.
57.14 Revenue from the handling charge is credited to the driver services operating account in
57.15 the special revenue fund and is appropriated to the commissioner.

57.16 (g) Any person making installment payments under paragraph (f), whose driver's
57.17 license subsequently expires, or is canceled, revoked, or suspended before payment of
57.18 100 percent of the surcharge and fee, must pay the outstanding balance due for the initial
57.19 reinstatement before the driver's license is subsequently reinstated. Upon payment of
57.20 the outstanding balance due for the initial reinstatement, the person may pay any new
57.21 surcharge and fee imposed under paragraph (b) in installment payments as provided
57.22 under paragraph (f).

57.23 Sec. 6. Minnesota Statutes 2008, section 241.016, subdivision 1, is amended to read:

57.24 Subdivision 1. **Biennial report.** (a) The Department of Corrections shall submit a
57.25 performance report to the chairs and ranking minority members of the senate and house of
57.26 representatives committees and divisions having jurisdiction over criminal justice funding
57.27 by January 15, ~~2005, and every other~~ of each odd-numbered year thereafter. The issuance
57.28 and content of the report must include the following:

57.29 (1) department strategic mission, goals, and objectives;

57.30 (2) the department-wide per diem, adult facility-specific per diems, and an average
57.31 per diem, reported in a standard calculated method as outlined in the departmental policies
57.32 and procedures;

57.33 (3) department annual statistics as outlined in the departmental policies and
57.34 procedures; and

58.1 (4) information about prison-based mental health programs, including, but not
58.2 limited to, the availability of these programs, participation rates, and completion rates.

58.3 (b) The department shall maintain recidivism rates for adult facilities on an annual
58.4 basis. In addition, each year the department shall, on an alternating basis, complete a
58.5 recidivism analysis of adult facilities, juvenile services, and the community services
58.6 divisions and include a three-year recidivism analysis in the report described in paragraph
58.7 (a). The recidivism analysis must: (1) assess education programs, vocational programs,
58.8 treatment programs, including mental health programs, industry, and employment; and (2)
58.9 assess statewide re-entry policies and funding, including postrelease treatment, education,
58.10 training, and supervision. In addition, when reporting recidivism for the department's
58.11 adult and juvenile facilities, the department shall report on the extent to which offenders it
58.12 has assessed as chemically dependent commit new offenses, with separate recidivism rates
58.13 reported for persons completing and not completing the department's treatment programs.

58.14 (c) By August 31 of each odd-numbered year, the commissioner must present to the
58.15 individuals identified in paragraph (a) a report that lists and describes the performance
58.16 measures and targets the department will include in the biennial performance report. The
58.17 measures and targets must include a budget target for the next two years and a history of
58.18 the department's performance for the previous five years. At a minimum, the report must
58.19 include measures and targets for the data and information identified in paragraphs (a) and
58.20 (b) regarding per diem, statistics, inmate programming, and recidivism, and the following:

58.21 (1) average statutory per diem for adult offenders, female offenders, and juvenile
58.22 offenders;

58.23 (2) the Department of Corrections field services;

58.24 (3) staffing and salaries for both department divisions and institutions;

58.25 (4) the use of private and local institutions to house persons committed to the
58.26 commissioner;

58.27 (5) the cost of inmate health and dental care;

58.28 (6) implementation and use of corrections best practices; and

58.29 (7) the challenge incarceration program.

58.30 Sec. 7. Minnesota Statutes 2008, section 241.27, subdivision 1a, is amended to read:

58.31 Subd. 1a. **Marketing plan.** The commissioner of corrections, ~~in consultation with~~
58.32 ~~the commissioner of employment and economic development,~~ shall develop, implement,
58.33 and maintain a formal marketing plan to attract private sector businesses and industries
58.34 and state and local government agencies to employ inmate services incarcerated offenders

59.1 through MINNCOR industries. The plan shall be reviewed and updated annually by
59.2 the commissioner of corrections.

59.3 Sec. 8. Minnesota Statutes 2008, section 241.27, is amended by adding a subdivision
59.4 to read:

59.5 Subd. 6. **Reports and financial statements.** MINNCOR shall include its full costs
59.6 for inmate wages and the money it receives from the department for inmate confinement
59.7 costs in its annual financial statements and reports. In addition, MINNCOR shall disclose
59.8 in its annual report how the money it receives from the department for inmate confinement
59.9 costs affects its profitability.

59.10 Sec. 9. Minnesota Statutes 2008, section 241.27, is amended by adding a subdivision
59.11 to read:

59.12 Subd. 7. **Interactions with private businesses.** (a) MINNCOR shall use revenue
59.13 contracts or purchase orders on forms approved by the Department of Administration
59.14 whenever it allows private businesses to use inmate labor. MINNCOR shall determine
59.15 whether to use a revenue contract or a purchase order according to criteria that the
59.16 Department of Corrections has approved having taken into account the recommendations
59.17 of the legislative auditor contained in its 2009 report on MINNCOR.

59.18 (b) MINNCOR shall develop a uniform method to report sales and expenditure data
59.19 related to individual labor arrangements with private businesses. MINNCOR shall review
59.20 the data annually to assess how the arrangements, both individually and collectively, affect
59.21 MINNCOR's achieving its goals of high inmate participation in industry and profitability.

59.22 Sec. 10. Minnesota Statutes 2008, section 241.27, is amended by adding a subdivision
59.23 to read:

59.24 Subd. 8. **Contracts or purchase orders; work on projects before and after.**
59.25 MINNCOR may not begin work on a project until a contract or purchase order has
59.26 been signed and may not continue work on a project after a contract or purchase order
59.27 has expired.

59.28 Sec. 11. Minnesota Statutes 2008, section 244.055, subdivision 11, is amended to read:

59.29 Subd. 11. **Sunset.** This section expires July 1, ~~2009~~ 2011.

59.30 **EFFECTIVE DATE.** This section is effective the day following final enactment.

59.31 Sec. 12. **[244.085] FELONY DWI REPORT.**

60.1 By January 15 of each year, the commissioner shall report to the chairs and
60.2 ranking minority members of the house of representatives and senate committees
60.3 having jurisdiction over criminal justice policy and funding on the implementation and
60.4 effects of the felony level driving while impaired offense. The report must include the
60.5 following information on felony level driving while impaired offenses involving offenders
60.6 committed to the commissioner's custody:

60.7 (1) the number of persons committed;

60.8 (2) the county of conviction;

60.9 (3) the offenders' ages and gender;

60.10 (4) the offenders' prior impaired driving histories and prior criminal histories;

60.11 (5) the number of offenders:

60.12 (i) given an executed prison sentence upon conviction and the length of the sentence;

60.13 (ii) given an executed prison sentence upon revocation of probation, the reasons
60.14 for revocation, and the length of sentence;

60.15 (iii) who successfully complete treatment in prison;

60.16 (iv) placed on intensive supervision following release from incarceration;

60.17 (v) placed in the challenge incarceration program, the number of offenders released
60.18 from prison under this program, and the number of these offenders who violate their
60.19 release conditions and the consequences imposed; and

60.20 (vi) who violate supervised release and the consequences imposed;

60.21 (6) per diem costs, including treatment costs, for offenders incarcerated under the
60.22 felony sentence provisions; and

60.23 (7) any other information the commissioner deems relevant to estimating future
60.24 costs.

60.25 Sec. 13. Minnesota Statutes 2008, section 244.17, is amended to read:

60.26 **244.17 CHALLENGE INCARCERATION PROGRAM.**

60.27 Subdivision 1. **Generally.** The commissioner ~~may~~ shall select offenders who
60.28 meet the eligibility requirements of subdivisions 2 and 3 to participate in a challenge
60.29 incarceration program described in sections 244.171 and 244.172 for all or part of the
60.30 offender's sentence if the offender agrees to participate in the program and signs a written
60.31 contract with the commissioner agreeing to comply with the program's requirements.

60.32 Subd. 2. **Eligibility.** (a) Unless a person is ineligible under subdivision 3, the
60.33 commissioner must ~~limit~~ offer a bed in the challenge incarceration program to the
60.34 following persons:

61.1 (1) offenders who are committed to the commissioner's custody following revocation
61.2 of a stayed sentence; and

61.3 (2) offenders who are committed to the commissioner's custody, who have 48
61.4 months or less in or remaining in their term of imprisonment, and who did not receive a
61.5 dispositional departure under the Sentencing Guidelines.

61.6 (b) If there is insufficient space for an eligible person, the commissioner shall place
61.7 the person's name on a waiting list and offer the person the chance to participate when
61.8 space becomes available if the person is still eligible under this section.

61.9 Subd. 3. **Offenders not eligible.** (a) The following offenders are not eligible to be
61.10 placed in the challenge incarceration program:

61.11 (1) offenders who are committed to the commissioner's custody following a
61.12 conviction for murder, manslaughter, criminal sexual conduct, assault, kidnapping,
61.13 robbery, arson, or any other offense involving death or intentional personal injury; ~~and~~

61.14 (2) offenders who were convicted within the preceding ten years of an offense
61.15 described in clause (1) and were committed to the custody of the commissioner;

61.16 (3) offenders who have been convicted or adjudicated delinquent within the past five
61.17 years for a violation of section 609.485;

61.18 (4) offenders who are committed to the commissioner's custody for an offense that
61.19 requires registration under section 243.166;

61.20 (5) offenders who are the subject of a current arrest warrant or detainer;

61.21 (6) offenders who have fewer than 180 days remaining until their supervised release
61.22 date;

61.23 (7) offenders who have had disciplinary confinement time added to their sentence or
61.24 who have been placed in segregation, unless 90 days have elapsed from the imposition of
61.25 the additional disciplinary confinement time or the last day of segregation;

61.26 (8) offenders who have received a suspended formal disciplinary sanction, unless the
61.27 suspension has expired;

61.28 (9) offenders whose governing sentence is for an offense from another state or the
61.29 United States; and

61.30 (10) offenders who have a medical condition included on the list of ineligible
61.31 conditions described in paragraph (b).

61.32 (b) The commissioner of corrections shall develop a list of medical conditions that
61.33 will disqualify an offender from participating in the challenge incarceration program.
61.34 The commissioner shall submit the list and any changes to it to the chairs and ranking
61.35 minority members of the senate and house committees having jurisdiction over criminal
61.36 justice policy and funding.

62.1 Sec. 14. Minnesota Statutes 2008, section 244.172, subdivision 1, is amended to read:

62.2 Subdivision 1. **Phase I.** Phase I of the program lasts at least six months. The
62.3 offender must be confined ~~in a state correctional facility designated by the commissioner~~
62.4 at the Minnesota Correctional Facility - Willow River/Moose Lake or the Minnesota
62.5 Correctional Facility - Togo and must successfully participate in all intensive treatment,
62.6 education and work programs required by the commissioner. The offender must also
62.7 submit on demand to random drug and alcohol testing at time intervals set by the
62.8 commissioner. Throughout phase I, the commissioner must severely restrict the offender's
62.9 telephone and visitor privileges.

62.10 Sec. 15. **[244.30] CAP ON INCARCERATION FOR FIRST-TIME SUPERVISED**
62.11 **RELEASE VIOLATIONS; EXCEPTION FOR SEX OFFENDERS.**

62.12 (a) If the commissioner revokes the supervised release of a person whose release
62.13 on the current offense has not previously been revoked, the commissioner may order the
62.14 person to be incarcerated for no more than 90 days or until the expiration of the person's
62.15 sentence, whichever is less.

62.16 (b) This section does not apply to offenders on supervised release for a violation of
62.17 section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

62.18 (c) The commissioner may order a person described in this section to be incarcerated
62.19 for more than 90 days if the commissioner determines that substantial and compelling
62.20 reasons exist to believe that the longer incarceration period is necessary to protect the
62.21 public.

62.22 **EFFECTIVE DATE.** This section is effective the day following final enactment
62.23 and applies to persons whose supervised release is revoked on or after that date.

62.24 Sec. 16. Minnesota Statutes 2008, section 299A.01, subdivision 1a, is amended to read:

62.25 Subd. 1a. **Mission; efficiency.** It is part of the department's mission that within the
62.26 department's resources the commissioner shall endeavor to:

62.27 (1) prevent the waste or unnecessary spending of public money;

62.28 (2) use innovative fiscal and human resource practices to manage the state's
62.29 resources and operate the department as efficiently as possible;

62.30 (3) coordinate the department's activities wherever appropriate with the activities
62.31 of other governmental agencies;

62.32 (4) use technology where appropriate to increase agency productivity, improve
62.33 customer service, increase public access to information about government, and increase
62.34 public participation in the business of government;

63.1 (5) utilize constructive and cooperative labor-management practices to the extent
63.2 otherwise required by chapters 43A and 179A; and

63.3 ~~(6) report to the legislature on the performance of agency operations and the~~
63.4 ~~accomplishment of agency goals in the agency's biennial budget according to section~~
63.5 ~~16A.10, subdivision 1; and~~

63.6 ~~(7)~~(6) recommend to the legislature appropriate changes in law necessary to carry
63.7 out the mission and improve the performance of the department.

63.8 Sec. 17. Minnesota Statutes 2008, section 299A.01, is amended by adding a
63.9 subdivision to read:

63.10 **Subd. 1c. Performance report; performance measures and targets.** (a) The
63.11 commissioner, as part of the department's mission and within the department's resources,
63.12 shall report to the chairs and ranking minority members of the senate and house of
63.13 representatives committees having jurisdiction over criminal justice policy and funding
63.14 on the performance of agency operations and the accomplishment of agency goals in the
63.15 agency's biennial budget according to paragraph (b) and section 16A.10, subdivision
63.16 1. The purpose of the report is to determine the extent to which each program is
63.17 accomplishing the program's mission, goals, and objectives.

63.18 The report may address:

63.19 (1) factors that limited or delayed achievement of objectives or goals;

63.20 (2) resources used or saved and efficiencies achieved in reaching program objectives
63.21 and goals;

63.22 (3) information from customers and partners of the agency regarding the quality of
63.23 service and effectiveness of the agency and the agency's programs;

63.24 (4) recommendations on elimination of unnecessary or obsolete mandated reports;
63.25 and

63.26 (5) major cases, events, or circumstances that required an agency response.

63.27 (b) By August 1 of each odd-numbered year, the commissioner must present to
63.28 the individuals identified in paragraph (a) a report that states the mission, goals, and
63.29 objectives of each program and lists and describes the performance measures and targets
63.30 the department will include in the performance report required under paragraph (a). The
63.31 report must include information on how program goals and objectives were created and
63.32 who participated in formulating them. The measures and targets must include a history of
63.33 the department's performance for the previous five years. At a minimum, the report must
63.34 include measures and targets for the following:

63.35 (1) staffing and salaries for divisions within the agency;

- 64.1 (2) caseloads and responsibilities of Bureau of Criminal Apprehension agents;
64.2 (3) development and funding of the Allied Radio Matrix for Emergency Response
64.3 (ARMER);
64.4 (4) grant programs administered under the Office of Justice Programs and Homeland
64.5 Security and Emergency Management;
64.6 (5) receipt and expenditure of federal grant funds;
64.7 (6) expenditure of the fire safety insurance surcharge;
64.8 (7) emergency preparedness;
64.9 (8) crime lab operations; and
64.10 (9) assistance provided to crime victims.
- 64.11 **EFFECTIVE DATE.** This section is effective June 1, 2009.

64.12 Sec. 18. Minnesota Statutes 2008, section 299C.65, subdivision 3a, is amended to read:

64.13 Subd. 3a. **Report.** The policy group, with the assistance of the task force, shall file
64.14 ~~an annual~~ a biennial report with the governor, Supreme Court, and chairs and ranking
64.15 minority members of the senate and house of representatives committees and divisions
64.16 with jurisdiction over criminal justice funding and policy by January 15 ~~of~~ in each
64.17 odd-numbered year. The report must provide the following:

- 64.18 (1) status and review of current integration efforts and projects;
64.19 (2) recommendations concerning any legislative changes or appropriations that
64.20 are needed to ensure that the criminal justice information systems operate accurately
64.21 and efficiently; and
64.22 (3) summary of the activities of the policy group and task force.

64.23 **EFFECTIVE DATE.** This section is effective the day following final enactment.

64.24 Sec. 19. Minnesota Statutes 2008, section 609.105, subdivision 1, is amended to read:

64.25 Subdivision 1. **Sentence to ~~less than 180 days~~ more than one year.** ~~In~~ A felony
64.26 sentence to imprisonment, ~~when the remaining term of imprisonment is for 180 days~~
64.27 ~~or less, the defendant~~ more than one year shall ~~be committed~~ commit the defendant to
64.28 the custody of the commissioner of corrections ~~and must serve the remaining term of~~
64.29 ~~imprisonment at a workhouse, work farm, county jail, or other place authorized by law.~~

64.30 **EFFECTIVE DATE.** This section is effective July 1, 2009, and applies to offenders
64.31 sentenced on or after that date.

64.32 Sec. 20. **REPORT ON MINNCOR MARKETING PLAN.**

65.1 By September 15, 2009, the commissioner of corrections shall report to the chairs
65.2 and ranking minority members of the senate and house committees and divisions having
65.3 jurisdiction over criminal justice policy and funding on the marketing plan required in
65.4 Minnesota Statutes, section 241.27, subdivision 1a.

65.5 Sec. 21. **REVIEW OF REPORTS.**

65.6 The Sentencing Guidelines Commission and the Departments of Corrections
65.7 and Public Safety shall each review its reports for consolidation and may consider
65.8 consolidating any reports with other reports to achieve administrative convenience or
65.9 fiscal savings or to reduce the burden of reporting requirements. The commission and
65.10 departments may not eliminate a legislatively mandated reporting requirement without
65.11 prior legislative approval.

65.12 Sec. 22. **COUNTY-BASED REVOCATION CENTER PILOT PROJECT;**
65.13 **REPORT.**

65.14 (a) Dodge, Fillmore, and Olmsted Counties; Tri-County Community Corrections;
65.15 Hennepin County; Ramsey County; and any other county or community corrections
65.16 department that wishes to participate may develop a proposal for a pilot project for
65.17 a secure residential center for the supervision of persons facing revocation of their
65.18 supervised release or execution of a stayed prison sentence. The proposal must address the
65.19 care, custody, and programming for offenders assigned to the facility as an intermediate
65.20 sanction prior to revocation or execution of a stayed prison sentence.

65.21 (b) The counties must consider the following factors in developing the proposal:

65.22 (1) type and length of programming for offenders, including supervision, mental
65.23 health and chemical dependency treatment options, and educational and employment
65.24 readiness opportunities;

65.25 (2) medical care;

65.26 (3) the transporting of offenders to and from any facility;

65.27 (4) detailed current and future costs and per diems associated with the facility;

65.28 (5) admission and release procedures of the facility;

65.29 (6) intended outcomes of the pilot project; and

65.30 (7) other factors deemed appropriate for consideration by the counties.

65.31 (c) By December 1, 2009, any county that develops a pilot project shall report by
65.32 electronic means the pilot project proposal to the chairs and ranking minority members of
65.33 the senate and house of representatives committees having jurisdiction over public safety
65.34 policy and funding. A written copy must be made available upon request.

66.1 Sec. 23. **CORRECTIONS STRATEGIC MANAGEMENT AND OPERATIONS**
66.2 **ADVISORY TASK FORCE.**

66.3 Subdivision 1. Establishment; duties. A task force is established to advise
66.4 the governor and the legislature on management and operations strategies that will
66.5 improve efficiency in corrections and reduce the inmate per diem for the Department of
66.6 Corrections. The task force must provide an assessment that identifies strategies and
66.7 makes recommendations, including any proposals for legislative changes, to improve
66.8 efficiency in (1) the delivery of state corrections services; (2) construction, maintenance,
66.9 and operation of state prisons; and (3) coordination between state and local corrections
66.10 agencies. In developing its assessment, the task force shall consider best practices in
66.11 business management; best practices in corrections management and operations; efficiency
66.12 concepts in academic, business, or other environments; and how requirements under law
66.13 affect corrections efficiency. The assessment provided by the task force should include,
66.14 but is not limited to, analysis of the staffing and administration of prisons; central office
66.15 and administrative services staffing and operations; the impact of decisions on other
66.16 agency budgets; offender treatment and programming; field services; employee pension
66.17 plans; housing short-term offenders and probation violators; offender healthcare; juvenile
66.18 services; and the conditional release and challenge incarceration programs.

66.19 Subd. 2. Membership. The advisory task force consists of the following members:

66.20 (1) the commissioner of corrections, or the commissioner's designee;

66.21 (2) one person appointed by the governor who serves as a sheriff in this state;

66.22 (3) three persons appointed by the governor from a postsecondary academic
66.23 institution who have expertise in applied economics, organizational efficiency, or business
66.24 management;

66.25 (4) three persons appointed by the governor from the private sector who have
66.26 expertise in management or corporate efficiency but would not qualify for membership
66.27 under clause (3);

66.28 (5) one member appointed by the governor who is a community corrections act
66.29 department director or a community probation office department director;

66.30 (6) two persons appointed by the speaker of the house of representatives, one of
66.31 whom must be a member of organized labor and possess knowledge of corrections;

66.32 (7) one person appointed by the minority leader of the house of representatives;

66.33 (8) two persons appointed by the senate majority leader, one of whom must be a
66.34 member of organized labor and possess knowledge of corrections; and

66.35 (9) one person appointed by the minority leader of the senate.

67.1 Subd. 3. **Appointment of members.** The appointments and designations authorized
67.2 by this section must be completed by August 1, 2009.

67.3 Subd. 4. **Staffing support.** Upon request of the task force, the commissioner of
67.4 administration must provide meeting space and administrative services. The commissioner
67.5 of corrections shall provide information and other assistance as requested by the task force.

67.6 Subd. 5. **Administrative provisions.** (a) The commissioner of corrections, or the
67.7 commissioner's designee, must convene the initial meeting of the task force. The members
67.8 of the task force must elect a chair or co-chairs at the initial meeting.

67.9 (b) Public members of the task force serve without compensation or payment of
67.10 expenses.

67.11 (c) The task force may apply for, solicit, and accept gifts and grants and is
67.12 encouraged to seek technical assistance from subject matter experts affiliated with the
67.13 National Institute of Corrections. Funds received under this paragraph are accepted
67.14 on behalf of the state and constitute donations to the state and are appropriated to the
67.15 commissioner of administration for purposes of the task force.

67.16 (d) The task force expires June 30, 2010.

67.17 Subd. 6. **Report.** By February 15, 2010, the task force shall submit a report on
67.18 corrections management and operations efficiency strategies to the governor and to
67.19 the chairs and ranking minority members of the house of representatives and senate
67.20 committees with jurisdiction over public safety policy and finance.

67.21 **EFFECTIVE DATE.** This section is effective the day following final enactment.

67.22 Sec. 24. **REPEALER.**

67.23 (a) Minnesota Statutes 2008, sections 260B.199, subdivision 2; 260B.201,
67.24 subdivision 3; and 325E.22, are repealed effective the day following final enactment.

67.25 (b) Minnesota Statutes 2008, section 152.025, subdivision 3, is repealed effective
67.26 July 1, 2009, and applies to crimes committed on or after that date.

67.27 (c) Minnesota Statutes 2008, section 609.105, subdivisions 1a and 1b, are repealed
67.28 effective July 1, 2009, and apply to offenders sentenced on or after that date.

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152.025 CONTROLLED SUBSTANCE CRIME IN THE FIFTH DEGREE.

Subd. 3. **Penalty.** (a) A person convicted under subdivision 1 or 2 may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 or 2 shall be committed to the commissioner of corrections or to a local correctional authority for not less than six months nor more than ten years and, in addition, may be sentenced to payment of a fine of not more than \$20,000.

152.0262 POSSESSION OF SUBSTANCES WITH INTENT TO MANUFACTURE METHAMPHETAMINE CRIME.

Subd. 2. **Penalty.** (a) A person convicted under subdivision 1 may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

(b) If the conviction is a subsequent controlled substance conviction, a person convicted under subdivision 1 may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

260B.199 PLACEMENT OF JUVENILE OFFENDERS AT MINNESOTA CORRECTIONAL FACILITY-RED WING.

Subd. 2. **Report required.** (a) A court that places a child in an out-of-state facility shall report the following information to the Sentencing Guidelines Commission:

- (1) the out-of-state facility the child was placed at and the reasons for this placement;
- (2) the in-state facilities at which placement was considered;
- (3) the reasons for not choosing an in-state facility;
- (4) the reasons why the child did not meet the established admissions criteria for the Minnesota Correctional Facility-Red Wing, if applicable; and
- (5) if the child met the admissions criteria, the reasons why the safety of the child or the safety of the community could not be met at the Minnesota Correctional Facility-Red Wing.

(b) By February 15 of each year, the commission shall forward a summary of the reports received from courts under this subdivision for the preceding year to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding.

260B.201 MANDATORY COMMITMENT TO COMMISSIONER OF CORRECTIONS.

Subd. 3. **Report required.** A court ordering an alternative placement under subdivision 2, paragraph (c), shall report to the Sentencing Guidelines Commission on the placement ordered and the reasons for not committing the child to the custody of the commissioner of corrections. If the alternative placement is to an out-of-state facility, the report must include specific information that the safety of the child or the safety of the community can best be met by placement in an out-of-state facility or that the out-of-state facility is located closer to the child's home. By February 15 of each year, the commission shall summarize the reports received from courts under this paragraph for the preceding year and forward this summary to the chairs and ranking minority members of the senate and house of representatives committees and divisions having jurisdiction over criminal justice policy and funding.

325E.22 PENALTY.

Any person violating the provisions of section 325E.21 shall be guilty of a gross misdemeanor.

383B.65 CONTRACTS, LEASES WITH BLOOMINGTON FOR COURT SPACE.

Subd. 2. **May relocate Bloomington court.** Notwithstanding the provisions of section 488A.01, subdivision 9, the county of Hennepin may relocate the district court serving the city of Bloomington and thereupon shall provide suitable quarters for the holding of regular terms of court in a southern suburban location within the county as may be designated by a majority of the judges of the court. All functions of the court may be discharged, including both court

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and jury trials of civil and criminal matters, at the location designated pursuant to this section. Nothing in this section shall be construed to reduce the level of services to the residents of the city of Bloomington.

484.90 FEES PAYABLE TO COURT ADMINISTRATOR.

Subdivision 1. **Fees.** The fees payable to the court administrator for the following services in petty misdemeanors or criminal actions are governed by the following provisions:

In the event the court takes jurisdiction of a prosecution for the violation of a statute or ordinance by the state or a governmental subdivision other than a city or town within the county court district; all fines, penalties and forfeitures collected shall be paid over to the treasurer of the governmental subdivision which submitted a case for prosecution except where a different disposition is provided by law, in which case payment shall be made to the public official entitled thereto. The following fees for services in petty misdemeanor or criminal actions shall be taxed to the state or governmental subdivision which would be entitled to payment of the fines, forfeiture or penalties in any case, and shall be retained by the court administrator for disposing of the matter but in no case shall the fee that is taxed exceed the fine that is imposed. The court administrator shall deduct the fees from any fine collected and transmit the balance in accordance with the law, and the deduction of the total of such fees each month from the total of all such fines collected is hereby expressly made an appropriation of funds for payment of such fees:

(1) in all cases where the defendant pleads guilty at or prior to first appearance and sentence is imposed or the matter is otherwise disposed of without a trial, \$5;

(2) where the defendant pleads guilty after first appearance or prior to trial, \$10;

(3) in all other cases where the defendant is found guilty by the court or jury or pleads guilty during trial, \$15; and

(4) the court shall have the authority to waive the collection of fees in any particular case.

The fees set forth in this subdivision shall not apply to parking violations for which complaints and warrants have not been issued.

Subd. 2. **Miscellaneous fees.** Fees payable to the court administrator for all other services shall be fixed by court rule.

Subd. 3. **Payment in advance.** Except as provided in subdivision 1, fees are payable to the court administrator in advance.

487.08 JUDICIAL OFFICERS; OFFICE ABOLISHED.

Subdivision 1. **Abolish office.** The office of judicial officer is abolished.

Subd. 2. **Exception.** Persons holding the office of judicial officer full time or part time on January 1, 1981, in St. Louis County, Steele County and Carlton County may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointment. The chief judge of the district may fill vacancies arising in the office of judicial officer, which office was in existence on January 1, 1981.

Subd. 3. **Grandfather clause.** The persons holding the office of judicial officer in Nobles and Rock, Brown, Nicollet, Morrison, Goodhue and Wabasha, Scott, and Polk Counties on January 1, 1978, may continue to serve at the pleasure of the chief judge of the district under the terms and conditions of their appointments.

Subd. 5. **Subject to chief judge's authority.** All judicial officers are subject to the administrative authority and assignment power of the chief judge of the district as provided in section 484.69, subdivision 3. They shall be learned in the law, and shall hear and try matters as assigned to them by the chief judge. Their salary shall be fixed by the chief judge within the range established under section 480.181 and must not exceed the salary for referees under section 15A.083, subdivision 6. The Supreme Court must not approve aggregate performance increases for these employees that exceed an average of five percent per year.

609.105 SENTENCE OF IMPRISONMENT.

Subd. 1a. **Definitions.** (a) The terms in this subdivision apply to this section.

(b) "Remaining term of imprisonment" as applied to inmates whose crimes were committed before August 1, 1993, is the period of time for which an inmate is committed to the custody of the commissioner of corrections minus earned good time and jail credit, if any.

(c) "Remaining term of imprisonment" as applied to inmates whose crimes were committed on or after August 1, 1993, is the period of time equal to two-thirds of the inmate's executed sentence, minus jail credit, if any.

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Subd. 1b. **Sentence to more than 180 days.** A felony sentence to imprisonment when the warrant of commitment has a remaining term of imprisonment for more than 180 days shall commit the defendant to the custody of the commissioner of corrections.

609.135 STAY OF IMPOSITION OR EXECUTION OF SENTENCE.

Subd. 8. **Fine and surcharge collection.** (a) A defendant's obligation to pay court-ordered fines, surcharges, court costs, restitution, and fees shall survive for a period of six years from the date of the expiration of the defendant's stayed sentence for the offense for which the fines, surcharges, court costs, restitution, and fees were imposed, or six years from the imposition or due date of the fines, surcharges, court costs, restitution, and fees, whichever is later. Nothing in this subdivision extends the period of a defendant's stay of sentence imposition or execution.

(b) The six-year period relating to a defendant's obligation to pay restitution under paragraph (a) does not limit the victim's right to collect restitution through other means such as a civil judgment.