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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4019

02/19/2024 Authored by Moller
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; ensuring that victim-identifying supporting documentation
1.3 submitted by medical service provider to sexual assault exam payment program
1.4 is classified private data; providing consistent definition of crime victim in statutes;
1.5 excluding voluntary donation or gift as a collateral source for crime victim
1.6 reimbursement; amending Minnesota Statutes 2022, sections 243.05, subdivision
1.7 1b; 253B.18, subdivision 5a; 253D.14, subdivision 1; 611A.73, subdivision 4;
1.8 629.72, subdivisions 1, 7; 629.725; 629.73, subdivision 1, by adding a subdivision;
1.9 Minnesota Statutes 2023 Supplement, sections 609.35; 611A.039, subdivision 1;
1.10 611A.52, subdivision 5.

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

1.12 Section 1. Minnesota Statutes 2022, section 243.05, subdivision 1b, is amended to read:

1.13 Subd. 1b. Victim's rights. (a) This subdivision applies to parole decisions relating to
1.14 inmates convicted of first-degree murder who are described in subdivision 1, clauses (a)
1.15 and (b). As used in this subdivision, "victim" ~~means the murder victim's surviving spouse~~
1.16 ~~or next of kin~~ has the meaning given in section 611A.01, paragraph (b).

1.17 (b) The commissioner shall make reasonable efforts to notify the victim, in advance, of
1.18 the time and place of the inmate's parole review hearing. The victim has a right to submit
1.19 an oral or written statement at the review hearing. The statement may summarize the harm
1.20 suffered by the victim as a result of the crime and give the victim's recommendation on
1.21 whether the inmate should be paroled at that time. The commissioner must consider the
1.22 victim's statement when making the parole decision.

2.1 Sec. 2. Minnesota Statutes 2022, section 253B.18, subdivision 5a, is amended to read:

2.2 Subd. 5a. **Victim notification of petition and release; right to submit statement.** (a)

2.3 As used in this subdivision:

2.4 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes  
2.5 criminal sexual conduct in the fifth degree and offenses within the definition of "crime  
2.6 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in  
2.7 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually  
2.8 motivated;

2.9 (2) "victim" means a person who has incurred loss or harm as a result of a crime the  
2.10 behavior for which forms the basis for a commitment under this section or chapter 253D,  
2.11 and includes the family members, guardian, conservator, or custodian of a minor,  
2.12 incompetent, incapacitated, or deceased person; and

2.13 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision  
2.14 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal  
2.15 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in  
2.16 commitment cases under this section or chapter 253D that an act or acts constituting a crime  
2.17 occurred or were part of their course of harmful sexual conduct.

2.18 (b) A county attorney who files a petition to commit a person under this section or chapter  
2.19 253D shall make a reasonable effort to provide prompt notice of filing the petition to any  
2.20 victim of a crime for which the person was convicted. In addition, the county attorney shall  
2.21 make a reasonable effort to promptly notify the victim of the resolution of the petition and  
2.22 the process for requesting notification of an individual's change in status as provided in  
2.23 paragraph (c).

2.24 (c) A victim may request notification of an individual's discharge or release as provided  
2.25 in paragraph (d) by submitting a written request for notification to the executive director of  
2.26 the facility in which the individual is confined. The Department of Corrections or a county  
2.27 attorney who receives a request for notification from a victim under this section shall  
2.28 promptly forward the request to the executive director of the treatment facility in which the  
2.29 individual is confined.

2.30 (d) Before provisionally discharging, discharging, granting pass-eligible status, approving  
2.31 a pass plan, or otherwise permanently or temporarily releasing a person committed under  
2.32 this section from a state-operated treatment program or treatment facility, the head of the  
2.33 state-operated treatment program or head of the treatment facility shall make a reasonable  
2.34 effort to notify any victim of a crime for which the person was convicted that the person

3.1 may be discharged or released and that the victim has a right to submit a written statement  
 3.2 regarding decisions of the medical director, special review board, or commissioner with  
 3.3 respect to the person. To the extent possible, the notice must be provided at least 14 days  
 3.4 before any special review board hearing or before a determination on a pass plan.

3.5 Notwithstanding section 611A.06, subdivision 4, the commissioner shall provide the judicial  
 3.6 appeal panel with victim information in order to comply with the provisions of this section.

3.7 The judicial appeal panel shall ensure that the data on victims remains private as provided  
 3.8 for in section 611A.06, subdivision 4. These notices shall only be provided to victims who  
 3.9 have submitted a written request for notification as provided in paragraph (c).

3.10 (e) The rights under this subdivision are in addition to rights available to a victim under  
 3.11 chapter 611A. This provision does not give a victim all the rights of a "notified person" or  
 3.12 a person "entitled to statutory notice" under subdivision 4a, 4b, or 5 or section 253D.14.

3.13 Sec. 3. Minnesota Statutes 2022, section 253D.14, subdivision 1, is amended to read:

3.14 Subdivision 1. **Definitions.** As used in this section:

3.15 (1) "crime" has the meaning given to "violent crime" in section 609.1095, and includes  
 3.16 criminal sexual conduct in the fifth degree and offenses within the definition of "crime  
 3.17 against the person" in section 253B.02, subdivision 4e, and also includes offenses listed in  
 3.18 section 253D.02, subdivision 8, paragraph (b), regardless of whether they are sexually  
 3.19 motivated;

3.20 (2) "victim" means a person who has incurred loss or harm as a result of a crime, the  
 3.21 behavior for which forms the basis for a commitment under this chapter, and includes the  
 3.22 family members, guardian, conservator, or custodian of a minor, incompetent, incapacitated,  
 3.23 or deceased person; and

3.24 (3) "convicted" and "conviction" have the meanings given in section 609.02, subdivision  
 3.25 5, and also include juvenile court adjudications, findings under Minnesota Rules of Criminal  
 3.26 Procedure, rule 20.02, that the elements of a crime have been proved, and findings in  
 3.27 commitment cases under this section or section 253B.18, that an act or acts constituting a  
 3.28 crime occurred.

3.29 Sec. 4. Minnesota Statutes 2023 Supplement, section 609.35, is amended to read:

3.30 **609.35 COSTS OF MEDICAL EXAMINATION.**

3.31 (a) Costs incurred by a hospital or other emergency medical facility or by a physician,  
 3.32 sexual assault nurse examiner, forensic nurse, or other licensed health care provider for the

4.1 examination of a victim of criminal sexual conduct that occurred in the state shall be paid  
 4.2 by the state. These costs include, but are not limited to, the cost of the medical forensic  
 4.3 examination, associated tests and treatments relating to sexually transmitted infection, and  
 4.4 pregnancy status, including emergency contraception. A hospital, emergency medical facility,  
 4.5 or health care provider shall submit the costs for examination and any associated tests and  
 4.6 treatment to the Office of Justice Programs for payment. Upon receipt of the costs, the  
 4.7 commissioner shall provide payment to the facility or health care provider. Reimbursement  
 4.8 for an examination and any associated test and treatments shall not exceed \$1,400. Beginning  
 4.9 on January 1, 2024, the maximum amount of an award shall be adjusted annually by the  
 4.10 inflation rate.

4.11 (b) Nothing in this section shall be construed to limit the duties, responsibilities, or  
 4.12 liabilities of any insurer, whether public or private. The hospital or other licensed health  
 4.13 care provider performing the examination may seek insurance reimbursement from the  
 4.14 victim's insurer only if authorized by the victim. This authorization may only be sought  
 4.15 after the examination is performed. When seeking this authorization, the hospital or other  
 4.16 licensed health care provider shall inform the victim that if the victim does not authorize  
 4.17 this, the state is required by law to pay for the examination and that the victim is in no way  
 4.18 liable for these costs or obligated to authorize the reimbursement.

4.19 (c) The applicability of this section does not depend upon whether the victim reports  
 4.20 the offense to law enforcement or the existence or status of any investigation or prosecution.

4.21 (d) Requests for reimbursement and supporting documents are private data on individuals  
 4.22 as defined in section 13.02, subdivision 12.

4.23 Sec. 5. Minnesota Statutes 2023 Supplement, section 611A.039, subdivision 1, is amended  
 4.24 to read:

4.25 Subdivision 1. **Notice required.** (a) Except as otherwise provided in subdivision 2,  
 4.26 within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which  
 4.27 there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts  
 4.28 to provide to each affected crime victim oral or written notice of the final disposition of the  
 4.29 case and of the victim rights under section 611A.06. When the court is considering modifying  
 4.30 the sentence for a felony or a crime of violence or an attempted crime of violence, the  
 4.31 prosecutor shall make a reasonable and good faith effort to notify the victim of the crime.  
 4.32 ~~If the victim is incapacitated or deceased, notice must be given to the victim's family. If the~~  
 4.33 ~~victim is a minor, notice must be given to the victim's parent or guardian.~~ The notice must  
 4.34 include:

5.1 (1) the date and approximate time of the review;

5.2 (2) the location where the review will occur;

5.3 (3) the name and telephone number of a person to contact for additional information;

5.4 and

5.5 (4) a statement that the victim ~~and victim's family~~ may provide input to the court

5.6 concerning the sentence modification.

5.7 (b) The Office of Justice Programs in the Department of Public Safety shall develop and  
5.8 update a model notice of postconviction rights under this subdivision and section 611A.06.

5.9 (c) As used in this section:

5.10 (1) "crime of violence" has the meaning given in section 624.712, subdivision 5, and  
5.11 also includes violations of section 609.3458, gross misdemeanor violations of section  
5.12 609.224, and nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and  
5.13 609.749; and

5.14 (2) "victim" has the meaning given in section 611A.01, paragraph (b).

5.15 Sec. 6. Minnesota Statutes 2023 Supplement, section 611A.52, subdivision 5, is amended  
5.16 to read:

5.17 Subd. 5. **Collateral source.** "Collateral source" means a source of benefits or advantages  
5.18 for economic loss otherwise reimbursable under sections 611A.51 to 611A.68 which the  
5.19 victim or claimant has received, or which is readily available to the victim, from:

5.20 (1) the offender;

5.21 (2) the government of the United States or any agency thereof, a state or any of its  
5.22 political subdivisions, or an instrumentality of two or more states, unless the law providing  
5.23 for the benefits or advantages makes them excess or secondary to benefits under sections  
5.24 611A.51 to 611A.68;

5.25 (3) Social Security, Medicare, and Medicaid;

5.26 (4) state required temporary nonoccupational disability insurance;

5.27 (5) workers' compensation;

5.28 (6) wage continuation programs of any employer;

5.29 (7) proceeds of a contract of insurance payable to the victim for economic loss sustained  
5.30 because of the crime;

6.1 (8) a contract providing prepaid hospital and other health care services, or benefits for  
6.2 disability; or

6.3 ~~(9) any private source as a voluntary donation or gift; or~~

6.4 ~~(10)~~ (9) proceeds of a lawsuit brought as a result of the crime.

6.5 The term does not include a life insurance contract.

6.6 Sec. 7. Minnesota Statutes 2022, section 611A.73, subdivision 4, is amended to read:

6.7 Subd. 4. **Victim.** "Victim" ~~refers to anyone or the next of kin of anyone who has been~~  
6.8 ~~or purports to have been subjected to a criminal act, whether a felony, a gross misdemeanor,~~  
6.9 ~~or misdemeanor~~ has the meaning given in section 611A.01, paragraph (b).

6.10 Sec. 8. Minnesota Statutes 2022, section 629.72, subdivision 1, is amended to read:

6.11 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have  
6.12 the meanings given them.

6.13 (b) "Domestic abuse" has the meaning given in section 518B.01, subdivision 2.

6.14 (c) "Harass" and "stalking" have the meanings given in section 609.749.

6.15 (d) "Violation of a domestic abuse no contact order" has the meaning given in section  
6.16 629.75.

6.17 (e) "Violation of an order for protection" has the meaning given in section 518B.01,  
6.18 subdivision 14.

6.19 (f) "Victim" has the meaning in section 611A.01, paragraph (b).

6.20 Sec. 9. Minnesota Statutes 2022, section 629.72, subdivision 7, is amended to read:

6.21 Subd. 7. **Notice to victim regarding bail hearing.** (a) When a person arrested for or a  
6.22 juvenile detained for domestic assault or harassing or stalking is scheduled to be reviewed  
6.23 under subdivision 2 for release from pretrial detention, the court shall make a reasonable  
6.24 good faith effort to notify:

6.25 ~~(1) the victim of the alleged crime; \_~~

6.26 ~~(2) if the victim is incapacitated or deceased, the victim's family; and~~

6.27 ~~(3) if the victim is a minor, the victim's parent or guardian.~~

6.28 (b) The notification must include:

- 7.1 (1) the date and approximate time of the review;
- 7.2 (2) the location where the review will occur;
- 7.3 (3) the name and telephone number of a person that can be contacted for additional
- 7.4 information; and
- 7.5 (4) a statement that the victim ~~and the victim's family~~ may attend the review.

7.6 Sec. 10. Minnesota Statutes 2022, section 629.725, is amended to read:

7.7 **629.725 NOTICE TO VICTIM REGARDING BAIL HEARING OF ARRESTED**

7.8 **OR DETAINED PERSON.**

7.9 (a) When a person arrested or a juvenile detained for a crime of violence or an attempted

7.10 crime of violence is scheduled to be reviewed under section 629.715 for release from pretrial

7.11 detention, the court shall make a reasonable and good faith effort to notify the victim of the

7.12 alleged crime. ~~If the victim is incapacitated or deceased, notice must be given to the victim's~~

7.13 ~~family. If the victim is a minor, notice must be given to the victim's parent or guardian.~~ The

7.14 notification must include:

- 7.15 (1) the date and approximate time of the review;
- 7.16 (2) the location where the review will occur;
- 7.17 (3) the name and telephone number of a person that can be contacted for additional
- 7.18 information; and
- 7.19 (4) a statement that the victim and the victim's family may attend the review.

7.20 (b) As used in this section;

7.21 (1) "crime of violence" has the meaning given it in section 624.712, subdivision 5, and

7.22 also includes:

7.23 ~~(1)~~ (i) sections 609.2112, 609.2113, 609.2114, and 609.3458;

7.24 ~~(2)~~ (ii) gross misdemeanor violations of section 609.224;

7.25 ~~(3)~~ (iii) nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and

7.26 609.749; ~~and~~

7.27 ~~(4)~~ (iv) Minnesota Statutes 2012, section 609.21; and

7.28 (2) "victim" has the meaning given in section 611A.01, paragraph (b).

8.1 Sec. 11. Minnesota Statutes 2022, section 629.73, subdivision 1, is amended to read:

8.2 Subdivision 1. **Oral notice.** When a person arrested or a juvenile detained for a crime  
8.3 of violence or an attempted crime of violence is about to be released from pretrial detention,  
8.4 the agency having custody of the arrested or detained person or its designee shall make a  
8.5 reasonable and good faith effort before release to inform orally the victim ~~or, if the victim~~  
8.6 ~~is incapacitated, the same or next of kin, or if the victim is a minor, the victim's parent or~~  
8.7 ~~guardian~~ of the following matters:

8.8 (1) the conditions of release, if any;

8.9 (2) the time of release;

8.10 (3) the time, date, and place of the next scheduled court appearance of the arrested or  
8.11 detained person and, where applicable, the victim's right to be present at the court appearance;  
8.12 and

8.13 (4) the location and telephone number of at least one area crime victim service provider  
8.14 as designated by the Office of Justice Programs in the Department of Public Safety.

8.15 Sec. 12. Minnesota Statutes 2022, section 629.73, is amended by adding a subdivision to  
8.16 read:

8.17 Subd. 4. **Definition.** As used in this section, "victim" has the meaning given in section  
8.18 611A.01, paragraph (b).