S.F. No. 1658, as introduced - 87th Legislative Session (2011-2012) [12-4889]

SENATE STATE OF MINNESOTA EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1658

(SENATE AUTHORS: LATZ)

D-PG

DATE 02/02/2012

OFFICIAL STATUS

3702 Introduction and first reading Referred to Judiciary and Public Safety

1.1 1.2 1.3 1.4 1.5 1.6 1.7	A bill for an act relating to public safety; narrowing the neglect of a vulnerable adult crime while increasing the penalty for egregious neglect; expanding the second degree manslaughter crime to include death caused by egregious vulnerable adult neglect; prescribing criminal penalties; amending Minnesota Statutes 2010, sections 609.205; 609.233, subdivision 1, by adding subdivisions. BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
1.8	Section 1. Minnesota Statutes 2010, section 609.205, is amended to read:
1.9	609.205 MANSLAUGHTER IN THE SECOND DEGREE.
1.10	A person who causes the death of another by any of the following means is guilty of
1.11	manslaughter in the second degree and may be sentenced to imprisonment for not more
1.12	than ten years or to payment of a fine of not more than \$20,000, or both:
1.13	(1) by the person's culpable negligence whereby the person creates an unreasonable
1.14	risk, and consciously takes chances of causing death or great bodily harm to another; or
1.15	(2) by shooting another with a firearm or other dangerous weapon as a result of
1.16	negligently believing the other to be a deer or other animal; or
1.17	(3) by setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon
1.18	or device; or
1.19	(4) by negligently or intentionally permitting any animal, known by the person to
1.20	have vicious propensities or to have caused great or substantial bodily harm in the past,
1.21	to run uncontrolled off the owner's premises, or negligently failing to keep it properly
1.22	confined; or
1.23	(5) by committing or attempting to commit a violation of section 609.378 (neglect or
1.24	endangerment of a child), and murder in the first, second, or third degree is not committed
1.25	thereby <u>; or</u>

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2.1	(6) by committing or attempting to commit a violation of section 609.233,
2.2	subdivision 1a (felony-level criminal neglect of a vulnerable adult), and murder in the
2.3	first, second, or third degree is not committed in the process.
2.4	If proven by a preponderance of the evidence, it shall be an affirmative defense
2.5	to criminal liability under clause (4) that the victim provoked the animal to cause the
2.6	victim's death.
2.7	EFFECTIVE DATE. This section is effective August 1, 2012, and applies to crimes
2.8	committed on or after that date.
2.9	Sec. 2. Minnesota Statutes 2010, section 609.233, subdivision 1, is amended to read:
2.10	Subdivision 1. Gross misdemeanor crime. A caregiver or operator who
2.11	intentionally neglects a vulnerable adult or knowingly permits conditions to exist that
2.12	result in the abuse or neglect of a vulnerable adult where the abuse or neglect is likely to
2.13	substantially harm the vulnerable adult's physical, mental, or emotional health is guilty
2.14	of a gross misdemeanor. For purposes of this section, "abuse" has the meaning given in
2.15	section 626.5572, subdivision 2, and "neglect" means a failure to provide a vulnerable
2.16	adult with necessary food, clothing, shelter, health care, or supervision.
2.17	EFFECTIVE DATE. This section is effective August 1, 2012, and applies to crimes
2.18	committed on or after that date.
2.19	Sec. 3. Minnesota Statutes 2010, section 609.233, is amended by adding a subdivision
2.20	to read:
2.21	Subd. 1a. Felony crime. A caregiver or operator who violates subdivision 1 where
2.22	the violation results in substantial harm to the vulnerable adult's physical, mental, or
2.23	emotional health is guilty of a felony and may be sentenced to imprisonment for not more
2.24	than five years or to payment of a fine of not more than \$10,000, or both if:
2.25	(1) the caregiver or operator intends to harm the vulnerable adult's physical, mental,
2.26	or emotional health;
2.27	(2) the violation involves three or more acts or is committed over an extended
2.28	period of time; or
2.29	(3) the violation represents a gross deviation from the standard of acceptable care.
2.30	EFFECTIVE DATE. This section is effective August 1, 2012, and applies to crimes
2.31	committed on or after that date.

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3.1	Sec. 4. Minnesota Statutes 2010, section 609.233, is amended by adding a subdivision
3.2	to read:
3.3	Subd. 3. Definitions. For purposes of this section:
3.4	(1) "abuse" has the meaning given in section 626.5572, subdivision 2; and
3.5	(2) "neglect" means a failure to provide a vulnerable adult with necessary food,
3.6	clothing, shelter, health care, or supervision.
3.7	EFFECTIVE DATE. This section is effective August 1, 2012, and applies to crimes

3.8 <u>committed on or after that date.</u>