

gram is terminated under article 8 7, section 11 15, shall continue to be paid an allowance under this section if he continues to meet the eligibility standards set forth in sections 256D.01 to 256D.21.

Sec. 28. Minnesota Statutes 1982, section 18.041, is amended to read:

18.041 DEFINITIONS.

In sections 18.041 to 18.161, unless the context otherwise indicates: (a) "governmental unit" means any city, county, or town; (b) "governing body" means a council, board, body or persons in which the powers of the governmental unit are vested; and (c) "mosquito abatement" means the control, abatement, or prevention of breeding of mosquitoes or such other insects or arachnids (ticks, mites, spiders) as provided in section 18.091.

Approved May 27, 1983

CHAPTER 217 — S.F.No. 50

An act relating to crimes; providing for new crimes relating to abuse of children; establishing willful and unlawful restraint as a crime; establishing malicious punishment as a crime; establishing neglect as a crime; providing penalties; amending Minnesota Statutes 1982, sections 260.315; 609.255; and 626.556, subdivision 12; proposing new law coded in Minnesota Statutes, chapter 609.

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

Section 1. Minnesota Statutes 1982, section 260.315, is amended to read:

260.315 CONTRIBUTING TO NEGLECT OR DELINQUENCY.

Any person who by act, word or omission encourages, causes or contributes to the neglect or delinquency of a child, ~~and such act, word or omission is not by other provisions of law declared to be a felony,~~ shall be is guilty of a misdemeanor.

Sec. 2. Minnesota Statutes 1982, section 609.255, is amended to read:

609.255 FALSE IMPRISONMENT.

Subdivision 1. DEFINITION. As used in this section, the following term has the meaning given it unless specific content indicates otherwise.

(a) "Caretaker" means an individual who has responsibility for the care of a child as a result of a family relationship, or who has assumed responsibility for all or a portion of the care of a child.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Subd. 2. INTENTIONAL RESTRAINT. Whoever, knowing he has no lawful authority to do so, intentionally confines or restrains a child not his own under the age of 18 years without his parent's or legal custodian's consent, or any other person without his consent, is guilty of false imprisonment and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.

Subd. 3. UNREASONABLE RESTRAINT OF CHILDREN. A parent, legal guardian, or caretaker who intentionally subjects a child under the age of 18 years to unreasonable physical confinement or restraint by means including but not limited to, tying, locking, caging, or chaining for a prolonged period of time and in a cruel manner which is excessive under the circumstances and which results in substantial emotional harm, is guilty of unreasonable restraint of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both. If the confinement or restraint results in substantial bodily harm, that person may be sentenced to imprisonment for not more than three years or to payment of not more than \$3,000, or both.

Sec. 3. [609.376] DEFINITIONS.

Subdivision 1. TERMS DEFINED. For the purposes of sections 2 and 3 to 7, the following terms have the meanings given unless specific content indicates otherwise.

Subd. 2. CHILD. "Child" means any person under the age of 18 years.

Subd. 3. CARETAKER. "Caretaker" means an individual who has responsibility for the care of a child as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a child.

Subd. 4. COMPLAINANT. "Complainant" means a person alleged to have been a victim of a violation of section 609.255, subdivision 3, section 4, or section 5, but need not be the person who signs the complaint.

Sec. 4. [609.377] MALICIOUS PUNISHMENT OF A CHILD.

A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts, evidences unreasonable force or cruelty which causes substantial emotional harm to a child is guilty of malicious punishment of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both. If the punishment results in substantial bodily harm, that person may be sentenced to imprisonment for not more than 3 years or to payment of not more than \$3,000, or both.

Sec. 5. [609.378] NEGLECT OF A CHILD.

(a) A parent, legal guardian, or caretaker who willfully deprives a child of necessary food, clothing, shelter, health care, or supervision appropriate to the child's age, when the parent, guardian, or caretaker is reasonably able to make

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the necessary provisions and which deprivation substantially harms the child's physical or emotional health, or (b) a parent, legal guardian, or foster parent who knowingly permits the continuing physical or sexual abuse of a child is guilty of neglect of a child and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both. It is a defense to a prosecution under clause (b) that at the time of the neglect there was a reasonable apprehension in the mind of the defendant that acting to stop or prevent the neglect would result in substantial bodily harm to the defendant or the child in retaliation.

If a parent, guardian, or caretaker responsible for the child's care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child, this treatment shall constitute "health care" as used in clause (a) of this section.

Sec. 6. [609.379] PERMITTED ACTIONS.

Subdivision 1. REASONABLE FORCE. Reasonable force may be used upon or toward the person of a child without the child's consent when the following circumstance exists or the actor reasonably believes it to exist:

When used by a parent, legal guardian, teacher, or other caretaker of a child or pupil, in the exercise of lawful authority, to restrain or correct the child or pupil.

Subd. 2. APPLICABILITY. This section applies to sections 1 to 5 and section 626.556, subdivision 12.

Sec. 7. [609.38] STAYED SENTENCE.

For any violation of section 609.255, subdivision 3, section 4, or section 5 for which the sentencing guidelines establish a presumptive executed sentence, the court may stay imposition or execution of the sentence if it finds that a stay is in the best interest of the complainant or the family unit and that the defendant is willing to participate in any necessary or appropriate treatment. In determining an appropriate sentence when there is a family relationship between the complainant and the defendant, the court shall be guided by the policy of preserving and strengthening the family unit whenever possible.

Sec. 8. Minnesota Statutes 1982, section 626.556, subdivision 12, is amended to read:

Subd. 12. DUTIES OF FACILITY OPERATORS. Any operator, employee, or volunteer worker at any facility who intentionally neglects, physically abuses, or sexually abuses any child in the care of that facility may be charged with a violation of ~~section 609.23~~ sections 2, 4 or 5. Any operator of a facility who knowingly permits conditions to exist which result in neglect, physical abuse, or sexual abuse of a child in the care of that facility may be charged with a violation of section 609.23 or section 5.

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Sec. 9. **EFFECTIVE DATE.**

Sections 1 to 8 are effective August 1, 1983 and apply to crimes committed on or after that date.

Approved June 1, 1983

CHAPTER 218 — S.F.No. 92

An act relating to towns, cities, and counties; requiring other government units to give notice to towns, cities, and counties of actions that affect land use or taxation; proposing new law coded in Minnesota Statutes, chapter 471.

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

Section 1. **[471.99] NOTICE OF GOVERNMENT ACTION.**

Except when other notice is required by law, the state, or any of its political subdivisions, shall give any affected town, statutory or home rule charter city, and county 30 days prior written notice of any action by the state or political subdivision that will directly affect the use of land in the town, statutory or home rule charter city, or county relating to sanitary landfills, waste disposal sites, construction of new buildings, roads, and related facilities where the cost exceeds \$15,000, and park establishments or boundary expansions. Master plans prepared pursuant to section 86A.09 shall be considered adequate notice as required by this section. Failure to give any notice required by this section shall not be grounds for a civil or criminal action of any nature against any party, for the imposition of a civil or criminal penalty against any party or for the challenge or invalidation of any action taken by the state, a political subdivision or any other party.

Approved June 1, 1983

CHAPTER 219 — S.F.No. 160

An act relating to retirement; volunteer firefighters' relief associations; adding definitions; providing for distribution of assets upon dissolution; clarifying ambiguous language; amending Minnesota Statutes 1982, sections 69.772, subdivisions 1, 2, and 3; 424A.01; 424A.02; 424A.03, subdivision 1; 424A.04; 424A.05; and 424A.08; proposing new law coded in Minnesota Statutes, chapter 424A; repealing Minnesota Statutes 1982, section 424.26.

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