

Section 1. Minnesota Statutes 1990, section 144A.04, subdivision 5, is amended to read:

Subd. 5. **ADMINISTRATORS.** Except as otherwise provided by this subdivision, a nursing home must have a full time licensed nursing home administrator serving the facility. In any nursing home of less than 25 beds, the director of nursing services may also serve as the licensed nursing home administrator. Two nursing homes under common ownership having a total of ~~400~~ 150 beds or less and located within ~~50~~ 75 miles of each other may share the services of a licensed administrator if the administrator divides full time work week between the two facilities in proportion to the number of beds in each facility. Every nursing home shall have a person-in-charge on the premises at all times in the absence of the licensed administrator. The name of the person in charge must be posted in a conspicuous place in the facility. The commissioner of health shall by rule promulgate minimum education and experience requirements for persons-in-charge, and may promulgate rules specifying the times of day during which a licensed administrator must be on the nursing home's premises. In the absence of rules adopted by the commissioner governing the division of an administrator's time between two nursing homes, the administrator shall designate and post the times the administrator will be on site in each home on a regular basis. A nursing home may employ as its administrator the administrator of a hospital licensed pursuant to sections 144.50 to 144.56 if the individual is licensed as a nursing home administrator pursuant to section 144A.20 and the nursing home and hospital have a combined total of 150 beds or less and are located within one mile of each other. A nonproprietary retirement home having fewer than 15 licensed nursing home beds may share the services of a licensed administrator with a nonproprietary nursing home, having fewer than 150 licensed nursing home beds, that is located within 25 miles of the retirement home. A nursing home which is located in a facility licensed as a hospital pursuant to sections 144.50 to 144.56, may employ as its administrator the administrator of the hospital if the individual meets minimum education and long term care experience criteria set by rule of the commissioner of health.

Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day following final enactment.

Presented to the governor May 21, 1991

Signed by the governor May 24, 1991, 5:40 p.m.

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**CHAPTER 170—H.F.No. 716**

*An act relating to crime victims; requiring victims to be notified of offender's escape; requiring notification to victim of final disposition of case; waiving fees necessary to obtain a temporary restraining order for harassment if petitioner is indigent; modifying appointment*

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*of legislative members of the crime victim and witness advisory council; amending Minnesota Statutes 1990, sections 609.748, subdivisions 3 and 4; 611A.02, subdivision 2; 611A.06; and 611A.71, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 611A.*

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

Section 1. Minnesota Statutes 1990, section 609.748, subdivision 3, is amended to read:

Subd. 3. **CONTENTS OF PETITION.** A petition for relief must allege facts sufficient to show the following:

- (1) the name of the alleged harassment victim;
- (2) the name of the respondent; and
- (3) that the respondent has engaged in harassment.

The petition shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section and shall advise the petitioner of the right to sue in forma pauperis under section 563.01.

Sec. 2. Minnesota Statutes 1990, section 609.748, subdivision 4, is amended to read:

Subd. 4. **TEMPORARY RESTRAINING ORDER.** (a) The court may issue a temporary restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact with that person if the petitioner files a petition in compliance with subdivision 3 and if the court finds reasonable grounds to believe that the respondent has engaged in harassment.

(b) Notice need not be given to the respondent before the court issues a temporary restraining order under this subdivision. A temporary restraining order may be entered only against the respondent named in the petition.

(c) The temporary restraining order is in effect until a hearing is held on the issuance of a restraining order under subdivision 5. The court shall hold the hearing on the issuance of a restraining order within ~~seven~~ 14 days after the temporary restraining order is issued unless (1) the time period is extended upon written consent of the parties; or (2) the time period is extended by the court for one additional ~~seven-day~~ 14-day period upon a showing that the respondent has not been served with a copy of the temporary restraining order despite the exercise of due diligence.

Sec. 3. Minnesota Statutes 1990, section 611A.02, subdivision 2, is amended to read:

New language is indicated by underline, deletions by ~~strikeout~~.

Subd. 2. **VICTIMS' RIGHTS.** (a) The commissioner of public safety, in consultation with the crime victim and witness advisory council, must develop a notice of the rights of crime victims. The notice must include a form for the preparation of a preliminary written victim impact summary. A preliminary victim impact summary is a concise statement of the immediate and expected damage to the victim as a result of the crime. A victim desiring to file a preliminary victim impact summary must file the summary with the investigating officer no more than five days after the victim receives the notice from a peace officer. If a preliminary victim impact statement is filed with the investigating officer, it must be sent to the prosecutor with other investigative materials. If a prosecutor has received a preliminary victim impact summary, the prosecutor must present the summary to the court. This subdivision does not relieve a probation officer of the notice requirements imposed by section 609.115, subdivision 1c.

(b) The notice of the rights of crime victims must be distributed by a peace officer to each victim, as defined in section 611A.01, when the peace officer takes a formal statement from the victim. A peace officer is not obligated to distribute the notice if a victim does not make a formal statement. The notice must inform a victim of:

- (1) the victim's right to request restitution under section 611A.04;
- (2) the victim's right to be notified of any plea negotiations under section 611A.03; ~~and~~
- (3) the victim's right to be present at sentencing, and to object orally or in writing to a proposed agreement or disposition; and
- (4) the victim's right to be notified of the final disposition of the case.

**Sec. 4. [611A.039] RIGHT TO NOTICE OF FINAL DISPOSITION OF CRIMINAL CASE.**

Subdivision 1. NOTICE REQUIRED. Except as otherwise provided in subdivision 2, within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts to provide to each affected crime victim oral or written notice of the final disposition of the case.

Subd. 2. EXCEPTION. If a prosecutor contacts an identifiable crime victim in advance of the final case disposition, either orally or in writing, and notifies the victim of the victim's right to request information on the final disposition of the case, the prosecutor shall only be required to provide the notice described in subdivision 1 to those victims who have indicated in advance their desire to be notified of the final case disposition.

Sec. 5. Minnesota Statutes 1990, section 611A.06, is amended to read:

**611A.06 RIGHT TO NOTICE OF RELEASE.**

New language is indicated by underline, deletions by ~~strikeout~~.

**Subdivision 1. NOTICE OF RELEASE REQUIRED.** The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim that the offender is to be released from imprisonment or incarceration, including release on extended furlough and for work release; released from a juvenile correctional facility; ~~or~~ released from a facility in which the offender was confined due to incompetency, mental illness, or mental deficiency, or commitment under section 253B.18; or transferred from one correctional facility to another when the correctional program involves less security, prior to the release if the victim has mailed to the commissioner of corrections or to the head of the facility in which the offender is confined a written request for this notice. The good faith effort to notify the victim must occur prior to the release, transfer, or change in security status. For a victim of a felony crime against the person for which the offender was sentenced to a term of imprisonment of more than 18 months, the good faith effort to notify the victim must occur 60 days before the offender's release, transfer, or change in security status.

**Subd. 2. CONTENTS OF NOTICE.** The notice given to a victim of a crime against a person must include the conditions governing the offender's release, and either the identity of the corrections agent who will be supervising the offender's release or a means to identify the court services agency that will be supervising the offender's release. The commissioner or other custodial authority complies with this section upon mailing the notice of impending release to the victim at the address which the victim has most recently provided to the commissioner or authority in writing.

**Subd. 3. NOTICE OF ESCAPE.** If an offender escapes from imprisonment or incarceration, including from release on extended furlough or work release, or from any facility described in subdivision 1, the commissioner or other custodial authority shall make all reasonable efforts to notify a victim who has requested notice of the offender's release under subdivision 1 within six hours after discovering the escape and shall also make reasonable efforts to notify the victim within 24 hours after the offender is apprehended.

**Subd. 4. PRIVATE DATA.** All identifying information regarding the victim, including the victim's request and the notice provided by the commissioner or custodial authority, is classified as private data on individuals as defined in section 13.02, subdivision 12, and is accessible only to the victim.

**Subd. 5. DEFINITION.** As used in this section, "crime against the person" means a crime listed in section 611A.031.

Sec. 6. Minnesota Statutes 1990, section 611A.71, subdivision 2, is amended to read:

Subd. 2. **MEMBERSHIP.** (a) The crime victim and witness advisory council shall consist of the following members, appointed by the commissioner of public safety after consulting with the commissioner of corrections:

(1) two members of the Minnesota legislature who have demonstrated expertise and interest in crime victims issues; one from each house;

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(2) one district court judge appointed upon recommendation of the chief justice of the supreme court;

(3) (2) one county attorney appointed upon recommendation of the Minnesota county attorneys association;

(4) (3) one public defender appointed upon recommendation of the state public defender;

(5) (4) one peace officer;

(6) (5) one medical or osteopathic physician licensed to practice in this state;

(7) (6) five members who are crime victims or crime victim assistance representatives; and

(8) (7) three public members.

The appointments should take into account sex, race, and geographic distribution. One of the nonlegislative members must be designated by the commissioner of public safety as chair of the council.

(b) Two members of the council shall be members of the legislature who have demonstrated expertise and interest in crime victims issues, one senator appointed under rules of the senate and one member of the house of representatives appointed under rules of the house of representatives.

#### Sec. 7. EFFECTIVE DATE.

Section 6 is effective for appointments occurring after January 1, 1993.

Presented to the governor May 21, 1991

Signed by the governor May 24, 1991, 3:27 p.m.

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### CHAPTER 171—H.F.No. 154

*An act relating to the Uniform Commercial Code; enacting conforming amendments proposed by the Uniform Laws Conference; proposing changes to articles relating to leases and bulk sales; amending Minnesota Statutes 1990, sections 336.1-105; 336.2-403; 336.2A-103; 336.2A-209; 336.2A-303; 336.2A-304; 336.2A-307; 336.2A-309; 336.2A-407; 336.2A-501; 336.2A-503; 336.2A-507; 336.2A-508; 336.2A-516; 336.2A-517; 336.2A-518; 336.2A-519; 336.2A-523; 336.2A-525; 336.2A-527; 336.2A-528; 336.2A-529; proposing coding for new law in Minnesota Statutes, chapter 336; repealing Minnesota Statutes 1990, sections 336.6-101 to 336.6-111; and 336.9-111.*

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

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