

after the governing body of Sherman township in Redwood county and its chief clerical officer timely complete their compliance with Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Presented to the governor April 20, 2000

Signed by the governor April 24, 2000, 1:48 p.m.

#### CHAPTER 441—S.F.No. 2830

*An act relating to crime; changing the penalty for assaulting a peace officer; providing that persons may be charged with escape from custody when they escape after lawful arrest but prior to the commencement of trial proceedings; amending Minnesota Statutes 1998, sections 609.2231, subdivision 1; and 609.485, subdivision 2; Minnesota Statutes 1999 Supplement, section 609.485, subdivision 4.*

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

Section 1. Minnesota Statutes 1998, section 609.2231, subdivision 1, is amended to read:

Subdivision 1. **PEACE OFFICERS.** Whoever physically assaults a peace officer licensed under section 626.845, subdivision 1, when that officer is effecting a lawful arrest or executing any other duty imposed by law and ~~inflicts demonstrable bodily harm~~ is guilty of a felony gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both. If the assault inflicts demonstrable bodily harm, the person is guilty of a felony and may be sentenced to imprisonment for not more than ~~two~~ three years or to payment of a fine of not more than \$4,000 ~~\$6,000~~, or both.

Sec. 2. Minnesota Statutes 1998, section 609.485, subdivision 2, is amended to read:

Subd. 2. **ACTS PROHIBITED.** Whoever does any of the following may be sentenced as provided in subdivision 4:

(1) escapes while held pursuant to a lawful arrest, in lawful custody on a charge or conviction of a crime, or while held in lawful custody on an allegation or adjudication of a delinquent act;

(2) transfers to another, who is in lawful custody on a charge or conviction of a crime, or introduces into an institution in which the latter is confined, anything usable in making such escape, with intent that it shall be so used;

(3) having another in lawful custody on a charge or conviction of a crime, intentionally permits the other to escape;

(4) escapes while in a facility designated under section 253B.18, subdivision 1, pursuant to a court commitment order after a finding of not guilty by reason of mental

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illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a. Notwithstanding section 609.17, no person may be charged with or convicted of an attempt to commit a violation of this clause; or

(5) escapes while in a facility designated under section 253B.18, subdivision 1, pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10.

For purposes of clause (1), "escapes while held in lawful custody" includes absconding from electronic monitoring or absconding after removing an electronic monitoring device from the person's body.

Sec. 3. Minnesota Statutes 1999 Supplement, section 609.485, subdivision 4, is amended to read:

Subd. 4. **SENTENCE.** (a) Except as otherwise provided in subdivision 3a, whoever violates this section may be sentenced as follows:

(1) if the person who escapes is in lawful custody ~~on a charge or conviction of~~ for a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

(2) if the person who escapes is in lawful custody after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a, or pursuant to a court commitment order under section 253B.185 or Minnesota Statutes 1992, section 526.10, to imprisonment for not more than one year and one day or to payment of a fine of not more than \$3,000, or both; or

(3) if ~~such charge or conviction is the person who escapes is in lawful custody for~~ a gross misdemeanor or misdemeanor, or if the person who escapes is in lawful custody on an allegation or adjudication of a delinquent act, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

(b) If the escape was a violation of subdivision 2, clause (1), (2), or (3), and was effected by violence or threat of violence against a person, the sentence may be increased to not more than twice those permitted in paragraph (a), clauses (1) and (3).

(c) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when the person escaped.

(d) Notwithstanding paragraph (c), if a person who was committed to the commissioner of corrections under section 260B.198 escapes from the custody of the commissioner while 18 years of age, the person's sentence under this section shall commence on the person's 19th birthday or on the person's date of discharge by the commissioner of corrections, whichever occurs first. However, if the person described in this clause is convicted under this section after becoming 19 years old and after having been discharged by the commissioner, the person's sentence shall commence upon imposition by the sentencing court.

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(e) Notwithstanding paragraph (c), if a person who is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age escapes from a local juvenile correctional facility, the person's sentence under this section begins on the person's 19th birthday or on the person's date of discharge from the jurisdiction of the juvenile court, whichever occurs first. However, if the person described in this paragraph is convicted after becoming 19 years old and after discharge from the jurisdiction of the juvenile court, the person's sentence begins upon imposition by the sentencing court.

#### Sec. 4. EFFECTIVE DATE.

Sections 1 to 3 are effective the day following final enactment, and apply to crimes committed on or after that date.

Presented to the governor April 20, 2000

Signed by the governor April 24, 2000, 1:50 p.m.

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### CHAPTER 442—S.F.No. 3139

*An act relating to veterans homes; providing sales tax rebates are not income for the support test for residents; providing for programs to assist homeless or disabled veterans; amending Minnesota Statutes 1998, section 198.03, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 198.*

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

Section 1. Minnesota Statutes 1998, section 198.03, subdivision 1, is amended to read:

Subdivision 1. **DISCRETIONARY ADMISSION.** Any person otherwise eligible for admission to the Minnesota veterans homes, except that the person has means of support, may, at the discretion of the board, be admitted to one of the Minnesota veterans homes upon entering into and complying with the terms of a contract made by the person with the board, providing for reasonable compensation to be paid by such person to the state of Minnesota for care, support, and maintenance in the home. Any earnings derived by the person from participating in a work therapy program while the person is a resident of the home may not be considered a means of support. Refunds or rebates of state sales taxes may not be considered a means of support.

#### Sec. 2. [198.37] TRANSITIONAL HOUSING.

The board may establish programs to assist homeless or disabled veterans on the campuses of the veterans homes. The board may use federal grant money for the Hastings veterans home to purchase single-family dwellings, make necessary repairs and improvements with the help of the department of administration, and operate the

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