

This Document can be made available in alternative formats upon request

State of Minnesota  
HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2826

03/13/2012 Authored by Allen

The bill was read for the first time and referred to the Committee on Judiciary Policy and Finance

1.1 A bill for an act  
1.2 relating to public safety; requiring that a penalty assessment be imposed on  
1.3 DWI offenders and using the money raised for spinal cord injury and traumatic  
1.4 brain injury research grants; establishing a special revenue account; requiring  
1.5 reports; appropriating money; proposing coding for new law in Minnesota  
1.6 Statutes, chapters 145; 169A.

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

1.8 Section 1. [145.999] SPINAL CORD INJURY AND TRAUMATIC BRAIN  
1.9 INJURY RESEARCH ACCOUNT; RESEARCH GRANT PROGRAM;  
1.10 LEGISLATIVE REPORTS.

1.11 Subdivision 1. Account established. The spinal cord injury and traumatic brain  
1.12 injury research account is a special revenue account in the state treasury. The account  
1.13 consists of proceeds from the DWI penalty assessment collected under section 169A.271.

1.14 Subd. 2. Grant program; legislative reports. (a) The commissioner of health may  
1.15 make grants to organizations and individuals to conduct research into spinal cord injury  
1.16 and traumatic brain injury. The research funded may include finding new treatments and  
1.17 education, prevention, and rehabilitative efforts for these injuries.

1.18 (b) By January 15 of each year, the commissioner shall report to the chairs and  
1.19 ranking minority members of the senate and house of representatives committees having  
1.20 jurisdiction over health care and criminal justice policy and funding. At a minimum, the  
1.21 report must specify the amount of money deposited into the account during the preceding  
1.22 year and provide information on the grants awarded under this section.

1.23 EFFECTIVE DATE. This section is effective July 1, 2012.

1.24 Sec. 2. [169A.271] DWI PENALTY ASSESSMENT.

2.1 (a) For every offender convicted of violating section 169A.20 (driving while  
2.2 impaired), the court shall impose and the court administrator shall collect a penalty  
2.3 assessment. The assessment is in addition to any criminal fine, surcharge, or other fee  
2.4 imposed on the offender. The assessment must be imposed whether or not the offender is  
2.5 incarcerated for the offense or the sentence is stayed. The amount of the assessment is:

2.6 (1) \$25 for an offender sentenced under section 169A.27 (fourth-degree driving  
2.7 while impaired); and

2.8 (2) \$50 for an offender sentenced under section 169A.24 (first-degree driving while  
2.9 impaired); 169A.25 (second-degree driving while impaired); or 169A.26 (third-degree  
2.10 driving while impaired).

2.11 (b) If the court fails to impose an assessment as required by this section, the court  
2.12 administrator shall show the imposition of the assessment, collect the assessment, and  
2.13 correct the record.

2.14 (c) The court may not waive payment of the assessment required under this section.  
2.15 Upon a showing of indigency or undue hardship upon the convicted person or the  
2.16 convicted person's immediate family, the sentencing court may authorize payment of  
2.17 the assessment in installments.

2.18 (d) The court administrator or other entity collecting an assessment shall forward it  
2.19 to the commissioner of management and budget who shall deposit it into the spinal cord  
2.20 injury and traumatic brain injury research account described in section 145.999.

2.21 (e) If the convicted person is sentenced to incarceration and has not paid the  
2.22 assessment before the term of incarceration begins, the chief executive officer of the  
2.23 correctional facility in which the convicted person is incarcerated shall collect the  
2.24 assessment from any earnings the inmate accrues from work performed in the facility  
2.25 or while on conditional release. The chief executive officer shall forward the amount  
2.26 collected to the court administrator or other entity collecting the assessment imposed by  
2.27 the court.

2.28 **EFFECTIVE DATE.** This section is effective July 1, 2012, and applies to crimes  
2.29 committed on or after that date.

2.30 **Sec. 3. APPROPRIATION.**

2.31 \$..... is appropriated from the spinal cord injury and traumatic brain injury research  
2.32 account in the special revenue fund to the commissioner of health for the fiscal year ending  
2.33 June 30, 2013, to make the grants authorized in Minnesota Statutes, section 145.999.