

CHAPTER 611A

CRIME VICTIMS: RIGHTS, PROGRAMS,
AGENCIES

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611A.01 DEFINITIONS.

For the purposes of sections 611A.01 to 611A.04 and 611A.06:

(a) "Crime" means conduct that is included within the definition of "crime" in section 609.02, subdivision 1, or would be included within that definition but for the fact that (i) the person engaging in the conduct lacked capacity to commit the crime under the laws of this state, or (ii) the act was alleged or found to have been committed by a juvenile;

(b) "Victim" means a natural person who incurs loss or harm as a result of a crime. If the victim is deceased, "victim" means the deceased's surviving spouse or next of kin; and

(c) "Juvenile" has the same meaning as given to the term "child" in section 260.015, subdivision 2.

History: 1983 c 262 art 1 s 1

611A.02 VICTIM SERVICE NOTIFICATION.

The commissioner of corrections, in cooperation with the executive director of the crime victims reparations board, shall develop a plan to provide victims with information concerning victim services in the geographic area where the crime occurred. This information shall include, but need not be limited to, information about available victim crisis centers, programs for victims of sexual assault, victim witness programs, elderly victims projects, victim assistance hotlines, incest abuse programs, and domestic violence shelters and programs.

The plan shall take into account the fact that some counties currently have informational service systems and victim or witness services or programs.

This plan shall be presented to the appropriate standing committees of the legislature no later than February 1, 1984.

History: 1983 c 262 art 1 s 2

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611A.03 PLEA AGREEMENTS; NOTIFICATION.

Subdivision 1. **Plea agreements; notification of victim.** Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall make a reasonable and good faith effort to inform the victim of:

(a) The contents of the plea agreement recommendation; and

(b) His right to be present at the sentencing hearing and to express in writing any objection he has to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated his objections to the prosecuting attorney, the prosecuting attorney shall make these objections known to the court.

Subd. 2. **Notification duties.** A prosecuting attorney satisfies the requirements of subdivision 1 by notifying:

(a) The victim's legal guardian or guardian ad litem; or

(b) The three victims the prosecuting attorney believes to have suffered the most, if there are more than three victims of the offense.

Subd. 3. **Applicability.** The provisions of this section apply to crimes which are violations of sections 609.185, 609.19, 609.195, 609.20, 609.205, 609.221, 609.222, 609.223, 609.224, 609.24, 609.245, 609.25, 609.255, 609.342, 609.343, 609.344, 609.345, 609.3641, 609.3642, 609.3643, 609.3644, 609.365, 609.498, 609.561, 609.58, clauses (1)(b) and (2), and 609.687.

History: 1983 c 262 art 1 s 3

611A.04 VICTIM'S RIGHT TO REQUEST RESTITUTION.

Subdivision 1. **Request; decision.** A victim of a crime has the right to request that restitution be considered as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender. The request for restitution shall be made by the victim in writing in affidavit form, describing the items or elements of loss and itemizing the total dollar amounts of restitution claimed, and the reasons justifying these amounts, if the request is for monetary or property restitution. In order to be considered by the court, the request must be received by the clerk of the appropriate court at least three business days before the sentencing or dispositional hearing. The clerk of court shall provide copies of this request to the prosecutor and the offender at least 24 hours before the sentencing or dispositional hearing.

The court shall grant or deny restitution, and shall state on the record its reasons for its decision on restitution if a request for restitution has been made.

Subd. 2. **Procedures.** The offender shall make restitution payments to the clerk of the county, municipal, or district court of the county in which the restitution is to be paid.

Subd. 3. **Effect of order for restitution.** A decision for or against restitution in any criminal or juvenile proceeding is not a bar to any civil action by the victim or by the state pursuant to section 611A.61 against the offender. The offender shall be given credit, in any order for judgment in favor of a victim in a civil action, for any restitution paid to the victim for the same injuries for which the judgment is awarded.

History: 1983 c 262 art 1 s 4,6

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611A.05 PENALTIES NO BAR TO CIVIL REMEDIES.

The provision in any law for a penalty or forfeiture for its violation shall not be construed to deprive an injured person of the right to recover from the offender damages sustained by reason of the violation of such law.

History: 1941 c 492 s 23; 1983 c 262 art 1 s 6

611A.06 RIGHT TO NOTICE OF RELEASE.

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, other than for work release, 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 commissioner or other custodial authority complies with this section if he mails the notice of impending release to the victim at the address which the victim has most recently provided to him in writing.

History: 1983 c 262 art 1 s 5

PROGRAM TO AID VICTIMS OF SEXUAL ATTACKS

611A.21 DEVELOPMENT OF STATEWIDE PROGRAM; DEFINITION; SERVICES.

Subdivision 1. The commissioner of corrections shall develop a community based, statewide program to aid victims of reported sexual attacks.

Subd. 2. As used in sections 611A.21 to 611A.23, a "sexual attack" means any non-consensual act of rape, sodomy, or indecent liberties.

Subd. 3. The program developed by the commissioner of corrections may include, but not be limited to, provision of the following services:

(a) Voluntary counseling by trained personnel to begin as soon as possible after a sexual attack is reported. The counselor shall be of the same sex as the victim and shall, if requested, accompany the victim to the hospital and to other proceedings concerning the alleged attack, including police questioning, police investigation, and court proceedings. The counselor shall also inform the victim of hospital procedures, police and court procedures, the possibility of contracting venereal disease, the possibility of pregnancy, expected emotional reactions and any other relevant information; and shall make appropriate referrals for any assistance desired by the victim.

(b) Payment of all costs of any medical examinations and medical treatment which the victim may require as a result of the sexual attack if the victim is not otherwise reimbursed for these expenses or is ineligible to receive compensation under any other law of this state or of the United States.

History: 1974 c 578 s 1; 1983 c 262 art 1 s 6

611A.22 POWERS OF COMMISSIONER.

In addition to developing the statewide program, the commissioner of corrections may:

(a) Assist and encourage county attorneys to assign prosecuting attorneys trained in sensitivity and understanding of victims of sexual attacks;

(b) Assist the peace officers training board and municipal police forces to develop programs to provide peace officers training in sensitivity and understanding

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of victims of sexual attacks; and encourage the assignment of trained peace officers of the same sex as the victim to conduct all necessary questioning of the victim;

(c) Encourage hospital administrators to place a high priority on the expeditious treatment of victims of sexual attacks; and to retain personnel trained in sensitivity and understanding of victims of sexual attacks.

History: 1974 c 578 s 2; 1983 c 262 art 1 s 6

611A.23 FUNDING; PILOT PROGRAMS.

The commissioner of corrections shall seek funding from the governor's commission on crime prevention and control at the earliest possible date for purposes of sections 611A.21 to 611A.23. In addition, the commissioner of corrections shall seek and utilize all other available funding resources to establish pilot community programs to aid victims of sexual attacks before December 1, 1974.

History: 1974 c 578 s 3; 1983 c 262 art 1 s 6

BATTERED WOMEN

611A.31 DEFINITIONS.

Subdivision 1. For the purposes of sections 611A.31 to 611A.36, the following terms have the meanings given.

Subd. 2. "Battered woman" means a woman who is being or has been assaulted by her spouse, other male relative, or by a male with whom she is residing or has resided in the past.

Subd. 3. "Emergency shelter services" include, but are not limited to, secure crisis shelters for battered women and housing networks for battered women.

Subd. 4. "Support services" include, but are not limited to, advocacy services, legal services, counseling services, transportation services, child care services, and 24 hour information and referral services.

Subd. 5. "Commissioner" means the commissioner of the department of corrections or his designee.

History: 1977 c 428 s 1; 1983 c 262 art 1 s 6

611A.32 PILOT PROGRAMS.

Subdivision 1. **Programs designated.** The commissioner shall designate four or more pilot programs to provide emergency shelter services and support services to battered women and shall award grants to the pilot programs. At least two pilot programs shall be designated in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington and Carver Counties. At least one pilot program shall be designated in a city located outside of the metropolitan area, and at least one pilot program shall be designated in a location accessible to a predominately rural population.

Subd. 2. **Applications.** Any public or private nonprofit agency may apply to the commissioner for designation as a pilot program to provide emergency shelter services and support services to battered women. The application shall be submitted in a form approved by the commissioner by rule, and shall include:

(a) a proposal for the provision of emergency shelter services and support services for battered women;

(b) a proposed budget;

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(c) evidence of the integration of the uniform method of data collection and program evaluation established by the director pursuant to section 611A.33 into the proposed program;

(d) evidence of the participation of the local law enforcement agencies and courts, county welfare agencies, local boards or departments of health, and other interested agencies or groups in the development of the application; and

(e) any other content the commissioner may, by rule, require.

Subd. 3. Duties of grantees. Every public or private nonprofit agency which receives a grant to provide emergency shelter services and support services to battered women shall comply with all rules of the commissioner related to the administration of the pilot programs.

Subd. 4. Educational programs. In addition to designating four pilot programs to provide emergency shelter services and support services, the commissioner shall award grants for the development and implementation of education programs designed to promote public and professional awareness of the problems of battered women. Any public or private nonprofit agency may apply to the commissioner for an education grant. The application shall be submitted in a form approved by the commissioner by rule. In addition, education grant moneys may be used by the commissioner to produce educational and promotional materials to encourage the development and utilization of emergency shelter services. Every public or private nonprofit agency which receives an education grant shall comply with all rules of the commissioner related to the administration of education programs.

Subd. 5. Classification of data collected by grantees. Personal history information and other information collected, used or maintained by a grantee from which the identity of any battered woman may be determined is private data on individuals, as defined in section 13.02, subdivision 12, and the grantee shall maintain the data in accordance with the provisions of chapter 13.

History: 1977 c 428 s 2; 1978 c 732 s 1-3; 1981 c 311 s 39; 1Sp1981 c 4 art 1 s 14; 1982 c 545 s 24; 1983 c 262 art 1 s 6

611A.33 DUTIES OF COMMISSIONER.

The commissioner shall:

(a) Review applications for designation as a pilot program, and designate four or more pilot programs pursuant to section 611A.32, subdivision 1;

(b) Review applications from and award grants to public or private nonprofit agencies which submit proposals to develop and implement education programs pursuant to section 611A.32, subdivision 4;

(c) Appoint the members of the advisory task force created under section 611A.34, and provide staff and other administrative services to the advisory task force;

(d) Appoint a project coordinator to perform the duties set forth in section 611A.35;

(e) Design and implement a uniform method of collecting and evaluating data on battered women and of evaluating the programs funded under section 611A.32;

(f) Provide technical aid to applicants in the design and implementation of the programs funded under section 611A.32;

(g) Promulgate all rules necessary to implement the provisions of sections 611A.31 to 611A.36 and 256D.05, subdivision 3, including emergency rules; and

(h) Report to the legislature on January 1, 1978, January 1, 1979, and November 15, 1979, on the programs funded under section 611A.32 and report to

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the legislature by January 1, 1979 on the feasibility of creating similar programs for men.

History: 1977 c 428 s 3; 1978 c 732 s 4; 1983 c 262 art 1 s 6

611A.34 ADVISORY COUNCIL.

Subdivision 1. **Creation.** Within 60 days after the effective date of sections 611A.31 to 611A.36, the commissioner shall appoint a nine member advisory council to advise him on the implementation of sections 611A.31 to 611A.36. The provisions of section 15.059 shall govern the terms, removal of members, and expiration of the advisory council. Council members shall not receive per diem, but shall receive expenses in the same manner and amount as state employees.

Subd. 2. **Membership.** Persons appointed shall be knowledgeable in the fields of health, law enforcement, social services or the law. Five members of the advisory council shall be representatives of community or governmental organizations which provide services to battered women, and four members of the advisory council shall be public members.

Subd. 3. **Duties.** The advisory council shall:

(a) recommend to the commissioner the names of five applicants for the position of project coordinator;

(b) advise the commissioner on the rules promulgated pursuant to section 611A.33;

(c) review and comment on applications received by the commissioner for designation as a pilot program and applications for education grants; and

(d) advise the project coordinator in the performance of his duties in the administration and coordination of the programs funded under section 611A.32.

History: 1977 c 428 s 4; 1983 c 260 s 50; 1983 c 262 art 1 s 6; 1984 c 655 art 1 s 36,37

611A.35 PROJECT COORDINATOR.

The commissioner shall appoint a project coordinator. In appointing the project coordinator the commissioner shall give due consideration to the list of applicants submitted to him by the advisory task force pursuant to section 611A.34, subdivision 3, clause (a). The project coordinator shall administer the funds appropriated for sections 611A.31 to 611A.36 and 256D.05, subdivision 3, coordinate the programs funded under section 611A.32, and perform other duties as the commissioner may assign to him. The project coordinator shall serve at the pleasure of the commissioner in the unclassified service.

History: 1977 c 428 s 5; 1983 c 262 art 1 s 6

611A.36 DATA COLLECTION.

Subdivision 1. **Form prescribed.** The commissioner shall, by rule, prescribe a uniform form and method for the collection of data on battered women. The method and form of data collection shall be designed to document the incidence of assault on women by their spouses, male relatives or other males with whom they are residing or have resided in the past. All data collected by the commissioner pursuant to this section shall be summary data within the meaning of section 13.02, subdivision 19.

Subd. 2. **Mandatory data collection.** Every local law enforcement agency shall collect data related to battered women in the form required by the commission-

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er. The data shall be collected and transmitted to the commissioner at such times as he shall, by rule, require.

Subd. 3. **Immunity from liability.** Any person participating in good faith and exercising due care in the collection and transmission of data pursuant to this section shall have immunity from any liability, civil or criminal, that otherwise might result by reason of his action.

History: 1977 c 428 s 6; 1978 c 732 s 5,6; 1981 c 311 s 39; 1982 c 545 s 24; 1983 c 262 art 1 s 6; 1984 c 654 art 5 s 17

CRIME VICTIM CRISIS CENTER

611A.41 CRIME VICTIM CRISIS CENTER.

Subdivision 1. For the purposes of sections 611A.41 to 611A.41, "center" means a crime victim crisis center providing services to victims of crime.

Subd. 2. The commissioner of corrections, not later than January 1, 1978, shall establish at least two operational centers. The commissioner of corrections may contract with a public or private agency for the purposes of planning, implementing and evaluating the centers established herein.

History: 1977 c 314 s 1; 1983 c 262 art 1 s 6

611A.42 PLANNING.

The commissioner of corrections, while developing the center plan as provided in section 611A.41, shall evaluate and determine factors relating to the procedural and substantive needs of the centers.

History: 1977 c 314 s 2; 1983 c 262 art 1 s 6

611A.43 FUNCTIONS.

The centers shall:

- (a) Provide direct crisis intervention to crime victims;
- (b) Provide transportation for crime victims to assist them in obtaining necessary emergency services;
- (c) Investigate the availability of insurance or other financial resources available to the crime victims;
- (d) Refer crime victims to public or private agencies providing existing needed services;
- (e) Encourage the development of services which are not already being provided by existing agencies;
- (f) Coordinate the services which are already being provided by various agencies;
- (g) Facilitate the general education of crime victims about the criminal justice process;
- (h) Educate the public as to program availability;
- (i) Encourage educational programs which will serve to reduce victimization and which will diminish the extent of trauma where victimization occurs;
- (j) Other appropriate services.

History: 1977 c 314 s 3; 1983 c 262 art 1 s 6

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611A.44 EVALUATION.

Within three years of May 28, 1977, the commissioner of corrections shall evaluate the operation of the centers. This evaluation shall determine the centers impact in assisting crime victims, its impact on the criminal justice system, the nature of community attitudes generated by the centers, the necessity for maintaining the two existing centers, the desirability of establishing additional centers and propose alternative means to accomplish the purposes of sections 611A.41 to 611A.44 in all areas of the state.

History: 1977 c 314 s 4; 1983 c 262 art 1 s 6

CRIME VICTIMS REPARATIONS

611A.51 TITLE.

Sections 611A.51 to 611A.67 shall be known as the Minnesota Crime Victims Reparations Act.

History: 1974 c 463 s 1; 1983 c 262 art 1 s 6

611A.52 DEFINITIONS.

For the purposes of sections 611A.51 to 611A.67 the following terms shall have the meanings given them:

(1) "Accomplice" means any person who would be held criminally liable for the crime of another pursuant to section 609.05.

(2) "Board" means the crime victims reparations board established by section 611A.55.

(3) "Claimant" means a person entitled to apply for reparations pursuant to sections 611A.51 to 611A.67.

(4) "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable under sections 611A.51 to 611A.67 which the victim or claimant has received, or which is readily available to him, from:

(a) the offender;

(b) the government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 611A.51 to 611A.67;

(c) social security, medicare, and medicaid;

(d) state required temporary nonoccupational disability insurance;

(e) workers' compensation;

(f) wage continuation programs of any employer;

(g) proceeds of a contract of insurance payable to the victim for economic loss which he sustained because of the crime;

(h) a contract providing prepaid hospital and other health care services, or benefits for disability; or

(i) any private source as a voluntary donation or gift.

The term does not include a life insurance contract.

(5) (a) "Crime" means conduct that

(i) occurs or is attempted in this state,

(ii) poses a substantial threat of personal injury or death, and

(iii) is included within the definition of "crime" in Minnesota Statutes 1971, section 609.02, subdivision 1, or would be included within that definition but for the

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fact that the person engaging in the conduct lacked capacity to commit the crime under the laws of this state.

(b) A crime occurs whether or not any person is prosecuted or convicted but the conviction of a person whose acts give rise to the claim is conclusive evidence that a crime was committed unless an application for rehearing, appeal, or petition for certiorari is pending or a new trial or rehearing has been ordered.

(c) "Crime" does not include conduct arising out of the use of a motor vehicle, as defined in section 169.01, subdivision 2, an aircraft or watercraft unless

(i) the conduct was intended to cause personal injury or death, or

(ii) the use of the motor vehicle, aircraft or watercraft in the commission of a felony was a proximate cause of the victim's injury or death.

(6) "Dependent" means any person who was dependent upon a deceased victim for support at the time of the crime.

(7) "Economic loss" means actual economic detriment incurred as a direct result of injury or death.

(a) In the case of injury the term is limited to:

(i) reasonable expenses incurred for necessary medical, chiropractic, hospital, rehabilitative, and dental products, services, or accommodations, including ambulance services, drugs, appliances and prosthetic devices;

(ii) reasonable expenses incurred for psychological or psychiatric products, services or accommodations where the nature of the injury or the circumstances of the crime are such that the treatment is necessary to the rehabilitation of the victim;

(iii) loss of income the victim would have earned had he not been injured; and

(iv) reasonable expenses incurred for substitute child care or household services to replace those the victim would have performed had he not been injured.

(b) In the case of death the term is limited to:

(i) reasonable expenses incurred for funeral, burial or cremation;

(ii) reasonable expenses for medical, chiropractic, hospital, rehabilitative, psychological and psychiatric services, products or accommodations which were incurred prior to the victim's death and for which the victim's survivors or estate are liable;

(iii) loss of support, including contributions of money, products or goods, but excluding services which the victim would have supplied to his dependents if he had lived; and

(iv) reasonable expenses incurred for substitute child care and household services to replace those which the victim would have performed for the benefit of his dependents if he had lived.

(8) "Injury" means actual bodily harm including pregnancy and mental or nervous shock.

(9) "Victim" means a person who suffers personal injury or death as a direct result of

(a) a crime;

(b) the good faith effort of any person to prevent a crime; or

(c) the good faith effort of any person to apprehend a person suspected of engaging in a crime.

History: 1974 c 463 s 2; 1975 c 359 s 23; 1983 c 262 art 1 s 6

611A.53 ELIGIBILITY FOR REPARATIONS.

Subdivision 1. Except as provided in subdivision 2, the following persons shall be entitled to reparations upon a showing by a preponderance of the evidence that the requirements for reparations have been met:

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- (a) a victim who has incurred economic loss;
- (b) a dependent who has incurred economic loss;
- (c) the estate of a deceased victim if the estate has incurred economic loss;
- (d) any other person who has incurred economic loss by purchasing any of the products, services, and accommodations described in section 611A.52, clause (7), for a victim;
- (e) the guardian, guardian ad litem, conservator or authorized agent of any of these persons.

Subd. 2. No reparations shall be awarded to a claimant otherwise eligible if

- (a) the crime was not reported to the police within five days of its occurrence or, if it could not reasonably have been reported within that period, within five days of the time when a report could reasonably have been made;
- (b) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials;
- (c) the victim is the spouse of or a person living in the same household with the offender or his accomplice or the parent, child, brother or sister of the offender or his accomplice unless the board determined that the interests of justice otherwise require in a particular case;
- (d) the claimant was the offender or an accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice; or
- (e) no claim was filed with the board within one year of victim's injury or death but if it could not have been made within that period, then the claim can be made within one year of the time when a claim could have been made;
- (f) the claim is less than \$100.

History: 1974 c 463 s 3; 1975 c 246 s 1; 1976 c 2 s 119; 1976 c 193 s 1; 1983 c 262 art 1 s 6

611A.54 AMOUNT OF REPARATIONS.

Reparations shall equal economic loss except that:

- (1) reparations shall be reduced to the extent that economic loss is recouped from a collateral source or collateral sources;
- (2) reparations shall be reduced to the extent, if any, that the board deems reasonable because of the contributory misconduct of the claimant or of a victim through whom he claims and by the first \$100 of economic loss; and
- (3) reparations paid to all claimants suffering economic loss as the result of the injury or death of any one victim shall not exceed \$25,000.

History: 1974 c 463 s 4; 1977 c 356 s 1; 1983 c 262 art 1 s 6

611A.55 CRIME VICTIMS REPARATIONS BOARD.

Subdivision 1. There is created in the department of public safety, for budgetary and administrative purposes, the crime victims reparations board, which shall consist of three members appointed by the commissioner of public safety. One of the members shall be designated as chairman by the commissioner of public safety and serve as such at his pleasure. At least one member shall be a person who is admitted to the bar of this state, and at least one member shall be a medical or osteopathic physician licensed to practice in this state.

Subd. 2. The membership terms, compensation, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575.

Subd. 3. Members of the board shall serve part time.

History: 1974 c 463 s 5; 1976 c 134 s 64,65; 1983 c 262 art 1 s 6; 1983 c 305 s 23; 1984 c 531 s 7

611A.56 POWERS AND DUTIES OF THE BOARD.

Subdivision 1. **Duties.** In addition to carrying out any duties specified elsewhere in sections 611A.51 to 611A.67 or in other law, the board shall:

(a) provide all claimants with an opportunity for hearing pursuant to chapter 14;

(b) establish and maintain a principal office and other necessary offices and appoint employees and agents as necessary and fix their duties;

(c) promulgate within 90 days following the effective date of Laws 1974, chapter 463 rules to implement sections 611A.51 to 611A.67, including rules governing the method of practice and procedure before the board, prescribing the manner in which applications for reparations shall be made, and providing for discovery proceedings;

(d) publicize widely the availability of reparations and the method of making claims; and

(e) prepare and transmit annually to the governor and the legislature a report of its activities including the name of each claimant, a brief description of the facts in each case, the amount of reparation awarded, and a statistical summary of claims and awards made and denied.

Subd. 2. **Powers.** In addition to exercising any powers specified elsewhere in sections 611A.51 to 611A.67 or other law, the board upon its own motion or the motion of a claimant or the attorney general may:

(a) issue subpoenas for the appearance of witnesses and the production of books, records, and other documents;

(b) administer oaths and affirmations and cause to be taken affidavits and depositions within and without this state;

(c) take notice of judicially cognizable facts and general, technical, and scientific facts within their specialized knowledge;

(d) order a mental or physical examination of a victim or an autopsy of a deceased victim provided that notice is given to the person to be examined and that the claimant and the attorney general receive copies of any resulting report;

(e) suspend or postpone the proceedings on a claim if a criminal prosecution arising out of the incident which is the basis of the claim has been commenced or is imminent;

(f) request from prosecuting attorneys and law enforcement officers investigations and data to enable the board to perform its duties under sections 611A.51 to 611A.67;

(g) grant emergency reparations pending the final determination of a claim if it is one with respect to which an award will probably be made and undue hardship will result to the claimant if immediate payment is not made; and

(h) reconsider any decision granting or denying reparations or determining their amount.

History: 1974 c 463 s 6; 1982 c 424 s 130; 1983 c 262 art 1 s 6

611A.57 DETERMINATION OF CLAIMS.

Subdivision 1. A claim, when accepted for filing, shall be assigned by the chairman to himself or to another member of the board.

Subd. 2. The board member to whom the claim is assigned shall examine the papers filed in support of the claim and cause an investigation to be conducted into the validity of the claim.

Subd. 3. The board member to whom a claim is assigned may decide the claim in favor of a claimant in the amount claimed on the basis of the papers filed in

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support of it and the report of the investigation of such claim. If the board member is unable to decide such claim upon the basis of the papers and report, he shall order a hearing.

Subd. 4. After examining the papers filed in support of the claim and the report of investigation, and after a hearing, if any, the board member to whom the claim was assigned shall make a decision either granting an award or deny the claim.

Subd. 5. The board member making a decision shall file with the board a written report setting forth such decision and his reasons therefor. The board shall notify the claimant and furnish him a copy of the report.

History: 1974 c 463 s 7; 1983 c 262 art 1 s 6

611A.58 ATTORNEYS FEES; LIMITATION FOR REPRESENTATION BEFORE BOARD.

The board may limit the fee charged by any attorney for representing a claimant before the board.

History: 1975 c 246 s 2; 1983 c 262 art 1 s 6

611A.59 CONSIDERATION OF DECISIONS BY FULL BOARD.

Subdivision 1. The claimant may, within 30 days after receipt of the report of the decision of the board member to whom his claim was assigned, make an application in writing to the board for consideration of the decision by the full board.

Subd. 2. Any member of the board may, within 30 days after the filing of the report, make an application in writing to the board for consideration of the decision by the full board.

Subd. 3. The board shall treat all claims considered pursuant to this section as contested cases within the meaning of chapter 14.

History: 1974 c 463 s 8; 1982 c 424 s 130; 1983 c 262 art 1 s 6

611A.60 REPARATIONS; HOW PAID.

Reparations may be awarded in a lump sum or in installments in the discretion of the board. The amount of any emergency award shall be deducted from the final award, if a lump sum, or prorated over a period of time if the final award is made in installments. Reparations are exempt from execution or attachment except by persons who have supplied services, products or accommodations to the victim as a result of the injury or death which is the basis of the claim. The board, in its discretion may order that all or part of the reparations awarded be paid directly to these suppliers.

History: 1974 c 463 s 9; 1983 c 262 art 1 s 6

611A.61 SUBROGATION.

The state shall be subrogated, to the extent of reparations awarded, to all the claimant's rights to recover benefits or advantages for economic loss from a source which is or, if readily available to the victim or claimant would be, a collateral source. Nothing in this section shall limit the claimant's right to bring a cause of action to recover for other damages.

History: 1974 c 463 s 10; 1979 c 173 s 1; 1983 c 262 art 1 s 6

611A.62 MEDICAL PRIVILEGE.

There is no privilege as to communication or records relevant to an issue of the physical, mental, or emotional condition of the claimant or victim in a proceeding under sections 611A.51 to 611A.56 in which that condition is an issue. Nothing contained in this section shall be interpreted to abridge the attorney-client privilege.

History: 1974 c 463 s 11; 1983 c 262 art 1 s 6

611A.63 ENFORCEMENT OF BOARD'S ORDERS.

If a person refuses to comply with an order of the board or asserts a privilege to withhold or suppress evidence relevant to a claim, the board may make any just order including denial of the claim, but may not find the person in contempt. If necessary to carry out any of its powers and duties, the board may petition the district court for an appropriate order, but the court may not find a person in contempt for refusal to submit to a mental or physical examination.

History: 1974 c 463 s 12; 1983 c 262 art 1 s 6

611A.64 DEPARTMENT OF CORRECTIONS; RESTITUTION.

The department of corrections may, as a means of assisting in the rehabilitation of persons committed to their care, establish programs and procedures whereby such persons may contribute toward restitution of those persons injured as a consequence of their criminal acts.

History: 1974 c 463 s 13; 1983 c 262 art 1 s 6

611A.65 USE OF RECORD OF CLAIM; EVIDENCE.

Neither a record of the proceedings on a claim, a decision of the board, nor the fact that an award has been made or denied shall be admissible as evidence in any criminal or civil action against the alleged offender, except an action by the state on its subrogation claim.

History: 1974 c 463 s 14; 1979 c 173 s 2; 1983 c 262 art 1 s 6

611A.66 LAW ENFORCEMENT AGENCIES; DUTY TO INFORM VICTIMS OF RIGHT TO FILE CLAIM.

All law enforcement agencies investigating crimes shall provide forms to each person who may be eligible to file a claim pursuant to sections 611A.51 to 611A.67 and to inform them of their rights hereunder. All law enforcement agencies shall obtain from the board and maintain a supply of all forms necessary for the preparation and presentation of claims.

History: 1974 c 463 s 15; 1983 c 262 art 1 s 6

611A.67 FRAUDULENT CLAIMS; PENALTY.

Any person who knowingly makes a false claim under sections 611A.51 to 611A.67 shall be guilty of a gross misdemeanor.

History: 1974 c 463 s 16; 1983 c 262 art 1 s 6

611A.68 LIMITING COMMERCIAL EXPLOITATION OF CRIMES; PAYMENT OF VICTIMS.

Subdivision 1. For purposes of this section "crime" means an offense which is a felony under the laws of Minnesota.

Subd. 2. A legal entity that contracts with an individual person or the representative or assignee of a person who has been convicted of a crime in this state,

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or found not guilty by reason of insanity, regarding (a) the reenactment of the crime, by way of a movie, book, newspaper or magazine article, radio or television presentation, or live or recorded entertainment of any kind, or (b) the expression of the person's thoughts, feelings, opinions or emotions about the crime, shall notify the crime victims reparations board of the existence of the contract and pay over to the crime victims reparations board any moneys owed to that person or his representatives by virtue of the contract. If the crime occurred in this state, the proportion payable is one hundred percent. If the crime occurred in another jurisdiction having a law applicable to the case which is substantially similar to this section, the proportion payable is zero and this section does not apply. In all other cases, the proportion payable is that which fairly can be allocated to commerce in this state. This section does not apply to crimes occurring outside the United States. The board shall deposit the moneys pursuant to subdivision 7 and assign the amount received in each case for the benefit of any victim of crimes committed by the person. The moneys shall be paid by the board to any victim or the legal representative of a victim if (1) the person is convicted of the crime or found not guilty by reason of insanity, and (2) the claimant, within five years of the date of payment to the board in the case, brings a civil action in a court of competent jurisdiction and recovers a money judgment for damages against the person or his representatives. Notwithstanding any provision of law for the timely bringing of an action, an action may be brought pursuant to this section within a five year period which begins to run on the date payment is made to the board in a case; provided that once the person has been discharged from his sentence by court order or upon expiration of sentence, this section shall not apply.

Subd. 3. When the board receives a payment pursuant to this section, it shall attempt to notify any known victims of the crime and shall publish a notice of that fact in a newspaper having general circulation in the county where the crime was committed. The expenses of notification shall be paid from the amount received for that case.

Subd. 4. When the board has made payments to or on behalf of a crime victim pursuant to sections 611A.51 to 611A.67, to the extent of payment made, it is subrogated to any claim or judgment of the victim or his representative against the offender.

Subd. 5. Upon a showing by that person convicted of a crime or found not guilty by reason of insanity, or his representative, that five years have elapsed from the date of payment to the board in the case, and further that no actions are pending against him pursuant to this section, the board shall immediately pay over to him any moneys in the account related to the case.

Subd. 6. Notwithstanding any other provision of this section, the board shall make payments to a person convicted of crime or found not guilty by reason of insanity from the account of amounts received with reference to that person upon the order of a court of competent jurisdiction after a showing by that person that the moneys shall be used for the reasonable costs of defense in the appeal of his criminal conviction or in civil proceedings pursuant to this section.

Subd. 7. All moneys received by the board pursuant to this section shall be deposited in the state treasury, credited to a special account, and are appropriated to the board for the purposes of this section. Money in the special account may be invested pursuant to section 11A.25. When so invested, any interest or profit shall accrue to, and any loss be borne by, the special account. The board shall allocate money in the special account to each case pursuant to this section.

Subd. 8. Any action taken, whether by way of execution of a power of attorney, creation of corporate or trust entities or otherwise, to defeat the purpose of this section shall be null and void as against the public policy of this state.

History: 1979 c 234 s 1; 1980 c 607 art 14 s 46; 1983 c 262 art 1 s 6