

CHAPTER 611A

CRIME VICTIMS: RIGHTS, PROGRAMS, AGENCIES

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611A.02 NOTIFICATION OF VICTIM SERVICES AND VICTIMS' RIGHTS.

[For text of subd 1, see M.S.1990]

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;
- (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.

History: 1991 c 170 s 3

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.

History: 1991 c 170 s 4

611A.04 ORDER OF RESTITUTION.

[For text of subs 1 and 1a, see M.S.1990]

Subd. 1b. Affidavit of disclosure. An offender who has been ordered by the court to make restitution in an amount of \$500 or more shall file an affidavit of financial disclosure with the correctional agency responsible for investigating the financial resources of the offender on request of the agency. The commissioner of corrections shall prescribe what financial information the affidavit must contain.

[For text of subs 2 and 3, see M.S.1990]

History: 1991 c 211 s 1

611A.06 RIGHT TO NOTICE OF RELEASE.

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; 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, 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.

History: 1991 c 170 s 5

611A.25 SEXUAL ASSAULT ADVISORY COUNCIL.

Subdivision 1. Creation. The commissioner of corrections shall appoint a 12-member advisory council on sexual assault to advise the commissioner on the implementation and continued operation of sections 611A.21 to 611A.23. The sexual assault advisory council shall also serve as a liaison between the commissioner and organizations that provide services to victims of sexual assault, and as an advocate within the department of corrections for the rights of sexual assault victims.

Subd. 2. Membership. No more than six of the members of the sexual assault advisory council may be representatives of community or governmental organizations that provide services to sexual assault victims. One-half of the council's members shall reside in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver counties, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

Subd. 3. Terms; vacancies; expenses. Section 15.059 governs the filling of vacancies and removal of members of the sexual assault advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Council members shall not receive per diem or expense reimbursement.

Subd. 4. Report to legislature. On or before August 1, 1992, the sexual assault advisory council, in consultation with the commissioner and the Minnesota coalition of sexual assault services, shall file a written report with the legislature, containing recommendations on the following matters:

- (1) the scope of the commissioner's authority regarding the administration of grants for sexual assault services;
- (2) the membership and duties of the sexual assault advisory council;
- (3) criteria for funding programs for services for sexual assault victims;
- (4) the appointment of a sexual assault program director; and
- (5) other matters agreed to by the commissioner, the sexual assault advisory council, and the Minnesota coalition of sexual assault services.

History: 1991 c 272 s 7

NOTE: Subdivision 4, as added by Laws 1991, chapter 272, section 7, is repealed effective August 1, 1992. See Laws 1991, chapter 272, section 20.

611A.31 DEFINITIONS.

[For text of subd 1, see M.S.1990]

Subd. 2. "Battered woman" means a woman who is being or has been victimized by domestic abuse as defined in section 518B.01, subdivision 2, except that "family or household members" includes persons with whom the woman has had a continuing relationship.

[For text of subs 3 to 5, see M.S.1990]

History: 1991 c 272 s 8

611A.32 GENERAL CRIME VICTIM PROGRAMS.

Subdivision 1. Grants awarded. The commissioner shall award grants to programs which provide emergency shelter services and support services to battered women and their children. The commissioner shall also award grants for training, technical assistance, and for the development and implementation of education programs to increase public awareness of the causes of battering, the solutions to preventing and ending domestic violence, and the problems faced by battered women. Grants shall be awarded in a manner that ensures that they are equitably distributed to programs serving metropolitan and nonmetropolitan populations.

[For text of subd 1a, see M.S.1990]

Subd. 2. Applications. Any public or private nonprofit agency may apply to the commissioner for a grant to provide emergency shelter services, support services, or both, to battered women and their children. The application shall be submitted in a form approved by the commissioner by rule adopted under chapter 14, after consultation with the advisory council, and shall include:

(1) a proposal for the provision of emergency shelter services, support services, or both, for battered women and their children;

(2) a proposed budget;

(3) evidence of an ability to integrate into the proposed program the uniform method of data collection and program evaluation established under sections 611A.33 and 611A.34;

(4) evidence of an ability to represent the interests of battered women and their children to local law enforcement agencies and courts, county welfare agencies, and local boards or departments of health;

(5) evidence of an ability to do outreach to unserved and underserved populations and to provide culturally and linguistically appropriate services; and

(6) any other content the commissioner may require by rule adopted under chapter 14, after considering the recommendations of the advisory council.

Programs which have been approved for grants in prior years may submit materials which indicate changes in items listed in clauses (1) to (6), in order to qualify for renewal funding. Nothing in this subdivision may be construed to require programs to submit complete applications for each year of renewal funding.

[For text of subd 3, see M.S.1990]

Subd. 4. [Repealed, 1991 c 272 s 20]

[For text of subd 5, see M.S.1990]

History: 1991 c 272 s 9,10

611A.33 DUTIES OF COMMISSIONER.

The commissioner shall:

(1) Review applications for and award grants to a program pursuant to section 611A.32, subdivision 1, after considering the recommendation of the advisory council;

(2) Appoint the members of the advisory council created under section 611A.34, and provide consultative staff and other administrative services to the advisory council;

(3) After considering the recommendation of the advisory council, appoint a program director to perform the duties set forth in section 611A.35;

(4) Design and implement a uniform method of collecting data on battered women to be used to evaluate the programs funded under section 611A.32;

(5) Provide technical aid to applicants in the development of grant requests and provide technical aid to programs in meeting the data collection requirements established by the commissioner; and

(6) Adopt, under chapter 14, all rules necessary to implement the provisions of sections 611A.31 to 611A.36.

History: 1991 c 272 s 11

611A.34 BATTERED WOMEN ADVISORY COUNCIL.

Subdivision 1. **Generally.** The commissioner shall appoint a 12-member advisory council to advise the commissioner on the implementation and continued operation of sections 611A.31 to 611A.36. The battered women's advisory council shall also serve as a liaison between the commissioner and organizations that provide services to battered women. Section 15.059 governs the filling of vacancies and removal of members of the advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Notwithstanding section 15.059, the council shall not expire. 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 about and have

experience or interest in issues concerning battered women, including the need for effective advocacy services. The membership of the council shall broadly represent the interests of battered women in Minnesota. No more than six of the members of the battered women's advisory council may be representatives of community or governmental organizations that provide services to battered women. One-half of the council's members shall reside in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver counties, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

Subd. 3. Duties. The advisory council shall:

- (1) advise the commissioner on all planning, development, data collection, rule-making, funding, and evaluation of programs and services for battered women that are funded under section 611A.32, other than matters of a purely administrative nature;
- (2) advise the commissioner on the adoption of rules under chapter 14 governing the award of grants to ensure that funded programs are consistent with section 611A.32, subdivision 1;
- (3) recommend to the commissioner the names of five applicants for the position of battered women's program director;
- (4) advise the commissioner on the rules adopted under chapter 14 pursuant to section 611A.33;
- (5) review applications received by the commissioner for grants under section 611A.32 and make recommendations on the awarding of grants; and
- (6) advise the program director in the performance of duties in the administration and coordination of the programs funded under section 611A.32.

Subd. 4. Conflicts of interest. A member of the advisory council shall be excluded from participating in review and recommendations concerning a grant application if the member:

- (1) serves or has served at any time during the past three years as an employee, volunteer, or governing board member of an organization whose application is being reviewed; or
- (2) has a financial interest in the funding of the applicant organization.

History: 1991 c 272 s 12

611A.345 ADVISORY COUNCIL RECOMMENDATIONS.

The commissioner shall consider the advisory council's recommendations before awarding grants or adopting policies regarding the planning, development, data collection, rulemaking, funding or evaluation of programs and services for battered women funded under section 611A.32. Before taking action on matters related to programs and services for battered women and their children, except day-to-day administrative operations, the commissioner shall notify the advisory council of the intended action. Notification of grant award decisions shall be given to the advisory council in time to allow the council to request reconsideration.

History: 1991 c 272 s 13

611A.35 BATTERED WOMEN'S PROGRAM DIRECTOR.

The commissioner shall appoint a program director. In appointing the program director the commissioner shall give due consideration to the list of applicants submitted to the commissioner pursuant to section 611A.34, subdivision 3, clause (3). The program director shall administer the funds appropriated for sections 611A.31 to 611A.36, consult with and provide staff to the advisory council, and perform other duties related to battered women's programs as the commissioner may assign. The program director shall serve at the pleasure of the commissioner in the unclassified service.

History: 1991 c 272 s 14

611A.36 DATA COLLECTION.

Subdivision 1. Form prescribed. The commissioner shall, by rule adopted under chapter 14, after considering the recommendations of the advisory council, 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 battered women as defined in section 611A.31, subdivision 2. All data collected by the commissioner pursuant to this section shall be summary data within the meaning of section 13.02, subdivision 19.

[For text of subs 2 and 3, see M.S.1990]

History: 1991 c 272 s 15

611A.361 GENERAL CRIME VICTIMS ADVISORY COUNCIL.

Subdivision 1. Creation. The commissioner of corrections shall appoint a 12-member advisory council on general crime victims to advise the commissioner on the implementation and continued operation of chapter 611A with respect to victims of crimes other than sexual assault and domestic abuse. The general crime victims advisory council shall also serve as a liaison between the commissioner and organizations that provide services to victims of crime, and as an advocate within the department of corrections for the rights of general crime victims.

Subd. 2. Membership. No more than six of the members of the general crime victims advisory council may be representatives of community or governmental organizations that provide services to crime victims. One-half of the council's members shall reside in the metropolitan area, composed of Hennepin, Ramsey, Anoka, Dakota, Scott, Washington, and Carver counties, and one-half of the members shall reside in the nonmetropolitan area. To the extent possible, nonmetropolitan members must be representative of all nonmetropolitan regions of the state.

Subd. 3. Terms; vacancies; expenses. Section 15.059 governs the filling of vacancies and removal of members of the general crime victims advisory council. The terms of the members of the advisory council shall be two years. No member may serve on the advisory council for more than two consecutive terms. Council members shall not receive per diem or expense reimbursement.

Subd. 4. Report to legislature. On or before August 1, 1992, the general crime victims advisory council, in consultation with the commissioner, shall file a written report with the legislature, containing recommendations on the following matters:

- (1) the scope of the commissioner's authority regarding the administration of grants for general crime victims services;
- (2) the membership and duties of the general crime victims advisory council;
- (3) criteria for funding programs for services for general crime victims;
- (4) the appointment of a general crime victims program director; and
- (5) other matters agreed to by the commissioner, and the general crime victims advisory council.

History: 1991 c 272 s 16

NOTE: Subdivision 4, as added by Laws 1991, chapter 272, section 16, is repealed effective August 1, 1992. See Laws 1991, chapter 272, section 20.

611A.71 COUNCIL; ESTABLISHMENT.

[For text of subd 1, see M.S.1990]

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

- (2) one county attorney appointed upon recommendation of the Minnesota county attorneys association;
 - (3) one public defender appointed upon recommendation of the state public defender;
 - (4) one peace officer;
 - (5) one medical or osteopathic physician licensed to practice in this state;
 - (6) five members who are crime victims or crime victim assistance representatives;
- and
- (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.

[For text of subs 3 to 7, see M.S.1990]

History: 1991 c 170 s 6

NOTE: Subdivision 2, as amended by Laws 1991, chapter 170, section 6, is effective for appointments occurring after January 1, 1993. See Laws 1991, chapter 170, section 7.