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HOUSE FILE No. 4077

FIRST COMMITTEE ENGROSSMENT

March 17, 2008

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

Referred by Chair to Public Safety Finance Division.

March 26, 2008

Returned to the Committee on Finance as Amended.

1.1 A bill for an act
1.2 relating to public safety; reducing funding for the courts, Board of Public
1.3 Defense, public safety programs, human rights, corrections and Peace Officer
1.4 Standards and Training (POST) Board; providing for a working group on
1.5 state-controlled substance laws; requiring a report; appropriating money to match
1.6 FEMA money received for natural disaster assistance payments; amending Laws
1.7 2007, chapter 54, article 1, section 11.

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

1.9 Section 1. **SUMMARY OF APPROPRIATIONS.**

1.10 The amounts shown in this section summarize the direct appropriations, by fund,
1.11 made in this act.

	<u>2008</u>		<u>2009</u>		<u>Total</u>
1.13 <u>General</u>	\$ 360,000	\$	(10,408,000)	\$	(10,048,000)
1.14 <u>Special Revenue Fund</u>	(25,000)		50,000		25,000
1.15 <u>Total</u>	<u>\$ 335,000</u>	<u>\$</u>	<u>(10,358,000)</u>	<u>\$</u>	<u>(10,023,000)</u>

1.16 Sec. 2. **SUMMARY OF APPROPRIATIONS.**

1.17 The sums shown in the columns marked "Appropriations" are added to or, if shown
1.18 in parentheses, subtracted from the appropriations in Laws 2007, chapter 54, article 1, to
1.19 the agencies and for the purposes specified in this act. The appropriations are from the
1.20 general fund, or another named fund, and are available for the fiscal years indicated for
1.21 each purpose. The figures "2008" and "2009" used in this act mean that the addition to
1.22 or subtraction from the appropriations listed under them are available for the fiscal year
1.23 ending June 30, 2008, or June 30, 2009, respectively. Supplemental appropriations and
1.24 reductions to appropriations for the fiscal year ending June 30, 2008, are effective the day

2.1 following final enactment. "The first year" is fiscal year 2008. "The second year" is fiscal
 2.2 year 2009. "The biennium" is fiscal years 2008 and 2009.

		<u>APPROPRIATIONS</u>		
		<u>Available for the Year</u>		
		<u>Ending June 30</u>		
		<u>2008</u>	<u>2009</u>	
2.7	Sec. 3. <u>SUPREME COURT</u>	<u>\$</u>	<u>-0-</u>	<u>\$ (778,000)</u>
2.8	<u>\$650,000 in the second year is to reduce</u>			
2.9	<u>funding for Supreme Court operations.</u>			
2.10	<u>\$128,000 in the second year is to reduce</u>			
2.11	<u>funding for civil legal services.</u>			
2.12	Sec. 4. <u>COURT OF APPEALS</u>	<u>\$</u>	<u>-0-</u>	<u>\$ (141,000)</u>
2.13	Sec. 5. <u>DISTRICT COURTS</u>	<u>\$</u>	<u>-0-</u>	<u>\$ (3,608,000)</u>
2.14	Sec. 6. <u>BOARD OF PUBLIC DEFENSE</u>	<u>\$</u>	<u>-0-</u>	<u>\$ (1,690,000)</u>
2.15	Sec. 7. <u>PUBLIC SAFETY</u>			
2.16	Subdivision 1. <u>Total Appropriation</u>	<u>\$</u>	<u>360,000</u>	<u>\$ (1,598,000)</u>
2.17	Subd. 2. <u>Emergency Management</u>		<u>360,000</u>	<u>(40,000)</u>
2.18	<u>\$360,000 in the first year is to provide a</u>			
2.19	<u>match for FEMA money received for natural</u>			
2.20	<u>disaster assistance payments and is added</u>			
2.21	<u>to appropriations in Laws 2007, chapter 54,</u>			
2.22	<u>article 1, section 10, subdivision 2. This</u>			
2.23	<u>appropriation is available until June 30,</u>			
2.24	<u>2010. This is a onetime appropriation.</u>			
2.25	<u>The appropriation from the general fund in</u>			
2.26	<u>the second year to reimburse local chemical</u>			
2.27	<u>assessment and hazardous materials teams</u>			
2.28	<u>when they respond to incidents is reduced</u>			
2.29	<u>by \$40,000. Reimbursements up to \$40,000</u>			
2.30	<u>per year are to be made from revenues in</u>			

3.1 the special revenue fund from billings to
3.2 responsible companies.

3.3 **Subd. 3. Criminal Apprehension** -0- (708,000)

3.4 \$608,000 in the second year is to reduce the
3.5 funding for CriMNet justice information
3.6 integration. The base is reduced by an
3.7 additional \$209,000 in fiscal year 2010 and
3.8 each year after.

3.9 The general fund appropriation includes
3.10 a reduction of \$100,000 in fiscal year
3.11 2009. This reduction may be applied to
3.12 any program funded under Laws 2007,
3.13 chapter 54, article 1, section 10, with the
3.14 exception of Office of Justice Programs and
3.15 forensic lab scientists. All budget reductions
3.16 should be made with an emphasis on cutting
3.17 administration and overhead expenses, with
3.18 as little impact as possible on programs and
3.19 services.

3.20 **Subd. 4. Fire Marshal**

3.21 By May 1, 2009, \$1,000,000 must be
3.22 transferred from the fire marshal account in
3.23 the special revenue fund to the general fund.

3.24 **Subd. 5. Office of Justice Programs** -0- (850,000)

3.25 \$350,000 in the second year are reductions
3.26 for grants to the Financial Crimes Task Force.
3.27 The base is reduced by an additional \$10,000
3.28 in fiscal year 2010 and each year after.

3.29 \$500,000 in the second year are for
3.30 reductions in squad car cameras.

3.31 **Sec. 8. HUMAN RIGHTS** \$ -0- \$ (149,000)

3.32 This reduction is from Laws 2007, chapter
3.33 54, article 1, section 13.

5.1 **No Contact Orders.** The board shall: (1)
5.2 revise and update preservice courses and
5.3 develop in-service training courses related
5.4 to no contact orders in domestic violence
5.5 cases and domestic violence dynamics; and
5.6 (2) reimburse peace officers who have taken
5.7 training courses described in clause (1).
5.8 At a minimum, the training must include
5.9 instruction in the laws relating to no contact
5.10 orders and address how to best coordinate
5.11 law enforcement resources relating to no
5.12 contact orders. In addition, the training
5.13 must include a component to instruct peace
5.14 officers on doing risk assessments of the
5.15 escalating factors of lethality in domestic
5.16 violence cases. The board must consult with
5.17 a statewide domestic violence organization
5.18 in developing training courses. The board
5.19 shall utilize a request for proposal process in
5.20 awarding training contracts. The recipient
5.21 of the training contract must conduct these
5.22 trainings with advocates or instructors from
5.23 a statewide domestic violence organization.
5.24 Beginning on January 1, 2008, the board may
5.25 not approve an in-service training course
5.26 relating to domestic abuse that does not
5.27 comply with this section.

5.28 **Sec. 11. WORKING GROUP ON CONTROLLED SUBSTANCE LAWS;**
5.29 **REPORT TO LEGISLATURE.**

5.30 **Subdivision 1. Establishment; membership; staff.** (a) By July 1, 2008, the chair
5.31 of the house Public Safety Finance Division and the chair of the senate Public Safety
5.32 Budget Division shall jointly appoint a working group on the state's controlled substance
5.33 laws. The working group shall include:

5.34 (1) two representatives of the Minnesota County Attorneys Association;

5.35 (2) two representatives of the Board of Public Defense;

6.1 (3) three representatives of state law enforcement associations, including one
6.2 sheriff, one chief of police, and one member of the Minnesota Police and Peace Officers
6.3 Association;

6.4 (4) two representatives of the Judicial Council;

6.5 (5) one representative from community corrections or probation;

6.6 (6) one expert in the fields of drug treatment and controlled substance laws;

6.7 (7) one individual who is not affiliated with any of the associations in clauses (1) to
6.8 (6) and who has relevant experience related to sentencing policy or the criminal justice
6.9 field; and

6.10 (8) two community members who reside in an area adversely affected by controlled
6.11 substance crimes and violent crimes, one of whom is a member of a community crime
6.12 prevention organization.

6.13 (b) Staff support for the working group shall be provided by the Sentencing
6.14 Guidelines Commission.

6.15 Subd. 2. **Subject matter.** (a) The working group must review, assess, and make
6.16 specific recommendations regarding the following alternatives for modification and
6.17 application of Minnesota's controlled substance laws:

6.18 (1) revising the threshold amounts for Minnesota's controlled substance crimes;

6.19 (2) establishing a separate sentencing guidelines grid for drug offenses;

6.20 (3) establishing additional aggravating factors so as to target certain particularly
6.21 dangerous offenders;

6.22 (4) revising the criminal history point calculations for repeat drug offenders;

6.23 (5) maximizing the use of deferred prosecutions for low-level drug offenders under
6.24 Minnesota Statutes, section 152.18 throughout the state; and

6.25 (6) increasing the use of the early release program for nonviolent controlled
6.26 substance offenders who successfully complete drug treatment while incarcerated as
6.27 provided in Minnesota Statutes, section 244.055.

6.28 (b) As part of its review of the various possible reforms, the working group may
6.29 also study and consider:

6.30 (1) the significance, if any, of current rates of departure from presumptive guidelines
6.31 sentences for controlled substance crimes;

6.32 (2) the significance, if any, of current rates of departure from presumptive guidelines
6.33 sentences for controlled substance crimes for identifiable categories of offenders;

6.34 (3) the impact that recent United States Supreme Court criminal sentencing decisions
6.35 have on implementing further reform;

6.36 (4) the barriers to comparing Minnesota's sentencing data with data from other states;

7.1 (5) strategies for imposing probation and supervised release violations on drug
7.2 offenders;

7.3 (6) strategies for increasing the efficacy of programs that are now available to treat
7.4 drug offenders;

7.5 (7) the likely impact of any recommended change in policy upon victims of
7.6 drug-related crimes and the neighborhoods in which these crimes occur;

7.7 (8) the likely impact of any recommended change in policy upon the efficacy of law
7.8 enforcement, prosecution, public defender, or court personnel; or

7.9 (9) any other sentencing-related matter that the working group sees fit to consider.

7.10 Subd. 3. **Report to legislature.** The working group shall report its findings and
7.11 recommendations to the chair of the house Public Safety Finance Division and the chair of
7.12 the senate Public Safety Budget Division by January 16, 2009.

7.13 **EFFECTIVE DATE.** This section is effective the day following final enactment.