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State of Minnesota HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 1446

February 26, 2007

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The bill was read for the first time and referred to the Committee on Health and Human Services

1.1 A bill for an act
1.2 relating to public health; establishing alcohol health impact fund; imposing
1.3 alcohol health impact fee; modifying provisions relating to possession and sale
1.4 of controlled substances; imposing chemical use assessment requirements and
1.5 fee on persons arrested for DWI but convicted of another offense; providing
1.6 for prostitution assessment and treatment; modifying chemical dependency
1.7 services and eligibility provisions; allowing credit for brewers for payment of
1.8 certain taxes and fees; modifying community-oriented policing grant program;
1.9 establishing pilot project for Phillips neighborhood; requiring sentencing study;
1.10 requiring judicial training in chemical use assessments; appropriating money;
1.11 amending Minnesota Statutes 2006, sections 152.01, subdivision 14a, by
1.12 adding subdivisions; 152.021, subdivision 1; 152.022, subdivision 1; 152.023,
1.13 subdivision 2; 152.024, subdivision 1; 169A.275, subdivision 5; 169A.284,
1.14 subdivision 1; 169A.54, subdivision 11; 169A.70, subdivision 2, by adding
1.15 subdivisions; 254B.01, subdivisions 2, 3; 254B.02, subdivision 1; 254B.03,
1.16 subdivisions 1, 4; 254B.04, subdivisions 1, 3; 254B.06, subdivisions 1, 2; 295.75,
1.17 subdivisions 2, 11; 297G.04, subdivision 2; 297G.10; 299A.62, subdivisions
1.18 1, 2; 299A.63, by adding a subdivision; 609.115, subdivision 8, by adding a
1.19 subdivision; 609.135, by adding subdivisions; 609.153, subdivision 1; proposing
1.20 coding for new law in Minnesota Statutes, chapters 16A; 254A; 297G; 373;
1.21 609; repealing Minnesota Statutes 2006, sections 254B.02, subdivisions 2, 3, 4;
1.22 254B.09, subdivisions 4, 5, 7.

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

1.24 Section 1. LEGISLATIVE FINDINGS AND INTENT.

1.25 The legislature finds that:

1.26 (1) impaired driving offenses kill and injure more Minnesotans than any other crime;

1.27 (2) many violent crimes are committed by offenders who are under the influence

1.28 of alcohol or controlled substances; and

1.29 (3) alcohol abuse and controlled substance abuse contribute to domestic violence

1.30 and destroy families.

2.1 The legislature considers the need to address the problem of alcohol and controlled  
 2.2 substance abuse to be a high priority. Furthermore, the legislature determines that the  
 2.3 costs of fighting abuse should be funded by those who use alcohol. Consequently, the  
 2.4 legislature is imposing a fee on the sale of alcohol to fund aggressive efforts to reduce  
 2.5 impaired driving offenses and generally prevent crime, injury, and loss of life through  
 2.6 chemical dependency prevention, screening, and treatment and through increased law  
 2.7 enforcement, prosecution, and incarceration efforts.

2.8 **Sec. 2. [16A.726] ALCOHOL HEALTH IMPACT FUND AND FUND**  
 2.9 **REIMBURSEMENTS.**

2.10 Subdivision 1. **Alcohol health impact fund.** There is created in the state treasury  
 2.11 an alcohol health impact fund to which all revenue from the alcohol health impact fee  
 2.12 under section 297G.23 is credited.

2.13 Subd. 2. **Certified alcohol expenditures.** By April 30 of each fiscal year, the  
 2.14 commissioners of public safety, corrections, and human services shall certify to the  
 2.15 commissioner of finance the state budget costs attributable to alcohol and controlled  
 2.16 substance use, and the net of the collections of the taxes imposed under sections 295.75,  
 2.17 297G.03, and 297G.04, for the previous fiscal year. These costs include, but are not  
 2.18 limited to, costs to:

2.19 (1) enforce laws for driving while impaired;

2.20 (2) employ law enforcement officers to increase efforts for targeting crime for  
 2.21 driving while impaired;

2.22 (3) fund grants to local units of government to conduct compliance checks for  
 2.23 on-sale and off-sale intoxicating liquor holders;

2.24 (4) fund community policing grants;

2.25 (5) fund grants to prevent domestic violence and to provide services to victims of  
 2.26 domestic violence;

2.27 (6) incarcerate offenders of driving while impaired laws and provide programs  
 2.28 for these offenders;

2.29 (7) pay costs associated with incarcerating offenders and provide programs for  
 2.30 these offenders;

2.31 (8) fund grants to counties to establish and operate intensive probation programs for  
 2.32 repeat impaired driving offenders;

2.33 (9) increase chemical dependency treatment programs at state prisons;

2.34 (10) provide chemical dependency treatment;

2.35 (11) fund health and human services program costs;

3.1 (12) fund increased judicial training relating to a judge's powers and duties regarding  
3.2 chemical use assessments;

3.3 (13) fund grants to counties for court services and correctional costs related to  
3.4 conducting chemical use assessments; and

3.5 (14) fund education and crime prevention initiatives.

3.6 Subd. 3. **Fund reimbursements.** In each fiscal year, the commissioner of finance  
3.7 shall transfer from the alcohol health impact fund to the general fund an amount sufficient  
3.8 to offset the general fund cost of the certified expenditures under subdivision 2.

3.9 **EFFECTIVE DATE.** This section is effective July 1, 2007.

3.10 Sec. 3. Minnesota Statutes 2006, section 152.01, is amended by adding a subdivision  
3.11 to read:

3.12 Subd. 4a. **Emergency shelter zone.** "Emergency shelter zone" means a crisis  
3.13 shelter for battered women or housing networks for battered women, and includes the area  
3.14 within 300 feet or one city block, whichever distance is greater, of the shelter's property.

3.15 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
3.16 committed on or after that date.

3.17 Sec. 4. Minnesota Statutes 2006, section 152.01, is amended by adding a subdivision  
3.18 to read:

3.19 Subd. 5b. **Homeless shelter zone.** "Homeless shelter zone" means a shelter that  
3.20 serves the needs of emergency and long-term homelessness, and includes the area within  
3.21 300 feet or one city block, whichever distance is greater, of the shelter's property.

3.22 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
3.23 committed on or after that date.

3.24 Sec. 5. Minnesota Statutes 2006, section 152.01, subdivision 14a, is amended to read:

3.25 Subd. 14a. **School zone.** "School zone" means:

3.26 (1) any property owned, leased, or controlled by a school district or an organization  
3.27 operating a nonpublic school, as defined in section 123B.41, subdivision 9, where an  
3.28 elementary, middle, secondary school, secondary vocational center or other school  
3.29 providing educational services in grade one through grade 12 is located, or used for  
3.30 educational purposes, or where extracurricular or cocurricular activities are regularly  
3.31 provided;

- 4.1 (2) the area surrounding school property as described in clause (1) to a distance of  
4.2 300 feet or one city block, whichever distance is greater, beyond the school property; and  
4.3 (3) the area within a school bus when that bus is being used to transport one or more  
4.4 elementary or secondary school students, and school bus stops established by a school  
4.5 board under section 123B.88, while school children are waiting for the bus.

4.6 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
4.7 committed on or after that date.

4.8 Sec. 6. Minnesota Statutes 2006, section 152.021, subdivision 1, is amended to read:

4.9 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in  
4.10 the first degree if:

4.11 (1) on one or more occasions within a 90-day period the person unlawfully sells one  
4.12 or more mixtures of a total weight of ten grams or more containing cocaine, heroin, or  
4.13 methamphetamine;

4.14 (2) on one or more occasions within a 90-day period the person unlawfully sells one  
4.15 or more mixtures of a total weight of 50 grams or more containing a narcotic drug other  
4.16 than cocaine, heroin, or methamphetamine;

4.17 (3) on one or more occasions within a 90-day period the person unlawfully sells  
4.18 one or more mixtures of a total weight of 50 grams or more containing amphetamine,  
4.19 phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units,  
4.20 equaling 200 or more dosage units; or

4.21 (4) on one or more occasions within a 90-day period the person unlawfully sells  
4.22 one or more mixtures of a total weight of 50 kilograms or more containing marijuana or  
4.23 Tetrahydrocannabinols, or one or more mixtures of a total weight of 25 kilograms or more  
4.24 containing marijuana or Tetrahydrocannabinols in a school zone, a park zone, a public  
4.25 housing zone, an emergency shelter zone, a homeless shelter zone, or a drug treatment  
4.26 facility.

4.27 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
4.28 committed on or after that date.

4.29 Sec. 7. Minnesota Statutes 2006, section 152.022, subdivision 1, is amended to read:

4.30 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime  
4.31 in the second degree if:

5.1 (1) on one or more occasions within a 90-day period the person unlawfully sells one  
5.2 or more mixtures of a total weight of three grams or more containing cocaine, heroin, or  
5.3 methamphetamine;

5.4 (2) on one or more occasions within a 90-day period the person unlawfully sells one  
5.5 or more mixtures of a total weight of ten grams or more containing a narcotic drug other  
5.6 than cocaine, heroin, or methamphetamine;

5.7 (3) on one or more occasions within a 90-day period the person unlawfully sells  
5.8 one or more mixtures of a total weight of ten grams or more containing amphetamine,  
5.9 phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units,  
5.10 equaling 50 or more dosage units;

5.11 (4) on one or more occasions within a 90-day period the person unlawfully sells  
5.12 one or more mixtures of a total weight of 25 kilograms or more containing marijuana or  
5.13 Tetrahydrocannabinols;

5.14 (5) the person unlawfully sells any amount of a schedule I or II narcotic drug to a  
5.15 person under the age of 18, or conspires with or employs a person under the age of 18 to  
5.16 unlawfully sell the substance; or

5.17 (6) the person unlawfully sells any of the following in a school zone, a park zone,  
5.18 a public housing zone, an emergency shelter zone, a homeless shelter zone, or a drug  
5.19 treatment facility:

5.20 (i) any amount of a schedule I or II narcotic drug, lysergic acid diethylamide (LSD),  
5.21 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

5.22 (ii) one or more mixtures containing methamphetamine or amphetamine; or

5.23 (iii) one or more mixtures of a total weight of five kilograms or more containing  
5.24 marijuana or Tetrahydrocannabinols.

5.25 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
5.26 committed on or after that date.

5.27 Sec. 8. Minnesota Statutes 2006, section 152.023, subdivision 2, is amended to read:

5.28 Subd. 2. **Possession crimes.** A person is guilty of controlled substance crime in  
5.29 the third degree if:

5.30 (1) on one or more occasions within a 90-day period the person unlawfully possesses  
5.31 one or more mixtures of a total weight of three grams or more containing cocaine, heroin,  
5.32 or methamphetamine;

5.33 (2) on one or more occasions within a 90-day period the person unlawfully possesses  
5.34 one or more mixtures of a total weight of ten grams or more containing a narcotic drug  
5.35 other than cocaine, heroin, or methamphetamine;

6.1 (3) on one or more occasions within a 90-day period the person unlawfully possesses  
6.2 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and  
6.3 equals 50 or more dosage units;

6.4 (4) on one or more occasions within a 90-day period the person unlawfully  
6.5 possesses any amount of a schedule I or II narcotic drug or five or more dosage  
6.6 units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or  
6.7 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing  
6.8 zone, or a drug treatment facility;

6.9 (5) on one or more occasions within a 90-day period the person unlawfully possesses  
6.10 one or more mixtures of a total weight of ten kilograms or more containing marijuana or  
6.11 Tetrahydrocannabinols; or

6.12 (6) the person unlawfully possesses one or more mixtures containing  
6.13 methamphetamine or amphetamine in a school zone, a park zone, a public housing zone,  
6.14 an emergency shelter zone, a homeless shelter zone, or a drug treatment facility.

6.15 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
6.16 committed on or after that date.

6.17 Sec. 9. Minnesota Statutes 2006, section 152.024, subdivision 1, is amended to read:

6.18 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in  
6.19 the fourth degree if:

6.20 (1) the person unlawfully sells one or more mixtures containing a controlled  
6.21 substance classified in schedule I, II, or III, except marijuana or Tetrahydrocannabinols;

6.22 (2) the person unlawfully sells one or more mixtures containing a controlled  
6.23 substance classified in schedule IV or V to a person under the age of 18;

6.24 (3) the person conspires with or employs a person under the age of 18 to unlawfully  
6.25 sell a controlled substance classified in schedule IV or V; or

6.26 (4) the person unlawfully sells any amount of marijuana or Tetrahydrocannabinols in  
6.27 a school zone, a park zone, a public housing zone, an emergency shelter zone, a homeless  
6.28 shelter zone, or a drug treatment facility, except a small amount for no remuneration.

6.29 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
6.30 committed on or after that date.

6.31 Sec. 10. Minnesota Statutes 2006, section 169A.275, subdivision 5, is amended to read:

6.32 Subd. 5. **Level of care recommended in chemical use assessment.** Unless the  
6.33 court commits the person to the custody of the commissioner of corrections as provided in

7.1 section 169A.276 (mandatory penalties; felony violations), in addition to other penalties  
 7.2 required under this section, if the person has not already done so, the court shall order  
 7.3 a person to submit to the level of care recommended in the chemical use assessment  
 7.4 conducted under section 169A.70 (alcohol safety program; chemical use assessments)  
 7.5 if the person:

7.6 (1) is convicted of violating section 169A.20 (driving while impaired) ~~while having~~  
 7.7 ~~an alcohol concentration of 0.20 or more as measured at the time, or within two hours of~~  
 7.8 ~~the time, of the offense or if the violation occurs within ten years of one or more qualified~~  
 7.9 ~~prior impaired driving incidents; or~~

7.10 (2) is arrested for violating section 169A.20, but is convicted of another offense  
 7.11 arising out of the circumstances surrounding the arrest.

7.12 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
 7.13 committed on or after that date.

7.14 Sec. 11. Minnesota Statutes 2006, section 169A.284, subdivision 1, is amended to read:

7.15 Subdivision 1. **When required.** (a) When a court sentences a person convicted of  
 7.16 an offense enumerated in section 169A.70, subdivision 2, paragraph (b), clause (1) or (2),  
 7.17 (chemical use assessment; requirement; form), it shall impose a chemical dependency  
 7.18 assessment charge of \$125. A person shall pay an additional surcharge of \$5 if the  
 7.19 person is convicted of a violation of section 169A.20 (driving while impaired) within five  
 7.20 years of a prior impaired driving conviction or a prior conviction for an offense arising  
 7.21 out of an arrest for a violation of section 169A.20 or Minnesota Statutes 1998, section  
 7.22 169.121 (driver under influence of alcohol or controlled substance) or 169.129 (aggravated  
 7.23 DWI-related violations; penalty). This section applies when the sentence is executed,  
 7.24 stayed, or suspended. The court may not waive payment or authorize payment of the  
 7.25 assessment charge and surcharge in installments unless it makes written findings on the  
 7.26 record that the convicted person is indigent or that the assessment charge and surcharge  
 7.27 would create undue hardship for the convicted person or that person's immediate family.

7.28 (b) The chemical dependency assessment charge and surcharge required under  
 7.29 this section are in addition to the surcharge required by section 357.021, subdivision 6  
 7.30 (surcharges on criminal and traffic offenders).

7.31 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
 7.32 committed on or after that date.

7.33 Sec. 12. Minnesota Statutes 2006, section 169A.54, subdivision 11, is amended to read:

8.1 Subd. 11. **Chemical use assessment.** When the evidentiary test shows an alcohol  
 8.2 concentration of 0.07 or more, that result must be reported to the commissioner. The  
 8.3 commissioner shall record that fact on the driver's record. When the driver's record shows  
 8.4 a second or subsequent report of an alcohol concentration of 0.07 or more within two  
 8.5 years of a recorded report, the commissioner may require that the driver have a chemical  
 8.6 use assessment meeting the commissioner's requirements and those of section 169A.70.  
 8.7 The assessment must be at the driver's expense. In no event shall the commissioner deny  
 8.8 the license of a person who refuses to take the assessment or to undertake treatment, if  
 8.9 treatment is indicated by the assessment, for longer than 90 days. If an assessment is  
 8.10 made pursuant to this section, the commissioner may waive the assessment required  
 8.11 by section 169A.70.

8.12 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
 8.13 committed on or after that date.

8.14 Sec. 13. Minnesota Statutes 2006, section 169A.70, subdivision 2, is amended to read:

8.15 Subd. 2. **Chemical use assessment requirement.** (a) As used in this subdivision,  
 8.16 "violent crime" has the meaning given in section 609.133, subdivision 1.

8.17 (b) A chemical use assessment must be conducted and an assessment report  
 8.18 submitted to the court and to the Department of Public Safety by the county agency  
 8.19 administering the alcohol safety program when:

8.20 (1) the defendant is convicted of an offense described in section 169A.20 (driving  
 8.21 while impaired), 169A.31 (alcohol-related school bus and Head Start bus driving), or  
 8.22 360.0752 (impaired aircraft operation); ~~or~~

8.23 (2) the defendant is arrested for committing an offense described in clause (1) but is  
 8.24 convicted of another offense arising out of the circumstances surrounding the arrest; or

8.25 (3) the defendant is convicted of a violent crime.

8.26 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
 8.27 committed on or after that date.

8.28 Sec. 14. Minnesota Statutes 2006, section 169A.70, is amended by adding a  
 8.29 subdivision to read:

8.30 **Subd. 8. Timing of assessment.** Chemical use assessments conducted under this  
 8.31 section must be completed at the earliest time possible. It is a strong preference that the  
 8.32 interview with the offender be conducted while the offender is being initially held in  
 8.33 custody after arrest.

9.1 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
 9.2 committed on or after that date.

9.3 Sec. 15. Minnesota Statutes 2006, section 169A.70, is amended by adding a  
 9.4 subdivision to read:

9.5 Subd. 9. **Court's authority to require assessments in other instances.** A court  
 9.6 having jurisdiction over a person in a juvenile, criminal, or civil commitment proceeding  
 9.7 may order that the person submit to a chemical use assessment under this section if the  
 9.8 court has reason to believe that the person may have a chemical dependency problem.

9.9 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
 9.10 committed on or after that date.

9.11 Sec. 16. **[254A.19] PROSTITUTION ASSESSMENT AND TREATMENT.**

9.12 The commissioner of human services shall adopt by rule criteria to be used in  
 9.13 conducting prostitution assessments of offenders under section 609.115, subdivision 10.  
 9.14 The criteria must address, at a minimum, the family relationship, past treatment history,  
 9.15 medical or physical problems, arrest record, employment situation, child care situation,  
 9.16 and housing situation of the offender. The commissioner shall also adopt by rule standards  
 9.17 to qualify a person to:

9.18 (1) assess offenders for prostitution treatment plans; and

9.19 (2) provide a prostitution treatment plan as indicated in a prostitution assessment.

9.20 **EFFECTIVE DATE.** This section is effective July 1, 2007.

9.21 Sec. 17. Minnesota Statutes 2006, section 254B.01, subdivision 2, is amended to read:

9.22 Subd. 2. **American Indian.** For purposes of services provided under ~~section~~  
 9.23 ~~254B.09, subdivision 7~~ this chapter, "American Indian" means:

9.24 (1) a person who is a member of an Indian tribe, and the commissioner shall use the  
 9.25 definitions of "Indian" and "Indian tribe" and "Indian organization" provided in Public  
 9.26 Law 93-638. ~~For purposes of services provided under section 254B.09, subdivision 4,~~  
 9.27 ~~"American Indian" means; or~~

9.28 (2) a resident of federally recognized tribal lands who is recognized as an Indian  
 9.29 person by the federally recognized tribal governing body.

9.30 **EFFECTIVE DATE.** This section is effective July 1, 2007.

9.31 Sec. 18. Minnesota Statutes 2006, section 254B.01, subdivision 3, is amended to read:

10.1 Subd. 3. **Chemical dependency services.** "Chemical dependency services" means a  
 10.2 planned program of care for the treatment of chemical dependency or chemical abuse to  
 10.3 minimize or prevent further chemical abuse by the person, including, but not limited to,  
 10.4 aftercare services, case management, counseling, employment or educational services,  
 10.5 and sober housing. Diagnostic, evaluation, prevention, referral, and detoxification, ~~and~~  
 10.6 ~~aftercare services~~ that are not part of a program of care licensable as a residential or  
 10.7 nonresidential chemical dependency treatment program are not chemical dependency  
 10.8 services for purposes of this section. For pregnant and postpartum women, chemical  
 10.9 dependency services include halfway house services, ~~aftercare services,~~ and psychological  
 10.10 services, ~~and case management.~~

10.11 **EFFECTIVE DATE.** This section is effective July 1, 2007.

10.12 Sec. 19. Minnesota Statutes 2006, section 254B.02, subdivision 1, is amended to read:

10.13 Subdivision 1. **Chemical dependency treatment allocation.** The chemical  
 10.14 dependency funds appropriated for allocation shall be placed in a special revenue account.  
 10.15 The commissioner shall annually transfer funds from the chemical dependency fund to pay  
 10.16 for operation of the drug and alcohol abuse normative evaluation system and to pay for all  
 10.17 costs incurred by adding two positions for licensing of chemical dependency treatment  
 10.18 and rehabilitation programs located in hospitals for which funds are not otherwise  
 10.19 appropriated. ~~For each year of the biennium ending June 30, 1999, the commissioner shall~~  
 10.20 ~~allocate funds to the American Indian chemical dependency tribal account for treatment~~  
 10.21 ~~of American Indians by eligible vendors under section 254B.05, equal to the amount~~  
 10.22 ~~allocated in fiscal year 1997. The commissioner shall annually divide the money available~~  
 10.23 ~~in the chemical dependency fund that is not held in reserve by counties from a previous~~  
 10.24 ~~allocation, or allocated to the American Indian chemical dependency tribal account. Six~~  
 10.25 ~~percent of the remaining money must be reserved for the nonreservation American Indian~~  
 10.26 ~~chemical dependency allocation for treatment of American Indians by eligible vendors~~  
 10.27 ~~under section 254B.05, subdivision 1. The remainder of the money must be allocated~~  
 10.28 ~~among the counties according to the following formula, using state demographer data and~~  
 10.29 ~~other data sources determined by the commissioner:~~

10.30 (a) ~~For purposes of this formula, American Indians and children under age 14 are~~  
 10.31 ~~subtracted from the population of each county to determine the restricted population:~~

10.32 (b) ~~The amount of chemical dependency fund expenditures for entitled persons for~~  
 10.33 ~~services not covered by prepaid plans governed by section 256B.69 in the previous year is~~  
 10.34 ~~divided by the amount of chemical dependency fund expenditures for entitled persons for~~  
 10.35 ~~all services to determine the proportion of exempt service expenditures for each county:~~

11.1 ~~(c) The prepaid plan months of eligibility is multiplied by the proportion of exempt~~  
 11.2 ~~service expenditures to determine the adjusted prepaid plan months of eligibility for~~  
 11.3 ~~each county:~~

11.4 ~~(d) The adjusted prepaid plan months of eligibility is added to the number of~~  
 11.5 ~~restricted population fee for service months of eligibility for the Minnesota family~~  
 11.6 ~~investment program, general assistance, and medical assistance and divided by the county~~  
 11.7 ~~restricted population to determine county per capita months of covered service eligibility:~~

11.8 ~~(e) The number of adjusted prepaid plan months of eligibility for the state is added~~  
 11.9 ~~to the number of fee for service months of eligibility for the Minnesota family investment~~  
 11.10 ~~program, general assistance, and medical assistance for the state restricted population and~~  
 11.11 ~~divided by the state restricted population to determine state per capita months of covered~~  
 11.12 ~~service eligibility:~~

11.13 ~~(f) The county per capita months of covered service eligibility is divided by the~~  
 11.14 ~~state per capita months of covered service eligibility to determine the county welfare~~  
 11.15 ~~caseload factor:~~

11.16 ~~(g) The median married couple income for the most recent three-year period~~  
 11.17 ~~available for the state is divided by the median married couple income for the same period~~  
 11.18 ~~for each county to determine the income factor for each county:~~

11.19 ~~(h) The county restricted population is multiplied by the sum of the county welfare~~  
 11.20 ~~caseload factor and the county income factor to determine the adjusted population:~~

11.21 ~~(i) \$15,000 shall be allocated to each county:~~

11.22 ~~(j) The remaining funds shall be allocated proportional to the county adjusted~~  
 11.23 ~~population:~~

11.24 **EFFECTIVE DATE.** This section is effective July 1, 2007.

11.25 Sec. 20. Minnesota Statutes 2006, section 254B.03, subdivision 1, is amended to read:

11.26 Subdivision 1. **Local agency duties.** (a) Every local agency shall provide chemical  
 11.27 dependency services to persons residing within its jurisdiction who meet criteria  
 11.28 established by the commissioner for placement in a chemical dependency residential or  
 11.29 nonresidential treatment service. Chemical dependency money must be administered  
 11.30 by the local agencies according to law and rules adopted by the commissioner under  
 11.31 sections 14.001 to 14.69.

11.32 (b) In order to contain costs, the county board shall, with the approval of the  
 11.33 commissioner of human services, select eligible vendors of chemical dependency services  
 11.34 who can provide economical and appropriate treatment. Unless the local agency is a social  
 11.35 services department directly administered by a county or human services board, the local

12.1 agency shall not be an eligible vendor under section 254B.05. The commissioner may  
 12.2 approve proposals from county boards to provide services in an economical manner or to  
 12.3 control utilization, with safeguards to ensure that necessary services are provided. If a  
 12.4 county implements a demonstration or experimental medical services funding plan, the  
 12.5 commissioner shall transfer the money as appropriate. If a county selects a vendor located  
 12.6 in another state, the county shall ensure that the vendor is in compliance with the rules  
 12.7 governing licensure of programs located in the state.

12.8 ~~(c) The calendar year 2002 rate for vendors may not increase more than three~~  
 12.9 ~~percent above the rate approved in effect on January 1, 2001. The calendar year 2003~~  
 12.10 ~~rate for vendors may not increase more than three percent above the rate in effect on~~  
 12.11 ~~January 1, 2002. The calendar years 2004 and 2005 rates may not exceed the rate in~~  
 12.12 ~~effect on January 1, 2003.~~

12.13 ~~(d)~~ A culturally specific vendor that provides assessments under a variance under  
 12.14 Minnesota Rules, part 9530.6610, shall be allowed to provide assessment services to  
 12.15 persons not covered by the variance.

12.16 **EFFECTIVE DATE.** This section is effective July 1, 2007.

12.17 Sec. 21. Minnesota Statutes 2006, section 254B.03, subdivision 4, is amended to read:

12.18 Subd. 4. **Division of costs.** Except for services provided by a county under  
 12.19 section 254B.09, subdivision 1, or services provided under section 256B.69 or 256D.03,  
 12.20 subdivision 4, paragraph (b), the county shall, out of local money, pay the state for ~~15~~ five  
 12.21 percent of the cost of chemical dependency services, including those services provided  
 12.22 to persons eligible for medical assistance under chapter 256B and general assistance  
 12.23 medical care under chapter 256D. Counties may use the indigent hospitalization levy for  
 12.24 treatment and hospital payments made under this section. ~~Fifteen~~ Five percent of any state  
 12.25 collections from private or third-party pay, less ~~15~~ five percent of the cost of payment and  
 12.26 collections, must be distributed to the county that paid for a portion of the treatment under  
 12.27 this section. ~~If all funds allocated according to section 254B.02 are exhausted by a county~~  
 12.28 ~~and the county has met or exceeded the base level of expenditures under section 254B.02,~~  
 12.29 ~~subdivision 3, the county shall pay the state for 15 percent of the costs paid by the state~~  
 12.30 ~~under this section. The commissioner may refuse to pay state funds for services to persons~~  
 12.31 ~~not eligible under section 254B.04, subdivision 1, if the county financially responsible for~~  
 12.32 ~~the persons has exhausted its allocation.~~

12.33 **EFFECTIVE DATE.** This section is effective July 1, 2007.

13.1 Sec. 22. Minnesota Statutes 2006, section 254B.04, subdivision 1, is amended to read:

13.2 Subdivision 1. **Eligibility.** (a) Persons eligible for benefits under Code of Federal  
 13.3 Regulations, title 25, part 20, persons eligible for medical assistance benefits under  
 13.4 sections 256B.055, 256B.056, and 256B.057, subdivisions 1, 2, 5, and 6, or who meet  
 13.5 the income standards of section 256B.056, subdivision 4, and persons eligible for general  
 13.6 assistance medical care under section 256D.03, subdivision 3, are entitled to chemical  
 13.7 dependency fund services. ~~State money appropriated for this paragraph must be placed in  
 13.8 a separate account established for this purpose.~~

13.9 Persons with dependent children who are determined to be in need of chemical  
 13.10 dependency treatment pursuant to an assessment under section 626.556, subdivision 10, or  
 13.11 a case plan under section 260C.201, subdivision 6, or 260C.212, shall be assisted by the  
 13.12 local agency to access needed treatment services. Treatment services must be appropriate  
 13.13 for the individual or family, which may include long-term care treatment or treatment in a  
 13.14 facility that allows the dependent children to stay in the treatment facility. The county  
 13.15 shall pay for out-of-home placement costs, if applicable.

13.16 (b) A person not entitled to services under paragraph (a), ~~but with family income  
 13.17 that is less than 215 percent of the federal poverty guidelines for the applicable family  
 13.18 size, shall be eligible to receive chemical dependency fund services within the limit  
 13.19 of funds appropriated for this group for the fiscal year. If notified by the state agency  
 13.20 of limited funds, a county must give preferential treatment to persons with dependent  
 13.21 children who are in need of chemical dependency treatment pursuant to an assessment  
 13.22 under section 626.556, subdivision 10, or a case plan under section 260C.201, subdivision  
 13.23 6, or 260C.212. A county may spend money from its own sources to serve persons under  
 13.24 this paragraph. State money appropriated for this paragraph must be placed in a separate  
 13.25 account established for this purpose.~~

13.26 (c) ~~Persons whose income is between 215 percent and 412 percent of the federal  
 13.27 poverty guidelines for the applicable family size shall be is eligible for chemical  
 13.28 dependency services on a sliding fee basis, within the limit of funds appropriated for  
 13.29 this group for the fiscal year. Persons eligible under this paragraph must contribute to  
 13.30 the cost of services according to the sliding fee scale established under subdivision 3.  
 13.31 A county may spend money from its own sources to provide services to persons under  
 13.32 this paragraph. State money appropriated for this paragraph must be placed in a separate  
 13.33 account established for this purpose.~~

13.34 **EFFECTIVE DATE.** This section is effective July 1, 2007.

13.35 Sec. 23. Minnesota Statutes 2006, section 254B.04, subdivision 3, is amended to read:

14.1 Subd. 3. **Amount of contribution.** The commissioner shall adopt a sliding fee scale  
 14.2 to determine the amount of contribution to be required from persons under this section.  
 14.3 The commissioner may adopt rules to amend existing fee scales. The commissioner  
 14.4 may establish a separate fee scale for recipients of chemical dependency transitional and  
 14.5 extended care rehabilitation services that provides for the collection of fees for board  
 14.6 and lodging expenses. The fee schedule shall ensure that employed persons are allowed  
 14.7 the income disregards and savings accounts that are allowed residents of community  
 14.8 mental illness facilities under section 256D.06, subdivisions 1 and 1b. ~~The fee scale~~  
 14.9 ~~must not provide assistance to persons whose income is more than 115 percent of the~~  
 14.10 ~~state median income.~~ Payments of liabilities under this section are medical expenses for  
 14.11 purposes of determining spenddown under sections 256B.055, 256B.056, 256B.06, and  
 14.12 256D.01 to 256D.21. The required amount of contribution established by the fee scale in  
 14.13 this subdivision is also the cost of care responsibility subject to collection under section  
 14.14 254B.06, subdivision 1.

14.15 **EFFECTIVE DATE.** This section is effective July 1, 2007.

14.16 Sec. 24. Minnesota Statutes 2006, section 254B.06, subdivision 1, is amended to read:

14.17 Subdivision 1. **State collections.** The commissioner is responsible for all collections  
 14.18 from persons determined to be partially responsible for the cost of care of an eligible  
 14.19 person receiving services under ~~Laws 1986, chapter 394, sections 8 to 20~~ this chapter.  
 14.20 The commissioner may initiate, or request the attorney general to initiate, necessary civil  
 14.21 action to recover the unpaid cost of care. The commissioner may collect all third-party  
 14.22 payments for chemical dependency services provided under ~~Laws 1986, chapter 394,~~  
 14.23 ~~sections 8 to 20~~ this chapter, including private insurance and federal Medicaid and  
 14.24 Medicare financial participation. The commissioner shall deposit in a dedicated account  
 14.25 a percentage of collections to pay for the cost of operating the chemical dependency  
 14.26 consolidated treatment fund invoice processing and vendor payment system, billing, and  
 14.27 collections. The remaining receipts must be deposited in the chemical dependency fund.

14.28 **EFFECTIVE DATE.** This section is effective July 1, 2007.

14.29 Sec. 25. Minnesota Statutes 2006, section 254B.06, subdivision 2, is amended to read:

14.30 Subd. 2. **Allocation of collections.** The commissioner shall allocate all federal  
 14.31 financial participation collections to the ~~reserve~~ chemical dependency fund under section  
 14.32 254B.02, subdivision ~~3~~ 1. The commissioner shall retain ~~85~~ 95 percent of patient  
 14.33 payments and third-party payments and allocate the collections to the treatment allocation

15.1 for the county that is financially responsible for the person. ~~Fifteen~~ Five percent of patient  
 15.2 and third-party payments must be paid to the county financially responsible for the patient.  
 15.3 Collections for patient payment and third-party payment for services provided under  
 15.4 section 254B.09 shall be allocated to the allocation of the tribal unit which placed the  
 15.5 person. Collections of federal financial participation for services provided under section  
 15.6 254B.09 shall be allocated to the ~~tribal reserve account~~ chemical dependency fund under  
 15.7 section ~~254B.09, subdivision 5~~ 254B.02, subdivision 1.

15.8 **EFFECTIVE DATE.** This section is effective July 1, 2007.

15.9 Sec. 26. Minnesota Statutes 2006, section 295.75, subdivision 2, is amended to read:

15.10 Subd. 2. **Gross receipts tax imposed.** A tax is imposed on each liquor retailer equal  
 15.11 to ~~2.5~~ five percent of gross receipts from retail sales in Minnesota of liquor.

15.12 **EFFECTIVE DATE.** This section is effective for sales made after June 30, 2007.

15.13 Sec. 27. Minnesota Statutes 2006, section 295.75, subdivision 11, is amended to read:

15.14 Subd. 11. **Deposit of revenues.** The commissioner shall deposit ~~at~~ one-half of the  
 15.15 revenues, including penalties and interest, derived from the tax imposed by this section in  
 15.16 the general fund and one-half in the health impact fund under section 16A.726.

15.17 **EFFECTIVE DATE.** This section is effective for revenues received after July  
 15.18 31, 2007.

15.19 Sec. 28. Minnesota Statutes 2006, section 297G.04, subdivision 2, is amended to read:

15.20 Subd. 2. **Tax credit.** A qualified brewer producing fermented malt beverages is  
 15.21 entitled to a ~~tax~~ credit of ~~\$4.60~~ \$11.21 per barrel on 25,000 barrels sold in any fiscal year  
 15.22 beginning July 1, regardless of the alcohol content of the product. This credit applies to  
 15.23 the tax imposed under section 297G.04 and the fee under section 297G.23. Qualified  
 15.24 brewers may take the credit on the 18th day of each month, but the total credit allowed  
 15.25 may not exceed in any fiscal year the lesser of:

15.26 (1) the liability for tax; or

15.27 (2) \$115,000.

15.28 For purposes of this subdivision, a "qualified brewer" means a brewer, whether  
 15.29 or not located in this state, manufacturing less than 100,000 barrels of fermented malt  
 15.30 beverages in the calendar year immediately preceding the calendar year for which the  
 15.31 credit under this subdivision is claimed. In determining the number of barrels, all brands  
 15.32 or labels of a brewer must be combined. All facilities for the manufacture of fermented

16.1 malt beverages owned or controlled by the same person, corporation, or other entity  
 16.2 must be treated as a single brewer.

16.3 **EFFECTIVE DATE.** This section is effective for taxes and fees imposed after  
 16.4 June 30, 2007.

16.5 Sec. 29. Minnesota Statutes 2006, section 297G.10, is amended to read:

16.6 **297G.10 DEPOSIT OF PROCEEDS.**

16.7 Except as provided in section 297G.23, subdivision 4, all tax revenues and other  
 16.8 receipts payable to the state under this chapter must be paid into the state treasury and  
 16.9 credited to the general fund.

16.10 **EFFECTIVE DATE.** This section is effective July 1, 2007.

16.11 Sec. 30. **[297G.23] ALCOHOL HEALTH IMPACT FEE.**

16.12 Subdivision 1. **Purpose.** An alcohol use health impact fee is imposed on and  
 16.13 collected from any person subject to tax under this chapter to recover for the state, public  
 16.14 safety, corrections, court, health, and human services costs related to or caused by alcohol  
 16.15 use and to reduce alcohol use.

16.16 Subd. 2. **Fee imposed.** In addition to tax imposed under section 297G.03,  
 16.17 subdivisions 1 and 2, and section 297G.04, subdivision 1, an alcohol health impact fee is  
 16.18 imposed upon all distilled spirits, beer, wine, and cider in this state at the following rates:

16.19 (1) on distilled spirits, liqueurs, cordials, and specialties regardless of alcohol  
 16.20 content (excluding ethyl alcohol), \$12.86 per gallon and \$3.40 per liter;

16.21 (2) on wine containing 14 percent or less alcohol by volume (except cider as defined  
 16.22 in section 297G.01, subdivision 3a), \$.53 per gallon and \$.14 per liter;

16.23 (3) on wine containing more than 14 percent but not more than 21 percent alcohol by  
 16.24 volume, \$.53 per gallon and \$.14 per liter;

16.25 (4) on wine containing more than 21 percent but not more than 24 percent alcohol by  
 16.26 volume, \$.53 per gallon and \$.14 per liter;

16.27 (5) on wine containing more than 24 percent alcohol by volume, \$.53 per gallon  
 16.28 and \$.14 per liter;

16.29 (6) on natural and artificial sparkling wines containing alcohol, \$.53 per gallon  
 16.30 and \$.14 per liter;

16.31 (7) on cider as defined in section 297G.01, subdivision 3a, \$.53 per gallon and  
 16.32 \$.14 per liter;

16.33 (8) on miniatures, \$.10 per bottle;

17.1 (9) on fermented malt beverages containing not more than 3.2 percent alcohol by  
17.2 weight, \$6.61 per 31-gallon barrel; and

17.3 (10) on fermented malt beverages containing more than 3.2 percent alcohol by  
17.4 weight, \$6.61 per 31-gallon barrel.

17.5 Subd. 3. **Administrative and other provisions of this chapter.** The fee under this  
17.6 section must be treated as if it is a tax for purposes of all of the provisions of this chapter.

17.7 Subd. 4. **Deposit of revenues.** The commissioner of revenue shall deposit the  
17.8 revenues from the fee under this section in the state treasury and credit them to the alcohol  
17.9 health impact fund under section 16A.726.

17.10 **EFFECTIVE DATE.** This section is effective July 1, 2007.

17.11 Sec. 31. Minnesota Statutes 2006, section 299A.62, subdivision 1, is amended to read:

17.12 Subdivision 1. **Program established.** (a) A community-oriented policing grant  
17.13 program is established under the administration of the commissioner of public safety.

17.14 (b) Grants may be awarded as provided in subdivision 2 for the following purposes:

17.15 (1) to enable local law enforcement agencies to hire law enforcement officers. The  
17.16 grants must be used by law enforcement agencies to increase the complement of officers in  
17.17 the agency by paying the salaries of new officers who replace an existing officer who has  
17.18 been reassigned primarily to investigate and prevent impaired driving crimes, domestic  
17.19 violence crimes, or juvenile crime or to perform community-oriented policing duties;

17.20 (2) to enable local law enforcement agencies to assign overtime officers to high  
17.21 crime areas within their jurisdictions; and

17.22 (3) to enable local law enforcement agencies to implement or expand  
17.23 community-oriented policing projects, liaison efforts with local school districts, and other  
17.24 innovative community policing initiatives.

17.25 (c) Grants under paragraph (b), clause (3), for community policing activities must  
17.26 be provided for areas with high crime rates and gang, drug, or prostitution activity, for  
17.27 programs that:

17.28 (1) include education and training for both peace officers and the community on  
17.29 community policing initiatives;

17.30 (2) assign designated peace officers for a period of at least one year to work  
17.31 exclusively in the area where the enhanced community policing efforts will take place; and

17.32 (3) include regular community meetings with the designated peace officers,  
17.33 prosecuting authorities, judges with jurisdiction in the area, and community members to  
17.34 further law enforcement outreach efforts.

18.1 **EFFECTIVE DATE.** This section is effective July 1, 2007.

18.2 Sec. 32. Minnesota Statutes 2006, section 299A.62, subdivision 2, is amended to read:

18.3 Subd. 2. **Awarding grant.** (a) Grants under this section ~~shall~~ must be awarded  
18.4 by the commissioner of public safety. Before any grants are awarded, a committee  
18.5 consisting of the attorney general, and representatives from the Minnesota Chiefs of Police  
18.6 Association, the Minnesota Sheriffs Association, and the Minnesota Police and Peace  
18.7 Officers Association, shall evaluate the grant applications. Before grants are awarded,  
18.8 the commissioner shall meet and consult with the committee concerning its evaluation of  
18.9 and recommendations on grant proposals.

18.10 (b) A grant under subdivision 1, paragraph (b), clause (1), may be awarded only to a  
18.11 law enforcement agency that demonstrates in its application that it currently has a need  
18.12 for an additional officer to be assigned to:

18.13 (1) community-oriented policing duties; ~~or~~

18.14 (2) the investigation and prevention of juvenile crime, based on the juvenile crime  
18.15 rate in the area over which the agency has jurisdiction;

18.16 (3) the investigation and prevention of impaired driving crimes; or

18.17 (4) the investigation and prevention of domestic violence crimes.

18.18 (c) More than one grant under subdivision 1, paragraph (b), clause (1), may be  
18.19 awarded to an agency; however, each grant may fund only one position. At least 50  
18.20 percent of the grants awarded under subdivision 1, paragraph (b), clause (1), must be  
18.21 awarded to the cities of Minneapolis and St. Paul.

18.22 **EFFECTIVE DATE.** This section is effective July 1, 2007.

18.23 Sec. 33. Minnesota Statutes 2006, section 299A.63, is amended by adding a  
18.24 subdivision to read:

18.25 Subd. 5. **Phillips neighborhood safe zone.** (a) The commissioner of public safety  
18.26 shall establish a two-year Phillips neighborhood safe zone pilot project that seeks to  
18.27 reduce criminal activity in the Phillips neighborhood community in Minneapolis. The  
18.28 project must include, but is not limited to, the following programs: misdemeanor  
18.29 treatment, aftercare services, drug court programs, prostitution treatment, chemical  
18.30 dependency treatment, preschool and after-school programs for children, a Youthbuild  
18.31 program, public safety technology enhancement, probationary services, mental health  
18.32 assessments and treatment, a restorative justice project, and community-based policing  
18.33 including undercover operations.

19.1 (b) The commissioner must establish an oversight committee or utilize an existing  
 19.2 oversight committee to monitor the pilot project, conduct an evaluation, and disperse  
 19.3 funds.

19.4 (c) By January 1, 2009, the commissioner shall report to the chairs and ranking  
 19.5 minority members of the senate and house divisions having jurisdiction over criminal  
 19.6 justice funding and policy on the results of the pilot project.

19.7 **EFFECTIVE DATE.** This section is effective July 1, 2007.

19.8 Sec. 34. **[373.50] REQUIREMENT TO PROVIDE CHEMICAL DEPENDENCY**  
 19.9 **TREATMENT.**

19.10 Each county shall provide comprehensive, needs-specific chemical dependency  
 19.11 treatment programs and services and aftercare services to individuals within the county's  
 19.12 criminal justice system. The programs and services must take into account the fact that  
 19.13 the person has committed a criminal offense and other issues including the individual's  
 19.14 gender, ethnic, cultural, employment, housing, child care, and mental health needs. If the  
 19.15 county does not offer a specific program or service appropriate for an individual, the  
 19.16 county shall ensure that the individual is offered the program or service elsewhere.

19.17 **EFFECTIVE DATE.** This section is effective July 1, 2007.

19.18 Sec. 35. Minnesota Statutes 2006, section 609.115, subdivision 8, is amended to read:

19.19 **Subd. 8. Chemical use assessment required.** (a) If a person is convicted of a  
 19.20 felony, the probation officer shall determine in the report prepared under subdivision 1  
 19.21 whether or not alcohol or drug use was a contributing factor to the commission of the  
 19.22 offense. If so, the report shall contain the results of a chemical use assessment conducted  
 19.23 in accordance with this subdivision. The probation officer shall make an appointment for  
 19.24 the defendant to undergo the chemical use assessment if so indicated. If the person is  
 19.25 convicted of a violent crime as defined in section 609.133, subdivision 1, the provisions of  
 19.26 that section apply.

19.27 (b) The chemical use assessment report must include a recommended level of  
 19.28 care for the defendant in accordance with the criteria contained in rules adopted by the  
 19.29 commissioner of human services under section 254A.03, subdivision 3. The assessment  
 19.30 must be conducted by an assessor qualified under rules adopted by the commissioner of  
 19.31 human services under section 254A.03, subdivision 3. An assessor providing a chemical  
 19.32 use assessment may not have any direct or shared financial interest or referral relationship  
 19.33 resulting in shared financial gain with a treatment provider. If an independent assessor

20.1 is not available, the probation officer may use the services of an assessor authorized  
20.2 to perform assessments for the county social services agency under a variance granted  
20.3 under rules adopted by the commissioner of human services under section 254A.03,  
20.4 subdivision 3.

20.5 (c) A chemical use assessment and report conducted under this subdivision must  
20.6 meet the standards described in section 169A.70.

20.7 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
20.8 committed on or after that date.

20.9 Sec. 36. Minnesota Statutes 2006, section 609.115, is amended by adding a subdivision  
20.10 to read:

20.11 Subd. 10. **Prostitution assessment required.** (a) If a person is convicted of a  
20.12 controlled substance crime under chapter 152 or a prostitution crime under sections  
20.13 609.321 to 609.3243, other than as a patron as defined in section 609.321, subdivision 4,  
20.14 the probation officer shall determine in the report prepared under subdivision 1 whether  
20.15 or not prostitution was a contributing factor to the commission of the offense. If so, the  
20.16 report must contain the results of a prostitution assessment conducted in accordance with  
20.17 this subdivision. The probation officer shall make an appointment for the defendant to  
20.18 undergo the prostitution assessment if so indicated.

20.19 (b) The prostitution assessment report must include a recommended treatment plan  
20.20 if the assessor concludes that the offender is in need of treatment. Treatment plans may  
20.21 include chemical dependency treatment, mental health treatment, aftercare services, sexual  
20.22 abuse treatment, or an individualized program that may:

20.23 (1) establish goals for the offender and monitor performance of these goals;

20.24 (2) provide individual, group, or family counseling services; and

20.25 (3) assist the offender in identifying and contacting appropriate community  
20.26 resources, including affordable housing, child care programs, educational services, and  
20.27 job training.

20.28 The assessment must be conducted by an assessor qualified under section 254A.19  
20.29 to perform these assessments. An assessor providing a prostitution assessment may not  
20.30 have any direct or shared financial interest or referral relationship resulting in shared  
20.31 financial gain with a treatment provider. If an independent assessor is not available, the  
20.32 probation officer may use the services of an assessor with a financial interest or referral  
20.33 relationship as authorized under rules adopted by the commissioner of human services  
20.34 under section 254A.19.

21.1 **EFFECTIVE DATE.** This section is effective January 1, 2007.

21.2 Sec. 37. **[609.133] CHEMICAL DEPENDENCY TREATMENT; ASSESSMENT**  
 21.3 **CHARGE.**

21.4 Subdivision 1. **Definition.** As used in this section, "violent crime" has the meaning  
 21.5 given in section 609.1095, subdivision 1. The term also includes violations of sections  
 21.6 609.2231, 609.224, and 609.2242.

21.7 Subd. 2. **Assessment conducted.** The court shall ensure that a chemical use  
 21.8 assessment is conducted on a person convicted of a violent crime as required in section  
 21.9 169A.70, subdivision 2.

21.10 Subd. 3. **Charge.** (a) When a court sentences a person convicted of a violent crime,  
 21.11 it shall impose a chemical dependency assessment charge of \$125. The court may not  
 21.12 waive payment or authorize payment of the assessment charge in installments unless it  
 21.13 makes written findings on the record that the convicted person is indigent or that the  
 21.14 assessment charge would create undue hardship for the convicted person or that person's  
 21.15 immediate family.

21.16 (b) The county shall collect and forward to the commissioner of finance \$25 of the  
 21.17 chemical dependency assessment charge within 60 days after sentencing or explain to the  
 21.18 commissioner in writing why the money was not forwarded within this time period. The  
 21.19 commissioner shall credit the money to the general fund. The county shall collect and  
 21.20 keep \$100 of the chemical dependency assessment charge.

21.21 (c) The chemical dependency assessment charge required under this section is in  
 21.22 addition to the surcharge required by section 357.021, subdivision 6.

21.23 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
 21.24 committed on or after that date.

21.25 Sec. 38. Minnesota Statutes 2006, section 609.135, is amended by adding a subdivision  
 21.26 to read:

21.27 Subd. 1d. **Violation of an exclusion order.** If the court issues an exclusion order  
 21.28 against a defendant and the defendant violates the order, the defendant is guilty of a gross  
 21.29 misdemeanor. For purposes of this section, an "exclusion order" means an order entered  
 21.30 by the court as a condition of pretrial release, probation, parole, or a stay of adjudication  
 21.31 or sentence, that an individual is not to enter a specified geographic area.

21.32 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
 21.33 committed on or after that date.

22.1 Sec. 39. Minnesota Statutes 2006, section 609.135, is amended by adding a subdivision  
22.2 to read:

22.3 **Subd. 9. Certain persons to receive mandatory chemical dependency treatment.**

22.4 If a court stays the imposition or execution of sentence for a person convicted of a violent  
22.5 crime as defined in section 609.133, subdivision 1, as a condition of probation and in  
22.6 addition to any other conditions imposed, the court shall order the person to submit to the  
22.7 level of care recommended in the chemical use assessment described in section 169A.70.

22.8 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
22.9 committed on or after that date.

22.10 Sec. 40. Minnesota Statutes 2006, section 609.153, subdivision 1, is amended to read:

22.11 Subdivision 1. **Application.** This section applies to the following misdemeanor-level  
22.12 crimes: sections 152.093 (manufacture or delivery of drug paraphernalia prohibited);  
22.13 152.095 (advertisement of drug paraphernalia prohibited); 609.324 (prostitution);  
22.14 609.3243 (loitering with intent to participate in prostitution); 609.546 (motor vehicle  
22.15 tampering); 609.595 (damage to property); 609.605 (trespass); and 609.66 (dangerous  
22.16 weapons); misdemeanor-level violations of section 609.605 (trespass); and violations of  
22.17 local ordinances prohibiting ~~the unlawful sale or possession of controlled substances~~  
22.18 trespass or loitering with intent to commit a crime.

22.19 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes  
22.20 committed on or after that date.

22.21 Sec. 41. **STUDY; SENTENCING GUIDELINES COMMISSION.**

22.22 The Sentencing Guidelines Commission shall study the feasibility and effectiveness  
22.23 of extending the sentencing guidelines to include presumptive, fixed sentences for  
22.24 offenders convicted of misdemeanor and gross misdemeanor offenses. The commission  
22.25 shall report its findings to the house of representatives and senate committees having  
22.26 jurisdiction over criminal justice policy and funding by January 15, 2008.

22.27 **EFFECTIVE DATE.** This section is effective July 1, 2007.

22.28 Sec. 42. **JUDICIAL TRAINING.**

22.29 The Supreme Court shall include in its judicial education program training relating  
22.30 to a judge's powers and duties regarding chemical use assessments.

22.31 **EFFECTIVE DATE.** This section is effective July 1, 2007.

23.1 Sec. 43. **APPROPRIATIONS.**

23.2 (a) \$..... for fiscal year 2008 and \$..... for fiscal year 2009 are appropriated from  
 23.3 the general fund to the commissioner of public safety. This appropriation must become  
 23.4 part of the base appropriation. Of these amounts:

23.5 (1) \$..... for each fiscal year is to increase the complement of state troopers assigned  
 23.6 to enforcing laws on driving while impaired;

23.7 (2) \$..... for each fiscal year is for grants under Minnesota Statutes, section  
 23.8 299A.62, subdivision 1, paragraph (b), clause (1), to hire law enforcement officers to  
 23.9 increase law enforcement efforts targeting crimes for driving while impaired;

23.10 (3) \$..... for each fiscal year is for grants to local units of government to conduct  
 23.11 compliance checks for on-sale and off-sale intoxicating liquor license holders to determine  
 23.12 whether the license holder is complying with Minnesota Statutes, section 340A.503;

23.13 (4) \$..... for each fiscal year is for community policing grants under Minnesota  
 23.14 Statutes, section 299A.62, subdivision 1, paragraph (b), clause (3); and

23.15 (5) \$..... for each fiscal year is for grants to prevent domestic violence and to  
 23.16 provide services to victims of domestic violence.

23.17 The commissioner shall develop criteria for awarding grants under clause (3).  
 23.18 Notwithstanding Minnesota Statutes, section 299A.62, subdivision 2, more than 50  
 23.19 percent of the grants described in clause (2) may be made to government entities other  
 23.20 than Minneapolis and St. Paul. By September 30, 2008, each law enforcement agency  
 23.21 receiving a grant under clause (4) shall provide a written report to the commissioner of  
 23.22 public safety describing how the grant was used and evaluating the effectiveness of the  
 23.23 enhanced community policing provided under this grant. By December 15, 2008, the  
 23.24 commissioner of public safety shall report to the chairs and ranking minority leaders  
 23.25 of the house of representatives and senate committees with jurisdiction over criminal  
 23.26 justice policy and funding on distribution of grants under clause (4). This report also  
 23.27 shall summarize the information provided to the commissioner by the law enforcement  
 23.28 agencies receiving grants.

23.29 (b) \$..... for fiscal year 2008 and \$..... for fiscal year 2009 are appropriated from  
 23.30 the general fund to the commissioner of corrections. This appropriation must become part  
 23.31 of the base appropriation. Of these amounts:

23.32 (1) \$..... for each fiscal year is for grants under Minnesota Statutes, section 241.022,  
 23.33 subdivisions 1 and 2, for costs associated with incarcerating impaired driving offenders  
 23.34 and providing programming for these offenders;

24.1 (2) \$..... for each fiscal year is for the department's costs associated with  
 24.2 incarcerating felony impaired driving offenders and providing programs for these  
 24.3 offenders;

24.4 (3) \$..... for each fiscal year is for grants to counties to establish and operate  
 24.5 intensive probation programs for repeat impaired driving offenders under Minnesota  
 24.6 Statutes, section 169A.74; and

24.7 (4) \$..... for each fiscal year is:

24.8 (i) for increased chemical dependency treatment programs at state prisons; and

24.9 (ii) to provide appropriate chemical dependency treatment, including aftercare  
 24.10 services described in Minnesota Statutes, section 254B.01, subdivision 3, for offenders on  
 24.11 supervised release. The commissioner shall cooperate with the commissioners of public  
 24.12 safety and human services as required in Minnesota Statutes, section 169A.74, subdivision  
 24.13 1, when making the grants described in clause (3).

24.14 (c) \$..... for fiscal year 2008 and \$..... for fiscal year 2009 are appropriated from  
 24.15 the general fund to the commissioner of human services for the purposes of fully funding  
 24.16 Minnesota Statutes, section 254B.04, subdivision 1. This appropriation must become part  
 24.17 of the base appropriation for this program.

24.18 (d) \$..... for fiscal year 2008 and \$..... for fiscal year 2009 are appropriated from  
 24.19 the general fund to the chief justice of the Supreme Court. This appropriation must  
 24.20 become part of the base appropriation. Of these amounts:

24.21 (1) \$..... for each fiscal year is for the increased training described in section 42; and

24.22 (2) \$..... for each fiscal year is for grants to counties for court services and  
 24.23 correctional costs related to conducting chemical use assessments and prostitution  
 24.24 assessments.

24.25 (e) \$..... for fiscal year 2008 and \$..... for fiscal year 2009 are appropriated from  
 24.26 the general fund to the commissioner of health for education and prevention initiatives  
 24.27 designed to eliminate underage drinking. This appropriation must become part of the  
 24.28 base appropriation.

24.29 (f) \$..... for fiscal year 2008 is appropriated from the general fund to the  
 24.30 commissioner of public safety to implement the Phillips neighborhood safe zone pilot  
 24.31 project. Any remaining funds shall carry over into fiscal year 2009. This is a onetime  
 24.32 appropriation.

24.33 **EFFECTIVE DATE.** This section is effective July 1, 2007.

24.34 **Sec. 44. REPEALER.**

- 25.1 Minnesota Statutes 2006, sections 254B.02, subdivisions 2, 3, and 4; and 254B.09,
- 25.2 subdivisions 4, 5, and 7, are repealed.