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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **2409**

April 10, 2007

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

A bill for an act

1.1 relating to human services; modifying state-operated services; exempting
1.2 certain department vehicles from tax and fees; imposing penalties for bringing
1.3 contraband on treatment facility property; changing firearm background
1.4 check information; modifying sex offender programs; modifying consecutive
1.5 sentencing for individuals assaulting employees of certain treatment programs;
1.6 modifying the definition of vulnerable adults; amending Minnesota Statutes
1.7 2006, sections 168.012, subdivision 1; 243.55, subdivision 1; 245.041; 253B.09,
1.8 subdivision 3a; 609.15, subdivision 1; 609.221, subdivision 2; 609.2232;
1.9 626.5572, subdivision 21.

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

1.12 Section 1. Minnesota Statutes 2006, section 168.012, subdivision 1, is amended to read:

1.13 Subdivision 1. **Vehicles exempt from tax, fees, or plate display.** (a) The following
1.14 vehicles are exempt from the provisions of this chapter requiring payment of tax and
1.15 registration fees, except as provided in subdivision 1c:

1.16 (1) vehicles owned and used solely in the transaction of official business by the
1.17 federal government, the state, or any political subdivision;

1.18 (2) vehicles owned and used exclusively by educational institutions and used solely
1.19 in the transportation of pupils to and from those institutions;

1.20 (3) vehicles used solely in driver education programs at nonpublic high schools;

1.21 (4) vehicles owned by nonprofit charities and used exclusively to transport disabled
1.22 persons for charitable, religious, or educational purposes;

1.23 (5) ambulances owned by ambulance services licensed under section 144E.10, the
1.24 general appearance of which is unmistakable; and

1.25 (6) vehicles owned by a commercial driving school licensed under section 171.34,
1.26 or an employee of a commercial driving school licensed under section 171.34, and the
1.27 vehicle is used exclusively for driver education and training.

2.1 (b) Vehicles owned by the federal government, municipal fire apparatuses including
2.2 fire-suppression support vehicles, police patrols, and ambulances, the general appearance
2.3 of which is unmistakable, are not required to register or display number plates.

2.4 (c) Unmarked vehicles used in general police work, liquor investigations, or arson
2.5 investigations, and passenger automobiles, pickup trucks, and buses owned or operated by
2.6 the Department of Corrections, must be registered and must display appropriate license
2.7 number plates, furnished by the registrar at cost. Original and renewal applications for
2.8 these license plates authorized for use in general police work and for use by the Department
2.9 of Corrections must be accompanied by a certification signed by the appropriate chief of
2.10 police if issued to a police vehicle, the appropriate sheriff if issued to a sheriff's vehicle,
2.11 the commissioner of corrections if issued to a Department of Corrections vehicle, or the
2.12 appropriate officer in charge if issued to a vehicle of any other law enforcement agency.
2.13 The certification must be on a form prescribed by the commissioner and state that the
2.14 vehicle will be used exclusively for a purpose authorized by this section.

2.15 (d) Unmarked vehicles used by the Departments of Revenue and Labor and Industry,
2.16 fraud unit, in conducting seizures or criminal investigations must be registered and must
2.17 display passenger vehicle classification license number plates, furnished at cost by the
2.18 registrar. Original and renewal applications for these passenger vehicle license plates
2.19 must be accompanied by a certification signed by the commissioner of revenue or the
2.20 commissioner of labor and industry. The certification must be on a form prescribed by
2.21 the commissioner and state that the vehicles will be used exclusively for the purposes
2.22 authorized by this section.

2.23 (e) Unmarked vehicles used by the Division of Disease Prevention and Control of the
2.24 Department of Health must be registered and must display passenger vehicle classification
2.25 license number plates. These plates must be furnished at cost by the registrar. Original
2.26 and renewal applications for these passenger vehicle license plates must be accompanied
2.27 by a certification signed by the commissioner of health. The certification must be on a
2.28 form prescribed by the commissioner and state that the vehicles will be used exclusively
2.29 for the official duties of the Division of Disease Prevention and Control.

2.30 (f) Unmarked vehicles used by staff of the Gambling Control Board in gambling
2.31 investigations and reviews must be registered and must display passenger vehicle
2.32 classification license number plates. These plates must be furnished at cost by the
2.33 registrar. Original and renewal applications for these passenger vehicle license plates must
2.34 be accompanied by a certification signed by the board chair. The certification must be on a
2.35 form prescribed by the commissioner and state that the vehicles will be used exclusively
2.36 for the official duties of the Gambling Control Board.

3.1 (g) Unmarked vehicles used in general investigation, surveillance, and monitoring
3.2 by the staff of the Department of Human Services state-operated services office of special
3.3 investigations must be registered and must display passenger vehicle classification license
3.4 number plates, furnished by the registrar at cost. Original and renewal applications for
3.5 these passenger vehicle license plates must be accompanied by a certification signed by
3.6 the commissioner of human services. The certification must be on a form prescribed
3.7 by the commissioner and state that the vehicles will be used exclusively for the official
3.8 duties of the office of special investigations.

3.9 ~~(g)~~ (h) All other motor vehicles must be registered and display tax-exempt number
3.10 plates, furnished by the registrar at cost, except as provided in subdivision 1c. All
3.11 vehicles required to display tax-exempt number plates must have the name of the state
3.12 department or political subdivision, nonpublic high school operating a driver education
3.13 program, or licensed commercial driving school, plainly displayed on both sides of the
3.14 vehicle; except that each state hospital and institution for persons who are mentally ill
3.15 and developmentally disabled may have one vehicle without the required identification
3.16 on the sides of the vehicle, and county social service agencies may have vehicles used
3.17 for child and vulnerable adult protective services without the required identification on
3.18 the sides of the vehicle. This identification must be in a color giving contrast with that
3.19 of the part of the vehicle on which it is placed and must endure throughout the term of
3.20 the registration. The identification must not be on a removable plate or placard and must
3.21 be kept clean and visible at all times; except that a removable plate or placard may be
3.22 utilized on vehicles leased or loaned to a political subdivision or to a nonpublic high
3.23 school driver education program.

3.24 Sec. 2. Minnesota Statutes 2006, section 243.55, subdivision 1, is amended to read:

3.25 Subdivision 1. **Contraband; bringing into correctional facility; felony.** Any
3.26 person who brings, sends, or in any manner causes to be introduced into any state
3.27 correctional facility or state hospital, or within or upon the grounds belonging to or land
3.28 or controlled by any such facility or hospital, or is found in possession of any controlled
3.29 substance as defined in section 152.01, subdivision 4, or any firearms, weapons or
3.30 explosives of any kind, without the consent of the chief executive officer thereof, shall be
3.31 guilty of a felony and, upon conviction thereof, punished by imprisonment for a term of
3.32 not more than ten years. Any person who brings, sends, or in any manner causes to be
3.33 introduced into any state correctional facility or within or upon the grounds belonging
3.34 to or land controlled by the facility, or is found in the possession of any intoxicating or
3.35 alcoholic liquor or malt beverage of any kind without the consent of the chief executive

4.1 officer thereof, shall be guilty of a gross misdemeanor. Any person who brings, sends, or
 4.2 in any manner causes to be introduced into any state-operated secure treatment facility,
 4.3 as defined in section 256B.02, subdivision 18a, within or upon the grounds belonging to
 4.4 or land controlled by the facility, or is found in the possession of any intoxicating or
 4.5 alcoholic liquor or malt beverage of any kind is guilty of a felony, and upon conviction
 4.6 of, is punished by imprisonment for a term of not more than ten years. The provisions
 4.7 of this section shall not apply to physicians carrying drugs or introducing any of the
 4.8 above described liquors into such facilities for use in the practice of their profession;
 4.9 nor to sheriffs or other peace officers carrying revolvers or firearms as such officers in
 4.10 the discharge of duties.

4.11 Sec. 3. Minnesota Statutes 2006, section 245.041, is amended to read:

4.12 **245.041 PROVISION OF FIREARMS BACKGROUND CHECK**
 4.13 **INFORMATION.**

4.14 Notwithstanding section 253B.23, subdivision 9, the commissioner of human
 4.15 services shall provide commitment information to local law enforcement agencies on an
 4.16 individual request basis ~~by means of electronic data transfer from the Department of~~
 4.17 ~~Human Services through the Minnesota Crime Information System~~ for the sole purpose of
 4.18 facilitating a firearms background check under section 624.7131, 624.7132, or 624.714.
 4.19 The information to be provided is limited to whether the person has been committed under
 4.20 chapter 253B and, if so, the type of commitment.

4.21 Sec. 4. Minnesota Statutes 2006, section 253B.09, subdivision 3a, is amended to read:

4.22 Subd. 3a. **Reporting judicial commitments; private treatment program or**
 4.23 **facility.** Notwithstanding section 253B.23, subdivision 9, when a court commits a patient
 4.24 to a treatment program or facility other than a state-operated program or facility, the court
 4.25 shall report the commitment to the commissioner through the ~~Supreme~~ court information
 4.26 system for purposes of providing commitment information for firearm background checks
 4.27 under section 245.041.

4.28 Sec. 5. Minnesota Statutes 2006, section 609.15, subdivision 1, is amended to read:

4.29 Subdivision 1. **Concurrent, consecutive sentences; specification requirement.**
 4.30 (a) Except as provided in paragraph (c), when separate sentences of imprisonment are
 4.31 imposed on a defendant for two or more crimes, whether charged in a single indictment
 4.32 or information or separately, or when a person who is under sentence of imprisonment
 4.33 in this state is being sentenced to imprisonment for another crime committed prior to

5.1 or while subject to such former sentence, the court in the later sentences shall specify
 5.2 whether the sentences shall run concurrently or consecutively. If the court does not so
 5.3 specify, the sentences shall run concurrently.

5.4 (b) When a court imposes sentence for a misdemeanor or gross misdemeanor offense
 5.5 and specifies that the sentence shall run consecutively to any other sentence, the court may
 5.6 order the defendant to serve time in custody for the consecutive sentence in addition
 5.7 to any time in custody the defendant may be serving for any other offense, including
 5.8 probationary jail time or imprisonment for any felony offense.

5.9 (c) An inmate of a state prison or a patient under the care or jurisdiction of an
 5.10 in-patient or out-patient program operated by the Minnesota sex offender program
 5.11 under chapters 246B and 253B who is convicted of committing an assault within ~~the~~
 5.12 a correctional facility or within a secure treatment facility or while participating in a
 5.13 program operated by the Minnesota sex offender program is subject to the consecutive
 5.14 sentencing provisions of section 609.2232.

5.15 Sec. 6. Minnesota Statutes 2006, section 609.221, subdivision 2, is amended to read:

5.16 Subd. 2. **Use of deadly force against peace officer or correctional employee.** (a)
 5.17 Whoever assaults a peace officer ~~or~~ correctional employee, or employee of a secure
 5.18 treatment facility or a program operated by the Minnesota sex offender program by using
 5.19 or attempting to use deadly force against the officer or employee while the officer or
 5.20 employee is engaged in the performance of a duty imposed by law, policy, or rule may
 5.21 be sentenced to imprisonment for not more than 20 years or to payment of a fine of not
 5.22 more than \$30,000, or both.

5.23 (b) A person convicted of ~~assaulting a peace officer or correctional employee~~ assault
 5.24 as described in paragraph (a) shall be committed to the commissioner of corrections for
 5.25 not less than ten years, nor more than 20 years. A defendant convicted and sentenced as
 5.26 required by this paragraph is not eligible for probation, parole, discharge, work release, or
 5.27 supervised release, until that person has served the full term of imprisonment as provided
 5.28 by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12,
 5.29 and 609.135. Notwithstanding section 609.135, the court may not stay the imposition or
 5.30 execution of this sentence.

5.31 (c) As used in this subdivision:

5.32 (1) "correctional employee" means an employee of a public or private prison, jail,
 5.33 or workhouse;

5.34 (2) "deadly force" has the meaning given in section 609.066, subdivision 1; and

5.35 (3) "peace officer" has the meaning given in section 626.84, subdivision 1.

6.1 Sec. 7. Minnesota Statutes 2006, section 609.2232, is amended to read:

6.2 **609.2232 CONSECUTIVE SENTENCES FOR ASSAULTS COMMITTED BY**
 6.3 **STATE PRISON INMATES AND SEX OFFENDER PATIENTS.**

6.4 (a) If an inmate ~~of~~ confined in a state correctional facility or a patient under the care
 6.5 or jurisdiction of an in-patient or out-patient program operated by the Minnesota sex
 6.6 offender program under chapters 246B and 253B is convicted of violating section 609.221,
 6.7 609.222, 609.223, 609.2231, or 609.224, while confined in the facility, or 609.713:

6.8 (i) the sentence imposed for the assault shall be executed and run consecutively to
 6.9 any unexpired portion of ~~the offender's earlier~~ any criminal sentence; to which the inmate
 6.10 or patient is still subject;

6.11 (ii) the inmate ~~is~~ or patient shall not be entitled to credit against the sentence imposed
 6.12 for the assault for time served in confinement for the earlier sentence;

6.13 (iii) the inmate or patient shall serve the sentence for the assault in a state correctional
 6.14 facility even if the assault conviction was for a misdemeanor or gross misdemeanor; and

6.15 (iv) the sentence imposed and executed for the assault must be followed, upon
 6.16 release from confinement, by a ten-year period of conditional release.

6.17 (b) A defendant convicted and sentenced under paragraph (a) is not eligible for
 6.18 probation, parole, discharge, work release, or supervised release, until that person has
 6.19 served the full term of imprisonment as provided by law, notwithstanding the provisions
 6.20 of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135. Notwithstanding section
 6.21 609.135, the court may not stay the imposition or execution of this sentence.

6.22 Sec. 8. Minnesota Statutes 2006, section 626.5572, subdivision 21, is amended to read:

6.23 Subd. 21. **Vulnerable adult.** "Vulnerable adult" means any person 18 years of
 6.24 age or older who:

6.25 (1) is a resident or inpatient of a facility;

6.26 (2) receives services at or from a facility required to be licensed to serve adults
 6.27 under sections 245A.01 to 245A.15, except that a person receiving outpatient services for
 6.28 treatment of chemical dependency or mental illness, or one who is served in the Minnesota
 6.29 sex offender program, is on a court hold order for commitment, or is committed as a
 6.30 sexual psychopathic personality or as a sexually dangerous person under chapter 253B, is
 6.31 not considered a vulnerable adult unless the person meets the requirements of clause (4);

6.32 (3) receives services from a home care provider required to be licensed under section
 6.33 144A.46; or from a person or organization that exclusively offers, provides, or arranges
 6.34 for personal care assistant services under the medical assistance program as authorized

7.1 under sections 256B.04, subdivision 16, 256B.0625, subdivision 19a, 256B.0651, and
7.2 256B.0653 to 256B.0656; or

7.3 (4) regardless of residence or whether any type of service is received, possesses a
7.4 physical or mental infirmity or other physical, mental, or emotional dysfunction:

7.5 (i) that impairs the individual's ability to provide adequately for the individual's
7.6 own care without assistance, including the provision of food, shelter, clothing, health
7.7 care, or supervision; and

7.8 (ii) because of the dysfunction or infirmity and the need for assistance, the individual
7.9 has an impaired ability to protect the individual from maltreatment.