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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. 1349

March 5, 2009

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to public safety; clarifying requirements under crime victim rights law
1.3 to include victims of criminal sexual conduct to receive information regarding
1.4 orders for protection and restraining orders; amending Minnesota Statutes 2008,
1.5 section 611A.0315, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2008, section 611A.0315, subdivision 1, is amended to
1.8 read:

1.9 Subdivision 1. **Notice of decision not to prosecute.** (a) A prosecutor shall make
1.10 every reasonable effort to notify a victim of domestic assault, a criminal sexual conduct
1.11 offense, or harassment that the prosecutor has decided to decline prosecution of the case
1.12 or to dismiss the criminal charges filed against the defendant. Efforts to notify the victim
1.13 should include, in order of priority: (1) contacting the victim or a person designated by the
1.14 victim by telephone; and (2) contacting the victim by mail. If a suspect is still in custody,
1.15 the notification attempt shall be made before the suspect is released from custody.

1.16 (b) Whenever a prosecutor dismisses criminal charges against a person accused of
1.17 domestic assault, a criminal sexual conduct offense, or harassment, a record shall be made
1.18 of the specific reasons for the dismissal. If the dismissal is due to the unavailability of the
1.19 witness, the prosecutor shall indicate the specific reason that the witness is unavailable.

1.20 (c) Whenever a prosecutor notifies a victim of domestic assault, criminal sexual
1.21 conduct, or harassment under this section, the prosecutor shall also inform the victim of
1.22 the method and benefits of seeking an order for protection under section 518B.01 or a
1.23 restraining order under section 609.748 and that the victim may seek an order without
1.24 paying a fee.