



NEW LAWS AFFECTING SEXUAL ASSAULT FROM THE 2014 LEGISLATIVE SESSION

MNCASA Agenda

Sexual Assault and Stalking Victims Added to Exceptions for Unemployment Insurance: Current law allows victims of domestic abuse to apply for unemployment insurance when the reason for quitting the job or job misconduct is related to the abuse. An employee may also use the exception when a family member is a victim. The new law, which was included in the Women's Economic Security Act, expands the exception to include sexual assault and stalking. This section is effective October 5, 2014 and applies to determinations and appeal decisions issued on or after that date. See [Session Law Chapter 239](#).

Felony Enhancement for Repeat Criminal Sexual Conduct Fifth Degree Convictions: This new law expands the probation period for criminal sexual conduct fifth degree convictions to ensure better access to treatment and enhances the punishment from a gross misdemeanor to a felony when a person has prior criminal sexual conduct or related convictions. This section is effective August 1, 2014 and applies to crimes committed on or after that date. See [Session Law Chapter 270](#).

Sexual Violence Community Prevention Networks Money Appropriated: For the first time the state of Minnesota is investing in sexual violence prevention funding. The amount is \$300,000 per year in the Public Safety Budget, distributed via grants to sexual assault advocacy programs (the funding begins in fiscal year 2015 and continues in fiscal years 2016 and 2017). This section is effective July 1, 2014. See [Session Law Chapter 312](#).

MNCASA Supported

Hospital Notice of Services to Victims of Sexual Assault: The Minnesota Department of Public Safety will prepare a notice that will be distributed by hospitals to victims of sexual assault. The notice will include information about sexual exam payment, victim rights, reparations, advocacy services and other relevant information. This section is effective July 1, 2014. See [Session Law Chapter 291](#).

New Definition of "Sexual Assault Programs": The Public Safety "Unsession" Bill (which focused on technical changes and removal of outdated laws) provides a new definition for Department of Public Safety funding purposes for programs serving victims of sexual assault. This section is effective August 1, 2014. See [Session Law Chapter 212](#).

Safe and Supportive Schools Act: This law expands protections for students from bullying and increases the obligations of schools to respond and protect students. It also creates a school safety technical assistance council and center. Some sections were effective upon enactment, others become effective July 1, 2014 or upon the start of the 2014-15 school year. See [Session Law Chapter 160](#).

Housing Protections for Victims of Violence: The current law allows victims of domestic abuse to break a lease based on violence; the new law adds victims of sexual assault and stalking. The new law also removes the requirement to pay an additional month's rent to break the lease however the security deposit will be forfeited. The current law also no longer requires an order for protection to break a lease; now a "qualified third party" (such as an advocate or medical provider) can certify that the lease needs to be broken. The law also prohibits landlords from evicting tenants based on the sole basis that the tenant is a victim. This section is effective August 1, 2014. See [Session Law Chapter 188](#).

Expungement of Criminal Records: The new law expands the opportunities for persons with convictions to expunge their records. MNCASA supported language that recognizes some persons with convictions committed crimes as a result of their victimization; the law gives discretion to the court to recognize this possibility and to ensure the victim is returned to their status prior to the conviction. The law also includes additional time to study access to expunged records in family law and other civil cases. This section is effective January 1, 2015. See [Session Law Chapter 246](#).

Acts of Violence or Sexual Contact with a Student by School Personnel Data Sharing Requirement Modifications: When an school district or charter school employee resigns while a complaint or charge regarding an allegation of violence or sexual contact with a student is pending, private personnel data about the matter may be shared upon request with another school district or charter school where the employee is seeking a job. The law includes confidentiality protections for the identity of the student involved in the complaint or allegation. This section is effective August 1, 2014. See [Session Law Chapter 312](#).

Sick and Safe Leave Benefits/Care of Relatives: The new law, which was included in the Women's Economic Security Act, allows employees to use sick leave time for "safe" leave to address issues affecting either themselves or relatives related to domestic abuse, sexual assault or stalking. The law also expands the list of eligible relatives. This section is effective August 1, 2014. See [Session Law Chapter 239](#).

Other Laws of Note

Safe Harbor Shelter and Services for Sexually Exploited Youth Funding: In the current biennium increases the Department of Human Services shelter and housing grant funds from \$1 million to \$1.5 million. The law also provides Minnesota Department of health comprehensive services grant money in the amount of \$1 million for fiscal year 2015. In the following biennium (2016/17) the shelter and housing grant money goes up to \$2 million and the comprehensive services grant money goes to \$2 million. This section is effective July 1, 2014. See [Session Law Chapter 156](#) and [Session Law Chapter 312](#).

Nursing Licensure and Pharmacist Disciplinary Actions: A nursing license can be revoked under this new law when there is a conviction for a felony-level criminal sexual conduct crime. Disciplinary and license revocation actions for pharmacists who are convicted of criminal sexual conduct crimes are also outlined in the new law. This section is effective August 1, 2014. See [Session Law Chapter 291](#).

Victim Notification: Upon written or electronic request, if the victim and offender have been household or family members, the victim of a qualified domestic violence offense may obtain the zip code where the offender will be released to from the Department of Corrections. This section is effective January 1, 2015. See [Session Law Chapter 312](#).

Safe at Home Program Participant Data and Property Records: Identifies how a Safe at Home Program participant can be identified in property records and creates limitations about how and when a participant's identity can be disclosed through property records as well as access to data within property records such as in a title examination. This section is effective August 1, 2014. See [Session Law Chapter 173](#).

Study Abroad Programs: This law requires post-secondary institutions to file reports with the Secretary of State about deaths, accidents and crimes against students in a study abroad program. The Secretary of State will provide information online by country about sexual assaults and other crimes committed against students. This section is effective August 1, 2014 with initial reports due November 1, 2015. See [Session Law Chapter 312](#).

Domestic Violence Offenders Counties GPS Monitoring Pilot Project Establishment: The new law authorizes counties to create GPS monitoring pilot projects and expands the violations eligible for GPS monitoring to include violations of orders for protection and harassment restraining orders, stalking and interference with an emergency call. This section became effective the day following enactment which was May 16, 2014. See [Session Law Chapter 263](#).

Changes to the Crime of Violence Definition in the Firearm Law: The new law adds assault in the fifth degree, domestic assault and domestic assault by strangulation to the crime of violence definition in the firearm law. This section is effective August 1, 2014 and applies to crimes committed on or after that date. See [Session Law Chapter 260](#).

Changes to Predatory Offender Registration and Criminal Sexual Conduct in the Third Degree: The new law adds additional crimes and requirements to the predatory offender registration law and also makes a technical fix to the criminal sexual conduct in the third degree law by moving the penalty from one section to another. This section is effective August 1, 2014. See [Session Law Chapter 259](#).

Prohibition on Gun Possession: A person subject to an order for protection or a person convicted of a domestic abuse offense must surrender firearms in their possession. The law also creates penalties for third parties who have received a transfer of the firearm but make it accessible to the abuser. This section is effective August 1, 2014. See [Session Law Chapter 213](#).

Gone on Arrival: This new law increases the time period for probable cause arrests from 24 hours to 72 hours for violations of orders for protection, harassment restraining orders and no contact orders as well as domestic abuse offenses. This section is effective August 1, 2014 and applies to crimes committed on or after that date. See [Session Law Chapter 177](#).

Child Custody and Parenting Time Changes: The new law states that there is no presumption against joint physical custody except when domestic abuse has occurred between the parents. Disagreement between the parents about a custody arrangement is not sufficient to invoke a presumption. The law also allows for consideration of the child's developmental needs in determining parenting time and indicates the range of modification to parenting time that is not restrictive. This section is effective August 1, 2014. See [Session law Chapter 197](#).

Shelter Funding: A one-time grant of \$500,000 was made to provide emergency shelter for East African women and children who are victims of domestic abuse and trafficking. This section is effective July 1, 2014. See [Session Law Chapter 312](#).

Harassment Restraining Orders: A request for a harassment restraining order hearing must be made within 20 days of service of the petition. Prior law stated 45 days. Note that this change was only made in Minn. Stat. 609.748, subd. 3. An additional change will be needed in a future legislative session to comport other sections of the law with this new change. This section is effective August 1, 2014. See [Session Law Chapter 204](#).

As of May 30, 2014