



NEW LAWS AFFECTING SEXUAL ASSAULT FROM THE 2010 LEGISLATIVE SESSION

MNCASA Agenda

Funding for Victim Services: The supplemental budget bill (which includes public safety funding) signed by Governor Pawlenty has a 1.5 percent cut to victim services programs; although any cut is unwelcome for programs already operating on tight budgets, this is a smaller number than expected and it is hoped programs will be spared similarly next session as the state continues to face a significant financial crisis.

MNCASA Supported

Data Practices Protections for Advocates: MNCASA supported a proposal by the Minnesota Coalition for Battered Women (MCBW) that will protect domestic abuse and sexual assault program information from public disclosure. See SF 2437/Session Law Chapter 299. New Minn. Stat. 13.823. This law is effective August 1, 2010.

Clarifications to Stalking Law: MNCASA supported a proposal by MCBW to clarify the stalking statute with new language defining the crime, venue for prosecution, arrest guidelines, pattern of stalking conduct and technical changes. See SF 2437/Session Law Chapter 299. Amends Minn. Stat. 609.749. This law is effective August 1, 2010.

Other Laws of Note

Domestic Violence Omnibus Bill: In addition to the data practices protections and clarifications to the stalking law indicated above, MCBW's domestic violence omnibus package expands protections in ex parte orders for protection, recognizes pets and companion animals in protective orders, and strengthens the criminal system responses to high risk domestic violence offenses through increased bail, stronger witness tampering protections and recodification of Domestic Abuse No Contact Order provisions. See SF 2437/Session Law Chapter 299. Amends various statutes. The laws are effective August 1, 2010.

License Revocation for Chiropractors with Felony Criminal Sexual Conduct Convictions: Prohibits the licensure to practice chiropractic of persons convicted of a felony-level criminal sexual conduct offense (first through fourth degrees or similar statutes in other jurisdictions). Certain status related felony criminal sexual conduct convictions are exempt. Licenses denied or revoked under this section are not eligible for reinstatement under the Criminal Rehabilitation Act. See SF 3147/Session Law Chapter 349. Amends Minn. Stats. 148.10 and 364.09. The law is effective August 1, 2010.

Civil Commitment and Judicial Holds: The Commissioner of Human Services is responsible for determining the appropriate placement within a treatment program for an individual on a judicial hold due to a petition for civil commitment as a sexually dangerous person or sexual psychopathic personality. See SF 2713/Session Law Chapter 300. Amends various statutes. The law is effective August 1, 2010.

Criminal Sexual Conduct in the Fourth Degree for Sexual Contact in Secure Treatment Facilities: Expands the definition of criminal sexual conduct in the fourth degree to include actors in the employ of secure treatment facilities as defined in Minnesota Statutes, section 253B.02, subdivision 18a (the Minnesota Security Hospital at St. Peter and the Minnesota Sex Offender program at Moose Lake). See SF 2717/Session Law Chapter 270. Amends Minn. Stats. 609.341, 609.344 and 609.345. The law is effective August 1, 2010.

Felony Offenders DNA Collection Requirements Expansion: Authorizes the court, upon motion by the prosecution, to issue an order to show cause why an offender who should have been ordered to submit a DNA sample under Minnesota Statutes section 609.117, but did not, should be ordered to provide one, even if the offender's sentence has expired. The law outlines the prosecutor's obligations in making this request and provides time frames and processes under which the offender must comply. See SF 3116/Session Law Chapter 256. Amends Minn. Stat. 609.117. The law is effective August 1, 2010.

Predatory Offenders Living in Homeless Shelters Registration Requirements/Returning to the State: Prohibits predatory offenders from listing homeless shelters that provide temporary living accommodations as either their primary or secondary address; this prevents homeless predatory offenders from avoiding the strict registration reporting requirements that the law places on predatory offenders who lack a primary or secondary address. Also clarifies that the duty to register is reactivated when a person returns to the state after having lived outside the state, assuming the person's registration period has not expired. See HF 3174/Session Law Chapter 251. Amends Minn. Stat. 243.166. The section regarding homeless offenders is effective July 1 and the section regarding registration upon return to the state is effective the day after enactment.