

## Select Victims' Rights – Minnesota

### USING THIS RESOURCE

This resource is intended to provide a base of knowledge regarding crime victims' rights in Minnesota and promising practices to ensure compliance with and enforcement of those rights. To keep this *Guide* as user-friendly as possible in light of the breadth, complexity and evolving nature of law, the *Guide* does not include all laws. The *Guide* is intended for informational purposes only. It does not constitute legal advice, nor does it substitute for legal advice. For more in-depth information about the laws governing privacy, confidentiality and privilege in Minnesota, see the companion resource: *Law Enforcement-Based Victim Services in Minnesota: Privacy, Privilege and Confidentiality*.

The following icons are used throughout this resource to highlight key moments for the user.



= Promising Practices: As used in this *Guide*, the “promising practices” indicator highlights procedures, methods or techniques, grounded in victim-centered and trauma-informed research and experience, that afford victims meaningful rights in the justice system.



= Take Note: As used in this *Guide*, the “take note” indicator provides context for the law cited or discussed. For example, if a law has a particularly narrow application or does not explicitly prohibit an action the “take note” indicator is used to highlight or provide clarity around the law.

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<b>SELECT DEFINITIONS</b>	<b>Minnesota Statutes and Rules</b>
<p><b>Crime Victims' Rights Definitions.</b></p> <p>For the purposes of sections 611A.01 to 611A.06:</p> <p>(a) "Crime" means conduct that is prohibited by local ordinance and results in bodily harm to an individual; or conduct that is included within the definition of "crime" in section 609.02, subdivision 1, or would be included within that definition but for the fact that (1) the person engaging in the conduct lacked capacity to commit the crime under the laws of this state, or (2) the act was alleged or found to have been committed by a juvenile.</p> <p>(b) "Victim" means a natural person who incurs loss or harm as a result of a crime, including a good faith effort to prevent a crime, and for purposes of sections 611A.04 and 611A.045, also includes (1) a corporation that incurs loss or harm as a result of a crime, (2) a government entity that incurs loss or harm as a result of a crime, and (3) any other entity authorized to receive restitution under section 609.10 or 609.125. The term "victim" includes the family members, guardian, conservator, or custodian of a minor, incompetent, incapacitated, or deceased person. In a case where the prosecutor finds that the number of family members makes it impracticable to accord all of the family members the rights described in sections 611A.02 to 611A.0395, the prosecutor shall establish a reasonable procedure to give effect to those rights. The procedure may not limit the number of victim impact statements submitted to the court under section 611A.038. The term "victim" does not include the person charged with or alleged to have committed the crime.</p> <p>(c) "Juvenile" has the same meaning as given to the term "child" in section 260B.007, subdivision 3.</p>	<p>Minn. Stat. Ann. § 611A.01.</p>

<p> These definitions apply to Minnesota’s victims’ rights provisions, Minn. Stat. Ann. §§ 611A.01 through 611A.06. These provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Domestic Abuse Prosecutions Plan and Procedures Definitions.</b></p> <p>(a) “Domestic abuse” has the meaning given in section 518B.01, subdivision 2.</p> <p>(b) “Domestic abuse case” means a prosecution for:</p> <ol style="list-style-type: none"> <li>(1) a crime that involves domestic abuse;</li> <li>(2) violation of a condition of release following an arrest for a crime that involves domestic abuse; or</li> <li>(3) violation of a domestic abuse order for protection.</li> </ol> <p> These definitions apply to Minn. Stat. Ann. § 611A.0311, subd. 2. This provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Minn. Stat. Ann. § 611A.0311, subd. 1.</p>
<p><b>Certain Victims’ Rights to Notice of Decision to Not Prosecute Definitions.</b></p> <p>For the purposes of this section, the following terms have the meanings given them.</p> <p>(a) “Assault” has the meaning given it in section 609.02, subdivision 10.</p> <p>(b) “Domestic assault” means an assault committed by the actor against a family or household member.</p> <p>(c) “Family or household member” has the meaning given it in section 518B.01, subdivision 2.</p>	<p>Minn. Stat. Ann. § 611A.0315, subd. 2.</p>

<p>(d) “Harassment” or “stalking” means a violation of section 609.749.</p> <p>(e) “Criminal sexual conduct offense” means a violation of sections 609.342 to 609.3453.</p> <p> These definitions apply to Minn. Stat. Ann. § 611A.0315, subd. 1. This provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Victims’ Employment-Related Rights Definitions.</b></p> <p>As used in this section, “violent crime” means a violation or attempt to violate any of the following: section 609.185 (murder in the first degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.2112, 609.2113, or 609.2114 (criminal vehicular homicide or injury); 609.221 (assault in the first degree); 609.222 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); 609.2241 (knowing transfer of communicable disease); 609.2242 (domestic assault); 609.2245 (female genital mutilation); 609.2247 (domestic assault by strangulation); 609.228 (great bodily harm caused by distribution of drugs); 609.23 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients); 609.2325 (criminal abuse); 609.233 (criminal neglect); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.265 (abduction); 609.2661 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the second degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault of an unborn child in the second degree); 609.2672 (assault of an unborn child in the third degree); 609.268 (injury or death of an unborn child in commission of a crime); 609.282 (labor trafficking); 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct in</p>	<p>Minn. Stat. Ann. § 611A.036, subd. 7.</p>

<p>the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage in sexual conduct); 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child); 609.561, subdivision 1 (arson in the first degree; dwelling); 609.582, subdivision 1, paragraph (a) or (c) (burglary in the first degree; occupied dwelling or involving an assault); 609.66, subdivision 1e, paragraph (b) (drive-by shooting; firing at or toward a person, or an occupied building or motor vehicle); or 609.749, subdivision 2 (harassment); or Minnesota Statutes 2012, section 609.21.</p> <p> These definitions apply to Minn. Stat. Ann. § 611A.036. This provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Sexual Conduct and Sex Trafficking Victims’ Rights Regarding Polygraphs Definitions.</b></p> <p>For the purposes of this section, the following terms have the meanings given.</p> <p>(a) “Criminal sexual conduct” means a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3451.</p> <p>(b) “Sex trafficking” means a violation of section 609.322.</p> <p>(c) “Complainant” means a person reporting to have been subjected to criminal sexual conduct or sex trafficking.</p> <p>(d) “Polygraph examination” means any mechanical or electrical instrument or device of any type used or allegedly used to examine, test, or question individuals for the purpose of determining truthfulness.</p> <p> These definitions apply to Minn. Stat. Ann. § 611A.26. This provision is included below</p>	<p>Minn. Stat. Ann. § 611A.26, subd. 6.</p>

<p>in the section "Select Crime Victims' Rights."</p>	
<p><b>Crime Victims' Reparations Definitions.</b></p> <p>Subd. 1. Terms. For the purposes of sections 611A.51 to 611A.68, the following terms shall have the meanings given them.</p> <p>Subd. 2. Accomplice. "Accomplice" means any person who would be held criminally liable for the crime of another pursuant to section 609.05.</p> <p>Subd. 3. Board. "Board" means the crime victims reparations board established by section 611A.55.</p> <p>Subd. 4. Claimant. "Claimant" means a person entitled to apply for reparations pursuant to sections 611A.51 to 611A.68.</p> <p>Subd. 5. Collateral source. "Collateral source" means a source of benefits or advantages for economic loss otherwise reparable under sections 611A.51 to 611A.68 which the victim or claimant has received, or which is readily available to the victim, from:</p> <ul style="list-style-type: none"> <li>(1) the offender;</li> <li>(2) the government of the United States or any agency thereof, a state or any of its political subdivisions, or an instrumentality of two or more states, unless the law providing for the benefits or advantages makes them excess or secondary to benefits under sections 611A.51 to 611A.68;</li> <li>(3) Social Security, Medicare, and Medicaid;</li> <li>(4) state required temporary nonoccupational disability insurance;</li> <li>(5) workers' compensation;</li> <li>(6) wage continuation programs of any employer;</li> <li>(7) proceeds of a contract of insurance payable to the victim for economic loss sustained because of the crime;</li> </ul>	<p>Minn. Stat. Ann. § 611A.52.</p>

- (8) a contract providing prepaid hospital and other health care services, or benefits for disability;
  - (9) any private source as a voluntary donation or gift; or
  - (10) proceeds of a lawsuit brought as a result of the crime.
- The term does not include a life insurance contract.

Subd. 6. Crime.

(a) "Crime" means conduct that:

- (1) occurs or is attempted anywhere within the geographical boundaries of this state, including Indian reservations and other trust lands;
- (2) poses a substantial threat of personal injury or death; and
- (3) is included within the definition of "crime" in section 609.02, subdivision 1, or would be included within that definition but for the fact that (i) the person engaging in the conduct lacked capacity to commit the crime under the laws of this state; or (ii) the act was alleged or found to have been committed by a juvenile.

(b) A crime occurs whether or not any person is prosecuted or convicted but the conviction of a person whose acts give rise to the claim is conclusive evidence that a crime was committed unless an application for rehearing, appeal, or petition for certiorari is pending or a new trial or rehearing has been ordered.

(c) "Crime" does not include an act involving the operation of a motor vehicle, aircraft, or watercraft that results in injury or death, except that a crime includes any of the following:

- (1) injury or death intentionally inflicted through the use of a motor vehicle, aircraft, or watercraft;
- (2) injury or death caused by a driver in violation of section 169.09, subdivision 1; 169A.20; 609.2112; 609.2113; or 609.2114; or Minnesota Statutes 2012, section 609.21; and
- (3) injury or death caused by a driver of a motor vehicle in the immediate act of fleeing the scene of a crime in which the driver knowingly and willingly participated.

(d) Notwithstanding paragraph (a), "crime" includes an act of international terrorism as defined in United States Code, title 18, section 2331, committed outside of the United States against a resident of this state.

<p>Subd. 7. Dependent. "Dependent" means any person who was dependent upon a deceased victim for support at the time of the crime.</p> <p>Subd. 8. Economic loss.</p> <p>(a) "Economic loss" means actual economic detriment incurred as a direct result of injury or death.</p> <p>(b) In the case of injury the term is limited to:</p> <p>(1) reasonable expenses incurred for necessary medical, chiropractic, hospital, rehabilitative, and dental products, services, or accommodations, including ambulance services, drugs, appliances, and prosthetic devices;</p> <p>(2) reasonable expenses associated with recreational therapy where a claimant has suffered amputation of a limb;</p> <p>(3) reasonable expenses incurred for psychological or psychiatric products, services, or accommodations, not to exceed an amount to be set by the board, where the nature of the injury or the circumstances of the crime are such that the treatment is necessary to the rehabilitation of the victim;</p> <p>(4) loss of income that the victim would have earned had the victim not been injured;</p> <p>(5) reasonable expenses incurred for substitute child care or household services to replace those the victim or claimant would have performed had the victim or the claimant's child not been injured. As used in this clause, "child care services" means services provided by facilities licensed under and in compliance with either Minnesota Rules, parts 9502.0315 to 9502.0445, or 9503.0005 to 9503.0170, or exempted from licensing requirements pursuant to section 245A.03. Licensed facilities must be paid at a rate not to exceed their standard rate of payment. Facilities exempted from licensing requirements must be paid at a rate not to exceed \$3 an hour per child for daytime child care or \$4 an hour per child for evening child care;</p> <p>(6) reasonable expenses actually incurred to return a child who was a victim of a crime under section 609.25 or 609.26 to the child's parents or lawful custodian. These expenses are limited to transportation costs, meals, and lodging from the time the child was located until the child was returned home; and</p>	
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(7) the claimant's moving expenses, storage fees, and phone and utility installation fees, up to a maximum of \$1,000 per claim, if the move is necessary due to a reasonable fear of danger related to the crime for which the claim was filed.

(c) In the case of death the term is limited to:

- (1) reasonable expenses actually incurred for funeral, burial, or cremation, not to exceed an amount to be determined by the board on the first day of each fiscal year;
- (2) reasonable expenses for medical, chiropractic, hospital, rehabilitative, psychological and psychiatric services, products or accommodations which were incurred prior to the victim's death and for which the victim's survivors or estate are liable;
- (3) loss of support, including contributions of money, products or goods, but excluding services which the victim would have supplied to dependents if the victim had lived; and
- (4) reasonable expenses incurred for substitute child care and household services to replace those which the victim or claimant would have performed for the benefit of dependents if the victim or the claimant's child had lived.

Claims for loss of support for minor children made under clause (3) must be paid for three years or until the child reaches 18 years old, whichever is the shorter period. After three years, if the child is younger than 18 years old a claim for loss of support may be resubmitted to the board, and the board staff shall evaluate the claim giving consideration to the child's financial need and to the availability of funds to the board. Claims for loss of support for a spouse made under clause (3) shall also be reviewed at least once every three years. The board staff shall evaluate the claim giving consideration to the spouse's financial need and to the availability of funds to the board.

Claims for substitute child care services made under clause (4) must be limited to the actual care that the deceased victim would have provided to enable surviving family members to pursue economic, educational, and other activities other than recreational activities.

Subd. 9. Injury. "Injury" means actual bodily harm including pregnancy and emotional trauma.

Subd. 10. Victim. "Victim" means a person who suffers personal injury or death as a direct result of:

- (1) a crime;

<p>(2) the good faith effort of any person to prevent a crime; or                  (3) the good faith effort of any person to apprehend a person suspected of engaging in a crime.</p> <p> These definitions apply to the Minnesota Crime Victims Reparations Act, Minn. Stat. Ann. §§ 611A.51 through 611A.68. Some of these provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Crime Victim Oversight Act Definitions.</b></p> <p>Subd. 1. Definitions. The definitions in this section apply to this section and section 611A.74.</p> <p>Subd. 2. Appropriate authority. “Appropriate authority” includes anyone who is the subject of a complaint under sections 611A.72 to 611A.74 to the commissioner or anyone within the agency who is in a supervisory position with regard to one who is the subject of a complaint under sections 611A.72 to 611A.74.</p> <p>Subd. 3. Elements of the criminal justice system. “Elements of the criminal justice system” refers to prosecuting attorneys and members of their staff; peace officers; probation and corrections officers; city, state, and county officials involved in the criminal justice system; and does not include the judiciary.</p> <p>Subd. 4. Victim. “Victim” refers to anyone or the next of kin of anyone who has been or purports to have been subjected to a criminal act, whether a felony, a gross misdemeanor, or misdemeanor.</p> <p>Subd. 5. Victim assistance program. “Victim assistance program” refers to any entity which provides or claims to provide services and assistance to victims on a regular, ongoing basis.</p> <p>Subd. 6. Commissioner. “Commissioner” means the commissioner of public safety.</p>	<p>Minn. Stat. Ann. § 611A.73.</p>

<p> These definitions apply to Minn. Stat. Ann. § 611A.74. This provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Child Abuse Victims’ Right to Nondisclosure of Videotape in Which They Detail Their Abuse Definitions.</b></p> <p>For purposes of this section, “physical abuse” and “sexual abuse” have the meanings given in section 260E.03, except that abuse is not limited to acts by a person responsible for the child’s care or in a significant relationship with the child or position of authority.</p> <p> These definitions apply to Minn. Stat. Ann. § 611A.90. This provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Minn. Stat. Ann. § 611A.90, subd. 1.</p>
<p><b>Domestic Abuse Act Definitions.</b></p> <p>As used in this section, the following terms shall have the meanings given them:</p> <p>(a) “Domestic abuse” means the following, if committed against a family or household member by a family or household member:</p> <ul style="list-style-type: none"> <li>(1) physical harm, bodily injury, or assault;</li> <li>(2) the infliction of fear of imminent physical harm, bodily injury, or assault; or</li> <li>(3) terroristic threats, within the meaning of section 609.713, subdivision 1; criminal sexual conduct, within the meaning of section 609.342, 609.343, 609.344, 609.345, or 609.3451; or interference with an emergency call within the meaning of section 609.78, subdivision 2.</li> </ul> <p>(b) “Family or household members” means:</p> <ul style="list-style-type: none"> <li>(1) spouses and former spouses;</li> <li>(2) parents and children;</li> </ul>	<p>Minn. Rev. Stat. Ann. § 518B.01, subd. 2.</p>

<p>(3) persons related by blood;                  (4) persons who are presently residing together or who have resided together in the past;                  (5) persons who have a child in common regardless of whether they have been married or have lived together at any time;                  (6) a man and woman if the woman is pregnant and the man is alleged to be the father, regardless of whether they have been married or have lived together at any time; and                  (7) persons involved in a significant romantic or sexual relationship.</p> <p>Issuance of an order for protection on the ground in clause (6) does not affect a determination of paternity under sections 257.51 to 257.74. In determining whether persons are or have been involved in a significant romantic or sexual relationship under clause (7), the court shall consider the length of time of the relationship; type of relationship; frequency of interaction between the parties; and, if the relationship has terminated, length of time since the termination.</p> <p>(c) “Qualified domestic violence-related offense” has the meaning given in section 609.02, subdivision 16.</p> <p> These definitions apply to Minnesota’s Domestic Abuse Act, Minn. Stat. Ann. § 518B.01. Additionally, numerous provisions establishing rights for victims of domestic abuse rely on these definitions. <i>See, e.g.</i>, Minn. Stat. Ann. § 5B.02 (address confidentiality program); <i>id.</i> At § 629.342 (domestic violence victims’ right to assistance when no arrest). Many of these provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Right of Victims of Violence to Terminate Lease Definitions.</b></p> <p>For purposes of this section, the following terms have the meanings given:</p> <p>(1) “court official” means a judge, referee, court administrator, prosecutor, probation officer, or victim’s advocate, whether employed by or under contract with the court, who is authorized to act on behalf of the court;</p>	<p>Minn. Stat. Ann. § 504B.206, subd. 6.</p>

(2) “qualified third party” means a person, acting in an official capacity, who has had in-person contact with the tenant and is:

- (i) a licensed health care professional operating within the scope of the license;
- (ii) a domestic abuse advocate, as that term is defined in section 595.02, subdivision 1, paragraph (l); or
- (iii) a sexual assault counselor, as that term is defined in section 595.02, subdivision 1, paragraph (k);

(3) “qualifying document” means:

- (i) a valid order for protection issued under chapter 518B;
- (ii) a no contact order currently in effect, issued under section 629.75 or chapter 609;
- (iii) a writing produced and signed by a court official, acting in an official capacity, documenting that the tenant or authorized occupant is a victim of domestic abuse, as that term is defined under section 518B.01, subdivision 2, criminal sexual conduct, under sections 609.342 to 609.3451, or harassment, as that term is defined under section 609.749, subdivision 1, and naming the perpetrator, if known;
- (iv) a writing produced and signed by a city, county, state, or tribal law enforcement official, acting in an official capacity, documenting that the tenant or authorized occupant is a victim of domestic abuse, as that term is defined under section 518B.01, subdivision 2, criminal sexual conduct, under sections 609.342 to 609.3451, or harassment, as that term is defined under section 609.749, subdivision 1, and naming the perpetrator, if known; or
- (v) a statement by a qualified third party, in the following form:

**STATEMENT BY QUALIFIED THIRD PARTY**

I, ..... (name of qualified third party), do hereby verify as follows:

1. I am a licensed health care professional, domestic abuse advocate, as that term is defined in section 595.02, subdivision 1, paragraph (l), or sexual assault counselor, as that term is defined in section 595.02, subdivision 1, paragraph (k), who has had in-person contact with ..... (name of victim(s)).
2. I have a reasonable basis to believe ..... (name of victim(s)) is a victim/are victims of domestic abuse, criminal sexual conduct, or harassment and fear(s) imminent violence against the individual or authorized occupant if the individual remains (the individuals remain) in the leased premises.

<p>3. I understand that the person(s) listed above may use this document as a basis for gaining a release from the lease.          I attest that the foregoing is true and correct.          (Printed name of qualified third party)          (Signature of qualified third party)          (Business address and business telephone)          (Date)</p> <p> These definitions apply to Minn. Stat. Ann. § 504B.206. This provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Sexual Assault Counselor-Victim Privilege Definition.</b></p> <p>“Sexual assault counselor” for the purpose of this section means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is to render advice, counseling, or assistance to victims of sexual assault.</p> <p> This definition applies to Minn. Stat. Ann. § 595.02, subd. 1(k). This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Minn. Stat. Ann. § 595.02, subd. 1(k).</p>
<p><b>Domestic Abuse Advocate-Victim Privilege Definition.</b></p> <p>For the purposes of this section, “domestic abuse advocate” means an employee or supervised volunteer from a community-based battered women’s shelter and domestic abuse program eligible to receive grants under section 611A.32; that provides information, advocacy, crisis intervention, emergency shelter, or support to victims of domestic abuse and who is not employed by or under the direct supervision of a law enforcement agency, a prosecutor’s office, or by a city, county, or state agency.</p>	<p>Minn. Stat. Ann. § 595.02, subd. 1(l).</p>

 This definition applies to Minn. Stat. Ann. § 595.02, subd. 1(1). This statutory provision is included below in the section “Select Crime Victims’ Rights.”	
<p><b>Identity Theft Victims’ Rights Definitions.</b></p> <p>(a) As used in this section, the following terms have the meanings given them in this subdivision.</p> <p>(b) “Direct victim” means any person or entity described in section 611A.01, paragraph (b), whose identity has been transferred, used, or possessed in violation of this section.</p> <p>(c) “False pretense” means any false, fictitious, misleading, or fraudulent information or pretense or pretext depicting or including or deceptively similar to the name, logo, website address, e-mail address, postal address, telephone number, or any other identifying information of a for-profit or not-for-profit business or organization or of a government agency, to which the user has no legitimate claim of right.</p> <p>(d) “Identity” means any name, number, or data transmission that may be used, alone or in conjunction with any other information, to identify a specific individual or entity, including any of the following:</p> <ol style="list-style-type: none"> <li>(1) a name, Social Security number, date of birth, official government-issued driver’s license or identification number, government passport number, or employer or taxpayer identification number;</li> <li>(2) unique electronic identification number, address, account number, or routing code; or</li> <li>(3) telecommunication identification information or access device.</li> </ol> <p>(e) “Indirect victim” means any person or entity described in section 611A.01, paragraph (b), other than a direct victim.</p> <p>(f) “Loss” means value obtained, as defined in section 609.52, subdivision 1, clause (3), and expenses incurred by a direct or indirect victim as a result of a violation of this section.</p>	<p>Minn. Stat. Ann. § 609.527, subd. 1.</p>

<p>(g) “Unlawful activity” means:                  (1) any felony violation of the laws of this state or any felony violation of a similar law of another state or the United States; and                  (2) any nonfelony violation of the laws of this state involving theft, theft by swindle, forgery, fraud, or giving false information to a public official, or any nonfelony violation of a similar law of another state or the United States.</p> <p>(h) “Scanning device” means a scanner, reader, or any other electronic device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on a computer chip or magnetic strip or stripe of a payment card, driver’s license, or state-issued identification card.</p> <p>(i) “Reencoder” means an electronic device that places encoded information from the computer chip or magnetic strip or stripe of a payment card, driver’s license, or state-issued identification card, onto the computer chip or magnetic strip or stripe of a different payment card, driver’s license, or state-issued identification card, or any electronic medium that allows an authorized transaction to occur.</p> <p>(j) “Payment card” means a credit card, charge card, debit card, or any other card that:                  (1) is issued to an authorized card user; and                  (2) allows the user to obtain, purchase, or receive credit, money, a good, a service, or anything of value.</p> <p> These definitions apply to Minn. Stat. Ann. § 609.527. This provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Harassment Restraining Order Definitions.</b></p> <p>For the purposes of this section, the following terms have the meanings given them in this subdivision.</p>	<p>Minn. Stat. Ann. § 609.748, subd. 1.</p>

<p>(a) “Harassment” includes:</p> <p>(1) a single incident of physical or sexual assault, a single incident of harassment under section 609.749, subdivision 2, clause (8), a single incident of nonconsensual dissemination of private sexual images under section 617.261, or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target;</p> <p>(2) targeted residential picketing; and</p> <p>(3) a pattern of attending public events after being notified that the actor’s presence at the event is harassing to another.</p> <p>(b) “Respondent” includes any adults or juveniles alleged to have engaged in harassment or organizations alleged to have sponsored or promoted harassment.</p> <p>(c) “Targeted residential picketing” includes the following acts when committed on more than one occasion:</p> <p>(1) marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security, or privacy of an occupant of the building; or</p> <p>(2) marching, standing, or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located.</p> <p> These definitions apply to Minn. Stat. § 609.748. This statutory provision is included above in the section “Select Crime Victims’ Rights”</p>	
<p><b>Certain Victims’ Rights to Notice of an Arrested Person’s Release and Bail Hearing Definitions.</b></p> <p>(a) For purposes of this section, the following terms have the meanings given them.</p>	<p>Minn. Stat. Ann. § 629.72, subd. 1.</p>

<p>(b) “Domestic abuse” has the meaning given in section 518B.01, subdivision 2.</p> <p>(c) “Harass” and “stalking” have the meanings given in section 609.749.</p> <p>(d) “Violation of a domestic abuse no contact order” has the meaning given in section 629.75.</p> <p>(e) “Violation of an order for protection” has the meaning given in section 518B.01, subdivision 14.</p> <p> These definitions apply to Minn. Stat. § 629.72. This statutory provision is included above in the section “Select Crime Victims’ Rights”</p>	
<p><b>Address Confidentiality Program Definitions.</b></p> <p>(a) For purposes of this chapter and unless the context clearly requires otherwise, the definitions in this section have the meanings given them.</p> <p>(b) “Address” means an individual’s work address, school address, or residential street address, as specified on the individual’s application to be a program participant under this chapter.</p> <p>(c) “Applicant” means an adult, a parent or guardian acting on behalf of an eligible minor, or a guardian acting on behalf of an incapacitated person, as defined in section 524.5-102.</p> <p>(d) “Domestic violence” means an act as defined in section 518B.01, subdivision 2, paragraph (a), and includes a threat of such acts committed against an individual in a domestic situation, regardless of whether these acts or threats have been reported to law enforcement officers.</p>	<p>Minn. Rev. Stat. Ann. § 5B.02.</p>

<p>(e) “Eligible person” means an adult, a minor, or an incapacitated person, as defined in section 524.5-102 for whom there is good reason to believe (1) that the eligible person is a victim of domestic violence, sexual assault, or harassment or stalking, or (2) that the eligible person fears for the person’s safety, the safety of another person who resides in the same household, or the safety of persons on whose behalf the application is made. An individual must reside in Minnesota in order to be an eligible person. A person registered or required to register as a predatory offender under section 243.166 or 243.167, or the law of another jurisdiction, is not an eligible person.</p> <p>(f) “Mail” means first class letters and flats delivered via the United States Postal Service, including priority, express, and certified mail, and excluding packages, parcels, periodicals, and catalogues, unless they are clearly identifiable as pharmaceuticals or clearly indicate that they are sent by a state or county government agency.</p> <p>(g) “Program participant” means an individual certified as a program participant under section 5B.03.</p> <p>(h) “Harassment” or “stalking” means acts criminalized under section 609.749 and includes a threat of such acts committed against an individual, regardless of whether these acts or threats have been reported to law enforcement officers.</p> <p> These definitions apply to Minnesota’s Address Confidentiality Program, Minn. Stat. Ann. §§ 5B.01 through 5B.13. Many of these provisions are included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Sexual Assault Counselor-Victim Confidentiality Definitions.</b></p> <p>(a) “Community-based program” means any office, institution, or center offering assistance to victims of sexual assault and their families through crisis intervention, medical, and legal accompaniment and subsequent counseling.</p>	<p>Minn. Stat. Ann. § 13.822, subd. 1.</p>

<p>(b) “Sexual assault counselor” means a person who has undergone at least 40 hours of crisis counseling training and works under the direction of a supervisor in a crisis center, whose primary purpose is the rendering of advice, counseling, or assistance to victims of sexual assault.</p> <p>(c) “Victim” means a person who consults a sexual assault counselor for the purpose of securing advice, counseling, or assistance concerning a mental, physical, or emotional condition caused by a sexual assault.</p> <p>(d) “Sexual assault communication data” means all information transmitted in confidence between a victim of sexual assault and a sexual assault counselor and all other information received by the sexual assault counselor in the course of providing assistance to the victim. The victim shall be deemed the subject of sexual assault communication data.</p> <p> These definitions apply to Minn. Stat. Ann. § 13.822, subd. 2. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	
<p><b>Non-Governmental Domestic Abuse or Sexual Assault Programs Exempt from Data Practices Act Definitions.</b></p> <p>For purposes of this section:</p> <p>(1) “domestic abuse” has the meaning given in section 518B.01, subdivision 2; and</p> <p>(2) “sexual assault” has the meaning given in section 611A.211, subdivision 4.</p> <p> These definitions apply to Minn. Stat. Ann. § 13.823, subd. 2. This statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Minn. Stat. Ann. § 13.823, subd. 1.</p>

<p><b>Victims' Right to Access Court Services Data to Assert Rights to Restitution and to Notice Definition.</b></p> <p>As used in this section “court services data” means data that are created, collected, used or maintained by a court services department, parole or probation authority, correctional agency, or by an agent designated by the court to perform studies or other duties and that are on individuals who are or were defendants, parolees or probationers of a district court, participants in diversion programs, petitioners or respondents to a family court, or juveniles adjudicated delinquent and committed, detained prior to a court hearing or hearings, or found to be dependent or neglected and placed under the supervision of the court.</p> <p> This definition applies to Minn. Stat. Ann. § 13.824. Subdivision 6 of this statutory provision is included below in the section “Select Crime Victims’ Rights.”</p>	<p>Minn. Stat. Ann. § 13.84, subd. 6.</p>
<p><b>SELECT CRIME VICTIMS' RIGHTS</b></p>	<p><b>Minnesota Statutes and Rules</b></p>
<p><b>Scope of Victims' Rights.</b></p> <p>The rights afforded to crime victims in sections 611A.01 to 611A.06 are applicable to adult criminal cases, juvenile delinquency proceedings, juvenile traffic proceedings involving driving under the influence of alcohol or drugs, and proceedings involving any other act committed by a juvenile that would be a crime as defined in section 609.02, if committed by an adult.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Minn. Stat. Ann. § 611A.015.</p>

<p><b>Victims' Right to Notification of Rights and Available Services.</b></p> <p>(a) The Office of Justice Programs in the Department of Public Safety shall update the two model notices of the rights of crime victims.</p> <p>(b) The initial notice of the rights of crime victims must be distributed by a peace officer to each victim, as defined in section 611A.01, at the time of initial contact with the victim. The notice must inform a victim of:</p> <ol style="list-style-type: none"> <li>(1) the victim's right to apply for reparations to cover losses, not including property losses, resulting from a violent crime and the telephone number to call to request an application;</li> <li>(2) the victim's right to request that the law enforcement agency withhold public access to data revealing the victim's identity under section 13.82, subdivision 17, paragraph (d);</li> <li>(3) the additional rights of domestic abuse victims as described in section 629.341;</li> <li>(4) information on the nearest crime victim assistance program or resource;</li> <li>(5) the victim's rights, if an offender is charged, to be informed of and participate in the prosecution process, including the right to request restitution; and</li> <li>(6) in homicide cases, information on rights and procedures available under sections 524.2-803, 524.3-614, and 524.3-615.</li> </ol> <p>(c) A supplemental notice of the rights of crime victims must be distributed by the city or county attorney's office to each victim, within a reasonable time after the offender is charged or petitioned. This notice must inform a victim of all the rights of crime victims under this chapter.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Minn. Stat. Ann. § 13.82, subd. 17(d), which affords victims the right to request the withholding of their identifying information from publicly accessible data, is included below.</p>	<p>Minn. Stat. Ann. § 611A.02, subd. 2.</p>
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<p> Minn. Stat. Ann. § 629.341, which provides certain rights to domestic abuse victims, is included below.</p> <p> Minn. Stat. Ann. §§ 524.2-803, 524.3-614, and 524.3-615 govern the effects of homicide on certain probate rights and procedures.</p> <p> A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time after initial contact with law enforcement. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p> <p> A promising practice is to have a policy establishing what constitutes “a reasonable time after the offender is charged or petitioned.”</p> <p> Victims should be informed that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p><b>Victims’ Right to Request that Law Enforcement Withhold Public Access to Data that Would Reveal the Victim’s Identity.</b></p> <p>A victim has a right under section 13.82, subdivision 17, clause (d), to request a law enforcement agency to withhold public access to data revealing the victim’s identity.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision.</p>	<p>Minn. Stat. Ann. § 611A.021.</p>

<p>These definitions are included above in the section “Select Definitions.”</p> <p> Minn. Stat. Ann. § 13.82, subd. 17(d), which affords victims the right to request the withholding of their identifying information from publicly accessible data, is included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.</p>	
<p><b>Victims’ Rights Regarding Plea Agreements: to Notice and Information Regarding Right to Be Present and Heard at Sentencing and Plea Hearing; Prosecutor’s Duties Related to Victim Notification.</b></p> <p>Subd. 1. Plea agreements; notification of victim. Prior to the entry of the factual basis for a plea pursuant to a plea agreement recommendation, a prosecuting attorney shall make a reasonable and good faith effort to inform the victim of:</p> <p>(1) the contents of the plea agreement recommendation, including the amount of time recommended for the defendant to serve in jail or prison if the court accepts the agreement; and</p> <p>(2) the right to be present at the sentencing hearing and at the hearing during which the plea is presented to the court and to express orally or in writing, at the victim’s option, any objection to the agreement or to the proposed disposition. If the victim is not present when the court considers the recommendation, but has communicated objections to the prosecuting attorney, the prosecuting attorney shall make these objections known to the court.</p> <p>Subd. 2. Notification duties. A prosecuting attorney satisfies the requirements of subdivision 1 by notifying:</p> <p>(1) the victim’s legal guardian or guardian ad litem; or</p>	<p>Minn. Stat. Ann. § 611A.03.</p>

<p>(2) the three victims the prosecuting attorney believes to have suffered the most, if there are more than three victims of the offense.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place establishing what constitutes “a reasonable and good faith effort to inform the victim” of the contents of a plea and of their rights to be present and heard at sentencing and/or a plea hearing.</p>	
<p><b>Victims’ Right to Submit a Statement at a Plea Presentation Hearing.</b></p> <p>A victim has the rights described in section 611A.03, subdivision 1, clause (2), at a plea presentation hearing.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Minn. Stat. Rev. Ann. § 611A.03, subd. 1, cl. 2 governs the prosecutor’s notification duties regarding plea agreements. This provision is included above.</p>	<p>Minn. Stat. Ann. § 611A.0301.</p>
<p><b>Victims’ Right to Provide Input Prior to Pretrial Diversion.</b></p> <p>A prosecutor shall make every reasonable effort to notify and seek input from the victim prior to referring a person into a pretrial diversion program in lieu of prosecution for a violation of sections 609.185, 609.19, 609.195, 609.20, 609.205, 609.221, 609.222, 609.223, 609.224, 609.2242, 609.24, 609.245, 609.25, 609.255, 609.342, 609.343, 609.344, 609.345, 609.365, 609.498, 609.561, 609.582, subdivision 1, 609.687, 609.713, and 609.749.</p>	<p>Minn. Stat. Ann. § 611A.031.</p>

 <p>Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p><b>Domestic Abuse Prosecutions Plan and Procedures; Pilot Program.</b></p> <p>Contents of plan. Each county and city attorney shall develop and implement a written plan to expedite and improve the efficiency and just disposition of domestic abuse cases brought to the prosecuting authority. Domestic abuse advocates, law enforcement officials, and other interested members of the public must have an opportunity to assist in the development or adaptation of the plans in each jurisdiction. The commissioner shall make the plan and related training and technical assistance available to all city and county attorneys. All plans must state goals and contain policies and procedures to address the following matters:</p> <ul style="list-style-type: none"> <li>(1) early assignment of a trial prosecutor who has the responsibility of handling the domestic abuse case through disposition, whenever feasible, or, where applicable, probation revocation; and early contact between the trial prosecutor and the victim;</li> <li>(2) procedures to facilitate the earliest possible contact between the prosecutor’s office and the victim for the purpose of acquainting the victim with the criminal justice process, the use of subpoenas, the victim’s role as a witness in the prosecution, and the domestic abuse or victim services that are available;</li> <li>(3) procedures to coordinate the trial prosecutor’s efforts with those of the domestic abuse advocate or victim advocate, where available, and to facilitate the early provision of advocacy services to the victim;</li> <li>(4) procedures to encourage the prosecution of all domestic abuse cases where a crime can be proven;</li> </ul>	<p>Minn. Stat. Ann. § 611A.0311, subd. 2.</p>

<p>(5) methods that will be used to identify, gather, and preserve evidence in addition to the victim’s in-court testimony that will enhance the ability to prosecute a case when a victim is reluctant to assist, including but not limited to physical evidence of the victim’s injury, evidence relating to the scene of the crime, eyewitness testimony, and statements of the victim made at or near the time of the injury;</p> <p>(6) procedures for educating local law enforcement agencies about the contents of the plan and their role in assisting with its implementation;</p> <p>(7) the use for subpoenas to victims and witnesses, where appropriate;</p> <p>(8) procedures for annual review of the plan to evaluate whether it is meeting its goals effectively and whether improvements are needed; and</p> <p>(9) a timetable for implementation.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 and § 611A.0311, subd. 1, define the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p><b>Certain Victims’ Rights to Notice of Decision to Not Prosecute or Dismiss Charges.</b></p> <p>(a) A prosecutor shall make every reasonable effort to notify a victim of domestic assault, a criminal sexual conduct offense, or harassment or stalking that the prosecutor has decided to decline prosecution of the case or to dismiss the criminal charges filed against the defendant. Efforts to notify the victim should include, in order of priority: (1) contacting the victim or a person designated by the victim by telephone; and (2) contacting the victim by mail. If a suspect is still in custody, the notification attempt shall be made before the suspect is released from custody.</p>	<p>Minn. Stat. Ann. § 611A.0315, subd. 1.</p>

<p>(b) Whenever a prosecutor dismisses criminal charges against a person accused of domestic assault, a criminal sexual conduct offense, or harassment or stalking, a record shall be made of the specific reasons for the dismissal. If the dismissal is due to the unavailability of the witness, the prosecutor shall indicate the specific reason that the witness is unavailable.</p> <p>(c) Whenever a prosecutor notifies a victim of domestic assault, criminal sexual conduct, or harassment or stalking under this section, the prosecutor shall also inform the victim of the method and benefits of seeking an order for protection under section 518B.01 or a restraining order under section 609.748 and that the victim may seek an order without paying a fee.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 and Minn. Stat. Ann. § 611A.0315, subd. 2, define the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Minn. Rev. Stat. Ann. § 518B.01, which governs protective orders for victims of domestic abuse, and Minn. Rev. Stat. Ann. § 609.748, which governs harassment restraining orders, are included below.</p>	
<p><b>Victims’ Right to Request that Prosecutor Make a Speedy Trial Demand; Prosecutor’s Discretion to Make Speedy Trial Demand Without a Request When Victim is a Vulnerable Adult.</b></p> <p>(a) A victim has the right to request that the prosecutor make a demand under rule 11.09 of the Rules of Criminal Procedure that the trial be commenced within 60 days of the demand. The prosecutor shall make reasonable efforts to comply with the victim’s request.</p> <p>...</p> <p>(c) In a criminal proceeding in which a vulnerable adult, as defined in section 609.232, subdivision 11, is a victim, the state may move the court for a speedy trial. The court, after</p>	<p>Minn. Stat. Ann. § 611A.033(a), (c).</p>

<p>consideration of the age and health of the victim, may grant a speedy trial. The motion may be filed and served with the complaint or any time after the complaint is filed and served.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy in place to establish what constitutes “reasonable efforts” by the prosecutor.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.</p>	
<p><b>Victims’ Right to Notice of Schedule Change Regarding Proceedings Where Victims Were Subpoenaed or Requested to Testify.</b></p> <p>A prosecutor shall make reasonable efforts to provide advance notice of any change in the schedule of the court proceedings to a victim who has been subpoenaed or requested to testify.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy in place to establish what constitutes “reasonable efforts” by the prosecutor.</p>	<p>Minn. Stat. Ann. § 611A.033(b).</p>

<p><b>Victims' Right to Separate Waiting Areas in Courthouse or Other Safeguards to Minimize Victims' Contact with Defendants, Defendants' Relatives, and Defendants' Witnesses.</b></p> <p>The court shall provide a waiting area for victims during court proceedings which is separate from the waiting area used by the defendant, the defendant's relatives, and defense witnesses, if such a waiting area is available and its use is practical. If a separate waiting area for victims is not available or practical, the court shall provide other safeguards to minimize the victim's contact with the defendant, the defendant's relatives, and defense witnesses during court proceedings, such as increased bailiff surveillance and victim escorts.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> Although this provision is directed at courts, the same concept can and should be applied to law enforcement.</p>	<p>Minn. Stat. Ann. § 611A.034.</p>
<p><b>Prosecutors' Discretion to Not Disclose Certain Identifying and Locating Information of Victims.</b></p> <p>(a) A prosecutor may elect not to disclose a victim's or witness's home or employment address, telephone number, or date of birth if the prosecutor certifies to the trial court that:</p> <ul style="list-style-type: none"> <li>(1) the defendant or respondent has been charged with or alleged to have committed a crime;</li> <li>(2) the nondisclosure is needed to address the victim's or witness's concerns about safety or security; and</li> <li>(3) the victim's or witness's home or employment address, telephone number, or date of birth is not relevant to the prosecution's case.</li> </ul> <p>(b) If such a certification is made, the prosecutor must make a motion with proper notice for the court's permission to continue to withhold this information. The court shall either:</p>	<p>Minn. Stat. Ann. § 611A.035, subd. 1.</p>

<p>(1) order the information disclosed to defense counsel, but order it not disclosed to the defendant; or</p> <p>(2) order the prosecutor to contact the victim or witness to arrange a confidential meeting between defense counsel, or defense counsel’s agent, and the victim or witness, at a neutral location, if the victim or witness consents to a meeting.</p> <p>This subdivision shall not be construed to compel a victim or witness to give any statement to or attend any meeting with defense counsel or defense counsel’s agent.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p><b>Victims’ Right to Not Disclose Certain Identifying and Locating Information When Testifying in Court.</b></p> <p>No victim or witness providing testimony in court proceedings may be compelled to state a home or employment address, telephone number, or the date of birth of the victim or witness on the record in open court unless the court finds that the testimony would be relevant evidence.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Minn. Stat. Ann. § 611A.035, subd. 2.</p>
<p><b>Victims’ Employment-Related Rights.</b></p> <p>Subd. 1. Victim or witness. An employer must allow a victim or witness, who is subpoenaed or requested by the prosecutor to attend court for the purpose of giving testimony, reasonable time off from work to attend criminal proceedings related to the victim’s case.</p>	<p>Minn. Stat. Ann. § 611A.036, subs. 1–6.</p>

Subd. 2. Victim's spouse or immediate family members. An employer must allow a victim of a violent crime, as well as the victim's spouse or immediate family members, reasonable time off from work to attend criminal proceedings related to the victim's case.

Subd. 3. Prohibited acts. An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, because the employee took reasonable time off from work to attend a criminal proceeding pursuant to this section.

Subd. 4. Verification; confidentiality. An employee who is absent from the workplace shall give 48 hours' advance notice to the employer, unless impracticable or an emergency prevents the employee from doing so. Upon request of the employer, the employee shall provide verification that supports the employee's reason for being absent from the workplace. All information related to the employee's leave pursuant to this section shall be kept confidential by the employer.

Subd. 5. Penalty. An employer who violates this section is guilty of a misdemeanor and may be punished for contempt of court. In addition, the court shall order the employer to offer job reinstatement to any employee discharged from employment in violation of this section, and to pay the employee back wages as appropriate.

Subd. 6. Civil action. In addition to any remedies otherwise provided by law, an employee injured by a violation of this section may bring a civil action for recovery for damages, together with costs and disbursements, including reasonable attorneys fees, and may receive such injunctive and other equitable relief, including reinstatement, as determined by the court.



Minn. Rev. Stat. Ann. § 611A.01 and Minn. Stat. Ann. § 611A.036, subd. 7, define the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

<p> Under Minn. Stat. Ann. § 518B.01, subd. 23, domestic violence victims also have the right to not be retaliated against by their employer for taking reasonable time off from work to obtain or attempt to obtain a protective order. Likewise, under Minn. Stat. Ann. § 609.748, subd. 10, victims who apply for a restraining order may not be penalized by an employer for time taken off from work to obtain or attempt to obtain such an order. These provisions are included below.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their employment-related rights and to provide employers with this information.</p>	
<p><b>Victims' Rights Regarding Impact Statement and Presentence Investigation: Contents of Statement; Notice from Officer Conducting Presentence Investigation to Victim About Conviction or Guilty Plea, Right to Request Restitution, Time and Place of Sentencing, and Proposed Sentence or Plea Agreement.</b></p> <p>Subd. 1. Victim impact statement. A presentence investigation report prepared under section 609.115 shall include the following information relating to victims:</p> <ul style="list-style-type: none"> <li>(1) a summary of the damages or harm and any other problems generated by the criminal occurrence;</li> <li>(2) a concise statement of what disposition the victim deems appropriate for the defendant or juvenile court respondent, including reasons given, if any, by the victim in support of the victim's opinion; and</li> <li>(3) an attachment to the report, consisting of the victim's written objections, if any, to the proposed disposition if the victim provides the officer conducting the presentence investigation with this written material within a reasonable time prior to the disposition.</li> </ul> <p>Subd. 2. Notice to victim. The officer conducting a presentence or predispositional investigation shall make reasonable and good faith efforts to assure that the victim of that crime is provided with the following information by contacting the victim or assuring that</p>	<p>Minn. Stat. Ann. § 611A.037.</p>

<p>another public or private agency has contacted the victim: (1) the charge or juvenile court petition to which the defendant has been convicted or pleaded guilty, or the juvenile respondent has admitted in court or has been found to have committed by the juvenile court, and of any plea agreement between the prosecution and the defense counsel; (2) the victim's right to request restitution pursuant to section 611A.04; (3) the time and place of the sentencing or juvenile court disposition and the victim's right to be present; and (4) the victim's right to object in writing to the court, prior to the time of sentencing or juvenile court disposition, to the proposed sentence or juvenile dispositional alternative, or to the terms of the proposed plea agreement. To assist the victim in making a recommendation under clause (4), the officer shall provide the victim with information about the court's options for sentencing and other dispositions. Failure of the officer to comply with this subdivision does not give any rights or grounds for postconviction or postjuvenile disposition relief to the defendant or juvenile court respondent, nor does it entitle a defendant or a juvenile court respondent to withdraw a plea of guilty.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	
<p><b>Victims' Right to Submit a Statement, Orally or in Writing, at Sentencing.</b></p> <p>(a) A victim has the right to submit an impact statement to the court at the time of sentencing or disposition hearing. The impact statement may be presented to the court orally or in writing, at the victim's option. If the victim requests, the prosecutor must orally present the statement to the court. Statements may include the following, subject to reasonable limitations as to time and length:</p> <ul style="list-style-type: none"> <li>(1) a summary of the harm or trauma suffered by the victim as a result of the crime;</li> <li>(2) a summary of the economic loss or damage suffered by the victim as a result of the crime;</li> <li>and</li> <li>(3) a victim's reaction to the proposed sentence or disposition.</li> </ul>	<p>Minn. Stat. Ann. § 611A.038.</p>

<p>(b) A representative of the community affected by the crime may submit an impact statement in the same manner that a victim may as provided in paragraph (a). This impact statement shall describe the adverse social or economic effects the offense has had on persons residing and businesses operating in the community where the offense occurred.</p> <p>(c) If the court permits the defendant or anyone speaking on the defendant's behalf to present a statement to the court, the court shall limit the response to factual issues which are relevant to sentencing.</p> <p>(d) Nothing in this section shall be construed to extend the defendant's right to address the court under section 631.20.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	
<p><b>Victims' Right to Notice of Offender's Release and Expungement.</b></p> <p>At the time of sentencing or the disposition hearing in a case in which there is an identifiable victim, the court or its designee shall make reasonable good faith efforts to inform each affected victim of the offender notice of release and notice of expungement provisions of section 611A.06. If the victim is a minor, the court or its designee shall, if appropriate, also make reasonable good faith efforts to inform the victim's parent or guardian of the right to notice of release and notice of expungement. The state court administrator, in consultation with the commissioner of corrections and the prosecuting authorities, shall prepare a form that outlines the notice of release and notice of expungement provisions under section 611A.06 and describes how a victim should complete and submit a request to the commissioner of corrections or other custodial authority to be informed of an offender's release or submit a request to the prosecuting authorities to be informed of an offender's petition for expungement. The state court administrator shall make these forms available to court administrators who shall assist the court in disseminating right to notice of offender release and notice of expungement information to victims.</p>	<p>Minn. Stat. Ann. § 611A.0385.</p>

<p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy in place to establish what constitutes “reasonable good faith efforts” to provide victims with this information.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the submission of such requests to the commissioner of corrections, other custodial authorities, or the prosecuting attorney. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p><b>Victims’ Right to Notice of Final Disposition of the Case and of Certain Sentence Modifications.</b></p> <p>Subd. 1. Notice required. Except as otherwise provided in subdivision 2, within 15 working days after a conviction, acquittal, or dismissal in a criminal case in which there is an identifiable crime victim, the prosecutor shall make reasonable good faith efforts to provide to each affected crime victim oral or written notice of the final disposition of the case. When the court is considering modifying the sentence for a felony or a crime of violence or an attempted crime of violence, the court or its designee shall make a reasonable and good faith effort to notify the victim of the crime. If the victim is incapacitated or deceased, notice</p>	<p>Minn. Stat. Ann. § 611A.039.</p>

must be given to the victim's family. If the victim is a minor, notice must be given to the victim's parent or guardian. The notice must include:

- (1) the date and approximate time of the review;
- (2) the location where the review will occur;
- (3) the name and telephone number of a person to contact for additional information; and
- (4) a statement that the victim and victim's family may provide input to the court concerning the sentence modification.

As used in this section, "crime of violence" has the meaning given in section 624.712, subdivision 5, and also includes gross misdemeanor violations of section 609.224, and nonfelony violations of sections 518B.01, 609.2231, 609.3451, 609.748, and 609.749.

Subd. 2. Exception. If a prosecutor contacts an identifiable crime victim in advance of the final case disposition, either orally or in writing, and notifies the victim of the victim's right to request information on the final disposition of the case, the prosecutor shall only be required to provide the notice described in subdivision 1 to those victims who have indicated in advance their desire to be notified of the final case disposition.



Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."



A promising practice is to have a policy in place to establish what constitutes "reasonable good faith efforts" to provide victims with this information.



A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully document a victim's request to exercise rights. Victims who wish to receive the

<p>type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p><b>Victims' Right to Information Regarding Defendant's Appeal.</b></p> <p>Subd. 1. Prosecuting attorney to notify victims. (a) The prosecuting attorney shall make a reasonable and good faith effort to provide to each affected victim oral or written notice of a pending appeal. This notice must be provided within 30 days of filing of the respondent's brief. The notice must contain a brief explanation of the contested issues or a copy of the brief, an explanation of the applicable process, information about scheduled oral arguments or hearings, a statement that the victim and the victim's family may attend the argument or hearing, and the name and telephone number of a person that may be contacted for additional information.</p> <p>(b) In a criminal case in which there is an identifiable crime victim, within 15 working days of a final decision on an appeal, the prosecuting attorney shall make a reasonable and good faith effort to provide to each affected victim oral or written notice of the decision. This notice must include a brief explanation of what effect, if any, the decision has upon the judgment of the trial court and the name and telephone number of a person that may be contacted for additional information.</p> <p>Subd. 2. Exception. The notices described in subdivision 1 do not have to be given to victims who have previously indicated a desire not to be notified.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to have a policy in place to establish what constitutes "reasonable good faith efforts" to provide victims with this information.</p>	<p>Minn. Stat. Ann. § 611A.0395.</p>
<p><b>Victims' Right to Restitution; Procedures Related to Restitution Payment.</b></p>	<p>Minn. Stat. Ann. § 611A.04.</p>

Subd. 1. Request; decision. (a) A victim of a crime has the right to receive restitution as part of the disposition of a criminal charge or juvenile delinquency proceeding against the offender if the offender is convicted or found delinquent. The court, or a person or agency designated by the court, shall request information from the victim to determine the amount of restitution owed. The court or its designee shall obtain the information from the victim in affidavit form or by other competent evidence. Information submitted relating to restitution must describe the items or elements of loss, itemize the total dollar amounts of restitution claimed, and specify the reasons justifying these amounts, if restitution is in the form of money or property. A request for restitution may include, but is not limited to, any out-of-pocket losses resulting from the crime, including medical and therapy costs, replacement of wages and services, expenses incurred to return a child who was a victim of a crime under section 609.26 to the child's parents or lawful custodian, and funeral expenses. An actual or prospective civil action involving the alleged crime shall not be used by the court as a basis to deny a victim's right to obtain court-ordered restitution under this section. In order to be considered at the sentencing or dispositional hearing, all information regarding restitution must be received by the court administrator of the appropriate court at least three business days before the sentencing or dispositional hearing. The court administrator shall provide copies of this request to the prosecutor and the offender or the offender's attorney at least 24 hours before the sentencing or dispositional hearing. The issue of restitution is reserved or the sentencing or dispositional hearing or hearing on the restitution request may be continued if the victim's affidavit or other competent evidence submitted by the victim is not received in time. At the sentencing or dispositional hearing, the court shall give the offender an opportunity to respond to specific items of restitution and their dollar amounts in accordance with the procedures established in section 611A.045, subdivision 3.

(b) The court may amend or issue an order of restitution after the sentencing or dispositional hearing if:

- (1) the offender is on probation, committed to the commissioner of corrections, or on supervised release;
- (2) sufficient evidence of a right to restitution has been submitted; and

(3) the true extent of the victim's loss or the loss of the Crime Victims Reparations Board was not known at the time of the sentencing or dispositional hearing, or hearing on the restitution request.

If the court holds a hearing on the restitution request, the court must notify the offender, the offender's attorney, the victim, the prosecutor, and the Crime Victims Reparations Board at least five business days before the hearing. The court's restitution decision is governed by this section and section 611A.045.

(c) The court shall grant or deny restitution or partial restitution and shall state on the record its reasons for its decision on restitution if information relating to restitution has been presented. If the court grants partial restitution it shall also specify the full amount of restitution that may be docketed as a civil judgment under subdivision 3. The court may not require that the victim waive or otherwise forfeit any rights or causes of action as a condition of granting restitution or partial restitution. In the case of a defendant who is on probation, the court may not refuse to enforce an order for restitution solely on the grounds that the order has been docketed as a civil judgment.

Subd. 1a. Crime board request. The Crime Victims Reparations Board may request restitution on behalf of a victim by filing a copy of orders of the board, if any, which detail any amounts paid by the board to the victim. The board may file the payment order with the court administrator or with the person or agency the court has designated to obtain information relating to restitution. The board shall submit the payment order not less than three business days after it is issued by the board. The court administrator shall provide copies of the payment order to the prosecutor and the offender or the offender's attorney within 48 hours of receiving it from the board or at least 24 hours before the sentencing or dispositional hearing, whichever is earlier. By operation of law, the issue of restitution is reserved if the payment order is not received at least three days before the sentencing or dispositional hearing. The filing of a payment order for reparations with the court administrator shall also serve as a request for restitution by the victim. The restitution requested by the board may be considered to be both on its own behalf and on behalf of the victim. If the board has not paid reparations to the victim or on the victim's behalf, restitution may be made directly to the victim. If the board has paid reparations to the victim

or on the victim's behalf, the court shall order restitution payments to be made directly to the board.

Subd. 1b. Affidavit of disclosure. An offender who has been ordered by the court to make restitution in an amount of \$500 or more shall file an affidavit of financial disclosure with the correctional agency responsible for investigating the financial resources of the offender on request of the agency. The commissioner of corrections shall prescribe what financial information the affidavit must contain.

Subd. 2. Procedures. The offender shall make restitution payments to the court administrator of the county, municipal, or district court of the county in which the restitution is to be paid. The court administrator shall disburse restitution in incremental payments and may not keep a restitution payment for longer than 30 days; except that the court administrator is not required to disburse a restitution payment that is under \$10 unless the payment would fulfill the offender's restitution obligation. The court administrator shall keep records of the amount of restitution ordered in each case, any change made to the restitution order, and the amount of restitution actually paid by the offender. The court administrator shall forward the data collected to the state court administrator who shall compile the data and make it available to the supreme court and the legislature upon request.

Subd. 3. Effect of order for restitution. An order of restitution may be enforced by any person named in the order to receive the restitution, or by the Crime Victims Reparations Board in the same manner as a judgment in a civil action. Any order for restitution in favor of a victim shall also operate as an order for restitution in favor of the Crime Victims Reparations Board, if the board has paid reparations to the victim or on the victim's behalf. Filing fees for docketing an order of restitution as a civil judgment are waived for any victim named in the restitution order. An order of restitution shall be docketed as a civil judgment, in the name of any person named in the order and in the name of the crime victims reparations board, by the court administrator of the district court in the county in which the order of restitution was entered. The court administrator also shall notify the commissioner of revenue of the restitution debt in the manner provided in chapter 270A, the Revenue Recapture Act. A juvenile court is not required to appoint a guardian ad litem for a juvenile

offender before docketing a restitution order. Interest shall accrue on the unpaid balance of the judgment as provided in section 549.09. Whether the order of restitution has been docketed or not, it is a debt that is not dischargeable in bankruptcy. A decision for or against restitution in any criminal or juvenile proceeding is not a bar to any civil action by the victim or by the state pursuant to section 611A.61 against the offender. The offender shall be given credit, in any order for judgment in favor of a victim in a civil action, for any restitution paid to the victim for the same injuries for which the judgment is awarded.

Subd. 4. Payment of restitution. When the court orders the payment of restitution and the payment of a fine, fees, surcharges, or other financial obligations, the court administrator shall apply any payments to the restitution obligation before applying payments to the fine, fees, surcharges, or other financial obligations, unless otherwise ordered by the court.

Subd. 5. Unclaimed restitution payments. Restitution payments held by the court for a victim that remain unclaimed by the victim for more than three years shall be deposited in the crime victims account created in section 611A.612. At the time the deposit is made, the court shall record the name and last known address of the victim and the amount being deposited, and shall forward the data to the Crime Victims Reparations Board.

Subd. 6. Estate of victim. If a victim dies before or after a request for restitution is made or an order for restitution is issued, the personal representative of the victim's estate may request or enforce an order for restitution on behalf of the victim. If a personal representative is not appointed and no application is pending, an heir of the victim may file an affidavit to request or enforce an order for restitution pursuant to this subdivision. Appointment of a personal representative does not affect the right of other victims, as defined in section 611A.01, to request an order for restitution on their behalf.



Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."



Victims should be informed that they are entitled to restitution upon the conviction of

<p>defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p><b>Procedures Related to Issuance of Restitution Order.</b></p> <p>Subd. 1. Criteria. (a) The court, in determining whether to order restitution and the amount of the restitution, shall consider the following factors:                  (1) the amount of economic loss sustained by the victim as a result of the offense; and                  (2) the income, resources, and obligations of the defendant.                  (b) If there is more than one victim of a crime, the court shall give priority to victims who are not governmental entities when ordering restitution.</p> <p>Subd. 2. Presentence investigation. The presentence investigation report made pursuant to section 609.115, subdivision 1, must contain information pertaining to the factors set forth in Subd. 1.</p> <p>Subd. 2a. Payment structure. The court shall include in every restitution order a provision requiring a payment schedule or structure. The court may assign the responsibility for developing the schedule or structure to the court administrator, a probation officer, or another designated person. The person who develops the payment schedule or structure shall consider relevant information supplied by the defendant. If the defendant is placed on supervised probation, the payment schedule or structure must be incorporated into the probation agreement and must provide that the obligation to pay restitution continues throughout the term of probation. If the defendant is not placed on probation, the structure or schedule must provide that the obligation to pay restitution begins no later than 60 days after the restitution order is issued.</p> <p>Subd. 3. Dispute; evidentiary burden; procedures. (a) At the sentencing, dispositional hearing, or hearing on the restitution request, the offender shall have the burden to produce evidence if the offender intends to challenge the amount of restitution or specific items of</p>	<p>Minn. Stat. Ann. § 611A.045.</p>

<p>restitution or their dollar amounts. This burden of production must include a detailed sworn affidavit of the offender setting forth all challenges to the restitution or items of restitution, and specifying all reasons justifying dollar amounts of restitution which differ from the amounts requested by the victim or victims. The affidavit must be served on the prosecuting attorney and the court at least five business days before the hearing. A dispute as to the proper amount or type of restitution must be resolved by the court by the preponderance of the evidence. The burden of demonstrating the amount of loss sustained by a victim as a result of the offense and the appropriateness of a particular type of restitution is on the prosecution.</p> <p>(b) An offender may challenge restitution, but must do so by requesting a hearing within 30 days of receiving written notification of the amount of restitution requested, or within 30 days of sentencing, whichever is later. The hearing request must be made in writing and filed with the court administrator. A defendant may not challenge restitution after the 30-day time period has passed.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p><b>Victims’ Right to Request Probation Review Hearing Upon Defendants’ Failure to Pay Restitution.</b></p> <p>A victim has the right to ask the offender’s probation officer to request a probation review hearing if the offender fails to pay restitution as required in a restitution order.</p> <p> Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	<p>Minn. Stat. Ann. § 611A.046.</p>

 A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.	
<p><b>Victims Right to Pursue Civil Remedies.</b></p> <p>The provision in any law for a penalty or forfeiture for its violation shall not be construed to deprive an injured person of the right to recover from the offender damages sustained by reason of the violation of such law.</p>	<p>Minn. Stat. Ann. § 611A.05.</p>
<p><b>Victims’ Right to Notice of Release or Escape from Imprisonment or Incarceration.</b></p> <p>Subd. 1. Notice of release required. The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim that the offender is to be released from imprisonment or incarceration, including release on extended furlough and for work release; released from a juvenile correctional facility; released from a facility in which the offender was confined due to incompetency, mental illness, or mental deficiency, or commitment under section 253B.18 or chapter 253D; or if the offender’s custody status is reduced, if the victim has mailed to the commissioner of corrections or to the head of the facility in which the offender is confined a written request for this notice, or the victim has made a request for this notice to the commissioner of corrections through the Department of Corrections electronic victim notification system. The good faith effort to notify the victim must occur prior to the offender’s release or when the offender’s custody status is reduced. For a victim of a felony crime against the person for which the offender was sentenced to imprisonment for more than 18 months, the good faith effort to notify the victim must occur 60 days before the offender’s release.</p> <p>Subd. 1a. Notice of expungement required. The prosecuting authority with jurisdiction over an offense for which expungement is being sought shall make a good faith effort to notify a victim that the expungement is being sought if: (1) the victim has mailed to the prosecuting</p>	<p>Minn. Stat. Ann. § 611A.06.</p>

authority with jurisdiction over an offense for which expungement is being sought a written request for this notice, or (2) the victim has indicated on a request for notice of expungement submitted under subdivision 1 a desire to be notified in the event the offender seeks an expungement for the offense.

A copy of any written request for a notice of expungement request received by the commissioner of corrections or other custodial authority shall be forwarded to the prosecutorial authority with jurisdiction over the offense to which the notice relates. The prosecutorial authority complies with this section upon mailing a copy of an expungement petition relating to the notice to the address which the victim has most recently provided in writing.

Subd. 2. Contents of notice. The notice given to a victim of a crime against a person must include the conditions governing the offender's release, and either the identity of the corrections agent who will be supervising the offender's release or a means to identify the court services agency that will be supervising the offender's release. The commissioner or other custodial authority complies with this section upon mailing the notice of impending release to the victim at the address which the victim has most recently provided to the commissioner or authority in writing, or by providing electronic notice to the victim who requested this notice through the Department of Corrections electronic victim notification system.

Subd. 3. Notice of escape. If an offender escapes from imprisonment or incarceration, including from release on extended furlough or work release, or from any facility described in subdivision 1, the commissioner or other custodial authority shall make all reasonable efforts to notify a victim who has requested notice of the offender's release under subdivision 1 within six hours after discovering the escape and shall also make reasonable efforts to notify the victim within 24 hours after the offender is apprehended.

Subd. 3a. Offender location. (a) Upon the victim's written or electronic request and if the victim and offender have been household or family members as defined in section 518B.01, subdivision 2, paragraph (b), the commissioner of corrections or the commissioner's designee shall disclose to the victim of an offender convicted of a qualified domestic

violence-related offense as defined in section 609.02, subdivision 16, notification of the city and five-digit zip code of the offender’s residency upon release from a Department of Corrections facility, unless:

- (1) the offender is not under correctional supervision at the time of the victim’s request;
- (2) the commissioner or the commissioner’s designee does not have the city or zip code; or
- (3) the commissioner or the commissioner’s designee reasonably believes that disclosure of the city or zip code of the offender’s residency creates a risk to the victim, offender, or public safety.

(b) All identifying information regarding the victim including, but not limited to, the notification provided by the commissioner or the commissioner’s designee is classified as private data on individuals as defined in section 13.02, subdivision 12, and is accessible only to the victim.

(c) This subdivision applies only where the offender is serving a prison term for a qualified domestic violence-related offense committed against the victim seeking notification.

Subd. 4. Private data. All identifying information regarding the victim, including the victim’s request and the notice provided by the commissioner or custodial authority, is classified as private data on individuals as defined in section 13.02, subdivision 12, and is accessible only to the victim.

Subd. 5. Definition. As used in this section, “crime against the person” means a crime listed in section 611A.031.



Minn. Rev. Stat. Ann. § 611A.01 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”



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 <p>A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights through the submission of such requests to the commissioner of corrections, other custodial authorities, or the prosecuting attorney. Agencies should carefully document a victim’s request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p><b>Sex Offense Victims’ Right to Request Testing of Sex Offender for HIV.</b></p> <p>Subd. 1. Testing on request of victim. (a) Upon the request or with the consent of the victim, the prosecutor shall make a motion in camera and the sentencing court shall issue an order requiring an adult convicted of or a juvenile adjudicated delinquent for violating section 609.342 (criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth degree), or any other violent crime, as defined in section 609.1095, to submit to testing to determine the presence of human immunodeficiency virus (HIV) antibody if:</p> <p>(1) the crime involved sexual penetration, however slight, as defined in section 609.341, subdivision 12; or</p> <p>(2) evidence exists that the broken skin or mucous membrane of the victim was exposed to or had contact with the offender’s semen or blood during the commission of the crime in a manner which has been demonstrated epidemiologically to transmit the human immunodeficiency virus (HIV).</p> <p>(b) When the court orders an offender to submit to testing under paragraph (a), the court shall order that the test be performed by an appropriate health professional who is trained to provide the counseling described in section 144.7414, and that no reference to the test, the motion requesting the test, the test order, or the test results may appear in the criminal record or be maintained in any record of the court or court services, except in the medical record maintained by the Department of Corrections.</p>	<p>Minn. Stat. Ann. § 611A.19.</p>

<p>(c) The order shall include the name and contact information of the victim’s choice of health care provider.</p> <p>Subd. 2. Disclosure of test results. The date and results of a test performed under subdivision 1 are private data as defined in section 13.02, subdivision 12, when maintained by a person subject to chapter 13, or may be released only with the subject’s consent, if maintained by a person not subject to chapter 13. The results are available, on request, to the victim or, if the victim is a minor, to the victim’s parent or guardian and positive test results shall be reported to the commissioner of health. Unless the subject of the test is an inmate at a state correctional facility, any test results given to a victim or victim’s parent or guardian shall be provided by a health professional who is trained to provide the counseling described in section 144.7414. If the subject of the test is an inmate at a state correctional facility, test results shall be given by the Department of Corrections’ medical director to the victim’s health care provider who shall give the results to the victim or victim’s parent or guardian. Data regarding administration and results of the test are not accessible to any other person for any purpose and shall not be maintained in any record of the court or court services or any other record. After the test results are given to the victim or the victim’s parent or guardian, data on the test must be removed from any medical data or health records maintained under sections 13.384 or 144.291 to 144.298 and destroyed, except for those medical records maintained by the Department of Corrections.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights in writing or otherwise. Agencies should carefully document a victim’s request to exercise rights.</p>	
<p><b>Victims’ Right to Notice of Risk of Sexually Transmitted Disease.</b></p> <p>Subd. 1. Notice required. A hospital shall give a written notice about sexually transmitted diseases to a person receiving medical services in the hospital who reports or evidences a sexual assault or other unwanted sexual contact or sexual penetration. When appropriate, the notice must be given to the parent or guardian of the victim.</p>	<p>Minn. Stat. Ann. § 611A.20.</p>

<p>Subd. 2. Contents of notice. The commissioners of public safety and corrections, in consultation with sexual assault victim advocates and health care professionals, shall develop the notice required by Subd. 1. The notice must inform the victim of:</p> <ul style="list-style-type: none"> <li>(1) the risk of contracting sexually transmitted diseases as a result of a sexual assault;</li> <li>(2) the symptoms of sexually transmitted diseases;</li> <li>(3) recommendations for periodic testing for the diseases, where appropriate;</li> <li>(4) locations where confidential testing is done and the extent of the confidentiality provided;</li> <li>(5) information necessary to make an informed decision whether to request a test of the offender under section 611A.19; and</li> <li>(6) other medically relevant information.</li> </ul> <p> A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time. Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p><b>Sexual Conduct and Sex Trafficking Victims' Right to Not Submit to a Polygraph as a Part or a Condition of Proceeding with the Investigation, Charging or Prosecution of Such an Offense; Informed Consent to Polygraph.</b></p> <p>Subd. 1. Polygraph prohibition. No law enforcement agency or prosecutor shall require that a complainant of a criminal sexual conduct or sex trafficking offense submit to a polygraph examination as part of or a condition to proceeding with the investigation, charging, or prosecution of such offense.</p> <p>Subd. 2. Law enforcement inquiry. A law enforcement agency or prosecutor may not ask that a complainant of a criminal sexual conduct offense submit to a polygraph examination as part of the investigation, charging, or prosecution of such offense unless the complainant has been referred to, and had the opportunity to exercise the option of consulting with a sexual assault counselor as defined in section 595.02, subdivision 1, paragraph (k).</p>	<p>Minn. Stat. Ann. § 611A.26, subsd. 1–5.</p>

<p>Subd. 3. Informed consent requirement. At the request of the complainant, a law enforcement agency may conduct a polygraph examination of the complainant only with the complainant's written, informed consent as provided in this subdivision.</p> <p>Subd. 4. Informed consent. To consent to a polygraph, a complainant must be informed in writing that:</p> <ul style="list-style-type: none"> <li>(1) the taking of the polygraph examination is voluntary and solely at the victim's request;</li> <li>(2) a law enforcement agency or prosecutor may not ask or require that the complainant submit to a polygraph examination;</li> <li>(3) the results of the examination are not admissible in court; and</li> <li>(4) the complainant's refusal to take a polygraph examination may not be used as a basis by the law enforcement agency or prosecutor not to investigate, charge, or prosecute the offender.</li> </ul> <p>Subd. 5. Polygraph refusal. A complainant's refusal to submit to a polygraph examination shall not prevent the investigation, charging, or prosecution of the offense.</p> <p> Minn. Rev. Stat. Ann. § 611A.26, subd. 6 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p> <p> A promising practice is to ensure that officers who work with victims of sexual offenses are aware that they cannot require victims to submit to a polygraph examination as a part or a condition of proceeding with the investigation.</p>	
<p><b>Sexual Assault Victims' Right to Access Evidence Related to Sexual Assault Examination Kit.</b></p> <p>Subd. 1. Access to law enforcement data. (a) Upon written request from the victim or victim's designee as described in subdivision 2, the investigating law enforcement agency</p>	<p>Minn. Stat. Ann. § 611A.27.</p>

shall release the following active investigative data, as defined in section 13.82, subdivision 7, to a victim of sexual assault about a submitted sexual assault examination kit, as defined in section 299C.106, subdivision 1, paragraph (g):

(1) the date that a sexual assault examination kit was submitted to a forensic laboratory, as defined in section 299C.157, subdivision 1, clause (2), and the date that the agency received notice of the results of that testing; and

(2) whether a DNA profile was obtained from the testing.

(b) The agency may refuse the request under paragraph (a) if the release of that data will interfere with the investigation.

Subd. 2. Responding to a victim request for data. No later than January 1, 2019, each law enforcement agency shall adopt policies and procedures subject to section 13.82, subdivision 7, to provide investigative data under this section that includes but is not limited to the following requirements:

(1) agency identification of a representative or representatives to respond to requests for data from sexual assault victims and to serve as a liaison between the agency and the forensic laboratory;

(2) agency response to inquiries within 30 days of receipt, unless the agency declines to provide the information under subdivision 1, paragraph (b);

(3) the sexual assault victim can designate another person to request information on the victim's behalf by providing written authorization to the agency except that an agency can decline to provide the information under subdivision 1, paragraph (b); and

(4) agency development of a procedure that allows a sexual assault victim to contact the agency representative to request that a restricted kit as defined in section 299C.106, subdivision 1, paragraph (e), be reclassified as an unrestricted kit as defined in section 299C.106, subdivision 1, paragraph (h), if the restricted kit is in the possession of the agency.



A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights in writing or otherwise. Agencies should carefully document a victim's request to exercise rights.

<p><b>Crime Victims' Reparations; Prohibitions on Awards; Limitations on Awards.</b></p> <p>Subd. 1. Generally. Except as provided in subdivisions 1a and 2, the following persons shall be entitled to reparations upon a showing by a preponderance of the evidence that the requirements for reparations have been met:</p> <ul style="list-style-type: none"> <li>(1) a victim who has incurred economic loss;</li> <li>(2) a dependent who has incurred economic loss;</li> <li>(3) the estate of a deceased victim if the estate has incurred economic loss;</li> <li>(4) any other person who has incurred economic loss by purchasing any of the products, services, and accommodations described in section 611A.52, subdivision 8, for a victim;</li> <li>(5) the guardian, guardian ad litem, conservator or authorized agent of any of these persons.</li> </ul> <p>Subd. 1a. Providers; limitations. No hospital, medical organization, health care provider, or other entity that is not an individual may qualify for reparations under subdivision 1, clause (4). If a hospital, medical organization, health care provider, or other entity that is not an individual qualifies for reparations under subdivision 1, clause (5), because it is a guardian, guardian ad litem, conservator, or authorized agent, any reparations to which it is entitled must be made payable solely or jointly to the victim, if alive, or to the victim's estate or successors, if the victim is deceased.</p> <p>Subd. 1b. Minnesota residents injured elsewhere. (a) A Minnesota resident who is the victim of a crime committed outside the geographical boundaries of this state but who otherwise meets the requirements of this section shall have the same rights under this chapter as if the crime had occurred within this state upon a showing that the state, territory, United States possession, country, or political subdivision of a country in which the crime occurred does not have a crime victim reparations law covering the resident's injury or death.</p> <p>(b) Notwithstanding paragraph (a), a Minnesota resident who is the victim of a crime involving international terrorism who otherwise meets the requirements of this section has the same rights under this chapter as if the crime had occurred within this state regardless of where the crime occurred or whether the jurisdiction has a crime victims reparations law.</p>	<p>Minn. Stat. Ann. § 611A.53.</p>
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Subd. 2. Limitations on awards. No reparations shall be awarded to a claimant otherwise eligible if:

(1) the crime was not reported to the police within 30 days of its occurrence or, if it could not reasonably have been reported within that period, within 30 days of the time when a report could reasonably have been made. A victim of criminal sexual conduct in the first, second, third, or fourth degree who does not report the crime within 30 days of its occurrence is deemed to have been unable to have reported it within that period;

(2) the victim or claimant failed or refused to cooperate fully with the police and other law enforcement officials;

(3) the victim or claimant was the offender or an accomplice of the offender or an award to the claimant would unjustly benefit the offender or an accomplice;

(4) the victim or claimant was in the act of committing a crime at the time the injury occurred;

(5) no claim was filed with the board within three years of victim's injury or death; except that (i) if the claimant was unable to file a claim within that period, then the claim can be made within three years of the time when a claim could have been filed; and (ii) if the victim's injury or death was not reasonably discoverable within three years of the injury or death, then the claim can be made within three years of the time when the injury or death is reasonably discoverable. The following circumstances do not render a claimant unable to file a claim for the purposes of this clause: (A) lack of knowledge of the existence of the Minnesota Crime Victims Reparations Act, (B) the failure of a law enforcement agency to provide information or assistance to a potential claimant under section 611A.66, (C) the incompetency of the claimant if the claimant's affairs were being managed during that period by a guardian, guardian ad litem, conservator, authorized agent, or parent, or (D) the fact that the claimant is not of the age of majority; or

(6) the claim is less than \$50.

The limitations contained in clauses (1) and (6) do not apply to victims of child abuse. In those cases the three-year limitation period commences running with the report of the crime to the police.



Minn. Rev. Stat. Ann. § 611A.52 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."

<p><b>Crime Victims' Reparations: Law Enforcement's Obligation to Provide Victims with Information Regarding Their Right to Seek Reparations.</b></p> <p>All law enforcement agencies investigating crimes shall provide victims with notice of their right to apply for reparations with the telephone number to call to request an application form.</p> <p>Law enforcement agencies shall assist the board in performing its duties under sections 611A.51 to 611A.68. Law enforcement agencies within ten days after receiving a request from the board shall supply the board with requested reports, notwithstanding any provisions to the contrary in chapter 13, and including reports otherwise maintained as confidential or not open to inspection under section 260B.171 or 260C.171. All data released to the board retains the data classification that it had in the possession of the law enforcement agency.</p> <p> Minn. Rev. Stat. Ann. § 611A.52 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	<p>Minn. Stat. Ann. § 611A.66.</p>
<p><b>Crime Victim Oversight Act: Complaints of Rights Violations.</b></p> <p>Subd. 1. Authority. The commissioner shall have the authority under sections 611A.72 to 611A.74 to investigate decisions, acts, and other matters of the criminal justice system so as to promote the highest attainable standards of competence, efficiency, and justice for crime victims in the criminal justice system.</p> <p>Subd. 1a. Repealed by Laws 2002, c. 220, art. 7, § 33, par. (b).</p> <p>Subd. 2. Duties. The commissioner may investigate complaints concerning possible violation of the rights of crime victims or witnesses provided under this chapter, the delivery of victim services by victim assistance programs, the administration of the crime victims reparations act, and other complaints of mistreatment by elements of the criminal justice</p>	<p>Minn. Stat. Ann. § 611A.74.</p>

system or victim assistance programs. The commissioner shall act as a liaison, when the commissioner deems necessary, between agencies, either in the criminal justice system or in victim assistance programs, and victims and witnesses. The commissioner may be concerned with activities that strengthen procedures and practices which lessen the risk that objectionable administrative acts will occur. The commissioner must answer questions concerning the criminal justice system and victim services put to the commissioner by victims and witnesses in accordance with the commissioner's knowledge of the facts or law, unless the information is otherwise restricted. The commissioner shall establish a procedure for referral to the crime victim crisis centers, the crime victims reparations board, and other victim assistance programs when services are requested by crime victims or deemed necessary by the commissioner.

The commissioner's files are confidential data as defined in section 13.02, subdivision 3, during the course of an investigation or while the files are active. Upon completion of the investigation or when the files are placed on inactive status, they are private data on individuals as defined in section 13.02, subdivision 12.

Subd. 3. Powers. The commissioner has those powers necessary to carry out the duties set out in subdivision 2, including:

(a) The commissioner may investigate, with or without a complaint, any action of an element of the criminal justice system or a victim assistance program included in subdivision 2.

(b) The commissioner may request and shall be given access to information and assistance the commissioner considers necessary for the discharge of responsibilities. The commissioner may inspect, examine, and be provided copies of records and documents of all elements of the criminal justice system and victim assistance programs. The commissioner may request and shall be given access to police reports pertaining to juveniles and juvenile delinquency petitions, notwithstanding section 260B.171 or 260C.171. Any information received by the commissioner retains its data classification under chapter 13 while in the commissioner's possession. Juvenile records obtained under this subdivision may not be released to any person.

(c) The commissioner may prescribe the methods by which complaints are to be made, received, and acted upon; may determine the scope and manner of investigations to be made;

and subject to the requirements of sections 611A.72 to 611A.74, may determine the form, frequency, and distribution of commissioner conclusions, recommendations, and proposals. (d) After completing investigation of a complaint, the commissioner shall inform in writing the complainant, the investigated person or entity, and other appropriate authorities of the action taken. If the complaint involved the conduct of an element of the criminal justice system in relation to a criminal or civil proceeding, the commissioner's findings shall be forwarded to the court in which the proceeding occurred.

(e) Before announcing a conclusion or recommendation that expressly or impliedly criticizes an administrative agency or any person, the commissioner shall consult with that agency or person.

Subd. 4. No compelled testimony. Neither the commissioner nor any member of the commissioner's staff may be compelled to testify or produce evidence in any judicial or administrative proceeding with respect to matters involving the exercise of official duties under sections 611A.72 to 611A.74 except as may be necessary to enforce the provisions of this section.

Subd. 5. Recommendations. (a) On finding a complaint valid after duly considering the complaint and whatever material the commissioner deems pertinent, the commissioner may recommend action to the appropriate authority.

(b) If the commissioner makes a recommendation to an appropriate authority for action, the authority shall, within a reasonable time period, but not more than 30 days, inform the commissioner about the action taken or the reasons for not complying with the recommendation.

(c) The commissioner may publish conclusions and suggestions by transmitting them to the governor, the legislature or any of its committees, the press, and others who may be concerned. When publishing an opinion adverse to an administrative agency, the commissioner shall include any statement the administrative agency may have made to the commissioner by way of explaining its past difficulties or its present rejection of the commissioner's proposals.

<p>Subd. 6. Reports. In addition to whatever reports the commissioner may make from time to time, the commissioner shall biennially report to the legislature and to the governor concerning the exercise of the commissioner's functions under sections 611A.72 to 611A.74 during the preceding biennium. The biennial report is due on or before the beginning of the legislative session following the end of the biennium.</p> <p> Minn. Rev. Stat. Ann. § 611A.73 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	
<p><b>Child Abuse Victims' Right to Nondisclosure of Videotape in Which They Detail Their Abuse, Absent a Court Order.</b></p> <p>Subd. 2. Court order required. (a) A custodian of a videotape of a child victim or alleged victim alleging, explaining, denying, or describing an act of physical or sexual abuse as part of an investigation or evaluation of the abuse may not release a copy of the videotape without a court order, notwithstanding that the subject has consented to the release of the videotape or that the release is authorized under law.</p> <p>(b) The court order may govern the purposes for which the videotape may be used, reproduction, release to other persons, retention and return of copies, and other requirements reasonably necessary for protection of the privacy and best interests of the child.</p> <p>Subd. 3. Petition. An individual subject of data, as defined in section 13.02, or a patient, as defined in sections 144.291 to 144.298, who is seeking a copy of a videotape governed by this section may petition the district court in the county where the alleged abuse took place or where the custodian of the videotape resides for an order releasing a copy of the videotape under subdivision 2. Nothing in this section establishes a right to obtain access to a videotape by any other person nor limits a right of a person to obtain access if access is otherwise authorized by law or pursuant to discovery in a court proceeding.</p>	<p>Minn. Stat. Ann. § 611A.90, subs. 2–3.</p>

 Minn. Rev. Stat. Ann. § 611A.90, subd. 1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”	
<p><b>Sexual Assault Victims’ Right to Notice by Hospital of Rights and Available Resources.</b></p> <p>Subd. 1. Notice required. A hospital shall give a written notice about victim rights and available resources to a person seeking medical services in the hospital who reports to hospital staff or presents evidence of a sexual assault or other unwanted sexual contact or sexual penetration. The hospital shall make a good faith effort to provide this notice prior to medical treatment or the examination performed for the purpose of gathering evidence, subject to applicable federal and state laws and regulations regarding the provision of medical care, and in a manner that does not interfere with any medical screening examination or initiation of treatment necessary to stabilize a victim’s emergency medical condition.</p> <p>Subd. 2. Contents of notice. The commissioners of health and public safety, in consultation with sexual assault victim advocates and health care professionals, shall develop the notice required by Subd. 1. The notice must inform the victim, at a minimum, of:</p> <ul style="list-style-type: none"> <li>(1) the obligation under section 609.35 of the county where the criminal sexual conduct occurred to pay for the examination performed for the purpose of gathering evidence, that payment is not contingent on the victim reporting the criminal sexual conduct to law enforcement, and that the victim may incur expenses for treatment of injuries;</li> <li>(2) the victim’s rights if the crime is reported to law enforcement, including the victim’s right to apply for reparations under sections 611A.51 to 611A.68, information on how to apply for reparations, and information on how to obtain an order for protection or a harassment restraining order; and</li> <li>(3) the opportunity under section 611A.27 to obtain status information about an unrestricted sexual assault examination kit, as defined in section 299C.106, subdivision 1, paragraph (h).</li> </ul>	<p>Minn. Stat. Ann. § 144.6586.</p>

<p><b>Murder Victims' Rights Related to an Offender's Conditional Release: to Notice and to Submit Statement at Review Hearing; Commissioner's Obligation to Consider Statement When Making Parole Decision.</b></p> <p>(a) This subdivision applies to parole decisions relating to inmates convicted of first-degree murder who are described in subdivision 1, clauses (a) and (b) [regarding conditional release]. As used in this subdivision, "victim" means the murder victim's surviving spouse or next of kin.</p> <p>(b) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's parole review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be paroled at that time. The commissioner must consider the victim's statement when making the parole decision.</p> <p> A promising practice is to have a policy in place to establish what constitutes "reasonable efforts" by the commissioner of corrections.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	<p>Minn. Stat. Ann. § 243.05, subd. 1b.</p>
<p><b>Victims' Rights Related to Supervised Release of Inmate Serving a Mandatory Life Sentence: to Notice and to Submit Statement at Review Hearing; Commissioner's Obligation to Consider Statement When Making Parole Decision.</b></p> <p>The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's supervised release review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on</p>	<p>Minn. Stat. Ann. § 244.05, subd. 5(c).</p>

<p>whether the inmate should be given supervised release at this time. The commissioner must consider the victim’s statement when making the supervised release decision.</p> <p> A promising practice is to have a policy in place to establish what constitutes “reasonable efforts” by the commissioner of corrections.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p>	
<p><b>Victims’ Rights Related to Release of Certain Offenders’ Release: Notice and Information.</b></p> <p>Subd. 1. Notice of impending release. At least 60 days before the release of any inmate convicted of an offense requiring registration under section 243.166, the commissioner of corrections shall send written notice of the impending release to the sheriff of the county and the police chief of the city in which the inmate will reside or in which placement will be made in a work release program. The sheriff of the county where the offender was convicted also shall be notified of the inmate’s impending release.</p> <p>Subd. 2. Additional notice. The same notice shall be sent to the following persons concerning a specific inmate convicted of an offense requiring registration under section 243.166:</p> <ul style="list-style-type: none"> <li>(1) the victim of the crime for which the inmate was convicted or a deceased victim’s next of kin if the victim or deceased victim’s next of kin requests the notice in writing;</li> <li>(2) any witnesses who testified against the inmate in any court proceedings involving the offense, if the witness requests the notice in writing; and</li> <li>(3) any person specified in writing by the prosecuting attorney.</li> </ul> <p>The notice sent to victims under clause (1) must inform the person that the person has the right to request and receive information about the offender authorized for disclosure under the community notification provisions of section 244.052.</p>	<p>Minn. Stat. Ann. § 244.053.</p>

<p>If the victim or witness is under the age of 16, the notice required by this section shall be sent to the parents or legal guardian of the child. The commissioner shall send the notices required by this provision to the last address provided to the commissioner by the requesting party. The requesting party shall furnish the commissioner with a current address. Information regarding witnesses requesting the notice, information regarding any other person specified in writing by the prosecuting attorney to receive the notice, and the notice are private data on individuals, as defined in section 13.02, subdivision 12, and are not available to the inmate.</p> <p>The notice to victims provided under this subdivision does not limit the victim's right to request notice of release under section 611A.06.</p> <p>Subd. 3. No extension of release date. The existence of the notice requirements contained in this section shall in no event require an extension of the release date.</p> <p> A promising practice is to have a policy and procedure in place that enables crime victims to easily keep their contact information up-to-date across agencies.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must "request" the exercise of certain rights. Agencies should carefully document a victim's request to exercise rights. Victims who wish to receive the type of notice identified here should be reminded, throughout their participation in the justice system, that their contact information must be kept current with relevant agencies.</p>	
<p><b>Certain Victims' Right to Terminate Lease.</b></p> <p>Subd. 1. Right to terminate; procedure.</p>	<p>Minn. Stat. Ann. § 504B.206, subds. 1-5, 7.</p>

(a) A tenant to a residential lease may terminate a lease agreement in the manner provided in this section without penalty or liability, if the tenant or another authorized occupant fears imminent violence after being subjected to:

- (1) domestic abuse, as that term is defined under section 518B.01, subdivision 2;
- (2) criminal sexual conduct under sections 609.342 to 609.3451; or
- (3) harassment under section 609.749.

(b) The tenant must provide signed and dated advance written notice to the landlord:

- (1) stating the tenant fears imminent violence from a person as indicated in a qualifying document against the tenant or an authorized occupant if the tenant or authorized occupant remains in the leased premises;
- (2) stating that the tenant needs to terminate the tenancy;
- (3) providing the date by which the tenant will vacate; and
- (4) providing written instructions for the disposition of any remaining personal property in accordance with section 504B.271.

(c) The written notice must be delivered before the termination of the tenancy by mail, fax, or in person, and be accompanied by a qualifying document.

(d) The landlord may request that the tenant disclose the name of the perpetrator and, if a request is made, inform the tenant that the landlord seeks disclosure to protect other tenants in the building. The tenant may decline to provide the name of the perpetrator for safety reasons. Disclosure shall not be a precondition of terminating the lease.

(e) The tenancy terminates, including the right of possession of the premises, as provided in subdivision 3.

Subd. 2. Treatment of information. (a) A landlord must not disclose:

- (1) any information provided to the landlord by a tenant in the written notice required under subdivision 1, paragraph (b);
- (2) any information contained in the qualifying document;
- (3) the address or location to which the tenant has relocated; or
- (4) the status of the tenant as a victim of violence.

(b) The information referenced in paragraph (a) must not be entered into any shared database or provided to any person or entity but may be used when required as evidence in an eviction

proceeding, action for unpaid rent or damages arising out of the tenancy, claims under section 504B.178, with the consent of the tenant, or as otherwise required by law.

Subd. 3. Liability for rent; termination of tenancy. (a) A tenant who is a sole tenant and is terminating a lease under subdivision 1 is responsible for the rent payment for the full month in which the tenancy terminates. The tenant forfeits all claims for the return of the security deposit under section 504B.178 and is relieved of any other contractual obligation for payment of rent or any other charges for the remaining term of the lease, except as provided in this section. In a sole tenancy, the tenancy terminates on the date specified in the notice provided to the landlord as required under Subd. 1.

(b) In a tenancy with multiple tenants, one of whom is terminating the lease under subdivision 1, any lease governing all tenants is terminated at the later of the end of the month or the end of the rent interval in which one tenant terminates the lease under Subd. 1. All tenants are responsible for the rent payment for the full month in which the tenancy terminates. Upon termination, all tenants forfeit all claims for the return of the security deposit under section 504B.178 and are relieved of any other contractual obligation for payment of rent or any other charges for the remaining term of the lease, except as provided in this section. Any tenant whose tenancy was terminated under this paragraph may reapply to enter into a new lease with the landlord.

(c) This section does not affect a tenant's liability for delinquent, unpaid rent or other amounts owed to the landlord before the lease was terminated by the tenant under this section.

Subd. 4. Deleted by amendment, Laws 2014, c. 188, § 2, eff. Aug. 1, 2014.

Subd. 5. Waiver prohibited. A residential tenant may not waive, and a landlord may not require the residential tenant to waive, the tenant's rights under this section.

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Subd. 7. Conflicts with other laws. If a federal statute, regulation, or handbook permitting termination of a residential tenancy subsidized under a federal program conflicts with any

<p>provision of this section, then the landlord must comply with the federal statute, regulation, or handbook.</p> <p> Minn. Rev. Stat. Ann. § 504B.206, subd. 6 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, of their housing-related rights and to provide landlords with this information.</p>	
<p><b>Domestic Abuse Act: Victims’ Right to Seek Order for Protection at No Cost; Courts Duty to Provide Victims with Certain Information Regarding the Procedures and Rights Related to a Petition for an Order for Protection; Protective Order Hearings; Relief; Subsequent Orders and Extensions; Violations.</b></p> <p>Subd. 3. Court jurisdiction. An application for relief under this section may be filed in the court having jurisdiction over dissolution actions, in the county of residence of either party, in the county in which a pending or completed family court proceeding involving the parties or their minor children was brought, or in the county in which the alleged domestic abuse occurred. There are no residency requirements that apply to a petition for an order for protection. In a jurisdiction which utilizes referees in dissolution actions, the court or judge may refer actions under this section to a referee to take and report the evidence in the action in the same manner and subject to the same limitations provided in section 518.13. Actions under this section shall be given docket priorities by the court.</p> <p>Subd. 3a. Filing fee. The filing fees for an order for protection under this section are waived for the petitioner and respondent. The court administrator, the sheriff of any county in this state, and other law enforcement and corrections officers shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when the sheriff</p>	<p>Minn. Stat. Ann. § 518B.01, subs. 3–23.</p>

or other law enforcement or corrections officer is unavailable or if service is made by publication, without requiring the petitioner to make application under section 563.01.

Subd. 3b. Information on petitioner's location or residence. Upon the petitioner's request, information maintained by the court regarding the petitioner's location or residence is not accessible to the public and may be disclosed only to court personnel or law enforcement for purposes of service of process, conducting an investigation, or enforcing an order.

Subd. 4. Order for protection. There shall exist an action known as a petition for an order for protection in cases of domestic abuse.

(a) A petition for relief under this section may be made by any family or household member personally or by a family or household member, a guardian as defined in section 524.1-201, clause (27), or, if the court finds that it is in the best interests of the minor, by a reputable adult age 25 or older on behalf of minor family or household members. A minor age 16 or older may make a petition on the minor's own behalf against a spouse or former spouse, or a person with whom the minor has a child in common, if the court determines that the minor has sufficient maturity and judgment and that it is in the best interests of the minor.

(b) A petition for relief shall allege the existence of domestic abuse, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought.

(c) A petition for relief must state whether the petitioner has ever had an order for protection in effect against the respondent.

(d) A petition for relief must state whether there is an existing order for protection in effect under this chapter governing both the parties and whether there is a pending lawsuit, complaint, petition or other action between the parties under chapter 257, 518, 518A, 518B, or 518C. The court administrator shall verify the terms of any existing order governing the parties. The court may not delay granting relief because of the existence of a pending action between the parties or the necessity of verifying the terms of an existing order. A subsequent order in a separate action under this chapter may modify only the provision of an existing order that grants relief authorized under subdivision 6, paragraph (a), clause (1). A petition for relief may be granted, regardless of whether there is a pending action between the parties.

- (e) The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.
- (f) The court shall advise a petitioner under paragraph (e) of the right to file a motion and affidavit and to sue in forma pauperis pursuant to section 563.01 and shall assist with the writing and filing of the motion and affidavit.
- (g) The court shall advise a petitioner under paragraph (e) of the right to serve the respondent by published notice under subdivision 5, paragraph (b), if the respondent is avoiding personal service by concealment or otherwise, and shall assist with the writing and filing of the affidavit.
- (h) The court shall advise the petitioner of the right to seek restitution under the petition for relief.
- (i) The court shall advise the petitioner of the right to request a hearing under subdivision 7, paragraph (c). If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing.
- (j) The court shall advise the petitioner of the right to request supervised parenting time, as provided in section 518.175, subdivision 1a.

Subd. 5. Hearing on application; notice. (a) Upon receipt of the petition, the court shall order a hearing which shall be held not later than 14 days from the date of the order for hearing unless an ex parte order is issued.

(b) If an ex parte order has been issued under subdivision 7 and the petitioner seeks only the relief under subdivision 7, paragraph (a), a hearing is not required unless:

- (1) the court declines to order the requested relief; or
- (2) one of the parties requests a hearing.

(c) If an ex parte order has been issued under subdivision 7 and the petitioner seeks relief beyond that specified in subdivision 7, paragraph (a), or if the court declines to order relief requested by the petitioner, a hearing must be held within seven days. Personal service of the ex parte order may be made upon the respondent at any time up to 12 hours prior to the time set for the hearing, provided that the respondent at the hearing may request a continuance of up to five days if served fewer than five days prior to the hearing which continuance shall be granted unless there are compelling reasons not to.

(d) If an ex parte order has been issued only granting relief under subdivision 7, paragraph (a), and the respondent requests a hearing, the hearing shall be held within ten days of the court's receipt of the respondent's request. Service of the notice of hearing must be made upon the petitioner not less than five days prior to the hearing. The court shall serve the notice of hearing upon the petitioner by mail in the manner provided in the Rules of Civil Procedure for pleadings subsequent to a complaint and motions and shall also mail notice of the date and time of the hearing to the respondent. In the event that service cannot be completed in time to give the respondent or petitioner the minimum notice required under this subdivision, the court may set a new hearing date no more than five days later.

(e) If for good cause shown either party is unable to proceed at the initial hearing and requests a continuance and the court finds that a continuance is appropriate, the hearing may be continued. Unless otherwise agreed by the parties and approved by the court, the continuance shall be for no more than five days. If the court grants the requested continuance, the court shall also issue a written order continuing all provisions of the ex parte order pending the issuance of an order after the hearing.

(f) Notwithstanding the preceding provisions of this subdivision, service on the respondent may be made by one week published notice, as provided under section 645.11, provided the petitioner files with the court an affidavit stating that an attempt at personal service made by a sheriff or other law enforcement or corrections officer was unsuccessful because the respondent is avoiding service by concealment or otherwise, and that a copy of the petition and notice of hearing has been mailed to the respondent at the respondent's residence or that the residence is not known to the petitioner. Service under this paragraph is complete seven days after publication. The court shall set a new hearing date if necessary to allow the respondent the five-day minimum notice required under paragraph (d).

Subd. 6. Relief by court. (a) Upon notice and hearing, the court may provide relief as follows:

- (1) restrain the abusing party from committing acts of domestic abuse;
- (2) exclude the abusing party from the dwelling which the parties share or from the residence of the petitioner;
- (3) exclude the abusing party from a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order;

- (4) award temporary custody or establish temporary parenting time with regard to minor children of the parties on a basis which gives primary consideration to the safety of the victim and the children. In addition to the primary safety considerations, the court may consider particular best interest factors that are found to be relevant to the temporary custody and parenting time award. Findings under section 257.025, 518.17, or 518.175 are not required with respect to the particular best interest factors not considered by the court. If the court finds that the safety of the victim or the children will be jeopardized by unsupervised or unrestricted parenting time, the court shall condition or restrict parenting time as to time, place, duration, or supervision, or deny parenting time entirely, as needed to guard the safety of the victim and the children. The court's decision on custody and parenting time shall in no way delay the issuance of an order for protection granting other relief provided for in this section. The court must not enter a parenting plan under section 518.1705 as part of an action for an order for protection;
- (5) on the same basis as is provided in chapter 518 or 518A, establish temporary support for minor children or a spouse, and order the withholding of support from the income of the person obligated to pay the support according to chapter 518A;
- (6) provide upon request of the petitioner counseling or other social services for the parties, if married, or if there are minor children;
- (7) order the abusing party to participate in treatment or counseling services, including requiring the abusing party to successfully complete a domestic abuse counseling program or educational program under section 518B.02;
- (8) award temporary use and possession of property and restrain one or both parties from transferring, encumbering, concealing, or disposing of property except in the usual course of business or for the necessities of life, and to account to the court for all such transfers, encumbrances, dispositions, and expenditures made after the order is served or communicated to the party restrained in open court;
- (9) exclude the abusing party from the place of employment of the petitioner, or otherwise limit access to the petitioner by the abusing party at the petitioner's place of employment;
- (10) order the abusing party to have no contact with the petitioner whether in person, by telephone, mail, or electronic mail or messaging, through a third party, or by any other means;
- (11) order the abusing party to pay restitution to the petitioner;

(12) order the continuance of all currently available insurance coverage without change in coverage or beneficiary designation;

(13) order, in its discretion, other relief as it deems necessary for the protection of a family or household member, including orders or directives to the sheriff or other law enforcement or corrections officer as provided by this section;

(14) direct the care, possession, or control of a pet or companion animal owned, possessed, or kept by the petitioner or respondent or a child of the petitioner or respondent; and

(15) direct the respondent to refrain from physically abusing or injuring any pet or companion animal, without legal justification, known to be owned, possessed, kept, or held by either party or a minor child residing in the residence or household of either party as an indirect means of intentionally threatening the safety of such person.

(b) Any relief granted by the order for protection shall be for a period not to exceed two years, except when the court determines a longer period is appropriate. When a referee presides at the hearing on the petition, the order granting relief becomes effective upon the referee's signature.

(c) An order granting the relief authorized in paragraph (a), clause (1), may not be vacated or modified in a proceeding for dissolution of marriage or legal separation, except that the court may hear a motion for modification of an order for protection concurrently with a proceeding for dissolution of marriage upon notice of motion and motion. The notice required by court rule shall not be waived. If the proceedings are consolidated and the motion to modify is granted, a separate order for modification of an order for protection shall be issued.

(d) An order granting the relief authorized in paragraph (a), clause (2) or (3), is not voided by the admittance of the abusing party into the dwelling from which the abusing party is excluded.

(e) If a proceeding for dissolution of marriage or legal separation is pending between the parties, the court shall provide a copy of the order for protection to the court with jurisdiction over the dissolution or separation proceeding for inclusion in its file.

(f) An order for restitution issued under this subdivision is enforceable as civil judgment.

(g) An order granting relief shall prohibit the abusing party from possessing firearms for the length the order is in effect if the order (1) restrains the abusing party from harassing, stalking, or threatening the petitioner or restrains the abusing party from engaging in other

conduct that would place the petitioner in reasonable fear of bodily injury, and (2) includes a finding that the abusing party represents a credible threat to the physical safety of the petitioner or prohibits the abusing party from using, attempting to use, or threatening to use physical force against the petitioner. The order shall inform the abusing party of that party's prohibited status. Except as provided in paragraph (i), the court shall order the abusing party to transfer any firearms that the person possesses, within three business days, to a federally licensed firearms dealer, a law enforcement agency, or a third party who may lawfully receive them. The transfer may be permanent or temporary. A temporary firearm transfer only entitles the receiving party to possess the firearm. A temporary transfer does not transfer ownership or title. An abusing party may not transfer firearms to a third party who resides with the abusing party. If an abusing party makes a temporary transfer, a federally licensed firearms dealer or law enforcement agency may charge the abusing party a reasonable fee to store the person's firearms and may establish policies for disposal of abandoned firearms, provided such policies require that the person be notified via certified mail prior to disposal of abandoned firearms. For temporary firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms dealer, or third party shall exercise due care to preserve the quality and function of the transferred firearms and shall return the transferred firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The return of temporarily transferred firearms to an abusing party shall comply with state and federal law. If an abusing party permanently transfers the abusing party's firearms to a law enforcement agency, the agency is not required to compensate the abusing party and may charge the abusing party a reasonable processing fee. A law enforcement agency is not required to accept an abusing party's firearm under this paragraph.

(h) An abusing party who is ordered to transfer firearms under paragraph (g) must file proof of transfer as provided for in this paragraph. If the transfer is made to a third party, the third party must sign an affidavit under oath before a notary public either acknowledging that the abusing party permanently transferred the abusing party's firearms to the third party or agreeing to temporarily store the abusing party's firearms until such time as the abusing party is legally permitted to possess firearms. The affidavit shall indicate the serial number, make, and model of all firearms transferred by the abusing party to the third party. The third

party shall acknowledge in the affidavit that the third party may be held criminally and civilly responsible under section 624.7144 if the abusing party gains access to a transferred firearm while the firearm is in the custody of the third party. If the transfer is to a law enforcement agency or federally licensed firearms dealer, the law enforcement agency or federally licensed firearms dealer shall provide proof of transfer to the abusing party. The proof of transfer must specify whether the firearms were permanently or temporarily transferred and include the name of the abusing party, date of transfer, and the serial number, make, and model of all transferred firearms. The abusing party shall provide the court with a signed and notarized affidavit or proof of transfer as described in this section within two business days of the firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this paragraph.

(i) When a court issues an order containing a firearms restriction provided for in paragraph (g), the court shall determine by a preponderance of evidence if an abusing party poses an imminent risk of causing another person substantial bodily harm. Upon a finding of imminent risk, the court shall order that the local law enforcement agency take immediate possession of all firearms in the abusing party's possession. The local law enforcement agency shall exercise due care to preserve the quality and function of the abusing party's firearms and shall return the firearms to the person upon request after the expiration of the prohibiting time period, provided the person is not otherwise prohibited from possessing firearms under state or federal law. The local law enforcement agency shall, upon written notice from the abusing party, transfer the firearms to a federally licensed firearms dealer or a third party who may lawfully receive them. Before a local law enforcement agency transfers a firearm under this paragraph, the agency shall require the third party or federally licensed firearms dealer receiving the firearm to submit an affidavit or proof of transfer that complies with the requirements for affidavits or proofs of transfer established in paragraph (h). The agency shall file all affidavits or proofs of transfer received with the court within two business days of the transfer. The court shall seal all affidavits or proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or third party who accepts a firearm transfer pursuant to this paragraph shall comply with paragraphs (g) and (h) as if accepting transfer from the abusing party. If the law enforcement agency does not receive written notice from the abusing party within three business days, the agency may charge a reasonable fee to store the abusing party's firearms. A law enforcement agency may

establish policies for disposal of abandoned firearms, provided such policies require that the abusing party be notified via certified mail prior to disposal of abandoned firearms.

Subd. 6a. Subsequent orders and extensions. (a) Upon application, notice to all parties, and hearing, the court may extend the relief granted in an existing order for protection or, if a petitioner's order for protection is no longer in effect when an application for subsequent relief is made, grant a new order. If the petitioner seeks only the relief under subdivision 7, paragraph (a), a hearing is not required unless the court declines to order the requested relief or the respondent requests a hearing. If a hearing is required, subdivisions 5 and 7 apply to service of the application, notice to the parties, and time for the hearing.

(b) The court may extend the terms of an existing order or, if an order is no longer in effect, grant a new order upon a showing that:

- (1) the respondent has violated a prior or existing order for protection;
- (2) the petitioner is reasonably in fear of physical harm from the respondent;
- (3) the respondent has engaged in the act of harassment within the meaning of section 609.749, subdivision 2; or
- (4) the respondent is incarcerated and about to be released, or has recently been released from incarceration.

A petitioner does not need to show that physical harm is imminent to obtain an extension or a subsequent order under this subdivision.

(c) Relief granted by the order for protection may be for a period of up to 50 years, if the court finds:

- (1) the respondent has violated a prior or existing order for protection on two or more occasions; or
- (2) the petitioner has had two or more orders for protection in effect against the same respondent.

An order issued under this paragraph may restrain the abusing party from committing acts of domestic abuse; or prohibit the abusing party from having any contact with the petitioner, whether in person, by telephone, mail or electronic mail or messaging, through electronic devices, through a third party, or by any other means.

Subd. 7. Ex parte order. (a) Where an application under this section alleges an immediate and present danger of domestic abuse, the court may grant an ex parte order for protection and granting relief as the court deems proper, including an order:

- (1) restraining the abusing party from committing acts of domestic abuse;
- (2) excluding any party from the dwelling they share or from the residence of the other, including a reasonable area surrounding the dwelling or residence, which area shall be described specifically in the order, except by further order of the court;
- (3) excluding the abusing party from the place of employment of the petitioner or otherwise limiting access to the petitioner by the abusing party at the petitioner's place of employment;
- (4) ordering the abusing party to have no contact with the petitioner whether in person, by telephone, mail, e-mail, through electronic devices, or through a third party;
- (5) continuing all currently available insurance coverage without change in coverage or beneficiary designation;
- (6) directing the care, possession, or control of a pet or companion animal owned, possessed, or kept by a party or a child of a party; and
- (7) directing the respondent to refrain from physically abusing or injuring any pet or companion animal, without legal justification, known to be owned, possessed, kept, or held by either party or a minor child residing in the residence or household of either party as an indirect means of intentionally threatening the safety of such person.

(b) A finding by the court that there is a basis for issuing an ex parte order for protection constitutes a finding that sufficient reasons exist not to require notice under applicable court rules governing applications for ex parte relief.

(c) Subject to paragraph (d), an ex parte order for protection shall be effective for a fixed period set by the court, as provided in subdivision 6, paragraph (b), or until modified or vacated by the court pursuant to a hearing. When signed by a referee, the ex parte order becomes effective upon the referee's signature. Upon request, a hearing, as provided by this section, shall be set. Except as provided in paragraph (d), the respondent shall be personally served forthwith a copy of the ex parte order along with a copy of the petition and, if requested by the petitioner, notice of the date set for the hearing. If the petitioner does not request a hearing, an order served on a respondent under this subdivision must include a notice advising the respondent of the right to request a hearing, must be accompanied by a form that can be used by the respondent to request a hearing and must include a conspicuous

notice that a hearing will not be held unless requested by the respondent within five days of service of the order.

(d) Service of the ex parte order may be made by published notice, as provided under subdivision 5, provided that the petitioner files the affidavit required under that subdivision. If personal service is not made or the affidavit is not filed within 14 days of issuance of the ex parte order, the order expires. If the petitioner does not request a hearing, the petition mailed to the respondent's residence, if known, must be accompanied by the form for requesting a hearing and notice described in paragraph (c). Unless personal service is completed, if service by published notice is not completed within 28 days of issuance of the ex parte order, the order expires.

(e) If the petitioner seeks relief under subdivision 6 other than the relief described in paragraph (a), the petitioner must request a hearing to obtain the additional relief.

(f) Nothing in this subdivision affects the right of a party to seek modification of an order under subdivision 11.

Subd. 8. Service; alternate service; publication; notice. (a) The petition and any order issued under this section other than orders for dismissal shall be served on the respondent personally. Orders for dismissal may be served personally or by certified mail. In lieu of personal service of an order for protection, a law enforcement officer may serve a person with a short-form notification as provided in subdivision 8a.

(b) When service is made out of this state and in the United States, it may be proved by the affidavit of the person making the service. When service is made outside the United States, it may be proved by the affidavit of the person making the service, taken before and certified by any United States minister, charge d'affaires, commissioner, consul, or commercial agent, or other consular or diplomatic officer of the United States appointed to reside in the other country, including all deputies or other representatives of the officer authorized to perform their duties; or before an office authorized to administer an oath with the certificate of an officer of a court of record of the country in which the affidavit is taken as to the identity and authority of the officer taking the affidavit.

(c) If personal service cannot be made, the court may order service of the petition and any order issued under this section by alternate means, or by publication, which publication must be made as in other actions. The application for alternate service must include the last known

location of the respondent; the petitioner's most recent contacts with the respondent; the last known location of the respondent's employment; the names and locations of the respondent's parents, siblings, children, and other close relatives; the names and locations of other persons who are likely to know the respondent's whereabouts; and a description of efforts to locate those persons.

The court shall consider the length of time the respondent's location has been unknown, the likelihood that the respondent's location will become known, the nature of the relief sought, and the nature of efforts made to locate the respondent. The court shall order service by first class mail, forwarding address requested, to any addresses where there is a reasonable possibility that mail or information will be forwarded or communicated to the respondent.

The court may also order publication, within or without the state, but only if it might reasonably succeed in notifying the respondent of the proceeding. Service shall be deemed complete 14 days after mailing or 14 days after court-ordered publication.

(d) A petition and any order issued under this section, including the short-form notification, must include a notice to the respondent that if an order for protection is issued to protect the petitioner or a child of the parties, upon request of the petitioner in any parenting time proceeding, the court shall consider the order for protection in making a decision regarding parenting time.

Subd. 8a. Short-form notification. (a) In lieu of personal service of an order for protection under subdivision 8, a law enforcement officer may serve a person with a short-form notification. The short-form notification must include the following clauses: the respondent's name; the respondent's date of birth, if known; the petitioner's name; the names of other protected parties; the date and county in which the ex parte order for protection or order for protection was filed; the court file number; the hearing date and time, if known; the conditions that apply to the respondent, either in checklist form or handwritten; and the name of the judge who signed the order.

The short-form notification must be in bold print in the following form:

The order for protection is now enforceable. You must report to your nearest sheriff office or county court to obtain a copy of the order for protection. You are subject to arrest and may be charged with a misdemeanor, gross misdemeanor, or felony if you violate any of the terms of the order for protection or this short-form notification.

- (b) Upon verification of the identity of the respondent and the existence of an unserved order for protection against the respondent, a law enforcement officer may detain the respondent for a reasonable time necessary to complete and serve the short-form notification.
- (c) When service is made by short-form notification, it may be proved by the affidavit of the law enforcement officer making the service.
- (d) For service under this section only, service upon an individual may occur at any time, including Sundays, and legal holidays.
- (e) The superintendent of the Bureau of Criminal Apprehension shall provide the short form to law enforcement agencies.

Subd. 9. Assistance of sheriff in service or execution. When an order is issued under this section upon request of the petitioner, the court shall order the sheriff to accompany the petitioner and assist in placing the petitioner in possession of the dwelling or residence, or otherwise assist in execution or service of the order of protection. If the application for relief is brought in a county in which the respondent is not present, the sheriff shall forward the pleadings necessary for service upon the respondent to the sheriff of the county in which the respondent is present. This transmittal must be expedited to allow for timely service.

Subd. 9a. Service by others. Peace officers licensed by the state of Minnesota and corrections officers, including, but not limited to, probation officers, court services officers, parole officers, and employees of jails or correctional facilities, may serve an order for protection.

Subd. 10. Right to apply for relief. (a) A person's right to apply for relief shall not be affected by the person's leaving the residence or household to avoid abuse.  
 (b) The court shall not require security or bond of any party unless it deems necessary in exceptional cases.

Subd. 11. Modifying or vacating order. (a) Upon application, notice to all parties, and hearing, the court may modify the terms of an existing order for protection.  
 (b) If the court orders relief under subdivision 6a, paragraph (c), the respondent named in the order for protection may request to have the order vacated or modified if the order has

been in effect for at least five years and the respondent has not violated the order during that time. Application for relief under this subdivision must be made in the county in which the order for protection was issued. Upon receipt of the request, the court shall set a hearing date. Personal service must be made upon the petitioner named in the order for protection not less than 30 days before the date of the hearing. At the hearing, the respondent named in the order for protection has the burden of proving by a preponderance of the evidence that there has been a material change in circumstances and that the reasons upon which the court relied in granting or extending the order for protection no longer apply and are unlikely to occur. If the court finds that the respondent named in the order for protection has met the burden of proof, the court may vacate or modify the order. If the court finds that the respondent named in the order for protection has not met the burden of proof, the court shall deny the request and no request may be made to vacate or modify the order for protection until five years have elapsed from the date of denial. An order vacated or modified under this paragraph must be personally served on the petitioner named in the order for protection.

Subd. 12. Real estate. Nothing in this section shall affect the title to real estate.

Subd. 13. Copy to law enforcement agency. (a) An order for protection and any continuance of an order for protection granted pursuant to this section shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the residence of the applicant.

Each appropriate law enforcement agency shall make available to other law enforcement officers through a system for verification, information as to the existence and status of any order for protection issued pursuant to this section.

(b) If the applicant notifies the court administrator of a change in the applicant's residence so that a different local law enforcement agency has jurisdiction over the residence, the order for protection and any continuance of an order for protection must be forwarded by the court administrator to the new law enforcement agency within 24 hours of the notice. If the applicant notifies the new law enforcement agency that an order for protection has been issued under this section and the applicant has established a new residence within that agency's jurisdiction, within 24 hours the local law enforcement agency shall request a copy of the order for protection from the court administrator in the county that issued the order.

(c) When an order for protection is granted, the applicant for an order for protection must be told by the court that:

(1) notification of a change in residence should be given immediately to the court administrator and to the local law enforcement agency having jurisdiction over the new residence of the applicant;

(2) the reason for notification of a change in residence is to forward an order for protection to the proper law enforcement agency; and

(3) the order for protection must be forwarded to the law enforcement agency having jurisdiction over the new residence within 24 hours of notification of a change in residence, whether notification is given to the court administrator or to the local law enforcement agency having jurisdiction over the applicant's new residence.

An order for protection is enforceable even if the applicant does not notify the court administrator or the appropriate law enforcement agency of a change in residence.

Subd. 14. Violation of an order for protection. (a) A person who violates an order for protection issued by a judge or referee is subject to the penalties provided in paragraphs (b) to (d).

(b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for protection is granted by a judge or referee or pursuant to a similar law of another state, the United States, the District of Columbia, tribal lands, United States territories, Canada, or a Canadian province, and the respondent or person to be restrained knows of the existence of the order, violation of the order for protection is a misdemeanor. Upon a misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of three days imprisonment and must be ordered to participate in counseling or other appropriate programs selected by the court. If the court stays imposition or execution of the jail sentence and the defendant refuses or fails to comply with the court's treatment order, the court must impose and execute the stayed jail sentence. A violation of an order for protection shall also constitute contempt of court and be subject to the penalties provided in chapter 588.

(c) A person is guilty of a gross misdemeanor who violates this subdivision within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency. Upon a gross misdemeanor conviction under this paragraph, the defendant must be sentenced to a minimum of ten days imprisonment and must be ordered to participate

in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for gross misdemeanor convictions.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person violates this subdivision:

- (1) within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency; or
- (2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.

Upon a felony conviction under this paragraph in which the court stays imposition or execution of sentence, the court shall impose at least a 30-day period of incarceration as a condition of probation. The court also shall order that the defendant participate in counseling or other appropriate programs selected by the court. Notwithstanding section 609.135, the court must impose and execute the minimum sentence provided in this paragraph for felony convictions.

(e) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, United States territories, Canada, or a Canadian province restraining the person or excluding the person from the residence or the petitioner's place of employment, even if the violation of the order did not take place in the presence of the peace officer, if the existence of the order can be verified by the officer. The probable cause required under this paragraph includes probable cause that the person knows of the existence of the order. If the order has not been served, the officer shall immediately serve the order whenever reasonably safe and possible to do so. An order for purposes of this subdivision, includes the short-form order described in subdivision 8a. When the order is first served upon the person at a location at which, under the terms of the order, the person's presence constitutes a violation, the person shall not be arrested for violation of the order without first being given a reasonable opportunity to leave the location in the presence of the peace officer. A person arrested under this paragraph shall be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or judicial officer. A

peace officer acting in good faith and exercising due care in making an arrest pursuant to this paragraph is immune from civil liability that might result from the officer's actions.

(f) If the court finds that the respondent has violated an order for protection and that there is reason to believe that the respondent will commit a further violation of the provisions of the order restraining the respondent from committing acts of domestic abuse or excluding the respondent from the petitioner's residence, the court may require the respondent to acknowledge an obligation to comply with the order on the record. The court may require a bond sufficient to deter the respondent from committing further violations of the order for protection, considering the financial resources of the respondent, and not to exceed \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation or post a bond under this paragraph, the court shall commit the respondent to the county jail during the term of the order for protection or until the respondent complies with the order under this paragraph. The warrant must state the cause of commitment, with the sum and time for which any bond is required. If an order is issued under this paragraph, the court may order the costs of the contempt action, or any part of them, to be paid by the respondent. An order under this paragraph is appealable.

(g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated any order for protection granted pursuant to this section or a similar law of another state, the United States, the District of Columbia, tribal lands, United States territories, Canada, or a Canadian province, the court may issue an order to the respondent, requiring the respondent to appear and show cause within 14 days why the respondent should not be found in contempt of court and punished therefor. The hearing may be held by the court in any county in which the petitioner or respondent temporarily or permanently resides at the time of the alleged violation, or in the county in which the alleged violation occurred, if the petitioner and respondent do not reside in this state. The court also shall refer the violation of the order for protection to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

(h) If it is alleged that the respondent has violated an order for protection issued under subdivision 6 or a similar law of another state, the United States, the District of Columbia, tribal lands, United States territories, Canada, or Canadian province, and the court finds that the order has expired between the time of the alleged violation and the court's hearing on

the violation, the court may grant a new order for protection under subdivision 6 based solely on the respondent's alleged violation of the prior order, to be effective until the hearing on the alleged violation of the prior order. If the court finds that the respondent has violated the prior order, the relief granted in the new order for protection shall be extended for a fixed period, not to exceed one year, except when the court determines a longer fixed period is appropriate.

(i) The admittance into petitioner's dwelling of an abusing party excluded from the dwelling under an order for protection is not a violation by the petitioner of the order for protection. A peace officer is not liable under section 609.43, clause (1), for a failure to perform a duty required by paragraph (e).

(j) When a person is convicted under paragraph (b) or (c) of violating an order for protection and the court determines that the person used a firearm in any way during commission of the violation, the court may order that the person is prohibited from possessing any type of firearm for any period longer than three years or for the remainder of the person's life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the court shall inform the defendant whether and for how long the defendant is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the court to provide this information to a defendant does not affect the applicability of the firearm possession prohibition or the gross misdemeanor penalty to that defendant.

(k) Except as otherwise provided in paragraph (j), when a person is convicted under paragraph (b) or (c) of violating an order for protection, the court shall inform the defendant that the defendant is prohibited from possessing a pistol for three years from the date of conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide this information to a defendant does not affect the applicability of the pistol possession prohibition or the gross misdemeanor penalty to that defendant.

(l) Except as otherwise provided in paragraph (j), a person is not entitled to possess a pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of violating an order for protection, unless three years have elapsed from the date of conviction and, during that time, the person has not been convicted of any other violation of this section. Property rights may not be abated but access may be restricted by the courts. A person who possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.

(m) If the court determines that a person convicted under paragraph (b) or (c) of violating an order for protection owns or possesses a firearm and used it in any way during the commission of the violation, it shall order that the firearm be summarily forfeited under section 609.5316, subdivision 3.

Subd. 14a. Venue. A person may be prosecuted under subdivision 14 at the place where any call is made or received or, in the case of wireless or electronic communication or any communication made through any available technologies, where the actor or victim resides, or in the jurisdiction of the victim's designated address if the victim participates in the address confidentiality program established under chapter 5B.

Subd. 15. Admissibility of testimony in criminal proceeding. Any testimony offered by a respondent in a hearing pursuant to this section is inadmissible in a criminal proceeding.

Subd. 16. Other remedies available. Any proceeding under this section shall be in addition to other civil or criminal remedies.

Subd. 17. Effect on custody proceedings. In a subsequent custody proceeding the court must consider a finding in a proceeding under this chapter or under a similar law of another state that domestic abuse has occurred between the parties.

Subd. 18. Notices. (a) Each order for protection granted under this chapter must contain a conspicuous notice to the respondent or person to be restrained that:

- (1) violation of an order for protection is either (i) a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$1,000, or both, (ii) a gross misdemeanor punishable by imprisonment of up to one year or a fine of up to \$3,000, or both, or (iii) a felony punishable by imprisonment of up to five years or a fine of up to \$10,000, or both;
- (2) the respondent is forbidden to enter or stay at the petitioner's residence, even if invited to do so by the petitioner or any other person; in no event is the order for protection voided;
- (3) a peace officer must arrest without warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order for protection restraining the person or excluding the person from a residence; and

(4) pursuant to the Violence Against Women Act of 1994, United States Code, title 18, section 2265, the order is enforceable in all 50 states, the District of Columbia, tribal lands, and United States territories, that violation of the order may also subject the respondent to federal charges and punishment under United States Code, title 18, sections 2261 and 2262, and that if a final order is entered against the respondent after the hearing, the respondent may be prohibited from possessing, transporting, or accepting a firearm under the 1994 amendment to the Gun Control Act, United States Code, title 18, section 922(g)(8).

(b) If the court grants relief under subdivision 6a, paragraph (c), the order for protection must also contain a conspicuous notice to the respondent or person to be restrained that the respondent must wait five years to seek a modification of the order.

Subd. 19. Recording required. Proceedings under this section must be recorded.

Subd. 19a. Entry and enforcement of foreign protective orders. (a) As used in this subdivision, "foreign protective order" means an order for protection entered by a court of another state; an order by an Indian tribe or United States territory that would be a protective order entered under this chapter; a Canadian order for protection as defined in section 518F.02; a temporary or permanent order or protective order to exclude a respondent from a dwelling; or an order that establishes conditions of release or is a protective order or sentencing order in a criminal prosecution arising from a domestic abuse assault if it had been entered in Minnesota.

(b) A person for whom a foreign protection order has been issued or the issuing court or tribunal may provide a certified or authenticated copy of a foreign protective order to the court administrator in any county that would have venue if the original action was being commenced in this state or in which the person in whose favor the order was entered may be present, for filing and entering of the same into the state order for protection database.

(c) The court administrator shall file and enter foreign protective orders that are not certified or authenticated, if supported by an affidavit of a person with personal knowledge, subject to the penalties for perjury. The person protected by the order may provide this affidavit.

(d) The court administrator shall provide copies of the order as required by this section.

(e) A valid foreign protective order has the same effect and shall be enforced in the same manner as an order for protection issued in this state whether or not filed with a court administrator or otherwise entered in the state order for protection database.

(f) A foreign protective order is presumed valid if it meets all of the following:

- (1) the order states the name of the protected individual and the individual against whom enforcement is sought;
- (2) the order has not expired;
- (3) the order was issued by a court or tribunal that had jurisdiction over the parties and subject matter under the law of the foreign jurisdiction; and
- (4) the order was issued in accordance with the respondent's due process rights, either after the respondent was provided with reasonable notice and an opportunity to be heard before the court or tribunal that issued the order, or in the case of an ex parte order, the respondent was granted notice and an opportunity to be heard within a reasonable time after the order was issued.

(g) Proof that a foreign protective order failed to meet all of the factors listed in paragraph (f) is an affirmative defense in any action seeking enforcement of the order.

(h) A peace officer shall treat a foreign protective order as a valid legal document and shall make an arrest for a violation of the foreign protective order in the same manner that a peace officer would make an arrest for a violation of a protective order issued within this state.

(i) The fact that a foreign protective order has not been filed with the court administrator or otherwise entered into the state order for protection database shall not be grounds to refuse to enforce the terms of the order unless it is apparent to the officer that the order is invalid on its face.

(j) A peace officer acting reasonably and in good faith in connection with the enforcement of a foreign protective order is immune from civil and criminal liability in any action arising in connection with the enforcement.

(k) Filing and service costs in connection with foreign protective orders are waived.

Subd. 20. Statewide application. An order for protection granted under this section applies throughout this state.

<p>Subd. 21. Order for protection forms. The state court administrator, in consultation with city and county attorneys and legal advocates who work with victims, shall update the uniform order for protection form that facilitates the consistent enforcement of orders for protection throughout the state.</p> <p>Subd. 22. Repealed by Laws 2010, c. 299, eff. August 1, 2010.</p> <p>Subd. 23. Prohibition against employer retaliation. (a) An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, because the employee took reasonable time off from work to obtain or attempt to obtain relief under this chapter. Except in cases of imminent danger to the health or safety of the employee or the employee's child, or unless impracticable, an employee who is absent from the workplace shall give 48 hours' advance notice to the employer. Upon request of the employer, the employee shall provide verification that supports the employee's reason for being absent from the workplace. All information related to the employee's leave pursuant to this section shall be kept confidential by the employer.</p> <p>(b) An employer who violates paragraph (a) is guilty of a misdemeanor and may be punished for contempt of court. In addition, the court shall order the employer to pay back wages and offer job reinstatement to any employee discharged from employment in violation of paragraph (a).</p> <p>(c) In addition to any remedies otherwise provided by law, an employee injured by a violation of paragraph (a) may bring a civil action for recovery of damages, together with costs and disbursements, including reasonable attorneys fees, and may receive such injunctive and other equitable relief, including reinstatement, as determined by the court.</p> <p> Minn. Stat. Ann. § 518B.01, subd. 2 defines the terms used in this statutory provision. These definitions are included above in the section "Select Definitions."</p>	
<p><b>Sexual Assault Counselor-Victim Privilege.</b></p>	<p>Minn. Stat. Ann. § 595.02, subd. 1(k).</p>

<p>Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision: . . .</p> <p>Sexual assault counselors may not be allowed to disclose any opinion or information received from or about the victim without the consent of the victim. However, a counselor may be compelled to identify or disclose information in investigations or proceedings related to neglect or termination of parental rights if the court determines good cause exists. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the treatment relationship, and the treatment services if disclosure occurs. Nothing in this clause exempts sexual assault counselors from compliance with the provisions of section 626.557 and chapter 260E.</p> <p> Minn. Stat. Ann. § 595.02, subd. 1(k) defines the term “sexual assault counselor” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	
<p><b>Domestic Abuse Advocate-Victim Privilege.</b></p> <p>Every person of sufficient understanding, including a party, may testify in any action or proceeding, civil or criminal, in court or before any person who has authority to receive evidence, except as provided in this subdivision: . . .</p> <p>A domestic abuse advocate may not be compelled to disclose any opinion or information received from or about the victim without the consent of the victim unless ordered by the court. In determining whether to compel disclosure, the court shall weigh the public interest and need for disclosure against the effect on the victim, the relationship between the victim and domestic abuse advocate, and the services if disclosure occurs. Nothing in this paragraph exempts domestic abuse advocates from compliance with the provisions of section 626.557 and chapter 260E.</p>	<p>Minn. Stat. Ann. § 595.02, subd. 1(1).</p>

<p> Minn. Stat. Ann. § 595.02, subd. 1(l) defines the term “domestic abuse advocate” for the purposes of this provision. This definition is included above in the section “Select Definitions.”</p>	
<p><b>Admissibility of Out of Court Statements by Certain Child-Victims and Victims with Mental Impairments.</b></p> <p>An out-of-court statement made by a child under the age of ten years or a person who is mentally impaired as defined in section 609.341, subdivision 6, alleging, explaining, denying, or describing any act of sexual contact or penetration performed with or on the child or any act of physical abuse of the child or the person who is mentally impaired by another, not otherwise admissible by statute or rule of evidence, is admissible as substantive evidence if:</p> <p>(a) the court or person authorized to receive evidence finds, in a hearing conducted outside of the presence of the jury, that the time, content, and circumstances of the statement and the reliability of the person to whom the statement is made provide sufficient indicia of reliability; and</p> <p>(b) the child or person mentally impaired as defined in section 609.341, subdivision 6, either:          (i) testifies at the proceedings; or          (ii) is unavailable as a witness and there is corroborative evidence of the act; and</p> <p>(c) the proponent of the statement notifies the adverse party of the proponent’s intention to offer the statement and the particulars of the statement sufficiently in advance of the proceeding at which the proponent intends to offer the statement into evidence to provide the adverse party with a fair opportunity to prepare to meet the statement.</p> <p>For purposes of this subdivision, an out-of-court statement includes video, audio, or other recorded statements. An unavailable witness includes an incompetent witness.</p>	<p>Minn. Stat. Ann. § 595.02, subd. 3.</p>

<p><b>Child-Victims' Right to Testify Outside of the Courtroom; Court Order Regarding Accommodations; Support Person Presence During Testimony.</b></p> <p>(a) In a proceeding in which a child less than 12 years of age is alleging, denying, or describing:</p> <p>(1) an act of physical abuse or an act of sexual contact or penetration performed with or on the child or any other person by another; or</p> <p>(2) an act that constitutes a crime of violence committed against the child or any other person, the court may, upon its own motion or upon the motion of any party, order that the testimony of the child be taken in a room other than the courtroom or in the courtroom and televised at the same time by closed-circuit equipment, or recorded for later showing to be viewed by the jury in the proceeding, to minimize the trauma to the child of testifying in the courtroom setting and, where necessary, to provide a setting more amenable to securing the child witness's uninhibited, truthful testimony.</p> <p>(b) At the taking of testimony under this subdivision, only the judge, the attorneys for the defendant and for the state, any person whose presence would contribute to the welfare and well-being of the child, persons necessary to operate the recording or closed-circuit equipment and, in a child protection proceeding under chapter 260 or a dissolution or custody proceeding under chapter 518, the attorneys for those parties with a right to participate may be present with the child during the child's testimony.</p> <p>(c) The court shall permit the defendant in a criminal or delinquency matter to observe and hear the testimony of the child in person. If the court, upon its own motion or the motion of any party, finds in a hearing conducted outside the presence of the jury, that the presence of the defendant during testimony taken pursuant to this subdivision would psychologically traumatize the witness so as to render the witness unavailable to testify, the court may order that the testimony be taken in a manner that:</p> <p>(1) the defendant can see and hear the testimony of the child in person and communicate with counsel, but the child cannot see or hear the defendant; or</p>	<p>Minn. Stat. Ann. § 595.02, subd. 4.</p>
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<p>(2) the defendant can see and hear the testimony of the child by video or television monitor from a separate room and communicate with counsel, but the child cannot see or hear the defendant.</p> <p>(d) As used in this subdivision, “crime of violence” has the meaning given it in section 624.712, subdivision 5, and includes violations of section 609.26.</p>	
<p><b>Inclusion of Victim Statement in Presentence Investigation.</b></p> <p>(a) When a defendant has been convicted of a misdemeanor or gross misdemeanor, the court may, and when the defendant has been convicted of a felony, the court shall, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant’s individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused by it to others and to the community. At the request of the prosecutor in a gross misdemeanor case, the court shall order that a presentence investigation and report be prepared. The investigation shall be made by a probation officer of the court, if there is one; otherwise it shall be made by the commissioner of corrections. The officer conducting the presentence or predispositional investigation shall make reasonable and good faith efforts to contact and provide the victim with the information required under section 611A.037, subdivision 2. Presentence investigations shall be conducted and summary hearings held upon reports and upon the sentence to be imposed upon the defendant in accordance with this section, section 244.10, and the Rules of Criminal Procedure.</p> <p>(b) When the crime is a violation of sections 609.561 to 609.563, 609.5641, or 609.576 and involves a fire, the report shall include a description of the financial and physical harm the offense has had on the public safety personnel who responded to the fire. For purposes of this paragraph, “public safety personnel” means the state fire marshal; employees of the Division of the State Fire Marshal; firefighters, regardless of whether the firefighters receive any remuneration for providing services; peace officers, as defined in section 626.05,</p>	<p>Minn. Stat. Ann. § 609.115, subd. 1(a)–(d).</p>

<p>subdivision 2; individuals providing emergency management services; and individuals providing emergency medical services.</p> <p>(c) When the crime is a felony violation of chapter 152 involving the sale or distribution of a controlled substance, the report may include a description of any adverse social or economic effects the offense has had on persons who reside in the neighborhood where the offense was committed.</p> <p>(d) The report shall also include the information relating to crime victims required under section 611A.037, subdivision 1. If the court directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed. In misdemeanor cases the report may be oral.</p> <p> Minn. Stat. Ann. § 611A.037 governs victims' rights with respect to presentence investigations. This statutory provision is included above.</p>	
<p><b>Confidentiality of Victim Impact Presentence Domestic Abuse Investigations.</b></p> <p>Subd. 1. Investigation. A presentence domestic abuse investigation must be conducted and a report submitted to the court by the corrections agency responsible for conducting the investigation when:</p> <p>(1) a defendant is convicted of an offense described in section 518B.01, subdivision 2;</p> <p>(2) a defendant is arrested for committing an offense described in section 518B.01, subdivision 2, but is convicted of another offense arising out of the same circumstances surrounding the arrest; or</p> <p>(3) a defendant is convicted of a violation against a family or household member of: (a) an order for protection under section 518B.01; (b) a harassment restraining order under section 609.748; (c) section 609.79, subdivision 1; or (d) section 609.713, subdivision 1.</p> <p>Subd. 2. Report.</p>	<p>Minn. Stat. Ann. § 609.2244.</p>

<p>(a) The Department of Corrections shall establish minimum standards for the report, including the circumstances of the offense, impact on the victim, the defendant's prior record, characteristics and history of alcohol and chemical use problems, and amenability to domestic abuse programs. The report is classified as private data on individuals as defined in section 13.02, subdivision 12. Victim impact statements are confidential.</p> <p>(b) The report must include:</p> <ol style="list-style-type: none"> <li>(1) a recommendation on any limitations on contact with the victim and other measures to ensure the victim's safety;</li> <li>(2) a recommendation for the defendant to enter and successfully complete domestic abuse programming and any aftercare found necessary by the investigation, including a specific recommendation for the defendant to complete a domestic abuse counseling program or domestic abuse educational program under section 518B.02;</li> <li>(3) a recommendation for chemical dependency evaluation and treatment as determined by the evaluation whenever alcohol or drugs were found to be a contributing factor to the offense;</li> <li>(4) recommendations for other appropriate remedial action or care or a specific explanation why no level of care or action is recommended; and</li> <li>(5) consequences for failure to abide by conditions set up by the court.</li> </ol> <p>Subd. 3. Corrections agents standards; rules; investigation time limits. A domestic abuse investigation required by this section must be conducted by the local Corrections Department or the commissioner of corrections. The corrections agent shall have access to any police reports or other law enforcement data relating to the current offense or previous offenses that are necessary to complete the evaluation. A corrections agent conducting an investigation under this section may not have any direct or shared financial interest or referral relationship resulting in shared financial gain with a treatment provider. A n appointment for the defendant to undergo the investigation must be made by the court, a court services probation officer, or court administrator as soon as possible.</p>	
<p><b>Parents or Guardians' Right to Seek Prostitution Protective Orders for Child Victim; Content of Petition; Hearing; Relief; Violations.</b></p>	<p>Minn. Stat. Ann. § 609.3232.</p>

Subd. 1. Order for protection. Any parent or guardian who knows or has reason to believe that a person, while acting as other than a prostitute or patron, is inducing, coercing, soliciting, or promoting the prostitution of the parent or guardian's minor child, or is offering or providing food, shelter, or other subsistence for the purpose of enabling the parent or guardian's minor child to engage in prostitution, may seek an order for protection in the manner provided in this section.

Subd. 2. Court jurisdiction. An application for relief under this section shall be filed in the juvenile court. Actions under this section shall be given docket priority by the court.

Subd. 3. Contents of petition. A petition for relief shall allege the existence of a circumstance or circumstances described in subdivision 1, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

Subd. 4. Hearing on application; notice. (a) Upon receipt of the petition, the court shall order a hearing which shall be held no later than 14 days from the date of the order. Personal service shall be made upon the respondent not less than five days before the hearing. In the event that personal service cannot be completed in time to give the respondent the minimum notice required under this paragraph, the court may set a new hearing date.

(b) Notwithstanding the provisions of paragraph (a), service may be made by one week published notice, as provided under section 645.11, provided the petitioner files with the court an affidavit stating that an attempt at personal service made by a sheriff was unsuccessful because the respondent is avoiding service by concealment or otherwise, and that a copy of the petition and notice of hearing has been mailed to the respondent at the respondent's residence or that the residence is not known to the petitioner. Service under this paragraph is complete seven days after publication. The court shall set a new hearing date if necessary to allow the respondent the five-day minimum notice required under paragraph (a).

<p>Subd. 5. Relief by the court. Upon notice and hearing, the court may order the respondent to return the minor child to the residence of the child's parents or guardian, and may order that the respondent cease and desist from committing further acts described in subdivision 1 and cease to have further contact with the minor child. Any relief granted by the court in the order for protection shall be for a fixed period of time determined by the court.</p> <p>Subd. 6. Service of order. Any order issued under this section shall be served personally on the respondent. Upon the request of the petitioner, the court shall order the sheriff to assist in the execution or service of the order for protection.</p> <p>Subd. 7. Violation of order for protection. (a) A violation of an order for protection shall constitute contempt of court and be subject to the penalties provided under chapter 588.                  (b) Any person who willfully fails to return a minor child as required by an order for protection issued under this section commits an act which manifests an intent substantially to deprive the parent or guardian of custodial rights within the meaning of section 609.26, clause (3).</p>	
<p><b>Sex Crime Victim's Right to Initiate Law Enforcement Investigation by Contacting Any Law Enforcement Agency, Regardless of Where Crime Occurred.</b></p> <p>(a) A victim of any violation of sections 609.342 to 609.3453 may initiate a law enforcement investigation by contacting any law enforcement agency, regardless of where the crime may have occurred. The agency must prepare a summary of the allegation and provide the person with a copy of it. The agency must begin an investigation of the facts, or, if the suspected crime was committed in a different jurisdiction, refer the matter along with the summary to the law enforcement agency where the suspected crime was committed for an investigation of the facts.</p> <p>(b) If a law enforcement agency refers the matter to the law enforcement agency where the crime was committed, it need not include the allegation as a crime committed in its jurisdiction for purposes of information that the agency is required to provide to the</p>	<p>Minn. Stat. Ann. § 609.3459.</p>

<p>commissioner of public safety pursuant to section 299C.06, but must confirm that the other law enforcement agency has received the referral.</p>	
<p><b>Minor Sex Crime Victims' Right to Nondisclosure of Identity.</b></p> <p>Notwithstanding any provision of law to the contrary, no data contained in records or reports relating to petitions, complaints, or indictments issued pursuant to section 609.322, 609.342, 609.343, 609.344, 609.345, or 609.3453, which specifically identifies a victim who is a minor shall be accessible to the public, except by order of the court. Nothing in this section authorizes denial of access to any other data contained in the records or reports, including the identity of the defendant.</p>	<p>Minn. Stat. Ann. § 609.3471.</p>
<p><b>Sex Crime Victims' Right to No-Cost Medical Examination.</b></p> <p>(a) Costs incurred by a county, city, or private hospital or other emergency medical facility or by a private physician for the examination of a victim of criminal sexual conduct when the examination is performed for the purpose of gathering evidence shall be paid by the county in which the criminal sexual conduct occurred. These costs include, but are not limited to, full cost of the rape kit examination, associated tests relating to the complainant's sexually transmitted disease status, and pregnancy status.</p> <p>(b) Nothing in this section shall be construed to limit the duties, responsibilities, or liabilities of any insurer, whether public or private. However, a county may seek insurance reimbursement from the victim's insurer only if authorized by the victim. This authorization may only be sought after the examination is performed. When seeking this authorization, the county shall inform the victim that if the victim does not authorize this, the county is required by law to pay for the examination and that the victim is in no way liable for these costs or obligated to authorize the reimbursement.</p>	<p>Minn. Stat. Ann. § 609.35.</p>

<p>(c) The applicability of this section does not depend upon whether the victim reports the offense to law enforcement or the existence or status of any investigation or prosecution.</p> <p> A promising practice is to inform sexual crime victims, as soon as possible, that they are not required report the offense committed against them to receive a no-cost examination.</p>	
<p><b>Identity Theft Victims' Rights to Restitution; to Copies of Complaint, Judgment and Order; and to Initiate Law Enforcement Investigation in Jurisdiction Where Victims Reside.</b></p> <p>Subd. 4. Restitution; items provided to victim.</p> <p>(a) A direct or indirect victim of an identity theft crime shall be considered a victim for all purposes, including any rights that accrue under chapter 611A and rights to court-ordered restitution.</p> <p>(b) The court shall order a person convicted of violating subdivision 2 to pay restitution of not less than \$1,000 to each direct victim of the offense.</p> <p>(c) Upon the written request of a direct victim or the prosecutor setting forth with specificity the facts and circumstances of the offense in a proposed order, the court shall provide to the victim, without cost, a certified copy of the complaint filed in the matter, the judgment of conviction, and an order setting forth the facts and circumstances of the offense.</p> <p>Subd. 5. Reporting.</p> <p>(a) A person who has learned or reasonably suspects that a person is a direct victim of a crime under subdivision 2 may initiate a law enforcement investigation by contacting the local law enforcement agency that has jurisdiction where the person resides, regardless of where the crime may have occurred. The agency must prepare a police report of the matter, provide the complainant with a copy of that report, and may begin an investigation of the facts, or, if the suspected crime was committed in a different jurisdiction, refer the matter to the law enforcement agency where the suspected crime was committed for an investigation of the facts.</p>	<p>Minn. Stat. Ann. § 609.527, subs. 4–5.</p>

<p>(b) If a law enforcement agency refers a report to the law enforcement agency where the crime was committed, it need not include the report as a crime committed in its jurisdiction for purposes of information that the agency is required to provide to the commissioner of public safety pursuant to section 299C.06.</p> <p> Minn. Rev. Stat. Ann. § 609.527, subd. 1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> Victims should be informed that they are entitled to restitution upon the conviction of defendant for losses caused by defendant’s criminal conduct. Assisting victims with the documentation of their losses—including anticipated future expenses—is recommended from the earliest moments of the case.</p>	
<p><b>Victims’ Rights to Seek Harassment Restraining Orders at No Cost; Courts Duty to Provide Victims with Certain Information Regarding the Procedures and Rights Related to a Harassment Restraining Order; Contents of Petition; Hearings; Relief.</b></p> <p>Subd. 2. Restraining order; court jurisdiction. A person who is a victim of harassment or the victim’s guardian or conservator may seek a restraining order from the district court in the manner provided in this section. The parent, guardian or conservator, or stepparent of a minor who is a victim of harassment may seek a restraining order from the district court on behalf of the minor. An application for relief under this section may be filed in the county of residence of either party or in the county in which the alleged harassment occurred. There are no residency requirements that apply to a petition for a harassment restraining order.</p> <p>Subd. 3. Contents of petition; hearing; notice. (a) A petition for relief must allege facts sufficient to show the following:</p> <ol style="list-style-type: none"> <li>(1) the name of the alleged harassment victim;</li> <li>(2) the name of the respondent; and</li> <li>(3) that the respondent has engaged in harassment.</li> </ol>	<p>Minn. Stat. Ann. § 609.748, subsd. 2–10.</p>

A petition for relief must state whether the petitioner has had a previous restraining order in effect against the respondent. The petition shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section and shall advise the petitioner of the right to sue in forma pauperis under section 563.01. The court shall advise the petitioner of the right to request a hearing. If the petitioner does not request a hearing, the court shall advise the petitioner that the respondent may request a hearing and that notice of the hearing date and time will be provided to the petitioner by mail at least five days before the hearing. Upon receipt of the petition and a request for a hearing by the petitioner, the court shall order a hearing. Personal service must be made upon the respondent not less than five days before the hearing. If personal service cannot be completed in time to give the respondent the minimum notice required under this paragraph, the court may set a new hearing date. Nothing in this section shall be construed as requiring a hearing on a matter that has no merit.

(b) Notwithstanding paragraph (a), the order for a hearing and a temporary order issued under subdivision 4 may be served on the respondent by means of a one-week published notice under section 645.11, if:

- (1) the petitioner files an affidavit with the court stating that an attempt at personal service made by a peace officer was unsuccessful because the respondent is avoiding service by concealment or otherwise; and
- (2) a copy of the petition and order for hearing and any temporary restraining order has been mailed to the respondent at the respondent's residence or place of business, if the respondent is an organization, or the respondent's residence or place of business is not known to the petitioner.

(c) Regardless of the method of service, if the respondent is a juvenile, whenever possible, the court also shall have notice of the pendency of the case and of the time and place of the hearing served by mail at the last known address upon any parent or guardian of the juvenile respondent who is not the petitioner.

(d) A request for a hearing under this subdivision must be made within 20 days of service of the petition.

Subd. 3a. Filing fee; cost of service. The filing fees for a restraining order under this section are waived for the petitioner and the respondent if the petition alleges acts that would constitute a violation of section 609.749, subdivision 2, 3, 4, or 5, or sections 609.342 to 609.3451. The court administrator and any peace officer in this state shall perform their duties relating to service of process without charge to the petitioner. The court shall direct payment of the reasonable costs of service of process if served by a private process server when a peace officer is unavailable or if service is made by publication.

Subd. 4. Temporary restraining order; relief by court. (a) The court may issue a temporary restraining order that provides any or all of the following:

(1) orders the respondent to cease or avoid the harassment of another person; or

(2) orders the respondent to have no contact with another person.

(b) The court may issue an order under paragraph (a) if the petitioner files a petition in compliance with subdivision 3 and if the court finds reasonable grounds to believe that the respondent has engaged in harassment. When a petition alleges harassment as defined by subdivision 1, paragraph (a), clause (1), the petition must further allege an immediate and present danger of harassment before the court may issue a temporary restraining order under this section. When signed by a referee, the temporary order becomes effective upon the referee's signature.

(c) Notice need not be given to the respondent before the court issues a temporary restraining order under this subdivision. A copy of the restraining order must be served on the respondent along with the order for hearing and petition, as provided in subdivision 3. If the respondent is a juvenile, whenever possible, a copy of the restraining order, along with notice of the pendency of the case and the time and place of the hearing, shall also be served by mail at the last known address upon any parent or guardian of the juvenile respondent who is not the petitioner. A temporary restraining order may be entered only against the respondent named in the petition.

(d) The temporary restraining order is in effect until a hearing is held on the issuance of a restraining order under subdivision 5. The court shall hold the hearing on the issuance of a restraining order if the petitioner requests a hearing. The hearing may be continued by the court upon a showing that the respondent has not been served with a copy of the temporary restraining order despite the exercise of due diligence or if service is made by published

notice under subdivision 3 and the petitioner files the affidavit required under that subdivision.

(e) If the temporary restraining order has been issued and the respondent requests a hearing, the hearing shall be scheduled by the court upon receipt of the respondent's request. Service of the notice of hearing must be made upon the petitioner not less than five days prior to the hearing. The court shall serve the notice of the hearing upon the petitioner by mail in the manner provided in the Rules of Civil Procedure for pleadings subsequent to a complaint and motions and shall also mail notice of the date and time of the hearing to the respondent. In the event that service cannot be completed in time to give the respondent or petitioner the minimum notice required under this subdivision, the court may set a new hearing date.

(f) A request for a hearing under this subdivision must be made within 20 days of the date of completed service of the petition.

Subd. 5. Restraining order. (a) The court may issue a restraining order that provides any or all of the following:

(1) orders the respondent to cease or avoid the harassment of another person; or

(2) orders the respondent to have no contact with another person.

(b) The court may issue an order under paragraph (a) if all of the following occur:

(1) the petitioner has filed a petition under subdivision 3;

(2) a peace officer has served respondent with a copy of the temporary restraining order obtained under subdivision 4, and with notice of the right to request a hearing, or service has been made by publication under subdivision 3, paragraph (b); and

(3) the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.

A restraining order may be issued only against the respondent named in the petition; except that if the respondent is an organization, the order may be issued against and apply to all of the members of the organization. If the court finds that the petitioner has had two or more previous restraining orders in effect against the same respondent or the respondent has violated a prior or existing restraining order on two or more occasions, relief granted by the restraining order may be for a period of up to 50 years. In all other cases, relief granted by the restraining order must be for a fixed period of not more than two years. When a referee

presides at the hearing on the petition, the restraining order becomes effective upon the referee's signature.

(c) An order issued under this subdivision must be personally served upon the respondent.

(d) If the court orders relief for a period of up to 50 years under paragraph (a), the respondent named in the restraining order may request to have the restraining order vacated or modified if the order has been in effect for at least five years and the respondent has not violated the order. Application for relief under this paragraph must be made in the county in which the restraining order was issued. Upon receipt of the request, the court shall set a hearing date. Personal service must be made upon the petitioner named in the restraining order not less than 30 days before the date of the hearing. At the hearing, the respondent named in the restraining order has the burden of proving by a preponderance of the evidence that there has been a material change in circumstances and that the reasons upon which the court relied in granting the restraining order no longer apply and are unlikely to occur. If the court finds that the respondent named in the restraining order has met the burden of proof, the court may vacate or modify the order. If the court finds that the respondent named in the restraining order has not met the burden of proof, the court shall deny the request and no request may be made to vacate or modify the restraining order until five years have elapsed from the date of denial. An order vacated or modified under this paragraph must be personally served on the petitioner named in the restraining order.

<Text of subd. 5a is effective 30 days following publication of a notice on the Bureau of Criminal Apprehension's website that a computer system is available to send harassment restraining order data from the Minnesota judicial branch to law enforcement.>

Subd. 5a. Short-form notification. (a) In lieu of personal service of a harassment restraining order, a peace officer may serve a person with a short-form notification. The short-form notification must include the following clauses: the respondent's name; the respondent's date of birth, if known; the petitioner's name; the names of other protected parties; the date and county in which the temporary restraining order or restraining order was filed; the court file number; the hearing date and time, if known; the conditions that apply to the respondent, either in checklist form or handwritten; and the name of the judge who signed the order.

The short-form notification must be in bold print in the following form:

“The restraining order is now enforceable. You must report to your nearest sheriff’s office or county court to obtain a copy of the restraining order. You are subject to arrest and may be charged with a misdemeanor, gross misdemeanor, or felony if you violate any of the terms of the restraining order or this short-form notification.”

(b) Upon verification of the identity of the respondent and the existence of an unserved harassment restraining order against the respondent, a law enforcement officer may detain the respondent for a reasonable time necessary to complete and serve the short-form notification.

(c) When service is made by short-form notification, it may be proved by the affidavit of the law enforcement officer making the service.

(d) For service under this section only, service upon an individual may occur at any time, including Sundays and legal holidays.

(e) The superintendent of the Bureau of Criminal Apprehension shall provide the short form to law enforcement agencies.

Subd. 5b. Service by others. In addition to peace officers, corrections officers, including but not limited to probation officers, court services officers, parole officers, and employees of jails or correctional facilities, may serve a temporary restraining order or restraining order.

Subd. 6. Violation of restraining order. (a) A person who violates a restraining order issued under this section is subject to the penalties provided in paragraphs (b) to (d).

(b) Except as otherwise provided in paragraphs (c) and (d), when a temporary restraining order or a restraining order is granted under this section and the respondent knows of the order, violation of the order is a misdemeanor.

(c) A person is guilty of a gross misdemeanor who violates the order within ten years of a previous qualified domestic violence-related offense conviction or adjudication of delinquency.

(d) A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person violates the order:

(1) within ten years of the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency;

(2) because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin;

(3) by falsely impersonating another;

(4) while possessing a dangerous weapon;

(5) with an intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(6) against a victim under the age of 18, if the respondent is more than 36 months older than the victim.

(e) A person who commits violations in two or more counties may be prosecuted in any county in which one of the acts was committed for all acts in violation of this section.

(f) A person may be prosecuted at the place where any call is made or received or, in the case of wireless or electronic communication or any communication made through any available technologies, where the actor or victim resides, or in the jurisdiction of the victim's designated address if the victim participates in the address confidentiality program established under chapter 5B.

(g) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under subdivision 4 or 5 if the existence of the order can be verified by the officer.

(h) A violation of a temporary restraining order or restraining order shall also constitute contempt of court.

(i) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested party designated by the court, alleging that the respondent has violated an order issued under subdivision 4 or 5, the court may issue an order to the respondent requiring the respondent to appear within 14 days and show cause why the respondent should not be held in contempt of court. The court also shall refer the violation of the order to the appropriate prosecuting authority for possible prosecution under paragraph (b), (c), or (d).

Subd. 7. Copy to law enforcement agency. An order granted under this section shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the residence of the applicant. Each appropriate law enforcement

agency shall make available to other law enforcement officers through a system for verification, information as to the existence and status of any order issued under this section.

Subd. 8. Notice. (a) An order granted under this section must contain a conspicuous notice to the respondent:

- (1) of the specific conduct that will constitute a violation of the order;
- (2) that violation of an order is either (i) a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$1,000, or both, (ii) a gross misdemeanor punishable by imprisonment for up to one year or a fine of up to \$3,000, or both, or (iii) a felony punishable by imprisonment for up to five years or a fine of up to \$10,000, or both; and
- (3) that a peace officer must arrest without warrant and take into custody a person if the peace officer has probable cause to believe the person has violated a restraining order.

(b) If the court grants relief for a period of up to 50 years under subdivision 5, the order must also contain a conspicuous notice to the respondent that the respondent must wait five years to seek a modification of the order.

Subd. 9. Effect on local ordinances. Nothing in this section shall supersede or preclude the continuation or adoption of any local ordinance which applies to a broader scope of targeted residential picketing conduct than that described in Subd. 1.

Subd. 10. Prohibition against employer retaliation. (a) An employer shall not discharge, discipline, threaten, otherwise discriminate against, or penalize an employee regarding the employee's compensation, terms, conditions, location, or privileges of employment, because the employee took reasonable time off from work to obtain or attempt to obtain relief under this section. Except in cases of imminent danger to the health or safety of the employee or the employee's child, or unless impracticable, an employee who is absent from the workplace shall give 48 hours' advance notice to the employer. Upon request of the employer, the employee shall provide verification that supports the employee's reason for being absent from the workplace. All information related to the employee's leave pursuant to this section shall be kept confidential by the employer.

(b) An employer who violates paragraph (a) is guilty of a misdemeanor and may be punished for contempt of court. In addition, the court shall order the employer to pay back wages and

<p>offer job reinstatement to any employee discharged from employment in violation of paragraph (a).</p> <p>(c) In addition to any remedies otherwise provided by law, an employee injured by a violation of paragraph (a) may bring a civil action for recovery of damages, together with costs and disbursements, including reasonable attorneys fees, and may receive such injunctive and other equitable relief, including reinstatement, as determined by the court.</p> <p> Minn. Stat. Ann. § 609.748, subd. 1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p>	
<p><b>Victims’ Rights Regarding Petition for Expungement: to Notice and to Submit a Statement.</b></p> <p>Subd. 3. Service of petition and proposed order. (a) The petitioner shall serve by mail the petition for expungement and a proposed expungement order on the prosecutorial office that had jurisdiction over the offense for which expungement is sought and all other state and local government agencies and jurisdictions whose records would be affected by the proposed order. The petitioner shall also serve by mail the attorney for each agency and jurisdiction.</p> <p>(b) The prosecutorial office that had jurisdiction over the offense for which expungement is sought shall serve by mail the petition for expungement and a proposed expungement order on any victims of the offense for which expungement is sought who have requested notice of expungement pursuant to section 611A.06. Service under this paragraph does not constitute a violation of an existing order for protection, restraining order, or other no contact order.</p> <p>(c) The prosecutorial office’s notice to victims of the offense under this subdivision must specifically inform the victims of the victims’ right to be present and to submit an oral or written statement at the expungement hearing described in subdivision 4.</p> <p>(d) An agency or jurisdiction that is served with a petition under this subdivision may submit to the court private or confidential data on the petitioner that the agency or jurisdiction determines is necessary to respond to the petition. As part of the submission, the agency or</p>	<p>Minn. Stat. Ann. § 609A.03, subds. 3–4.</p>

<p>jurisdiction shall inform the court and the petitioner that the submission contains private or confidential data that may become accessible to the public as part of the expungement proceeding. The petitioner may, at the time of filing the petition or after that time, file a request with the court to seal the private or confidential data that are submitted by the agency or jurisdiction.</p> <p>Subd. 4. Hearing. A hearing on the petition shall be held no sooner than 60 days after service of the petition. A victim of the offense for which expungement is sought has a right to submit an oral or written statement to the court at the time of the hearing describing the harm suffered by the victim as a result of the crime and the victim's recommendation on whether expungement should be granted or denied. The judge shall consider the victim's statement when making a decision.</p>	
<p><b>Domestic Violence Victims' Rights to Notice of Rights and to Access to Written Police Report.</b></p> <p>Subd. 3. Notice of Rights. The peace officer shall tell the victim whether a shelter or other services are available in the community and give the victim immediate notice of the legal rights and remedies available. The notice must include furnishing the victim a copy of the following statement:          "IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or county attorney to file a criminal complaint. You also have the right to go to court and file a petition requesting an order for protection from domestic abuse. The order could include the following:          (1) an order restraining the abuser from further acts of abuse;          (2) an order directing the abuser to leave your household;          (3) an order preventing the abuser from entering your residence, school, business, or place of employment;          (4) an order awarding you or the other parent custody of or parenting time with your minor child or children; or</p>	<p>Minn. Stat. Ann. § 629.341.</p>

(5) an order directing the abuser to pay support to you and the minor children if the abuser has a legal obligation to do so.”

The notice must include the resource listing, including telephone number, for the area battered women’s shelter, to be designated by the Department of Corrections.

Subd. 4. Report required. Whenever a peace officer investigates an allegation that an incident described in subdivision 1 has occurred, whether or not an arrest is made, the officer shall make a written police report of the alleged incident. The report must contain at least the following information: the name, address and telephone number of the victim, if provided by the victim, a statement as to whether an arrest occurred, the name of the arrested person, and a brief summary of the incident. Data that identify a victim who has made a request under section 13.82, subdivision 17, paragraph (d), and that are private data under that subdivision, shall be private in the report required by this section. A copy of this report must be provided upon request, at no cost, to the victim of domestic abuse, the victim’s attorney, or organizations designated by the Office of Justice Programs in the Department of Public Safety or the commissioner of corrections that are providing services to victims of domestic abuse. The officer shall submit the report to the officer’s supervisor or other person to whom the employer’s rules or policies require reports of similar allegations of criminal activity to be made.

 Minn. Stat. Ann. § 622A.02 requires that the state’s model notice of rights to crime victims must contain information regarding these rights. This provision is included above.

 Minn. Stat. Ann. § 13.82, subd. 17(d), which affords victims the right to request the withholding of their identifying information from publicly accessible data, is included below.

 A promising practice is to have a policy and procedure ensuring that victims receive all required information at the earliest possible time after initial contact with law enforcement.

<p>Consideration should be given to providing written information in the primary language of the victim, as well as in a form accessible to those with vision impairment.</p>	
<p><b>Domestic Violence Victims' Right to Assistance When No Arrest; Law Enforcement's Duties to Provide Assistance in Obtaining Necessary Medical Treatment and Notice of Victims' Rights.</b></p> <p>If a law enforcement officer does not make an arrest when the officer has probable cause to believe that a person is committing or has committed domestic abuse or violated an order for protection, the officer shall provide immediate assistance to the victim. Assistance includes:</p> <p>(1) assisting the victim in obtaining necessary medical treatment; and</p> <p>(2) providing the victim with the notice of rights under section 629.341, subdivision 3.</p> <p> Under Minn. Stat. Ann. § 629.341 have the right to notice of certain rights. This statutory provision is included above.</p> <p> Under Minn. Stat. Ann. § 629.342, subd. 1, for the purposes of this section, “domestic abuse” has the meaning given in Minn. Stat. Ann. § 518B.01, which is included above in the section “Select Definitions.”</p>	<p>Minn. Stat. Ann. § 629.342, subd 3.</p>
<p><b>Certain Victims' Rights to Notice of an Arrested Person's Release and Bail Hearing.</b></p> <p>Subd. 6. Notice; release of arrested person. (a) Immediately after issuance of a citation in lieu of continued detention under subdivision 1, or the entry of an order for release under subdivision 2, but before the arrested person is released, the agency having custody of the arrested person or its designee must make a reasonable and good faith effort to inform orally</p>	<p>Minn. Stat. Ann. § 629.72, subds. 6–7.</p>

the alleged victim, local law enforcement agencies known to be involved in the case, if different from the agency having custody, and, at the victim's request any local battered women's and domestic abuse programs established under section 611A.32 or sexual assault programs of:

- (1) the conditions of release, if any;
- (2) the time of release;
- (3) the time, date, and place of the next scheduled court appearance of the arrested person and the victim's right to be present at the court appearance; and
- (4) if the arrested person is charged with domestic abuse, the location and telephone number of the area battered women's shelter as designated by the Office of Justice Programs in the Department of Public Safety.

(b) As soon as practicable after an order for conditional release is entered, the agency having custody of the arrested person or its designee must personally deliver or mail to the alleged victim a copy of the written order and written notice of the information in paragraph (a), clauses (2) and (3).

(c) Data on the victim and the notice provided by the custodial authority are private data on individuals as defined in section 13.02, subdivision 12, and are accessible only to the victim.

Subd. 7. Notice to victim regarding bail hearing. (a) When a person arrested for or a juvenile detained for domestic assault or harassing or stalking is scheduled to be reviewed under subdivision 2 for release from pretrial detention, the court shall make a reasonable good faith effort to notify:

- (1) the victim of the alleged crime;
- (2) if the victim is incapacitated or deceased, the victim's family; and
- (3) if the victim is a minor, the victim's parent or guardian.

(b) The notification must include:

- (1) the date and approximate time of the review;
- (2) the location where the review will occur;
- (3) the name and telephone number of a person that can be contacted for additional information; and
- (4) a statement that the victim and the victim's family may attend the review.

<p> Minn. Stat. Ann. § 629.72, subd. 1 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> A promising practice is to have a policy in place to establish what constitutes a “reasonable good faith effort” to provide victims with this information.</p>	
<p><b>Victims’ Right to Notice of Release from Pretrial Detention.</b></p> <p>Subd. 1. Oral notice. When a person arrested or a juvenile detained for a crime of violence or an attempted crime of violence is about to be released from pretrial detention, the agency having custody of the arrested or detained person or its designee shall make a reasonable and good faith effort before release to inform orally the victim or, if the victim is incapacitated, the same or next of kin, or if the victim is a minor, the victim’s parent or guardian of the following matters:</p> <ul style="list-style-type: none"> <li>(1) the conditions of release, if any;</li> <li>(2) the time of release;</li> <li>(3) the time, date, and place of the next scheduled court appearance of the arrested or detained person and, where applicable, the victim’s right to be present at the court appearance; and</li> <li>(4) the location and telephone number of at least one area crime victim service provider as designated by the Office of Justice Programs in the Department of Public Safety.</li> </ul> <p>Subd. 2. Written notice. As soon as practicable after the arrested or detained person is released, the agency having custody of the arrested or detained person or its designee must personally deliver or mail to the alleged victim written notice of the information contained in subdivision 1, clauses (2) and (3).</p> <p>Subd. 3. Data. Data on the victim and the notice provided by the custodial authority are private data on individuals as defined in section 13.02, subdivision 12, and are accessible only to the victim.</p>	<p>Minn. Stat. Ann. § 629.73.</p>

 <p>A promising practice is to have a policy in place to establish what constitutes a “reasonable and good faith effort” to provide victims with this information.</p>	
<p><b>Victims’ Right to Be Heard Regarding an Application for a Pardon or a Commutation of Sentence; Board of Pardons’ Duty to Consider Statement.</b></p> <p>The Board of Pardons shall hold meetings at least twice each year and shall hold a meeting whenever it takes formal action on an application for a pardon or commutation of sentence. All board meetings shall be open to the public as provided in chapter 13D.</p> <p>The victim of an applicant’s crime has a right to submit an oral or written statement at the meeting. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim’s recommendation on whether the application for a pardon or commutation should be granted or denied. In addition, any law enforcement agency may submit an oral or written statement at the meeting, giving its recommendation on whether the application should be granted or denied. The board must consider the victim’s and the law enforcement agency’s statement when making its decision on the application.</p>	<p>Minn. Stat. Ann. § 638.04.</p>
<p><b>Address Confidentiality Program: Findings; Purpose.</b></p> <p>The legislature finds that individuals attempting to escape from actual or threatened domestic violence, sexual assault, or harassment or stalking frequently establish new addresses in order to prevent their assailants or probable assailants from finding them. The purpose of this chapter is to enable state and local agencies to respond to requests for data without disclosing the location of a victim of domestic violence, sexual assault, or harassment or stalking; to enable interagency cooperation with the secretary of state in providing address confidentiality for victims of domestic violence, sexual assault, or harassment or stalking; and to enable program participants to use an address designated by the secretary of state as a substitute mailing address for all purposes.</p>	<p>Minn. Stat. Ann. § 5B.01.</p>

<p> Minn. Rev. Stat. Ann. § 5B.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> For additional information regarding Minnesota’s Address Confidentiality program, <i>see</i> Minn. Rev. Stat. Ann. § 5B.02 (findings; purpose); § 5B.03 (application and eligibility); <i>id.</i> at § 5B.04 (certification cancellation); <i>id.</i> at § 5B.05 (use of designated address); <i>id.</i> at § 5B.06 (voting by absentee ballot); <i>id.</i> at § 5B.10 (display and release of name prohibited); <i>id.</i> at § 5B.11 (legal proceedings; protective order).</p>	
<p><b>Address Confidentiality Program: Application and Eligibility.</b></p> <p>Subd. 1. Application. The secretary of state shall certify an eligible person as a program participant when the secretary receives an application that must contain:</p> <ul style="list-style-type: none"> <li>(1) the full legal name and date of birth of the eligible person;</li> <li>(2) a statement by the applicant that the applicant has good reason to believe (i) that the eligible person listed on the application is a victim of domestic violence, sexual assault, or harassment or stalking, or (ii) that the eligible person fears for the person’s safety, the safety of another person who resides in the same household, or the safety of persons on whose behalf the application is made, and (iii) that the eligible person is not applying for certification as a program participant in order to avoid prosecution for a crime;</li> <li>(3) a designation of the secretary of state as agent for purposes of service of process and for the purpose of receipt of mail;</li> <li>(4) the phone number or numbers where the applicant or eligible person can be called by the secretary of state;</li> <li>(5) the physical residential address of the eligible person, disclosure of which will increase the risk of domestic violence, sexual assault, or harassment or stalking;</li> <li>(6) if mail cannot be delivered to the residential address of the eligible person, the address to which mail should be sent;</li> </ul>	<p>Minn. Stat. Ann. § 5B.03.</p>

- (7) a statement whether the eligible person would like information on becoming an ongoing absentee ballot recipient pursuant to section 5B.06;
- (8) a statement from the eligible person that gives the secretary of state consent to confirm the eligible person's participation in Safe at Home to a third party who provides the program participant's first and last name and date of birth or Safe at Home lot number listed on the program participant's card;
- (9) the signature of the applicant, an indicator of the applicant's authority to act on behalf of the eligible person, if appropriate, the name and signature of any individual or representative of any person who assisted in the preparation of the application, and the date on which the application was signed; and
- (10) any other information as required by the secretary of state.

Subd. 2. Filing. Applications must be filed with the secretary of state and are subject to the provisions of section 5.15.

Subd. 3. Certification. (a) Upon filing a completed application, the secretary of state shall certify the eligible person as a program participant. Program participants shall be certified for four years following the date of filing unless the certification is canceled, withdrawn or invalidated before that date. The secretary of state shall by rule establish a renewal procedure.

(b) Certification under this subdivision is for the purpose of participation in the confidentiality program established under this chapter only. Certification must not be used as evidence or be considered for any purpose in any civil, criminal, or administrative proceeding related to the behavior or actions giving rise to the application under Subd. 1.

Subd. 4. Changes in information. Program participants or applicants must inform the secretary of state of a change of legal name, address, or telephone number.

Subd. 5. Designated address. The secretary of state must designate a mailing address to which all mail for program participants is to be sent. Each program participant may have only one designated address.

<p>Subd. 6. Attaining age of majority. An individual who became a program participant as a minor assumes responsibility for changes in information and renewal when the individual reaches age 18.</p> <p> Minn. Rev. Stat. Ann. § 5B.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> For additional information regarding Minnesota’s Address Confidentiality program, <i>see</i> Minn. Rev. Stat. Ann. § 5B.02 (findings; purpose); <i>id.</i> at § 5B.04 (certification cancellation); <i>id.</i> at § 5B.05 (use of designated address); <i>id.</i> at § 5B.06 (voting by absentee ballot); <i>id.</i> at § 5B.10 (display and release of name prohibited); <i>id.</i> at 5B.11 (legal proceedings; protective order).</p>	
<p><b>Address Confidentiality Program: Legal Proceedings; Protective Order.</b></p> <p>If a program participant’s address is protected under section 5B.05, no person or entity shall be compelled to disclose the participant’s actual address during the discovery phase of or during a proceeding before a court or other tribunal unless the court or tribunal finds that:</p> <p>(1) there is a reasonable belief that the address is needed to obtain information or evidence without which the investigation, prosecution, or litigation cannot proceed; and</p> <p>(2) there is no other practicable way of obtaining the information or evidence.</p> <p>The court must provide the program participant with notice that address disclosure is sought and an opportunity to present evidence regarding the potential harm to the safety of the program participant if the address is disclosed. In determining whether to compel disclosure, the court must consider whether the potential harm to the safety of the participant is outweighed by the interest in disclosure. In a criminal proceeding, the court must order</p>	<p>Minn. Rev. Stat. Ann. § 5B.11.</p>

<p>disclosure of a program participant’s address if protecting the address would violate a defendant’s constitutional right to confront a witness.</p> <p>Disclosure of a participant’s actual address under this section shall be limited under the terms of the order to ensure that the disclosure and dissemination of the actual address will be no wider than necessary for the purposes of the investigation, prosecution, or litigation.</p> <p>Nothing in this section prevents the court or other tribunal from issuing a protective order to prevent disclosure of information other than the participant’s actual address that could reasonably lead to the discovery of the program participant’s location.</p> <p> Minn. Rev. Stat. Ann. § 5B.02 defines the terms used in this statutory provision. These definitions are included above in the section “Select Definitions.”</p> <p> For additional information regarding Minnesota’s Address Confidentiality program, <i>see</i> Minn. Rev. Stat. Ann. § 5B.02 (findings; purpose); § 5B.03 (application and eligibility); <i>id.</i> at § 5B.04 (certification cancellation); <i>id.</i> at § 5B.05 (use of designated address); <i>id.</i> at § 5B.06 (voting by absentee ballot); <i>id.</i> at § 5B.10 (display and release of name prohibited).</p>	
<p><b>Confidentiality of Domestic Abuse Data Collected, Created, Received or Maintained by Law Enforcement.</b></p> <p>All government data on individuals which is collected, created, received or maintained by police departments, sheriffs’ offices or clerks of court pursuant to the Domestic Abuse Act, section 518B.01, are classified as confidential data, pursuant to section 13.02, subdivision 3, until a temporary court order made pursuant to subdivision 5 or 7 of section 518B.01 is executed or served upon the data subject who is the respondent to the action.</p>	<p>Minn. Stat. Ann. § 13.80.</p>

 The Domestic Abuse Act, Minn. Stat. Ann. § 518B, governs the issuance of protective orders in domestic abuse cases. This statutory provision is included above.	
<p><b>Domestic Abuse Victims' Right to Access Written Police Report.</b></p> <p>The written police report required by section 629.341, subdivision 4, of an alleged incident described in section 629.341, subdivision 1, and arrest data, request for service data, and response or incident data described in subdivision 2, 3, or 6 that arise out of this type of incident or out of an alleged violation of an order for protection must be released upon request at no cost to the victim of domestic abuse, the victim's attorney, or an organization designated by the Office of Justice Programs in the Department of Public Safety as providing services to victims of domestic abuse. The executive director or the commissioner of the appropriate state agency shall develop written criteria for this designation.</p>	<p>Minn. Stat. Ann. § 13.82, subd. 5.</p>
<p><b>Victims' Right to Access Investigative Data.</b></p> <p>On receipt of a written request, the prosecuting authority shall release investigative data collected by a law enforcement agency to the victim of a criminal act or alleged criminal act or to the victim's legal representative unless the release to the individual subject of the data would be prohibited under section 13.821 or the prosecuting authority reasonably believes:</p> <ul style="list-style-type: none"> <li>(a) that the release of that data will interfere with the investigation; or</li> <li>(b) that the request is prompted by a desire on the part of the requester to engage in unlawful activities.</li> </ul>	<p>Minn. Stat. Ann. § 13.82, subd. 13.</p>
<p><b>Law Enforcement's Obligation to Withhold Public Access to Data that Would Reveal the Identity of Certain Sex Crime Victims.</b></p> <p>A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency shall withhold public access to data on individuals to protect</p>	<p>Minn. Stat. Ann. § 13.82, subd. 17(b).</p>

<p>the identity of individuals . . . when access to the data would reveal the identity of a victim or alleged victim of criminal sexual conduct or sex trafficking under section 609.322, 609.341 to 609.3451, or 617.246, subdivision 2[.]</p>	
<p><b>Law Enforcement’s Obligation, Upon Request, to Withhold Public Access to Data that Would Reveal the Victim’s Identity.</b></p> <p>A law enforcement agency or a law enforcement dispatching agency working under direction of a law enforcement agency shall withhold public access to data on individuals to protect the identity of individuals . . . when access to the data would reveal the identity of a victim of or witness to a crime if the victim or witness specifically requests not to be identified publicly, unless the agency reasonably determines that revealing the identity of the victim or witness would not threaten the personal safety or property of the individual.</p> <p> Minn. Stat. Ann. § 622A.02, subd. 2 requires that the state’s model notice of rights to crime victims must contain information regarding victims’ right to request the nondisclosure of their identity. This provision is included above.</p> <p> Minn. Stat. Ann. § 622A.021 provides that victims have the right, under this statutory provision, to request that law enforcement withhold public access to data revealing the victims’ identity.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully document a victim’s request to exercise rights.</p>	<p>Minn. Stat. Ann. § 13.82, subd. 17(d).</p>
<p><b>Victims’ Right to Access Court Services Data to Assert Rights to Restitution and to Notice.</b></p>	<p>Minn. Stat. Ann. § 13.84, subd. 6.</p>

<p>(a) The responsible authority or its designee of a parole or probation authority or correctional agency may release private or confidential court services data related to:</p> <ul style="list-style-type: none"><li>(1) criminal acts to any law enforcement agency, if necessary for law enforcement purposes; and</li><li>(2) criminal acts or delinquent acts to the victims of criminal or delinquent acts to the extent that the data are necessary for the victim to assert the victim's legal right to restitution.</li></ul> <p>(b) A parole or probation authority, a correctional agency, or agencies that provide correctional services under contract to a correctional agency may release to a law enforcement agency the following data on defendants, parolees, or probationers: current address, dates of entrance to and departure from agency programs, and dates and times of any absences, both authorized and unauthorized, from a correctional program.</p> <p>(c) The responsible authority or its designee of a juvenile correctional agency may release private or confidential court services data to a victim of a delinquent act to the extent the data are necessary to enable the victim to assert the victim's right to request notice of release under section 611A.06. The data that may be released include only the name, home address, and placement site of a juvenile who has been placed in a juvenile correctional facility as a result of a delinquent act.</p> <p>(d) Upon the victim's written or electronic request and, if the victim and offender have been household or family members as defined in section 518B.01, subdivision 2, paragraph (b), the commissioner of corrections or the commissioner's designee may disclose to the victim of an offender convicted of a qualified domestic violence-related offense as defined in section 609.02, subdivision 16, notification of the city and five-digit zip code of the offender's residency upon or after release from a Department of Corrections facility, unless:</p> <ul style="list-style-type: none"><li>(1) the offender is not under correctional supervision at the time of the victim's request;</li><li>(2) the commissioner or the commissioner's designee does not have the city or zip code; or</li><li>(3) the commissioner or the commissioner's designee reasonably believes that disclosure of the city or zip code of the offender's residency creates a risk to the victim, offender, or public safety.</li></ul>	
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<p>(e) Paragraph (d) applies only where the offender is serving a prison term for a qualified domestic violence-related offense committed against the victim seeking notification.</p> <p> Minn. Stat. Ann. § 13.84, subd. 1 defines the term “court services data” for the purposes of this statutory provision. This definition is included above in the section “State Victims’ Rights: Select Definitions.</p> <p> A promising practice is to have a policy and procedure in place to notify victims, at the first opportunity, that victims must “request” the exercise of certain rights. Agencies should carefully maintain documentation of a victim’s request to exercise rights.</p>	
<p><b>Victims’ Right to Access Corrections and Detention Data to Assert Right to Restitution.</b></p> <p>The responsible authority or its designee of any agency that maintains corrections and detention data may release private or confidential corrections and detention data to any law enforcement agency, if necessary for law enforcement purposes, or to the victim of a criminal act where the data are necessary for the victim to assert the victim’s legal right to restitution.</p>	<p>Minn. Stat. Ann. § 13.85.</p>

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