



NEW LAWS AFFECTING SEXUAL VIOLENCE FROM THE 2017 LEGISLATIVE SESSION

MNCASA Agenda

- 1) **Funding for Crime Victim Services:** The Public Safety Omnibus Bill included \$39,484,000 and \$39,940,000 for the first and second year of the 2017-18 biennium to support the Office of Justice Programs in the Department of Public Safety. These funding levels are essentially level with the previous biennium. See [Session Law Chapter 95](#). Effective July 1, 2017.
- 2) **Funding for a Campus Sexual Violence Prevention and Response Coordinator:** The Higher Education Omnibus bill included \$300,000 in the 2017-18 biennium to support a new position in the Office of Higher Education to serve as a statewide resource providing professional development and guidance on best practices for postsecondary institutions. \$50,000 each year will be dedicated to training and resource materials. See [Session Law Chapter 89](#). Effective July 1, 2017.
- 3) **Development of a Harassment Restraining Order Database, HRO service, Short-Form Notification:** The Public Safety Omnibus bill included \$169,000 in 2018 for the Bureau of Criminal Apprehension to send HRO data from the judicial branch to law enforcement and allow for short-form notification (similar to the process that already exists for orders for protection. The bill also included \$993,000 in the second year of the biennium to fund creation of the database. The funding base for the database will be \$47,000 per year beginning in 2020. See [Session Law Chapter 95](#). The short-form notification will be available 30 days following the publication of a notice on the Bureau of Criminal Apprehension's website that a computer system is available to send HRO data from the judicial branch to law enforcement (expected in 2020 or 2021). In addition, the bill expanded the definition of who can serve an HRO from sheriff to a peace officer. See [Session Law Chapter 95](#). Effective July 1, 2017.

MNCASA agenda bills introduced and expecting action in 2018:

Sexual Assault Examination Kit Handling Procedure Established, and Notice to Victims Provided (HF 1877)

<https://www.revisor.mn.gov/bills/bill.php?b=House&f=HF1877&ssn=0&y=2017>

MNCASA Supported Laws

- 1) **No Wrong Door/Safe Harbor for Sexually Exploited Youth:** The Health and Human Services Omnibus bill included \$2.1 million in additional funding for Minnesota's No Wrong Door/Safe Harbor for Sexually Exploited Youth System (bringing the total funding to \$13.1 million). The Departments of Health and Human Services administer these funds. The majority of the new funding is for regional navigators, shelter/housing, street outreach for youth, and supportive services around the state, as well as protocol implementation. See [First Special Session Law Chapter 6](#). Effective July 1, 2017.
- 2) **Safe Harbor for All:** The Health and Human Services Omnibus bill included \$73,000 plus a legislative mandate to complete a Safe Harbor for All strategic planning process to develop Minnesota's new response for adult victim/survivors of sexual exploitation. The Department of Health will manage this process. See [First Special Session Law Chapter 6](#). Effective July 1, 2017.
- 3) **Erin's Law:** The Education Finance Omnibus bill included language encouraging school districts to integrate or offer instruction on child sexual abuse prevention to students and training to all school personnel on recognizing and preventing sexual abuse and violence. The bill also encourages school districts and charter schools to seek funds from private and other public sources for child sexual abuse prevention programs as well as provide in-service trainings on helping students respond to violence in the family and community, mandated reporting requirements, and responses to disclosures. A school district may also include sexual abuse prevention instruction in health curriculum. No funds were appropriated. See [First Special Session Law Chapter 5](#). Effective July 1, 2017.
- 4) **Definition of "Sexual Assault" in Higher Education Context:** The Higher Education Omnibus bill included an updated definition of "sexual assault" to align with the Code of Federal Regulations. The definition removes the term "forcible sexual offenses" and instead uses the terms "rape, sex offenses – fondling, sex offenses – incest, or sex offenses – statutory rape." See [Session Law Chapter 89](#). Effective July 1, 2017.
- 5) **Funding for Campus Sexual Assault Reporting Requirements:** The Higher Education Omnibus bill included \$50,000 for the biennium to support sexual assault reporting requirements under Minnesota's campus sexual assault law. See [Session Law Chapter 89](#). Effective July 1, 2017.

Additional Laws of Interest

- 1) **Federal Prison Rape Elimination Act Compliance:** The Public Safety Omnibus bill included \$500,000 in the first year of the biennium and \$631,000 in the second year to comply with PREA. The Corrections Commissioner must limit the number of juveniles accepted at MCF-Red Wing so that the staffing-to-offender ratio at the facility complies with PREA. See [Session Law Chapter 95](#). Effective July 1, 2017.
- 2) **Sex Trafficking Prevention Grants:** The Public Safety Omnibus bill included \$180,000 in each year of the biennium to support new or multijurisdictional entities to investigate sex trafficking crimes and to provide technical assistance, including training and case consultation, to law enforcement. See [Session Law Chapter 95](#). Effective July 1, 2017.

- 3) Domestic Assault by Strangulation: The Public Safety Omnibus Bill added domestic assault by strangulation to the list of applicable crimes that shift the burden of proof for parenting time or child custody to the parent with the conviction. See [Session Law Chapter 95](#). Effective July 1, 2017.
- 4) Geographic Restriction: The Public Safety Omnibus Bill defined “geographic restriction” to mean a limitation prohibiting a defendant in a criminal proceeding or a juvenile offender in a delinquency proceeding from entering a designated property or geographic area. Violation of the restriction is a misdemeanor. The restriction may be issued as part of a pre-trial order before disposition of the underlying case or as a post-conviction probationary order, or both. See [Session Law Chapter 95](#). Effective August 1, 2017.
- 6) Drug and Alcohol Treatment Personnel Records: The Health and Human Services Omnibus bill included a requirement for documentation from a former employer in a psychotherapist’s files providing information about whether the professional had any substantiated sexual contact with a client. See [First Special Session Law Chapter 6](#). Effective January 1, 2018.
- 7) Administration of Forfeiture Funds by Statewide Safe Harbor Coordinator: The Health and Human Services Omnibus bill included authority for the Statewide Safe Harbor Coordinator in the Minnesota Department of Health to administer funds collected through forfeiture in prostitution crimes. See [First Special Session Law Chapter 6](#). Effective July 1, 2017.

As of July 26, 2017