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## **NEW LAWS AFFECTING SEXUAL ASSAULT FROM THE 2012 LEGISLATIVE SESSION**

### **MNCASA Agenda**

Venue of Harassment Restraining Orders: Clarifies that a HRO may be filed in the county of residence of either party or in the county where the harassment occurred and updates the statutory provisions that render a HRO petition eligible for a filing fee waiver. This section is effective August 1, 2012. See Session Law Chapter 223.

Sexual Violence Data Collection: Requires commissioner of health to collect sexual violence incidence and prevalence data on a routine basis as federal funding allows. The data must originate from the Centers for Disease Control and Prevention, or another source identified by the commissioner. This section was effective the day after enactment. See Session Law Chapter 247.

### **Other Laws of Note**

Female Genital Mutilation: Female genital mutilation is added to the list of qualifying domestic violence related offenses. This section is effective August 1, 2012 and applies to crimes committed on or after that date. See Session Law Chapter 227.

Sentencing Guidelines: Allows the Sentencing Guidelines Commission to act without a public hearing and modify the sex offender sentencing grid to ensure that it provides for an increase of not greater than 20 percent and a decrease of not greater than 15 percent in the presumptive fixed sentence. The modified grid will be effective immediately upon issuance by the commission. This section was effective the day after enactment. See Session Law Chapter 229.

Community Notification: Allows local enforcement to notify the public in the broadest manner allowed when a patient from the Minnesota Sex Offender Program is released into the community, including to a halfway house. This section was effective the day after enactment. See Session Law Chapter 123.

Parental Notification When Child is Crime Victim: Also known as "Jacob's Law," states parent's obligation to notify the other parent if the minor child is the victim of an alleged crime, including the name of the investigating law enforcement office or agency. There is no duty to notify if the party to be notified is the alleged perpetrator. The law provides exceptions for notifications when protective orders or other court orders, or participation in the Safe at Home address confidentiality program, would bar direct communication between parents. The law also requires law enforcement to notify the local welfare agency when a child is a victim of a crime so the agency can offer services. This section is effective July 1, 2012. See Session Law Chapter 153.

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Violations of Harassment Restraining Order: 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 the section. 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 Safe at Home address confidentiality program. This section is effective August 1, 2012. See Session Law Chapter 218.