

FILED IN DISTRICT COURT
STATE OF MINNESOTA

STATE OF MINNESOTA

APR 17 2020

DISTRICT COURT

COUNTY OF RAMSEY

SECOND JUDICIAL DISTRICT

62-CV-20-5

**ADMINISTRATIVE ORDER AMENDING
APPENDIX A OF HEARING OFFICER
AUTHORITY MANUAL DUE TO THE
COVID-19 PEACETIME EMERGENCY**

WHEREAS, on March 13, 2020, Minnesota Governor Tim Walz declared a peacetime state of emergency due to the worldwide spread of COVID-19, also referred to as the Coronavirus; and

WHEREAS, on March 13, 2020, the President of the United States also declared a nationwide state of emergency due to the spread of COVID-19; and

WHEREAS, the Centers for Disease Control and Prevention has recommended several steps to help slow or prevent the spread of COVID-19. These steps include avoiding close contact with others, staggering work schedules, and limiting gatherings; and

WHEREAS, on March 25, 2020, Minnesota Governor Tim Walz issued Executive Order 20-20, which directed Minnesotans to stay at home from March 27, 2020 through April 10, 2020 except for certain exempted activities and work; and

WHEREAS, on March 13, 2020, the Chief Justice of the Minnesota Supreme Court issued Administrative Order 20-8001, as amended on March 20, 2020, March 23, 2020, and March 26, 2020 (collectively "ADM20-8001"), directing that Minnesota courts take action consistent with the Emergency Executive Orders; and

WHEREAS, on April 8, 2020, Minnesota Governor Tim Walz issued Executive Order 20-33, which extended the stay at home directive and exemptions through midnight on May 3, 2020; and

WHEREAS, on April 9, 2020, the Chief Justice of the Minnesota Supreme Court issued Administrative Order ADM20-8001 superseding the prior emergency administrative orders, reissuing the substance of the prior emergency administrative orders, and extending the effective date of the emergency measures through midnight on May 3, 2020; and

WHEREAS, the Second Judicial District is taking necessary and reasonable steps to reduce potential exposure of persons to group settings; and

WHEREAS, pursuant to Minn. Stat. § 484.69, subd. 3, the Chief Judge of the Second Judicial District has general administrative authority over the courts in the Second Judicial District; and

WHEREAS, in an effort to protect the public, address the financial hardship resulting from the COVID-19 health emergence, and protect court participants and court staff pursuant to the Executive Orders issued by the Governor and the Emergency Administrative Orders issued by the Minnesota Supreme Court, it is necessary for the Second Judicial District to address certain aspects of Hearing Officer authority as set forth in the Hearing Officer Authority Manual:

NOW, THEREFORE, IT IS HEREBY ORDERED:

1. Appendix A of the Hearing Officer Authority Manual is amended as set forth in this paragraph effective April 15, 2020. The stricken through language is suspended and the underlined language is effective for the stated period of time. Appendix A of the manual is amended as follows:

Appendix A

Continued For Dismissal (CFD) Guidelines

The St. Paul City Attorney's Office, Ramsey County Municipal Prosecutors, and the Ramsey County Attorney provide hearing officers CFD qualification guidelines that must be followed.

CFDs are offered at the hearing officer's discretion.

CFDs cannot be offered:

- on cases with a crash,
- if another CFD for the same type of offense is currently active
- when the defendant holds a commercial driver's license, or
- the defendant is *Cancelled-IPS* at DPS.

~~CFDs may be offered for out of state driver's licenses. The defendant needs to provide a certified copy of his or her driving record. The copy must have been certified within the last 30 days.~~

~~If a defendant is unable to pay the CFD costs immediately, the case may be continued up to 90 days to allow the defendant the time to collect the necessary funds in order to enter into the CFD. One 30-day extension may be granted if requested prior to the 90-day return date.~~

Return to Participate in CFD Program

- Defendants have 180 days from the date that the Court resumes scheduling hearing officer appointments to make a hearing officer appointment.
- The defendant may be given up to 12 additional months to collect the funds necessary to enter into the CFD.
- This change in authority is void 181 days after the Court resumes scheduling hearing officer appointments following the end of the COVID-19 emergency.

Initial Appearance in Front of Hearing Officer

- When the Court resumes scheduling hearing officer appointments, the final paragraph in section one shall read:
 - If a defendant is unable to pay the CFD costs immediately, the case may be continued up to 12 months to allow the defendant the time to collect the necessary funds in order to enter into the CFD.

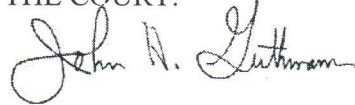
Out of State Driver's License Holders

- CFDs may be offered for out of state driver's license holders.
- The defendant is required to provide a certified copy of his or her driving record that was secured within 30 days of entering into the agreement.
- A hearing officer may exercise discretion on the 30-day window.

The case may be extended up to 12 months to accommodate travel restrictions and DMV closures throughout the country due to the COVID-19 pandemic.

Dated: April 17, 2020

BY THE COURT:



Guthmann, John (Judge)
Apr 17 2020 2:31 PM

John H. Guthmann
Chief Judge, Second Judicial District