



**Fourth Judicial District
Family Violence Coordinating Council
Serving Hennepin County**

Present: Avalon, Stephanie; Boswell, Verona; Chelmo, Patrick; Clyne, Sarah; Garcia, Liza; Gibbons, Christina; Jacobson, Michelle; Kaul, Ann; Keefe, Amirthini; Maldonado, Pamela; Milgrom; Aaron; Ratner, Rachel; Schwartz, Lori; Weinstein, Michael; Wilson, Kate.

1. **Welcome:** Kate Wilson welcomed the group on behalf of the chairs.
2. **Approve June 8, 2017 Minutes:** Minutes approved.
3. **Legislative Update:** Brianna Boone from the Minnesota Coalition for Battered Women presented on the 2017 MN Legislative Session. Her summary and power point presentation are attached to the minutes.
4. **Committee Reports**
 - a. **Advocates Committee:** Stephanie Avalon reported the committee continued discussions about working more effectively with DASC; updating referral lists; and working with WATCH on collecting observations on court issues.
 - b. **Juvenile:** Lori Schwartz reported the group met at DAP. Twenty-nine organizations have been invited to the October Resource Fair; Probation will fund apples/water. A special thanks to Anne Taylor for funding last year's fair entertainment. The committee feels victims are receiving duplicate calls from agencies and is gathering information. The September meeting will be at the Dakota Lodge from 12:00-1:30 for a presentation on DIW's program.
 - c. **Criminal:** Michelle Jacobson updated the Council on the June Batterer's Intervention Programming Training. She reminded everyone the October Resource Fair CLE topic will be Sex Trafficking, with a focus on juvenile sex trafficking.
 - d. **Civil:** Committee members reported there was no meeting in June.

Future presentations/agenda items

Meeting cancelled - August 10

FCEP Update – September 14

District Court Leadership (Chief Judge and Court Administrator) – October 12

Strategic Planning – November 9

Use this link to find us on the web.

[http://www.mncourts.gov/Find-Courts/Hennepin/Family-Violence-Coordinating-Council-\(FVCC\).aspx](http://www.mncourts.gov/Find-Courts/Hennepin/Family-Violence-Coordinating-Council-(FVCC).aspx)

Use this link to access our Google Calendar of events.

<https://www.google.com/calendar/embed?src=fvcccalendar%40gmail.com&ctz=America/Chicago>



2017 SESSION WRAP-UP & NEW LAWS

Brianna Boone
Equal Justice Works Fellow
13 July 2017
bboone@mcbw.org



Objectives

- Quick overview of the 2017 session
- Identify the new laws that may impact your work
- Identify issues that are likely to be considered in the 2018 session
- Answer questions



2017 Session Overview

- Beginning of the 18-19 Biennium
- Budget Year
 - HF 470: Judiciary and Public Safety omnibus
 - SF 2: Health and Human Services omnibus
 - These bills are not supposed to contain policy, but they do anyway



CRIME VICTIM SERVICES FUNDING

CVS funding stayed level!



HROs

- Eliminates Respondent filing fees
- Allows short form notification of HROs and expands who can serve them beyond sheriffs to any peace officer
- Allocates funds to create an HRO database



STRANGULATION CONVICTIONS

Domestic abuse strangulation convictions are now added to the list of crimes that would require a rebuttable presumption against custody presumptions and parenting time.



Minn. Stat. 518.179, subd. 2

- (1) murder in the first, second, or third degree under section [609.185](#), [609.19](#), or [609.195](#);
- (2) manslaughter in the first degree under section [609.20](#);
- (3) assault in the first, second, or third degree under section [609.221](#), [609.222](#), or [609.223](#);
- (4) kidnapping under section [609.25](#);
- (5) depriving another of custodial or parental rights under section [609.26](#);
- (6) soliciting, inducing, promoting, or receiving profit derived from prostitution involving a minor under section [609.322](#);
- (7) criminal sexual conduct in the first degree under section [609.342](#);
- (8) criminal sexual conduct in the second degree under section [609.343](#);
- (9) criminal sexual conduct in the third degree under section [609.344, subdivision 1](#), paragraph (c), (f), or (g);
- (10) solicitation of a child to engage in sexual conduct under section [609.352](#);
- (11) incest under section [609.365](#);
- (12) malicious punishment of a child under section [609.377](#);
- (13) neglect of a child under section [609.378](#);
- (14) terroristic threats under section [609.713](#); or
- (15) felony stalking under section [609.749, subdivision 4](#).
- **(16) felony stalking under section [609.749, subdivision 4](#).**



UNDOCUMENTED IMMIGRANT DRIVER'S LICENSES

Prohibits the Department of Vehicle Services from adopting rules to allow undocumented immigrants to get driver's licenses.



SAFE HARBORS FUNDING

- \$1 million for FY18 and FY19
- Money allocated to create a planning committee for “Safe Harbors for All”



MFIP

No MFIP increase this year



2018 PREVIEW



Issues likely to emerge in the 2018 legislative session:

- Firearms
 - Background checks, stand your ground, permit-less carry, and GVRO
- U-Visa Certification time limit
- Custody and Parenting time
 - Several bills introduced requiring presumption of equal parenting time



- Sexual Assault Examinations
 - MNCASA workgroup
 - Billing and payment, access, storage, etc.
- Transfer of Cellphone Accounts to DV Victims
- Female Genital Mutilation
- Failure to Report Child Sexual Abuse Increase to 10 years
- BIPS



More Info = Mutually Beneficial

- **FOR YOU**
 - Use the session law number or the bill number and search for text at <http://www.leg.state.mn.us/>
 - Call, email me rsmoses@mcbw.org and other MCBW staff with questions or for resources on implementation.
- **FOR US**
 - **Give us feedback on** how the laws are being implemented (the good/bad, the frightening /fabulous, the weird/wonderful)
 - Questions and suggestions you may have
 - Ideas for future policy priorities



Contact Information:

Rebekah Moses
Legislative and Public Policy Program Manager

651.646.6177 ext.117

rmoses@mcbw.org





MCBW Minnesota Coalition for Battered Women

2017 LEGISLATIVE SUMMARY

6 JULY 2017

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- [The Federal Budget](#)
 - [Minnesota State Budget and Policy Bills That Passed](#)
 - [MN Bills That Were Introduced, Did Not Pass, May Be Acted on in 2018](#)
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THE FEDERAL BUDGET

FY17 Budget Bill Passes

- **FY17 Violence Against Women Act Funding (VAWA): \$481.5 million (\$326 million transfer from VOCA).** There is an increase of \$1.5 million in VAWA funds from FY 16. This package transfers \$326 million from VOCA to VAWA. We object to Congress's practice of transferring funds from VOCA to pay for VAWA. Changes include: \$2 million more for Grants to Encourage Arrest (also known as Improving Criminal Justice Responses to Sexual Assault, Domestic Violence, Dating Violence, and Stalking Grant Program); \$1 million more for Rural grants; \$1.5 million more to implement tribal jurisdiction; \$2 million less in National Institute of Justice; and \$1 million less for the Rape Survivor Child Custody Act. All other VAWA programs are level funded from FY16.
- **FY17 Victims of Crime Act Funding (VOCA): \$2.573 billion** The bill reduces the VOCA cap from \$3.042 billion to \$2.573 billion which, according to estimates by the National Association of Victim Assistance Administrations, means that state VOCA assistance grants will be reduced from the FY 2016 grants (\$1.84 billion down from \$2.2 billion nationally). **(NOTE: MN OJP will absorb these reductions in the VOCA distributions. This will not affect crime victim service programs' grant amounts.)** As stated above, Congress transferred \$326 million to VAWA and another \$10 million to the Inspector General's Office from the Fund. We are disappointed to learn that there is no tribal funding stream in VOCA even though the tribal funding stream existed in both the House and Senate bills before the first Continuing Resolution was enacted.

- **FY17 Family Violence Prevention and Services Act Funding (FVPSA – this mainly supports shelters and coalition work):** \$151 million, up \$1 million from FY16
- **FY17 DELTA Prevention:** \$5.5 million – level funded from FY16
- **FY17 Rape Prevention and Education:** \$43.43 million – level funded from FY16
- **FY17 National Domestic Violence Hotline:** \$12 million – level funded from FY16

FY 18 Budget: Negotiations on the Horizon

- Now that FY17 is wrapped up, we will be turning our full attention to FY18.
- As we mentioned in our April 28th Update, the President has published his “skinny budget,” which proposes cuts for CDBG funding, legal aid, energy assistance, and HUD funding for housing. While there were no direct cuts to Crime Victim Services specific money in the skinny budget, we have concerns about how cuts to legal aid, housing, and energy assistance will impact survivor safety and stability. We are monitoring this closely and will send more information when the President’s detailed budget proposal comes out later this month.

MINNESOTA BUDGET AND POLICY BILLS THAT PASSED

HF470 Judiciary and Public Safety Omnibus Finance and Policy Bill

- Crime Victim Services funded stayed level!! Thanks to everyone for their advocacy and postcards to legislators.
- This bill included provisions that would allow for short form notification of HROs and expanded who can serve them beyond sheriffs to any peace officer.
- Funds were allocated to create an HRO database which will be similar to the OFP database. It will take several years to complete the database.
- HRO respondent fees in cases of sexual assault and stalking were eliminated (as of August 2017)
- Domestic abuse strangulation convictions were added to the list of crimes that would require a rebuttable presumption against custody presumptions and parenting time.
- The bill included a provision that would prohibit the Department of Vehicle Services from adopting rules to allow undocumented immigrants to get driver’s licenses. The Governor opposed this and line-item vetoed funding for the legislature (funds to pay legislators’ salaries and legislative staff), in order to bring the legislature back to negotiate on this provision.

SF2 Health and Human Services Omnibus Finance and Policy Bill

- Safe Harbor for Youth was funded \$400,000 in fiscal year 2018 and \$400,000 in fiscal year 2019 for emergency shelter and transitional and long-term housing beds for sexually exploited youth and youth at risk of sexual exploitation; \$100,000 in fiscal year 2018 and \$100,000 in fiscal year 2019 for statewide youth outreach workers connecting sexually exploited youth and youth at risk of sexual exploitation with shelter and services.
 - MCBW successfully opposed DHS's efforts to expand mandated reporting statute in cases of non-caregiver sexual abuse of youth.
 - Because of our advocacy along with others, the funds to support family planning grants were restored.
 - The \$13 MFIP increase was not included.
 - Statewide Safe Harbor for All Planning was passed.
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MN BILLS THAT WERE INTRODUCED, DID NOT PASS, CAN BE CONSIDERED IN 2018

- HF 1763 **Transfer of Cell Phone Account to Domestic Violence Victims:** Would allow a court issuing an OFP to order the transfer of a cell phone account and numbers to the OFP petitioner and allow the contract to be split.
- H. F. 2621, expands the **crime of female genital mutilation**; updates requirements for education and outreach; expands the definition of egregious harm.
- **Custody and Parenting Time**
 - H. F. 2413, modifies presumptions for parenting time from 25% to **40%** minimum parenting time.
 - H. F. 2603, modifies application of best interest standards with policy that would essentially create an equal shared parenting time presumption.
 - H. F. 2545, modifies presumptions for parenting time from 25% to **50%** minimum parenting time. Reps.
 - H. F. 2699, A bill for an act relating to family law; changing certain custody and parenting time provisions. This is very similar to the 2012 Equal Shared Parenting Time Presumption that the Governor vetoed.

- [H. F. 2445](#), increases the **statute of limitations** from 3 years to 10 years to prosecute failure to report sexual abuse to 10 years instead of 3 years.
- [HF 1022/SF 1720](#) **U-Visa Certification**: Would require law enforcement and other criminal justice entities to sign U-visa certifications within a certain time period. A U-visa is a non-immigrant visa set aside for victims of crimes (and their immediate family members) who have suffered substantial mental or physical abuse and are willing to assist law enforcement and government officials in the investigation or prosecution of the criminal activity
- **Firearms**
 - **Permitless Carry Legislation**
 - **Gun Violence Restraining Order (GVRO):** [HF 1605/SF 1262](#)
 - Allows law enforcement or family members to petition the court to prohibit people from possessing firearms if they pose a significant danger to themselves or others.
 - **Criminal Background Check:** [HF 1669/SF 1261](#)
 - Would require a criminal background check before transfer of a firearm. Contains exceptions for transfers between family members.
 - **Stand Your Ground:** [HF 238/SF 292](#)
 - Would expand Minnesota’s use of force in defense of home and person law; removes the duty to retreat (more commonly known as “stand your ground”).
- [HF 1877](#) Sexual Assault Examination Kits – Unsubmitted, Access, Billing and Payment, which addresses unsubmitted kits, access to exams, billing practices and payment concerns.