

This Document can be made available in alternative formats upon request

State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1088

02/19/2015 Authored by O'Neill; Ward; Johnson, B.; Schoen; Theis and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform

1.1 A bill for an act
1.2 relating to public safety; increasing penalties for crimes committed in a patient
1.3 care zone; amending sentencing provisions for assaults by inmates in public
1.4 institutions; amending Minnesota Statutes 2014, sections 152.01, by adding
1.5 a subdivision; 152.021, subdivision 1; 152.022, subdivision 1; 152.023,
1.6 subdivision 2; 152.024, subdivision 1; 609.2232; 609.66, subdivisions 1, 1a, 1d;
1.7 609.713, by adding a subdivision; proposing coding for new law in Minnesota
1.8 Statutes, chapter 609.

1.9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.10 Section 1. Minnesota Statutes 2014, section 152.01, is amended by adding a
1.11 subdivision to read:

1.12 Subd. 24. Patient care zone. "Patient care zone" means:

1.13 (1) any property owned, leased, or controlled by a hospital, as defined in section
1.14 144.50, subdivision 2; hospice provider, as defined in section 144A.75, subdivision 5; or
1.15 nursing home, as defined in section 144A.01, subdivision 5, where health care services are
1.16 delivered to hospital patients, hospice patients, or nursing home residents; and

1.17 (2) the areas surrounding hospital, hospice, or nursing home property as described in
1.18 clause (1) to a distance of 300 feet or one city block, whichever distance is greater, beyond
1.19 the hospital, hospice, or nursing home property.

1.20 EFFECTIVE DATE. This section is effective August 1, 2015, and applies to crimes
1.21 committed on or after that date.

1.22 Sec. 2. Minnesota Statutes 2014, section 152.021, subdivision 1, is amended to read:

1.23 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in
1.24 the first degree if:

2.1 (1) on one or more occasions within a 90-day period the person unlawfully sells one
2.2 or more mixtures of a total weight of ten grams or more containing cocaine, heroin, or
2.3 methamphetamine;

2.4 (2) on one or more occasions within a 90-day period the person unlawfully sells one
2.5 or more mixtures of a total weight of 50 grams or more containing a narcotic drug other
2.6 than cocaine, heroin, or methamphetamine;

2.7 (3) on one or more occasions within a 90-day period the person unlawfully sells
2.8 one or more mixtures of a total weight of 50 grams or more containing amphetamine,
2.9 phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units,
2.10 equaling 200 or more dosage units; or

2.11 (4) on one or more occasions within a 90-day period the person unlawfully sells
2.12 one or more mixtures of a total weight of 50 kilograms or more containing marijuana or
2.13 Tetrahydrocannabinols, or one or more mixtures of a total weight of 25 kilograms or more
2.14 containing marijuana or Tetrahydrocannabinols in a school zone, a park zone, a public
2.15 housing zone, a patient care zone, or a drug treatment facility.

2.16 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
2.17 committed on or after that date.

2.18 Sec. 3. Minnesota Statutes 2014, section 152.022, subdivision 1, is amended to read:

2.19 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime
2.20 in the second degree if:

2.21 (1) on one or more occasions within a 90-day period the person unlawfully sells one
2.22 or more mixtures of a total weight of three grams or more containing cocaine, heroin, or
2.23 methamphetamine;

2.24 (2) on one or more occasions within a 90-day period the person unlawfully sells one
2.25 or more mixtures of a total weight of ten grams or more containing a narcotic drug other
2.26 than cocaine, heroin, or methamphetamine;

2.27 (3) on one or more occasions within a 90-day period the person unlawfully sells
2.28 one or more mixtures of a total weight of ten grams or more containing amphetamine,
2.29 phencyclidine, or hallucinogen or, if the controlled substance is packaged in dosage units,
2.30 equaling 50 or more dosage units;

2.31 (4) on one or more occasions within a 90-day period the person unlawfully sells
2.32 one or more mixtures of a total weight of 25 kilograms or more containing marijuana or
2.33 Tetrahydrocannabinols;

3.1 (5) the person unlawfully sells any amount of a Schedule I or II narcotic drug to a
3.2 person under the age of 18, or conspires with or employs a person under the age of 18 to
3.3 unlawfully sell the substance; or

3.4 (6) the person unlawfully sells any of the following in a school zone, a park zone, a
3.5 public housing zone, a patient care zone, or a drug treatment facility:

3.6 (i) any amount of a Schedule I or II narcotic drug, lysergic acid diethylamide (LSD),
3.7 3,4-methylenedioxy amphetamine, or 3,4-methylenedioxymethamphetamine;

3.8 (ii) one or more mixtures containing methamphetamine or amphetamine; or

3.9 (iii) one or more mixtures of a total weight of five kilograms or more containing
3.10 marijuana or Tetrahydrocannabinols.

3.11 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
3.12 committed on or after that date.

3.13 Sec. 4. Minnesota Statutes 2014, section 152.023, subdivision 2, is amended to read:

3.14 Subd. 2. **Possession crimes.** (a) A person is guilty of controlled substance crime in
3.15 the third degree if:

3.16 (1) on one or more occasions within a 90-day period the person unlawfully possesses
3.17 one or more mixtures of a total weight of three grams or more containing cocaine, heroin,
3.18 or methamphetamine;

3.19 (2) on one or more occasions within a 90-day period the person unlawfully possesses
3.20 one or more mixtures of a total weight of ten grams or more containing a narcotic drug
3.21 other than cocaine, heroin, or methamphetamine;

3.22 (3) on one or more occasions within a 90-day period the person unlawfully possesses
3.23 one or more mixtures containing a narcotic drug, it is packaged in dosage units, and
3.24 equals 50 or more dosage units;

3.25 (4) on one or more occasions within a 90-day period the person unlawfully
3.26 possesses any amount of a schedule I or II narcotic drug or five or more dosage
3.27 units of lysergic acid diethylamide (LSD), 3,4-methylenedioxy amphetamine, or
3.28 3,4-methylenedioxymethamphetamine in a school zone, a park zone, a public housing
3.29 zone, a patient care zone, or a drug treatment facility;

3.30 (5) on one or more occasions within a 90-day period the person unlawfully possesses
3.31 one or more mixtures of a total weight of ten kilograms or more containing marijuana or
3.32 Tetrahydrocannabinols; or

3.33 (6) the person unlawfully possesses one or more mixtures containing
3.34 methamphetamine or amphetamine in a school zone, a park zone, a public housing zone, a
3.35 patient care zone, or a drug treatment facility.

4.1 (b) For the purposes of this subdivision, the weight of fluid used in a water pipe may
 4.2 not be considered in measuring the weight of a mixture except in cases where the mixture
 4.3 contains four or more fluid ounces of fluid.

4.4 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 4.5 committed on or after that date.

4.6 Sec. 5. Minnesota Statutes 2014, section 152.024, subdivision 1, is amended to read:

4.7 Subdivision 1. **Sale crimes.** A person is guilty of controlled substance crime in
 4.8 the fourth degree if:

4.9 (1) the person unlawfully sells one or more mixtures containing a controlled
 4.10 substance classified in Schedule I, II, or III, except marijuana or Tetrahydrocannabinols;

4.11 (2) the person unlawfully sells one or more mixtures containing a controlled
 4.12 substance classified in Schedule IV or V to a person under the age of 18;

4.13 (3) the person conspires with or employs a person under the age of 18 to unlawfully
 4.14 sell a controlled substance classified in Schedule IV or V; or

4.15 (4) the person unlawfully sells any amount of marijuana or Tetrahydrocannabinols in
 4.16 a school zone, a park zone, a public housing zone, a patient care zone, or a drug treatment
 4.17 facility, except a small amount for no remuneration.

4.18 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 4.19 committed on or after that date.

4.20 Sec. 6. Minnesota Statutes 2014, section 609.2232, is amended to read:

4.21 **609.2232 CONSECUTIVE SENTENCES FOR ASSAULTS COMMITTED BY**
 4.22 **STATE PRISON OR PUBLIC INSTITUTION INMATES.**

4.23 If an inmate of a state correctional facility or an inmate receiving medical assistance
 4.24 services while an inpatient in a medical institution under section 256B.055, subdivision
 4.25 14, paragraph (c), is convicted of violating section 609.221, 609.222, 609.223, 609.2231,
 4.26 or 609.224, while confined in the facility or while in the medical institution, the sentence
 4.27 imposed for the assault shall be executed and run consecutively to any unexpired portion
 4.28 of the offender's earlier sentence. The inmate is not entitled to credit against the sentence
 4.29 imposed for the assault for time served in confinement for the earlier sentence. The inmate
 4.30 shall serve the sentence for the assault in a state correctional facility even if the assault
 4.31 conviction was for a misdemeanor or gross misdemeanor.

5.1 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 5.2 committed on or after that date.

5.3 Sec. 7. **[609.2248] CRIMES COMMITTED IN PATIENT CARE ZONE;**
 5.4 **INCREASED PENALTIES.**

5.5 Subdivision 1. **Definition.** "Patient care zone" has the meaning given in section
 5.6 152.01, subdivision 24.

5.7 Subd. 2. **Increased penalties.** Any person who commits a violation of section
 5.8 609.185, 609.19, 609.195, 609.20, 609.205, 609.221, 609.222, 609.223, 609.2231,
 5.9 609.224, 609.2242, or 609.2247 while in a patient care zone may be sentenced as follows:

5.10 (1) if the crime is a felony, the statutory maximum for the crime is three years longer
 5.11 than the statutory maximum for the underlying crime;

5.12 (2) if the crime committed is a gross misdemeanor, the person is guilty of a felony
 5.13 and may be sentenced to imprisonment for not more than two years or to payment of a
 5.14 fine of not more than \$4,000, or both; and

5.15 (3) if the crime committed is a misdemeanor, the person is guilty of a gross
 5.16 misdemeanor.

5.17 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 5.18 committed on or after that date.

5.19 Sec. 8. Minnesota Statutes 2014, section 609.66, subdivision 1, is amended to read:

5.20 Subdivision 1. **Misdemeanor and gross misdemeanor crimes.** (a) Whoever does
 5.21 any of the following is guilty of a crime and may be sentenced as provided in paragraph (b):

5.22 (1) recklessly handles or uses a gun or other dangerous weapon or explosive so as to
 5.23 endanger the safety of another; or

5.24 (2) intentionally points a gun of any kind, capable of injuring or killing a human
 5.25 being and whether loaded or unloaded, at or toward another; or

5.26 (3) manufactures or sells for any unlawful purpose any weapon known as a slungshot
 5.27 or sand club; or

5.28 (4) manufactures, transfers, or possesses metal knuckles or a switch blade knife
 5.29 opening automatically; or

5.30 (5) possesses any other dangerous article or substance for the purpose of being used
 5.31 unlawfully as a weapon against another; or

5.32 (6) outside of a municipality and without the parent's or guardian's consent, furnishes
 5.33 a child under 14 years of age, or as a parent or guardian permits the child to handle or

6.1 use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any
6.2 ammunition or explosive.

6.3 Possession of written evidence of prior consent signed by the minor's parent or
6.4 guardian is a complete defense to a charge under clause (6).

6.5 (b) A person convicted under paragraph (a) may be sentenced as follows:

6.6 (1) if the act was committed in a public housing zone, as defined in section 152.01,
6.7 subdivision 19, a school zone, as defined in section 152.01, subdivision 14a, a patient care
6.8 zone, as defined in section 152.01, subdivision 24, or a park zone, as defined in section
6.9 152.01, subdivision 12a, to imprisonment for not more than one year or to payment of a
6.10 fine of not more than \$3,000, or both; or

6.11 (2) otherwise, including where the act was committed on residential premises within
6.12 a zone described in clause (1) if the offender was at the time an owner, tenant, or invitee
6.13 for a lawful purpose with respect to those residential premises, to imprisonment for not
6.14 more than 90 days or to payment of a fine of not more than \$1,000, or both.

6.15 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
6.16 committed on or after that date.

6.17 Sec. 9. Minnesota Statutes 2014, section 609.66, subdivision 1a, is amended to read:

6.18 Subd. 1a. **Felony crimes; silencers prohibited; reckless discharge.** (a) Except as
6.19 otherwise provided in subdivision 1h, whoever does any of the following is guilty of a
6.20 felony and may be sentenced as provided in paragraph (b):

6.21 (1) sells or has in possession any device designed to silence or muffle the discharge
6.22 of a firearm;

6.23 (2) intentionally discharges a firearm under circumstances that endanger the safety
6.24 of another; or

6.25 (3) recklessly discharges a firearm within a municipality.

6.26 (b) A person convicted under paragraph (a) may be sentenced as follows:

6.27 (1) if the act was a violation of paragraph (a), clause (2), or if the act was a violation
6.28 of paragraph (a), clause (1) or (3), and was committed in a public housing zone, as defined
6.29 in section 152.01, subdivision 19, a school zone, as defined in section 152.01, subdivision
6.30 14a, a patient care zone, as defined in section 152.01, subdivision 24, or a park zone, as
6.31 defined in section 152.01, subdivision 12a, to imprisonment for not more than five years
6.32 or to payment of a fine of not more than \$10,000, or both; or

6.33 (2) otherwise, to imprisonment for not more than two years or to payment of a fine
6.34 of not more than \$5,000, or both.

7.1 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 7.2 committed on or after that date.

7.3 Sec. 10. Minnesota Statutes 2014, section 609.66, subdivision 1d, is amended to read:

7.4 Subd. 1d. **Possession on school property or in a patient care zone; penalty.** (a)
 7.5 Except as provided under paragraphs (d) and (f), whoever possesses, stores, or keeps a
 7.6 dangerous weapon while knowingly on school property or in a patient care zone is guilty
 7.7 of a felony and may be sentenced to imprisonment for not more than five years or to
 7.8 payment of a fine of not more than \$10,000, or both.

7.9 (b) Whoever uses or brandishes a replica firearm or a BB gun while knowingly on
 7.10 school property or in a patient care zone is guilty of a gross misdemeanor.

7.11 (c) Whoever possesses, stores, or keeps a replica firearm or a BB gun while
 7.12 knowingly on school property or in a patient care zone is guilty of a misdemeanor.

7.13 (d) Notwithstanding paragraph (a), (b), or (c), it is a misdemeanor for a person
 7.14 authorized to carry a firearm under the provisions of a permit or otherwise to carry a
 7.15 firearm on or about the person's clothes or person in a location the person knows is school
 7.16 property or in a patient care zone. Notwithstanding section 609.531, a firearm carried in
 7.17 violation of this paragraph is not subject to forfeiture.

7.18 (e) As used in this subdivision:

7.19 (1) "BB gun" means a device that fires or ejects a shot measuring .18 of an inch
 7.20 or less in diameter;

7.21 (2) "dangerous weapon" has the meaning given it in section 609.02, subdivision 6;

7.22 (3) "replica firearm" has the meaning given it in section 609.713; ~~and~~

7.23 (4) "school property" means:

7.24 (i) a public or private elementary, middle, or secondary school building and its
 7.25 improved grounds, whether leased or owned by the school;

7.26 (ii) a child care center licensed under chapter 245A during the period children are
 7.27 present and participating in a child care program;

7.28 (iii) the area within a school bus when that bus is being used by a school to
 7.29 transport one or more elementary, middle, or secondary school students to and from
 7.30 school-related activities, including curricular, cocurricular, noncurricular, extracurricular,
 7.31 and supplementary activities; and

7.32 (iv) that portion of a building or facility under the temporary, exclusive control
 7.33 of a public or private school, a school district, or an association of such entities where
 7.34 conspicuous signs are prominently posted at each entrance that give actual notice to
 7.35 persons of the school-related use; and

8.1 (5) "patient care zone" has the meaning given in section 152.01, subdivision 24.

8.2 (f) This subdivision does not apply to:

8.3 (1) active licensed peace officers;

8.4 (2) military personnel or students participating in military training, who are on-duty,
8.5 performing official duties;

8.6 (3) persons authorized to carry a pistol under section 624.714 while in a motor
8.7 vehicle or outside of a motor vehicle to directly place a firearm in, or retrieve it from, the
8.8 trunk or rear area of the vehicle;

8.9 (4) persons who keep or store in a motor vehicle pistols in accordance with section
8.10 624.714 or 624.715 or other firearms in accordance with section 97B.045;

8.11 (5) firearm safety or marksmanship courses or activities conducted on school
8.12 property;

8.13 (6) possession of dangerous weapons, BB guns, or replica firearms by a ceremonial
8.14 color guard;

8.15 (7) a gun or knife show held on school property;

8.16 (8) possession of dangerous weapons, BB guns, or replica firearms with written
8.17 permission of the principal or other person having general control and supervision of the
8.18 school or the director of a child care center; or

8.19 (9) persons who are on unimproved property owned or leased by a child care center,
8.20 school, or school district unless the person knows that a student is currently present on the
8.21 land for a school-related activity.

8.22 (g) Notwithstanding section 471.634, a school district or other entity composed
8.23 exclusively of school districts may not regulate firearms, ammunition, or their respective
8.24 components, when possessed or carried by nonstudents or nonemployees, in a manner
8.25 that is inconsistent with this subdivision.

8.26 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
8.27 committed on or after that date.

8.28 Sec. 11. Minnesota Statutes 2014, section 609.713, is amended by adding a subdivision
8.29 to read:

8.30 Subd. 4. **Terroristic threats committed in patient care zone; increased penalties.**

8.31 (a) Any person who commits a violation of this section while in a patient care zone or with
8.32 knowledge that the person or persons threatened, terrorized, evacuated, or inconvenienced
8.33 are located in a patient care zone, the statutory maximum for the crime is three years
8.34 longer than the statutory maximum for the underlying crime.

9.1 (b) For purposes of this subdivision, "patient care zone" has the meaning given in
9.2 section 152.01, subdivision 24.

9.3 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
9.4 committed on or after that date.