

**Fourth Judicial District
Family Violence Coordinating Council**

Present: Becker-Finn, Jamie; Brey, Katie; Fraser, Melissa; Gaasch, Ann; Holton Dimick, Judge Martha; Jacobson, Michelle; Maldonado, Paula; Nelson, Melynda; Milgrom, Aaron; Vickerman, Maggie; Snow-Kaster, Christy; Wachter, Shannon; Walsh Kern, Amy; Weinstein, Michael; White, Sandra.

- 1. Welcome:** Judge Holton Dimick welcomed new member Maggie Vickerman, Family Court staff attorney.
- 2. August 11, 2016 Minutes:** The minutes were approved as submitted.
- 3. Legislative update:** Breezy Boone, MN Coalition for Battered Women, gave an update on the 2016 legislative session. A copy of Ms. Boone's power point slides accompanies these minutes.
- 4. FVCC Committee Reports:**
 - Advocates:** Stephanie Avalon reported via email. Advocates met August 30th. Three new members were welcomed and updated on issues with enforcement of no contact orders in the courthouse and service of OFPS. Advocates will continue to document examples. A Sheriff's department and/or DASC representative will be invited to the October Advocate meeting.
 - Child/Juvenile:** No report.
 - Civil:** Michael Weinstein reported members met and discussed the ramifications of losing the Perspectives supervised visitation program. Christy Snow Kaster reported the group is planning a late October brown bag. More info to come.
 - Criminal:** Michelle Jacobson reported her group is working on three initiatives.
 - The Oct 5 2016 Resource Fair with the Child/Juvenile Committee. The planned CLE with Dr. Michael Thomas from North Point starts at 1:30. This year's focus is the intersection between domestic violence and mental health.
 - Plans for a January "domestic violence 101" training are in the beginning stages. Criminal justice system professionals will be invited (police, advocates, prosecutors, etc.). Training will be available to individual stakeholder groups if requested.
 - A children's book for kids accompanying their parents to court is almost ready. Michele will work with Katie Brey to get court input. Once finalized committee members hope it will be available in courtrooms and to stakeholders.
- 5. Announcements / Open Forum:** There were no announcements or open forum discussions.

Future Agenda Items

Family Court Enhancement Project update – October 13, 2016
Strategic planning – November 10, 2016

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=fvccalendar%40gmail.com&ctz=America/Chicago>



2016 SESSION WRAP-UP & NEW LAWS

Brianna Boone
Equal Justice Works Fellow
8 September 2016
bboone@mcbw.org



Objectives

- Quick overview of the 2016 session
- Identify the new laws that may impact your work
- Identify issues that are likely to be considered in the 2017 session
- Answer questions



2016 Session Overview

- MCBW Proactive Agenda
 - OFP extension hearings eliminated (legislation passed)
 - OFP respondent filing fees eliminated (legislation passed)
- MCBW Supportive & Monitoring Agenda
 - Revenge porn (legislation passed)
 - Law enforcement use of body cameras (legislation passed)
 - Firearms safety
 - Prison population



NEW LAWS



**OFP EXTENSION HEARINGS
ELIMINATED**

OLD LAW – Minn. Stat. § 518B.01, subd. 6a:
 Limited-relief OFP:
 – No hearing required, but
 – Respondent could request hearing
 Extension of limited-relief OFP:
 – Must have a hearing, even if
 – Respondent does not want a hearing



**OFP EXTENSION HEARINGS
ELIMINATED**

NEW LAW – HF 2552 Session Law Chapter 141:
 Petitioner can seek an extension of a limited-relief OFP without a hearing being required.
 Respondent can request a hearing in the same manner a Respondent requests a hearing for an initial limited-relief OFP.



**OFP RESPONDENT FILING FEES
ELIMIANATED**

OLD LAW – Minn. Stat. § 518B.01, subd. 3a

OFP Petitioners were exempt from paying filing fees, but courts had discretion to charge OFP Respondents filing fees.

Minnesota district courts began charging OFP Respondents filing fees.



**OFP RESPONDENT FILING FEES
ELIMIANATED**

NEW LAW – HF 2553 Session Law Chapter 126

Both OFP Petitioners and Respondents are exempt from paying filing fees.



REVENGE PORN

There are now civil and criminal remedies to combat nonconsensual dissemination of private sexual images, also known as “revenge porn.”

- **Civil:** Victims can sue perpetrators.
- **Criminal:** Perpetrators can be charged with a crime.



REVENGE PORN - DEFINITIONS

Dissemination: distribution to one or more persons (other than the victim) or publication by any publicly available medium

Image: photograph or video (digital or physical)

Intimate Parts: genitals, pubic area, anus, or nipple (if victim is female)

Sexual Act: sexual contact or penetration



REVENGE PORN – CIVIL REMEDY

A victim can sue another for nonconsensual dissemination of private sexual images when **four factors are present:**

- (1) The victim **did not consent** to the dissemination of the image
- (2) The image depicts the victim in a **sexual act** or with **intimate parts exposed**
- (3) The victim is **identifiable** from the image itself or from personal information displayed with the image
- (4) The image was obtained under circumstances in which the victim had a **reasonable expectation of privacy**



REVENGE PORN – CIVIL REMEDY

Available Damages:

- Financial loss to the victim
- Costs of mental anguish
- Any profit made by the perpetrator
- Civil penalty up to \$10,000
- Court costs, fees, and attorney’s fees
- Order from the court preventing further dissemination of the image



REVENGE PORN – CRIMINAL REMEDY

- (1) An actor **intentionally** disseminates an image of a person who is depicted in a **sexual act** or whose **intimate parts are exposed**;
- (2) The person in the image is **identifiable** either from the image or from personal information displayed with the image;
- (3) The actor **knows or reasonably should know** that the person in the image **did not consent** to dissemination; and
- (4) The image was obtained or created under circumstances in which the actor **knew or reasonably should have known** the person in the image had a **reasonable expectation of privacy**



REVENGE PORN – CRIMINAL REMEDY

Nonconsensual dissemination of a private sexual image is a **gross misdemeanor**

BUT



REVENGE PORN – CRIMINAL REMEDY

Felony enhancement factors:

- Victim suffers **financial loss**
- Acted with **intent to profit**
- **Creates a website or app** for the purpose of disseminating the image
- **Posts the image to a website**
- Acted with **intent to harass** the victim
- Obtained the image via **theft**; or
- **Previous conviction**



REVENGE PORN - OTHER

Adds “nonconsensual dissemination of private sexual images” to:

- Qualified domestic violence-related offense (Minn. Stat. 609.02, subd. 16)
- Coercion/attempt to coerce (Minn Stat. 609.27 & 609.275)
- HROs (609.748)



REVENGE PORN - OTHER

A victim can sue an individual for **nonconsensual sexual solicitation** if:

- (1) without the victim’s consent;
- (2) the individual uses the personal information of the victim;
- (3) to invite, encourage, or solicit sexual acts; and
- (4) the individual knows or has reason to know it will cause the victim to feel harassed, frightened, threatened, oppressed, persecuted, or intimidated



LAW ENFORCEMENT USE OF BODY CAMERAS

Body camera data is **presumptively private or nonpublic**, but is **public** if:

- The data documents **discharge of a firearm** by a police officer
- The data documents use of force by a police officer that results in **substantial bodily harm**
- A **subject of the data requests** the data be made public (subjects who do not consent to release will be redacted)



LAW ENFORCEMENT USE OF BODY CAMERAS

Regardless of classification body camera data that is **investigative is confidential** and **not accessible** to the data subjects or the public **until the investigation has concluded**



LAW ENFORCEMENT USE OF BODY CAMERAS

Any person can bring an action in court to authorize disclosure of body camera data

- Law enforcement must **notify any subject** of the data of the action
- Court **must weigh benefit** to person bringing the action **against** benefit/harm to the public, harm to law enforcement agency, and **harm** to any subject of that data



LAW ENFORCEMENT USE OF BODY CAMERAS

- **Any subject** of the body camera data has **access** to the recording
- If a subject **requests a copy** of the data, **other subjects** who have not consented to the data's release will be **redacted**



SPOUSAL MAINTENANCE TERMINATION UPON COHABITATION

Spousal maintenance may be reduced or terminated when the recipient moves in with another adult.

Courts must consider:

- whether recipient **would marry** cohabitant but for avoiding termination of the reward
- economic **benefit of cohabitation**
- **duration** of cohabitation
- **economic impact** on recipient if maintenance modified



CHANGES TO CHILD SUPPORT CALCULATION

Old Law:

- Amount of child support remained constant when non-custodial parent exercised between 10%-45% parenting time.
- When non-custodial parent had one overnight in excess of 45% the amount of child dramatically decreased.



CHANGES TO CHILD SUPPORT CALCULATION

New Law:

- Child support gradually decreases for each additional overnight the non-custodial parent has custody of the child.
- Existing child support orders are subject to reduction under the new law.
- Modification of existing orders is limited if the result would create a hardship for one of the parties.



**CHANGES TO CHILD SUPPORT
CALCULATION**

This law does not go into effect until 2018!



**SERVICES FOR SEXUALLY EXPLOITED
YOUTH UP TO AGE 24**

Old Law: Sexually exploited youth ages 18 and over could not receive services funded under the Safe Harbors for Sexually Exploited Youth law.

New Law: Sexually exploited youth age 18-24 can now receive services funded under the Safe Harbors for Sexually Exploited Youth law.



**SERVICES FOR SEXUALLY EXPLOITED
YOUTH UP TO AGE 24**

**Criminal law has not changed.
Sexually exploited youth ages 18-24 may still be charged with prostitution.**



2017 PREVIEW



Issues likely to emerge in the 2017 legislative session:

- Safe Harbors for Adults
- Universal background checks for firearms transfers
- Child Protection Services



Thanking Your Legislators

- Please reach out and thank your legislators
- This is key to our historical and continued success
- More info on who represents you at <http://www.gis.leg.mn/OpenLayers/districts/>



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 bboone@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:

Brianna Boone
Equal Justice Works Fellow

651.646.6177 ext.129

bboone@mcbw.org


