

# 2018 Anoka County Law Enforcement Legislative and Case Law Update

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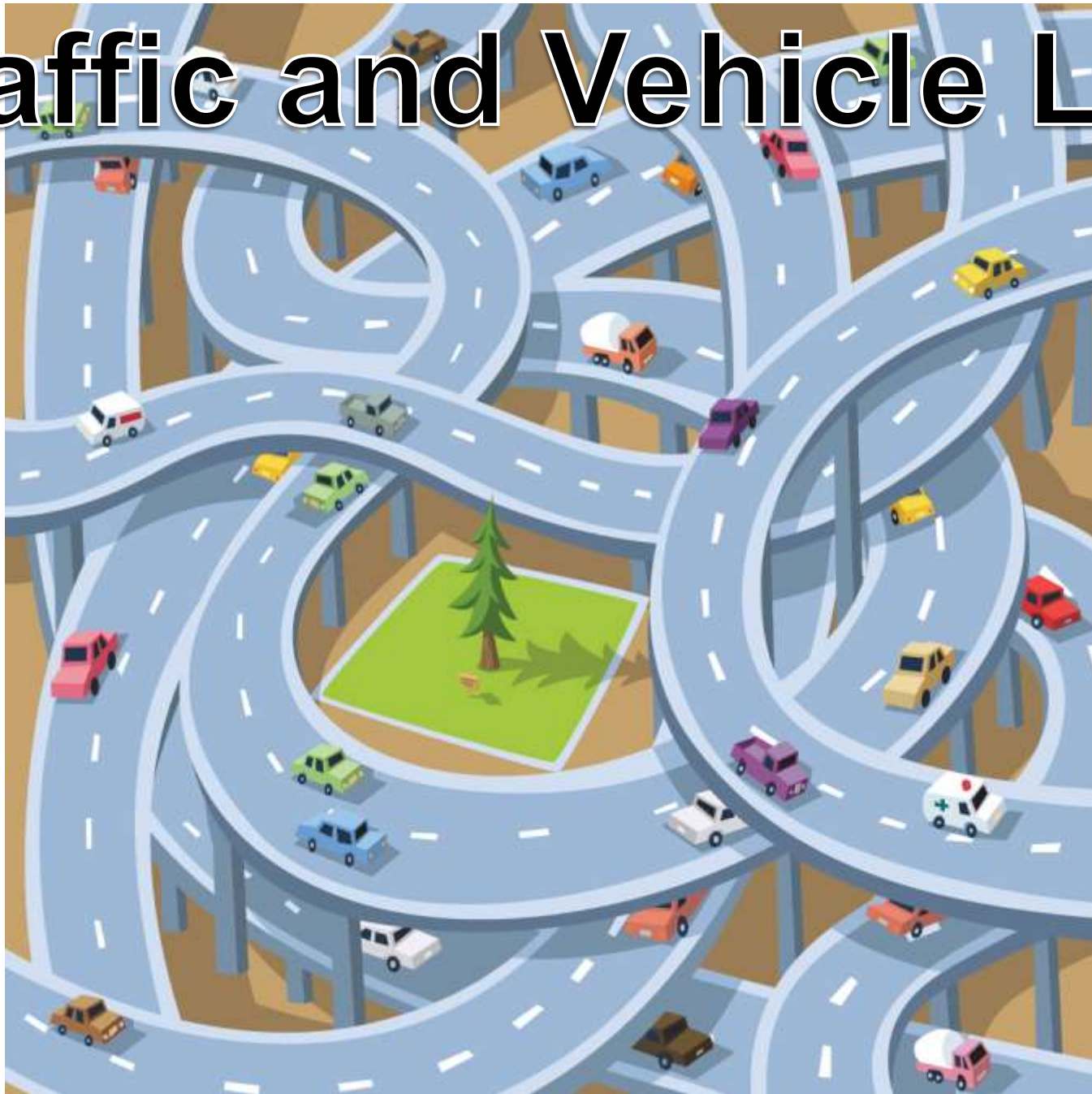
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# Legislative Update



# Traffic and Vehicle Laws





**Dust-Off**

**PROFESSIONAL**

**The Original  
Compressed Gas  
Duster**

**XL**



CONTENTS UNDER PRESSURE. READ BACK PANEL CAREFULLY  
KEEP OUT OF REACH OF CHILDREN  
NET WT 12 OZ 340g 374ml

# *State v. Carson*

- Three occasions defendant driving a vehicle while obviously under the influence
- Cans of Dust-Off in the car
- “DFE” in blood and urine samples
- Charged with DWI’s – hazardous substance

# *State v. Carson*

## cont'd

- “Hazardous substance” includes any chemical or compound *listed* in Occupation Safety and Health rules
- DFE met the definition of hazardous substance, but it was not on list

# Intoxicating Substance -

Minn. Stat. 169.03, subd. 11a

- ~~Hazardous Substance~~ is now Intoxicating Substance
- “Intoxicating Substance” means a drug or chemical that when introduced into the human body impairs the central nervous system or impairs the human audio, visual, or mental processes
- The term does not include alcohol or controlled substances

# DWI

## Minn. Stat. 169A.20, subd. 1(3)

- The person is under the influence of an intoxicating substance, and
- The person knows or has reason to know the substance has the capacity to cause impairment
- Repealed:
  - Hazardous substance
  - Knowingly under the influence
  - Impair ability to drive or operate

# “Intoxicating substance” statutes

- Motor vehicle
- Motorboat
- Snowmobile
- All-terrain vehicle
- Off-highway motorcycle
- Off-road vehicle
- Aircraft

# “Intoxicating substance” statutes cont’d

- Criminal vehicular operation
- Criminal vehicular homicide
- Carrying a pistol under the influence
- Hunting under the influence
- Implied consent

I can be drunk  
and still drive the  
boat, right?



# First-Time “B”WI

## Minn. Stat. 169A.07 - repealed

- Old Law: Offenders operating while impaired a motorboat, snowmobile, ATV, off-highway motorcycle, or an off-road vehicle with no qualified prior impaired driving incidents
  - Subject to **criminal penalty provisions only**
  - **No** chemical use assessment, long term monitoring, plate impoundment, conditional release

# First-Time “B”WI

Minn. Stat. 169A.07 – cont’d

- New Law: Offenders operating while impaired a motorboat, snowmobile, ATV, off-highway motorcycle, or an off-road vehicle with no qualified prior impaired driving incidents are **subject to the same potential administrative sanctions, restrictions, and conditions as a DWI for highway-licensed vehicle**



# DWI Collateral Sanctions

Minn. Stat. 84.91 and 86B.331

- Old Law: DWI on a boat, ATV, or snowmobile restricted use of **that particular type of vehicle** with no cross over
- New Law: Any person convicted of a violation of 169A.20 (DWI) or refuses chemical testing, **regardless of the type of vehicle** being operated is prohibited from operating other types of vehicles

# DWI Collateral Sanctions

Minn. Stat. 84.91 and 86B.331

Prohibited from  
operating a snowmobile  
or ATV for a period of  
one year from the date  
of conviction

Misdemeanor



# DWI Collateral Sanctions

## Minn. Stat. 84.91 and 86B.331

Prohibited from operating a motorboat for a period of 90 days between May 1 and October 31 for two consecutive years, **or**

One year if the person refuses to comply with testing

Misdemeanor





# MOVE OVER

when you see stopped  
emergency vehicles.

PROTECT THOSE  
WHO PROTECT YOU.



**Slow Down. The Way to Go.** Transportation Safety — ODOT



# Move Over – Slow Down

Minn. Stat. 169.18, subd. 11

- If a lane change is not possible, or
- Emergency vehicle with emergency lights activated parked on a one-lane roadway
- Driver of the vehicle must reduce speed to what is “reasonable and prudent” under the conditions until the vehicle has completely passed the parked emergency vehicle

# 169.18, subd. 11 – cont'd

- Petty misdemeanor
- Unless enhanced by “endanger or likely to endanger any person or property” under 169.89



# Motorcycle Permits

169.974, subd. 2

- Motorcycle instruction permit holders allowed to drive a motorcycle on an interstate highway
- Other restrictions still apply:
  - Daytime
  - With a helmet
  - No passengers



# Criminal Law





**KRATOM**  
— U S A —

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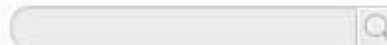
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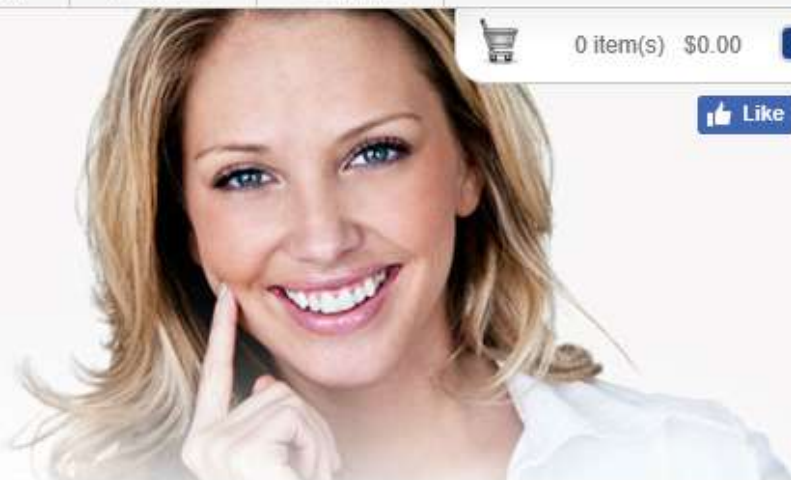
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[KRATOM FORUM](#)

## Welcome to Kratom USA

Here at Kratom USA, we strive to provide you with the finest strains of one of the most unique and beneficial plants known to man - Kratom. Our botany experts and researchers have searched the jungles of Southeast Asia and have isolated only the most potent strains of this miracle plant. Our kratom is prepared, by experienced specialists, in the purest and most effective forms.

We have processed our signature strains into fine powder and capsules for your convenience and enjoyment. Our [kratom collection](#) is guaranteed to be the finest and purest in the world. Try it today, millions already have!

## How can Kratom help me?

Researchers are currently studying how Kratom promotes...

- Dependence free life style
- Pain free lifestyle
- Energy and well-being
- Normal blood pressure levels
- Increased antioxidant levels
- Melanin levels for sun protection

[Discover more benefits of Kratom](#)



# Kratom

- Leafy plant from Southeast Asia
- Opioid type of effect
- Not a Federal or Minnesota scheduled substance
- Illegal in five states
- Herbal pain management



# Herbal 'opioid' Kratom kills 2 in Pa.

Updated 8:14 AM; Posted 6:41 AM



Kratom, a legal herbal supplement derived from a plant, affects the same opioid brain receptors as morphine and appears to have properties that expose users to the risks of addiction, abuse and dependence. Chester County officials have linked kratom use to the accidental overdose deaths of two men there earlier this year. (screen shot/NBC-10 via Twitter)

# Kratom

## 152.027, subd. 7

- Illegal to sell any amount of kratom (or substance containing primary chemical agent) to a person under the age of 18
- Gross Misdemeanor
- Illegal for any person under the age of 18 to possess kratom (or substance containing primary chemical agent)
- Misdemeanor







# Unauthorized Computer Access

609.891, subds. 1, 2, and 3

- “Electronic terminal” added to computer system definition
  - Point of sale terminals, gas pumps, ATM’s
- Accessing, or attempting to access, an electronic terminal
  - By opening a panel or access door without authorization ***and***
  - Placing or attaching, or attempting to place or attach, an electronic capture device
  - Felony

# Unauthorized Computer Access

cont'd

- Accessing, or attempting to access, an electronic terminal by opening, or attempting to open, a panel or access door without authorization
  - Gross Misdemeanor



# Motor Fuel Drive Offs

168.345, subd. 2

- Vehicle registration information for a passenger vehicle with a lease for a term of more than 180 days may be provided to a motor fuel payment collection agency
- Department of Public Safety may provide private data for collection purposes
- Fuel payment collection agencies previously used banks or lending agencies



# **Athletic Trainer**

148.7806

- Prevent, recognize, and evaluate athletic injuries
- Give emergency care and first aid
- Manage and treat injuries
- Rehabilitate and physically recondition athletic injuries



# Misrepresentation of Athletic Trainer

148.7803

- Cannot engage in athletic training without a license
- Cannot use title “***Athletic Trainer***”
  - Advertisement
  - Literature
  - Billing
- Any violation is a misdemeanor

30 sec. test



POWER DO NOT PAINT ALARM



Move to fresh air in case of alarm

CO Sentinel  
Carbon Monoxide Alarm  
**FIREBOX - XINTEK**



WARNING: Carbon Monoxide cannot be seen or smelled but can kill you. If alarm signal sounds: Operate the silence/reset button, call your emergency services (fire department or 911) and immediately move to fresh air, outdoors or by an open window/door.



# Marine CO Detection

86B.005, subd. 8a

- Carbon monoxide detection device required for enclosed accommodation compartments
- Operate a recreational motorboat or sell a new recreational motorboat without one is a misdemeanor



**Miscellaneous**



FOR NOT  
SALE



# **Mandatory Sex Trafficking Recognition Training**

157.177

- Prevention training required
  - Every hotel or motel employee
  - Must receive training
  - Within 90 days of hiring
  - Annual certification of training to the State
- Awareness, recognition, common activities, and reporting
- Training paid for by hotel/motel

# Mandatory Sex Trafficking Recognition Training

cont'd

- Exemptions
  - Employees under 16 year of age, unless they clean rooms, or
  - Work exclusively in restaurant or catering, or
  - Do not have direct contact with guests or guest rooms
- Operator or employee of a hotel or motel who acts in good faith is immune from liability for reporting suspected activities



# **Military Benefit Assignment**

325F.9921

- Cannot enter into an agreement with military member or beneficiary that assigns member's or beneficiary's military pay or benefits to someone else
- Follows current federal prohibition
- Allows effected military member, or any beneficiary, to bring a cause of action to recover damages



# Health Savings Accounts

550.37, subd. 26

- Health or medical savings accounts are protected from creditors
- Protection up to \$25,000
- Health or medical savings accounts as recognized by the IRS



# Expediated Process – Unmarried Parents

518.156

- Recognition of parentage
- All parties in agreement
- Joint petitions
  - Custody
  - Parenting time
  - Child support

























Take Him  
**ANYWHERE!**



Turn Your  
Dog Into a  
Service Dog

**It's Easy!**

[CLICK HERE NOW](#)





OFFICIAL

# US Service Dog

SERVICE DOG NAME: **BUDDY**

CERTIFICATE NO: **5651321**

**JOHN DOE**

HANDLER

*Under the Americans with Disabilities Act (ADA), privately owned businesses that serve the public, such as restaurants, hotels, retail stores, banks, movie theaters, and sports facilities, are prohibited from discriminating against individuals with disabilities. The ADA requires these businesses to allow people with disabilities to bring their service animals into business premises in which access is generally allowed.*



*[Signature]*  
SIGNATURE





# Misrepresentation of Service Animal

609.833

- A person may not directly or indirectly through statements or conduct intentionally misrepresent an animal as a service animal in any place of public accommodation to obtain any rights or privileges available to a person who qualifies for a service animal under state or federal law

# Misrepresentation of Service Animal cont'd

- Petty misdemeanor
- Second or subsequent violation is a misdemeanor
- Sign may be posted
  - “Service Animals Welcome. It is illegal for a person to misrepresent an animal in that person’s possession as a service animal.”

# Enforcement Issues

- Questions limited by federal law
  - Is the dog a service animal required because of a disability?
  - What work or task has the dog been trained to perform?

# Enforcement Issues

## cont'd

- Under federal law, cannot
  - Ask about the disability
  - Require proof that animal is trained, certified, or licensed as a service animal
  - Require animal to wear identifying vest or tag
  - Ask the dog to demonstrate the task or work



# Questions?





*A  
Tony Palumbo  
Production*