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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2236

03/07/2019 Authored by Stephenson, Zerwas and Moller
The bill was read for the first time and referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to public safety; establishing a new burglary offense; modifying the
1.3 requirements for predatory offender registration; amending Minnesota Statutes
1.4 2018, sections 243.166, subdivision 1b; 609.582, subdivision 1.

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

1.6 Section 1. Minnesota Statutes 2018, section 243.166, subdivision 1b, is amended to read:

1.7 Subd. 1b. Registration required. (a) A person shall register under this section if:

1.8 (1) the person was charged with or petitioned for a felony violation of or attempt to
1.9 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
1.10 of or adjudicated delinquent for that offense or another offense arising out of the same set
1.11 of circumstances:

1.12 (i) murder under section 609.185, paragraph (a), clause (2);

1.13 (ii) kidnapping under section 609.25;

1.14 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
1.15 subdivision 3; or 609.3453; or

1.16 (iv) indecent exposure under section 617.23, subdivision 3; or

1.17 (v) burglary in the first degree (indecent exposure while inside an occupied dwelling)
1.18 under section 609.582, subdivision 1, clause (4);

1.19 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
1.20 aiding, abetting, or conspiring to commit criminal abuse in violation of section 609.2325,
1.21 subdivision 1, paragraph (b); false imprisonment in violation of section 609.255, subdivision

2.1 2; solicitation, inducement, or promotion of the prostitution of a minor or engaging in the
2.2 sex trafficking of a minor in violation of section 609.322; a prostitution offense in violation
2.3 of section 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual
2.4 conduct in violation of section 609.352, subdivision 2 or 2a, clause (1); using a minor in a
2.5 sexual performance in violation of section 617.246; or possessing pornographic work
2.6 involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent
2.7 for that offense or another offense arising out of the same set of circumstances;

2.8 (3) the person was sentenced as a patterned sex offender under section 609.3455,
2.9 subdivision 3a; or

2.10 (4) the person was charged with or petitioned for, including pursuant to a court martial,
2.11 violating a law of the United States, including the Uniform Code of Military Justice, similar
2.12 to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent
2.13 for that offense or another offense arising out of the same set of circumstances.

2.14 (b) A person also shall register under this section if:

2.15 (1) the person was charged with or petitioned for an offense in another state that would
2.16 be a violation of a law described in paragraph (a) if committed in this state and convicted
2.17 of or adjudicated delinquent for that offense or another offense arising out of the same set
2.18 of circumstances;

2.19 (2) the person enters this state to reside, work, or attend school, or enters this state and
2.20 remains for 14 days or longer; and

2.21 (3) ten years have not elapsed since the person was released from confinement or, if the
2.22 person was not confined, since the person was convicted of or adjudicated delinquent for
2.23 the offense that triggers registration, unless the person is subject to a longer registration
2.24 period under the laws of another state in which the person has been convicted or adjudicated,
2.25 or is subject to lifetime registration.

2.26 If a person described in this paragraph is subject to a longer registration period in another
2.27 state or is subject to lifetime registration, the person shall register for that time period
2.28 regardless of when the person was released from confinement, convicted, or adjudicated
2.29 delinquent.

2.30 (c) A person also shall register under this section if the person was committed pursuant
2.31 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
2.32 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
2.33 United States, regardless of whether the person was convicted of any offense.

3.1 (d) A person also shall register under this section if:

3.2 (1) the person was charged with or petitioned for a felony violation or attempt to violate
3.3 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
3.4 the United States, or the person was charged with or petitioned for a violation of any of the
3.5 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
3.6 States;

3.7 (2) the person was found not guilty by reason of mental illness or mental deficiency
3.8 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
3.9 states with a guilty but mentally ill verdict; and

3.10 (3) the person was committed pursuant to a court commitment order under section
3.11 253B.18 or a similar law of another state or the United States.

3.12 Sec. 2. Minnesota Statutes 2018, section 609.582, subdivision 1, is amended to read:

3.13 Subdivision 1. **Burglary in the first degree.** Whoever enters a building without consent
3.14 and with intent to commit a crime, or enters a building without consent and commits a crime
3.15 while in the building, either directly or as an accomplice, commits burglary in the first
3.16 degree and may be sentenced to imprisonment for not more than 20 years or to payment of
3.17 a fine of not more than \$35,000, or both, if:

3.18 ~~(a)~~ (1) the building is a dwelling and another person, not an accomplice, is present in it
3.19 when the burglar enters or at any time while the burglar is in the building;

3.20 ~~(b)~~ (2) the burglar possesses, when entering or at any time while in the building, any of
3.21 the following: a dangerous weapon, any article used or fashioned in a manner to lead the
3.22 victim to reasonably believe it to be a dangerous weapon, or an explosive; ~~or~~

3.23 ~~(c)~~ (3) the burglar assaults a person within the building or on the building's appurtenant
3.24 property; or

3.25 (4) the building is a dwelling and, while inside the dwelling, the burglar commits an act
3.26 described in section 617.23, subdivision 1.