

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 1197

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DATE	D-PG	OFFICIAL STATUS
02/26/2015	446	Introduction and first reading Referred to Judiciary

1.1

A bill for an act

1.2

relating to public safety; providing for indeterminate lifetime and statutory

1.3

maximum sentences for certain repeat sex offenders; adjusting when certain sex

1.4

offenders are eligible for release from prison; establishing a special review panel

1.5

to make release decisions regarding sex offenders; precluding the subsequent

1.6

civil commitment of certain sex offenders subject to enhanced prison sentences;

1.7

providing for lifetime supervision for all sex offenders; requiring minimal levels

1.8

of sex offender treatment; requiring counties to provide housing for sex offenders

1.9

in the community; appropriating money; amending Minnesota Statutes 2014,

1.10

sections 244.05, subdivisions 1, 1b, 4, 5; 244.101, by adding a subdivision;

1.11

609.135, by adding a subdivision; 609.3455; proposing coding for new law in

1.12

Minnesota Statutes, chapter 244; repealing Minnesota Statutes 2014, section

1.13

609.3455, subdivision 6.

1.14

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

1.15

Section 1. Minnesota Statutes 2014, section 244.05, subdivision 1, is amended to read:

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Subdivision 1. **Supervised release required.** Except as provided in subdivisions

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1b, 4, and 5, and section 609.3455, subdivision 1a, every inmate shall serve a supervised

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release term upon completion of the inmate's term of imprisonment as reduced by any

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good time earned by the inmate or extended by confinement in punitive segregation

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pursuant to section 244.04, subdivision 2. Except for a sex offender conditionally released

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under Minnesota Statutes 2004, section 609.108, subdivision 5, the supervised release

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term shall be equal to the period of good time the inmate has earned, and shall not exceed

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the length of time remaining in the inmate's sentence.

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EFFECTIVE DATE. This section is effective August 1, 2015, and applies to crimes

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committed on or after that date.

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Sec. 2. Minnesota Statutes 2014, section 244.05, subdivision 1b, is amended to read:

Subd. 1b. **Supervised release; offenders who commit crimes on or after August 1, 1993.** (a) Except as provided in subdivisions 4 and 5, and section 609.3455, subdivision 1a, every inmate sentenced to prison for a felony offense committed on or after August 1, 1993, shall serve a supervised release term upon completion of the inmate's term of imprisonment and any disciplinary confinement period imposed by the commissioner due to the inmate's violation of any disciplinary rule adopted by the commissioner or refusal to participate in a rehabilitative program required under section 244.03. The amount of time the inmate serves on supervised release shall be equal in length to the amount of time remaining in the inmate's executed sentence after the inmate has served the term of imprisonment and any disciplinary confinement period imposed by the commissioner.

(b) No inmate who violates a disciplinary rule or refuses to participate in a rehabilitative program as required under section 244.03 shall be placed on supervised release until the inmate has served the disciplinary confinement period for that disciplinary sanction or until the inmate is discharged or released from punitive segregation confinement, whichever is later. The imposition of a disciplinary confinement period shall be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for imposing the disciplinary confinement period and the rights of the inmate in the procedure shall be those in effect for the imposition of other disciplinary sanctions at each state correctional institution.

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

Sec. 3. Minnesota Statutes 2014, section 244.05, subdivision 4, is amended to read:

Subd. 4. **Minimum imprisonment, life sentence and statutory maximum sentences.** (a) An inmate serving a mandatory life sentence under section 609.106 or 609.3455, subdivision 2, must not be given supervised release under this section.

(b) An inmate serving a mandatory life sentence under section 609.185, clause (3), (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, must not be given supervised release under this section without having served a minimum term of 30 years.

(c) An inmate serving a mandatory life sentence under section 609.385 must not be given supervised release under this section without having served a minimum term of imprisonment of 17 years.

(d) An inmate serving a mandatory life sentence under section 609.3455, subdivision 3 or 4, or a mandatory statutory maximum sentence under section 609.3455, subdivision 3b, must not be given supervised release under this section without having served the minimum term of imprisonment specified by the court in its sentence.

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

Sec. 4. Minnesota Statutes 2014, section 244.05, subdivision 5, is amended to read:

Subd. 5. Supervised release, life sentence and statutory maximum sentences.

(a) The commissioner of corrections may, under rules promulgated by the commissioner, give supervised release to an inmate serving a mandatory life sentence under section 609.185, clause (3), (5), or (6); ~~609.3455, subdivision 3 or 4;~~ 609.385; or Minnesota Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum term of imprisonment specified in subdivision 4.

(b) The commissioner shall give supervised release to an inmate serving a sentence under section 609.3455, subdivision 3, 3b, or 4, after the inmate has served the minimum term of imprisonment specified by the court in section 609.3455, subdivision 5, when directed to do so by the special review panel described in section 609.3455, subdivision 11.

(c) The commissioner shall require the preparation of a community investigation report and shall consider the findings of the report when making a supervised release decision under this subdivision. The report shall reflect the sentiment of the various elements of the community toward the inmate, both at the time of the offense and at the present time. The report shall include the views of the sentencing judge, the prosecutor, any law enforcement personnel who may have been involved in the case, and any successors to these individuals who may have information relevant to the supervised release decision. The report shall also include the views of the victim and the victim's family unless the victim or the victim's family chooses not to participate.

~~(e)~~ (d) The commissioner shall make reasonable efforts to notify the victim, in advance, of the time and place of the inmate's supervised release review hearing. The victim has a right to submit an oral or written statement at the review hearing. The statement may summarize the harm suffered by the victim as a result of the crime and give the victim's recommendation on whether the inmate should be given supervised release at this time. The commissioner must consider the victim's statement when making the supervised release decision.

~~(d)~~ (e) When considering whether to direct the commissioner to give supervised release to an inmate serving a life sentence under section 609.3455, subdivision 3 or 4, paragraph (a), the commissioner special review panel described in section 609.3455, subdivision 11, shall consider, at a minimum, the following: the risk the inmate poses to the community if released, the inmate's progress in treatment, the inmate's behavior while incarcerated, psychological or other diagnostic evaluations of the inmate, the inmate's

criminal history, and any other relevant conduct of the inmate while incarcerated or before incarceration. The ~~commissioner panel~~ may not direct the commissioner to give supervised release to the inmate unless:

(1) while in prison:

(i) the inmate has successfully completed appropriate sex offender treatment;

(ii) the inmate has been assessed for chemical dependency needs and, if appropriate, has successfully completed chemical dependency treatment; and

(iii) the inmate has been assessed for mental health needs and, if appropriate, has successfully completed mental health treatment; and

(2) a comprehensive individual release plan is in place for the inmate that ensures that, after release, the inmate will have suitable housing and receive appropriate aftercare and community-based treatment. The comprehensive plan also must include a postprison employment or education plan for the inmate.

~~(e)~~ (f) As used in this subdivision, "victim" means the individual who suffered harm as a result of the inmate's crime or, if the individual is deceased, the deceased's surviving spouse or next of kin.

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

Sec. 5. [244.059] SEX OFFENDERS; REQUIREMENT FOR COUNTIES TO PROVIDE HOUSING.

(a) Each county, based on the number of offenders from the county under the custody of the commissioner for violating sections 609.342 to 609.3453 in the previous ten years, shall determine the average annual number of sex offenders from the county under the commissioner's custody.

(b) Each county shall provide appropriate community housing options within the county for sex offenders of at least an equal amount as the annual average determined in paragraph (a).

Sec. 6. Minnesota Statutes 2014, section 244.101, is amended by adding a subdivision to read:

Subd. 5. Exception. This section does not apply to offenders receiving executed sentences for violating section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453. These offenders' sentences are governed by section 609.3455.

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. Minnesota Statutes 2014, section 609.135, is amended by adding a subdivision
5.4 to read:

5.5 Subd. 2a. **Mandatory lifetime probation for sex offenders.** (a) When a court stays
5.6 the imposition or execution of sentence for a person convicted of violating section 609.342,
5.7 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, notwithstanding the
5.8 statutory maximum penalty otherwise applicable to the offense or subdivision 2, the court
5.9 shall place the person on probation for the remainder of the person's life.

5.10 (b) The court shall have continuing jurisdiction over persons placed on lifetime
5.11 probation under this subdivision. If the person fails to meet any condition of probation,
5.12 the court may order an appropriate sanction, including, but not limited to, incarcerating
5.13 the person for a period specified by the court in a local jail or workhouse or revoking the
5.14 probation and executing the person's sentence.

5.15 (c) If the court subsequently executes a person's sentence under paragraph (b), and
5.16 the person is later released from prison, the provisions of section 609.3455, subdivision 7,
5.17 apply and the person is no longer on lifetime probation.

5.18 (d) Unless the court orders a higher level of monitoring, a probation agent may use
5.19 low-intensity monitoring methods for an offender placed on lifetime probation but, at a
5.20 minimum, must require the offender to provide the agent with annual address verification
5.21 by mail.

5.22 (e) An offender may petition the court to remove lifetime probation if at least ten
5.23 years have passed since sentencing or the offender's last probation violation, whichever
5.24 occurred most recently. Unless the court determines that good cause exists to continue
5.25 probation, the court must grant the offender's petition if the offender was not convicted of
5.26 another crime during the probationary period. If the court rejects the offender's petition,
5.27 the offender may not submit another application until two years after the date the court
5.28 denied the offender's last petition.

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

Sec. 8. Minnesota Statutes 2014, section 609.3455, is amended to read:

**609.3455 DANGEROUS SEX OFFENDERS; LIFE AND STATUTORY
MAXIMUM SENTENCES; RELEASE ELIGIBILITY; SPECIAL REVIEW
PANEL; CONDITIONAL RELEASE.**

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given.

(b) "Conviction" includes a conviction as an extended jurisdiction juvenile under section 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, or 609.3453, if the adult sentence has been executed.

(c) "Extreme inhumane conditions" mean situations where, either before or after the sexual penetration or sexual contact, the offender knowingly causes or permits the complainant to be placed in a situation likely to cause the complainant severe ongoing mental, emotional, or psychological harm, or causes the complainant's death.

(d) A "heinous element" includes:

(1) the offender tortured the complainant;

(2) the offender intentionally inflicted great bodily harm upon the complainant;

(3) the offender intentionally mutilated the complainant;

(4) the offender exposed the complainant to extreme inhumane conditions;

(5) the offender was armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and used or threatened to use the weapon or article to cause the complainant to submit;

(6) the offense involved sexual penetration or sexual contact with more than one victim;

(7) the offense involved more than one perpetrator engaging in sexual penetration or sexual contact with the complainant; or

(8) the offender, without the complainant's consent, removed the complainant from one place to another and did not release the complainant in a safe place.

(e) "Mutilation" means the intentional infliction of physical abuse designed to cause serious permanent disfigurement or permanent or protracted loss or impairment of the functions of any bodily member or organ, where the offender relishes the infliction of the abuse, evidencing debasement or perversion.

(f) A conviction is considered a "previous sex offense conviction" if the offender was convicted and sentenced for a sex offense before the commission of the present offense.

(g) A conviction is considered a "prior sex offense conviction" if the offender was convicted of committing a sex offense before the offender has been convicted of the present offense, regardless of whether the offender was convicted for the first offense

before the commission of the present offense, and the convictions involved separate behavioral incidents.

(h) "Sex offense" means any violation of, or attempt to violate, section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, 609.3453, or any similar statute of the United States, this state, or any other state.

(i) "Special review panel" or "panel" means the special review panel described in subdivision 11.

(j) "Torture" means the intentional infliction of extreme mental anguish, or extreme psychological or physical abuse, when committed in an especially depraved manner.

(k) An offender has "two previous sex offense convictions" only if the offender was convicted and sentenced for a sex offense committed after the offender was earlier convicted and sentenced for a sex offense and both convictions preceded the commission of the present offense of conviction.

Subd. 1a. Executed sentences; no right to release upon completion of term of imprisonment. (a) A person who receives an executed sentence for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453 is not entitled to be released upon completion of the person's term of imprisonment and any disciplinary confinement period imposed by the commissioner. Instead, the person must petition the special review panel for release under subdivision 12.

(b) A person described in paragraph (a) may not be imprisoned under this subdivision for a period that is longer than the person's executed sentence.

(c) This subdivision does not apply to persons sentenced under subdivision 2, 3, 3a, 3b, or 4.

Subd. 2. Mandatory life sentence without release; egregious first-time and repeat offenders. (a) Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person convicted under section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or 609.343, subdivision 1, paragraph (c), (d), (e), (f), or (h), to life without the possibility of release if:

(1) the fact finder determines that two or more heinous elements exist; or

(2) the person has a previous sex offense conviction for a violation of section 609.342, 609.343, or 609.344, and the fact finder determines that a heinous element exists for the present offense.

(b) A fact finder may not consider a heinous element if it is an element of the underlying specified violation of section 609.342 or 609.343. In addition, when determining whether two or more heinous elements exist, the fact finder may not use the same underlying facts to support a determination that more than one element exists.

8.1 Subd. 3. **Mandatory life sentence for egregious first-time offenders.** (a)

8.2 Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the
8.3 court shall sentence a person to imprisonment for life if the person is convicted under
8.4 section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h), or 609.343, subdivision
8.5 1, paragraph (c), (d), (e), (f), or (h); and the fact finder determines that a heinous element
8.6 exists.

8.7 (b) The fact finder may not consider a heinous element if it is an element of the
8.8 underlying specified violation of section 609.342 or 609.343.

8.9 Subd. 3a. **Mandatory sentence for certain engrained offenders.** (a) A court shall
8.10 commit a person to the commissioner of corrections for a period of time that is not less
8.11 than double the presumptive sentence under the sentencing guidelines and not more than
8.12 the statutory maximum, or if the statutory maximum is less than double the presumptive
8.13 sentence, for a period of time that is equal to the statutory maximum, if:

8.14 (1) the court is imposing an executed sentence on a person convicted of committing
8.15 or attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, or
8.16 609.3453;

8.17 (2) the fact finder determines that the offender is a danger to public safety; and

8.18 (3) the fact finder determines that the offender's criminal sexual behavior is so
8.19 engrained that the risk of reoffending is great without intensive psychotherapeutic
8.20 intervention or other long-term treatment or supervision extending beyond the presumptive
8.21 term of imprisonment and supervised release.

8.22 (b) The fact finder shall base its determination that the offender is a danger to public
8.23 safety on any of the following factors:

8.24 (1) the crime involved an aggravating factor that would justify a durational departure
8.25 from the presumptive sentence under the sentencing guidelines;

8.26 (2) the offender previously committed or attempted to commit a predatory crime
8.27 or a violation of section 609.224 or 609.2242, including:

8.28 (i) an offense committed as a juvenile that would have been a predatory crime or a
8.29 violation of section 609.224 or 609.2242 if committed by an adult; or

8.30 (ii) a violation or attempted violation of a similar law of any other state or the United
8.31 States; or

8.32 (3) the offender planned or prepared for the crime prior to its commission.

8.33 (c) As used in this section, "predatory crime" has the meaning given in section
8.34 609.341, subdivision 22.

8.35 Subd. 3b. **Mandatory statutory maximum sentence; repeat offenders.** The court
8.36 shall sentence a person to imprisonment for the statutory maximum period applicable to

the offense if the person is convicted under section 609.342, 609.343, 609.344, 609.345, or 609.3453 and the person has a previous or prior sex offense conviction.

Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person to imprisonment for life if the person is convicted of violating section 609.342, 609.343, 609.344, 609.345, or 609.3453 and:

(1) the person has two previous sex offense convictions; or

(2) the person has a previous sex offense conviction and:

(i) the fact finder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions;

(ii) the person received an upward durational departure from the sentencing guidelines for the previous sex offense conviction; or

(iii) the person was sentenced under this section or Minnesota Statutes 2004, section 609.108, for the previous sex offense conviction; or.

~~(3) the person has two prior sex offense convictions, and the fact finder determines that the prior convictions and present offense involved at least three separate victims, and:~~

~~(i) the fact finder determines that the present offense involved an aggravating factor that would provide grounds for an upward durational departure under the sentencing guidelines other than the aggravating factor applicable to repeat criminal sexual conduct convictions;~~

~~(ii) the person received an upward durational departure from the sentencing guidelines for one of the prior sex offense convictions; or~~

~~(iii) the person was sentenced under this section or Minnesota Statutes 2004, section 609.108, for one of the prior sex offense convictions.~~

(b) Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the court shall sentence a person to imprisonment for life if the person is convicted of violating section 609.342, 609.343, 609.344, 609.345, or 609.3453 and the person has two or more previous or prior sex offense convictions.

(c) Notwithstanding paragraph paragraphs (a) and (b), a court may not sentence a person to imprisonment for life for a violation of section 609.345, unless the person's previous or prior sex offense convictions that are being used as the basis for the sentence are for violations of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute of the United States, this state, or any other state.

Subd. 4a. **Exception to certain mandatory sentences.** The mandatory sentences described in subdivisions 3b and 4, paragraph (b), do not apply to persons convicted of violating section 609.342, subdivision 1, paragraph (b) or (g); 609.343, subdivision 1, paragraph (b) or (g); 609.344, subdivision 1, paragraph (b), (e), (f), (h), (i), (j), (k), (l), (m), (n), or (o); or 609.345, subdivision 1, paragraph (b), (e), (f), (h), (i), (j), (k), (l), (m), (n), or (o) unless the fact finder determines that the required prior sex offense conviction or, if applicable, convictions and the present offense each involved separate victims. This exception applies only to determining whether a prior sex offense conviction triggers a sentence under subdivision 3b or 4, paragraph (b). It does not apply to determining whether a previous sex offense conviction triggers the sentence.

Subd. 4b. **Statutory maximum and lifetime sentences; stay of imposition or execution.** A court may stay execution of a sentence described in subdivision 3b or subdivision 4, paragraph (b), but may not stay the imposition or adjudication of the sentence. If a stay of execution is a departure from the sentencing guidelines, the court shall make written findings of fact as to the reasons for the departure.

Subd. 5. **Life Indeterminate sentences; minimum term of imprisonment.** At the time of sentencing under subdivision 3, 3b, or 4, the court shall specify a minimum term of imprisonment, based on the sentencing guidelines or any applicable mandatory minimum sentence, that must be served before the offender may be considered for supervised release. This minimum term is subject to section 244.101, subdivision 1, and is equal to two-thirds of the sentence the court pronounces.

Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense and unless a longer conditional release term is required in subdivision 7, when a court commits an offender to the custody of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for ten years.

Subd. 7. **Mandatory lifetime conditional release term.** (a) Notwithstanding the statutory maximum penalty applicable to the offense, when a court sentences an offender under subdivision 3 or 4, to the custody of the commissioner of corrections for a violation of section 609.342, 609.343, 609.345, 609.3451, subdivision 3, or 609.3453, the court shall provide that, if the offender is released from prison, the commissioner of corrections shall place the offender on conditional release for the remainder of the offender's life.

(b) Notwithstanding the statutory maximum sentence otherwise applicable to the offense, when the court commits an offender to the custody of the commissioner of

~~corrections for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453, and the offender has a previous or prior sex offense conviction, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for the remainder of the offender's life.~~

~~(e) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional release for a violation of section 609.345, unless the offender's previous or prior sex offense conviction is for a violation of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute of the United States, this state, or any other state.~~

Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The provisions of this subdivision relating to conditional release apply to all sex offenders sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453. Except as provided in this subdivision, conditional release of sex offenders is governed by provisions relating to supervised release. The commissioner of corrections may not dismiss an offender on conditional release from supervision until the offender's conditional release term expires.

(b) The conditions of release may include successful completion of treatment and aftercare in a program approved by the commissioner, satisfaction of the release conditions specified in section 244.05, subdivision 6, and any other conditions the commissioner considers appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person released under this subdivision. The plan may include co-payments from offenders, third-party payers, local agencies, or other funding sources as they are identified. This section does not require the commissioner to accept or retain an offender in a treatment program. Before the offender is placed on conditional release, the commissioner shall notify the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced of the terms of the offender's conditional release. The commissioner also shall make reasonable efforts to notify the victim of the offender's crime of the terms of the offender's conditional release.

(c) If the offender fails to meet any condition of release, the commissioner may revoke the offender's conditional release and order that the offender serve all or a part of the remaining portion of the conditional release term in prison. An offender, while on supervised release, is not entitled to credit against the offender's conditional release term for time served in confinement for a violation of release.

Subd. 9. **Applicability.** The provisions of this section do not affect the applicability of Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005, or the validity of sentences imposed under Minnesota Statutes 2004, section 609.108.

Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as provided in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to 609.345 or 609.3453 within 15 years of a previous sex offense conviction, the court shall commit the defendant to the commissioner of corrections for not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, notwithstanding sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may stay the execution of the sentence imposed under this subdivision only if it finds that a professional assessment indicates the offender is accepted by and can respond to treatment at a long-term inpatient program exclusively treating sex offenders and approved by the commissioner of corrections. If the court stays the execution of a sentence, it shall include the following as conditions of probation:

(1) incarceration in a local jail or workhouse; and

(2) a requirement that the offender successfully complete the treatment program and aftercare as directed by the court.

Subd. 11. **Special review panel.** A special review panel is established and is governed by section 15.0575, except as otherwise provided in this subdivision. The panel consists of the commissioner of corrections or a designee and two retired judges appointed by the chief justice of the Supreme Court. The commissioner shall convene the panel's first meeting. The panel shall choose a chair from among its members. The panel shall meet at the call of the chair. The panel shall hear and consider all petitions for supervised release from imprisonment under subdivision 12 and determine whether to direct the commissioner of corrections to give supervised release to the petitioner.

Subd. 12. **Petition for release; hearing.** (a) A person sentenced under subdivision 1a, 3, 3b, or 4 may petition the special review panel for supervised release as provided in this subdivision. The panel shall hold a hearing on each petition for release before making any determination. Within 45 days of the filing of the petition, the panel shall give written notice of the time and place of the hearing before the panel to all interested parties, including the petitioner, the petitioner's attorney if applicable, law enforcement and correctional personnel involved in the case, the sentencing court, the county attorney's office that prosecuted the case, and any victims of the crime who have indicated a desire to be notified. The hearing must be recorded and held on the record. The petitioner may present witnesses on the petitioner's behalf. The county attorney who prosecuted the case, the sentencing judge, law enforcement and correctional personnel involved in the case, the victim and the victim's family members, and any other interested party may submit a written or oral statement at the hearing addressing the appropriateness of the inmate's release.

13.1 (b) If the panel votes to direct the commissioner to give supervised release to the
13.2 petitioner, the commissioner shall do so no later than 14 days after the panel's determination.

13.3 (c) If the panel rejects the inmate's petition for supervised release, it shall specify in
13.4 writing the reasons for the rejection. Unless the panel specifies a shorter time period, the
13.5 inmate may not petition for supervised release again until:

13.6 (1) for inmates sentenced under subdivision 3, 3b, or 4, 36 months have elapsed
13.7 since the rejection; and

13.8 (2) for inmates sentenced under subdivision 1a, 18 months have elapsed since the
13.9 rejection.

13.10 (d) A person may initially petition for supervised release under this subdivision
13.11 once the person is within 90 days of having served the minimum term of imprisonment
13.12 specified by the court. However, no person may actually be released before serving the
13.13 minimum term.

13.14 Subd. 13. **Criteria for release.** (a) When considering whether to order the
13.15 commissioner of corrections to give supervised release to an inmate serving a sentence
13.16 under subdivision 1a, 3b, or 4, paragraph (b), the panel shall consider, at a minimum, the
13.17 following: the risk the inmate poses to the community if released, the inmate's progress
13.18 in treatment, the inmate's behavior while incarcerated, psychological or other diagnostic
13.19 evaluations of the inmate, the inmate's criminal history, the ability of the inmate to readjust
13.20 to open society, the testimony or statements of individuals with an interest in the case
13.21 made at the hearing, and any other relevant conduct of the inmate while incarcerated
13.22 or before incarceration. The panel may not direct the commissioner to give supervised
13.23 release to an inmate unless, while in prison, the inmate has successfully completed
13.24 appropriate sex offender treatment.

13.25 (b) When making a supervised release decision under paragraph (a), the panel shall
13.26 presume that an inmate who has successfully completed appropriate sex offender treatment
13.27 while in prison should be given supervised release. However, the panel shall deny the
13.28 inmate supervised release if it determines that supervised release is not appropriate based
13.29 on the factors specified in paragraph (a).

13.30 (c) The panel shall make a decision on directing the supervised release of an
13.31 inmate sentenced under subdivision 3 or 4, paragraph (a), as provided in section 244.05,
13.32 subdivision 5.

13.33 (d) The commissioner shall prepare a community investigation report as described in
13.34 section 244.05, subdivision 5, paragraph (b), on an inmate who is petitioning for release
13.35 under subdivision 12.

14.1 Subd. 14. **Administrative support.** The Department of Corrections shall provide
14.2 office space and administrative support to the special review panel.

14.3 Subd. 15. **Civil commitment precluded.** A person sentenced under subdivision 3,
14.4 3b, or 4 is not subject to subsequent commitment under chapter 253D.

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

14.7 Sec. 9. **DEPARTMENT OF CORRECTIONS SEX OFFENDER TREATMENT.**

14.8 In fiscal year 2016 and later, the commissioner of corrections shall ensure that
14.9 the department provides at least the same level of sex offender treatment as provided in
14.10 fiscal year 2015, and shall attempt to provide an increased level of treatment beyond
14.11 the fiscal year 2015 level.

14.12 Sec. 10. **APPROPRIATION.**

14.13 \$..... for the fiscal year ending June 30, 2016, and \$..... for the fiscal year ending
14.14 June 30, 2017, are appropriated from the general fund to the commissioner of corrections
14.15 to provide increased sex offender treatment.

14.16 Sec. 11. **REPEALER.**

14.17 Minnesota Statutes 2014, section 609.3455, subdivision 6, is repealed.

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

APPENDIX
Repealed Minnesota Statutes: 15-1705

609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL RELEASE.

Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the statutory maximum sentence otherwise applicable to the offense and unless a longer conditional release term is required in subdivision 7, when a court commits an offender to the custody of the commissioner of corrections for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453, the court shall provide that, after the offender has been released from prison, the commissioner shall place the offender on conditional release for ten years.