

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 636

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DATE	D-PG	OFFICIAL STATUS
02/06/2017	515	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
03/07/2017	1146	Author added Housley

- 1.1 A bill for an act
- 1.2 relating to public safety; increasing penalties for certain predatory offenses;
- 1.3 requiring predatory offender registration; amending Minnesota Statutes 2016,
- 1.4 sections 243.166, subdivision 1b; 609.746, subdivision 1; 609.749, subdivision 3.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2016, 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;
- 1.17 (v) interference with privacy under section 609.746, subdivision 1, paragraph (e), clause
- 1.18 (2); or
- 1.19 (vi) stalking a minor with sexual or aggressive intent under section 609.749, subdivision
- 1.20 3, paragraph (b);

(2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiring to commit criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b); false imprisonment in violation of section 609.255, subdivision 2; solicitation, inducement, or promotion of the prostitution of a minor or engaging in the sex trafficking of a minor in violation of section 609.322; a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual conduct in violation of section 609.352, subdivision 2 or 2a, clause (1); using a minor in a sexual performance in violation of section 617.246; or possessing pornographic work involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 2. Minnesota Statutes 2016, section 609.746, subdivision 1, is amended to read:

Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of a gross misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(b) A person is guilty of a gross misdemeanor who:

(1) enters upon another's property;

(2) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or any other aperture of a house or place of dwelling of another; and

(3) does so with intent to intrude upon or interfere with the privacy of a member of the household.

(c) A person is guilty of a gross misdemeanor who:

(1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

(d) A person is guilty of a gross misdemeanor who:

(1) surreptitiously installs or uses any device for observing, photographing, recording, amplifying, or broadcasting sounds or events through the window or other aperture of a sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the clothing covering the immediate area of the intimate parts; and

(2) does so with intent to intrude upon or interfere with the privacy of the occupant.

(e) A person is guilty of a felony and may be sentenced to imprisonment for not more than ~~two~~ five years or to payment of a fine of not more than \$5,000, or both, if the person:

(1) violates this subdivision after a previous conviction under this subdivision or section 609.749; or

(2) violates this subdivision against a minor under the age of 18, knowing or having reason to know that the minor is present.

(f) Paragraphs (b) and (d) do not apply to law enforcement officers or corrections investigators, or to those acting under their direction, while engaged in the performance of their lawful duties. Paragraphs (c) and (d) do not apply to conduct in: (1) a medical facility; or (2) a commercial establishment if the owner of the establishment has posted conspicuous signs warning that the premises are under surveillance by the owner or the owner's employees.

Sec. 3. Minnesota Statutes 2016, section 609.749, subdivision 3, is amended to read:

Subd. 3. **Aggravated violations.** (a) A person who commits any of the following acts is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

(1) commits any offense described in subdivision 2 because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin;

5.1 (2) commits any offense described in subdivision 2 by falsely impersonating another;

5.2 (3) commits any offense described in subdivision 2 and possesses a dangerous weapon
5.3 at the time of the offense;

5.4 (4) stalks another, as defined in subdivision 1, with intent to influence or otherwise
5.5 tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial
5.6 officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the
5.7 court, because of that person's performance of official duties in connection with a judicial
5.8 proceeding; or

5.9 (5) commits any offense described in subdivision 2 against a victim under the age of
5.10 18, if the actor is more than 36 months older than the victim.

5.11 (b) A person who commits any offense described in subdivision 2 against a victim under
5.12 the age of 18, if the actor is more than 36 months older than the victim, and the act is
5.13 committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to
5.14 imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than
5.15 \$20,000, or both.

5.16 Sec. 4. **SENTENCING GUIDELINES MODIFICATIONS.**

5.17 The Sentencing Guidelines Commission shall modify the sentencing guidelines grid by
5.18 ranking: (1) violations of Minnesota Statutes, section 609.746, subdivision 1, paragraph (e)
5.19 (interfering with the privacy - subsequent violations and minor victim), in severity level 2;
5.20 and (2) violations of Minnesota Statutes, section 609.749, subdivision 3, paragraph (b)
5.21 (stalking a minor with sexual or aggressive intent), in severity level 5.