

A bill for an act
relating to public safety; requiring certain child predators to wear tracking and
monitoring devices after release from prison; prescribing penalties; appropriating
money; proposing coding for new law in Minnesota Statutes, chapter 244.

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

Section 1. **[244.0501] TRACKING AND MONITORING CHILD PREDATORS.**

Subdivision 1. Definitions. (a) As used in this section, the following terms in
paragraphs (b) to (e) have the meanings given them:

(b) "Child predator" means a person sentenced under section 609.3455 or Minnesota
Statutes 2004, sections 609.108 and 609.109, or convicted of violating section 609.342
(criminal sexual conduct in the first degree), 609.343 (criminal sexual conduct in the
second degree), or 609.3453 (criminal sexual predatory conduct) for a crime that involved
a victim under the age of 13 years.

(c) "Active tracking and monitoring device" means a device that permits active and
contemporaneous monitoring and tracking of a person's location.

(d) "Exclusion zone" means an area in which a person wearing a tracking and
monitoring device is prohibited from entering except for purposes of traveling through to
reach a permitted zone.

(e) "Inclusion zone" means an area in which a person wearing a tracking and
monitoring device is prohibited from leaving.

Subd. 2. Application. After release from incarceration, a child predator must wear
an active tracking and monitoring device for the entire period the offender is on supervised
or conditional release. The commissioner may not waive a child predator's obligation to
wear a tracking and monitoring device, except as provided for in subdivision 6.

Subd. 3. **Crime.** A person who removes, tampers with, or otherwise attempts to defeat the purpose of a tracking and monitoring device mandated by this section 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.

Subd. 4. **Duties of commissioner; system requirements.** (a) The commissioner shall implement and operate a system to supervise offenders required to wear tracking and monitoring devices under this section. The system must be capable of immediately alerting the system administrator and the local law enforcement agency having jurisdiction over the exclusion or inclusion zone if an offender wearing a tracking and monitoring device remains in an exclusion zone longer than is necessary to travel through the zone or if an offender leaves an inclusion zone.

(b) For each offender required to wear a tracking and monitoring device, the commissioner shall create individualized exclusion and inclusion zones for the offender, if necessary to protect public safety or the offender's victims.

Subd. 5. **Costs.** The commissioner may assess all or any portion of the cost of the tracking and monitoring device to the offender based on the offender's ability to pay, as determined by the commissioner.

Subd. 6. **Release from requirement.** The commissioner may release an offender from the duty to wear a tracking and monitoring device if the offender is reincarcerated, committed to a secure state hospital, or otherwise incapacitated, but shall require the device when the offender is released or is capable of accessing public areas.

EFFECTIVE DATE. This section is effective the day following final enactment and applies to offenders currently incarcerated and offenders sentenced on or after that date.

Sec. 2. **APPROPRIATION.**

\$..... is appropriated in fiscal year 2009 from the general fund to the commissioner of corrections to implement section 1.