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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. **807**

02/21/2013 Authored by Mullery

The bill was read for the first time and referred to the Committee on Early Childhood and Youth Development Policy

03/13/2013 Adoption of Report: Pass as Amended and re-referred to the Committee on Judiciary Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; limiting predatory offender registration for certain
1.3 persons under the age of 18 years; extending the time period and renewals
1.4 allowed for a continuance without adjudication in a juvenile delinquency case;
1.5 amending Minnesota Statutes 2012, sections 243.166, subdivisions 1b, 2, 6;
1.6 260B.198, subdivision 7.

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

1.8 Section 1. Minnesota Statutes 2012, section 243.166, subdivision 1b, is amended to read:

1.9 Subd. 1b. **Registration required.** (a) A person who at the time of committing an
1.10 offense described in clauses (1) to (4) was under the age of 18 years shall register under
1.11 this section if:

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

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

1.17 (ii) kidnapping under section 609.25;

1.18 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345;
1.19 609.3451, subdivision 3; or 609.3453; or

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

1.21 (2) the person was charged with or petitioned for a violation of, or attempt to
1.22 violate, or aiding, abetting, or conspiring to commit criminal abuse in violation of section
1.23 609.2325, subdivision 1, paragraph (b), false imprisonment in violation of section
1.24 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of section
1.25 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of

2.1 section 609.352; using a minor in a sexual performance in violation of section 617.246;
2.2 or possessing pornographic work involving a minor in violation of section 617.247, and
2.3 convicted of or adjudicated delinquent for that offense or another offense arising out
2.4 of the same set of circumstances;

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

2.7 (4) the person was convicted of or adjudicated delinquent for, including pursuant
2.8 to a court martial, violating a law of the United States, including the Uniform Code of
2.9 Military Justice, similar to the offenses described in clause (1), (2), or (3).

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

2.11 (1) the person was convicted of or adjudicated delinquent in another state for an
2.12 offense that would be a violation of a law described in paragraph (a) if committed in
2.13 this state;

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

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

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

2.25 (c) A person also shall register under this section if the person was committed
2.26 pursuant to a court commitment order under section 253B.185 or Minnesota Statutes
2.27 1992, section 526.10, or a similar law of another state or the United States, regardless of
2.28 whether the person was convicted of any offense.

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

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

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

3.4 (3) the person was committed pursuant to a court commitment order under section
3.5 253B.18 or a similar law of another state or the United States.

3.6 (e) A person who at the time of committing an offense described in clauses (1) to (5)
3.7 was under the age of 18 years shall register under this section if:

3.8 (1) the person was charged with a felony violation of or attempt to violate, or aiding,
3.9 abetting, or conspiracy to commit any crime described in this subdivision, certified to be
3.10 tried as an adult pursuant to section 260B.125, and convicted of that offense or another
3.11 offense arising out of the same set of circumstances;

3.12 (2) the person was charged with a felony violation of or attempt to violate, or aiding,
3.13 abetting, or conspiracy to commit any crime described in this subdivision, designated an
3.14 extended jurisdiction juvenile offender and convicted or adjudicated of that offense or
3.15 another felony offense arising out of the same set of circumstances;

3.16 (3) the person was found to have committed murder under section 609.185,
3.17 paragraph (a), clause (2); kidnapping under section 609.25; criminal sexual conduct
3.18 under section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), (g), or (h); 609.343,
3.19 subdivision 1, paragraph (a), (c), (d), (e), (f), (g), or (h); 609.344, subdivision 1, paragraph
3.20 (c), (d), (f), or (g); or 609.345, subdivision 1, paragraph (c), (d), (f), or (g); or criminal
3.21 sexual predatory conduct under section 609.3453;

3.22 (4) the person was found to have committed criminal sexual conduct under section
3.23 609.343, subdivision 1, paragraph (a); 609.344, subdivision 1, paragraph (a) or (b);
3.24 609.345, subdivision 1, paragraph (a); 609.3451, subdivision 3; 617.23, subdivision 3; or
3.25 an offense described in paragraph (a), clause (2); and the offense was committed after the
3.26 person had previously been found to have committed any offense described in paragraph
3.27 (a), clause (1) or (2); or

3.28 (5) the person was found to have committed any crime described in this subdivision
3.29 and the court finds on its own motion, or that of the prosecutor, that it is in the interests of
3.30 public safety to require registration.

3.31 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to
3.32 offenses committed on or after that date.

3.33 Sec. 2. Minnesota Statutes 2012, section 243.166, subdivision 2, is amended to read:

3.34 Subd. 2. **Notice.** When a person who is required to register under subdivision 1b,
3.35 paragraph (a) or (e), is sentenced or becomes subject to a juvenile court disposition order,

4.1 the court shall tell the person of the duty to register under this section and that, if the
4.2 person fails to comply with the registration requirements, information about the offender
4.3 may be made available to the public through electronic, computerized, or other accessible
4.4 means. The court may not modify the person's duty to register in the pronounced sentence
4.5 or disposition order. The court shall require the person to read and sign a form stating
4.6 that the duty of the person to register under this section has been explained. The court
4.7 shall forward the signed sex offender registration form, the complaint, and sentencing
4.8 documents to the bureau. If a person required to register under subdivision 1b, paragraph
4.9 (a) or (e), was not notified by the court of the registration requirement at the time of
4.10 sentencing or disposition, the assigned corrections agent shall notify the person of the
4.11 requirements of this section. When a person who is required to register under subdivision
4.12 1b, paragraph (c) or (d), is released from commitment, the treatment facility shall notify
4.13 the person of the requirements of this section. The treatment facility shall also obtain the
4.14 registration information required under this section and forward it to the bureau.

4.15 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to
4.16 offenses committed on or after that date.

4.17 Sec. 3. Minnesota Statutes 2012, section 243.166, subdivision 6, is amended to read:

4.18 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section
4.19 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person
4.20 required to register under this section shall continue to comply with this section until ten
4.21 years have elapsed since the person initially registered in connection with the offense, or
4.22 until the probation, supervised release, or conditional release period expires, whichever
4.23 occurs later. For a person required to register under this section who is committed under
4.24 section 253B.18 or 253B.185, the ten-year registration period does not include the period
4.25 of commitment.

4.26 (b) If a person required to register under this section fails to provide the person's
4.27 primary address as required by subdivision 3, paragraph (b), fails to comply with the
4.28 requirements of subdivision 3a, fails to provide information as required by subdivision
4.29 4a, or fails to return the verification form referenced in subdivision 4 within ten days,
4.30 the commissioner of public safety may require the person to continue to register for an
4.31 additional period of five years. This five-year period is added to the end of the offender's
4.32 registration period.

4.33 (c) If a person required to register under this section is subsequently incarcerated
4.34 following a conviction for a new offense or following a revocation of probation, supervised
4.35 release, or conditional release for any offense, the person shall continue to register until ten

5.1 years have elapsed since the person was last released from incarceration or until the person's
5.2 probation, supervised release, or conditional release period expires, whichever occurs later.

5.3 (d) A person shall continue to comply with this section for the life of that person:

5.4 (1) if the person is convicted of or adjudicated delinquent for any offense for which
5.5 registration is required under subdivision 1b, or any offense from another state or any
5.6 federal offense similar to the offenses described in subdivision 1b, and the person has a
5.7 prior conviction or adjudication for an offense for which registration was or would have
5.8 been required under subdivision 1b, or an offense from another state or a federal offense
5.9 similar to an offense described in subdivision 1b;

5.10 (2) if the person is required to register based upon a conviction or delinquency
5.11 adjudication for an offense under section 609.185, paragraph (a), clause (2), or a similar
5.12 statute from another state or the United States;

5.13 (3) if the person is required to register based upon a conviction for an offense under
5.14 section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision
5.15 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g);
5.16 or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the
5.17 United States similar to the offenses described in this clause; or

5.18 (4) if the person is required to register under subdivision 1b, paragraph (c), following
5.19 commitment pursuant to a court commitment under section 253B.185 or a similar law of
5.20 another state or the United States.

5.21 A person is not required to register for life under clause (1) based on an adjudication of
5.22 delinquency that requires the person to register under subdivision 1b, paragraph (e), clause
5.23 (4), unless the person had previously been required to register under this section.

5.24 (e) A person described in subdivision 1b, paragraph (b), who is required to register
5.25 under the laws of a state in which the person has been previously convicted or adjudicated
5.26 delinquent, shall register under this section for the time period required by the state of
5.27 conviction or adjudication unless a longer time period is required elsewhere in this section.

5.28 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to crimes
5.29 committed on or after that date.

5.30 Section 4. Minnesota Statutes 2012, section 260B.198, subdivision 7, is amended to
5.31 read:

5.32 Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and
5.33 not inimical to public safety and when the child has admitted the allegations contained in
5.34 the petition before the judge or referee, or when a hearing has been held as provided for in

6.1 section 260B.163 and the allegations contained in the petition have been duly proven but,
6.2 in either case, before a finding of delinquency has been entered, the court may continue
6.3 the case for a period not to exceed ~~90~~ 180 days on any one order. ~~Such a continuance may~~
6.4 ~~be extended for one additional successive period not to exceed 90 days and only after the~~
6.5 ~~court has reviewed the case and entered its order for an additional continuance without~~
6.6 ~~a finding of delinquency.~~ The continuance may be renewed for up to three additional
6.7 successive periods not to exceed 180 days each, but only with the consent of the prosecutor
6.8 and only after the court has reviewed the case and entered its order for each additional
6.9 continuance without a finding of delinquency. During this a continuance the court may
6.10 enter an order in accordance with the provisions of subdivision 1, ~~elause (1) or (2)~~ except
6.11 clause (4), or enter an order to hold the child in detention for a period not to exceed 15 days
6.12 on any one order for the purpose of completing any consideration, or any investigation or
6.13 examination ordered in accordance with the provisions of section 260B.157.

6.14 (b) A prosecutor may appeal a continuance ordered in contravention of this
6.15 subdivision. This subdivision does not extend the court's jurisdiction under section
6.16 260B.193 and does not apply to an extended jurisdiction juvenile proceeding.

6.17 **EFFECTIVE DATE.** This section is effective August 1, 2013, and applies to
6.18 offenses committed on or after that date.