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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 4881

05/16/2022

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The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act

1.2 relating to public safety; requiring data collection and analysis of the state's

1.3 predatory offender system; requiring a report; amending Minnesota Statutes 2020,

1.4 sections 13.82, by adding a subdivision; 243.166, subdivision 7, by adding a

1.5 subdivision; 244.09, by adding a subdivision; 260B.198, subdivision 7.

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

1.7 Section 1. Minnesota Statutes 2020, section 13.82, is amended by adding a subdivision

1.8 to read:

1.9 Subd. 33. **Predatory offender data collected by the Sentencing Guidelines**

1.10 **Commission.** Data on registered predatory offenders collected by the Sentencing Guidelines

1.11 Commission under section 244.09, subdivision 15, are governed by that subdivision.

1.12 Sec. 2. Minnesota Statutes 2020, section 243.166, subdivision 7, is amended to read:

1.13 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections

1.14 244.052 and 299C.093, the data provided under this section is private data on individuals

1.15 under section 13.02, subdivision 12.

1.16 (b) The data may be used only by law enforcement and corrections agencies for law

1.17 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose

1.18 the status of an individual as a predatory offender to a child protection worker with a local

1.19 welfare agency for purposes of doing a family assessment under chapter 260E. A corrections

1.20 agent may also disclose the status of an individual as a predatory offender to comply with

1.21 section 244.057.

1.22 (c) The commissioner of human services is authorized to have access to the data for:

2.1 (1) state-operated services, as defined in section 246.014, for the purposes described in  
2.2 section 246.13, subdivision 2, paragraph (b); and

2.3 (2) purposes of completing background studies under chapter 245C.

2.4 (d) The Sentencing Guidelines Commission may access the data for the purposes  
2.5 described in section 244.09, subdivision 15.

2.6 Sec. 3. Minnesota Statutes 2020, section 243.166, is amended by adding a subdivision to  
2.7 read:

2.8 Subd. 12. **Data collection.** (a) The commissioner shall establish procedures to ensure  
2.9 that all actions in which not public data, as defined in section 13.02, subdivision 8a, provided  
2.10 under this section is accessed, shared, or disseminated are recorded in a data audit trail. The  
2.11 audit trail must record:

2.12 (1) the name of the agency that employs the person who accessed the data;

2.13 (2) the date the data was accessed; and

2.14 (3) the names of offenders associated with records reviewed by the authorized user.

2.15 (b) For each time an authorized user accesses the data, the commissioner shall submit  
2.16 a request to the agency that employs the user who accessed the data no sooner than three  
2.17 months after the date of access for the following information:

2.18 (1) the purpose for accessing the data, including the nature of any criminal activity that  
2.19 prompted use of the registry;

2.20 (2) whether data unique to the registry was used to investigate a crime and resulted in  
2.21 clearing, apprehending a suspect, or criminal charges being pursued against a suspect for a  
2.22 predatory or other offense; and

2.23 (3) if there is data responsive to clause (2), whether the crime was a predatory crime and  
2.24 the level of that crime.

2.25 (c) An agency that receives a request under this section shall reply on a paper or electronic  
2.26 form created by the commissioner for this purpose.

2.27 (d) If an agency receives a request under this section and the case remains open, the  
2.28 agency obligation to reply to the commissioner's request is ongoing and must be fulfilled  
2.29 within 60 days of the agency closing the case.

2.30 (e) Data collected, created, received, or disseminated pursuant to this subdivision are  
2.31 classified as confidential data on individuals, as defined in section 13.02, subdivision 3.

3.1 Sec. 4. Minnesota Statutes 2020, section 244.09, is amended by adding a subdivision to  
3.2 read:

3.3 Subd. 15. **Predatory offender data collection; report.** (a) The Sentencing Guidelines  
3.4 Commission shall collect data on offenders required to register as predatory offenders and  
3.5 data created under section 243.166, subdivision 12, as required under this subdivision. The  
3.6 purpose of the data collection is for the legislature to assess the effectiveness of the predatory  
3.7 offender registry in solving crimes.

3.8 (b) The commission, in coordination with the state court administrator, the commissioner  
3.9 of corrections, and the Bureau of Criminal Apprehension, shall collect the following data  
3.10 related to predatory offenders and the predatory offender registry:

3.11 (1) the offense that required each offender to register;

3.12 (2) the total number of offenders who have to extend their original registration period  
3.13 for any reason and how far into their registration period the offenders were when the  
3.14 registration period was extended;

3.15 (3) the number of offenders who have to extend their registration period for a new  
3.16 conviction including both for an additional registerable offense and a new conviction resulting  
3.17 in imprisonment, including identifying the level of each offense and if an offense is a  
3.18 predatory offense under section 243.166, subdivision 1b;

3.19 (4) the number of offenders who have to extend their registration period for a new sex  
3.20 offense or an abduction with the offenses sorted by adult and child victims;

3.21 (5) the number of offenders who have to extend their registration period due to a failure  
3.22 to comply with the registration requirements;

3.23 (6) the number of offenders who are juveniles or began their registration period when  
3.24 they were juveniles;

3.25 (7) the total number of juveniles who have been ordered to register since 1991;

3.26 (8) the criminal histories of registered offenders; and

3.27 (9) any other data relevant to the purpose set forth in paragraph (a).

3.28 (c) Data on offenders collected by the commission under this subdivision are classified  
3.29 as private data on individuals, as defined in section 13.02, subdivision 12, except that any  
3.30 data collected under this subdivision which are classified as confidential data on individuals  
3.31 retain that classification.

4.1 (d) The commission shall include in its annual report to the legislature a report containing  
4.2 summary data, as defined in section 13.02, subdivision 19, derived from the predatory  
4.3 offender data collected pursuant to this subdivision.

4.4 Sec. 5. Minnesota Statutes 2020, section 260B.198, subdivision 7, is amended to read:

4.5 Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and not  
4.6 inimical to public safety and when the child has admitted the allegations contained in the  
4.7 petition before the judge or referee, or when a hearing has been held as provided for in  
4.8 section 260B.163 and the allegations contained in the petition have been duly proven but,  
4.9 in either case, before a finding of delinquency has been entered, the court may continue the  
4.10 case for a period not to exceed 180 days on any one order. Except as otherwise provided in  
4.11 paragraph (c), the continuance may be extended for one additional successive period not to  
4.12 exceed 180 days, but only with the consent of the prosecutor and only after the court has  
4.13 reviewed the case and entered its order for the additional continuance without a finding of  
4.14 delinquency. During a continuance the court may enter an order in accordance with the  
4.15 provisions of subdivision 1, except clause (4), or enter an order to hold the child in detention  
4.16 for a period not to exceed 15 days on any one order for the purpose of completing any  
4.17 consideration, or any investigation or examination ordered in accordance with the provisions  
4.18 of section 260B.157.

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

4.22 (c) A continuance granted under paragraph (a) for a violation of section 609.342; 609.343;  
4.23 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23, or another offense  
4.24 arising out of a delinquency petition based on one or more of those sections that would  
4.25 require the child to register as a predatory offender under section 243.166 may be extended  
4.26 for additional successive periods not to exceed a total of 24 months so the offender can  
4.27 receive sex offender treatment, but only with the consent of the prosecutor and only after  
4.28 the court has reviewed the case and entered its order for the additional continuance without  
4.29 a finding of delinquency.