

SENATE  
STATE OF MINNESOTA  
EIGHTY-SEVENTH LEGISLATURE

S.F. No. 1372

(SENATE AUTHORS: SIEBEN and Latz)

| DATE       | D-PG | OFFICIAL STATUS   |
|------------|------|---|
| 05/03/2011 | 1709 | Introduction and first reading<br>Referred to Judiciary and Public Safety |
| 05/05/2011 | 1765 | Author added Latz   |

A bill for an act  
relating to public safety; increasing the criminal penalty for repeat violations of  
the failure to register as a predatory offender and escape from custody crimes;  
amending Minnesota Statutes 2010, sections 243.166, subdivision 5; 609.485,  
subdivision 4.

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

Section 1. Minnesota Statutes 2010, section 243.166, subdivision 5, is amended to read:

Subd. 5. **Criminal penalty.** (a) A person required to register under this section who  
knowingly violates any of its provisions or intentionally provides false information to a  
corrections agent, law enforcement authority, or the bureau is guilty of a felony and<sub>2</sub>  
except as provided in paragraph (f), 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.

(b) Except as provided in paragraph (c), a person convicted of violating paragraph  
(a) shall be committed to the custody of the commissioner of corrections for not less than  
a year and a day, nor more than five years.

(c) A person convicted of violating paragraph (a), who has previously been convicted  
of or adjudicated delinquent for violating this section or a similar statute of another state  
or the United States, shall be committed to the custody of the commissioner of corrections  
for not less than two years, nor more than five years.

(d) Prior to the time of sentencing, the prosecutor may file a motion to have the  
person sentenced without regard to the mandatory minimum sentence established by this  
subdivision. The motion must be accompanied by a statement on the record of the reasons  
for it. When presented with the motion, or on its own motion, the court may sentence the  
person without regard to the mandatory minimum sentence if the court finds substantial

and compelling reasons to do so. Sentencing a person in the manner described in this paragraph is a departure from the Sentencing Guidelines.

(e) A person convicted and sentenced as required by this subdivision is not eligible for probation, parole, discharge, work release, conditional release, or supervised release, until that person has served the full term of imprisonment as provided by law, notwithstanding the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

(f) A person who violates paragraph (a) after having previously been convicted of violating this section may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

**EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2010, section 609.485, subdivision 4, is amended to read:

Subd. 4. **Sentence.** (a) Except as otherwise provided in subdivision 3a, whoever violates this section may be sentenced as follows:

(1) if the person who escapes is in lawful custody for a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both;

(2) if the person who escapes is in lawful custody after a finding of not guilty by reason of mental illness or mental deficiency of a crime against the person, as defined in section 253B.02, subdivision 4a, to imprisonment for not more than one year and one day or to payment of a fine of not more than \$3,000, or both;

(3) if the person who escapes is in lawful custody for a gross misdemeanor or misdemeanor, or if the person who escapes is in lawful custody on an allegation or adjudication of a delinquent act, to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both;

(4) if the person who escapes is under civil commitment under section 253B.18, to imprisonment for not more than one year and one day or to payment of a fine of not more than \$3,000, or both; or

(5) if the person who escapes is under a court hold, civil commitment, or supervision under section 253B.185 or Minnesota Statutes 1992, section 526.10, to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both.

(b) If the escape was a violation of subdivision 2, clause (1), (2), or (3), and was effected by violence or threat of violence against a person, the sentence may be increased to not more than twice those permitted in paragraph (a), clauses (1) and (3).

(c) Unless a concurrent term is specified by the court, a sentence under this section shall be consecutive to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when the person escaped.

(d) Notwithstanding paragraph (c), if a person who was committed to the commissioner of corrections under section 260B.198 escapes from the custody of the commissioner while 18 years of age, the person's sentence under this section shall commence on the person's 19th birthday or on the person's date of discharge by the commissioner of corrections, whichever occurs first. However, if the person described in this clause is convicted under this section after becoming 19 years old and after having been discharged by the commissioner, the person's sentence shall commence upon imposition by the sentencing court.

(e) Notwithstanding paragraph (c), if a person who is in lawful custody on an allegation or adjudication of a delinquent act while 18 years of age escapes from a local juvenile correctional facility, the person's sentence under this section begins on the person's 19th birthday or on the person's date of discharge from the jurisdiction of the juvenile court, whichever occurs first. However, if the person described in this paragraph is convicted after becoming 19 years old and after discharge from the jurisdiction of the juvenile court, the person's sentence begins upon imposition by the sentencing court.

(f) Notwithstanding paragraph (a), any person who escapes or absconds from electronic monitoring or removes an electric monitoring device from the person's body is guilty of a crime and ~~shall~~ may be sentenced to: (1) imprisonment for not more than one year or to a payment of a fine of not more than \$3,000, or both; or (2) imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both, if the person has previously been convicted of violating this section.

(g) Notwithstanding paragraph (a), a person in lawful custody for a violation of section 243.166, 609.185, 609.19, 609.195, 609.20, 609.205, 609.21, 609.221, 609.222, 609.223, 609.2231, 609.342, 609.343, 609.344, 609.345, 609.3451, or civil commitment under section 253B.185, and who escapes or absconds from electronic monitoring or removes an electronic monitoring device while under sentence may be sentenced to: (1) imprisonment for not more than five years or to a payment of a fine of not more than \$10,000, or both; or (2) imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person has previously been convicted of violating this section.

**EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes committed on or after that date.