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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 3370

03/21/2016 Authored by Miller and Mack

The bill was read for the first time and referred to the Committee on Health and Human Services Reform

03/29/2016 By motion, recalled and re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; requiring written statement for change of information
1.3 by registered predatory offenders; authorizing access to registration data by
1.4 child protection workers for determination of child residence with predatory
1.5 offender; amending Minnesota Statutes 2014, sections 243.166, subdivisions 1b,
1.6 7, by adding a subdivision; 299C.093.

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

1.8 Section 1. Minnesota Statutes 2014, section 243.166, subdivision 1b, is amended to read:

1.9 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

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

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

1.15 (ii) kidnapping under section 609.25;

1.16 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345;

1.17 609.3451, subdivision 3; or 609.3453; or

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

1.19 (2) the person was charged with or petitioned for a violation of, or attempt to
1.20 violate, or aiding, abetting, or conspiring to commit criminal abuse in violation of section
1.21 609.2325, subdivision 1, paragraph (b); false imprisonment in violation of section
1.22 609.255, subdivision 2; solicitation, inducement, or promotion of the prostitution of a
1.23 minor or engaging in the sex trafficking of a minor in violation of section 609.322; a
1.24 prostitution offense involving a minor under the age of 13 years in violation of section
1.25 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual conduct in

2.1 violation of section 609.352, subdivision 2 or 2a, clause (1); using a minor in a sexual
2.2 performance in violation of section 617.246; or possessing pornographic work involving a
2.3 minor in violation of section 617.247, and convicted of or adjudicated delinquent for that
2.4 offense or another offense arising out 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 charged with or petitioned for, including pursuant to a court
2.8 martial, violating a law of the United States, including the Uniform Code of Military Justice,
2.9 similar to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated
2.10 delinquent for that offense or another offense arising out of the same set of circumstances.

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

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

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

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

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

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

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

2.32 (1) the person was charged with or petitioned for a felony violation or attempt to
2.33 violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another
2.34 state or the United States, or the person was charged with or petitioned for a violation of
2.35 any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or
2.36 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 chapter
 3.5 253D; Minnesota Statutes 2012, section 253B.18; Minnesota Statutes 1992, section
 3.6 526.10, or a similar law of another state or the United States.

3.7 Sec. 2. Minnesota Statutes 2014, section 243.166, is amended by adding a subdivision
 3.8 to read:

3.9 Subd. 4c. **Notices in writing; signed.** All notices required by this section must be
 3.10 in writing and signed by the person required to register.

3.11 Sec. 3. Minnesota Statutes 2014, section 243.166, subdivision 7, is amended to read:

3.12 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 7a or sections
 3.13 244.052 and 299C.093, the data provided under this section is private data on individuals
 3.14 under section 13.02, subdivision 12.

3.15 (b) The data may be used only by law enforcement and corrections agencies for
 3.16 law enforcement and corrections purposes. Law enforcement may share data with child
 3.17 protection workers when there is a need to determine, pursuant to section 626.556,
 3.18 subdivision 2, paragraph (d), if a child can reside with a predatory offender.

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

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

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

3.23 Sec. 4. Minnesota Statutes 2014, section 299C.093, is amended to read:

3.24 **299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

3.25 The superintendent of the Bureau of Criminal Apprehension shall maintain
 3.26 a computerized data system relating to individuals required to register as predatory
 3.27 offenders under section 243.166. To the degree feasible, the system must include the data
 3.28 required to be provided under section 243.166, subdivisions 4 and 4a, and indicate the
 3.29 time period that the person is required to register. The superintendent shall maintain this
 3.30 data in a manner that ensures that it is readily available to law enforcement agencies.
 3.31 This data is private data on individuals under section 13.02, subdivision 12, but may be
 3.32 used for law enforcement and corrections purposes. Law enforcement may share data
 3.33 with child protection workers when there is a need to determine, pursuant to section

4.1 626.556, subdivision 2, paragraph (d), if a child can reside with a predatory offender. The
4.2 commissioner of human services has access to the data for state-operated services, as
4.3 defined in section 246.014, for the purposes described in section 246.13, subdivision 2,
4.4 paragraph (b), and for purposes of conducting background studies under chapter 245C.