

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 327

(SENATE AUTHORS: JOHNSON and Eaton)

DATE	D-PG	OFFICIAL STATUS
01/22/2019	130	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
03/07/2019	657a	Comm report: To pass as amended
	683	Second reading
	4689	Rule 47, returned to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act

1.2 relating to public safety; requiring notice to a home care provider of a person's

1.3 status as a predatory offender; amending Minnesota Statutes 2018, sections 243.166,

1.4 subdivisions 4b, 7; 299C.093.

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

1.6 Section 1. Minnesota Statutes 2018, section 243.166, subdivision 4b, is amended to read:

1.7 Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision:

1.8 (1) "health care facility" means a facility:

1.9 ~~(1)~~ (i) licensed by the commissioner of health as a hospital, boarding care home or

1.10 supervised living facility under sections 144.50 to 144.58, or a nursing home under chapter

1.11 144A;

1.12 ~~(2)~~ (ii) registered by the commissioner of health as a housing with services establishment

1.13 as defined in section 144D.01; or

1.14 ~~(3)~~ (iii) licensed by the commissioner of human services as a residential facility under

1.15 chapter 245A to provide adult foster care, adult mental health treatment, chemical dependency

1.16 treatment to adults, or residential services to persons with disabilities; and

1.17 (2) "home care provider" has the meaning given in section 144A.43.

1.18 (b) Prior to admission to a health care facility or home care services from a home care

1.19 provider, a person required to register under this section shall disclose to:

1.20 (1) the health care facility employee or the home care provider processing the admission

1.21 the person's status as a registered predatory offender under this section; and

2.1 (2) the person's corrections agent, or if the person does not have an assigned corrections
2.2 agent, the law enforcement authority with whom the person is currently required to register,
2.3 that ~~inpatient~~ admission will occur.

2.4 (c) A law enforcement authority or corrections agent who receives notice under paragraph
2.5 (b) or who knows that a person required to register under this section is planning to be
2.6 admitted and receive, or has been admitted and is receiving health care at a health care
2.7 facility or home care services from a home care provider, shall notify the administrator of
2.8 the facility or the home care provider and deliver a fact sheet to the administrator or provider
2.9 containing the following information: (1) name and physical description of the offender;
2.10 (2) the offender's conviction history, including the dates of conviction; (3) the risk level
2.11 classification assigned to the offender under section 244.052, if any; and (4) the profile of
2.12 likely victims.

2.13 (d) Except for a hospital licensed under sections 144.50 to 144.58, if a health care facility
2.14 receives a fact sheet under paragraph (c) that includes a risk level classification for the
2.15 offender, and if the facility admits the offender, the facility shall distribute the fact sheet to
2.16 all residents at the facility. If the facility determines that distribution to a resident is not
2.17 appropriate given the resident's medical, emotional, or mental status, the facility shall
2.18 distribute the fact sheet to the patient's next of kin or emergency contact.

2.19 (e) If a home care provider receives a fact sheet under paragraph (c) that includes a risk
2.20 level classification for the offender, the provider shall distribute the fact sheet to any
2.21 individual who will provide direct services to the offender before the individual begins to
2.22 provide the service.

2.23 Sec. 2. Minnesota Statutes 2018, section 243.166, subdivision 7, is amended to read:

2.24 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections
2.25 244.052 and 299C.093, the data provided under this section is private data on individuals
2.26 under section 13.02, subdivision 12.

2.27 (b) The data may be used only by law enforcement and corrections agencies for law
2.28 enforcement and corrections purposes. Law enforcement may disclose the status of an
2.29 individual as a predatory offender to a child protection worker with a local welfare agency
2.30 for purposes of doing a family assessment under section 626.556.

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

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

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

3.2 Sec. 3. Minnesota Statutes 2018, section 299C.093, is amended to read:

3.3 **299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

3.4 The superintendent of the Bureau of Criminal Apprehension shall maintain a
3.5 computerized data system relating to individuals required to register as predatory offenders
3.6 under section 243.166. To the degree feasible, the system must include the data required to
3.7 be provided under section 243.166, subdivisions 4 and 4a, and indicate the time period that
3.8 the person is required to register. The superintendent shall maintain this data in a manner
3.9 that ensures that it is readily available to law enforcement agencies. This data is private data
3.10 on individuals under section 13.02, subdivision 12, but may be used for law enforcement
3.11 and corrections purposes. Law enforcement may disclose the status of an individual as a
3.12 predatory offender to a child protection worker with a local welfare agency for purposes of
3.13 doing a family assessment under section 626.556. The commissioner of human services has
3.14 access to the data for state-operated services, as defined in section 246.014, for the purposes
3.15 described in section 246.13, subdivision 2, paragraph (b), and for purposes of conducting
3.16 background studies under chapter 245C. In addition, the data may be used as provided in
3.17 section 243.166, subdivisions 4b and 7a.