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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 790

02/21/2013 Authored by Johnson, S.; Scott and Dorholt
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
03/20/2013 Adoption of Report: Pass and Read Second Time
04/25/2013 Calendar for the Day, Amended
Read Third Time as Amended
Passed by the House as Amended and transmitted to the Senate to include Floor Amendments

1.1 A bill for an act
1.2 relating to public safety; clarifying when conditional release terms of certain
1.3 offenders begin; amending Minnesota Statutes 2012, sections 243.166,
subdivision 5a; 609.2231, subdivision 3a; 609.3455, subdivisions 6, 7, 8;
617.246, subdivision 7; 617.247, subdivision 9.

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

1.7 Section 1. Minnesota Statutes 2012, section 243.166, subdivision 5a, is amended to read:

1.8 Subd. 5a. Ten-year conditional release for violations committed by level III
1.9 offenders. Notwithstanding the statutory maximum sentence otherwise applicable to the
1.10 offense or any provision of the sentencing guidelines, when a court commits a person to
1.11 the custody of the commissioner of corrections for violating subdivision 5 and, at the time
1.12 of the violation, the person was assigned to risk level III under section 244.052, the court
1.13 shall provide that after the person has completed the sentence imposed been released from
1.14 prison, the commissioner shall place the person on conditional release for ten years. The
1.15 terms of conditional release are governed by section 609.3455, subdivision 8.

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

1.18 Sec. 2. Minnesota Statutes 2012, section 609.2231, subdivision 3a, is amended to read:

1.19 Subd. 3a. Secure treatment facility personnel. (a) As used in this subdivision,
1.20 "secure treatment facility" has the meaning given in section 253B.02, subdivision 18a.
1.21 (b) Whoever, while committed under section 253B.185 or Minnesota Statutes
1.22 1992, section 526.10, commits either of the following acts against an employee or other
1.23 individual who provides care or treatment at a secure treatment facility while the person is

2.1 engaged in the performance of a duty imposed by law, policy, or rule is guilty of a felony  
2.2 and may be sentenced to imprisonment for not more than two years or to payment of  
2.3 a fine of not more than \$4,000, or both:

2.4 (1) assaults the person and inflicts demonstrable bodily harm; or

2.5 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the  
2.6 person.

2.7 (c) The court shall commit a person convicted of violating paragraph (b) to the  
2.8 custody of the commissioner of corrections for not less than one year and one day. The  
2.9 court may not, on its own motion or the prosecutor's motion, sentence a person without  
2.10 regard to this paragraph. A person convicted and sentenced as required by this paragraph  
2.11 is not eligible for probation, parole, discharge, work release, or supervised release, until  
2.12 that person has served the full term of imprisonment as provided by law, notwithstanding  
2.13 the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

2.14 (d) Notwithstanding the statutory maximum sentence provided in paragraph (b),  
2.15 when a court sentences a person to the custody of the commissioner of corrections for a  
2.16 violation of paragraph (b), the court shall provide that after the person has ~~completed the~~  
2.17 ~~sentence imposed~~ been released from prison, the commissioner shall place the person on  
2.18 conditional release for five years. The terms of conditional release are governed by sections  
2.19 244.05 and 609.3455, subdivision 6, 7, or 8; and Minnesota Statutes 2004, section 609.109.

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

2.22 Sec. 3. Minnesota Statutes 2012, section 609.3455, subdivision 6, is amended to read:

2.23 Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the  
2.24 statutory maximum sentence otherwise applicable to the offense and unless a longer  
2.25 conditional release term is required in subdivision 7, when a court commits an offender  
2.26 to the custody of the commissioner of corrections for a violation of section 609.342,  
2.27 609.343, 609.344, 609.345, or 609.3453, the court shall provide that, after the offender  
2.28 has ~~completed the sentence imposed~~ been released from prison, the commissioner shall  
2.29 place the offender on conditional release for ten years, ~~minus the time the offender served~~  
2.30 ~~on supervised release.~~

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

2.33 Sec. 4. Minnesota Statutes 2012, section 609.3455, subdivision 7, is amended to read:

3.1 Subd. 7. **Mandatory lifetime conditional release term.** (a) When a court sentences  
3.2 an offender under subdivision 3 or 4, the court shall provide that, if the offender is released  
3.3 from prison, the commissioner of corrections shall place the offender on conditional  
3.4 release for the remainder of the offender's life.

3.5 (b) Notwithstanding the statutory maximum sentence otherwise applicable to the  
3.6 offense, when the court commits an offender to the custody of the commissioner of  
3.7 corrections for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453,  
3.8 and the offender has a previous or prior sex offense conviction, the court shall provide  
3.9 that, after the offender has ~~completed the sentence imposed~~ been released from prison,  
3.10 the commissioner shall place the offender on conditional release for the remainder of  
3.11 the offender's life.

3.12 (c) Notwithstanding paragraph (b), an offender may not be placed on lifetime  
3.13 conditional release for a violation of section 609.345, unless the offender's previous or  
3.14 prior sex offense conviction is for a violation of section 609.342, 609.343, 609.344, or  
3.15 609.3453, or any similar statute of the United States, this state, or any other state.

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

3.18 Sec. 5. Minnesota Statutes 2012, section 609.3455, subdivision 8, is amended to read:

3.19 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The  
3.20 provisions of this subdivision relating to conditional release apply to all sex offenders  
3.21 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, or  
3.22 609.3453. Except as provided in this subdivision, conditional release of sex offenders is  
3.23 governed by provisions relating to supervised release. The commissioner of corrections  
3.24 may not dismiss an offender on conditional release from supervision until the offender's  
3.25 conditional release term expires.

3.26 (b) The conditions of release may include successful completion of treatment  
3.27 and aftercare in a program approved by the commissioner, satisfaction of the release  
3.28 conditions specified in section 244.05, subdivision 6, and any other conditions the  
3.29 commissioner considers appropriate. The commissioner shall develop a plan to pay the  
3.30 cost of treatment of a person released under this subdivision. The plan may include  
3.31 co-payments from offenders, third-party payers, local agencies, or other funding sources  
3.32 as they are identified. This section does not require the commissioner to accept or retain  
3.33 an offender in a treatment program. Before the offender is placed on conditional release,  
3.34 the commissioner shall notify the sentencing court and the prosecutor in the jurisdiction  
3.35 where the offender was sentenced of the terms of the offender's conditional release. The

4.1 commissioner also shall make reasonable efforts to notify the victim of the offender's  
4.2 crime of the terms of the offender's conditional release.

4.3 (c) If the offender fails to meet any condition of release, the commissioner may  
4.4 revoke the offender's conditional release and order that the offender serve all or a part of  
4.5 the remaining portion of the conditional release term in prison. An offender, while on  
4.6 supervised release, is not entitled to credit against the offender's conditional release term  
4.7 for time served in confinement for a violation of release.

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

4.10 Sec. 6. Minnesota Statutes 2012, section 617.246, subdivision 7, is amended to read:

4.11 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum  
4.12 sentence otherwise applicable to the offense or any provision of the sentencing guidelines,  
4.13 when a court commits a person to the custody of the commissioner of corrections for  
4.14 violating this section, the court shall provide that after the person has ~~completed the~~  
4.15 ~~sentence imposed~~ been released from prison, the commissioner shall place the person  
4.16 on conditional release for five years, ~~minus the time the offender served on supervised~~  
4.17 ~~release~~. If the person has previously been convicted of a violation of this section, section  
4.18 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar  
4.19 statute of the United States, this state, or any state, the commissioner shall place the person  
4.20 on conditional release for ten years, ~~minus the time the offender served on supervised~~  
4.21 ~~release~~. The terms of conditional release are governed by section 609.3455, subdivision 8.

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

4.24 Sec. 7. Minnesota Statutes 2012, section 617.247, subdivision 9, is amended to read:

4.25 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum  
4.26 sentence otherwise applicable to the offense or any provision of the sentencing guidelines,  
4.27 when a court commits a person to the custody of the commissioner of corrections for  
4.28 violating this section, the court shall provide that after the person has ~~completed the~~  
4.29 ~~sentence imposed~~ been released from prison, the commissioner shall place the person  
4.30 on conditional release for five years, ~~minus the time the offender served on supervised~~  
4.31 ~~release~~. If the person has previously been convicted of a violation of this section, section  
4.32 609.342, 609.343, 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar  
4.33 statute of the United States, this state, or any state, the commissioner shall place the person

5.1 on conditional release for ten years, ~~minus the time the offender served on supervised~~  
5.2 release. The terms of conditional release are governed by section 609.3455, subdivision 8.

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