

SENATE
STATE OF MINNESOTA
EIGHTY-EIGHTH SESSION

S.F. No. 2273

(SENATE AUTHORS: LATZ)

DATE	D-PG	OFFICIAL STATUS
03/04/2014	5958	Introduction and first reading Referred to Judiciary
03/12/2014		Comm report: To pass as amended Second reading

A bill for an act

1.1 relating to juvenile justice; addressing numerous issues relating to juveniles
1.2 including detention, noncustodial supervision, risk assessments, continuances,
1.3 diversion, life without release sentences, mandatory minimum sentences,
1.4 predatory offender registration, expungement, and DHS collateral sanctions;
1.5 appropriating money; amending Minnesota Statutes 2012, sections 243.166,
1.6 subdivision 2; 244.05, subdivisions 4, 5; 245C.14, subdivision 1; 260B.125,
1.7 by adding a subdivision; 260B.130, subdivision 4; 260B.176, subdivision 1,
1.8 by adding subdivisions; 260B.178, subdivision 1; 260B.198, subdivisions
1.9 6, 7; 332.70, by adding a subdivision; 609.106, subdivision 2, by adding a
1.10 subdivision; 609.3455, subdivision 2; Minnesota Statutes 2013 Supplement,
1.11 section 243.166, subdivisions 1b, 6; proposing coding for new law in Minnesota
1.12 Statutes, chapter 260B.
1.13

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

ARTICLE 1

**JUVENILE DETENTION AND NONCUSTODIAL SUPERVISION
PROVISIONS; RISK ASSESSMENTS**

1.18 Section 1. Minnesota Statutes 2012, section 260B.176, subdivision 1, is amended to
1.19 read:

1.20 Subdivision 1. **Notification; release.** (a) If a child is taken into custody as provided
1.21 in section 260B.175, the parent, guardian, or custodian of the child shall be notified as soon
1.22 as possible. ~~Unless~~ If the risk assessment instrument described in subdivision 1a indicates
1.23 there is reason to believe that the child would endanger self or others; or not return for a
1.24 court hearing, ~~run away from the child's parent, guardian, or custodian or otherwise not~~
1.25 remain in the care or control of the person to whose lawful custody the child is released;
1.26 or that the child's health or welfare would be immediately endangered; the child shall be
1.27 released kept in custody or placed in a suitable noncustodial community-based alternative

2.1 supervision setting as described in subdivision 1b, whichever is appropriate considering
 2.2 the child's risk assessment score. If there is reason to believe that the child might endanger
 2.3 the child's self; that the child might run away from the child's parent, guardian, or custodian
 2.4 or otherwise not remain in the care or control of the person to whose lawful custody the
 2.5 child is released; or that the child's health or welfare would be immediately endangered,
 2.6 the child may not be kept in custody but instead shall be placed in a suitable noncustodial
 2.7 community-based alternative supervision setting. In all other situations, the child shall be
 2.8 released to the custody of a parent, guardian, custodian, or other suitable person.

2.9 (b) The person to whom the child is released shall promise to bring the child to the
 2.10 court, if necessary, at the time the court may direct. If the person taking the child into
 2.11 custody believes it desirable, that person may request the parent, guardian, custodian, or
 2.12 other person designated by the court to sign a written promise to bring the child to court as
 2.13 provided above. The intentional violation of such a promise, whether given orally or in
 2.14 writing, shall be punishable as contempt of court.

2.15 The court may require the parent, guardian, custodian, or other person to whom the
 2.16 child is released, to post any reasonable bail or bond required by the court which shall be
 2.17 forfeited to the court if the child does not appear as directed. The court may also release
 2.18 the child on the child's own promise to appear in juvenile court.

2.19 **EFFECTIVE DATE.** This section is effective January 1, 2015.

2.20 Sec. 2. Minnesota Statutes 2012, section 260B.176, is amended by adding a
 2.21 subdivision to read:

2.22 **Subd. 1a. Risk assessment instrument.** A person making a release decision under
 2.23 subdivision 1 shall use an objective and racially, ethnically, and gender-responsive juvenile
 2.24 detention risk assessment instrument developed by the commissioner, county, group of
 2.25 counties, or judicial district. The risk assessment instrument must assess the likelihood
 2.26 that a child released from preadjudication detention under section 260B.176 or 260B.178
 2.27 would endanger others or not return for a court hearing. The instrument must identify the
 2.28 appropriate setting for a child who might endanger others or not return for a court hearing
 2.29 pending adjudication, with either continued detention or placement in a noncustodial
 2.30 community-based supervision setting. The instrument must also identify the type of
 2.31 noncustodial community-based supervision setting necessary to minimize the risk that a
 2.32 child who is released from custody will endanger others or not return for a court hearing.

2.33 **EFFECTIVE DATE.** This section is effective January 1, 2015.

3.1 Sec. 3. Minnesota Statutes 2012, section 260B.176, is amended by adding a
3.2 subdivision to read:

3.3 Subd. 1b. **Community-based supervision options.** Each county or group of
3.4 counties shall provide suitable noncustodial community-based alternative supervision
3.5 options for children released from custody under subdivision 1. The options must involve
3.6 less restrictive noncustodial-based means to supervise children who without proper
3.7 supervision may endanger the children's selves or others; who may not return for a court
3.8 hearing, run away from their parent, guardian, or custodian or otherwise not remain in the
3.9 care or control of the person to whose lawful custody the child is released; or whose health
3.10 or welfare might be in immediate danger. The options required under this subdivision
3.11 must address the different supervision needs of the described children.

3.12 **EFFECTIVE DATE.** This section is effective January 1, 2015.

3.13 Sec. 4. Minnesota Statutes 2012, section 260B.178, subdivision 1, is amended to read:

3.14 Subdivision 1. **Hearing and release requirements.** (a) The court shall hold a
3.15 detention hearing:

3.16 (1) within 36 hours of the time the child was taken into custody, excluding
3.17 Saturdays, Sundays, and holidays, if the child is being held at a juvenile secure detention
3.18 facility or shelter care facility; or

3.19 (2) within 24 hours of the time the child was taken into custody, excluding Saturdays,
3.20 Sundays, and holidays, if the child is being held at an adult jail or municipal lockup.

3.21 (b) ~~Unless~~ If the court determines there is reason to believe that the child would
3.22 ~~endanger self or others; or not return for a court hearing, run away from the child's parent,~~
3.23 ~~guardian, or custodian or otherwise not remain in the care or control of the person to~~
3.24 ~~whose lawful custody the child is released, or that the child's health or welfare would be~~
3.25 ~~immediately endangered;~~ the child shall be released kept in custody or placed in a suitable
3.26 noncustodial community-based alternative supervision setting as described in section
3.27 260B.176, subdivision 1b. In making this determination, the court shall consider the child's
3.28 score from the risk assessment instrument described in section 260B.176, subdivision 1a.
3.29 If there is reason to believe that the child might endanger the child's self; that the child
3.30 might run away from the child's parent, guardian, or custodian or otherwise not remain in
3.31 the care or control of the person to whose lawful custody the child is released; or that the
3.32 child's health or welfare would be immediately endangered, the child may not be kept in
3.33 custody but instead shall be placed in a suitable noncustodial community-based alternative
3.34 supervision setting. In all other situations, the child shall be released to the custody of a
3.35 parent, guardian, custodian, or other suitable person, subject to reasonable conditions of

4.1 release including, but not limited to, a requirement that the child undergo a chemical use
4.2 assessment as provided in section 260B.157, subdivision 1, and a children's mental health
4.3 screening as provided in section 260B.176, subdivision 2, paragraph (e). In determining
4.4 whether the child's health or welfare would be immediately endangered, the court shall
4.5 consider whether the child would reside with a perpetrator of domestic child abuse.

4.6 **EFFECTIVE DATE.** This section is effective January 1, 2015.

4.7 Sec. 5. **ADOPTION OF JUVENILE DETENTION RISK ASSESSMENT**
4.8 **INSTRUMENT.**

4.9 **Subdivision 1. Adoption required.** By September 15, 2014, the commissioner of
4.10 corrections shall adopt an objective and racially, ethnically, and gender-responsive juvenile
4.11 detention risk assessment instrument. The instrument must assess the likelihood that a
4.12 child released from preadjudication detention under Minnesota Statutes, section 260B.176
4.13 or 260B.178, would endanger others or not return for a court hearing. The instrument
4.14 must be designed to identify the appropriate setting for a child who might endanger others
4.15 or not return for a court hearing pending adjudication, with either continued detention or
4.16 placement in a noncustodial community-based supervision setting. The instrument must
4.17 also identify the type of noncustodial community-based supervision setting necessary to
4.18 minimize the risk that a child who is released from custody will endanger others or not
4.19 return for a court hearing.

4.20 **Subd. 2. Consultation required.** In adopting the risk assessment instrument
4.21 required in subdivision 1, the commissioner of corrections shall consult and collaborate
4.22 with the commissioners of public safety and human services and individuals throughout
4.23 the state who are knowledgeable in matters relating to the detention and treatment of
4.24 juvenile offenders and at-risk juveniles including, but not limited to, individuals from
4.25 the courts, probation, law enforcement, prosecutorial offices, public defender's offices,
4.26 communities of color, social services, juvenile detention and shelter care facilities, and
4.27 juvenile residential treatment and correctional facilities. The commissioner shall also
4.28 review similar risk assessment instruments in use both inside and outside of the state.

4.29 **Subd. 3. Dissemination required.** The commissioner of corrections shall make
4.30 the risk assessment instrument required in this section available to law enforcement,
4.31 correctional, and court personnel throughout the state.

4.32 **Subd. 4. Local instruments required.** By January 1, 2015, each county, group of
4.33 counties, or judicial district making a decision related to the release or detention of a child
4.34 under Minnesota Statutes, section 260B.176 or 260B.178, shall either adopt the instrument

5.1 developed by the commissioner of corrections or develop a risk assessment instrument of
 5.2 their own meeting the requirements described in subdivision 1.

5.3 **Sec. 6. EFFECT ON RULES OF JUVENILE DELINQUENCY PROCEDURE.**

5.4 Rules 5.04 and 5.07 of the Rules of Juvenile Delinquency Procedure are superseded
 5.5 to the extent of their conflict with sections 1 to 5. The Supreme Court is requested to
 5.6 amend the rules in a manner consistent with sections 1 to 5.

5.7 **EFFECTIVE DATE.** This section is effective January 1, 2015.

5.8 **Sec. 7. APPROPRIATION; GRANTS.**

5.9 Subdivision 1. **Appropriation.** \$..... for the fiscal year ending June 30, 2015, is
 5.10 appropriated from the general fund to the commissioner of corrections to adopt the risk
 5.11 assessment instrument required in Minnesota Statutes, section 242.325, and to make
 5.12 the grants required under subdivision 2.

5.13 Subd. 2. **Grants.** The commissioner of corrections shall make grants to counties to
 5.14 develop and provide the noncustodial community-based alternative supervision options
 5.15 required in Minnesota Statutes, section 260B.176, subdivision 1b. By January 15, 2017,
 5.16 the commissioner shall report to the chairs and ranking minority members of the senate
 5.17 and house of representatives committees and divisions having jurisdiction over juvenile
 5.18 justice policy and funding on the grants made under this subdivision. The report must
 5.19 identify the options funded by the grants and assess how well the options are working.

5.20 **ARTICLE 2**

5.21 **LAW ENFORCEMENT DIVERSION**

5.22 **Section 1. [260B.1755] LAW ENFORCEMENT DIVERSION OF NONVIOLENT**
 5.23 **JUVENILE OFFENDERS AUTHORIZED.**

5.24 (a) A peace officer may refer a child that the officer has the lawful authority to arrest
 5.25 or has arrested to a diversion program that the law enforcement agency with jurisdiction
 5.26 over the child deems appropriate.

5.27 (b) This section applies only to nonviolent offenses and does not apply to peace
 5.28 officers acting pursuant to an order or warrant described in section 260B.175, subdivision
 5.29 1, paragraph (a), or other court order to take a child into custody.

5.30 (c) A diversion program authorized by this section may defer prosecution of
 5.31 juvenile offenders who agree to complete appropriate conditions. Upon completion of the

6.1 conditions, the charge shall be dismissed. Both petty offenders and delinquents may be
 6.2 diverted.

6.3 **ARTICLE 3**

6.4 **CONTINUANCES**

6.5 Section 1. Minnesota Statutes 2012, section 260B.198, subdivision 7, is amended to
 6.6 read:

6.7 Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and
 6.8 not inimical to public safety and when the child has admitted the allegations contained
 6.9 in the petition before the judge or referee, or when a hearing has been held as provided
 6.10 for in section 260B.163 and the allegations contained in the petition have been duly
 6.11 proven but, in either case, before a finding of delinquency has been entered, the court
 6.12 may continue the case for a period not to exceed ~~90~~ 180 days on any one order. Such a
 6.13 continuance may be extended for one additional successive period not to exceed ~~90~~ 180
 6.14 days with the consent of the prosecutor and only after the court has reviewed the case
 6.15 and entered its order for an additional continuance without a finding of delinquency.
 6.16 During this continuance the court may enter an order in accordance with the provisions
 6.17 of subdivision 1, ~~clause (1) or (2)~~ except clause (3) or (4), or enter an order to hold the
 6.18 child in detention for a period not to exceed 15 days on any one order for the purpose of
 6.19 completing any consideration, or any investigation or examination ordered in accordance
 6.20 with the provisions of section 260B.157.

6.21 (b) A prosecutor may appeal a continuance ordered in contravention of this
 6.22 subdivision. This subdivision does not extend the court's jurisdiction under section
 6.23 260B.193 and does not apply to an extended jurisdiction juvenile proceeding.

6.24 **ARTICLE 4**

6.25 **EXPUNGEMENT**

6.26 Section 1. Minnesota Statutes 2012, section 260B.198, subdivision 6, is amended to
 6.27 read:

6.28 Subd. 6. **Expungement.** Except when legal custody is transferred under the
 6.29 provisions of subdivision 1, clause (4), the court may expunge ~~the adjudication of all records~~
 6.30 relating to the arrest and delinquency proceedings at any time ~~that it deems advisable~~ if the
 6.31 court determines that expungement of the record would yield a benefit to the subject of the
 6.32 record in pursuing education, employment, housing, or other necessities that outweighs

7.1 the detriment to the public and public safety in sealing the record and the burden on the
 7.2 court and public agencies or jurisdictions in issuing, enforcing, and monitoring the order.

7.3 Sec. 2. Minnesota Statutes 2012, section 332.70, is amended by adding a subdivision
 7.4 to read:

7.5 Subd. 3a. **Deletion of expunged records.** If a business screening service knows that
 7.6 a criminal record has been sealed, expunged, or is the subject of a pardon, the screening
 7.7 service shall promptly delete the record.

7.8 ARTICLE 5

7.9 DHS DISQUALIFICATIONS

7.10 Section 1. Minnesota Statutes 2012, section 245C.14, subdivision 1, is amended to read:

7.11 Subdivision 1. **Disqualification from direct contact.** (a) The commissioner shall
 7.12 disqualify an individual who is the subject of a background study from any position
 7.13 allowing direct contact with persons receiving services from the license holder or entity
 7.14 identified in section 245C.03, upon receipt of information showing, or when a background
 7.15 study completed under this chapter shows any of the following:

7.16 (1) a conviction of, admission to, or Alford plea to one or more crimes listed in
 7.17 section 245C.15, regardless of whether the conviction or admission is a felony, gross
 7.18 misdemeanor, or misdemeanor level crime;

7.19 (2) a preponderance of the evidence indicates the individual has committed an act
 7.20 or acts that meet the definition of any of the crimes listed in section 245C.15, regardless
 7.21 of whether the preponderance of the evidence is for a felony, gross misdemeanor, or
 7.22 misdemeanor level crime; or

7.23 (3) an investigation results in an administrative determination listed under section
 7.24 245C.15, subdivision 4, paragraph (b).

7.25 (b) No individual who is disqualified following a background study under section
 7.26 245C.03, subdivisions 1 and 2, may be retained in a position involving direct contact
 7.27 with persons served by a program or entity identified in section 245C.03, unless the
 7.28 commissioner has provided written notice under section 245C.17 stating that:

7.29 (1) the individual may remain in direct contact during the period in which the
 7.30 individual may request reconsideration as provided in section 245C.21, subdivision 2;

7.31 (2) the commissioner has set aside the individual's disqualification for that program
 7.32 or entity identified in section 245C.03, as provided in section 245C.22, subdivision 4; or

7.33 (3) the license holder has been granted a variance for the disqualified individual
 7.34 under section 245C.30.

8.1 (c) An individual must not be disqualified if the individual's only disqualifying
8.2 offense or offenses occurred when the individual was a minor, and five or more years have
8.3 passed during which the individual has committed no other disqualifying offenses. This
8.4 paragraph does not apply to an individual who was convicted of the disqualifying crime
8.5 following certification under section 260B.125.

8.6 ARTICLE 6

8.7 JUVENILE LIFE SENTENCES

8.8 Section 1. Minnesota Statutes 2012, section 244.05, subdivision 4, is amended to read:

8.9 Subd. 4. **Minimum imprisonment, life sentence.** (a) An inmate serving a
8.10 mandatory life sentence under section 609.106, subdivision 2, or 609.3455, subdivision 2,
8.11 paragraph (a), must not be given supervised release under this section.

8.12 (b) An inmate serving a mandatory life sentence under section 609.185, clause (3),
8.13 (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, must not be given
8.14 supervised release under this section without having served a minimum term of 30 years.

8.15 (c) An inmate serving a mandatory life sentence under section 609.385 must not
8.16 be given supervised release under this section without having served a minimum term of
8.17 imprisonment of 17 years.

8.18 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision
8.19 3 or 4, must not be given supervised release under this section without having served the
8.20 minimum term of imprisonment specified by the court in its sentence.

8.21 (e) An inmate serving a mandatory life sentence under section 609.106, subdivision
8.22 3, or 609.3455, subdivision 2, paragraph (c), must not be given supervised release under
8.23 this section without having served a minimum term of imprisonment of 20 years.

8.24 Sec. 2. Minnesota Statutes 2012, section 244.05, subdivision 5, is amended to read:

8.25 Subd. 5. **Supervised release, life sentence.** (a) The commissioner of corrections
8.26 may, under rules promulgated by the commissioner, give supervised release to an inmate
8.27 serving a mandatory life sentence under section 609.185, clause (3), (5), or (6); 609.106,
8.28 subdivision 3; 609.3455, subdivision 2, paragraph (c), 3, or 4; 609.385; or Minnesota
8.29 Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum
8.30 term of imprisonment specified in subdivision 4.

8.31 (b) The commissioner shall require the preparation of a community investigation
8.32 report and shall consider the findings of the report when making a supervised release
8.33 decision under this subdivision. The report shall reflect the sentiment of the various
8.34 elements of the community toward the inmate, both at the time of the offense and at the

9.1 present time. The report shall include the views of the sentencing judge, the prosecutor,
9.2 any law enforcement personnel who may have been involved in the case, and any
9.3 successors to these individuals who may have information relevant to the supervised
9.4 release decision. The report shall also include the views of the victim and the victim's
9.5 family unless the victim or the victim's family chooses not to participate.

9.6 (c) The commissioner shall make reasonable efforts to notify the victim, in advance,
9.7 of the time and place of the inmate's supervised release review hearing. The victim has
9.8 a right to submit an oral or written statement at the review hearing. The statement may
9.9 summarize the harm suffered by the victim as a result of the crime and give the victim's
9.10 recommendation on whether the inmate should be given supervised release at this time.
9.11 The commissioner must consider the victim's statement when making the supervised
9.12 release decision.

9.13 (d) When considering whether to give supervised release to an inmate serving a life
9.14 sentence under section 609.3455, subdivision 3 or 4, the commissioner shall consider, at
9.15 a minimum, the following: the risk the inmate poses to the community if released, the
9.16 inmate's progress in treatment, the inmate's behavior while incarcerated, psychological
9.17 or other diagnostic evaluations of the inmate, the inmate's criminal history, and any
9.18 other relevant conduct of the inmate while incarcerated or before incarceration. The
9.19 commissioner may not give supervised release to the inmate unless:

9.20 (1) while in prison:

9.21 (i) the inmate has successfully completed appropriate sex offender treatment;

9.22 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate,
9.23 has successfully completed chemical dependency treatment; and

9.24 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
9.25 successfully completed mental health treatment; and

9.26 (2) a comprehensive individual release plan is in place for the inmate that ensures
9.27 that, after release, the inmate will have suitable housing and receive appropriate aftercare
9.28 and community-based treatment. The comprehensive plan also must include a postprison
9.29 employment or education plan for the inmate.

9.30 (e) As used in this subdivision, "victim" means the individual who suffered harm as
9.31 a result of the inmate's crime or, if the individual is deceased, the deceased's surviving
9.32 spouse or next of kin.

9.33 Sec. 3. Minnesota Statutes 2012, section 609.106, subdivision 2, is amended to read:

10.1 Subd. 2. **Life without release.** Except as provided in subdivision 3, the court shall
10.2 sentence a person to life imprisonment without possibility of release under the following
10.3 circumstances:

10.4 (1) the person is convicted of first-degree murder under section 609.185, paragraph
10.5 (a), clause (1), (2), (4), or (7);

10.6 (2) the person is convicted of committing first-degree murder in the course of a
10.7 kidnapping under section 609.185, clause (3); or

10.8 (3) the person is convicted of first-degree murder under section 609.185, clause (3),
10.9 (5), or (6), and the court determines on the record at the time of sentencing that the person
10.10 has one or more previous convictions for a heinous crime.

10.11 Sec. 4. Minnesota Statutes 2012, section 609.106, is amended by adding a subdivision
10.12 to read:

10.13 Subd. 3. **Offender under age 18; life imprisonment with possibility of release.** If
10.14 the defendant was under 18 years of age at the time of the commission of an offense that
10.15 would require a life without release sentence under subdivision 2, and the child has been
10.16 certified under section 260B.125 or designated an extended jurisdiction juvenile under
10.17 section 260B.130, the court shall sentence the defendant to imprisonment for life.

10.18 Sec. 5. Minnesota Statutes 2012, section 609.3455, subdivision 2, is amended to read:

10.19 Subd. 2. **Mandatory life sentence without release; egregious first-time and**
10.20 **repeat offenders.** (a) Except as provided in paragraph (c), notwithstanding the statutory
10.21 maximum penalty otherwise applicable to the offense, the court shall sentence a person
10.22 convicted under section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or
10.23 609.343, subdivision 1, paragraph (c), (d), (e), (f), or (h), to life without the possibility of
10.24 release if:

10.25 (1) the fact finder determines that two or more heinous elements exist; or

10.26 (2) the person has a previous sex offense conviction for a violation of section
10.27 609.342, 609.343, or 609.344, and the fact finder determines that a heinous element exists
10.28 for the present offense.

10.29 (b) A fact finder may not consider a heinous element if it is an element of the
10.30 underlying specified violation of section 609.342 or 609.343. In addition, when
10.31 determining whether two or more heinous elements exist, the fact finder may not use the
10.32 same underlying facts to support a determination that more than one element exists.

10.33 (c) If the defendant was under 18 years of age at the time of the commission of an
10.34 offense that would require a life without release sentence under paragraph (a), and the child

11.1 has been certified under section 260B.125 or designated an extended jurisdiction juvenile
 11.2 under section 260B.130, the court shall sentence the defendant to imprisonment for life.

11.3 **Sec. 6. EFFECTIVE DATE; RETROACTIVITY.**

11.4 Sections 1 to 5 are effective the day following final enactment and apply to offenders
 11.5 sentenced on or after that date, and also retroactively to offenders sentenced to life without
 11.6 release sentenced before that date.

11.7 **ARTICLE 7**

11.8 **APPLICABILITY OF MANDATORY MINIMUM SENTENCES**

11.9 **Section 1. LEGISLATIVE FINDINGS AND INTENT.**

11.10 The legislature finds that emerging research on brain development indicates that
 11.11 adolescent brains, and thus adolescent intellectual and emotional capabilities, differ
 11.12 significantly from those of mature adults. It is appropriate to take these differences into
 11.13 consideration when sentencing extended jurisdiction juveniles and juveniles tried as
 11.14 adults. The legislature further finds that requiring mandatory minimum sentences for these
 11.15 juveniles prevents judges from taking these differences into consideration in appropriate
 11.16 circumstances. The legislature intends to eliminate the nondiscretionary application of
 11.17 mandatory minimum sentences to extended jurisdiction juveniles and to juveniles tried as
 11.18 adults, while continuing to apply all other adult sentencing provisions to these juveniles.

11.19 **Sec. 2.** Minnesota Statutes 2012, section 260B.125, is amended by adding a
 11.20 subdivision to read:

11.21 **Subd. 11. Applicability of mandatory minimum sentences.** Notwithstanding
 11.22 any other law to the contrary, when a person who has been convicted of an offense that
 11.23 has been certified under this section is sentenced, the sentencing court is not required
 11.24 to sentence the person under the terms of a mandatory minimum sentence that would
 11.25 otherwise be applicable to the offense.

11.26 **Sec. 3.** Minnesota Statutes 2012, section 260B.130, subdivision 4, is amended to read:

11.27 **Subd. 4. Disposition.** (a) If an extended jurisdiction juvenile prosecution results in a
 11.28 guilty plea or finding of guilt, the court shall:

11.29 (1) impose one or more juvenile dispositions under section 260B.198; and

11.30 (2) impose an adult criminal sentence, the execution of which shall be stayed on
 11.31 the condition that the offender not violate the provisions of the disposition order and
 11.32 not commit a new offense.

12.1 (b) If a child prosecuted as an extended jurisdiction juvenile after designation by
 12.2 the prosecutor in the delinquency petition is convicted of an offense after trial that is not
 12.3 an offense described in subdivision 1, clause (2), the court shall adjudicate the child
 12.4 delinquent and order a disposition under section 260B.198. If the extended jurisdiction
 12.5 juvenile proceeding results in a guilty plea for an offense not described in subdivision 1,
 12.6 clause (2), the court may impose a disposition under paragraph (a) if the child consents.

12.7 (c) Notwithstanding any other law to the contrary, when imposing an adult sentence
 12.8 under paragraph (a), clause (2), the court is not required to sentence the child under the
 12.9 terms of a mandatory minimum sentence that would otherwise be applicable to the offense.

12.10 ARTICLE 8

12.11 PREDATORY OFFENDER REGISTRATION

12.12 Section 1. Minnesota Statutes 2013 Supplement, section 243.166, subdivision 1b,
 12.13 is amended to read:

12.14 Subd. 1b. **Registration required.** (a) A person shall register under this section if
 12.15 the person is an adult or a child certified under section 260B.125 and:

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

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

12.21 (ii) kidnapping under section 609.25;

12.22 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345;
 12.23 609.3451, subdivision 3; or 609.3453; or

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

12.25 (2) the person was charged with ~~or petitioned for~~ a violation of, or attempt to
 12.26 violate, or aiding, abetting, or conspiring to commit criminal abuse in violation of section
 12.27 609.2325, subdivision 1, paragraph (b), false imprisonment in violation of section
 12.28 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of section
 12.29 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of
 12.30 section 609.352; using a minor in a sexual performance in violation of section 617.246;
 12.31 or possessing pornographic work involving a minor in violation of section 617.247, and
 12.32 convicted of ~~or adjudicated delinquent for~~ that offense or another offense arising out
 12.33 of the same set of circumstances;

12.34 (3) the person was sentenced as a patterned sex offender under section 609.3455,
 12.35 subdivision 3a; or

13.1 (4) the person was convicted of or adjudicated delinquent for, including pursuant
13.2 to a court martial, violating a law of the United States, including the Uniform Code of
13.3 Military Justice, similar to the offenses described in clause (1), (2), or (3).

13.4 (b) A person also shall register under this section if the person is an adult or a child
13.5 certified under section 260B.125 and:

13.6 (1) the person was convicted ~~of or adjudicated delinquent~~ in another state for an
13.7 offense that would be a violation of a law described in paragraph (a) if committed in
13.8 this state;

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

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

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

13.20 (c) A person also shall register under this section if the person is an adult or a child
13.21 certified under section 260B.125 and was committed pursuant to a court commitment order
13.22 under chapter 253D or Minnesota Statutes 1992, section 526.10, or a similar law of another
13.23 state or the United States, regardless of whether the person was convicted of any offense.

13.24 (d) A person also shall register under this section if the person is an adult or a child
13.25 certified under section 260B.125 and:

13.26 (1) the person was charged with ~~or petitioned for~~ a felony violation or attempt to
13.27 violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another
13.28 state or the United States, or the person was charged with ~~or petitioned for~~ a violation of
13.29 any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or
13.30 the United States;

13.31 (2) the person was found not guilty by reason of mental illness or mental deficiency
13.32 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
13.33 states with a guilty but mentally ill verdict; and

13.34 (3) the person was committed pursuant to a court commitment order under section
13.35 253B.18 or a similar law of another state or the United States.

14.1 (e) A child who is not certified under section 260B.125 shall register under this
14.2 section if:

14.3 (1) the child was 14 years of age or older when the child committed any of the
14.4 offenses under paragraph (a) or a similar law of another state or the United States;

14.5 (2) the child was adjudicated delinquent or convicted as an extended jurisdiction
14.6 juvenile of any of the offenses requiring registration under this subdivision;

14.7 (3) the court, in its discretion and upon motion of the prosecuting attorney, finds that
14.8 the circumstances of the offense require the child to register; and

14.9 (4) the court considers the following factors when determining whether the child
14.10 should register:

14.11 (i) the degree to which the child used force, threat, or intimidation in committing
14.12 the offense;

14.13 (ii) impact on the victim;

14.14 (iii) age and maturity of the child;

14.15 (iv) the difference in age of the victim and child;

14.16 (v) the child's history of delinquency; and

14.17 (vi) any other aggravating or mitigating factor that the court determines relevant
14.18 to the particular case which may include any or all of the following: compliance on
14.19 probation, progress in treatment, and risk assessments and evaluations.

14.20 The prosecuting attorney may file a motion for registration at any time during
14.21 which the juvenile is within the jurisdiction of the court for the offense that is the basis
14.22 for the motion.

14.23 Sec. 2. Minnesota Statutes 2012, section 243.166, subdivision 2, is amended to read:

14.24 Subd. 2. **Notice.** When a person who is required to register under subdivision 1b,
14.25 ~~paragraph~~ paragraphs (a) and (e), is sentenced or becomes subject to a juvenile court
14.26 disposition order, the court shall tell the person of the duty to register under this section
14.27 and that, if the person fails to comply with the registration requirements, information
14.28 about the offender may be made available to the public through electronic, computerized,
14.29 or other accessible means. The court may not modify the person's duty to register in the
14.30 pronounced sentence or disposition order. The court shall require the person to read and
14.31 sign a form stating that the duty of the person to register under this section has been
14.32 explained. The court shall forward the signed sex offender registration form, the complaint,
14.33 and sentencing documents to the bureau. If a person required to register under subdivision
14.34 1b, paragraph (a) or (e), was not notified by the court of the registration requirement at the
14.35 time of sentencing or disposition, the assigned corrections agent shall notify the person

15.1 of the requirements of this section. When a person who is required to register under
15.2 subdivision 1b, paragraph (c) or (d), is released from commitment, the treatment facility
15.3 shall notify the person of the requirements of this section. The treatment facility shall also
15.4 obtain the registration information required under this section and forward it to the bureau.

15.5 Sec. 3. Minnesota Statutes 2013 Supplement, section 243.166, subdivision 6, is
15.6 amended to read:

15.7 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section
15.8 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person
15.9 required to register under this section shall continue to comply with this section until ten
15.10 years have elapsed since the person initially registered in connection with the offense, or
15.11 until the probation, supervised release, or conditional release period expires, whichever
15.12 occurs later. For a person required to register under this section who is committed under
15.13 section 253B.18 or chapter 253D, the ten-year registration period does not include the
15.14 period of commitment.

15.15 (b) If a person required to register under this section fails to provide the person's
15.16 primary address as required by subdivision 3, paragraph (b), fails to comply with the
15.17 requirements of subdivision 3a, fails to provide information as required by subdivision
15.18 4a, or fails to return the verification form referenced in subdivision 4 within ten days,
15.19 the commissioner of public safety may require the person to continue to register for an
15.20 additional period of five years. This five-year period is added to the end of the offender's
15.21 registration period.

15.22 (c) If a person required to register under this section is subsequently incarcerated
15.23 following a conviction for a new offense or following a revocation of probation, supervised
15.24 release, or conditional release for any offense, the person shall continue to register until ten
15.25 years have elapsed since the person was last released from incarceration or until the person's
15.26 probation, supervised release, or conditional release period expires, whichever occurs later.

15.27 (d) A person shall continue to comply with this section for the life of that person:

15.28 (1) if the person is convicted of ~~or adjudicated delinquent~~ for any offense for which
15.29 registration is required under subdivision 1b, or convicted of or adjudicated delinquent for
15.30 any offense from another state or any federal offense similar to the offenses described in
15.31 subdivision 1b, and the person has a prior conviction or adjudication for an offense for
15.32 which registration was or would have been required under subdivision 1b, or an offense
15.33 from another state or a federal offense similar to an offense described in subdivision 1b;

16.1 (2) if the person is required to register based upon a conviction ~~or delinquency~~
16.2 ~~adjudication~~ for an offense under section 609.185, paragraph (a), clause (2), or convicted
16.3 of or adjudicated delinquent for a similar statute from another state or the United States;

16.4 (3) if the person is required to register based upon a conviction for an offense under
16.5 section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision
16.6 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or
16.7 (g); or 609.345, subdivision 1, paragraph (a), (c), or (g); or convicted of or adjudicated
16.8 delinquent for a statute from another state or the United States similar to the offenses
16.9 described in this clause; or

16.10 (4) if the person is required to register under subdivision 1b, paragraph (c), following
16.11 commitment pursuant to a court commitment under chapter 253D or a similar law of
16.12 another state or the United States.

16.13 (e) A person described in subdivision 1b, paragraph (b), who is required to register
16.14 under the laws of a state in which the person has been previously convicted or adjudicated
16.15 delinquent, shall register under this section for the time period required by the state of
16.16 conviction or adjudication unless a longer time period is required elsewhere in this section.

APPENDIX
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