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HOUSE FILE No. 3505

FIRST COMMITTEE ENGROSSMENT

February 28, 2008

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

March 18, 2008

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Finance

Referred by Chair to Public Safety Finance Division.

March 19, 2008

Returned to the Committee on Finance as Amended.

1.1 A bill for an act
1.2 relating to public safety; prohibiting predatory offenders required to register from
1.3 accessing and using social networking Web sites; amending Minnesota Statutes
1.4 2006, sections 243.166, subdivisions 1a, 4; 244.05, subdivision 6.

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

1.6 Section 1. Minnesota Statutes 2006, section 243.166, subdivision 1a, is amended to
1.7 read:

1.8 Subd. 1a. **Definitions.** (a) As used in this section, unless the context clearly
1.9 indicates otherwise, the following terms have the meanings given them.

1.10 (b) "Bureau" means the Bureau of Criminal Apprehension.

1.11 (c) "Dwelling" means the building where the person lives under a formal or informal
1.12 agreement to do so.

1.13 (d) "Incarceration" and "confinement" do not include electronic home monitoring.

1.14 (e) "Law enforcement authority" or "authority" means, with respect to a home rule
1.15 charter or statutory city, the chief of police, and with respect to an unincorporated area,
1.16 the county sheriff.

1.17 (f) "Motor vehicle" has the meaning given in section 169.01, subdivision 2.

1.18 (g) "Primary address" means the mailing address of the person's dwelling. If the
1.19 mailing address is different from the actual location of the dwelling, primary address
1.20 also includes the physical location of the dwelling described with as much specificity as
1.21 possible.

1.22 (h) "School" includes any public or private educational institution, including any
1.23 secondary school, trade, or professional institution, or institution of higher education, that
1.24 the person is enrolled in on a full-time or part-time basis.

2.1 (i) "Secondary address" means the mailing address of any place where the person
2.2 regularly or occasionally stays overnight when not staying at the person's primary address.
2.3 If the mailing address is different from the actual location of the place, secondary address
2.4 also includes the physical location of the place described with as much specificity as
2.5 possible.

2.6 (j) "Treatment facility" means a residential facility, as defined in section 244.052,
2.7 subdivision 1, and residential chemical dependency treatment programs and halfway
2.8 houses licensed under chapter 245A, including, but not limited to, those facilities directly
2.9 or indirectly assisted by any department or agency of the United States.

2.10 (k) "Work" includes employment that is full time or part time for a period of
2.11 time exceeding 14 days or for an aggregate period of time exceeding 30 days during
2.12 any calendar year, whether financially compensated, volunteered, or for the purpose of
2.13 government or educational benefit.

2.14 (l) "Social networking Web site" means an Internet Web site that allows users to
2.15 create Web pages or profiles that provide information about themselves and are available
2.16 publicly or to other users and that offers a mechanism for communication with other users,
2.17 such as a forum, chat room, electronic mail, or instant messaging.

2.18 Sec. 2. Minnesota Statutes 2006, section 243.166, subdivision 4, is amended to read:

2.19 Subd. 4. **Contents of registration.** (a) The registration provided to the corrections
2.20 agent or law enforcement authority, must consist of a statement in writing signed by the
2.21 person, giving information required by the bureau, a fingerprint card, and photograph of
2.22 the person taken at the time of the person's release from incarceration or, if the person
2.23 was not incarcerated, at the time the person initially registered under this section. The
2.24 registration information also must include a written consent form signed by the person
2.25 allowing a treatment facility or residential housing unit or shelter to release information to
2.26 a law enforcement officer about the person's admission to, or residence in, a treatment
2.27 facility or residential housing unit or shelter. Registration information on adults and
2.28 juveniles may be maintained together notwithstanding section 260B.171, subdivision 3.

2.29 (b) For persons required to register under subdivision 1b, paragraph (c), following
2.30 commitment pursuant to a court commitment under section 253B.185 or a similar law
2.31 of another state or the United States, in addition to other information required by this
2.32 section, the registration provided to the corrections agent or law enforcement authority
2.33 must include the person's offense history and documentation of treatment received during
2.34 the person's commitment. This documentation is limited to a statement of how far the
2.35 person progressed in treatment during commitment.

3.1 (c) Within three days of receipt, the corrections agent or law enforcement authority
3.2 shall forward the registration information to the bureau. The bureau shall ascertain
3.3 whether the person has registered with the law enforcement authority in the area of the
3.4 person's primary address, if any, or if the person lacks a primary address, where the person
3.5 is staying, as required by subdivision 3a. If the person has not registered with the law
3.6 enforcement authority, the bureau shall send one copy to that authority.

3.7 (d) The corrections agent or law enforcement authority may require that a person
3.8 required to register under this section appear before the agent or authority to be
3.9 photographed. The agent or authority shall forward the photograph to the bureau.

3.10 (1) Except as provided in clause (2), the agent or authority shall require a person
3.11 required to register under this section who is classified as a level III offender under
3.12 section 244.052 to appear before the agent or authority at least every six months to be
3.13 photographed.

3.14 (2) The requirements of this paragraph shall not apply during any period where
3.15 the person to be photographed is: (i) committed to the commissioner of corrections and
3.16 incarcerated, (ii) incarcerated in a regional jail or county jail, or (iii) committed to the
3.17 commissioner of human services and receiving treatment in a secure treatment facility.

3.18 (e) During the period a person is required to register under this section, the following
3.19 provisions apply:

3.20 (1) Except for persons registering under subdivision 3a, the bureau shall mail a
3.21 verification form to the person's last reported primary address. This verification form must
3.22 provide notice to the offender that, if the offender does not return the verification form
3.23 as required, information about the offender may be made available to the public through
3.24 electronic, computerized, or other accessible means. For persons who are registered under
3.25 subdivision 3a, the bureau shall mail an annual verification form to the law enforcement
3.26 authority where the offender most recently reported. The authority shall provide the
3.27 verification form to the person at the next weekly meeting and ensure that the person
3.28 completes and signs the form and returns it to the bureau.

3.29 (2) The person shall mail the signed verification form back to the bureau within ten
3.30 days after receipt of the form, stating on the form the current and last address of the
3.31 person's residence and the other information required under subdivision 4a.

3.32 (3) In addition to the requirements listed in this section, a person who is assigned
3.33 to risk level II or III under section 244.052, and who is no longer under correctional
3.34 supervision for a registration offense, or a failure to register offense, but who resides,
3.35 works, or attends school in Minnesota, shall have an annual in-person contact with a law
3.36 enforcement authority as provided in this section. If the person resides in Minnesota, the

4.1 annual in-person contact shall be with the law enforcement authority that has jurisdiction
4.2 over the person's primary address or, if the person has no address, the location where the
4.3 person is staying. If the person does not reside in Minnesota but works or attends school
4.4 in this state, the person shall have an annual in-person contact with the law enforcement
4.5 authority or authorities with jurisdiction over the person's school or workplace. During
4.6 the month of the person's birth date, the person shall report to the authority to verify the
4.7 accuracy of the registration information and to be photographed. Within three days of this
4.8 contact, the authority shall enter information as required by the bureau into the predatory
4.9 offender registration database and submit an updated photograph of the person to the
4.10 bureau's predatory offender registration unit.

4.11 (4) If the person fails to mail the completed and signed verification form to the
4.12 bureau within ten days after receipt of the form, or if the person fails to report to the
4.13 law enforcement authority during the month of the person's birth date, the person is in
4.14 violation of this section.

4.15 (5) For any person who fails to mail the completed and signed verification form to
4.16 the bureau within ten days after receipt of the form and who has been determined to be
4.17 a risk level III offender under section 244.052, the bureau shall immediately investigate
4.18 and notify local law enforcement authorities to investigate the person's location and to
4.19 ensure compliance with this section. The bureau also shall immediately give notice of the
4.20 person's violation of this section to the law enforcement authority having jurisdiction over
4.21 the person's last registered address or addresses.

4.22 (6) Persons required to register under this section shall not access, or create or
4.23 maintain a personal Web page or profile on a social networking Web site that (i) has
4.24 a primary purpose of facilitating the social interaction between two or more persons
4.25 for the purposes of friendship, meeting other persons, or information exchanges, and
4.26 (ii) permits persons under the age of 18 to become a member or to create or maintain a
4.27 personal Web page.

4.28 For persons required to register under subdivision 1b, paragraph (c), following
4.29 commitment pursuant to a court commitment under section 253B.185 or a similar law of
4.30 another state or the United States, the bureau shall comply with clause (1) at least four
4.31 times each year. For persons who, under section 244.052, are assigned to risk level III and
4.32 who are no longer under correctional supervision for a registration offense or a failure to
4.33 register offense, the bureau shall comply with clause (1) at least two times each year. For
4.34 all other persons required to register under this section, the bureau shall comply with clause
4.35 (1) each year within 30 days of the anniversary date of the person's initial registration.

5.1 (f) When sending out a verification form, the bureau shall determine whether the
5.2 person to whom the verification form is being sent has signed a written consent form
5.3 as provided for in paragraph (a). If the person has not signed such a consent form, the
5.4 bureau shall send a written consent form to the person along with the verification form.
5.5 A person who receives this written consent form shall sign and return it to the bureau
5.6 at the same time as the verification form.

5.7 Sec. 3. Minnesota Statutes 2006, section 244.05, subdivision 6, is amended to read:

5.8 Subd. 6. **Intensive supervised release.** The commissioner may order that an
5.9 inmate be placed on intensive supervised release for all or part of the inmate's supervised
5.10 release or parole term if the commissioner determines that the action will further the
5.11 goals described in section 244.14, subdivision 1, clauses (2), (3), and (4). In addition, the
5.12 commissioner may order that an inmate be placed on intensive supervised release for all
5.13 of the inmate's conditional or supervised release term if the inmate was convicted of
5.14 a sex offense under section 609.342, 609.343, 609.344, 609.345, or 609.3453 or was
5.15 sentenced under the provisions of section 609.3455, subdivision 3a. The commissioner
5.16 shall order that all level III predatory offenders be placed on intensive supervised release
5.17 for the entire supervised release, conditional release, or parole term. The commissioner
5.18 may impose appropriate conditions of release on the inmate including but not limited to
5.19 unannounced searches of the inmate's person, vehicle, ~~or~~ premises, computer, or other
5.20 electronic devices capable of accessing the Internet by an intensive supervision agent;
5.21 compliance with court-ordered restitution, if any; random drug testing; house arrest; daily
5.22 curfews; frequent face-to-face contacts with an assigned intensive supervision agent;
5.23 work, education, or treatment requirements; and electronic surveillance. In addition, any
5.24 sex offender placed on intensive supervised release may be ordered to participate in an
5.25 appropriate sex offender program as a condition of release. If the inmate violates the
5.26 conditions of the intensive supervised release, the commissioner shall impose sanctions as
5.27 provided in subdivision 3 and section 609.3455.

5.28 Sec. 4. **EFFECTIVE DATE.**

5.29 Sections 1 to 3 are effective August 1, 2009, and apply to predatory offenders who
5.30 are required to register before, on, or after that date.