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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH SESSION

HOUSE FILE No. 1019

February 15, 2007

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

March 21, 2007

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act
1.2 relating to predatory offender registration; requiring certain persons under the
1.3 age of 16 to register as predatory offenders; amending Minnesota Statutes 2006,
1.4 section 243.166, subdivisions 1b, 2.

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

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

1.8 Subd. 1b. Registration required. (a) A person 16 years of age or older shall
1.9 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, 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 conspiracy to commit false imprisonment in violation of
1.21 section 609.255, subdivision 2; soliciting a minor to engage in prostitution in violation of
1.22 section 609.322 or 609.324; soliciting a minor to engage in sexual conduct in violation of
1.23 section 609.352; using a minor in a sexual performance in violation of section 617.246;
1.24 or possessing pornographic work involving a minor in violation of section 617.247, and

2.1 convicted of or adjudicated delinquent for that offense or another offense arising out  
2.2 of the same set of circumstances;

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

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

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

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

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

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

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

2.23 (c) A person also shall register under this section if the person was committed  
2.24 pursuant to a court commitment order under section 253B.185 or Minnesota Statutes  
2.25 1992, section 526.10, or a similar law of another state or the United States, regardless of  
2.26 whether the person was convicted of any offense.

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

2.28 (1) the person was charged with or petitioned for a felony violation or attempt to  
2.29 violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another  
2.30 state or the United States, or the person was charged with or petitioned for a violation of  
2.31 any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or  
2.32 the United States;

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

3.1 (3) the person was committed pursuant to a court commitment order under section  
3.2 253B.18 or a similar law of another state or the United States.

3.3 (e) A person under the age of 16 shall register under this section if:

3.4 (1) charged with a felony violation of or attempt to violate, or aiding, abetting, or  
3.5 conspiracy to commit any crime described in this subdivision, certified to be tried as an  
3.6 adult pursuant to section 260B.125, and convicted of that offense or another offense  
3.7 arising out of the same set of circumstances;

3.8 (2) charged with a felony violation of or attempt to violate, or aiding, abetting, or  
3.9 conspiracy to commit any crime described in this subdivision, designated an extended  
3.10 jurisdiction juvenile offender and convicted of that offense or another offense arising out  
3.11 of the same set of circumstances;

3.12 (3) found to have committed criminal sexual conduct under section 609.342,  
3.13 subdivision 1, paragraph (c), (d), (e), (f), (g), or (h); 609.343, subdivision 1, paragraph (c),  
3.14 (d), (e), (f), (g), or (h); 609.344, subdivision 1, paragraph (c); or 609.345, subdivision 1,  
3.15 paragraph (c);

3.16 (4) found to have committed criminal sexual conduct under section 609.342,  
3.17 subdivision 1; 609.343, subdivision 1; 609.344, subdivision 1; or 609.345, subdivision  
3.18 1, after having participated in court-ordered sex offender treatment pursuant to section  
3.19 260B.198, subdivision 1, paragraph (k); or

3.20 (5) found to have committed any crime described in this subdivision and the court  
3.21 finds on its own motion, or that of the prosecutor, that it is in the interests of public safety  
3.22 to require registration.

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

3.24 Subd. 2. **Notice.** When a person who is required to register under subdivision 1b,  
3.25 paragraph (a) or (e), is sentenced or becomes subject to a juvenile court disposition order,  
3.26 the court shall tell the person of the duty to register under this section and that, if the  
3.27 person fails to comply with the registration requirements, information about the offender  
3.28 may be made available to the public through electronic, computerized, or other accessible  
3.29 means. The court may not modify the person's duty to register in the pronounced sentence  
3.30 or disposition order. The court shall require the person to read and sign a form stating  
3.31 that the duty of the person to register under this section has been explained. The court  
3.32 shall forward the signed sex offender registration form, the complaint, and sentencing  
3.33 documents to the bureau. If a person required to register under subdivision 1b, paragraph  
3.34 (a) or (e), was not notified by the court of the registration requirement at the time of  
3.35 sentencing or disposition, the assigned corrections agent shall notify the person of the

- 4.1 requirements of this section. When a person who is required to register under subdivision  
4.2 1b, paragraph (c) or (d), is released from commitment, the treatment facility shall notify  
4.3 the person of the requirements of this section. The treatment facility shall also obtain the  
4.4 registration information required under this section and forward it to the bureau.