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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 3342

February 21, 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 13, 2008

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to public safety; registration procedure for predatory offenders being
1.3 released from a correctional facility and not going to a new primary address;
1.4 clarifying sufficiency of notice for verification of a person's address for the
1.5 registration of predatory offenders; making further clarification that registration
1.6 of predatory offenders applies to offenders who move to Minnesota from other
1.7 states; requiring predatory offender registration database checks for persons
1.8 booked at jails; providing criminal penalties; amending Minnesota Statutes 2006,
1.9 sections 243.166, subdivisions 3a, 4; 243.167, subdivision 2; 641.05.

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

1.11 Section 1. Minnesota Statutes 2006, section 243.166, subdivision 3a, is amended to
1.12 read:

1.13 Subd. 3a. **Registration procedure when person lacks primary address.** (a) If
1.14 a person leaves a primary address and does not have a new primary address, the person
1.15 shall register with the law enforcement authority that has jurisdiction in the area where the
1.16 person is staying within 24 hours of the time the person no longer has a primary address.

1.17 (b) Notwithstanding the time period for registration in paragraphs (a) and (c), a
1.18 person with a primary address of a correctional facility who is scheduled to be released
1.19 from the facility and who does not have a new primary address shall register with the law
1.20 enforcement authority that has jurisdiction in the area where the person will be staying at
1.21 least five days before the person is released from the correctional facility.

1.22 (c) A person who lacks a primary address shall register with the law enforcement
1.23 authority that has jurisdiction in the area where the person is staying within 24 hours after
1.24 entering the jurisdiction. Each time a person who lacks a primary address moves to a new
1.25 jurisdiction without acquiring a new primary address, the person shall register with the

2.1 law enforcement authority that has jurisdiction in the area where the person is staying
2.2 within 24 hours after entering the jurisdiction.

2.3 ~~(e)~~ (d) Upon registering under this subdivision, the person shall provide the law
2.4 enforcement authority with all of the information the individual is required to provide
2.5 under subdivision 4a. However, instead of reporting the person's primary address, the
2.6 person shall describe the location of where the person is staying with as much specificity
2.7 as possible.

2.8 ~~(d)~~ (e) Except as otherwise provided in paragraph ~~(e)~~ (f), if a person continues to
2.9 lack a primary address, the person shall report in person on a weekly basis to the law
2.10 enforcement authority with jurisdiction in the area where the person is staying. This
2.11 weekly report shall occur between the hours of 9:00 a.m. and 5:00 p.m. The person is
2.12 not required to provide the registration information required under subdivision 4a each
2.13 time the offender reports to an authority, but the person shall inform the authority of
2.14 changes to any information provided under this subdivision or subdivision 4a and shall
2.15 otherwise comply with this subdivision.

2.16 ~~(e)~~ (f) If the law enforcement authority determines that it is impractical, due to the
2.17 person's unique circumstances, to require a person lacking a primary address to report
2.18 weekly and in person as required under paragraph ~~(d)~~ (e), the authority may authorize the
2.19 person to follow an alternative reporting procedure. The authority shall consult with the
2.20 person's corrections agent, if the person has one, in establishing the specific criteria of this
2.21 alternative procedure, subject to the following requirements:

2.22 (1) the authority shall document, in the person's registration record, the specific
2.23 reasons why the weekly in-person reporting process is impractical for the person to follow;

2.24 (2) the authority shall explain how the alternative reporting procedure furthers
2.25 the public safety objectives of this section;

2.26 (3) the authority shall require the person lacking a primary address to report in
2.27 person at least monthly to the authority or the person's corrections agent and shall
2.28 specify the location where the person shall report. If the authority determines it would
2.29 be more practical and would further public safety for the person to report to another
2.30 law enforcement authority with jurisdiction where the person is staying, it may, after
2.31 consulting with the other law enforcement authority, include this requirement in the
2.32 person's alternative reporting process;

2.33 (4) the authority shall require the person to comply with the weekly, in-person
2.34 reporting process required under paragraph ~~(d)~~ (e), if the person moves to a new area
2.35 where this process would be practical;

3.1 (5) the authority shall require the person to report any changes to the registration
3.2 information provided under subdivision 4a and to comply with the periodic registration
3.3 requirements specified under paragraph ~~(f)~~ (g); and

3.4 (6) the authority shall require the person to comply with the requirements of
3.5 subdivision 3, paragraphs (b) and (c), if the person moves to a primary address.

3.6 ~~(f)~~ (g) If a person continues to lack a primary address and continues to report to the
3.7 same law enforcement authority, the person shall provide the authority with all of the
3.8 information the individual is required to provide under this subdivision and subdivision 4a
3.9 at least annually, unless the person is required to register under subdivision 1b, paragraph
3.10 (c), following commitment pursuant to a court commitment under section 253B.185 or a
3.11 similar law of another state or the United States. If the person is required to register under
3.12 subdivision 1b, paragraph (c), the person shall provide the law enforcement authority
3.13 with all of the information the individual is required to report under this subdivision and
3.14 subdivision 4a at least once every three months.

3.15 ~~(g)~~ (h) A law enforcement authority receiving information under this subdivision
3.16 shall forward registration information and changes to that information to the bureau within
3.17 two business days of receipt of the information.

3.18 ~~(h)~~ (i) For purposes of this subdivision, a person who fails to report a primary
3.19 address will be deemed to be a person who lacks a primary address, and the person shall
3.20 comply with the requirements for a person who lacks a primary address.

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

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

3.32 (b) For persons required to register under subdivision 1b, paragraph (c), following
3.33 commitment pursuant to a court commitment under section 253B.185 or a similar law
3.34 of another state or the United States, in addition to other information required by this
3.35 section, the registration provided to the corrections agent or law enforcement authority

4.1 must include the person's offense history and documentation of treatment received during
4.2 the person's commitment. This documentation is limited to a statement of how far the
4.3 person progressed in treatment during commitment.

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

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

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

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

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

4.23 (1) Except for persons registering under subdivision 3a, the bureau shall mail a
4.24 verification form to the person's last reported primary address. This verification form must
4.25 provide notice to the offender that, if the offender does not return the verification form
4.26 as required, information about the offender may be made available to the public through
4.27 electronic, computerized, or other accessible means. For persons who are registered under
4.28 subdivision 3a, the bureau shall mail an annual verification form to the law enforcement
4.29 authority where the offender most recently reported. The authority shall provide the
4.30 verification form to the person at the next weekly meeting and ensure that the person
4.31 completes and signs the form and returns it to the bureau. Notice is sufficient under this
4.32 paragraph, if the verification form is sent by first class mail to the person's last reported
4.33 primary address, or for persons registered under subdivision 3a, to the law enforcement
4.34 authority where the offender most recently reported.

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

5.4 (3) In addition to the requirements listed in this section, a person who is assigned
5.5 to risk level II or III under section 244.052, and who is no longer under correctional
5.6 supervision for a registration offense, or a failure to register offense, but who resides,
5.7 works, or attends school in Minnesota, shall have an annual in-person contact with a law
5.8 enforcement authority as provided in this section. If the person resides in Minnesota, the
5.9 annual in-person contact shall be with the law enforcement authority that has jurisdiction
5.10 over the person's primary address or, if the person has no address, the location where the
5.11 person is staying. If the person does not reside in Minnesota but works or attends school
5.12 in this state, the person shall have an annual in-person contact with the law enforcement
5.13 authority or authorities with jurisdiction over the person's school or workplace. During
5.14 the month of the person's birth date, the person shall report to the authority to verify the
5.15 accuracy of the registration information and to be photographed. Within three days of this
5.16 contact, the authority shall enter information as required by the bureau into the predatory
5.17 offender registration database and submit an updated photograph of the person to the
5.18 bureau's predatory offender registration unit.

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

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

5.30 For persons required to register under subdivision 1b, paragraph (c), following
5.31 commitment pursuant to a court commitment under section 253B.185 or a similar law of
5.32 another state or the United States, the bureau shall comply with clause (1) at least four
5.33 times each year. For persons who, under section 244.052, are assigned to risk level III and
5.34 who are no longer under correctional supervision for a registration offense or a failure to
5.35 register offense, the bureau shall comply with clause (1) at least two times each year. For

6.1 all other persons required to register under this section, the bureau shall comply with clause
6.2 (1) each year within 30 days of the anniversary date of the person's initial registration.

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

6.9 Sec. 3. Minnesota Statutes 2006, section 243.167, subdivision 2, is amended to read:

6.10 Subd. 2. **When required.** (a) In addition to the requirements of section 243.166, a
6.11 person also shall register under section 243.166 if:

6.12 (1) the person is convicted of a crime against the person; and

6.13 (2) the person was previously convicted of or adjudicated delinquent for an offense
6.14 listed in section 243.166, or a comparable offense in another state, but was not required
6.15 to register for the offense because the registration requirements of that section did not
6.16 apply to the person at the time the offense was committed or at the time the person was
6.17 released from imprisonment.

6.18 (b) A person who was previously required to register in any state and who has
6.19 completed the registration requirements of that state shall again register under section
6.20 243.166 if the person commits a crime against the person.

6.21 Sec. 4. Minnesota Statutes 2006, section 641.05, is amended to read:

6.22 **641.05 RECORD OF INMATES; ~~RETURN TO COURT~~; BUREAU OF**
6.23 **CRIMINAL APPREHENSION.**

6.24 (a) Every sheriff shall, at the expense of the county, maintain a permanent record of
6.25 all persons committed to any jail under the sheriff's charge. It shall contain the name of
6.26 every person committed, by what authority, residence, date of commitment, and, if for a
6.27 criminal offense, a description of the person, when and by what authority liberated, and,
6.28 in case of escape, the time and manner thereof. At the opening of each term of district
6.29 court the sheriff shall make a certified transcript ~~therefrom~~ from the record to such the
6.30 court, showing all cases ~~therein~~ not previously disposed of.

6.31 (b) Upon intake into the jail facility, the name of the committed person shall be
6.32 checked against the Bureau of Criminal Apprehension predatory offender registration
6.33 database to determine whether the person is a registered predatory offender. In the event
6.34 that the person is registered, the sheriff or designee shall notify the bureau of the person's

7.1 admission into the jail facility. At the time of discharge from the facility, the sheriff or
7.2 designee shall provide the person with a change of information form for the purposes of
7.3 reporting the address where the person will be living upon release from the facility.

7.4 (c) Every sheriff who intentionally neglects or refuses to ~~so~~ report under paragraph
7.5 (a) or (b) shall be guilty of a gross misdemeanor.