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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE NO. 551

February 5, 2009
Authored by Kalin
The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

A bill for an act

relating to public safety; amending the risk-level assessment process for out-of-state predatory offenders who move to the state; increasing penalties for certain repeat offenders; requiring training regarding predatory offenders for those who care for children and vulnerable adults; amending Minnesota Statutes 2008, sections 244.052, subdivision 3a; 609.3451, subdivision 3.

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

Section 1. **TITLE.**

This act shall be known as the Safe Neighborhoods Act of 2009.

Sec. 2. Minnesota Statutes 2008, section 244.052, subdivision 3a, is amended to read:

Subd. 3a. **Offenders from other states and offenders released from federal facilities.** (a) Except as provided in paragraph (b), the commissioner shall establish an end-of-confinement review committee to assign a risk level:

(1) to offenders who are released from a federal correctional facility in Minnesota or a federal correctional facility in another state and who intend to reside in Minnesota;

(2) to offenders who are accepted from another state under the interstate compact authorized by section 243.16 or 243.1605 or any other authorized interstate agreement; and

(3) to offenders who are referred to the committee by local law enforcement agencies under paragraph (f).

(b) This subdivision does not require the commissioner to convene an end-of-confinement review committee for a person coming into Minnesota who is subject to probation under another state's law. The probation or court services officer and law enforcement officer shall manage such cases in accordance with section 244.10, subdivision 8.

(c) No more than 45 days after an offender from another jurisdiction who is eligible for a Minnesota risk level assignment under this subdivision moves to Minnesota, the committee shall ~~make reasonable efforts to conform to the same timelines applied to offenders released from a Minnesota correctional facility and shall~~ collect all relevant information and records on ~~offenders~~ the offender assessed and ~~assigned~~ assign a risk level ~~under this subdivision~~. ~~However,~~ For offenders who were assigned the most serious risk level by another state, the committee must ~~act promptly to~~ collect the information required under this paragraph and assign a risk level within 30 days of the offender moving to Minnesota.

The end-of-confinement review committee must proceed in accordance with all requirements set forth in this section and follow all policies and procedures applied to offenders released from a Minnesota correctional facility in reviewing information and assessing the risk level of offenders covered by this subdivision, unless restrictions caused by the nature of federal or interstate transfers prevent such conformance. All of the provisions of this section apply to offenders who are assessed and assigned a risk level under this subdivision.

(d) If a local law enforcement agency learns or suspects that a person who is subject to this section is living in Minnesota and a risk level has not been assigned to the person under this section, the law enforcement agency shall provide this information to the Bureau of Criminal Apprehension and the commissioner of corrections within three business days.

(e) If the commissioner receives reliable information from a local law enforcement agency or the bureau that a person subject to this section is living in Minnesota and a local law enforcement agency so requests, the commissioner must determine if the person was assigned a risk level under a law comparable to this section. If the commissioner determines that the law is comparable and public safety warrants, the commissioner, within three business days of receiving a request, shall notify the local law enforcement agency that it may, in consultation with the department, proceed with notification under subdivision 4 based on the person's out-of-state risk level. However, if the commissioner concludes that the offender is from a state with a risk level assessment law that is not comparable to this section, the extent of the notification may not exceed that of a risk level II offender under subdivision 4, paragraph (b), unless the requirements of paragraph (f) have been met. If an assessment is requested from the end-of-confinement review committee under paragraph (f), the local law enforcement agency may continue to disclose information under subdivision 4 until the committee assigns the person a risk level. After the committee assigns a risk level to an offender pursuant to a request made under paragraph (f), the information disclosed by law enforcement shall be consistent with the

risk level assigned by the end-of-confinement review committee. The commissioner of corrections, in consultation with legal advisers, shall determine whether the law of another state is comparable to this section.

(f) If the local law enforcement agency wants to make a broader disclosure than is authorized under paragraph (e), the law enforcement agency may request that an end-of-confinement review committee assign a risk level to the offender. The local law enforcement agency shall provide to the committee all information concerning the offender's criminal history, the risk the offender poses to the community, and other relevant information. The department shall attempt to obtain other information relevant to determining which risk level to assign the offender. The committee shall promptly assign a risk level to an offender referred to the committee under this paragraph.

EFFECTIVE DATE. This section is effective August 1, 2009.

Sec. 3. Minnesota Statutes 2008, section 609.3451, subdivision 3, is amended to read:

Subd. 3. **Felony.** A person is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both, if the person:

(1) violates subdivision 1, clause (2), after having been previously convicted of or adjudicated delinquent for violating subdivision 1, clause (2); section 617.23, subdivision 2, clause (1); or a statute from another state in conformity with subdivision 1, clause (2), or section 617.23, subdivision 2, clause (1); or

(2) violates subdivision 1 after having been previously convicted two or more times of any combination of a predatory offense, a sex offense, as that term is defined in section 609.3455, subdivision 1, clause (h), section 609.746 (interfering with privacy), 609.749 (harassment and stalking), 609.79 (obscene or harassing phone calls), 609.72 (disorderly conduct), 617.23 (indecent exposure), 617.246 (creating child pornography), or 617.247 (possessing or disseminating child pornography).

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to offenses committed on or after that date.

Sec. 4. **MANDATORY PREDATORY OFFENDER TRAINING.**

(a) For purposes of this section, "provider" means:

(1) group residential housing providers, as defined in Minnesota Statutes, section 256I.03, subdivision 3;

(2) child care providers required to be licensed under Minnesota Statutes, section 245A.03;

(3) nursing home providers required to be licensed to serve adults under Minnesota Statutes, section 144A.02;

(4) school principals, as defined in Minnesota Rules, part 3512.0100, subpart 6; and

(5) school social workers, as defined in Minnesota Rules, part 8710.6300.

(b) A provider must provide employees with a minimum of one hour of training regarding the dangers that predatory offenders pose to children and vulnerable adults. The training shall include information on the predatory offender community notice requirements under Minnesota Statutes, section 244.052 and the predatory offender registration requirements under Minnesota Statutes, section 243.166. The provider shall require and document that each adult caregiver who provides care in the setting for more than 30 days in any 12-month period complete the training.

(c) The commissioner of public safety, in consultation with the commissioner of corrections, shall develop training materials to assist providers in meeting the training requirements of paragraph (b).

EFFECTIVE DATE. This section is effective August 1, 2009.