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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH  
SESSION

HOUSE FILE No. **3174**

February 25, 2010

Authored by Bigham, Jackson, Kelly and Kohls

The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

March 8, 2010

Committee Recommendation and Adoption of Report:

To Pass as Amended

Read Second Time

1.1 A bill for an act  
1.2 relating to public safety; amending the predatory offender registration law to  
1.3 address registrants living in homeless shelters and to clarify that the registration  
1.4 requirement for offenders who move out of state are suspended not terminated;  
1.5 amending Minnesota Statutes 2008, section 243.166, subdivisions 1a, 3.

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

1.7 Section 1. Minnesota Statutes 2008, section 243.166, subdivision 1a, is amended to  
1.8 read:

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

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

1.12 (c) "Dwelling" means the building where the person lives under a formal or informal  
1.13 agreement to do so. However, dwelling does not include a supervised publicly or privately  
1.14 operated shelter or facility designed to provide temporary living accommodations for  
1.15 homeless individuals as defined in section 116L.361, subdivision 5.

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

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

1.20 (f) "Motor vehicle" has the meaning given in section 169.011, subdivision 92.

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

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

2.4 (i) "Secondary address" means the mailing address of any place where the person  
2.5 regularly or occasionally stays overnight when not staying at the person's primary address.  
2.6 If the mailing address is different from the actual location of the place, secondary address  
2.7 also includes the physical location of the place described with as much specificity as  
2.8 possible. However, the location of a supervised publicly or privately operated shelter or  
2.9 facility designated to provide temporary living accommodations for homeless individuals  
2.10 as defined in section 116L.361, subdivision 5, does not constitute a secondary address.

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

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

2.19 **EFFECTIVE DATE.** This section is effective July 1, 2010, and applies to  
2.20 individuals required to register as predatory offenders on or after that date.

2.21 Sec. 2. Minnesota Statutes 2008, section 243.166, subdivision 3, is amended to read:

2.22 Subd. 3. **Registration procedure.** (a) Except as provided in subdivision 3a, a person  
2.23 required to register under this section shall register with the corrections agent as soon as  
2.24 the agent is assigned to the person. If the person does not have an assigned corrections  
2.25 agent or is unable to locate the assigned corrections agent, the person shall register with the  
2.26 law enforcement authority that has jurisdiction in the area of the person's primary address.

2.27 (b) Except as provided in subdivision 3a, at least five days before the person starts  
2.28 living at a new primary address, including living in another state, the person shall give  
2.29 written notice of the new primary address to the assigned corrections agent or to the law  
2.30 enforcement authority with which the person currently is registered. If the person will be  
2.31 living in a new state and that state has a registration requirement, the person shall also  
2.32 give written notice of the new address to the designated registration agency in the new  
2.33 state. A person required to register under this section shall also give written notice to  
2.34 the assigned corrections agent or to the law enforcement authority that has jurisdiction  
2.35 in the area of the person's primary address that the person is no longer living or staying

3.1 at an address, immediately after the person is no longer living or staying at that address.  
3.2 The written notice required by this paragraph must be provided in person. The corrections  
3.3 agent or law enforcement authority shall, within two business days after receipt of this  
3.4 information, forward it to the bureau. The bureau shall, if it has not already been done,  
3.5 notify the law enforcement authority having primary jurisdiction in the community where  
3.6 the person will live of the new address. If the person is leaving the state, the bureau  
3.7 shall notify the registration authority in the new state of the new address. The person's  
3.8 registration requirements under this section ~~terminate~~ are suspended after the person  
3.9 begins living in the new state and the bureau has confirmed the address in the other state  
3.10 through the annual verification process on at least one occasion. The person's registration  
3.11 requirements under this section are reactivated if the person resumes living in Minnesota  
3.12 and the registration time period described in subdivision 6 has not expired.

3.13 (c) A person required to register under subdivision 1b, paragraph (b), because the  
3.14 person is working or attending school in Minnesota shall register with the law enforcement  
3.15 authority that has jurisdiction in the area where the person works or attends school. In  
3.16 addition to other information required by this section, the person shall provide the address  
3.17 of the school or of the location where the person is employed. A person shall comply with  
3.18 this paragraph within five days of beginning employment or school. A person's obligation  
3.19 to register under this paragraph terminates when the person is no longer working or  
3.20 attending school in Minnesota.

3.21 (d) A person required to register under this section who works or attends school  
3.22 outside of Minnesota shall register as a predatory offender in the state where the person  
3.23 works or attends school. The person's corrections agent, or if the person does not have an  
3.24 assigned corrections agent, the law enforcement authority that has jurisdiction in the area  
3.25 of the person's primary address shall notify the person of this requirement.

3.26 **EFFECTIVE DATE.** This section is effective the day following final enactment.