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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 226

01/21/2021 Authored by Grossell and Novotny The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; establishing that stays of adjudication in criminal sexual
1.3 conduct cases are departures from the sentencing guidelines; requiring persons
1.4 subject to stays of adjudication in criminal sexual conduct cases to register as
1.5 predatory offenders; requiring criminal history points to be assessed against
1.6 offenders who violate stays of adjudication in criminal sexual conduct cases for
1.7 the stayed offense; amending Minnesota Statutes 2020, sections 243.166,
1.8 subdivision 1b; 609.095.

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

1.10 Section 1. Minnesota Statutes 2020, section 243.166, subdivision 1b, is amended to read:

1.11 Subd. 1b. Registration required. (a) A person shall register under this section if:

1.12 (1) the person was charged with or petitioned for a felony violation of or attempt to
1.13 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
1.14 of or adjudicated delinquent for that offense or another offense arising out of the same set
1.15 of circumstances:

1.16 (i) murder under section 609.185, paragraph (a), clause (2);

1.17 (ii) kidnapping under section 609.25;

1.18 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
1.19 subdivision 3; or 609.3453;

1.20 (iv) indecent exposure under section 617.23, subdivision 3; or

1.21 (v) surreptitious intrusion under the circumstances described in section 609.746,
1.22 subdivision 1, paragraph (f);

2.1 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
2.2 aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated
2.3 delinquent for that offense or another offense arising out of the same set of circumstances:

2.4 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

2.5 (ii) false imprisonment in violation of section 609.255, subdivision 2;

2.6 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in
2.7 the sex trafficking of a minor in violation of section 609.322;

2.8 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

2.9 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
2.10 subdivision 2 or 2a, clause (1);

2.11 (vi) using a minor in a sexual performance in violation of section 617.246; or

2.12 (vii) possessing pornographic work involving a minor in violation of section 617.247;

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

2.15 (4) the person was charged with or petitioned for, including pursuant to a court martial,
2.16 violating a law of the United States, including the Uniform Code of Military Justice, similar
2.17 to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent
2.18 for that offense or another offense arising out of the same set of circumstances.

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

2.20 (1) the person was charged with or petitioned for an offense in another state that would
2.21 be a violation of a law described in paragraph (a) if committed in this state and convicted
2.22 of or adjudicated delinquent for that offense or another offense arising out of the same set
2.23 of circumstances;

2.24 (2) the person enters this state to reside, work, or attend school, or enters this state and
2.25 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
2.26 any calendar year; and

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

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

3.5 (c) A person also shall register under this section if the person was committed pursuant
3.6 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
3.7 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
3.8 United States, regardless of whether the person was convicted of any offense.

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

3.10 (1) the person was charged with or petitioned for a felony violation or attempt to violate
3.11 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
3.12 the United States, or the person was charged with or petitioned for a violation of any of the
3.13 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
3.14 States;

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

3.18 (3) the person was committed pursuant to a court commitment order under section
3.19 253B.18 or a similar law of another state or the United States.

3.20 (e) A person also shall register under this section if the person received a stay of
3.21 adjudication under section 609.095, paragraph (b), for a charge of violating section 243.166,
3.22 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, unless the
3.23 offender is a juvenile and the court finds, on the record, that there is good cause to waive
3.24 the registration requirement.

3.25 Sec. 2. Minnesota Statutes 2020, section 609.095, is amended to read:

3.26 **609.095 LIMITS OF SENTENCES.**

3.27 (a) The legislature has the exclusive authority to define crimes and offenses and the
3.28 range of the sentences or punishments for their violation. No other or different sentence or
3.29 punishment shall be imposed for the commission of a crime than is authorized by this chapter
3.30 or other applicable law.

3.31 (b) Except as provided in section 152.18 or 609.375, or upon agreement of the parties,
3.32 a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea in

4.1 accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
4.2 guilty by a court or jury following a trial. A decision by the court to issue a stay of
4.3 adjudication under this paragraph for a charge of violating section 243.166, 609.342, 609.343,
4.4 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, must be justified in writing and
4.5 on the record.

4.6 (c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

4.7 (d) The rules promulgated by the supreme court shall provide for remote access,
4.8 searchable by defendant name, to the publicly accessible portions of the district court register
4.9 of actions, orders, notices prepared by the court, and any other documents in a case:

4.10 (1) that includes a charge for violating section 243.166, 609.342, 609.343, 609.344,
4.11 609.345, 609.3451, subdivision 3, or 609.3453; and

4.12 (2) in which a court did not adjudicate the guilt of a defendant who tendered a guilty
4.13 plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been
4.14 found guilty by a court or jury following a trial.

4.15 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to offenses
4.16 committed on or after that date.