

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 111

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DATE	D-PG	OFFICIAL STATUS
01/14/2019	77	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
01/24/2019	147a	Comm report: To pass as amended and re-refer to Finance
05/09/2019		Comm report: To pass as amended Second reading

1.1 A bill for an act

1.2 relating to public safety; requiring written justification for court-imposed stays of

1.3 adjudication for sex offenses; eliminating the exclusion from fifth degree criminal

1.4 sexual conduct for nonconsensual, intentional touching of another person's clothed

1.5 buttock; requiring law enforcement agencies to adopt policies for sexual assaults;

1.6 allowing sexual assault crimes to be reported to any law enforcement agency;

1.7 amending various provisions related to predatory offender registration; requiring

1.8 law enforcement to notify public when predatory offender is no longer found in

1.9 area; amending Minnesota Statutes 2018, sections 171.07, subdivision 1a; 243.166,

1.10 subdivisions 1a, 1b, 2, 4, 4a, 4b, 4c, 5, 7; 244.052, subdivision 4; 299C.093;

1.11 609.095; 609.3451, subdivision 1; proposing coding for new law in Minnesota

1.12 Statutes, chapters 609; 626.

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

1.14 Section 1. Minnesota Statutes 2018, section 171.07, subdivision 1a, is amended to read:

1.15 Subd. 1a. **Filing photograph or image; data classification.** The department shall file,

1.16 or contract to file, all photographs or electronically produced images obtained in the process

1.17 of issuing drivers' licenses or Minnesota identification cards. The photographs or

1.18 electronically produced images shall be private data pursuant to section 13.02, subdivision

1.19 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to

1.20 provide copies of photographs or electronically produced images to data subjects. The use

1.21 of the files is restricted:

1.22 (1) to the issuance and control of drivers' licenses;

1.23 (2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the

1.24 investigation and prosecution of crimes, service of process, enforcement of no contact

1.25 orders, location of missing persons, investigation and preparation of cases for criminal,

2.1 juvenile, and traffic court, location of individuals required to register under section 243.166
2.2 or 243.167, and supervision of offenders;

2.3 (3) to public defenders, as defined in section 611.272, for the investigation and preparation
2.4 of cases for criminal, juvenile, and traffic courts;

2.5 (4) to child support enforcement purposes under section 256.978; and

2.6 (5) to a county medical examiner or coroner as required by section 390.005 as necessary
2.7 to fulfill the duties under sections 390.11 and 390.25.

2.8 Sec. 2. Minnesota Statutes 2018, section 243.166, subdivision 1a, is amended to read:

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

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

2.12 (c) "Corrections agent" means a county or state probation agent or other corrections
2.13 employee. The term also includes United States Probation and Pretrial Services System
2.14 employees who work with a person subject to this section.

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

2.19 ~~(e)~~ (e) "Incarceration" and "confinement" do not include electronic home monitoring.

2.20 ~~(f)~~ (f) "Law enforcement authority" or "authority" means, ~~with respect to the chief of~~
2.21 police of a home rule charter or statutory city, the chief of police, and with respect to the
2.22 county sheriff of an unincorporated area, the county sheriff in that county. An authority
2.23 must be located in Minnesota.

2.24 ~~(g)~~ (g) "Motor vehicle" has the meaning given in section 169.011, subdivision 92.

2.25 ~~(h)~~ (h) "Primary address" means the mailing address of the person's dwelling. If the
2.26 mailing address is different from the actual location of the dwelling, primary address also
2.27 includes the physical location of the dwelling described with as much specificity as possible.

2.28 ~~(i)~~ (i) "School" includes any public or private educational institution, including any
2.29 secondary school, trade, or professional institution, or institution of higher education, that
2.30 the person is enrolled in on a full-time or part-time basis.

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

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

3.12 ~~(l)~~ (l) "Work" includes employment that is full time or part time for a period of time
 3.13 exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar
 3.14 year, whether financially compensated, volunteered, or for the purpose of government or
 3.15 educational benefit.

3.16 Sec. 3. Minnesota Statutes 2018, section 243.166, subdivision 1b, is amended to read:

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

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

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

3.23 (ii) kidnapping under section 609.25;

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

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

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

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

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

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

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

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

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

4.7 (vii) possessing pornographic work involving a minor in violation of section 617.247;
4.8 ~~and convicted of or adjudicated delinquent for that offense or another offense arising out~~
4.9 ~~of the same set of circumstances;~~

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

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

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

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

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

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

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

5.1 (c) A person also shall register under this section if the person was committed pursuant
 5.2 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
 5.3 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
 5.4 United States, regardless of whether the person was convicted of any offense.

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

5.6 (1) the person was charged with or petitioned for a felony violation or attempt to violate
 5.7 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
 5.8 the United States, or the person was charged with or petitioned for a violation of any of the
 5.9 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
 5.10 States;

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

5.14 (3) the person was committed pursuant to a court commitment order under section
 5.15 253B.18 or a similar law of another state or the United States.

5.16 Sec. 4. Minnesota Statutes 2018, section 243.166, subdivision 2, is amended to read:

5.17 Subd. 2. **Notice.** When a person who is required to register under subdivision 1b,
 5.18 paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the
 5.19 court shall tell the person of the duty to register under this section and that, if the person
 5.20 fails to comply with the registration requirements, information about the offender may be
 5.21 made available to the public through electronic, computerized, or other accessible means.
 5.22 The court may not modify the person's duty to register in the pronounced sentence or
 5.23 disposition order. The court shall require the person to read and sign a form stating that the
 5.24 duty of the person to register under this section has been explained. The court shall ~~forward~~
 5.25 make available the signed ~~sex-offender registration~~ court notification form, the complaint,
 5.26 and sentencing documents to the bureau. If a person required to register under subdivision
 5.27 1b, paragraph (a), was not notified by the court of the registration requirement at the time
 5.28 of sentencing or disposition, the assigned corrections agent shall notify the person of the
 5.29 requirements of this section. If a person required to register under subdivision 1b, paragraph
 5.30 (a), was not notified by the court of the registration requirement at the time of sentencing
 5.31 or disposition and does not have a corrections agent, the law enforcement authority with
 5.32 jurisdiction over the person's primary address shall notify the person of the requirements.

5.33 When a person who is required to register under subdivision 1b, paragraph (c) or (d), is
 5.34 released from commitment, the treatment facility shall notify the person of the requirements

6.1 of this section. The treatment facility shall also obtain the registration information required
6.2 under this section and forward it to the bureau.

6.3 Sec. 5. Minnesota Statutes 2018, section 243.166, subdivision 4, is amended to read:

6.4 Subd. 4. **Contents of registration.** (a) The registration provided to the corrections agent
6.5 or law enforcement authority, must consist of a statement in writing signed by the person,
6.6 giving information required by the bureau, fingerprints, biological specimen for DNA
6.7 analysis as defined under section 299C.155, subdivision 1, and photograph of the person
6.8 taken at the time of the person's release from incarceration or, if the person was not
6.9 incarcerated, at the time the person initially registered under this section. The registration
6.10 information also must include a written consent form signed by the person allowing a
6.11 treatment facility or residential housing unit or shelter to release information to a law
6.12 enforcement officer about the person's admission to, or residence in, a treatment facility or
6.13 residential housing unit or shelter. Registration information on adults and juveniles may be
6.14 maintained together notwithstanding section 260B.171, subdivision 3.

6.15 (b) For persons required to register under subdivision 1b, paragraph (c), following
6.16 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
6.17 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
6.18 another state or the United States, in addition to other information required by this section,
6.19 the registration provided to the corrections agent or law enforcement authority must include
6.20 the person's offense history and documentation of treatment received during the person's
6.21 commitment. This documentation is limited to a statement of how far the person progressed
6.22 in treatment during commitment.

6.23 (c) Within three days of receipt, the corrections agent or law enforcement authority shall
6.24 forward the registration information to the bureau. The bureau shall ascertain whether the
6.25 person has registered with the law enforcement authority in the area of the person's primary
6.26 address, if any, or if the person lacks a primary address, where the person is staying, as
6.27 required by subdivision 3a. If the person has not registered with the law enforcement
6.28 authority, the bureau shall ~~send one copy to~~ notify that authority.

6.29 (d) The corrections agent or law enforcement authority may require that a person required
6.30 to register under this section appear before the agent or authority to be photographed. The
6.31 agent or authority shall ~~forward~~ submit the photograph to the bureau.

6.32 (1) Except as provided in clause (2), the agent or authority may photograph any offender
6.33 at a time and frequency chosen by the agent or authority.

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

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

7.7 (1) Except for persons registering under subdivision 3a, the bureau shall mail a
7.8 verification form to the person's last reported primary address. This verification form must
7.9 provide notice to the offender that, if the offender does not return the verification form as
7.10 required, information about the offender may be made available to the public through
7.11 electronic, computerized, or other accessible means. For persons who are registered under
7.12 subdivision 3a, the bureau shall mail an annual verification form to the law enforcement
7.13 authority where the offender most recently reported. The authority shall provide the
7.14 verification form to the person at the next weekly meeting and ensure that the person
7.15 completes and signs the form and returns it to the bureau. Notice is sufficient under this
7.16 paragraph; if the verification form is sent by first class mail to the person's last reported
7.17 primary address, or for persons registered under subdivision 3a, to the law enforcement
7.18 authority where the offender most recently reported.

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

7.22 (3) In addition to the requirements listed in this section, an offender who is no longer
7.23 under correctional supervision for a registration offense, or a failure to register offense, but
7.24 who resides, works, or attends school in Minnesota, shall have an in-person contact with a
7.25 law enforcement authority as provided in this section. If the person resides in Minnesota,
7.26 the in-person contact shall be with the law enforcement authority that has jurisdiction over
7.27 the person's primary address or, if the person has no address, the location where the person
7.28 is staying. If the person does not reside in Minnesota but works or attends school in this
7.29 state, the person shall have an in-person contact with the law enforcement authority or
7.30 authorities with jurisdiction over the person's school or workplace. During the month of the
7.31 person's birth date, the person shall report to the authority to verify the accuracy of the
7.32 registration information and to be photographed. Within three days of this contact, the
7.33 authority shall enter information as required by the bureau into the predatory offender
7.34 registration database and submit an updated photograph of the person to the bureau's
7.35 predatory offender registration unit.

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

8.4 (5) For any person who fails to mail the completed and signed verification form to the
8.5 bureau within ten days after receipt of the form and who has been determined to be subject
8.6 to community notification pursuant to section 253D.32 or is a risk level III offender under
8.7 section 244.052, the bureau shall immediately investigate and notify local law enforcement
8.8 authorities to investigate the person's location and to ensure compliance with this section.
8.9 The bureau also shall immediately give notice of the person's violation of this section to the
8.10 law enforcement authority having jurisdiction over the person's last registered primary
8.11 address or addresses.

8.12 For persons required to register under subdivision 1b, paragraph (c), following
8.13 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
8.14 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
8.15 another state or the United States, the bureau shall comply with clause (1) at least ~~four~~ two
8.16 times each year. For persons who, under section 244.052, are assigned to risk level III and
8.17 who are no longer under correctional supervision for a registration offense or a failure to
8.18 register offense, the bureau shall comply with clause (1) at least two times each year. For
8.19 all other persons required to register under this section, the bureau shall comply with clause
8.20 (1) each year within 30 days of the anniversary date of the person's initial registration.

8.21 ~~(f) When sending out a verification form, the bureau shall determine whether the person~~
8.22 ~~to whom the verification form is being sent has signed a written consent form as provided~~
8.23 ~~for in paragraph (a). If the person has not signed such a consent form, the bureau shall send~~
8.24 ~~a written consent form to the person along with the verification form. A person who receives~~
8.25 ~~this written consent form shall sign and return it to the bureau at the same time as the~~
8.26 ~~verification form.~~ For persons registered under this section on the effective date of this
8.27 section, each person, on or before one year from that date, must provide a biological specimen
8.28 for the purpose of DNA analysis to the probation agency or law enforcement authority
8.29 where that person is registered. A person who provides or has provided a biological specimen
8.30 for the purpose of DNA analysis under chapter 299C or section 609.117 meets the
8.31 requirements of this paragraph.

8.32 (g) For persons registered under this section on the effective date of this section, each
8.33 person, on or before one year from that date, must provide fingerprints to the probation
8.34 agency or law enforcement authority where that person is registered.

9.1 Sec. 6. Minnesota Statutes 2018, section 243.166, subdivision 4a, is amended to read:

9.2 Subd. 4a. **Information required to be provided.** (a) A person required to register under
9.3 this section shall provide to the corrections agent or law enforcement authority the following
9.4 information:

9.5 (1) the person's primary address;

9.6 (2) all of the person's secondary addresses in Minnesota, including all addresses used
9.7 for residential or recreational purposes;

9.8 (3) the addresses of all Minnesota property owned, leased, or rented by the person;

9.9 (4) the addresses of all locations where the person is employed;

9.10 (5) the addresses of all schools where the person is enrolled; ~~and~~

9.11 (6) the year, model, make, license plate number, and color of all motor vehicles owned
9.12 or regularly driven by the person;

9.13 (7) the expiration year for the motor vehicle license plate tabs of all motor vehicles
9.14 owned by the person; and

9.15 (8) all telephone numbers including work, school, and home and any cellular telephone
9.16 service.

9.17 (b) The person shall report to the agent or authority the information required to be
9.18 provided under paragraph (a), clauses (2) to ~~(6)~~ (8), within five days of the date the clause
9.19 becomes applicable. If because of a change in circumstances any information reported under
9.20 paragraph (a), clauses (1) to ~~(6)~~ (8), no longer applies, the person shall immediately inform
9.21 the agent or authority that the information is no longer valid. If the person leaves a primary
9.22 address and does not have a new primary address, the person shall register as provided in
9.23 subdivision 3a.

9.24 Sec. 7. Minnesota Statutes 2018, section 243.166, subdivision 4b, is amended to read:

9.25 Subd. 4b. **Health care facility; notice of status.** (a) For the purposes of this subdivision;

9.26 (1) "health care facility" means a facility:

9.27 ~~(1)~~ (i) licensed by the commissioner of health as a hospital, boarding care home or
9.28 supervised living facility under sections 144.50 to 144.58, or a nursing home under chapter
9.29 144A;

9.30 ~~(2)~~ (ii) registered by the commissioner of health as a housing with services establishment
9.31 as defined in section 144D.01; or

10.1 ~~(3)~~ (iii) licensed by the commissioner of human services as a residential facility under
 10.2 chapter 245A to provide adult foster care, adult mental health treatment, chemical dependency
 10.3 treatment to adults, or residential services to persons with disabilities; and

10.4 (2) "home care provider" has the meaning given in section 144A.43.

10.5 (b) Prior to admission to a health care facility or home care services from a home care
 10.6 provider, a person required to register under this section shall disclose to:

10.7 (1) the health care facility employee or the home care provider processing the admission
 10.8 the person's status as a registered predatory offender under this section; and

10.9 (2) the person's corrections agent, or if the person does not have an assigned corrections
 10.10 agent, the law enforcement authority with whom the person is currently required to register,
 10.11 that ~~inpatient~~ admission will occur.

10.12 (c) A law enforcement authority or corrections agent who receives notice under paragraph
 10.13 (b) or who knows that a person required to register under this section is planning to be
 10.14 admitted and receive, or has been admitted and is receiving health care at a health care
 10.15 facility or home care services from a home care provider, shall notify the administrator of
 10.16 the facility or the home care provider and deliver a fact sheet to the administrator or provider
 10.17 containing the following information: (1) name and physical description of the offender;
 10.18 (2) the offender's conviction history, including the dates of conviction; (3) the risk level
 10.19 classification assigned to the offender under section 244.052, if any; and (4) the profile of
 10.20 likely victims.

10.21 (d) Except for a hospital licensed under sections 144.50 to 144.58, if a health care facility
 10.22 receives a fact sheet under paragraph (c) that includes a risk level classification for the
 10.23 offender, and if the facility admits the offender, the facility shall distribute the fact sheet to
 10.24 all residents at the facility. If the facility determines that distribution to a resident is not
 10.25 appropriate given the resident's medical, emotional, or mental status, the facility shall
 10.26 distribute the fact sheet to the patient's next of kin or emergency contact.

10.27 (e) If a home care provider receives a fact sheet under paragraph (c) that includes a risk
 10.28 level classification for the offender, the provider shall distribute the fact sheet to any
 10.29 individual who will provide direct services to the offender before the individual begins to
 10.30 provide the service.

10.31 Sec. 8. Minnesota Statutes 2018, section 243.166, subdivision 4c, is amended to read:

10.32 Subd. 4c. **Notices in writing; signed.** All notices required by this section must be in
 10.33 writing and signed by the person required to register. For purposes of this section, a signature

11.1 is as defined in section 645.44, subdivision 14, by an electronic method established by the
11.2 bureau, or by use of a biometric for the person. If a biometric is used, the person must
11.3 provide a sample that is forwarded to the bureau so that it can be maintained for comparison
11.4 purposes to verify the person's identity. The bureau shall determine the signature methods
11.5 available for use and post this determination on the bureau's website.

11.6 Sec. 9. Minnesota Statutes 2018, section 243.166, subdivision 5, is amended to read:

11.7 Subd. 5. **Criminal penalty.** (a) A person required to register under this section who was
11.8 given notice, knows, or reasonably should know of the duty to register and who:

11.9 (1) knowingly commits an act or fails to fulfill a requirement that violates any of its
11.10 provisions provision of this section; or

11.11 (2) intentionally provides false information to a corrections agent, law enforcement
11.12 authority, or the bureau is guilty of a felony and may be sentenced to imprisonment for not
11.13 more than five years or to payment of a fine of not more than \$10,000, or both.

11.14 (b) Except as provided in paragraph (c), a person convicted of violating paragraph (a)
11.15 shall be committed to the custody of the commissioner of corrections for not less than a
11.16 year and a day, nor more than five years.

11.17 (c) A person convicted of violating paragraph (a), who has previously been convicted
11.18 of or adjudicated delinquent for violating this section or a similar statute of another state or
11.19 the United States, shall be committed to the custody of the commissioner of corrections for
11.20 not less than two years, nor more than five years.

11.21 (d) Prior to the time of sentencing, the prosecutor may file a motion to have the person
11.22 sentenced without regard to the mandatory minimum sentence established by this subdivision.
11.23 The motion must be accompanied by a statement on the record of the reasons for it. When
11.24 presented with the motion, or on its own motion, the court may sentence the person without
11.25 regard to the mandatory minimum sentence if the court finds substantial and compelling
11.26 reasons to do so. Sentencing a person in the manner described in this paragraph is a departure
11.27 from the Sentencing Guidelines.

11.28 (e) A person convicted and sentenced as required by this subdivision is not eligible for
11.29 probation, parole, discharge, work release, conditional release, or supervised release, until
11.30 that person has served the full term of imprisonment as provided by law, notwithstanding
11.31 the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

11.32 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
11.33 committed on or after that date.

12.1 Sec. 10. Minnesota Statutes 2018, section 243.166, subdivision 7, is amended to read:

12.2 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections
12.3 244.052 and 299C.093, the data provided under this section is private data on individuals
12.4 under section 13.02, subdivision 12.

12.5 (b) The data may be used only by law enforcement and corrections agencies for law
12.6 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose
12.7 the status of an individual as a predatory offender to a child protection worker with a local
12.8 welfare agency for purposes of doing a family assessment under section 626.556. A
12.9 corrections agent may also disclose the status of an individual as a predatory offender to
12.10 comply with section 244.057.

12.11 (c) The commissioner of human services is authorized to have access to the data for:

12.12 (1) state-operated services, as defined in section 246.014, for the purposes described in
12.13 section 246.13, subdivision 2, paragraph (b); and

12.14 (2) purposes of completing background studies under chapter 245C.

12.15 Sec. 11. Minnesota Statutes 2018, section 244.052, subdivision 4, is amended to read:

12.16 Subd. 4. **Law enforcement agency; disclosure of information to public.** (a) The law
12.17 enforcement agency in the area where the predatory offender resides, expects to reside, is
12.18 employed, or is regularly found, shall disclose to the public any information regarding the
12.19 offender contained in the report forwarded to the agency under subdivision 3, paragraph
12.20 (f), that is relevant and necessary to protect the public and to counteract the offender's
12.21 dangerousness, consistent with the guidelines in paragraph (b). The extent of the information
12.22 disclosed and the community to whom disclosure is made must relate to the level of danger
12.23 posed by the offender, to the offender's pattern of offending behavior, and to the need of
12.24 community members for information to enhance their individual and collective safety.

12.25 (b) The law enforcement agency shall employ the following guidelines in determining
12.26 the scope of disclosure made under this subdivision:

12.27 (1) if the offender is assigned to risk level I, the agency may maintain information
12.28 regarding the offender within the agency and may disclose it to other law enforcement
12.29 agencies. Additionally, the agency may disclose the information to any victims of or
12.30 witnesses to the offense committed by the offender. The agency shall disclose the information
12.31 to victims of the offense committed by the offender who have requested disclosure and to
12.32 adult members of the offender's immediate household;

13.1 (2) if the offender is assigned to risk level II, the agency also may disclose the information
13.2 to agencies and groups that the offender is likely to encounter for the purpose of securing
13.3 those institutions and protecting individuals in their care while they are on or near the
13.4 premises of the institution. These agencies and groups include the staff members of public
13.5 and private educational institutions, day care establishments, and establishments and
13.6 organizations that primarily serve individuals likely to be victimized by the offender. The
13.7 agency also may disclose the information to individuals the agency believes are likely to
13.8 be victimized by the offender. The agency's belief shall be based on the offender's pattern
13.9 of offending or victim preference as documented in the information provided by the
13.10 department of corrections or human services;

13.11 (3) if the offender is assigned to risk level III, the agency shall disclose the information
13.12 to the persons and entities described in clauses (1) and (2) and to other members of the
13.13 community whom the offender is likely to encounter, unless the law enforcement agency
13.14 determines that public safety would be compromised by the disclosure or that a more limited
13.15 disclosure is necessary to protect the identity of the victim.

13.16 Notwithstanding the assignment of a predatory offender to risk level II or III, a law
13.17 enforcement agency may not make the disclosures permitted or required by clause (2) or
13.18 (3), if: the offender is placed or resides in a residential facility. However, if an offender is
13.19 placed or resides in a residential facility, the offender and the head of the facility shall
13.20 designate the offender's likely residence upon release from the facility and the head of the
13.21 facility shall notify the commissioner of corrections or the commissioner of human services
13.22 of the offender's likely residence at least 14 days before the offender's scheduled release
13.23 date. The commissioner shall give this information to the law enforcement agency having
13.24 jurisdiction over the offender's likely residence. The head of the residential facility also
13.25 shall notify the commissioner of corrections or human services within 48 hours after
13.26 finalizing the offender's approved relocation plan to a permanent residence. Within five
13.27 days after receiving this notification, the appropriate commissioner shall give to the
13.28 appropriate law enforcement agency all relevant information the commissioner has
13.29 concerning the offender, including information on the risk factors in the offender's history
13.30 and the risk level to which the offender was assigned. After receiving this information, the
13.31 law enforcement agency shall make the disclosures permitted or required by clause (2) or
13.32 (3), as appropriate.

13.33 (c) As used in paragraph (b), clauses (2) and (3), "likely to encounter" means that:

13.34 (1) the organizations or community members are in a location or in close proximity to
13.35 a location where the offender lives or is employed, or which the offender visits or is likely

14.1 to visit on a regular basis, other than the location of the offender's outpatient treatment
14.2 program; and

14.3 (2) the types of interaction which ordinarily occur at that location and other circumstances
14.4 indicate that contact with the offender is reasonably certain.

14.5 (d) A law enforcement agency or official who discloses information under this subdivision
14.6 shall make a good faith effort to make the notification within 14 days of receipt of a
14.7 confirmed address from the Department of Corrections indicating that the offender will be,
14.8 or has been, released from confinement, or accepted for supervision, or has moved to a new
14.9 address and will reside at the address indicated. If a change occurs in the release plan, this
14.10 notification provision does not require an extension of the release date.

14.11 (e) A law enforcement agency or official who discloses information under this subdivision
14.12 shall not disclose the identity or any identifying characteristics of the victims of or witnesses
14.13 to the offender's offenses.

14.14 (f) A law enforcement agency shall continue to disclose information on an offender as
14.15 required by this subdivision for as long as the offender is required to register under section
14.16 243.166. This requirement on a law enforcement agency to continue to disclose information
14.17 also applies to an offender who lacks a primary address and is registering under section
14.18 243.166, subdivision 3a.

14.19 (g) A law enforcement agency that is disclosing information on an offender assigned to
14.20 risk level III to the public under this subdivision shall inform the commissioner of corrections
14.21 what information is being disclosed and forward this information to the commissioner within
14.22 two days of the agency's determination. The commissioner shall post this information on
14.23 the Internet as required in subdivision 4b.

14.24 (h) A city council may adopt a policy that addresses when information disclosed under
14.25 this subdivision must be presented in languages in addition to English. The policy may
14.26 address when information must be presented orally, in writing, or both in additional languages
14.27 by the law enforcement agency disclosing the information. The policy may provide for
14.28 different approaches based on the prevalence of non-English languages in different
14.29 neighborhoods.

14.30 (i) An offender who is the subject of a community notification meeting held pursuant
14.31 to this section may not attend the meeting.

14.32 (j) When a school, day care facility, or other entity or program that primarily educates
14.33 or serves children receives notice under paragraph (b), clause (3), that a level III predatory

15.1 offender resides or works in the surrounding community, notice to parents must be made
15.2 as provided in this paragraph. If the predatory offender identified in the notice is participating
15.3 in programs offered by the facility that require or allow the person to interact with children
15.4 other than the person's children, the principal or head of the entity must notify parents with
15.5 children at the facility of the contents of the notice received pursuant to this section. The
15.6 immunity provisions of subdivision 7 apply to persons disclosing information under this
15.7 paragraph.

15.8 (k) When an offender for whom notification was made under this subdivision no longer
15.9 resides, is employed, or is regularly found in the area, and the law enforcement agency that
15.10 made the notification is aware of this, the agency shall inform the entities and individuals
15.11 initially notified of the change in the offender's status. If notification was made under
15.12 paragraph (b), clause (3), the agency shall provide the updated information required under
15.13 this paragraph in a manner designed to ensure a similar scope of dissemination. However,
15.14 the agency is not required to hold a public meeting to do so.

15.15 Sec. 12. Minnesota Statutes 2018, section 299C.093, is amended to read:

15.16 **299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

15.17 The superintendent of the Bureau of Criminal Apprehension shall maintain a
15.18 computerized data system relating to individuals required to register as predatory offenders
15.19 under section 243.166. To the degree feasible, the system must include the data required to
15.20 be provided under section 243.166, subdivisions 4, 4a, and ~~4a~~ 4b, and indicate the time
15.21 period that the person is required to register. The superintendent shall maintain this data in
15.22 a manner that ensures that it is readily available to law enforcement agencies. This data is
15.23 private data on individuals under section 13.02, subdivision 12, but may be used for law
15.24 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose
15.25 the status of an individual as a predatory offender to a child protection worker with a local
15.26 welfare agency for purposes of doing a family assessment under section 626.556. A
15.27 corrections agent may also disclose the status of an individual as a predatory offender to
15.28 comply with section 244.057. The commissioner of human services has access to the data
15.29 for state-operated services, as defined in section 246.014, for the purposes described in
15.30 section 246.13, subdivision 2, paragraph (b), and for purposes of conducting background
15.31 studies under chapter 245C.

16.1 Sec. 13. Minnesota Statutes 2018, section 609.095, is amended to read:

16.2 **609.095 LIMITS OF SENTENCES.**

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

16.7 (b) Except as provided in section 152.18 or 609.375, or upon agreement of the parties,
16.8 a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea in
16.9 accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
16.10 guilty by a court or jury following a trial. A decision by the court to issue a stay of
16.11 adjudication under this paragraph for a charge of violating section 243.166, 609.342, 609.343,
16.12 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, must be justified in writing and
16.13 on the record.

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

16.15 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
16.16 committed on or after that date.

16.17 Sec. 14. Minnesota Statutes 2018, section 609.3451, subdivision 1, is amended to read:

16.18 Subdivision 1. **Crime defined.** A person is guilty of criminal sexual conduct in the fifth
16.19 degree:

16.20 (1) if the person engages in nonconsensual sexual contact; or

16.21 (2) the person engages in masturbation or lewd exhibition of the genitals in the presence
16.22 of a minor under the age of 16, knowing or having reason to know the minor is present.

16.23 For purposes of this section, "sexual contact" has the meaning given in section 609.341,
16.24 subdivision 11, paragraph (a), clauses (i), (iv), and (v), ~~but does not include the intentional~~
16.25 ~~touching of the clothing covering the immediate area of the buttocks.~~ Sexual contact also
16.26 includes the intentional removal or attempted removal of clothing covering the complainant's
16.27 intimate parts or undergarments, and the nonconsensual touching by the complainant of the
16.28 actor's intimate parts, effected by the actor, if the action is performed with sexual or
16.29 aggressive intent.

16.30 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
16.31 committed on or after that date.

17.1 Sec. 15. **[609.3459] LAW ENFORCEMENT; REPORTS OF SEXUAL ASSAULTS.**

17.2 (a) A victim of any violation of sections 609.342 to 609.3453 may initiate a law
17.3 enforcement investigation by contacting any law enforcement agency, regardless of where
17.4 the crime may have occurred. The agency must prepare a summary of the allegation and
17.5 provide the person with a copy of it. The agency must begin an investigation of the facts,
17.6 or, if the suspected crime was committed in a different jurisdiction, refer the matter along
17.7 with the summary to the law enforcement agency where the suspected crime was committed
17.8 for an investigation of the facts.

17.9 (b) If a law enforcement agency refers the matter to the law enforcement agency where
17.10 the crime was committed, it need not include the allegation as a crime committed in its
17.11 jurisdiction for purposes of information that the agency is required to provide to the
17.12 commissioner of public safety pursuant to section 299C.06, but must confirm that the other
17.13 law enforcement agency has received the referral.

17.14 Sec. 16. **[626.8442] POLICIES ON SEXUAL ASSAULTS.**

17.15 (a) The chief law enforcement officer of every state and local law enforcement agency
17.16 must establish and enforce a written policy addressing how the agency will respond to and
17.17 investigate reports of sexual assault. The policy must substantially incorporate the main
17.18 items from the board's model policy on responding to reports of sexual assault, but also
17.19 may expand on the board's policy. As an alternative, the policy may be identical to the
17.20 board's policy.

17.21 (b) Each chief law enforcement officer must certify to the board that the policy described
17.22 in paragraph (a) is in place and being enforced and forward a copy of the policy to the board.

17.23 **EFFECTIVE DATE.** This section is effective the day following final enactment. Chief
17.24 law enforcement officers must comply with this section's requirements by October 1, 2019.