

1.1 A bill for an act

1.2 relating to public safety; requiring certain sex offenders to wear tracking
1.3 and monitoring bracelets after release from prison; prescribing penalties;
1.4 appropriating money; proposing coding for new law in Minnesota Statutes,
1.5 chapter 244.

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

1.7 Section 1. **[244.0501] TRACKING AND MONITORING SEX OFFENDERS.**

1.8 Subdivision 1. **Definitions.** As used in this section, the following terms have the
1.9 meanings given them.

1.10 (a) "Active tracking and monitoring device" means a device that permits active and
1.11 contemporaneous monitoring and tracking of a person's location.

1.12 (b) "Exclusion zone" means an area in which a person wearing a tracking and
1.13 monitoring device is prohibited from entering except for purposes of traveling through to
1.14 reach a permitted zone.

1.15 (c) "Inclusion zone" means an area in which a person wearing a tracking and
1.16 monitoring device is prohibited from leaving.

1.17 Subd. 2. **Application.** After release from incarceration, an offender who is assigned
1.18 a risk level III under section 244.052, subdivision 3, must wear an active tracking and
1.19 monitoring device for the entire period the offender is on supervised release. The
1.20 commissioner may not waive an offender's obligation to wear this device, except as
1.21 provided for in subdivision 6.

1.22 Subd. 3. **Crime.** An offender who removes, tampers with, or otherwise attempts
1.23 to defeat the purpose of a tracking and monitoring device mandated by this section is
1.24 guilty of a felony and may be sentenced to imprisonment for not more than five years or
1.25 to payment of a fine of not more than \$10,000, or both.

2.1 Subd. 4. **Duties of commissioner; system requirements.** (a) The commissioner
2.2 shall implement and operate a system to supervise offenders required to wear tracking
2.3 and monitoring devices under this section. The system must immediately alert the system
2.4 administrator and the local law enforcement agency having jurisdiction over the exclusion
2.5 or inclusion zone if an offender wearing a tracking and monitoring device remains in
2.6 an exclusion zone longer than is necessary to travel through the zone or if an offender
2.7 leaves an inclusion zone.

2.8 (b) For each offender required to wear a tracking and monitoring device, the
2.9 commissioner shall create individualized exclusion and inclusion zones for the offender, if
2.10 necessary to protect the public safety or the offender's victims.

2.11 Subd. 5. **Costs.** The commissioner may assess all or any portion of the cost of the
2.12 tracking and monitoring device to the offender based on the offender's ability to pay, as
2.13 determined by the commissioner.

2.14 Subd. 6. **Release from requirement.** The commissioner may release an offender
2.15 from the duty to wear a tracking and monitoring device if the offender is reincarcerated,
2.16 committed to a secure state hospital, or otherwise incapacitated, but shall require the
2.17 device when the offender is released or is capable of accessing public areas.

2.18 **EFFECTIVE DATE.** This section is effective the day following final enactment and
2.19 applies to offenders currently incarcerated and offenders sentenced on or after that date.

2.20 Sec. 2. **APPROPRIATION.**

2.21 \$..... in fiscal year 2010 is appropriated from the general fund to the commissioner
2.22 of corrections to implement section 1.