

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 4852

(SENATE AUTHORS: WESTLIN)

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Introduction and first reading
 Referred to Judiciary and Public Safety

OFFICIAL STATUS

- 1.1 A bill for an act
- 1.2 relating to public safety; modifying registration and verification process for
- 1.3 individuals required to register as predatory offenders; amending Minnesota Statutes
- 1.4 2022, section 243.166, subdivisions 1a, 3, by adding a subdivision.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2022, section 243.166, subdivision 1a, is amended to read:
- 1.7 Subd. 1a. **Definitions.** (a) As used in this section, unless the context clearly indicates
- 1.8 otherwise, the following terms have the meanings given them.
- 1.9 (b) "Bureau" means the Bureau of Criminal Apprehension.
- 1.10 (c) "Conservator" has the meaning given in chapter 524.
- 1.11 ~~(e)~~ (d) "Corrections agent" means a county or state probation agent or other corrections
- 1.12 employee. The term also includes United States Probation and Pretrial Services System
- 1.13 employees who work with a person subject to this section.
- 1.14 ~~(d)~~ (e) "Dwelling" means the building where the person lives under a formal or informal
- 1.15 agreement to do so. However, dwelling does not include a supervised publicly or privately
- 1.16 operated shelter or facility designed to provide temporary living accommodations for
- 1.17 homeless individuals as defined in section 116L.361, subdivision 5.
- 1.18 (f) "Guardian" has the meaning given in chapter 524.
- 1.19 ~~(e)~~ (g) "Incarceration" and "confinement" do not include electronic home monitoring.

2.1 ~~(f)~~ (h) "Law enforcement authority" or "authority" means the chief of police of a home
2.2 rule charter or statutory city and the county sheriff of an unincorporated area in that county.
2.3 An authority must be located in Minnesota.

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

2.5 (j) "Power of attorney" has the meaning given in chapter 523.

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

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

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

2.19 ~~(k)~~ (n) "Treatment facility" means a residential facility, as defined in section 244.052,
2.20 subdivision 1, and residential substance use disorder treatment programs and halfway houses
2.21 licensed under chapter 245A, including, but not limited to, those facilities directly or
2.22 indirectly assisted by any department or agency of the United States.

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

2.27 Sec. 2. Minnesota Statutes 2022, section 243.166, subdivision 3, is amended to read:

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

3.1 (b) Except as provided in subdivision 3a, at least five days before the person starts living
3.2 at a new primary address, including living in another state, the person shall give written
3.3 notice of the new primary address to the assigned corrections agent or to the law enforcement
3.4 authority with which the person currently is registered. If the person will be living in a new
3.5 state and that state has a registration requirement, the person shall also give written notice
3.6 of the new address to the designated registration agency in the new state. A person required
3.7 to register under this section shall also give written notice to the assigned corrections agent
3.8 or to the law enforcement authority that has jurisdiction in the area of the person's primary
3.9 address that the person is no longer living or staying at an address, immediately after the
3.10 person is no longer living or staying at that address. The written notice required by this
3.11 paragraph must be provided in person. The corrections agent or law enforcement authority
3.12 shall, within two business days after receipt of this information, forward it to the bureau.
3.13 The bureau shall, if it has not already been done, notify the law enforcement authority having
3.14 primary jurisdiction in the community where the person will live of the new address. If the
3.15 person is leaving the state, the bureau shall notify the registration authority in the new state
3.16 of the new address. The person's registration requirements under this section are suspended
3.17 after the person begins living in the new state and the bureau has confirmed the address in
3.18 the other state through the annual verification process on at least one occasion. The bureau
3.19 may also attempt to confirm the person's address in the other state by the following methods:

3.20 (1) receipt of a verification letter from the law enforcement authority having primary
3.21 jurisdiction in the community where the person is now living, acknowledging the person's
3.22 address;

3.23 (2) receipt of a written communication or verification letter from a criminal justice
3.24 agency confirming the person's location;

3.25 (3) confirmation of the individual's compliance with registration requirements or
3.26 incarceration status in the new state via an online registry or website, if applicable; or

3.27 (4) confirmation of the individual's motor vehicle records under United States Code,
3.28 title 18, section 2721, in the new state via the new state's documentation.

3.29 The bureau is the sole determinant as to whether the information provided by any of the
3.30 methods in clauses (1) to (3) is sufficient for verification purposes and may use more than
3.31 one of these methods to satisfy the verification requirement. For purposes of this subdivision,
3.32 "criminal justice agency" means an agency of a state, a political subdivision, a federally
3.33 recognized Tribe, a United States territory, or the federal government charged with detection,
3.34 enforcement, prosecution, adjudication, or incarceration with respect to federal or state

4.1 criminal laws. The person's registration requirements under this section are reactivated if
4.2 the person resumes living in Minnesota and the registration time period described in
4.3 subdivision 6 has not expired.

4.4 (c) A person required to register under subdivision 1b, paragraph (b), because the person
4.5 is working or attending school in Minnesota shall register with the law enforcement authority
4.6 that has jurisdiction in the area where the person works or attends school. In addition to
4.7 other information required by this section, the person shall provide the address of the school
4.8 or of the location where the person is employed. A person shall comply with this paragraph
4.9 within five days of beginning employment or school. A person's obligation to register under
4.10 this paragraph terminates when the person is no longer working or attending school in
4.11 Minnesota.

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

4.17 Sec. 3. Minnesota Statutes 2022, section 243.166, is amended by adding a subdivision to
4.18 read:

4.19 Subd. 4d. **Guardians, conservators, and power of attorney.** Guardians and conservators
4.20 of persons required to register shall have the authority to complete all verification and
4.21 registration paperwork under this section and section 243.167 on the person's behalf. A
4.22 validly executed power of attorney under chapter 523 grants the attorney in fact the authority
4.23 to complete all verification and registration paperwork under this section and section 243.167
4.24 on behalf of a person required to register.