

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 5026

(SENATE AUTHORS: RARICK)

DATE
03/18/2024

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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; requiring data collection and analysis of the state's
1.3 predatory offender system; requiring a report; amending Minnesota Statutes 2022,
1.4 sections 13.82, by adding a subdivision; 243.166, subdivisions 6, 7, by adding a
1.5 subdivision; 244.09, by adding a subdivision; 260B.198, subdivision 7; Minnesota
1.6 Statutes 2023 Supplement, section 243.166, subdivision 1b.

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

1.8 Section 1. Minnesota Statutes 2022, section 13.82, is amended by adding a subdivision
1.9 to read:

1.10 Subd. 33. **Predatory offender data collected by the Sentencing Guidelines**
1.11 **Commission.** Data on registered predatory offenders collected by the Sentencing Guidelines
1.12 Commission under section 244.09, subdivision 15, are governed by that subdivision.

1.13 Sec. 2. Minnesota Statutes 2023 Supplement, section 243.166, subdivision 1b, is amended
1.14 to read:

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

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

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

1.21 (ii) kidnapping under section 609.25;

2.1 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
2.2 subdivision 3, paragraph (b); or 609.3453;

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

2.4 (v) surreptitious intrusion under the circumstances described in section 609.746,
2.5 subdivision 1, paragraph (h);

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

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

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

2.11 ~~(iii)~~ (ii) solicitation, inducement, or promotion of the prostitution of a minor or engaging
2.12 in the sex trafficking of a minor in violation of section 609.322;

2.13 ~~(iv)~~ (iii) a prostitution offense in violation of section 609.324, subdivision 1, paragraph
2.14 (a);

2.15 ~~(v)~~ (iv) soliciting a minor to engage in sexual conduct in violation of section 609.352,
2.16 subdivision 2 or 2a, clause (1);

2.17 ~~(vi)~~ (v) using a minor in a sexual performance in violation of section 617.246; or

2.18 ~~(vii)~~ (vi) possessing or disseminating a pornographic work involving a minor in violation
2.19 of section 617.247;

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

2.22 (4) the person was charged with or petitioned for, including pursuant to a court martial,
2.23 violating a law of the United States, including the Uniform Code of Military Justice, similar
2.24 to an offense or involving similar circumstances to an offense described in clause (1), (2),
2.25 or (3), and convicted of or adjudicated delinquent for that offense or another offense arising
2.26 out of the same set of circumstances.

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

2.28 (1) the person was charged with or petitioned for an offense in another state similar to
2.29 an offense or involving similar circumstances to an offense described in paragraph (a),
2.30 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another
2.31 offense arising out of the same set of circumstances;

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

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

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

3.13 (c) A person also shall register under this section if the person was committed pursuant
3.14 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
3.15 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
3.16 United States, regardless of whether the person was convicted of any offense.

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

3.18 (1) the person was charged with or petitioned for a felony violation or attempt to violate
3.19 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
3.20 the United States, or the person was charged with or petitioned for a violation of any of the
3.21 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
3.22 States;

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

3.26 (3) the person was committed pursuant to a court commitment order under section
3.27 253B.18 or a similar law of another state or the United States.

3.28 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to crimes
3.29 committed before, on, or after that date.

3.30 Sec. 3. Minnesota Statutes 2022, section 243.166, subdivision 6, is amended to read:

3.31 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165,
3.32 subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to

4.1 register under this section shall continue to comply with this section until ten years have
4.2 elapsed since the person initially registered in connection with the offense, or until the
4.3 probation, supervised release, or conditional release period expires, whichever occurs later.
4.4 For a person required to register under this section who is committed under section 253B.18,
4.5 Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period
4.6 does not include the period of commitment.

4.7 (b) If a person required to register under this section fails to provide the person's primary
4.8 address as required by subdivision 3, paragraph (b), fails to comply with the requirements
4.9 of subdivision 3a, fails to provide information as required by subdivision 4a, or fails to
4.10 return the verification form referenced in subdivision 4 within ten days, the commissioner
4.11 of public safety shall require the person to continue to register for an additional period of
4.12 five years. This five-year period is added to the end of the offender's registration period.

4.13 (c) If a person required to register under this section is incarcerated due to a conviction
4.14 for a new offense that requires registration under this section or section 243.166 or following
4.15 a revocation of probation, supervised release, or conditional release for any offense, the
4.16 person shall continue to register until ten years have elapsed since the person was last
4.17 released from incarceration or until the person's probation, supervised release, or conditional
4.18 release period expires, whichever occurs later.

4.19 (d) A person shall continue to comply with this section for the life of that person:

4.20 (1) if the person is convicted of or adjudicated delinquent for any offense for which
4.21 registration is required under subdivision 1b, or any offense from another state or any federal
4.22 offense similar to the offenses described in subdivision 1b, and the person has a prior
4.23 conviction or adjudication for an offense for which registration was or would have been
4.24 required under subdivision 1b, or an offense from another state or a federal offense similar
4.25 to an offense described in subdivision 1b;

4.26 (2) if the person is required to register based upon a conviction or delinquency
4.27 adjudication for an offense under section 609.185, paragraph (a), clause (2), or a similar
4.28 statute from another state or the United States;

4.29 (3) if the person is required to register based upon a conviction for an offense under
4.30 section 609.342, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e)
4.31 or (h); 609.343, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e) or
4.32 (h); 609.344, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h);
4.33 or 609.345, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h); or

5.1 a statute from another state or the United States similar to the offenses described in this
5.2 clause; or

5.3 (4) if the person is required to register under subdivision 1b, paragraph (c), following
5.4 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
5.5 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
5.6 another state or the United States.

5.7 (e) A person described in subdivision 1b, paragraph (b), who is required to register under
5.8 the laws of a state in which the person has been previously convicted or adjudicated
5.9 delinquent, shall register under this section for the time period required by the state of
5.10 conviction or adjudication unless a longer time period is required elsewhere in this section.

5.11 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to crimes
5.12 committed before, on, or after that date.

5.13 Sec. 4. Minnesota Statutes 2022, section 243.166, subdivision 7, is amended to read:

5.14 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 4b or 7a or sections
5.15 244.052 and 299C.093, the data provided under this section is private data on individuals
5.16 under section 13.02, subdivision 12.

5.17 (b) The data may be used only by law enforcement and corrections agencies for law
5.18 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose
5.19 the status of an individual as a predatory offender to a child protection worker with a local
5.20 welfare agency for purposes of doing a family assessment under chapter 260E. A corrections
5.21 agent may also disclose the status of an individual as a predatory offender to comply with
5.22 section 244.057.

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

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

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

5.27 (d) The Sentencing Guidelines Commission may access the data for the purposes
5.28 described in section 244.09, subdivision 15.

6.1 Sec. 5. Minnesota Statutes 2022, section 243.166, is amended by adding a subdivision to
6.2 read:

6.3 Subd. 12. **Data collection.** (a) The commissioner shall establish procedures to ensure
6.4 that all actions in which not public data, as defined in section 13.02, subdivision 8a, provided
6.5 under this section is accessed, shared, or disseminated are recorded in a data audit trail. The
6.6 audit trail must record:

6.7 (1) the name of the agency that employs the person who accessed the data;

6.8 (2) the date the data was accessed; and

6.9 (3) the names of offenders associated with records reviewed by the authorized user.

6.10 (b) For each time an authorized user accesses the data, the commissioner shall submit
6.11 a request to the agency that employs the user who accessed the data no sooner than three
6.12 months after the date of access for the following information:

6.13 (1) the purpose for accessing the data, including the nature of any criminal activity that
6.14 prompted use of the registry;

6.15 (2) whether data unique to the registry was used to investigate a crime and resulted in
6.16 clearing, apprehending a suspect, or criminal charges being pursued against a suspect for a
6.17 predatory or other offense; and

6.18 (3) if there is data responsive to clause (2), whether the crime was a predatory crime and
6.19 the level of that crime.

6.20 (c) An agency that receives a request under this section shall reply on a paper or electronic
6.21 form created by the commissioner for this purpose.

6.22 (d) If an agency receives a request under this section and the case remains open, the
6.23 agency obligation to reply to the commissioner's request is ongoing and must be fulfilled
6.24 within 60 days of the agency closing the case.

6.25 (e) Data collected, created, received, or disseminated pursuant to this subdivision are
6.26 classified as confidential data on individuals, as defined in section 13.02, subdivision 3.

6.27 Sec. 6. Minnesota Statutes 2022, section 244.09, is amended by adding a subdivision to
6.28 read:

6.29 Subd. 16. **Predatory offender data collection; report.** (a) The Sentencing Guidelines
6.30 Commission shall collect data on offenders required to register as predatory offenders and
6.31 data created under section 243.166, subdivision 12, as required under this subdivision. The

7.1 purpose of the data collection is for the legislature to assess the effectiveness of the predatory
7.2 offender registry in solving crimes.

7.3 (b) The commission, in coordination with the state court administrator, the commissioner
7.4 of corrections, and the Bureau of Criminal Apprehension, shall collect the following data
7.5 related to predatory offenders and the predatory offender registry:

7.6 (1) the offense that required each offender to register, specifying if the offender was
7.7 convicted of the registrable offense or an offense that arose out of the same set of
7.8 circumstances, and the judicial district where the offense was prosecuted;

7.9 (2) the total number of offenders who have to extend their original registration period
7.10 for any reason, including the reason for the extension and how far into their registration
7.11 period the offenders were when the registration period was extended;

7.12 (3) the number of offenders who have to extend their registration period for a new
7.13 conviction including both for an additional registrable offense and a new conviction resulting
7.14 in imprisonment, including identifying the level of each offense and if an offense is a
7.15 predatory offense under section 243.166, subdivision 1b;

7.16 (4) the number of offenders who have to extend their registration period for a new sex
7.17 offense or an abduction with the offenses sorted by adult and child victims;

7.18 (5) the number of offenders who have to extend their registration period due to a failure
7.19 to comply with the registration requirements and the violation that triggered extended
7.20 registration;

7.21 (6) the number of offenders who are juveniles or began their registration period when
7.22 they were juveniles;

7.23 (7) the total number of juveniles who have been ordered to register since 1991;

7.24 (8) the criminal histories of registered offenders;

7.25 (9) the race of registered offenders; and

7.26 (10) any other data relevant to the purpose set forth in paragraph (a).

7.27 (c) Data on offenders collected by the commission under this subdivision are classified
7.28 as private data on individuals, as defined in section 13.02, subdivision 12, except that any
7.29 data collected under this subdivision that are classified as confidential data on individuals
7.30 retain that classification.

8.1 (d) The commission shall include in its annual report to the legislature a report containing
8.2 summary data, as defined in section 13.02, subdivision 19, derived from the predatory
8.3 offender data collected pursuant to this subdivision.

8.4 Sec. 7. Minnesota Statutes 2022, section 260B.198, subdivision 7, is amended to read:

8.5 Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and not
8.6 inimical to public safety and when the child has admitted the allegations contained in the
8.7 petition before the judge or referee, or when a hearing has been held as provided for in
8.8 section 260B.163 and the allegations contained in the petition have been duly proven but,
8.9 in either case, before a finding of delinquency has been entered, the court may continue the
8.10 case for a period not to exceed 180 days on any one order. Except as otherwise provided in
8.11 paragraph (c), the continuance may be extended for one additional successive period not to
8.12 exceed 180 days, but only with the consent of the prosecutor and only after the court has
8.13 reviewed the case and entered its order for the additional continuance without a finding of
8.14 delinquency. During a continuance the court may enter an order in accordance with the
8.15 provisions of subdivision 1, except clause (4), or enter an order to hold the child in detention
8.16 for a period not to exceed 15 days on any one order for the purpose of completing any
8.17 consideration, or any investigation or examination ordered in accordance with the provisions
8.18 of section 260B.157.

8.19 (b) A prosecutor may appeal a continuance ordered in contravention of this subdivision.
8.20 This subdivision does not extend the court's jurisdiction under section 260B.193 and does
8.21 not apply to an extended jurisdiction juvenile proceeding.

8.22 (c) A continuance granted under paragraph (a) for a violation of section 609.342; 609.343;
8.23 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23 or another offense
8.24 arising out of a delinquency petition based on one or more of those sections that would
8.25 require the child to register as a predatory offender under section 243.166 may be extended
8.26 for additional successive periods not to exceed a total of 24 months so the offender can
8.27 receive sex offender treatment, but only with the consent of the prosecutor and only after
8.28 the court has reviewed the case and entered its order for the additional continuance without
8.29 a finding of delinquency.