

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 5026

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DATE	D-PG	OFFICIAL STATUS
03/18/2024	12407	Introduction and first reading
		Referred to Judiciary and Public Safety
04/02/2024		Comm report: To pass as amended
		Second reading

- 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; amending Minnesota Statutes 2022, sections 243.166,
- 1.4 subdivision 6; 260B.198, subdivision 7; Minnesota Statutes 2023 Supplement,
- 1.5 section 243.166, subdivision 1b.
- 1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.7 Section 1. Minnesota Statutes 2023 Supplement, section 243.166, subdivision 1b, is
- 1.8 amended to read:
- 1.9 Subd. 1b. **Registration required.** (a) A person shall register under this section if:
- 1.10 (1) the person was charged with or petitioned for a felony violation of or attempt to
- 1.11 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
- 1.12 of or adjudicated delinquent for that offense or another offense arising out of the same set
- 1.13 of circumstances:
- 1.14 (i) murder under section 609.185, paragraph (a), clause (2);
- 1.15 (ii) kidnapping under section 609.25;
- 1.16 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
- 1.17 subdivision 3, paragraph (b); or 609.3453;
- 1.18 (iv) indecent exposure under section 617.23, subdivision 3; or
- 1.19 (v) surreptitious intrusion under the circumstances described in section 609.746,
- 1.20 subdivision 1, paragraph (h);

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 Minnesota Statutes 2020, section 609.2325, subdivision
 2.5 1, paragraph (b);

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

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

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

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

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

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

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

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

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

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

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

2.31 (3) ten years have not elapsed since the person was released from confinement or, if the
 2.32 person was not confined, since the person was convicted of or adjudicated delinquent for

3.1 the offense that triggers registration, unless the person is subject to a longer registration
3.2 period under the laws of another state in which the person has been convicted or adjudicated,
3.3 or is subject to lifetime registration.

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

3.8 (c) A person also shall register under this section if the person was committed pursuant
3.9 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
3.10 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
3.11 United States, regardless of whether the person was convicted of any offense.

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

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

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

3.21 (3) the person was committed pursuant to a court commitment order under section
3.22 253B.18 or a similar law of another state or the United States.

3.23 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to:

3.24 (1) convictions and delinquency adjudications for a violation of Minnesota Statutes,
3.25 section 609.255, subdivision 2, or another offense arising out of the same set of circumstances
3.26 that occur on or after that date and to convictions and delinquency adjudications for such
3.27 an offense that are not yet final on that date; and

3.28 (2) convictions and delinquency adjudications for disseminating a pornographic work
3.29 involving a minor in violation of Minnesota Statutes, section 617.247 or another offense
3.30 arising out of the same set of circumstances that occur on or after that date and to convictions
3.31 and delinquency adjudications for such an offense that occurred before that date if the court
3.32 told the person of the duty to register.

4.1 Sec. 2. Minnesota Statutes 2022, section 243.166, subdivision 6, is amended to read:

4.2 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165,
4.3 subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to
4.4 register under this section shall continue to comply with this section until ten years have
4.5 elapsed since the person initially registered in connection with the offense, or until the
4.6 probation, supervised release, or conditional release period expires, whichever occurs later.
4.7 For a person required to register under this section who is committed under section 253B.18,
4.8 Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period
4.9 does not include the period of commitment.

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

4.16 (c) If a person required to register under this section is incarcerated due to a conviction
4.17 for a new offense that requires registration under this section or section 243.167 or following
4.18 a revocation of probation, supervised release, or conditional release for ~~any~~ an offense that
4.19 requires registration under this section or section 243.167, the person shall continue to
4.20 register until ten years have elapsed since the person was last released from incarceration
4.21 or until the person's probation, supervised release, or conditional release period expires,
4.22 whichever occurs later.

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

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

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

4.33 (3) if the person is required to register based upon a conviction for an offense under
4.34 section 609.342, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e)

5.1 or (h); 609.343, subdivision 1, clause (a) to (c) or (e), or subdivision 1a, clause (a) to (e) or
5.2 (h); 609.344, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h);
5.3 or 609.345, subdivision 1, clause (a) or (c), or subdivision 1a, clause (a), (c), (g), or (h); or
5.4 a statute from another state or the United States similar to the offenses described in this
5.5 clause; or

5.6 (4) if the person is required to register under subdivision 1b, paragraph (c), following
5.7 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
5.8 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
5.9 another state or the United States.

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

5.14 **EFFECTIVE DATE.** This section is effective July 1, 2024, and applies to convictions
5.15 and revocations of probation, supervised release, or conditional release that occur on or
5.16 after that date and to convictions that are not yet final on that date.

5.17 Sec. 3. Minnesota Statutes 2022, section 260B.198, subdivision 7, is amended to read:

5.18 Subd. 7. **Continuance.** (a) When it is in the best interests of the child to do so and not
5.19 inimical to public safety and when the child has admitted the allegations contained in the
5.20 petition before the judge or referee, or when a hearing has been held as provided for in
5.21 section 260B.163 and the allegations contained in the petition have been duly proven but,
5.22 in either case, before a finding of delinquency has been entered, the court may continue the
5.23 case for a period not to exceed 180 days on any one order. Except as otherwise provided in
5.24 paragraph (c), the continuance may be extended for one additional successive period not to
5.25 exceed 180 days, but only with the consent of the prosecutor and only after the court has
5.26 reviewed the case and entered its order for the additional continuance without a finding of
5.27 delinquency. During a continuance the court may enter an order in accordance with the
5.28 provisions of subdivision 1, except clause (4), or enter an order to hold the child in detention
5.29 for a period not to exceed 15 days on any one order for the purpose of completing any
5.30 consideration, or any investigation or examination ordered in accordance with the provisions
5.31 of section 260B.157.

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

6.1 (c) A continuance granted under paragraph (a) for a violation of section 609.342; 609.343;
6.2 609.344; 609.345; 609.3451; 609.746, subdivision 1; 609.79; or 617.23 or another offense
6.3 arising out of a delinquency petition based on one or more of those sections that would
6.4 require the child to register as a predatory offender under section 243.166 may be extended
6.5 for additional successive periods not to exceed a total of 24 months so the offender can
6.6 receive sex offender treatment, but only with the consent of the prosecutor and only after
6.7 the court has reviewed the case and entered its order for the additional continuance without
6.8 a finding of delinquency.