

1.1 **ARTICLE 5**

1.2 **PREDATORY OFFENDERS**

1.3 Section 1. Minnesota Statutes 2016, section 171.07, subdivision 1a, is amended to read:

1.4 Subd. 1a. **Filing photograph or image; data classification.** The department shall file,  
1.5 or contract to file, all photographs or electronically produced images obtained in the process  
1.6 of issuing drivers' licenses or Minnesota identification cards. The photographs or  
1.7 electronically produced images shall be private data pursuant to section 13.02, subdivision  
1.8 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to  
1.9 provide copies of photographs or electronically produced images to data subjects. The use  
1.10 of the files is restricted:

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

1.12 (2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the  
1.13 investigation and prosecution of crimes, service of process, enforcement of no contact  
1.14 orders, location of missing persons, investigation and preparation of cases for criminal,  
1.15 juvenile, and traffic court, location of individuals required to register under section 243.166  
1.16 or 243.167, and supervision of offenders;

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

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

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

1.22 Sec. 2. Minnesota Statutes 2016, section 243.166, subdivision 1b, is amended to read:

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

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

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

1.29 (ii) kidnapping under section 609.25;

1.30 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,  
1.31 subdivision 3; or 609.3453; ~~or~~

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

2.2 (v) surreptitious intrusion under the circumstances described in section 609.746,  
2.3 subdivision 1, paragraph (f);

2.4 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or  
2.5 aiding, abetting, or conspiring to commit criminal abuse in violation of section 609.2325,  
2.6 subdivision 1, paragraph (b); false imprisonment in violation of section 609.255, subdivision  
2.7 2; solicitation, inducement, or promotion of the prostitution of a minor or engaging in the  
2.8 sex trafficking of a minor in violation of section 609.322; a prostitution offense in violation  
2.9 of section 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual  
2.10 conduct in violation of section 609.352, subdivision 2 or 2a, clause (1); using a minor in a  
2.11 sexual performance in violation of section 617.246; or possessing pornographic work  
2.12 involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent  
2.13 for that offense or another offense arising out of the same set of circumstances;

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

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

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

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

2.25 (2) the person enters this state to reside, work, or attend school, or enters this state and  
2.26 remains for 14 days or longer; and

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

2.32 If a person described in this paragraph is subject to a longer registration period in another  
2.33 state or is subject to lifetime registration, the person shall register for that time period

3.1 regardless of when the person was released from confinement, convicted, or adjudicated  
3.2 delinquent.

3.3 (c) A person also shall register under this section if the person was committed pursuant  
3.4 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter  
3.5 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the  
3.6 United States, regardless of whether the person was convicted of any offense.

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

3.8 (1) the person was charged with or petitioned for a felony violation or attempt to violate  
3.9 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or  
3.10 the United States, or the person was charged with or petitioned for a violation of any of the  
3.11 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United  
3.12 States;

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

3.16 (3) the person was committed pursuant to a court commitment order under section  
3.17 253B.18 or a similar law of another state or the United States.

3.18 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes  
3.19 committed on or after that date.

3.20 Sec. 3. Minnesota Statutes 2016, section 243.166, subdivision 2, is amended to read:

3.21 Subd. 2. **Notice.** When a person who is required to register under subdivision 1b,  
3.22 paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the  
3.23 court shall tell the person of the duty to register under this section and that, if the person  
3.24 fails to comply with the registration requirements, information about the offender may be  
3.25 made available to the public through electronic, computerized, or other accessible means.  
3.26 The court may not modify the person's duty to register in the pronounced sentence or  
3.27 disposition order. The court shall require the person to read and sign a form stating that the  
3.28 duty of the person to register under this section has been explained. The court shall forward  
3.29 the signed ~~sex-offender registration~~ court notification form, the complaint, and sentencing  
3.30 documents to the bureau. If a person required to register under subdivision 1b, paragraph  
3.31 (a), was not notified by the court of the registration requirement at the time of sentencing  
3.32 or disposition, the assigned corrections agent shall notify the person of the requirements of  
3.33 this section. If a person does not have a corrections agent, the local law enforcement authority

4.1 with jurisdiction over the person's primary address shall notify the person of the requirements.  
4.2 When a person who is required to register under subdivision 1b, paragraph (c) or (d), is  
4.3 released from commitment, the treatment facility shall notify the person of the requirements  
4.4 of this section. The treatment facility shall also obtain the registration information required  
4.5 under this section and forward it to the bureau.

4.6 Sec. 4. Minnesota Statutes 2016, section 243.166, subdivision 4, is amended to read:

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

4.18 (b) For persons required to register under subdivision 1b, paragraph (c), following  
4.19 commitment pursuant to a court commitment under Minnesota Statutes 2012, section  
4.20 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of  
4.21 another state or the United States, in addition to other information required by this section,  
4.22 the registration provided to the corrections agent or law enforcement authority must include  
4.23 the person's offense history and documentation of treatment received during the person's  
4.24 commitment. This documentation is limited to a statement of how far the person progressed  
4.25 in treatment during commitment.

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

4.32 (d) The corrections agent or law enforcement authority may require that a person required  
4.33 to register under this section appear before the agent or authority to be photographed. The  
4.34 agent or authority shall forward the photograph to the bureau.

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

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

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

5.9 (1) Except for persons registering under subdivision 3a, the bureau shall mail a  
5.10 verification form to the person's last reported primary address. This verification form must  
5.11 provide notice to the offender that, if the offender does not return the verification form as  
5.12 required, information about the offender may be made available to the public through  
5.13 electronic, computerized, or other accessible means. For persons who are registered under  
5.14 subdivision 3a, the bureau shall mail an annual verification form to the law enforcement  
5.15 authority where the offender most recently reported. The authority shall provide the  
5.16 verification form to the person at the next weekly meeting and ensure that the person  
5.17 completes and signs the form and returns it to the bureau. Notice is sufficient under this  
5.18 paragraph, if the verification form is sent by first class mail to the person's last reported  
5.19 primary address, or for persons registered under subdivision 3a, to the law enforcement  
5.20 authority where the offender most recently reported.

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

5.24 (3) In addition to the requirements listed in this section, an offender who is no longer  
5.25 under correctional supervision for a registration offense, or a failure to register offense, but  
5.26 who resides, works, or attends school in Minnesota, shall have an in-person contact with a  
5.27 law enforcement authority as provided in this section. If the person resides in Minnesota,  
5.28 the in-person contact shall be with the law enforcement authority that has jurisdiction over  
5.29 the person's primary address or, if the person has no address, the location where the person  
5.30 is staying. If the person does not reside in Minnesota but works or attends school in this  
5.31 state, the person shall have an in-person contact with the law enforcement authority or  
5.32 authorities with jurisdiction over the person's school or workplace. During the month of the  
5.33 person's birth date, the person shall report to the authority to verify the accuracy of the  
5.34 registration information and to be photographed. Within three days of this contact, the

6.1 authority shall enter information as required by the bureau into the predatory offender  
6.2 registration database and submit an updated photograph of the person to the bureau's  
6.3 predatory offender registration unit.

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

6.7 (5) For any person who fails to mail the completed and signed verification form to the  
6.8 bureau within ten days after receipt of the form and who has been determined to be a risk  
6.9 level III offender under section 244.052, the bureau shall immediately investigate and notify  
6.10 local law enforcement authorities to investigate the person's location and to ensure compliance  
6.11 with this section. The bureau also shall immediately give notice of the person's violation of  
6.12 this section to the law enforcement authority having jurisdiction over the person's last  
6.13 registered primary address ~~or addresses~~.

6.14 (6) A law enforcement authority may determine whether the person is at that person's  
6.15 primary address, secondary address, or school or work location, if any, or the accuracy of  
6.16 any other information required under subdivision 4a if the person whose primary address,  
6.17 secondary address, or school or work location, if any, is within the authority's jurisdiction,  
6.18 regardless of the assignment of a corrections agent.

6.19 For persons required to register under subdivision 1b, paragraph (c), following  
6.20 commitment pursuant to a court commitment under Minnesota Statutes 2012, section  
6.21 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of  
6.22 another state or the United States, the bureau shall comply with clause (1) at least four times  
6.23 each year. For persons who, under section 244.052, are assigned to risk level III and who  
6.24 are no longer under correctional supervision for a registration offense or a failure to register  
6.25 offense, the bureau shall comply with clause (1) at least two times each year. For all other  
6.26 persons required to register under this section, the bureau shall comply with clause (1) each  
6.27 year within 30 days of the anniversary date of the person's initial registration.

6.28 (f) When sending out a verification form, the bureau shall determine whether the person  
6.29 to whom the verification form is being sent has signed a written consent form as provided  
6.30 for in paragraph (a). If the person has not signed such a consent form, the bureau shall send  
6.31 a written consent form to the person along with the verification form. A person who receives  
6.32 this written consent form shall sign and return it to the bureau at the same time as the  
6.33 verification form.

7.1 (g) For persons registered under this section on the effective date of this section, each  
7.2 person, on or before one year from that date, must provide a biological specimen for the  
7.3 purpose of DNA analysis to the probation agency or law enforcement agency where that  
7.4 person is registered. A person who provides or has provided a biological specimen for the  
7.5 purpose of DNA analysis under chapter 299C or section 609.117 meets the requirements  
7.6 of this paragraph.

7.7 Sec. 5. Minnesota Statutes 2016, section 243.166, subdivision 4c, is amended to read:

7.8 Subd. 4c. **Notices in writing; signed.** All notices required by this section must be in  
7.9 writing and signed by the person required to register. For purposes of this section, a signature  
7.10 may be in ink on paper, by an electronic method established by the bureau, or by use of a  
7.11 biometric for the person. If a biometric is used, the person must provide a sample that is  
7.12 forwarded to the bureau so that it can be maintained for comparison purposes to verify the  
7.13 person's identity.

7.14 Sec. 6. Minnesota Statutes 2016, section 243.166, subdivision 5, is amended to read:

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

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

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

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

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

7.29 (d) Prior to the time of sentencing, the prosecutor may file a motion to have the person  
7.30 sentenced without regard to the mandatory minimum sentence established by this subdivision.  
7.31 The motion must be accompanied by a statement on the record of the reasons for it. When  
7.32 presented with the motion, or on its own motion, the court may sentence the person without

8.1 regard to the mandatory minimum sentence if the court finds substantial and compelling  
8.2 reasons to do so. Sentencing a person in the manner described in this paragraph is a departure  
8.3 from the Sentencing Guidelines.

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

8.8 EFFECTIVE DATE. This section is effective August 1, 2018, and applies to crimes  
8.9 committed on or after that date.

8.10 Sec. 7. Minnesota Statutes 2016, section 243.166, subdivision 6, is amended to read:

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

8.19 (b) If a person required to register under this section fails to provide the person's primary  
8.20 address as required by subdivision 3, paragraph (b), fails to comply with the requirements  
8.21 of subdivision 3a, fails to provide information as required by subdivision 4a, or fails to  
8.22 return the verification form referenced in subdivision 4 within ten days, the commissioner  
8.23 of public safety shall require the person to continue to register for an additional period of  
8.24 five years. This five-year period is added to the end of the offender's registration period. In  
8.25 addition, if the person is not in compliance at the end of the registration period, the  
8.26 commissioner shall require the person to continue to register for an additional period of two  
8.27 years.

8.28 (c) If a person required to register under this section is incarcerated due to a conviction  
8.29 for a new offense or following a revocation of probation, supervised release, or conditional  
8.30 release for any offense, the person shall continue to register until ten years have elapsed  
8.31 since the person was last released from incarceration or until the person's probation,  
8.32 supervised release, or conditional release period expires, whichever occurs later.

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

9.1 (1) if the person is convicted of or adjudicated delinquent for any offense for which  
9.2 registration is required under subdivision 1b, or any offense from another state or any federal  
9.3 offense similar to the offenses described in subdivision 1b, and the person has a prior  
9.4 conviction or adjudication for an offense for which registration was or would have been  
9.5 required under subdivision 1b, or an offense from another state or a federal offense similar  
9.6 to an offense described in subdivision 1b;

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

9.10 (3) if the person is required to register based upon a conviction for an offense under  
9.11 section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision  
9.12 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g);  
9.13 or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the  
9.14 United States similar to the offenses described in this clause; or

9.15 (4) if the person is required to register under subdivision 1b, paragraph (c), following  
9.16 commitment pursuant to a court commitment under Minnesota Statutes 2012, section  
9.17 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of  
9.18 another state or the United States.

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

9.23 Sec. 8. Minnesota Statutes 2016, section 243.166, subdivision 7, is amended to read:

9.24 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 7a or sections  
9.25 244.052 and 299C.093, the data provided under this section is private data on individuals  
9.26 under section 13.02, subdivision 12.

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

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

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

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

10.4 Sec. 9. Minnesota Statutes 2016, section 243.166, subdivision 7a, is amended to read:

10.5 Subd. 7a. **Availability of information on offenders who are out of compliance with**  
10.6 **registration law.** (a) The bureau may make information available to the public about  
10.7 offenders who are 16 years of age or older and who are out of compliance with this section  
10.8 for 30 days or longer for failure to provide the offenders' primary or secondary addresses  
10.9 or who have absconded. This information may be made available to the public through  
10.10 electronic, computerized, or other accessible means. The amount and type of information  
10.11 made available is limited to the information necessary for the public to assist law enforcement  
10.12 in locating the offender.

10.13 (b) An offender who comes into compliance with this section after the bureau discloses  
10.14 information about the offender to the public may send a written request to the bureau  
10.15 requesting the bureau to treat information about the offender as private data, consistent with  
10.16 subdivision 7. The bureau shall review the request and promptly take reasonable action to  
10.17 treat the data as private, if the offender has complied with the requirement that the offender  
10.18 provide the offender's primary and secondary addresses, or promptly notify the offender  
10.19 that the information will continue to be treated as public information and the reasons for  
10.20 the bureau's decision.

10.21 (c) If an offender believes the information made public about the offender is inaccurate  
10.22 or incomplete, the offender may challenge the data under section 13.04, subdivision 4.

10.23 (d) The bureau is immune from any civil or criminal liability that might otherwise arise,  
10.24 based on the accuracy or completeness of any information made public under this subdivision,  
10.25 if the bureau acts in good faith.

10.26 Sec. 10. Minnesota Statutes 2016, section 299C.093, is amended to read:

10.27 **299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

10.28 The superintendent of the Bureau of Criminal Apprehension shall maintain a  
10.29 computerized data system relating to individuals required to register as predatory offenders  
10.30 under section 243.166. To the degree feasible, the system must include the data required to  
10.31 be provided under section 243.166, subdivisions 4 and 4a, and indicate the time period that  
10.32 the person is required to register. The superintendent shall maintain this data in a manner

11.1 that ensures that it is readily available to law enforcement agencies. This data is private data  
11.2 on individuals under section 13.02, subdivision 12, but may be used for law enforcement  
11.3 and corrections purposes. Law enforcement or a corrections agent may disclose the status  
11.4 of an individual as a predatory offender to a child protection worker with a local welfare  
11.5 agency for purposes of doing a family assessment under section 626.556. A corrections  
11.6 agent may also disclose the status of an individual as a predatory offender to comply with  
11.7 section 244.057. The commissioner of human services has access to the data for  
11.8 state-operated services, as defined in section 246.014, for the purposes described in section  
11.9 246.13, subdivision 2, paragraph (b), and for purposes of conducting background studies  
11.10 under chapter 245C.