

House Research Act Summary

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TOPIC: Sex Offender and Criminal Justice Information Technology and Integration

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Analyst: TOPIC: Sex Offender and Criminal Justice Information Technology and Integration

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Section

- 1 **Criminal justice appropriations.** States that the sums shown are appropriated from the general fund, or another fund named, to the agencies and for the purposes specified for fiscal year 2001.
- 2 **Corrections.** Appropriates money from the general fund to the commissioner of corrections for:
 - an increase in the number of probation officers managing intensive supervised release caseloads,
 - enhanced supervision of adult felony sex offenders through additional probation officers to reduce caseloads of officers supervising sex offenders, and
 - costs associated with complying with the community notification law.Specifies that the appropriations for probation officers may not be used to supplant existing state or county probation officer positions.
- 3 **Public safety.**
 - Subd. 1. General.** Appropriates money from the general fund to the commissioner of public safety for:
 - criminal justice technology infrastructure improvements, and
 - grants to government agencies to transfer and access data from the agencies to the statewide hot file probation and pretrial release data system and for grants for developing or implementing a criminal justice information integration plan.Specifies that the appropriations in this subdivision are not subject to a local match requirement.
 - Subd. 2. Criminal apprehension.** Appropriates money from the general fund to the superintendent of the bureau of criminal apprehension for:
 - a technology systems position;
 - a criminal justice information systems training position;

three additional criminal assessment unit agents;
three criminal intelligence analyst positions;
five clerical positions; and
costs related to interfacing the state system with the national sex offender registry, software development and implementation, a system designs consultant, office supplies and expenses, and sex offender registration matters.

Specifies that positions funded by this appropriation may not supplant existing services.

Requires the superintendent of the bureau of criminal apprehension to transfer two agents from the gang strike force to other general investigative duties within the bureau.

- 4 **Sentencing guidelines commission.** Appropriates money to establish a pilot project in Ramsey county to use the statewide statute table to ensure accurate and uniform charging on criminal complaints.
- 5 **Supreme court.** Appropriates money to begin redevelopment of the court information system to be used by all counties to integrate court information with other criminal justice information.

ARTICLE 2

Predatory Offender (Sex Offender) Registration and Community Notification Provisions

Article 2 makes several changes to the predatory offender registration and community notification laws. This article:

aims to bring Minnesota into compliance with requirements under the federal Jacob Wetterling Act, as amended;
authorizes the posting of information about level III offenders on the Internet and the disclosure of certain information to the public about certain offenders who are out of compliance with the registration law;
requires registration of additional offenders;
lengthens registration periods for some offenders;
requires collection of additional information from certain offenders;
increases the penalty and provides a mandatory prison sentence for a violation of the registration law;
creates a computerized data base of information on sex offenders;
provides a procedure for treatment facilities to release information about offenders; and
expands and clarifies the community notification law.

- 1 **Registration required.** Requires a person to register if the person was convicted pursuant to a court martial for violating a law of the United States (including the Uniform Code of Military Justice) similar to the offenses that trigger registration requirements.
- Specifies that the registration requirements apply to a person who enters Minnesota to reside, to work, or to attend school. Defines "school" to include any public or private educational institution, including any secondary school, trade or professional institution, or institution of higher education, that the person is enrolled in on a full- or part-time basis. Defines "work" to include employment that is full- or part-time for a period of time exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar year, whether financially compensated, volunteered, or for the purpose of government or educational benefit.

Current law requires a person to register if the person has been committed as a sexual psychopathic personality or as a sexually dangerous person. This provision specifies that the registration law also applies to a person who is committed under a similar law of another state or the United States. Makes additional conforming amendments to provide for consistency in referring to violations of United States law.

2 **Notice.** Current law requires the court to notify an individual who is required to register under the predatory offender registration law of the duty to register. This section also requires the court to notify the person that, if the person fails to comply with the registration requirements, information about the offender may be made available to the public through electronic, computerized, or other accessible means.

3 **Registration procedure.** Contains specific guidance on the registration procedure for individuals who enter Minnesota to attend school or work and for Minnesota residents who work or attend school outside Minnesota. Requires an offender who comes into Minnesota to work or to attend school to register with the law enforcement agency with jurisdiction in the area where the person works or attends school. Requires the person to provide the usual information required as part of registration, as well as the address of the school or the location where the person is employed. Requires the person to comply with this requirement within five days of beginning employment or school.

Requires a Minnesota resident who works or attends school outside of Minnesota to register in the state where the person works or attends school. Requires the person's corrections agent or the law enforcement agency with jurisdiction in the area of the person's residence to notify the person of this requirement.

4 **Contents of registration.** Specifies additional registration information that must be provided for offenders who have been committed as sexual psychopathic personalities or as sexually dangerous persons (sexual predators). For these individuals, requires the registration information provided to the corrections agent or law enforcement authority to include the person's offense history and documentation of treatment received during the person's commitment.

Further requires the registration information collected by the BCA to include a written consent form signed by the person allowing a treatment facility to release information to a law enforcement officer about the person's admission to, or residence in, a residential facility. Also requires the BCA to verify that a person has signed a consent form and, if the person has not signed one, to obtain one as part of the verification process. Defines "treatment facility" for the purpose of this subdivision.

Requires the BCA to verify at least four times a year the address of a person who has been committed as a sexual psychopathic personality or sexually dangerous person. Maintains the annual verification requirement for all other persons required to register under the law.

Also requires the verification form to provide notice to the offender that, if the offender does not return the verification form as required, information about the offender may be made public through electronic, computerized, or other accessible means.

Authorizes a corrections agent or law enforcement authority to require a person who is required to register under this section to appear for a photograph. Requires the agent or authority to forward the photograph to the bureau of criminal apprehension.

Also makes technical changes.

5 **Additional information required to be provided.** Current law requires a person who must register under the law to provide the person's primary address. This section also requires the person to provide the following information:

the addresses of all secondary residences, including addresses used for residential or recreational purposes;
the addresses of all property owned, leased, or rented by the person;
the addresses of all locations where the person is employed;
the addresses of all residences where the person resides while attending school; and
the year, model, make, license plate number, and color of all motor vehicles owned or regularly operated by the person.

Specifies that the person must report this information within five days of the date it becomes applicable and must promptly notify the agent or authority when the information is no longer valid.

- 6 **Criminal penalty.** Increases the penalty from a gross misdemeanor to a five-year felony for a person's first violation of the predatory offender registration law or first violation for intentionally providing false information to a corrections agent, law enforcement authority, or the bureau of criminal apprehension.

Mandates a commitment to the commissioner of corrections for not less than one year and one day for a first offense and not less than two years for a subsequent offense. Allows a prosecutor to move to have the person sentenced without regard to the mandatory minimum. Allows the court to sentence the person without regard to the mandatory minimum on the prosecutor's motion or the court's own motion, but specifies that such a sentence is a departure from the sentencing guidelines.

- 7 **Registration period.** Restarts the registration period for individuals who are subsequently incarcerated for a violation of supervised release, conditional release, or probation for the offense for which they were required to register or any new offense. Specifies that an individual must continue to register under the law until ten years have elapsed since the person was last released from incarceration, or until the person's probation, supervised release, or conditional release expires, whichever occurs later.

Requires lifetime registration for three categories of individuals:

Recidivists. This category includes a person convicted of or adjudicated delinquent for any offense for which registration is required who has a prior conviction or adjudication for such an offense. For the purpose of determining whether the person is a recidivist, includes an offense of another state or a federal offense similar to the offenses for which registration is required under Minnesota law.

Individuals who commit aggravated offenses. Includes a person who commits a sexual act with a victim of any age through the use of force or the threat of serious violence and a person who commits a sexual act with a victim below the age of 12, regardless of whether the offense is under Minnesota law, federal law, or the law of some other state.

Sexual predators. Includes a person who is required to register following commitment as a sexual psychopathic personality or sexually dangerous person under Minnesota law or a similar law of another state or the United States.

- 8 **Use of information.** Creates an exception to the current classification of sex offender registry information as private data for disclosure of information to the public about offenders who are out of compliance with the registration law. Also allows disclosure for the purpose of the data base of registered predatory offenders created in section 14.
- 9 **Availability of information on offenders who are out of compliance with registration law.** Allows the BCA to make information available to the public about offenders who are 16 years

of age or older and who are out of compliance with the registration law for 30 days or longer for failure to provide the addresses of the offender's primary and secondary residences. Specifies that this information may be made available through electronic, computerized, or other accessible means. Requires the amount and type of information made available to be limited to the information necessary for the public to assist law enforcement in locating the offender.

Allows an offender who comes into compliance with the registration law after the BCA discloses information about the offender to the public to send a written request to the BCA requesting the BCA to treat information about the offender as private data. Requires the BCA to review the request and take reasonable action to treat the data as private, if the offender has complied with the requirement that the offender provide the addresses of the offender's primary and secondary residences, or to notify the offender that the information will continue to be treated as public and the reasons for the BCA's decision.

Allows an offender who believes that the information made public about the offender is inaccurate or incomplete to challenge the data through procedures set forth in the data practices law. Also provides the BCA immunity from criminal or civil liability based upon the accuracy or completeness of any information made public, if the BCA acts in good faith.

10 **Application.** Specifies that all provisions of the registration law apply to a predatory offender convicted of or adjudicated delinquent for an offense for which registration is currently required, if the offender is incarcerated or on supervised release as of the effective date of this section (April 4, 2000), regardless of the date of the conviction or adjudication. Specifies that this provision does not change the obligation of an offender to register who began to register before the effective date of this section.

11 **Registration under the predatory offender registration law for other offenses.**

Subd. 1. Definition. Defines "crime against the person" to mean a violation of the following:

609.165; 624.713 (felon in possession of a firearm)

609.185; 609.19; 609.195 (murder)

609.20; 609.205 (manslaughter)

609.221; 609.222; 609.223 (first to third degree assault)

609.224, subd. 2 (fifth degree assault; repeat assault; gross misdemeanor)

609.2242, subd. 2 or 4 (domestic assault; repeat assault; gross misdemeanor/felony)

609.235 (use of drugs to injure or facilitate crime)

609.245, subdivision 1 (first degree robbery)

609.25 (kidnaping)

609.255 (false imprisonment)

609.3451, subd. 2 (5th degree sexual assault (repeat crime; gross misdemeanor))

609.498, subd. 1 (first degree witness tampering)

609.582, subd. 1 (first degree burglary)

617.23, subd. 2 (indecent exposure; gross misdemeanor-level)

609.229 (any felony crime committed for the benefit of a gang)

609.377 (felony-level malicious child punishment)

609.749 (felony-level harassment or stalking)

Subd. 2. When required. Specifies that, in addition to the registration requirements of the predatory offender registration law, a person also must register under the predatory offender registration law if

the person is convicted of a crime against the person; and

the person was previously convicted of or adjudicated delinquent for an offense for which registration is required, but the person was not required to register for the offense because the registration requirements did not apply to the person at the time the offense was committed or at the time the person was released from imprisonment.

This section also requires a person who was previously required to register who has completed the registration requirements to again register under the registration law if the person commits a crime against the person.

12

Predatory offenders; notice. Amends the community notification law. Provides that all persons required to register as predatory offenders under the predatory offender registration law are subject to the community notification law, except for those required to register based solely upon delinquency adjudications. This change is consistent with the original legislative intent behind the law and responds to a 1998 court of appeals decision interpreting the law in a more limited manner. Replaces references in the notification law to "sex offenders" with "predatory offenders." This change clarifies that the law applies also to persons who are not technically convicted of a sex offense.

Makes additional changes, as explained below.

Subd. 1. Definitions. Changes references from "predatory offenders" to "sex offenders."

Subd. 2. Risk assessment scale. No changes.

Subd. 3. End-of-confinement review committee. Current law allows an offender to ask the end-of-confinement review committee to reassess the offender's risk level after two years have elapsed since the committee's initial risk assessment and allows renewal of the request once every two years following subsequent denials. This section does not allow an offender to seek reassessment until three years have passed since the initial assessment. Provides that an offender who is incarcerated may not request a reassessment. Also changes references from "sex offenders" to "predatory offenders."

Subd. 4. Law enforcement agency; disclosure of information to public. Requires a law enforcement agency that is disclosing information about a level III offender to the public to provide the commissioner of corrections with the information that is being disclosed. Specifies that this information must be disclosed within two days of the agency's determination. Requires the commissioner to post the information on the Internet as provided in subdivision 4b. Changes references from "sex offenders" to "predatory offenders."

Subd. 4a. Level III offenders; location of residence. No changes.

Subd. 4b. Level III offenders; mandatory posting of information on Internet. Requires the commissioner of corrections to create and maintain an Internet web site to post information about Level III offenders. Requires this information to be updated in a timely manner to account for changes in the offender's address. Specifies that the information must be maintained during the entire time the offender is subject to community notification as a level III offender.

Subd. 5. Relevant information provided to law enforcement. Changes reference from "sex offender" to "predatory offender."

Subd. 6. Administrative review. No changes.

Subd. 7. Immunity from liability. Current law provides immunity from civil and criminal liability to a state or local agency or official, or a private organization or individual authorized to act on behalf of a state or local agency or official, for disclosing or failing to disclose information as permitted by the community notification law. This section limits the civil liability to situations:

when the person fails to disclose information; and
when the person discloses information, but only if the disclosure of information is consistent with the offender's conviction history.

This provision expressly states that civil immunity is not available for the disclosure of information relating to conduct for which the offender was not convicted.

Subd. 8. Limitation on scope. No changes.

- 13 **Notice of information regarding predatory offenders.** Amends the law providing for limited community notification for predatory offenders convicted of an offense with a presumptive commitment to the commissioner of corrections under the sentencing guidelines but who receive a downward dispositional departure. Changes terminology consistent with section 12 to refer to these offenders as "predatory offenders" rather than "sex offenders" and to clarify that the provision applies to all offenders required to register under the predatory offender registration law as a result of a conviction.
- 14 **Data base of registered predatory offenders.** Requires the BCA to maintain a computerized data system on individuals required to register under this section. To the degree feasible, requires the system to include the information provided as part of the initial registration and to indicate the time period that the individual is required to register. Requires the BCA to maintain this information in a manner that makes the information readily available to law enforcement agencies. Specifies that this information is private data, but may be used for law enforcement and correctional purposes.
- 15 **Report.** Requires the superintendent of the BCA to report to the legislature by January 15, 2001, on how the money appropriated in this act was spent and how the policy changes made in this act relating to the BCA were implemented.
- 16 **Effective dates.** Provisions are effective as follows:
section 10 is effective the day following final enactment (April 4, 2000);
section 6 is effective August 1, 2000, and applies to crimes committed on or after that date, but a conviction or adjudication for violating the sex offender registration law before August 1, 2000, shall be considered a prior conviction or adjudication for the purpose of the increased mandatory minimum sentence for subsequent offenses;
the provisions of section 7 that pertain to lifetime registration are effective August 1, 2000, and apply to persons who commit offenses requiring lifetime registration on or after that date;
sections 2 and 9 and the provisions of sections 4 and 8 that pertain to making information available to the public through electronic, computerized, or other accessible means are effective August 1, 2000, and apply to offenders who are out of compliance with the registration law on or after that date;
the provisions of section 12 that pertain to posting information on the Internet are effective August 1, 2000, and apply to offenders classified at risk level III and subject to community notification on or after that date;
section 13 and the remaining provisions of section 12 are effective August 1, 2000, and apply to persons released from confinement or sentenced on or after that date;
sections 14 and 15 and the remaining provisions of section 8 are effective August 1, 2000; and
sections 1, 3, and 5 and the remaining provisions of sections 4 and 7 are effective August 1, 2000 and apply to persons released from confinement, sentenced, or subject to registration who commit offenses on or after that date.

ARTICLE 3

Name Change Provisions

Article 3 creates a procedure whereby felons must serve notice of their request for a name change on the prosecuting authority that obtained the felony conviction against the person or the attorney general. This article allows the prosecuting authority or attorney general time to object to the requested name change based upon certain factors. If the prosecuting authority or attorney general objects, the person seeking the name change may file a motion with the court to request the name change, which may be granted if the person can provide certain evidence. Article 3 also provides criminal penalties for violating the name change procedures provided in this article.

1 **Order; filing copies.** Current law requires a court to grant a name change unless there is an intent to harass or mislead or, in the case of a minor child, the name change is not in the child's best interests. This section provides that the name change also should not be granted if section 259.13 (section 3) prohibits the name change.

2 **Criminal Penalties.** Provides a gross misdemeanor penalty for a person who has been convicted of a felony in this state or another state or federal jurisdiction; and

uses a different surname after marriage than that used before marriage without complying with section 259.13 (section 3);

uses a different surname after a marriage dissolution or legal separation than that used during marriage without complying with section 259.13; or

with the intent to defraud or mislead, or to cause injury or to harass another, uses a different name without complying with section 259.13.

3 **Convicted felons; name changes.**

Subd. 1. Procedure for seeking name change. Establishes procedures for name changes for individuals convicted of a felony in Minnesota or another state or federal jurisdiction. Requires the individual to serve a notice of application for a name change on the prosecuting authority that obtained the felony conviction against the person. Specifies that, if the conviction is from another state or federal jurisdiction, notice of application must also be served on the attorney general.

Specifies that these procedures apply to the following methods of seeking a name change:

an application for a name change under section 259.10,

a request for a name change as part of a marriage license, and

a request for a name change in conjunction with a marriage dissolution.

Requires a person who seeks a name change through an application for a name change or as part of a marriage dissolution to file proof of service with the court as part of the name change request. Requires a person who seeks a name change as part of a marriage license to file proof of service with the county as part of the license application.

Prohibits granting of the name change during the 30-day period during which the prosecuting authority or attorney general may object to the name change (subdivision 2) or, if an objection is made, until the court grants the name change.

Specifies that nothing in this section shall delay the granting of a marriage license, which may be granted without the name change.

Subd. 2. Objection by prosecuting authority. Allows the prosecuting authority or attorney general 30 days from service of the name change request to file an objection with the court. Allows an objection on the basis that the request aims to defraud or mislead, is not made in

good faith, will cause injury to a person, or will compromise public safety. Specifies that, if an objection is filed, neither the court nor county shall allow the name change to go forward.

Subd. 3. Motion to grant name change request. Allows a person seeking a name change to contest the prosecuting authority's or attorney general's objection by filing a motion with the court. Allows the name change request to go forward only if the person proves by clear and convincing evidence that the request is not based upon an intent to defraud or mislead, is made in good faith, will not cause injury to a person, and will not compromise public safety.

Subd. 4. Constitutional right to name change. States that the court must grant a name change if failure to do so would infringe upon a person's constitutional rights.

Subd. 5. Costs. Allows a person who is seeking a name change under this section to proceed in forma pauperis only when the failure to allow the name change would infringe upon a constitutional right.

Subd. 6. Criminal penalty. Provides a gross misdemeanor penalty for a violation of this section.

- 4 **Marriage license application.** Requires a marriage license application form to state that if one or both parties have been convicted of a felony, the parties must provide the county proof of service as required by section 259.13 (section 3).

Also, requires the marriage license application form to include a notice that a person who has a felony conviction under Minnesota law or the law of another state or federal jurisdiction may not use a different surname after marriage except as authorized by section 259.13 and that doing so is a gross misdemeanor.

- 5 **Term of license; fee.** Provides instructions to the court administrator on the granting of a marriage license in situations where section 3 applies. Specifies that the court administrator may grant the marriage license without the requested name change, or delay the granting of the marriage license until the 30-day period for objections expires or the party provides a certified copy of the order granting the name change. Allows the parties seeking the marriage license to choose whether they would like the license granted without the name change or to wait until additional action occurs on the name change request.

- 6 **Name of party.** Creates an exception to the requirement that the court grant a requested name change as part of a marriage dissolution; this exception applies if section 259.13 (section 3) applies.

Also requires the court to notify the parties that use of a different surname after dissolution or legal separation without complying with section 259.13 is a gross misdemeanor.

- 7 **Effective date.** Sections 1 to 6 are effective August 1, 2000, and apply to proceedings for a name change commenced on or after that date and to crimes committed on or after that date.

ARTICLE 4

Criminal and Expungement Provisions

Article 4 contains various criminal and expungement provisions. This article:

allows a person to be convicted, punished, and sentenced for both a first through fourth degree criminal sexual conduct offense committed with force or violence and any other crime committed as part of the same course of conduct;

imposes a presumptive executed sentence of 144 months for a first degree criminal sexual conduct crime;

expands the crime of solicitation to engage in sexual conduct;

provides that jurisdiction exists for a first through fifth degree criminal sexual conduct offense or solicitation to engage in sexual conduct offense in either the jurisdiction where the offense originated or terminated;

eliminates the statute of limitations for any crime that results in the death of the victim and kidnapping;

eliminates the statute of limitations for criminal sexual conduct offenses in the first through the third degree if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics; and

specifies that current harassment laws apply to harassment by electronic means and clarifies certain provisions of the expungement law.

- 1 **Exception; criminal sexual conduct offenses.** Specifies that a prosecution or conviction for committing a first through fourth degree criminal sexual conduct crime with force or violence is not a bar to conviction of or punishment for any other crime committed by the defendant as part of the same conduct. Further provides that a consecutive sentence imposed under this provision is not a departure from the sentencing guidelines.
- 2 **Penalty.** Requires the court to presume an executed sentence of 144 months for an offender who commits a first degree criminal sexual conduct crime, unless a longer mandatory minimum sentence is otherwise required by law or the sentencing guidelines provide for a longer presumptive executed sentence. Clarifies that sentencing a person other than as described in this paragraph is a departure under the sentencing guidelines.
- 3 **Definitions.** Amends the definition of "child" in the solicitation of children to engage in sexual conduct law to include children under the age of 16. Amends the definition of "solicit" to provide that the conduct (commanding, entreating, or attempting to persuade a specific person) may take place in person, by telephone, by letter, or by computerized or other electronic means.
- 4 **Prohibited act.** Current law provides that a person who is 18 years of age or older who solicits a child to engage in sexual conduct with intent to engage in sexual conduct is guilty of a three-year felony. This section includes within the scope of this crime the solicitation of someone the person reasonably believes is a child.
- 5 **Jurisdiction.** Provides that a violation or attempted violation of first through fifth degree criminal sexual conduct or soliciting a child to engage in sexual conduct may be prosecuted in any jurisdiction in which the violation originates or terminates.
- 6 **Harassment and stalking crimes.** Current law criminalizes harassing conduct by a person who repeatedly mails or delivers or causes the delivery of letters, telegrams, messages, packages, or other objects. This section specifies that this conduct can occur by any means, including electronic means.
- 7 **Misdemeanors.** Current law provides a misdemeanor penalty to a person who, with the intent to abuse, disturb, or cause distress, mails or delivers letters, telegrams, or packages. This section specifies that the conduct can occur by any means, including electronic means, and that the law also applies to one who causes the delivery of these items.
- 8 **Petition to expunge criminal records.**
 - Subd. 1. Petition; filing fee.** No changes.
 - Subd. 2. Contents of petition.** No changes.
 - Subd. 3. Service of petition and proposed order.** Headnote change only.
 - Subd. 4. Hearing.** No changes.
 - Subd. 5. Nature of remedy; standard; firearms restriction.** Creates an exception to the general rules governing expungement (in cases where there has not been a conviction) and

sealing of records for cases where a petitioner was found not guilty by reason of mental illness. In these cases, the court must grant the petition to seal the record unless the agency or jurisdiction whose records would be affected establishes by a *preponderance of the evidence* that the public interest and public safety outweigh the disadvantages to the petitioner of not sealing the record. Ordinarily, the agency must establish these factors by *clear and convincing evidence*.

Strikes language dealing with firearm eligibility following an order expunging the record for a conviction for a crime of violence. Moves this language to the new subdivision 5a.

Also contains a technical change to clarify that the requirement that certain records not be returned means that the records shall not be returned to the subject of the record.

Subd. 5a. Order concerning crimes of violence. Creates a new subdivision for language stricken from subdivision 5 that deals with firearm eligibility following an order expunging the record for a conviction of a crime of violence.

Subd. 6. Order concerning controlled substance offenses. No changes.

Subd. 7. Limitations of order. Contains a technical change to clarify that the language prohibiting return of DNA samples and DNA records means that the samples and records shall not be returned to the subject of the record.

Subd. 8. Distribution of expungement orders. Strikes language that is moved to subdivision 9. This language provides for a stay of an expungement order during the pendency of an appeal and allows a person or agency whose jurisdiction would be affected by the order to appeal the order.

Adds language from subdivision 9 requiring the court administrator to send a copy of an expungement order to each agency and jurisdiction whose records are affected by the term of the order.

Subd. 9. Stay of order; appeal. Strikes the language moved to subdivision 8 and inserts the language moved from subdivision 8.

9 **Limitations.** Current law provides that indictments or complaints for *murder* may be found or made at any time after the death of the person killed, which includes first, second, and third degree murder. This section eliminates the statute of limitations for any crime resulting in the death of the victim and for kidnapping.

This section also eliminates the statute of limitations for first through third degree criminal sexual conduct offenses if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics. If this evidence is not collected and preserved, the current limitations periods for criminal sexual conduct offenses continue to apply.

10 **Effective date.** Sections 1 to 5, 7, and 8 are effective August 1, 2000, and apply to crimes committed on or after that date. Section 6 is effective the day following final enactment (April 4, 2000) and applies to crimes committed on or after that date. Section 9 is effective August 1, 2000, and applies to crimes committed on or after that date and to crimes committed before that date if the limitations period for the crime did not expire before August 1, 2000.

ARTICLE 5

Criminal Justice Information Technology and Integration Provisions

This article provides for the distribution of criminal justice technology infrastructure improvements, changes the membership of the criminal and juvenile justice information policy group, changes the local match requirement for grants for developing or implementing criminal justice information integration plans, and requires reports from agencies receiving technology or appropriations.

1 **Membership; duties.** Changes the membership of the criminal and juvenile justice information policy group to eliminate the chair of the sentencing guidelines commission and state court administrator and add the commissioners of finance and administration and four members of the judicial branch appointed by the chief justice of the supreme court.

2 **Report; task force.** Makes technical changes.

3 **Local match.** Current law requires a local match for grants for developing or implementing criminal justice information integration plans. This section changes that requirement from one-half to up to one-half, as determined by the policy group. Requires the matching requirement to be a constant for all counties. Provides that local operational or technology staffing costs may be considered in meeting the match requirement. Also requires the policy group to consult with the task force when carrying out powers and duties related to the local match.

Also requires each grant recipient to certify to the policy group that it has not reduced funds from local, county, federal, or other sources which, in the absence of the grant, would have been made available to the grant recipient to improve or integrate criminal justice technology.

4 **Criminal justice technology infrastructure improvements.** Requires that, within 30 days of the submission of the Hennepin county integration plan funded under an appropriation in last year's judiciary finance omnibus act or by September 1, 2000, whichever is earlier, the policy group shall:

(1)

assess the needs of state, county, and municipal government agencies for electronic fingerprint capture technology, electronic photographic identification technology, and additional bandwidth to transfer the data to the state's central database and access the data; and

(2)

choose locations and agencies to receive this technology.

Specifies that, within the limits of available appropriations, the commissioner of public safety must purchase and distribute technology infrastructure improvements as directed by the policy group and specifies the time period within which this must be done. If feasible, also requires the policy group to direct the commissioner to distribute the technology infrastructure improvements in 100 locations, but specifies that no more than 30 percent of the improvements may be distributed in one county.

5 **Reports required.**

Subd. 1. Public safety. Requires the commissioner of public safety to report to the legislature by January 15, 2001 on the grants made and technology infrastructure improvements distributed with the appropriations.

Subd. 2. Supreme court. Requests the chief justice of the supreme court to report to the legislature by January 15, 2001 on redevelopment of the court information system.

Subd. 3. Sentencing guidelines commission. Requires the executive director of the sentencing guidelines commission to report to the legislature by January 15, 2001 on the result of the pilot project to use the statewide statute table to ensure accurate and uniform charging on criminal complaints.

6 **Proposed effectiveness measurement standards and sanctions; report required.** Requires the criminal and juvenile justice information policy group, in conjunction with the task force, to develop recommended standards to measure the effectiveness of the use of the technology infrastructure improvements and improvements made to the court information system funded by state appropriations. Requires the standards to be based upon objective factors.

Also requires the policy group, in conjunction with the task force, to recommend appropriate

sanctions for the court or an agency that receives the technology improvements but does not meet the recommended effectiveness standards. Requires a report from the policy group to the legislature by January 15, 2001, on the recommended standards and sanctions.

7 **Effective date.** Sections 1 to 6 are effective the day following final enactment (April 4, 2000).

ARTICLE 6

Data Practices Provisions

Article 6 makes certain information about predatory (sex) offenders available to law enforcement when a law enforcement officer notifies an agency that the person about whom information is requested is a predatory offender who is not residing at the address for which the person is registered under the predatory offender registration law.

1 **General.** Current law provides that, unless the data is summary data or a statute specifically provides a different classification, data on individuals collected, maintained, used, or disseminated by the welfare system is private data. This section creates an exception to allow disclosure of the current address of a recipient of Minnesota family investment program-statewide, general assistance, general assistance medical care, or food stamps. Under this provision, information may be disclosed to law enforcement officers who, in writing, provide the name of the recipient and notify the agency that the recipient is a person required to register under the predatory offender registration law, but is not residing at the address for which the recipient is registered under the law. Specifies that a request will be deemed to be made in writing if made through a computer interface system.

2 **Law enforcement access to certain data.** Grants law enforcement access to certain data maintained by a public housing agency about a predatory offender if the following criteria are met:

the law enforcement officer provides the name of the recipient to the housing agency,
and

the officer notifies the agency that the recipient is a person required to register under the predatory offender registration law and the person is not at the address for which the person is registered.

The data made available includes the person's current address, social security number, and photograph, if available.

3 **Disclosure to law enforcement.** Requires the commissioner of labor and industry to disclose the current address of an employee collected or maintained under the worker's compensation law to law enforcement officers who provide the name of the employee and notify the commissioner that the employee is a person required to register under the predatory offender registration law and the person is not at the address for which the person is registered.