

## Predatory Offender Registration

***What is the predatory offender registration law?***

The predatory offender registration (POR) law is a system under which an individual convicted of a predatory offense (i.e., sex offense) is required to register with the Bureau of Criminal Apprehension (BCA) for a period of time, usually ten years. [Minn. Stat. § 243.166](#). The law applies both to adults and juveniles and is designed to assist law enforcement in keeping track of predatory offenders and protecting public safety.

***Who must register?***

The POR law requires registration of individuals who have committed certain “predatory” crimes under Minnesota law, federal law, or the law of other states. The law also requires registration of individuals who have been civilly committed as sexually dangerous persons, sexual psychopathic personalities, or mentally ill and dangerous, provided the person was charged with one of the offenses listed below.

An offender must register under the law if charged with and convicted of one of the following offenses or another offense arising out of the same set of circumstances: murder while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence; kidnapping; criminal sexual conduct in the first, second, third, fourth, and fifth (felony only) degree; felony indecent exposure; false imprisonment of a minor; soliciting a minor to engage in prostitution or sexual conduct; using a minor in a sexual performance; and possessing pictorial representations of minors.

An offender who commits a “crime against the person” after previously committing a predatory crime must also register. This provision requires offenders who committed their predatory crime prior to enactment of the POR law to register. Likewise, a person who was required to register in another state who has completed the registration requirements must register in Minnesota if the person commits a “crime against the person.”

***What information must a predatory offender provide under the POR law?***

An individual who is required to register must provide the following information to the person’s corrections agent or to law enforcement:

- the person’s primary address
- all of the person’s secondary addresses in Minnesota, including all addresses used for residential or recreational purposes
- the addresses of all Minnesota property owned, leased, or rented by the person
- the addresses of all locations where the person is employed
- the addresses of all schools where the person is enrolled
- the year, model, make, license plate number, and color of all motor vehicles owned or regularly driven by the person

***What if an offender is homeless?***

A person who is required to register but who does not have a primary address must register with the law enforcement authority that has jurisdiction in the area where he or she is staying within 24 hours after entering the jurisdiction. A homeless offender must provide law enforcement with a description of where he or she is staying with as

much specificity as possible. A homeless offender shall report in person on a weekly basis to law enforcement.

***How does law enforcement know if a person is providing accurate information?***

The POR law aims to ensure information on offenders is current and accurate by requiring offenders to notify their corrections agents or law enforcement whenever any of their registration information changes. In addition, the BCA sends out verification letters to offenders annually. The offender must sign and return the form within ten days of receipt of the form, stating the offender's current and last address. For offenders who are required to register because they were committed as sexually dangerous persons or sexual psychopathic personalities, the BCA must verify residence four times a year. For level II and III offenders who are no longer under correctional supervision for a registration offense, the BCA must verify residence two times a year. In addition to these requirements, many local law enforcement agencies send police officers out to check on offenders in person to ensure they are living where they say they are.

***Is there a penalty for an offender's failure to follow the POR law?***

Yes. A person who knowingly violates any of the provisions of the registration law or who intentionally provides false information to a corrections agent, law enforcement authority, or the BCA is guilty of a five-year felony. The POR law provides a mandatory prison sentence of one year and one day for a first offense and not less than two years for a subsequent offense.

***For how long must an offender register?***

Except for those persons subject to lifetime registration, a person who is required to register is subject to the law for ten years from the time he or she initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, **whichever occurs later**. For individuals who have been civilly committed, the ten-year registration period does not include the period of commitment. In addition, a new ten-year registration period applies to a person subsequently incarcerated following a conviction of a new offense or after a revocation of probation, supervised release, or conditional release for any offense. These individuals must continue to register until ten years have elapsed since they were last released from incarceration, or until their probation, supervised release, or conditional release expires, whichever occurs later.

***Who is subject to lifetime registration?***

Lifetime registration is required 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 an offense where registration was or would have been required under the law.
- **Individuals Who Commit Aggravated Offenses.** This category includes a person who commits a sexual act, including, but not limited to penetration, 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, including but not limited to penetration, with a victim under the age of 13.
- **Sexual Predators.** This category includes a person who is required to register following commitment as a sexual psychopathic personality or sexually dangerous person.

**For more information:** Contact legislative analyst Jeffrey Diebel. Also see the House Research publication *Sex Offenders and Predatory Offenders: Minnesota Criminal and Civil Regulatory Laws*.

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