

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 2104

DATE: March 5, 2004

Version: As introduced

Authors: Strachan and others

Subject: Predatory offender registration law; persons who lack a primary address

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Overview

This bill clarifies the procedure that individuals must follow if they are required to register their address under the Predatory Offender Registration Law (POR Law) and they lack a primary address (i.e., are homeless). This clarification responds to the Minnesota Supreme Court's decision in *State v. Iverson*, 664 N.W.2d 346 (Minn. 2003). In this case, the Court ruled that the registration law does not require a homeless person to register unless, as provided in Minn. Stat. § 244.166, subdivisions 3 and 4, the person lives in a place where mail can be received and can provide five days advance notice that he or she will be going to that location. As a result, most homeless offenders are not subject to the registration requirements in the POR law. The bill also clarifies the disclosure of information on these individuals under the Community Notification Act and makes numerous technical changes to the registration law.

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1 Registration of predatory offenders.

Subdivision 1. Registration required. Repeals current language in this subdivision in order to recodify it in the newly-created subdivision 1b. The purpose of this recodification is to relocate all of the law's definitions at the beginning of the statutory section.

Subd. 1a. Definitions. Contains the definitions used in the POR law. These definitions

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are relocated in this new subdivision from the existing subdivisions 1, 4, and 8. Makes only one substantive change in the current definitions: uses the terms "primary address" and "secondary address" instead of "primary residence" and "secondary residence" in order to clarify the intended meaning of these terms. The use of "address" instead of "residence" makes irrelevant the issue of whether the person intends to stay permanently at that location (an element of the legal meaning of "residence").

Subd. 1b. Registration required. Sets forth the criteria governing who must register as a predatory offender under the law. These criteria were relocated, without substantive change, from the repealed subdivision 1.

Subd. 2. Notice. Contains technical changes relating to the recodification of subdivision 1.

Subd. 3. Registration procedure. Contains technical changes relating to the recodified definitions.

Subd. 3a. Registration procedure when person lacks primary address. Addresses a current gap in the law relating to persons who lack a primary address (i.e., are homeless). Provides that when a person leaves a primary address and does not have a new one, the person must register with the law enforcement authority in the area where the person is staying either: (1) within 24 hours of the time the person no longer has a primary address; or (2) within 24 hours after entering a new jurisdiction. Requires compliance with this registration process every time the person moves to a new jurisdiction. Also provides that, if the person continues to lack a primary address, the person must report in person, on a weekly basis, with the law enforcement agency in the area where the person is staying. Does not require the person to re-register weekly but, rather, requires the person to inform the law enforcement authority of any changes to the information provided upon initial registration. Requires the person lacking a primary address to re-register annually or, if subject to registration due to a previous commitment as a sexually dangerous person, every three months. Requires the law enforcement authority to forward this registration information to the Bureau of Criminal Apprehension within two business days of receiving it. Also provides that a person who fails to report a primary address will be deemed to be a person who lacks a primary address and will be subject to all of the responsibilities outlined in this subdivision.

Subds. 4 to 9. Contain either technical, conforming changes or no changes. .

- 2 **Law enforcement agency; disclosure of information to public.** Amends the Community Notification Act. Clarifies that the duty imposed by the Act on law enforcement agencies to continue to disclose information on registered offenders also applies as well to offenders who lack a primary address.
- 3 **Revisor instruction.** Contains a Revisor instruction to change cross-references, where necessary, to the subdivision that is repealed in section 1.
- 4 **Repealer.** Repeals subdivisions 1 and 8 of the Predatory Offender Registration Act

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consistent with the recodification in section 1.

(Sections 1 to 4 are effective the day following final enactment and apply to persons subject to predatory offender registration or community notification on or after that date.)