

HOUSE RESEARCH

Bill Summary

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Overview

This bill revises and expands the current process under which Minnesota authorities assign risk levels under the Community Notification Act to predatory offenders from out of state who come to Minnesota and intend to reside here. These offenders typically have been released from federal correctional facilities or out-of-state correctional facilities or have been accepted for probation/parole supervision in Minnesota. The bill also allows use of a risk level assigned under a comparable law of another state for notification purposes until a Minnesota risk level is assigned. The objective of the revised process is to ensure that these out-of-state offenders are assigned risk levels comparable to those assigned to Minnesota offenders.

Section

- 1 Offenders from other states.** Amends the Predatory Offender Registration law's current process regarding the registration of offenders who move to Minnesota from other states under an interstate supervision agreement. Requires these offenders to register with the Bureau of Criminal Apprehension (BCA) within five days of entering the state. Requires the BCA to notify the commissioner of corrections when such an offender registers under this section and also when it learns that a person from another state is in Minnesota and has unlawfully failed to register under the Predatory Offender Registration law. If the person is subject to the Community Notification Act of another state, the person must inform the BCA

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of this fact and of the person's assigned risk level, if any.

Also provides that if the BCA receives information from an out-of-state registration authority, corrections agent, or law enforcement authority which indicates that a person who may be subject to the registration law is moving to Minnesota, the BCA must ask if the person is subject to community notification in another state and, if so, what the person's assigned risk level is, if any. The BCA must forward any information it receives to the commissioner of corrections within three business days so that the commissioner can use the information in assigning the person a Minnesota risk level. The BCA also must provide all of this information within three business days to the law enforcement authority having jurisdiction in the area of the person's primary address. [Effective the day after final enactment and applicable to all persons subject to registration on or after that date.]

2 End of confinement review committee. Strikes existing statutory language in the Community Notification Act relating to the process for assigning risk levels to offenders who move to Minnesota from other states or are released from federal correctional facilities located in Minnesota. Relocates that language, with changes, to the new subdivision created in section 3. [Effective the day after final enactment and applicable to all persons subject to community notification on or after that date.]

3 Offenders from other states and offenders released from federal facilities. Amends the existing process under which the Department of Corrections assigns Community Notification Act risk levels to predatory offenders who are released from federal correctional facilities or out-of-state correctional facilities and who intend to reside in Minnesota. Expands the process to include offenders released from any federal correctional facility, offenders accepted for supervision under any interstate agreement, and out-of-state offenders who are subject to Minnesota's predatory offender registration law, regardless of whether they are subject to community notification in the state they are leaving. Requires the assignment of a risk level to all of these offenders, including those who are accepted for probation supervision. Such probationary offenders do not receive a risk level under current law but, rather, are subject to a notification process similar to that applicable to level II offenders.

Requires the end-of-confinement review committee responsible for assigning risk levels to out-of-state offenders to promptly collect and review all relevant information on them and to follow the same timelines, policies, and procedures applicable to in-state offenders in assigning them a risk level. Makes acceptance of these offenders under an interstate agreement contingent on the offender's cooperation in providing Minnesota correctional authorities with all relevant information. Requires law enforcement authorities to notify the BCA and the commissioner of corrections within three business days when they learn an offender living in Minnesota is subject to this section and has not yet been assigned a Minnesota risk level.

Permits the commissioner of corrections and the BCA to proceed with a community notification when they receive reliable information that the person is living in Minnesota and has been assigned a risk level by another jurisdiction under a comparable community notification law. Permits these agencies to continue with the notification until the end-of-confinement review committee assigns the person a Minnesota risk level. [Effective the day after final enactment and applicable to all persons subject to community notification on or after that date.]

Section

- 4** **Direction to commissioner of corrections.** Requires the commissioner to review the community notification laws of Minnesota and other states to determine whether they are comparable, particularly with respect to the procedures and criteria used to assign risk levels to offenders and the scope of information provided to the public. Requires the commissioner, in assessing comparability, to consider whether the other state's risk level will further public safety objectives in Minnesota and will result in out-of-state offenders being treated similarly to Minnesota offenders. Requires a report to the legislature on this topic by August 1, 2004, and requires the commissioner to provide a copy of the report to law enforcement authorities throughout the state to assist them in complying with this bill. [Effective the day after final enactment.]