

HOUSE RESEARCH

Bill Summary

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Subject: Predatory offender registration on Indian reservations

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Overview

This bill amends Minnesota Statutes section 243.166 by allowing a prosecutor to challenge a predatory offender's refusal to register as an offender based on alleged tribal membership and residence on a reservation. It also prohibits offenders who are excused from the registration requirements due to their membership in an Indian tribe and residence on a reservation from leaving the reservation unless the offenders waive their right to avoid predatory offender registration in the state.

Section

- 1 Hearing.** Allows a prosecuting authority to bring a motion in court to determine whether a person who refuses to register as a predatory offender, due to the individual's alleged membership in an Indian tribe and residence on a reservation, is actually a member of the tribe and residing on the reservation. Upon such a motion, the offender must prove by clear and convincing evidence at a court hearing that the offender is an enrolled member of the tribe with a permanent address located on the reservation. If the court rules that the offender is not required to register, it must notify the offender of the travel prohibition provided for in section 2 below, and send a copy of the order to the BCA, which must file the order in the offender's criminal record and add the offender's name and status to the predatory offender registry. Should an offender fail to appear at the hearing or fail to satisfy the burden of proof to be exempt from registering, the offender must comply with all registration requirements applicable to Minnesota residents.

Section

- 2** **Travel prohibition; waiver.** Offenders excused from complying with registration requirements because they are members of an Indian tribe and maintain a permanent residence on the reservation are prohibited from leaving the reservation unless they sign a waiver of their right to avoid predatory offender registration in the state. The BCA will develop a standard waiver form that requires the offender to waive the right to avoid registration and to agree to comply with all registration requirements in the state. Failure to comply is a felony.
- 3** **Effective Date.** The day following enactment and applies to persons subject to predatory offender registration on or after that date.