

1.1 moves to amend H.F. No. 1078, the first engrossment, as follows:

1.2 Page 104, after line 11, insert:

1.3 "Section 1. Minnesota Statutes 2020, section 243.166, subdivision 1b, is amended to read:

1.4 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

1.5 (1) the person was charged with or petitioned for a felony violation of or attempt to
1.6 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
1.7 of or adjudicated delinquent for that offense or another offense arising out of the same set
1.8 of circumstances:

1.9 (i) murder under section 609.185, paragraph (a), clause (2);

1.10 (ii) kidnapping under section 609.25;

1.11 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
1.12 subdivision 3; or 609.3453;

1.13 (iv) indecent exposure under section 617.23, subdivision 3; or

1.14 (v) surreptitious intrusion under the circumstances described in section 609.746,
1.15 subdivision 1, paragraph (f);

1.16 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
1.17 aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated
1.18 delinquent for that offense or another offense arising out of the same set of circumstances:

1.19 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

1.20 (ii) false imprisonment in violation of section 609.255, subdivision 2;

1.21 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in
1.22 the sex trafficking of a minor in violation of section 609.322;

2.1 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

2.2 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
2.3 subdivision 2 or 2a, clause (1);

2.4 (vi) using a minor in a sexual performance in violation of section 617.246; or

2.5 (vii) possessing pornographic work involving a minor in violation of section 617.247;

2.6 (3) the person was sentenced as a patterned sex offender under section 609.3455,
2.7 subdivision 3a; or

2.8 (4) the person was charged with or petitioned for, including pursuant to a court martial,
2.9 violating a law of the United States, including the Uniform Code of Military Justice, similar
2.10 to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent
2.11 for that offense or another offense arising out of the same set of circumstances.

2.12 Notwithstanding clause (1), item (iii), a person is not required to register based on conduct
2.13 described in section 609.3451, subdivision 3, paragraph (a), unless the person has previously
2.14 been convicted of violating section 609.342; 609.343; 609.344; 609.345; 609.3451; 609.3453;
2.15 617.23, subdivision 2, clause (2), or 3; or 617.247.

2.16 (b) A person also shall register under this section if:

2.17 (1) the person was charged with or petitioned for an offense in another state that would
2.18 be a violation of a law described in paragraph (a) if committed in this state and convicted
2.19 of or adjudicated delinquent for that offense or another offense arising out of the same set
2.20 of circumstances;

2.21 (2) the person enters this state to reside, work, or attend school, or enters this state and
2.22 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
2.23 any calendar year; and

2.24 (3) ten years have not elapsed since the person was released from confinement or, if the
2.25 person was not confined, since the person was convicted of or adjudicated delinquent for
2.26 the offense that triggers registration, unless the person is subject to a longer registration
2.27 period under the laws of another state in which the person has been convicted or adjudicated,
2.28 or is subject to lifetime registration.

2.29 If a person described in this paragraph is subject to a longer registration period in another
2.30 state or is subject to lifetime registration, the person shall register for that time period
2.31 regardless of when the person was released from confinement, convicted, or adjudicated
2.32 delinquent.

3.1 (c) A person also shall register under this section if the person was committed pursuant
3.2 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
3.3 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
3.4 United States, regardless of whether the person was convicted of any offense.

3.5 (d) A person also shall register under this section if:

3.6 (1) the person was charged with or petitioned for a felony violation or attempt to violate
3.7 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
3.8 the United States, or the person was charged with or petitioned for a violation of any of the
3.9 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
3.10 States;

3.11 (2) the person was found not guilty by reason of mental illness or mental deficiency
3.12 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
3.13 states with a guilty but mentally ill verdict; and

3.14 (3) the person was committed pursuant to a court commitment order under section
3.15 253B.18 or a similar law of another state or the United States."

3.16 Page 106, line 9, delete "an intoxicating" and insert "any" and after "substance" insert
3.17 "or substances"

3.18 Page 133, after line 14, insert:

3.19 "Sec. Minnesota Statutes 2020, section 609.347, is amended by adding a subdivision
3.20 to read:

3.21 **Subd. 8. Voluntary intoxication defense for certain mentally incapacitated cases;**
3.22 **clarification of applicability.** (a) The "knows or has reason to know" mental state
3.23 requirement for violations of sections 609.342 to 609.345 involving a complainant who is
3.24 mentally incapacitated, as defined in section 609.341, subdivision 7, clause (2), is a specific
3.25 intent crime for purposes of determining the applicability of the voluntary intoxication
3.26 defense described in section 609.075. This defense may be raised by a defendant if the
3.27 defense is otherwise applicable under section 609.075 and related case law.

3.28 (b) Nothing in paragraph (a) may be interpreted to change the application of the defense
3.29 to other crimes.

3.30 (c) Nothing in paragraph (a) is intended to change the scope or limitations of the defense
3.31 or case law interpreting it beyond clarifying that the defense is available to a defendant
3.32 described in paragraph (a).

4.1 **EFFECTIVE DATE.** The section is effective August 1, 2021, and applies to crimes
4.2 committed on or after that date."

4.3 Page 134, delete section 21 and insert:

4.4 "Sec. **REVISOR INSTRUCTION.**

4.5 (a) The revisor of statutes shall make necessary cross-reference changes and remove
4.6 statutory cross-references in Minnesota Statutes to conform with this act. The revisor may
4.7 make technical and other necessary changes to language and sentence structure to preserve
4.8 the meaning of the text.

4.9 (b) In Minnesota Statutes, the revisor of statutes shall modify the headnote to Minnesota
4.10 Statutes, section 609.347, to reflect the amendment to that section contained in this act."

4.11 Page 135, delete section 22

4.12 Renumber the sections in sequence and correct the internal references

4.13 Amend the title accordingly