

1.1 moves to amend H.F. No. 6, the first engrossment, as follows:

1.2 Delete everything after the enacting clause and insert:

1.3 "Section 1. Minnesota Statutes 2010, section 609.342, subdivision 2, is amended to
1.4 read:

1.5 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or
1.6 Minnesota Statutes 2004, section 609.109, a person convicted under subdivision 1 may
1.7 be sentenced to imprisonment for not more than ~~30~~ 60 years or to a payment of a fine of
1.8 not more than \$40,000, or both.

1.9 (b) Unless a longer mandatory minimum sentence is otherwise required by law or
1.10 the Sentencing Guidelines provide for a longer presumptive executed sentence, the court
1.11 shall presume that an executed sentence of 144 months must be imposed on an offender
1.12 convicted of violating this section. Sentencing a person in a manner other than that
1.13 described in this paragraph is a departure from the Sentencing Guidelines.

1.14 (c) A person convicted under this section is also subject to conditional release under
1.15 section 609.3455.

1.16 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
1.17 committed on or after that date.

1.18 Sec. 2. Minnesota Statutes 2010, section 609.343, subdivision 2, is amended to read:

1.19 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or
1.20 Minnesota Statutes 2004, section 609.109, a person convicted under subdivision 1 may
1.21 be sentenced to imprisonment for not more than ~~25~~ 50 years or to a payment of a fine of
1.22 not more than \$35,000, or both.

1.23 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
1.24 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
1.25 presume that an executed sentence of 90 months must be imposed on an offender convicted

2.1 of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner
2.2 other than that described in this paragraph is a departure from the Sentencing Guidelines.

2.3 (c) A person convicted under this section is also subject to conditional release under
2.4 section 609.3455.

2.5 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
2.6 committed on or after that date.

2.7 Sec. 3. Minnesota Statutes 2010, section 609.344, subdivision 2, is amended to read:

2.8 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person
2.9 convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~15~~ 40
2.10 years or to a payment of a fine of not more than \$30,000, or both. A person convicted
2.11 under this section is also subject to conditional release under section 609.3455.

2.12 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
2.13 committed on or after that date.

2.14 Sec. 4. Minnesota Statutes 2010, section 609.345, subdivision 2, is amended to read:

2.15 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person
2.16 convicted under subdivision 1 may be sentenced to imprisonment for not more than ~~ten~~ 30
2.17 years or to a payment of a fine of not more than \$20,000, or both. A person convicted
2.18 under this section is also subject to conditional release under section 609.3455.

2.19 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
2.20 committed on or after that date.

2.21 Sec. 5. Minnesota Statutes 2010, section 609.3451, subdivision 3, is amended to read:

2.22 Subd. 3. **Felony.** Except as otherwise provided in section 609.3455, a person is
2.23 guilty of a felony and may be sentenced to imprisonment for not more than ~~five~~ 20 years or
2.24 to payment of a fine of not more than \$10,000, or both, if the person ~~violates subdivision~~
2.25 ~~1, clause (2), after having been previously convicted of or adjudicated delinquent for~~
2.26 ~~violating subdivision 1, clause (2);~~ has a previous sex offense conviction as defined in
2.27 section 609.3455, subdivision 1, or a previous conviction or delinquency adjudication
2.28 for violating section 617.23, subdivision 2, clause (1); ~~or a statute from another state in~~
2.29 ~~conformity with subdivision 1, clause (2), or section 617.23, subdivision 2, clause (1)~~ or
2.30 any similar statute of the United States, this state, or any other state.

3.1 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
3.2 committed on or after that date.

3.3 Sec. 6. Minnesota Statutes 2010, section 609.3455, is amended to read:

3.4 **609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES;**
3.5 **INDETERMINATE SENTENCES; CONDITIONAL RELEASE.**

3.6 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have
3.7 the meanings given.

3.8 (b) "Conviction" includes a conviction as an extended jurisdiction juvenile under
3.9 section 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343,
3.10 609.344, or 609.3453, if the adult sentence has been executed.

3.11 (c) "Extreme inhumane conditions" mean situations where, either before or after
3.12 the sexual penetration or sexual contact, the offender knowingly causes or permits the
3.13 complainant to be placed in a situation likely to cause the complainant severe ongoing
3.14 mental, emotional, or psychological harm, or causes the complainant's death.

3.15 (d) A "heinous element" includes:

3.16 (1) the offender tortured the complainant;

3.17 (2) the offender intentionally inflicted great bodily harm upon the complainant;

3.18 (3) the offender intentionally mutilated the complainant;

3.19 (4) the offender exposed the complainant to extreme inhumane conditions;

3.20 (5) the offender was armed with a dangerous weapon or any article used or fashioned
3.21 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
3.22 used or threatened to use the weapon or article to cause the complainant to submit;

3.23 (6) the offense involved sexual penetration or sexual contact with more than one
3.24 victim;

3.25 (7) the offense involved more than one perpetrator engaging in sexual penetration or
3.26 sexual contact with the complainant; or

3.27 (8) the offender, without the complainant's consent, removed the complainant from
3.28 one place to another and did not release the complainant in a safe place.

3.29 (e) "Mutilation" means the intentional infliction of physical abuse designed to cause
3.30 serious permanent disfigurement or permanent or protracted loss or impairment of the
3.31 functions of any bodily member or organ, where the offender relishes the infliction of the
3.32 abuse, evidencing debasement or perversion.

3.33 (f) A conviction is considered a "previous sex offense conviction" if the offender was
3.34 convicted and sentenced for a sex offense before the commission of the present offense.

4.1 (g) A conviction is considered a "prior sex offense conviction" if the offender was
4.2 convicted of committing a sex offense before the offender has been convicted of the
4.3 present offense, regardless of whether the offender was convicted for the first offense
4.4 before the commission of the present offense, and the convictions involved separate
4.5 behavioral incidents.

4.6 (h) "Sex offense" means any violation of, or attempt to violate, section 609.342,
4.7 609.343, 609.344, 609.345, 609.3451, 609.3453, or any similar statute of the United
4.8 States, this state, or any other state.

4.9 (i) "Torture" means the intentional infliction of extreme mental anguish, or extreme
4.10 psychological or physical abuse, when committed in an especially depraved manner.

4.11 (j) An offender has "two previous sex offense convictions" only if the offender
4.12 was convicted and sentenced for a sex offense committed after the offender was earlier
4.13 convicted and sentenced for a sex offense and both convictions preceded the commission
4.14 of the present offense of conviction.

4.15 (k) A conviction is considered a "previous conviction for a predatory crime" if
4.16 the offender was convicted and sentenced for a violation of, or an attempt to violate, an
4.17 offense listed in section 609.341, subdivision 22 (predatory crimes) or section 609.255
4.18 if sentenced as a felony (false imprisonment), 609.582, subdivision 2 (second-degree
4.19 burglary), 609.713 (terroristic threats), 617.23, subdivision 3 (felony indecent exposure),
4.20 617.241, subdivision 4 (felony obscene materials), 617.246 (felony use of minor in a
4.21 sexual performance), or 617.247 (felony possession pornographic work involving minors)
4.22 before the commission of the present offense.

4.23 Subd. 2. **Mandatory life sentence without release; egregious first-time and**
4.24 **repeat offenders.** (a) Notwithstanding the statutory maximum penalty otherwise
4.25 applicable to the offense, the court shall sentence a person convicted under section
4.26 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or 609.343, subdivision 1,
4.27 paragraph (c), (d), (e), (f), or (h), to life without the possibility of release if:

4.28 (1) the fact finder determines that two or more heinous elements exist; or

4.29 (2) the person has a previous sex offense conviction for a violation of section
4.30 609.342, 609.343, or 609.344, and the fact finder determines that a heinous element exists
4.31 for the present offense.

4.32 (b) A fact finder may not consider a heinous element if it is an element of the
4.33 underlying specified violation of section 609.342 or 609.343. In addition, when
4.34 determining whether two or more heinous elements exist, the fact finder may not use the
4.35 same underlying facts to support a determination that more than one element exists.

5.1 Subd. 3. **Mandatory life sentence for egregious first-time offenders.** (a)

5.2 Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the
5.3 court shall sentence a person to imprisonment for life if the person is convicted under
5.4 section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h), or 609.343, subdivision
5.5 1, paragraph (c), (d), (e), (f), or (h); and the fact finder determines that a heinous element
5.6 exists.

5.7 (b) The fact finder may not consider a heinous element if it is an element of the
5.8 underlying specified violation of section 609.342 or 609.343.

5.9 Subd. 3a. **Mandatory indeterminate sentence for ~~certain engrained~~ serious and
5.10 repeat first degree offenders. (a) ~~A court shall commit a person to the commissioner of~~
5.11 ~~corrections for a period of time that is not less than double the presumptive sentence under~~
5.12 ~~the sentencing guidelines and not more than the statutory maximum, or if the statutory~~
5.13 ~~maximum is less than double the presumptive sentence, for a period of time that is equal~~
5.14 ~~to the statutory maximum, if:~~**

5.15 (1) ~~the court is imposing an executed sentence on a person convicted of committing~~
5.16 ~~or attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, or~~
5.17 ~~609.3453;~~

5.18 (2) ~~the fact finder determines that the offender is a danger to public safety; and~~

5.19 (3) ~~the fact finder determines that the offender's criminal sexual behavior is so~~
5.20 ~~engrained that the risk of reoffending is great without intensive psychotherapeutic~~
5.21 ~~intervention or other long-term treatment or supervision extending beyond the presumptive~~
5.22 ~~term of imprisonment and supervised release.~~

5.23 (b) ~~The fact finder shall base its determination that the offender is a danger to public~~
5.24 ~~safety on any of the following factors:~~

5.25 (1) ~~the crime involved an aggravating factor that would justify a durational departure~~
5.26 ~~from the presumptive sentence under the sentencing guidelines;~~

5.27 (2) ~~the offender previously committed or attempted to commit a predatory crime~~
5.28 ~~or a violation of section 609.224 or 609.2242, including:~~

5.29 (i) ~~an offense committed as a juvenile that would have been a predatory crime or a~~
5.30 ~~violation of section 609.224 or 609.2242 if committed by an adult; or~~

5.31 (ii) ~~a violation or attempted violation of a similar law of any other state or the United~~
5.32 ~~States; or~~

5.33 (3) ~~the offender planned or prepared for the crime prior to its commission.~~

5.34 (c) ~~As used in this section, "predatory crime" has the meaning given in section~~
5.35 ~~609.341, subdivision 22.~~

6.1 Notwithstanding the statutory maximum penalty otherwise applicable to the offense,
6.2 the court shall sentence a person to imprisonment for 60 years, together with a minimum
6.3 term of incarceration that must be served before the person is eligible for supervised
6.4 release pursuant to section 609.3458 that is not less than 288 months if:

6.5 (1) the person is convicted under section 609.342, subdivision 1, paragraph (c),
6.6 (d), (e), (f), or (h); or

6.7 (2) the person is convicted under section 609.342, subdivision 1, paragraph (a),
6.8 (b), or (g), and the person has:

6.9 (i) a previous sex offense conviction;

6.10 (ii) a prior sex offense conviction; or

6.11 (iii) a previous conviction for a predatory crime.

6.12 **Subd. 3b. Mandatory indeterminate sentence for serious and repeat second**
6.13 **degree offenders.** Notwithstanding the statutory maximum penalty otherwise applicable
6.14 to the offense, the court shall sentence a person to imprisonment for 50 years, together
6.15 with a minimum term of incarceration that must be served before the person is eligible for
6.16 supervised release pursuant to section 609.3458 that is not less than 180 months if:

6.17 (1) the person is convicted under section 609.343, subdivision 1, paragraph (c),
6.18 (d), (e), (f), or (h); or

6.19 (2) the person is convicted under section 609.343, subdivision 1, paragraph (a),
6.20 (b), or (g), and the person has:

6.21 (i) a previous sex offense conviction;

6.22 (ii) a prior sex offense conviction; or

6.23 (iii) a previous conviction for a predatory crime.

6.24 **Subd. 3c. Mandatory indeterminate sentence for serious and repeat third**
6.25 **degree offenders.** Notwithstanding the statutory maximum penalty otherwise applicable
6.26 to the offense, the court shall sentence a person to imprisonment for 40 years, together
6.27 with a minimum term of incarceration that must be served before the person is eligible for
6.28 supervised release pursuant to section 609.3458 that is not less than 96 months if:

6.29 (1) the person is convicted under section 609.344, subdivision 1, paragraph (c),
6.30 (d), (g), (j), or (k); or

6.31 (2) the person is convicted under section 609.344, subdivision 1, paragraph (a), (b),
6.32 (e), (f), (h), (i), (l), (m), (n), or (o) and the person has:

6.33 (i) a previous sex offense conviction;

6.34 (ii) a prior sex offense conviction; or

6.35 (iii) a previous conviction for a predatory crime.

7.1 Subd. 3d. **Mandatory indeterminate sentence for serious and repeat fourth**
7.2 **degree offenders.** Notwithstanding the statutory maximum penalty otherwise applicable
7.3 to the offense, the court shall sentence a person to imprisonment for 30 years, together
7.4 with a minimum term of incarceration that must be served before the person is eligible for
7.5 supervised release pursuant to section 609.3458 that is not less than 48 months if:

7.6 (1) the person is convicted under section 609.345, subdivision 1, paragraph (c),
7.7 (d), (g), (j), or (k); or

7.8 (2) the person is convicted under section 609.345, subdivision 1, paragraph (a), (b),
7.9 (e), (f), (h), (i), (l), (m), (n), or (o), and the person has:

7.10 (i) a previous sex offense conviction;

7.11 (ii) a prior sex offense conviction; or

7.12 (iii) a previous conviction for a predatory crime.

7.13 Subd. 3e. **Mandatory indeterminate sentence for repeat felony fifth degree**
7.14 **offenders.** Notwithstanding the statutory maximum penalty otherwise applicable to the
7.15 offense, the court shall sentence a person to imprisonment for 20 years, together with
7.16 a minimum term of incarceration that must be served before the person is eligible for
7.17 supervised release pursuant to section 609.3458 that is not less than 30 months if the
7.18 person is convicted under section 609.3451, subdivision 3, and the person has any two of
7.19 the following:

7.20 (1) previous sex offense conviction;

7.21 (2) a prior sex offense conviction; or

7.22 (3) a previous conviction for a predatory crime.

7.23 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the
7.24 statutory maximum penalty otherwise applicable to the offense, the court shall sentence a
7.25 person to imprisonment for life if the person is convicted of violating section 609.342,
7.26 609.343, 609.344, 609.345, or 609.3453 and:

7.27 (1) the person has two previous sex offense convictions;

7.28 (2) the person has a previous sex offense conviction and:

7.29 (i) the fact finder determines that the present offense involved an aggravating factor
7.30 that would provide grounds for an upward durational departure under the sentencing
7.31 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct
7.32 convictions;

7.33 (ii) the person received an upward durational departure from the sentencing
7.34 guidelines for the previous sex offense conviction; or

7.35 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
7.36 609.108, for the previous sex offense conviction; or

8.1 (3) the person has two prior sex offense convictions, and the fact finder determines
8.2 that the prior convictions and present offense involved at least three separate victims, and:

8.3 (i) the fact finder determines that the present offense involved an aggravating factor
8.4 that would provide grounds for an upward durational departure under the sentencing
8.5 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct
8.6 convictions;

8.7 (ii) the person received an upward durational departure from the sentencing
8.8 guidelines for one of the prior sex offense convictions; or

8.9 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
8.10 609.108, for one of the prior sex offense convictions.

8.11 (b) Notwithstanding paragraph (a), a court may not sentence a person to
8.12 imprisonment for life for a violation of section 609.345, unless the person's previous or
8.13 prior sex offense convictions that are being used as the basis for the sentence are for
8.14 violations of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute of the
8.15 United States, this state, or any other state.

8.16 Subd. 5. **Life sentences; minimum term of imprisonment.** At the time
8.17 of sentencing under subdivision 3 or 4, the court shall specify a minimum term of
8.18 imprisonment, based on the sentencing guidelines or any applicable mandatory minimum
8.19 sentence, that must be served before the offender may be considered for supervised release.

8.20 Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the
8.21 statutory maximum sentence otherwise applicable to the offense and unless a longer
8.22 conditional release term is required in subdivision 7, when a court commits an offender
8.23 to the custody of the commissioner of corrections for a violation of section 609.342,
8.24 609.343, 609.344, 609.345, or 609.3453, the court shall provide that, after the offender has
8.25 completed the sentence imposed, the commissioner shall place the offender on conditional
8.26 release for ten years, minus the time the offender served on supervised release.

8.27 Subd. 7. **Mandatory lifetime conditional release term.** (a) When a court sentences
8.28 an offender under subdivision 3 or 4, the court shall provide that, if the offender is released
8.29 from prison, the commissioner of corrections shall place the offender on conditional
8.30 release for the remainder of the offender's life.

8.31 (b) Notwithstanding the statutory maximum sentence otherwise applicable to the
8.32 offense, when the court commits an offender to the custody of the commissioner of
8.33 corrections for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453,
8.34 and the offender has a previous or prior sex offense conviction, the court shall provide
8.35 that, after the offender has completed the sentence imposed, the commissioner shall place
8.36 the offender on conditional release for the remainder of the offender's life.

9.1 (c) Notwithstanding paragraph (b), an offender may not be placed on lifetime
9.2 conditional release for a violation of section 609.345, unless the offender's previous or
9.3 prior sex offense conviction is for a violation of section 609.342, 609.343, 609.344, or
9.4 609.3453, or any similar statute of the United States, this state, or any other state.

9.5 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The
9.6 provisions of this subdivision relating to conditional release apply to all sex offenders
9.7 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, or
9.8 609.3453. Except as provided in this subdivision, conditional release of sex offenders is
9.9 governed by provisions relating to supervised release. The commissioner of corrections
9.10 may not dismiss an offender on conditional release from supervision until the offender's
9.11 conditional release term expires.

9.12 (b) The conditions of release may include successful completion of treatment and
9.13 aftercare in a program approved by the commissioner, satisfaction of the release conditions
9.14 specified in section 244.05, subdivision 6, and any other conditions the commissioner
9.15 considers appropriate. The commissioner shall develop a plan to pay the cost of treatment
9.16 of a person released under this subdivision. The plan may include co-payments from
9.17 offenders, third-party payers, local agencies, or other funding sources as they are identified.
9.18 This section does not require the commissioner to accept or retain an offender in a
9.19 treatment program. Before the offender is placed on conditional release, the commissioner
9.20 shall notify the sentencing court and the prosecutor in the jurisdiction where the offender
9.21 was sentenced of the terms of the offender's conditional release. The commissioner also
9.22 shall make reasonable efforts to notify the victim of the offender's crime of the terms of
9.23 the offender's conditional release. If the offender fails to meet any condition of release, the
9.24 commissioner may revoke the offender's conditional release and order that the offender
9.25 serve all or a part of the remaining portion of the conditional release term in prison.

9.26 Subd. 9. **Applicability.** The provisions of this section do not affect the applicability
9.27 of Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005,
9.28 or the validity of sentences imposed under Minnesota Statutes 2004, section 609.108.

9.29 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
9.30 committed on or after that date.

9.31 Sec. 7. **[609.3458] SEX OFFENDER INDETERMINATE SENTENCE REVIEW**
9.32 **BOARD.**

9.33 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
9.34 meanings given to them.

10.1 (b) "Board" means the Sex Offender Indeterminate Sentence Review Board created
10.2 under this section.

10.3 (c) "Commissioner" means the commissioner of corrections.

10.4 (d) "Department" means the Department of Corrections.

10.5 (e) "Sex Offender Indeterminate Sentence" means a sentence imposed pursuant to
10.6 section 609.3455, subdivision 3a, 3b, 3c, 3d or 3e.

10.7 Subd. 2. **Creation; membership; terms; support.** (a) The board shall consist of a
10.8 chair and four other members. The chair and two other members shall be appointed by
10.9 the governor. The two remaining members shall be appointed by the chief justice of the
10.10 Minnesota Supreme Court. Each member must have knowledge of and be conversant in
10.11 criminal sentencing and sex offender treatment issues in the state. Notwithstanding the
10.12 provisions of section 15.06, subdivision 6, members of the board may not delegate their
10.13 powers and responsibilities as board members to any other person.

10.14 (b) The membership terms, compensation, removal, and filling of vacancies shall be
10.15 as provided in section 15.0575.

10.16 (c) Staff and consultant support for board activities shall be provided by the
10.17 department. This support shall be provided based upon an annual budget and work
10.18 program developed by the board and certified to the commissioner by the chair of the
10.19 board. The board shall have the authority to request and require staff support from all
10.20 other agencies of state government as needed for the execution of the responsibilities of
10.21 the board.

10.22 (d) The department shall provide administrative services necessary to the
10.23 board's activities. The services shall include personnel, budget, payroll, and contract
10.24 administration. The services shall also include suitable quarters at the state correctional
10.25 facilities for board meetings to consider petitions for release under this section.

10.26 Subd. 3. **Board powers.** (a) For all offenders serving a sex offender indeterminate
10.27 sentence, the board shall be responsible for making decisions regarding release after
10.28 service of the mandatory minimum sentence as provided in subdivision 4.

10.29 (b) For all offenders serving a sex offender indeterminate sentence, the board shall
10.30 assume the powers and duties of the commissioner regarding supervised release and
10.31 conditional release pursuant to sections 244.05, 244.056, 244.057, 244.065, 609.3455,
10.32 subdivision 8, and 609.3456.

10.33 (c) The board shall have the power to issue subpoenas subject to the limitations
10.34 in subdivision 5, paragraph (e).

10.35 Subd. 4. **Petition for release; eligibility.** (a) An offender serving a sex offender
10.36 indeterminate sentence, may file a petition for release with the board 180 days prior to the

11.1 expiration of the minimum period of incarceration to which the person was sentenced.
11.2 If the offender has previously been denied release by the board, the offender may not
11.3 file another petition for release until the date determined by the board in subdivision 5,
11.4 paragraph (k).

11.5 (b) The petition shall be signed by the offender and shall include:

11.6 (1) identifying information including the offender's name, date of birth, offender
11.7 identification number, and current incarceration facility;

11.8 (2) a detailed statement by the offender as to why the offender no longer poses a
11.9 threat to the public; and

11.10 (3) a list of witnesses the offender wishes the board to subpoena together with their
11.11 addresses, phone numbers, occupation, and a brief statement as to the substance of the
11.12 proposed testimony.

11.13 The petition must also include, or be supplemented by, any completed releases of
11.14 information necessary for the board to obtain all records pertinent to the release decision.

11.15 An offender's failure to execute a release of information upon request by the board is
11.16 sufficient grounds to deny the petition.

11.17 (c) Upon the filing of a petition, the offender's case worker at the correctional facility
11.18 shall produce a copy of the offender's entire case history and deliver it to the board
11.19 within 30 days for consideration at the hearing. The case history includes the facts and
11.20 circumstances of the offense for which the sex offender indeterminate sentence is being
11.21 served, the offender's past criminal history, any sex offender assessment ordered pursuant
11.22 to section 609.3457, records regarding the offender's institutional adjustment, program
11.23 team reports, other psychological and psychiatric reports where pertinent, all treatment
11.24 records and reports, the results of community investigations, and the names and addresses
11.25 of any victims of the crime who have requested to be notified by the department of any
11.26 release decisions.

11.27 (d) An offender serving a sex offender indeterminate sentence shall not be released
11.28 from incarceration unless the offender has demonstrated to the board by clear and
11.29 convincing evidence that the person:

11.30 (1) no longer poses a threat to the public;

11.31 (2) has successfully completed sex offender programming in a secure facility;

11.32 (3) is no longer in need of treatment in a secure facility; and

11.33 (4) is capable of reintegration with the general public.

11.34 Subd. 5. **Hearing.** (a) Upon receipt of a properly completed petition, the board shall
11.35 schedule a hearing on the petition. The date for the hearing shall not be later than 60 days
11.36 prior to the expiration of the offender's minimum sentence.

12.1 (b) The hearing shall be held at the correctional facility where the offender is
12.2 incarcerated or, with the consent of the commissioner, another location with similar
12.3 security.

12.4 (c) Upon setting the hearing, the board shall give notice of the date, time, and
12.5 location of the hearing to all interested parties including the offender, the sentencing court,
12.6 the prosecuting attorney's office that prosecuted the case, and any victims of the crime
12.7 who have requested notification.

12.8 (d) A verbatim record of the hearing shall be made in a form approved by the board.

12.9 (e) The board, in its discretion, may issue subpoenas to witnesses on behalf of
12.10 the offender. The board shall not issue a subpoena to the victim or any member of the
12.11 victim's immediate family. The subpoenas shall be issued by the board within a reasonable
12.12 time prior to the hearing.

12.13 (f) An attorney representing the offender or an advocate of the offender's choice
12.14 shall be allowed at the hearing. The offender is not entitled to representation or counsel
12.15 at public expense.

12.16 (g) At the hearing, the board shall hear from the offender first and receive testimony,
12.17 evidence, records, or statements on the offender's behalf. The board shall then receive
12.18 written or oral statements from other interested parties, including the commissioner or a
12.19 designee, treatment providers, the victim of the offense of conviction, the sentencing court,
12.20 the prosecuting attorney's office that prosecuted the case, and, in the board's discretion,
12.21 any other persons with information pertinent to the board's release decision.

12.22 (h) After the conclusion of the hearing, the board shall deliberate and make a release
12.23 determination. The deliberations are not public and shall not be recorded.

12.24 (i) Within 60 days after the hearing, the board shall issue findings of fact, conclusions
12.25 as to whether the offender has met the offender's burden of establishing the criteria for
12.26 release under subdivision 4, paragraph (d), and a release decision either granting or
12.27 denying release. The written findings of fact, conclusions, and release decision shall be
12.28 served on the offender and all interested parties notified in paragraph (c).

12.29 (j) If the board grants the offender release, the board shall establish the conditions of
12.30 supervised release and conditional release pursuant to sections 244.05, 244.056, 244.057,
12.31 244.065, 609.3455, subdivision 8, and 609.3456.

12.32 (k) If the board denies release, the board in its written order shall set a date, not later
12.33 than three years from the date of the board's written release decision, when the offender
12.34 may file a new petition for release. After the written order is issued, the board may
12.35 authorize an earlier petition for release upon the request of the commissioner and based
12.36 upon a significant change in circumstances.

13.1 Subd. 6. Supervised release and conditional release violations. (a) When an
13.2 offender who received a sex offender indeterminate sentence is serving a period of
13.3 supervised release or conditional release and the board determines by a preponderance of
13.4 the evidence that the offender has violated the terms or conditions of release, the board
13.5 shall then determine the sanctions for the violation. In determining the sanction for the
13.6 violation, the board must apply the criteria for release in subdivision 4, paragraph (d).

13.7 (b) If the board determines that reimprisonment is the appropriate sanction for
13.8 a violation of supervised release or conditional release, the board shall then set a date,
13.9 not later than three years from the date of the reimprisonment determination, when the
13.10 offender may file a petition for release pursuant to subdivision 4.

13.11 **EFFECTIVE DATE.** This section is effective August 1, 2011, and applies to crimes
13.12 committed on or after that date."

13.13 Renumber the sections in sequence and correct the internal references

13.14 Amend the title accordingly