

House Research Act Summary

CHAPTER: 385

SESSION: 2002 Regular Session

TOPIC: Predatory Offender Registration and Community Notification

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Analyst: Judie Zollar, 651-296-1554

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Overview

This act makes several changes to the laws regarding community notification, conditional release of sex offenders, anti-harassment/stalking, and child abuse reporting. This act also requires the commission of corrections to report on certain factors related to Level III sex offenders.

- 1 Definitions.** Adds a definition of "immediate household" to the predatory offender community notification law. "Immediate household" means all people living in the same household as the offender.
- 2 Law enforcement agency; disclosure of information to public.** Requires the local law enforcement agency to disclose information it has on Level I sex offenders to adult members of the offender's immediate household.
Allows city councils to adopt policies addressing when information disclosed under the community notification law must be disclosed in languages in addition to English. Allows the policies to designate whether the information shall be disclosed orally, in writing, or both.
- 3 Level III offenders; location of residence.** Requires agencies supervising sex offenders to attempt to mitigate the concentration of level III offenders near schools.
Prohibits the owner or property manager of a building with an agreement to provide shelter for domestic abuse victims from knowingly renting rooms to both Level III offenders and domestic abuse victims at the same time. Specifies that, if the owner or property manager who has an agreement with an agency to provide housing to domestic abuse victims discovers or is informed that a tenant is a Level III offender, the owner or property manager may evict the tenant.
- 4 Conditional release of sex offenders.** Provides that a court must place a sex offender on conditional release for ten years, minus the time the person served on supervised release, if the person was convicted for a violation of first, second, third, or fourth degree criminal sexual conduct after a conviction for a previous sex offense. The definition of previous sex offense

includes a violation of first, second, third, or fourth degree criminal sexual conduct or any similar statute of the United States, this state, or any other state, thereby applying Minnesota's ten-year conditional release period to offenders whose previous sex offense conviction may have been under United States law or another state's law.

- 5 **No proof of specific intent required; harassment/stalking.** Amends the anti-harassment/stalking law to make clear that the state does not need to prove specific intent for the new crimes in sections 6 and 7.
- 6 **Aggravated violations.** Amends the anti-harassment/stalking law to provide that a ten-year felony penalty applies to a person who commits the offense against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act was committed with sexual or aggressive intent. Clarifies that the other felony violations of the anti-harassment/stalking law are five-year felonies. The law retains the five-year felony penalty that applies when the victim is under 18 and the actor is more than 36 months older than the victim; in these cases, sexual or aggressive intent is not an element of the crime.
- 7 **Second or subsequent violations; felony.** Amends the anti-harassment/stalking law to provide that a person is guilty of a ten-year felony if the person violates the law a third or subsequent time during the time period between the first of two or more previous qualified domestic violence-related offense convictions or adjudications of delinquency and the end of ten years following discharge from sentence or disposition for that offense.
- 8 **Pattern of harassing conduct.** Amends the provision in the anti-harassment/stalking law that provides an increased penalty for offenders who engage in a pattern of harassing conduct. Allows the penalty to be increased for an attempt to violate any one of these designated crimes. It also includes the crimes of first through fifth degree criminal sexual conduct within the list of designated crimes that may be used to find a pattern of harassing conduct.
- 9 **Failure to report.** Provides a gross misdemeanor penalty when a person who is mandated to report child neglect or abuse fails in this duty. This penalty applies if the person knows or has reason to believe that two or more children not related to the perpetrator have been physically or sexually abused by the same perpetrator within the preceding 10 years.
- 10 **Report.** Requires the commissioner of corrections to report to the legislature on certain issues involving Level III sex offenders, particularly those involving the location and concentration of these offenders in certain areas.
- 11 **Effective date.** Sections 1 to 3 are effective August 1, 2002 and apply to offenders released from confinement or residential facilities on or after that date and to changes of residence on or after that date. Sections 4 to 9 are effective August 1, 2002, and apply to crimes committed on or after that date.