



Minnesota's Predatory Offender Community Notification Law

What is community notification?

Minnesota's community notification law requires assignment of risk levels to predatory offenders (i.e., sex offenders) who serve time in prison and are required to register under Minnesota's predatory offender registration law after their release. (Predatory offenders who serve their time in a county jail are not assigned a risk level and are not subject to the community notification law.) Based upon the risk level assigned to the offender, law enforcement must share certain information and may share other information about the offender with certain individuals and entities in the area where the offender lives, works, or attends school. This law aims to increase public safety by letting people know where these offenders are in the community.

Who is a predatory offender?

A predatory offender is an offender who is required to register under the predatory offender registration law, except for individuals who are required to register solely because of a juvenile delinquency determination. A person is treated as a predatory offender if the person has committed felony criminal sexual conduct or certain other designated sex crimes, kidnapping, or false imprisonment. These crimes are often referred to as predatory offenses. The law recognizes as predatory offenders those individuals who have committed these crimes under Minnesota law, federal law, or the law of other states. The law also requires registration of certain individuals who have been civilly committed as sexually dangerous persons or as mentally ill and dangerous, provided the person was charged with a predatory offense.

What are the various risk levels and what do they mean?

There are three risk levels, as follows:

- **Level I** offenders have a risk assessment score that indicates a low risk of reoffense.
- **Level II** offenders have a risk assessment score that indicates a moderate risk of reoffense.
- **Level III** offenders have a risk assessment score that indicates a high risk of reoffense.

What type of community notification occurs for the various risk levels?

The type of community notification that occurs depends on the risk level to which an offender has been assigned. The depth and breadth of the disclosure depends upon the level of danger posed by the offender, his or her pattern of offending behavior, and the need of community members for information to enhance individual and community safety. Notification for the three levels is as follows:

Level I Offenders. The law enforcement agency may maintain information about the offender within the agency and disclose it to other law enforcement

agencies. The law enforcement agency also may disclose the information to any victims or witnesses to the offense committed by the offender. The agency must disclose information to victims of the offense who have requested disclosure and to adult members of the offender's immediate household.

Level II Offenders. The law enforcement agency may disclose the same information it may disclose on Level I offenders and it also may disclose information to agencies and groups the offender is likely to encounter. These agencies and groups include the staff members of public and private educational institutions, day care establishments, and establishments and organizations that primarily serve individuals likely to be victimized by the offender. The agency also may disclose information to individuals the agency believes are likely to be victimized by the offender based on the offender's pattern of offending or victim preference.

Level III Offenders. The law enforcement agency must disclose the information to the persons and entities who may receive notice about Level I and II offenders. When the notified entity is one that primarily educates or serves children, and the offender is participating in programs offered by the facility that require or allow the person to interact with children, then the entity must notify parents with children at the facility. In addition, the agency must disclose information to other members of the community whom the offender is likely to encounter, unless the agency determines that public safety would be compromised by the disclosure or that a more limited disclosure is necessary to protect the identity of the victim. When a Level III offender moves into a community, law enforcement typically holds a community meeting to provide information about the offender. The offender may not attend the meeting.

Are predatory offenders "wanted" by the police?

Generally, no. Community notification is not part of the offender's punishment for an offense. Most sex offenders residing in the community have served the prison or jail time imposed on them and have been properly released to live in the community. Although many of these offenders are still under some form of correctional supervision (i.e., probation or supervised release), some are not.

How can I obtain information about Level III offenders living in my community?

Information about Level III offenders is posted on the Department of Corrections web site at www.doc.state.mn.us/level3/search.asp. Your local law enforcement agency also may be able to provide you with information. Information on Level I and II offenders is generally not public and is only made available to law enforcement and persons and entities identified above.

For more information: See the House Research publication *Sex Offenders and Predatory Offenders: Minnesota Criminal and Civil Regulatory Laws*.

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