

- (3) is an unlawful user of any controlled substance as defined in chapter 152;
- (4) has been judicially committed to a treatment facility in Minnesota or elsewhere as a "person who is mentally ill," "mentally retarded," or "mentally ill and dangerous to the public" person, as defined in section 253B.02;
- (5) is an alien who is illegally or unlawfully in the United States;
- (6) has been discharged from the armed forces of the United States under dishonorable conditions; or
- (7) has renounced the person's citizenship having been a citizen of the United States.

A person who issues a certificate pursuant to this subdivision in good faith is not liable for damages resulting or arising from the actions or misconduct with a firearm committed by the individual who is the subject of the certificate.

The prohibition in this subdivision relating to the possession of firearms other than pistols and semiautomatic military-style assault weapons does not apply retroactively to persons who are prohibited from possessing a pistol or semiautomatic military-style assault weapon under this subdivision before August 1, 1994.

Sec. 49. Minnesota Statutes 2000, section 631.50, is amended to read:

631.50 ALIEN INMATES OR MENTALLY ILL PERSONS; REQUIRING NOTICE TO UNITED STATES IMMIGRATION OFFICERS.

When a person who is convicted of a felony or is found to be a person who is mentally ill is committed to the Minnesota correctional facility-Stillwater, the Minnesota correctional facility-St. Cloud, the county jail, or any other state or county institution which is supported, wholly or in part, by public funds, the chief executive officer, sheriff, or other officer in charge of the state or county institution shall at once inquire into the nationality of the person. If it appears that the person is an alien, the officer shall immediately notify the United States immigration officer in charge of the district in which the correctional facility, jail, or other institution is located, of (1) the date of and the reasons for the alien commitment, (2) the length of time for which committed, (3) the country of which the alien is a citizen, and (4) the date on which and the port at which the alien last entered the United States.

Sec. 50. REVISORS INSTRUCTION.

In the next publication of Minnesota Rules, the revisor shall change references to "mentally ill person" or similar terminology wherever it appears in rules so that it is consistent with the changes in this act.

Presented to the governor February 25, 2002

Signed by the governor February 27, 2002, 2:26 p.m.

CHAPTER 222—S.F.No. 3019

An act relating to public safety; expanding those persons who are required to register as a

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predatory offender for their lifetime after a second conviction; amending Minnesota Statutes 2001 Supplement, section 243.166, subdivision 6.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2001 Supplement, section 243.166, subdivision 6, is amended to read:

Subd. 6. **REGISTRATION PERIOD.** (a) Notwithstanding the provisions of section 609.165, subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to register under this section shall continue to comply with this section until ten years have elapsed since the person initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later. For a person required to register under this section who is committed under section 253B.18 or 253B.185, the ten-year registration period does not include the period of commitment.

(b) If a person required to register under this section fails to register following a change in residence, the commissioner of public safety may require the person to continue to register for an additional period of five years. This five-year period is added to the end of the offender's registration period.

(c) If a person required to register under this section is subsequently incarcerated following a revocation of probation, supervised release, or conditional release for that offense, or a conviction for any new offense, the person shall continue to register until ten years have elapsed since the person was last released from incarceration or until the person's probation, supervised release, or conditional release period expires, whichever occurs later.

(d) A person shall continue to comply with this section for the life of that person:

(1) if the person is convicted of or adjudicated delinquent for any offense for which registration is required under subdivision 1, or any offense from another state or any federal offense similar to the offenses described in subdivision 1, and the person has a prior conviction or adjudication for an offense for which registration was or would have been required under subdivision 1, or an offense from another state or a federal offense similar to an offense described in subdivision 1;

(2) if the person is required to register based upon a conviction or delinquency adjudication for an offense under section 609.185, clause (2), or a similar statute from another state or the United States;

(3) if the person is required to register based upon a conviction for an offense under section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g); or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the United States similar to the offenses described in this clause; or

(4) if the person is required to register under subdivision 1, paragraph (c), following commitment pursuant to a court commitment under section 253B.185 or a similar law of another state or the United States.

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Sec. 2. **EFFECTIVE DATE.**

Section 1 is effective the day after final enactment and applies to persons who commit crimes requiring lifetime registration on or after the effective date.

Presented to the governor February 28, 2002

Signed by the governor February 28, 2002, 11:42 a.m.

CHAPTER 223—S.F.No. 1471

An act relating to statutes; conforming the statutes to reflect the transfer of authority from the municipal board to the office of strategic and long-range planning; explicitly authorizing delegation by the director; amending Minnesota Statutes 2000, sections 414.01; 414.011, subdivision 7, and by adding a subdivision; 414.012; 414.02; 414.031; 414.0325; 414.033, subdivisions 3, 5, 6, 7, and 10; 414.0335; 414.035; 414.036; 414.041; 414.051; 414.06; 414.061; 414.063; 414.067, subdivisions 1 and 3; 414.07; 414.08; 414.09; 414.12, subdivisions 1 and 2; repealing Minnesota Statutes 2000, sections 414.01, subdivisions 2 and 6a; 414.011, subdivision 8; and 414.11.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2000, section 414.01, is amended to read:

414.01 CREATION; ENABLING PROVISIONS.

Subdivision 1. **PURPOSE.** The Minnesota municipal board is hereby created to ~~Among the duties of the director of the office of strategic and long-range planning is the duty to conduct proceedings, make determinations, and issue orders for the creation of a municipality, the combination of two or more governmental units, or the alteration of a municipal boundary.~~

The legislature finds that: (1) sound urban development and preservation of agricultural land and open spaces through land use planning is essential to the continued economic growth of this state; (2) municipal government most efficiently provides governmental services in areas intensively developed for residential, commercial, industrial, and governmental purposes; and township government most efficiently provides governmental services in areas used or developed for agricultural, open space, and rural residential purposes; (3) the public interest requires that municipalities be formed when there exists or will likely exist the necessary resources to provide for their economical and efficient operation; (4) annexation to existing municipalities of unincorporated areas unable to supply municipal services should be facilitated; and, (5) the consolidation of municipalities should be encouraged. ~~The Minnesota municipal board is empowered to~~ director may promote and regulate development of municipalities to provide for the extension of municipal government to areas which are developed or are in the process of being developed for intensive use

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