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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 209

01/21/2021 Authored by O'Driscoll and Theis

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; requiring that notice is provided to certain public agents
1.3 on the presence of level II sex offenders; amending Minnesota Statutes 2020,
1.4 section 244.052, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2020, section 244.052, subdivision 4, is amended to read:

1.7 Subd. 4. Law enforcement agency; disclosure of information to public. (a) The law
1.8 enforcement agency in the area where the predatory offender resides, expects to reside, is
1.9 employed, or is regularly found, shall disclose to the public any information regarding the
1.10 offender contained in the report forwarded to the agency under subdivision 3, paragraph
1.11 (f), that is relevant and necessary to protect the public and to counteract the offender's
1.12 dangerousness, consistent with the guidelines in paragraph (b). The extent of the information
1.13 disclosed and the community to whom disclosure is made must relate to the level of danger
1.14 posed by the offender, to the offender's pattern of offending behavior, and to the need of
1.15 community members for information to enhance their individual and collective safety.

1.16 (b) The law enforcement agency shall employ the following guidelines in determining
1.17 the scope of disclosure made under this subdivision:

1.18 (1) if the offender is assigned to risk level I, the agency may maintain information
1.19 regarding the offender within the agency and may disclose it to other law enforcement
1.20 agencies. Additionally, the agency may disclose the information to any victims of or
1.21 witnesses to the offense committed by the offender. The agency shall disclose the information
1.22 to victims of the offense committed by the offender who have requested disclosure and to
1.23 adult members of the offender's immediate household;

2.1 (2) if the offender is assigned to risk level II, the agency also may disclose the information
2.2 to agencies and groups that the offender is likely to encounter for the purpose of securing
2.3 those institutions and protecting individuals in their care while they are on or near the
2.4 premises of the institution. These agencies and groups include the staff members of public
2.5 and private educational institutions, day care establishments, and establishments and
2.6 organizations that primarily serve individuals likely to be victimized by the offender. The
2.7 agency also may disclose the information to individuals the agency believes are likely to
2.8 be victimized by the offender. The agency's belief shall be based on the offender's pattern
2.9 of offending or victim preference as documented in the information provided by the
2.10 department of corrections or human services. The agency shall disclose the information to
2.11 public officials who are likely to visit the offender's home in the course of their duties,
2.12 including property assessors, property inspectors, and code enforcement officials;

2.13 (3) if the offender is assigned to risk level III, the agency shall disclose the information
2.14 to the persons and entities described in clauses (1) and (2) and to other members of the
2.15 community whom the offender is likely to encounter, unless the law enforcement agency
2.16 determines that public safety would be compromised by the disclosure or that a more limited
2.17 disclosure is necessary to protect the identity of the victim.

2.18 Notwithstanding the assignment of a predatory offender to risk level II or III, a law
2.19 enforcement agency may not make the disclosures permitted or required by clause (2) or
2.20 (3), if: the offender is placed or resides in a residential facility. However, if an offender is
2.21 placed or resides in a residential facility, the offender and the head of the facility shall
2.22 designate the offender's likely residence upon release from the facility and the head of the
2.23 facility shall notify the commissioner of corrections or the commissioner of human services
2.24 of the offender's likely residence at least 14 days before the offender's scheduled release
2.25 date. The commissioner shall give this information to the law enforcement agency having
2.26 jurisdiction over the offender's likely residence. The head of the residential facility also
2.27 shall notify the commissioner of corrections or human services within 48 hours after
2.28 finalizing the offender's approved relocation plan to a permanent residence. Within five
2.29 days after receiving this notification, the appropriate commissioner shall give to the
2.30 appropriate law enforcement agency all relevant information the commissioner has
2.31 concerning the offender, including information on the risk factors in the offender's history
2.32 and the risk level to which the offender was assigned. After receiving this information, the
2.33 law enforcement agency shall make the disclosures permitted or required by clause (2) or
2.34 (3), as appropriate.

2.35 (c) As used in paragraph (b), clauses (2) and (3), "likely to encounter" means that:

3.1 (1) the organizations or community members are in a location or in close proximity to
3.2 a location where the offender lives or is employed, or which the offender visits or is likely
3.3 to visit on a regular basis, other than the location of the offender's outpatient treatment
3.4 program; and

3.5 (2) the types of interaction which ordinarily occur at that location and other circumstances
3.6 indicate that contact with the offender is reasonably certain.

3.7 (d) A law enforcement agency or official who discloses information under this subdivision
3.8 shall make a good faith effort to make the notification within 14 days of receipt of a
3.9 confirmed address from the Department of Corrections indicating that the offender will be,
3.10 or has been, released from confinement, or accepted for supervision, or has moved to a new
3.11 address and will reside at the address indicated. If a change occurs in the release plan, this
3.12 notification provision does not require an extension of the release date.

3.13 (e) A law enforcement agency or official who discloses information under this subdivision
3.14 shall not disclose the identity or any identifying characteristics of the victims of or witnesses
3.15 to the offender's offenses.

3.16 (f) A law enforcement agency shall continue to disclose information on an offender as
3.17 required by this subdivision for as long as the offender is required to register under section
3.18 243.166. This requirement on a law enforcement agency to continue to disclose information
3.19 also applies to an offender who lacks a primary address and is registering under section
3.20 243.166, subdivision 3a.

3.21 (g) A law enforcement agency that is disclosing information on an offender assigned to
3.22 risk level III to the public under this subdivision shall inform the commissioner of corrections
3.23 what information is being disclosed and forward this information to the commissioner within
3.24 two days of the agency's determination. The commissioner shall post this information on
3.25 the Internet as required in subdivision 4b.

3.26 (h) A city council may adopt a policy that addresses when information disclosed under
3.27 this subdivision must be presented in languages in addition to English. The policy may
3.28 address when information must be presented orally, in writing, or both in additional languages
3.29 by the law enforcement agency disclosing the information. The policy may provide for
3.30 different approaches based on the prevalence of non-English languages in different
3.31 neighborhoods.

3.32 (i) An offender who is the subject of a community notification meeting held pursuant
3.33 to this section may not attend the meeting.

4.1 (j) When a school, day care facility, or other entity or program that primarily educates
4.2 or serves children receives notice under paragraph (b), clause (3), that a level III predatory
4.3 offender resides or works in the surrounding community, notice to parents must be made
4.4 as provided in this paragraph. If the predatory offender identified in the notice is participating
4.5 in programs offered by the facility that require or allow the person to interact with children
4.6 other than the person's children, the principal or head of the entity must notify parents with
4.7 children at the facility of the contents of the notice received pursuant to this section. The
4.8 immunity provisions of subdivision 7 apply to persons disclosing information under this
4.9 paragraph.

4.10 (k) When an offender for whom notification was made under this subdivision no longer
4.11 resides, is employed, or is regularly found in the area, and the law enforcement agency that
4.12 made the notification is aware of this, the agency shall inform the entities and individuals
4.13 initially notified of the change in the offender's status. If notification was made under
4.14 paragraph (b), clause (3), the agency shall provide the updated information required under
4.15 this paragraph in a manner designed to ensure a similar scope of dissemination. However,
4.16 the agency is not required to hold a public meeting to do so.