

HOUSE OF REPRESENTATIVES

EIGHTY-SEVENTH SESSION

H. F. No. 2394

02/20/2012 Authored by Lohmer, Zellers, Dean, Dettmer, Peterson, S., and others
The bill was read for the first time and referred to the Committee on Health and Human Services Reform
R/S Rules Suspended: Read Second Time
Read Third Time
Passed by the House and transmitted to the Senate
02/23/2012 Passed by the Senate and returned to the House

1.1 A bill for an act
1.2 relating to public safety; requiring community notification when a person is
1.3 released from the Minnesota sex offender program; amending Minnesota Statutes
1.4 2011 Supplement, section 253B.185, subdivision 10a.

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

1.6 Section 1. Minnesota Statutes 2011 Supplement, section 253B.185, subdivision 10a,
1.7 is amended to read:

1.8 Subd. 10a. Scope of community notification. (a) Notification of the public and
1.9 disclosure of information under section 244.052, subdivision 4, regarding an individual
1.10 who was committed under this section or Minnesota Statutes 1992, section 526.10, is as
1.11 provided under section 244.052, subdivision 4, paragraphs (b), clause (3), and (g), and
1.12 subdivision 4b, regardless of the individual's assigned risk level. The restrictions under
1.13 section 244.052, subdivision 4, paragraph (b), clause (3), placed on disclosing information
1.14 on individuals living in residential facilities do not apply to persons committed under this
1.15 section or Minnesota Statutes 1992, section 526.10. The local law enforcement agency
1.16 may proceed with the broadest disclosure authorized under section 244.052, subdivision 4.

1.17 (b) After four years from the date of an order for provisional discharge or discharge
1.18 of civil commitment, the individual may petition the head of the treatment facility from
1.19 which the individual was provisionally discharged or discharged to have the scope of
1.20 notification and disclosure based solely upon the individual's assigned risk level under
1.21 section 244.052.

1.22 (c) If an individual's provisional discharge is revoked for any reason, the four-year
1.23 time period under paragraph (b) starts over from the date of a subsequent order for
1.24 provisional discharge or discharge except that the head of the treatment facility or

2.1 designee may, in the sole discretion of the head or designee, determine that the individual
2.2 may petition before four years have elapsed from the date of the order of the subsequent
2.3 provisional discharge or discharge and notify the individual of that determination.

2.4 (d) The head of the treatment facility shall appoint a multidisciplinary committee to
2.5 review and make a recommendation on a petition made under paragraph (b). The head
2.6 of the treatment facility or designee may grant or deny the petition. There is no review
2.7 or appeal of the decision. If a petition is denied, the individual may petition again after
2.8 two years from the date of denial.

2.9 (e) Nothing in this subdivision shall be construed to give an individual an affirmative
2.10 right to petition the head of the treatment facility earlier than four years after the date of an
2.11 order for provisional discharge or discharge.

2.12 (f) The head of the treatment facility shall act in place of the individual's corrections
2.13 agent for the purpose of section 244.052, subdivision 3, paragraph (h), when the individual
2.14 is not assigned to a corrections agent.

2.15 **EFFECTIVE DATE.** This section is effective the day following final enactment.