

MINNESOTA SEX-OFFENDER REGISTRATION AND NOTIFICATION

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NUMBER OF REGISTERED SEX OFFENDERS

11,270 as of January 28, 2003.

1. WHO IS REQUIRED TO REGISTER?

Predatory offenders are required to register.

(Minn. Stat. § 243.166, Subdiv. 1)

2. WHO IS A “PREDATORY OFFENDER”?

A person is required to register as a “predatory offender” if he or she:

- (1) is charged with or petitioned for a felony violation of or attempt to violate any of the following offenses:
 - (a) causing the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;
 - (b) kidnapping;
 - (c) criminal sexual conduct in the first, second, third, or fourth degree;
 - (d) certain instances of criminal sexual conduct in the fifth degree; or
 - (e) certain instances of indecent exposure,and is convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;
- (2) is charged with or petitioned for:
 - (a) falsely imprisoning a minor;
 - (b) soliciting a minor to engage in prostitution;
 - (c) soliciting a minor to engage in sexual conduct;
 - (d) using a minor in a sexual performance; or
 - (e) possessing pornographic work involving a minor,and is convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;
- (3) is convicted of a predatory offense and is sentenced as a patterned sex offender, or the court finds on its own motion or that of the prosecutor that the offense was part of a predatory pattern of behavior that had criminal sexual conduct as its goal;
- (4) is convicted of or adjudicated delinquent for similar offenses in another state or jurisdiction;
- (5) is convicted of or adjudicated delinquent in another state for an offense listed in (1); he or she enters Minnesota to reside, work, or attend school; and 10 years have not elapsed since he or she was released from confinement or, if he or she was not confined, since he

or she was convicted of or adjudicated delinquent for the offense that triggered registration, unless he or she is subject to lifetime registration, in which case he or she must register for life, regardless of when he or she was released from confinement, convicted, or adjudicated delinquent;

- (6) was committed, pursuant to a court order, as a person with a sexual psychopathic personality or as a sexually dangerous person, or a similar law of another jurisdiction, regardless of whether he or she was convicted of any offense; or
- (7) was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in (1) or (2) above, or a similar law of another jurisdiction; he or she was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and he or she was committed pursuant to a court commitment order as a person who is mentally ill and dangerous to the public.

(Minn. Stat. § 243.166, Subdiv. 1)

3. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

Some juvenile offenders may be required to register, including juvenile offenders:

- (1) adjudicated delinquent for:
 - (a) causing the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another;
 - (b) kidnapping;
 - (c) criminal sexual conduct in the first, second, third, or fourth degree;
 - (d) certain instances of criminal sexual conduct in the fifth degree; or
 - (e) certain instances of indecent exposure;
- (2) charged with or petitioned for:
 - (a) falsely imprisoning a minor;
 - (b) soliciting a minor to engage in prostitution or sexual conduct;
 - (c) using a minor in a sexual performance; or
 - (d) possessing pornographic work involving a minor,and adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;
- (3) adjudicated delinquent for similar offenses in another state or jurisdiction; or
- (4) adjudicated delinquent in another state for an offense listed in (1) above and he or she enters Minnesota to reside, work, or attend school and 10 years have not elapsed since he or she was adjudicated delinquent for the offense that triggered registration, unless he or she is subject to lifetime registration, in which case he or she must register for life, regardless of when he or she was adjudicated delinquent.

(Minn. Stat. § 243.166, Subdiv. 1)

4. WHEN AND WHERE DOES AN OFFENDER REGISTER?

An offender who is required to register must do so with an agent from the Minnesota Department of Corrections as soon as an agent is assigned. If an offender required to register does not have an assigned Corrections Agent or is unable to locate the assigned Corrections Agent, he or she must register with the law-enforcement agency that has jurisdiction in the area of his or her residence.

(Minn. Stat. § 243.166, Subdiv. 3(a))

An offender who is required to register must report the required registration information to the Corrections Agent or law-enforcement authority within five days of the date registration becomes applicable, usually upon conviction or release from confinement or commitment.

(Minn. Stat. § 243.166, Subdiv. 4a(b))

An offender who lives in another state but who works or attends school in Minnesota must register with the law-enforcement agency that has jurisdiction in the area where he or she works or attends school within five days of beginning school or employment.

(Minn. Stat. § 243.166, Subdiv. 3(c))

5. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

The registration provided to the Corrections Agent or law-enforcement authority must consist of a statement, in writing, signed by the registrant, giving information required by the Minnesota Bureau of Criminal Apprehension, a fingerprint card, and a photograph taken at the time of the offender's release from incarceration or, if he or she was not incarcerated, at the time he or she initially registered. The registration information must also include a written consent form signed by the offender allowing a treatment facility to release information to a law-enforcement officer about his or her admission to, or residence in, a treatment facility.

(Minn. Stat. § 243.166, Subdiv. 4(a))

An offender who is required to register must provide the following information to the assigned Corrections Agent or law-enforcement authority:

- (1) address of primary residence;
- (2) address(es) of all secondary residences in Minnesota including all addresses used for residential or recreational purposes;
- (3) address(es) of all Minnesota property owned, leased, or rented;
- (4) address(es) of employment locations;
- (5) address(es) of all residences where he or she resides while attending school; and
- (6) the year, model, make, license-plate number, and color of all motor vehicles owned or regularly driven.

(Minn. Stat. § 243.166, Subdiv. 4a)

An offender who is required to register following commitment pursuant to a court order as a person with a sexual psychopathic personality or as a sexually dangerous person, or a similar law of another jurisdiction, must provide additional information, including his or her:

- (1) offense history; and
- (2) documentation of treatment received during his or her commitment.

(Minn. Stat. § 243.166, Subdiv. 4(b))

An offender who lives in another state but who works or attends school in Minnesota must also provide the address of the school or the location where he or she is employed.

(Minn. Stat. § 243.166, Subdiv. 3(c))

6. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

At least five days before an offender starts living at a new primary address, he or she must give written notice to the assigned Corrections Agent or to the law-enforcement authority with which he or she is registered. Within two days of receiving the information, the Corrections Agent or law-enforcement authority must forward it to the Minnesota Bureau of Criminal Apprehension. The Bureau of Criminal

Apprehension must then notify the law-enforcement authority having primary jurisdiction in the community where the offender will be living of his or her new address.

(Minn. Stat. § 243.166, Subdiv. 3(b))

If, because of a change in circumstances, some piece of information required for purposes of registration changes, an offender must immediately inform his or her Corrections Agent or law-enforcement authority that the information provided is no longer valid.

(Minn. Stat. § 243.166, Subdiv. 4a(b))

7. WHAT HAPPENS IF AN OFFENDER MOVES FROM MINNESOTA TO ANOTHER STATE?

If an offender moves to another state with a registration requirement, he or she must give written notice of the new address to the assigned Corrections Agent or to the law-enforcement authority with which he or she is currently registered at least five days before he or she starts living at the new address. Within two business days after receiving this information, the Corrections Agent or law-enforcement authority must forward it to the Minnesota Bureau of Criminal Apprehension. The Bureau of Criminal Apprehension must then notify the registration authority in the new state of the offender's new address.

(Minn. Stat. § 243.166, Subdiv. 3(b))

If an offender is required to register in Minnesota and works or attends school outside of Minnesota, he or she must register as a predatory offender in the state where he or she works or goes to school.

(Minn. Stat. § 243.166, Subdiv. 3(d))

8. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO MINNESOTA REQUIRED TO REGISTER?

When Minnesota accepts an offender from another state under a reciprocal agreement, the acceptance is conditional upon the offender's agreeing to register while living in Minnesota.

(Minn. Stat. § 243.166, Subdiv. 9)

9. IS REGISTRATION A LIFETIME REQUIREMENT?

An offender who is required to register must continue to comply with registration requirements until 10 years have elapsed since he or she initially registered in connection with the offense, or until the probation, supervised release, or conditional release period expires, whichever occurs later.

(Minn. Stat. § 243.166, Subdiv. 6(a))

A person must comply with registration requirements for life if he or she:

- (1) is convicted of or adjudicated delinquent for any offense for which registration is required, or for any offense from another state or any federal offense similar to those for which registration is required in Minnesota, and he or she has a prior conviction or adjudication for an offense for which registration was or would have been required, or for an offense from another state or a federal offense similar to those for which registration is required in Minnesota;
- (2) is required to register based upon a conviction or delinquency adjudication for causing the death of a human being while committing or attempting to commit criminal sexual conduct in the first or second degree with force or violence, either upon or affecting the person or another, or a similar state or federal offense;
- (3) is required to register based upon a conviction for:
 - (a) engaging in sexual penetration with another person or in sexual contact with a person under 13 when any of the following circumstances exists:
 - (i) the complainant is under 13 and the offender is more than 36 months older;

- (ii) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to him- or herself or to another;
 - (iii) the offender is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;
 - (iv) the offender causes personal injury to the complainant and either of the following circumstances exist:
 - (A) the offender uses force or coercion to accomplish sexual penetration; or
 - (B) the offender knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;
 - (v) the offender is aided or abetted by one or more accomplices and either of the following circumstances exists:
 - (A) an accomplice uses force or coercion to cause the complainant to submit; or
 - (B) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; or
 - (vi) the offender has a significant relationship to the complainant, the complainant was under 16 at the time of the sexual penetration, and:
 - (A) the offender or an accomplice used force or coercion to accomplish the penetration;
 - (B) the complainant suffered personal injury; or
 - (C) the sexual abuse involved multiple acts committed over an extended period of time;
- (b) engaging in sexual contact with another person when any of the following circumstances exists:
- (i) the complainant is under 13 and the offender is more than 36 months older;
 - (ii) circumstances existing at the time of the act cause the complainant to have a reasonable fear of imminent great bodily harm to him- or herself or to another;
 - (iii) the offender is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit;
 - (iv) the offender causes personal injury to the complainant and either of the following circumstances exist:
 - (A) the offender uses force or coercion to accomplish the sexual contact; or
 - (B) the offender knows or has reason to know that the complainant is mentally impaired, mentally incapacitated, or physically helpless;
 - (v) the offender is aided or abetted by one or more accomplices and either of the following circumstances exists:
 - (A) an accomplice uses force or coercion to cause the complainant to submit; or
 - (B) an accomplice is armed with a dangerous weapon or any article used or fashioned in a manner to lead the complainant to

- reasonably believe it to be a dangerous weapon and uses or threatens to use the weapon or article to cause the complainant to submit; or
- (vi) the offender has a significant relationship to the complainant, the complainant was under 16 at the time of the sexual contact, and:
 - (A) the offender or an accomplice used force or coercion to accomplish the contact;
 - (B) the complainant suffered personal injury; or
 - (C) the sexual abuse involved multiple acts committed over an extended period of time;
 - (c) engaging in sexual penetration with another person if any of the following circumstances exists:
 - (i) the complainant is under 13 and the actor is no more than 36 months older;
 - (ii) the offender uses force or coercion to accomplish the penetration; or
 - (iii) the offender has a significant relationship to the complainant, the complainant was at least 16 but under 18 at the time of the sexual penetration, and:
 - (A) the offender or an accomplice used force or coercion to accomplish the penetration;
 - (B) the complainant suffered personal injury; or
 - (C) the sexual abuse involved multiple acts committed over an extended period of time;
 - (d) engaging in sexual contact with another person if any of the following circumstances exists:
 - (i) the complainant is under 13 and the offender is no more than 36 months older;
 - (ii) the offender uses force or coercion to accomplish the sexual contact; or
 - (iii) the offender has a significant relationship to the complainant, the complainant was at least 16 but under 18 at the time of the sexual contact, and:
 - (A) the offender or an accomplice used force or coercion to accomplish the contact;
 - (B) the complainant suffered personal injury; or
 - (C) the sexual abuse involved multiple acts committed over an extended period of time; or
 - (e) a state or federal statute similar to the offenses listed in (a) through (d) above; or
- (4) is required to register following commitment pursuant to a court order as a person with a sexual psychopathic personality or as a sexually dangerous person, or a similar state or federal law.

(Minn. Stat. § 243.166, Subdiv. 6(d))

10. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

An offender who knowingly violates any of the registration requirements or provisions or who intentionally provides false information to the Corrections Agent, law-enforcement authority, or Minnesota Bureau of Criminal Apprehension, is guilty of a felony and may be sentenced to a term of imprisonment for no more than five years, may be fined not more than \$10,000, or may be both imprisoned and fined.

(Minn. Stat. § 243.166, Subdiv. 5(a))

Certain offenders who fail to comply with registration requirements may have their information made available to the public through electronic, computerized, or other accessible means.

(Minn. Stat. § 243.166, Subdiv. 2)

If an offender who is required to register fails to do so following a change in residence, his or her period of registration may be extended for an additional five years.

(Minn. Stat. § 243.166, Subdiv. 6(b))

11. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

The Minnesota Bureau of Criminal Apprehension may make information available to the public about offenders who are 16 or older and who are out of compliance with the registration laws for 30 days or longer for failing to provide his or her primary or secondary residence address. This information may be made available to the public through electronic, computerized, or other accessible means. The amount and type of information made available is limited to the information necessary for the public to assist law enforcement in locating the offender.

(Minn. Stat. § 243.166, Subdiv. 7a(a))

The law-enforcement agency in the area where the offender resides, expects to reside, is employed, or is regularly found, must disclose to the public any information contained in the offender's risk-assessment report that is relevant and necessary to protect the public and to counteract the offender's dangerousness. The extent of the information disclosed and to whom disclosure is made must relate to the level of danger posed by the offender, the offender's pattern of offending behavior, and the need of community members for information to enhance their personal and collective safety.

(Minn. Stat. § 244.052, Subdiv. 4(a))

If an offender is assigned to Risk-Level I (low risk of reoffense), the law-enforcement agency may maintain information regarding the offender within the agency itself and may disclose such information to other law-enforcement agencies. Additionally the law-enforcement agency may disclose the information to any victims of or witnesses to the offense committed by the offender. The agency must disclose the information to victims of the offense committed by the offender who have requested disclosure and to adult members of the offender's immediate household.

(Minn. Stat. § 244.052, Subdiv. 4(b)(1))

If an offender is assigned to Risk-Level II (moderate risk of reoffense), the law-enforcement agency may disclose information to agencies and groups that the offender is likely to encounter for the purpose of securing those institutions and protecting persons in their care while they are on or near the premises of the institution. These agencies and groups include the staff members of public and private educational institutions, daycare establishments, and establishments and organizations that primarily serve persons likely to be victimized by the offender. The law-enforcement agency may also disclose information to persons the agency believes are likely to be victimized by the offender. The law-enforcement agency's belief must be based on the offender's pattern of offending or victim preference as documented in information supplied by the Minnesota Department of Corrections and/or the Minnesota Department of Human Services.

(Minn. Stat. § 244.052, Subdiv. 4(b)(2))

If an offender is assigned to Risk-Level III (high risk of reoffense), the law-enforcement agency must disclose information to the persons and entities described for Risk Levels I and II above, and to other members of the community whom the offender is likely to encounter, unless the law-enforcement 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.

(Minn. Stat. § 244.052, Subdiv. 4(b)(3))

The law-enforcement agency cannot make the disclosure permitted for Risk Levels II and III if the offender is placed or resides in a residential facility.

(Minn. Stat. § 244.052, Subdiv. 4(b))

12. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

The Minnesota Commissioner of Corrections maintains an Internet web site, available at <http://www.doc.state.mn.us/level3/level3.asp>, where information is posted about offenders who have been assigned to Risk-Level III.

The Level-III, Predatory-Offender Registry can be searched by zip code, offender name, city, or county.

Information available includes the offender's:

- (1) name and any aliases used;
- (2) date of birth;
- (3) race/ethnicity;
- (4) skin tone;
- (5) hair and eye color;
- (6) height and weight;
- (7) build;
- (8) release date;
- (9) offense information;
- (10) registered address; and
- (11) law-enforcement agency.