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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2434

03/13/2019 Authored by Lillie and Tabke
The bill was read for the first time and referred to the Committee on Government Operations

1.1 A bill for an act
1.2 relating to public safety; amending various provisions related to predatory offender
1.3 registration; modifying provisions governing the Statewide Emergency
1.4 Communication Board; modifying requirements for wheelchair securement devices;
1.5 amending Minnesota Statutes 2018, sections 171.07, subdivision 1a; 243.166,
1.6 subdivisions 1a, 1b, 2, 4, 4a, 4c, 5, 6, 7, 7a, by adding a subdivision; 299A.12,
1.7 subdivisions 1, 2, 3; 299A.13; 299A.14, subdivision 3; 299C.093; 403.21,
1.8 subdivision 7a; 403.36, subdivisions 1, 1b, 1c, 1d; 403.37, subdivision 12; 403.382,
1.9 subdivisions 1, 8; repealing Minnesota Statutes 2018, sections 299A.12, subdivision
1.10 4; 299A.18.

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

1.12 ARTICLE 1
1.13 PREDATORY OFFENDER REGISTRATION

1.14 Section 1. Minnesota Statutes 2018, section 171.07, subdivision 1a, is amended to read:

1.15 Subd. 1a. Filing photograph or image; data classification. The department shall file,
1.16 or contract to file, all photographs or electronically produced images obtained in the process
1.17 of issuing drivers' licenses or Minnesota identification cards. The photographs or
1.18 electronically produced images shall be private data pursuant to section 13.02, subdivision
1.19 12. Notwithstanding section 13.04, subdivision 3, the department shall not be required to
1.20 provide copies of photographs or electronically produced images to data subjects. The use
1.21 of the files is restricted:

- 1.22 (1) to the issuance and control of drivers' licenses;
1.23 (2) to criminal justice agencies, as defined in section 299C.46, subdivision 2, for the
1.24 investigation and prosecution of crimes, service of process, enforcement of no contact
1.25 orders, location of missing persons, investigation and preparation of cases for criminal,

2.1 juvenile, and traffic court, location of individuals required to register under section 243.166
 2.2 or 243.167, and supervision of offenders;

2.3 (3) to public defenders, as defined in section 611.272, for the investigation and preparation
 2.4 of cases for criminal, juvenile, and traffic courts;

2.5 (4) to child support enforcement purposes under section 256.978; and

2.6 (5) to a county medical examiner or coroner as required by section 390.005 as necessary
 2.7 to fulfill the duties under sections 390.11 and 390.25.

2.8 Sec. 2. Minnesota Statutes 2018, section 243.166, subdivision 1a, is amended to read:

2.9 Subd. 1a. **Definitions.** (a) As used in this section, unless the context clearly indicates
 2.10 otherwise, the following terms have the meanings given them.

2.11 (b) "Bureau" means the Bureau of Criminal Apprehension.

2.12 (c) "Corrections agent" means a county or state probation agent or other corrections
 2.13 employee. Corrections agent also includes employees of the federal government who work
 2.14 with a person subject to this section.

2.15 ~~(d)~~ (d) "Dwelling" means the building where the person lives under a formal or informal
 2.16 agreement to do so. However, dwelling does not include a supervised publicly or privately
 2.17 operated shelter or facility designed to provide temporary living accommodations for
 2.18 homeless individuals as defined in section 116L.361, subdivision 5.

2.19 ~~(e)~~ (e) "Incarceration" and "confinement" do not include electronic home monitoring.

2.20 ~~(f)~~ (f) "Law enforcement authority" or "authority" means, ~~with respect to the chief of~~
 2.21 police of a home rule charter or statutory city, the chief of police, and with respect to the
 2.22 county sheriff of an unincorporated area, the county sheriff in that county. An authority
 2.23 must be located in Minnesota.

2.24 ~~(g)~~ (g) "Motor vehicle" has the meaning given in section 169.011, subdivision 92.

2.25 ~~(h)~~ (h) "Primary address" means the mailing address of the person's dwelling. If the
 2.26 mailing address is different from the actual location of the dwelling, primary address also
 2.27 includes the physical location of the dwelling described with as much specificity as possible.

2.28 ~~(i)~~ (i) "School" includes any public or private educational institution, including any
 2.29 secondary school, trade, or professional institution, or institution of higher education, that
 2.30 the person is enrolled in on a full-time or part-time basis.

3.1 ~~(j)~~ (j) "Secondary address" means the mailing address of any place where the person
 3.2 regularly or occasionally stays overnight when not staying at the person's primary address.
 3.3 If the mailing address is different from the actual location of the place, secondary address
 3.4 also includes the physical location of the place described with as much specificity as possible.
 3.5 However, the location of a supervised publicly or privately operated shelter or facility
 3.6 designated to provide temporary living accommodations for homeless individuals as defined
 3.7 in section 116L.361, subdivision 5, does not constitute a secondary address.

3.8 ~~(k)~~ (k) "Treatment facility" means a residential facility, as defined in section 244.052,
 3.9 subdivision 1, and residential chemical dependency treatment programs and halfway houses
 3.10 licensed under chapter 245A, including, but not limited to, those facilities directly or
 3.11 indirectly assisted by any department or agency of the United States.

3.12 ~~(l)~~ (l) "Work" includes employment that is full time or part time for a period of time
 3.13 exceeding 14 days or for an aggregate period of time exceeding 30 days during any calendar
 3.14 year, whether financially compensated, volunteered, or for the purpose of government or
 3.15 educational benefit.

3.16 Sec. 3. Minnesota Statutes 2018, section 243.166, subdivision 1b, is amended to read:

3.17 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

3.18 (1) the person was charged with or petitioned for a felony violation of or attempt to
 3.19 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
 3.20 of or adjudicated delinquent for that offense or another offense arising out of the same set
 3.21 of circumstances:

3.22 (i) murder under section 609.185, paragraph (a), clause (2);

3.23 (ii) kidnapping under section 609.25;

3.24 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
 3.25 subdivision 3; or 609.3453; or

3.26 (iv) indecent exposure under section 617.23, subdivision 3;

3.27 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
 3.28 aiding, abetting, or conspiring to commit any of the following and convicted of or adjudicated
 3.29 delinquent for that offense or another offense arising out of the same set of circumstances:

3.30 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

3.31 (ii) false imprisonment in violation of section 609.255, subdivision 2;

4.1 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in
4.2 the sex trafficking of a minor in violation of section 609.322;

4.3 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

4.4 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
4.5 subdivision 2 or 2a, clause (1);

4.6 (vi) using a minor in a sexual performance in violation of section 617.246; or

4.7 (vii) possessing pornographic work involving a minor in violation of section 617.247;
4.8 ~~and convicted of or adjudicated delinquent for that offense or another offense arising out~~
4.9 ~~of the same set of circumstances;~~

4.10 (3) the person was sentenced as a patterned sex offender under section 609.3455,
4.11 subdivision 3a; ~~or~~

4.12 (4) the person was charged with or petitioned for, including pursuant to a court martial,
4.13 violating a law of the United States, including the Uniform Code of Military Justice, similar
4.14 to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent
4.15 for that offense or another offense arising out of the same set of circumstances; or

4.16 (5) the person was charged with or petitioned for a violation of a law similar to an offense
4.17 described in clause (1), (2), (3), or (4) in another country where there are sufficient safeguards
4.18 for fundamental fairness and due process for the accused and the person was convicted of
4.19 or adjudicated delinquent for that offense or another offense arising out of the same set of
4.20 circumstances.

4.21 (b) A person also shall register under this section if:

4.22 (1) the person was charged with or petitioned for an offense in another state that would
4.23 be a violation of a law described in paragraph (a) if committed in this state and convicted
4.24 of or adjudicated delinquent for that offense or another offense arising out of the same set
4.25 of circumstances;

4.26 (2) the person enters this state to reside, work, or attend school, or enters this state and
4.27 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
4.28 any calendar year; and

4.29 (3) ten years have not elapsed since the person was released from confinement or, if the
4.30 person was not confined, since the person was convicted of or adjudicated delinquent for
4.31 the offense that triggers registration, unless the person is subject to a longer registration

5.1 period under the laws of another state or country in which the person has been convicted
 5.2 or adjudicated, or is subject to lifetime registration.

5.3 If a person described in this paragraph is subject to a longer registration period in another
 5.4 state or country or is subject to lifetime registration, the person shall register for that time
 5.5 period regardless of when the person was released from confinement, convicted, or
 5.6 adjudicated delinquent.

5.7 (c) A person also shall register under this section if the person was committed pursuant
 5.8 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
 5.9 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state ~~or~~ the
 5.10 United States, or another country, regardless of whether the person was convicted of any
 5.11 offense.

5.12 (d) A person also shall register under this section if:

5.13 (1) the person was charged with or petitioned for a felony violation or attempt to violate
 5.14 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state ~~or~~
 5.15 the United States, or another country, or the person was charged with or petitioned for a
 5.16 violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another
 5.17 state ~~or~~ the United States, or another country;

5.18 (2) the person was found not guilty by reason of mental illness or mental deficiency
 5.19 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
 5.20 states or countries with a guilty but mentally ill verdict; and

5.21 (3) the person was committed pursuant to a court commitment order under section
 5.22 253B.18 or a similar law of another state ~~or~~ the United States, or another country.

5.23 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 5.24 committed on or after that date.

5.25 Sec. 4. Minnesota Statutes 2018, section 243.166, subdivision 2, is amended to read:

5.26 Subd. 2. **Notice.** When a person who is required to register under subdivision 1b,
 5.27 paragraph (a), is sentenced or becomes subject to a juvenile court disposition order, the
 5.28 court shall tell the person of the duty to register under this section and that, if the person
 5.29 fails to comply with the registration requirements, information about the offender may be
 5.30 made available to the public through electronic, computerized, or other accessible means.
 5.31 The court may not modify the person's duty to register in the pronounced sentence or
 5.32 disposition order. The court shall require the person to read and sign a form stating that the
 5.33 duty of the person to register under this section has been explained. The court shall ~~forward~~

6.1 make available the signed ~~sex-offender registration~~ court notification form, the complaint,
6.2 and sentencing documents to the bureau. If a person required to register under subdivision
6.3 1b, paragraph (a), was not notified by the court of the registration requirement at the time
6.4 of sentencing or disposition, the assigned corrections agent shall notify the person of the
6.5 requirements of this section. If a person required to register under subdivision 1b, paragraph
6.6 (a), was not notified by the court of the registration requirement at the time of sentencing
6.7 or disposition and does not have a corrections agent, the law enforcement authority with
6.8 jurisdiction over the person's primary address shall notify the person of the requirements.
6.9 When a person who is required to register under subdivision 1b, paragraph (c) or (d), is
6.10 released from commitment, the treatment facility shall notify the person of the requirements
6.11 of this section. The treatment facility shall also obtain the registration information required
6.12 under this section and forward it to the bureau.

6.13 Sec. 5. Minnesota Statutes 2018, section 243.166, subdivision 4, is amended to read:

6.14 Subd. 4. **Contents of registration.** (a) The registration provided to the corrections agent
6.15 or law enforcement authority, must consist of a statement in writing signed by the person,
6.16 giving information required by the bureau, fingerprints, biological specimen for DNA
6.17 analysis as defined under section 299C.155, subdivision 1, and photograph of the person
6.18 taken at the time of the person's release from incarceration or, if the person was not
6.19 incarcerated, at the time the person initially registered under this section. The registration
6.20 information also must include a written consent form signed by the person allowing a
6.21 treatment facility or residential housing unit or shelter to release information to a law
6.22 enforcement officer about the person's admission to, or residence in, a treatment facility or
6.23 residential housing unit or shelter. Registration information on adults and juveniles may be
6.24 maintained together notwithstanding section 260B.171, subdivision 3.

6.25 (b) For persons required to register under subdivision 1b, paragraph (c), following
6.26 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
6.27 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
6.28 another state ~~or~~, the United States, or another country, in addition to other information
6.29 required by this section, the registration provided to the corrections agent or law enforcement
6.30 authority must include the person's offense history and documentation of treatment received
6.31 during the person's commitment. This documentation is limited to a statement of how far
6.32 the person progressed in treatment during commitment.

6.33 (c) Within three days of receipt, the corrections agent or law enforcement authority shall
6.34 forward the registration information to the bureau. The bureau shall ascertain whether the

7.1 person has registered with the law enforcement authority in the area of the person's primary
7.2 address, if any, or if the person lacks a primary address, where the person is staying, as
7.3 required by subdivision 3a. If the person has not registered with the law enforcement
7.4 authority, the bureau shall ~~send one copy to~~ notify that authority.

7.5 (d) The corrections agent or law enforcement authority may require that a person required
7.6 to register under this section appear before the agent or authority to be photographed. The
7.7 agent or authority shall ~~forward~~ submit the photograph to the bureau.

7.8 (1) Except as provided in clause (2), the agent or authority may photograph any offender
7.9 at a time and frequency chosen by the agent or authority.

7.10 (2) The requirements of this paragraph shall not apply during any period where the
7.11 person to be photographed is: (i) committed to the commissioner of corrections and
7.12 incarcerated, (ii) incarcerated in a regional jail or county jail, or (iii) committed to the
7.13 commissioner of human services and receiving treatment in a secure treatment facility.

7.14 (e) During the period a person is required to register under this section, the following
7.15 provisions apply:

7.16 (1) Except for persons registering under subdivision 3a, the bureau shall mail a
7.17 verification form to the person's last reported primary address. This verification form must
7.18 provide notice to the offender that, if the offender does not return the verification form as
7.19 required, information about the offender may be made available to the public through
7.20 electronic, computerized, or other accessible means. For persons who are registered under
7.21 subdivision 3a, the bureau shall mail an annual verification form to the law enforcement
7.22 authority where the offender most recently reported. The authority shall provide the
7.23 verification form to the person at the next weekly meeting and ensure that the person
7.24 completes and signs the form and returns it to the bureau. Notice is sufficient under this
7.25 paragraph; if the verification form is sent by first class mail to the person's last reported
7.26 primary address, or for persons registered under subdivision 3a, to the law enforcement
7.27 authority where the offender most recently reported.

7.28 (2) The person shall mail the signed verification form back to the bureau within ten days
7.29 after receipt of the form, ~~stating on the form the current and last address of the person's~~
7.30 ~~residence and the other information required under subdivision 4a.~~ The person cannot change
7.31 any registration information as part of the verification process.

7.32 (3) In addition to the requirements listed in this section, an offender who is no longer
7.33 under correctional supervision for a registration offense, or a failure to register offense, but
7.34 who resides, works, or attends school in Minnesota, shall have an in-person contact with a

8.1 law enforcement authority as provided in this section. If the person resides in Minnesota,
 8.2 the in-person contact shall be with the law enforcement authority that has jurisdiction over
 8.3 the person's primary address or, if the person has no address, the location where the person
 8.4 is staying. If the person does not reside in Minnesota but works or attends school in this
 8.5 state, the person shall have an in-person contact with the law enforcement authority or
 8.6 authorities with jurisdiction over the person's school or workplace. During the month of the
 8.7 person's birth date, the person shall report to the authority to verify the accuracy of the
 8.8 registration information and to be photographed. Within three days of this contact, the
 8.9 authority shall enter information as required by the bureau into the predatory offender
 8.10 registration database and submit an updated photograph of the person to the bureau's
 8.11 predatory offender registration unit.

8.12 (4) If the person fails to mail the completed and signed verification form to the bureau
 8.13 within ten days after receipt of the form, or if the person fails to report to the law enforcement
 8.14 authority during the month of the person's birth date, the person is in violation of this section.

8.15 (5) For any person who fails to mail the completed and signed verification form to the
 8.16 bureau within ten days after receipt of the form and who has been determined to be subject
 8.17 to community notification pursuant to section 253D.32 or is a risk level III offender under
 8.18 section 244.052, the bureau shall immediately investigate and notify local law enforcement
 8.19 authorities to investigate the person's location and to ensure compliance with this section.
 8.20 The bureau also shall immediately give notice of the person's violation of this section to the
 8.21 law enforcement authority having jurisdiction over the person's last registered primary
 8.22 address or addresses.

8.23 (6) A law enforcement authority may determine whether the person is at that person's
 8.24 primary address, secondary address, or school or work location, if any, or the accuracy of
 8.25 any other information required under subdivision 4a if the person whose primary address,
 8.26 secondary address, or school or work location, if any, is within the authority's jurisdiction,
 8.27 regardless of the assignment of a corrections agent.

8.28 For persons required to register under subdivision 1b, paragraph (c), following
 8.29 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
 8.30 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
 8.31 another state ~~or~~ the United States, or another country, the bureau shall comply with clause
 8.32 (1) at least ~~four~~ two times each year. For persons who, under section 244.052, are assigned
 8.33 to risk level III and who are no longer under correctional supervision for a registration
 8.34 offense or a failure to register offense, the bureau shall comply with clause (1) at least two
 8.35 times each year. For all other persons required to register under this section, the bureau shall

9.1 comply with clause (1) each year within 30 days of the anniversary date of the person's
9.2 initial registration.

9.3 ~~(f) When sending out a verification form, the bureau shall determine whether the person~~
9.4 ~~to whom the verification form is being sent has signed a written consent form as provided~~
9.5 ~~for in paragraph (a). If the person has not signed such a consent form, the bureau shall send~~
9.6 ~~a written consent form to the person along with the verification form. A person who receives~~
9.7 ~~this written consent form shall sign and return it to the bureau at the same time as the~~
9.8 ~~verification form.~~ For persons registered under this section on the effective date of this
9.9 section, each person, on or before one year from that date, must provide a biological specimen
9.10 for the purpose of DNA analysis to the probation agency or law enforcement authority
9.11 where that person is registered. A person who provides or has provided a biological specimen
9.12 for the purpose of DNA analysis under chapter 299C or section 609.117 meets the
9.13 requirements of this paragraph.

9.14 (g) For persons registered under this section on the effective date of this section, each
9.15 person, on or before one year from that date, must provide fingerprints to the probation
9.16 agency or law enforcement authority where that person is registered.

9.17 Sec. 6. Minnesota Statutes 2018, section 243.166, subdivision 4a, is amended to read:

9.18 Subd. 4a. **Information required to be provided.** (a) A person required to register under
9.19 this section shall provide to the corrections agent or law enforcement authority the following
9.20 information:

9.21 (1) the person's primary address;

9.22 (2) all of the person's secondary addresses in Minnesota, including all addresses used
9.23 for residential or recreational purposes;

9.24 (3) the addresses of all Minnesota property owned, leased, or rented by the person;

9.25 (4) the addresses of all locations where the person is employed;

9.26 (5) the addresses of all schools where the person is enrolled; ~~and~~

9.27 (6) the year, model, make, license plate number, and color of all motor vehicles owned
9.28 or regularly driven by the person;

9.29 (7) the expiration year for the motor vehicle license plate tabs of all motor vehicles
9.30 owned by the person; and

9.31 (8) all telephone numbers including work, school, and home and any cellular telephone
9.32 service.

10.1 (b) The person shall report to the agent or authority the information required to be
10.2 provided under paragraph (a), clauses (2) to ~~(6)~~ (8), within five days of the date the clause
10.3 becomes applicable. If because of a change in circumstances any information reported under
10.4 paragraph (a), clauses (1) to ~~(6)~~ (8), no longer applies, the person shall immediately inform
10.5 the agent or authority that the information is no longer valid. If the person leaves a primary
10.6 address and does not have a new primary address, the person shall register as provided in
10.7 subdivision 3a.

10.8 Sec. 7. Minnesota Statutes 2018, section 243.166, subdivision 4c, is amended to read:

10.9 Subd. 4c. **Notices in writing; signed.** All notices required by this section must be in
10.10 writing and signed by the person required to register. For purposes of this section, a signature
10.11 is as defined in section 645.44, subdivision 14, by an electronic method established by the
10.12 bureau, or by use of a biometric for the person. If a biometric is used, the person must
10.13 provide a sample that is forwarded to the bureau so that it can be maintained for comparison
10.14 purposes to verify the person's identity.

10.15 Sec. 8. Minnesota Statutes 2018, section 243.166, is amended by adding a subdivision to
10.16 read:

10.17 Subd. 4d. **Travel.** (a) A person required to register under this section who intends to
10.18 travel outside the boundaries of the United States must appear in person to notify the person's
10.19 corrections agent or the law enforcement authority with jurisdiction over the person's primary
10.20 address of the travel plans. The person must provide:

10.21 (1) anticipated departure date;

10.22 (2) place of departure;

10.23 (3) place of arrival or return;

10.24 (4) carrier and flight numbers for air travel;

10.25 (5) destination country and address or other contact information;

10.26 (6) means and purpose of travel;

10.27 (7) visa information, if any; and

10.28 (8) any other itinerary information requested by the corrections agent or law enforcement
10.29 authority.

10.30 (b) The notice must be provided at least 21 calendar days before the departure date and
10.31 forwarded to the bureau within one business day of receipt. If it is not possible to give 21

11.1 calendar days' notice due to an emergency or a work assignment, the person is required to
 11.2 notify the corrections agent or the law enforcement authority with jurisdiction over the
 11.3 person's primary address as soon as possible prior to departure. If the travel is due to an
 11.4 emergency, the person must provide a copy of the message conveying the emergency that
 11.5 includes the date and time sent and the source of the information. If the travel is the result
 11.6 of a work assignment, the employer must provide the date the employee was informed of
 11.7 the need to travel and the nature of the work to be performed.

11.8 (c) The corrections agent or law enforcement authority must forward the notification to
 11.9 the bureau as soon as possible after receipt. The bureau must forward the international travel
 11.10 information to the United States Marshals Service pursuant to International Megan's Law,
 11.11 Public Law 114-119.

11.12 (d) A person required to register under this section who is assigned a corrections agent
 11.13 must receive the corrections agent's approval for all international travel. Nothing in this
 11.14 subdivision requires a corrections agent to approve of travel that is inconsistent with the
 11.15 terms of the offender's supervision.

11.16 Sec. 9. Minnesota Statutes 2018, section 243.166, subdivision 5, is amended to read:

11.17 Subd. 5. **Criminal penalty.** (a) A person required to register under this section who was
 11.18 given notice, knows, or reasonably should know of the duty to register and who:

11.19 (1) knowingly commits an act or fails to fulfill a requirement that violates any of its
 11.20 provisions provision of this section; or

11.21 (2) intentionally provides false information to a corrections agent, law enforcement
 11.22 authority, or the bureau is guilty of a felony and may be sentenced to imprisonment for not
 11.23 more than five years or to payment of a fine of not more than \$10,000, or both.

11.24 (b) Except as provided in paragraph (c), a person convicted of violating paragraph (a)
 11.25 shall be committed to the custody of the commissioner of corrections for not less than a
 11.26 year and a day, nor more than five years.

11.27 (c) A person convicted of violating paragraph (a), who has previously been convicted
 11.28 of or adjudicated delinquent for violating this section or a similar statute of another state
 11.29 ~~of~~ the United States, or another country, shall be committed to the custody of the
 11.30 commissioner of corrections for not less than two years, nor more than five years.

11.31 (d) Prior to the time of sentencing, the prosecutor may file a motion to have the person
 11.32 sentenced without regard to the mandatory minimum sentence established by this subdivision.
 11.33 The motion must be accompanied by a statement on the record of the reasons for it. When

12.1 presented with the motion, or on its own motion, the court may sentence the person without
 12.2 regard to the mandatory minimum sentence if the court finds substantial and compelling
 12.3 reasons to do so. Sentencing a person in the manner described in this paragraph is a departure
 12.4 from the Sentencing Guidelines.

12.5 (e) A person convicted and sentenced as required by this subdivision is not eligible for
 12.6 probation, parole, discharge, work release, conditional release, or supervised release, until
 12.7 that person has served the full term of imprisonment as provided by law, notwithstanding
 12.8 the provisions of sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

12.9 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 12.10 committed on or after that date.

12.11 Sec. 10. Minnesota Statutes 2018, section 243.166, subdivision 6, is amended to read:

12.12 Subd. 6. **Registration period.** (a) Notwithstanding the provisions of section 609.165,
 12.13 subdivision 1, and except as provided in paragraphs (b), (c), and (d), a person required to
 12.14 register under this section shall continue to comply with this section until ten years have
 12.15 elapsed since the person initially registered in connection with the offense, or until the
 12.16 probation, supervised release, or conditional release period expires, whichever occurs later.
 12.17 For a person required to register under this section who is committed under section 253B.18,
 12.18 Minnesota Statutes 2012, section 253B.185, or chapter 253D, the ten-year registration period
 12.19 does not include the period of commitment.

12.20 (b) The commissioner of public safety shall require a person to continue to register for
 12.21 an additional period of five years if a the person required to register under this section fails
 12.22 to:

12.23 (1) provide the person's primary address as required by subdivision 3, paragraph (b);
 12.24 ~~fails to;~~

12.25 (2) comply with the requirements of subdivision 3a; ~~fails to;~~

12.26 (3) provide information as required by subdivision subdivisions 4a, or fails to and 4d;

12.27 (4) return the verification form referenced in subdivision 4 within ten days; ~~the~~
 12.28 ~~commissioner of public safety shall require the person to continue to register for an additional~~
 12.29 ~~period of five years;~~

12.30 (5) remain at the primary address of record; or

12.31 (6) sign a registration form, verification form, or change of information form.

13.1 This five-year period is added to the end of the offender's registration period. In addition,
13.2 if the person is not in compliance at the end of the registration period, the commissioner
13.3 shall require the person to continue to register for an additional period of two years.

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

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

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

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

13.19 (3) if the person is required to register based upon a conviction for an offense under
13.20 section 609.342, subdivision 1, paragraph (a), (c), (d), (e), (f), or (h); 609.343, subdivision
13.21 1, paragraph (a), (c), (d), (e), (f), or (h); 609.344, subdivision 1, paragraph (a), (c), or (g);
13.22 or 609.345, subdivision 1, paragraph (a), (c), or (g); or a statute from another state or the
13.23 United States, or another country similar to the offenses described in this clause; or

13.24 (4) if the person is required to register under subdivision 1b, paragraph (c), following
13.25 commitment pursuant to a court commitment under Minnesota Statutes 2012, section
13.26 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of
13.27 another state or the United States, or another country.

13.28 (e) A person described in subdivision 1b, paragraph (b), who is required to register under
13.29 the laws of a state or another country in which the person has been previously convicted or
13.30 adjudicated delinquent, shall register under this section for the time period required by the
13.31 state of conviction or adjudication unless a longer time period is required elsewhere in this
13.32 section.

14.1 Sec. 11. Minnesota Statutes 2018, section 243.166, subdivision 7, is amended to read:

14.2 Subd. 7. **Use of data.** (a) Except as otherwise provided in subdivision 7a or sections
14.3 244.052 and 299C.093, the data provided under this section is private data on individuals
14.4 under section 13.02, subdivision 12.

14.5 (b) The data may be used only by law enforcement and corrections agencies for law
14.6 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose
14.7 the status of an individual as a predatory offender to a child protection worker with a local
14.8 welfare agency for purposes of doing a family assessment under section 626.556. A
14.9 corrections agent may also disclose the status of an individual as a predatory offender to
14.10 comply with section 244.057.

14.11 (c) The commissioner of human services is authorized to have access to the data for:

14.12 (1) state-operated services, as defined in section 246.014, for the purposes described in
14.13 section 246.13, subdivision 2, paragraph (b); and

14.14 (2) purposes of completing background studies under chapter 245C.

14.15 Sec. 12. Minnesota Statutes 2018, section 243.166, subdivision 7a, is amended to read:

14.16 Subd. 7a. **Availability of information on offenders who are out of compliance with**
14.17 **registration law.** (a) The bureau may make information available to the public about
14.18 offenders who are 16 years of age or older and who are out of compliance with this section
14.19 for 30 days or longer for failure to:

14.20 (1) provide the offenders' primary ~~or secondary~~ addresses;

14.21 (2) comply with the requirements of subdivision 3a;

14.22 (3) provide information as required by subdivisions 4a and 4d;

14.23 (4) return the verification form referenced in subdivision 4 within 15 days;

14.24 (5) remain at the primary address of record; or

14.25 (6) sign a registration form, verification form, or change of information form.

14.26 This information may be made available to the public through electronic, computerized, or
14.27 other accessible means. The amount and type of information made available is limited to
14.28 the information necessary for the public to assist law enforcement in locating the offender.

14.29 (b) An offender who comes into compliance with this section after the bureau discloses
14.30 information about the offender to the public may send a written request to the bureau
14.31 requesting the bureau to treat information about the offender as private data, consistent with

15.1 subdivision 7. The bureau shall review the request and promptly take reasonable action to
 15.2 treat the data as private, if the offender has complied with the requirement that the offender
 15.3 provide the offender's primary and secondary addresses, has returned the verification form
 15.4 or has returned to the primary address, or promptly notify the offender that the information
 15.5 will continue to be treated as public information and the reasons for the bureau's decision.

15.6 (c) If an offender believes the information made public about the offender is inaccurate
 15.7 or incomplete, the offender may challenge the data under section 13.04, subdivision 4.

15.8 (d) The bureau is immune from any civil or criminal liability that might otherwise arise,
 15.9 based on the accuracy or completeness of any information made public under this subdivision,
 15.10 if the bureau acts in good faith.

15.11 Sec. 13. Minnesota Statutes 2018, section 299C.093, is amended to read:

15.12 **299C.093 DATABASE OF REGISTERED PREDATORY OFFENDERS.**

15.13 The superintendent of the Bureau of Criminal Apprehension shall maintain a
 15.14 computerized data system relating to individuals required to register as predatory offenders
 15.15 under section 243.166. To the degree feasible, the system must include the data required to
 15.16 be provided under section 243.166, subdivisions 4, 4a, and ~~4a~~ 4b, and indicate the time
 15.17 period that the person is required to register. The superintendent shall maintain this data in
 15.18 a manner that ensures that it is readily available to law enforcement agencies. This data is
 15.19 private data on individuals under section 13.02, subdivision 12, but may be used for law
 15.20 enforcement and corrections purposes. Law enforcement or a corrections agent may disclose
 15.21 the status of an individual as a predatory offender to a child protection worker with a local
 15.22 welfare agency for purposes of doing a family assessment under section 626.556. A
 15.23 corrections agent may also disclose the status of an individual as a predatory offender to
 15.24 comply with section 244.057. The commissioner of human services has access to the data
 15.25 for state-operated services, as defined in section 246.014, for the purposes described in
 15.26 section 246.13, subdivision 2, paragraph (b), and for purposes of conducting background
 15.27 studies under chapter 245C.

15.28 **ARTICLE 2**

15.29 **STATEWIDE EMERGENCY COMMUNICATION**

15.30 Section 1. Minnesota Statutes 2018, section 403.21, subdivision 7a, is amended to read:

15.31 Subd. 7a. **Statewide ~~Radio~~ Emergency Communication Board.** "Statewide ~~Radio~~
 15.32 Emergency Communication Board," "~~radio~~ emergency communication board," or "board"

16.1 means the ~~Statewide Radio Board established under section 403.36 and where the Statewide~~
 16.2 ~~Radio Board has affirmatively elected to become a~~ Statewide Emergency Communication
 16.3 Board as provided in section 403.382 ~~it shall mean the Statewide Emergency Communication~~
 16.4 ~~Board as~~ and is the successor to the Statewide Radio Board.

16.5 Sec. 2. Minnesota Statutes 2018, section 403.36, subdivision 1, is amended to read:

16.6 Subdivision 1. **Membership.** (a) The commissioner of public safety shall convene and
 16.7 chair the Statewide ~~Radio~~ Emergency Communication Board to develop a project plan for
 16.8 a statewide, shared, trunked public safety radio communication system. The system may
 16.9 be referred to as "Allied Radio Matrix for Emergency Response," or "ARMER."

16.10 (b) The board consists of the following members or their designees:

16.11 (1) the commissioner of public safety;

16.12 (2) the commissioner of transportation;

16.13 (3) the state chief information officer;

16.14 (4) the commissioner of natural resources;

16.15 (5) the chief of the Minnesota State Patrol;

16.16 (6) the chair of the Metropolitan Council;

16.17 (7) the commissioner of corrections;

16.18 (8) a representative from the Minnesota Indian Affairs Council;

16.19 ~~(7)~~ (9) two elected city officials, one from the ~~nine-county~~ ten-county metropolitan area
 16.20 and one from Greater Minnesota, appointed by the governing body of the League of
 16.21 Minnesota Cities;

16.22 ~~(8)~~ (10) two elected county officials, one from the ~~nine-county~~ ten-county metropolitan
 16.23 area and one from Greater Minnesota, appointed by the governing body of the Association
 16.24 of Minnesota Counties;

16.25 ~~(9)~~ (11) two sheriffs, one from the ~~nine-county~~ ten-county metropolitan area and one
 16.26 from Greater Minnesota, appointed by the governing body of the Minnesota Sheriffs'
 16.27 Association;

16.28 ~~(10)~~ (12) two chiefs of police, one from the ~~nine-county~~ ten-county metropolitan area
 16.29 and one from Greater Minnesota, appointed by the governor after considering
 16.30 recommendations made by the Minnesota Chiefs' of Police Association;

17.1 ~~(11)~~ (13) two fire chiefs, one from the ~~nine-county~~ ten-county metropolitan area and
 17.2 one from Greater Minnesota, appointed by the governor after considering recommendations
 17.3 made by the Minnesota Fire Chiefs' Association;

17.4 ~~(12)~~ (14) two representatives of emergency medical service providers, one from the
 17.5 ~~nine-county~~ ten-county metropolitan area and one from Greater Minnesota, appointed by
 17.6 the governor after considering recommendations made by the Minnesota Ambulance
 17.7 Association;

17.8 ~~(13)~~ (15) the chair of the ~~regional radio board for the metropolitan area~~ Metropolitan
 17.9 Emergency Services Board; and

17.10 ~~(14)~~ (16) a representative of Greater Minnesota elected by those units of government in
 17.11 phase three and any subsequent phase of development as defined in the statewide, shared
 17.12 radio and communication plan, who have submitted a plan to the Statewide ~~Radio~~ Emergency
 17.13 Communication Board and where development has been initiated.

17.14 (c) The Statewide ~~Radio~~ Emergency Communication Board shall coordinate the
 17.15 appointment of board members representing Greater Minnesota with the appointing
 17.16 authorities and may designate the geographic region or regions from which an appointed
 17.17 board member is selected where necessary to provide representation from throughout the
 17.18 state.

17.19 Sec. 3. Minnesota Statutes 2018, section 403.36, subdivision 1b, is amended to read:

17.20 Subd. 1b. **Compensation; removal; vacancies.** Compensation, removal, and filling of
 17.21 vacancies of board members are governed by section 15.0575, except that appointments to
 17.22 the board are not subject to the open appointments process of sections 15.0597 to 15.0599.
 17.23 Pursuant to subdivision 1a, members appointed to fill vacancies under this subdivision shall
 17.24 have no set term.

17.25 Sec. 4. Minnesota Statutes 2018, section 403.36, subdivision 1c, is amended to read:

17.26 Subd. 1c. **Voting.** Each member has one vote. The majority of the voting power of the
 17.27 board constitutes a quorum, although a smaller number may adjourn from time to time. Any
 17.28 motion, other than adjournment, must be favored by a majority of the voting power of the
 17.29 board in order to carry. In the event of a conflict between the board's bylaws and state law,
 17.30 state law shall prevail.

18.1 Sec. 5. Minnesota Statutes 2018, section 403.36, subdivision 1d, is amended to read:

18.2 Subd. 1d. **Calling meeting.** The board shall convene upon the call of the chair, vice-chair,
18.3 other officer, or any six members of the board.

18.4 Sec. 6. Minnesota Statutes 2018, section 403.37, subdivision 12, is amended to read:

18.5 Subd. 12. **Allocation of money.** (a) The board shall allocate money available to the
18.6 Statewide ~~Radio~~ Emergency Communication Board among regional radio boards or to local
18.7 entities within a region to encourage local and regional participation in the system. This
18.8 does not limit the authority of regional radio boards and local entities to individually or
18.9 collectively seek funding of local and regional enhancements and subsystems to the system
18.10 backbone.

18.11 (b) The Statewide Emergency Communication Board, which encompasses other
18.12 emergency communication networks, including but not limited to wireless broadband, the
18.13 Integrated Public Alert and Warning System, 911 service, and the ARMER system, may
18.14 grant money as available to support the goals set forth in the board's strategic plan.

18.15 Sec. 7. Minnesota Statutes 2018, section 403.382, subdivision 1, is amended to read:

18.16 Subdivision 1. **Statewide Emergency Communication Board.** ~~(a) By an affirmative~~
18.17 ~~vote of a majority of the members of the Statewide Radio Board, the board may elect to~~
18.18 ~~become a Statewide Emergency Communication Board.~~

18.19 ~~(b) As a~~ The Statewide Emergency Communication Board, the board shall be is
18.20 responsible for the statewide coordination of 911 service ~~in addition to,~~ existing
18.21 responsibilities for the ARMER system provided for in sections 403.21 to 403.37, wireless
18.22 broadband, and the Integrated Public Alert and Warning System.

18.23 Sec. 8. Minnesota Statutes 2018, section 403.382, subdivision 8, is amended to read:

18.24 Subd. 8. **Other emergency communication system planning and coordination.** In
18.25 addition to powers provided for in this section for the coordination of 911 service, the board
18.26 shall be responsible for planning and coordination of the following public safety emergency
18.27 communication networks:

18.28 (1) developing and maintaining a plan for the implementation of ~~a statewide public~~
18.29 ~~safety broadband network~~ the National Public Safety Broadband Network, as approved by
18.30 the board, including the definition of technical and operational standards for that network;
18.31 and

19.1 (2) other wireless communication technologies or wireless communication networks for
 19.2 public safety communications, such as the Integrated Public Alert and Warning System,
 19.3 where the board finds that coordination and planning on a regional or statewide basis is
 19.4 appropriate or where regional or statewide coordination has been requested by the Federal
 19.5 Communications Commission or the Department of Homeland Security which is coordinating
 19.6 the technology or network on a national level.

19.7 Sec. 9. **REVISOR INSTRUCTION.**

19.8 In Minnesota Statutes, the revisor of statutes shall substitute the term "Statewide
 19.9 Emergency Communication Board" for "Statewide Radio Board" or "radio board" wherever
 19.10 the term refers to the powers, duties, and responsibilities of the Statewide Radio Board,
 19.11 consistent with the changes in this act. The revisor shall also make grammatical changes
 19.12 related to the change in terms.

19.13 **ARTICLE 3**

19.14 **WHEELCHAIR SECUREMENT DEVICES**

19.15 Section 1. Minnesota Statutes 2018, section 299A.12, subdivision 1, is amended to read:

19.16 Subdivision 1. **General requirements.** ~~Except as provided in subdivision 4,~~ Any vehicle
 19.17 used by an operator to provide transportation service ~~shall~~ must be equipped with wheelchair
 19.18 securement devices ~~which are approved by the commissioner of public safety as meeting~~
 19.19 that meet the specifications of subdivisions 1 and 2. Only securement devices that meet the
 19.20 requirements of the Americans with Disabilities Act may be used. A wheelchair securement
 19.21 device ~~shall prevent any forward, backward, or lateral movement of an occupied wheelchair~~
 19.22 ~~when the device is engaged and the vehicle is in motion, accelerating or braking, and shall~~
 19.23 ~~attach to the frame of the wheelchair without damaging it~~ must be installed and used
 19.24 according to the manufacturer's instructions and Code of Federal Regulations, title 49,
 19.25 section 38.23. Wheelchair securement devices installed in any vehicle ~~shall~~ must be
 19.26 maintained in working order and according to the manufacturer's recommendations.

19.27 Sec. 2. Minnesota Statutes 2018, section 299A.12, subdivision 2, is amended to read:

19.28 Subd. 2. **Strength Design requirements.** ~~The strength design requirements for securing~~
 19.29 ~~the part of a wheelchair that is forward in the vehicle shall be one-half of those required for~~
 19.30 ~~the rear. Where the wheelchair securement device and the seat belt are combined in a~~
 19.31 ~~common system, those parts which provide the combined restraining force shall have a~~
 19.32 ~~combined strength of both according to the strength requirements of each as adopted by the~~

20.1 ~~commissioner of public safety~~ securement devices must meet the specifications in Code of
 20.2 Federal Regulations, title 49, section 38.23.

20.3 Sec. 3. Minnesota Statutes 2018, section 299A.12, subdivision 3, is amended to read:

20.4 Subd. 3. **Maximum number of persons transported.** A vehicle used to provide
 20.5 transportation service ~~shall~~ must carry only as many persons seated in wheelchairs as the
 20.6 number of securement devices approved by the commissioner of public safety as meeting
 20.7 the specifications of subdivisions 1 and 2 with which the vehicle is equipped, and each
 20.8 occupied wheelchair ~~shall~~ must be secured by such a securement device before the vehicle
 20.9 is set in motion.

20.10 Sec. 4. Minnesota Statutes 2018, section 299A.13, is amended to read:

20.11 **299A.13 ADDITIONAL SAFETY REQUIREMENTS.**

20.12 Subdivision 1. **Seat belt.** Any vehicle used to provide transportation service ~~shall~~ must
 20.13 be equipped with seat belts ~~which~~ that are approved by the commissioner of public safety.
 20.14 The seat belts required by this subdivision ~~shall~~ must be adequate to secure the occupant
 20.15 of a wheelchair who is being transported by the vehicle. ~~These~~ The seat belts ~~shall~~ must be
 20.16 used only to secure the person and ~~shall~~ must not be used to secure the wheelchair unless
 20.17 the wheelchair securement force is not cumulative to the seat belt. The seat belts ~~shall~~ must
 20.18 meet all other applicable state and federal requirements for safety.

20.19 Subd. 2. **Electric wheelchair.** When transportation service is provided to an individual
 20.20 in an electrically powered wheelchair, the main power switch of the wheelchair ~~shall~~ must
 20.21 be placed in the "off" position at all times while the vehicle is in motion.

20.22 Subd. 3. **Mobility aid accessibility.** (a) Vehicles equipped with wheelchair securement
 20.23 devices must provide a level-change mechanism or boarding device such as a lift or ramp
 20.24 that complies with Code of Federal Regulations, title 49, section 38.23.

20.25 (b) Wheelchair lifts must comply with the National Highway Traffic Safety
 20.26 Administration's Federal Motor Vehicle Safety Standards for public use lifts as outlined in
 20.27 Code of Federal Regulations, title 49, sections 571.403 and 571.404.

20.28 Subd. 4. **Driver's responsibility.** (a) The driver of a vehicle equipped with a wheelchair
 20.29 securement device has the duties outlined in this subdivision.

20.30 (b) The driver or a person designated by the driver shall ensure that an occupied
 20.31 wheelchair is properly secured before the driver sets the vehicle in motion.

21.1 (c) The driver or a person designated by the driver shall ensure that the seat belt assembly
 21.2 is properly adjusted and fastened around the wheelchair user in a manner consistent with
 21.3 the manufacturer's recommendations before the driver sets the vehicle in motion when:

21.4 (1) requested by the wheelchair user;

21.5 (2) the wheelchair user is unable to communicate;

21.6 (3) seat belt usage is required of all passengers in the vehicle; or

21.7 (4) the vehicle is a school bus.

21.8 The seat belt assembly must not be fastened if the wheelchair user or other responsible
 21.9 person advises the driver that to do so would aggravate a physical condition of the wheelchair
 21.10 user. If a restraint device is available that would not aggravate the physical condition of the
 21.11 user, it must be fastened in the required manner.

21.12 (d) The driver or a person designated by the driver shall ensure that securement devices
 21.13 and seat belt assemblies are retracted, removed, or otherwise stored when not in use to
 21.14 prevent tripping of persons and damage to devices.

21.15 Sec. 5. Minnesota Statutes 2018, section 299A.14, subdivision 3, is amended to read:

21.16 Subd. 3. **Standards.** The inspection shall be made to determine that the vehicle complies
 21.17 with the provisions of sections 299A.12, ~~subdivisions 1 and 4,~~ and 299A.13, ~~subdivision~~
 21.18 ~~4;~~ and that the securement device is and level-change mechanism or boarding device such
 21.19 as a lift or ramp are in working order; and that the securement device is not in need of
 21.20 obvious repair. The inspection may include testing the use of a securement device while
 21.21 the vehicle is in motion.

21.22 Sec. 6. **REPEALER.**

21.23 Minnesota Statutes 2018, sections 299A.12, subdivision 4; and 299A.18, are repealed.

299A.12 WHEELCHAIR SECUREMENT DEVICE.

Subd. 4. **Transit vehicle; rules.** A transit vehicle used to provide transportation services may be equipped with wheelchair securement devices that may be engaged and released by the user or the user's assistant. The commissioner of public safety shall adopt rules as necessary to set standards for the operation, strength, and use of these wheelchair securement devices.

299A.18 RULES; APPROVAL OF WHEELCHAIR SECUREMENT DEVICE.

The commissioner of public safety shall, no later than July 1, 1979, adopt rules containing standards for wheelchair securement devices that meet the requirements of sections 299A.12, subdivision 1, and 299A.13, subdivision 1, and shall approve or disapprove of securement devices that meet those standards.