



PREDATORY OFFENDER REGISTRATION

Requiring registration for predatory offenders (formerly known as “sex offender registration”) provides law enforcement with information to assist them in locating dangerous offenders as they investigate new offenses. *See*, Minn. Stat. §243.166.

Who is required to register?

- An offender convicted of the crimes of:
 - Murder while committing first or second degree criminal sexual conduct offenses with force or violence to the victim or another person
 - Kidnapping, *felony* Criminal Sexual Conduct or *felony* Indecent Exposure
 - False imprisonment regardless of the age of the victim
 - Soliciting a minor to engage in prostitution or sexual conduct
 - Using a minor in a sexual performance or pornographic work
 - Possessing or disseminating a pornographic work involving a minor

Note: If an offender is **charged with committing or attempting to commit, or with aiding, abetting, or conspiracy to commit** one of the above crimes, and is convicted of *any* crime arising from the same circumstances, he or she would be required to register. For example, an offender is charged with using a minor in a sexual performance but is found guilty of fifth degree criminal sexual conduct instead. The offender is required to register if the fifth degree charge arose from the same circumstances as the crime of using a minor in a sexual performance, even though gross misdemeanor fifth degree criminal sexual conduct is not a registerable offense.

- If an offender is found not guilty by reason of mental illness or mental deficiency or guilty but mentally ill (in states with a guilty but mentally ill verdict) after a trial for one of the above crimes, the offender is still required to register.
- Juveniles are required to register but, unlike adults, are not subject to community notification. (See SVJI Fact Sheet: *Community Notification of Predatory Offenders*)
- An offender convicted of a predatory crime and sentenced as a patterned sex offender or the court found on its own motion or the motion of the prosecuting attorney that the crime was part of a predatory pattern of behavior with criminal sexual conduct as its goal.

Note: The following offenses are predatory crimes: first, second, third degree murder, first and second degree manslaughter, first, second, third degree assault, simple robbery, aggravated robbery, kidnapping, false imprisonment, first, second, third, fourth degree criminal sexual conduct, incest, witness tampering, first degree arson and first degree burglary. (See Minn. Stat. § 609.108)

	<ul style="list-style-type: none"> ▪ An offender is also required to register if: <ul style="list-style-type: none"> ○ The offender was committed as a sexual psychopathic personality or a sexually dangerous person even if the offender was not convicted of an offense ○ The offender was convicted of violating a law in another state which is similar to any of the earlier mentioned crimes ○ The offender entered Minnesota to live, work or go to school and ten years have not passed since the offender was incarcerated or since the date of conviction for the predatory offense, whichever is later. ○ The offender was convicted of any of the listed offenses and enters Minnesota to stay for 14 days or longer <p>Effective December 1, 2005: All Level II and Level III offenders who are no longer on conditional or supervised release must meet in person with the law enforcement agency in their home jurisdiction. This meeting will occur during the month of the individual's birth date and the agency will photograph and verify the accuracy of their registration information. Additionally, all Level III offenders must appear and be photographed every six months.</p>
<p>What information must be registered?</p>	<ul style="list-style-type: none"> ▪ The address of the primary residence ▪ The address of all secondary residences in Minnesota regardless of whether it is used only for recreational purposes ▪ The address of all property owned, rented or leased in Minnesota. ▪ The address at the place of employment ▪ The address of residences while attending school ▪ The year, model, make, license plate number and color of all motor vehicles owned or driven regularly ▪ Homeless offenders are required to register with the law enforcement agency in the area in which they will be staying within 24 hours of leaving their former primary address. The area in which they will be staying must be described in detail and the offender must report on a weekly basis to the law enforcement agency in the location in which they are staying.
<p>Where are they required to register?</p>	<ul style="list-style-type: none"> ▪ Initially, the offender registers with their corrections agent as soon as they are assigned to the corrections agent's caseload. ▪ If the offender does not have a corrections agent because they are not placed on probation or their probation or supervised release has ended, then they must register with local law enforcement in the area of their residence. ▪ The offender may also contact the BCA to register.
<p>When are they required to register?</p>	<ul style="list-style-type: none"> ▪ The offender must complete a registration form immediately after being sentenced or committed to prison or to a treatment facility. ▪ At least five days before the offender starts living at a new primary address, even if it is in another state, the offender must register with either the corrections agent or law enforcement in the area where living before the move. ▪ If the offender is moving outside of Minnesota, and the new state also has a registration requirement; then the offender must register in both Minnesota (before the move) and the new state (after arrival).
<p>How long are they required to register?</p>	<ul style="list-style-type: none"> ▪ Ten years unless the offender is subject to lifetime registration. ▪ Registration begins either on the date the offender is convicted of the offense or, if the offender is sent to prison, the date of release whichever is later.

Is there a penalty for failing to register?

- Five more years may be added if the offender fails to register after moving, fails to provide or update their primary address as required or fails to comply with the homeless procedures.
- The registration period starts all over again if the offender is incarcerated because of a new offense, or because of a violation of probation, supervised release or conditional release for *any* offense. In this case, the period of registration begins upon release from incarceration, with no credit for previous time spent registering.
- Offenders who do not follow the registration requirements may be prosecuted for the felony crime of failure to register as a predatory offender, a severity I felony offense. There is a statute which sets the penalty for this offense as an executed sentence of 12 months and one day in prison, but as with any sentence, the court has discretion to grant a probationary sentence if it finds it appropriate.

Note: The venue (proper county) for prosecution, to review the case initially, is the last location where a primary address was listed. This is regardless of where the offender was actually staying when the violation was discovered.

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