

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 415

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DATE	D-PG	OFFICIAL STATUS
01/29/2015	170	Introduction and first reading Referred to Health, Human Services and Housing

A bill for an act

1.1 relating to human services; public safety; modifying provisions related to
1.2 the Minnesota sex offender program; modifying provisions governing civil
1.3 commitment and treatment of persons with sexual psychopathic personalities
1.4 and sexually dangerous persons; establishing a sex offender civil commitment
1.5 screening unit; implementing the statewide sex offender civil commitment judicial
1.6 panel; establishing a sex offender civil commitment defense office; providing
1.7 for indeterminate lifetime and statutory maximum sentences for certain repeat
1.8 sex offenders; adjusting when certain sex offenders are eligible for release from
1.9 prison; establishing a special review panel to make release decisions regarding
1.10 sex offenders; precluding the subsequent civil commitment of certain sex
1.11 offenders subject to enhanced prison sentences; providing for lifetime supervision
1.12 for all sex offenders; requiring minimal levels of sex offender treatment; requiring
1.13 counties to provide housing for sex offenders in the community; appropriating
1.14 money; amending Minnesota Statutes 2014, sections 244.05, subdivisions 1, 1b,
1.15 4, 5, 7; 244.101, by adding a subdivision; 246B.01, subdivision 1a; 246B.10;
1.16 253B.18, subdivisions 4b, 4c; 253B.19, by adding a subdivision; 253D.02,
1.17 by adding subdivisions; 253D.07, subdivisions 1, 3, by adding a subdivision;
1.18 253D.08; 253D.09; 253D.11; 253D.12, subdivision 2; 253D.14, subdivision 3;
1.19 253D.20; 253D.23; 253D.29, subdivisions 2, 3; 253D.30, subdivisions 3, 4, 5, 6;
1.20 253D.31; 609.135, by adding a subdivision; 609.3455; proposing coding for new
1.21 law in Minnesota Statutes, chapters 244; 253D; repealing Minnesota Statutes
1.22 2014, sections 253D.27; 253D.28; 609.3455, subdivision 6.
1.23

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

ARTICLE 1

1.25
1.26 **STRICT AND INTENSIVE SUPERVISION AND TREATMENT;**
1.27 **COMMISSIONER OF HUMAN SERVICES AND COUNTY DUTIES**

1.28 Section 1. **STRICT AND INTENSIVE SUPERVISION AND TREATMENT;**
1.29 **COMMISSIONER OF HUMAN SERVICES AND COUNTY DUTIES.**

1.30 (a) The commissioner of human services shall ensure a regimen of treatment that
1.31 provides strict and intensive supervision and treatment (SIST) for individuals civilly

22.1 review based on either the first commitment anniversary date after August 1, 2016, or the
22.2 second anniversary date after August 1, 2016.

22.3 **ARTICLE 3**

22.4 **SENTENCING**

22.5 Section 1. Minnesota Statutes 2014, section 244.05, subdivision 1, is amended to read:

22.6 Subdivision 1. **Supervised release required.** Except as provided in subdivisions
22.7 1b, 4, and 5, and section 609.3455, subdivision 1a, every inmate shall serve a supervised
22.8 release term upon completion of the inmate's term of imprisonment as reduced by any
22.9 good time earned by the inmate or extended by confinement in punitive segregation
22.10 pursuant to section 244.04, subdivision 2. Except for a sex offender conditionally released
22.11 under Minnesota Statutes 2004, section 609.108, subdivision 5, the supervised release
22.12 term shall be equal to the period of good time the inmate has earned, and shall not exceed
22.13 the length of time remaining in the inmate's sentence.

22.14 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
22.15 committed on or after that date.

22.16 Sec. 2. Minnesota Statutes 2014, section 244.05, subdivision 1b, is amended to read:

22.17 Subd. 1b. **Supervised release; offenders who commit crimes on or after August**
22.18 **1, 1993.** (a) Except as provided in subdivisions 4 and 5, and section 609.3455, subdivision
22.19 1a, every inmate sentenced to prison for a felony offense committed on or after August
22.20 1, 1993, shall serve a supervised release term upon completion of the inmate's term of
22.21 imprisonment and any disciplinary confinement period imposed by the commissioner due
22.22 to the inmate's violation of any disciplinary rule adopted by the commissioner or refusal
22.23 to participate in a rehabilitative program required under section 244.03. The amount of
22.24 time the inmate serves on supervised release shall be equal in length to the amount of
22.25 time remaining in the inmate's executed sentence after the inmate has served the term of
22.26 imprisonment and any disciplinary confinement period imposed by the commissioner.

22.27 (b) No inmate who violates a disciplinary rule or refuses to participate in a
22.28 rehabilitative program as required under section 244.03 shall be placed on supervised
22.29 release until the inmate has served the disciplinary confinement period for that disciplinary
22.30 sanction or until the inmate is discharged or released from punitive segregation
22.31 confinement, whichever is later. The imposition of a disciplinary confinement period shall
22.32 be considered to be a disciplinary sanction imposed upon an inmate, and the procedure for
22.33 imposing the disciplinary confinement period and the rights of the inmate in the procedure

23.1 shall be those in effect for the imposition of other disciplinary sanctions at each state
23.2 correctional institution.

23.3 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
23.4 committed on or after that date.

23.5 Sec. 3. Minnesota Statutes 2014, section 244.05, subdivision 4, is amended to read:

23.6 Subd. 4. **Minimum imprisonment, life sentence and statutory maximum**
23.7 **sentences.** (a) An inmate serving a mandatory life sentence under section 609.106 or
23.8 609.3455, subdivision 2, must not be given supervised release under this section.

23.9 (b) An inmate serving a mandatory life sentence under section 609.185, clause (3),
23.10 (5), or (6); or Minnesota Statutes 2004, section 609.109, subdivision 3, must not be given
23.11 supervised release under this section without having served a minimum term of 30 years.

23.12 (c) An inmate serving a mandatory life sentence under section 609.385 must not
23.13 be given supervised release under this section without having served a minimum term of
23.14 imprisonment of 17 years.

23.15 (d) An inmate serving a mandatory life sentence under section 609.3455, subdivision
23.16 3 or 4, or a mandatory statutory maximum sentence under section 609.3455, subdivision
23.17 3b, must not be given supervised release under this section without having served the
23.18 minimum term of imprisonment specified by the court in its sentence.

23.19 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
23.20 committed on or after that date.

23.21 Sec. 4. Minnesota Statutes 2014, section 244.05, subdivision 5, is amended to read:

23.22 Subd. 5. **Supervised release, life sentence and statutory maximum sentences.**

23.23 (a) The commissioner of corrections may, under rules promulgated by the commissioner,
23.24 give supervised release to an inmate serving a mandatory life sentence under section
23.25 609.185, clause (3), (5), or (6); ~~609.3455, subdivision 3 or 4;~~ 609.385; or Minnesota
23.26 Statutes 2004, section 609.109, subdivision 3, after the inmate has served the minimum
23.27 term of imprisonment specified in subdivision 4.

23.28 (b) The commissioner shall give supervised release to an inmate serving a sentence
23.29 under section 609.3455, subdivision 3, 3b, or 4, after the inmate has served the minimum
23.30 term of imprisonment specified by the court in section 609.3455, subdivision 5, when
23.31 directed to do so by the special review panel described in section 609.3455, subdivision 11.

23.32 (c) The commissioner shall require the preparation of a community investigation
23.33 report and shall consider the findings of the report when making a supervised release

24.1 decision under this subdivision. The report shall reflect the sentiment of the various
 24.2 elements of the community toward the inmate, both at the time of the offense and at the
 24.3 present time. The report shall include the views of the sentencing judge, the prosecutor,
 24.4 any law enforcement personnel who may have been involved in the case, and any
 24.5 successors to these individuals who may have information relevant to the supervised
 24.6 release decision. The report shall also include the views of the victim and the victim's
 24.7 family unless the victim or the victim's family chooses not to participate.

24.8 ~~(e)~~ (d) The commissioner shall make reasonable efforts to notify the victim, in
 24.9 advance, of the time and place of the inmate's supervised release review hearing. The
 24.10 victim has a right to submit an oral or written statement at the review hearing. The
 24.11 statement may summarize the harm suffered by the victim as a result of the crime and
 24.12 give the victim's recommendation on whether the inmate should be given supervised
 24.13 release at this time. The commissioner must consider the victim's statement when making
 24.14 the supervised release decision.

24.15 ~~(d)~~ (e) When considering whether to direct the commissioner to give supervised
 24.16 release to an inmate serving a life sentence under section 609.3455, subdivision 3 or 4,
 24.17 paragraph (a), the commissioner special review panel described in section 609.3455,
 24.18 subdivision 11, shall consider, at a minimum, the following: the risk the inmate poses to
 24.19 the community if released, the inmate's progress in treatment, the inmate's behavior while
 24.20 incarcerated, psychological or other diagnostic evaluations of the inmate, the inmate's
 24.21 criminal history, and any other relevant conduct of the inmate while incarcerated or
 24.22 before incarceration. The ~~commissioner~~ panel may not direct the commissioner to give
 24.23 supervised release to the inmate unless:

24.24 (1) while in prison:

24.25 (i) the inmate has successfully completed appropriate sex offender treatment;

24.26 (ii) the inmate has been assessed for chemical dependency needs and, if appropriate,
 24.27 has successfully completed chemical dependency treatment; and

24.28 (iii) the inmate has been assessed for mental health needs and, if appropriate, has
 24.29 successfully completed mental health treatment; and

24.30 (2) a comprehensive individual release plan is in place for the inmate that ensures
 24.31 that, after release, the inmate will have suitable housing and receive appropriate aftercare
 24.32 and community-based treatment. The comprehensive plan also must include a postprison
 24.33 employment or education plan for the inmate.

24.34 ~~(e)~~ (f) As used in this subdivision, "victim" means the individual who suffered
 24.35 harm as a result of the inmate's crime or, if the individual is deceased, the deceased's
 24.36 surviving spouse or next of kin.

25.1 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
25.2 committed on or after that date.

25.3 Sec. 5. **[244.059] SEX OFFENDERS; REQUIREMENT FOR COUNTIES TO**
25.4 **PROVIDE HOUSING.**

25.5 (a) Each county, based on the number of offenders from the county under the
25.6 custody of the commissioner for violating sections 609.342 to 609.3453 in the previous
25.7 ten years, shall determine the average annual number of sex offenders from the county
25.8 under the commissioner's custody.

25.9 (b) Each county shall provide appropriate community housing options within the
25.10 county for sex offenders of at least an equal amount as the annual average determined in
25.11 paragraph (a).

25.12 Sec. 6. Minnesota Statutes 2014, section 244.101, is amended by adding a subdivision
25.13 to read:

25.14 Subd. 5. **Exception.** This section does not apply to offenders receiving executed
25.15 sentences for violating section 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision
25.16 3, or 609.3453. These offenders' sentences are governed by section 609.3455.

25.17 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
25.18 committed on or after that date.

25.19 Sec. 7. Minnesota Statutes 2014, section 609.135, is amended by adding a subdivision
25.20 to read:

25.21 Subd. 2a. **Mandatory lifetime probation for sex offenders.** (a) When a court stays
25.22 the imposition or execution of sentence for a person convicted of violating section 609.342,
25.23 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, notwithstanding the
25.24 statutory maximum penalty otherwise applicable to the offense or subdivision 2, the court
25.25 shall place the person on probation for the remainder of the person's life.

25.26 (b) The court shall have continuing jurisdiction over persons placed on lifetime
25.27 probation under this subdivision. If the person fails to meet any condition of probation,
25.28 the court may order an appropriate sanction, including, but not limited to, incarcerating
25.29 the person for a period specified by the court in a local jail or workhouse or revoking the
25.30 probation and executing the person's sentence.

25.31 (c) If the court subsequently executes a person's sentence under paragraph (b), and
25.32 the person is later released from prison, the provisions of section 609.3455, subdivision 7,
25.33 apply and the person is no longer on lifetime probation.

26.1 (d) Unless the court orders a higher level of monitoring, a probation agent may use
 26.2 low-intensity monitoring methods for an offender placed on lifetime probation but, at a
 26.3 minimum, must require the offender to provide the agent with annual address verification
 26.4 by mail.

26.5 (e) An offender may petition the court to remove lifetime probation if at least ten
 26.6 years have passed since sentencing or the offender's last probation violation, whichever
 26.7 occurred most recently. Unless the court determines that good cause exists to continue
 26.8 probation, the court must grant the offender's petition if the offender was not convicted of
 26.9 another crime during the probationary period. If the court rejects the offender's petition,
 26.10 the offender may not submit another application until two years after the date the court
 26.11 denied the offender's last petition.

26.12 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 26.13 committed on or after that date.

26.14 Sec. 8. Minnesota Statutes 2014, section 609.3455, is amended to read:

26.15 **609.3455 DANGEROUS SEX OFFENDERS; LIFE AND STATUTORY**
 26.16 **MAXIMUM SENTENCES; RELEASE ELIGIBILITY; SPECIAL REVIEW**
 26.17 **PANEL; CONDITIONAL RELEASE.**

26.18 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have
 26.19 the meanings given.

26.20 (b) "Conviction" includes a conviction as an extended jurisdiction juvenile under
 26.21 section 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343,
 26.22 609.344, or 609.3453, if the adult sentence has been executed.

26.23 (c) "Extreme inhumane conditions" mean situations where, either before or after
 26.24 the sexual penetration or sexual contact, the offender knowingly causes or permits the
 26.25 complainant to be placed in a situation likely to cause the complainant severe ongoing
 26.26 mental, emotional, or psychological harm, or causes the complainant's death.

26.27 (d) A "heinous element" includes:

26.28 (1) the offender tortured the complainant;

26.29 (2) the offender intentionally inflicted great bodily harm upon the complainant;

26.30 (3) the offender intentionally mutilated the complainant;

26.31 (4) the offender exposed the complainant to extreme inhumane conditions;

26.32 (5) the offender was armed with a dangerous weapon or any article used or fashioned
 26.33 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
 26.34 used or threatened to use the weapon or article to cause the complainant to submit;

27.1 (6) the offense involved sexual penetration or sexual contact with more than one
27.2 victim;

27.3 (7) the offense involved more than one perpetrator engaging in sexual penetration or
27.4 sexual contact with the complainant; or

27.5 (8) the offender, without the complainant's consent, removed the complainant from
27.6 one place to another and did not release the complainant in a safe place.

27.7 (e) "Mutilation" means the intentional infliction of physical abuse designed to cause
27.8 serious permanent disfigurement or permanent or protracted loss or impairment of the
27.9 functions of any bodily member or organ, where the offender relishes the infliction of the
27.10 abuse, evidencing debasement or perversion.

27.11 (f) A conviction is considered a "previous sex offense conviction" if the offender was
27.12 convicted and sentenced for a sex offense before the commission of the present offense.

27.13 (g) A conviction is considered a "prior sex offense conviction" if the offender was
27.14 convicted of committing a sex offense before the offender has been convicted of the
27.15 present offense, regardless of whether the offender was convicted for the first offense
27.16 before the commission of the present offense, and the convictions involved separate
27.17 behavioral incidents.

27.18 (h) "Sex offense" means any violation of, or attempt to violate, section 609.342,
27.19 609.343, 609.344, 609.345, 609.3451, subdivision 3, 609.3453, or any similar statute of
27.20 the United States, this state, or any other state.

27.21 (i) "Special review panel" or "panel" means the special review panel described
27.22 in subdivision 11.

27.23 (j) "Torture" means the intentional infliction of extreme mental anguish, or extreme
27.24 psychological or physical abuse, when committed in an especially depraved manner.

27.25 (k) An offender has "two previous sex offense convictions" only if the offender
27.26 was convicted and sentenced for a sex offense committed after the offender was earlier
27.27 convicted and sentenced for a sex offense and both convictions preceded the commission
27.28 of the present offense of conviction.

27.29 **Subd. 1a. Executed sentences; no right to release upon completion of term of**
27.30 **imprisonment.** (a) A person who receives an executed sentence for a violation of section
27.31 609.342, 609.343, 609.344, 609.345, 609.3451, subdivision 3, or 609.3453 is not entitled
27.32 to be released upon completion of the person's term of imprisonment and any disciplinary
27.33 confinement period imposed by the commissioner. Instead, the person must petition the
27.34 special review panel for release under subdivision 12.

27.35 (b) A person described in paragraph (a) may not be imprisoned under this
27.36 subdivision for a period that is longer than the person's executed sentence.

28.1 (c) This subdivision does not apply to persons sentenced under subdivision 2, 3, 3a,
28.2 3b, or 4.

28.3 Subd. 2. **Mandatory life sentence without release; egregious first-time and**
28.4 **repeat offenders.** (a) Notwithstanding the statutory maximum penalty otherwise
28.5 applicable to the offense, the court shall sentence a person convicted under section
28.6 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h); or 609.343, subdivision 1,
28.7 paragraph (c), (d), (e), (f), or (h), to life without the possibility of release if:

28.8 (1) the fact finder determines that two or more heinous elements exist; or
28.9 (2) the person has a previous sex offense conviction for a violation of section
28.10 609.342, 609.343, or 609.344, and the fact finder determines that a heinous element exists
28.11 for the present offense.

28.12 (b) A fact finder may not consider a heinous element if it is an element of the
28.13 underlying specified violation of section 609.342 or 609.343. In addition, when
28.14 determining whether two or more heinous elements exist, the fact finder may not use the
28.15 same underlying facts to support a determination that more than one element exists.

28.16 Subd. 3. **Mandatory life sentence for egregious first-time offenders.** (a)
28.17 Notwithstanding the statutory maximum penalty otherwise applicable to the offense, the
28.18 court shall sentence a person to imprisonment for life if the person is convicted under
28.19 section 609.342, subdivision 1, paragraph (c), (d), (e), (f), or (h), or 609.343, subdivision
28.20 1, paragraph (c), (d), (e), (f), or (h); and the fact finder determines that a heinous element
28.21 exists.

28.22 (b) The fact finder may not consider a heinous element if it is an element of the
28.23 underlying specified violation of section 609.342 or 609.343.

28.24 Subd. 3a. **Mandatory sentence for certain engrained offenders.** (a) A court shall
28.25 commit a person to the commissioner of corrections for a period of time that is not less
28.26 than double the presumptive sentence under the sentencing guidelines and not more than
28.27 the statutory maximum, or if the statutory maximum is less than double the presumptive
28.28 sentence, for a period of time that is equal to the statutory maximum, if:

28.29 (1) the court is imposing an executed sentence on a person convicted of committing
28.30 or attempting to commit a violation of section 609.342, 609.343, 609.344, 609.345, or
28.31 609.3453;

28.32 (2) the fact finder determines that the offender is a danger to public safety; and

28.33 (3) the fact finder determines that the offender's criminal sexual behavior is so
28.34 engrained that the risk of reoffending is great without intensive psychotherapeutic
28.35 intervention or other long-term treatment or supervision extending beyond the presumptive
28.36 term of imprisonment and supervised release.

29.1 (b) The fact finder shall base its determination that the offender is a danger to public
29.2 safety on any of the following factors:

29.3 (1) the crime involved an aggravating factor that would justify a durational departure
29.4 from the presumptive sentence under the sentencing guidelines;

29.5 (2) the offender previously committed or attempted to commit a predatory crime
29.6 or a violation of section 609.224 or 609.2242, including:

29.7 (i) an offense committed as a juvenile that would have been a predatory crime or a
29.8 violation of section 609.224 or 609.2242 if committed by an adult; or

29.9 (ii) a violation or attempted violation of a similar law of any other state or the United
29.10 States; or

29.11 (3) the offender planned or prepared for the crime prior to its commission.

29.12 (c) As used in this section, "predatory crime" has the meaning given in section
29.13 609.341, subdivision 22.

29.14 Subd. 3b. **Mandatory statutory maximum sentence; repeat offenders.** The court
29.15 shall sentence a person to imprisonment for the statutory maximum period applicable to
29.16 the offense if the person is convicted under section 609.342, 609.343, 609.344, 609.345,
29.17 or 609.3453 and the person has a previous or prior sex offense conviction.

29.18 Subd. 4. **Mandatory life sentence; repeat offenders.** (a) Notwithstanding the
29.19 statutory maximum penalty otherwise applicable to the offense, the court shall sentence a
29.20 person to imprisonment for life if the person is convicted of violating section 609.342,
29.21 609.343, 609.344, 609.345, or 609.3453 and:

29.22 (1) the person has two previous sex offense convictions; or

29.23 (2) the person has a previous sex offense conviction and:

29.24 (i) the fact finder determines that the present offense involved an aggravating factor
29.25 that would provide grounds for an upward durational departure under the sentencing
29.26 guidelines other than the aggravating factor applicable to repeat criminal sexual conduct
29.27 convictions;

29.28 (ii) the person received an upward durational departure from the sentencing
29.29 guidelines for the previous sex offense conviction; or

29.30 (iii) the person was sentenced under this section or Minnesota Statutes 2004, section
29.31 609.108, for the previous sex offense conviction; or.

29.32 ~~(3) the person has two prior sex offense convictions, and the fact finder determines~~
29.33 ~~that the prior convictions and present offense involved at least three separate victims, and:~~

29.34 ~~(i) the fact finder determines that the present offense involved an aggravating factor~~
29.35 ~~that would provide grounds for an upward durational departure under the sentencing~~

30.1 ~~guidelines other than the aggravating factor applicable to repeat criminal sexual conduct~~
30.2 ~~convictions;~~

30.3 ~~(ii) the person received an upward durational departure from the sentencing~~
30.4 ~~guidelines for one of the prior sex offense convictions; or~~

30.5 ~~(iii) the person was sentenced under this section or Minnesota Statutes 2004, section~~
30.6 ~~609.108, for one of the prior sex offense convictions.~~

30.7 (b) Notwithstanding the statutory maximum penalty otherwise applicable to the
30.8 offense, the court shall sentence a person to imprisonment for life if the person is convicted
30.9 of violating section 609.342, 609.343, 609.344, 609.345, or 609.3453 and the person has
30.10 two or more previous or prior sex offense convictions.

30.11 (c) Notwithstanding ~~paragraph~~ paragraphs (a) and (b), a court may not sentence a
30.12 person to imprisonment for life for a violation of section 609.345, unless the person's
30.13 previous or prior sex offense convictions that are being used as the basis for the sentence
30.14 are for violations of section 609.342, 609.343, 609.344, or 609.3453, or any similar statute
30.15 of the United States, this state, or any other state.

30.16 Subd. 4a. **Exception to certain mandatory sentences.** The mandatory sentences
30.17 described in subdivisions 3b and 4, paragraph (b), do not apply to persons convicted of
30.18 violating section 609.342, subdivision 1, paragraph (b) or (g); 609.343, subdivision 1,
30.19 paragraph (b) or (g); 609.344, subdivision 1, paragraph (b), (e), (f), (h), (i), (j), (k), (l),
30.20 (m), (n), or (o); or 609.345, subdivision 1, paragraph (b), (e), (f), (h), (i), (j), (k), (l), (m),
30.21 (n), or (o) unless the fact finder determines that the required prior sex offense conviction
30.22 or, if applicable, convictions and the present offense each involved separate victims. This
30.23 exception applies only to determining whether a prior sex offense conviction triggers
30.24 a sentence under subdivision 3b or 4, paragraph (b). It does not apply to determining
30.25 whether a previous sex offense conviction triggers the sentence.

30.26 Subd. 4b. **Statutory maximum and lifetime sentences; stay of imposition**
30.27 **or execution.** A court may stay execution of a sentence described in subdivision 3b
30.28 or subdivision 4, paragraph (b), but may not stay the imposition or adjudication of the
30.29 sentence. If a stay of execution is a departure from the sentencing guidelines, the court
30.30 shall make written findings of fact as to the reasons for the departure.

30.31 Subd. 5. **Life Indeterminate sentences; minimum term of imprisonment.** At
30.32 the time of sentencing under subdivision 3, 3b, or 4, the court shall specify a minimum
30.33 term of imprisonment, based on the sentencing guidelines or any applicable mandatory
30.34 minimum sentence, that must be served before the offender may be considered for
30.35 supervised release. This minimum term is subject to section 244.101, subdivision 1, and is
30.36 equal to two-thirds of the sentence the court pronounces.

31.1 Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the
31.2 statutory maximum sentence otherwise applicable to the offense and unless a longer
31.3 conditional release term is required in subdivision 7, when a court commits an offender
31.4 to the custody of the commissioner of corrections for a violation of section 609.342,
31.5 609.343, 609.344, 609.345, or 609.3453, the court shall provide that, after the offender
31.6 has been released from prison, the commissioner shall place the offender on conditional
31.7 release for ten years.

31.8 Subd. 7. **Mandatory lifetime conditional release term.** ~~(a) Notwithstanding the~~
31.9 ~~statutory maximum penalty applicable to the offense, when a court sentences an offender~~
31.10 ~~under subdivision 3 or 4, to the custody of the commissioner of corrections for a violation~~
31.11 ~~of section 609.342, 609.343, 609.345, 609.3451, subdivision 3, or 609.3453, the court~~
31.12 ~~shall provide that, if the offender is released from prison, the commissioner of corrections~~
31.13 ~~shall place the offender on conditional release for the remainder of the offender's life.~~

31.14 ~~(b) Notwithstanding the statutory maximum sentence otherwise applicable to the~~
31.15 ~~offense, when the court commits an offender to the custody of the commissioner of~~
31.16 ~~corrections for a violation of section 609.342, 609.343, 609.344, 609.345, or 609.3453,~~
31.17 ~~and the offender has a previous or prior sex offense conviction, the court shall provide~~
31.18 ~~that, after the offender has been released from prison, the commissioner shall place the~~
31.19 ~~offender on conditional release for the remainder of the offender's life.~~

31.20 ~~(c) Notwithstanding paragraph (b), an offender may not be placed on lifetime~~
31.21 ~~conditional release for a violation of section 609.345, unless the offender's previous or~~
31.22 ~~prior sex offense conviction is for a violation of section 609.342, 609.343, 609.344, or~~
31.23 ~~609.3453, or any similar statute of the United States, this state, or any other state.~~

31.24 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The
31.25 provisions of this subdivision relating to conditional release apply to all sex offenders
31.26 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345,
31.27 609.3451, subdivision 3, or 609.3453. Except as provided in this subdivision, conditional
31.28 release of sex offenders is governed by provisions relating to supervised release. The
31.29 commissioner of corrections may not dismiss an offender on conditional release from
31.30 supervision until the offender's conditional release term expires.

31.31 (b) The conditions of release may include successful completion of treatment
31.32 and aftercare in a program approved by the commissioner, satisfaction of the release
31.33 conditions specified in section 244.05, subdivision 6, and any other conditions the
31.34 commissioner considers appropriate. The commissioner shall develop a plan to pay the
31.35 cost of treatment of a person released under this subdivision. The plan may include
31.36 co-payments from offenders, third-party payers, local agencies, or other funding sources

32.1 as they are identified. This section does not require the commissioner to accept or retain
32.2 an offender in a treatment program. Before the offender is placed on conditional release,
32.3 the commissioner shall notify the sentencing court and the prosecutor in the jurisdiction
32.4 where the offender was sentenced of the terms of the offender's conditional release. The
32.5 commissioner also shall make reasonable efforts to notify the victim of the offender's
32.6 crime of the terms of the offender's conditional release.

32.7 (c) If the offender fails to meet any condition of release, the commissioner may
32.8 revoke the offender's conditional release and order that the offender serve all or a part of
32.9 the remaining portion of the conditional release term in prison. An offender, while on
32.10 supervised release, is not entitled to credit against the offender's conditional release term
32.11 for time served in confinement for a violation of release.

32.12 Subd. 9. **Applicability.** The provisions of this section do not affect the applicability
32.13 of Minnesota Statutes 2004, section 609.108, to crimes committed before August 1, 2005,
32.14 or the validity of sentences imposed under Minnesota Statutes 2004, section 609.108.

32.15 Subd. 10. **Presumptive executed sentence for repeat sex offenders.** Except as
32.16 provided in subdivision 2, 3, 3a, or 4, if a person is convicted under sections 609.342 to
32.17 609.345 or 609.3453 within 15 years of a previous sex offense conviction, the court shall
32.18 commit the defendant to the commissioner of corrections for not less than three years, nor
32.19 more than the maximum sentence provided by law for the offense for which convicted,
32.20 notwithstanding sections 242.19, 243.05, 609.11, 609.12, and 609.135. The court may
32.21 stay the execution of the sentence imposed under this subdivision only if it finds that a
32.22 professional assessment indicates the offender is accepted by and can respond to treatment
32.23 at a long-term inpatient program exclusively treating sex offenders and approved by the
32.24 commissioner of corrections. If the court stays the execution of a sentence, it shall include
32.25 the following as conditions of probation:

32.26 (1) incarceration in a local jail or workhouse; and

32.27 (2) a requirement that the offender successfully complete the treatment program and
32.28 aftercare as directed by the court.

32.29 Subd. 11. **Special review panel.** A special review panel is established and is
32.30 governed by section 15.0575, except as otherwise provided in this subdivision. The panel
32.31 consists of the commissioner of corrections or a designee and two retired judges appointed
32.32 by the chief justice of the Supreme Court. The commissioner shall convene the panel's
32.33 first meeting. The panel shall choose a chair from among its members. The panel shall
32.34 meet at the call of the chair. The panel shall hear and consider all petitions for supervised
32.35 release from imprisonment under subdivision 12 and determine whether to direct the
32.36 commissioner of corrections to give supervised release to the petitioner.

33.1 Subd. 12. **Petition for release; hearing.** (a) A person sentenced under subdivision
33.2 1a, 3, 3b, or 4 may petition the special review panel for supervised release as provided
33.3 in this subdivision. The panel shall hold a hearing on each petition for release before
33.4 making any determination. Within 45 days of the filing of the petition, the panel shall
33.5 give written notice of the time and place of the hearing before the panel to all interested
33.6 parties, including the petitioner, the petitioner's attorney if applicable, law enforcement
33.7 and correctional personnel involved in the case, the sentencing court, the county attorney's
33.8 office that prosecuted the case, and any victims of the crime who have indicated a desire
33.9 to be notified. The hearing must be recorded and held on the record. The petitioner may
33.10 present witnesses on the petitioner's behalf. The county attorney who prosecuted the case,
33.11 the sentencing judge, law enforcement and correctional personnel involved in the case, the
33.12 victim and the victim's family members, and any other interested party may submit a written
33.13 or oral statement at the hearing addressing the appropriateness of the inmate's release.

33.14 (b) If the panel votes to direct the commissioner to give supervised release to the
33.15 petitioner, the commissioner shall do so no later than 14 days after the panel's determination.

33.16 (c) If the panel rejects the inmate's petition for supervised release, it shall specify in
33.17 writing the reasons for the rejection. Unless the panel specifies a shorter time period, the
33.18 inmate may not petition for supervised release again until:

33.19 (1) for inmates sentenced under subdivision 3, 3b, or 4, 36 months have elapsed
33.20 since the rejection; and

33.21 (2) for inmates sentenced under subdivision 1a, 18 months have elapsed since the
33.22 rejection.

33.23 (d) A person may initially petition for supervised release under this subdivision
33.24 once the person is within 90 days of having served the minimum term of imprisonment
33.25 specified by the court. However, no person may actually be released before serving the
33.26 minimum term.

33.27 Subd. 13. **Criteria for release.** (a) When considering whether to order the
33.28 commissioner of corrections to give supervised release to an inmate serving a sentence
33.29 under subdivision 1a, 3b, or 4, paragraph (b), the panel shall consider, at a minimum, the
33.30 following: the risk the inmate poses to the community if released, the inmate's progress
33.31 in treatment, the inmate's behavior while incarcerated, psychological or other diagnostic
33.32 evaluations of the inmate, the inmate's criminal history, the ability of the inmate to readjust
33.33 to open society, the testimony or statements of individuals with an interest in the case
33.34 made at the hearing, and any other relevant conduct of the inmate while incarcerated
33.35 or before incarceration. The panel may not direct the commissioner to give supervised

34.1 release to an inmate unless, while in prison, the inmate has successfully completed
 34.2 appropriate sex offender treatment.

34.3 (b) When making a supervised release decision under paragraph (a), the panel shall
 34.4 presume that an inmate who has successfully completed appropriate sex offender treatment
 34.5 while in prison should be given supervised release. However, the panel shall deny the
 34.6 inmate supervised release if it determines that supervised release is not appropriate based
 34.7 on the factors specified in paragraph (a).

34.8 (c) The panel shall make a decision on directing the supervised release of an
 34.9 inmate sentenced under subdivision 3 or 4, paragraph (a), as provided in section 244.05,
 34.10 subdivision 5.

34.11 (d) The commissioner shall prepare a community investigation report as described in
 34.12 section 244.05, subdivision 5, paragraph (b), on an inmate who is petitioning for release
 34.13 under subdivision 12.

34.14 Subd. 14. **Administrative support.** The Department of Corrections shall provide
 34.15 office space and administrative support to the special review panel.

34.16 Subd. 15. **Civil commitment precluded.** A person sentenced under subdivision 3,
 34.17 3b, or 4 is not subject to subsequent commitment under chapter 253D.

34.18 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 34.19 committed on or after that date.

34.20 Sec. 9. **DEPARTMENT OF CORRECTIONS SEX OFFENDER TREATMENT.**

34.21 In fiscal year 2016 and later, the commissioner of corrections shall ensure that
 34.22 the department provides at least the same level of sex offender treatment as provided in
 34.23 fiscal year 2015, and shall attempt to provide an increased level of treatment beyond
 34.24 the fiscal year 2015 level.

34.25 Sec. 10. **APPROPRIATION.**

34.26 \$..... for the fiscal year ending June 30, 2016, and \$..... for the fiscal year ending
 34.27 June 30, 2017, are appropriated from the general fund to the commissioner of corrections
 34.28 to provide increased sex offender treatment.

34.29 Sec. 11. **REPEALER.**

34.30 Minnesota Statutes 2014, section 609.3455, subdivision 6, is repealed.

34.31 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
 34.32 committed on or after that date.