

1 Senator moves to amend S.F. No. 1875 as follows:

2 Page 9, line 22, delete "609.365,"

3 Page 10, line 15, after "imprisonment" insert ", based on
4 the sentencing guidelines or any applicable mandatory minimum
5 sentence,"

6 Page 16, line 35, after "imprisonment" insert ", based on
7 the sentencing guidelines or any applicable mandatory minimum
8 sentence,"

9 Page 24, line 2, after "for" insert "a violation of or
10 attempt to violate, or aiding, abetting, or conspiracy to commit"

11 Page 34, line 36, after "section" insert "or a similar law
12 of another state or the United States"

13 Page 53, line 6, delete "its" and insert "their" and after "
14 recommendations" insert "and order"

15 Page 53, line 7, delete "or" and insert "and"

16 Page 53, line 15, after "includes" insert "criminal sexual
17 conduct in the fifth degree and"

18 Page 53, line 23, delete "include" and insert "have the
19 meanings given in section 609.02, subdivision 5, and also
20 include juvenile court adjudications,"

21 Page 53, line 25, after "proved" insert ", and findings in
22 commitment cases under this section or section 253B.185 that an
23 act or acts constituting a crime occurred"

24 Page 54, line 1, before "treatment" insert "head of the"
25 and delete "head"

26 Page 54, line 4, after "the" insert "medical director,"

27 Page 54, line 5, after "board" insert a comma and delete
28 the first "the"

29 Page 54, line 7, delete "seven" and insert "14"

30 Page 54, line 10, after "contacting" insert a comma and
31 after "writing" insert a comma

32 Page 54, delete lines 17 and 18 and insert "does not give a
33 victim all the rights of a "notified person" or a person
34 "entitled to statutory notice" under subdivision 4a, 4b, or 5."

35 Page 55, after line 18, insert:

36 "Section 1. Minnesota Statutes 2004, section 241.06, is

1 amended to read:

2 241.06 [RECORD OF INMATES; DEPARTMENT OF CORRECTIONS.]

3 Subdivision 1. [GENERAL.] The commissioner of corrections
4 shall keep in the commissioner's office, accessible only by the
5 commissioner's consent or on the order of a judge or court of
6 record, a record showing the residence, sex, age, nativity,
7 occupation, civil condition, and date of entrance or commitment
8 of every person, inmate, or convict in the facilities under the
9 commissioner's exclusive control, the date of discharge and
10 whether such discharge was final, the condition of such person
11 when the person left the facility, and the date and cause of all
12 deaths. The records shall state every transfer from one
13 facility to another, naming each. This information shall be
14 furnished to the commissioner of corrections by each facility,
15 with such other obtainable facts as the commissioner may from
16 time to time require. The chief executive officer of each such
17 facility, within ten days after the commitment or entrance
18 thereto of a person, inmate, or convict, shall cause a true copy
19 of the entrance record to be forwarded to the commissioner of
20 corrections. When a person, inmate, or convict leaves, is
21 discharged or transferred, or dies in any facility, the chief
22 executive officer, or other person in charge shall inform the
23 commissioner of corrections within ten days thereafter on forms
24 furnished by the commissioner.

25 The commissioner of corrections may authorize the chief
26 executive officer of any facility under the commissioner's
27 control to release to probation officers, local social services
28 agencies or other specifically designated interested persons or
29 agencies any information regarding any person, inmate, or
30 convict thereat, if, in the opinion of the commissioner, it will
31 be for the benefit of the person, inmate, or convict.

32 Subd. 2. [SEX OFFENDER INFORMATION PROVIDED TO SUPERVISING
33 CORRECTIONS AGENCY.] When an offender who is required to
34 register as a predatory offender under section 243.166 is being
35 released from prison, the commissioner shall provide to the
36 corrections agency that will supervise the offender, the

1 offender's prison records relating to psychological assessments,
2 medical and mental health issues, and treatment.

3 [EFFECTIVE DATE.] This section is effective August 1, 2005."

4 Page 56, line 9, after "treatment" insert "for the purpose
5 of providing periodic reports to the legislature"

6 Page 57, line 3, delete the comma

7 Page 57, delete section 4

8 Page 58, line 12, delete "before sentencing,"

9 Page 58, line 14, after "treatment" insert "to be completed
10 before sentencing"

11 Page 61, line 20, after "methods" insert "and timetables"

12 Page 61, line 24, delete the first "for" and insert

13 "specifying"

14 Page 61, line 25, after "programs" insert ", including, but
15 not limited to, staff qualifications, case planning, use of
16 polygraphs, and progress reports prepared for supervising
17 agencies"

18 Page 62, line 27, after "(5)" insert "examine"

19 Renumber the sections in sequence and correct the internal
20 references

21 Amend the title accordingly

1 Senator moves to amend S.F. No. 1875 as follows:

2 Page 3, line 21, after "609.106" insert "; 609.342,
3 subdivision 2, paragraph (b); or 609.343, subdivision 2,
4 paragraph (b),"

5 Page 3, lines 30 and 31, delete "609.342, subdivision 2,
6 paragraph (b), or"

7 Page 4, lines 6 and 7, delete "609.342, subdivision 2,
8 paragraph (b);"

9 Page 4, lines 32 and 33, delete "609.342, subdivision 2,
10 paragraph (b), or"

11 Page 10, delete lines 3 to 32 and insert:

12 "(b) The court shall sentence a person to imprisonment for
13 life without the possibility of release if the person is
14 convicted of violating subdivision 1, paragraph (c), (d), (e),
15 (f), or (h), and the fact finder determines beyond a reasonable
16 doubt that any of the following circumstances exist:

17 (1) the offender tortured the complainant;

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

20 (3) the offender, without the complainant's consent,
21 removed the complainant from one place to another and did not
22 release the complainant in a safe place;

23 (4) the complainant was aged 13 or younger at the time of
24 the offense;

25 (5) the complainant was aged 70 or older at the time of the
26 offense;

27 (6) the offender was armed with a dangerous weapon or any
28 article used or fashioned in a manner to lead the complainant to
29 reasonably believe it to be a dangerous weapon and used or
30 threatened to use the weapon or article to cause the complainant
31 to submit;

32 (7) the charged offense involved sexual penetration or
33 sexual contact with more than one victim; or

34 (8) the offense involved more than one perpetrator engaging
35 in sexual penetration or sexual contact with the complainant.

36 The fact finder may not consider a circumstance described

1 in clauses (1) to (8), if it is an element of the underlying
2 specified violation of subdivision 1.

3 As used in this paragraph, "torture" means the intentional
4 infliction of extreme mental anguish, or extreme psychological
5 or physical abuse, when committed in an especially depraved
6 manner."

7 Page 10, line 33, delete "(d)" and insert "(c)"

8 Page 10, line 36, delete "(e)" and insert "(d)"

9 Page 11, line 1, delete "or (b)"

10 Page 11, line 28, after "in" insert "paragraph (b);"

11 Page 11, line 29, after "609.109" insert a semicolon

12 Page 11, line 31, strike everything after "years"

13 Page 11, line 32, strike "both"

14 Page 11, line 33, strike "(b)"

15 Page 12, after line 4, insert:

16 "(b) The court shall sentence a person to imprisonment for
17 life without the possibility of release if the person is
18 convicted of violating subdivision 1, paragraph (c), (d), (e),
19 (f), or (h), and the fact finder determines beyond a reasonable
20 doubt that any of the following circumstances exist:

21 (1) the offender tortured the complainant;

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

24 (3) the offender, without the complainant's consent,
25 removed the complainant from one place to another and did not
26 release the complainant in a safe place;

27 (4) the complainant was aged 13 or younger at the time of
28 the offense;

29 (5) the complainant was aged 70 or older at the time of the
30 offense;

31 (6) the offender was armed with a dangerous weapon or any
32 article used or fashioned in a manner to lead the complainant to
33 reasonably believe it to be a dangerous weapon and used or
34 threatened to use the weapon or article to cause the complainant
35 to submit;

36 (7) the charged offense involved sexual penetration or

1 sexual contact with more than one victim; or

2 (8) the offense involved more than one perpetrator engaging
3 in sexual penetration or sexual contact with the complainant.

4 The fact finder may not consider a circumstance described
5 in clauses (1) to (8), if it is an element of the underlying
6 specified violation of subdivision 1.

7 As used in this paragraph, "torture" means the intentional
8 infliction of extreme mental anguish, or extreme psychological
9 or physical abuse, when committed in an especially depraved
10 manner.

11 (c) In addition to the sentence imposed under paragraph (a)
12 or (b), the person may also be sentenced to the payment of a
13 fine of not more than \$35,000."

14 Page 12, line 5, delete "(c)" and insert "(d)"

15 Amend the title as follows:

16 Page 1, line 3, after "first" insert "- and second-"

1 Senator moves to amend S.F. No. 1875 as follows:

2 Page 55, after line 6, insert:

3 "Sec. 12. [SUPREME COURT STUDY ON SEXUALLY DANGEROUS
4 PERSON AND SEXUAL PSYCHOPATHIC PERSONALITY CIVIL COMMITMENTS.]

5 Subdivision 1. [ESTABLISHMENT.] The Minnesota Supreme
6 Court is requested to study the following related to the civil
7 commitment of sexually dangerous persons and sexual psychopathic
8 personalities under Minnesota Statutes, section 253B.185:

9 (1) the development and use of a statewide panel of defense
10 attorneys to represent those persons after a commitment petition
11 is filed; and

12 (2) the development and use of a statewide panel of judges
13 to hear these petitions.

14 Subd. 2. [REPORT.] The Supreme Court shall report its
15 findings and recommendations to the chairs and ranking minority
16 members of the house of representatives and senate committees
17 and divisions having jurisdiction over criminal justice and
18 civil law policy and funding by February 1, 2006.

19 [EFFECTIVE DATE.] This section is effective the day
20 following final enactment."

21 Renumber the sections in sequence and correct the internal
22 references

23 Amend the title accordingly

1 Senator moves to amend S.F. No. 1875 as follows:

2 Page 35, after line 18, insert:

3 "Subd. 5a. [TEN-YEAR CONDITIONAL RELEASE FOR VIOLATIONS
4 COMMITTED BY LEVEL III OFFENDERS.] Notwithstanding the statutory
5 maximum sentence otherwise applicable to the offense or any
6 provision of the sentencing guidelines, when a court commits a
7 person to the custody of the commissioner of corrections for
8 violating subdivision 5 and, at the time of the violation, the
9 person was assigned to risk level III under section 244.052, the
10 court shall provide that after the person has completed the
11 sentence imposed, the commissioner shall place the person on
12 conditional release for ten years. The terms of conditional
13 release are governed by section 609.3455, subdivision 6."