

STATE OF MINNESOTA

IN SUPREME COURT

A24-0594

Court of Appeals

Thissen, J.
Concurring in part, dissenting in part,
McKeig, Moore, III, JJ.

Chad Loran Siegel,

Appellant,

vs.

Filed: August 19, 2026
Office of Appellate Courts

Drew Evans,

Respondent.

Bradford Colbert, Legal Assistance to Minnesota Prisoners, Saint Paul, Minnesota, for appellant.

Keith Ellison, Attorney General, Angela Helseth Kiese, Assistant Attorney General, Saint Paul, Minnesota, for respondent.

Cathryn Middlebrook, Chief Appellate Public Defender, William Ward, Minnesota State Public Defender, Saint Paul, Minnesota, for amicus curiae Minnesota Board of Public Defense.

S Y L L A B U S

Requiring a person to register as a predatory offender under Minnesota Statutes section 243.166, subdivision 1b(a)(1), based on a predatory offense for which the person was charged but subsequently acquitted by the district court's entry of a judgment of

acquittal at trial violates that person's substantive due process rights under the Minnesota Constitution.

Reversed and remanded.

O P I N I O N

THISSEN, Justice.

Minnesota's predatory-offender-registration statute, Minnesota Statutes section 243.166, subdivision 1b(a)(1), provides that a person who has been "charged with" one of the statute's enumerated predatory offenses and "convicted of" that offense or another offense "arising out of the same set of circumstances" must register as a predatory offender. Minnesota is or is close to unique in imposing predatory-offender registration on every person who has been charged with, but not convicted of, a statutorily enumerated predatory offense and who has been convicted of a non-predatory offense arising out of the same circumstances as the charged predatory offense.

Appellant Chad Loran Siegel was charged with two counts of kidnapping—a predatory offense under the predatory-offender-registration statute—as well as attempted second-degree murder and first-degree assault related to an incident where Siegel and accomplices beat victim J.A.L. The case went to trial. The trial court entered a judgment of acquittal on the kidnapping charges. The jury found Siegel not guilty of attempted second-degree murder but guilty of assault. Based on the kidnapping charge and the assault conviction—the latter of which is not an enumerated offense requiring registration under the predatory-offender-registration statute—the Minnesota Bureau of Criminal Apprehension (BCA) required Siegel to register as a predatory offender.

This case requires us to resolve whether a person who has been charged with an offense requiring registration as a predatory offender and acquitted of that offense by entry of a judgment of acquittal at trial, but convicted of another offense arising out of the same set of circumstances, must register under section 243.166, subdivision 1b(a)(1). We conclude that, under the Minnesota Constitution, requiring Siegel to register in such circumstances violates his right to substantive due process. Therefore, we reverse the decision of the court of appeals and remand to the court of appeals to address an issue it did not reach—whether Siegel’s claim is barred by the statute of limitations.

FACTS

The relevant facts in this case are not disputed. In April 2013, Siegel, several accomplices, and a witness met J.A.L. at a gas station in Superior, Wisconsin. Inside the vehicle, Siegel and his accomplices argued with J.A.L. and assaulted him. Siegel then drove to a street corner in Duluth where he and his accomplices removed J.A.L. from the car and beat him. Siegel and his accomplices initially left J.A.L. in the street, but they returned, put J.A.L. back into the car, and dropped him off at a residence in Superior. The occupants of the residence brought J.A.L. to the hospital, where doctors determined he had serious injuries.

On May 29, 2013, the State charged Siegel by amended complaint with one count of attempted second-degree murder, Minn. Stat. §§ 609.19, subd. 1(1), 609.17; one count of first-degree assault, Minn. Stat. § 609.221, subd. 1; and two counts of kidnapping,

Minn. Stat. § 609.25, subd. 1(2).¹ Kidnapping is a predatory offense under the predatory-offender-registration statute. *See* Minn. Stat. § 243.166, subd. 1b(a)(1)(ii). Siegel did not challenge probable cause for any counts in the complaint.

The matter proceeded to a jury trial. At the close of the State's case, Siegel moved for judgment of acquittal on the attempted-murder and kidnapping charges. The trial court denied Siegel's motion as to the attempted-murder charge but concluded there was insufficient evidence for a reasonable jury to find Siegel guilty of kidnapping and entered judgments of acquittal on both kidnapping charges.

The jury found Siegel guilty of first-degree assault and not guilty of second-degree attempted murder. The trial court convicted Siegel of first-degree assault. The court later sentenced Siegel for that offense and notified him that he was required to register as a predatory offender under the predatory-offender-registration statute.²

Siegel appealed his conviction and sentence but did not challenge the requirement that he register as a predatory offender. *State v. Siegel*, No. A14-0669, 2015 WL 1608762 (Minn. App. Apr. 13, 2015), *rev. denied* (Minn. June 16, 2015). The court of appeals affirmed the trial court. *Id.* at *6.

¹ The State originally charged Siegel with unintentional second-degree murder, in violation of Minnesota Statutes section 609.19, subdivision 2(1). It later filed an amended complaint that instead charged Siegel with intentional second-degree murder, in violation of Minnesota Statutes section 609.19, subdivision 1(1).

² The trial court incorrectly notified Siegel that he was required to register for life, rather than for a period of 10 years. *Compare* Minn. Stat. § 243.166, subd. 6(a) (setting forth circumstances requiring a 10-year registration period), *with id.*, subd. 6(d) (setting forth circumstances requiring a lifetime registration period).

In August 2022, Siegel sued respondent Drew Evans in his official capacity as the Superintendent of the BCA.³ Siegel argued that requiring him to register as a predatory offender based on the dismissed kidnapping charge was a violation of his procedural and substantive due process rights and that it violated the predatory-offender-registration statute. Siegel also argued that the predatory-offender-registration statute is an unconstitutional bill of attainder. Siegel brought suit under the United States and Minnesota Constitutions and 42 U.S.C. § 1983.

Siegel and the BCA filed cross-motions for summary judgment. The district court concluded that Siegel's claims were barred by the statute of limitations and granted the BCA's summary judgment motion. The district court also, however, stated that the trial court's judgment of acquittal on Siegel's kidnapping charges "necessarily acts as [a] collateral determination that the [kidnapping] charge was unsupported by probable cause." Consequently, the district court stated that if the statute of limitations did *not* bar Siegel's claim, it would conclude that Siegel's acquittal on the kidnapping charge barred the BCA, as a matter of law, from requiring Siegel to register as a predatory offender.

Siegel appealed the district court's decision. *Siegel v. Evans*, No. A24-0594, 2024 WL 4750882 (Minn. App. Nov. 12, 2024). The court of appeals affirmed the district court's grant of summary judgment. *Id.* at *5. In reaching its decision, the court of appeals declined to address whether Siegel brought his claim after the statute of

³ Although Siegel brought his suit against Evans in his official capacity as Superintendent of the BCA, because the parties generally refer to respondent as the BCA, we follow suit and refer to respondent as the BCA.

limitations expired. *Id.* at *2. Instead, the court of appeals concluded that Siegel’s acquittal on the kidnapping charge did not bar imposition of the registration requirement. *Id.* at *4–5.

ANALYSIS

We granted review “on the issue of whether the court of appeals erred by concluding that [Siegel] is required to register as a predatory offender ... because the district court entered a judgment of acquittal ... on the predatory offense [Siegel] was charged with.”⁴ Siegel argues that he need not register as a predatory offender under section 243.166 because the trial court entered a judgment of acquittal on the charge of kidnapping. Siegel also argues that, if section 243.166 requires registration in such circumstances, requiring him to register violates his right to substantive due process.⁵ For

⁴ As noted, the district court granted the BCA’s motion for summary judgment, in part, because Siegel’s claim was barred by the statute of limitations. Siegel appealed that decision. The court of appeals did not reach the statute of limitations question, instead concluding that Siegel’s claim failed on substantive grounds, i.e., registration is required under section 243.166. *Siegel*, 2024 WL 4750882, at *4–5. Although the State, in its response brief before us, raised the expiration of the limitations period as a separate ground for entering judgment against Siegel, that is not the question on which we granted review. The question on which we granted review is the question the court of appeals addressed—whether Siegel was required to register as a predatory offender under section 243.166—a question which the parties vigorously dispute and which we have jurisdiction to consider. Based on our resolution of that substantive issue, we remand to the court of appeals to consider the statute of limitations issue presented in Siegel’s initial appeal to that court.

⁵ Siegel makes two other arguments that we do not reach here. First, he claims that requiring him to register even though the trial court entered a judgment of acquittal on the kidnapping charges violates his procedural due process rights. Second, he maintains that to the extent the predatory-offender-registration statute requires a person who has been charged with, but not convicted of, a predatory offense to register as a predatory offender

the reasons stated below, we agree with Siegel’s substantive due process argument and so reverse the decision of the court of appeals. We remand to the court of appeals to address the district court’s determination that Siegel’s claim is nonetheless barred by the statute of limitations—an issue that the court of appeals did not reach. *See State v. Hill*, 23 N.W.3d 824, 837 (Minn. 2025) (“When we reverse a court of appeals decision and are confronted with questions the court of appeals did not reach, a remand may be appropriate.”).

A.

As a preliminary matter, the parties dispute whether section 243.166, subdivision 1b(a)(1), applies to Siegel. The statute provides that a person who has been “charged with” an enumerated predatory offense and “convicted of” that offense or another offense “arising out of the same set of circumstances” must register as a predatory offender. As relevant here, the statute provides:

A person shall register under this section if:

(1) the person was charged with ... a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of ... that offense or another offense arising out of the same set of circumstances:

...

(ii) kidnapping under section 609.25;

...

Minn. Stat. § 243.166, subd. 1b(a)(1).

such a requirement is unconstitutional on its face. Based on our resolution of the case, we need not and do not reach either of these issues.

Siegel argues that section 243.166, subdivision 1b(a)(1), does not require a person to register under circumstances where the trial court entered a judgment of acquittal on the charged predatory offense. He contends that after the trial court entered the judgment of acquittal on the kidnapping charges he was no longer “charged with” a predatory offense for purposes of section 243.166.

The BCA disagrees. The BCA argues that a person is “charged with” a predatory offense during the period it labels “the time of charging”—a period which includes pretrial proceedings but which ends when trial begins. Thus, according to the BCA, a person who is initially charged with a predatory offense but later prevails on a pretrial motion to dismiss the charge for lack of probable cause is not subject to registration. But because a judgment of acquittal occurs after the trial starts and the “time of charging” ends, the BCA requires that a person who is acquitted of a predatory offense by judgment of the trial court register if the person is convicted of another crime arising out of the same set of circumstances.

Even if we accept the BCA’s interpretation that the statute requires Siegel to register, we hold that requiring Siegel to register after the trial court entered a judgment of acquittal at trial on the predicate predatory offense violates the Minnesota Constitution’s substantive due process protections. Accordingly, we decline to resolve the statutory interpretation question and express no opinion on whether either party’s reading of the language of section 243.166, subdivision 1b(a)(1), is correct. We now explain the basis for our holding.

B.

First, we note that Siegel argues that section 243.166 is unconstitutional on its face and as applied to him. Because it is dispositive of this appeal, we focus on Siegel’s as-applied challenge to the statute.

1.

In considering whether a statute is unconstitutional as applied, we assess the statute “in the context of the specific circumstances presented” in the case. *See Rew v. Bergstrom*, 845 N.W.2d 764, 780 (Minn. 2014). Consistent with our prior holdings, because Siegel does not claim that requiring him to register under section 243.166 implicates one of his fundamental rights we apply the rational basis test to his claim. *See State v. Holloway*, 916 N.W.2d 338, 348 (Minn. 2018) (applying rational basis review because Holloway’s claim did not implicate a fundamental right); *Boutin v. LaFleur*, 591 N.W.2d 711, 717 (Minn. 1999) (holding that the predatory-offender-registration statute requiring that a person “charged with”—but not convicted of—a predatory offense, but convicted of another offense arising out of the same circumstances, must register as a predatory offender does not implicate a person’s fundamental right to the presumption of innocence); *Werlich v. Schnell*, 958 N.W.2d 354, 370–73 (Minn. 2021) (holding that the section 243.166, subdivision 1b (2020), requirement that a person “charged with”—but not convicted of—a predatory offense, but convicted of another offense arising out of the same circumstances, must register as a predatory offender does not implicate a person’s fundamental right to parent his child or fundamental right to liberty by making the person ineligible for the challenge release program).

The Minnesota Constitution provides that the government shall not deprive a person of “life, liberty or property without due process of law.” Minn. Const. art. I, § 7. Our holding in this case is based on the Due Process Clause of the Minnesota Constitution and our court’s due process case law separately and independently from the United States Constitution, as well as our understanding of the predatory-offender-registration statute, including its origins and evolution.

In assessing whether a statute violates substantive due process, “we must reconcile our fundamental constitutional commitment that generally people should be allowed to go about their business without government interference with the broadly recognized understanding that, at times, the government must intervene to protect the interests of others and the common good.” *Fletcher Props., Inc. v. City of Minneapolis*, 947 N.W.2d 1, 10 (Minn. 2020). Under our rational basis review, determining how to strike that balance turns on three basic questions.

First, is the objective of the law permissible—i.e., does the law serve a public purpose that is within the Legislature’s power to enact? *Id.* Second, could the Legislature rationally believe that the mechanism it chose would help achieve the legislative goal or mitigate the harm the legislation seeks to address? *Id.* Notably, the mechanism need not be the best or most exact mechanism to achieve its purpose—it must only be a “reasonable method.” *Id.* Third, did the Legislature act arbitrarily or capriciously in enacting the law? Among other considerations, we evaluate whether the rule the Legislature established arose from a reasoned, deliberative process or, instead, is the result of chance, whim, or impulse. We also consider whether the law provides a

sufficiently definite standard that the obligations of those subject to the law, and the authority of those who must enforce the law, are clear. *Id.* at 10–11.

Ultimately, we must assess whether the Legislature, based on the facts presented to it and those of which we may take judicial notice, could have conceived that the rule would help accomplish a public purpose and that the mechanism would accomplish that purpose without being arbitrary and capricious. *Id.* at 10, 11 (citing *Boutin*, 591 N.W.2d at 717–18; *Miller Brewing Co. v. State*, 284 N.W.2d 353, 356 (Minn. 1979); *Minnesota v. Clover Leaf Creamery Co.*, 449 U.S. 456, 464 (1981); *Contos v. Herbst*, 278 N.W.2d 732, 742 (Minn. 1979)). We also make this assessment with awareness that Minnesota is unique—or nearly unique—among the 50 states in imposing predatory-offender registration on every person who has been charged with, but not convicted of, a statutorily named predatory offense and who has been convicted of a non-predatory offense arising out of the same circumstances as the charged predatory offense. *See State v. Berry*, 959 N.W.2d 184, 187 n.3 (Minn. 2021). Because this is an as-applied challenge, we now make this assessment based on the specific circumstances presented—requiring a person to register as a predatory offender after a trial court has entered a judgment of acquittal on the predatory offense that forms the basis for the registration requirement. We turn to that question.

2.

The predatory-offender-registration statute explicitly identifies a limited set of offenses that require registration for public safety purposes. Minn. Stat. § 243.166, subd. 1b(a)–(b). Kidnapping (the charge on which the trial court ordered acquittal) is such

an offense; assault (the charge of conviction) is not. *Id.* The purposes of the general requirement that a person must register as a predatory offender if they are (1) convicted of a predatory offense or (2) “charged with,” but not convicted of a predatory offense and later convicted of another offense arising out of the same circumstances, are twofold and related. First, the registration requirement is “an expression of a policy statement— ‘society has the right to know of predatory offenders’ presence ... in order to protect itself.’ ” *Kaiser v. State*, 641 N.W.2d 900, 905 (Minn. 2002) (brackets omitted) (quoting *Doe v. Poritz*, 662 A.2d 367, 373 (N.J. 1995)).⁶ Second, the manner in which “the predatory offender law seeks to increase public safety [is] by requiring a specific class of offenders to provide information to law enforcement authorities to assist in keeping track of them.” *Id.* at 906. Accordingly, in *Boutin v. LaFleur*, we determined that “[k]eeping a list of such offenders is rationally related to the legitimate state interest of solving crimes.” 591 N.W.2d at 718.

⁶ Siegel’s status as a predatory offender may not be disclosed to the general public unless Siegel remains out of compliance with the predatory-offender-registration statute for 30 days or longer, Minn. Stat. § 243.166, subd. 7a(a), for community notification in limited circumstances under Minnesota Statutes section 244.052, and to certain health care, home care, and hospice service providers described in Minnesota Statutes section 243.166, subdivision 4b. Minn. Stat. § 243.166, subd. 7. Otherwise, the predatory-offender-registration information may be used only for law enforcement purposes, investigations, and family assessments under Minnesota Statutes chapter 260, maintaining the registered-predatory-offender database under Minnesota Statutes section 299C.093, Department of Human Services background checks under Minnesota Statutes chapter 245C, and by the Direct Care and Treatment executive board for purposes described in Minnesota Statutes section 246.13, subdivision 2(b). Minn. Stat. § 243.166, subd. 7.

Logically implicit in this conclusion, but left unstated in *Boutin*, is our acceptance that the predatory-offender-registration statute is a rational mechanism to achieve the public safety goal of assisting law enforcement in investigating and solving crimes. The Legislature expressly limited the registration requirement to persons involved in statutorily designated offenses—not every person charged with a criminal offense. This evinces a narrow focus on the public safety benefit of a registry tracking these individuals specifically because the Legislature understood at the time that those who committed statutorily designated offenses were likely to reoffend. And, indeed, the history of the adoption of section 243.166 bears out this narrow focus. For instance, the Minnesota Task Force on Missing Children Report that prompted enactment of the predatory-offender-registration statute in the wake of Jacob Wetterling’s high-profile kidnapping and disappearance recommended creating a predatory-offender registry because “[s]ex offenders typically have a high rate of recidivism. For investigatory and safety reasons, law enforcement agencies must know where sex offenders reside.” *Governor’s Task Force on Missing Children Final Report* 6 (1991).⁷ As we observed in *State v. Lopez*, in the original predatory-offender-registration statute passed in 1991, the Legislature mandated registration *only* for persons *convicted* of statutorily named predatory offenses. 778 N.W.2d 700, 704 (Minn. 2010). This is consistent with the Legislature’s purpose of

⁷ For further background on the initial enactment of section 243.166, see Stacy L. Bettison, *The New Scarlet Letter: Is Minnesota’s Predatory Offender Registry Helping or Hurting?*, Bench & Bar of Minnesota, Dec. 2019, at 17; Wayne A. Logan, *Jacob’s Legacy: Sex Offenders Registration and Community Notification Laws, Practice, and Procedure in Minnesota*, 29 Wm. Mitchell L. Rev. 1287, 1290–94 (2003).

creating a registry of those who commit statutorily defined predatory offenses because of the then-current understanding that such offenders are likely to recommit such offenses. In 1993, the Legislature amended the law specifically “to ensure that true predatory offenders cannot plead out of the registration requirements.” *Id.* To accomplish this purpose, the Legislature expanded the predatory-offender-registration statute to include individuals who were charged with—but not convicted of—predatory offenses but were instead convicted of offenses arising out of the same circumstances as the charged predatory offenses. *Id.* at 704–05.

In *Boutin*, we rejected an as-applied substantive due process constitutional challenge to the registration requirement in the precise context the Legislature envisioned when it amended and expanded the statute in 1993. 591 N.W.2d at 718. Boutin was charged with two counts of third-degree criminal sexual conduct (a listed predatory offense), one count of third-degree assault, and one count of fifth-degree assault. *Id.* at 713. He pleaded guilty to third-degree assault, and the remaining charges were dismissed. *Id.* The district court imposed an upward-durational-departure sentence because Boutin agreed that aggravating circumstances existed, including the fact that he had “sexual intercourse with [the complainant] after assaulting her and inflicting substantial bodily harm.” *Id.* at 714; *see also id.* at 714 n.1 (citing *State v. Boutin*, No. C8-95-1708, 1996 WL 56505, at *2 (Minn. App. Feb. 13, 1996)) (upholding the departure because “taking advantage of the victim’s weakened physical state, by having sexual relations with her immediately after inflicting substantial bodily harm, was an act of particular cruelty”).

Before he was released from confinement, Boutin’s case manager informed him he was required to register as a predatory offender under section 243.166. *Id.* at 714. Boutin did so but then sued the Commissioner of Corrections, arguing that the requirement was unconstitutional as applied to him. *Id.* We upheld the statute *as applied to Boutin* because keeping a list of offenders who were charged with predatory offenses, but who later entered guilty pleas to non-predatory offenses arising out of the same sets of circumstances in exchange for dismissal of the predatory charges, “is rationally related to the legitimate state interest of solving crimes.” *Id.* at 718. By so doing, we rejected Boutin’s argument that including persons not actually convicted of predatory offenses would undermine the registry’s purpose by diluting the list and minimizing law enforcement’s effectiveness. *Id.*

In *Boutin*, we recognized that assisting law enforcement in investigating predatory offenses by tracking predatory offenders’ (those likely to reoffend’s) whereabouts and preventing such offenders from avoiding registration by plea agreement are permissible public purposes within the Legislature’s power. Our *Boutin* opinion further concluded that the predatory-offender-registration mechanism—requiring a person to register if they were charged with a predatory offense but agreed to plead guilty to a different charge in exchange for dismissal of the predatory charge—is a reasonable means of achieving those purposes. *Id.*

The posture of this case, however, does not lead to the same conclusion. The district court in *Boutin* was not asked to consider the impact of a judgment of *acquittal* on a predatory offense charge. *Id.* at 714; *see also Lopez*, 778 N.W.2d at 703 (stating that “a

person may be charged with a crime only where there is probable cause to believe that the person is guilty”). Therefore, *Boutin* does not resolve the specific as-applied challenge before us now. *Cf. Werlich*, 958 N.W.2d at 362 (concluding that we were “not necessarily bound by *Boutin* to reach the same conclusion [on Werlich’s as-applied substantive due process claim] as we did in that case”).

We conclude that the Legislature could not rationally believe that a statute adopting the State’s interpretation requiring a person to register as a predatory offender when the district court entered a judgment of acquittal at trial on the offense that forms the basis for the registration will help achieve the goals and mitigate the harms the Legislature sought to address through the predatory-offender registry. First, requiring a person, like Siegel, who has been acquitted of a predicate predatory offense through a judgment of acquittal at trial to register does nothing to address the harm that occurs by allowing a person charged with a predatory offense to avoid registration through a plea bargain. While a bargained guilty plea prevents any determination of whether a defendant committed a charged predatory offense, the trial court in this case affirmatively determined that no reasonable jury could find Siegel guilty of the predatory offense of kidnapping. As the United States Supreme Court has observed, an acquittal may reflect a “determination that the defendant is innocent of the crime charged” *McElrath v. Georgia*, 601 U.S. 87, 94 (2024); *see also State v. Wakefield*, 278 N.W.2d 307, 308 (Minn. 1979) (stating that while an acquittal does not necessarily signify innocence, it remains “a basic tenet of our jurisprudence that once the state has mustered its evidence against a defendant and failed, the matter is done,” and “[i]n the eyes of the law the

acquitted defendant is to be treated as innocent”). This understanding of the meaning of an acquittal carries particular weight when the trial court acquits a defendant as a matter of law through entry of a judgment of acquittal at trial.⁸

For similar reasons, the predatory-offender-registration statute’s legislative history does not support a rational belief that requiring a person who is acquitted of a predatory offense through entry of a judgment of acquittal to register would achieve the purpose of assisting law enforcement to investigate and solve predatory offenses. In enacting the predatory-offender-registration statute, the Legislature had before it no facts—and the BCA offers none to us—showing that persons who commit crimes not included in the predatory-offender-registration statute have a propensity to commit statutorily defined predatory offenses in the future. This explains why the Legislature initially limited registration to persons convicted of statutorily defined predatory offenses. We do not independently perceive, based on facts of which we may take notice, a rational basis for believing that requiring a person who has received a judgment of acquittal on the predatory offense that triggers a predatory-offender registration will assist law enforcement in investigating and solving predatory offenses. *See Fletcher Props.*, 947 N.W.2d at 11. Any perceived connection between the propensity of a person who has been charged with a predatory offense to reoffend and a person who has been charged

⁸ A defendant may also be found not guilty by a jury or acquitted by a district court after a guilty verdict. Based on the procedural posture of this case, we need not address, and do not express any opinion on, whether requiring a person to register as a predatory offender after a not-guilty jury verdict or a post-trial judgment of acquittal violates the substantive due process clause.

with, *but acquitted of*, a predatory offense by judgment of acquittal is too attenuated to survive constitutional scrutiny based on the facts in the legislative record and those of which we may take judicial notice.⁹

In concluding that section 243.166, subdivision 1b(a), is unconstitutional as applied to Siegel, we also observe that applying the predatory-registration requirement to persons who have been acquitted of a predicate predatory offense at trial by entry of a judgment of acquittal as the State’s interpretation requires would be more the result of “chance, whim, or impulse” than the result of a “reasoned, deliberative” legislative process and, as such, is arbitrary and capricious. *See Fletcher Props.*, 947 N.W.2d at 10. Nothing suggests that the Legislature considered—or had any facts before it to support—whether expanding the statute’s requirement to register to persons *acquitted* of a predicate predatory offense at trial by entry of a judgment of acquittal would address the concerns underlying the law or that we have identified. The BCA provides us with no such evidence. A mechanism the Legislature chooses to solve one problem may constitutionally “sweep in and burden more people than absolutely required to achieve

⁹ In *Boutin*, we determined that requiring a person to register as a predatory offender in situations where the person avoided facing a predatory-offense conviction through a plea bargain did not violate the constitution. 591 N.W.2d at 713–14, 717–18. But the facts in *Boutin* fit precisely with the purpose served by the Legislature’s expansion of the predatory-offender-registration statute to persons who have not been convicted of a predatory offense—stopping persons facing predatory-offense convictions from evading registration through plea bargains. *Lopez*, 778 N.W.2d at 704–05. Unlike this case, no court determined that there was insufficient evidence that Boutin committed the predatory offense charged. Moreover, Boutin admitted that he had sexual intercourse with his victim after assaulting her and inflicting substantial bodily harm. *Boutin*, 591 N.W.2d at 714, 714 n.1.

the legislative purpose,” *id.* at 13, when the “ ‘expense and other difficulties of individual determinations justif[y] the inherent imprecision of a prophylactic rule,’ ” *id.* at 13–14 (quoting *Weinberger v. Salfi*, 422 U.S. 749, 777 (1975)). But in Minnesota that principle is limited by the constitutional impermissibility of arbitrary and capricious adverse consequences that the Legislature never considered on an individual who falls outside the rational scope of the Legislature’s purposes when enacting the statute.

Moreover, the Legislature’s decision that a person convicted of a non-enumerated offense (here, first-degree assault) generally is not subject to registration demonstrates a legislative determination that such a person does not pose a sufficient risk of reoffending to require registration for public safety reasons. To require a person convicted solely of that same non-enumerated offense to register for public safety purposes after having a judgment of acquittal entered on an enumerated offense is also arbitrary.

Finally, our decision is informed by the fact that Minnesota already goes beyond what other states, in their individual legislative judgments, have found to be fair and reasonable. Even under rational basis review, this warrants caution in extending our constitutional sanction of this statute to applications beyond those we permitted in *Boutin*.

CONCLUSION

For the foregoing reasons, we reverse the decision of the court of appeals that Siegel is required to register as a predatory offender under Minnesota Statutes

section 243.166, subdivision 1b(a)(1), and we remand to the court of appeals to determine whether Siegel's claim is barred by the statute of limitations.

Reversed and remanded.

CONCURRENCE & DISSENT

MCKEIG, Justice (concurring in part and dissenting in part).

The district court notified Chad Siegel of his obligation to register as a predatory offender under Minn. Stat. § 243.166, subd. 1b, when the court sentenced Siegel in February 2014. Siegel filed the complaint challenging this registration requirement in January 2023, well over the applicable six-year statute of limitations. While I concur with the court's constitutional analysis and conclusion, I dissent from the court's decision to reach the merits of Siegel's constitutional claim rather than resolve the case based on the statute of limitations.

Whether the statute of limitations bars Siegel's claim is properly before us. The district court analyzed the issue, found that Siegel filed his claim after the applicable statute of limitations expired, and granted the BCA's summary judgment motion on this basis. *See Thiele v. Stich*, 425 N.W.2d 580, 582 (Minn. 1998) ("A reviewing court must generally consider only those issues that the record shows were presented and considered by the trial court in deciding the matter before it." (citation omitted) (internal quotation marks omitted)). Additionally, both parties presented arguments on the statute-of-limitations issue in their briefing and oral argument before us. *See Nicollet Restoration, Inc. v. City of St. Paul*, 533 N.W.2d 845, 848 n.6 (Minn. 1995) (noting an issue was properly before us because "[b]oth parties argued the issue before the trial court and fully briefed and argued it to this court").

Our precedent instructs that "[w]e do not reach constitutional issues if there is an alternative path to resolving the case." *Byington v. State*, 981 N.W.2d 193, 198 (Minn.

2022); *see also State v. Bourke*, 718 N.W.2d 922, 926 (Minn. 2006) (“[O]ur general practice is to avoid a constitutional ruling if there is another basis on which a case can be decided.” (citation omitted) (internal quotation marks omitted)). To decide a constitutional question unnecessarily is “to indulge in an advisory opinion,” and “we do not issue advisory opinions” or “decide cases merely to establish precedent.” *State v. North Star Res. & Dev. Inst.*, 200 N.W.2d 410, 425 (Minn. 1972); *Schowalter v. State*, 822 N.W.2d 292, 298 (Minn. 2012) (citation omitted) (internal quotation marks omitted). Today, the court issues such an advisory opinion without explaining its departure from this well-established constitutional avoidance doctrine.

We can, and therefore should, resolve this case on a non-constitutional basis: the statute of limitations unambiguously bars Siegel’s claim. The applicable statute of limitations period here is six years. *See Franklin v. Evans*, 992 N.W.2d 379, 385 (Minn. 2023) (applying the six-year statute of limitations under Minn. Stat. § 541.05, subd. 1(5), to the appellant’s section 1983 claim challenging the predatory registration requirement). For statute-of-limitations purposes, a cause of action challenging the predatory registration requirement accrues when the person subject to the requirement “was first required to register as a predatory offender.” *Id.* at 387. Siegel was first required to register as a predatory offender in February 2014. He did not file this claim until January 2023, well over the six-year deadline. The statute of limitations thus bars Siegel’s claim, and our precedent instructs that we decide this case on statute of limitations grounds rather than issue an advisory opinion as to the predatory offender registration statute’s constitutionality.

Accordingly, although I agree with the court's constitutional analysis and conclusion, I would resolve this case on the statute-of-limitations issue and avoid considering Siegel's constitutional claim.

MOORE, III, Justice (concurring in part and dissenting in part).

I join in the concurrence and dissent of Justice McKeig.