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State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 2355

05/16/2015

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The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1

A bill for an act

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relating to public safety; creating the Safe Harbor Act; repealing certain

1.3

penalties for prostitutes; amending Minnesota Statutes 2014, section 609.3243;

1.4

repealing Minnesota Statutes 2014, sections 609.324, subdivisions 6, 7; 609.325,

1.5

subdivision 4.

1.6

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

1.7

Section 1. Minnesota Statutes 2014, section 609.3243, is amended to read:

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609.3243 LOITERING WITH INTENT TO PARTICIPATE IN

1.9

PROSTITUTION.

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A person, while acting other than as a prostitute, who loiters in a public place with

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intent to participate in prostitution is guilty of a misdemeanor.

1.12

Sec. 2. **REPEALER.**

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Minnesota Statutes 2014, sections 609.324, subdivisions 6 and 7; and 609.325,

1.14

subdivision 4, are repealed.

609.324 PATRONS; PROSTITUTES; HOUSING INDIVIDUALS ENGAGED IN PROSTITUTION; PENALTIES.

Subd. 6. **Prostitution in public place; penalty for prostitutes.** Whoever, while acting as a prostitute, intentionally does any of the following while in a public place is guilty of a gross misdemeanor:

- (1) engages in prostitution with an individual 18 years of age or older; or
- (2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age or older to engage in sexual penetration or sexual contact.

Subd. 7. **General prostitution crimes; penalties for prostitutes.** (a) Whoever, while acting as a prostitute, intentionally does any of the following is guilty of a misdemeanor:

- (1) engages in prostitution with an individual 18 years of age or older; or
- (2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age or older to engage in sexual penetration or sexual contact.

(b) Whoever violates the provisions of this subdivision within two years of a previous prostitution conviction for violating this section or section 609.322 is guilty of a gross misdemeanor.

609.325 DEFENSES.

Subd. 4. **Affirmative defense.** It is an affirmative defense to a charge under section 609.324 if the defendant proves by a preponderance of the evidence that the defendant is a labor trafficking victim, as defined in section 609.281, or a sex trafficking victim, as defined in section 609.321, and that the defendant committed the act only under compulsion by another who by explicit or implicit threats created a reasonable apprehension in the mind of the defendant that if the defendant did not commit the act, the person would inflict bodily harm upon the defendant.