

State of Minnesota

HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 889

- 02/16/2015 Authored by Hilstrom, O'Neill, Franson, Newton, Uglem and others
The bill was read for the first time and referred to the Committee on Public Safety and Crime Prevention Policy and Finance
- 03/12/2015 Adoption of Report: Placed on the General Register
Read Second Time
- 03/23/2015 Calendar for the Day
Read Third Time
By motion, re-referred to the Committee on Public Safety and Crime Prevention Policy and Finance

1.1 A bill for an act
 1.2 relating to public safety; expanding the offense of fifth degree criminal sexual
 1.3 conduct; creating the crime of adulteration by bodily fluid; amending Minnesota
 1.4 Statutes 2014, sections 243.166, subdivision 1b; 609.3451, subdivision 1;
 1.5 proposing coding for new law in Minnesota Statutes, chapter 609.

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

1.7 Section 1. Minnesota Statutes 2014, section 243.166, subdivision 1b, is amended to read:

1.8 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

1.9 (1) the person was charged with or petitioned for a felony violation of or attempt to
 1.10 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
 1.11 of or adjudicated delinquent for that offense or another offense arising out of the same
 1.12 set of circumstances:

1.13 (i) murder under section 609.185, paragraph (a), clause (2);

1.14 (ii) kidnapping under section 609.25;

1.15 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345;
 1.16 609.3451, subdivision 3; or 609.3453; or

1.17 (iv) indecent exposure under section 617.23, subdivision 3;

1.18 (2) the person was charged with or petitioned for a violation of, or attempt to
 1.19 violate, or aiding, abetting, or conspiring to commit criminal abuse in violation of section
 1.20 609.2325, subdivision 1, paragraph (b); false imprisonment in violation of section
 1.21 609.255, subdivision 2; solicitation, inducement, or promotion of the prostitution of a
 1.22 minor or engaging in the sex trafficking of a minor in violation of section 609.322; a
 1.23 prostitution offense involving a minor under the age of 13 years in violation of section
 1.24 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual conduct in
 1.25 violation of section 609.352, subdivision 2 or 2a, clause (1); adulteration by bodily fluid in

2.1 violation of section 609.688, subdivision 2, paragraph (c) or (d); using a minor in a sexual
2.2 performance in violation of section 617.246; or possessing pornographic work involving a
2.3 minor in violation of section 617.247, and convicted of or adjudicated delinquent for that
2.4 offense or another offense arising out of the same set of circumstances;

2.5 (3) the person was sentenced as a patterned sex offender under section 609.3455,
2.6 subdivision 3a; or

2.7 (4) the person was charged with or petitioned for, including pursuant to a court
2.8 martial, violating a law of the United States, including the Uniform Code of Military Justice,
2.9 similar to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated
2.10 delinquent for that offense or another offense arising out of the same set of circumstances.

2.11 (b) A person also shall register under this section if:

2.12 (1) the person was charged with or petitioned for an offense in another state that
2.13 would be a violation of a law described in paragraph (a) if committed in this state and
2.14 convicted of or adjudicated delinquent for that offense or another offense arising out
2.15 of the same set of circumstances;

2.16 (2) the person enters this state to reside, work, or attend school, or enters this state
2.17 and remains for 14 days or longer; and

2.18 (3) ten years have not elapsed since the person was released from confinement
2.19 or, if the person was not confined, since the person was convicted of or adjudicated
2.20 delinquent for the offense that triggers registration, unless the person is subject to a longer
2.21 registration period under the laws of another state in which the person has been convicted
2.22 or adjudicated, or is subject to lifetime registration.

2.23 If a person described in this paragraph is subject to a longer registration period
2.24 in another state or is subject to lifetime registration, the person shall register for that
2.25 time period regardless of when the person was released from confinement, convicted, or
2.26 adjudicated delinquent.

2.27 (c) A person also shall register under this section if the person was committed
2.28 pursuant to a court commitment order under Minnesota Statutes 2012, section 253B.185,
2.29 chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state
2.30 or the United States, regardless of whether the person was convicted of any offense.

2.31 (d) A person also shall register under this section if:

2.32 (1) the person was charged with or petitioned for a felony violation or attempt to
2.33 violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another
2.34 state or the United States, or the person was charged with or petitioned for a violation of
2.35 any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or
2.36 the United States;

3.1 (2) the person was found not guilty by reason of mental illness or mental deficiency
 3.2 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
 3.3 states with a guilty but mentally ill verdict; and

3.4 (3) the person was committed pursuant to a court commitment order under section
 3.5 253B.18 or a similar law of another state or the United States.

3.6 Sec. 2. Minnesota Statutes 2014, section 609.3451, subdivision 1, is amended to read:

3.7 Subdivision 1. **Crime defined.** A person is guilty of criminal sexual conduct
 3.8 in the fifth degree:

3.9 (1) if the person engages in nonconsensual sexual contact; or

3.10 (2) the person engages in masturbation or lewd exhibition of the genitals in the
 3.11 presence of a minor under the age of 16, knowing or having reason to know the minor
 3.12 is present.

3.13 For purposes of this section, "sexual contact" has the meaning given in section
 3.14 609.341, subdivision 11, paragraph (a), clauses (i) ~~and~~ (iv), and (v), but does not include
 3.15 the intentional touching of the clothing covering the immediate area of the buttocks.
 3.16 Sexual contact also includes the intentional removal or attempted removal of clothing
 3.17 covering the complainant's intimate parts or undergarments, and the nonconsensual
 3.18 touching by the complainant of the actor's intimate parts, effected by the actor, if the action
 3.19 is performed with sexual or aggressive intent.

3.20 Sec. 3. **[609.688] ADULTERATION BY BODILY FLUID.**

3.21 Subdivision 1. **Definition.** (a) As used in this section, the terms have the meanings
 3.22 given.

3.23 (b) "Adulteration" is the intentional adding of a bodily fluid to a substance.

3.24 (c) "Bodily fluid" means the blood, seminal fluid, vaginal fluid, saliva, urine, or
 3.25 feces of a human.

3.26 Subd. 2. **Crime.** (a) Whoever adulterates any substance that the person knows or
 3.27 should know is intended for human consumption is guilty of a misdemeanor.

3.28 (b) Whoever violates paragraph (a) and another person ingests the adulterated
 3.29 substance without knowledge of the adulteration is guilty of a felony and may be
 3.30 sentenced to imprisonment for not more than two years or to payment of a fine of not
 3.31 more than \$10,000, or both.

3.32 (c) Whoever violates paragraph (b) with the intent to arouse or gratify the sexual
 3.33 desire of any person is guilty of a felony and may be sentenced to imprisonment for not
 3.34 more than five years or to payment of a fine of not more than \$20,000, or both.

4.1 (d) Whoever violates paragraph (c) and the victim is a child is guilty of a felony
4.2 and may be sentenced to imprisonment for not more than ten years or to payment of
4.3 a fine of not more than \$40,000, or both.