

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 1895

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DATE	D-PG	OFFICIAL STATUS
03/08/2017	1180	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
03/15/2017	1491	Author added Ingebrigtsen
03/16/2017	1545	Authors added Relph; Anderson, B.

- 1.1 A bill for an act
- 1.2 relating to public safety; eliminating stays of adjudication and stays of imposition
- 1.3 in criminal sexual conduct cases; requiring sex offenders to serve lifetime
- 1.4 conditional release or probation; establishing intensive probation for certain sex
- 1.5 offenders; increasing penalties for child pornography offenses; creating mandatory
- 1.6 minimum sentences; directing the Sentencing Guidelines Commission to modify
- 1.7 the sex offender grid; amending Minnesota Statutes 2016, sections 244.195,
- 1.8 subdivision 1; 253D.22; 401.01, subdivision 2; 609.095; 609.135, subdivision 1;
- 1.9 609.2231, subdivision 3a; 609.342, subdivision 2, by adding a subdivision; 609.343,
- 1.10 subdivision 2, by adding a subdivision; 609.344, subdivision 2, by adding a
- 1.11 subdivision; 609.345, subdivision 2, by adding a subdivision; 609.3451, subdivision
- 1.12 3; 609.3455, subdivisions 7, 8, by adding subdivisions; 617.246, subdivision 7,
- 1.13 by adding a subdivision; 617.247, subdivisions 3, 4, by adding a subdivision;
- 1.14 repealing Minnesota Statutes 2016, sections 609.342, subdivision 3; 609.343,
- 1.15 subdivision 3; 609.344, subdivision 3; 609.345, subdivision 3; 609.3455,
- 1.16 subdivision 6.
- 1.17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.18 Section 1. Minnesota Statutes 2016, section 244.195, subdivision 1, is amended to read:
- 1.19 Subdivision 1. **Definitions.** (a) As used in this subdivision, the following terms have
- 1.20 the meanings given them.
- 1.21 (b) "Commissioner" means the commissioner of corrections.
- 1.22 (c) "Conditional release" means parole, supervised release, conditional release as
- 1.23 authorized by section 609.3455, subdivision ~~6~~, 7, or 8; Minnesota Statutes 2004, section
- 1.24 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
- 1.25 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
- 1.26 any other authorized temporary release from a correctional facility.

2.1 (d) "Court services director" means the director or designee of a county probation agency
2.2 that is not organized under chapter 401.

2.3 (e) "Detain" means to take into actual custody, including custody within a local
2.4 correctional facility.

2.5 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision
2.6 1.

2.7 (g) "Release" means to release from actual custody.

2.8 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
2.9 committed on or after that date.

2.10 Sec. 2. Minnesota Statutes 2016, section 253D.22, is amended to read:

2.11 **253D.22 TRANSFER TO CORRECTIONAL FACILITY.**

2.12 (a) If a person has been committed under this chapter and later is committed to the
2.13 custody of the commissioner of corrections for any reason, including but not limited to,
2.14 being sentenced for a crime or revocation of the person's supervised release or conditional
2.15 release under section 244.05; 609.3455, subdivision ~~6~~, 7; or 8; Minnesota Statutes 2004,
2.16 section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision
2.17 7, the person shall be transferred to a facility designated by the commissioner of corrections
2.18 without regard to the procedures provided in section 253D.29, subdivision 1.

2.19 (b) If a person is committed under this chapter after a commitment to the commissioner
2.20 of corrections, the person shall first serve the sentence in a facility designated by the
2.21 commissioner of corrections. After the person has served the sentence, the person shall be
2.22 transferred to a treatment program designated by the commissioner of human services.

2.23 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
2.24 committed on or after that date.

2.25 Sec. 3. Minnesota Statutes 2016, section 401.01, subdivision 2, is amended to read:

2.26 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following
2.27 terms have the meanings given them.

2.28 (b) "CCA county" means a county that participates in the Community Corrections Act.

2.29 (c) "Commissioner" means the commissioner of corrections or a designee.

3.1 (d) "Conditional release" means parole, supervised release, conditional release as
3.2 authorized by section 609.3455, subdivision ~~6~~, 7, or 8; Minnesota Statutes 2004, section
3.3 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
3.4 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
3.5 any other authorized temporary release from a correctional facility.

3.6 (e) "County probation officer" means a probation officer appointed under section 244.19.

3.7 (f) "Detain" means to take into actual custody, including custody within a local
3.8 correctional facility.

3.9 (g) "Joint board" means the board provided in section 471.59.

3.10 (h) "Local correctional facility" has the meaning given in section 241.021, subdivision
3.11 1.

3.12 (i) "Local correctional service" means those services authorized by and employees,
3.13 officers, and agents appointed under section 244.19, subdivision 1.

3.14 (j) "Release" means to release from actual custody.

3.15 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
3.16 committed on or after that date.

3.17 Sec. 4. Minnesota Statutes 2016, section 609.095, is amended to read:

3.18 **609.095 LIMITS OF SENTENCES.**

3.19 (a) The legislature has the exclusive authority to define crimes and offenses and the
3.20 range of the sentences or punishments for their violation. No other or different sentence or
3.21 punishment shall be imposed for the commission of a crime than is authorized by this chapter
3.22 or other applicable law.

3.23 (b) Except as provided in section 152.18 or 609.375, or upon agreement of the parties
3.24 in a case that does not include a charge for violating section 243.166, 609.342, 609.343,
3.25 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, a court may not refuse to adjudicate
3.26 the guilt of a defendant who tenders a guilty plea in accordance with Minnesota Rules of
3.27 Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a
3.28 trial.

3.29 (c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

3.30 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
3.31 committed on or after that date.

4.1 Sec. 5. Minnesota Statutes 2016, section 609.135, subdivision 1, is amended to read:

4.2 Subdivision 1. **Terms and conditions.** (a) Except when a sentence of life imprisonment
4.3 is required by law, or when a mandatory minimum sentence is required by section 609.11,
4.4 or as provided in paragraph (e), any court may stay imposition or execution of sentence
4.5 and:

4.6 (1) may order intermediate sanctions without placing the defendant on probation; or

4.7 (2) may place the defendant on probation with or without supervision and on the terms
4.8 the court prescribes, including intermediate sanctions when practicable. The court may order
4.9 the supervision to be under the probation officer of the court, or, if there is none and the
4.10 conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in
4.11 any case by some other suitable and consenting person. Unless the court directs otherwise,
4.12 state parole and probation agents and probation officers may impose community work
4.13 service or probation violation sanctions, consistent with section 243.05, subdivision 1;
4.14 sections 244.196 to 244.199; or 401.02, subdivision 5.

4.15 No intermediate sanction may be ordered performed at a location that fails to observe
4.16 applicable requirements or standards of chapter 181A or 182, or any rule promulgated under
4.17 them.

4.18 (b) For purposes of this subdivision, subdivision 6, and section 609.14, the term
4.19 "intermediate sanctions" includes but is not limited to incarceration in a local jail or
4.20 workhouse, home detention, electronic monitoring, intensive probation, sentencing to service,
4.21 reporting to a day reporting center, chemical dependency or mental health treatment or
4.22 counseling, restitution, fines, day-fines, community work service, work service in a restorative
4.23 justice program, work in lieu of or to work off fines and, with the victim's consent, work in
4.24 lieu of or to work off restitution.

4.25 (c) A court may not stay the revocation of the driver's license of a person convicted of
4.26 violating the provisions of section 169A.20.

4.27 (d) If the court orders a fine, day-fine, or restitution as an intermediate sanction, payment
4.28 is due on the date imposed unless the court otherwise establishes a due date or a payment
4.29 plan.

4.30 (e) A court may not stay imposition of a sentence for a felony violation of section
4.31 243.166, 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

4.32 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
4.33 committed on or after that date.

5.1 Sec. 6. Minnesota Statutes 2016, section 609.2231, subdivision 3a, is amended to read:

5.2 Subd. 3a. **Secure treatment facility personnel.** (a) As used in this subdivision, "secure
5.3 treatment facility" includes facilities listed in sections 253B.02, subdivision 18a, and
5.4 253D.02, subdivision 13.

5.5 (b) Whoever, while committed under chapter 253D, Minnesota Statutes 2012, section
5.6 253B.185, or Minnesota Statutes 1992, section 526.10, commits either of the following acts
5.7 against an employee or other individual who provides care or treatment at a secure treatment
5.8 facility while the person is engaged in the performance of a duty imposed by law, policy,
5.9 or rule is guilty of a felony and may be sentenced to imprisonment for not more than two
5.10 years or to payment of a fine of not more than \$4,000, or both:

5.11 (1) assaults the person and inflicts demonstrable bodily harm; or

5.12 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.

5.13 (c) Whoever, while committed under section 253B.18, or admitted under the provision
5.14 of section 253B.10, subdivision 1, commits either of the following acts against an employee
5.15 or other individual who supervises and works directly with patients at a secure treatment
5.16 facility while the person is engaged in the performance of a duty imposed by law, policy,
5.17 or rule, is guilty of a felony and may be sentenced to imprisonment for not more than two
5.18 years or to payment of a fine of not more than \$4,000, or both:

5.19 (1) assaults the person and inflicts demonstrable bodily harm; or

5.20 (2) intentionally throws or otherwise transfers urine, blood, semen, or feces onto the
5.21 person.

5.22 (d) The court shall commit a person convicted of violating paragraph (b) to the custody
5.23 of the commissioner of corrections for not less than one year and one day. The court may
5.24 not, on its own motion or the prosecutor's motion, sentence a person without regard to this
5.25 paragraph. A person convicted and sentenced as required by this paragraph is not eligible
5.26 for probation, parole, discharge, work release, or supervised release, until that person has
5.27 served the full term of imprisonment as provided by law, notwithstanding the provisions of
5.28 sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

5.29 (e) Notwithstanding the statutory maximum sentence provided in paragraph (b), when
5.30 a court sentences a person to the custody of the commissioner of corrections for a violation
5.31 of paragraph (b), the court shall provide that after the person has been released from prison,
5.32 the commissioner shall place the person on conditional release for five years. The terms of

6.1 conditional release are governed by sections 244.05 and 609.3455, subdivision ~~6~~, 7, or 8;
6.2 and Minnesota Statutes 2004, section 609.109.

6.3 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
6.4 committed on or after that date.

6.5 Sec. 7. Minnesota Statutes 2016, section 609.342, subdivision 2, is amended to read:

6.6 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
6.7 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced
6.8 to imprisonment for not more than 30 years or to a payment of a fine of not more than
6.9 \$40,000, or both.

6.10 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
6.11 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
6.12 presume that an executed sentence of 144 months must be imposed on an offender convicted
6.13 of violating this section. Sentencing a person in a manner other than that described in this
6.14 paragraph is a departure from the Sentencing Guidelines.

6.15 (c) A person convicted under this section is also subject to lifetime conditional release,
6.16 lifetime probation, and intensive probation under section 609.3455.

6.17 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
6.18 committed on or after that date.

6.19 Sec. 8. Minnesota Statutes 2016, section 609.342, is amended by adding a subdivision to
6.20 read:

6.21 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may
6.22 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section
6.23 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
6.24 guilty by a court or jury following a trial.

6.25 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
6.26 imposition of a sentence under this section.

6.27 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
6.28 committed on or after that date.

6.29 Sec. 9. Minnesota Statutes 2016, section 609.343, subdivision 2, is amended to read:

6.30 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
6.31 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced

7.1 to imprisonment for not more than 25 years or to a payment of a fine of not more than
7.2 \$35,000, or both.

7.3 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
7.4 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
7.5 presume that an executed sentence of 90 months must be imposed on an offender convicted
7.6 of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner
7.7 other than that described in this paragraph is a departure from the Sentencing Guidelines.

7.8 (c) A person convicted under this section is also subject to lifetime conditional release,
7.9 lifetime probation, and intensive probation under section 609.3455.

7.10 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
7.11 committed on or after that date.

7.12 Sec. 10. Minnesota Statutes 2016, section 609.343, is amended by adding a subdivision
7.13 to read:

7.14 **Subd. 4. Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may
7.15 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section
7.16 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
7.17 guilty by a court or jury following a trial.

7.18 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
7.19 imposition of a sentence under this section.

7.20 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
7.21 committed on or after that date.

7.22 Sec. 11. Minnesota Statutes 2016, section 609.344, subdivision 2, is amended to read:

7.23 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
7.24 under subdivision 1 may be sentenced:

7.25 (1) to imprisonment for not more than 15 years or to a payment of a fine of not more
7.26 than \$30,000, or both; or

7.27 (2) if the person was convicted under subdivision 1, paragraph (b), and if the actor was
7.28 no more than 48 months but more than 24 months older than the complainant, to
7.29 imprisonment for not more than five years or a fine of not more than \$30,000, or both.

7.30 A person convicted under this section is also subject to lifetime conditional release,
7.31 lifetime probation, and intensive probation under section 609.3455.

8.1 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
8.2 committed on or after that date.

8.3 Sec. 12. Minnesota Statutes 2016, section 609.344, is amended by adding a subdivision
8.4 to read:

8.5 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may
8.6 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section
8.7 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
8.8 guilty by a court or jury following a trial.

8.9 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
8.10 imposition of a sentence under this section.

8.11 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
8.12 committed on or after that date.

8.13 Sec. 13. Minnesota Statutes 2016, section 609.345, subdivision 2, is amended to read:

8.14 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
8.15 under subdivision 1 may be sentenced to imprisonment for not more than ten years or to a
8.16 payment of a fine of not more than \$20,000, or both. A person convicted under this section
8.17 is also subject to lifetime conditional release, lifetime probation, and intensive probation
8.18 under section 609.3455.

8.19 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
8.20 committed on or after that date.

8.21 Sec. 14. Minnesota Statutes 2016, section 609.345, is amended by adding a subdivision
8.22 to read:

8.23 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may
8.24 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section
8.25 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
8.26 guilty by a court or jury following a trial.

8.27 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
8.28 imposition of a sentence under this section.

8.29 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
8.30 committed on or after that date.

9.1 Sec. 15. Minnesota Statutes 2016, section 609.3451, subdivision 3, is amended to read:

9.2 Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment
9.3 for not more than seven years or to payment of a fine of not more than \$14,000, or both, if
9.4 the person violates this section within seven years of:

9.5 (1) a previous conviction for violating subdivision 1, clause (2), a crime described in
9.6 paragraph (b), or a statute from another state in conformity with any of these offenses; or

9.7 (2) the first of two or more previous convictions for violating subdivision 1, clause (1),
9.8 or a statute from another state in conformity with this offense.

9.9 (b) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;
9.10 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to
9.11 enhance a criminal penalty as provided in paragraph (a).

9.12 (c) Pursuant to section 609.095, paragraph (b), a court may not refuse to adjudicate the
9.13 guilt of a defendant who tenders a guilty plea under this subdivision in accordance with
9.14 Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court
9.15 or jury following a trial.

9.16 (d) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
9.17 imposition of a sentence under this subdivision.

9.18 (e) A person convicted under this subdivision is also subject to lifetime conditional
9.19 release, lifetime probation, and intensive probation under section 609.3455.

9.20 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
9.21 committed on or after that date.

9.22 Sec. 16. Minnesota Statutes 2016, section 609.3455, subdivision 7, is amended to read:

9.23 Subd. 7. **Mandatory lifetime conditional release term.** ~~(a) When a court sentences an~~
9.24 ~~offender under subdivision 3 or 4, the court shall provide that, if the offender is released~~
9.25 ~~from prison, the commissioner of corrections shall place the offender on conditional release~~
9.26 ~~for the remainder of the offender's life.~~

9.27 ~~(b)~~ Notwithstanding the statutory maximum sentence otherwise applicable to the offense,
9.28 when the court commits an offender to the custody of the commissioner of corrections for
9.29 a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453,
9.30 ~~and the offender has a previous or prior sex offense conviction,~~ the court shall provide that,
9.31 after the offender has been released from prison, the commissioner shall place the offender
9.32 on conditional release for the remainder of the offender's life.

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

10.5 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
 10.6 committed on or after that date.

10.7 Sec. 17. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision
 10.8 to read:

10.9 Subd. 7a. **Lifetime probation.** Notwithstanding the statutory maximum sentence
 10.10 otherwise applicable to the offense and otherwise provided in section 609.135, subdivision
 10.11 2, paragraph (a), when the court does not commit an offender to the commissioner of
 10.12 corrections for a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451,
 10.13 or 609.3453, the court shall, after the offender has been released from any term of
 10.14 confinement imposed by the court, place the offender on probation for the remainder of the
 10.15 offender's life.

10.16 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
 10.17 committed on or after that date.

10.18 Sec. 18. Minnesota Statutes 2016, section 609.3455, subdivision 8, is amended to read:

10.19 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The
 10.20 provisions of this subdivision relating to conditional release apply to all sex offenders
 10.21 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451,
 10.22 or 609.3453. Except as provided in this subdivision, conditional release of sex offenders is
 10.23 governed by provisions relating to supervised release. ~~The commissioner of corrections~~
 10.24 ~~may not dismiss an offender on conditional release from supervision until the offender's~~
 10.25 ~~conditional release term expires.~~

10.26 (b) The conditions of release may include successful completion of treatment and aftercare
 10.27 in a program approved by the commissioner, satisfaction of the release conditions specified
 10.28 in section 244.05, subdivision 6, and any other conditions the commissioner considers
 10.29 appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person
 10.30 released under this subdivision. The plan may include co-payments from offenders,
 10.31 third-party payers, local agencies, or other funding sources as they are identified. This
 10.32 section does not require the commissioner to accept or retain an offender in a treatment
 10.33 program. Before the offender is placed on conditional release, the commissioner shall notify

11.1 the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced
11.2 of the terms of the offender's conditional release. The commissioner also shall make
11.3 reasonable efforts to notify the victim of the offender's crime of the terms of the offender's
11.4 conditional release.

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

11.10 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
11.11 committed on or after that date.

11.12 Sec. 19. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision
11.13 to read:

11.14 Subd. 8a. **Intensive probation.** (a) When the court does not commit an offender to the
11.15 commissioner of corrections after a conviction for a felony violation of section 609.342,
11.16 609.343, 609.344, 609.345, 609.3451, or 609.3453, the court shall place the offender on
11.17 intensive probation as provided in this subdivision.

11.18 (b) Phase I of intensive probation is six months and begins after the offender is released
11.19 from confinement, if ordered by the court. Phase II lasts for at least one-third of the time
11.20 remaining in the offender's imposed sentence at the beginning of phase II. Phase III lasts
11.21 for at least one-third of the time remaining in the offender's imposed sentence at the beginning
11.22 of phase III. Phase IV continues until the offender's imposed sentence expires.

11.23 (c) During phase I, the offender will be under house arrest in a residence approved by
11.24 the offender's probation agent and may not move to another residence without permission.
11.25 "House arrest" means that the offender's movements will be severely restricted and
11.26 continually monitored by the assigned agent. During phase II, modified house arrest is
11.27 imposed. During phases III and IV, the offender is subjected to a daily curfew instead of
11.28 house arrest.

11.29 (d) During phase I, the assigned probation agent shall have at least four face-to-face
11.30 contacts with the offender each week. During phase II, two face-to-face contacts a week
11.31 are required. During phase III, one face-to-face contact a week is required. During phase
11.32 IV, two face-to-face contacts a month are required. When an offender is an inmate of a jail

12.1 or a resident of a facility that is staffed full-time, at least one face-to-face contact a week is
12.2 required.

12.3 (e) During phases I, II, III, and IV, the offender must spend at least 40 hours a week
12.4 performing approved work, undertaking constructive activity designed to obtain employment,
12.5 or attending a treatment or education program as directed by the agent. An offender may
12.6 not spend more than six months in a residential treatment program that does not require the
12.7 offender to spend at least 40 hours a week performing approved work or undertaking
12.8 constructive activity designed to obtain employment.

12.9 (f) During any phase, the offender may be placed on electronic surveillance if the
12.10 probation agent so directs. If electronic surveillance is directed during phase I, the court
12.11 must require that the offender be kept in custody, or that the offender's probation agent, or
12.12 the agent's designee, directly supervise the offender until electronic surveillance is activated.
12.13 It is the responsibility of the offender placed on electronic surveillance to ensure that the
12.14 offender's residence is properly equipped and the offender's telecommunications system is
12.15 properly configured to support electronic surveillance prior to being released from custody
12.16 or the direct supervision of a probation agent. It is a violation of an offender's probation to
12.17 fail to comply with this paragraph.

12.18 (g) Throughout all phases of intensive probation, the offender shall submit at any time
12.19 to an unannounced search of the offender's person, vehicle, computer and other devices that
12.20 access the Internet or store data, or premises by a probation agent.

12.21 (h) The court may include any other conditions in the various phases of intensive
12.22 probation that the court finds necessary and appropriate.

12.23 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
12.24 committed on or after that date.

12.25 Sec. 20. Minnesota Statutes 2016, section 617.246, subdivision 7, is amended to read:

12.26 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
12.27 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
12.28 court commits a person to the custody of the commissioner of corrections for violating this
12.29 section, the court shall provide that after the person has been released from prison, the
12.30 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person
12.31 has previously been convicted of a violation of this section, section 609.342, 609.343,
12.32 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United
12.33 States, this state, or any state, the commissioner shall place the person on conditional release

13.1 for ~~ten years~~ the remainder of the offender's life. The terms of conditional release are
 13.2 governed by section 609.3455, subdivision 8.

13.3 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
 13.4 committed on or after that date.

13.5 Sec. 21. Minnesota Statutes 2016, section 617.246, is amended by adding a subdivision
 13.6 to read:

13.7 Subd. 8. **Mandatory minimum sentence.** A person convicted under this section must
 13.8 serve a minimum of six months of incarceration. If the person (1) has a prior conviction
 13.9 under this section or section 617.247, or (2) is required to register as a predatory offender,
 13.10 the person must serve a minimum of 12 months of incarceration.

13.11 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
 13.12 committed on or after that date.

13.13 Sec. 22. Minnesota Statutes 2016, section 617.247, subdivision 3, is amended to read:

13.14 Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work
 13.15 to an adult or a minor, knowing or with reason to know its content and character, is guilty
 13.16 of a felony and may be sentenced to imprisonment for not more than ~~seven~~ ten years and a
 13.17 fine of not more than \$10,000 for a first offense and for not more than ~~15~~ 20 years and a
 13.18 fine of not more than \$20,000 for a second or subsequent offense.

13.19 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
 13.20 imprisonment for not more than ~~15~~ 20 years if the violation occurs when the person is a
 13.21 registered predatory offender under section 243.166.

13.22 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
 13.23 committed on or after that date.

13.24 Sec. 23. Minnesota Statutes 2016, section 617.247, subdivision 4, is amended to read:

13.25 Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a
 13.26 computer disk or computer or other electronic, magnetic, or optical storage system or a
 13.27 storage system of any other type, containing a pornographic work, knowing or with reason
 13.28 to know its content and character, is guilty of a felony and may be sentenced to imprisonment
 13.29 for not more than ~~five~~ seven years and a fine of not more than ~~\$5,000~~ \$7,500 for a first
 13.30 offense and for not more than ~~ten~~ 15 years and a fine of not more than ~~\$10,000~~ \$15,000 for
 13.31 a second or subsequent offense.

14.1 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
14.2 imprisonment for not more than ~~ten~~ 15 years if the violation occurs when the person is a
14.3 registered predatory offender under section 243.166.

14.4 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
14.5 committed on or after that date.

14.6 Sec. 24. Minnesota Statutes 2016, section 617.247, is amended by adding a subdivision
14.7 to read:

14.8 Subd. 10. **Mandatory minimum sentence.** A person convicted under this section must
14.9 serve a minimum of six months of incarceration. If the person (1) has a prior conviction
14.10 under this section or section 617.246, or (2) is required to register as a predatory offender,
14.11 the person must serve a minimum of 12 months of incarceration.

14.12 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
14.13 committed on or after that date.

14.14 Sec. 25. **SENTENCING GUIDELINES MODIFICATION.**

14.15 The Sentencing Guidelines Commission shall modify the sex offender grid by ranking
14.16 violations of Minnesota Statutes, section 617.247, subdivision 3 (dissemination of child
14.17 pornography - subsequent or by predatory offender) in severity level C; violations of
14.18 Minnesota Statutes, sections 617.246 (use of minors in sexual performance), 617.247,
14.19 subdivision 3 (dissemination of child pornography - first time, nonpredatory offender), and
14.20 617.247, subdivision 4 (possession of child pornography - subsequent or by predatory
14.21 offender) in severity level D; and violations of Minnesota Statutes, section 617.247,
14.22 subdivision 4 (possession of child pornography - first time, nonpredatory offender) in
14.23 severity level E.

14.24 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
14.25 committed on or after that date.

14.26 Sec. 26. **REPEALER.**

14.27 Minnesota Statutes 2016, sections 609.342, subdivision 3; 609.343, subdivision 3;
14.28 609.344, subdivision 3; 609.345, subdivision 3; and 609.3455, subdivision 6, are repealed.

14.29 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
14.30 committed on or after that date.

609.342 CRIMINAL SEXUAL CONDUCT IN THE FIRST DEGREE.

Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

609.343 CRIMINAL SEXUAL CONDUCT IN THE SECOND DEGREE.

Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (g), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

609.344 CRIMINAL SEXUAL CONDUCT IN THE THIRD DEGREE.

Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and
- (3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

609.345 CRIMINAL SEXUAL CONDUCT IN THE FOURTH DEGREE.

Subd. 3. **Stay.** Except when imprisonment is required under section 609.3455; or Minnesota Statutes 2004, section 609.109, if a person is convicted under subdivision 1, clause (f), the court may stay imposition or execution of the sentence if it finds that:

- (a) a stay is in the best interest of the complainant or the family unit; and
- (b) a professional assessment indicates that the offender has been accepted by and can respond to a treatment program.

If the court stays imposition or execution of sentence, it shall include the following as conditions of probation:

- (1) incarceration in a local jail or workhouse;
- (2) a requirement that the offender complete a treatment program; and

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(3) a requirement that the offender have no unsupervised contact with the complainant until the offender has successfully completed the treatment program unless approved by the treatment program and the supervising correctional agent.

609.3455 DANGEROUS SEX OFFENDERS; LIFE SENTENCES; CONDITIONAL RELEASE.

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