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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-NINTH SESSION

H. F. No. 1433

03/04/2015 Authored by Hilstrom, Cornish and Slocum

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
1.2 relating to public safety; prohibiting the creation of a video record in restrooms,
1.3 locker rooms, and changing rooms; requiring predatory offender registration;
1.4 amending Minnesota Statutes 2014, sections 243.166, subdivision 1b; 609.746,
1.5 by adding a subdivision.

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; or

1.18 (v) interference with privacy under section 609.746, subdivision 1a;

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

2.1 violation of section 609.352, subdivision 2 or 2a, clause (1); 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 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
3.7 committed on or after that date.

3.8 Sec. 2. Minnesota Statutes 2014, section 609.746, is amended by adding a subdivision
3.9 to read:

3.10 Subd. 1a. **Nonconsensual photographs and videos.** (a) A person who knowingly
3.11 takes a photograph, records a digital image, makes a video record, or transmits live video
3.12 of another person, without that person's consent, in a restroom, locker room, or changing
3.13 room is guilty of a crime and may be sentenced as provided in paragraphs (c), (d), and (e).

3.14 (b) A person who knowingly disseminates, or permits to be disseminated, a
3.15 photograph, digital image, video record, or live video that the person knows to have been
3.16 made or transmitted in violation of paragraph (a) or subdivision 1 is guilty of a crime and
3.17 may be sentenced as provided in paragraphs (f), (g), and (h).

3.18 (c) Except as provided in paragraphs (d) and (e), a person who violates paragraph (a)
3.19 is guilty of a gross misdemeanor.

3.20 (d) A person who violates paragraph (a) and the victim is a minor under the age of
3.21 18 is guilty of a felony and may be sentenced to imprisonment for not more than 36
3.22 months or to payment of a fine of not more than \$10,000, or both.

3.23 (e) A person who violates paragraph (a) and who is required to register as a predatory
3.24 offender under the laws of this state or another jurisdiction is guilty of a felony and may
3.25 be sentenced to imprisonment for not more than 36 months or to payment of a fine of
3.26 not more than \$10,000, or both.

3.27 (f) Except as provided in paragraphs (g) and (h), a person who violates paragraph (b)
3.28 is guilty of a felony and may be sentenced to imprisonment for not more than 36 months
3.29 or to payment of a fine of not more than \$10,000, or both.

3.30 (g) A person who violates paragraph (b) and the victim is a minor under the age of
3.31 18 is guilty of a felony and may be sentenced to imprisonment for not more than 60
3.32 months or to payment of a fine of not more than \$20,000, or both.

3.33 (h) A person who violates paragraph (b) and who is required to register as a
3.34 predatory offender under the laws of this state or another jurisdiction is guilty of a felony

4.1 and may be sentenced to imprisonment for not more than 60 months or to payment of
4.2 a fine of not more than \$20,000, or both.

4.3 (i) This subdivision does not apply to:

4.4 (1) law enforcement officers or corrections investigators, or to those acting under
4.5 their direction, while engaged in the performance of their lawful duties; or

4.6 (2) the owner of a commercial establishment and the owner's employees if the owner
4.7 has posted conspicuous signs warning that the premises are under surveillance by the
4.8 owner or the owner's employees and the recording and dissemination of a photograph,
4.9 digital image, video record, or live video are necessary to protect the safety of employees
4.10 or customers or to secure the establishment's property, including merchandise.

4.11 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to crimes
4.12 committed on or after that date.