

A bill for an act
relating to crimes; making it a crime to use the Internet to solicit children to
engage in sexual conduct, communicate with children in a sexually explicit
manner, or distribute sexually explicit material to children; providing penalties;
amending Minnesota Statutes 2006, section 609.352.

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

Section 1. Minnesota Statutes 2006, section 609.352, is amended to read:

**609.352 SOLICITATION OF CHILDREN TO ENGAGE IN SEXUAL
CONDUCT.**

Subdivision 1. **Definitions.** As used in this section:

(a) "child" means a person 15 years of age or younger;

(b) "sexual conduct" means sexual contact of the individual's primary genital area,
sexual penetration as defined in section 609.341, or sexual performance as defined in
section 617.246; ~~and~~

(c) "solicit" means commanding, entreating, or attempting to persuade a specific
person in person, by telephone, by letter, or by computerized or other electronic means;
and

(d) "sexually explicit" means any communication, language, or material, including a
photographic or video image, that relates to or describes sexual conduct.

Subd. 2. **Prohibited act.** A person 18 years of age or older who solicits a child or
someone the person reasonably believes is a child to engage in sexual conduct with intent
to engage in sexual conduct is guilty of a felony ~~and may be sentenced to imprisonment
for not more than three years, or to payment of a fine of not more than \$5,000, or both.~~

2.1 Subd. 2a. **Internet or computer solicitation of children.** A person 18 years of age
2.2 or older who uses the Internet or a computer, computer program, computer network, or
2.3 computer system to communicate with a child or someone the person reasonably believes
2.4 is a child, with the intent to arouse or gratify the sexual desire of any person, is guilty of a
2.5 felony if any of the following circumstances exist:

2.6 (a) the actor solicits a child or someone the actor reasonably believes is a child to
2.7 engage in sexual conduct;

2.8 (b) the actor communicates in a sexually explicit manner with a child or someone
2.9 the actor reasonably believes is a child; or

2.10 (c) the actor distributes sexually explicit material to a child or someone the actor
2.11 reasonably believes is a child.

2.12 Subd. 2b. **Jurisdiction.** A person may be convicted of an offense under subdivision
2.13 2a if the transmission that constitutes the offense either originates within this state or is
2.14 received within this state.

2.15 Subd. 3. **Defenses.** (a) Mistake as to age is not a defense to a prosecution under
2.16 ~~this section~~ subdivision 2. Mistake as to age is an affirmative defense to a prosecution
2.17 under subdivision 2a.

2.18 (b) The fact that an undercover operative or law enforcement officer was involved
2.19 in the detection or investigation of an offense under this section does not constitute a
2.20 defense to a prosecution under this section.

2.21 Subd. 4. **Penalty.** A person convicted under subdivision 2 or 2a is guilty of a felony
2.22 and may be sentenced to imprisonment for not more than three years, or to payment of
2.23 a fine of not more than \$5,000, or both.

2.24 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes
2.25 committed on or after that date.