

A bill for an act
relating to public safety; clarifying the prostitution penalty enhancement
provision for repeat offenders; broadening the prostitution in a public place
crime; amending Minnesota Statutes 2008, sections 609.321, by adding a
subdivision; 609.324, subdivisions 2, 3.

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

Section 1. Minnesota Statutes 2008, section 609.321, is amended by adding a
subdivision to read:

Subd. 13. **Place of public accommodation.** "Place of public accommodation"
means a business, accommodation, refreshment, entertainment, recreation, or
transportation facility of any kind, whether licensed or not, whose goods, services,
facilities, privileges, advantages, or accommodations are extended, offered, sold, or
otherwise made available to the public.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes
committed on or after that date.

Sec. 2. Minnesota Statutes 2008, section 609.324, subdivision 2, is amended to read:

Subd. 2. **Solicitation or acceptance of solicitation to engage in prostitution in**
public place; penalty. ~~Whoever solicits or accepts a solicitation to engage for hire in~~
~~sexual penetration or sexual contact intentionally does any of the following while in a~~
~~public place may be sentenced to imprisonment for not more than one year or to payment~~
~~of a fine of not more than \$3,000 or both.~~ is guilty of a gross misdemeanor:

(1) engages in prostitution with an individual 18 years of age or older; or

(2) hires or offers or agrees to hire an individual 18 years of age or older to engage in sexual penetration or sexual contact.

Except as otherwise provided in subdivision 4, a person who is convicted of violating this subdivision while acting as a patron must, at a minimum, be sentenced to pay a fine of at least \$1,500.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2008, section 609.324, subdivision 3, is amended to read:

Subd. 3. **Engaging in, hiring, or agreeing to hire adult to engage in prostitution; penalties.** (a) Whoever intentionally does any of the following ~~may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000, or both~~ is guilty of a misdemeanor:

(1) engages in prostitution with an individual 18 years of age or above; or

(2) hires or offers or agrees to hire an individual 18 years of age or above to engage in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a person who is convicted of violating this ~~clause or clause (1) paragraph~~ while acting as a patron must, at a minimum, be sentenced to pay a fine of at least \$500.

(b) Whoever violates the provisions of this subdivision within two years of a previous prostitution conviction ~~may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both~~ for violating this section or section 609.322 is guilty of a gross misdemeanor. Except as otherwise provided in subdivision 4, a person who is convicted of ~~a gross misdemeanor violation of this subdivision~~ violating this paragraph while acting as a patron, must, at a minimum, be sentenced as follows:

(1) to pay a fine of at least \$1,500; and

(2) to serve 20 hours of community work service.

The court may waive the mandatory community work service if it makes specific, written findings that the community work service is not feasible or appropriate under the circumstances of the case.

EFFECTIVE DATE. This section is effective August 1, 2009, and applies to crimes committed on or after that date.