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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 2967

- 02/22/2018 Authored by Lohmer, Whelan, Lucero, Poston, Grossell and others
- The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance
- 03/12/2018 Adoption of Report: Amended and re-referred to the Committee on Ways and Means
- 03/28/2018 Adoption of Report: Placed on the General Register
- Read for the Second Time
- 05/03/2018 Referred to the Chief Clerk for Comparison with S. F. No. 2554
- 05/07/2018 Postponed Indefinitely

1.1 A bill for an act

1.2 relating to public safety; requiring collection of information on the connection

1.3 between pornography and sex trafficking; expanding the authorized penalty

1.4 assessment to include additional crimes; amending Minnesota Statutes 2016,

1.5 sections 299A.785, subdivision 1; 609.3241.

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

1.7 Section 1. Minnesota Statutes 2016, section 299A.785, subdivision 1, is amended to read:

1.8 Subdivision 1. **Information to be collected.** The commissioner shall elicit the cooperation

1.9 and assistance of government agencies and nongovernmental organizations as appropriate

1.10 to assist in the collection of trafficking data. The commissioner shall direct the appropriate

1.11 authorities in each agency and organization to make best efforts to collect information

1.12 relevant to tracking progress on trafficking. The information to be collected may include,

1.13 but is not limited to:

1.14 (1) the numbers of arrests, prosecutions, and successful convictions of traffickers and

1.15 those committing trafficking-related crimes, including, but not limited to, the following

1.16 offenses: 609.27 (coercion); 609.282 (labor trafficking); 609.283 (unlawful conduct with

1.17 respect to documents in furtherance of labor or sex trafficking); 609.321 (promotion of

1.18 prostitution); 609.322 (solicitation of prostitution); 609.324 (other prostitution crimes);

1.19 609.33 (disorderly house); 609.352 (solicitation of a child); ~~and~~ 617.245 and 617.246 (use

1.20 of minors in sexual performance); 617.247 (possession of pornographic work involving

1.21 minors); and 617.293 (harmful materials; dissemination and display to minors prohibited);

1.22 (2) statistics on the number of trafficking victims, including demographics, method of

1.23 recruitment, and method of discovery;

2.1 (3) trafficking routes and patterns, states or country of origin, and transit states or
2.2 countries;

2.3 (4) method of transportation, motor vehicles, aircraft, watercraft, or by foot if any
2.4 transportation took place; and

2.5 (5) social factors, including pornography, that contribute to and foster trafficking,
2.6 especially trafficking of women and children.

2.7 Sec. 2. Minnesota Statutes 2016, section 609.3241, is amended to read:

2.8 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

2.9 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,
2.10 609.283, 609.322 ~~or~~, 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting
2.11 other than as a prostitute, the court shall impose an assessment of not less than \$500 and
2.12 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section
2.13 609.324, subdivision 2, ~~or~~ a misdemeanor violation of section 609.324, subdivision 3, a
2.14 violation of section 609.33, or a violation of section 617.293; otherwise the court shall
2.15 impose an assessment of not less than \$750 and not more than \$1,000. The assessment shall
2.16 be distributed as provided in paragraph (c) and is in addition to the surcharge required by
2.17 section 357.021, subdivision 6.

2.18 (b) The court may not waive payment of the minimum assessment required by this
2.19 section. If the defendant qualifies for the services of a public defender or the court finds on
2.20 the record that the convicted person is indigent or that immediate payment of the assessment
2.21 would create undue hardship for the convicted person or that person's immediate family,
2.22 the court may reduce the amount of the minimum assessment to not less than \$100. The
2.23 court also may authorize payment of the assessment in installments.

2.24 (c) The assessment collected under paragraph (a) must be distributed as follows:

2.25 (1) 40 percent of the assessment shall be forwarded to the political subdivision that
2.26 employs the arresting officer for use in enforcement, training, and education activities related
2.27 to combating sexual exploitation of youth, or if the arresting officer is an employee of the
2.28 state, this portion shall be forwarded to the commissioner of public safety for those purposes
2.29 identified in clause (3);

2.30 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled
2.31 the case for use in training and education activities relating to combating sexual exploitation
2.32 activities of youth; and

3.1 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be
3.2 deposited in the safe harbor for youth account in the special revenue fund and are
3.3 appropriated to the commissioner for distribution to crime victims services organizations
3.4 that provide services to sexually exploited youth, as defined in section 260C.007, subdivision
3.5 31.

3.6 (d) A safe harbor for youth account is established as a special account in the state treasury.