

SENATE  
STATE OF MINNESOTA  
NINETY-FOURTH SESSION

S.F. No. 463

(SENATE AUTHORS: UTKE, Limmer, Pha, Draheim and Anderson)

DATE	D-PG	OFFICIAL STATUS
01/21/2025	139	Introduction and first reading Referred to Judiciary and Public Safety
01/23/2025	167	Author added Limmer
02/03/2025	268	Author added Pha
03/24/2025	1022	Author added Draheim
03/27/2025	1113	Author added Anderson

1.1A bill for an act

1.2relating to public safety; increasing penalties for creating, distributing, and

1.3possessing sexually explicit materials involving children; amending Minnesota

1.4Statutes 2024, sections 617.246, subdivisions 2, 4; 617.247, subdivisions 2, 3, 4,

1.5by adding a subdivision.

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

1.7Section 1. Minnesota Statutes 2024, section 617.246, subdivision 2, is amended to read:

1.8Subd. 2. **Use of minor.** (a) It is unlawful for a person to promote, employ, use or permit

1.9a minor to engage in or assist others to engage minors in posing or modeling alone or with

1.10others in any sexual performance or pornographic work if the person knows or has reason

1.11to know that the conduct intended is a sexual performance or a pornographic work.

1.12Any person who violates this paragraph is guilty of a felony and ~~may be sentenced to~~

1.13~~imprisonment for not more than ten years or~~ shall be committed to the commissioner of

1.14corrections for not less than ten years, nor more than 25 years, and sentenced to payment

1.15of a fine of not more than \$20,000, ~~or both.~~

1.16(b) A person who violates paragraph (a) is guilty of a felony and ~~may be sentenced to~~

1.17~~imprisonment for not more than 15 years or~~ shall be committed to the commissioner of

1.18corrections for not less than 15 years, nor more than 30 years, and sentenced to payment of

1.19a fine of not more than \$40,000, ~~or both,~~ if:

1.20(1) the person has a prior conviction or delinquency adjudication for a sex offense, as

1.21defined in section 609.3455, subdivision 1, paragraph (h), or violating this section or section

1.22617.247; or



(2) the violation occurs when the person is a registered predatory offender under section 243.166; ~~or,~~

~~(3) the violation involved a minor under the age of 14 years.~~

Sec. 2. Minnesota Statutes 2024, section 617.246, subdivision 4, is amended to read:

Subd. 4. **Dissemination for profit.** (a) A person who, knowing or with reason to know its content and character, disseminates for profit to an adult or a minor a pornographic work, as defined in this section, is guilty of a felony and ~~may be sentenced to imprisonment for not more than ten years, or~~ shall be committed to the commissioner of corrections for not less than five years, nor more than 20 years, and sentenced to payment of a fine of not more than \$20,000, ~~or both.~~

(b) A person who violates paragraph (a) is guilty of a felony and ~~may be sentenced to imprisonment for not more than 15 years or~~ shall be committed to the commissioner of corrections for not less than ten years, nor more than 25 years, and sentenced to payment of a fine of not more than \$40,000, ~~or both, if:~~

(1) the person has a prior conviction or delinquency adjudication for a sex offense, as defined in section 609.3455, subdivision 1, paragraph (h), or violating this section or section 617.247; or

(2) the violation occurs when the person is a registered predatory offender under section 243.166; ~~or,~~

~~(3) the violation involved a minor under the age of 14 years.~~

Sec. 3. Minnesota Statutes 2024, section 617.247, subdivision 2, is amended to read:

Subd. 2. **Definitions.** For purposes of this section, the following terms have the meanings given them:

(a) "Pornographic work" has the meaning given to it in section 617.246.

(b) "Receive" means to voluntarily and knowingly take into one's possession.

~~(b)~~ (c) "Sexual conduct" has the meaning given to it in section 617.246.

Sec. 4. Minnesota Statutes 2024, section 617.247, subdivision 3, is amended to read:

Subd. 3. **Dissemination or receipt prohibited.** (a) A person who disseminates pornographic work to an adult or a minor or receives a pornographic work, knowing or with reason to know its content and character, is guilty of a felony and ~~may be sentenced to~~



~~imprisonment for not more than seven years or~~ shall be committed to the commissioner of corrections for not less than three years, nor more than 20 years, and sentenced to payment of a fine of not more than \$10,000, or both.

(b) A person who violates paragraph (a) is guilty of a felony and ~~may be sentenced to imprisonment for not more than 15 years or~~ shall be committed to the commissioner of corrections for not less than ten years, nor more than 25 years, and sentenced to payment of a fine of not more than \$20,000, or both, if:

(1) the person has a prior conviction or delinquency adjudication for a sex offense, as defined in section 609.3455, subdivision 1, paragraph (h), or violating this section or section 617.246; or

(2) the violation occurs when the person is a registered predatory offender under section 243.166; ~~or.~~

~~(3) the violation involved a minor under the age of 14 years.~~

Sec. 5. Minnesota Statutes 2024, section 617.247, subdivision 4, is amended to read:

Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a computer disk or computer or other electronic, magnetic, or optical storage system or a storage system of any other type, containing a pornographic work, knowing or with reason to know its content and character, or attempts to access the same with the intent to view pornographic work, is guilty of a felony and may be sentenced to imprisonment for not more than ~~five~~ ten years ~~or and sentenced to payment of a fine of not more than \$5,000, or both.~~

(b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to imprisonment for not more than ~~ten~~ 15 years ~~or and sentenced to payment of a fine of not more than \$10,000, or both, if:~~

(1) the person has a prior conviction or delinquency adjudication for a sex offense, as defined in section 609.3455, subdivision 1, paragraph (h), or violating this section or section 617.246; or

(2) the violation occurs when the person is a registered predatory offender under section 243.166; ~~or.~~

~~(3) the violation involved a minor under the age of 14 years.~~



4.1 (c) A person who violates paragraph (a) is guilty of a felony and may be sentenced to  
4.2 imprisonment for not more than 20 years and sentenced to payment of a fine of not more  
4.3 than \$20,000 if the violation involved a minor under the age of 13 years.

4.4 Sec. 6. Minnesota Statutes 2024, section 617.247, is amended by adding a subdivision to  
4.5 read:

4.6 Subd. 10. **Mandatory terms of probation.** If a person is convicted under subdivision  
4.7 4, paragraph (a), and the court does not commit the offender to the custody of the  
4.8 commissioner of corrections, the court shall consider the following for inclusion as terms  
4.9 or conditions of probation:

4.10 (1) incarceration in a local jail;

4.11 (2) completion of an appropriate sex offender or psychosexual offender evaluation, with  
4.12 the requirement that all recommendations be successfully completed and complied with;  
4.13 and

4.14 (3) at least one of the following:

4.15 (i) no contact with minors;

4.16 (ii) no unsupervised contact with minors with consideration of who supervises the minors  
4.17 and how the minors are supervised; or

4.18 (iii) any contact with minors must be preapproved by the probation officer.