

A bill for an act

relating to crime; adding documents that are included in the crime of aggravated forgery; increasing penalty for aggravated forgery; establishing sex trafficking as a separate crime from the promotion of prostitution; amending Minnesota Statutes 2006, sections 609.281, subdivision 4, by adding subdivisions; 609.282, subdivisions 1, 2; 609.321, subdivision 7a; 609.625, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 299A; proposing coding for new law as Minnesota Statutes, chapter 326C.

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

Section 1. **[299A.695] PREEMPTION OF LOCAL LAW; ILLEGAL IMMIGRATION.**

Subdivision 1. Immigration status; prohibiting local governmental interference.

(a) Notwithstanding any other provision of state or local law, a local governmental unit or official may not prohibit by law, resolution, or ordinance, or in any way restrict any governmental unit, official, or employee from sending to or receiving from United States immigration authorities information regarding the citizenship or immigration status, lawful or unlawful, of any individual.

(b) Notwithstanding any other provision of state or local law, no local governmental unit or local official may prohibit, or in any way restrict, a federal, state, or local governmental employee from doing any of the following with respect to information regarding the immigration status, lawful or unlawful, of any individual:

(1) inquiring about a person's immigration status;

(2) sending immigration information to, or requesting or receiving the information from, the United States Immigration and Customs Enforcement Agency;

(3) maintaining immigration information; and

(4) exchanging immigration information with any other federal, state, or local governmental unit.

Subd. 2. **Local governmental unit.** For purposes of this section, "local governmental unit" means a county, statutory city, home rule charter city, or town.

Sec. 2. **[326C.01] FEDERAL IMMIGRATION LAW COMPLIANCE
REQUIRED FOR STATE LICENSURE.**

Subdivision 1. **Actions against a license and a licensed person.** In addition to any disciplinary action, sanctions, and penalties otherwise provided by state law, a state agency that issues a license to a person may deny, suspend, or revoke the person's license and may impose against the person a penalty as provided in subdivision 4 if the person has violated federal immigration laws by knowingly hiring, recruiting, referring for a fee, or continuing to employ, an unauthorized alien. In taking action against the person or the person's license under this section, the agency shall use existing laws and procedures that govern the agency's authority to take action against a person or person's license.

Subd. 2. **Violations established.** For purposes of subdivision 1, a state agency may establish that a person has violated federal immigration laws by knowingly hiring, recruiting, referring for a fee, or continuing to employ an unauthorized alien by the following:

(1) a final order or fine issued by the United States Immigration and Customs Enforcement office;

(2) a final order following a hearing conducted by the federal Office of the Chief Administrative Hearing Officer, Executive Office for Immigration Review, United States Department of Justice; or

(3) a criminal conviction or settlement.

Subd. 3. **Definitions.** For the purposes of this section, the following definitions apply:

(1) "license" includes a certification, registration, permit, or other authorization required for a business or employer to operate in Minnesota that is issued by a state agency;

(2) "person" includes any individual, limited liability company, corporation, partnership, incorporated or unincorporated association, cooperative, sole proprietorship, joint stock company, or any other legal or commercial entity; and

(3) "state agency" means the state, and any office, officer, department, division, bureau, board, commissioner, authority, district, or agency, including, but not limited to, the University of Minnesota and the Minnesota State Colleges and Universities system.

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Subd. 4. **Penalties.** Penalties imposed by a state agency under this section shall be as follows:

(1) for a first violation, a person shall be penalized not less than \$250 but not more than \$2,000 per unauthorized alien with respect to whom the first violation occurred;

(2) for a second violation, the person shall be penalized not less than \$2,000 but not more than \$3,000 per unauthorized alien with respect to whom the second violation occurred; and

(3) for a third and subsequent violation, the person shall be penalized not less than \$3,000 but not more than \$5,000 per unauthorized alien with respect to whom the third and subsequent violation occurred.

Subd. 5. **E-Verify.** For purposes of this section, proof of verifying the employment authorization of an employee through the federal E-Verify program creates a rebuttable presumption that a person did not knowingly hire, recruit, refer for a fee, or continue to employ an unauthorized alien in violation of federal immigration law.

Subd. 6. **License applications.** By January 1, 2010, all applications for licenses issued by state agencies shall require a sworn statement from the applicant that the applicant has complied with and will continue to comply with all federal immigration laws governing the hiring, retention, recruiting, or referral of employees or contract personnel.

Sec. 3. Minnesota Statutes 2006, section 609.281, subdivision 4, is amended to read:

Subd. 4. **Forced; forced labor or services.** "Forced" or "forced labor or services" means labor or services that are performed or provided by another person and are obtained or maintained through an actor's:

(1) threat, either implicit or explicit, scheme, plan, or pattern, or other action intended to cause a person to believe that, if the person did not perform or provide the labor or services, that person or another person would suffer bodily harm or physical restraint;

(2) physically restraining or threatening to physically restrain a person;

(3) abuse or threatened abuse of the legal process;

(4) knowingly destroying, concealing, removing, confiscating, or possessing any actual or purported passport or other immigration document, or any other actual or purported government identification document, of another person; or

(5) use of blackmail.

Sec. 4. Minnesota Statutes 2006, section 609.281, is amended by adding a subdivision to read:

Subd. 7. **Nudity.** "Nudity" has the meaning given in section 617.292, subdivision 3.

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Sec. 5. Minnesota Statutes 2006, section 609.281, is amended by adding a subdivision to read:

Subd. 8. **Performance.** "Performance" has the meaning given in section 617.241, subdivision 1, paragraph (f).

Sec. 6. Minnesota Statutes 2006, section 609.281, is amended by adding a subdivision to read:

Subd. 9. **Sexual performance.** "Sexual performance" means any play, dance, or other exhibition presented before an audience or for purposes of visual or mechanical reproduction that uses a person to depict actual or simulated sexual conduct as defined by section 617.241, subdivision 1, paragraph (b).

Sec. 7. Minnesota Statutes 2006, section 609.282, subdivision 1, is amended to read:

Subdivision 1. **Individuals under age 18.** Whoever knowingly engages in the labor or sex trafficking of an individual who is under the age of 18 is guilty of a crime and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both.

Sec. 8. Minnesota Statutes 2006, section 609.282, subdivision 2, is amended to read:

Subd. 2. **Other offenses.** Whoever knowingly engages in the labor or sex trafficking of another is guilty of a crime and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both.

Sec. 9. Minnesota Statutes 2006, section 609.321, subdivision 7a, is amended to read:

Subd. 7a. **Sex trafficking.** "Sex trafficking" means receiving, recruiting, enticing, harboring, providing, or obtaining by any means an individual to aid in the:

(1) prostitution of the individual;

(2) forced sexual performance by the individual; or

(3) forced performance involving nudity by the individual.

Sec. 10. Minnesota Statutes 2006, section 609.625, subdivision 1, is amended to read:

Subdivision 1. **Making or altering writing or object.** Whoever, with intent to defraud, falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another or by the maker or alterer under an assumed or fictitious name, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of aggravated forgery and may be sentenced

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to imprisonment for not more than ~~ten~~ 20 years or to payment of a fine of not more than ~~\$20,000~~ \$40,000, or both:

(1) a writing or object whereby, when genuine, legal rights, privileges, or obligations are created, terminated, transferred, or evidenced, or any writing normally relied upon as evidence of debt or property rights, other than a check as defined in section 609.631 or a financial transaction card as defined in section 609.821; or

(2) an official seal or the seal of a corporation; or

(3) a public record or an official authentication or certification of a copy thereof; or

(4) an official return or certificate entitled to be received as evidence of its contents;

or

(5) a court order, judgment, decree, or process; or

(6) the records or accounts of a public body, office, or officer; ~~or~~

(7) the records or accounts of a bank or person, with whom funds of the state or any of its agencies or subdivisions are deposited or entrusted, relating to such funds;

(8) an unexpired or expired United States passport;

(9) a driver's license;

(10) an identification card issued by federal, state, or local agencies or entities, provided it contains a photograph or information, such as name, date of birth, gender, height, eye color, and address;

(11) a school identification card with a photograph;

(12) a voter registration card;

(13) a United States military identification card or draft record;

(14) a Native American tribal document;

(15) a social security card issued by the United States Social Security Administration;

(16) a Consular Report of Birth Abroad of a Citizen of the United States of America;

(17) United States Citizen Identification Card; or

(18) an identification card for use of resident citizen in the United States.

EFFECTIVE DATE. This section is effective August 1, 2008, and applies to crimes committed on or after that date.

Sec. 11. REVISOR'S INSTRUCTION.

In Minnesota Statutes, the revisor of statutes shall renumber section 609.294, subdivision 7a, as section 609.281, subdivision 9, and section 609.294, subdivision 7b, as section 609.281, subdivision 10, and correct any cross-references resulting from the renumbering.