

1.1 A bill for an act

1.2 relating to public safety; clarifying and recodifying certain provisions in the
1.3 prostitution laws; ensuring that driving records relating to prostitution offenses
1.4 are available to law enforcement; amending Minnesota Statutes 2008, sections
1.5 609.321, subdivisions 4, 8, 9; 609.324, subdivisions 1, 2, 3, 5, by adding
1.6 subdivisions.

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

1.8 Section 1. Minnesota Statutes 2008, section 609.321, subdivision 4, is amended to read:

1.9 Subd. 4. **Patron.** "Patron" means an individual who ~~hires or offers or agrees to hire~~
1.10 ~~another~~ engages in prostitution by agreeing to hire, offering to hire, or hiring an individual
1.11 to engage in sexual penetration or sexual contact.

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

1.14 Sec. 2. Minnesota Statutes 2008, section 609.321, subdivision 8, is amended to read:

1.15 Subd. 8. **Prostitute.** "Prostitute" means an individual who engages in prostitution
1.16 by agreeing to be hired, offering to be hired, or being hired.

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

1.19 Sec. 3. Minnesota Statutes 2008, section 609.321, subdivision 9, is amended to read:

1.20 Subd. 9. **Prostitution.** "Prostitution" means engaging ~~or~~₂ offering₂ or agreeing to
1.21 engage for hire in sexual penetration or sexual contact, or hiring, offering, or agreeing to
1.22 hire another to engage in sexual penetration or sexual contact.

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

2.3 Sec. 4. Minnesota Statutes 2008, section 609.324, subdivision 1, is amended to read:

2.4 Subdivision 1. ~~Engaging in, Hiring, offering to hire, or agreeing to hire minor to~~
2.5 ~~engage in prostitution; penalties for patrons.~~ (a) Whoever, while acting as a patron,
2.6 intentionally does any of the following engages in prostitution with an individual under
2.7 the age of 13 years may be sentenced to imprisonment for not more than 20 years or to
2.8 payment of a fine of not more than \$40,000, or both:

2.9 ~~(1) engages in prostitution with an individual under the age of 13 years; or~~

2.10 ~~(2) hires or offers or agrees to hire an individual under the age of 13 years to engage~~
2.11 ~~in sexual penetration or sexual contact.~~

2.12 (b) Whoever, while acting as a patron, intentionally ~~does any of the following~~
2.13 engages in prostitution with an individual under the age of 16 years but at least 13 years
2.14 may be sentenced to imprisonment for not more than ten years or to payment of a fine of
2.15 not more than \$20,000, or both:

2.16 ~~(1) engages in prostitution with an individual under the age of 16 years but at least~~
2.17 ~~13 years; or~~

2.18 ~~(2) hires or offers or agrees to hire an individual under the age of 16 years but at~~
2.19 ~~least 13 years to engage in sexual penetration or sexual contact.~~

2.20 (c) Whoever, while acting as a patron, intentionally ~~does any of the following~~
2.21 engages in prostitution with an individual under the age of 18 years but at least 16 years
2.22 may be sentenced to imprisonment for not more than five years or to payment of a fine of
2.23 not more than \$10,000, or both:

2.24 ~~(1) engages in prostitution with an individual under the age of 18 years but at least~~
2.25 ~~16 years; or~~

2.26 ~~(2) hires or offers or agrees to hire an individual under the age of 18 years but at~~
2.27 ~~least 16 years to engage in sexual penetration or sexual contact.~~

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

2.30 Sec. 5. Minnesota Statutes 2008, section 609.324, subdivision 2, is amended to read:

2.31 Subd. 2. ~~Solicitation or acceptance of solicitation to engage~~ Engaging in
2.32 prostitution in public place; penalty for patrons. ~~Whoever solicits or accepts a~~
2.33 ~~solicitation to engage for hire in sexual penetration or sexual contact,~~ while acting as a
2.34 patron, intentionally engages in prostitution with an individual 18 years of age or older

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3.1 while in a public place ~~may be sentenced to imprisonment for not more than one year or~~
3.2 ~~to payment of a fine of not more than \$3,000 or both~~ is guilty of a gross misdemeanor.
3.3 Except as otherwise provided in subdivision 4, a person who is convicted of violating this
3.4 subdivision ~~while acting as a patron~~ must, at a minimum, be sentenced to pay a fine
3.5 of at least \$1,500.

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

3.8 Sec. 6. Minnesota Statutes 2008, section 609.324, subdivision 3, is amended to read:

3.9 Subd. 3. **Engaging in, Hiring, offering to hire, or agreeing to hire adult to**
3.10 **engage in prostitution; penalties for patrons.** (a) Whoever, while acting as a patron,
3.11 intentionally ~~does any of the following may be sentenced to imprisonment for not more~~
3.12 ~~than 90 days or to payment of a fine of not more than \$1,000, or both:~~ engages in
3.13 prostitution with an individual 18 years of age or older is guilty of a misdemeanor.

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

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

- 3.25 (1) to pay a fine of at least \$1,500; and
3.26 (2) to serve 20 hours of community work service.

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

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

3.32 Sec. 7. Minnesota Statutes 2008, section 609.324, subdivision 5, is amended to read:

4.1 Subd. 5. **Use of motor vehicle to patronize prostitutes; driving record notation.**

4.2 When a court sentences a person convicted of violating ~~this section while acting as a~~
4.3 ~~patron~~ subdivision 1, 2, or 3, the court shall determine whether the person used a motor
4.4 vehicle during the commission of the offense. If the court finds that the person used
4.5 a motor vehicle during the commission of the offense, it shall forward its finding to
4.6 the commissioner of public safety who shall record the finding on the person's driving
4.7 record. The finding is classified as private data on individuals, as defined in section 13.02,
4.8 subdivision 12, but is accessible for law enforcement purposes.

4.9 **EFFECTIVE DATE.** This section is effective August 1, 2009.

4.10 Sec. 8. Minnesota Statutes 2008, section 609.324, is amended by adding a subdivision
4.11 to read:

4.12 Subd. 6. **Engaging in prostitution with a minor; penalties for prostitutes.**

4.13 (a) Whoever, while acting as a prostitute, intentionally engages in prostitution with an
4.14 individual under the age of 13 years may be sentenced to imprisonment for not more than
4.15 20 years or to payment of a fine of not more than \$40,000, or both.

4.16 (b) Whoever, while acting as a prostitute, intentionally engages in prostitution
4.17 with an individual under the age of 16 years but at least 13 years may be sentenced
4.18 to imprisonment for not more than ten years or to payment of a fine of not more than
4.19 \$20,000, or both.

4.20 (c) Whoever, while acting as a prostitute, intentionally engages in prostitution
4.21 with an individual under the age of 18 years but at least 16 years may be sentenced to
4.22 imprisonment for not more than five years or to payment of a fine of not more than
4.23 \$10,000, or both.

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

4.26 Sec. 9. Minnesota Statutes 2008, section 609.324, is amended by adding a subdivision
4.27 to read:

4.28 Subd. 7. **Prostitution in public place; penalty for prostitutes.** Whoever, while
4.29 acting as a prostitute, intentionally engages in prostitution with an individual 18 years of
4.30 age or older while in a public place is guilty of a gross misdemeanor.

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

S.F. No. 1008, as introduced - 86th Legislative Session (2009-2010) [09-2425]

5.1 Sec. 10. Minnesota Statutes 2008, section 609.324, is amended by adding a subdivision
5.2 to read:

5.3 **Subd. 8. Engaging in prostitution with an adult; penalties for prostitutes.**

5.4 (a) Whoever, while acting as a prostitute, intentionally engages in prostitution with an
5.5 individual 18 years of age or older is guilty of a misdemeanor.

5.6 (b) Whoever, while acting as a prostitute, violates the provisions of this subdivision
5.7 within two years of a previous conviction is guilty of a gross misdemeanor.

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