

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2699

(SENATE AUTHORS: LIMMER and Pappas)

DATE	D-PG	OFFICIAL STATUS
02/26/2018	6199	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
03/08/2018	6321a	Comm report: To pass as amended and re-refer to Finance
03/12/2018	6431	Author added Pappas
		See SF2755, Sec. 2-4, 6, 12-21

- 1.1 A bill for an act
- 1.2 relating to public safety; increasing penalties for child pornography offenses;
- 1.3 requiring reports on court-imposed stays of sentence or adjudication for sex
- 1.4 offenses; restricting the grounds that permit reunification of parents and children
- 1.5 after the parent sexually abuses a child; increasing the maximum penalty for certain
- 1.6 invasion of privacy crimes involving minors; requiring predatory offender
- 1.7 registration for certain invasion of privacy crimes involving minors; requiring
- 1.8 collection of information on the connection between pornography and sex
- 1.9 trafficking; expanding the authorized penalty assessment to include additional
- 1.10 crimes; amending Minnesota Statutes 2016, sections 243.166, subdivision 1b;
- 1.11 260.012; 299A.785, subdivision 1; 609.3241; 609.746, subdivision 1; 617.246,
- 1.12 subdivisions 2, 3, 4, 7; 617.247, subdivisions 3, 4, 9; proposing coding for new
- 1.13 law in Minnesota Statutes, chapter 609.
- 1.14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.15 Section 1. Minnesota Statutes 2016, section 243.166, subdivision 1b, is amended to read:
- 1.16 Subd. 1b. **Registration required.** (a) A person shall register under this section if:
- 1.17 (1) the person was charged with or petitioned for a felony violation of or attempt to
- 1.18 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
- 1.19 of or adjudicated delinquent for that offense or another offense arising out of the same set
- 1.20 of circumstances:
- 1.21 (i) murder under section 609.185, paragraph (a), clause (2);
- 1.22 (ii) kidnapping under section 609.25;
- 1.23 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
- 1.24 subdivision 3; or 609.3453; ~~or~~
- 1.25 (iv) indecent exposure under section 617.23, subdivision 3; or

2.1 (v) surreptitious intrusion under the circumstances described in section 609.746,
2.2 subdivision 1, paragraph (f);

2.3 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
2.4 aiding, abetting, or conspiring to commit criminal abuse in violation of section 609.2325,
2.5 subdivision 1, paragraph (b); false imprisonment in violation of section 609.255, subdivision
2.6 2; solicitation, inducement, or promotion of the prostitution of a minor or engaging in the
2.7 sex trafficking of a minor in violation of section 609.322; a prostitution offense in violation
2.8 of section 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual
2.9 conduct in violation of section 609.352, subdivision 2 or 2a, clause (1); using a minor in a
2.10 sexual performance in violation of section 617.246; or possessing pornographic work
2.11 involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent
2.12 for that offense or another offense arising out of the same set of circumstances;

2.13 (3) the person was sentenced as a patterned sex offender under section 609.3455,
2.14 subdivision 3a; or

2.15 (4) the person was charged with or petitioned for, including pursuant to a court martial,
2.16 violating a law of the United States, including the Uniform Code of Military Justice, similar
2.17 to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent
2.18 for that offense or another offense arising out of the same set of circumstances.

2.19 (b) A person also shall register under this section if:

2.20 (1) the person was charged with or petitioned for an offense in another state that would
2.21 be a violation of a law described in paragraph (a) if committed in this state and convicted
2.22 of or adjudicated delinquent for that offense or another offense arising out of the same set
2.23 of circumstances;

2.24 (2) the person enters this state to reside, work, or attend school, or enters this state and
2.25 remains for 14 days or longer; and

2.26 (3) ten years have not elapsed since the person was released from confinement or, if the
2.27 person was not confined, since the person was convicted of or adjudicated delinquent for
2.28 the offense that triggers registration, unless the person is subject to a longer registration
2.29 period under the laws of another state in which the person has been convicted or adjudicated,
2.30 or is subject to lifetime registration.

2.31 If a person described in this paragraph is subject to a longer registration period in another
2.32 state or is subject to lifetime registration, the person shall register for that time period

3.1 regardless of when the person was released from confinement, convicted, or adjudicated
3.2 delinquent.

3.3 (c) A person also shall register under this section if the person was committed pursuant
3.4 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
3.5 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
3.6 United States, regardless of whether the person was convicted of any offense.

3.7 (d) A person also shall register under this section if:

3.8 (1) the person was charged with or petitioned for a felony violation or attempt to violate
3.9 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
3.10 the United States, or the person was charged with or petitioned for a violation of any of the
3.11 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
3.12 States;

3.13 (2) the person was found not guilty by reason of mental illness or mental deficiency
3.14 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
3.15 states with a guilty but mentally ill verdict; and

3.16 (3) the person was committed pursuant to a court commitment order under section
3.17 253B.18 or a similar law of another state or the United States.

3.18 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
3.19 committed on or after that date.

3.20 Sec. 2. Minnesota Statutes 2016, section 260.012, is amended to read:

3.21 **260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY**
3.22 **REUNIFICATION; REASONABLE EFFORTS.**

3.23 (a) Once a child alleged to be in need of protection or services is under the court's
3.24 jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate
3.25 services, by the social services agency are made to prevent placement or to eliminate the
3.26 need for removal and to reunite the child with the child's family at the earliest possible time,
3.27 and the court must ensure that the responsible social services agency makes reasonable
3.28 efforts to finalize an alternative permanent plan for the child as provided in paragraph (e).
3.29 In determining reasonable efforts to be made with respect to a child and in making those
3.30 reasonable efforts, the child's best interests, health, and safety must be of paramount concern.
3.31 Reasonable efforts to prevent placement and for rehabilitation and reunification are always
3.32 required except upon a determination by the court that a petition has been filed stating a
3.33 prima facie case that:

4.1 (1) the parent has subjected a child to egregious harm as defined in section 260C.007,
4.2 subdivision 14;

4.3 (2) the parental rights of the parent to another child have been terminated involuntarily;

4.4 (3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph
4.5 (a), clause (2);

4.6 (4) the parent's custodial rights to another child have been involuntarily transferred to a
4.7 relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d),
4.8 clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction;

4.9 (5) the parent has committed sexual abuse as defined in section 626.556, subdivision 2,
4.10 against the child or another child of the parent;

4.11 (6) the parent has committed an offense that requires registration as a predatory offender
4.12 under section 243.166, subdivision 1b, paragraph (a) or (b); or

4.13 (7) the provision of services or further services for the purpose of reunification is futile
4.14 and therefore unreasonable under the circumstances.

4.15 (b) When the court makes one of the prima facie determinations under paragraph (a),
4.16 either permanency pleadings under section 260C.505, or a termination of parental rights
4.17 petition under sections 260C.141 and 260C.301 must be filed. A permanency hearing under
4.18 sections 260C.503 to 260C.521 must be held within 30 days of this determination.

4.19 (c) In the case of an Indian child, in proceedings under sections 260B.178, 260C.178,
4.20 260C.201, 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, the juvenile court
4.21 must make findings and conclusions consistent with the Indian Child Welfare Act of 1978,
4.22 United States Code, title 25, section 1901 et seq., as to the provision of active efforts. In
4.23 cases governed by the Indian Child Welfare Act of 1978, United States Code, title 25, section
4.24 1901, the responsible social services agency must provide active efforts as required under
4.25 United States Code, title 25, section 1911(d).

4.26 (d) "Reasonable efforts to prevent placement" means:

4.27 (1) the agency has made reasonable efforts to prevent the placement of the child in foster
4.28 care by working with the family to develop and implement a safety plan; or

4.29 (2) given the particular circumstances of the child and family at the time of the child's
4.30 removal, there are no services or efforts available which could allow the child to safely
4.31 remain in the home.

5.1 (e) "Reasonable efforts to finalize a permanent plan for the child" means due diligence
5.2 by the responsible social services agency to:

5.3 (1) reunify the child with the parent or guardian from whom the child was removed;

5.4 (2) assess a noncustodial parent's ability to provide day-to-day care for the child and,
5.5 where appropriate, provide services necessary to enable the noncustodial parent to safely
5.6 provide the care, as required by section 260C.219;

5.7 (3) conduct a relative search to identify and provide notice to adult relatives as required
5.8 under section 260C.221;

5.9 (4) place siblings removed from their home in the same home for foster care or adoption,
5.10 or transfer permanent legal and physical custody to a relative. Visitation between siblings
5.11 who are not in the same foster care, adoption, or custodial placement or facility shall be
5.12 consistent with section 260C.212, subdivision 2; and

5.13 (5) when the child cannot return to the parent or guardian from whom the child was
5.14 removed, to plan for and finalize a safe and legally permanent alternative home for the child,
5.15 and considers permanent alternative homes for the child inside or outside of the state,
5.16 preferably through adoption or transfer of permanent legal and physical custody of the child.

5.17 (f) Reasonable efforts are made upon the exercise of due diligence by the responsible
5.18 social services agency to use culturally appropriate and available services to meet the needs
5.19 of the child and the child's family. Services may include those provided by the responsible
5.20 social services agency and other culturally appropriate services available in the community.
5.21 At each stage of the proceedings where the court is required to review the appropriateness
5.22 of the responsible social services agency's reasonable efforts as described in paragraphs (a),
5.23 (d), and (e), the social services agency has the burden of demonstrating that:

5.24 (1) it has made reasonable efforts to prevent placement of the child in foster care;

5.25 (2) it has made reasonable efforts to eliminate the need for removal of the child from
5.26 the child's home and to reunify the child with the child's family at the earliest possible time;

5.27 (3) it has made reasonable efforts to finalize an alternative permanent home for the child,
5.28 and considers permanent alternative homes for the child inside or outside of the state; or

5.29 (4) reasonable efforts to prevent placement and to reunify the child with the parent or
5.30 guardian are not required. The agency may meet this burden by stating facts in a sworn
5.31 petition filed under section 260C.141, by filing an affidavit summarizing the agency's
5.32 reasonable efforts or facts the agency believes demonstrate there is no need for reasonable

6.1 efforts to reunify the parent and child, or through testimony or a certified report required
6.2 under juvenile court rules.

6.3 (g) Once the court determines that reasonable efforts for reunification are not required
6.4 because the court has made one of the prima facie determinations under paragraph (a), the
6.5 court may only require reasonable efforts for reunification after a hearing according to
6.6 section 260C.163, where the court finds there is not clear and convincing evidence of the
6.7 facts upon which the court based its prima facie determination. In this case when there is
6.8 clear and convincing evidence that the child is in need of protection or services, the court
6.9 may find the child in need of protection or services and order any of the dispositions available
6.10 under section 260C.201, subdivision 1. Reunification of a child with a parent is not required
6.11 if the parent has been convicted of:

6.12 (1) a violation of, or an attempt or conspiracy to commit a violation of, sections 609.185
6.13 to 609.20; 609.222, subdivision 2; or 609.223 in regard to another child of the parent;

6.14 (2) a violation of section 609.222, subdivision 2; or 609.223, in regard to the child;

6.15 (3) a violation of, or an attempt or conspiracy to commit a violation of, United States
6.16 Code, title 18, section 1111(a) or 1112(a), in regard to another child of the parent;

6.17 (4) committing an offense that constitutes sexual abuse as defined in section 626.556,
6.18 subdivision 2, against the child or another child of the parent; or

6.19 (5) an offense that requires registration as a predatory offender under section 243.166,
6.20 subdivision 1b, paragraph (a) or (b).

6.21 Reunification is also not required when a parent receives a stay of adjudication pursuant to
6.22 section 609.095, paragraph (b), for an offense that constitutes sexual abuse under clause
6.23 (4).

6.24 (h) The juvenile court, in proceedings under sections 260B.178, 260C.178, 260C.201,
6.25 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, shall make findings and
6.26 conclusions as to the provision of reasonable efforts. When determining whether reasonable
6.27 efforts have been made, the court shall consider whether services to the child and family
6.28 were:

6.29 (1) relevant to the safety and protection of the child;

6.30 (2) adequate to meet the needs of the child and family;

6.31 (3) culturally appropriate;

6.32 (4) available and accessible;

7.1 (5) consistent and timely; and

7.2 (6) realistic under the circumstances.

7.3 In the alternative, the court may determine that provision of services or further services
7.4 for the purpose of rehabilitation is futile and therefore unreasonable under the circumstances
7.5 or that reasonable efforts are not required as provided in paragraph (a).

7.6 (i) This section does not prevent out-of-home placement for treatment of a child with a
7.7 mental disability when it is determined to be medically necessary as a result of the child's
7.8 diagnostic assessment or individual treatment plan indicates that appropriate and necessary
7.9 treatment cannot be effectively provided outside of a residential or inpatient treatment
7.10 program and the level or intensity of supervision and treatment cannot be effectively and
7.11 safely provided in the child's home or community and it is determined that a residential
7.12 treatment setting is the least restrictive setting that is appropriate to the needs of the child.

7.13 (j) If continuation of reasonable efforts to prevent placement or reunify the child with
7.14 the parent or guardian from whom the child was removed is determined by the court to be
7.15 inconsistent with the permanent plan for the child or upon the court making one of the prima
7.16 facie determinations under paragraph (a), reasonable efforts must be made to place the child
7.17 in a timely manner in a safe and permanent home and to complete whatever steps are
7.18 necessary to legally finalize the permanent placement of the child.

7.19 (k) Reasonable efforts to place a child for adoption or in another permanent placement
7.20 may be made concurrently with reasonable efforts to prevent placement or to reunify the
7.21 child with the parent or guardian from whom the child was removed. When the responsible
7.22 social services agency decides to concurrently make reasonable efforts for both reunification
7.23 and permanent placement away from the parent under paragraph (a), the agency shall disclose
7.24 its decision and both plans for concurrent reasonable efforts to all parties and the court.
7.25 When the agency discloses its decision to proceed on both plans for reunification and
7.26 permanent placement away from the parent, the court's review of the agency's reasonable
7.27 efforts shall include the agency's efforts under both plans.

7.28 Sec. 3. Minnesota Statutes 2016, section 299A.785, subdivision 1, is amended to read:

7.29 Subdivision 1. **Information to be collected.** The commissioner shall elicit the cooperation
7.30 and assistance of government agencies and nongovernmental organizations as appropriate
7.31 to assist in the collection of trafficking data. The commissioner shall direct the appropriate
7.32 authorities in each agency and organization to make best efforts to collect information

8.1 relevant to tracking progress on trafficking. The information to be collected may include,
8.2 but is not limited to:

8.3 (1) the numbers of arrests, prosecutions, and successful convictions of traffickers and
8.4 those committing trafficking-related crimes, including, but not limited to, the following
8.5 offenses: 609.27 (coercion); 609.282 (labor trafficking); 609.283 (unlawful conduct with
8.6 respect to documents in furtherance of labor or sex trafficking); 609.321 (promotion of
8.7 prostitution); 609.322 (solicitation of prostitution); 609.324 (other prostitution crimes);
8.8 609.33 (disorderly house); 609.352 (solicitation of a child); ~~and~~ 617.245 and 617.246 (use
8.9 of minors in sexual performance); 617.247 (possession of pornographic work involving
8.10 minors); and 617.293 (harmful materials; dissemination and display to minors prohibited);

8.11 (2) statistics on the number of trafficking victims, including demographics, method of
8.12 recruitment, and method of discovery;

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

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

8.17 (5) social factors that contribute to and foster trafficking, especially trafficking of women
8.18 and children; and

8.19 (6) the manner in which pornography supports trafficking by contributing to demand,
8.20 grooming or training victims, and creating additional revenue streams for traffickers.

8.21 Sec. 4. Minnesota Statutes 2016, section 609.3241, is amended to read:

8.22 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

8.23 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,
8.24 609.283, 609.322 ~~or~~, 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting
8.25 other than as a prostitute, the court shall impose an assessment of not less than \$500 and
8.26 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section
8.27 609.324, subdivision 2, ~~or~~ a misdemeanor violation of section 609.324, subdivision 3, a
8.28 violation of section 609.33, or a violation of section 617.293; otherwise the court shall
8.29 impose an assessment of not less than \$750 and not more than \$1,000. The assessment shall
8.30 be distributed as provided in paragraph (c) and is in addition to the surcharge required by
8.31 section 357.021, subdivision 6.

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

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

9.8 (1) 40 percent of the assessment shall be forwarded to the political subdivision that
 9.9 employs the arresting officer for use in enforcement, training, and education activities related
 9.10 to combating sexual exploitation of youth, or if the arresting officer is an employee of the
 9.11 state, this portion shall be forwarded to the commissioner of public safety for those purposes
 9.12 identified in clause (3);

9.13 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled
 9.14 the case for use in training and education activities relating to combating sexual exploitation
 9.15 activities of youth; and

9.16 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be
 9.17 deposited in the safe harbor for youth account in the special revenue fund and are
 9.18 appropriated to the commissioner for distribution to crime victims services organizations
 9.19 that provide services to sexually exploited youth, as defined in section 260C.007, subdivision
 9.20 31.

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

9.22 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
 9.23 committed on or after that date.

9.24 Sec. 5. **[609.3454] STAYS OF SENTENCE OR ADJUDICATION; REPORTS**
 9.25 **REQUIRED.**

9.26 (a) By January 31 of each year, each county attorney whose office has prosecuted an
 9.27 offense in the preceding calendar year for which a court has imposed: (1) a stay of imposition
 9.28 or execution of sentence under section 609.342, subdivision 3; 609.343, subdivision 3;
 9.29 609.344, subdivision 3; or 609.345, subdivision 3, in a case where the offender faced a
 9.30 presumptive commitment to prison; or (2) a stay of adjudication of guilt for a violation of
 9.31 section 243.166; 609.342; 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453,
 9.32 shall report to the Minnesota County Attorneys Association the following information on
 9.33 each offense for which a stay was imposed:

10.1 (1) general information about the case, including a brief description of the facts and any
10.2 relevant information specific to the case's prosecution;

10.3 (2) whether the prosecutor objected to or supported the court's decision to impose a stay
10.4 and the reasons for that position;

10.5 (3) what conditions of probation were imposed by the court on the offender; and

10.6 (4) any other information the county attorney deems appropriate.

10.7 (b) By March 1 of each year, the Minnesota County Attorneys Association shall forward
10.8 to the chairs and ranking minority members of the senate and house of representatives
10.9 committees having jurisdiction over criminal justice policy a combined report that includes
10.10 the reports of each county attorney under paragraph (a).

10.11 (c) Reports under this section must not identify individuals who are offenders, victims,
10.12 or witnesses to an offense.

10.13 Sec. 6. Minnesota Statutes 2016, section 609.746, subdivision 1, is amended to read:

10.14 Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of
10.15 a gross misdemeanor who:

10.16 (1) enters upon another's property;

10.17 (2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house
10.18 or place of dwelling of another; and

10.19 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
10.20 household.

10.21 (b) A person is guilty of a gross misdemeanor who:

10.22 (1) enters upon another's property;

10.23 (2) surreptitiously installs or uses any device for observing, photographing, recording,
10.24 amplifying, or broadcasting sounds or events through the window or any other aperture of
10.25 a house or place of dwelling of another; and

10.26 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
10.27 household.

10.28 (c) A person is guilty of a gross misdemeanor who:

10.29 (1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping
10.30 room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place

11.1 where a reasonable person would have an expectation of privacy and has exposed or is
11.2 likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the
11.3 clothing covering the immediate area of the intimate parts; and

11.4 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

11.5 (d) A person is guilty of a gross misdemeanor who:

11.6 (1) surreptitiously installs or uses any device for observing, photographing, recording,
11.7 amplifying, or broadcasting sounds or events through the window or other aperture of a
11.8 sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or
11.9 other place where a reasonable person would have an expectation of privacy and has exposed
11.10 or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or
11.11 the clothing covering the immediate area of the intimate parts; and

11.12 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

11.13 (e) A person is guilty of a felony and may be sentenced to imprisonment for not more
11.14 than two years or to payment of a fine of not more than \$5,000, or both, if the person:

11.15 (1) violates this subdivision after a previous conviction under this subdivision or section
11.16 609.749; or

11.17 (2) violates this subdivision against a minor under the age of 18, knowing or having
11.18 reason to know that the minor is present.

11.19 (f) A person is guilty of a felony and may be sentenced to imprisonment for not more
11.20 than four years or to payment of a fine of not more than \$5,000, or both, if the person violates
11.21 paragraph (b) or (d) against a minor under the age of 18, knowing or having reason to know
11.22 that the minor is present, if the violation is committed with sexual intent.

11.23 (g) Paragraphs (b) and (d) do not apply to law enforcement officers or corrections
11.24 investigators, or to those acting under their direction, while engaged in the performance of
11.25 their lawful duties. Paragraphs (c) and (d) do not apply to conduct in: (1) a medical facility;
11.26 or (2) a commercial establishment if the owner of the establishment has posted conspicuous
11.27 signs warning that the premises are under surveillance by the owner or the owner's employees.

11.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
11.29 committed on or after that date.

11.30 Sec. 7. Minnesota Statutes 2016, section 617.246, subdivision 2, is amended to read:

11.31 Subd. 2. **Use of minor.** (a) It is unlawful for a person to promote, employ, use or permit
11.32 a minor to engage in or assist others to engage minors in posing or modeling alone or with

12.1 others in any sexual performance or pornographic work if the person knows or has reason
12.2 to know that the conduct intended is a sexual performance or a pornographic work.

12.3 Any person who violates this ~~subdivision~~ paragraph is guilty of a felony and may be
12.4 sentenced to imprisonment for not more than ten years or to payment of a fine of not more
12.5 than \$20,000 ~~for the first offense and \$40,000 for a second or subsequent offense~~, or both.

12.6 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
12.7 imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000,
12.8 or both, if:

12.9 (1) the person has a prior conviction or delinquency adjudication for violating this section
12.10 or section 617.247;

12.11 (2) the violation occurs when the person is a registered predatory offender under section
12.12 243.166; or

12.13 (3) the violation involved a minor under the age of 13 years.

12.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
12.15 committed on or after that date.

12.16 Sec. 8. Minnesota Statutes 2016, section 617.246, subdivision 3, is amended to read:

12.17 Subd. 3. **Operation or ownership of business.** (a) A person who owns or operates a
12.18 business in which a pornographic work, as defined in this section, is disseminated to an
12.19 adult or a minor or is reproduced, and who knows the content and character of the
12.20 pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced
12.21 to imprisonment for not more than ten years, or to payment of a fine of not more than
12.22 \$20,000 ~~for the first offense and \$40,000 for a second or subsequent offense~~, or both.

12.23 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
12.24 imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000,
12.25 or both, if:

12.26 (1) the person has a prior conviction or delinquency adjudication for violating this section
12.27 or section 617.247;

12.28 (2) the violation occurs when the person is a registered predatory offender under section
12.29 243.166; or

12.30 (3) the violation involved a minor under the age of 13 years.

13.1 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
13.2 committed on or after that date.

13.3 Sec. 9. Minnesota Statutes 2016, section 617.246, subdivision 4, is amended to read:

13.4 Subd. 4. **Dissemination.** (a) A person who, knowing or with reason to know its content
13.5 and character, disseminates for profit to an adult or a minor a pornographic work, as defined
13.6 in this section, is guilty of a felony and may be sentenced to imprisonment for not more
13.7 than ten years, or to payment of a fine of not more than \$20,000 for the first offense and
13.8 \$40,000 for a second or subsequent offense, or both.

13.9 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
13.10 imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000,
13.11 or both, if:

13.12 (1) the person has a prior conviction or delinquency adjudication for violating this section
13.13 or section 617.247;

13.14 (2) the violation occurs when the person is a registered predatory offender under section
13.15 243.166; or

13.16 (3) the violation involved a minor under the age of 13 years.

13.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
13.18 committed on or after that date.

13.19 Sec. 10. Minnesota Statutes 2016, section 617.246, subdivision 7, is amended to read:

13.20 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
13.21 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
13.22 court commits a person to the custody of the commissioner of corrections for violating this
13.23 section, the court shall provide that after the person has been released from prison, the
13.24 commissioner shall place the person on conditional release for five years. If the person has
13.25 previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,
13.26 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this
13.27 state, or any state, the commissioner shall place the person on conditional release for ~~ten~~
13.28 15 years. The terms of conditional release are governed by section 609.3455, subdivision
13.29 8.

13.30 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
13.31 committed on or after that date.

14.1 Sec. 11. Minnesota Statutes 2016, section 617.247, subdivision 3, is amended to read:

14.2 Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work
14.3 to an adult or a minor, knowing or with reason to know its content and character, is guilty
14.4 of a felony and may be sentenced to imprisonment for not more than seven years ~~and or to~~
14.5 payment of a fine of not more than \$10,000 for a first offense and for not more than 15
14.6 years and a fine of not more than \$20,000 for a second or subsequent offense, or both.

14.7 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
14.8 imprisonment for not more than 15 years or to payment of a fine of not more than \$20,000,
14.9 or both, if:

14.10 (1) the person has a prior conviction or delinquency adjudication for violating this section
14.11 or section 617.246;

14.12 (2) the violation occurs when the person is a registered predatory offender under section
14.13 243.166; or

14.14 (3) the violation involved a minor under the age of 13 years.

14.15 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
14.16 committed on or after that date.

14.17 Sec. 12. Minnesota Statutes 2016, section 617.247, subdivision 4, is amended to read:

14.18 Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a
14.19 computer disk or computer or other electronic, magnetic, or optical storage system or a
14.20 storage system of any other type, containing a pornographic work, knowing or with reason
14.21 to know its content and character, is guilty of a felony and may be sentenced to imprisonment
14.22 for not more than five years ~~and or to payment of a fine of not more than \$5,000 for a first~~
14.23 ~~offense and for not more than ten years and a fine of not more than \$10,000 for a second~~
14.24 ~~or subsequent offense, or both.~~

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

14.28 (1) the person has a prior conviction or delinquency adjudication for violating this section
14.29 or section 617.246;

14.30 (2) the violation occurs when the person is a registered predatory offender under section
14.31 243.166; or

14.32 (3) the violation involved a minor under the age of 13 years.

15.1 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
15.2 committed on or after that date.

15.3 Sec. 13. Minnesota Statutes 2016, section 617.247, subdivision 9, is amended to read:

15.4 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence
15.5 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
15.6 court commits a person to the custody of the commissioner of corrections for violating this
15.7 section, the court shall provide that after the person has been released from prison, the
15.8 commissioner shall place the person on conditional release for five years. If the person has
15.9 previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,
15.10 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this
15.11 state, or any state, the commissioner shall place the person on conditional release for ~~ten~~
15.12 15 years. The terms of conditional release are governed by section 609.3455, subdivision
15.13 8.

15.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
15.15 committed on or after that date.

15.16 Sec. 14. **SENTENCING GUIDELINES MODIFICATION.**

15.17 The Sentencing Guidelines Commission shall comprehensively review and consider
15.18 modifying how the Sentencing Guidelines and the sex offender grid address the crimes
15.19 described in Minnesota Statutes, sections 617.246 and 617.247, as compared to similar
15.20 crimes, including other sex offenses and other offenses with similar maximum penalties.