

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2730

(SENATE AUTHORS: LAINE and Marty)

DATE
02/26/2018

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
 1.2 relating to public safety; expanding the fifth-degree criminal sexual conduct crime;
 1.3 amending Minnesota Statutes 2016, section 609.3451, subdivisions 1, 3.

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

1.5 Section 1. Minnesota Statutes 2016, section 609.3451, subdivision 1, is amended to read:

1.6 Subdivision 1. **Crime defined.** (a) A person is guilty of criminal sexual conduct in the
 1.7 fifth degree:

1.8 (1) if the person engages in nonconsensual sexual contact; or

1.9 (2) the person engages in masturbation or lewd exhibition of the genitals in the presence
 1.10 of a minor under the age of 16, knowing or having reason to know the minor is present.

1.11 For purposes of this ~~section~~ paragraph, "sexual contact" has the meaning given in section
 1.12 609.341, subdivision 11, paragraph (a), clauses (i), (iv), and (v), but does not include the
 1.13 intentional touching of the clothing covering the immediate area of the buttocks. Sexual
 1.14 contact also includes the intentional removal or attempted removal of clothing covering the
 1.15 complainant's intimate parts or undergarments, and the nonconsensual touching by the
 1.16 complainant of the actor's intimate parts, effected by the actor, if the action is performed
 1.17 with sexual or aggressive intent.

1.18 (b) A person is guilty of criminal sexual conduct in the fifth degree if the person, while
 1.19 acting with sexual intent and without the complainant's consent, intentionally touches the
 1.20 clothing covering the immediate area of the complainant's buttocks.

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

2.1 Sec. 2. Minnesota Statutes 2016, section 609.3451, subdivision 3, is amended to read:

2.2 Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment
2.3 for not more than seven years or to payment of a fine of not more than \$14,000, or both, if
2.4 the person violates this section within seven years of:

2.5 (1) a previous conviction for violating subdivision 1, paragraph (a), clause (2), a crime
2.6 described in paragraph (b), or a statute from another state in conformity with any of these
2.7 offenses; or

2.8 (2) the first of two or more previous convictions for violating subdivision 1, paragraph
2.9 (a), clause (1), or subdivision 1, paragraph (b), or a statute from another state in conformity
2.10 with ~~this offense~~ these offenses.

2.11 (b) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;
2.12 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to
2.13 enhance a criminal penalty as provided in paragraph (a).

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