

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2755

(SENATE AUTHORS: LIMMER)

DATE	D-PG	OFFICIAL STATUS
03/01/2018	6222	Introduction and first reading
		Referred to Judiciary and Public Safety Finance and Policy
04/19/2018	7370a	Comm report: To pass as amended and re-refer to Finance
	7390	Rule 12.10: report of votes in committee

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 prostitution penalty assessment to include

1.10 additional crimes; expanding criminal sexual conduct offenses for persons in

1.11 current or recent positions of authority over juveniles and for peace officers who

1.12 engage in sexual activity with those in custody; extending the sunset date for the

1.13 court technology fund; expanding the list of prior offenses that support a conviction

1.14 of first-degree driving while impaired; prohibiting the Department of Human

1.15 Rights from using federal funds to expand a program; appropriating and transferring

1.16 money; amending Minnesota Statutes 2016, sections 169A.24, subdivision 1;

1.17 243.166, subdivision 1b; 260.012; 299A.785, subdivision 1; 357.021, subdivision

1.18 2b; 609.3241; 609.341, subdivision 10; 609.342, subdivision 1; 609.343, subdivision

1.19 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.746, subdivision 1; 617.246,

1.20 subdivisions 2, 3, 4, 7; 617.247, subdivisions 3, 4, 9; proposing coding for new

1.21 law in Minnesota Statutes, chapter 609.

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

1.23 Section 1. Minnesota Statutes 2016, section 169A.24, subdivision 1, is amended to read:

1.24 Subdivision 1. **Degree described.** A person who violates section 169A.20 (driving while

1.25 impaired) is guilty of first-degree driving while impaired if the person:

1.26 (1) commits the violation within ten years of the first of three or more qualified prior

1.27 impaired driving incidents;

1.28 (2) has previously been convicted of a felony under this section; or

1.29 (3) has previously been convicted of a felony under:

2.1 (i) Minnesota Statutes 2012, section 609.21 (criminal vehicular homicide and injury,
2.2 substance-related offenses), subdivision 1, clauses (2) to (6);

2.3 (ii) Minnesota Statutes 2006, section 609.21 (criminal vehicular homicide and injury,
2.4 substance-related offenses), subdivision 1, clauses (2) to (6); subdivision 2, clauses (2) to
2.5 (6); subdivision 2a, clauses (2) to (6); subdivision 3, clauses (2) to (6); or subdivision 4,
2.6 clauses (2) to (6); ~~or~~

2.7 (iii) section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses
2.8 (2) to (6), subdivision 2, clauses (2) to (6), or subdivision 3, clauses (2) to (6); or 609.2114,
2.9 subdivision 1, clauses (2) to (6), or subdivision 2, clauses (2) to (6); or

2.10 (iv) a statute from this state or another state in conformity with any provision listed in
2.11 item (i), (ii), or (iii).

2.12 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
2.13 committed on or after that date.

2.14 Sec. 2. Minnesota Statutes 2016, section 243.166, subdivision 1b, is amended to read:

2.15 Subd. 1b. **Registration required.** (a) A person shall register under this section if:

2.16 (1) the person was charged with or petitioned for a felony violation of or attempt to
2.17 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
2.18 of or adjudicated delinquent for that offense or another offense arising out of the same set
2.19 of circumstances:

2.20 (i) murder under section 609.185, paragraph (a), clause (2);

2.21 (ii) kidnapping under section 609.25;

2.22 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
2.23 subdivision 3; or 609.3453; ~~or~~

2.24 (iv) indecent exposure under section 617.23, subdivision 3; or

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

2.27 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
2.28 aiding, abetting, or conspiring to commit criminal abuse in violation of section 609.2325,
2.29 subdivision 1, paragraph (b); false imprisonment in violation of section 609.255, subdivision
2.30 2; solicitation, inducement, or promotion of the prostitution of a minor or engaging in the
2.31 sex trafficking of a minor in violation of section 609.322; a prostitution offense in violation

3.1 of section 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual
3.2 conduct in violation of section 609.352, subdivision 2 or 2a, clause (1); using a minor in a
3.3 sexual performance in violation of section 617.246; or possessing pornographic work
3.4 involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent
3.5 for that offense or another offense arising out of the same set of circumstances;

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

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

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

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

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

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

3.24 If a person described in this paragraph is subject to a longer registration period in another
3.25 state or is subject to lifetime registration, the person shall register for that time period
3.26 regardless of when the person was released from confinement, convicted, or adjudicated
3.27 delinquent.

3.28 (c) A person also shall register under this section if the person was committed pursuant
3.29 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
3.30 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
3.31 United States, regardless of whether the person was convicted of any offense.

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

4.1 (1) the person was charged with or petitioned for a felony violation or attempt to violate
4.2 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
4.3 the United States, or the person was charged with or petitioned for a violation of any of the
4.4 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
4.5 States;

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

4.9 (3) the person was committed pursuant to a court commitment order under section
4.10 253B.18 or a similar law of another state or the United States.

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

4.13 Sec. 3. Minnesota Statutes 2016, section 260.012, is amended to read:

4.14 **260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY**
4.15 **REUNIFICATION; REASONABLE EFFORTS.**

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

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

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

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

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

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

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

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

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

5.14 (c) In the case of an Indian child, in proceedings under sections 260B.178, 260C.178,
5.15 260C.201, 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, the juvenile court
5.16 must make findings and conclusions consistent with the Indian Child Welfare Act of 1978,
5.17 United States Code, title 25, section 1901 et seq., as to the provision of active efforts. In
5.18 cases governed by the Indian Child Welfare Act of 1978, United States Code, title 25, section
5.19 1901, the responsible social services agency must provide active efforts as required under
5.20 United States Code, title 25, section 1911(d).

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

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

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

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

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

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

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

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

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

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

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

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

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

6.23 (4) reasonable efforts to prevent placement and to reunify the child with the parent or
6.24 guardian are not required. The agency may meet this burden by stating facts in a sworn
6.25 petition filed under section 260C.141, by filing an affidavit summarizing the agency's
6.26 reasonable efforts or facts the agency believes demonstrate there is no need for reasonable
6.27 efforts to reunify the parent and child, or through testimony or a certified report required
6.28 under juvenile court rules.

6.29 (g) Once the court determines that reasonable efforts for reunification are not required
6.30 because the court has made one of the prima facie determinations under paragraph (a), the
6.31 court may only require reasonable efforts for reunification after a hearing according to
6.32 section 260C.163, where the court finds there is not clear and convincing evidence of the
6.33 facts upon which the court based its prima facie determination. In this case when there is

7.1 clear and convincing evidence that the child is in need of protection or services, the court
7.2 may find the child in need of protection or services and order any of the dispositions available
7.3 under section 260C.201, subdivision 1. Reunification of a child with a parent is not required
7.4 if the parent has been convicted of:

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

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

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

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

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

7.14 Reunification is also not required when a parent receives a stay of adjudication pursuant to
7.15 section 609.095, paragraph (b), for an offense that constitutes sexual abuse under clause
7.16 (4).

7.17 (h) The juvenile court, in proceedings under sections 260B.178, 260C.178, 260C.201,
7.18 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, shall make findings and
7.19 conclusions as to the provision of reasonable efforts. When determining whether reasonable
7.20 efforts have been made, the court shall consider whether services to the child and family
7.21 were:

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

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

7.24 (3) culturally appropriate;

7.25 (4) available and accessible;

7.26 (5) consistent and timely; and

7.27 (6) realistic under the circumstances.

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

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

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

8.14 (k) Reasonable efforts to place a child for adoption or in another permanent placement
8.15 may be made concurrently with reasonable efforts to prevent placement or to reunify the
8.16 child with the parent or guardian from whom the child was removed. When the responsible
8.17 social services agency decides to concurrently make reasonable efforts for both reunification
8.18 and permanent placement away from the parent under paragraph (a), the agency shall disclose
8.19 its decision and both plans for concurrent reasonable efforts to all parties and the court.
8.20 When the agency discloses its decision to proceed on both plans for reunification and
8.21 permanent placement away from the parent, the court's review of the agency's reasonable
8.22 efforts shall include the agency's efforts under both plans.

8.23 Sec. 4. Minnesota Statutes 2016, section 299A.785, subdivision 1, is amended to read:

8.24 Subdivision 1. **Information to be collected.** The commissioner shall elicit the cooperation
8.25 and assistance of government agencies and nongovernmental organizations as appropriate
8.26 to assist in the collection of trafficking data. The commissioner shall direct the appropriate
8.27 authorities in each agency and organization to make best efforts to collect information
8.28 relevant to tracking progress on trafficking. The information to be collected may include,
8.29 but is not limited to:

8.30 (1) the numbers of arrests, prosecutions, and successful convictions of traffickers and
8.31 those committing trafficking-related crimes, including, but not limited to, the following
8.32 offenses: 609.27 (coercion); 609.282 (labor trafficking); 609.283 (unlawful conduct with
8.33 respect to documents in furtherance of labor or sex trafficking); 609.321 (promotion of
8.34 prostitution); 609.322 (solicitation of prostitution); 609.324 (other prostitution crimes);

9.1 609.33 (disorderly house); 609.352 (solicitation of a child); ~~and~~ 617.245 and 617.246 (use
9.2 of minors in sexual performance); 617.247 (possession of pornographic work involving
9.3 minors); and 617.293 (harmful materials; dissemination and display to minors prohibited);

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

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

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

9.10 (5) social factors, including pornography, that contribute to and foster trafficking,
9.11 especially trafficking of women and children.

9.12 Sec. 5. Minnesota Statutes 2016, section 357.021, subdivision 2b, is amended to read:

9.13 Subd. 2b. **Court technology fund.** (a) In addition to any other filing fee under this
9.14 chapter, the court administrator shall collect a \$2 technology fee on filings made under
9.15 subdivision 2, clauses (1) to (13). The court administrator shall transmit the fee monthly to
9.16 the commissioner of management and budget for deposit in the court technology account
9.17 in the special revenue fund.

9.18 (b) A court technology account is established as a special account in the state treasury
9.19 and funds deposited in the account are appropriated to the Supreme Court for distribution
9.20 of technology funds as provided in paragraph (d). Technology funds may be used for the
9.21 following purposes: acquisition, development, support, maintenance, and upgrades to
9.22 computer systems, equipment and devices, network systems, electronic records, filings and
9.23 payment systems, interactive video teleconferencing, and online services, to be used by the
9.24 state courts and their justice partners.

9.25 (c) The Judicial Council may establish a board consisting of members from the judicial
9.26 branch, prosecutors, public defenders, corrections, and civil legal services to distribute funds
9.27 collected under paragraph (a). The Judicial Council may adopt policies and procedures for
9.28 the operation of the board, including but not limited to policies and procedures governing
9.29 membership terms, removal of members, and the filling of membership vacancies.

9.30 (d) Applications for the expenditure of technology funds shall be accepted from the
9.31 judicial branch, county and city attorney offices, the Board of Public Defense, qualified
9.32 legal services programs as defined under section 480.24, corrections agencies, and part-time
9.33 public defender offices. The applications shall be reviewed by the Judicial Council and, if

10.1 established, the board. In accordance with any recommendations from the board, the Judicial
 10.2 Council shall distribute the funds available for this expenditure to selected recipients.

10.3 (e) By January 15, ~~2015~~ 2019, January 15, 2021, January 15, 2023, and ~~by~~ January 15,
 10.4 ~~2017~~ 2024, the Judicial Council shall submit a report to the chairs and ranking minority
 10.5 members of the house of representatives and senate committees with jurisdiction over
 10.6 judiciary finance providing an accounting on the amounts collected and expended in the
 10.7 previous biennium, including a list of fund recipients, the amounts awarded to each recipient,
 10.8 and the technology purpose funded.

10.9 (f) This subdivision expires June 30, ~~2018~~ 2023.

10.10 **EFFECTIVE DATE.** This section is effective July 1, 2018.

10.11 Sec. 6. Minnesota Statutes 2016, section 609.3241, is amended to read:

10.12 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

10.13 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,
 10.14 609.283, 609.322 ~~or~~ 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting
 10.15 other than as a prostitute, the court shall impose an assessment of not less than \$500 and
 10.16 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section
 10.17 609.324, subdivision 2, or a misdemeanor violation of section 609.324, subdivision 3, a
 10.18 violation of section 609.33, or a violation of section 617.293; otherwise the court shall
 10.19 impose an assessment of not less than \$750 and not more than \$1,000. The assessment shall
 10.20 be distributed as provided in paragraph (c) and is in addition to the surcharge required by
 10.21 section 357.021, subdivision 6.

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

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

10.29 (1) 40 percent of the assessment shall be forwarded to the political subdivision that
 10.30 employs the arresting officer for use in enforcement, training, and education activities related
 10.31 to combating sexual exploitation of youth, or if the arresting officer is an employee of the
 10.32 state, this portion shall be forwarded to the commissioner of public safety for those purposes
 10.33 identified in clause (3);

11.1 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled
 11.2 the case for use in training and education activities relating to combating sexual exploitation
 11.3 activities of youth; and

11.4 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be
 11.5 deposited in the safe harbor for youth account in the special revenue fund and are
 11.6 appropriated to the commissioner for distribution to crime victims services organizations
 11.7 that provide services to sexually exploited youth, as defined in section 260C.007, subdivision
 11.8 31.

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

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

11.12 Sec. 7. Minnesota Statutes 2016, section 609.341, subdivision 10, is amended to read:

11.13 Subd. 10. **Current or recent position of authority.** "Current or recent position of
 11.14 authority" includes but is not limited to any person who is a parent or acting in the place of
 11.15 a parent and charged with or assumes any of a parent's rights, duties or responsibilities to
 11.16 a child, or a person who is charged with or assumes any duty or responsibility for the health,
 11.17 welfare, or supervision of a child, either independently or through another, no matter how
 11.18 brief, at the time of or within 120 days immediately preceding the act. For the purposes of
 11.19 subdivision 11, "position of authority" includes a psychotherapist.

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

11.22 Sec. 8. Minnesota Statutes 2016, section 609.342, subdivision 1, is amended to read:

11.23 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another
 11.24 person, or in sexual contact with a person under 13 years of age as defined in section 609.341,
 11.25 subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any
 11.26 of the following circumstances exists:

11.27 (a) the complainant is under 13 years of age and the actor is more than 36 months older
 11.28 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
 11.29 the complainant is a defense;

11.30 (b) the complainant is at least 13 years of age but less than 16 years of age and the actor
 11.31 is more than 48 months older than the complainant and in a current or recent position of

12.1 authority over the complainant. Neither mistake as to the complainant's age nor consent to
12.2 the act by the complainant is a defense;

12.3 (c) circumstances existing at the time of the act cause the complainant to have a
12.4 reasonable fear of imminent great bodily harm to the complainant or another;

12.5 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a
12.6 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
12.7 or threatens to use the weapon or article to cause the complainant to submit;

12.8 (e) the actor causes personal injury to the complainant, and either of the following
12.9 circumstances exist:

12.10 (i) the actor uses force or coercion to accomplish sexual penetration; or

12.11 (ii) the actor knows or has reason to know that the complainant is mentally impaired,
12.12 mentally incapacitated, or physically helpless;

12.13 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
12.14 609.05, and either of the following circumstances exists:

12.15 (i) an accomplice uses force or coercion to cause the complainant to submit; or

12.16 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned
12.17 in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and
12.18 uses or threatens to use the weapon or article to cause the complainant to submit;

12.19 (g) the actor has a significant relationship to the complainant and the complainant was
12.20 under 16 years of age at the time of the sexual penetration. Neither mistake as to the
12.21 complainant's age nor consent to the act by the complainant is a defense; or

12.22 (h) the actor has a significant relationship to the complainant, the complainant was under
12.23 16 years of age at the time of the sexual penetration, and:

12.24 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

12.25 (ii) the complainant suffered personal injury; or

12.26 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

12.27 Neither mistake as to the complainant's age nor consent to the act by the complainant is
12.28 a defense.

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

13.1 Sec. 9. Minnesota Statutes 2016, section 609.343, subdivision 1, is amended to read:

13.2 Subdivision 1. **Crime defined.** A person who engages in sexual contact with another
13.3 person is guilty of criminal sexual conduct in the second degree if any of the following
13.4 circumstances exists:

13.5 (a) the complainant is under 13 years of age and the actor is more than 36 months older
13.6 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
13.7 the complainant is a defense. In a prosecution under this clause, the state is not required to
13.8 prove that the sexual contact was coerced;

13.9 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
13.10 48 months older than the complainant and in a current or recent position of authority over
13.11 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
13.12 complainant is a defense;

13.13 (c) circumstances existing at the time of the act cause the complainant to have a
13.14 reasonable fear of imminent great bodily harm to the complainant or another;

13.15 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a
13.16 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
13.17 or threatens to use the dangerous weapon to cause the complainant to submit;

13.18 (e) the actor causes personal injury to the complainant, and either of the following
13.19 circumstances exist:

13.20 (i) the actor uses force or coercion to accomplish the sexual contact; or

13.21 (ii) the actor knows or has reason to know that the complainant is mentally impaired,
13.22 mentally incapacitated, or physically helpless;

13.23 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
13.24 609.05, and either of the following circumstances exists:

13.25 (i) an accomplice uses force or coercion to cause the complainant to submit; or

13.26 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned
13.27 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
13.28 uses or threatens to use the weapon or article to cause the complainant to submit;

13.29 (g) the actor has a significant relationship to the complainant and the complainant was
13.30 under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's
13.31 age nor consent to the act by the complainant is a defense; or

14.1 (h) the actor has a significant relationship to the complainant, the complainant was under
14.2 16 years of age at the time of the sexual contact, and:

14.3 (i) the actor or an accomplice used force or coercion to accomplish the contact;

14.4 (ii) the complainant suffered personal injury; or

14.5 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

14.6 Neither mistake as to the complainant's age nor consent to the act by the complainant is
14.7 a defense.

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

14.10 Sec. 10. Minnesota Statutes 2016, section 609.344, subdivision 1, is amended to read:

14.11 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another
14.12 person is guilty of criminal sexual conduct in the third degree if any of the following
14.13 circumstances exists:

14.14 (a) the complainant is under 13 years of age and the actor is no more than 36 months
14.15 older than the complainant. Neither mistake as to the complainant's age nor consent to the
14.16 act by the complainant shall be a defense;

14.17 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
14.18 24 months older than the complainant. In any such case if the actor is no more than 120
14.19 months older than the complainant, it shall be an affirmative defense, which must be proved
14.20 by a preponderance of the evidence, that the actor reasonably believes the complainant to
14.21 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
14.22 be a defense. Consent by the complainant is not a defense;

14.23 (c) the actor uses force or coercion to accomplish the penetration;

14.24 (d) the actor knows or has reason to know that the complainant is mentally impaired,
14.25 mentally incapacitated, or physically helpless;

14.26 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
14.27 48 months older than the complainant and in a current or recent position of authority over
14.28 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
14.29 complainant is a defense;

15.1 (f) the actor has a significant relationship to the complainant and the complainant was
15.2 at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake
15.3 as to the complainant's age nor consent to the act by the complainant is a defense;

15.4 (g) the actor has a significant relationship to the complainant, the complainant was at
15.5 least 16 but under 18 years of age at the time of the sexual penetration, and:

15.6 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

15.7 (ii) the complainant suffered personal injury; or

15.8 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

15.9 Neither mistake as to the complainant's age nor consent to the act by the complainant is
15.10 a defense;

15.11 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
15.12 and the sexual penetration occurred:

15.13 (i) during the psychotherapy session; or

15.14 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
15.15 exists.

15.16 Consent by the complainant is not a defense;

15.17 (i) the actor is a psychotherapist and the complainant is a former patient of the
15.18 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

15.19 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
15.20 the sexual penetration occurred by means of therapeutic deception. Consent by the
15.21 complainant is not a defense;

15.22 (k) the actor accomplishes the sexual penetration by means of deception or false
15.23 representation that the penetration is for a bona fide medical purpose. Consent by the
15.24 complainant is not a defense;

15.25 (l) the actor is or purports to be a member of the clergy, the complainant is not married
15.26 to the actor, and:

15.27 (i) the sexual penetration occurred during the course of a meeting in which the
15.28 complainant sought or received religious or spiritual advice, aid, or comfort from the actor
15.29 in private; or

16.1 (ii) the sexual penetration occurred during a period of time in which the complainant
 16.2 was meeting on an ongoing basis with the actor to seek or receive religious or spiritual
 16.3 advice, aid, or comfort in private. Consent by the complainant is not a defense;

16.4 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
 16.5 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
 16.6 or treatment facility providing services to clients civilly committed as mentally ill and
 16.7 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
 16.8 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant
 16.9 is a resident of a facility or under supervision of the correctional system. Consent by the
 16.10 complainant is not a defense;

16.11 (n) the actor provides or is an agent of an entity that provides special transportation
 16.12 service, the complainant used the special transportation service, and the sexual penetration
 16.13 occurred during or immediately before or after the actor transported the complainant. Consent
 16.14 by the complainant is not a defense; ~~or~~

16.15 (o) the actor performs massage or other bodywork for hire, the complainant was a user
 16.16 of one of those services, and nonconsensual sexual penetration occurred during or
 16.17 immediately before or after the actor performed or was hired to perform one of those services
 16.18 for the complainant; or

16.19 (p) the actor is a peace officer, as defined in section 626.84, and the complainant is in
 16.20 custody or is being questioned in relation to a criminal offense. Consent by the complainant
 16.21 is not a defense.

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

16.24 Sec. 11. Minnesota Statutes 2016, section 609.345, subdivision 1, is amended to read:

16.25 Subdivision 1. **Crime defined.** A person who engages in sexual contact with another
 16.26 person is guilty of criminal sexual conduct in the fourth degree if any of the following
 16.27 circumstances exists:

16.28 (a) the complainant is under 13 years of age and the actor is no more than 36 months
 16.29 older than the complainant. Neither mistake as to the complainant's age or consent to the
 16.30 act by the complainant is a defense. In a prosecution under this clause, the state is not
 16.31 required to prove that the sexual contact was coerced;

16.32 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
 16.33 48 months older than the complainant or in a current or recent position of authority over

17.1 the complainant. Consent by the complainant to the act is not a defense. In any such case,
17.2 if the actor is no more than 120 months older than the complainant, it shall be an affirmative
17.3 defense which must be proved by a preponderance of the evidence that the actor reasonably
17.4 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
17.5 complainant's age shall not be a defense;

17.6 (c) the actor uses force or coercion to accomplish the sexual contact;

17.7 (d) the actor knows or has reason to know that the complainant is mentally impaired,
17.8 mentally incapacitated, or physically helpless;

17.9 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
17.10 48 months older than the complainant and in a current or recent position of authority over
17.11 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
17.12 complainant is a defense;

17.13 (f) the actor has a significant relationship to the complainant and the complainant was
17.14 at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to
17.15 the complainant's age nor consent to the act by the complainant is a defense;

17.16 (g) the actor has a significant relationship to the complainant, the complainant was at
17.17 least 16 but under 18 years of age at the time of the sexual contact, and:

17.18 (i) the actor or an accomplice used force or coercion to accomplish the contact;

17.19 (ii) the complainant suffered personal injury; or

17.20 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

17.21 Neither mistake as to the complainant's age nor consent to the act by the complainant is
17.22 a defense;

17.23 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
17.24 and the sexual contact occurred:

17.25 (i) during the psychotherapy session; or

17.26 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
17.27 exists. Consent by the complainant is not a defense;

17.28 (i) the actor is a psychotherapist and the complainant is a former patient of the
17.29 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

18.1 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
18.2 the sexual contact occurred by means of therapeutic deception. Consent by the complainant
18.3 is not a defense;

18.4 (k) the actor accomplishes the sexual contact by means of deception or false representation
18.5 that the contact is for a bona fide medical purpose. Consent by the complainant is not a
18.6 defense;

18.7 (l) the actor is or purports to be a member of the clergy, the complainant is not married
18.8 to the actor, and:

18.9 (i) the sexual contact occurred during the course of a meeting in which the complainant
18.10 sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

18.11 (ii) the sexual contact occurred during a period of time in which the complainant was
18.12 meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice,
18.13 aid, or comfort in private. Consent by the complainant is not a defense;

18.14 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
18.15 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
18.16 or treatment facility providing services to clients civilly committed as mentally ill and
18.17 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
18.18 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant
18.19 is a resident of a facility or under supervision of the correctional system. Consent by the
18.20 complainant is not a defense;

18.21 (n) the actor provides or is an agent of an entity that provides special transportation
18.22 service, the complainant used the special transportation service, the complainant is not
18.23 married to the actor, and the sexual contact occurred during or immediately before or after
18.24 the actor transported the complainant. Consent by the complainant is not a defense; ~~or~~

18.25 (o) the actor performs massage or other bodywork for hire, the complainant was a user
18.26 of one of those services, and nonconsensual sexual contact occurred during or immediately
18.27 before or after the actor performed or was hired to perform one of those services for the
18.28 complainant; or

18.29 (p) the actor is a peace officer, as defined in section 626.84, and the complainant is in
18.30 custody or is being questioned in relation to a criminal offense. Consent by the complainant
18.31 is not a defense.

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

19.1 Sec. 12. [609.3454] STAYS OF SENTENCE OR ADJUDICATION; REPORTS
19.2 REQUIRED.

19.3 (a) By January 31 of each year, each county attorney whose office has prosecuted an
19.4 offense in the preceding calendar year for which a court has imposed: (1) a stay of imposition
19.5 or execution of sentence under section 609.342, subdivision 3; 609.343, subdivision 3;
19.6 609.344, subdivision 3; or 609.345, subdivision 3, in a case where the offender faced a
19.7 presumptive commitment to prison; or (2) a stay of adjudication of guilt for a violation of
19.8 section 243.166; 609.342; 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453,
19.9 shall report to the Minnesota County Attorneys Association the following information on
19.10 each offense for which a stay was imposed:

19.11 (i) general information about the case, including a brief description of the facts and any
19.12 relevant information specific to the case's prosecution;

19.13 (ii) whether the prosecutor objected to or supported the court's decision to impose a stay
19.14 and the reasons for that position;

19.15 (iii) what conditions of probation were imposed by the court on the offender; and

19.16 (iv) any other information the county attorney deems appropriate.

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

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

19.23 Sec. 13. Minnesota Statutes 2016, section 609.746, subdivision 1, is amended to read:

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

19.26 (1) enters upon another's property;

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

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

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

20.1 (1) enters upon another's property;

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

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

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

20.8 (1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping
20.9 room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place
20.10 where a reasonable person would have an expectation of privacy and has exposed or is
20.11 likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the
20.12 clothing covering the immediate area of the intimate parts; and

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

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

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

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

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

20.24 (1) violates this subdivision after a previous conviction under this subdivision or section
20.25 609.749; or

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

20.28 (f) A person is guilty of a felony and may be sentenced to imprisonment for not more
20.29 than four years or to payment of a fine of not more than \$5,000, or both, if: (1) the person
20.30 violates paragraph (b) or (d) against a minor victim under the age of 18; (2) the person is
20.31 more than 36 months older than the minor victim; (3) the person knows or has reason to
20.32 know that the minor victim is present; and (4) the violation is committed with sexual intent.

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

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

21.8 Sec. 14. Minnesota Statutes 2016, section 617.246, subdivision 2, is amended to read:

21.9 Subd. 2. **Use of minor.** (a) It is unlawful for a person to promote, employ, use or permit
 21.10 a minor to engage in or assist others to engage minors in posing or modeling alone or with
 21.11 others in any sexual performance or pornographic work if the person knows or has reason
 21.12 to know that the conduct intended is a sexual performance or a pornographic work.

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

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

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

21.21 (2) the violation occurs when the person is a registered predatory offender under section
 21.22 243.166; or

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

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

21.26 Sec. 15. Minnesota Statutes 2016, section 617.246, subdivision 3, is amended to read:

21.27 Subd. 3. **Operation or ownership of business.** (a) A person who owns or operates a
 21.28 business in which a pornographic work, as defined in this section, is disseminated to an
 21.29 adult or a minor or is reproduced, and who knows the content and character of the
 21.30 pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced

22.1 to imprisonment for not more than ten years, or to payment of a fine of not more than
 22.2 \$20,000 ~~for the first offense and \$40,000 for a second or subsequent offense~~, or both.

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

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

22.8 (2) the violation occurs when the person is a registered predatory offender under section
 22.9 243.166; or

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

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

22.13 Sec. 16. Minnesota Statutes 2016, section 617.246, subdivision 4, is amended to read:

22.14 Subd. 4. **Dissemination.** (a) A person who, knowing or with reason to know its content
 22.15 and character, disseminates for profit to an adult or a minor a pornographic work, as defined
 22.16 in this section, is guilty of a felony and may be sentenced to imprisonment for not more
 22.17 than ten years, or to payment of a fine of not more than \$20,000 ~~for the first offense and~~
 22.18 ~~\$40,000 for a second or subsequent offense~~, or both.

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

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

22.24 (2) the violation occurs when the person is a registered predatory offender under section
 22.25 243.166; or

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

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

23.1 Sec. 17. Minnesota Statutes 2016, section 617.246, subdivision 7, is amended to read:

23.2 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
23.3 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
23.4 court commits a person to the custody of the commissioner of corrections for violating this
23.5 section, the court shall provide that after the person has been released from prison, the
23.6 commissioner shall place the person on conditional release for five years. If the person has
23.7 previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,
23.8 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this
23.9 state, or any state, the commissioner shall place the person on conditional release for ~~ten~~
23.10 15 years. The terms of conditional release are governed by section 609.3455, subdivision
23.11 8.

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

23.14 Sec. 18. Minnesota Statutes 2016, section 617.247, subdivision 3, is amended to read:

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

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

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

23.25 (2) the violation occurs when the person is a registered predatory offender under section
23.26 243.166; or

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

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

24.1 Sec. 19. Minnesota Statutes 2016, section 617.247, subdivision 4, is amended to read:

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

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

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

24.14 (2) the violation occurs when the person is a registered predatory offender under section
24.15 243.166; or

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

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

24.19 Sec. 20. Minnesota Statutes 2016, section 617.247, subdivision 9, is amended to read:

24.20 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence
24.21 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
24.22 court commits a person to the custody of the commissioner of corrections for violating this
24.23 section, the court shall provide that after the person has been released from prison, the
24.24 commissioner shall place the person on conditional release for five years. If the person has
24.25 previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,
24.26 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this
24.27 state, or any state, the commissioner shall place the person on conditional release for ~~ten~~
24.28 15 years. The terms of conditional release are governed by section 609.3455, subdivision
24.29 8.

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

25.1 Sec. 21. **SENTENCING GUIDELINES MODIFICATION.**

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

25.6 Sec. 22. **USE OF FEDERAL FUNDS PROHIBITED.**

25.7 The commissioner of management and budget must not allot the spending authority
25.8 requested by the commissioner of human rights for a federal grant from the Equal
25.9 Employment Opportunity Commission (EEOC), titled EEOC/FEPA Model Worksharing
25.10 Agreement (EEC45017C0065), and submitted to the Legislative Advisory Commission as
25.11 part of the March 27, 2018, 20-day Federal Funds Review.

25.12 **EFFECTIVE DATE.** This section is effective May 19, 2018.

25.13 Sec. 23. **TRANSFER.**

25.14 \$125,000 is transferred in fiscal year 2019 from the general fund to the peace officer
25.15 training account in the special revenue fund to pay for a projected deficiency in the peace
25.16 officer training account. This is a onetime transfer.

25.17 Sec. 24. **APPROPRIATIONS.**

25.18 (a) \$6,600,000 is appropriated in fiscal year 2019 from the general fund to the
25.19 commissioner of corrections to fund the offender health care contract. \$1,968,000 is added
25.20 to the base in fiscal year 2020 and \$3,168,000 is added to the base in fiscal years 2021,
25.21 2022, and 2023. In fiscal year 2024 and beyond, \$0 is added to the base.

25.22 (b) \$300,000 is appropriated in fiscal year 2019 from the general fund to the commissioner
25.23 of public safety for two Bureau of Criminal Apprehension drug scientists and lab supplies.
25.24 The base for this provision is \$300,000 in fiscal years 2020 and 2021, and \$0 in fiscal year
25.25 2022 and beyond.