

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 4328

(SENATE AUTHORS: RASMUSSON, Farnsworth, Green, Johnson and Westrom)
DATE **D-PG** **OFFICIAL STATUS**
02/29/2024 11836 Introduction and first reading
Referred to Judiciary and Public Safety

1.1 A bill for an act

1.2 relating to immigration; increasing criminal penalties for human trafficking
1.3 offenses; prohibiting sanctuary cities; requiring reports; amending Minnesota
1.4 Statutes 2022, sections 171.22; 609.282, subdivision 2; 609.283, subdivision 2;
1.5 609.322, subdivision 1a; Minnesota Statutes 2023 Supplement, sections 609.282,
1.6 subdivisions 1, 1a; 609.322, subdivision 1; proposing coding for new law in
1.7 Minnesota Statutes, chapters 15; 181; 412.

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

1.9 Section 1. **[15.987] REPORT TO LEGISLATURE; GOVERNMENTAL**

1.10 **ASSISTANCE.**

1.11 A state department or agency that provides governmental assistance to individuals in

1.12 Minnesota without legal status in the state must annually report to the legislature, by

1.13 December 15, the total amount of governmental assistance provided to such individuals.

1.14 Governmental assistance includes but is not limited to goods, services, credits, and money

1.15 provided to an individual and any other expenditures or costs incurred by a state department

1.16 or agency resulting directly or indirectly from such individuals.

1.17 Sec. 2. Minnesota Statutes 2022, section 171.22, is amended to read:

1.18 **171.22 UNLAWFUL ACTS RELATING TO DRIVER'S LICENSE.**

1.19 Subdivision 1. **Violations.** With regard to any driver's license, including a commercial

1.20 driver's license, it shall be unlawful for any person:

1.21 (1) to display, cause or permit to be displayed, or have in possession, any fictitious or

1.22 fraudulently altered driver's license or Minnesota identification card;

- 2.1 (2) to lend the person's driver's license or Minnesota identification card to any other
2.2 person or knowingly permit the use thereof by another;
- 2.3 (3) to display or represent as one's own any driver's license or Minnesota identification
2.4 card not issued to that person;
- 2.5 (4) to use a fictitious name or date of birth to any police officer or in any application for
2.6 a driver's license or Minnesota identification card, or to knowingly make a false statement,
2.7 or to knowingly conceal a material fact, or otherwise commit a fraud in any such application;
- 2.8 (5) to alter any driver's license or Minnesota identification card;
- 2.9 (6) to take any part of the driver's license examination for another or to permit another
2.10 to take the examination for that person;
- 2.11 (7) to make a counterfeit driver's license or Minnesota identification card;
- 2.12 (8) to use the name and date of birth of another person to any police officer for the
2.13 purpose of falsely identifying oneself to the police officer;
- 2.14 (9) to display as a valid driver's license any canceled, revoked, or suspended driver's
2.15 license. A person whose driving privileges have been withdrawn may display a driver's
2.16 license only for identification purposes; or
- 2.17 (10) to submit a false affidavit or statement to the department on the certification required
2.18 under section 171.05, subdivision 2, paragraph (a), clause (1), item (ii), to issue an instruction
2.19 permit to a homeschool student; or
- 2.20 (11) to use or submit a fictitious or fraudulent driver's license or Minnesota identification
2.21 card, or use a driver's license or Minnesota identification card not issued to that person as
2.22 one's own for purposes of verifying one's lawful employment status.

2.23 **Subd. 2. Penalties.** (a) Any person who violates subdivision 1, clause (11), is guilty of
2.24 a felony and may be sentenced to imprisonment for not more than two years or to payment
2.25 of a fine of not more than \$5,000, or both.

2.26 (b) Any person who violates subdivision 1, clause (7) or (8), is guilty of a gross
2.27 misdemeanor. Any person who violates any other provision of subdivision 1 is guilty of a
2.28 misdemeanor.

2.29 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
2.30 committed on or after that date.

3.1 **Sec. 3. [181.995] EMPLOYMENT OF UNAUTHORIZED INDIVIDUALS.**

3.2 Subdivision 1. Definitions. (a) For purposes of this section, the terms defined in this
3.3 subdivision have the meanings given.

3.4 (b) "Commissioner" means the commissioner of labor and industry.

3.5 (c) "Employee" means a person who performs services for hire in Minnesota for an
3.6 employer. Employee does not include an independent contractor.

3.7 (d) "Employer" means a person or entity that employs one or more employees in
3.8 Minnesota and includes the state and any political subdivision of the state.

3.9 (e) "License" means any permit, registration, certification, or other form of approval
3.10 authorized by statute or rule to be issued by the state or a political subdivision of the state
3.11 as a condition of doing business in Minnesota.

3.12 (f) "Unauthorized individual" means an individual who does not have the legal right or
3.13 authorization under federal law to work in the United States as described in United States
3.14 Code, title 8, section 1324a(h)(3).

3.15 Subd. 2. Prohibition. No employer shall knowingly employ an unauthorized individual
3.16 as an employee.

3.17 Subd. 3. Investigations. The commissioner shall investigate possible violations of this
3.18 section whenever the commissioner has cause to believe that a violation has occurred, either
3.19 on the basis of a report of a suspected violation or on the basis of any other credible
3.20 information, including violations found during the course of an investigation.

3.21 Subd. 4. Enforcement; penalty. (a) Upon a violation of this section, the commissioner
3.22 shall:

3.23 (1) order the employer to terminate the employment of all unauthorized individuals; and
3.24 (2) direct the applicable agencies to suspend all licenses held by the employer for up to
3.25 14 business days.

3.26 (b) The commissioner may issue a penalty to the employer of not less than \$1,000 and
3.27 not more than \$10,000 per violation of this section.

3.28 (c) In determining the length of a license suspension and the amount of any penalty, the
3.29 commissioner shall consider any prior misconduct by the employer, the duration of the
3.30 violation, the number of unauthorized individuals employed by the employer, and other
3.31 relevant factors.

4.1 (d) For the purposes of this section, proof of verifying the employment authorization of
4.2 an employee through the e-verify program creates a rebuttable presumption that an employer
4.3 did not knowingly employ an unauthorized individual.

4.4 Sec. 4. **[412.926] SANCTUARY CITY PROHIBITION.**

4.5 Subdivision 1. Definition of sanctuary city. For purposes of this section "sanctuary
4.6 city" means a home rule charter or statutory city that prohibits, or in any way restricts, a
4.7 public safety official or employee from:

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

4.9 (2) lawfully cooperating with or aiding federal officials or employees charged with
4.10 enforcing immigration laws;

4.11 (3) providing or receiving information from federal officials or employees charged with
4.12 enforcing immigration laws;

4.13 (4) maintaining citizenship and immigration status data; or

4.14 (5) exchanging citizenship and immigration status data with other federal, state, or local
4.15 government entities.

4.16 Subd. 2. Prohibition. A home rule charter or statutory city shall not enforce an existing
4.17 ordinance or policy or pass an ordinance or policy that establishes a sanctuary city.

4.18 Sec. 5. Minnesota Statutes 2023 Supplement, section 609.282, subdivision 1, is amended
4.19 to read:

4.20 Subdivision 1. **Labor trafficking resulting in death.** Whoever knowingly engages in
4.21 the labor trafficking of an individual is guilty of a crime and may be sentenced to
4.22 imprisonment for not more than 25 30 years or to payment of a fine of not more than \$40,000
4.23 \$60,000, or both if the labor trafficking victim dies and the death was proximately caused
4.24 by the labor trafficking conduct of the offender and murder in the first or second degree
4.25 was not committed thereby.

4.26 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
4.27 committed on or after that date.

5.1 Sec. 6. Minnesota Statutes 2023 Supplement, section 609.282, subdivision 1a, is amended
5.2 to read:

5.3 **Subd. 1a. Individuals under age 18; extended period of time; great bodily
5.4 harm.** Whoever knowingly engages in the labor trafficking of an individual is guilty of a
5.5 crime and may be sentenced to imprisonment for not more than ~~20~~ 25 years or to a payment
5.6 of a fine of not more than ~~\$40,000~~ \$50,000, or both if any of the following circumstances
5.7 exist:

- 5.8 (1) the labor trafficking victim is under the age of 18;
- 5.9 (2) the labor trafficking occurs over an extended period of time; or
- 5.10 (3) the labor trafficking victim suffers great bodily harm and the harm was proximately
5.11 caused by the labor trafficking conduct of the offender.

5.12 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
5.13 committed on or after that date.

5.14 Sec. 7. Minnesota Statutes 2022, section 609.282, subdivision 2, is amended to read:

5.15 **Subd. 2. Other offenses.** Whoever knowingly engages in the labor trafficking of another
5.16 is guilty of a crime and may be sentenced to imprisonment for not more than ~~15~~ 20 years
5.17 or to payment of a fine of not more than ~~\$30,000~~ \$40,000, or both.

5.18 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
5.19 committed on or after that date.

5.20 Sec. 8. Minnesota Statutes 2022, section 609.283, subdivision 2, is amended to read:

5.21 **Subd. 2. Penalties.** A person who violates subdivision 1 may be sentenced as follows:

5.22 (1) if the crime involves a victim under the age of 18, to imprisonment for not more than
5.23 ~~ten~~ 15 years or to payment of a fine of ~~\$20,000~~ \$30,000, or both; or

5.24 (2) in other cases, to imprisonment for not more than ~~five~~ ten years or to payment of a
5.25 fine of not more than ~~\$10,000~~ \$20,000, or both.

5.26 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
5.27 committed on or after that date.

6.1 Sec. 9. Minnesota Statutes 2023 Supplement, section 609.322, subdivision 1, is amended
6.2 to read:

6.3 **Subdivision 1. Solicitation, inducement, and promotion of prostitution; sex trafficking
6.4 in the first degree.** (a) Whoever, while acting other than as a prostitute or patron,
6.5 intentionally does any of the following may be sentenced to imprisonment for not more
6.6 than 25 30 years or to payment of a fine of not more than \$50,000 \$60,000, or both:

6.7 (1) solicits or induces an individual under the age of 18 years to practice prostitution;

6.8 (2) promotes the prostitution of an individual under the age of 18 years;

6.9 (3) receives profit, knowing or having reason to know that it is derived from the
6.10 prostitution, or the promotion of the prostitution, of an individual under the age of 18 years;
6.11 or

6.12 (4) engages in the sex trafficking of an individual under the age of 18 years.

6.13 (b) Whoever violates paragraph (a) or subdivision 1a may be sentenced to imprisonment
6.14 for not more than 30 35 years or to payment of a fine of not more than \$60,000 \$70,000,
6.15 or both, if one or more of the following aggravating factors are present:

6.16 (1) the offender has committed a prior qualified human trafficking-related offense;

6.17 (2) the offense involved a sex trafficking victim who suffered bodily harm during the
6.18 commission of the offense;

6.19 (3) the time period that a sex trafficking victim was held in debt bondage or forced or
6.20 coerced labor or services exceeded 180 days; or

6.21 (4) the offense involved more than one sex trafficking victim.

6.22 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
6.23 committed on or after that date.

6.24 Sec. 10. Minnesota Statutes 2022, section 609.322, subdivision 1a, is amended to read:

6.25 **Subd. 1a. Solicitation, inducement, and promotion of prostitution; sex trafficking
6.26 in the second degree.** Whoever, while acting other than as a prostitute or patron, intentionally
6.27 does any of the following may be sentenced to imprisonment for not more than 20 25 years
6.28 or to payment of a fine of not more than \$40,000 \$50,000, or both:

6.29 (1) solicits or induces an individual to practice prostitution;

6.30 (2) promotes the prostitution of an individual;

- 7.1 (3) receives profit, knowing or having reason to know that it is derived from the
7.2 prostitution, or the promotion of the prostitution, of an individual; or
7.3 (4) engages in the sex trafficking of an individual.

7.4 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
7.5 committed on or after that date.