

the court is coextensive with the geographic boundaries of the county of Ramsey.

(b) Notwithstanding the provisions of clause (a) of this subdivision or any rule of court to the contrary, the conciliation court of Ramsey county has jurisdiction to determine an action brought pursuant to section 504.20 for the recovery of a deposit on rental property located in whole or in part in Ramsey county, and the summons in the action may be served anywhere in the state of Minnesota.

Sec. 7. Minnesota Statutes 1976, Section 504.20, is amended by adding a subdivision to read:

Subd. 7b. An action, including an action in conciliation court, for the recovery of a deposit on rental property may be brought in the county where the rental property is located, or at the option of the tenant, in the county of the landlord's residence.

Approved May 19, 1977.

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#### CHAPTER 130—S.F.No.188

*An act relating to crimes; correcting references in the laws relating to criminal sexual conduct; amending Minnesota Statutes 1976, Sections 246.43, Subdivision 1; 609.11, Subdivision 1; 609.195; 609.293, Subdivision 5; 609.32, Subdivisions 1, 3, and 4; 609.341, Subdivision 10; and Section 626.556, Subdivision 2; repealing Minnesota Statutes 1976, Section 609.293, Subdivisions 2, 3, and 4.*

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

Section 1. Minnesota Statutes 1976, Section 246.43, Subdivision 1, is amended to read:

**246.43 CRIMES AND CRIMINALS; CRIMINAL SEXUAL CONDUCT; SEX OFFENDERS. Subdivision 1. CONVICTION OF SPECIFIED OFFENSES; PRESENTENCE EXAMINATIONS.** If a person who is 18 years of age or older at the time of his apprehension is convicted under sections ~~609.291, 609.292, 609.293, 609.295, 609.296~~ 609.342, 609.343, 609.344, 609.345, or 609.365, or is convicted under section 609.17 of an attempt to commit an act proscribed by sections ~~609.291, 609.293, or 609.295~~ 609.342 or 609.344, or is convicted of an act otherwise within the scope of one of these provisions occurring prior to its effective date, the court shall commit him to the commissioner of public welfare of the department of public welfare or shall order any other state, local, or private agency that the court may deem adequate to make said examination for a presentence social, physical and mental examination. The court and all public officials shall make available to the examining person, agency or commissioner upon his request all pertinent data in their possession in respect to the case.

Sec. 2. Minnesota Statutes 1976, Section 609.11, Subdivision 1, is amended to read:

**Changes or additions indicated by underline deletions by strikeout**

**609.11 MINIMUM TERMS OF IMPRISONMENT.** Subdivision 1. All commitments to the commissioner of corrections for imprisonment of the defendant are without minimum terms except when sentence is to life imprisonment as required by law and except that any commitment following the defendant's first conviction of an offense wherein he had in his possession a firearm or used a dangerous weapon at the time of the offense shall be for a term of not less than one year plus one day, nor more than the maximum sentence provided by law for the offense for which convicted, and except that any commitment following defendant's second or subsequent conviction of an offense wherein he had in his possession a firearm or used a dangerous weapon at the time of the offense shall be for a term not less than three years, nor more than the maximum sentence provided by law for the offense for which convicted, and such person shall not be eligible for parole until he shall have served the full minimum sentence herein provided, notwithstanding the provisions of sections 242.19, 243.05, 609.12 and 609.135. The offenses for which mandatory minimum sentences shall be served as herein provided are: aggravated assault, burglary, kidnapping, manslaughter, murder in the second or third degree, ~~rape~~, robbery, ~~sodomy~~ criminal sexual conduct in the first, second or third degree, escape while under charge or conviction of a felony, or discharge of an explosive or incendiary device.

Sec. 3. Minnesota Statutes 1976, Section 609.195, is amended to read:

**609.195 MURDER IN THE THIRD DEGREE.** Whoever, without intent to effect the death of any person, causes the death of another by either of the following means, is guilty of murder in the third degree and may be sentenced to imprisonment for not more than 25 years:

(1) Perpetrates an act eminently dangerous to others and evincing a depraved mind, regardless of human life; or

(2) Commits or attempts to commit a felony upon or affecting the person whose death was caused or another, except ~~rape or sodomy~~ criminal sexual conduct in the first or second degree with force or violence within the meaning of section 609.185.

Sec. 4. Minnesota Statutes 1976, Section 609.293, Subdivision 5, is amended to read:

Subd. 5. **CONSENSUAL ACTS.** Whoever, in cases not coming within the provisions of ~~subdivisions 2 and 3~~ sections 609.342 or 609.344, voluntarily engages in or submits to an act of sodomy with another may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.

Sec. 5. Minnesota Statutes 1976, Section 609.32, Subdivision 1, is amended to read:

**609.32 PROSTITUTION.** Subdivision 1. **DEFINITIONS.** (1) "Prostitution" means engaging or offering or agreeing to engage for hire in sexual intercourse penetration, as defined in section ~~609.29~~ 609.341, subdivision 12 or sodomy as defined in section 609.293, subdivision 1.

**Changes or additions indicated by underline deletions by strikeout**

(2) A "place of prostitution" is a house or other place where prostitution is practiced or from which prostitution is promoted.

Sec. 6. Minnesota Statutes 1976, Section 609.32, Subdivision 3, is amended to read:

Subd. 3. **OTHER ACTS PROHIBITED.** Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both:

- (1) Keeps a place of prostitution; or
- (2) Leases or otherwise permits premises owned by him or under his control to be used as a place of prostitution; or
- (3) Solicits or induces another over the age of 18 years to practice prostitution; or
- (4) Solicits another under the age of 18 years to ~~have engage in~~ sexual intercourse ~~or to commit sodomy~~ penetration with a prostitute or admits him to a place of prostitution; or
- (5) Engages as a prostitute in an act of sexual intercourse or sodomy ~~prostitution~~ with another under the age of 18 years; or
- (6) Transports a prostitute from one place of prostitution within the state to another such place within or without the state, or brings a prostitute into the state, for the purpose of prostitution.

Sec. 7. Minnesota Statutes 1976, Section 609.32, Subdivision 4, is amended to read:

Subd. 4. **FURTHER ACTS PROHIBITED.** Whoever intentionally does any of the following may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both:

- (1) Engages in prostitution; or
- (2) Is supported in whole or in part by the earnings of a prostitute; or
- (3) Solicits for a prostitute, directs, takes, or transports another to a prostitute or place of prostitution, or brings a prostitute to him, for the purpose of sexual intercourse or sodomy ~~penetration~~ with a prostitute; or
- (4) Hires or offers or agrees to hire another person to engage in sexual intercourse or sodomy ~~penetration~~.

Sec. 8. Minnesota Statutes 1976, Section 609.341, Subdivision 10, is amended to read:

Subd. 10. "Position of authority" includes but is not limited to any person who is a  
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parent or acting in the place of a parent and charged with any of a parent's rights, duties or responsibilities to a child, or a person who is charged with any duty or responsibility for the health, welfare, or supervision of a child, either independently or through another, no matter how brief, at the time of the act.

Sec. 9. Minnesota Statutes 1976, Section 626.556, Subdivision 2, is amended to read:

Subd. 2. **DEFINITIONS.** As used in this section, the following terms have the meanings given them unless the specific content indicates otherwise:

(a) "Sexual abuse" means the subjection by the child's parents, guardian, or person responsible for the child's care, to any act which constitutes a violation of sections ~~609.291, 609.292, 609.293, 609.295~~ 609.342, 609.343, 609.344, or 609.296 609.345.

(b) "Neglected child" shall have the meanings defined in section 260.015, subdivision 10. Nothing in this section shall be construed to mean that a child is neglected solely because the child's parent, guardian or other person responsible for his care in good faith selects and depends upon spiritual means or prayer for treatment or care of disease or remedial care of the child.

(c) "Physical abuse" means:

(i) Any physical injury inflicted by a parent, guardian or other person responsible for the child's care on a child other than by accidental means; or

(ii) Any physical injury that cannot reasonably be explained by the history of injuries provided by the parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency pursuant to this section.

Sec. 10. Minnesota Statutes 1976, Section 609.293, Subdivisions 2, 3, and 4 are repealed.

Sec. 11. This act is effective the day after final enactment.

Approved May 19, 1977.

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CHAPTER 131—S.F.No.213

[Not Coded]

*An act relating to the city of Minneapolis; relating to elections; allowing regulation of campaign financing solely by local ordinance which contains at least the requirements of Minnesota Statutes, Chapter 10A; providing for referral of violations to the county attorney; providing penalties.*

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