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 CHAPTER 255—H.F.No.123

*An act relating to crimes; prohibiting solicitation or inducement concerning prostitution, promoting the prostitution of a person, receiving profit derived from prostitution, engaging in prostitution, and patronizing a prostitute; limiting defenses to prosecution; establishing rules of evidence; providing penalties; amending Minnesota Statutes 1978, Sections 626.556, Subdivision 2; and 626A.05, Subdivision 2; repealing Minnesota Statutes 1978, Section 609.32.*

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

Section 1. **[609.321] PROSTITUTION, Subdivision 1. DEFINITIONS.** For the purposes of sections 1 to 4, the following terms have the meanings given.

Subd. 2. “Business of prostitution” means any arrangement between or organization of two or more persons, acting other than as prostitutes or patrons, who commit acts punishable under sections 1 to 4.

Subd. 3. “Force” includes, but is not limited to, assault, as defined in chapter 609, and coercion, as defined in section 609.27.

Subd. 4. “Patron” means an individual who hires or offers or agrees to hire another individual to engage in sexual penetration or sexual contact.

Subd. 5. “Place of prostitution” means a house or other place where prostitution is practiced.

Subd. 6. “Position of authority” means the circumstances under which an individual is charged, no matter how briefly, whether by delegation or otherwise, with rights, duties or responsibilities for the health, welfare or supervision of another individual.

Subd. 7. “Promotes the prostitution of an individual” means any of the following wherein the person knowingly:

- (1) Solicits or procures patrons for a prostitute; or
- (2) Provides, leases or otherwise permits premises or facilities owned or controlled by him to aid the prostitution of an individual; or
- (3) Owens, manages, supervises, controls, keeps or operates, either alone or with others, a place of prostitution to aid the prostitution of an individual; or
- (4) Owens, manages, supervises, controls, operates, institutes, aids or facilitates, either alone or with others, a business of prostitution to aid the prostitution of an individual; or

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(5) Admits a patron to a place of prostitution to aid the prostitution of an individual; or

(6) Transports an individual from one point within this state to another point either within or without this state, or brings an individual into this state to aid the prostitution of the individual.

Subd. 8. "Prostitute" means an individual who engages in prostitution.

Subd. 9. "Prostitution" means engaging or offering or agreeing to engage for hire in sexual penetration or sexual contact.

Subd. 10. "Sexual contact" means any of the following acts, if the acts can reasonably be construed as being for the purpose of satisfying the actor's sexual impulses:

(i) The intentional touching by an individual of a prostitute's intimate parts; or

(ii) The intentional touching by a prostitute of another individual's intimate parts.

Subd. 11. "Sexual penetration" means any of the following acts, if for the purpose of satisfying sexual impulses: sexual intercourse, cunnilingus, fellatio, anal intercourse, or any intrusion however slight into the genital or anal openings of an individual's body by any part of another individual's body or any object used for the purpose of satisfying sexual impulses. Emission of semen is not necessary.

Subd. 12. A "public place" means a public street or sidewalk, a pedestrian skyway system as defined in section 472A.02, subdivision 6, a hotel, motel, or other place of public accommodation, or a place licensed to sell intoxicating liquor, wine, non-intoxicating malt beverages, or food.

**Sec. 2. [609.322] SOLICITATION, INDUCEMENT AND PROMOTION OF PROSTITUTION.** Subdivision 1. Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both:

(1) Solicits or induces an individual under the age of 16 years to practice prostitution; or

(2) Solicits or induces an individual to practice prostitution by means of force; or

(3) Uses a position of authority to solicit or induce an individual to practice prostitution; or

(4) Promotes the prostitution of an individual in the following circumstances:

(a) The individual is under the age of 16 years; or

(b) The actor knows that the individual has been induced or solicited to practice

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prostitution by means of force; or

(c) The actor knows that a position of authority has been used to induce or solicit the individual to practice prostitution.

Subd. 2. Whoever, while acting other than as a prostitute or patron, 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) Solicits or induces an individual at least 16 but less than 18 years of age to practice prostitution; or

(2) Solicits or induces an individual to practice prostitution by means of trick, fraud, or deceit; or

(3) Being in a position of authority, consents to an individual being taken or detained for the purposes of prostitution; or

(4) Promotes the prostitution of an individual in the following circumstances:

(a) The individual is at least 16 but less than 18 years of age; or

(b) The actor knows that the individual has been induced or solicited to practice prostitution by means of trick, fraud or deceit; or

(c) The actor knows that an individual in a position of authority has consented to the individual being taken or detained for the purpose of prostitution.

Subd. 3. Whoever, while acting other than as a prostitute or patron, intentionally does any of the following may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both:

(1) Solicits or induces an individual 18 years of age or above to practice prostitution; or

(2) Promotes the prostitution of an individual 18 years of age or older.

**Sec. 3. [609.323] RECEIVING PROFIT DERIVED FROM PROSTITUTION.**  
Subdivision 1. Whoever, not related by blood, adoption, or marriage to the prostitute, while acting other than as a prostitute or patron, intentionally receives profit, knowing it to be derived from the prostitution, or the promotion of the prostitution, of an individual in circumstances described in section 2, subdivision 1, clause (4), 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.

Subd. 2. Whoever, not related by blood, adoption, or marriage to the prostitute, while acting other than as a prostitute or patron, intentionally receives profit, knowing it to be derived from the prostitution, or the promotion of the prostitution, of an individual

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in circumstances described in section 2, subdivision 2, clause (4) may be sentenced to not more than three years imprisonment or to payment of a fine of not more than \$3,000, or both.

Subd. 3. Whoever, not related by blood, adoption, or marriage to the prostitute, while acting other than as a prostitute or patron, intentionally receives profit, knowing it to be derived from the prostitution, or the promotion of the prostitution of an individual 18 years of age or above 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.

Subd. 4. This section does not apply to the sale of goods or services to a prostitute in the ordinary course of a lawful business.

Sec. 4. [609.324] OTHER PROHIBITED ACTS. Subdivision 1. 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) Engages in prostitution with an individual under the age of 18 years; or

(2) Hires or offers or agrees to hire an individual under the age of 18 years to engage in sexual penetration or sexual contact.

Subd. 2. Whoever solicits or accepts a solicitation to engage for hire in sexual penetration or sexual contact while in a public place 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.

Subd. 3. Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$500, or both:

(1) Engages in prostitution with an individual 18 years of age or above; or

(2) Hires or offers or agrees to hire an individual 18 years of age or above to engage in sexual penetration or sexual contact.

Whoever violates the provisions of this subdivision within two years of a previous conviction 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. [609.325] DEFENSES. Subdivision 1. It shall be no defense to a prosecution under section 2 that an individual solicited or induced to practice prostitution or whose prostitution was promoted, did not actually engage in prostitution.

Subd. 2. Consent or mistake as to age shall be no defense to prosecutions under section 2 or 3.

Subd. 3. It shall be no defense to actions under section 2 that the individual solicited or induced to practice prostitution, or whose prostitution was promoted, had

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engaged in prostitution prior to that solicitation, inducement, or promotion.

Sec. 6. ~~609.326~~ **EVIDENCE.** The marital privilege provided for in section 595.02 shall not apply in any proceeding under section 2 or 3.

Sec. 7. Minnesota Statutes 1978, 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 609.342, 609.343, 609.344, or 609.345. Sexual abuse also includes any act which involves a minor which constitutes a violation of ~~section 609.32~~ sections 1 to 4.

(b) "Neglect" means failure by a parent, guardian or other person responsible for a child's care to supply a child with necessary food, clothing, shelter or medical care when reasonably able to do so. 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 a parent, guardian or other person responsible for the child's care.

(d) "Report" means any report received by the local welfare agency, police department or county sheriff pursuant to this section.

Sec. 8. Minnesota Statutes 1978, Section 626A.05, Subdivision 2, is amended to read:

Subd. 2. **OFFENSES FOR WHICH INTERCEPTION OF WIRE OR ORAL COMMUNICATION MAY BE AUTHORIZED.** A warrant authorizing interception of wire or oral communications by investigative or law enforcement officers may only be issued when such interception may provide evidence of the commission of any criminal felony offense involving murder, manslaughter, aggravated assault, aggravated robbery, kidnapping, aggravated rape, prostitution, bribery, perjury, escape from custody, theft, receiving stolen property, embezzlement, burglary, forgery, aggravated forgery, gambling, and offenses relating to controlled substances, or an attempt or conspiracy to commit any such offense or said offenses, as punishable under sections 609.185, 609.19, 609.195, 609.20, 609.225, 609.245, 609.25, 609.291, ~~609.32; subdivisions 1, 2, and 3~~ 1 to 4, 609.42, 609.48, 609.485, subdivision 4, clause (1), 609.52, 609.53, 609.54, 609.58, 609.625, 609.63,

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609.76, 609.825, and chapter 152.

Sec. 9. **REPEALER.** Minnesota Statutes 1978, Section 609.32, is repealed.

Sec. 10. This act is effective August 1, 1979 and applies to all crimes committed on or after that date.

Approved May 29, 1979.

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**CHAPTER 256—H.F.No.268**

*An act relating to children; establishing a program in the department of public welfare to allow subsidized adoptions under certain circumstances; appropriating money; amending Minnesota Statutes 1978, Chapter 259, by adding a section; repealing Minnesota Statutes 1978, Section 393.07, Subdivision 1a.*

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

Section 1. Minnesota Statutes 1978, Chapter 259, is amended by adding a section to read:

**[259.40] SUBSIDIZED ADOPTION PROGRAM.** Subdivision 1. SUBSIDY PAYMENTS. The commissioner of public welfare may make subsidy payments as he deems necessary to families who adopt a child under state guardianship or a Minnesota resident from a licensed child placing agency after the adoptive placement of the child. The subsidy payments shall be based on the needs of the child.

Subd. 2. SUBSIDY AGREEMENT. The placing agency shall certify a child as eligible for a subsidy according to rules promulgated by the commissioner. When parents are found and approved for placement of a child certified as eligible for a subsidy, and before the final decree of adoption is issued, there must be a written agreement between the parent or parents entering into the subsidized adoption and the placing agency, clearly setting forth the responsibilities of all parties and the duration and the terms of the subsidy agreement. The agreement shall be subject to the commissioner's approval.

The commissioner shall provide adoption subsidies to the adoptive parent or parents according to the terms of the subsidy agreement. The subsidy may include payment for medical, dental, and surgical expenses, psychiatric and psychological expenses, maintenance costs, and other costs necessary for the child's care and well-being. The anticipated duration of the subsidy shall be specified in the agreement. The amount of the subsidy may in no case exceed that which would be allowable for the child under foster family care.

Subd. 3. ANNUAL AFFIDAVIT. When subsidies are for more than one year, the adoptive parents or guardian or conservator shall annually present an affidavit stating whether the adopted child remains under their care and whether the need for subsidy

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