

The revisor shall restore the term "sportsmen's club" wherever it appeared in Minnesota Statutes before the gender revision of 1986 was prepared and shall delete whatever was substituted for it in the gender revision.

Sec. 9. REVISOR'S INSTRUCTION.

The revisor shall restore the terms "father" and "mother" wherever they appeared in Minnesota Statutes before the gender revision of 1986 was prepared and shall delete whatever was substituted for them in the gender revision.

Sec. 10. AMENDMENT; VOLUME 8.

Volume 8 of the Gender Revision of 1986 as adopted under section 1 is amended as follows:

Page 370, line 48, delete "sexual capacity" and insert "virility".

Approved March 25, 1986

CHAPTER 445—H.F.No. 1835

An act relating to crimes; prohibiting the solicitation of children to engage in sexual conduct; clarifying certain language relating to deprivation of parental rights; requiring certain notifications; imposing a penalty; amending Minnesota Statutes 1984, sections 609.26, subdivision 5; and 611A.06; Minnesota Statutes 1985 Supplement, section 609.26, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 609.

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

Section 1. Minnesota Statutes 1985 Supplement, section 609.26, subdivision 1, is amended to read:

Subdivision 1. **PROHIBITED ACTS.** Whoever intentionally does any of the following acts may be charged with a felony and, upon conviction, may be sentenced as provided in subdivision 6:

(1) conceals a minor child from the child's parent where the action manifests an intent substantially to deprive that parent of parental rights or conceals a minor child from another person having the right to visitation or custody where the action manifests an intent to substantially deprive that person of rights to visitation or custody;

(2) takes, obtains, retains, or fails to return a minor child in violation of a court order which has transferred legal custody under chapter 260 to the commissioner of human services, a child placing agency, or the county welfare board;

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

(3) takes, obtains, retains, or fails to return a minor child from or to the parent in violation of a court order, where the action manifests an intent substantially to deprive that parent of rights to visitation or custody; or

(4) takes, obtains, retains, or fails to return a minor child from or to a parent after commencement of an action relating to child visitation or custody but prior to the issuance of an order determining custody or visitation rights, where the action manifests an intent substantially to deprive that parent of parental rights.

Sec. 2. Minnesota Statutes 1984, section 609.26, subdivision 5, is amended to read:

Subd. 5. **DISMISSAL OF CHARGE.** A felony charge brought under this section shall be dismissed if:

(a) the person voluntarily returns the child within 14 days after he takes, detains, or fails to return the child in violation of this section; or

(b)(1) the person taking the action and the child have not left the state of Minnesota; and (2) within a period of 14 days after taking the action, (i) a motion or proceeding under chapters 518, 518A, 518B, or 518C is commenced by the person taking the action, or (ii) the attorney representing the person taking the action has consented to service of process by the party whose rights are being deprived, for any motion or action pursuant to chapters 518, 518A, 518B, or 518C.

Clause (a) does not apply if the person returns the child as a result of being located by law enforcement authorities.

Sec. 3. **[609.352] SOLICITATION OF CHILDREN TO ENGAGE IN SEXUAL CONDUCT.**

Subdivision 1. DEFINITIONS. As used in this section:

(a) "child" means a person under the age of 15 years;

(b) "sexual conduct" means sexual contact of the individual's primary genital area, sexual penetration as defined in section 609.341, or sexual performance as defined in section 617.246; and

(c) "solicit" means commanding, entreating, or attempting to persuade a specific person.

Subd. 2. PROHIBITED ACT. A person 18 years of age or older who solicits a child to engage in sexual conduct with intent to engage in sexual conduct is guilty of a felony and may be sentenced to imprisonment for not more than three years, or to payment of a fine of not more than \$5,000, or both.

Subd. 3. DEFENSES. Mistake as to age is not a defense to a prosecution under this section.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

Sec. 4. Minnesota Statutes 1984, section 611A.06, is amended to read:

611A.06 RIGHT TO NOTICE OF RELEASE.

The commissioner of corrections or other custodial authority shall make a good faith effort to notify the victim that the offender is to be released from imprisonment or incarceration, ~~either than~~ including release on extended furlough and for work release, or released from a facility in which the offender was confined due to incompetency, mental illness, mental deficiency, or commitment under section 253B.18, prior to the release if the victim has mailed to the commissioner of corrections or to the head of the facility in which the offender is confined a written request for this notice. The commissioner or other custodial authority complies with this section if he mails the notice of impending release to the victim at the address which the victim has most recently provided to him in writing.

Sec. 5. **EFFECTIVE DATE.**

Section 3 is effective August 1, 1986, and applies to crimes committed on or after that date.

Approved March 25, 1986

CHAPTER 446—H.F.No. 1863

An act relating to crimes; providing for the waiver of the right to counsel in juvenile proceedings; clarifying the crime of failing to file a tax return; creating a presumption that property acquired during the course of certain crimes are "proceeds" of the crime for purposes of forfeiture law; amending Minnesota Statutes 1984, section 260.155, subdivision 8, and by adding a subdivision; and Minnesota Statutes 1985 Supplement, sections 290.92, subdivision 15; and 609.531, subdivision 2.

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

Section 1. Minnesota Statutes 1984, section 260.155, is amended by adding a subdivision to read:

Subd. 1a. RIGHT TO PARTICIPATE IN PROCEEDINGS. A child who is the subject of a petition, and the parents, guardian, or custodian of the child, and any grandparent of the child with whom the child has resided within the past two years, have the right to participate in all proceedings on a petition.

Sec. 2. Minnesota Statutes 1984, section 260.155, subdivision 8, is amended to read:

Subd. 8. **WAIVER.** (a) Waiver of any right which a child has under this chapter must be an express waiver voluntarily and intelligently made by the

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