

Sec. 14. NOTICE FOR THE 1986-1987 SCHOOL YEAR.

To assist a school district in planning for the 1986-1987 school year, the district may obtain information from pupils about their intention to enroll in post-secondary courses or programs during the 1986-1987 school year under Minnesota Statutes, section 123.3514, 30 days after the district provides general information and to the extent possible, counseling services, on the program to pupils in grades 10 and 11 and their parents.

Sec. 15. ADVANCED PLACEMENT REPORT TO LEGISLATURE.

By January 1, 1987, the policy required under section 12 must be developed and submitted by each system to the higher education coordinating board for its review and comment on the policies. Each system shall report its policy and the higher education coordinating board shall report its review and comment to the education committees of the legislature by February 1, 1987.

Sec. 16. EFFECTIVE DATE.

Sections 1, 5, and 14 are effective the day following final enactment. Sections 2, 3, 4, 6, 7, 8, 9, 10, and 11 are effective for the 1986-1987 school year and thereafter.

Approved March 25, 1986

CHAPTER 448—H.F.No. 2012

An act relating to crimes; imposing a duty on the juvenile court to insure family reunification; increasing penalties for soliciting or inducing an individual under the age of 13 to practice prostitution; imposing criminal liability on persons who receive profit from prostitution if they have reason to know it was derived from prostitution; imposing criminal penalties on persons who allow juvenile prostitutes to reside in their dwelling; providing for a penalty assessment; authorizing counties to develop a program of intervention services for juvenile prostitutes; amending Minnesota Statutes 1984, sections 609.322; 609.323; 609.324, subdivision 1, and by adding a subdivision; and 626.558, by adding a subdivision; proposing coding for new law in Minnesota Statutes, chapters 260 and 609.

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

Section 1. [260.012] DUTY TO INSURE FAMILY REUNIFICATION.

At all stages of juvenile court proceedings, it shall be the duty of the court to insure that all reasonable efforts are made to reunite a child with the child's family at the earliest possible time, consistent with the safety of the child and the public.

Sec. 2. Minnesota Statutes 1984, section 609.322, is amended to read:

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

609.322 SOLICITATION, INDUCEMENT AND PROMOTION OF PROSTITUTION.

Subdivision 1. Whoever, while acting other than as a prostitute or patron, intentionally does either of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

(1) solicits or induces an individual under the age of 13 years to practice prostitution; or

(2) promotes the prostitution of an individual under the age of 13 years.

Subd. 1a. 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 \$20,000, or both:

(1) Solicits or induces an individual ~~under the age of~~ at least 13 but less than 16 years of age 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~~ at least 13 but less than 16 years of age; or

(b) The actor knows that the individual has been induced or solicited to practice 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 \$10,000, 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

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(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 \$5,000, 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. Minnesota Statutes 1984, section 609.323, is amended to read:

609.323 RECEIVING PROFIT DERIVED FROM PROSTITUTION.

Subdivision 1. Whoever, while acting other than as a prostitute or patron, intentionally receives profit, knowing or having reason to know that it is derived from the prostitution, or the promotion of the prostitution, of an individual under the age of 13 years, may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both.

Subd. 1a. ~~Whoever, not related by blood, adoption, or marriage to the prostitute,~~ while acting other than as a prostitute or patron, intentionally receives profit, knowing or having reason to know that it is ~~to be~~ is derived from the prostitution, or the promotion of the prostitution, of an individual in circumstances described in section 609.322, 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 \$10,000, 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 or having reason to know that it is ~~to be~~ is derived from the prostitution, or the promotion of the prostitution, of an individual in circumstances described in section 609.322, subdivision 2, clause (4) may be sentenced to not more than three years imprisonment or to payment of a fine of not more than \$5,000, 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 or having reason to know that it is ~~to be~~ is derived from the prostitution, or the promotion of the prostitution of an individual 18 years of

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age or above may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, 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. [609.3232] PROTECTIVE ORDER AUTHORIZED; PROCEDURES; PENALTIES.

Subdivision 1. ORDER FOR PROTECTION. Any parent or guardian who knows or has reason to believe that a person, while acting as other than a prostitute or patron, is inducing, coercing, soliciting, or promoting the prostitution of the parent or guardian's minor child, or is offering or providing food, shelter, or other subsistence for the purpose of enabling the parent or guardian's minor child to engage in prostitution, may seek an order for protection in the manner provided in this section.

Subd. 2. COURT JURISDICTION. An application for relief under this section shall be filed in the juvenile court. Actions under this section shall be given docket priority by the court.

Subd. 3. CONTENTS OF PETITION. A petition for relief shall allege the existence of a circumstance or circumstances described in subdivision 1, and shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

Subd. 4. HEARING ON APPLICATION; NOTICE. (a) Upon receipt of the petition, the court shall order a hearing which shall be held no later than 14 days from the date of the order. Personal service shall be made upon the respondent not less than five days before the hearing. In the event that personal service cannot be completed in time to give the respondent the minimum notice required under this paragraph, the court may set a new hearing date.

(b) Notwithstanding the provisions of paragraph (a), service may be made by one week published notice, as provided under section 645.11, provided the petitioner files with the court an affidavit stating that an attempt at personal service made by a sheriff was unsuccessful because the respondent is avoiding service by concealment or otherwise, and that a copy of the petition and notice of hearing has been mailed to the respondent at the respondent's residence or that the residence is not known to the petitioner. Service under this paragraph is complete seven days after publication. The court shall set a new hearing date if necessary to allow the respondent the five-day minimum notice required under paragraph (a).

Subd. 5. RELIEF BY THE COURT. Upon notice and hearing, the court may order the respondent to return the minor child to the residence of the child's parents or guardian, and may order that the respondent cease and desist from committing further acts described in subdivision 1 and cease to have further contact with the minor child. Any relief granted by the court in the order for protection shall be for a fixed period of time determined by the court.

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Subd. 6. SERVICE OF ORDER. Any order issued under this section shall be served personally on the respondent. Upon the request of the petitioner, the court shall order the sheriff to assist in the execution or service of the order for protection.

Subd. 7. VIOLATION OF ORDER FOR PROTECTION. (a) A violation of an order for protection shall constitute contempt of court and be subject to the penalties provided under chapter 588.

(b) Any person who willfully fails to return a minor child as required by an order for protection issued under this section commits an act which manifests an intent substantially to deprive the parent or guardian of custodial rights within the meaning of section 609.26, clause (3).

Sec. 5. Minnesota Statutes 1984, section 609.324, subdivision 1, is amended to read:

Subdivision 1. (a) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

(1) Engages in prostitution with an individual under the age of 13 years; or

(2) Hires or offers or agrees to hire an individual under the age of 13 years to engage in sexual penetration or sexual contact.

(b) Whoever 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 \$20,000, or both:

(1) Engages in prostitution with an individual under the age of 16 years but at least 13 years; or

(2) Hires or offers or agrees to hire an individual under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact.

(c) 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 \$10,000, or both:

(1) Engages in prostitution with an individual under the age of 18 years but at least 16 years; or

(2) Hires or offers or agrees to hire an individual under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact.

Sec. 6. Minnesota Statutes 1984, section 609.324, is amended by adding a subdivision to read:

Subd. 1a. Any person, other than one related by blood, adoption, or marriage to the minor, who permits a minor to reside, temporarily or permanently,

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in the person's dwelling without the consent of the minor's parents or guardian, knowing or having reason to know that the minor is engaging in prostitution may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both; except that, this subdivision does not apply to residential placements made, sanctioned, or supervised by a public or private social service agency.

Sec. 7. [609.324] PENALTY ASSESSMENT AUTHORIZED.

In any county that has established a multidisciplinary child protection team pursuant to section 626.558, when a court sentences an adult convicted of violating section 609.322, 609.323, or 609.324, while acting other than as a prostitute, the court shall impose an assessment of \$250 to be used for the purposes described in section 8. This assessment is in addition to the assessment or surcharge required by section 609.101.

Sec. 8. Minnesota Statutes 1984, section 626.558, is amended by adding a subdivision to read:

Subd. 2a. JUVENILE PROSTITUTION OUTREACH PROGRAM. A multidisciplinary child protection team may assist the local welfare agency, local law enforcement agency, or an appropriate private organization in developing a program of outreach services for juveniles who are engaging in prostitution. For the purposes of this subdivision, at least one representative of a youth intervention program or, where this type of program is unavailable, one representative of a nonprofit agency serving youth in crisis, shall be appointed to and serve on the multidisciplinary child protection team in addition to the standing members of the team. These services may include counseling, medical care, short-term shelter, alternative living arrangements, and drop-in centers. The county may finance these services by means of the penalty assessment authorized by section 7. A juvenile's receipt of intervention services under this subdivision may not be conditioned upon the juvenile providing any evidence or testimony.

Sec. 9. EFFECTIVE DATE.

Sections 1 to 8 are effective August 1, 1986, and apply to crimes committed on or after that date.

Approved March 25, 1986

CHAPTER 449—H.F.No. 2169

An act relating to public lands; providing for maximum lease rates; providing for an endowment fund and the disposition of proceeds of the land acquisition account; permitting Winona county to convey certain real estate to a county agricultural society; amending Minnesota Statutes 1985 Supplement, section 92.46, subdivision 1; proposing coding for new law in Minnesota Statutes, chapter 92.

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