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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 1276

02/18/2021

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The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act  
1.2 relating to public safety; creating an affirmative defense to certain child  
1.3 pornography offenses; amending Minnesota Statutes 2020, sections 617.246,  
1.4 subdivision 6; 617.247, subdivision 8.

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

1.6 Section 1. Minnesota Statutes 2020, section 617.246, subdivision 6, is amended to read:

1.7 Subd. 6. **Affirmative defense.** (a) It shall be an affirmative defense to a charge of  
1.8 violating this section that the sexual performance or pornographic work was produced using  
1.9 only persons who were 18 years or older.

1.10 (b) It shall be an affirmative defense to a charge of violating subdivision 2, paragraph  
1.11 (a); subdivision 2, paragraph (b), clause (3); subdivision 4, paragraph (a); and subdivision  
1.12 4, paragraph (b), clause (3), that the defendant was under the age of 18 at the time of the  
1.13 offense and the sexual performance or pornographic work only depicted the defendant.

1.14 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
1.15 committed on or after that date.

1.16 Sec. 2. Minnesota Statutes 2020, section 617.247, subdivision 8, is amended to read:

1.17 Subd. 8. **Affirmative defense.** (a) It shall be an affirmative defense to a charge of  
1.18 violating this section that the pornographic work was produced using only persons who  
1.19 were 18 years or older.

1.20 (b) It shall be an affirmative defense to a charge of violating subdivision 3, paragraph  
1.21 (a); subdivision 3, paragraph (b), clause (3); subdivision 4, paragraph (a); and subdivision

2.1 4, paragraph (b), clause (3), that the defendant was under the age of 18 at the time of the  
2.2 offense and the pornographic work only depicted the defendant.

2.3 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes  
2.4 committed on or after that date.