

SENATE

STATE OF MINNESOTA

EIGHTY-EIGHTH SESSION

S.F. No. 1675

(SENATE AUTHORS: SCHMIT, Kent, Housley and Sieben)

DATE	D-PG	OFFICIAL STATUS
05/19/2013	4972	Introduction and first reading Referred to Judiciary
03/24/2014	6802	Author added Sieben
04/01/2014	7339a	Comm report: To pass as amended
	7343	Second reading
04/30/2014	8532	HF substituted on General Orders HF1851

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A bill for an act  
relating to public safety; enhancing penalties for certain repeat criminal sexual  
conduct offenders; amending Minnesota Statutes 2012, sections 609.135,  
subdivision 2; 609.3451.

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

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Section 1. Minnesota Statutes 2012, section 609.135, subdivision 2, is amended to read:

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Subd. 2. **Stay of sentence maximum periods.** (a) If the conviction is for a felony  
other than section 609.21, subdivision 1a, paragraph (b) or (c), the stay shall be for not  
more than four years or the maximum period for which the sentence of imprisonment  
might have been imposed, whichever is longer.

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(b) If the conviction is for a gross misdemeanor violation of section 169A.20 or,  
609.21, subdivision 1a, paragraph (d), or 609.3451, or for a felony described in section  
609.21, subdivision 1a, paragraph (b) or (c), the stay shall be for not more than six years.  
The court shall provide for unsupervised probation for the last year of the stay unless the  
court finds that the defendant needs supervised probation for all or part of the last year.

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(c) If the conviction is for a gross misdemeanor not specified in paragraph (b), the  
stay shall be for not more than two years.

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(d) If the conviction is for any misdemeanor under section 169A.20; 609.746,  
subdivision 1; 609.79; or 617.23; or for a misdemeanor under section 609.2242 or  
609.224, subdivision 1, in which the victim of the crime was a family or household  
member as defined in section 518B.01, the stay shall be for not more than two years. The  
court shall provide for unsupervised probation for the second year of the stay unless the  
court finds that the defendant needs supervised probation for all or part of the second year.

(e) If the conviction is for a misdemeanor not specified in paragraph (d), the stay shall be for not more than one year.

(f) The defendant shall be discharged six months after the term of the stay expires, unless the stay has been revoked or extended under paragraph (g), or the defendant has already been discharged.

(g) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to one year if it finds, at a hearing conducted under subdivision 1a, that:

(1) the defendant has not paid court-ordered restitution in accordance with the payment schedule or structure; and

(2) the defendant is likely to not pay the restitution the defendant owes before the term of probation expires.

This one-year extension of probation for failure to pay restitution may be extended by the court for up to one additional year if the court finds, at another hearing conducted under subdivision 1a, that the defendant still has not paid the court-ordered restitution that the defendant owes.

Nothing in this subdivision limits the court's ability to refer the case to collections under section 609.104.

(h) Notwithstanding the maximum periods specified for stays of sentences under paragraphs (a) to (f), a court may extend a defendant's term of probation for up to three years if it finds, at a hearing conducted under subdivision 1c, that:

(1) the defendant has failed to complete court-ordered treatment successfully; and

(2) the defendant is likely not to complete court-ordered treatment before the term of probation expires.

**EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2012, section 609.3451, is amended to read:

**609.3451 CRIMINAL SEXUAL CONDUCT IN THE FIFTH DEGREE.**

Subdivision 1. **Crime defined.** A person is guilty of criminal sexual conduct in the fifth degree:

(1) if the person engages in nonconsensual sexual contact; or

(2) the person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under the age of 16, knowing or having reason to know the minor is present.

For purposes of this section, "sexual contact" has the meaning given in section 609.341, subdivision 11, paragraph (a), clauses (i) and (iv), but does not include the intentional touching of the clothing covering the immediate area of the buttocks. Sexual contact also includes the intentional removal or attempted removal of clothing covering the complainant's intimate parts or undergarments, and the nonconsensual touching by the complainant of the actor's intimate parts, effected by the actor, if the action is performed with sexual or aggressive intent.

Subd. 2. **Penalty Gross misdemeanor.** A person convicted under subdivision 1 may be sentenced to imprisonment for not more than one year or to a payment of a fine of not more than \$3,000, or both.

Subd. 3. **Felony.** A person is guilty of a felony and 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, if the person violates ~~subdivision 1, clause (2),~~ this section within five years after having been previously convicted of ~~or adjudicated delinquent for violating subdivision 1, clause (2); section 609.342, 609.343, 609.344, 609.345, 609.3453, 617.23, subdivision 2, clause (1); subdivision 3, or 617.247;~~ or a statute from another state in conformity with ~~subdivision 1, clause (2), or section 617.23, subdivision 2, clause (1)~~ these sections.

**EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to crimes committed on or after that date.