

SENATE
STATE OF MINNESOTA
EIGHTY-NINTH SESSION

S.F. No. 2862

(SENATE AUTHORS: PAPPAS, Sieben, Franzen, Limmer and Gazelka)

DATE	D-PG	OFFICIAL STATUS
03/17/2016	5106	Introduction and first reading Referred to Judiciary
04/04/2016	5494	Comm report: To pass
	5515	Second reading
04/06/2016	5707	General Orders: Stricken and re-referred to Finance
04/11/2016	5803	Withdrawn
	5803	Second reading
04/18/2016	5896	Author added Franzen
04/26/2016	6467a	Special Order: Amended
	6468	Third reading Passed
04/27/2016	6492	Authors added Limmer and Gazelka

A bill for an act

relating to public safety; increasing penalties for attempting to hire a minor for prostitution; amending Minnesota Statutes 2014, section 243.166, subdivision 1b; Minnesota Statutes 2015 Supplement, section 609.324, subdivision 1.

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

Section 1. Minnesota Statutes 2014, section 243.166, subdivision 1b, is amended to read:

Subd. 1b. **Registration required.** (a) A person shall register under this section if:

(1) the person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section 609.185, paragraph (a), clause (2);

(ii) kidnapping under section 609.25;

(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453; or

(iv) indecent exposure under section 617.23, subdivision 3;

(2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiring to commit criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b); false imprisonment in violation of section 609.255, subdivision 2; solicitation, inducement, or promotion of the prostitution of a minor or engaging in the sex trafficking of a minor in violation of section 609.322; a prostitution offense involving a minor under the age of 13 years in violation of section 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual conduct in violation of section 609.352, subdivision 2 or 2a, clause (1); using a minor in a sexual

2.1 performance in violation of section 617.246; or possessing pornographic work involving a
2.2 minor in violation of section 617.247, and convicted of or adjudicated delinquent for that
2.3 offense or another offense arising out of the same set of circumstances;

2.4 (3) the person was sentenced as a patterned sex offender under section 609.3455,
2.5 subdivision 3a; or

2.6 (4) the person was charged with or petitioned for, including pursuant to a court
2.7 martial, violating a law of the United States, including the Uniform Code of Military Justice,
2.8 similar to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated
2.9 delinquent for that offense or another offense arising out of the same set of circumstances.

2.10 (b) A person also shall register under this section if:

2.11 (1) the person was charged with or petitioned for an offense in another state that
2.12 would be a violation of a law described in paragraph (a) if committed in this state and
2.13 convicted of or adjudicated delinquent for that offense or another offense arising out
2.14 of the same set of circumstances;

2.15 (2) the person enters this state to reside, work, or attend school, or enters this state
2.16 and remains for 14 days or longer; and

2.17 (3) ten years have not elapsed since the person was released from confinement
2.18 or, if the person was not confined, since the person was convicted of or adjudicated
2.19 delinquent for the offense that triggers registration, unless the person is subject to a longer
2.20 registration period under the laws of another state in which the person has been convicted
2.21 or adjudicated, or is subject to lifetime registration.

2.22 If a person described in this paragraph is subject to a longer registration period
2.23 in another state or is subject to lifetime registration, the person shall register for that
2.24 time period regardless of when the person was released from confinement, convicted, or
2.25 adjudicated delinquent.

2.26 (c) A person also shall register under this section if the person was committed
2.27 pursuant to a court commitment order under Minnesota Statutes 2012, section 253B.185,
2.28 chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state
2.29 or the United States, regardless of whether the person was convicted of any offense.

2.30 (d) A person also shall register under this section if:

2.31 (1) the person was charged with or petitioned for a felony violation or attempt to
2.32 violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another
2.33 state or the United States, or the person was charged with or petitioned for a violation of
2.34 any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or
2.35 the United States;

3.1 (2) the person was found not guilty by reason of mental illness or mental deficiency
 3.2 after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in
 3.3 states with a guilty but mentally ill verdict; and

3.4 (3) the person was committed pursuant to a court commitment order under section
 3.5 253B.18 or a similar law of another state or the United States.

3.6 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to crimes
 3.7 committed on or after that date.

3.8 Sec. 2. Minnesota Statutes 2015 Supplement, section 609.324, subdivision 1, is
 3.9 amended to read:

3.10 Subdivision 1. **Engaging in, hiring, or agreeing to hire minor to engage in**
 3.11 **prostitution; penalties.** (a) Whoever intentionally does any of the following may be
 3.12 sentenced to imprisonment for not more than 20 years or to payment of a fine of not
 3.13 more than \$40,000, or both:

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

3.15 (2) hires or offers or agrees to hire an individual under the age of 13 years to engage
 3.16 in sexual penetration or sexual contact; or

3.17 (3) hires or offers or agrees to hire an individual who the actor reasonably believes
 3.18 to be under the age of 13 years to engage in sexual penetration or sexual contact.

3.19 (b) Whoever intentionally does any of the following may be sentenced to
 3.20 imprisonment for not more than ten years or to payment of a fine of not more than
 3.21 \$20,000, or both:

3.22 (1) engages in prostitution with an individual under the age of 16 years but at least
 3.23 13 years; ~~or~~

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

3.26 (3) hires or offers or agrees to hire an individual who the actor reasonably believes
 3.27 to be under the age of 16 years but at least 13 years to engage in sexual penetration or
 3.28 sexual contact.

3.29 (c) Whoever intentionally does any of the following may be sentenced to
 3.30 imprisonment for not more than five years or to payment of a fine of not more than
 3.31 \$10,000, or both:

3.32 (1) engages in prostitution with an individual under the age of 18 years but at least
 3.33 16 years;

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

4.1 (3) hires or offers or agrees to hire an individual who the actor reasonably believes
4.2 to be under the age of 18 years but at least 16 years to engage in sexual penetration or
4.3 sexual contact.

4.4 **EFFECTIVE DATE.** This section is effective August 1, 2016, and applies to crimes
4.5 committed on or after that date.