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ARTICLE 5
SEX OFFENDERS

346.12
346.13

ARTICLE 21
PUBLIC SAFETY

351.31 Sec. 4. Minnesota Statutes 2016, section 260.012, is amended to read:

351.32 **260.012 DUTY TO ENSURE PLACEMENT PREVENTION AND FAMILY**
351.33 **REUNIFICATION; REASONABLE EFFORTS.**

352.1 (a) Once a child alleged to be in need of protection or services is under the court's
352.2 jurisdiction, the court shall ensure that reasonable efforts, including culturally appropriate
352.3 services, by the social services agency are made to prevent placement or to eliminate the
352.4 need for removal and to reunite the child with the child's family at the earliest possible time,
352.5 and the court must ensure that the responsible social services agency makes reasonable
352.6 efforts to finalize an alternative permanent plan for the child as provided in paragraph (e).
352.7 In determining reasonable efforts to be made with respect to a child and in making those
352.8 reasonable efforts, the child's best interests, health, and safety must be of paramount concern.
352.9 Reasonable efforts to prevent placement and for rehabilitation and reunification are always
352.10 required except upon a determination by the court that a petition has been filed stating a
352.11 prima facie case that:

352.12 (1) the parent has subjected a child to egregious harm as defined in section 260C.007,
352.13 subdivision 14;

352.14 (2) the parental rights of the parent to another child have been terminated involuntarily;

352.15 (3) the child is an abandoned infant under section 260C.301, subdivision 2, paragraph
352.16 (a), clause (2);

352.17 (4) the parent's custodial rights to another child have been involuntarily transferred to a
352.18 relative under Minnesota Statutes 2010, section 260C.201, subdivision 11, paragraph (d),
352.19 clause (1), section 260C.515, subdivision 4, or a similar law of another jurisdiction;

352.20 (5) the parent has committed sexual abuse as defined in section 626.556, subdivision 2,
352.21 against the child or another child of the parent;

352.22 (6) the parent has committed an offense that requires registration as a predatory offender
352.23 under section 243.166, subdivision 1b, paragraph (a) or (b); or

352.24 (7) the provision of services or further services for the purpose of reunification is futile
352.25 and therefore unreasonable under the circumstances.

352.26 (b) When the court makes one of the prima facie determinations under paragraph (a),
352.27 either permanency pleadings under section 260C.505, or a termination of parental rights
352.28 petition under sections 260C.141 and 260C.301 must be filed. A permanency hearing under
352.29 sections 260C.503 to 260C.521 must be held within 30 days of this determination.

352.30 (c) In the case of an Indian child, in proceedings under sections 260B.178, 260C.178,
352.31 260C.201, 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, the juvenile court
352.32 must make findings and conclusions consistent with the Indian Child Welfare Act of 1978,
352.33 United States Code, title 25, section 1901 et seq., as to the provision of active efforts. In
353.1 cases governed by the Indian Child Welfare Act of 1978, United States Code, title 25, section
353.2 1901, the responsible social services agency must provide active efforts as required under
353.3 United States Code, title 25, section 1911(d).

353.4 (d) "Reasonable efforts to prevent placement" means:

353.5 (1) the agency has made reasonable efforts to prevent the placement of the child in foster
353.6 care by working with the family to develop and implement a safety plan; or

353.7 (2) given the particular circumstances of the child and family at the time of the child's
353.8 removal, there are no services or efforts available which could allow the child to safely
353.9 remain in the home.

353.10 (e) "Reasonable efforts to finalize a permanent plan for the child" means due diligence
353.11 by the responsible social services agency to:

353.12 (1) reunify the child with the parent or guardian from whom the child was removed;

353.13 (2) assess a noncustodial parent's ability to provide day-to-day care for the child and,
353.14 where appropriate, provide services necessary to enable the noncustodial parent to safely
353.15 provide the care, as required by section 260C.219;

353.16 (3) conduct a relative search to identify and provide notice to adult relatives as required
353.17 under section 260C.221;

353.18 (4) place siblings removed from their home in the same home for foster care or adoption,
353.19 or transfer permanent legal and physical custody to a relative. Visitation between siblings
353.20 who are not in the same foster care, adoption, or custodial placement or facility shall be
353.21 consistent with section 260C.212, subdivision 2; and

353.22 (5) when the child cannot return to the parent or guardian from whom the child was
353.23 removed, to plan for and finalize a safe and legally permanent alternative home for the child,

- 353.24 and considers permanent alternative homes for the child inside or outside of the state,
353.25 preferably through adoption or transfer of permanent legal and physical custody of the child.
- 353.26 (f) Reasonable efforts are made upon the exercise of due diligence by the responsible
353.27 social services agency to use culturally appropriate and available services to meet the needs
353.28 of the child and the child's family. Services may include those provided by the responsible
353.29 social services agency and other culturally appropriate services available in the community.
353.30 At each stage of the proceedings where the court is required to review the appropriateness
353.31 of the responsible social services agency's reasonable efforts as described in paragraphs (a),
353.32 (d), and (e), the social services agency has the burden of demonstrating that:
- 354.1 (1) it has made reasonable efforts to prevent placement of the child in foster care;
- 354.2 (2) it has made reasonable efforts to eliminate the need for removal of the child from
354.3 the child's home and to reunify the child with the child's family at the earliest possible time;
- 354.4 (3) it has made reasonable efforts to finalize an alternative permanent home for the child,
354.5 and considers permanent alternative homes for the child inside or outside of the state; or
- 354.6 (4) reasonable efforts to prevent placement and to reunify the child with the parent or
354.7 guardian are not required. The agency may meet this burden by stating facts in a sworn
354.8 petition filed under section 260C.141, by filing an affidavit summarizing the agency's
354.9 reasonable efforts or facts the agency believes demonstrate there is no need for reasonable
354.10 efforts to reunify the parent and child, or through testimony or a certified report required
354.11 under juvenile court rules.
- 354.12 (g) Once the court determines that reasonable efforts for reunification are not required
354.13 because the court has made one of the prima facie determinations under paragraph (a), the
354.14 court may only require reasonable efforts for reunification after a hearing according to
354.15 section 260C.163, where the court finds there is not clear and convincing evidence of the
354.16 facts upon which the court based its prima facie determination. In this case when there is
354.17 clear and convincing evidence that the child is in need of protection or services, the court
354.18 may find the child in need of protection or services and order any of the dispositions available
354.19 under section 260C.201, subdivision 1. Reunification of a child with a parent is not required
354.20 if the parent has been convicted of:
- 354.21 (1) a violation of, or an attempt or conspiracy to commit a violation of, sections 609.185
354.22 to 609.20; 609.222, subdivision 2; or 609.223 in regard to another child of the parent;
- 354.23 (2) a violation of section 609.222, subdivision 2; or 609.223, in regard to the child;

- 354.24 (3) a violation of, or an attempt or conspiracy to commit a violation of, United States
354.25 Code, title 18, section 1111(a) or 1112(a), in regard to another child of the parent;
- 354.26 (4) committing an offense that constitutes sexual abuse as defined in section 626.556,
354.27 subdivision 2, against the child or another child of the parent; or
- 354.28 (5) an offense that requires registration as a predatory offender under section 243.166,
354.29 subdivision 1b, paragraph (a) or (b).
- 354.30 Reunification is also not required when a parent receives a stay of adjudication pursuant to
354.31 section 609.095, paragraph (b), for an offense that constitutes sexual abuse under clause
354.32 (4).
- 355.1 (h) The juvenile court, in proceedings under sections 260B.178, 260C.178, 260C.201,
355.2 260C.202, 260C.204, 260C.301, or 260C.503 to 260C.521, shall make findings and
355.3 conclusions as to the provision of reasonable efforts. When determining whether reasonable
355.4 efforts have been made, the court shall consider whether services to the child and family
355.5 were:
- 355.6 (1) relevant to the safety and protection of the child;
- 355.7 (2) adequate to meet the needs of the child and family;
- 355.8 (3) culturally appropriate;
- 355.9 (4) available and accessible;
- 355.10 (5) consistent and timely; and
- 355.11 (6) realistic under the circumstances.
- 355.12 In the alternative, the court may determine that provision of services or further services
355.13 for the purpose of rehabilitation is futile and therefore unreasonable under the circumstances
355.14 or that reasonable efforts are not required as provided in paragraph (a).
- 355.15 (i) This section does not prevent out-of-home placement for treatment of a child with a
355.16 mental disability when it is determined to be medically necessary as a result of the child's
355.17 diagnostic assessment or individual treatment plan indicates that appropriate and necessary
355.18 treatment cannot be effectively provided outside of a residential or inpatient treatment
355.19 program and the level or intensity of supervision and treatment cannot be effectively and
355.20 safely provided in the child's home or community and it is determined that a residential
355.21 treatment setting is the least restrictive setting that is appropriate to the needs of the child.

50.21 Section 1. Minnesota Statutes 2016, section 609.095, is amended to read:

50.22 **609.095 LIMITS OF SENTENCES.**

50.23 (a) The legislature has the exclusive authority to define crimes and offenses and the
50.24 range of the sentences or punishments for their violation. No other or different sentence or
50.25 punishment shall be imposed for the commission of a crime than is authorized by this chapter
50.26 or other applicable law.

50.27 (b) Except as provided in section 152.18 or 609.375, or upon agreement of the parties,
50.28 a court may not refuse to adjudicate the guilt of a defendant who tenders a guilty plea in
50.29 accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
50.30 guilty by a court or jury following a trial. A decision by the court to issue a stay of
50.31 adjudication under this paragraph for a charge of violating section 243.166, 609.342, 609.343,
51.1 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, must be justified in writing and
51.2 on the record.

51.3 (c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

51.4 (d) The rules promulgated by the Supreme Court shall provide for remote access,
51.5 searchable by defendant name, to the publicly accessible portions of the district court register
51.6 of actions, orders, notices prepared by the court, and any other documents in a case:

51.7 (1) that includes a charge for violating section 243.166, 609.342, 609.343, 609.344,
51.8 609.345, 609.3451, subdivision 3, or 609.3453; and

355.22 (j) If continuation of reasonable efforts to prevent placement or reunify the child with
355.23 the parent or guardian from whom the child was removed is determined by the court to be
355.24 inconsistent with the permanent plan for the child or upon the court making one of the prima
355.25 facie determinations under paragraph (a), reasonable efforts must be made to place the child
355.26 in a timely manner in a safe and permanent home and to complete whatever steps are
355.27 necessary to legally finalize the permanent placement of the child.

355.28 (k) Reasonable efforts to place a child for adoption or in another permanent placement
355.29 may be made concurrently with reasonable efforts to prevent placement or to reunify the
355.30 child with the parent or guardian from whom the child was removed. When the responsible
355.31 social services agency decides to concurrently make reasonable efforts for both reunification
355.32 and permanent placement away from the parent under paragraph (a), the agency shall disclose
355.33 its decision and both plans for concurrent reasonable efforts to all parties and the court.
356.1 When the agency discloses its decision to proceed on both plans for reunification and
356.2 permanent placement away from the parent, the court's review of the agency's reasonable
356.3 efforts shall include the agency's efforts under both plans.

51.9 (2) in which a court did not adjudicate the guilt of a defendant who tendered a guilty
51.10 plea in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been
51.11 found guilty by a court or jury following a trial.

51.12 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
51.13 committed on or after that date.

51.14 Sec. 2. Minnesota Statutes 2016, section 609.341, subdivision 10, is amended to read:

51.15 Subd. 10. **Current or recent position of authority.** "Current or recent position of
51.16 authority" includes but is not limited to any person who is a parent or acting in the place of
51.17 a parent and charged with or assumes any of a parent's rights, duties or responsibilities to
51.18 a child, or a person who is charged with or assumes any duty or responsibility for the health,
51.19 welfare, or supervision of a child, either independently or through another, no matter how
51.20 brief, at the time of or within 120 days immediately preceding the act. For the purposes of
51.21 subdivision 11, "position of authority" includes a psychotherapist. For the purposes of
51.22 sections 609.344, subdivision 1, paragraph (e), clause (2), and 609.345, subdivision 1,
51.23 paragraph (e), clause (2), the term extends to a person having the described authority over
51.24 a student in a secondary school who is at least 16 but less than 21 years of age under the
51.25 circumstances described in those two clauses.

51.26 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
51.27 committed on or after that date.

51.28 Sec. 3. Minnesota Statutes 2016, section 609.341, is amended by adding a subdivision to
51.29 read:

51.30 Subd. 24. **Secondary school.** "Secondary school" means any public or private school
51.31 meeting the standards established by the commissioner of education that enrolls students
51.32 in grades 7 through 12 or that provides special education services to students who have
52.1 completed grade 12 including charter schools, alternative learning centers, schools with
52.2 classes that are held off campus or school grounds, special school districts, universities,
52.3 colleges, vocational or technical colleges, or other postsecondary educational institutions
52.4 that provide educational courses or programs for public or private schools that enroll students
52.5 in grades 7 through 12 or that provide special educational services to students who have
52.6 completed grade 12.

52.7 Sec. 4. Minnesota Statutes 2016, section 609.341, is amended by adding a subdivision to
52.8 read:

52.9 Subd. 25. **Independent contractor.** For purposes of sections 609.344, subdivision 1,
52.10 paragraph (e), and 609.345, subdivision 1, paragraph (e), "independent contractor" means

358.28 Sec. 8. Minnesota Statutes 2016, section 609.341, subdivision 10, is amended to read:

358.29 Subd. 10. **Current or recent position of authority.** "Current or recent position of
358.30 authority" includes but is not limited to any person who is a parent or acting in the place of
358.31 a parent and charged with or assumes any of a parent's rights, duties or responsibilities to
358.32 a child, or a person who is charged with or assumes any duty or responsibility for the health,
358.33 welfare, or supervision of a child, either independently or through another, no matter how
359.1 brief, at the time of or within 120 days immediately preceding the act. For the purposes of
359.2 subdivision 11, "position of authority" includes a psychotherapist.

359.3 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
359.4 committed on or after that date.

52.11 any person who contracts with a secondary school or any person employed by a business
52.12 that contracts with a secondary school.

52.13 Sec. 5. Minnesota Statutes 2016, section 609.342, subdivision 1, is amended to read:

52.14 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another
52.15 person, or in sexual contact with a person under 13 years of age as defined in section 609.341,
52.16 subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any
52.17 of the following circumstances exists:

52.18 (a) the complainant is under 13 years of age and the actor is more than 36 months older
52.19 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
52.20 the complainant is a defense;

52.21 (b) the complainant is at least 13 years of age but less than 16 years of age and the actor
52.22 is more than 48 months older than the complainant and in a current or recent position of
52.23 authority over the complainant. Neither mistake as to the complainant's age nor consent to
52.24 the act by the complainant is a defense;

52.25 (c) circumstances existing at the time of the act cause the complainant to have a
52.26 reasonable fear of imminent great bodily harm to the complainant or another;

52.27 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a
52.28 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
52.29 or threatens to use the weapon or article to cause the complainant to submit;

52.30 (e) the actor causes personal injury to the complainant, and either of the following
52.31 circumstances exist:

52.32 (i) the actor uses force or coercion to accomplish sexual penetration; or

53.1 (ii) the actor knows or has reason to know that the complainant is mentally impaired,
53.2 mentally incapacitated, or physically helpless;

53.3 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
53.4 609.05, and either of the following circumstances exists:

53.5 (i) an accomplice uses force or coercion to cause the complainant to submit; or

53.6 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned
53.7 in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and
53.8 uses or threatens to use the weapon or article to cause the complainant to submit;

359.5 Sec. 9. Minnesota Statutes 2016, section 609.342, subdivision 1, is amended to read:

359.6 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another
359.7 person, or in sexual contact with a person under 13 years of age as defined in section 609.341,
359.8 subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any
359.9 of the following circumstances exists:

359.10 (a) the complainant is under 13 years of age and the actor is more than 36 months older
359.11 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
359.12 the complainant is a defense;

359.13 (b) the complainant is at least 13 years of age but less than 16 years of age and the actor
359.14 is more than 48 months older than the complainant and in a current or recent position of
359.15 authority over the complainant. Neither mistake as to the complainant's age nor consent to
359.16 the act by the complainant is a defense;

359.17 (c) circumstances existing at the time of the act cause the complainant to have a
359.18 reasonable fear of imminent great bodily harm to the complainant or another;

359.19 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a
359.20 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
359.21 or threatens to use the weapon or article to cause the complainant to submit;

359.22 (e) the actor causes personal injury to the complainant, and either of the following
359.23 circumstances exist:

359.24 (i) the actor uses force or coercion to accomplish sexual penetration; or

359.25 (ii) the actor knows or has reason to know that the complainant is mentally impaired,
359.26 mentally incapacitated, or physically helpless;

359.27 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
359.28 609.05, and either of the following circumstances exists:

359.29 (i) an accomplice uses force or coercion to cause the complainant to submit; or

360.1 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned
360.2 in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and
360.3 uses or threatens to use the weapon or article to cause the complainant to submit;

53.9 (g) the actor has a significant relationship to the complainant and the complainant was
53.10 under 16 years of age at the time of the sexual penetration. Neither mistake as to the
53.11 complainant's age nor consent to the act by the complainant is a defense; or

53.12 (h) the actor has a significant relationship to the complainant, the complainant was under
53.13 16 years of age at the time of the sexual penetration, and:

53.14 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

53.15 (ii) the complainant suffered personal injury; or

53.16 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

53.17 Neither mistake as to the complainant's age nor consent to the act by the complainant is
53.18 a defense.

53.19 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
53.20 committed on or after that date.

53.21 Sec. 6. Minnesota Statutes 2016, section 609.342, subdivision 2, is amended to read:

53.22 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
53.23 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced
53.24 to imprisonment for not more than 30 years or to a payment of a fine of not more than
53.25 \$40,000, or both.

53.26 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
53.27 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
53.28 presume that an executed sentence of 144 months must be imposed on an offender convicted
53.29 of violating this section. Sentencing a person in a manner other than that described in this
53.30 paragraph is a departure from the Sentencing Guidelines.

54.1 (c) A person convicted under this section is also subject to conditional release, extended
54.2 probation, and intensive probation under section 609.3455.

54.3 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
54.4 committed on or after that date.

54.5 Sec. 7. Minnesota Statutes 2016, section 609.343, subdivision 1, is amended to read:

360.4 (g) the actor has a significant relationship to the complainant and the complainant was
360.5 under 16 years of age at the time of the sexual penetration. Neither mistake as to the
360.6 complainant's age nor consent to the act by the complainant is a defense; or

360.7 (h) the actor has a significant relationship to the complainant, the complainant was under
360.8 16 years of age at the time of the sexual penetration, and:

360.9 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

360.10 (ii) the complainant suffered personal injury; or

360.11 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

360.12 Neither mistake as to the complainant's age nor consent to the act by the complainant is
360.13 a defense.

360.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
360.15 committed on or after that date.

360.16 Sec. 10. Minnesota Statutes 2016, section 609.343, subdivision 1, is amended to read:

54.6 Subdivision 1. **Crime defined.** A person who engages in sexual contact with another
54.7 person is guilty of criminal sexual conduct in the second degree if any of the following
54.8 circumstances exists:

54.9 (a) the complainant is under 13 years of age and the actor is more than 36 months older
54.10 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
54.11 the complainant is a defense. In a prosecution under this clause, the state is not required to
54.12 prove that the sexual contact was coerced;

54.13 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
54.14 48 months older than the complainant and in a current or recent position of authority over
54.15 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
54.16 complainant is a defense;

54.17 (c) circumstances existing at the time of the act cause the complainant to have a
54.18 reasonable fear of imminent great bodily harm to the complainant or another;

54.19 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a
54.20 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
54.21 or threatens to use the dangerous weapon to cause the complainant to submit;

54.22 (e) the actor causes personal injury to the complainant, and either of the following
54.23 circumstances exist:

54.24 (i) the actor uses force or coercion to accomplish the sexual contact; or

54.25 (ii) the actor knows or has reason to know that the complainant is mentally impaired,
54.26 mentally incapacitated, or physically helpless;

54.27 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
54.28 609.05, and either of the following circumstances exists:

54.29 (i) an accomplice uses force or coercion to cause the complainant to submit; or

55.1 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned
55.2 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
55.3 uses or threatens to use the weapon or article to cause the complainant to submit;

55.4 (g) the actor has a significant relationship to the complainant and the complainant was
55.5 under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's
55.6 age nor consent to the act by the complainant is a defense; or

360.17 Subdivision 1. **Crime defined.** A person who engages in sexual contact with another
360.18 person is guilty of criminal sexual conduct in the second degree if any of the following
360.19 circumstances exists:

360.20 (a) the complainant is under 13 years of age and the actor is more than 36 months older
360.21 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
360.22 the complainant is a defense. In a prosecution under this clause, the state is not required to
360.23 prove that the sexual contact was coerced;

360.24 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
360.25 48 months older than the complainant and in a current or recent position of authority over
360.26 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
360.27 complainant is a defense;

360.28 (c) circumstances existing at the time of the act cause the complainant to have a
360.29 reasonable fear of imminent great bodily harm to the complainant or another;

361.1 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a
361.2 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
361.3 or threatens to use the dangerous weapon to cause the complainant to submit;

361.4 (e) the actor causes personal injury to the complainant, and either of the following
361.5 circumstances exist:

361.6 (i) the actor uses force or coercion to accomplish the sexual contact; or

361.7 (ii) the actor knows or has reason to know that the complainant is mentally impaired,
361.8 mentally incapacitated, or physically helpless;

361.9 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
361.10 609.05, and either of the following circumstances exists:

361.11 (i) an accomplice uses force or coercion to cause the complainant to submit; or

361.12 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned
361.13 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
361.14 uses or threatens to use the weapon or article to cause the complainant to submit;

361.15 (g) the actor has a significant relationship to the complainant and the complainant was
361.16 under 16 years of age at the time of the sexual contact. Neither mistake as to the complainant's
361.17 age nor consent to the act by the complainant is a defense; or

55.7 (h) the actor has a significant relationship to the complainant, the complainant was under
55.8 16 years of age at the time of the sexual contact, and:

55.9 (i) the actor or an accomplice used force or coercion to accomplish the contact;

55.10 (ii) the complainant suffered personal injury; or

55.11 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

55.12 Neither mistake as to the complainant's age nor consent to the act by the complainant is
55.13 a defense.

55.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
55.15 committed on or after that date.

55.16 Sec. 8. Minnesota Statutes 2016, section 609.343, subdivision 2, is amended to read:

55.17 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
55.18 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced
55.19 to imprisonment for not more than 25 years or to a payment of a fine of not more than
55.20 \$35,000, or both.

55.21 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
55.22 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
55.23 presume that an executed sentence of 90 months must be imposed on an offender convicted
55.24 of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner
55.25 other than that described in this paragraph is a departure from the Sentencing Guidelines.

55.26 (c) A person convicted under this section is also subject to conditional release, extended
55.27 probation, and intensive probation under section 609.3455.

55.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
55.29 committed on or after that date.

56.1 Sec. 9. Minnesota Statutes 2016, section 609.344, subdivision 1, is amended to read:

56.2 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another
56.3 person is guilty of criminal sexual conduct in the third degree if any of the following
56.4 circumstances exists:

361.18 (h) the actor has a significant relationship to the complainant, the complainant was under
361.19 16 years of age at the time of the sexual contact, and:

361.20 (i) the actor or an accomplice used force or coercion to accomplish the contact;

361.21 (ii) the complainant suffered personal injury; or

361.22 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

361.23 Neither mistake as to the complainant's age nor consent to the act by the complainant is
361.24 a defense.

361.25 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
361.26 committed on or after that date.

361.27 Sec. 11. Minnesota Statutes 2016, section 609.344, subdivision 1, is amended to read:

361.28 Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another
361.29 person is guilty of criminal sexual conduct in the third degree if any of the following
361.30 circumstances exists:

56.5 (a) the complainant is under 13 years of age and the actor is no more than 36 months
56.6 older than the complainant. Neither mistake as to the complainant's age nor consent to the
56.7 act by the complainant shall be a defense;

56.8 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
56.9 24 months older than the complainant. In any such case if the actor is no more than 120
56.10 months older than the complainant, it shall be an affirmative defense, which must be proved
56.11 by a preponderance of the evidence, that the actor reasonably believes the complainant to
56.12 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
56.13 be a defense. Consent by the complainant is not a defense;

56.14 (c) the actor uses force or coercion to accomplish the penetration;

56.15 (d) the actor knows or has reason to know that the complainant is mentally impaired,
56.16 mentally incapacitated, or physically helpless;

56.17 (e) the complainant is:

56.18 (1) at least 16 but less than 18 years of age and the actor is more than 48 months older
56.19 than the complainant and in a current or recent position of authority over the complainant;
56.20 or

56.21 (2) at least 16 but less than 21 years of age and a student in a secondary school who has
56.22 not graduated and received a diploma and the actor is an employee, volunteer, or independent
56.23 contractor of the secondary school and in a current or recent position of authority over the
56.24 complainant.

56.25 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
56.26 defense;

56.27 (f) the actor has a significant relationship to the complainant and the complainant was
56.28 at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake
56.29 as to the complainant's age nor consent to the act by the complainant is a defense;

56.30 (g) the actor has a significant relationship to the complainant, the complainant was at
56.31 least 16 but under 18 years of age at the time of the sexual penetration, and:

56.32 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

362.1 (a) the complainant is under 13 years of age and the actor is no more than 36 months
362.2 older than the complainant. Neither mistake as to the complainant's age nor consent to the
362.3 act by the complainant shall be a defense;

362.4 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
362.5 24 months older than the complainant. In any such case if the actor is no more than 120
362.6 months older than the complainant, it shall be an affirmative defense, which must be proved
362.7 by a preponderance of the evidence, that the actor reasonably believes the complainant to
362.8 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
362.9 be a defense. Consent by the complainant is not a defense;

362.10 (c) the actor uses force or coercion to accomplish the penetration;

362.11 (d) the actor knows or has reason to know that the complainant is mentally impaired,
362.12 mentally incapacitated, or physically helpless;

362.13 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
362.14 48 months older than the complainant and in a current or recent position of authority over
362.15 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
362.16 complainant is a defense;

362.17 (f) the actor has a significant relationship to the complainant and the complainant was
362.18 at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake
362.19 as to the complainant's age nor consent to the act by the complainant is a defense;

362.20 (g) the actor has a significant relationship to the complainant, the complainant was at
362.21 least 16 but under 18 years of age at the time of the sexual penetration, and:

362.22 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

57.1 (ii) the complainant suffered personal injury; or
57.2 (iii) the sexual abuse involved multiple acts committed over an extended period of time.
57.3 Neither mistake as to the complainant's age nor consent to the act by the complainant is
57.4 a defense;
57.5 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
57.6 and the sexual penetration occurred:
57.7 (i) during the psychotherapy session; or
57.8 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
57.9 exists.
57.10 Consent by the complainant is not a defense;
57.11 (i) the actor is a psychotherapist and the complainant is a former patient of the
57.12 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;
57.13 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
57.14 the sexual penetration occurred by means of therapeutic deception. Consent by the
57.15 complainant is not a defense;
57.16 (k) the actor accomplishes the sexual penetration by means of deception or false
57.17 representation that the penetration is for a bona fide medical purpose. Consent by the
57.18 complainant is not a defense;
57.19 (l) the actor is or purports to be a member of the clergy, the complainant is not married
57.20 to the actor, and:
57.21 (i) the sexual penetration occurred during the course of a meeting in which the
57.22 complainant sought or received religious or spiritual advice, aid, or comfort from the actor
57.23 in private; or
57.24 (ii) the sexual penetration occurred during a period of time in which the complainant
57.25 was meeting on an ongoing basis with the actor to seek or receive religious or spiritual
57.26 advice, aid, or comfort in private. Consent by the complainant is not a defense;
57.27 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
57.28 city, or privately operated adult or juvenile correctional system, or secure treatment facility,

362.23 (ii) the complainant suffered personal injury; or
362.24 (iii) the sexual abuse involved multiple acts committed over an extended period of time.
362.25 Neither mistake as to the complainant's age nor consent to the act by the complainant is
362.26 a defense;
362.27 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
362.28 and the sexual penetration occurred:
362.29 (i) during the psychotherapy session; or
362.30 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
362.31 exists.
363.1 Consent by the complainant is not a defense;
363.2 (i) the actor is a psychotherapist and the complainant is a former patient of the
363.3 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;
363.4 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
363.5 the sexual penetration occurred by means of therapeutic deception. Consent by the
363.6 complainant is not a defense;
363.7 (k) the actor accomplishes the sexual penetration by means of deception or false
363.8 representation that the penetration is for a bona fide medical purpose. Consent by the
363.9 complainant is not a defense;
363.10 (l) the actor is or purports to be a member of the clergy, the complainant is not married
363.11 to the actor, and:
363.12 (i) the sexual penetration occurred during the course of a meeting in which the
363.13 complainant sought or received religious or spiritual advice, aid, or comfort from the actor
363.14 in private; or
363.15 (ii) the sexual penetration occurred during a period of time in which the complainant
363.16 was meeting on an ongoing basis with the actor to seek or receive religious or spiritual
363.17 advice, aid, or comfort in private. Consent by the complainant is not a defense;
363.18 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
363.19 city, or privately operated adult or juvenile correctional system, or secure treatment facility,

57.29 or treatment facility providing services to clients civilly committed as mentally ill and
57.30 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
57.31 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant
58.1 is a resident of a facility or under supervision of the correctional system. Consent by the
58.2 complainant is not a defense;

58.3 (n) the actor provides or is an agent of an entity that provides special transportation
58.4 service, the complainant used the special transportation service, and the sexual penetration
58.5 occurred during or immediately before or after the actor transported the complainant. Consent
58.6 by the complainant is not a defense; ~~or~~

58.7 (o) the actor performs massage or other bodywork for hire, the complainant was a user
58.8 of one of those services, and nonconsensual sexual penetration occurred during or
58.9 immediately before or after the actor performed or was hired to perform one of those services
58.10 for the complainant; or

58.11 (p) the actor is a peace officer, as defined in section 626.84, subdivision 1, paragraph
58.12 (c), or a part-time peace officer, as defined in section 626.84, subdivision 1, paragraph (d),
58.13 and the officer physically or constructively restrains the complainant or the complainant
58.14 does not reasonably feel free to leave the officer's presence. Consent by the complainant is
58.15 not a defense. This paragraph does not apply to any penetration of the mouth, genitals, or
58.16 anus during a lawful search.

58.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
58.18 committed on or after that date.

58.19 Sec. 10. Minnesota Statutes 2016, section 609.344, subdivision 2, is amended to read:

58.20 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
58.21 under subdivision 1 may be sentenced:

58.22 (1) to imprisonment for not more than 15 years or to a payment of a fine of not more
58.23 than \$30,000, or both; or

58.24 (2) if the person was convicted under subdivision 1, paragraph (b), and if the actor was
58.25 no more than 48 months but more than 24 months older than the complainant, to
58.26 imprisonment for not more than five years or a fine of not more than \$30,000, or both.

58.27 A person convicted under this section is also subject to conditional release, extended
58.28 probation, and intensive probation under section 609.3455.

363.20 or treatment facility providing services to clients civilly committed as mentally ill and
363.21 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
363.22 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant
363.23 is a resident of a facility or under supervision of the correctional system. Consent by the
363.24 complainant is not a defense;

363.25 (n) the actor provides or is an agent of an entity that provides special transportation
363.26 service, the complainant used the special transportation service, and the sexual penetration
363.27 occurred during or immediately before or after the actor transported the complainant. Consent
363.28 by the complainant is not a defense; ~~or~~

363.29 (o) the actor performs massage or other bodywork for hire, the complainant was a user
363.30 of one of those services, and nonconsensual sexual penetration occurred during or
363.31 immediately before or after the actor performed or was hired to perform one of those services
363.32 for the complainant; or

364.1 (p) the actor is a peace officer, as defined in section 626.84, and the officer physically
364.2 or constructively restrains the complainant or the complainant does not reasonably feel free
364.3 to leave the officer's presence. Consent by the complainant is not a defense. This paragraph
364.4 does not apply to any penetration of the mouth, genitals, or anus during a lawful search.

364.5 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to **crimes**
364.6 committed on or after that date.

58.29 EFFECTIVE DATE. This section is effective August 1, 2018, and applies to offenses
58.30 committed on or after that date.

59.1 Sec. 11. Minnesota Statutes 2016, section 609.345, subdivision 1, is amended to read:

59.2 Subdivision 1. **Crime defined.** A person who engages in sexual contact with another
59.3 person is guilty of criminal sexual conduct in the fourth degree if any of the following
59.4 circumstances exists:

59.5 (a) the complainant is under 13 years of age and the actor is no more than 36 months
59.6 older than the complainant. Neither mistake as to the complainant's age or consent to the
59.7 act by the complainant is a defense. In a prosecution under this clause, the state is not
59.8 required to prove that the sexual contact was coerced;

59.9 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
59.10 48 months older than the complainant or in a current or recent position of authority over
59.11 the complainant. Consent by the complainant to the act is not a defense. In any such case,
59.12 if the actor is no more than 120 months older than the complainant, it shall be an affirmative
59.13 defense which must be proved by a preponderance of the evidence that the actor reasonably
59.14 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
59.15 complainant's age shall not be a defense;

59.16 (c) the actor uses force or coercion to accomplish the sexual contact;

59.17 (d) the actor knows or has reason to know that the complainant is mentally impaired,
59.18 mentally incapacitated, or physically helpless;

59.19 (e) the complainant is:

59.20 (1) at least 16 but less than 18 years of age and the actor is more than 48 months older
59.21 than the complainant and in a current or recent position of authority over the complainant;
59.22 or

59.23 (2) at least 16 but less than 21 years of age and a student in a secondary school who has
59.24 not graduated and received a diploma and the actor is an employee, volunteer, or independent
59.25 contractor of the secondary school and in a current or recent position of authority over the
59.26 complainant.

364.7 Sec. 12. Minnesota Statutes 2016, section 609.345, subdivision 1, is amended to read:

364.8 Subdivision 1. **Crime defined.** A person who engages in sexual contact with another
364.9 person is guilty of criminal sexual conduct in the fourth degree if any of the following
364.10 circumstances exists:

364.11 (a) the complainant is under 13 years of age and the actor is no more than 36 months
364.12 older than the complainant. Neither mistake as to the complainant's age or consent to the
364.13 act by the complainant is a defense. In a prosecution under this clause, the state is not
364.14 required to prove that the sexual contact was coerced;

364.15 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
364.16 48 months older than the complainant or in a current or recent position of authority over
364.17 the complainant. Consent by the complainant to the act is not a defense. In any such case,
364.18 if the actor is no more than 120 months older than the complainant, it shall be an affirmative
364.19 defense which must be proved by a preponderance of the evidence that the actor reasonably
364.20 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
364.21 complainant's age shall not be a defense;

364.22 (c) the actor uses force or coercion to accomplish the sexual contact;

364.23 (d) the actor knows or has reason to know that the complainant is mentally impaired,
364.24 mentally incapacitated, or physically helpless;

364.25 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
364.26 48 months older than the complainant and in a current or recent position of authority over
364.27 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
364.28 complainant is a defense;

59.27 Neither mistake as to the complainant's age nor consent to the act by the complainant is a
59.28 defense;

59.29 (f) the actor has a significant relationship to the complainant and the complainant was
59.30 at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to
59.31 the complainant's age nor consent to the act by the complainant is a defense;

60.1 (g) the actor has a significant relationship to the complainant, the complainant was at
60.2 least 16 but under 18 years of age at the time of the sexual contact, and:

60.3 (i) the actor or an accomplice used force or coercion to accomplish the contact;

60.4 (ii) the complainant suffered personal injury; or

60.5 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

60.6 Neither mistake as to the complainant's age nor consent to the act by the complainant is
60.7 a defense;

60.8 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
60.9 and the sexual contact occurred:

60.10 (i) during the psychotherapy session; or

60.11 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
60.12 exists. Consent by the complainant is not a defense;

60.13 (i) the actor is a psychotherapist and the complainant is a former patient of the
60.14 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

60.15 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
60.16 the sexual contact occurred by means of therapeutic deception. Consent by the complainant
60.17 is not a defense;

60.18 (k) the actor accomplishes the sexual contact by means of deception or false representation
60.19 that the contact is for a bona fide medical purpose. Consent by the complainant is not a
60.20 defense;

60.21 (l) the actor is or purports to be a member of the clergy, the complainant is not married
60.22 to the actor, and:

364.29 (f) the actor has a significant relationship to the complainant and the complainant was
364.30 at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to
364.31 the complainant's age nor consent to the act by the complainant is a defense;

365.1 (g) the actor has a significant relationship to the complainant, the complainant was at
365.2 least 16 but under 18 years of age at the time of the sexual contact, and:

365.3 (i) the actor or an accomplice used force or coercion to accomplish the contact;

365.4 (ii) the complainant suffered personal injury; or

365.5 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

365.6 Neither mistake as to the complainant's age nor consent to the act by the complainant is
365.7 a defense;

365.8 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
365.9 and the sexual contact occurred:

365.10 (i) during the psychotherapy session; or

365.11 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
365.12 exists. Consent by the complainant is not a defense;

365.13 (i) the actor is a psychotherapist and the complainant is a former patient of the
365.14 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

365.15 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
365.16 the sexual contact occurred by means of therapeutic deception. Consent by the complainant
365.17 is not a defense;

365.18 (k) the actor accomplishes the sexual contact by means of deception or false representation
365.19 that the contact is for a bona fide medical purpose. Consent by the complainant is not a
365.20 defense;

365.21 (l) the actor is or purports to be a member of the clergy, the complainant is not married
365.22 to the actor, and:

60.23 (i) the sexual contact occurred during the course of a meeting in which the complainant
60.24 sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

60.25 (ii) the sexual contact occurred during a period of time in which the complainant was
60.26 meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice,
60.27 aid, or comfort in private. Consent by the complainant is not a defense;

60.28 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
60.29 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
60.30 or treatment facility providing services to clients civilly committed as mentally ill and
60.31 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
61.1 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant
61.2 is a resident of a facility or under supervision of the correctional system. Consent by the
61.3 complainant is not a defense;

61.4 (n) the actor provides or is an agent of an entity that provides special transportation
61.5 service, the complainant used the special transportation service, the complainant is not
61.6 married to the actor, and the sexual contact occurred during or immediately before or after
61.7 the actor transported the complainant. Consent by the complainant is not a defense; ~~or~~

61.8 (o) the actor performs massage or other bodywork for hire, the complainant was a user
61.9 of one of those services, and nonconsensual sexual contact occurred during or immediately
61.10 before or after the actor performed or was hired to perform one of those services for the
61.11 complainant; or

61.12 (p) the actor is a peace officer, as defined in section 626.84, subdivision 1, paragraph
61.13 (c), or a part-time peace officer, as defined in section 626.84, subdivision 1, paragraph (d),
61.14 and the officer physically or constructively restrains the complainant or the complainant
61.15 does not reasonably feel free to leave the officer's presence. Consent by the complainant is
61.16 not a defense.

61.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
61.18 committed on or after that date.

61.19 Sec. 12. Minnesota Statutes 2016, section 609.345, subdivision 2, is amended to read:

61.20 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted
61.21 under subdivision 1 may be sentenced to imprisonment for not more than ten years or to a
61.22 payment of a fine of not more than \$20,000, or both. A person convicted under this section
61.23 is also subject to conditional release, extended probation, and intensive probation under
61.24 section 609.3455.

365.23 (i) the sexual contact occurred during the course of a meeting in which the complainant
365.24 sought or received religious or spiritual advice, aid, or comfort from the actor in private; or

365.25 (ii) the sexual contact occurred during a period of time in which the complainant was
365.26 meeting on an ongoing basis with the actor to seek or receive religious or spiritual advice,
365.27 aid, or comfort in private. Consent by the complainant is not a defense;

365.28 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
365.29 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
365.30 or treatment facility providing services to clients civilly committed as mentally ill and
365.31 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
366.1 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant
366.2 is a resident of a facility or under supervision of the correctional system. Consent by the
366.3 complainant is not a defense;

366.4 (n) the actor provides or is an agent of an entity that provides special transportation
366.5 service, the complainant used the special transportation service, the complainant is not
366.6 married to the actor, and the sexual contact occurred during or immediately before or after
366.7 the actor transported the complainant. Consent by the complainant is not a defense; ~~or~~

366.8 (o) the actor performs massage or other bodywork for hire, the complainant was a user
366.9 of one of those services, and nonconsensual sexual contact occurred during or immediately
366.10 before or after the actor performed or was hired to perform one of those services for the
366.11 complainant; or

366.12 (p) the actor is a peace officer, as defined in section 626.84, and the officer physically
366.13 or constructively restrains the complainant or the complainant does not reasonably feel free
366.14 to leave the officer's presence. Consent by the complainant is not a defense.

366.15 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
366.16 committed on or after that date.

61.25 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
61.26 committed on or after that date.

61.27 Sec. 13. Minnesota Statutes 2016, section 609.3451, subdivision 1, is amended to read:

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

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

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

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

62.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
62.11 committed on or after that date.

62.12 Sec. 14. Minnesota Statutes 2016, section 609.3451, subdivision 3, is amended to read:

62.13 Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment
62.14 for not more than seven years or to payment of a fine of not more than \$14,000, or both, if
62.15 the person violates this section within seven years of:

62.16 (1) a previous conviction for violating subdivision 1, clause (2), a crime described in
62.17 paragraph (b), or a statute from another state in conformity with any of these offenses; or

62.18 (2) the first of two or more previous convictions for violating subdivision 1, clause (1),
62.19 or a statute from another state in conformity with this offense.

62.20 (b) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;
62.21 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to
62.22 enhance a criminal penalty as provided in paragraph (a).

62.23 (c) A person convicted under this subdivision is also subject to conditional release,
62.24 extended probation, and intensive probation under section 609.3455.

62.25 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
62.26 committed on or after that date.

366.17 Sec. 13. **[609.3454] STAYS OF SENTENCE OR ADJUDICATION; REPORTS**
366.18 **REQUIRED.**

366.19 (a) By January 31 of each year, each county attorney whose office has prosecuted an
366.20 offense in the preceding calendar year for which a court has imposed: (1) a stay of imposition
366.21 or execution of sentence under section 609.342, subdivision 3; 609.343, subdivision 3;
366.22 609.344, subdivision 3; or 609.345, subdivision 3, in a case where the offender faced a
366.23 presumptive commitment to prison; or (2) a stay of adjudication of guilt for a violation of
366.24 section 243.166; 609.342; 609.343; 609.344; 609.345; 609.3451, subdivision 3; or 609.3453,
366.25 shall report to the Minnesota County Attorneys Association the following information on
366.26 each offense for which a stay was imposed:

366.27 (i) general information about the case, including a brief description of the facts and any
366.28 relevant information specific to the case's prosecution;

366.29 (ii) whether the prosecutor objected to or supported the court's decision to impose a stay
366.30 and the reasons for that position;

366.31 (iii) what conditions of probation were imposed by the court on the offender; and

366.32 (iv) any other information the county attorney deems appropriate.

367.1 (b) By March 1 of each year, the Minnesota County Attorneys Association shall forward
367.2 to the chairs and ranking minority members of the senate and house of representatives
367.3 committees having jurisdiction over criminal justice policy a combined report that includes
367.4 the reports of each county attorney under paragraph (a).

367.5 (c) Reports under this section must not identify individuals who are offenders, victims,
367.6 or witnesses to an offense.

62.27 Sec. 15. Minnesota Statutes 2016, section 609.3455, subdivision 6, is amended to read:

62.28 Subd. 6. **Mandatory ~~ten-year~~ 25-year conditional release term.** (a) Notwithstanding
62.29 the statutory maximum sentence otherwise applicable to the offense and unless a longer

62.30 conditional release term is required in subdivision 7, when a court commits an offender to
62.31 the custody of the commissioner of corrections for a violation of section 609.342, 609.343,
63.1 609.344, 609.345, or 609.3453, the court shall provide that, after the offender has been
63.2 released from prison, the commissioner shall place the offender on conditional release for
63.3 ~~ten~~ at least 25 years.

63.4 (b) An offender on conditional release pursuant to paragraph (a) may petition the
63.5 sentencing court for an order terminating the conditional release term. The petition can be
63.6 filed no sooner than ten years after the commissioner places the offender on conditional
63.7 release, the offender has been convicted of a crime, or the commissioner has revoked the
63.8 offender's conditional release, whichever is later. A copy of the petition must be served on
63.9 the prosecuting attorney. The prosecuting attorney must provide notice of a petition to
63.10 terminate conditional release to victims who requested notification under section 611A.06.
63.11 The court must hold a hearing on a petition. Terminating conditional release is an
63.12 extraordinary remedy to be granted only upon clear and convincing evidence that terminating
63.13 the offender's conditional release is consistent with public safety. The court must consider
63.14 the testimony of the offender's victims before ruling on the offender's petition. If the court
63.15 denies an offender's petition to terminate conditional release, the offender may not file a
63.16 new petition for five years from the date of the court's order.

63.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
63.18 committed on or after that date.

63.19 Sec. 16. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision
63.20 to read:

63.21 Subd. 7a. **Extended probation.** (a) Notwithstanding the statutory maximum sentence
63.22 otherwise applicable to the offense and otherwise provided in section 609.135, subdivision
63.23 2, paragraph (a), when the court does not commit an offender to the commissioner of
63.24 corrections for a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451,
63.25 or 609.3453, the court shall, after the offender has been released from any term of
63.26 confinement imposed by the court, place the offender on probation for at least 25 years.

63.27 (b) An offender on extended probation pursuant to paragraph (a) may petition the
63.28 sentencing court for an order terminating the extended probation term. The petition can be
63.29 filed no sooner than ten years after the court places the offender on extended probation, the
63.30 offender has been convicted of a crime, or the court has revoked the offender's extended
63.31 probation, whichever is later. A copy of the petition must be served on the prosecuting
63.32 attorney. The prosecuting attorney must provide notice of a petition to terminate extended
63.33 probation to victims who requested notification under section 611A.06. The court must hold
63.34 a hearing on a petition. Terminating extended probation is an extraordinary remedy to be
64.1 granted only upon clear and convincing evidence that terminating the offender's extended
64.2 probation is consistent with public safety. The court must consider the testimony of the

64.3 offender's victims before ruling on the offender's petition. If the court denies an offender's
64.4 petition to terminate extended probation, the offender may not file a new petition for five
64.5 years from the date of the court's order.

64.6 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
64.7 committed on or after that date.

64.8 Sec. 17. Minnesota Statutes 2016, section 609.3455, subdivision 8, is amended to read:

64.9 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The
64.10 provisions of this subdivision relating to conditional release apply to all sex offenders
64.11 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451,
64.12 or 609.3453. Except as provided in this subdivision, conditional release of sex offenders is
64.13 governed by provisions relating to supervised release. The commissioner of corrections
64.14 may not dismiss an offender on conditional release from supervision until the offender's
64.15 conditional release term expires.

64.16 (b) The conditions of release may include successful completion of treatment and aftercare
64.17 in a program approved by the commissioner, satisfaction of the release conditions specified
64.18 in section 244.05, subdivision 6, and any other conditions the commissioner considers
64.19 appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person
64.20 released under this subdivision. The plan may include co-payments from offenders,
64.21 third-party payers, local agencies, or other funding sources as they are identified. This
64.22 section does not require the commissioner to accept or retain an offender in a treatment
64.23 program. Before the offender is placed on conditional release, the commissioner shall notify
64.24 the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced
64.25 of the terms of the offender's conditional release. The commissioner also shall make
64.26 reasonable efforts to notify the victim of the offender's crime of the terms of the offender's
64.27 conditional release.

64.28 (c) If the offender fails to meet any condition of release, the commissioner may revoke
64.29 the offender's conditional release and order that the offender serve all or a part of the
64.30 remaining portion of the conditional release term in prison. An offender, while on supervised
64.31 release, is not entitled to credit against the offender's conditional release term for time served
64.32 in confinement for a violation of release.

64.33 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
64.34 committed on or after that date.

65.1 Sec. 18. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision
65.2 to read:

65.3 Subd. 8a. **Intensive probation.** (a) When the court does not commit an offender to the
65.4 commissioner of corrections after a conviction for a felony violation of section 609.342,
65.5 609.343, 609.344, 609.345, 609.3451, or 609.3453, the court shall place the offender on
65.6 intensive probation as provided in this subdivision.

65.7 (b) Phase I of intensive probation is six months and begins after the offender is released
65.8 from confinement, if ordered by the court. Phase II lasts for at least one-third of the time
65.9 remaining in the offender's imposed sentence at the beginning of phase II. Phase III lasts
65.10 for at least one-third of the time remaining in the offender's imposed sentence at the beginning
65.11 of phase III. Phase IV continues until the offender's imposed sentence expires.

65.12 (c) During phase I, the offender will be under house arrest in a residence approved by
65.13 the offender's probation agent and may not move to another residence without permission.
65.14 "House arrest" means that the offender's movements will be severely restricted and
65.15 continually monitored by the assigned agent. During phase II, modified house arrest is
65.16 imposed. During phases III and IV, the offender is subjected to a daily curfew instead of
65.17 house arrest.

65.18 (d) During phase I, the assigned probation agent shall have at least four face-to-face
65.19 contacts with the offender each week. During phase II, two face-to-face contacts a week
65.20 are required. During phase III, one face-to-face contact a week is required. During phase
65.21 IV, two face-to-face contacts a month are required. When an offender is an inmate of a jail
65.22 or a resident of a facility that is staffed full time, at least one face-to-face contact a week is
65.23 required.

65.24 (e) During phases I, II, III, and IV, the offender must spend at least 40 hours a week
65.25 performing approved work, undertaking constructive activity designed to obtain employment,
65.26 or attending a treatment or education program as directed by the agent. An offender may
65.27 not spend more than six months in a residential treatment program that does not require the
65.28 offender to spend at least 40 hours a week performing approved work or undertaking
65.29 constructive activity designed to obtain employment.

65.30 (f) During any phase, the offender may be placed on electronic surveillance if the
65.31 probation agent so directs. If electronic surveillance is directed during phase I, the court
65.32 must require that the offender be kept in custody, or that the offender's probation agent or
65.33 the agent's designee directly supervise the offender, until electronic surveillance is activated.
65.34 It is the responsibility of the offender placed on electronic surveillance to ensure that the
66.1 offender's residence is properly equipped and the offender's telecommunications system is
66.2 properly configured to support electronic surveillance prior to being released from custody
66.3 or the direct supervision of a probation agent. It is a violation of an offender's probation to
66.4 fail to comply with this paragraph.

66.5 (g) Throughout all phases of intensive probation, the offender shall submit at any time
66.6 to an unannounced search of the offender's person, vehicle, computer and other devices that
66.7 access the Internet or store data, or premises by a probation agent.

66.8 (h) The court may include any other conditions in the various phases of intensive
66.9 probation that the court finds necessary and appropriate.

66.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
66.11 committed on or after that date.

367.7 Sec. 14. Minnesota Statutes 2016, section 609.746, subdivision 1, is amended to read:

367.8 Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of
367.9 a gross misdemeanor who:

367.10 (1) enters upon another's property;

367.11 (2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house
367.12 or place of dwelling of another; and

367.13 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
367.14 household.

367.15 (b) A person is guilty of a gross misdemeanor who:

367.16 (1) enters upon another's property;

367.17 (2) surreptitiously installs or uses any device for observing, photographing, recording,
367.18 amplifying, or broadcasting sounds or events through the window or any other aperture of
367.19 a house or place of dwelling of another; and

367.20 (3) does so with intent to intrude upon or interfere with the privacy of a member of the
367.21 household.

367.22 (c) A person is guilty of a gross misdemeanor who:

367.23 (1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping
367.24 room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place
367.25 where a reasonable person would have an expectation of privacy and has exposed or is

- 367.26 likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the
367.27 clothing covering the immediate area of the intimate parts; and
- 367.28 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.
- 367.29 (d) A person is guilty of a gross misdemeanor who:
- 367.30 (1) surreptitiously installs or uses any device for observing, photographing, recording,
367.31 amplifying, or broadcasting sounds or events through the window or other aperture of a
368.1 sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or
368.2 other place where a reasonable person would have an expectation of privacy and has exposed
368.3 or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or
368.4 the clothing covering the immediate area of the intimate parts; and
- 368.5 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.
- 368.6 (e) A person is guilty of a felony and may be sentenced to imprisonment for not more
368.7 than two years or to payment of a fine of not more than \$5,000, or both, if the person:
- 368.8 (1) violates this subdivision after a previous conviction under this subdivision or section
368.9 609.749; or
- 368.10 (2) violates this subdivision against a minor under the age of 18, knowing or having
368.11 reason to know that the minor is present.
- 368.12 (f) A person is guilty of a felony and may be sentenced to imprisonment for not more
368.13 than four years or to payment of a fine of not more than \$5,000, or both, if: (1) the person
368.14 violates paragraph (b) or (d) against a minor victim under the age of 18; (2) the person is
368.15 more than 36 months older than the minor victim; (3) the person knows or has reason to
368.16 know that the minor victim is present; and (4) the violation is committed with sexual intent.
- 368.17 (g) Paragraphs (b) and (d) do not apply to law enforcement officers or corrections
368.18 investigators, or to those acting under their direction, while engaged in the performance of
368.19 their lawful duties. Paragraphs (c) and (d) do not apply to conduct in: (1) a medical facility;
368.20 or (2) a commercial establishment if the owner of the establishment has posted conspicuous
368.21 signs warning that the premises are under surveillance by the owner or the owner's employees.
- 368.22 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
368.23 committed on or after that date.
- 368.24 Sec. 15. Minnesota Statutes 2016, section 617.246, subdivision 2, is amended to read:

66.12 Sec. 19. Minnesota Statutes 2016, section 617.246, subdivision 2, is amended to read:

66.13 Subd. 2. **Use of minor.** It is unlawful for a person to promote, employ, use or permit a
66.14 minor to engage in or assist others to engage minors in posing or modeling alone or with
66.15 others in any sexual performance or pornographic work if the person knows or has reason
66.16 to know that the conduct intended is a sexual performance or a pornographic work.

66.17 Any person who violates this subdivision is guilty of a felony and may be sentenced to
66.18 imprisonment for not more than ten 15 years or to payment of a fine of not more than \$20,000
66.19 for the first offense and \$40,000 for a second or subsequent offense, or both.

66.20 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
66.21 committed on or after that date.

66.22 Sec. 20. Minnesota Statutes 2016, section 617.246, subdivision 3, is amended to read:

66.23 Subd. 3. **Operation or ownership of business.** A person who owns or operates a business
66.24 in which a pornographic work, as defined in this section, is disseminated to an adult or a
66.25 minor or is reproduced, and who knows the content and character of the pornographic work
66.26 disseminated or reproduced, is guilty of a felony and may be sentenced to imprisonment
66.27 for not more than ten 15 years, or to payment of a fine of not more than \$20,000 for the first
66.28 offense and \$40,000 for a second or subsequent offense, or both.

368.25 Subd. 2. **Use of minor.** (a) It is unlawful for a person to promote, employ, use or permit
368.26 a minor to engage in or assist others to engage minors in posing or modeling alone or with
368.27 others in any sexual performance or pornographic work if the person knows or has reason
368.28 to know that the conduct intended is a sexual performance or a pornographic work.

368.29 Any person who violates this subdivision paragraph is guilty of a felony and may be
368.30 sentenced to imprisonment for not more than ten years or to payment of a fine of not more
368.31 than \$20,000 for the first offense and \$40,000 for a second or subsequent offense, or both.

369.1 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
369.2 imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000,
369.3 or both, if:

369.4 (1) the person has a prior conviction or delinquency adjudication for violating this section
369.5 or section 617.247;

369.6 (2) the violation occurs when the person is a registered predatory offender under section
369.7 243.166; or

369.8 (3) the violation involved a minor under the age of 13 years.

369.9 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
369.10 committed on or after that date.

369.11 Sec. 16. Minnesota Statutes 2016, section 617.246, subdivision 3, is amended to read:

369.12 Subd. 3. **Operation or ownership of business.** (a) A person who owns or operates a
369.13 business in which a pornographic work, as defined in this section, is disseminated to an
369.14 adult or a minor or is reproduced, and who knows the content and character of the
369.15 pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced
369.16 to imprisonment for not more than ten years, or to payment of a fine of not more than
369.17 \$20,000 for the first offense and \$40,000 for a second or subsequent offense, or both.

369.18 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
369.19 imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000,
369.20 or both, if:

369.21 (1) the person has a prior conviction or delinquency adjudication for violating this section
369.22 or section 617.247;

66.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
66.30 committed on or after that date.

67.1 Sec. 21. Minnesota Statutes 2016, section 617.246, subdivision 4, is amended to read:

67.2 Subd. 4. **Dissemination.** A person who, knowing or with reason to know its content and
67.3 character, disseminates for profit to an adult or a minor a pornographic work, as defined in
67.4 this section, is guilty of a felony and may be sentenced to imprisonment for not more than
67.5 ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 for the first offense and
67.6 \$40,000 for a second or subsequent offense, or both.

67.7 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
67.8 committed on or after that date.

67.9 Sec. 22. Minnesota Statutes 2016, section 617.246, subdivision 7, is amended to read:

67.10 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
67.11 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
67.12 court commits a person to the custody of the commissioner of corrections for violating this
67.13 section, the court shall provide that after the person has been released from prison, the
67.14 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person
67.15 has previously been convicted of a violation of this section, section 609.342, 609.343,
67.16 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United
67.17 States, this state, or any state, the commissioner shall place the person on conditional release

369.23 (2) the violation occurs when the person is a registered predatory offender under section
369.24 243.166; or

369.25 (3) the violation involved a minor under the age of 13 years.

369.26 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
369.27 committed on or after that date.

369.28 Sec. 17. Minnesota Statutes 2016, section 617.246, subdivision 4, is amended to read:

369.29 Subd. 4. **Dissemination.** (a) A person who, knowing or with reason to know its content
369.30 and character, disseminates for profit to an adult or a minor a pornographic work, as defined
369.31 in this section, is guilty of a felony and may be sentenced to imprisonment for not more
370.1 than ~~ten~~ years, or to payment of a fine of not more than \$20,000 ~~for the first offense and~~
370.2 ~~\$40,000 for a second or subsequent offense~~, or both.

370.3 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
370.4 imprisonment for not more than 15 years or to payment of a fine of not more than \$40,000,
370.5 or both, if:

370.6 (1) the person has a prior conviction or delinquency adjudication for violating this section
370.7 or section 617.247;

370.8 (2) the violation occurs when the person is a registered predatory offender under section
370.9 243.166; or

370.10 (3) the violation involved a minor under the age of 13 years.

370.11 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
370.12 committed on or after that date.

370.13 Sec. 18. Minnesota Statutes 2016, section 617.246, subdivision 7, is amended to read:

370.14 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
370.15 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
370.16 court commits a person to the custody of the commissioner of corrections for violating this
370.17 section, the court shall provide that after the person has been released from prison, the
370.18 commissioner shall place the person on conditional release for ~~five~~ years. If the person has
370.19 previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,
370.20 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this
370.21 state, or any state, the commissioner shall place the person on conditional release for ~~ten~~

67.18 for ~~ten~~ at least 25 years. The terms of conditional release are governed by section 609.3455,
67.19 subdivision 8.

67.20 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
67.21 committed on or after that date.

67.22 Sec. 23. Minnesota Statutes 2016, section 617.246, is amended by adding a subdivision
67.23 to read:

67.24 Subd. 8. **Mandatory minimum sentence.** A person convicted under this section must
67.25 serve a minimum of six months of incarceration. If the person (1) has a prior conviction
67.26 under this section or section 617.247, or (2) is required to register as a predatory offender,
67.27 the person must serve a minimum of 12 months of incarceration.

67.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
67.29 committed on or after that date.

68.1 Sec. 24. Minnesota Statutes 2016, section 617.247, subdivision 3, is amended to read:

68.2 Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work
68.3 to an adult or a minor, knowing or with reason to know its content and character, is guilty
68.4 of a felony and may be sentenced to imprisonment for not more than ~~seven ten~~ seven years and a
68.5 fine of not more than \$10,000 for a first offense and for not more than 15 20 years and a
68.6 fine of not more than \$20,000 for a second or subsequent offense.

68.7 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
68.8 imprisonment for not more than ~~15 20~~ 15 years if the violation occurs when the person is a
68.9 registered predatory offender under section 243.166.

68.10 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
68.11 committed on or after that date.

68.12 Sec. 25. Minnesota Statutes 2016, section 617.247, subdivision 4, is amended to read:

370.22 15 years. The terms of conditional release are governed by section 609.3455, subdivision
370.23 8.

370.24 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
370.25 committed on or after that date.

370.26 Sec. 19. Minnesota Statutes 2016, section 617.247, subdivision 3, is amended to read:

370.27 Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work
370.28 to an adult or a minor, knowing or with reason to know its content and character, is guilty
370.29 of a felony and may be sentenced to imprisonment for not more than ~~seven~~ seven years ~~and or to~~
370.30 payment of a fine of not more than \$10,000 for a first offense and for not more than 15
370.31 years and a fine of not more than \$20,000 for a second or subsequent offense, or both.

371.1 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
371.2 imprisonment for not more than 15 years or to payment of a fine of not more than \$20,000,
371.3 or both, if:

371.4 (1) the person has a prior conviction or delinquency adjudication for violating this section
371.5 or section 617.246;

371.6 (2) the violation occurs when the person is a registered predatory offender under section
371.7 243.166; or

371.8 (3) the violation involved a minor under the age of 13 years.

371.9 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
371.10 committed on or after that date.

371.11 Sec. 20. Minnesota Statutes 2016, section 617.247, subdivision 4, is amended to read:

68.13 Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a
68.14 computer disk or computer or other electronic, magnetic, or optical storage system or a
68.15 storage system of any other type, containing a pornographic work, knowing or with reason
68.16 to know its content and character, is guilty of a felony and may be sentenced to imprisonment
68.17 for not more than ~~five seven~~ years and a fine of not more than ~~\$5,000~~ \$7,500 for a first
68.18 offense and for not more than ~~ten~~ 15 years and a fine of not more than ~~\$10,000~~ \$15,000 for
68.19 a second or subsequent offense.

68.20 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
68.21 imprisonment for not more than ~~ten~~ 15 years if the violation occurs when the person is a
68.22 registered predatory offender under section 243.166.

68.23 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
68.24 committed on or after that date.

68.25 Sec. 26. Minnesota Statutes 2016, section 617.247, subdivision 9, is amended to read:

68.26 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence
68.27 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
68.28 court commits a person to the custody of the commissioner of corrections for violating this
68.29 section, the court shall provide that after the person has been released from prison, the
68.30 commissioner shall place the person on conditional release for ~~five ten~~ years. If the person
68.31 has previously been convicted of a violation of this section, section 609.342, 609.343,
68.32 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United
69.1 States, this state, or any state, the commissioner shall place the person on conditional release
69.2 for ~~ten~~ at least 25 years. The terms of conditional release are governed by section 609.3455,
69.3 subdivision 8.

69.4 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
69.5 committed on or after that date.

69.6 Sec. 27. Minnesota Statutes 2016, section 617.247, is amended by adding a subdivision
69.7 to read:

371.12 Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a
371.13 computer disk or computer or other electronic, magnetic, or optical storage system or a
371.14 storage system of any other type, containing a pornographic work, knowing or with reason
371.15 to know its content and character, is guilty of a felony and may be sentenced to imprisonment
371.16 for not more than five years ~~and or to payment of~~ a fine of not more than \$5,000 ~~for a first~~
371.17 ~~offense and for not more than ten years and a fine of not more than \$10,000 for a second~~
371.18 ~~or subsequent offense, or both.~~

371.19 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
371.20 imprisonment for not more than ten years or to payment of a fine of not more than \$10,000,
371.21 or both, if:

371.22 (1) the person has a prior conviction or delinquency adjudication for violating this section
371.23 or section 617.246;

371.24 (2) the violation occurs when the person is a registered predatory offender under section
371.25 243.166; or

371.26 (3) the violation involved a minor under the age of 13 years.

371.27 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
371.28 committed on or after that date.

371.29 Sec. 21. Minnesota Statutes 2016, section 617.247, subdivision 9, is amended to read:

371.30 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence
371.31 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
372.1 court commits a person to the custody of the commissioner of corrections for violating this
372.2 section, the court shall provide that after the person has been released from prison, the
372.3 commissioner shall place the person on conditional release for five years. If the person has
372.4 previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,
372.5 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this
372.6 state, or any state, the commissioner shall place the person on conditional release for ~~ten~~
372.7 15 years. The terms of conditional release are governed by section 609.3455, subdivision
372.8 8.

372.9 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
372.10 committed on or after that date.

69.8 Subd. 10. **Mandatory minimum sentence.** A person convicted under this section must
69.9 serve a minimum of six months of incarceration. If the person (1) has a prior conviction
69.10 under this section or section 617.246, or (2) is required to register as a predatory offender,
69.11 the person must serve a minimum of 12 months of incarceration.

69.12 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
69.13 committed on or after that date.

69.14 Sec. 28. **SENTENCING GUIDELINES MODIFICATION.**

69.15 The Sentencing Guidelines Commission shall modify the sex offender grid by ranking
69.16 violations of Minnesota Statutes, section 617.247, subdivision 3 (dissemination of child
69.17 pornography - subsequent or by predatory offender), in severity level C; violations of
69.18 Minnesota Statutes, sections 617.246 (use of minors in sexual performance), 617.247,
69.19 subdivision 3 (dissemination of child pornography - first time, nonpredatory offender), and
69.20 617.247, subdivision 4 (possession of child pornography - subsequent or by predatory
69.21 offender), in severity level D; and violations of Minnesota Statutes, section 617.247,
69.22 subdivision 4 (possession of child pornography - first time, nonpredatory offender), in
69.23 severity level E.

69.24 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
69.25 committed on or after that date.

69.26 Sec. 29. **REPEALER.**

69.27 Minnesota Statutes 2016, section 609.349, is repealed.

69.28 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
69.29 committed on or after that date.

372.11 Sec. 22. **SENTENCING GUIDELINES MODIFICATION.**

372.12 The Sentencing Guidelines Commission shall comprehensively review and consider
372.13 modifying how the Sentencing Guidelines and the sex offender grid address the crimes
372.14 described in Minnesota Statutes, sections 617.246 and 617.247, as compared to similar
372.15 crimes, including other sex offenses and other offenses with similar maximum penalties.