

80.27

ARTICLE 6

80.28

CRIMINAL SEXUAL CONDUCT

80.29 Section 1. Minnesota Statutes 2016, section 244.195, subdivision 1, is amended to read:

81.1 Subdivision 1. **Definitions.** (a) As used in this subdivision, the following terms have
81.2 the meanings given them.

81.3 (b) "Commissioner" means the commissioner of corrections.

81.4 (c) "Conditional release" means parole, supervised release, conditional release as
81.5 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
81.6 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
81.7 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
81.8 any other authorized temporary release from a correctional facility.

81.9 (d) "Court services director" means the director or designee of a county probation agency
81.10 that is not organized under chapter 401.

81.11 (e) "Detain" means to take into actual custody, including custody within a local
81.12 correctional facility.

81.13 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision
81.14 1.

81.15 (g) "Release" means to release from actual custody.

81.16 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
81.17 committed on or after that date.

81.18 Sec. 2. Minnesota Statutes 2016, section 253D.22, is amended to read:

81.19 **253D.22 TRANSFER TO CORRECTIONAL FACILITY.**

81.20 (a) If a person has been committed under this chapter and later is committed to the
81.21 custody of the commissioner of corrections for any reason, including but not limited to,
81.22 being sentenced for a crime or revocation of the person's supervised release or conditional
81.23 release under section 244.05; 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004,
81.24 section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision
81.25 7, the person shall be transferred to a facility designated by the commissioner of corrections
81.26 without regard to the procedures provided in section 253D.29, subdivision 1.

81.27 (b) If a person is committed under this chapter after a commitment to the commissioner
81.28 of corrections, the person shall first serve the sentence in a facility designated by the
81.29 commissioner of corrections. After the person has served the sentence, the person shall be
81.30 transferred to a treatment program designated by the commissioner of human services.

81.31 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
81.32 committed on or after that date.

82.1 Sec. 3. Minnesota Statutes 2016, section 401.01, subdivision 2, is amended to read:

82.2 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following
82.3 terms have the meanings given them.

82.4 (b) "CCA county" means a county that participates in the Community Corrections Act.

82.5 (c) "Commissioner" means the commissioner of corrections or a designee.

82.6 (d) "Conditional release" means parole, supervised release, conditional release as
82.7 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section
82.8 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work
82.9 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and
82.10 any other authorized temporary release from a correctional facility.

82.11 (e) "County probation officer" means a probation officer appointed under section 244.19.

82.12 (f) "Detain" means to take into actual custody, including custody within a local
82.13 correctional facility.

82.14 (g) "Joint board" means the board provided in section 471.59.

82.15 (h) "Local correctional facility" has the meaning given in section 241.021, subdivision
82.16 1.

82.17 (i) "Local correctional service" means those services authorized by and employees,
82.18 officers, and agents appointed under section 244.19, subdivision 1.

82.19 (j) "Release" means to release from actual custody.

82.20 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
82.21 committed on or after that date.

82.22 Sec. 4. Minnesota Statutes 2016, section 609.095, is amended to read:

82.23 **609.095 LIMITS OF SENTENCES.**

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

82.28 (b) Except as provided in section 152.18 or 609.375, or upon agreement of the parties
82.29 in a case that does not include a charge for violating section 243.166, 609.342, 609.343,
82.30 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, a court may not refuse to adjudicate
82.31 the guilt of a defendant who tenders a guilty plea in accordance with Minnesota Rules of
83.1 Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a
83.2 trial.

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

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

83.7 (1) that includes a charge for violating section 243.166, 609.342, 609.343, 609.344,
83.8 609.345, 609.3451, subdivision 3, or 609.3453; and

83.9 (2) in which a court did not adjudicate the guilt of a defendant who, before August 1,
83.10 2017, tendered a guilty plea in accordance with Minnesota Rules of Criminal Procedure,
83.11 rule 15, or who has been found guilty by a court or jury following a trial.

83.12 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
83.13 committed on or after that date.

83.14 Sec. 5. Minnesota Statutes 2016, section 609.135, subdivision 1, is amended to read:

83.15 Subdivision 1. **Terms and conditions.** (a) Except when a sentence of life imprisonment
83.16 is required by law, or when a mandatory minimum sentence is required by section 609.11,
83.17 or as provided in paragraph (e), any court may stay imposition or execution of sentence
83.18 and:

83.19 (1) may order intermediate sanctions without placing the defendant on probation; or

83.20 (2) may place the defendant on probation with or without supervision and on the terms
83.21 the court prescribes, including intermediate sanctions when practicable. The court may order
83.22 the supervision to be under the probation officer of the court, or, if there is none and the
83.23 conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in
83.24 any case by some other suitable and consenting person. Unless the court directs otherwise,
83.25 state parole and probation agents and probation officers may impose community work
83.26 service or probation violation sanctions, consistent with section 243.05, subdivision 1;
83.27 sections 244.196 to 244.199; or 401.02, subdivision 5.

83.28 No intermediate sanction may be ordered performed at a location that fails to observe
83.29 applicable requirements or standards of chapter 181A or 182, or any rule promulgated under
83.30 them.

83.31 (b) For purposes of this subdivision, subdivision 6, and section 609.14, the term
83.32 "intermediate sanctions" includes but is not limited to incarceration in a local jail or
84.1 workhouse, home detention, electronic monitoring, intensive probation, sentencing to service,
84.2 reporting to a day reporting center, chemical dependency or mental health treatment or
84.3 counseling, restitution, fines, day-fines, community work service, work service in a restorative
84.4 justice program, work in lieu of or to work off fines and, with the victim's consent, work in
84.5 lieu of or to work off restitution.

84.6 (c) A court may not stay the revocation of the driver's license of a person convicted of
84.7 violating the provisions of section 169A.20.

84.8 (d) If the court orders a fine, day-fine, or restitution as an intermediate sanction, payment
84.9 is due on the date imposed unless the court otherwise establishes a due date or a payment
84.10 plan.

84.11 (e) A court may not stay imposition of a sentence for a felony violation of section
84.12 243.166, 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

84.13 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
84.14 committed on or after that date.

84.15 Sec. 6. Minnesota Statutes 2016, section 609.2231, subdivision 3a, is amended to read:

84.16 Subd. 3a. **Secure treatment facility personnel.** (a) As used in this subdivision, "secure
84.17 treatment facility" includes facilities listed in sections 253B.02, subdivision 18a, and
84.18 253D.02, subdivision 13.

84.19 (b) Whoever, while committed under chapter 253D, Minnesota Statutes 2012, section
84.20 253B.185, or Minnesota Statutes 1992, section 526.10, commits either of the following acts

84.21 against an employee or other individual who provides care or treatment at a secure treatment
84.22 facility while the person is engaged in the performance of a duty imposed by law, policy,
84.23 or rule is guilty of a felony and may be sentenced to imprisonment for not more than two
84.24 years or to payment of a fine of not more than \$4,000, or both:

84.25 (1) assaults the person and inflicts demonstrable bodily harm; or

84.26 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.

84.27 (c) Whoever, while committed under section 253B.18, or admitted under the provision
84.28 of section 253B.10, subdivision 1, commits either of the following acts against an employee
84.29 or other individual who supervises and works directly with patients at a secure treatment
84.30 facility while the person is engaged in the performance of a duty imposed by law, policy,
84.31 or rule, is guilty of a felony and may be sentenced to imprisonment for not more than two
84.32 years or to payment of a fine of not more than \$4,000, or both:

85.1 (1) assaults the person and inflicts demonstrable bodily harm; or

85.2 (2) intentionally throws or otherwise transfers urine, blood, semen, or feces onto the
85.3 person.

85.4 (d) The court shall commit a person convicted of violating paragraph (b) to the custody
85.5 of the commissioner of corrections for not less than one year and one day. The court may
85.6 not, on its own motion or the prosecutor's motion, sentence a person without regard to this
85.7 paragraph. A person convicted and sentenced as required by this paragraph is not eligible
85.8 for probation, parole, discharge, work release, or supervised release, until that person has
85.9 served the full term of imprisonment as provided by law, notwithstanding the provisions of
85.10 sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

85.11 (e) Notwithstanding the statutory maximum sentence provided in paragraph (b), when
85.12 a court sentences a person to the custody of the commissioner of corrections for a violation
85.13 of paragraph (b), the court shall provide that after the person has been released from prison,
85.14 the commissioner shall place the person on conditional release for five years. The terms of
85.15 conditional release are governed by sections 244.05 and 609.3455, subdivision ~~6~~; 7; or 8;
85.16 and Minnesota Statutes 2004, section 609.109.

85.17 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
85.18 committed on or after that date.

85.19 Sec. 7. Minnesota Statutes 2016, section 609.342, subdivision 2, is amended to read:

85.20 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
85.21 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced
85.22 to imprisonment for not more than 30 years or to a payment of a fine of not more than
85.23 \$40,000, or both.

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

85.29 (c) A person convicted under this section is also subject to lifetime conditional release,
85.30 lifetime probation, and intensive probation under section 609.3455.

85.31 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
85.32 committed on or after that date.

86.1 Sec. 8. Minnesota Statutes 2016, section 609.342, is amended by adding a subdivision to
86.2 read:

86.3 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may
86.4 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section
86.5 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
86.6 guilty by a court or jury following a trial.

86.7 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
86.8 imposition of a sentence under this section.

86.9 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
86.10 committed on or after that date.

86.11 Sec. 9. Minnesota Statutes 2016, section 609.343, subdivision 2, is amended to read:

86.12 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota
86.13 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced
86.14 to imprisonment for not more than 25 years or to a payment of a fine of not more than
86.15 \$35,000, or both.

86.16 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the
86.17 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall
86.18 presume that an executed sentence of 90 months must be imposed on an offender convicted

86.19 of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner
86.20 other than that described in this paragraph is a departure from the Sentencing Guidelines.

86.21 (c) A person convicted under this section is also subject to lifetime conditional release,
86.22 lifetime probation, and intensive probation under section 609.3455.

86.23 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
86.24 committed on or after that date.

86.25 Sec. 10. Minnesota Statutes 2016, section 609.343, is amended by adding a subdivision
86.26 to read:

86.27 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may
86.28 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section
86.29 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
86.30 guilty by a court or jury following a trial.

87.1 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
87.2 imposition of a sentence under this section.

87.3 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
87.4 committed on or after that date.

87.5 Sec. 11. Minnesota Statutes 2016, section 609.344, subdivision 2, is amended to read:

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

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

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

87.13 A person convicted under this section is also subject to lifetime conditional release,
87.14 lifetime probation, and intensive probation under section 609.3455.

87.15 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
87.16 committed on or after that date.

87.17 Sec. 12. Minnesota Statutes 2016, section 609.344, is amended by adding a subdivision
87.18 to read:

87.19 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may
87.20 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section
87.21 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
87.22 guilty by a court or jury following a trial.

87.23 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
87.24 imposition of a sentence under this section.

87.25 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
87.26 committed on or after that date.

87.27 Sec. 13. Minnesota Statutes 2016, section 609.345, subdivision 2, is amended to read:

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

88.3 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
88.4 committed on or after that date.

88.5 Sec. 14. Minnesota Statutes 2016, section 609.345, is amended by adding a subdivision
88.6 to read:

88.7 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may
88.8 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section
88.9 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found
88.10 guilty by a court or jury following a trial.

88.11 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
88.12 imposition of a sentence under this section.

88.13 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
88.14 committed on or after that date.

88.15 Sec. 15. Minnesota Statutes 2016, section 609.3451, subdivision 3, is amended to read:

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

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

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

88.23 (b) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;
88.24 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to
88.25 enhance a criminal penalty as provided in paragraph (a).

88.26 (c) Pursuant to section 609.095, paragraph (b), a court may not refuse to adjudicate the
88.27 guilt of a defendant who tenders a guilty plea under this subdivision in accordance with
88.28 Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court
88.29 or jury following a trial.

88.30 (d) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay
88.31 imposition of a sentence under this subdivision.

89.1 (e) A person convicted under this subdivision is also subject to lifetime conditional
89.2 release, lifetime probation, and intensive probation under section 609.3455.

89.3 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
89.4 committed on or after that date.

89.5 Sec. 16. Minnesota Statutes 2016, section 609.3455, subdivision 7, is amended to read:

89.6 Subd. 7. **Mandatory lifetime conditional release term.** ~~(a) When a court sentences an~~
89.7 ~~offender under subdivision 3 or 4, the court shall provide that, if the offender is released~~
89.8 ~~from prison, the commissioner of corrections shall place the offender on conditional release~~
89.9 ~~for the remainder of the offender's life.~~

89.10 ~~(b)~~ Notwithstanding the statutory maximum sentence otherwise applicable to the offense,
89.11 when the court commits an offender to the custody of the commissioner of corrections for a
89.12 felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453,
89.13 and the offender has a previous or prior sex offense conviction, the court shall provide that,
89.14 after the offender has been released from prison, the commissioner shall place the offender
89.15 on conditional release for the remainder of the offender's life.

89.16 ~~(c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional~~
89.17 ~~release for a violation of section 609.345, unless the offender's previous or prior sex offense~~
89.18 ~~conviction is for a violation of section 609.342, 609.343, 609.344, or 609.3453, or any~~
89.19 ~~similar statute of the United States, this state, or any other state.~~

89.20 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
89.21 committed on or after that date.

89.22 Sec. 17. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision
89.23 to read:

89.24 Subd. 7a. **Lifetime probation.** Notwithstanding the statutory maximum sentence
89.25 otherwise applicable to the offense and otherwise provided in section 609.135, subdivision
89.26 2, paragraph (a), when the court does not commit an offender to the commissioner of
89.27 corrections for a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451,
89.28 or 609.3453, the court shall, after the offender has been released from any term of
89.29 confinement imposed by the court, place the offender on probation for the remainder of the
89.30 offender's life.

89.31 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
89.32 committed on or after that date.

90.1 Sec. 18. Minnesota Statutes 2016, section 609.3455, subdivision 8, is amended to read:

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

90.9 (b) The conditions of release may include successful completion of treatment and aftercare
90.10 in a program approved by the commissioner, satisfaction of the release conditions specified
90.11 in section 244.05, subdivision 6, and any other conditions the commissioner considers
90.12 appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person
90.13 released under this subdivision. The plan may include co-payments from offenders,
90.14 third-party payers, local agencies, or other funding sources as they are identified. This
90.15 section does not require the commissioner to accept or retain an offender in a treatment
90.16 program. Before the offender is placed on conditional release, the commissioner shall notify
90.17 the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced
90.18 of the terms of the offender's conditional release. The commissioner also shall make

90.19 reasonable efforts to notify the victim of the offender's crime of the terms of the offender's
90.20 conditional release.

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

90.26 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
90.27 committed on or after that date.

90.28 Sec. 19. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision
90.29 to read:

90.30 Subd. 8a. **Intensive probation.** (a) When the court does not commit an offender to the
90.31 commissioner of corrections after a conviction for a felony violation of section 609.342,
90.32 609.343, 609.344, 609.345, 609.3451, or 609.3453, the court shall place the offender on
90.33 intensive probation as provided in this subdivision.

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

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

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

91.18 (e) During phases I, II, III, and IV, the offender must spend at least 40 hours a week
91.19 performing approved work, undertaking constructive activity designed to obtain employment.

91.20 or attending a treatment or education program as directed by the agent. An offender may
91.21 not spend more than six months in a residential treatment program that does not require the
91.22 offender to spend at least 40 hours a week performing approved work or undertaking
91.23 constructive activity designed to obtain employment.

91.24 (f) During any phase, the offender may be placed on electronic surveillance if the
91.25 probation agent so directs. If electronic surveillance is directed during phase I, the court
91.26 must require that the offender be kept in custody, or that the offender's probation agent or
91.27 the agent's designee directly supervise the offender until electronic surveillance is activated.
91.28 It is the responsibility of the offender placed on electronic surveillance to ensure that the
91.29 offender's residence is properly equipped and the offender's telecommunications system is
91.30 properly configured to support electronic surveillance prior to being released from custody
91.31 or the direct supervision of a probation agent. It is a violation of an offender's probation to
91.32 fail to comply with this paragraph.

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

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

92.6 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
92.7 committed on or after that date.

92.8 Sec. 20. Minnesota Statutes 2016, section 617.246, subdivision 7, is amended to read:

92.9 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
92.10 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
92.11 court commits a person to the custody of the commissioner of corrections for violating this
92.12 section, the court shall provide that after the person has been released from prison, the
92.13 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person
92.14 has previously been convicted of a violation of this section, section 609.342, 609.343,
92.15 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United
92.16 States, this state, or any state, the commissioner shall place the person on conditional release
92.17 for ~~ten years~~ the remainder of the offender's life. The terms of conditional release are
92.18 governed by section 609.3455, subdivision 8.

92.19 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
92.20 committed on or after that date.

92.21 Sec. 21. Minnesota Statutes 2016, section 617.246, is amended by adding a subdivision
92.22 to read:

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

92.27 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
92.28 committed on or after that date.

92.29 Sec. 22. Minnesota Statutes 2016, section 617.247, subdivision 3, is amended to read:

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

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

93.7 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
93.8 committed on or after that date.

93.9 Sec. 23. Minnesota Statutes 2016, section 617.247, subdivision 4, is amended to read:

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

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

93.20 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
93.21 committed on or after that date.

93.22 Sec. 24. Minnesota Statutes 2016, section 617.247, is amended by adding a subdivision
93.23 to read:

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

93.28 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
93.29 committed on or after that date.

94.1 Sec. 25. **SENTENCING GUIDELINES MODIFICATION.**

94.2 The Sentencing Guidelines Commission shall modify the sex offender grid by ranking
94.3 violations of Minnesota Statutes, section 617.247, subdivision 3 (dissemination of child
94.4 pornography - subsequent or by predatory offender), in severity level C; violations of
94.5 Minnesota Statutes, sections 617.246 (use of minors in sexual performance), 617.247,
94.6 subdivision 3 (dissemination of child pornography - first time, nonpredatory offender), and
94.7 617.247, subdivision 4 (possession of child pornography - subsequent or by predatory
94.8 offender), in severity level D; and violations of Minnesota Statutes, section 617.247,
94.9 subdivision 4 (possession of child pornography - first time, nonpredatory offender), in
94.10 severity level E.

94.11 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
94.12 committed on or after that date.

94.13 Sec. 26. **REPEALER.**

94.14 Minnesota Statutes 2016, sections 609.342, subdivision 3; 609.343, subdivision 3;
94.15 609.344, subdivision 3; 609.345, subdivision 3; and 609.3455, subdivision 6, are repealed.

94.16 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses
94.17 committed on or after that date.