

House Language UES0802-1	Article 5 - Sexual Offenders	May 08, 2019 08:52 AM	Senate Language S0802-3
88.1	ARTICLE 5		
88.2	SEXUAL OFFENDERS		
	SECTION 243.166, SUBD. 1B IS IN HOUSE ART. 13, SEC. 3		
	15.8	ARTICLE 2	
	15.9	PUBLIC SAFETY POLICY CHANGES RELATED TO APPROPRIATIONS	
	15.10	Section 1. Minnesota Statutes 2018, section 243.166, subdivision 1b, is amended to read:	
	15.11	Subd. 1b. Registration required. (a) A person shall register under this section if:	
	15.12	(1) the person was charged with or petitioned for a felony violation of or attempt to	
	15.13	violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted	
	15.14	of or adjudicated delinquent for that offense or another offense arising out of the same set	
	15.15	of circumstances:	
	15.16	(i) murder under section 609.185, paragraph (a), clause (2);	
	15.17	(ii) kidnapping under section 609.25;	
	15.18	(iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,	
	15.19	subdivision 3; or 609.3453; or	
	15.20	(iv) indecent exposure under section 617.23, subdivision 3; or	
	15.21	(v) surreptitious intrusion under the circumstances described in section 609.746,	
	15.22	subdivision 1, paragraph (f);	
	15.23	(2) the person was charged with or petitioned for a violation of, or attempt to violate, or	
	15.24	aiding, abetting, or conspiring to commit criminal abuse in violation of section 609.2325,	
	15.25	subdivision 1, paragraph (b); false imprisonment in violation of section 609.255, subdivision	
	15.26	2; solicitation, inducement, or promotion of the prostitution of a minor or engaging in the	
	15.27	sex trafficking of a minor in violation of section 609.322; a prostitution offense in violation	
	15.28	of section 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual	
	15.29	conduct in violation of section 609.352, subdivision 2 or 2a, clause (1); using a minor in a	
	15.30	sexual performance in violation of section 617.246; or possessing pornographic work	
	15.31	involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent	
	15.32	for that offense or another offense arising out of the same set of circumstances;	
	16.1	(3) the person was sentenced as a patterned sex offender under section 609.3455,	
	16.2	subdivision 3a; or	
	16.3	(4) the person was charged with or petitioned for, including pursuant to a court martial,	
	16.4	violating a law of the United States, including the Uniform Code of Military Justice, similar	
	16.5	to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent	
	16.6	for that offense or another offense arising out of the same set of circumstances.	
	16.7	(b) A person also shall register under this section if:	

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		16.8 16.9 16.10 16.11	(1) the person was charged with or petitioned for an offense in another state that would be a violation of a law described in paragraph (a) if committed in this state and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;
		16.12 16.13	(2) the person enters this state to reside, work, or attend school, or enters this state and remains for 14 days or longer; and
		16.14 16.15 16.16 16.17 16.18	(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to a longer registration period under the laws of another state in which the person has been convicted or adjudicated, or is subject to lifetime registration.
		16.19 16.20 16.21 16.22	If a person described in this paragraph is subject to a longer registration period in another state or is subject to lifetime registration, the person shall register for that time period regardless of when the person was released from confinement, convicted, or adjudicated delinquent.
		16.23 16.24 16.25 16.26	(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.
		16.27	(d) A person also shall register under this section if:
		16.28 16.29 16.30 16.31 16.32	(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or the United States, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or the United States;
		17.1 17.2 17.3	(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and
		17.4 17.5	(3) the person was committed pursuant to a court commitment order under section 253B.18 or a similar law of another state or the United States.
		17.6 17.7	EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes committed on or after that date.
88.3 Section 1. Minnesota Statutes 2018, section 609.341, subdivision 10, is amended to read:		17.8	Sec. 2. Minnesota Statutes 2018, section 609.341, subdivision 10, is amended to read:
88.4 Subd. 10. Current or recent position of authority. "Current or recent position of		17.9	Subd. 10. Current or recent position of authority. "Current or recent position of
88.5 authority" includes but is not limited to any person who is a parent or acting in the place of		17.10	authority" includes but is not limited to any person who is a parent or acting in the place of

88.6 a parent and charged with or assumes any of a parent's rights, duties or responsibilities to
 88.7 a child, or a person who is charged with or assumes any duty or responsibility for the health,
 88.8 welfare, or supervision of a child, either independently or through another, no matter how
 88.9 brief, at the time of or within 120 days immediately preceding the act. For the purposes of
 88.10 subdivision 11, "position of authority" includes a psychotherapist. For the purposes of
 88.11 sections 609.344, subdivision 1, paragraph (e), clause (2), and 609.345, subdivision 1,
 88.12 paragraph (e), clause (2), the term extends to a person having the described authority over
 88.13 a student in a secondary school who is at least 16 but less than 21 years of age under the
 88.14 circumstances described in those two clauses.

88.15 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 88.16 committed on or after that date.

88.17 Sec. 2. Minnesota Statutes 2018, section 609.341, subdivision 11, is amended to read:

88.18 Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343,
 88.19 subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to
 88.20 ~~(g)~~, includes any of the following acts committed without the complainant's consent, except
 88.21 in those cases where consent is not a defense, and committed with sexual or aggressive
 88.22 intent:

88.23 (i) the intentional touching by the actor of the complainant's intimate parts, or

88.24 (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate
 88.25 parts effected by a person in a current or recent position of authority, or by coercion, or by
 88.26 inducement if the complainant is under 13 years of age or mentally impaired, or

88.27 (iii) the touching by another of the complainant's intimate parts effected by coercion or
 88.28 by a person in a current or recent position of authority, or

88.29 (iv) in any of the cases above, the touching of the clothing covering the immediate area
 88.30 of the intimate parts, or

88.31 (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's
 88.32 body or the clothing covering the complainant's body.

89.1 (b) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (g)
 89.2 and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts
 89.3 committed with sexual or aggressive intent:

89.4 (i) the intentional touching by the actor of the complainant's intimate parts;

89.5 (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate
 89.6 parts;

89.7 (iii) the touching by another of the complainant's intimate parts;

89.8 (iv) in any of the cases listed above, touching of the clothing covering the immediate
 89.9 area of the intimate parts; or

17.11 a parent and charged with or assumes any of a parent's rights, duties or responsibilities to
 17.12 a child, or a person who is charged with or assumes any duty or responsibility for the health,
 17.13 welfare, or supervision of a child, either independently or through another, no matter how
 17.14 brief, at the time of or within 120 days immediately preceding the act. For the purposes of
 17.15 subdivision 11, "position of authority" includes a psychotherapist.

17.16 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 17.17 committed on or after that date.

17.18 Sec. 3. Minnesota Statutes 2018, section 609.341, subdivision 11, is amended to read:

17.19 Subd. 11. **Sexual contact.** (a) "Sexual contact," for the purposes of sections 609.343,
 17.20 subdivision 1, clauses (a) to (f), and 609.345, subdivision 1, clauses (a) to (e), and (h) to
 17.21 ~~(g)~~ (p), includes any of the following acts committed without the complainant's consent,
 17.22 except in those cases where consent is not a defense, and committed with sexual or aggressive
 17.23 intent:

17.24 (i) the intentional touching by the actor of the complainant's intimate parts, or

17.25 (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate
 17.26 parts effected by a person in a position of authority, or by coercion, or by inducement if the
 17.27 complainant is under 13 years of age or mentally impaired, or

17.28 (iii) the touching by another of the complainant's intimate parts effected by coercion or
 17.29 by a person in a position of authority, or

17.30 (iv) in any of the cases above, the touching of the clothing covering the immediate area
 17.31 of the intimate parts, or

18.1 (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's
 18.2 body or the clothing covering the complainant's body.

18.3 (b) "Sexual contact," for the purposes of sections 609.343, subdivision 1, clauses (g)
 18.4 and (h), and 609.345, subdivision 1, clauses (f) and (g), includes any of the following acts
 18.5 committed with sexual or aggressive intent:

18.6 (i) the intentional touching by the actor of the complainant's intimate parts;

18.7 (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate
 18.8 parts;

18.9 (iii) the touching by another of the complainant's intimate parts;

18.10 (iv) in any of the cases listed above, touching of the clothing covering the immediate
 18.11 area of the intimate parts; or

89.10 (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's
89.11 body or the clothing covering the complainant's body.

89.12 (c) "Sexual contact with a person under 13" means the intentional touching of the
89.13 complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with
89.14 sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening
89.15 of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

89.16 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
89.17 committed on or after that date.

89.18 Sec. 3. Minnesota Statutes 2018, section 609.341, subdivision 12, is amended to read:

89.19 Subd. 12. **Sexual penetration.** "Sexual penetration" means any of the following acts
89.20 committed without the complainant's consent, except in those cases where consent is not a
89.21 defense, whether or not emission of semen occurs:

89.22 (1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

89.23 (2) any intrusion however slight into the genital or anal openings:

89.24 (i) of the complainant's body by any part of the actor's body or any object used by the
89.25 actor for this purpose;

89.26 (ii) of the complainant's body by any part of the body of the complainant, by any part
89.27 of the body of another person, or by any object used by the complainant or another person
89.28 for this purpose, when effected by a person in a current or recent position of authority, or
89.29 by coercion, or by inducement if the child is under 13 years of age or mentally impaired;
89.30 or

90.1 (iii) of the body of the actor or another person by any part of the body of the complainant
90.2 or by any object used by the complainant for this purpose, when effected by a person in a
90.3 current or recent position of authority, or by coercion, or by inducement if the child is under
90.4 13 years of age or mentally impaired.

90.5 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
90.6 committed on or after that date.

90.7 Sec. 4. Minnesota Statutes 2018, section 609.341, is amended by adding a subdivision to
90.8 read:

90.9 Subd. 24. **Secondary school.** For the purposes of sections 609.344 and 609.345,
90.10 "secondary school" means a public or nonpublic school, church or religious organization,
90.11 or home school where a student may legally fulfill the compulsory instruction requirements
90.12 of section 120A.22.

90.13 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
90.14 committed on or after that date.

18.12 (v) the intentional touching with seminal fluid or sperm by the actor of the complainant's
18.13 body or the clothing covering the complainant's body.

18.14 (c) "Sexual contact with a person under 13" means the intentional touching of the
18.15 complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with
18.16 sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening
18.17 of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

18.18 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
18.19 committed on or after that date.

90.15 Sec. 5. Minnesota Statutes 2018, section 609.341, is amended by adding a subdivision to
90.16 read:

90.17 Subd. 25. **Independent contractor.** For the purposes of sections 609.344 and 609.345,
90.18 "independent contractor" means any person who contracts with or is a volunteer for a
90.19 secondary school or any person employed by a business which contracts with a secondary
90.20 school.

90.21 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
90.22 committed on or after that date.

90.23 Sec. 6. Minnesota Statutes 2018, section 609.342, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

91.15 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
91.16 609.05, and either of the following circumstances exists:

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

18.20 Sec. 4. Minnesota Statutes 2018, section 609.342, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

19.11 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
19.12 609.05, and either of the following circumstances exists:

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

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

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

91.24 (h) the actor has a significant relationship to the complainant, the complainant was under
91.25 16 years of age at the time of the sexual penetration act, and:

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

91.27 (ii) the complainant suffered personal injury; or

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

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

92.1 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
92.2 committed on or after that date.

92.3 Sec. 7. Minnesota Statutes 2018, section 609.343, subdivision 1, is amended to read:

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

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

92.11 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
92.12 48 months older than the complainant and in a current or recent position of authority over
92.13 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
92.14 complainant is a defense;

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

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

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

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

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

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

19.20 (h) the actor has a significant relationship to the complainant, the complainant was under
19.21 16 years of age at the time of the sexual penetration, and:

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

19.23 (ii) the complainant suffered personal injury; or

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

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

19.27 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
19.28 committed on or after that date.

20.1 Sec. 5. Minnesota Statutes 2018, section 609.343, subdivision 1, is amended to read:

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

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

20.9 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
20.10 48 months older than the complainant and in a current or recent position of authority over
20.11 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
20.12 complainant is a defense;

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

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

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

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

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

92.25 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
92.26 609.05, and either of the following circumstances exists:

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

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

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

93.4 (h) the actor has a significant relationship to the complainant, the complainant was under
93.5 16 years of age at the time of the sexual contact, and:

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

93.7 (ii) the complainant suffered personal injury; or

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

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

93.11 EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes
93.12 committed on or after that date.

93.13 Sec. 8. Minnesota Statutes 2018, section 609.344, subdivision 1, is amended to read:

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

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

93.20 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
93.21 24 months older than the complainant. In any such case if the actor is no more than ~~120~~ 36
93.22 months older than the complainant, it shall be an affirmative defense, which must be proved
93.23 by a preponderance of the evidence, that the actor reasonably believes the complainant to
93.24 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
93.25 be a defense. consent by the complainant is not a defense;

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

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

20.23 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
20.24 609.05, and either of the following circumstances exists:

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

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

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

21.1 (h) the actor has a significant relationship to the complainant, the complainant was under
21.2 16 years of age at the time of the sexual contact, and:

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

21.4 (ii) the complainant suffered personal injury; or

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

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

21.8 EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes
21.9 committed on or after that date.

21.10 Sec. 6. Minnesota Statutes 2018, section 609.344, subdivision 1, is amended to read:

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

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

21.17 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
21.18 24 months older than the complainant. In any such case if the actor is no more than 120
21.19 months older than the complainant, it shall be an affirmative defense, which must be proved
21.20 by a preponderance of the evidence, that the actor reasonably believes the complainant to
21.21 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
21.22 be a defense. Consent by the complainant is not a defense;

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

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

93.29 (e)(1) the complainant is at least 16 but less than 18 years of age and the actor is more
93.30 than 48 months older than the complainant and in a current or recent position of authority
93.31 over the complainant, or (2) the complainant is at least 16 years of age but less than 21 years
94.1 of age and a student in a secondary school who has not graduated and received a diploma
94.2 and the actor is an employee or independent contractor of the secondary school and in a
94.3 current or recent position of authority over the complainant. Neither mistake as to the
94.4 complainant's age nor consent to the act by the complainant is a defense;

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

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

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

94.11 (ii) the complainant suffered personal injury; or

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

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

94.15 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
94.16 and the sexual penetration occurred:

94.17 (i) during the psychotherapy session; or

94.18 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
94.19 exists.

94.20 Consent by the complainant is not a defense;

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

94.23 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
94.24 the sexual penetration occurred by means of therapeutic deception. Consent by the
94.25 complainant is not a defense;

94.26 (k) the actor accomplishes the sexual penetration by means of deception or false
94.27 representation that the penetration is for a bona fide medical purpose. Consent by the
94.28 complainant is not a defense;

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

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

21.26 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
21.27 48 months older than the complainant and in a current or recent position of authority over
21.28 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
21.29 complainant is a defense;

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

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

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

22.7 (ii) the complainant suffered personal injury; or

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

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

22.11 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
22.12 and the sexual penetration occurred:

22.13 (i) during the psychotherapy session; or

22.14 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
22.15 exists.

22.16 Consent by the complainant is not a defense;

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

22.19 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
22.20 the sexual penetration occurred by means of therapeutic deception. Consent by the
22.21 complainant is not a defense;

22.22 (k) the actor accomplishes the sexual penetration by means of deception or false
22.23 representation that the penetration is for a bona fide medical purpose. Consent by the
22.24 complainant is not a defense;

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

95.1 (i) the sexual penetration occurred during the course of a meeting in which the
 95.2 complainant sought or received religious or spiritual advice, aid, or comfort from the actor
 95.3 in private; or

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

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

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

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

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

95.27 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 95.28 committed on or after that date.

95.29 Sec. 9. Minnesota Statutes 2018, section 609.345, subdivision 1, is amended to read:

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

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

96.5 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
 96.6 48 months older than the complainant or in a current or recent position of authority over

22.27 (i) the sexual penetration occurred during the course of a meeting in which the
 22.28 complainant sought or received religious or spiritual advice, aid, or comfort from the actor
 22.29 in private; or

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

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

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

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

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

23.23 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 23.24 committed on or after that date.

23.25 Sec. 7. Minnesota Statutes 2018, section 609.345, subdivision 1, is amended to read:

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

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

24.1 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
 24.2 48 months older than the complainant or in a current or recent position of authority over

96.7 the complainant. Consent by the complainant to the act is not a defense. In any such case,
 96.8 if the actor is no more than 120 months older than the complainant, it shall be an affirmative
 96.9 defense which must be proved by a preponderance of the evidence that the actor reasonably
 96.10 believes the complainant to be 16 years of age or older. In all other cases, Neither mistake
 96.11 as to the complainant's age shall not be nor consent to the act by the complainant shall be
 96.12 a defense;

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

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

96.16 (e) (1) the complainant is at least 16 but less than 18 years of age and the actor is more
 96.17 than 48 months older than the complainant and in a current or recent position of authority
 96.18 over the complainant, or (2) the complainant is at least 16 years of age but less than 21 years
 96.19 of age and a student in a secondary school who has not graduated and received a diploma
 96.20 and the actor is an employee or independent contractor of the secondary school and in a
 96.21 current or recent position of authority over the complainant. Neither mistake as to the
 96.22 complainant's age nor consent to the act by the complainant is a defense;

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

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

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

96.29 (ii) the complainant suffered personal injury; or

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

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

97.1 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
 97.2 and the sexual contact occurred;

97.3 (i) during the psychotherapy session; or

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

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

24.3 the complainant. Consent by the complainant to the act is not a defense. In any such case,
 24.4 if the actor is no more than 120 months older than the complainant, it shall be an affirmative
 24.5 defense which must be proved by a preponderance of the evidence that the actor reasonably
 24.6 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
 24.7 complainant's age shall not be a defense;

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

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

24.11 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
 24.12 48 months older than the complainant and in a current or recent position of authority over
 24.13 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
 24.14 complainant is a defense;

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

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

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

24.21 (ii) the complainant suffered personal injury; or

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

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

24.25 (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist
 24.26 and the sexual contact occurred;

24.27 (i) during the psychotherapy session; or

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

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

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

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

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

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

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

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

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

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

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

98.8 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
98.9 committed on or after that date.

98.10 Sec. 10. Minnesota Statutes 2018, section 609.3451, subdivision 1, is amended to read:

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

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

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

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

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

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

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

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

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

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

25.32 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
25.33 committed on or after that date.

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

98.14 (2) the person engages in masturbation or lewd exhibition of the genitals in the presence

98.15 of a minor under the age of 16, knowing or having reason to know the minor is present.

98.16 For purposes of this section, "sexual contact" has the meaning given in section 609.341,

98.17 subdivision 11, paragraph (a), clauses (i), (iv), and (v), ~~but does not include the intentional~~

98.18 ~~touching of the clothing covering the immediate area of the buttocks.~~ Sexual contact also

98.19 includes the intentional removal or attempted removal of clothing covering the complainant's

98.20 intimate parts or undergarments, and the nonconsensual touching by the complainant of the

98.21 actor's intimate parts, effected by the actor, if the action is performed with sexual or

98.22 aggressive intent.

98.23 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes

98.24 committed on or after that date.

26.1 Sec. 8. Minnesota Statutes 2018, section 609.746, subdivision 1, is amended to read:

26.2 Subdivision 1. **Surreptitious intrusion; observation device.** (a) A person is guilty of

26.3 a gross misdemeanor who:

26.4 (1) enters upon another's property;

26.5 (2) surreptitiously gazes, stares, or peeps in the window or any other aperture of a house

26.6 or place of dwelling of another; and

26.7 (3) does so with intent to intrude upon or interfere with the privacy of a member of the

26.8 household.

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

26.10 (1) enters upon another's property;

26.11 (2) surreptitiously installs or uses any device for observing, photographing, recording,

26.12 amplifying, or broadcasting sounds or events through the window or any other aperture of

26.13 a house or place of dwelling of another; and

26.14 (3) does so with intent to intrude upon or interfere with the privacy of a member of the

26.15 household.

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

26.17 (1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping

26.18 room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place

26.19 where a reasonable person would have an expectation of privacy and has exposed or is

26.20 likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the

26.21 clothing covering the immediate area of the intimate parts; and

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		26.22	(2) does so with intent to intrude upon or interfere with the privacy of the occupant.
		26.23	(d) A person is guilty of a gross misdemeanor who:
		26.24	(1) surreptitiously installs or uses any device for observing, photographing, recording,
		26.25	amplifying, or broadcasting sounds or events through the window or other aperture of a
		26.26	sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or
		26.27	other place where a reasonable person would have an expectation of privacy and has exposed
		26.28	or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or
		26.29	the clothing covering the immediate area of the intimate parts; and
		26.30	(2) does so with intent to intrude upon or interfere with the privacy of the occupant.
		27.1	(e) A person is guilty of a felony and may be sentenced to imprisonment for not more
		27.2	than two years or to payment of a fine of not more than \$5,000, or both, if the person:
		27.3	(1) violates this subdivision after a previous conviction under this subdivision or section
		27.4	609.749; or
		27.5	(2) violates this subdivision against a minor under the age of 18, knowing or having
		27.6	reason to know that the minor is present.
		27.7	(f) A person is guilty of a felony and may be sentenced to imprisonment for not more
		27.8	than four years or to payment of a fine of not more than \$5,000, or both, if: (1) the person
		27.9	violates paragraph (b) or (d) against a minor victim under the age of 18; (2) the person is
		27.10	more than 36 months older than the minor victim; (3) the person knows or has reason to
		27.11	know that the minor victim is present; and (4) the violation is committed with sexual intent.
		27.12	(g) Paragraphs (b) and (d) do not apply to law enforcement officers or corrections
		27.13	investigators, or to those acting under their direction, while engaged in the performance of
		27.14	their lawful duties. Paragraphs (c) and (d) do not apply to conduct in: (1) a medical facility;
		27.15	or (2) a commercial establishment if the owner of the establishment has posted conspicuous
		27.16	signs warning that the premises are under surveillance by the owner or the owner's employees.
		27.17	EFFECTIVE DATE. This section is effective August 1, 2019, and applies to crimes
		27.18	committed on or after that date.
		27.19	Sec. 9. Minnesota Statutes 2018, section 617.246, subdivision 2, is amended to read:
		27.20	Subd. 2. Use of minor. (a) It is unlawful for a person to promote, employ, use or permit
		27.21	a minor to engage in or assist others to engage minors in posing or modeling alone or with
		27.22	others in any sexual performance or pornographic work if the person knows or has reason
		27.23	to know that the conduct intended is a sexual performance or a pornographic work.
		27.24	Any person who violates this subdivision paragraph is guilty of a felony and may be
		27.25	sentenced to imprisonment for not more than ten years or to payment of a fine of not more
		27.26	than \$20,000 for the first offense and \$40,000 for a second or subsequent offense, or both.

98.25

Sec. 11. Minnesota Statutes 2018, section 617.246, subdivision 2, is amended to read:

98.26

Subd. 2. **Use of minor.** It is unlawful for a person to promote, employ, use or permit a

98.27

minor to engage in or assist others to engage minors in posing or modeling alone or with

98.28

others in any sexual performance or pornographic work if the person knows or has reason

98.29

to know that the conduct intended is a sexual performance or a pornographic work.

99.1

Any person who violates this subdivision is guilty of a felony and may be sentenced to

99.2

imprisonment for not more than ~~ten~~ 15 years or to payment of a fine of not more than \$20,000

99.3

for the first offense and \$40,000 for a second or subsequent offense, or both.

99.4 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
99.5 committed on or after that date.

99.6 Sec. 12. Minnesota Statutes 2018, section 617.246, subdivision 3, is amended to read:

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

99.13 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
99.14 committed on or after that date.

99.15 Sec. 13. Minnesota Statutes 2018, section 617.246, subdivision 4, is amended to read:

99.16 Subd. 4. **Dissemination.** A person who, knowing or with reason to know its content and
99.17 character, disseminates for profit to an adult or a minor a pornographic work, as defined in
99.18 this section, is guilty of a felony and may be sentenced to imprisonment for not more than
99.19 ~~ten~~ 15 years, or to payment of a fine of not more than \$20,000 ~~for the first offense and~~
99.20 ~~\$40,000 for a second or subsequent offense~~, or both.

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

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

28.1 (2) the violation occurs when the person is a registered predatory offender under section
28.2 243.166; or

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

28.4 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
28.5 committed on or after that date.

28.6 Sec. 10. Minnesota Statutes 2018, section 617.246, subdivision 3, is amended to read:

28.7 Subd. 3. **Operation or ownership of business.** (a) A person who owns or operates a
28.8 business in which a pornographic work, as defined in this section, is disseminated to an
28.9 adult or a minor or is reproduced, and who knows the content and character of the
28.10 pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced
28.11 to imprisonment for not more than ~~ten~~ years, or to payment of a fine of not more than
28.12 \$20,000 ~~for the first offense and \$40,000 for a second or subsequent offense~~, or both.

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

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

28.18 (2) the violation occurs when the person is a registered predatory offender under section
28.19 243.166; or

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

28.21 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
28.22 committed on or after that date.

28.23 Sec. 11. Minnesota Statutes 2018, section 617.246, subdivision 4, is amended to read:

28.24 Subd. 4. **Dissemination.** (a) A person who, knowing or with reason to know its content
28.25 and character, disseminates for profit to an adult or a minor a pornographic work, as defined
28.26 in this section, is guilty of a felony and may be sentenced to imprisonment for not more
28.27 than ~~ten~~ years, or to payment of a fine of not more than \$20,000 ~~for the first offense and~~
28.28 ~~\$40,000 for a second or subsequent offense~~, or both.

99.21 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
99.22 committed on or after that date.

99.23 Sec. 14. Minnesota Statutes 2018, section 617.246, subdivision 7, is amended to read:

99.24 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
99.25 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
99.26 court commits a person to the custody of the commissioner of corrections for violating this
99.27 section, the court shall provide that after the person has been released from prison, the
99.28 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person
99.29 has previously been convicted of a violation of this section, section 609.342, 609.343,
99.30 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United
99.31 States, this state, or any state, the commissioner shall place the person on conditional release
100.1 for ~~ten~~ 15 years. The terms of conditional release are governed by section 609.3455,
100.2 subdivision 8.

100.3 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
100.4 committed on or after that date.

100.5 Sec. 15. Minnesota Statutes 2018, section 617.246, is amended by adding a subdivision
100.6 to read:

100.7 Subd. 8. **Mandatory minimum sentence.** A person convicted under this section must
100.8 serve a minimum of six months of incarceration. If the person has a prior conviction under
100.9 this section or section 617.247, or is required to register as a predatory offender, the person
100.10 must serve a minimum of 12 months of incarceration.

100.11 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
100.12 committed on or after that date.

100.13 Sec. 16. Minnesota Statutes 2018, section 617.247, subdivision 3, is amended to read:

100.14 Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work
100.15 to an adult or a minor, knowing or with reason to know its content and character, is guilty
100.16 of a felony and may be sentenced to imprisonment for not more than ~~seven~~ ten years and a

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

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

29.3 (2) the violation occurs when the person is a registered predatory offender under section
29.4 243.166; or

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

29.6 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
29.7 committed on or after that date.

29.8 Sec. 12. Minnesota Statutes 2018, section 617.246, subdivision 7, is amended to read:

29.9 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
29.10 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
29.11 court commits a person to the custody of the commissioner of corrections for violating this
29.12 section, the court shall provide that after the person has been released from prison, the
29.13 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person has
29.14 previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,
29.15 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this
29.16 state, or any state, the commissioner shall place the person on conditional release for ~~ten~~
29.17 15 years. The terms of conditional release are governed by section 609.3455, subdivision
29.18 8.

29.19 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
29.20 committed on or after that date.

29.21 Sec. 13. Minnesota Statutes 2018, section 617.247, subdivision 3, is amended to read:

29.22 Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work
29.23 to an adult or a minor, knowing or with reason to know its content and character, is guilty
29.24 of a felony and may be sentenced to imprisonment for not more than ~~seven~~ ten years ~~and or to~~

100.17 ~~fine of not more than \$10,000 for a first offense and for not more than 15 20 years and a~~
 100.18 ~~fine of not more than \$20,000 for a second or subsequent offense.~~

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

100.22 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 100.23 committed on or after that date.

100.24 Sec. 17. Minnesota Statutes 2018, section 617.247, subdivision 4, is amended to read:

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

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

101.4 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 101.5 committed on or after that date.

101.6 Sec. 18. Minnesota Statutes 2018, section 617.247, subdivision 9, is amended to read:

101.7 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence
 101.8 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
 101.9 court commits a person to the custody of the commissioner of corrections for violating this
 101.10 section, the court shall provide that after the person has been released from prison, the

29.25 ~~payment of a fine of not more than \$10,000 for a first offense and for not more than 15~~
 29.26 ~~years and a fine of not more than \$20,000 for a second or subsequent offense, or both.~~

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

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

30.1 (2) the violation occurs when the person is a registered predatory offender under section
 30.2 243.166; or

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

30.4 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 30.5 committed on or after that date.

30.6 Sec. 14. Minnesota Statutes 2018, section 617.247, subdivision 4, is amended to read:

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

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

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

30.19 (2) the violation occurs when the person is a registered predatory offender under section
 30.20 243.166; or

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

30.22 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
 30.23 committed on or after that date.

30.24 Sec. 15. Minnesota Statutes 2018, section 617.247, subdivision 9, is amended to read:

30.25 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence
 30.26 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
 30.27 court commits a person to the custody of the commissioner of corrections for violating this
 30.28 section, the court shall provide that after the person has been released from prison, the

101.11 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person
101.12 has previously been convicted of a violation of this section, section 609.342, 609.343,
101.13 609.344, 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United
101.14 States, this state, or any state, the commissioner shall place the person on conditional release
101.15 for ~~ten~~ 15 years. The terms of conditional release are governed by section 609.3455,
101.16 subdivision 8.

101.17 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
101.18 committed on or after that date.

101.19 Sec. 19. Minnesota Statutes 2018, section 617.247, is amended by adding a subdivision
101.20 to read:

101.21 Subd. 10. **Mandatory minimum sentence.** A person convicted under this section must
101.22 serve a minimum of six months of incarceration. If the person has a prior conviction under
101.23 this section or section 617.246, or is required to register as a predatory offender, the person
101.24 must serve a minimum of 12 months of incarceration.

101.25 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
101.26 committed on or after that date.

101.27 Sec. 20. Minnesota Statutes 2018, section 626.556, subdivision 2, is amended to read:

101.28 Subd. 2. **Definitions.** As used in this section, the following terms have the meanings
101.29 given them unless the specific content indicates otherwise:

101.30 (a) "Accidental" means a sudden, not reasonably foreseeable, and unexpected occurrence
101.31 or event which:

102.1 (1) is not likely to occur and could not have been prevented by exercise of due care; and

102.2 (2) if occurring while a child is receiving services from a facility, happens when the
102.3 facility and the employee or person providing services in the facility are in compliance with
102.4 the laws and rules relevant to the occurrence or event.

102.5 (b) "Commissioner" means the commissioner of human services.

102.6 (c) "Facility" means:

102.7 (1) a licensed or unlicensed day care facility, certified license-exempt child care center,
102.8 residential facility, agency, hospital, sanitarium, or other facility or institution required to
102.9 be licensed under sections 144.50 to 144.58, 241.021, or 245A.01 to 245A.16, or chapter
102.10 144H, 245D, or 245H;

102.11 (2) a school as defined in section 120A.05, subdivisions 9, 11, and 13; and chapter 124E;
102.12 or

102.13 (3) a nonlicensed personal care provider organization as defined in section 256B.0625,
102.14 subdivision 19a.

30.29 commissioner shall place the person on conditional release for five years. If the person has
30.30 previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,
30.31 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this
31.1 state, or any state, the commissioner shall place the person on conditional release for ~~ten~~
31.2 15 years. The terms of conditional release are governed by section 609.3455, subdivision
31.3 8.

31.4 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
31.5 committed on or after that date.

102.15 (d) "Family assessment" means a comprehensive assessment of child safety, risk of
102.16 subsequent child maltreatment, and family strengths and needs that is applied to a child
102.17 maltreatment report that does not allege sexual abuse or substantial child endangerment.
102.18 Family assessment does not include a determination as to whether child maltreatment
102.19 occurred but does determine the need for services to address the safety of family members
102.20 and the risk of subsequent maltreatment.

102.21 (e) "Investigation" means fact gathering related to the current safety of a child and the
102.22 risk of subsequent maltreatment that determines whether child maltreatment occurred and
102.23 whether child protective services are needed. An investigation must be used when reports
102.24 involve sexual abuse or substantial child endangerment, and for reports of maltreatment in
102.25 facilities required to be licensed or certified under chapter 245A, 245D, or 245H; under
102.26 sections 144.50 to 144.58 and 241.021; in a school as defined in section 120A.05,
102.27 subdivisions 9, 11, and 13, and chapter 124E; or in a nonlicensed personal care provider
102.28 association as defined in section 256B.0625, subdivision 19a.

102.29 (f) "Mental injury" means an injury to the psychological capacity or emotional stability
102.30 of a child as evidenced by an observable or substantial impairment in the child's ability to
102.31 function within a normal range of performance and behavior with due regard to the child's
102.32 culture.

103.1 (g) "Neglect" means the commission or omission of any of the acts specified under
103.2 clauses (1) to (9), other than by accidental means:

103.3 (1) failure by a person responsible for a child's care to supply a child with necessary
103.4 food, clothing, shelter, health, medical, or other care required for the child's physical or
103.5 mental health when reasonably able to do so;

103.6 (2) failure to protect a child from conditions or actions that seriously endanger the child's
103.7 physical or mental health when reasonably able to do so, including a growth delay, which
103.8 may be referred to as a failure to thrive, that has been diagnosed by a physician and is due
103.9 to parental neglect;

103.10 (3) failure to provide for necessary supervision or child care arrangements appropriate
103.11 for a child after considering factors as the child's age, mental ability, physical condition,
103.12 length of absence, or environment, when the child is unable to care for the child's own basic
103.13 needs or safety, or the basic needs or safety of another child in their care;

103.14 (4) failure to ensure that the child is educated as defined in sections 120A.22 and
103.15 260C.163, subdivision 11, which does not include a parent's refusal to provide the parent's
103.16 child with sympathomimetic medications, consistent with section 125A.091, subdivision
103.17 5;

103.18 (5) nothing in this section shall be construed to mean that a child is neglected solely
103.19 because the child's parent, guardian, or other person responsible for the child's care in good
103.20 faith selects and depends upon spiritual means or prayer for treatment or care of disease or
103.21 remedial care of the child in lieu of medical care; except that a parent, guardian, or caretaker,

103.22 or a person mandated to report pursuant to subdivision 3, has a duty to report if a lack of
103.23 medical care may cause serious danger to the child's health. This section does not impose
103.24 upon persons, not otherwise legally responsible for providing a child with necessary food,
103.25 clothing, shelter, education, or medical care, a duty to provide that care;

103.26 (6) prenatal exposure to a controlled substance, as defined in section 253B.02, subdivision
103.27 2, used by the mother for a nonmedical purpose, as evidenced by withdrawal symptoms in
103.28 the child at birth, results of a toxicology test performed on the mother at delivery or the
103.29 child at birth, medical effects or developmental delays during the child's first year of life
103.30 that medically indicate prenatal exposure to a controlled substance, or the presence of a
103.31 fetal alcohol spectrum disorder;

103.32 (7) "medical neglect" as defined in section 260C.007, subdivision 6, clause (5);

104.1 (8) chronic and severe use of alcohol or a controlled substance by a parent or person
104.2 responsible for the care of the child that adversely affects the child's basic needs and safety;
104.3 or

104.4 (9) emotional harm from a pattern of behavior which contributes to impaired emotional
104.5 functioning of the child which may be demonstrated by a substantial and observable effect
104.6 in the child's behavior, emotional response, or cognition that is not within the normal range
104.7 for the child's age and stage of development, with due regard to the child's culture.

104.8 (h) "Nonmaltreatment mistake" means:

104.9 (1) at the time of the incident, the individual was performing duties identified in the
104.10 center's child care program plan required under Minnesota Rules, part 9503.0045;

104.11 (2) the individual has not been determined responsible for a similar incident that resulted
104.12 in a finding of maltreatment for at least seven years;

104.13 (3) the individual has not been determined to have committed a similar nonmaltreatment
104.14 mistake under this paragraph for at least four years;

104.15 (4) any injury to a child resulting from the incident, if treated, is treated only with
104.16 remedies that are available over the counter, whether ordered by a medical professional or
104.17 not; and

104.18 (5) except for the period when the incident occurred, the facility and the individual
104.19 providing services were both in compliance with all licensing requirements relevant to the
104.20 incident.

104.21 This definition only applies to child care centers licensed under Minnesota Rules, chapter
104.22 9503. If clauses (1) to (5) apply, rather than making a determination of substantiated
104.23 maltreatment by the individual, the commissioner of human services shall determine that a
104.24 nonmaltreatment mistake was made by the individual.

104.25 (i) "Operator" means an operator or agency as defined in section 245A.02.

104.26 (j) "Person responsible for the child's care" means (1) an individual functioning within
104.27 the family unit and having responsibilities for the care of the child such as a parent, guardian,
104.28 or other person having similar care responsibilities, or (2) an individual functioning outside
104.29 the family unit and having responsibilities for the care of the child such as a teacher, school
104.30 administrator, other school employees or agents, or other lawful custodian of a child having
104.31 either full-time or short-term care responsibilities including, but not limited to, day care,
104.32 babysitting whether paid or unpaid, counseling, teaching, and coaching.

105.1 (k) "Physical abuse" means any physical injury, mental injury, or threatened injury,
105.2 inflicted by a person responsible for the child's care on a child other than by accidental
105.3 means, or any physical or mental injury that cannot reasonably be explained by the child's
105.4 history of injuries, or any aversive or deprivation procedures, or regulated interventions,
105.5 that have not been authorized under section 125A.0942 or 245.825.

105.6 Abuse does not include reasonable and moderate physical discipline of a child
105.7 administered by a parent or legal guardian which does not result in an injury. Abuse does
105.8 not include the use of reasonable force by a teacher, principal, or school employee as allowed
105.9 by section 121A.582. Actions which are not reasonable and moderate include, but are not
105.10 limited to, any of the following:

105.11 (1) throwing, kicking, burning, biting, or cutting a child;

105.12 (2) striking a child with a closed fist;

105.13 (3) shaking a child under age three;

105.14 (4) striking or other actions which result in any nonaccidental injury to a child under 18
105.15 months of age;

105.16 (5) unreasonable interference with a child's breathing;

105.17 (6) threatening a child with a weapon, as defined in section 609.02, subdivision 6;

105.18 (7) striking a child under age one on the face or head;

105.19 (8) striking a child who is at least age one but under age four on the face or head, which
105.20 results in an injury;

105.21 (9) purposely giving a child poison, alcohol, or dangerous, harmful, or controlled
105.22 substances which were not prescribed for the child by a practitioner, in order to control or
105.23 punish the child; or other substances that substantially affect the child's behavior, motor
105.24 coordination, or judgment or that results in sickness or internal injury, or subjects the child
105.25 to medical procedures that would be unnecessary if the child were not exposed to the
105.26 substances;

105.27 (10) unreasonable physical confinement or restraint not permitted under section 609.379,
105.28 including but not limited to tying, caging, or chaining; or

105.29 (11) in a school facility or school zone, an act by a person responsible for the child's
105.30 care that is a violation under section 121A.58.

106.1 (l) "Practice of social services," for the purposes of subdivision 3, includes but is not
106.2 limited to employee assistance counseling and the provision of guardian ad litem and
106.3 parenting time expeditor services.

106.4 (m) "Report" means any communication received by the local welfare agency, police
106.5 department, county sheriff, or agency responsible for child protection pursuant to this section
106.6 that describes neglect or physical or sexual abuse of a child and contains sufficient content
106.7 to identify the child and any person believed to be responsible for the neglect or abuse, if
106.8 known.

106.9 (n) "Sexual abuse" means the subjection of a child by a person responsible for the child's
106.10 care, by a person who has a significant relationship to the child, as defined in section 609.341,
106.11 or by a person in a current or recent position of authority, as defined in section 609.341,
106.12 subdivision 10, to any act which constitutes a violation of section 609.342 (criminal sexual
106.13 conduct in the first degree), 609.343 (criminal sexual conduct in the second degree), 609.344
106.14 (criminal sexual conduct in the third degree), 609.345 (criminal sexual conduct in the fourth
106.15 degree), or 609.3451 (criminal sexual conduct in the fifth degree). Sexual abuse also includes
106.16 any act which involves a minor which constitutes a violation of prostitution offenses under
106.17 sections 609.321 to 609.324 or 617.246. Effective May 29, 2017, sexual abuse includes all
106.18 reports of known or suspected child sex trafficking involving a child who is identified as a
106.19 victim of sex trafficking. Sexual abuse includes child sex trafficking as defined in section
106.20 609.321, subdivisions 7a and 7b. Sexual abuse includes threatened sexual abuse which
106.21 includes the status of a parent or household member who has committed a violation which
106.22 requires registration as an offender under section 243.166, subdivision 1b, paragraph (a) or
106.23 (b), or required registration under section 243.166, subdivision 1b, paragraph (a) or (b).

106.24 (o) "Substantial child endangerment" means a person responsible for a child's care, by
106.25 act or omission, commits or attempts to commit an act against a child under their care that
106.26 constitutes any of the following:

106.27 (1) egregious harm as defined in section 260C.007, subdivision 14;

106.28 (2) abandonment under section 260C.301, subdivision 2;

106.29 (3) neglect as defined in paragraph (g), clause (2), that substantially endangers the child's
106.30 physical or mental health, including a growth delay, which may be referred to as failure to
106.31 thrive, that has been diagnosed by a physician and is due to parental neglect;

106.32 (4) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

106.33 (5) manslaughter in the first or second degree under section 609.20 or 609.205;

107.1 (6) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

107.2 (7) solicitation, inducement, and promotion of prostitution under section 609.322;

107.3 (8) criminal sexual conduct under sections 609.342 to 609.3451;

107.4 (9) solicitation of children to engage in sexual conduct under section 609.352;

107.5 (10) malicious punishment or neglect or endangerment of a child under section 609.377

107.6 or 609.378;

107.7 (11) use of a minor in sexual performance under section 617.246; or

107.8 (12) parental behavior, status, or condition which mandates that the county attorney file

107.9 a termination of parental rights petition under section 260C.503, subdivision 2.

107.10 (p) "Threatened injury" means a statement, overt act, condition, or status that represents

107.11 a substantial risk of physical or sexual abuse or mental injury. Threatened injury includes,

107.12 but is not limited to, exposing a child to a person responsible for the child's care, as defined

107.13 in paragraph (j), clause (1), who has:

107.14 (1) subjected a child to, or failed to protect a child from, an overt act or condition that

107.15 constitutes egregious harm, as defined in section 260C.007, subdivision 14, or a similar law

107.16 of another jurisdiction;

107.17 (2) been found to be palpably unfit under section 260C.301, subdivision 1, paragraph

107.18 (b), clause (4), or a similar law of another jurisdiction;

107.19 (3) committed an act that has resulted in an involuntary termination of parental rights

107.20 under section 260C.301, or a similar law of another jurisdiction; or

107.21 (4) committed an act that has resulted in the involuntary transfer of permanent legal and

107.22 physical custody of a child to a relative under Minnesota Statutes 2010, section 260C.201,

107.23 subdivision 11, paragraph (d), clause (1), section 260C.515, subdivision 4, or a similar law

107.24 of another jurisdiction.

107.25 A child is the subject of a report of threatened injury when the responsible social services

107.26 agency receives birth match data under paragraph (q) from the Department of Human

107.27 Services.

107.28 (q) Upon receiving data under section 144.225, subdivision 2b, contained in a birth

107.29 record or recognition of parentage identifying a child who is subject to threatened injury

107.30 under paragraph (p), the Department of Human Services shall send the data to the responsible

107.31 social services agency. The data is known as "birth match" data. Unless the responsible

107.32 social services agency has already begun an investigation or assessment of the report due

108.1 to the birth of the child or execution of the recognition of parentage and the parent's previous

108.2 history with child protection, the agency shall accept the birth match data as a report under

108.3 this section. The agency may use either a family assessment or investigation to determine

108.4 whether the child is safe. All of the provisions of this section apply. If the child is determined

108.5 to be safe, the agency shall consult with the county attorney to determine the appropriateness

108.6 of filing a petition alleging the child is in need of protection or services under section

108.7 260C.007, subdivision 6, clause (16), in order to deliver needed services. If the child is

108.8 determined not to be safe, the agency and the county attorney shall take appropriate action
108.9 as required under section 260C.503, subdivision 2.

108.10 (r) Persons who conduct assessments or investigations under this section shall take into
108.11 account accepted child-rearing practices of the culture in which a child participates and
108.12 accepted teacher discipline practices, which are not injurious to the child's health, welfare,
108.13 and safety.

108.14 **EFFECTIVE DATE.** This section is effective August 1, 2019.

108.15 Sec. 21. Minnesota Statutes 2018, section 628.26, is amended to read:

108.16 **628.26 LIMITATIONS.**

108.17 (a) Indictments or complaints for any crime resulting in the death of the victim may be
108.18 found or made at any time after the death of the person killed.

108.19 (b) Indictments or complaints for a violation of section 609.25 may be found or made
108.20 at any time after the commission of the offense.

108.21 (c) Indictments or complaints for violation of section 609.282 may be found or made at
108.22 any time after the commission of the offense if the victim was under the age of 18 at the
108.23 time of the offense.

108.24 (d) Indictments or complaints for violation of section 609.282 where the victim was 18
108.25 years of age or older at the time of the offense, or 609.42, subdivision 1, clause (1) or (2),
108.26 shall be found or made and filed in the proper court within six years after the commission
108.27 of the offense.

108.28 (e) Indictments or complaints for violation of sections 609.322 and 609.342 to 609.345;
108.29 if the victim was under the age of 18 years at the time the offense was committed, shall may
108.30 be found or made and filed in the proper court within the later of nine years after the
108.31 commission of the offense or three years after the offense was reported to law enforcement
108.32 authorities at any time after the commission of the offense.

109.1 (f) Notwithstanding the limitations in paragraph (e), indictments or complaints for
109.2 violation of sections 609.322 and 609.342 to 609.344 may be found or made and filed in
109.3 the proper court at any time after commission of the offense, if physical evidence is collected
109.4 and preserved that is capable of being tested for its DNA characteristics. If this evidence is
109.5 not collected and preserved and the victim was 18 years old or older at the time of the
109.6 offense, the prosecution must be commenced within nine years after the commission of the
109.7 offense.

109.8 (g) (f) Indictments or complaints for violation of sections 609.466 and 609.52, subdivision
109.9 2, clause (3), item (iii), shall be found or made and filed in the proper court within six years
109.10 after the commission of the offense.

109.11 ~~(g)~~ (g) Indictments or complaints for violation of section 609.2335, 609.52, subdivision
109.12 2, clause (3), items (i) and (ii), (4), (15), or (16), 609.631, or 609.821, where the value of
109.13 the property or services stolen is more than \$35,000, or for violation of section 609.527
109.14 where the offense involves eight or more direct victims or the total combined loss to the
109.15 direct and indirect victims is more than \$35,000, shall be found or made and filed in the
109.16 proper court within five years after the commission of the offense.

109.17 ~~(h)~~ (h) Except for violations relating to false material statements, representations or
109.18 omissions, indictments or complaints for violations of section 609.671 shall be found or
109.19 made and filed in the proper court within five years after the commission of the offense.

109.20 ~~(i)~~ (i) Indictments or complaints for violation of sections 609.561 to 609.563, shall be
109.21 found or made and filed in the proper court within five years after the commission of the
109.22 offense.

109.23 ~~(j)~~ (j) In all other cases, indictments or complaints shall be found or made and filed in
109.24 the proper court within three years after the commission of the offense.

109.25 ~~(k)~~ (k) The limitations periods contained in this section shall exclude any period of time
109.26 during which the defendant was not an inhabitant of or usually resident within this state.

109.27 ~~(l)~~ (l) The limitations periods contained in this section for an offense shall not include
109.28 any period during which the alleged offender participated under a written agreement in a
109.29 pretrial diversion program relating to that offense.

109.30 ~~(m)~~ (m) The limitations periods contained in this section shall not include any period of
109.31 time during which physical evidence relating to the offense was undergoing DNA analysis,
109.32 as defined in section 299C.155, unless the defendant demonstrates that the prosecuting or
110.1 law enforcement agency purposefully delayed the DNA analysis process in order to gain
110.2 an unfair advantage.

110.3 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
110.4 committed on or after that date and to crimes committed before that date if the limitations
110.5 period for the crime did not expire before August 1, 2019.

110.6 Sec. 22. **SENTENCING GUIDELINES MODIFICATION.**

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

110.11 Sec. 23. **CRIMINAL SEXUAL CONDUCT STATUTORY REFORM WORKING**
110.12 **GROUP; REPORT.**

110.13 Subdivision 1. **Direction.** By September 1, 2019, the commissioner of public safety
110.14 shall convene a working group on criminal sexual conduct statutory reform. The
110.15 commissioner shall invite representatives from city and county prosecuting agencies,

31.6 Sec. 16. **SENTENCING GUIDELINES MODIFICATION.**

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

110.16 statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota Board of
110.17 Public Defense, the Department of Public Safety, the Department of Human Services, the
110.18 Sentencing Guidelines Commission, state and local law enforcement agencies, and other
110.19 interested parties to participate in the working group. The commissioner shall ensure that
110.20 the working group is inclusive of marginalized communities as well as victim and survivor
110.21 voices.

110.22 Subd. 2. **Duties.** The working group must review, assess, and make specific
110.23 recommendations with regard to substantive and technical amendments to Minnesota Statutes,
110.24 sections 609.341 to 609.3451, 609.3453 to 609.3455, 609.349, 628.26, and any other related
110.25 criminal laws.

110.26 Subd. 3. **Report to legislature.** The commissioner shall file a report detailing the working
110.27 group's findings and recommendations with the chairs and ranking minority members of
110.28 the house of representatives and senate committees and divisions having jurisdiction over
110.29 public safety and judiciary policy and finance by October 15, 2020.

110.30 Sec. 24. **REPEALER.**

110.31 Minnesota Statutes 2018, section 609.349, is repealed.

111.1 **EFFECTIVE DATE.** This section is effective the day following final enactment.