

**SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION**

S.F. No. 3899

(SENATE AUTHORS: SEEBERGER)

DATE	D-PG	OFFICIAL STATUS
02/19/2024	11643	Introduction and first reading Referred to Judiciary and Public Safety

1.1 A bill for an act

1.2 relating to public safety; prohibiting possession, sale, purchase, and dissemination

1.3 of child sex dolls; amending Minnesota Statutes 2023 Supplement, section 243.166,

1.4 subdivision 1b; proposing coding for new law in Minnesota Statutes, chapter 617.

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

1.6 Section 1. Minnesota Statutes 2023 Supplement, section 243.166, subdivision 1b, is

1.7 amended to read:

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

1.9 (1) the person was charged with or petitioned for a felony violation of or attempt to

1.10 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted

1.11 of or adjudicated delinquent for that offense or another offense arising out of the same set

1.12 of circumstances:

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

1.14 (ii) kidnapping under section 609.25;

1.15 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,

1.16 subdivision 3, paragraph (b); or 609.3453;

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

1.18 (v) surreptitious intrusion under the circumstances described in section 609.746,

1.19 subdivision 1, paragraph (h);

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

2.4 (i) criminal abuse in violation of section 609.2325, subdivision 1, paragraph (b);

2.5 (ii) false imprisonment in violation of section 609.255, subdivision 2;

2.6 (iii) solicitation, inducement, or promotion of the prostitution of a minor or engaging in
2.7 the sex trafficking of a minor in violation of section 609.322;

2.8 (iv) a prostitution offense in violation of section 609.324, subdivision 1, paragraph (a);

2.9 (v) soliciting a minor to engage in sexual conduct in violation of section 609.352,
2.10 subdivision 2 or 2a, clause (1);

2.11 (vi) using a minor in a sexual performance in violation of section 617.246; ~~or~~

2.12 (vii) possessing pornographic work involving a minor in violation of section 617.247;

2.13 (viii) possession of a child sex doll in violation of section 617.248; or

2.14 (ix) creation and dissemination of child sex dolls in violation of section 617.249;

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

2.17 (4) the person was charged with or petitioned for, including pursuant to a court martial,
2.18 violating a law of the United States, including the Uniform Code of Military Justice, similar
2.19 to an offense or involving similar circumstances to an offense described in clause (1), (2),
2.20 or (3), and convicted of or adjudicated delinquent for that offense or another offense arising
2.21 out of the same set of circumstances.

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

2.23 (1) the person was charged with or petitioned for an offense in another state similar to
2.24 an offense or involving similar circumstances to an offense described in paragraph (a),
2.25 clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another
2.26 offense arising out of the same set of circumstances;

2.27 (2) the person enters this state to reside, work, or attend school, or enters this state and
2.28 remains for 14 days or longer or for an aggregate period of time exceeding 30 days during
2.29 any calendar year; and

2.30 (3) ten years have not elapsed since the person was released from confinement or, if the
2.31 person was not confined, since the person was convicted of or adjudicated delinquent for

3.1 the offense that triggers registration, unless the person is subject to a longer registration
3.2 period under the laws of another state in which the person has been convicted or adjudicated,
3.3 or is subject to lifetime registration.

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

3.8 (c) A person also shall register under this section if the person was committed pursuant
3.9 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
3.10 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
3.11 United States, regardless of whether the person was convicted of any offense.

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

3.13 (1) the person was charged with or petitioned for a felony violation or attempt to violate
3.14 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
3.15 the United States, or the person was charged with or petitioned for a violation of any of the
3.16 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
3.17 States;

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

3.21 (3) the person was committed pursuant to a court commitment order under section
3.22 253B.18 or a similar law of another state or the United States.

3.23 Sec. 2. **[617.248] POSSESSION OF A CHILD SEX DOLL.**

3.24 **Subdivision 1. Definition.** (a) "Child sex doll" means an anatomically correct doll,
3.25 mannequin, or robot with features that are intended to depict or resemble a minor and is
3.26 intended for use in sex acts.

3.27 **Subd. 2. Dissemination prohibited.** (a) A person who knowingly, or with reason to
3.28 know, disseminates a child sex doll to an adult or a minor is guilty of a felony and may be
3.29 sentenced to imprisonment for not more than seven years or to payment of a fine of not
3.30 more than \$10,000, or both.

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

4.4 (1) the person has a prior conviction or delinquency adjudication for violating this section
4.5 or section 617.246 or 617.247;

4.6 (2) the violation occurs when the person is a registered predatory offender under section
4.7 243.166; or

4.8 (3) the violation involved a child sex doll depicting a minor under the age of 14 years.

4.9 Subd. 3. **Possession prohibited.** (a) A person who knowingly, or with reason to know,
4.10 possesses a child sex doll is guilty of a felony and may be sentenced to imprisonment for
4.11 not more than five years or to payment of a fine of not more than \$5,000, or both.

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

4.15 (1) the person has a prior conviction or delinquency adjudication for violating this section
4.16 or section 617.246 or 617.247;

4.17 (2) the violation occurs when the person is a registered predatory offender under section
4.18 243.166; or

4.19 (3) the violation involved a child sex doll depicting a minor under the age of 14 years.

4.20 Subd. 5. **Exception.** This section does not apply to the performance of official duties
4.21 by peace officers, court personnel, or attorneys. This section also does not apply to the
4.22 performance of official duties by licensed physicians, psychologists, or social workers or
4.23 persons acting at the direction of a licensed physician, psychologist, or social worker in the
4.24 course of a bona fide treatment or professional education program.

4.25 Subd. 6. **Second offense.** If a person is convicted of a second or subsequent violation
4.26 of this section within 15 years of the prior conviction, the court shall order a mental
4.27 examination of the person. The examiner shall report to the court whether treatment of the
4.28 person is necessary.

4.29 Subd. 7. **Affirmative defense.** It shall be an affirmative defense to a charge of violating
4.30 this section that the child sex doll was produced using only persons who were 18 years of
4.31 age or older.

5.1 Subd. 8. **Conditional release term.** Notwithstanding the statutory maximum sentence
5.2 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
5.3 court commits a person to the custody of the commissioner of corrections for violating this
5.4 section, the court shall provide that after the person has been released from prison the
5.5 commissioner shall place the person on conditional release for five years. If the person has
5.6 previously been convicted of a violation of this section; section 609.342, 609.343, 609.344,
5.7 609.345, 609.3451, 609.3453, 617.246, 617.247, or 617.249; or any similar statute of the
5.8 United States, this state, or any state, the commissioner shall place the person on conditional
5.9 release for 15 years. The terms of conditional release are governed by section 609.3455,
5.10 subdivision 8.

5.11 Sec. 3. **[617.249] CREATION AND DISSEMINATION OF CHILD SEX DOLLS**
5.12 **PROHIBITED.**

5.13 Subdivision 1. **Definitions.** (a) For purposes of this section, the following terms have
5.14 the meanings given.

5.15 (b) "Child sex doll" has the meaning given in section 617.248.

5.16 (c) "Minor" means a person under the age of 18 years.

5.17 (d) "Promote" means to produce, direct, publish, manufacture, issue, or advertise.

5.18 Subd. 2. **Use of minor.** (a) It is unlawful for a person to promote, employ, use, or permit
5.19 a minor to engage in or assist others to engage minors in the modeling for the creation of a
5.20 child sex doll if the person knows or has reason to know that the conduct intended is to
5.21 create a child sex doll.

5.22 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to
5.23 imprisonment for not more than ten years or to payment of a fine of not more than \$10,000,
5.24 or both.

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

5.28 (1) the person has a prior conviction or delinquency adjudication for violating this section
5.29 or section 617.246, 617.247, or 617.248;

5.30 (2) the violation occurs when the person is a registered predatory offender under section
5.31 243.166; or

5.32 (3) the violation involved a minor under the age of 14 years.

6.1 Subd. 3. **Operation or ownership of business.** (a) A person who owns or operates a
6.2 business in which a child sex doll, as defined in section 617.248, is intentionally disseminated
6.3 to an adult or a minor or is reproduced is guilty of a felony and may be sentenced to
6.4 imprisonment for not more than ten years or to payment of a fine of not more than \$10,000,
6.5 or both.

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

6.9 (1) the person has a prior conviction or delinquency adjudication for violating this section
6.10 or section 617.246, 617.247, or 617.248;

6.11 (2) the violation occurs when the person is a registered predatory offender under section
6.12 243.166; or

6.13 (3) the violation involved a minor under the age of 14 years.

6.14 Subd. 4. **Dissemination.** (a) A person who intentionally disseminates for profit to an
6.15 adult or a minor a child sex doll, as defined in section 617.248, is guilty of a felony and
6.16 may be sentenced to imprisonment for not more than ten years or to payment of a fine of
6.17 not more than \$10,000, or both.

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

6.21 (1) the person has a prior conviction or delinquency adjudication for violating this section
6.22 or section 617.246, 617.247, or 617.248;

6.23 (2) the violation occurs when the person is a registered predatory offender under section
6.24 243.166; or

6.25 (3) the violation involved a minor under the age of 14 years.

6.26 Subd. 5. **Consent; mistake.** The following are not defenses to a charge of violation of
6.27 this section: (1) consent to the modeling for the creation of a child sex doll by a minor or
6.28 the minor's parent, guardian, or custodian; or (2) mistake as to the minor's age.

6.29 Subd. 6. **Affirmative defense.** It shall be an affirmative defense to a charge of violating
6.30 this section that the sexual performance or pornographic work was produced using only
6.31 persons who were 18 years of age or older.

7.1 Subd. 7. Conditional release term. Notwithstanding the statutory maximum sentence
7.2 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
7.3 court commits a person to the custody of the commissioner of corrections for violating this
7.4 section, the court shall provide that after the person has been released from prison the
7.5 commissioner shall place the person on conditional release for five years. If the person has
7.6 previously been convicted of a violation of this section; section 609.342, 609.343, 609.344,
7.7 609.345, 609.3451, 609.3453, 617.246, 617.247, or 617.248; or any similar statute of the
7.8 United States, this state, or any state, the commissioner shall place the person on conditional
7.9 release for 15 years. The terms of conditional release are governed by section 609.3455,
7.10 subdivision 8.

7.11 **EFFECTIVE DATE.** This section is effective August 1, 2024, and applies to crimes
7.12 committed on or after that date.