

SENATE
STATE OF MINNESOTA
NINETY-FIRST SESSION

S.F. No. 3919

(SENATE AUTHORS: RELPH and Hoffman)

DATE	D-PG	OFFICIAL STATUS
03/04/2020	5226	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
03/11/2020	5368a 5402	Comm report: To pass as amended Second reading

- 1.1 A bill for an act
- 1.2 relating to crime; clarifying the definition of prior sex offense conviction; applying
- 1.3 the sex offense conditional release provisions to attempted sex offenses; amending
- 1.4 Minnesota Statutes 2018, section 609.3455, subdivisions 1, 6, 7.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2018, section 609.3455, subdivision 1, is amended to read:
- 1.7 Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the
- 1.8 meanings given.
- 1.9 (b) "Conviction" includes a conviction as an extended jurisdiction juvenile under section
- 1.10 260B.130 for a violation of, or an attempt to violate, section 609.342, 609.343, 609.344, or
- 1.11 609.3453, if the adult sentence has been executed.
- 1.12 (c) "Extreme inhumane conditions" mean situations where, either before or after the
- 1.13 sexual penetration or sexual contact, the offender knowingly causes or permits the
- 1.14 complainant to be placed in a situation likely to cause the complainant severe ongoing
- 1.15 mental, emotional, or psychological harm, or causes the complainant's death.
- 1.16 (d) A "heinous element" includes:
- 1.17 (1) the offender tortured the complainant;
- 1.18 (2) the offender intentionally inflicted great bodily harm upon the complainant;
- 1.19 (3) the offender intentionally mutilated the complainant;
- 1.20 (4) the offender exposed the complainant to extreme inhumane conditions;

2.1 (5) the offender was armed with a dangerous weapon or any article used or fashioned
2.2 in a manner to lead the complainant to reasonably believe it to be a dangerous weapon and
2.3 used or threatened to use the weapon or article to cause the complainant to submit;

2.4 (6) the offense involved sexual penetration or sexual contact with more than one victim;

2.5 (7) the offense involved more than one perpetrator engaging in sexual penetration or
2.6 sexual contact with the complainant; or

2.7 (8) the offender, without the complainant's consent, removed the complainant from one
2.8 place to another and did not release the complainant in a safe place.

2.9 (e) "Mutilation" means the intentional infliction of physical abuse designed to cause
2.10 serious permanent disfigurement or permanent or protracted loss or impairment of the
2.11 functions of any bodily member or organ, where the offender relishes the infliction of the
2.12 abuse, evidencing debasement or perversion.

2.13 (f) A conviction is considered a "previous sex offense conviction" if the offender was
2.14 convicted and sentenced for a sex offense before the commission of the present offense.

2.15 (g) A conviction is considered a "prior sex offense conviction" if the offender was
2.16 convicted of committing a sex offense before the offender has been convicted of the present
2.17 offense, regardless of whether the offender was convicted for the first offense before the
2.18 commission of the present offense, and the convictions involved separate behavioral
2.19 incidents. The sequencing of the order in time in which the pleas or verdicts for the offenses
2.20 are accepted, recorded, adjudicated, or sentenced and whether this occurs simultaneously
2.21 or sequentially is irrelevant in determining whether the first offense is a prior sex offense
2.22 conviction.

2.23 (h) "Sex offense" means any violation of, or attempt to violate, section 609.342, 609.343,
2.24 609.344, 609.345, 609.3451, 609.3453, or any similar statute of the United States, this state,
2.25 or any other state.

2.26 (i) "Torture" means the intentional infliction of extreme mental anguish, or extreme
2.27 psychological or physical abuse, when committed in an especially depraved manner.

2.28 (j) An offender has "two previous sex offense convictions" only if the offender was
2.29 convicted and sentenced for a sex offense committed after the offender was earlier convicted
2.30 and sentenced for a sex offense and both convictions preceded the commission of the present
2.31 offense of conviction.

2.32 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
2.33 committed on or after that date.

3.1 Sec. 2. Minnesota Statutes 2018, section 609.3455, subdivision 6, is amended to read:

3.2 Subd. 6. **Mandatory ten-year conditional release term.** Notwithstanding the statutory
3.3 maximum sentence otherwise applicable to the offense and unless a longer conditional
3.4 release term is required in subdivision 7, when a court commits an offender to the custody
3.5 of the commissioner of corrections for a violation of or attempt to violate section 609.342,
3.6 609.343, 609.344, 609.345, or 609.3453, the court shall provide that, after the offender has
3.7 been released from prison, the commissioner shall place the offender on conditional release
3.8 for ten years.

3.9 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
3.10 committed on or after that date.

3.11 Sec. 3. Minnesota Statutes 2018, section 609.3455, subdivision 7, is amended to read:

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

3.16 (b) Notwithstanding the statutory maximum sentence otherwise applicable to the offense,
3.17 when the court commits an offender to the custody of the commissioner of corrections for
3.18 a violation of or attempt to violate section 609.342, 609.343, 609.344, 609.345, or 609.3453,
3.19 and the offender has a previous or prior sex offense conviction, the court shall provide that,
3.20 after the offender has been released from prison, the commissioner shall place the offender
3.21 on conditional release for the remainder of the offender's life.

3.22 (c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional
3.23 release for a violation of or attempt to violate section 609.345, unless the offender's previous
3.24 or prior sex offense conviction is for a violation of section 609.342, 609.343, 609.344, or
3.25 609.3453, or any similar statute of the United States, this state, or any other state.

3.26 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
3.27 committed on or after that date.