

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

S.F. No. 802

(SENATE AUTHORS: LIMMER, Newman, Kent and Clausen)

DATE	D-PG	OFFICIAL STATUS
02/04/2019	244	Introduction and first reading Referred to Judiciary and Public Safety Finance and Policy
02/14/2019	355	Comm report: To pass and re-referred to State Government Finance and Policy and Elections
03/14/2019	949	Comm report: To pass and re-referred to Judiciary and Public Safety Finance and Policy
04/10/2019	2364a	Comm report: To pass as amended and re-refer to Finance
	2388	Rule 12.10: report of votes in committee See SF1263

1.1 A bill for an act

1.2 relating to public safety; appropriating money for public safety, courts, corrections,

1.3 human rights, Guardian Ad Litem Board, Uniform Laws Commission, Board on

1.4 Judicial Standards, Board of Public Defense, Sentencing Guidelines, Peace Officer

1.5 Standards and Training (POST) Board, and Private Detective Board; increasing

1.6 the maximum penalty and requiring predatory offender registration for certain

1.7 invasion of privacy crimes involving minors; increasing penalties for child

1.8 pornography offenses; expanding criminal sexual conduct offenses for persons in

1.9 current or recent positions of authority over juveniles and for peace officers who

1.10 engage in sexual activity with those in custody; amending Minnesota Statutes

1.11 2018, sections 243.166, subdivision 1b; 299A.707, by adding a subdivision;

1.12 357.021, subdivision 7; 609.341, subdivisions 10, 11; 609.342, subdivision 1;

1.13 609.343, subdivision 1; 609.344, subdivision 1; 609.345, subdivision 1; 609.746,

1.14 subdivision 1; 617.246, subdivisions 2, 3, 4, 7; 617.247, subdivisions 3, 4, 9.

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

1.16 **ARTICLE 1**

1.17 **APPROPRIATIONS**

1.18 Section 1. **APPROPRIATIONS.**

1.19 The sums shown in the columns marked "Appropriations" are appropriated to the agencies

1.20 and for the purposes specified in this article. The appropriations are from the general fund,

1.21 or another named fund, and are available for the fiscal years indicated for each purpose.

1.22 The figures "2020" and "2021" used in this article mean that the appropriations listed under

1.23 them are available for the fiscal year ending June 30, 2020, or June 30, 2021, respectively.

1.24 "The first year" is fiscal year 2020. "The second year" is fiscal year 2021. "The biennium"

1.25 is fiscal years 2020 and 2021.

	<u>APPROPRIATIONS</u>	
	<u>Available for the Year</u>	
	<u>Ending June 30</u>	
	<u>2020</u>	<u>2021</u>
1.26		
1.27		
1.28		
1.29		

2.1	Sec. 2. <u>SUPREME COURT</u>		
2.2	Subdivision 1. <u>Total Appropriation</u>	<u>\$ 54,014,000</u>	<u>\$ 54,302,000</u>
2.3	<u>The amounts that may be spent for each</u>		
2.4	<u>purpose are specified in the following</u>		
2.5	<u>subdivisions.</u>		
2.6	Subd. 2. <u>Supreme Court Operations</u>	<u>40,076,000</u>	<u>40,364,000</u>
2.7	<u>Contingent Account</u>		
2.8	<u>\$5,000 each year is for a contingent account</u>		
2.9	<u>for expenses necessary for the normal</u>		
2.10	<u>operation of the court for which no other</u>		
2.11	<u>reimbursement is provided.</u>		
2.12	Subd. 3. <u>Civil Legal Services</u>	<u>13,938,000</u>	<u>13,938,000</u>
2.13	<u>Legal Services to Low-Income Clients in</u>		
2.14	<u>Family Law Matters</u>		
2.15	<u>\$1,062,000 the first year and \$1,125,000 the</u>		
2.16	<u>second year are to improve the access of</u>		
2.17	<u>low-income clients to legal representation in</u>		
2.18	<u>family law matters. This appropriation must</u>		
2.19	<u>be distributed under Minnesota Statutes,</u>		
2.20	<u>section 480.242, to the qualified legal services</u>		
2.21	<u>program described in Minnesota Statutes,</u>		
2.22	<u>section 480.242, subdivision 2, paragraph (a).</u>		
2.23	<u>Any unencumbered balance remaining in the</u>		
2.24	<u>first year does not cancel and is available in</u>		
2.25	<u>the second year.</u>		
2.26	Sec. 3. <u>COURT OF APPEALS</u>	<u>\$ 12,588,000</u>	<u>\$ 12,670,000</u>
2.27	Sec. 4. <u>DISTRICT COURTS</u>	<u>\$ 301,555,000</u>	<u>\$ 304,048,000</u>
2.28	Sec. 5. <u>GUARDIAN AD LITEM BOARD</u>	<u>\$ 16,967,000</u>	<u>\$ 17,069,000</u>
2.29	Sec. 6. <u>TAX COURT</u>	<u>\$ 1,682,000</u>	<u>\$ 1,682,000</u>
2.30	Sec. 7. <u>UNIFORM LAWS COMMISSION</u>	<u>\$ 98,000</u>	<u>\$ 98,000</u>
2.31	Sec. 8. <u>BOARD ON JUDICIAL STANDARDS</u>	<u>\$ 530,000</u>	<u>\$ 509,000</u>

3.1 **Major Disciplinary Actions**

3.2 \$125,000 each year is for special investigative
 3.3 and hearing costs for major disciplinary
 3.4 actions undertaken by the board. This
 3.5 appropriation does not cancel. Any
 3.6 unencumbered and unspent balances remain
 3.7 available for these expenditures until June 30,
 3.8 2023.

3.9 Sec. 9. **BOARD OF PUBLIC DEFENSE** \$ 89,335,000 \$ 90,042,000

3.10 Sec. 10. **SENTENCING GUIDELINES** \$ 679,000 \$ 687,000

3.11 Sec. 11. **PUBLIC SAFETY**

3.12 **Subdivision 1. Total Appropriation** \$ 194,000,000 \$ 194,142,000

3.13 Appropriations by Fund

3.14	<u>2020</u>	<u>2021</u>
3.15 <u>General</u>	<u>100,494,000</u>	<u>100,636,000</u>
3.16 <u>Special Revenue</u>	<u>13,251,000</u>	<u>13,251,000</u>
3.17 <u>State Government</u>		
3.18 <u>Special Revenue</u>	<u>103,000</u>	<u>103,000</u>
3.19 <u>Environmental</u>	<u>73,000</u>	<u>73,000</u>
3.20 <u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>
3.21 <u>911 Fund</u>	<u>77,650,000</u>	<u>77,650,000</u>

3.22 The amounts that may be spent for each
 3.23 purpose are specified in the following
 3.24 subdivisions.

3.25 **Subd. 2. Emergency Management** 3,715,000 3,715,000

3.26 Appropriations by Fund

3.27 <u>General</u>	<u>2,792,000</u>	<u>2,792,000</u>
3.28 <u>Environmental</u>	<u>73,000</u>	<u>73,000</u>
3.29 <u>Special Revenue</u>		
3.30 <u>Fund</u>	<u>850,000</u>	<u>850,000</u>

3.31 **(a) Hazmat and Chemical Assessment**3.32 **Teams**

3.33 \$850,000 each year is from the fire safety
 3.34 account in the special revenue fund. These

4.1 amounts must be used to fund the hazardous
4.2 materials and chemical assessment teams. Of
4.3 this amount, \$100,000 the first year is for
4.4 cases for which there is no identified
4.5 responsible party.

4.6 **(b) Supplemental Nonprofit Security Grants**

4.7 \$150,000 each year is for supplemental
4.8 nonprofit security grants.

4.9 Nonprofit organizations whose applications
4.10 for funding through the Federal Emergency
4.11 Management Agency's nonprofit security grant
4.12 program have been approved by the Division
4.13 of Homeland Security and Emergency
4.14 Management are eligible for grants under this
4.15 paragraph. No additional application shall be
4.16 required for grants, and an application for a
4.17 grant from the federal program is also an
4.18 application for funding from the state
4.19 supplemental program.

4.20 Organizations meeting the eligibility
4.21 requirements of this paragraph may receive
4.22 grants of up to \$75,000, except that the total
4.23 received by any individual from both the
4.24 federal nonprofit security grant program and
4.25 the state supplemental nonprofit security grant
4.26 program shall not exceed \$75,000. Grants shall
4.27 be awarded in an order consistent with the
4.28 ranking given to applicants for the federal
4.29 nonprofit security grant program. No grants
4.30 under the state supplemental nonprofit security
4.31 grant program shall be awarded until the
4.32 announcement of the recipients and the
4.33 amount of the grants awarded under the federal
4.34 nonprofit security grant program.

5.1 The commissioner may use up to one percent,
 5.2 on an annual basis, of the appropriation
 5.3 received under this paragraph to pay costs
 5.4 incurred by the department in administering
 5.5 the supplemental nonprofit security grant
 5.6 program. This is a onetime appropriation.

5.7 **Subd. 3. Criminal Apprehension** 58,444,000 58,577,000

5.8	<u>Appropriations by Fund</u>	
5.9	<u>General</u>	<u>56,008,000</u> <u>56,141,000</u>
5.10	<u>State Government</u>	
5.11	<u>Special Revenue</u>	<u>7,000</u> <u>7,000</u>
5.12	<u>Trunk Highway</u>	<u>2,429,000</u> <u>2,429,000</u>

5.13 **(a) DWI Lab Analysis; Trunk Highway**
 5.14 **Fund**

5.15 Notwithstanding Minnesota Statutes, section
 5.16 161.20, subdivision 3, \$2,429,000 each year
 5.17 is from the trunk highway fund for laboratory
 5.18 analysis related to driving-while-impaired
 5.19 cases.

5.20 **(b) Base Adjustment**

5.21 To account for the base adjustments provided
 5.22 in Laws 2018, chapter 211, article 21, section
 5.23 1, paragraph (a), the general fund base is
 5.24 increased by \$131,000 in each of fiscal years
 5.25 2022 and 2023.

5.26 **Subd. 4. Fire Marshal** 6,622,000 6,622,000

5.27 The special revenue fund appropriation is from
 5.28 the fire safety account in the special revenue
 5.29 fund and is for activities under Minnesota
 5.30 Statutes, section 299F.012.

5.31 **Inspections**

5.32 \$300,000 each year is for inspection of nursing
 5.33 homes and boarding care facilities.

- 6.1 **Subd. 5. Firefighter Training and Education**
- 6.2 **Board** 5,015,000 5,015,000
- 6.3 The special revenue fund appropriation is from
- 6.4 the fire safety account in the special revenue
- 6.5 fund and is for activities under Minnesota
- 6.6 Statutes, section 299F.012.
- 6.7 **(a) Firefighter Training and Education**
- 6.8 \$4,265,000 each year is for firefighter training
- 6.9 and education.
- 6.10 **(b) Task Force 1**
- 6.11 \$500,000 each year is for the Minnesota Task
- 6.12 Force 1.
- 6.13 **(c) Air Rescue**
- 6.14 \$250,000 each year is for the Minnesota Air
- 6.15 Rescue Team.
- 6.16 **(d) Unappropriated Revenue**
- 6.17 Any additional unappropriated money
- 6.18 collected in fiscal year 2019 is appropriated
- 6.19 to the commissioner for the purposes of
- 6.20 Minnesota Statutes, section 299F.012. The
- 6.21 commissioner may transfer appropriations and
- 6.22 base amounts between activities in this
- 6.23 subdivision.
- 6.24 **Subd. 6. Alcohol and Gambling Enforcement** 2,754,000 2,762,000
- 6.25 Appropriations by Fund
- | | | |
|-----------------------------|------------------|------------------|
| 6.26 <u>General</u> | <u>1,990,000</u> | <u>1,998,000</u> |
| 6.27 <u>Special Revenue</u> | <u>764,000</u> | <u>764,000</u> |
- 6.28 \$694,000 each year is from the alcohol
- 6.29 enforcement account in the special revenue
- 6.30 fund. Of this appropriation, \$500,000 each
- 6.31 year shall be transferred to the general fund.

7.1 \$70,000 each year is from the lawful gambling
 7.2 regulation account in the special revenue fund.

7.3 **Base Adjustment**

7.4 To account for the base adjustments provided
 7.5 in Laws 2018, chapter 211, article 21, section
 7.6 1, paragraph (a), the general fund base is
 7.7 increased by \$8,000 in each of fiscal years
 7.8 2022 and 2023.

7.9 **Subd. 7. Office of Justice Programs** 39,800,000 39,801,000

7.10 Appropriations by Fund

7.11 General 39,704,000 39,705,000

7.12 State Government

7.13 Special Revenue 96,000 96,000

7.14 **(a) Base Adjustment**

7.15 To account for the base adjustments provided
 7.16 in Laws 2018, chapter 211, article 21, section
 7.17 1, paragraph (a), the general fund base is
 7.18 increased by \$2,000 in each of fiscal years
 7.19 2022 and 2023.

7.20 **(b) Administration Costs**

7.21 Up to 2.5 percent of the grant funds
 7.22 appropriated in this subdivision may be used
 7.23 by the commissioner to administer the grant
 7.24 program.

7.25 **Subd. 8. Emergency Communication Networks** 77,650,000 77,650,000

7.26 This appropriation is from the state
 7.27 government special revenue fund for 911
 7.28 emergency telecommunications services.

7.29 This appropriation includes funds for
 7.30 information technology project services and
 7.31 support subject to the provisions of Minnesota
 7.32 Statutes, section 16E.0466. Any ongoing
 7.33 information technology costs will be

8.1 incorporated into the service level agreement
8.2 and will be paid to the Office of MN.IT
8.3 Services by the Department of Public Safety
8.4 under the rates and mechanism specified in
8.5 that agreement.

8.6 **(a) Public Safety Answering Points**

8.7 \$13,664,000 each year is to be distributed as
8.8 provided in Minnesota Statutes, section
8.9 403.113, subdivision 2.

8.10 **(b) Medical Resource Communication Centers**

8.11 \$683,000 each year is for grants to the
8.12 Minnesota Emergency Medical Services
8.13 Regulatory Board for the Metro East and
8.14 Metro West Medical Resource
8.15 Communication Centers that were in operation
8.16 before January 1, 2000.

8.17 **(c) ARMER Debt Service**

8.18 \$23,261,000 each year is transferred to the
8.19 commissioner of management and budget to
8.20 pay debt service on revenue bonds issued
8.21 under Minnesota Statutes, section 403.275.

8.22 Any portion of this appropriation not needed
8.23 to pay debt service in a fiscal year may be used
8.24 by the commissioner of public safety to pay
8.25 cash for any of the capital improvements for
8.26 which bond proceeds were appropriated by
8.27 Laws 2005, chapter 136, article 1, section 9,
8.28 subdivision 8; or Laws 2007, chapter 54,
8.29 article 1, section 10, subdivision 8.

8.30 **(d) ARMER State Backbone Operating**

8.31 **Costs**

8.32 \$9,675,000 each year is transferred to the
8.33 commissioner of transportation for costs of

9.1 maintaining and operating the statewide radio
 9.2 system backbone.

9.3 **(e) ARMER Improvements**

9.4 \$1,000,000 each year is to the Statewide
 9.5 Emergency Communications Board for
 9.6 improvements to those elements of the
 9.7 statewide public safety radio and
 9.8 communication system that support mutual
 9.9 aid communications and emergency medical
 9.10 services or provide interim enhancement of
 9.11 public safety communication interoperability
 9.12 in those areas of the state where the statewide
 9.13 public safety radio and communication system
 9.14 is not yet implemented, and grants to local
 9.15 units of government to further the strategic
 9.16 goals set forth by the Statewide Emergency
 9.17 Communications Board strategic plan.

9.18 **Sec. 12. PEACE OFFICER STANDARDS AND**
 9.19 **TRAINING (POST) BOARD**

9.20 Subdivision 1. Total Appropriation **\$ 7,156,000 \$ 7,156,000**

9.21	<u>Appropriations by Fund</u>		
9.22		<u>2020</u>	<u>2021</u>
9.23	<u>General</u>	<u>3,000,000</u>	<u>3,000,000</u>
9.24	<u>Special Revenue</u>	<u>4,156,000</u>	<u>4,156,000</u>

9.25 The amounts that may be spent for each
 9.26 purpose are specified in the following
 9.27 subdivisions.

9.28 **Subd. 2. Excess Amounts Transferred**

9.29 The special revenue fund appropriation is from
 9.30 the peace officer training account. Any new
 9.31 receipts credited to that account in the first
 9.32 year in excess of \$4,156,000 must be
 9.33 transferred and credited to the general fund.
 9.34 Any new receipts credited to that account in

10.1 the second year in excess of \$4,156,000 must
 10.2 be transferred and credited to the general fund.

10.3 **Subd. 3. Peace Officer Training Reimbursements**

10.4 \$2,859,000 each year is from the peace officer
 10.5 training account in the special revenue fund
 10.6 for reimbursements to local governments for
 10.7 peace officer training costs.

10.8 **Subd. 4. Peace Officer Training Assistance**

10.9 \$3,000,000 each year is from the general fund
 10.10 to support and strengthen law enforcement
 10.11 training and implement best practices. The
 10.12 base for this activity is \$0 in fiscal year 2022
 10.13 and thereafter.

10.14 **Subd. 5. De-escalation Training**

10.15 \$100,000 each year is from the peace officer
 10.16 training account in the special revenue fund
 10.17 for training state and local community safety
 10.18 personnel in the use of crisis de-escalation
 10.19 techniques. The board must ensure that
 10.20 training opportunities provided are reasonably
 10.21 distributed statewide.

10.22 **Sec. 13. PRIVATE DETECTIVE BOARD** \$ 192,000 \$ 192,000

10.23 **Sec. 14. HUMAN RIGHTS** \$ 4,720,000 \$ 4,720,000

10.24 **Sec. 15. CORRECTIONS**

10.25 **Subdivision 1. Total Appropriation** \$ 600,299,000 \$ 607,054,000

10.26 The amounts that may be spent for each
 10.27 purpose are specified in the following
 10.28 subdivisions.

10.29 **Subd. 2. Correctional Institutions** 441,008,000 446,950,000

10.30 **(a) Base Adjustment**

10.31 To account for the base adjustments provided
 10.32 in Laws 2018, chapter 211, article 21, section

11.1 1, paragraph (a), the general fund base is
 11.2 increased by \$2,342,000 in each of fiscal years
 11.3 2022 and 2023.

11.4 **(b) Facility Staff Positions**

11.5 \$2,762,000 the first year and \$4,762,000 the
 11.6 second year are for additional correctional
 11.7 officers and other positions deemed critical to
 11.8 facility safety and security. The base for this
 11.9 activity is \$11,240,000 in fiscal year 2022 and
 11.10 \$11,241,000 in fiscal year 2023.

11.11 **(c) Security**

11.12 \$2,000,000 the first year is to upgrade critical
 11.13 security infrastructure and modernize critical
 11.14 security systems.

11.15 **Subd. 3. Community Services**

130,900,000

131,487,000

11.16 **Base Adjustment**

11.17 To account for the base adjustments provided
 11.18 in Laws 2018, chapter 211, article 21, section
 11.19 1, paragraph (a), the general fund base is
 11.20 increased by \$168,000 in each of fiscal years
 11.21 2022 and 2023.

11.22 **Subd. 4. Operations Support**

28,391,000

28,617,000

11.23 **Base Adjustment**

11.24 To account for the base adjustments provided
 11.25 in Laws 2018, chapter 211, article 21, section
 11.26 1, paragraph (a), the general fund base is
 11.27 increased by \$64,000 in each of fiscal years
 11.28 2022 and 2023.

11.29 **Sec. 16. TRANSFER; DISASTER ASSISTANCE CONTINGENCY ACCOUNT.**

11.30 (a) If the fiscal year 2019 final closing balance in the general fund exceeds the closing
 11.31 balance projected at the end of the 2019 legislative session by at least \$20,000,000, the
 11.32 commissioner of management and budget must transfer \$20,000,000 from the general fund

12.1 to the disaster assistance contingency account established under Minnesota Statutes, section
 12.2 12.221, subdivision 6.

12.3 (b) If the fiscal year 2019 final closing balance in the general fund exceeds the closing
 12.4 balance projected at the end of the 2019 legislative session by less than \$20,000,000, the
 12.5 commissioner of management and budget must transfer an amount equal to the difference
 12.6 between the fiscal year 2019 final closing balance and the closing balance projected at the
 12.7 end of the 2019 legislative session from the general fund to the disaster assistance
 12.8 contingency account established under Minnesota Statutes, section 12.221, subdivision 6.

12.9 (c) If a transfer is required under this section, the transfer must be completed before
 12.10 September 30, 2019.

12.11 Sec. 17. Minnesota Statutes 2018, section 299A.707, is amended by adding a subdivision
 12.12 to read:

12.13 Subd. 6. **Annual transfer.** In fiscal year 2019 and each year thereafter, the commissioner
 12.14 of management and budget shall transfer \$461,000 from the general fund to the community
 12.15 justice reinvestment account.

12.16 Sec. 18. Minnesota Statutes 2018, section 357.021, subdivision 7, is amended to read:

12.17 **Subd. 7. Disbursement of surcharges by commissioner of management and**
 12.18 **budget.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of
 12.19 management and budget shall disburse surcharges received under subdivision 6 and section
 12.20 97A.065, subdivision 2, as follows:

12.21 (1) one percent shall be credited to the peace officer training account in the game and
 12.22 fish fund to provide peace officer training for employees of the Department of Natural
 12.23 Resources who are licensed under sections 626.84 to 626.863, and who possess peace officer
 12.24 authority for the purpose of enforcing game and fish laws;

12.25 (2) ~~39~~ 62 percent shall be credited to the peace officers training account in the special
 12.26 revenue fund; and

12.27 (3) ~~60~~ 37 percent shall be credited to the general fund.

12.28 (b) The commissioner of management and budget shall credit \$3 of each surcharge
 12.29 received under subdivision 6 and section 97A.065, subdivision 2, to the general fund.

13.1 (c) In addition to any amounts credited under paragraph (a), the commissioner of
 13.2 management and budget shall credit \$47 of each surcharge received under subdivision 6
 13.3 and section 97A.065, subdivision 2, and the \$12 parking surcharge, to the general fund.

13.4 (d) If the Ramsey County Board of Commissioners authorizes imposition of the additional
 13.5 \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the
 13.6 Second Judicial District shall transmit the surcharge to the commissioner of management
 13.7 and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account
 13.8 in the special revenue fund and amounts in the account are appropriated to the trial courts
 13.9 for the administration of the petty misdemeanor diversion program operated by the Second
 13.10 Judicial District Ramsey County Violations Bureau.

13.11 ARTICLE 2

13.12 PUBLIC SAFETY POLICY CHANGES RELATED TO APPROPRIATIONS

13.13 Section 1. Minnesota Statutes 2018, section 243.166, subdivision 1b, is amended to read:

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

13.15 (1) the person was charged with or petitioned for a felony violation of or attempt to
 13.16 violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted
 13.17 of or adjudicated delinquent for that offense or another offense arising out of the same set
 13.18 of circumstances:

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

13.20 (ii) kidnapping under section 609.25;

13.21 (iii) criminal sexual conduct under section 609.342; 609.343; 609.344; 609.345; 609.3451,
 13.22 subdivision 3; or 609.3453; ~~or~~

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

13.24 (v) surreptitious intrusion under the circumstances described in section 609.746,
 13.25 subdivision 1, paragraph (f);

13.26 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
 13.27 aiding, abetting, or conspiring to commit criminal abuse in violation of section 609.2325,
 13.28 subdivision 1, paragraph (b); false imprisonment in violation of section 609.255, subdivision
 13.29 2; solicitation, inducement, or promotion of the prostitution of a minor or engaging in the
 13.30 sex trafficking of a minor in violation of section 609.322; a prostitution offense in violation
 13.31 of section 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual
 13.32 conduct in violation of section 609.352, subdivision 2 or 2a, clause (1); using a minor in a

14.1 sexual performance in violation of section 617.246; or possessing pornographic work
14.2 involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent
14.3 for that offense or another offense arising out of the same set of circumstances;

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

14.6 (4) the person was charged with or petitioned for, including pursuant to a court martial,
14.7 violating a law of the United States, including the Uniform Code of Military Justice, similar
14.8 to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent
14.9 for that offense or another offense arising out of the same set of circumstances.

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

14.11 (1) the person was charged with or petitioned for an offense in another state that would
14.12 be a violation of a law described in paragraph (a) if committed in this state and convicted
14.13 of or adjudicated delinquent for that offense or another offense arising out of the same set
14.14 of circumstances;

14.15 (2) the person enters this state to reside, work, or attend school, or enters this state and
14.16 remains for 14 days or longer; and

14.17 (3) ten years have not elapsed since the person was released from confinement or, if the
14.18 person was not confined, since the person was convicted of or adjudicated delinquent for
14.19 the offense that triggers registration, unless the person is subject to a longer registration
14.20 period under the laws of another state in which the person has been convicted or adjudicated,
14.21 or is subject to lifetime registration.

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

14.26 (c) A person also shall register under this section if the person was committed pursuant
14.27 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
14.28 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
14.29 United States, regardless of whether the person was convicted of any offense.

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

14.31 (1) the person was charged with or petitioned for a felony violation or attempt to violate
14.32 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
14.33 the United States, or the person was charged with or petitioned for a violation of any of the

15.1 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
15.2 States;

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

15.6 (3) the person was committed pursuant to a court commitment order under section
15.7 253B.18 or a similar law of another state or the United States.

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

15.10 Sec. 2. Minnesota Statutes 2018, section 609.341, subdivision 10, is amended to read:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16.16 (c) "Sexual contact with a person under 13" means the intentional touching of the
16.17 complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with
16.18 sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening
16.19 of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

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

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

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

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

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

17.1 authority over the complainant. Neither mistake as to the complainant's age nor consent to
17.2 the act by the complainant is a defense;

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

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

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

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

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

17.13 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
17.14 609.05, and either of the following circumstances exists:

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

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

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

17.22 (h) the actor has a significant relationship to the complainant, the complainant was under
17.23 16 years of age at the time of the sexual penetration, and:

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

17.25 (ii) the complainant suffered personal injury; or

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

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

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

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

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

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

18.9 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
18.10 48 months older than the complainant and in a current or recent position of authority over
18.11 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
18.12 complainant is a defense;

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

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

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

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

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

18.23 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
18.24 609.05, and either of the following circumstances exists:

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

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

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

19.1 (h) the actor has a significant relationship to the complainant, the complainant was under
19.2 16 years of age at the time of the sexual contact, and:

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

19.4 (ii) the complainant suffered personal injury; or

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

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

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

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

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

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

19.17 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
19.18 24 months older than the complainant. In any such case if the actor is no more than 120
19.19 months older than the complainant, it shall be an affirmative defense, which must be proved
19.20 by a preponderance of the evidence, that the actor reasonably believes the complainant to
19.21 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
19.22 be a defense. Consent by the complainant is not a defense;

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

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

19.26 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
19.27 48 months older than the complainant and in a current or recent position of authority over
19.28 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
19.29 complainant is a defense;

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

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

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

20.7 (ii) the complainant suffered personal injury; or

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

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

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

20.13 (i) during the psychotherapy session; or

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

20.16 Consent by the complainant is not a defense;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22.1 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
22.2 48 months older than the complainant or in a current or recent position of authority over
22.3 the complainant. Consent by the complainant to the act is not a defense. In any such case,
22.4 if the actor is no more than 120 months older than the complainant, it shall be an affirmative
22.5 defense which must be proved by a preponderance of the evidence that the actor reasonably
22.6 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
22.7 complainant's age shall not be a defense;

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

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

22.11 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
22.12 48 months older than the complainant and in a current or recent position of authority over
22.13 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
22.14 complainant is a defense;

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

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

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

22.21 (ii) the complainant suffered personal injury; or

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

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

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

22.27 (i) during the psychotherapy session; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24.4 (1) enters upon another's property;

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

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

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

24.10 (1) enters upon another's property;

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

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

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

24.17 (1) surreptitiously gazes, stares, or peeps in the window or other aperture of a sleeping
24.18 room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or other place
24.19 where a reasonable person would have an expectation of privacy and has exposed or is
24.20 likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or the
24.21 clothing covering the immediate area of the intimate parts; and

24.22 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

24.23 (d) A person is guilty of a gross misdemeanor who:

24.24 (1) surreptitiously installs or uses any device for observing, photographing, recording,
24.25 amplifying, or broadcasting sounds or events through the window or other aperture of a
24.26 sleeping room in a hotel, as defined in section 327.70, subdivision 3, a tanning booth, or
24.27 other place where a reasonable person would have an expectation of privacy and has exposed
24.28 or is likely to expose their intimate parts, as defined in section 609.341, subdivision 5, or
24.29 the clothing covering the immediate area of the intimate parts; and

24.30 (2) does so with intent to intrude upon or interfere with the privacy of the occupant.

25.1 (e) A person is guilty of a felony and may be sentenced to imprisonment for not more
 25.2 than two years or to payment of a fine of not more than \$5,000, or both, if the person:

25.3 (1) violates this subdivision after a previous conviction under this subdivision or section
 25.4 609.749; or

25.5 (2) violates this subdivision against a minor under the age of 18, knowing or having
 25.6 reason to know that the minor is present.

25.7 (f) A person is guilty of a felony and may be sentenced to imprisonment for not more
 25.8 than four years or to payment of a fine of not more than \$5,000, or both, if: (1) the person
 25.9 violates paragraph (b) or (d) against a minor victim under the age of 18; (2) the person is
 25.10 more than 36 months older than the minor victim; (3) the person knows or has reason to
 25.11 know that the minor victim is present; and (4) the violation is committed with sexual intent.

25.12 (g) Paragraphs (b) and (d) do not apply to law enforcement officers or corrections
 25.13 investigators, or to those acting under their direction, while engaged in the performance of
 25.14 their lawful duties. Paragraphs (c) and (d) do not apply to conduct in: (1) a medical facility;
 25.15 or (2) a commercial establishment if the owner of the establishment has posted conspicuous
 25.16 signs warning that the premises are under surveillance by the owner or the owner's employees.

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

25.19 Sec. 9. Minnesota Statutes 2018, section 617.246, subdivision 2, is amended to read:

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

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

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

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

26.1 (2) the violation occurs when the person is a registered predatory offender under section
 26.2 243.166; or

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

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

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

26.7 Subd. 3. **Operation or ownership of business.** (a) A person who owns or operates a
 26.8 business in which a pornographic work, as defined in this section, is disseminated to an
 26.9 adult or a minor or is reproduced, and who knows the content and character of the
 26.10 pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced
 26.11 to imprisonment for not more than ten years, or to payment of a fine of not more than
 26.12 \$20,000 ~~for the first offense and \$40,000 for a second or subsequent offense~~, or both.

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

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

26.18 (2) the violation occurs when the person is a registered predatory offender under section
 26.19 243.166; or

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

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

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

26.24 Subd. 4. **Dissemination.** (a) A person who, knowing or with reason to know its content
 26.25 and character, disseminates for profit to an adult or a minor a pornographic work, as defined
 26.26 in this section, is guilty of a felony and may be sentenced to imprisonment for not more
 26.27 than ten years, or to payment of a fine of not more than \$20,000 ~~for the first offense and~~
 26.28 ~~\$40,000 for a second or subsequent offense~~, or both.

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

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

27.3 (2) the violation occurs when the person is a registered predatory offender under section
 27.4 243.166; or

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

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

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

27.9 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
 27.10 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
 27.11 court commits a person to the custody of the commissioner of corrections for violating this
 27.12 section, the court shall provide that after the person has been released from prison, the
 27.13 commissioner shall place the person on conditional release for five years. If the person has
 27.14 previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,
 27.15 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this
 27.16 state, or any state, the commissioner shall place the person on conditional release for ~~ten~~
 27.17 15 years. The terms of conditional release are governed by section 609.3455, subdivision
 27.18 8.

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

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

27.22 Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work
 27.23 to an adult or a minor, knowing or with reason to know its content and character, is guilty
 27.24 of a felony and may be sentenced to imprisonment for not more than seven years ~~and~~ or to
 27.25 payment of a fine of not more than \$10,000 for a first offense and for not more than 15
 27.26 years and a fine of not more than \$20,000 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 \$20,000,
 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 617.246;

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

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

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

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

28.19 (2) the violation occurs when the person is a registered predatory offender under section
 28.20 243.166; or

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

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

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

28.25 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence
 28.26 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
 28.27 court commits a person to the custody of the commissioner of corrections for violating this
 28.28 section, the court shall provide that after the person has been released from prison, the
 28.29 commissioner shall place the person on conditional release for five years. If the person has
 28.30 previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,
 28.31 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this

29.1 state, or any state, the commissioner shall place the person on conditional release for ~~ten~~
29.2 15 years. The terms of conditional release are governed by section 609.3455, subdivision
29.3 8.

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

29.6 Sec. 16. **SENTENCING GUIDELINES MODIFICATION.**

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