

**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
04/11/2019	2999a	Comm report: To pass as amended
	3043	Second reading

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		

3.1	Sec. 3. <u>COURT OF APPEALS</u>	\$	<u>12,588,000</u>	\$	<u>12,670,000</u>
3.2	<u>Health Insurance</u>				
3.3	<u>\$60,000 the first year and \$142,000 the second</u>				
3.4	<u>year are for health insurance increases. This</u>				
3.5	<u>is a onetime appropriation.</u>				
3.6	Sec. 4. <u>DISTRICT COURTS</u>	\$	<u>301,555,000</u>	\$	<u>304,048,000</u>
3.7	<u>Health Insurance</u>				
3.8	<u>\$1,839,000 the first year and \$4,332,000 the</u>				
3.9	<u>second year are for health insurance increases.</u>				
3.10	<u>This is a onetime appropriation.</u>				
3.11	Sec. 5. <u>GUARDIAN AD LITEM BOARD</u>	\$	<u>16,967,000</u>	\$	<u>17,069,000</u>
3.12	<u>Health Insurance</u>				
3.13	<u>\$183,000 the first year and \$285,000 the</u>				
3.14	<u>second year are for health insurance increases.</u>				
3.15	<u>This is a onetime appropriation.</u>				
3.16	Sec. 6. <u>TAX COURT</u>	\$	<u>1,682,000</u>	\$	<u>1,682,000</u>
3.17	Sec. 7. <u>UNIFORM LAWS COMMISSION</u>	\$	<u>98,000</u>	\$	<u>98,000</u>
3.18	Sec. 8. <u>BOARD ON JUDICIAL STANDARDS</u>	\$	<u>530,000</u>	\$	<u>509,000</u>
3.19	<u>Major Disciplinary Actions</u>				
3.20	<u>\$125,000 each year is for special investigative</u>				
3.21	<u>and hearing costs for major disciplinary</u>				
3.22	<u>actions undertaken by the board. This</u>				
3.23	<u>appropriation does not cancel. Any</u>				
3.24	<u>unencumbered and unspent balances remain</u>				
3.25	<u>available for these expenditures until June 30,</u>				
3.26	<u>2023.</u>				
3.27	Sec. 9. <u>BOARD OF PUBLIC DEFENSE</u>	\$	<u>89,335,000</u>	\$	<u>90,042,000</u>
3.28	<u>Health Insurance</u>				
3.29	<u>\$699,000 the first year and \$1,406,000 the</u>				
3.30	<u>second year are for health insurance increases.</u>				
3.31	<u>This is a onetime appropriation.</u>				

4.1	Sec. 10. <u>SENTENCING GUIDELINES</u>		<u>\$ 679,000</u>	<u>\$ 687,000</u>
4.2	Sec. 11. <u>PUBLIC SAFETY</u>			
4.3	<u>Subdivision 1. Total Appropriation</u>		<u>\$ 194,000,000</u>	<u>\$ 194,142,000</u>
4.4	<u>Appropriations by Fund</u>			
4.5		<u>2020</u>	<u>2021</u>	
4.6	<u>General</u>	<u>100,494,000</u>	<u>100,636,000</u>	
4.7	<u>Special Revenue</u>	<u>13,251,000</u>	<u>13,251,000</u>	
4.8	<u>State Government</u>			
4.9	<u>Special Revenue</u>	<u>103,000</u>	<u>103,000</u>	
4.10	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>	
4.11	<u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>	
4.12	<u>911 Fund</u>	<u>77,650,000</u>	<u>77,650,000</u>	
4.13	<u>The amounts that may be spent for each</u>			
4.14	<u>purpose are specified in the following</u>			
4.15	<u>subdivisions.</u>			
4.16	<u>Subd. 2. Emergency Management</u>		<u>3,715,000</u>	<u>3,715,000</u>
4.17	<u>Appropriations by Fund</u>			
4.18	<u>General</u>	<u>2,792,000</u>	<u>2,792,000</u>	
4.19	<u>Environmental</u>	<u>73,000</u>	<u>73,000</u>	
4.20	<u>Special Revenue</u>			
4.21	<u>Fund</u>	<u>850,000</u>	<u>850,000</u>	
4.22	<u>(a) Hazmat and Chemical Assessment</u>			
4.23	<u>Teams</u>			
4.24	<u>\$850,000 each year is from the fire safety</u>			
4.25	<u>account in the special revenue fund. These</u>			
4.26	<u>amounts must be used to fund the hazardous</u>			
4.27	<u>materials and chemical assessment teams. Of</u>			
4.28	<u>this amount, \$100,000 the first year is for</u>			
4.29	<u>cases for which there is no identified</u>			
4.30	<u>responsible party.</u>			
4.31	<u>(b) Supplemental Nonprofit Security Grants</u>			
4.32	<u>\$150,000 each year is for supplemental</u>			
4.33	<u>nonprofit security grants.</u>			

5.1 Nonprofit organizations whose applications
5.2 for funding through the Federal Emergency
5.3 Management Agency's nonprofit security grant
5.4 program have been approved by the Division
5.5 of Homeland Security and Emergency
5.6 Management are eligible for grants under this
5.7 paragraph. No additional application shall be
5.8 required for grants, and an application for a
5.9 grant from the federal program is also an
5.10 application for funding from the state
5.11 supplemental program.

5.12 Organizations meeting the eligibility
5.13 requirements of this paragraph may receive
5.14 grants of up to \$75,000, except that the total
5.15 received by any individual from both the
5.16 federal nonprofit security grant program and
5.17 the state supplemental nonprofit security grant
5.18 program shall not exceed \$75,000. Grants shall
5.19 be awarded in an order consistent with the
5.20 ranking given to applicants for the federal
5.21 nonprofit security grant program. No grants
5.22 under the state supplemental nonprofit security
5.23 grant program shall be awarded until the
5.24 announcement of the recipients and the
5.25 amount of the grants awarded under the federal
5.26 nonprofit security grant program.

5.27 The commissioner may use up to one percent,
5.28 on an annual basis, of the appropriation
5.29 received under this paragraph to pay costs
5.30 incurred by the department in administering
5.31 the supplemental nonprofit security grant
5.32 program. This is a onetime appropriation.

5.33 **(c) Rapidan Township**

5.34 \$340,000 the first year is for distribution to
5.35 Rapidan Township under Minnesota Statutes,

6.1 section 12A.03, subdivision 2, for costs
 6.2 incurred from flooding that resulted in
 6.3 Presidential Disaster Declaration DR-1941.
 6.4 Of this amount, \$237,906.91 is for
 6.5 reimbursement of the Federal Emergency
 6.6 Management Agency (FEMA) Public
 6.7 Assistance Program. This appropriation is
 6.8 available until June 30, 2020.

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

6.10 Appropriations by Fund

6.11 General 56,008,000 56,141,000

6.12 State Government
 6.13 Special Revenue 7,000 7,000

6.14 Trunk Highway 2,429,000 2,429,000

6.15 **(a) DWI Lab Analysis; Trunk Highway**
 6.16 **Fund**

6.17 Notwithstanding Minnesota Statutes, section
 6.18 161.20, subdivision 3, \$2,429,000 each year
 6.19 is from the trunk highway fund for laboratory
 6.20 analysis related to driving-while-impaired
 6.21 cases.

6.22 **(b) Base Adjustment**

6.23 To account for the base adjustments provided
 6.24 in Laws 2018, chapter 211, article 21, section
 6.25 1, paragraph (a), the general fund base is
 6.26 increased by \$131,000 in each of fiscal years
 6.27 2022 and 2023.

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

6.29 The special revenue fund appropriation is from
 6.30 the fire safety account in the special revenue
 6.31 fund and is for activities under Minnesota
 6.32 Statutes, section 299F.012.

6.33 **Inspections**

7.1 \$300,000 each year is for inspection of nursing
 7.2 homes and boarding care facilities.

7.3 **Subd. 5. Firefighter Training and Education**
 7.4 **Board**

5,015,000

5,015,000

7.5 The special revenue fund appropriation is from
 7.6 the fire safety account in the special revenue
 7.7 fund and is for activities under Minnesota
 7.8 Statutes, section 299F.012.

7.9 **(a) Firefighter Training and Education**

7.10 \$4,265,000 each year is for firefighter training
 7.11 and education.

7.12 **(b) Task Force 1**

7.13 \$500,000 each year is for the Minnesota Task
 7.14 Force 1.

7.15 **(c) Air Rescue**

7.16 \$250,000 each year is for the Minnesota Air
 7.17 Rescue Team.

7.18 **(d) Unappropriated Revenue**

7.19 Any additional unappropriated money
 7.20 collected in fiscal year 2019 is appropriated
 7.21 to the commissioner for the purposes of
 7.22 Minnesota Statutes, section 299F.012. The
 7.23 commissioner may transfer appropriations and
 7.24 base amounts between activities in this
 7.25 subdivision.

7.26 **Subd. 6. Alcohol and Gambling Enforcement**

2,754,000

2,762,000

7.27 Appropriations by Fund

7.28 General 1,990,000 1,998,000

7.29 Special Revenue 764,000 764,000

7.30 \$694,000 each year is from the alcohol
 7.31 enforcement account in the special revenue

8.1 fund. Of this appropriation, \$500,000 each
 8.2 year shall be transferred to the general fund.
 8.3 \$70,000 each year is from the lawful gambling
 8.4 regulation account in the special revenue fund.

8.5 **Base Adjustment**

8.6 To account for the base adjustments provided
 8.7 in Laws 2018, chapter 211, article 21, section
 8.8 1, paragraph (a), the general fund base is
 8.9 increased by \$8,000 in each of fiscal years
 8.10 2022 and 2023.

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

8.12	<u>Appropriations by Fund</u>		
8.13	<u>General</u>	<u>39,704,000</u>	<u>39,705,000</u>
8.14	<u>State Government</u>		
8.15	<u>Special Revenue</u>	<u>96,000</u>	<u>96,000</u>

8.16 **(a) Base Adjustment**

8.17 To account for the base adjustments provided
 8.18 in Laws 2018, chapter 211, article 21, section
 8.19 1, paragraph (a), the general fund base is
 8.20 increased by \$2,000 in each of fiscal years
 8.21 2022 and 2023.

8.22 **(b) Administration Costs**

8.23 Up to 2.5 percent of the grant funds
 8.24 appropriated in this subdivision may be used
 8.25 by the commissioner to administer the grant
 8.26 program.

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

8.28 This appropriation is from the state
 8.29 government special revenue fund for 911
 8.30 emergency telecommunications services.

8.31 This appropriation includes funds for
 8.32 information technology project services and
 8.33 support subject to the provisions of Minnesota

9.1 Statutes, section 16E.0466. Any ongoing
 9.2 information technology costs will be
 9.3 incorporated into the service level agreement
 9.4 and will be paid to the Office of MN.IT
 9.5 Services by the Department of Public Safety
 9.6 under the rates and mechanism specified in
 9.7 that agreement.

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

9.9 \$13,664,000 each year is to be distributed as
 9.10 provided in Minnesota Statutes, section
 9.11 403.113, subdivision 2.

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

9.13 \$683,000 each year is for grants to the
 9.14 Minnesota Emergency Medical Services
 9.15 Regulatory Board for the Metro East and
 9.16 Metro West Medical Resource
 9.17 Communication Centers that were in operation
 9.18 before January 1, 2000.

9.19 **(c) ARMER Debt Service**

9.20 \$23,261,000 each year is transferred to the
 9.21 commissioner of management and budget to
 9.22 pay debt service on revenue bonds issued
 9.23 under Minnesota Statutes, section 403.275.

9.24 Any portion of this appropriation not needed
 9.25 to pay debt service in a fiscal year may be used
 9.26 by the commissioner of public safety to pay
 9.27 cash for any of the capital improvements for
 9.28 which bond proceeds were appropriated by
 9.29 Laws 2005, chapter 136, article 1, section 9,
 9.30 subdivision 8; or Laws 2007, chapter 54,
 9.31 article 1, section 10, subdivision 8.

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

9.33 **Costs**

11.1 transferred and credited to the general fund.
 11.2 Any new receipts credited to that account in
 11.3 the second year in excess of \$4,156,000 must
 11.4 be transferred and credited to the general fund.

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

11.6 \$2,859,000 each year is from the peace officer
 11.7 training account in the special revenue fund
 11.8 for reimbursements to local governments for
 11.9 peace officer training costs.

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

11.11 \$3,000,000 each year is from the general fund
 11.12 to support and strengthen law enforcement
 11.13 training and implement best practices. The
 11.14 base for this activity is \$0 in fiscal year 2022
 11.15 and thereafter.

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

11.17 \$100,000 each year is from the peace officer
 11.18 training account in the special revenue fund
 11.19 for training state and local community safety
 11.20 personnel in the use of crisis de-escalation
 11.21 techniques. The board must ensure that
 11.22 training opportunities provided are reasonably
 11.23 distributed statewide.

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

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

11.26 **Health Insurance**

11.27 \$125,000 each year is for health insurance
 11.28 increases. This is a onetime appropriation.

11.29 **Sec. 15. CORRECTIONS**

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

12.1 The amounts that may be spent for each
 12.2 purpose are specified in the following
 12.3 subdivisions.

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

12.5 **(a) Base Adjustment**

12.6 To account for the base adjustments provided
 12.7 in Laws 2018, chapter 211, article 21, section
 12.8 1, paragraph (a), the general fund base is
 12.9 increased by \$2,342,000 in each of fiscal years
 12.10 2022 and 2023.

12.11 **(b) Health Insurance**

12.12 \$2,402,000 the first year and \$5,672,000 the
 12.13 second year are for health insurance increases.
 12.14 This is a onetime appropriation.

12.15 **(c) Facility Staff Positions**

12.16 \$2,762,000 the first year and \$4,762,000 the
 12.17 second year are for additional correctional
 12.18 officers and other positions deemed critical to
 12.19 facility safety and security. The base for this
 12.20 activity is \$11,240,000 in fiscal year 2022 and
 12.21 \$11,241,000 in fiscal year 2023.

12.22 **(d) Security**

12.23 \$2,000,000 the first year is to upgrade critical
 12.24 security infrastructure and modernize critical
 12.25 security systems.

12.26 **Subd. 3. Community Services** 130,900,000 131,487,000

12.27 **(a) Base Adjustment**

12.28 To account for the base adjustments provided
 12.29 in Laws 2018, chapter 211, article 21, section
 12.30 1, paragraph (a), the general fund base is
 12.31 increased by \$168,000 in each of fiscal years
 12.32 2022 and 2023.

13.1 (b) Health Insurance

13.2 \$311,000 the first year and \$734,000 the
 13.3 second year are for health insurance increases.

13.4 This is a onetime appropriation.

13.5	<u>Subd. 4. Operations Support</u>	<u>28,391,000</u>	<u>28,617,000</u>
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13.6 (a) Base Adjustment

13.7 To account for the base adjustments provided
 13.8 in Laws 2018, chapter 211, article 21, section
 13.9 1, paragraph (a), the general fund base is
 13.10 increased by \$64,000 in each of fiscal years
 13.11 2022 and 2023.

13.12 (b) Health Insurance

13.13 \$122,000 the first year and \$288,000 the
 13.14 second year are for health insurance increases.

13.15 This is a onetime appropriation.

13.16 Sec. 16. TRANSFER; DISASTER ASSISTANCE CONTINGENCY ACCOUNT.

13.17 (a) If the fiscal year 2019 final closing balance in the general fund exceeds the closing
 13.18 balance projected at the end of the 2019 legislative session by at least \$20,000,000, the
 13.19 commissioner of management and budget must transfer \$20,000,000 from the general fund
 13.20 to the disaster assistance contingency account established under Minnesota Statutes, section
 13.21 12.221, subdivision 6.

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

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

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

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

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

14.7 Subd. 7. **Disbursement of surcharges by commissioner of management and**
14.8 **budget.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of
14.9 management and budget shall disburse surcharges received under subdivision 6 and section
14.10 97A.065, subdivision 2, as follows:

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

14.15 (2) ~~39~~ 62 percent shall be credited to the peace officers training account in the special
14.16 revenue fund; and

14.17 (3) ~~60~~ 37 percent shall be credited to the general fund.

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

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

14.23 (d) If the Ramsey County Board of Commissioners authorizes imposition of the additional
14.24 \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the
14.25 Second Judicial District shall transmit the surcharge to the commissioner of management
14.26 and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account
14.27 in the special revenue fund and amounts in the account are appropriated to the trial courts
14.28 for the administration of the petty misdemeanor diversion program operated by the Second
14.29 Judicial District Ramsey County Violations Bureau.

15.1 **ARTICLE 2**15.2 **PUBLIC SAFETY POLICY CHANGES RELATED TO APPROPRIATIONS**

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

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

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

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

15.10 (ii) kidnapping under section 609.25;

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

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

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

15.16 (2) the person was charged with or petitioned for a violation of, or attempt to violate, or
15.17 aiding, abetting, or conspiring to commit criminal abuse in violation of section 609.2325,
15.18 subdivision 1, paragraph (b); false imprisonment in violation of section 609.255, subdivision
15.19 2; solicitation, inducement, or promotion of the prostitution of a minor or engaging in the
15.20 sex trafficking of a minor in violation of section 609.322; a prostitution offense in violation
15.21 of section 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual
15.22 conduct in violation of section 609.352, subdivision 2 or 2a, clause (1); using a minor in a
15.23 sexual performance in violation of section 617.246; or possessing pornographic work
15.24 involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent
15.25 for that offense or another offense arising out of the same set of circumstances;

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

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

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

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

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

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

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

16.16 (c) A person also shall register under this section if the person was committed pursuant
16.17 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter
16.18 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the
16.19 United States, regardless of whether the person was convicted of any offense.

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

16.21 (1) the person was charged with or petitioned for a felony violation or attempt to violate
16.22 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or
16.23 the United States, or the person was charged with or petitioned for a violation of any of the
16.24 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United
16.25 States;

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

16.29 (3) the person was committed pursuant to a court commitment order under section
16.30 253B.18 or a similar law of another state or the United States.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18.6 (c) "Sexual contact with a person under 13" means the intentional touching of the
18.7 complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with
18.8 sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening
18.9 of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

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

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

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

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

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

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

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

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

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

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

19.3 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
19.4 609.05, and either of the following circumstances exists:

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

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

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

19.12 (h) the actor has a significant relationship to the complainant, the complainant was under
19.13 16 years of age at the time of the sexual penetration, and:

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

19.15 (ii) the complainant suffered personal injury; or

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

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

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

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

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

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

19.29 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
19.30 48 months older than the complainant and in a current or recent position of authority over

20.1 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
20.2 complainant is a defense;

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

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

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

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

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

20.13 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
20.14 609.05, and either of the following circumstances exists:

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

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

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

20.22 (h) the actor has a significant relationship to the complainant, the complainant was under
20.23 16 years of age at the time of the sexual contact, and:

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

20.25 (ii) the complainant suffered personal injury; or

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

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

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

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

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

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

21.8 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
21.9 24 months older than the complainant. In any such case if the actor is no more than 120
21.10 months older than the complainant, it shall be an affirmative defense, which must be proved
21.11 by a preponderance of the evidence, that the actor reasonably believes the complainant to
21.12 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not
21.13 be a defense. Consent by the complainant is not a defense;

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

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

21.17 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
21.18 48 months older than the complainant and in a current or recent position of authority over
21.19 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
21.20 complainant is a defense;

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

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

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

21.27 (ii) the complainant suffered personal injury; or

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

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

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

- 22.1 (i) during the psychotherapy session; or
- 22.2 (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship
- 22.3 exists.
- 22.4 Consent by the complainant is not a defense;
- 22.5 (i) the actor is a psychotherapist and the complainant is a former patient of the
- 22.6 psychotherapist and the former patient is emotionally dependent upon the psychotherapist;
- 22.7 (j) the actor is a psychotherapist and the complainant is a patient or former patient and
- 22.8 the sexual penetration occurred by means of therapeutic deception. Consent by the
- 22.9 complainant is not a defense;
- 22.10 (k) the actor accomplishes the sexual penetration by means of deception or false
- 22.11 representation that the penetration is for a bona fide medical purpose. Consent by the
- 22.12 complainant is not a defense;
- 22.13 (l) the actor is or purports to be a member of the clergy, the complainant is not married
- 22.14 to the actor, and:
- 22.15 (i) the sexual penetration occurred during the course of a meeting in which the
- 22.16 complainant sought or received religious or spiritual advice, aid, or comfort from the actor
- 22.17 in private; or
- 22.18 (ii) the sexual penetration occurred during a period of time in which the complainant
- 22.19 was meeting on an ongoing basis with the actor to seek or receive religious or spiritual
- 22.20 advice, aid, or comfort in private. Consent by the complainant is not a defense;
- 22.21 (m) the actor is an employee, independent contractor, or volunteer of a state, county,
- 22.22 city, or privately operated adult or juvenile correctional system, or secure treatment facility,
- 22.23 or treatment facility providing services to clients civilly committed as mentally ill and
- 22.24 dangerous, sexually dangerous persons, or sexual psychopathic personalities, including, but
- 22.25 not limited to, jails, prisons, detention centers, or work release facilities, and the complainant
- 22.26 is a resident of a facility or under supervision of the correctional system. Consent by the
- 22.27 complainant is not a defense;
- 22.28 (n) the actor provides or is an agent of an entity that provides special transportation
- 22.29 service, the complainant used the special transportation service, and the sexual penetration
- 22.30 occurred during or immediately before or after the actor transported the complainant. Consent
- 22.31 by the complainant is not a defense; ~~or~~

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

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

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

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

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

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

23.19 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than
23.20 48 months older than the complainant or in a current or recent position of authority over
23.21 the complainant. Consent by the complainant to the act is not a defense. In any such case,
23.22 if the actor is no more than 120 months older than the complainant, it shall be an affirmative
23.23 defense which must be proved by a preponderance of the evidence that the actor reasonably
23.24 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the
23.25 complainant's age shall not be a defense;

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

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

23.29 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than
23.30 48 months older than the complainant and in a current or recent position of authority over
23.31 the complainant. Neither mistake as to the complainant's age nor consent to the act by the
23.32 complainant is a defense;

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

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

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

24.7 (ii) the complainant suffered personal injury; or

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

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

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

24.13 (i) during the psychotherapy session; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

25.24 (1) enters upon another's property;

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

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

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

25.30 (1) enters upon another's property;

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

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

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

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

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

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

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

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

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

26.23 (1) violates this subdivision after a previous conviction under this subdivision or section
26.24 609.749; or

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

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

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

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

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

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

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

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

27.21 (2) the violation occurs when the person is a registered predatory offender under section
 27.22 243.166; or

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

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

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

27.27 Subd. 3. **Operation or ownership of business.** (a) A person who owns or operates a
 27.28 business in which a pornographic work, as defined in this section, is disseminated to an
 27.29 adult or a minor or is reproduced, and who knows the content and character of the
 27.30 pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced

28.1 to imprisonment for not more than ten years, or to payment of a fine of not more than
 28.2 \$20,000 ~~for the first offense and \$40,000 for a second or subsequent offense~~, or both.

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

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

28.8 (2) the violation occurs when the person is a registered predatory offender under section
 28.9 243.166; or

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

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

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

28.14 Subd. 4. **Dissemination.** (a) A person who, knowing or with reason to know its content
 28.15 and character, disseminates for profit to an adult or a minor a pornographic work, as defined
 28.16 in this section, is guilty of a felony and may be sentenced to imprisonment for not more
 28.17 than ten years, or to payment of a fine of not more than \$20,000 ~~for the first offense and~~
 28.18 ~~\$40,000 for a second or subsequent offense~~, or both.

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

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

28.24 (2) the violation occurs when the person is a registered predatory offender under section
 28.25 243.166; or

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

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

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

29.2 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence
 29.3 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
 29.4 court commits a person to the custody of the commissioner of corrections for violating this
 29.5 section, the court shall provide that after the person has been released from prison, the
 29.6 commissioner shall place the person on conditional release for five years. If the person has
 29.7 previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,
 29.8 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this
 29.9 state, or any state, the commissioner shall place the person on conditional release for ~~ten~~
 29.10 15 years. The terms of conditional release are governed by section 609.3455, subdivision
 29.11 8.

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

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

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

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

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

29.25 (2) the violation occurs when the person is a registered predatory offender under section
 29.26 243.166; or

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

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

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

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

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

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

30.14 (2) the violation occurs when the person is a registered predatory offender under section
 30.15 243.166; or

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

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

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

30.20 Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence
 30.21 otherwise applicable to the offense or any provision of the sentencing guidelines, when a
 30.22 court commits a person to the custody of the commissioner of corrections for violating this
 30.23 section, the court shall provide that after the person has been released from prison, the
 30.24 commissioner shall place the person on conditional release for five years. If the person has
 30.25 previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,
 30.26 609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this
 30.27 state, or any state, the commissioner shall place the person on conditional release for ~~ten~~
 30.28 15 years. The terms of conditional release are governed by section 609.3455, subdivision
 30.29 8.

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

31.1 Sec. 16. **SENTENCING GUIDELINES MODIFICATION.**

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