

HOUSE RESEARCH

Bill Summary

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Overview

This bill creates a Crimes Against Children Team that investigates certain crimes against children and offers statewide education and support to communities. In addition, it allows for memorandums of understanding between law enforcement agencies at the city, state, and federal levels for enforcing state and federal laws. It also increases the maximum sentences and provides mandatory minimum sentences for child pornography offenses. Finally, the bill directs the Sentencing Guidelines Commission to modify the sex offender grid on the commission's 2006 report, or in the alternative, the sentencing guidelines, by specifying the rankings for the offenses of manufacturing, disseminating, and possessing child pornography.

Section

1 Crimes Against Children Team

Subd. 1. Establishment. Establishes a Crimes Against Children Team ("Team"), consisting of BCA agents, analysts, clerical support, and information technology support, that investigates technology facilitated crimes against children, including the solicitation of minors and possession or distribution of child pornography.

Subd. 2. Duties. The Team will operate statewide, offering techniques, education, and investigative expertise to the community. It will also investigate criminal activity involving possession of child pornography and solicitation of minors for sexual

Section

purposes, as well as assist in implement a statewide "NetSmartz" and other programs to raise safety awareness for children to prevent crimes against children.

Subd. 3. Federal memorandum of understanding. Provides the commissioner of public safety with the authority to enter into memorandums of understanding with federal agencies that allow state law enforcement officers to enforce federal laws.

Subd. 4. State and local memorandums of understanding. Provides the commissioner of public safety with the authority to enter into memorandums of understanding with various state and city law enforcement agencies that allow these agencies statewide authority to conduct criminal investigation and arrest power.

Subd. 5. Prosecution. Requires the Team to cooperate with all existing prosecutorial offices and law enforcement agencies.

2 **Mandatory minimum sentence.** Provides a mandatory minimum sentence of six months in jail for first time offenders convicted of engaging in sexual performance with a minor (Minn. Stat. § 617.246). Predatory offenders and repeat offenders of either § 617.246 or § 617.247 (distribution and possession of child pornography) receive a mandatory minimum of 12 months in jail.

3 **Definitions.** Defines the term "position of authority" for purposes of the child pornography statute (617.247).

4 **Dissemination prohibited.** Increases the maximum sentence for dissemination of child pornography to 15 years for a first time offender, and 20 years for each subsequent conviction. Establishes a mandatory minimum sentence of five years for persons who work in positions of authority and use the resources of their employer to disseminate child pornography.

5 **Possession prohibited.** Increases the maximum sentence for possession of child pornography to ten years for first time offenders and 15 years for each subsequent conviction. Establishes a mandatory minimum sentence of three years for persons who work in positions of authority and use the resources of their employer to possess child pornography.

6 **Mandatory minimum sentence.** Provides a mandatory minimum sentence of six months in jail for first time offenders convicted of § 617.247 (distribution and possession of child pornography). Predatory offenders and repeat offenders of either § 617.246 (engaging in sexual performance with a minor) or § 617.247 receive a mandatory minimum of 12 months in jail.

7 **Sentencing guidelines modification.** Directs the Sentencing Guidelines Commission to modify the sex offender grid on page 39 of the commission's 2006 report (if the legislature passes it), by increasing the ranking of the offenses of manufacturing, disseminating, and possessing child pornography. If the sex offender grid does not take effect, the SGC is directed to modify the sentencing guidelines by ranking the aforementioned offenses. These offenses are currently unranked, which results in relatively low sentences for child pornographers.

8 **Appropriation.** Allows for appropriations from the general fund to finance the Crimes Against Children Team created by Section 1.