

HOUSE RESEARCH

Bill Summary

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Overview

This bill amends the definition of sexual contact for certain criminal sexual conduct offenses; provides for increased penalties for those who commit criminal sexual conduct with an accomplice; provides a presumptive sentence for repeat sex offenders; and extends the statute of limitations for sex crimes against minors.

Section

- 1** **Sexual contact.** Adds a provision to the definition of sexual contact for the purposes of criminal sexual conduct in the second and fourth degrees to include intentional touching of the complainant's body or the clothing covering the complainant's body with seminal fluid or sperm.
- 2** **Crime defined.** Provides that if a person is acting with an accomplice, and the person uses force or coercion to cause the complainant to submit, the person is guilty of criminal sexual conduct in the first degree.
- 3** **Crime defined.** Provides that if a person is acting with an accomplice, and the person uses force or coercion to cause the complainant to submit, the person is guilty of criminal sexual conduct in the second degree.
- 4** **Presumptive executed sentence for repeat sex offenders.** Provides that if a person is convicted of criminal sexual conduct in the first, second, third, or fourth degree, or for criminal sexual predatory conduct, within 15 years of a previous sex offense conviction, the defendant must be committed to the commissioner of corrections for at least three years, and not longer than the maximum sentence for the convicted offense.

The sentence may be stayed only if a professional assessment indicates that the offender is accepted by and can respond to treatment in a long-term inpatient program exclusively treating sex offenders. If the sentence is stayed, the offender must have certain conditions of probation: (1) incarceration in a local jail or workhouse; and (2) successful completion of

a treatment program and aftercare.

- 5 Statute of limitations.** Modifies the criminal statute of limitations for criminal sexual conduct crimes committed against minors. Currently, the complaint must be filed within nine years of the commission of the offense, or within three years of reporting the offense to law enforcement if the victim failed to report the offense within the nine-year period.

Under this section, the statute of limitations is the later of nine years after the commission of the offense or three years after the offense was reported to law enforcement.

In a recent case, the Minnesota Court of Appeals noted that because the current three-year provision does not apply unless the victim fails to report the offense within the nine-year period, the following situation could occur. If a victim's report of abuse is received five minutes before midnight on the last day of the nine-year limitation period, prosecution would be barred because there would not be enough time to file a complaint. On the other hand, if the victim's report is received five minutes after midnight, the prosecution would have three years to file the complaint.