

HOUSE RESEARCH

Bill Summary

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Authors: Smith
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Analyst: Rebecca Pirius, 651-296-5044

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Article 1: Sexually Exploited Youth

Overview

This article provides that a juvenile could not be prosecuted for committing a prostitution offense (as a prostitute) under the delinquency code. These juveniles and others would fall under the definition of "sexually exploited youth" as a child in need of protection or services. (Changes to the juvenile delinquency code are delayed until August 1, 2014.) It also makes changes to a penalty assessment currently imposed on adult patrons by increasing and amending distribution of the assessment. Finally, article 1 directs DPS to develop a statewide victim service model for sexually exploited youth, if funded.

- 1 Delinquent child.** Excludes juvenile prostitutes from the definition of delinquent child. *See* § 3 - a juvenile prostitute would be considered a "sexually exploited youth" under the child protection laws. (Juveniles, who are alleged to have violated prostitution laws while acting other than as a prostitute, are not affected by this change.)
Effective: August 1, 2014.
- 2 Juvenile petty offender.** Provides a conforming cross-reference to article 2, §§ 4 and 5. Excludes juvenile prostitutes from the definition of juvenile petty offender.
Effective: August 1, 2014.
- 3 Child in need of protection or services.** Strikes language in the CHIPS definition referring to a child who has engaged in prostitution and replaces it with a reference to the definition of "sexually exploited youth." (*See* § 5.)
- 4 Delinquent child.** Provides a cross-reference in the CHIPS chapter to the definition of "delinquent child."
- 5 Sexually exploited youth.** Defined as an individual who: (1) is alleged to have committed prostitution; (2) is a victim of sexual assault or a pornography crime involving minors; (3) is a victim of a federal prostitution crime; or (4) is a sex trafficking victim.

- 6 Prostitute.** Amends the definition of prostitute to mean individuals age 18 or older.
Effective: August 1, 2014.
- 7 Penalty assessment.** Amends the penalty assessment currently imposed on adults convicted of violating prostitution laws, while acting other than as a prostitute. Increases the minimum and maximum penalty amounts.
Provides that the court may not waive payment of the penalty assessment. If the person is indigent or payment would create an undue hardship, the court may reduce the amount to not less than \$100. The court may also authorize payment in installments.
Amends the distribution of the assessment. Provides that the assessment shall be distributed as follows: (1) 40 percent to the political subdivision employing the arresting officer; (2) 20 percent to the prosecuting agency that handled the case; and (3) 40 percent to DPS for distribution to crime victim service organizations that provide services to sexually exploited youth. The funds must be used by the agencies to combat sexual exploitation of youth. (Under current law, the mandatory minimum assessment may be used for juvenile prostitution outreach programs in section 8.)
- 8 Sexually exploited youth outreach program.** Strikes references to "juvenile prostitution" and replaces them with references to "sexually exploited youth." Makes conforming changes (*see* § 7).
- 9 Safe harbor for sex trafficked youth; sexually exploited youth; statewide victims services model.** Provides that if sufficient outside funding is donated, DPS, in consultation with HHS, shall develop a victim services model to address the needs of sexually exploited youth by June 30, 2012. Directs DPS to take into consideration results of a prior pilot project and to seek recommendations from stakeholders. Requires a report to the legislature by January 15, 2013, on development of the model, including additional recommendations for legislation or funding.
- 10 Repealer.** Repeals provisions in the delinquency and CHIPS chapters relating to concurrent jurisdiction when a child is alleged to have engaged in prostitution. Under this article, a juvenile prostitute would be considered a child in need of protection services.
Effective: August 1, 2014.

Article 2: Prostitution Crimes

Overview

This article amends the crimes of general prostitution and prostitution in a public place by separating and creating new subdivisions to distinguish and track prosecution of crimes by prostitutes versus crimes by patrons. It also clarifies the definitions of the crime as they apply to patrons and prostitutes. The article does not change or add any penalties.