

**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
04/24/2019	3185a	Special Order: Amended
	3217	Third reading Passed
04/30/2019	4010	Returned from House with amendment
	4010	Senate not concur, conference committee of 5 requested
05/01/2019	4169	Senate conferees Limmer; Anderson, B.; Johnson; Lang; Latz
	4195	House conferees Mariani; Lesch; Moller; Pinto; Zerwas

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.

1.26  
1.27  
1.28  
1.29

<b><u>APPROPRIATIONS</u></b>	
<b><u>Available for the Year</u></b>	
<b><u>Ending June 30</u></b>	
<b><u>2020</u></b>	<b><u>2021</u></b>

2.1 Sec. 2. **SUPREME COURT**2.2 Subdivision 1. **Total Appropriation** \$ **54,014,000** \$ **54,302,000**

2.3 The amounts that may be spent for each  
 2.4 purpose are specified in the following  
 2.5 subdivisions.

2.6 Subd. 2. **Supreme Court Operations** 40,076,000 40,364,0002.7 **(a) Contingent Account**

2.8 \$5,000 each year is for a contingent account  
 2.9 for expenses necessary for the normal  
 2.10 operation of the court for which no other  
 2.11 reimbursement is provided.

2.12 **(b) Health Insurance**

2.13 \$213,000 the first year and \$501,000 the  
 2.14 second year are for health insurance increases.  
 2.15 This is a onetime appropriation.

2.16 Subd. 3. **Civil Legal Services** 13,938,000 13,938,0002.17 **(a) Legal Services to Low-Income Clients**  
**in Family Law Matters**

2.19 \$1,062,000 the first year and \$1,125,000 the  
 2.20 second year are to improve the access of  
 2.21 low-income clients to legal representation in  
 2.22 family law matters. This appropriation must  
 2.23 be distributed under Minnesota Statutes,  
 2.24 section 480.242, to the qualified legal services  
 2.25 program described in Minnesota Statutes,  
 2.26 section 480.242, subdivision 2, paragraph (a).  
 2.27 Any unencumbered balance remaining in the  
 2.28 first year does not cancel and is available in  
 2.29 the second year.

2.30 **(b) Health Insurance**

2.31 \$218,000 each year is for health insurance  
 2.32 increases. This is a onetime appropriation.

3.1	Sec. 3. <b><u>COURT OF APPEALS</u></b>	\$	<u>12,588,000</u>	\$	<u>12,670,000</u>
3.2	<b><u>Health Insurance</u></b>				
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. <b><u>DISTRICT COURTS</u></b>	\$	<u>301,555,000</u>	\$	<u>304,048,000</u>
3.7	<b><u>Health Insurance</u></b>				
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. <b><u>GUARDIAN AD LITEM BOARD</u></b>	\$	<u>16,967,000</u>	\$	<u>17,069,000</u>
3.12	<b><u>Health Insurance</u></b>				
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. <b><u>TAX COURT</u></b>	\$	<u>1,682,000</u>	\$	<u>1,682,000</u>
3.17	Sec. 7. <b><u>UNIFORM LAWS COMMISSION</u></b>	\$	<u>98,000</u>	\$	<u>98,000</u>
3.18	Sec. 8. <b><u>BOARD ON JUDICIAL STANDARDS</u></b>	\$	<u>530,000</u>	\$	<u>509,000</u>
3.19	<b><u>Major Disciplinary Actions</u></b>				
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. <b><u>BOARD OF PUBLIC DEFENSE</u></b>	\$	<u>89,335,000</u>	\$	<u>90,042,000</u>
3.28	<b><u>Health Insurance</u></b>				
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. <b><u>SENTENCING GUIDELINES</u></b>	\$	<u>679,000</u>	\$	<u>687,000</u>
4.2	Sec. 11. <b><u>PUBLIC SAFETY</u></b>				
4.3	<b><u>Subdivision 1. Total Appropriation</u></b>	\$	<b><u>194,000,000</u></b>	\$	<b><u>194,142,000</u></b>
<b><u>Appropriations by Fund</u></b>					
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	<b><u>Subd. 2. Emergency Management</u></b>		<u>3,715,000</u>		<u>3,715,000</u>
4.17	<b><u>Appropriations by Fund</u></b>				
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	<b><u>(a) Hazmat and Chemical Assessment</u></b>				
4.23	<b><u>Teams</u></b>				
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	<b><u>(b) Supplemental Nonprofit Security Grants</u></b>				
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	<b><u>Subd. 3. Criminal Apprehension</u></b>	<u>58,444,000</u>	<u>58,577,000</u>
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6.10       **Appropriations by Fund**

6.11	<u>General</u>	<u>56,008,000</u>	<u>56,141,000</u>
6.12	<u>State Government</u>		
6.13	<u>Special Revenue</u>	<u>7,000</u>	<u>7,000</u>
6.14	<u>Trunk Highway</u>	<u>2,429,000</u>	<u>2,429,000</u>

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	<b><u>Subd. 4. Fire Marshal</u></b>	<u>6,622,000</u>	<u>6,622,000</u>
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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**

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.

#### **(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 an  
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

## Appropriations by Fund

7.28	<u>General</u>	<u>1,990,000</u>	<u>1,998,000</u>
7.29	<u>Special Revenue</u>	<u>764,000</u>	<u>764,000</u>

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       Appropriations by Fund

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       **(c) Domestic Abuse Prevention Grants**

8.28       \$398,000 each year is for a grant to a domestic  
8.29       abuse prevention program that provides  
8.30       interdisciplinary, trauma-informed treatment  
8.31       and evidence-informed intervention for  
8.32       veterans and current or former service  
8.33       members and their whole families affected by

9.1       domestic violence. The grantee must offer a  
9.2       combination of services for perpetrators of  
9.3       domestic violence and their families, including  
9.4       individual and group therapy, evaluation and  
9.5       research of programming, and short- and  
9.6       long-term case management services to ensure  
9.7       stabilization and increase in their overall  
9.8       mental health functioning and well-being.

9.9       **Subd. 8. Emergency Communication Networks**

77,650,000

77,650,000

9.10      This appropriation is from the state  
9.11      government special revenue fund for 911  
9.12      emergency telecommunications services.

9.13      This appropriation includes funds for  
9.14      information technology project services and  
9.15      support subject to the provisions of Minnesota  
9.16      Statutes, section 16E.0466. Any ongoing  
9.17      information technology costs will be  
9.18      incorporated into the service level agreement  
9.19      and will be paid to the Office of MN.IT  
9.20      Services by the Department of Public Safety  
9.21      under the rates and mechanism specified in  
9.22      that agreement.

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

9.24      \$13,664,000 each year is to be distributed as  
9.25      provided in Minnesota Statutes, section  
9.26      403.113, subdivision 2.

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

9.28      \$683,000 each year is for grants to the  
9.29      Minnesota Emergency Medical Services  
9.30      Regulatory Board for the Metro East and  
9.31      Metro West Medical Resource  
9.32      Communication Centers that were in operation  
9.33      before January 1, 2000.

9.34      **(c) ARMER Debt Service**

10.1   \$23,261,000 each year is transferred to the  
10.2   commissioner of management and budget to  
10.3   pay debt service on revenue bonds issued  
10.4   under Minnesota Statutes, section 403.275.

10.5   Any portion of this appropriation not needed  
10.6   to pay debt service in a fiscal year may be used  
10.7   by the commissioner of public safety to pay  
10.8   cash for any of the capital improvements for  
10.9   which bond proceeds were appropriated by  
10.10   Laws 2005, chapter 136, article 1, section 9,  
10.11   subdivision 8; or Laws 2007, chapter 54,  
10.12   article 1, section 10, subdivision 8.

10.13   **(d) ARMER State Backbone Operating**  
10.14   **Costs**

10.15   \$9,675,000 each year is transferred to the  
10.16   commissioner of transportation for costs of  
10.17   maintaining and operating the statewide radio  
10.18   system backbone.

10.19   **(e) ARMER Improvements**

10.20   \$1,000,000 each year is to the Statewide  
10.21   Emergency Communications Board for  
10.22   improvements to those elements of the  
10.23   statewide public safety radio and  
10.24   communication system that support mutual  
10.25   aid communications and emergency medical  
10.26   services or provide interim enhancement of  
10.27   public safety communication interoperability  
10.28   in those areas of the state where the statewide  
10.29   public safety radio and communication system  
10.30   is not yet implemented, and grants to local  
10.31   units of government to further the strategic  
10.32   goals set forth by the Statewide Emergency  
10.33   Communications Board strategic plan.

11.1 Sec. 12. **PEACE OFFICER STANDARDS AND**  
 11.2 **TRAINING (POST) BOARD**

11.3 Subdivision 1. Total Appropriation \$ 7,156,000 \$ 7,156,000

11.4 Appropriations by Fund

	<u>2020</u>	<u>2021</u>
11.6 <u>General</u>	<u>3,000,000</u>	<u>3,000,000</u>
11.7 <u>Special Revenue</u>	<u>4,156,000</u>	<u>4,156,000</u>

11.8 The amounts that may be spent for each  
 11.9 purpose are specified in the following  
 11.10 subdivisions.

11.11 Subd. 2. Excess Amounts Transferred

11.12 The special revenue fund appropriation is from  
 11.13 the peace officer training account. Any new  
 11.14 receipts credited to that account in the first  
 11.15 year in excess of \$4,156,000 must be  
 11.16 transferred and credited to the general fund.  
 11.17 Any new receipts credited to that account in  
 11.18 the second year in excess of \$4,156,000 must  
 11.19 be transferred and credited to the general fund.

11.20 Subd. 3. Peace Officer Training Reimbursements

11.21 \$2,859,000 each year is from the peace officer  
 11.22 training account in the special revenue fund  
 11.23 for reimbursements to local governments for  
 11.24 peace officer training costs.

11.25 Subd. 4. Peace Officer Training Assistance

11.26 \$3,000,000 each year is from the general fund  
 11.27 to support and strengthen law enforcement  
 11.28 training and implement best practices. The  
 11.29 base for this activity is \$0 in fiscal year 2022  
 11.30 and thereafter.

11.31 Subd. 5. De-escalation Training

11.32 \$100,000 each year is from the peace officer  
 11.33 training account in the special revenue fund

12.1 for training state and local community safety  
 12.2 personnel in the use of crisis de-escalation  
 12.3 techniques. The board must ensure that  
 12.4 training opportunities provided are reasonably  
 12.5 distributed statewide.

12.6	Sec. 13. <b><u>PRIVATE DETECTIVE BOARD</u></b>	\$	<u>192,000</u>	\$	<u>192,000</u>
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12.7	Sec. 14. <b><u>HUMAN RIGHTS</u></b>	\$	<u>4,322,000</u>	\$	<u>4,322,000</u>
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12.8 Sec. 15. **CORRECTIONS**

12.9	<u>Subdivision 1. Total Appropriation</u>	\$	<u>600,299,000</u>	\$	<u>607,054,000</u>
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12.10 The amounts that may be spent for each  
 12.11 purpose are specified in the following  
 12.12 subdivisions.

12.13	<u>Subd. 2. Correctional Institutions</u>		<u>441,008,000</u>		<u>446,950,000</u>
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12.14 **(a) Base Adjustment**

12.15 To account for the base adjustments provided  
 12.16 in Laws 2018, chapter 211, article 21, section  
 12.17 1, paragraph (a), the general fund base is  
 12.18 increased by \$2,342,000 in each of fiscal years  
 12.19 2022 and 2023.

12.20 **(b) Health Insurance**

12.21 \$2,402,000 the first year and \$5,672,000 the  
 12.22 second year are for health insurance increases.  
 12.23 This is a onetime appropriation.

12.24 **(c) Facility Staff Positions**

12.25 \$2,762,000 the first year and \$4,762,000 the  
 12.26 second year are for additional correctional  
 12.27 officers and other positions deemed critical to  
 12.28 facility safety and security. The base for this  
 12.29 activity is \$11,240,000 in fiscal year 2022 and  
 12.30 \$11,241,000 in fiscal year 2023.

12.31 **(d) Security**

13.1	<u>\$2,000,000 the first year is to upgrade critical</u>		
13.2	<u>security infrastructure and modernize critical</u>		
13.3	<u>security systems.</u>		
13.4	<u>Subd. 3. <b>Community Services</b></u>	<u>130,900,000</u>	<u>131,487,000</u>
13.5	<b><u>(a) Base Adjustment</u></b>		
13.6	<u>To account for the base adjustments provided</u>		
13.7	<u>in Laws 2018, chapter 211, article 21, section</u>		
13.8	<u>1, paragraph (a), the general fund base is</u>		
13.9	<u>increased by \$168,000 in each of fiscal years</u>		
13.10	<u>2022 and 2023.</u>		
13.11	<b><u>(b) Health Insurance</u></b>		
13.12	<u>\$311,000 the first year and \$734,000 the</u>		
13.13	<u>second year are for health insurance increases.</u>		
13.14	<u>This is a onetime appropriation.</u>		
13.15	<u>Subd. 4. <b>Operations Support</b></u>	<u>28,391,000</u>	<u>28,617,000</u>
13.16	<b><u>(a) Base Adjustment</u></b>		
13.17	<u>To account for the base adjustments provided</u>		
13.18	<u>in Laws 2018, chapter 211, article 21, section</u>		
13.19	<u>1, paragraph (a), the general fund base is</u>		
13.20	<u>increased by \$64,000 in each of fiscal years</u>		
13.21	<u>2022 and 2023.</u>		
13.22	<b><u>(b) Health Insurance</u></b>		
13.23	<u>\$122,000 the first year and \$288,000 the</u>		
13.24	<u>second year are for health insurance increases.</u>		
13.25	<u>This is a onetime appropriation.</u>		
13.26	<b><u>Sec. 16. TRANSFER; DISASTER ASSISTANCE CONTINGENCY ACCOUNT.</u></b>		
13.27	<u>(a) If the fiscal year 2019 final closing balance in the general fund exceeds the closing</u>		
13.28	<u>balance projected at the end of the 2019 legislative session by at least \$20,000,000, the</u>		
13.29	<u>commissioner of management and budget must transfer \$20,000,000 from the general fund</u>		
13.30	<u>to the disaster assistance contingency account established under Minnesota Statutes, section</u>		
13.31	<u>12.221, subdivision 6.</u>		

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

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

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

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

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

14.15       **Subd. 7. Disbursement of surcharges by commissioner of management and  
14.16       budget.** (a) Except as provided in paragraphs (b), (c), and (d), the commissioner of  
14.17       management and budget shall disburse surcharges received under subdivision 6 and section  
14.18       97A.065, subdivision 2, as follows:

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

14.23       (2) ~~39~~ 62 percent shall be credited to the peace officers training account in the special  
14.24       revenue fund; and

14.25       (3) ~~60~~ 37 percent shall be credited to the general fund.

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

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

15.1       (d) If the Ramsey County Board of Commissioners authorizes imposition of the additional  
15.2       \$1 surcharge provided for in subdivision 6, paragraph (a), the court administrator in the  
15.3       Second Judicial District shall transmit the surcharge to the commissioner of management  
15.4       and budget. The \$1 special surcharge is deposited in a Ramsey County surcharge account  
15.5       in the special revenue fund and amounts in the account are appropriated to the trial courts  
15.6       for the administration of the petty misdemeanor diversion program operated by the Second  
15.7       Judicial District Ramsey County Violations Bureau.

## ARTICLE 2

### PUBLIC SAFETY POLICY CHANGES RELATED TO APPROPRIATIONS

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

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

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

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

15.17       (ii) kidnapping under section 609.25;

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

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

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

15.23       (2) the person was charged with or petitioned for a violation of, or attempt to violate, or  
15.24       aiding, abetting, or conspiring to commit criminal abuse in violation of section 609.2325,  
15.25       subdivision 1, paragraph (b); false imprisonment in violation of section 609.255, subdivision  
15.26       2; solicitation, inducement, or promotion of the prostitution of a minor or engaging in the  
15.27       sex trafficking of a minor in violation of section 609.322; a prostitution offense in violation  
15.28       of section 609.324, subdivision 1, paragraph (a); soliciting a minor to engage in sexual  
15.29       conduct in violation of section 609.352, subdivision 2 or 2a, clause (1); using a minor in a  
15.30       sexual performance in violation of section 617.246; or possessing pornographic work  
15.31       involving a minor in violation of section 617.247, and convicted of or adjudicated delinquent  
15.32       for that offense or another offense arising out of the same set of circumstances;

- 16.1       (3) the person was sentenced as a patterned sex offender under section 609.3455,  
16.2 subdivision 3a; or
- 16.3       (4) the person was charged with or petitioned for, including pursuant to a court martial,  
16.4 violating a law of the United States, including the Uniform Code of Military Justice, similar  
16.5 to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent  
16.6 for that offense or another offense arising out of the same set of circumstances.
- 16.7       (b) A person also shall register under this section if:
- 16.8       (1) the person was charged with or petitioned for an offense in another state that would  
16.9 be a violation of a law described in paragraph (a) if committed in this state and convicted  
16.10 of or adjudicated delinquent for that offense or another offense arising out of the same set  
16.11 of circumstances;
- 16.12       (2) the person enters this state to reside, work, or attend school, or enters this state and  
16.13 remains for 14 days or longer; and
- 16.14       (3) ten years have not elapsed since the person was released from confinement or, if the  
16.15 person was not confined, since the person was convicted of or adjudicated delinquent for  
16.16 the offense that triggers registration, unless the person is subject to a longer registration  
16.17 period under the laws of another state in which the person has been convicted or adjudicated,  
16.18 or is subject to lifetime registration.
- 16.19       If a person described in this paragraph is subject to a longer registration period in another  
16.20 state or is subject to lifetime registration, the person shall register for that time period  
16.21 regardless of when the person was released from confinement, convicted, or adjudicated  
16.22 delinquent.
- 16.23       (c) A person also shall register under this section if the person was committed pursuant  
16.24 to a court commitment order under Minnesota Statutes 2012, section 253B.185, chapter  
16.25 253D, Minnesota Statutes 1992, section 526.10, or a similar law of another state or the  
16.26 United States, regardless of whether the person was convicted of any offense.
- 16.27       (d) A person also shall register under this section if:
- 16.28       (1) the person was charged with or petitioned for a felony violation or attempt to violate  
16.29 any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or  
16.30 the United States, or the person was charged with or petitioned for a violation of any of the  
16.31 offenses listed in paragraph (a), clause (2), or a similar law of another state or the United  
16.32 States;

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

17.4       (3) the person was committed pursuant to a court commitment order under section  
17.5       253B.18 or a similar law of another state or the United States.

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

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

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

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

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

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

- 17.24       (i) the intentional touching by the actor of the complainant's intimate parts, or
- 17.25       (ii) the touching by the complainant of the actor's, the complainant's, or another's intimate  
17.26      parts effected by a person in a position of authority, or by coercion, or by inducement if the  
17.27      complainant is under 13 years of age or mentally impaired, or
- 17.28       (iii) the touching by another of the complainant's intimate parts effected by coercion or  
17.29      by a person in a position of authority, or
- 17.30       (iv) in any of the cases above, the touching of the clothing covering the immediate area  
17.31      of the intimate parts, or

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

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

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

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

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

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

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

18.14       (c) "Sexual contact with a person under 13" means the intentional touching of the  
18.15       complainant's bare genitals or anal opening by the actor's bare genitals or anal opening with  
18.16       sexual or aggressive intent or the touching by the complainant's bare genitals or anal opening  
18.17       of the actor's or another's bare genitals or anal opening with sexual or aggressive intent.

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

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

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

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

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

- 19.1       (c) circumstances existing at the time of the act cause the complainant to have a  
19.2 reasonable fear of imminent great bodily harm to the complainant or another;
- 19.3       (d) the actor is armed with a dangerous weapon or any article used or fashioned in a  
19.4 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses  
19.5 or threatens to use the weapon or article to cause the complainant to submit;
- 19.6       (e) the actor causes personal injury to the complainant, and either of the following  
19.7 circumstances exist:
- 19.8       (i) the actor uses force or coercion to accomplish sexual penetration; or
- 19.9       (ii) the actor knows or has reason to know that the complainant is mentally impaired,  
19.10 mentally incapacitated, or physically helpless;
- 19.11       (f) the actor is aided or abetted by one or more accomplices within the meaning of section  
19.12 609.05, and either of the following circumstances exists:
- 19.13       (i) an accomplice uses force or coercion to cause the complainant to submit; or
- 19.14       (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned  
19.15 in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and  
19.16 uses or threatens to use the weapon or article to cause the complainant to submit;
- 19.17       (g) the actor has a significant relationship to the complainant and the complainant was  
19.18 under 16 years of age at the time of the sexual penetration. Neither mistake as to the  
19.19 complainant's age nor consent to the act by the complainant is a defense; or
- 19.20       (h) the actor has a significant relationship to the complainant, the complainant was under  
19.21 16 years of age at the time of the sexual penetration, and:
- 19.22       (i) the actor or an accomplice used force or coercion to accomplish the penetration;
- 19.23       (ii) the complainant suffered personal injury; or
- 19.24       (iii) the sexual abuse involved multiple acts committed over an extended period of time.  
19.25       Neither mistake as to the complainant's age nor consent to the act by the complainant is  
19.26 a defense.
- 19.27       **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes  
19.28 committed on or after that date.

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

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

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

20.9 (b) the complainant is at least 13 but less than 16 years of age and the actor is more than  
20.10 48 months older than the complainant and in a current or recent position of authority over  
20.11 the complainant. Neither mistake as to the complainant's age nor consent to the act by the  
20.12 complainant is a defense;

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

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

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

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

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

20.23 (f) the actor is aided or abetted by one or more accomplices within the meaning of section  
20.24 609.05, and either of the following circumstances exists:

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

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

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

21.1       (h) the actor has a significant relationship to the complainant, the complainant was under

21.2       16 years of age at the time of the sexual contact, and:

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

21.4       (ii) the complainant suffered personal injury; or

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

21.6       Neither mistake as to the complainant's age nor consent to the act by the complainant is

21.7       a defense.

21.8       **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes

21.9       committed on or after that date.

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

21.11      Subdivision 1. **Crime defined.** A person who engages in sexual penetration with another

21.12      person is guilty of criminal sexual conduct in the third degree if any of the following

21.13      circumstances exists:

21.14      (a) the complainant is under 13 years of age and the actor is no more than 36 months

21.15      older than the complainant. Neither mistake as to the complainant's age nor consent to the

21.16      act by the complainant shall be a defense;

21.17      (b) the complainant is at least 13 but less than 16 years of age and the actor is more than

21.18      24 months older than the complainant. In any such case if the actor is no more than 120

21.19      months older than the complainant, it shall be an affirmative defense, which must be proved

21.20      by a preponderance of the evidence, that the actor reasonably believes the complainant to

21.21      be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not

21.22      be a defense. Consent by the complainant is not a defense;

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

21.24      (d) the actor knows or has reason to know that the complainant is mentally impaired,

21.25      mentally incapacitated, or physically helpless;

21.26      (e) the complainant is at least 16 but less than 18 years of age and the actor is more than

21.27      48 months older than the complainant and in a current or recent position of authority over

21.28      the complainant. Neither mistake as to the complainant's age nor consent to the act by the

21.29      complainant is a defense;

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

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

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

22.7           (ii) the complainant suffered personal injury; or

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

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

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

22.13           (i) during the psychotherapy session; or

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

22.16       Consent by the complainant is not a defense;

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

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

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

22.25           (1) the actor is or purports to be a member of the clergy, the complainant is not married  
22.26      to the actor, and:

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

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

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

23.11      (n) the actor provides or is an agent of an entity that provides special transportation  
23.12      service, the complainant used the special transportation service, and the sexual penetration  
23.13      occurred during or immediately before or after the actor transported the complainant. Consent  
23.14      by the complainant is not a defense; or

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

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

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

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

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

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

- 24.1       (b) the complainant is at least 13 but less than 16 years of age and the actor is more than  
24.2       48 months older than the complainant or in a current or recent position of authority over  
24.3       the complainant. Consent by the complainant to the act is not a defense. In any such case,  
24.4       if the actor is no more than 120 months older than the complainant, it shall be an affirmative  
24.5       defense which must be proved by a preponderance of the evidence that the actor reasonably  
24.6       believes the complainant to be 16 years of age or older. In all other cases, mistake as to the  
24.7       complainant's age shall not be a defense;
- 24.8       (c) the actor uses force or coercion to accomplish the sexual contact;
- 24.9       (d) the actor knows or has reason to know that the complainant is mentally impaired,  
24.10      mentally incapacitated, or physically helpless;
- 24.11      (e) the complainant is at least 16 but less than 18 years of age and the actor is more than  
24.12      48 months older than the complainant and in a current or recent position of authority over  
24.13      the complainant. Neither mistake as to the complainant's age nor consent to the act by the  
24.14      complainant is a defense;
- 24.15      (f) the actor has a significant relationship to the complainant and the complainant was  
24.16      at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to  
24.17      the complainant's age nor consent to the act by the complainant is a defense;
- 24.18      (g) the actor has a significant relationship to the complainant, the complainant was at  
24.19      least 16 but under 18 years of age at the time of the sexual contact, and:
- 24.20       (i) the actor or an accomplice used force or coercion to accomplish the contact;
- 24.21       (ii) the complainant suffered personal injury; or
- 24.22       (iii) the sexual abuse involved multiple acts committed over an extended period of time.
- 24.23      Neither mistake as to the complainant's age nor consent to the act by the complainant is  
24.24      a defense;
- 24.25      (h) the actor is a psychotherapist and the complainant is a patient of the psychotherapist  
24.26      and the sexual contact occurred:
- 24.27       (i) during the psychotherapy session; or
- 24.28       (ii) outside the psychotherapy session if an ongoing psychotherapist-patient relationship  
24.29      exists. Consent by the complainant is not a defense;
- 24.30       (i) the actor is a psychotherapist and the complainant is a former patient of the  
24.31      psychotherapist and the former patient is emotionally dependent upon the psychotherapist;

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

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

25.7       (1) the actor is or purports to be a member of the clergy, the complainant is not married  
25.8       to the actor, and:

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

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

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

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

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

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

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

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

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

26.4 (1) enters upon another's property;

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

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

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

26.10 (1) enters upon another's property;

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

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

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

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

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

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

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

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

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

27.3           (1) violates this subdivision after a previous conviction under this subdivision or section  
27.4       609.749; or

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

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

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

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

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

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

27.24       Any person who violates this subdivision paragraph is guilty of a felony and may be  
27.25       sentenced to imprisonment for not more than ten years or to payment of a fine of not more  
27.26       than \$20,000 ~~for the first offense and \$40,000 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 \$40,000,  
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 617.247;

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

28.7        Subd. 3. **Operation or ownership of business.** (a) A person who owns or operates a  
28.8        business in which a pornographic work, as defined in this section, is disseminated to an  
28.9        adult or a minor or is reproduced, and who knows the content and character of the  
28.10        pornographic work disseminated or reproduced, is guilty of a felony and may be sentenced  
28.11        to imprisonment for not more than ten years, or to payment of a fine of not more than  
28.12        \$20,000 for the first offense and \$40,000 for a second or subsequent offense, or both.

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

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

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

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

28.21        **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes

28.22        committed on or after that date.

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

28.24        Subd. 4. **Dissemination.** (a) A person who, knowing or with reason to know its content  
28.25        and character, disseminates for profit to an adult or a minor a pornographic work, as defined  
28.26        in this section, is guilty of a felony and may be sentenced to imprisonment for not more  
28.27        than ten years, or to payment of a fine of not more than \$20,000 for the first offense and  
28.28        \$40,000 for a second or subsequent offense, or both.

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

29.1       (1) the person has a prior conviction or delinquency adjudication for violating this section

29.2       or section 617.247;

29.3       (2) the violation occurs when the person is a registered predatory offender under section

29.4       243.166; or

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

29.6       **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes

29.7       committed on or after that date.

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

29.9       Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence

29.10      otherwise applicable to the offense or any provision of the sentencing guidelines, when a

29.11      court commits a person to the custody of the commissioner of corrections for violating this

29.12      section, the court shall provide that after the person has been released from prison, the

29.13      commissioner shall place the person on conditional release for five years. If the person has

29.14      previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,

29.15      609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United States, this

29.16      state, or any state, the commissioner shall place the person on conditional release for ~~ten~~

29.17      15 years. The terms of conditional release are governed by section 609.3455, subdivision

29.18      8.

29.19       **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes

29.20       committed on or after that date.

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

29.22       Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work

29.23      to an adult or a minor, knowing or with reason to know its content and character, is guilty

29.24      of a felony and may be sentenced to imprisonment for not more than seven years ~~and or to~~

29.25      payment of a fine of not more than \$10,000 for a first offense and for not more than 15

29.26      years and a fine of not more than \$20,000 for a second or subsequent offense, or both.

29.27       (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to

29.28      imprisonment for not more than 15 years ~~or to payment of a fine of not more than \$20,000,~~

29.29      or both, if:

29.30       (1) the person has a prior conviction or delinquency adjudication for violating this section

29.31       or section 617.246;

30.1       (2) the violation occurs when the person is a registered predatory offender under section

30.2       243.166; or

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

30.4       **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes

30.5       committed on or after that date.

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

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

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

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

30.19       (2) the violation occurs when the person is a registered predatory offender under section

30.20       243.166; or

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

30.22       **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes

30.23       committed on or after that date.

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

30.25       Subd. 9. **Conditional release term.** Notwithstanding the statutory maximum sentence  
30.26       otherwise applicable to the offense or any provision of the sentencing guidelines, when a  
30.27       court commits a person to the custody of the commissioner of corrections for violating this  
30.28       section, the court shall provide that after the person has been released from prison, the  
30.29       commissioner shall place the person on conditional release for five years. If the person has  
30.30       previously been convicted of a violation of this section, section 609.342, 609.343, 609.344,  
30.31       609.345, 609.3451, 609.3453, or 617.246, or any similar statute of the United States, this

31.1 state, or any state, the commissioner shall place the person on conditional release for ~~ten~~  
31.2 15 years. The terms of conditional release are governed by section 609.3455, subdivision  
31.3 8.

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

31.6 **Sec. 16. SENTENCING GUIDELINES MODIFICATION.**

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