



Legal Services Advocacy Project

February 13, 2021

The Honorable Carlos Mariani, Chair
Pub. Safety/Crim. Justice Reform Committee
Minnesota House of Representatives
479 State Office Building
St. Paul, MN 55155

The Honorable Brian Johnson, GOP Lead
Pub. Safety/Crim. Justice Reform Committee
Minnesota House of Representatives
243 State Office Building
St. Paul MN. 55155

The Honorable Cedric Frazier, Vice Chair
Pub. Safety/Crim. Justice Reform Committee
Minnesota House of Representatives
439 State Office Building
St. Paul, MN 55155

Dear Chair Mariani, Vice Chair Frazier, GOP Lead Johnson, and Committee Members:

The Legal Services Advocacy Project (LSAP) respectfully writes in support of HF 707. LSAP provides legislative and administrative policy advocacy as a statewide division of Legal Aid, which provides free civil legal services across the state for low-income clients, elder Minnesotans, and Minnesotans with disabilities. HF 707 would enact key recommendations from the January 2021 Criminal Sexual Conduct Statutory Reform Working Group Report.

LSAP supports the reforms generally, and in particular: (1) the new definition in section 609.3421 of “prohibited occupational relationship” and specifically the inclusion of the relationship between a caregiver, facility staff person, or person providing services in a facility and a vulnerable adult; (2) where a prohibited occupational relationship exists, disallowing consent as a defense to an act of criminal sexual conduct under section 609.344 and 609.345; and (3) the creation of the crime of sexual extortion, where an actor threatens other than physical harm which results in unwanted sexual contact.

Legal Aid’s clients include vulnerable adults in long-term care facilities and survivors of violence in tenancies. LSAP has long advocated on behalf of those clients around legislation advancing the interests of and protecting vulnerable adults and survivors who are tenants. LSAP was instrumental in achieving passage of the Elder Care and Vulnerable Adult Protection Act of 2019, which established prohibitions against retaliation against vulnerable adults in long-term care facilities, and enactment of legislation granting survivors of violence the right to break a lease without penalty in order to protect their safety and finances.

The additional criminal protections presented in HF 707 would better protect survivors of violence and benefit Legal Aid’s elderly and other clients who suffer violation. While LSAP urges the committee’s support for HF 707, LSAP is aware that these amendments would be made within an existing criminal justice construct characterized by unacceptable racial disparities. LSAP’s support for HF 707 in no way suggests that broader work to eradicate those disparities is not urgent and necessary. Thank you for considering LSAP’s views.

Sincerely,

A handwritten signature in cursive script that reads "Ron Elwood".

Ron Elwood
Supervising Attorney