

House Research Act Summary

CHAPTER: 381

SESSION: 2002 Regular Session

TOPIC: Criminal Sexual Conduct Crime Involving Special Transportation Providers

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Overview

This act creates the crimes of third and fourth degree criminal sexual conduct for engaging in sexual penetration or sexual contact, respectively, with an individual who uses special transportation services when the conduct occurs during or immediately before or after the person is transported. This act also provides a presumptive executed sentence of 90 months for certain second degree criminal sexual conduct offenses. Finally, the act clarifies the victim medical examination costs that are reasonable in a criminal sexual conduct case.

Section

- 1 **Special transportation.** Defines "special transportation service" in the criminal code's sexual conduct law. This definition is used in sections 2 and 3 of the law.
- 2 **Second degree criminal sexual conduct.** Specifies that, unless a longer mandatory minimum sentence is otherwise required by law or the sentencing guidelines provided for a longer presumptive executed sentence, the court must presume that an executed sentence of 90 months shall be imposed on an offender who commits certain second degree criminal sexual conduct crimes (those involving fear, injury, force, violence, or use of a dangerous weapon). Provides that sentencing a person in a manner other than this is a departure from the sentencing guidelines.
- 3 **Third degree criminal sexual conduct; crime defined.** Prohibits an actor who provides or who is an agent of an entity providing special transportation services from engaging in sexual penetration with a person who uses the service when the act occurred during or immediately before or after transporting the individual. Consent by the complainant is not a defense. This conduct constitutes criminal sexual conduct in the third degree and is punishable by up to 15 years imprisonment, a fine of up to \$30,000, or both.
- 4 **Fourth degree criminal sexual conduct; crime defined.** Prohibits an actor who provides

special transportation services from engaging in sexual contact with a person who uses the service when the act occurred during or immediately before or after transporting the individual. Consent by the complainant is not a defense. This conduct constitutes criminal sexual conduct in the fourth degree and is punishable by up to ten years imprisonment, a fine of up to \$20,000, or both.

- 5 **Voluntary relationships.** Provides that a person does not engage in criminal sexual conduct if the person engages in the conduct set forth in section 3 or 4 if the actor and complainant were in one of certain designated types of voluntary relationships at the time.
- 6 **Costs of a medical examination.** Specifies that reasonable costs of a medical examination of a complainant of criminal sexual conduct include, but are not limited to, full cost of the rape kit examination and associated tests relating to the complainant's sexually transmitted disease status and pregnancy status. Previously, the law did not specify what costs were considered reasonable. Makes other technical changes.
- 7 **Effective date.** Sections 1, 3, and 5 are effective August 1, 2002, for crimes committed on or after that date. Section 2 is effective the day following final enactment and applies to crimes committed on or after that day. Section 6 is effective the day following final enactment.