

HOUSE RESEARCH

Bill Summary

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Overview

This bill amends provisions relating to sex trafficking in the following areas: data privacy, predatory offender registration, evidence, crime victim identity protection, and affirmative defenses and limitations periods.

Section

- 1 **Protection of identities.** Expands data protections - prohibits public access to law enforcement data that would reveal a sex trafficking victim's identity.
- 2 **Registration required.** Amends the predatory registration statute. Expands registration to all sex trafficking offenses (not just those involving a minor) and to all prostitution offenses involving minors (not just those involving a minor under 13).
- 3 **Definitions.** Adds sex trafficking to the definition of "violent crime" under section 609.1095. A person who commits dangerous or repeat "violent crimes" is subject to increased and mandatory sentences.
- 4 **Hiring minor to engage in prostitution.** Creates a 5-year felony for hiring or agreeing to hire an individual the actor reasonably believes to be under the age of 18 to engage in prostitution.
- 5 **No defense; undercover operative.** Provides that the use of an undercover operative is not a defense to a charge under section 609.324 (patrons/prostitution).
- 6 **Affirmative defense.**
 - Updates a cross-reference to reflect re-structuring of section 609.324 in the 2011 session.

Section

- Amends the burden to establish an affirmative defense to a prostitution charge by a trafficking victim. Requires defendant to prove that the acts were the result of being a trafficking victim. Currently, the defendant must prove the acts were committed under compulsion by another through threat of bodily harm.

- 7** **Records pertaining to victim identity confidential.** Expands data protection – prohibits public access to charging documents that would reveal a sex trafficking victim’s identity. (Current law protects sexual assault victims.)
- 8 - 9** **Polygraph prohibition.** Prohibits law enforcement or prosecutors from requiring a sex trafficking victim to submit to a polygraph as a condition of charging the case. (Current law protects sexual assault victims.)
- 10** **Restriction on ownership; adult business establishment.** Adds sex trafficking to the list of offenses that disqualify a person from operating an adult business establishment until three years after discharge of the sentence.
- 11** **Limitations.** Increases the criminal limitations period for filing sex trafficking charges. The current limitations period is three years from commission of the offense. This section provides that the limitations period for sex trafficking would be the same as for criminal sexual conduct:
- If physical evidence is collected and preserved that is capable of DNA testing, there is no limitations period.
- Otherwise,
- If the victim was under age 18 at the time of the offense, limitations period is 9 years after the offense or 3 years after reporting offense to law enforcement, whichever is later.
 - If the victim was 18 or older at the time of the offense, limitations period is 9 years after the commission of the offense.