

Subject Criminal penalties and sanctions for sex offenders and predatory offenders

Authors Mariani

Analyst Jeff Diebel

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Overview

This bill contains a variety of provisions related to sex offenses, predatory offenses, and child pornography.

Summary

Section	Description
1	Registration required. Requires persons convicted of the new enhanced felony surreptitious intrusion crime involving a minor (see section 9) to register as a predatory offender.
2	Limits of Sentences. Requires a sentencing judge to justify in writing a stay of adjudication for felony criminal sexual conduct offenses.
3	Current or recent position of authority. Expands the definition of “position of authority” to “current or recent” position of authority for the purposes of the criminal sexual conduct statutes. Defines “recent” as within 120 days immediately preceding the act. Includes persons who “assume” a duty or responsibility to a child as well as those who are charged with those duties or responsibilities.
4	Crime defined. Amends the criminal sexual conduct in the 1st degree statutes to include the expanded definition of “position of authority” in section 3.
5	Crime defined. Amends the criminal sexual conduct in the 2nd degree statutes to include the expanded definition of “position of authority” in section 3.
6	Crime defined. Amends the criminal sexual conduct in the 3rd degree statutes to include the expanded definition of “position of authority” in section 3. Also, prohibits peace officers from

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	engaging in sexual penetration with a person being restrained or who is not free to leave the officer's presence.
7	Crime defined. Amends the criminal sexual conduct in the 4th degree statutes to include the expanded definition of "position of authority" in section 3. Also, prohibits peace officers from engaging in sexual contact with a person being restrained or who is not free to leave the officer's presence.
8	Crime defined. Amends the 5th degree criminal sexual conduct crime to eliminate the exception for intentionally touching the clothing covering the immediate area of the buttocks.
9	Surreptitious intrusion; observation device. Creates a new enhanced felony penalty (statutory maximum sentence of up to four years imprisonment and/or \$5,000 fine) for a violation of section 609.746, subdivision 1 (surreptitious intrusion), if the offense involved use of a recording device, the victim was a minor, the offender was more than 36 months older than the victim, the offender knew or had reason to know of the minor's presence, and the offense was committed with sexual intent. A person convicted under this provision must also register as a predatory offender under section 1.
10	Use of minor. Increases the statutory maximum penalty for using a minor in a sexual performance or pornographic work if the victim is under the age of 13 or the offender is a repeat offender or is registered as a predatory offender.
11	Operation or ownership of business. Increases the statutory maximum penalty for a business owner who shows a pornographic work involving a minor if the victim is under the age of 13 or the offender is a repeat offender or is registered as a predatory offender.
12	Dissemination. Increases the statutory maximum penalty for dissemination of child pornography for a profit to 15 years if the victim is under the age of 13 or the offender is a repeat offender or is registered as a predatory offender.
13	Conditional release term. Increases the conditional release term for offenders convicted of child pornography for profit from ten years to 15 years for repeat offenders.

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14	Dissemination prohibited. Increases the statutory maximum sentence for dissemination of child pornography to 15 years for offenses that have a victim under the age of 13.
15	Possession prohibited. Increases the statutory maximum sentence for possession of child pornography to ten years for offenses that have a victim under the age of 13.
16	Criminal release term. Increases the conditional release term for offenders convicted of child pornography from ten years to 15 years for repeat offenders.
17	Sentencing guidelines modification. Requires the Minnesota Sentencing Guidelines Commission to comprehensively review and consider modifying how the Guidelines and the Grid treat child pornography crimes.
18	Repealer. Repeals the shield to prosecution for certain criminal sexual conduct offenses granted to participants in designated voluntary relationships, commonly referred to as the marital rape exception.



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