



## **NEW LAWS AFFECTING SEXUAL ASSAULT FROM THE 2009 LEGISLATIVE SESSION**

### **MNCASA Agenda**

Definition of Criminal Sexual Contact: MNCASA advanced a change to the criminal sexual conduct code which expands the definition of criminal sexual contact to include contact with seminal fluid or sperm. See HF 1301, Article 1, Section 5/Session Law Chapter 59. Amends Minn. Stat. 609.341 subd. 11. This law is effective August 1, 2009.

Statute of Limitations Involving Criminal Sexual Conduct When Victim is a Minor: MNCASA advanced a change to the current statute of limitations so that if a victim was under 18 years of age at the time of the offense, the later of nine years after the commission of the offense or three years after the offense was reported to the law enforcement authorities applies. See HF 1301, Article 5, Section 20/Session Law Chapter 59. Amends Minn. Stat. 628.26. This law is effective August 1, 2009.

Funding for Victim Services: Governor Pawlenty signed the Omnibus Public Safety Finance bill which includes a cut of \$3.4 million from the Office of Justice Programs (OJP) in the 2010-11 biennium, however there was 3% limit placed on any cuts to crime victim program grants. Recently OJP announced that it has enough stimulus funding to avoid making any cuts to crime victim program grants this year.

### **MNCASA Supported**

Human Trafficking: The bill requires the commissioner of public safety to gather and compile data on human trafficking every two years, provides higher penalties when the offender repeatedly trafficks individuals into prostitution, when bodily harm is inflicted, when the victim is held over 180 days and when more than one victim is involved. The bill also increases fines, criminalizes the actions of those who profit from sex trafficking, adds the promotion of prostitution/sex trafficking crime to the firearm law's definition of crime of violence, and changes the victim rights law's definition of violent crime to include sex trafficking victims so they will be protected from employer retaliation if they participate in criminal proceedings. The human trafficking bill was supported by the statewide task force on human trafficking (of which MNCASA is a member) and advanced by Advocates for Human Rights in cooperation with many other partner organizations. See HF 1505 and SF 1514/Session Law Chapter 137. Amends Minn. Stats. 299A.785 subd. 2; 609.321, subds. 7 and 7a, 609.321, 609.322, and 611A.036 subd. 7. This law is effective August 1, 2009.

Aggravating Factors: MNCASA supported the efforts of the Minnesota County Attorneys Association to identify aggravating factors that would increase sentences when the current conviction is for a criminal sexual conduct offense or an offense in which the victim was otherwise injured and there is a prior felony conviction for a criminal sexual conduct offense or an offense in which the victim was injured. See

HF 1301, Article 5, Section 8/ Session Law Chapter 59. Amends Minn. Stat. 244.10. This law is effective August 1, 2009.

### **Other Bills of Note**

Notice to Criminal Sexual Conduct Victims: A small change was made to the victim rights chapter adding victims of criminal sexual conduct to the list of those whom a prosecutor must inform of the methods and benefits of obtaining an order for protection or restraining order, and the victim may obtain orders without paying a fee. This notice occurs when the prosecutor is informing the victim of the decision not to prosecute. See HF 1301, Article 2, section 1. Amends Minn. Stat. 611A.0315 subd. 1/ Session Law Chapter 59. This law is effective August 1, 2009.

Electronic Solicitation of Children: A person over age 18 who uses the internet, computer network, program or system, or electronic communications system capable of electronic data storage or transmission to engage in communication using language related to or describing sexual conduct with a child or someone the person reasonably believes is a child is guilty of a felony. See HF 1301, Article 1, section 6. Amends Minn. Stat. 609.352 subd. 2a/Session Law Chapter 59. This law is effective August 1, 2009.

Registered Sex Offender Access to Social Networking Sites Restricted: As a condition of release, offenders who are required to register and who are placed on intensive supervised release cannot access, create or maintain a personal web page, create a profile, account, password or user name for a social networking site or instant messaging or chat room program which permits persons under the age of 18 to become a member or create or maintain a personal web page. See HF 1301, Article 1, section 2/ Session Law Chapter 59. Amends Minn. Stat. 244.05 subd. 6. This law is effective August 1, 2010.

Prostitution: The bill clarifies the prostitution penalty enhancement provision for repeat offenders, broadens the prostitution in a public place crime, makes driving records relating to prostitution offenses public for repeat offenders and ensures they are available to law enforcement for first-time offenders. See SF 1009/Session Law Chapter 170. Amends Minn. Stats. 609.321 and 609.324. The law is effective August 1, 2009.