

**Senate Counsel, Research
and Fiscal Analysis**

Minnesota Senate Bldg.
95 University Avenue W. Suite 3300
St. Paul, MN 55155
(651) 296-4791
Tom Bottern
Director

Senate

State of Minnesota

S.F. No. 2755 - Judiciary and Public Safety Supplemental Appropriations Bill (SCS2755A14 Delete-Everything Amendment)

Author: Senator Warren Limmer

Prepared By: Kenneth P. Backhus, Senate Counsel (651/296-4396)
Chris Turner, Senate Fiscal Analyst (651/296-4350)

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OVERVIEW

The **SCS2755A14** delete-everything amendment contains the chair's proposed Judiciary and Public Safety Supplemental Appropriations Bill. The amendment appropriates money for the Department of Corrections' offender health care contract deficiency and transfers money to address a deficiency in the peace officer training account. It also appropriates money for two new Bureau of Criminal Apprehension drug scientists. The amendment contains a number of criminal justice-related statutory changes that have fiscal implications. These changes, with two minor exceptions (both noted below), reflect the exact language already passed by the Judiciary and Public Safety Finance and Policy Committee.

Section 1 expands the list of prior convictions that enhance an offense to first-degree driving while impaired by including convictions for a felony in another state for criminal vehicular homicide and injury committed while under the influence of a substance when the other state's statute is in conformity with Minnesota law. Under current law, a person who drives while under the influence commits a first-degree offense if the person:

1. commits the violation within ten years of the first of three or more qualified prior impaired driving incidents;
2. has previously been convicted of a first-degree driving while impaired offense; or

3. has previously been convicted of a felony under Minnesota Statutes addressing criminal vehicular homicide and injury committed while under the influence of a substance.

A qualified prior impaired driving incident can take place under Minnesota law or under the law of another state that is in conformity with Minnesota law. (S.F. No. 2755, Sen. Limmer)

Section 2 requires persons convicted of the new enhanced felony surreptitious intrusion crime involving a minor (see section 13) to register as a predatory offender. (S.F. No. 2699, Sen. Limmer)

Section 3 provides that family reunification efforts otherwise required under the CHIPS law are not required when a parent receives a stay of adjudication for an offense that constitutes sexual abuse. (S.F. No. 2699, Sen. Limmer)

Section 4 expands the crimes on which the Department of Public Safety must gather statistical data related to human trafficking to include the following:

- Section 617.247 (possession of pornographic work involving minors); and
- Section 617.293 (harmful materials; dissemination and display to minors prohibited).

This section also requires that pornography be considered as a potential social factor that contributes to and fosters trafficking. (Note: This section reflects an amendment made in the Finance Committee.) (S.F. No. 2554, Sen. Benson)

Section 5 extends the sunset of the Court Technology Fund to June 30, 2023, and requires continuing reports to the Legislature regarding fund activity. The 2013 Legislature established the Court Technology Fund to develop, support, maintain, and upgrade court and court-related computer systems and initiatives. A \$2 technology fee, which pays for the projects, is collected on court filings and motions and deposited in the court technology account in the special revenue fund. Under current law, the fund sunsets June 30, 2018. (S.F. No. 2721, Sen. Limmer)

Section 6 expands the prostitution-related crime penalty assessment to a number of new crimes. Under current law, when a person commits certain prostitution-related crimes, the court imposes an assessment of between \$500 and \$1,000 in addition to any fine. The money is divided between the local political subdivision (40% to be used for combating the sexual exploitation of youth), the prosecuting agency (20% also to be used in relation to combating the sexual exploitation of youth) and the safe harbor account (40%). The changes to this section add several new offenses to the list of crimes for which an assessment must be imposed:

- Section 609.27 (coercion);
- Section 609.282 (labor trafficking);
- Section 609.283 (unlawful conduct with respect to documents in furtherance of labor or sex trafficking);
- Section 609.33 (disorderly house);

- Section 609.352 (solicitation of a child);
- Section 617.246 (use of minors in a sexual performance);
- Section 617.247 (possession of pornographic work involving minors); and
- Section 617.293 (harmful materials; dissemination and display to minors).

(S.F. No. 2554, Sen. Benson)

Section 7 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. (S.F. No. 2864, Sen. Relph)

Sections 8 to 11 amend the criminal sexual conduct in the 1st- to 4th-degree statutes to include the expanded definition of “position of authority” in section 7. (S.F. No. 2864, Sen. Relph)

Section 12 requires county attorneys to report specified information on stays of adjudication for 1st-5th degree criminal sexual conduct (CSC), criminal sexual predatory conduct, and failure to register as a predatory offender crimes, and also for stays of imposition or execution under 1st-4th degree CSC crimes involving presumptive commits to prison for intrafamilial sexual abuse. (S.F. No. 2699, Sen. Limmer)

Section 13 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 2. (Note: This section has a new requirement that the offender be more than 36 months older than the victim.) (S.F. No. 2699, Sen. Limmer)

Sections 14 to 20 amend the various child pornography crimes. Add enhanced felony statutory maximum penalties for those crimes if the crime involved a victim under the age of 13. Also adds enhanced statutory maximums for repeat offenders and offenders who are registered predatory offenders. (Some of these enhancements (the repeat offender and the predatory offender ones) are already present for some of the offenses. The net effect of these changes are to apply all three enhancements to each child pornography crime.) Also, extend the conditional release term for repeat child pornography offenders. (S.F. No. 2699, Sen. Limmer)

Section 21 requires the Minnesota Sentencing Guidelines Commission to comprehensively review and consider modifying how the Guidelines and the Grid treat child pornography crimes. (S.F. No. 2699, Sen. Limmer)

Section 22 prohibits the Commissioner of Management and Budget from allotting the spending authority requested by the Commissioner of Human Rights for a specified federal grant. (New, no Senate File.)

Section 23 transfers \$125,000 from the general fund to the peace officer training account to

address a projected deficiency in the account. (New, original concept from S.F. No. 3223, Sen. Ingebrigtsen.)

Section 24 appropriates: (1) \$6,600,000 for the Department of Corrections' offender health care contract deficiency; and (2) \$300,000 to the Bureau of Criminal Apprehension for two new drug scientists. Sets the budget tails for these items. (New, no Senate File, based on Governor's recommendations.)