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## **NEW LAWS AFFECTING SEXUAL ASSAULT FROM THE 2015 LEGISLATIVE SESSION**

### **MNCASA Agenda**

- 1) Prevention Grants: This new law provides statutory guidance for the Sexual Assault Primary Prevention program established through the budget process by the 2014 legislature and clarifies that grants will address preventing the initial victimization or perpetration of sexual assault. This section is effective July 1, 2015. See [Session Law Chapter 65, Article 1, Section 20](#).
- 2) Crime Victim Services: Crime victim services funding was increased by \$1.35 million for the biennium (FY 2016-17). This section is effective July 1, 2015. See [Session Law Chapter 65, Article 1, Section 11](#).
- 3) Sex Trafficking Package: Carried by MNCASA on behalf of the Statewide Human Trafficking Task Force. New laws include data practices protections for victims of sex trafficking, increases the statute of limitations for trafficking cases, provides assistance to law enforcement officers conducting stings, provides an affirmative defense for persons charged with prostitution who are victims of trafficking, bars ownership of adult entertainment business by persons convicted of trafficking, bars use of a polygraph for interviewing victims. These sections are effective August 1, 2015. See [Session Law Chapter 65, Article 6, Sections 2, 11, 12, 13, 15, 18, 19, 20 and 21](#).

### **MNCASA Supported and Additional Laws of Interest**

- 1) Campus Sexual Assault Prevention: This law expands requirements governing higher education institution policies on sexual harassment and sexual violence including amending victim rights provisions, providing amnesty from sanction for violations of policies on the personal use of drugs or alcohol for students who report in good faith, and requiring higher education institutions to provide an online reporting system to receive anonymous reports. Requires campuses to enter into a memorandum of understanding with the primary local law enforcement agency that serves the campus. Requires institutions to prepare annual statistical reports on sexual assault with provisions to protect the privacy of this data. Requires comprehensive training for students as well as those charged with investigating and adjudicating complaints of sexual assault. Training must address dynamics of sexual assault, neurobiological responses to trauma, and best practices for preventing, responding to, and investigating sexual assault. Requires student health services providers to screen students for incidents of sexual assault and to provide information on resources available to students. See [Session Law Chapter 69, Article 4](#). This section is effective August 1, 2016.

- 2) Rape Kit Backlog Audit: This law requires law enforcement to respond to an audit and report the number of untested rape kits. [See Session Law Chapter 65, Article 3](#). This section is effective the day after enactment (May 23, 2015).
- 3) Fifth Degree Criminal Sexual Conduct, Sexual Contact and Adulteration: These laws criminalize the nonconsensual ingestion of certain bodily fluids including semen and also creates the new crime of adulteration by bodily fluid. See [Session Law Chapter 65, Article 6](#). This section is effective August 1, 2015.
- 4) Safe Harbor/Sexual Exploitation of Youth: A total of \$3 million in funding over the biennium will support shelter/housing, protocol implementation, regional navigators and supportive services. See [Session Law Chapter 71, Article 14](#). This section is effective July 1, 2015.
- 5) Necessity Defense: This law recognizes a necessity defense in implied consent proceedings associated with driver's license revocation. See [Session Law Chapter 65, Article 6](#). This section is effective August 1, 2015.
- 6) Working Group on Violence Against Asian Women and Children: This law establishes a multidisciplinary team to oversee a two-year study of the nature, scope and prevalence of gender-based violence in the Asian Pacific Minnesotan community and supports this work with \$200,000 in funding. See [Session Law 71, Article 8](#). This section is effective July 1, 2015.
- 7) Sex Trafficking Investigations: This law provides \$500,000 for the biennium to support law enforcement agencies engaged in sex trafficking investigations. See [Session Law Chapter 65, Article 1](#). This section is effective July 1, 2015.
- 8) Funding for Child Advocacy Centers: Funds were increased by \$800,000 over the biennium to support child advocacy centers. See [Session Law Chapter 65, Article 1](#). This section is effective July 1, 2015.

#### **Bills of Interest Introduced in 2015 Session and Bills Pending Action in 2016 Session**

- 1) Harassment Restraining Orders: This bill was introduced in both the House and Senate but not scheduled for hearing. It includes change to the HRO statute to comport with some aspects of the Order for Protection statutes. To read the bill click [here](#).
- 2) Harassment Restraining Order Database: This bill was introduced in both the House and Senate but not scheduled for hearing. It includes HROs in a database accessed by law enforcement and the courts. To read the bill click [here](#).
- 3) Position of Authority: This bill provides a look-back period of 120 days so that a person in a position of authority over a minor cannot engage in a sexual relationship with the minor immediately after the position of authority ends. It passed the House Public Safety and Senate Judiciary Committees, received a unanimous vote on the Senate floor and requires a final vote in the House. To read the bill click [here](#).

- 4) Expanded Statute of Limitations for Failure to Report Child Maltreatment: This bill extends the criminal statute of limitations for failure to report to comport with the statute of limitations for criminal sexual abuse of a child. To read the bill click [here](#).
- 5) Healthcare Access for Recovery and Treatment of Survivors Act: This bill establishes health insurance coverage for victims of sexual assault, domestic abuse and sex trafficking. To read the bill click [here](#).
- 6) Revenge Porn: This bill addresses unauthorized release of intimate images. To read the bill click [here](#).
- 7) Safe Harbor for Adults: This bill remove penalties for persons who trade sex for money or other goods/services. The bill does not remove penalties for sex purchasers. To read the bill click [here](#).
- 8) Termination of Parental Rights When Child Conceived from Rape: An amendment was introduced providing a process for termination of parental rights when a child is conceived from rape. The amendment did not survive conference committee but it is expected that a bill on this issue will be introduced in the 2016 session.

*As of June 16, 2015*