



NEW LAWS AFFECTING SEXUAL ASSAULT FROM THE 2011 LEGISLATIVE SESSION

MNCASA Agenda

Funding for Victim Services: The Public Safety Budget bill signed by Governor Dayton during Special Session contains an approximate 4% percent cut to victim services in the Office of Justice Programs. Although cuts are always difficult these are much lower cuts than those originally passed by the legislature and vetoed by the Governor in the regular session. See Special Session Law Chapter 1.

MNCASA Supported

Safe Harbors for Exploited Youth: MNCASA supported a proposal by The Advocates for Human Rights and The Family Partnership clarifying that sexually exploited children such as those forced into prostitution are crime victims, not criminals (applies to youth under the age of 16 years). Prosecutors are required to refer 16 or 17 year olds with first time prostitution offenses to a diversion program or petitioner the child as a child in need of protection. See Special Session Law Chapter 1. Amends various existing statutes. This law is effective August 1, 2014 and applies to crimes committed on or after that date.

The chapter also includes technical changes in the prostitution statutes supported by the City of Minneapolis that distinguish sections affecting patrons and prostitutes to better facilitate data collection. See Special Session Law Chapter 1. Amends Minn. Stat. 609.321. This law is effective August 1, 2011.

Other Laws of Note

Juvenile Sex Offenders: Courts may bar juveniles age 15 and over who adjudicated delinquent of first to fifth degree criminal sexual conduct from residing within 1,000 feet or three blocks of the victim. There is an exception if the offender and victim live in the same home. See Session Law Chapter 72. Amends Minn. Stat. 260B.198. This law is effective August 1, 2011.

Vulnerable Adults: Assault of a vulnerable adult is a fourth-degree assault crime and requires anyone convicted of criminal abuse of a vulnerable adult to register as a predatory offender. The fourth-degree assault penalty also increases from misdemeanor to a gross misdemeanor for those who know or have reason to know their target is a vulnerable adult and still assault that person because of the perceived vulnerability and cause bodily harm in the act. See Session Law 28. Amends Minn. Stat. 243.166 and 609.2231. Both of these laws are effective August 1, 2011.

Sex Offenders: There were extensive changes to the statutes affecting SPP/SDPs including community notification, transfers from secure facilities, revocations of transfers, provisional discharge, absence from a treatment facility without authorization, and authority to detain and transport SPP/SDPs. See Session Law 102. These laws are generally effective May 28, 2011 with some parts effective August 1, 2011.

In addition, the commissioner of human services, in consultation with the revisor of statutes, shall review the existing laws related to the commitment of individuals with sexual psychopathic personality (SPP) and sexually dangerous persons (SDP) in order to propose legislation for the 2012 session that will clarify these laws so they are distinguished from the laws dealing with other forms of civil commitment. See Session Law 102. This law is effective May 28, 2011

Domestic Abuse: A violation of a domestic abuse no-contact order is a targeted misdemeanor requiring police fingerprinting. See Session Law 79. Amends Minn. Stat. 299C.10. This law is effective August 1, 2011.

Orders for dismissal under Minn. Stat. 518B.01 (Domestic Abuse Act) can be served personally or by certified mail (used to be personally only). See Session Law Chapter 116. Amends Minn. Stat. 518B.01 subd. 8. This law is effective August 1, 2011.

Fingerprinting is required for domestic abuse no contact order violations under Minn. Stat. 299C.10 (added to list of targeted misdemeanors). See Session Law Chapter 79. Amends Minn. Stat. 629.75. This law is effective August 1, 2011 and applies to crimes committed after this date.