

2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 152--S.F.No. 2649

An act relating to criminal justice; expanding the damage to energy transmission or telecommunications equipment crime; amending Minnesota Statutes 2014, section 609.593, subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 609.593, subdivision 1, is amended to read:

Subdivision 1. **Crime.** Whoever intentionally and without consent from one authorized to give consent causes any damage to or takes, removes, severs, or breaks:

(1) any line erected or maintained for the purpose of transmitting electricity for light, heat, or power, or any insulator or cross-arm, appurtenance or apparatus connected to the line, or any wire, cable, or current of the line; or any component used in the generation, transmission, or distribution of electricity, including equipment used for grounding, system protection, or personnel protection;

(2) any pipe or main or hazardous liquid pipeline erected, operated, or maintained for the purpose of transporting, conveying, or distributing gas or other hazardous liquids for light, heat, power, or any other purpose, or any part of the pipe, main, or pipeline, or any valve, meter, holder, compressor, machinery, appurtenance, equipment, or apparatus connected with any main or pipeline; or

(3) any machinery, equipment, or fixtures used in receiving, initiating, amplifying, processing, transmitting, retransmitting, recording, switching, or monitoring telecommunications services, such as computers, transformers, amplifiers, routers, repeaters, multiplexers, and other items performing comparable functions; and machinery, equipment, and fixtures used in the transportation of telecommunications services, radio transmitters and receivers, satellite equipment, microwave equipment, and other transporting media including wire, cable, fiber, poles, and conduit;

is guilty of a crime and may be sentenced as provided in subdivision 2.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Presented to the governor May 20, 2016

Signed by the governor May 22, 2016, 4:54 p.m.

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2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 138--H.F.No. 3281

An act relating to lawful gambling; providing for raffle boards; amending Minnesota Statutes 2014, sections 297E.02, subdivisions 6a, 7; 349.2125, subdivision 1; 349.2127, subdivisions 2, 3, 4.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 297E.02, subdivision 6a, is amended to read:

Subd. 6a. **Unaccounted games.** If a licensed distributor cannot account for a pull-tab game, an electronic pull-tab game, a tipboard deal, ~~a raffle board,~~ paddletickets, an electronic linked bingo game, bingo paper sheets, or linked bingo paper sheets, the distributor must report the sheets ~~or games, or boards~~ to the commissioner as lost and remit a tax of six percent on the ideal gross of the sheets ~~or games, or boards~~.

Sec. 2. Minnesota Statutes 2014, section 297E.02, subdivision 7, is amended to read:

Subd. 7. **Untaxed gambling product.** (a) In addition to penalties or criminal sanctions imposed by this chapter, a person, organization, or business entity possessing or selling a pull-tab, electronic pull-tab game, ~~raffle board,~~ or tipboard upon which the tax imposed by this chapter has not been paid is liable for a tax of six percent of the ideal gross of each pull-tab, electronic pull-tab game, ~~raffle board,~~ or tipboard. The tax on a partial deal must be assessed as if it were a full deal.

(b) In addition to penalties and criminal sanctions imposed by this chapter, a person not licensed by the board who conducts bingo, linked bingo, electronic linked bingo, raffles, or paddlewheel games is liable for a tax of six percent of the gross receipts from that activity.

(c) The tax must be assessed by the commissioner. An assessment must be considered a jeopardy assessment or jeopardy collection as provided in section ~~270C.36~~. The commissioner shall assess the tax based on personal knowledge or information available to the commissioner. The commissioner shall mail to the taxpayer at the taxpayer's last known address, or serve in person, a written notice of the amount of tax, demand its immediate payment, and, if payment is not immediately made, collect the tax by any method described in chapter 270C, except that the commissioner need not await the expiration of the times specified in chapter 270C. The tax assessed by the commissioner is presumed to be valid and correctly determined and assessed. The burden is upon the taxpayer to show its incorrectness or invalidity. The tax imposed under this subdivision does not apply to gambling that is exempt from taxation under subdivision 2.

Sec. 3. Minnesota Statutes 2014, section 349.2125, subdivision 1, is amended to read:

Subdivision 1. **Contraband defined.** The following are contraband:

(1) all pull-tab or tipboard deals ~~or paddle ticket cards,~~ or raffle boards not bar coded in accordance with this chapter or chapter 297E;

(2) all pull-tab or tipboard deals or raffle boards in the possession of any unlicensed person, firm, or organization;

(3) any container used for the storage and display of any contraband pull-tab or tipboard deals or raffle boards as defined in clauses (1) and (2);

(4) all currency, checks, and other things of value used for pull-tab ~~or~~ tipboard, or raffle board transactions not expressly permitted under this chapter, and any cash drawer, cash register, or any other container used for illegal pull-tab ~~or~~ tipboard, or raffle board transactions including its contents;

(5) any device including, but not limited to, motor vehicles, trailers, snowmobiles, airplanes, and boats used, with the knowledge of the owner or of a person operating with the consent of the owner, for the storage or transportation of more than five pull-tab or tipboard deals or raffle boards that are contraband under this subdivision. When pull-tabs ~~and~~ tipboards, or raffle boards are being transported in the course of interstate commerce between locations outside this state, the pull-tab and tipboard deals or raffle boards are not contraband, notwithstanding the provisions of clauses (1) and (12);

(6) any unaffixed registration stamps except as provided in section [349.162, subdivision 4](#);

(7) any prize used or offered in a game utilizing contraband as defined in this subdivision;

(8) any altered, modified, or counterfeit pull-tab or tipboard ticket or raffle board;

(9) any unregistered gambling equipment except as permitted by this chapter;

(10) any gambling equipment kept in violation of section [349.18](#);

(11) any gambling equipment not in conformity with law or board rule;

(12) any pull-tab or tipboard deal or raffle board in the possession of a person other than a licensed distributor or licensed manufacturer for which the person, upon demand of a licensed peace officer or authorized agent of the commissioner of revenue or director of alcohol and gambling enforcement, does not immediately produce for inspection the invoice or a true and correct copy of the invoice for the acquisition of the deal or board from a licensed distributor;

(13) any pull-tab or tipboard deals or raffle boards or portions of deals or boards on which the tax imposed under chapter 297E has not been paid; and

(14) any device prohibited by section [609.76](#), subdivisions 4 to 6.

Sec. 4. Minnesota Statutes 2014, section 349.2127, subdivision 2, is amended to read:

Subd. 2. Prohibition against possession. (a) A person is guilty of a crime who sells, offers for sale, or possesses a pull-tab or tipboard deal ~~or~~ paddle ticket cards, or raffle board not stamped or bar coded in accordance with the provisions of this chapter or chapter 297E. A violation of this paragraph is a gross misdemeanor if it involves ten or fewer pull-tab or tipboard deals or raffle boards. A violation of this paragraph is a felony if it involves more than ten pull-tab or tipboard deals or raffle boards, or a combination of more than ten deals of pull-tabs and tipboards or raffle boards.

(b) A person, other than a licensed manufacturer, a licensed distributor, or an organization licensed or exempt or excluded from licensing under this chapter, is guilty of a crime who sells, offers to sell, or possesses gambling equipment. A violation of this paragraph is a gross misdemeanor if it involves ten or fewer pull-tab or tipboard deals or raffle boards. A violation of this paragraph is a felony if it involves more than ten pull-tab or tipboard deals or raffle boards, or a combination of more than ten deals of pull-tabs and tipboards or raffle boards.

MSGC SESSION LAW SET
PAGE 4 OF 29

(c) A person is guilty of a crime who alters, modifies, or counterfeits pull-tabs, tipboards, ~~or~~ tipboard tickets, or raffle boards or possesses altered, modified, or counterfeit pull-tabs, tipboards, ~~or~~ tipboard tickets, or raffle boards. A violation of this paragraph is a gross misdemeanor if the total face value for all such pull-tabs, tipboards, ~~or~~ tipboard tickets or raffle boards does not exceed \$200. A violation of this paragraph is a felony if the total face value exceeds \$200. For purposes of this paragraph, the face value of all pull-tabs, tipboards, and tipboard tickets or raffle boards altered, modified, or counterfeited within a six-month period may be aggregated and the defendant charged accordingly.

(d) A person, other than a licensed distributor or licensed manufacturer, is guilty of a crime who possesses a pull-tab or tipboard deal or raffle board for which the person, upon demand of a licensed peace officer or authorized agent of the commissioner of revenue or director of alcohol and gambling enforcement, does not immediately produce for inspection the invoice or a true and correct copy of the invoice for the acquisition of the deal or board from a licensed distributor. A violation of this paragraph is a gross misdemeanor if it involves ten or fewer pull-tab or tipboard deals or raffle boards. A violation of this paragraph is a felony if it involves more than ten pull-tab or tipboard deals or raffle boards, or a combination of more than ten deals of pull-tabs and tipboards or raffle boards. This paragraph does not apply to pull-tab and tipboard deals or raffle boards being transported in interstate commerce between locations outside this state.

Sec. 5. Minnesota Statutes 2014, section 349.2127, subdivision 3, is amended to read:

Subd. 3. False information. A person is guilty of a felony who:

(1) knowingly submits materially false information in any license application or other document or communication submitted to the board;

(2) knowingly places materially false information on a pull-tab or tipboard deal or raffle board invoice or a copy of the invoice; or

(3) knowingly presents to a licensed peace officer or authorized agent of the commissioner of revenue or director of alcohol and gambling enforcement a pull-tab or tipboard deal or raffle board invoice, or a copy of the invoice, that contains materially false information.

Sec. 6. Minnesota Statutes 2014, section 349.2127, subdivision 4, is amended to read:

Subd. 4. Transporting unstamped deals. A person is guilty of a gross misdemeanor who transports into, causes to be transported into, receives, carries, moves from place to place, or causes to be moved from place to place in this state, any paddle ticket cards ~~or~~ deals of pull-tabs or tipboards, or raffle boards not stamped or bar coded in accordance with this chapter or chapter 297E except in the course of interstate commerce between locations outside this state. A person is guilty of a felony who violates this subdivision with respect to more than ten pull-tab or tipboard deals or raffle boards, or a combination of more than ten deals of pull-tabs and tipboards.

Presented to the governor May 19, 2016

Signed by the governor May 22, 2016, 4:41 p.m.

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2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 93--S.F.No. 2227

An act relating to public safety; clarifying the offense of fourth degree assault against a peace officer; amending Minnesota Statutes 2014, section 609.2231, subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 609.2231, subdivision 1, is amended to read:

Subdivision 1. **Peace officers.** (a) ~~As used in this subdivision, "peace officer" means a person who is licensed under section 626.845, subdivision 1, and effecting a lawful arrest or executing any other duty imposed by law.~~

~~(b) Whoever physically assaults a peace officer licensed under section 626.845, subdivision 1, when that officer is effecting a lawful arrest or executing any other duty imposed by law is guilty of a gross misdemeanor and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.~~

~~(c) Whoever commits either of the following acts against a peace officer is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$6,000, or both: (1) physically assaults the officer if the assault inflicts demonstrable bodily harm; or the person (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the officer; the person is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$6,000, or both.~~

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Presented to the governor May 3, 2016

Signed by the governor May 6, 2016, 3:19 p.m.

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2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 189--H.F.No. 2749

An act relating to state government; providing supplemental appropriations and policy for higher education, agriculture, broadband development, state agencies, the courts, public safety, corrections, environment, natural resources, state government, veterans, jobs, economic development, labor and industry, commerce, housing finance, health and human services, early childhood education, voluntary prekindergarten, kindergarten through grade 12 education, and community and adult education; providing for the James Metzen Mighty Ducks Ice Center Development Act; providing policy initiatives for state government programs; making policy, technical, and conforming changes to various provisions, including provisions governing broadband development, state broadband goals, postsecondary student aid programs, agriculture, driver's licenses, identification cards, predatory offender registration, prostitution, game and fish, natural resources, state lands, watercraft, recreational vehicles, energy, utilities, state agencies, the Board of Barbers, veterans, economic development, labor and industry, housing, the Public Employment Relations Board, Explore Minnesota Tourism, commerce, children and family services, mental and chemical health services, direct care and treatment, continuing care, health care programs, Department of Health programs, and health-related licensing; making forecast adjustments; making adjustments to certain appropriations; specifying requirements for construction of highways on tribal lands; creating a surrogacy commission; modifying state procurement contracts; establishing certain programs and incentives; providing an income tax subtraction for military retirement pay; providing an income tax credit for parents of stillborn children; modifying the sales and use tax rate for retail sales of modular homes; increasing maximum sentence for felony assault motivated by bias; permitting the purchase and possession of alcohol by sensory testing firms; authorizing the issuance of certain liquor licenses; authorizing transfers; creating accounts; creating task forces; requiring reports; authorizing rulemaking; providing criminal penalties; amending Minnesota Statutes 2014, sections 3.3005, subdivisions 3, 3b, 4, 5, 6, by adding subdivisions; 13.3805, by adding a subdivision; 16A.103, by adding a subdivision; 16C.10, subdivision 6; 16C.16, subdivisions 6, 7, 11, by adding a subdivision; 16E.0466; 16E.21, subdivision 2, by adding subdivisions; 17.117, subdivisions 4, 11a; 17.4982, subdivision 18a; 18B.26, subdivision 3; 41A.12, subdivision 2; 61A.24, by adding a subdivision; 61A.25, by adding a subdivision; 62D.04, subdivision 1; 62D.08, subdivision 3; 62J.495, subdivision 4; 62J.496, subdivision 1; 62V.05, by adding a subdivision; 84.027, subdivision 13; 84.091, subdivision 2; 84.798, subdivision 2; 84.8035; 84D.01, subdivision 2; 84D.05, subdivision 1; 84D.09, subdivision 2; 84D.10, subdivision 4; 84D.108, by adding a subdivision; 84D.13, subdivision 4; 85.015, subdivision 13; 86B.005, by adding subdivisions; 88.01, by adding a subdivision; 88.22, subdivision 1; 89.0385; 93.0015, subdivision 3; 93.2236; 94.3495, subdivisions 2, 3, 7; 97A.075, subdivision 7; 97A.405, subdivision 2; 97A.465, by adding a subdivision; 115C.09, subdivisions 1, 3; 115C.13; 116J.395, subdivisions 4, 5, by adding subdivisions; 116J.423; 116J.424; 116J.431, subdivisions 1, 2, 4, 6; 116J.68; 116J.8737, subdivisions 2, 3, 5, 12; 116J.8747, subdivisions 1, 2; 116L.99; 116M.14,

MSGC SESSION LAW SET
PAGE 7 OF 29

Sec. 8. Minnesota Statutes 2014, section 171.07, subdivision 6, is amended to read:

Subd. 6. **Medical alert identifier.** Upon the written request of the applicant, the department shall issue a driver's license or Minnesota identification card bearing a graphic or written medical alert identifier. The applicant must request the medical alert identifier at the time the photograph or electronically produced image is taken. No specific medical information will be contained on the driver's license or Minnesota identification card.

Sec. 9. Minnesota Statutes 2014, section 171.07, subdivision 7, is amended to read:

Subd. 7. **Living Will/Health Care Directive designation.** (a) At the written request of the applicant and on payment of the required fee, the department shall issue, renew, or reissue a driver's license or Minnesota identification card bearing the graphic or written designation of a "Living Will/Health Care Directive" ~~or an abbreviation thereof~~. The designation does not constitute delivery of a health care declaration under section 145B.05.

(b) On payment of the required fee, the department shall issue a replacement or renewal license or identification card without the designation if requested by the applicant.

(c) This subdivision does not impose any additional duty on a health care provider, as defined in section 145B.02, subdivision 6, or 145C.01, subdivision 6, beyond the duties imposed in chapter 145B or 145C.

(d) For the purposes of this subdivision:

(1) "living will" means a declaration made under section 145B.03; and

(2) "health care directive" means a durable power of attorney for health care under section 145C.02, or any other written advance health care directive of the applicant that is authorized by statute or not prohibited by law.

Sec. 10. Minnesota Statutes 2014, section 171.07, subdivision 15, is amended to read:

Subd. 15. **Veteran designation.** (a) At the request of an eligible applicant and on payment of the required fee, the department shall issue, renew, or reissue to the applicant a driver's license or Minnesota identification card bearing a graphic or written designation of:

(1) "Veteran"; or

(2) "Veteran 100% T&P."

(b) At the time of the initial application for the designation provided under this subdivision, the applicant must:

(1) be a veteran, as defined in section 197.447;

(2) have a certified copy of the veteran's discharge papers; and

(3) if the applicant is seeking the disability designation under paragraph (a), clause (2), provide satisfactory evidence of a 100 percent total and permanent service-connected disability as determined by the United States Department of Veterans Affairs.

(c) The commissioner of public safety is required to issue drivers' licenses and Minnesota identification cards with the veteran designation only after entering a new contract or in coordination with producing a new card design with modifications made as required by law.

Sec. 11. Minnesota Statutes 2014, section 243.166, subdivision 1b, is amended to read:

Subd. 1b. **Registration required.** (a) A person shall register under this section if:

MSGC SESSION LAW SET
PAGE 8 OF 29

(1) the person was charged with or petitioned for a felony violation of or attempt to violate, or aiding, abetting, or conspiracy to commit, any of the following, and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances:

(i) murder under section [609.185](#), paragraph (a), clause (2);

(ii) kidnapping under section [609.25](#);

(iii) criminal sexual conduct under section [609.342](#); [609.343](#); [609.344](#); [609.345](#); [609.3451, subdivision 3](#); or [609.3453](#); or

(iv) indecent exposure under section [617.23, subdivision 3](#);

(2) the person was charged with or petitioned for a violation of, or attempt to violate, or aiding, abetting, or conspiring to commit criminal abuse in violation of section [609.2325, subdivision 1](#), paragraph (b); false imprisonment in violation of section [609.255, subdivision 2](#); solicitation, inducement, or promotion of the prostitution of a minor or engaging in the sex trafficking of a minor in violation of section [609.322](#); a prostitution offense involving a minor under the age of 13 years in violation of section [609.324, subdivision 1](#), paragraph (a); soliciting a minor to engage in sexual conduct in violation of section [609.352, subdivision 2](#) or 2a, clause (1); using a minor in a sexual performance in violation of section [617.246](#); or possessing pornographic work involving a minor in violation of section [617.247](#), and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

(3) the person was sentenced as a patterned sex offender under section [609.3455, subdivision 3a](#); or

(4) the person was charged with or petitioned for, including pursuant to a court martial, violating a law of the United States, including the Uniform Code of Military Justice, similar to the offenses described in clause (1), (2), or (3), and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances.

(b) A person also shall register under this section if:

(1) the person was charged with or petitioned for an offense in another state that would be a violation of a law described in paragraph (a) if committed in this state and convicted of or adjudicated delinquent for that offense or another offense arising out of the same set of circumstances;

(2) the person enters this state to reside, work, or attend school, or enters this state and remains for 14 days or longer; and

(3) ten years have not elapsed since the person was released from confinement or, if the person was not confined, since the person was convicted of or adjudicated delinquent for the offense that triggers registration, unless the person is subject to a longer registration period under the laws of another state in which the person has been convicted or adjudicated, or is subject to lifetime registration.

If a person described in this paragraph is subject to a longer registration period in another state or is subject to lifetime registration, the person shall register for that time period regardless of when the person was released from confinement, convicted, or adjudicated delinquent.

(c) A person also shall register under this section if the person was committed pursuant to a court commitment order under Minnesota Statutes 2012, section [253B.185](#), chapter 253D, Minnesota Statutes 1992, section [526.10](#), or a similar law of another state or the United States, regardless of whether the person was convicted of any offense.

(d) A person also shall register under this section if:

MSGC SESSION LAW SET
PAGE 9 OF 29

(1) the person was charged with or petitioned for a felony violation or attempt to violate any of the offenses listed in paragraph (a), clause (1), or a similar law of another state or the United States, or the person was charged with or petitioned for a violation of any of the offenses listed in paragraph (a), clause (2), or a similar law of another state or the United States;

(2) the person was found not guilty by reason of mental illness or mental deficiency after a trial for that offense, or found guilty but mentally ill after a trial for that offense, in states with a guilty but mentally ill verdict; and

(3) the person was committed pursuant to a court commitment order under section [253B.18](#) or a similar law of another state or the United States.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 12. **[325E.041] SENSORY TESTING RESEARCH.**

Subdivision 1. Definitions. For purposes of this section, the following terms have the meanings given:

(1) "sensory testing firm" means a business that tests consumer reaction to physical aspects of products for a third-party client;

(2) "trained sensory assessors" means members of the public at least 21 years of age selected by sensory testing firms and trained for a minimum of one hour to test products;

(3) "sensory testing facility" means a facility specifically designed as a controlled environment for testing; and

(4) "department" means the Department of Public Safety.

Subd. 2. Allowed activities. Notwithstanding any law to the contrary, a sensory testing firm may possess and may purchase alcohol at retail or wholesale, and may allow consumption of that alcohol, by trained sensory assessors for testing purposes at their facility, provided that:

(1) the firm must comply with section 340A.409 and all other state laws that do not conflict with this section;

(2) firms choosing to serve alcohol must be licensed by the department, which may assess a fee sufficient to cover costs; and

(3) records of testing protocols must be retained by the firm for at least one year.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 13. Minnesota Statutes 2014, section 484.90, subdivision 6, is amended to read:

Subd. 6. Allocation. (a) In all cases prosecuted in district court by an attorney for a municipality or other subdivision of government within the county for violations of state statute, or of an ordinance; or charter provision, rule, or regulation of a city; all fines, penalties, and forfeitures collected shall be deposited in the state treasury and distributed according to this paragraph. For the purpose of this section, the county attorney shall be considered the attorney for any town in which a violation occurs. Except where a different disposition is provided by section [299D.03, subdivision 5, 484.841, 484.85](#), or other law, on or before the last day of each month, the courts shall pay over all fines, penalties, and forfeitures collected by the court administrator during the previous month as follows:

MSGC SESSION LAW SET
PAGE 10 OF 29

(1) 100 percent of all fines or penalties for parking violations for which complaints and warrants have not been issued to the treasurer of the city or town in which the offense was committed; and

(2) two-thirds of all other fines to the treasurer of the city or town in which the offense was committed and one-third credited to the state general fund.

All other fines, penalties, and forfeitures collected by the court administrator shall be distributed by the courts as provided by law.

(b) Fines, penalties, and forfeitures shall be distributed as provided in paragraph (a) when:

(1) a city contracts with the county attorney for prosecutorial services under section 484.87, subdivision 3;

(2) a city has a population of 600 or less and has given the duty to prosecute cases to the county attorney under section 484.87; or

(3) the attorney general provides assistance to the county attorney as permitted by law.

Sec. 14. [609.2233] FELONY ASSAULT MOTIVATED BY BIAS; INCREASED STATUTORY MAXIMUM SENTENCE.

A person who violates section 609.221, 609.222, or 609.223 because of the victim's or another person's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin is subject to a statutory maximum penalty of 25 percent longer than the maximum penalty otherwise applicable.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 15. Minnesota Statutes 2015 Supplement, section 609.324, subdivision 1, is amended to read:

Subdivision 1. **Engaging in, hiring, or agreeing to hire minor to engage in prostitution; penalties.** (a) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000, or both:

(1) engages in prostitution with an individual under the age of 13 years; ~~or~~

(2) hires or offers or agrees to hire an individual under the age of 13 years to engage in sexual penetration or sexual contact; or

(3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 13 years to engage in sexual penetration or sexual contact.

(b) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both:

(1) engages in prostitution with an individual under the age of 16 years but at least 13 years; ~~or~~

(2) hires or offers or agrees to hire an individual under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact; or

(3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 16 years but at least 13 years to engage in sexual penetration or sexual contact.

(c) Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$10,000, or both:

(1) engages in prostitution with an individual under the age of 18 years but at least 16 years;

(2) hires or offers or agrees to hire an individual under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact; or

(3) hires or offers or agrees to hire an individual who the actor reasonably believes to be under the age of 18 years but at least 16 years to engage in sexual penetration or sexual contact.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 16. Laws 2015, chapter 65, article 1, section 18, is amended to read:

Sec. 18. AVIAN INFLUENZA AND AGRICULTURAL EMERGENCY RESPONSE.

Notwithstanding Minnesota Statutes, section 12.221, subdivision 6, ~~for fiscal years 2016 and 2017 through June 30, 2019, only~~, the disaster contingency account, under Minnesota Statutes, section 12.221, subdivision 6, may be used to pay for costs of ~~eligible avian influenza~~ emergency response activities for avian influenza and any agricultural emergency. By January 15, 2018, and again by January 15, 2020, the commissioner of management and budget must report to the chairs and ranking minority members of the senate Finance Committee and the house of representatives Committee on Ways and Means on any amount used for ~~avian influenza~~ the purposes authorized under this section.

Sec. 17. ST. CLOUD STATE UNIVERSITY; SPECIAL LICENSE.

Notwithstanding any other law, local ordinance, or charter provision to the contrary, the city of St. Cloud may issue an on-sale wine and malt liquor intoxicating liquor license to St. Cloud State University. A license authorized by this section may be issued for space that is not compact and contiguous, provided that all the space is within the boundaries of the campus of St. Cloud State University and is included in the description of the licensed premises on the approved license application. The license under this section authorizes sales on all days of the week to persons attending events at Herb Brooks National Hockey Center, subject to the hours and days of sale restrictions in Minnesota Statutes, and any reasonable license conditions or restrictions imposed by the licensing authority. All other provisions of Minnesota Statutes not inconsistent with this section apply to the license authorized under this section.

EFFECTIVE DATE. This section is effective upon approval by the St. Cloud City Council in the manner provided by Minnesota Statutes, section 645.021, subdivisions 2 and 3.

Sec. 18. INDIAFEST; SPECIAL LICENSE.

Notwithstanding any other law, local ordinance, or charter provision to the contrary, the city of St. Paul may issue a temporary on-sale intoxicating liquor license to the India Association of Minnesota, a nonprofit 501(c)(3) organization, for Indiafest on the grounds of the State Capitol. The license may authorize only the sale of intoxicating malt liquor and wine. All provisions of Minnesota Statutes not inconsistent with this section apply to the license authorized by this section.

2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 109--H.F.No. 71

An act relating to public safety; creating an enhanced penalty for criminal vehicular homicide occurring within ten years of a qualified offense; amending Minnesota Statutes 2014, sections 609.2111; 609.2112, subdivision 1; 609.2114, subdivision 1.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 609.2111, is amended to read:

609.2111 DEFINITIONS.

- (a) For purposes of sections 609.2111 to 609.2114, the terms defined in this subdivision have the meanings given them.
- (b) "Motor vehicle" has the meaning given in section 609.52, subdivision 1, and includes attached trailers.
- (c) "Controlled substance" has the meaning given in section 152.01, subdivision 4.
- (d) "Hazardous substance" means any chemical or chemical compound that is listed as a hazardous substance in rules adopted under chapter 182.
- (e) "Qualified prior driving offense" includes a prior conviction:
- (1) for a violation of section 169A.20 under the circumstances described in section 169A.24 or 169A.25;
- (2) under section 609.2112, subdivision 1, clauses (2) to (6); 609.2113, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); or 3, clauses (2) to (6); or 609.2114, subdivision 1, clauses (2) to (6); or 2, clauses (2) to (6);
- (3) under Minnesota Statutes 2012, section 609.21, subdivision 1, clauses (2) to (6); or
- (4) under Minnesota Statutes 2006, section 609.21, subdivision 1, clauses (2) to (6); 2, clauses (2) to (6); 2a, clauses (2) to (6); 2b, clauses (2) to (6); 3, clauses (2) to (6); or 4, clauses (2) to (6).

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2014, section 609.2112, subdivision 1, is amended to read:

- Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b), a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of a human being not constituting murder or manslaughter as a result of operating a motor vehicle:
- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
- (i) alcohol;

- (ii) a controlled substance; or
 - (iii) any combination of those elements;
 - (3) while having an alcohol concentration of 0.08 or more;
 - (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
 - (5) in a negligent manner while knowingly under the influence of a hazardous substance;
 - (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;
 - (7) where the driver who causes the collision leaves the scene of the collision in violation of section [169.09, subdivision 1](#) or 6; or
 - (8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the death was caused by the defective maintenance.
- (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a), clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory maximum sentence of imprisonment is 15 years.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 3. Minnesota Statutes 2014, section 609.2114, subdivision 1, is amended to read:

Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a person is guilty of criminal vehicular operation resulting in death to an unborn child and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the person causes the death of an unborn child as a result of operating a motor vehicle:

- (1) in a grossly negligent manner;
- (2) in a negligent manner while under the influence of:
 - (i) alcohol;
 - (ii) a controlled substance; or
 - (iii) any combination of those elements;
- (3) while having an alcohol concentration of 0.08 or more;
- (4) while having an alcohol concentration of 0.08 or more, as measured within two hours of the time of driving;
- (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- (6) in a negligent manner while any amount of a controlled substance listed in Schedule I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the person's body;
- (7) where the driver who causes the accident leaves the scene of the accident in violation of section [169.09, subdivision 1](#) or 6; or

(8) where the driver had actual knowledge that a peace officer had previously issued a citation or warning that the motor vehicle was defectively maintained, the driver had actual knowledge that remedial action was not taken, the driver had reason to know that the defect created a present danger to others, and the injury was caused by the defective maintenance.

(b) If a person is sentenced under paragraph (a) for a violation under paragraph (a), clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory maximum sentence of imprisonment is 15 years.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Presented to the governor May 12, 2016

Signed by the governor May 12, 2016, 1:26 p.m.

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2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 175--H.F.No. 3469

An act relating to crime; modifying crime and increasing sentence of interfering with a body or scene of death; amending Minnesota Statutes 2014, section 609.502, subdivision 1, by adding a subdivision.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2014, section 609.502, subdivision 1, is amended to read:

Subdivision 1. **Concealing evidence.** ~~Whoever~~ A person is guilty of a crime and may be sentenced under subdivision 1a if the person interferes with the body or scene of death with intent to:

(1) conceal the body;

(2) conceal evidence; or

(3) otherwise mislead the coroner or ~~conceal evidence is guilty of a gross misdemeanor or~~ medical examiner.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2014, section 609.502, is amended by adding a subdivision to read:

Subd. 1a. Penalty. A person convicted under subdivision 1, clause (2) or (3), is guilty of a gross misdemeanor. A person convicted under subdivision 1, clause (1), may be sentenced to imprisonment for not more than three years or to a payment of a fine of not more than \$5,000 or both.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 3. **TITLE.**

This act shall be known as "Laura's Law."

Presented to the governor May 24, 2016

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2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 188--H.F.No. 848

An act relating to financing of state and local government; making changes to property, individual income, corporate franchise, estate, sales and use, excise, petroleum and other fuel, gambling, tobacco, special, mineral, local, and other taxes and tax-related provisions; modifying local government aids and credits; amending county levy authority; exempting certain electric generation facility property and soccer stadium property from property tax; extending homestead value exclusion for spouses of qualifying deceased veterans; amending the state general levy; abating local property taxes in the Lake Mille Lacs area; establishing school building bond agricultural credit; establishing reimbursement for certain out-of-home placements of Indian children; establishing riparian protection aid; forgiving certain aid penalties; providing for federal tax conformity; modifying income tax credits; providing income tax credits; changing income tax modifications; modifying residency rules; modifying sales and use tax definitions; modifying sales and use tax collection requirements; modifying sales and use tax exemptions; providing for reimbursement from the Minnesota Sports Facilities Authority of certain sales and use taxes; allocating certain sales and use tax revenues; modifying and allowing certain local sales and use taxes; modifying provisions for gasoline used as a substitute for aviation gasoline; providing tax rates on paper pull-tabs sold at bingo halls; providing definitions and a tax rate for vapor products; modifying taconite tax distributions and deposits; providing for local development projects; modifying public finance provisions; transferring approval authority from the Iron Range Resources and Rehabilitation Board to the commissioner of Iron Range resources and rehabilitation; requiring the commissioner of Iron Range resources and rehabilitation to seek a recommendation from the board in certain circumstances; providing for transfer of ownership, eligibility, certification, and notification requirements for enrollment of land in the Sustainable Forest Incentive Act; modifying the budget reserve; providing a new markets grant program; providing a tax time savings grant program; providing civil and criminal penalties for sales suppression devices; allocating additional amounts to the border city enterprise zones; making clarifying and conforming changes; removing obsolete language; requiring reports; appropriating money; amending Minnesota Statutes 2014, sections 13.51, subdivision 2; 15.38, subdivision 7; 69.021, subdivision 5; 116J.424; 136A.129, subdivision 3; 138.053; 216B.161, subdivision 1; 270.071, subdivisions 2, 7, 8, by adding a subdivision; 270.072, subdivisions 2, 3, by adding a subdivision; 270.12, by adding a subdivision; 270.82, subdivision 1; 270A.03, subdivision 5; 270B.14, subdivision 1; 270C.30; 270C.33, subdivisions 5, 8; 270C.34, subdivision 2; 270C.347, subdivision 1; 270C.35, subdivision 3, by adding a subdivision; 270C.38, subdivision 1; 270C.445, by adding a subdivision; 270C.446, subdivision 5; 270C.72, subdivision 4; 270C.89, subdivision 1; 271.06, subdivisions 2, 7; 271.08, subdivision 1; 271.21, subdivision 2; 272.02, subdivisions 9, 10, by adding subdivisions; 272.0211, subdivision 1; 272.025, subdivision 1; 272.029, subdivisions 2, 4, by adding a subdivision; 272.0295, subdivision 4; 272.115, subdivision 2; 272.162; 273.032; 273.061, subdivision 7; 273.08; 273.121, by adding a subdivision; 273.124,

MSGC SESSION LAW SET
PAGE 17 OF 29

(iv) the assessor's estimated market value of the property included in the petition is less than \$300,000; or

(b) any case not involving valuation, assessment, or taxation of real and personal property in which the amount in controversy does not exceed ~~\$5,000~~ \$15,000, including penalty and interest.

EFFECTIVE DATE. This section is effective the day following final enactment.

Sec. 6. Minnesota Statutes 2014, section 289A.60, is amended by adding a subdivision to read:

Subd. 32. Sales suppression. (a) A person who:

- (1) sells;
- (2) transfers;
- (3) develops;
- (4) manufactures; or
- (5) possesses with the intent to sell or transfer

an automated sales suppression device, zapper, phantom-ware, or similar device capable of being used to commit tax fraud or suppress sales is liable for a civil penalty calculated under paragraph (b).

(b) The amount of the civil penalty equals the greater of (1) \$2,000, or (2) the total amount of all taxes and penalties due that are attributable to the use of any automated sales suppression device, zapper, phantom-ware, or similar device facilitated by the sale, transfer, development, or manufacture of the automated sales suppression device, zapper, phantom-ware, or similar device by the person.

(c) The definitions in section 609.858 apply to this subdivision.

EFFECTIVE DATE. This section is effective for activities enumerated in paragraph (a) that occur after July 1, 2016.

Sec. 7. Minnesota Statutes 2014, section 290A.03, subdivision 13, is amended to read:

Subd. 13. **Property taxes payable.** "Property taxes payable" means the property tax exclusive of special assessments, penalties, and interest payable on a claimant's homestead after deductions made under sections 273.135, 273.1384, 273.1391, 273.42, subdivision 2, and any other state paid property tax credits in any calendar year, and after any refund claimed and allowable under section 290A.04, subdivision 2h, that is first payable in the year that the property tax is payable. In the case of a claimant who makes ground lease payments, "property taxes payable" includes the amount of the payments directly attributable to the property taxes assessed against the parcel on which the house is located. No apportionment or reduction of the "property taxes payable" shall be required for the use of a portion of the claimant's homestead for a business purpose if the claimant does not deduct any business depreciation expenses for the use of a portion of the homestead, or does not deduct expenses under section 280A of the Internal Revenue Code for a business operated in the home, in the determination of federal adjusted gross income. For homesteads which are manufactured homes as defined in section 273.125, subdivision 8, and for homesteads which are park trailers taxed as manufactured homes under section 168.012, subdivision 9, "property taxes payable" shall also include 17 percent of the gross rent paid in the preceding year for the site on which the homestead is located. When a homestead is owned by two or more persons as joint tenants or tenants in common, such tenants shall determine between them which tenant may claim the property taxes payable

MSGC SESSION LAW SET
PAGE 18 OF 29

on the homestead. If they are unable to agree, the matter shall be referred to the commissioner of revenue whose decision shall be final. Property taxes are considered payable in the year prescribed by law for payment of the taxes.

In the case of a claim relating to "property taxes payable," the claimant must have owned and occupied the homestead on January 2 of the year in which the tax is payable and (i) the property must have been classified as homestead property pursuant to section [273.124](#), on or before December 15 of the assessment year to which the "property taxes payable" relate; or (ii) the claimant must provide documentation from the local assessor that application for homestead classification has been made on or before December 15 of the year in which the "property taxes payable" were payable and that the assessor has approved the application.

EFFECTIVE DATE. This section is effective for refunds based on rent paid after December 31, 2014, and property taxes payable after December 31, 2015.

Sec. 8. Minnesota Statutes 2014, section 469.169, is amended by adding a subdivision to read:

Subd. 20. Additional allocation; 2016. In addition to the tax reductions in subdivisions 12 to 19, \$3,000,000 is allocated for tax reductions to border city enterprise zones in cities located on the western border of the state. The commissioner shall allocate this amount among cities on a per capita basis. Allocations under this subdivision may be used for tax reductions under sections 469.171, 469.1732, and 469.1734, or for other offsets of taxes imposed on or remitted by businesses located in the enterprise zone, but only if the municipality determines that the granting of the tax reduction or offset is necessary to retain a business within or attract a business to the zone.

EFFECTIVE DATE. This section is effective July 1, 2016.

Sec. 9. Minnesota Statutes 2014, section 609.5316, subdivision 3, is amended to read:

Subd. 3. Weapons, telephone cloning paraphernalia, automated sales suppression devices, and bullet-resistant vests. Weapons used are contraband and must be summarily forfeited to the appropriate agency upon conviction of the weapon's owner or possessor for a controlled substance crime; for any offense of this chapter or chapter 624, or for a violation of an order for protection under section [518B.01, subdivision 14](#). Bullet-resistant vests, as defined in section [609.486](#), worn or possessed during the commission or attempted commission of a crime are contraband and must be summarily forfeited to the appropriate agency upon conviction of the owner or possessor for a controlled substance crime or for any offense of this chapter. Telephone cloning paraphernalia used in a violation of section [609.894](#), and automated sales suppression devices, phantom-ware, and other devices containing an automated sales suppression or phantom-ware device or software used in violation of section [609.858](#), are contraband and must be summarily forfeited to the appropriate agency upon a conviction.

Sec. 10. **[609.858] USE OF AUTOMATED SALES SUPPRESSION DEVICES.**

Subdivision 1. Definitions. (a) For the purposes of this section, the following terms have the meanings given.

(b) "Automated sales suppression device" or "zapper" means a software program, carried on any tangible medium, or accessed through any other means, that falsifies the electronic records of electronic cash registers and other point-of-sale systems including, but not limited to, transaction data and transaction reports.

(c) "Electronic cash register" means a device that keeps a register or supporting documents through the means of an electronic device or computer system designed to

MSGC SESSION LAW SET
PAGE 19 OF 29

record transaction data for the purpose of computing, compiling, or processing retail sales transaction data in whatever manner.

(d) "Phantom-ware" means hidden preinstalled, or later-installed programming option embedded in the operating system of an electronic cash register or hardwired into the electronic cash register that can be used to create a virtual second electronic cash register or may eliminate or manipulate transaction records that may or may not be preserved in digital formats to represent the true or manipulated record of transactions in the electronic cash register.

(e) "Transaction data" includes items purchased by a customer, the price of each item, the taxability determination for each item, a segregated tax amount for each of the taxed items, the date and time of the purchase, the name, address and identification number of the vendor, and the receipt or invoice number of the transaction.

(f) "Transaction report" means a report documenting, but not limited to, the sales, taxes collected, media totals, and discount voids at an electronic cash register that is printed on cash register tape at the end of a day or shift, or a report documenting every action at an electronic cash register that is stored electronically.

Subd. 2. **Felony.** A person who sells, purchases, installs, transfers, possesses, develops, manufactures, accesses, or uses an automated sales suppression device, zapper, phantom-ware, or similar device knowing that the device or phantom-ware is capable of being used to commit tax fraud or suppress sales is guilty of a felony and may be sentenced to imprisonment for not more than five years or to a payment of a fine of not more than \$10,000, or both.

Subd. 3. **Forfeiture.** An automated sales suppression device, zapper, phantom-ware, and any other device containing an automated sales suppression, zapper, or phantom-ware device or software is contraband and subject to forfeiture under section 609.5316.

EFFECTIVE DATE. This section is effective August 1, 2015, and applies to crimes committed on or after that date.

Sec. 11. **APPROPRIATIONS.**

Subdivision 1. **New markets grant program.**

\$30,000,000 in fiscal year 2017 is appropriated from the general fund to the commissioner of employment and economic development for the new markets grant program under Minnesota Statutes, section 116J.952. This appropriation is a onetime appropriation and is available until June 30, 2024. The commissioner may award grants of up to \$10,000,000 per fiscal year.

Subd. 2. **Department of Revenue.**

\$5,000,000 in fiscal year 2017 is appropriated from the general fund to the commissioner of revenue for administering this act. The funding base for this appropriation in fiscal year 2018 and thereafter is \$2,000,000.

Subd. 3. **Tax time savings grant program.**

(a) \$400,000 is appropriated in fiscal year 2017 from the general fund to the commissioner of revenue to make grants under the tax time savings grant program under Minnesota Statutes, section 270C.22. Of this amount, up to five percent may be used for the administration of the tax time savings grant program.

(b) The base funding for the grant program authorized under paragraph (a) is \$400,000 each year.

2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 126--S.F.No. 2713

An act relating to public safety; creating a civil cause of action for the nonconsensual dissemination of private sexual images and nonconsensual sexual solicitation; amending the crime of stalking to include nonconsensual sexual solicitation; expanding the definition of qualified domestic violence-related offense; establishing criminal penalties for nonconsensual dissemination of private sexual images and nonconsensual sexual solicitation; clarifying the law of criminal defamation; amending Minnesota Statutes 2014, sections 609.02, subdivision 16; 609.27, subdivision 1; 609.275; 609.748, subdivision 1; 609.749, subdivision 2; 609.765; proposing coding for new law in Minnesota Statutes, chapters 604; 617.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[604.30] DEFINITIONS.**

(a) For the purposes of sections 604.30 and 604.31, the following terms have the meanings given.

(b) "Dissemination" means distribution to one or more persons, other than the person who is depicted in the image, or publication by any publicly available medium.

(c) "Image" means a photograph, film, video recording, or digital photograph or recording.

(d) "Intimate parts" means genitals, pubic area, or anus of an individual, or if the individual is female, a partially or fully exposed nipple.

(e) "Personal information" includes any identifier that permits communication or in-person contact with the person depicted in the image, including:

(1) the person's first and last name, first initial and last name, first name and last initial, or nickname;

(2) the person's home, school, or work address;

(3) the person's telephone number, e-mail address, or social media account information; or

(4) the person's geolocation data.

(f) "Sexual act" means either sexual contact or sexual penetration.

(g) "Sexual contact" means the intentional touching of intimate parts or intentional touching with seminal fluid or sperm onto another person's body.

(h) "Social media" means any electronic medium, including an interactive computer service, telephone network, or data network, that allows users to create, share, and view user-generated content.

(i) "Sexual penetration" means any of the following acts:

(1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

(2) any intrusion, however slight, into the genital or anal openings of an individual by another's body part or an object used by another for this purpose.

Sec. 2. **1604.31 CAUSE OF ACTION FOR NONCONSENSUAL DISSEMINATION OF PRIVATE SEXUAL IMAGES; SEXUAL SOLICITATION.**

Subdivision 1. Nonconsensual dissemination of private sexual images. (a) A cause of action against a person for the nonconsensual dissemination of private sexual images exists when:

(1) a person disseminated an image without the consent of the person depicted in the image;

(2) the image is of an individual depicted in a sexual act or whose intimate parts are exposed in whole or in part;

(3) the person is identifiable:

(i) from the image itself, by the person depicted in the image or by another person; or

(ii) from the personal information displayed in connection with the image; and

(4) the image was obtained or created under circumstances in which the person depicted had a reasonable expectation of privacy.

(b) The fact that the individual depicted in the image consented to the creation of the image or to the voluntary private transmission of the image is not a defense to liability for a person who has disseminated the image without consent.

Subd. 2. Nonconsensual sexual solicitation. A person who uses the personal information of another to invite, encourage, or solicit sexual acts without the individual's consent and knows or has reason to know it will cause the person whose personal information is used to feel harassed, frightened, threatened, oppressed, persecuted, or intimidated, is liable for damages to the individual whose personal information was published or disseminated publicly.

Subd. 3. Damages. The court may award the following damages to a prevailing plaintiff from a person found liable under subdivision 1 or 2:

(1) general and special damages, including all finance losses due to the dissemination of the image and damages for mental anguish;

(2) an amount equal to any profit made from the dissemination of the image by the person who intentionally disclosed the image;

(3) a civil penalty awarded to the plaintiff of an amount up to \$10,000; and

(4) court costs, fees, and reasonable attorney fees.

Subd. 4. Injunction; temporary relief. (a) A court may issue a temporary or permanent injunction or restraining order to prevent further harm to the plaintiff.

(b) The court may issue a civil fine for the violation of a court order in an amount up to \$1,000 per day for failure to comply with an order granted under this section.

Subd. 5. Confidentiality. The court shall allow confidential filings to protect the privacy of the plaintiff in cases filed under this section.

Subd. 6. Liability; exceptions. (a) No person shall be found liable under this section when:

(1) the dissemination is made for the purpose of a criminal investigation or prosecution that is otherwise lawful;

(2) the dissemination is for the purpose of, or in connection with, the reporting of unlawful conduct;

(3) the dissemination is made in the course of seeking or receiving medical or mental health treatment, and the image is protected from further dissemination;

(4) the image involves exposure in public or was obtained in a commercial setting for the purpose of the legal sale of goods or services, including the creation of artistic products for sale or display;

(5) the image relates to a matter of public interest and dissemination serves a lawful public purpose;

(6) the dissemination is for legitimate scientific research or educational purposes; or

(7) the dissemination is made for legal proceedings and is consistent with common practice in civil proceedings necessary for the proper functioning of the criminal justice system, or protected by court order which prohibits any further dissemination.

(b) This section does not alter or amend the liabilities and protections granted by United States Code, title 47, section 230, and shall be construed in a manner consistent with federal law.

(c) A cause of action arising under this section does not prevent the use of any other cause of action or remedy available under the law.

Subd. 7. **Jurisdiction.** A court has jurisdiction over a cause of action filed pursuant to this section if the plaintiff or defendant resides in this state.

Subd. 8. **Venue.** A cause of action arising under this section may be filed in either:

(1) the county of residence of the defendant or plaintiff or in the jurisdiction of the plaintiff's designated address if the plaintiff participates in the address confidentiality program established by chapter 5B; or

(2) the county where any image is produced, reproduced, or stored in violation of this section.

Subd. 9. **Discovery of dissemination.** In a civil action brought under subdivision 1, the statute of limitations is tolled until the plaintiff discovers the image has been disseminated.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to causes of action commenced on or after that date.

Sec. 3. Minnesota Statutes 2014, section 609.02, subdivision 16, is amended to read:

Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic violence-related offense" includes a violation of or an attempt to violate sections [518B.01, subdivision 14](#) (violation of domestic abuse order for protection); [609.185](#) (first-degree murder); [609.19](#) (second-degree murder); [609.221](#) (first-degree assault); [609.222](#) (second-degree assault); [609.223](#) (third-degree assault); [609.2231](#) (fourth-degree assault); [609.224](#) (fifth-degree assault); [609.2242](#) (domestic assault); [609.2245](#) (female genital mutilation); [609.2247](#) (domestic assault by strangulation); [609.342](#) (first-degree criminal sexual conduct); [609.343](#) (second-degree criminal sexual conduct); [609.344](#) (third-degree criminal sexual conduct); [609.345](#) (fourth-degree criminal sexual conduct); [609.377](#) (malicious punishment of a child); [609.713](#) (terroristic threats); [609.748, subdivision 6](#) (violation of harassment restraining order); [609.749](#) (stalking); [609.78, subdivision 2](#) (interference with an emergency call); [617.261](#) (nonconsensual dissemination of private sexual images); and [629.75](#) (violation of domestic abuse no contact order); and similar laws of other states, the United States, the District of Columbia, tribal lands, and United States territories.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2014, section 609.27, subdivision 1, is amended to read:

Subdivision 1. **Acts constituting.** Whoever orally or in writing makes any of the following threats and thereby causes another against the other's will to do any act or forbear doing a lawful act is guilty of coercion and may be sentenced as provided in subdivision 2:

(1) a threat to unlawfully inflict bodily harm upon, or hold in confinement, the person threatened or another, when robbery or attempt to rob is not committed thereby; or

(2) a threat to unlawfully inflict damage to the property of the person threatened or another; or

(3) a threat to unlawfully injure a trade, business, profession, or calling; or

(4) a threat to expose a secret or deformity, publish a defamatory statement, or otherwise to expose any person to disgrace or ridicule; or

(5) a threat to make or cause to be made a criminal charge, whether true or false; provided, that a warning of the consequences of a future violation of law given in good faith by a peace officer or prosecuting attorney to any person shall not be deemed a threat for the purposes of this section; or

(6) a threat to commit a violation under section 617.261.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 5. Minnesota Statutes 2014, section 609.275, is amended to read:

609.275 ATTEMPT TO COERCE.

Whoever makes a threat within the meaning of section 609.27, subdivision 1, clauses (1) to ~~(5)~~ (6), but fails to cause the intended act or forbearance, commits an attempt to coerce and may be punished as provided in section 609.17.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 6. Minnesota Statutes 2014, section 609.748, subdivision 1, is amended to read:

Subdivision 1. **Definition.** For the purposes of this section, the following terms have the meanings given them in this subdivision.

(a) "Harassment" includes:

(1) a single incident of physical or sexual assault, a single incident of stalking under section 609.749, subdivision 2, clause (8), a single incident of nonconsensual dissemination of private sexual images under section 617.261, or repeated incidents of intrusive or unwanted acts, words, or gestures that have a substantial adverse effect or are intended to have a substantial adverse effect on the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target;

(2) targeted residential picketing; and

(3) a pattern of attending public events after being notified that the actor's presence at the event is harassing to another.

(b) "Respondent" includes any adults or juveniles alleged to have engaged in harassment or organizations alleged to have sponsored or promoted harassment.

(c) "Targeted residential picketing" includes the following acts when committed on more than one occasion:

(1) marching, standing, or patrolling by one or more persons directed solely at a particular residential building in a manner that adversely affects the safety, security, or privacy of an occupant of the building; or

(2) marching, standing, or patrolling by one or more persons which prevents an occupant of a residential building from gaining access to or exiting from the property on which the residential building is located.

EFFECTIVE DATE. This section is effective August 1, 2016.

Sec. 7. Minnesota Statutes 2014, section 609.749, subdivision 2, is amended to read:

Subd. 2. **Stalking crimes.** A person who stalks another by committing any of the following acts is guilty of a gross misdemeanor:

(1) directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;

(2) follows, monitors, or pursues another, whether in person or through any available technological or other means;

(3) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;

(4) repeatedly makes telephone calls, sends text messages, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;

(5) makes or causes the telephone of another repeatedly or continuously to ring;

(6) repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects; ~~or~~

(7) knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties; or

(8) uses another's personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the person.

For purposes of this clause, "personal information" and "sexual act" have the meanings given in section 617.261, subdivision 7.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Sec. 8. Minnesota Statutes 2014, section 609.765, is amended to read:

609.765 CRIMINAL DEFAMATION.

Subdivision 1. **Definition.** Defamatory matter is anything which exposes a person or a group, class or association to hatred, contempt, ridicule, degradation or disgrace in society, or injury to business or occupation.

Subd. 2. **Acts constituting.** Whoever with knowledge of its false and defamatory character orally, in writing or by any other means, communicates any false and defamatory matter to a third person without the consent of the person defamed is guilty of criminal

defamation and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$3,000, or both.

Subd. 3. Justification. Violation of subdivision 2 is justified if:

- ~~(1) the defamatory matter is true and is communicated with good motives and for justifiable ends; or~~
- ~~(2) the communication is absolutely privileged; or~~
- ~~(3) (2) the communication consists of fair comment made in good faith with respect to persons participating in matters of public concern; or~~
- ~~(4) (3) the communication consists of a fair and true report or a fair summary of any judicial, legislative or other public or official proceedings; or~~
- ~~(5) (4) the communication is between persons each having an interest or duty with respect to the subject matter of the communication and is made with intent to further such interest or duty.~~

Subd. 4. Testimony required. No person shall be convicted on the basis of an oral communication of defamatory matter except upon the testimony of at least two other persons that they heard and understood the oral statement as defamatory or upon a plea of guilty.

EFFECTIVE DATE. This section is effective the day following the final enactment.

Sec. 9. [617.261] NONCONSENSUAL DISSEMINATION OF PRIVATE SEXUAL IMAGES.

Subdivision 1. Crime. It is a crime to intentionally disseminate an image of another person who is depicted in a sexual act or whose intimate parts are exposed, in whole or in part, when:

- (1) the person is identifiable:
 - (i) from the image itself, by the person depicted in the image or by another person; or
 - (ii) from personal information displayed in connection with the image;
- (2) the actor knows or reasonably should know that the person depicted in the image does not consent to the dissemination; and
- (3) the image was obtained or created under circumstances in which the actor knew or reasonably should have known the person depicted had a reasonable expectation of privacy.

Subd. 2. Penalties. (a) Except as provided in paragraph (b), whoever violates subdivision 1 is guilty of a gross misdemeanor.

(b) Whoever violates subdivision 1 may be sentenced to imprisonment for not more than three years or to payment of a fine of \$5,000, or both, if one of the following factors is present:

- (1) the person depicted in the image suffers financial loss due to the dissemination of the image;
- (2) the actor disseminates the image with intent to profit from the dissemination;
- (3) the actor maintains an Internet Web site, online service, online application, or mobile application for the purpose of disseminating the image;
- (4) the actor posts the image on a Web site;

MSGC SESSION LAW SET
PAGE 26 OF 29

(5) the actor disseminates the image with intent to harass the person depicted in the image;

(6) the actor obtained the image by committing a violation of section 609.52, 609.746, 609.89, or 609.891; or

(7) the actor has previously been convicted under this chapter.

Subd. 3. **No defense.** It is not a defense to a prosecution under this section that the person consented to the capture or possession of the image.

Subd. 4. **Venue.** Notwithstanding anything to the contrary in section 627.01, an offense committed under this section may be prosecuted in:

(1) the county where the offense occurred;

(2) the county of residence of the actor or victim or in the jurisdiction of the victim's designated address if the victim participates in the address confidentiality program established by chapter 5B; or

(3) only if venue cannot be located in the counties specified under clause (1) or (2), the county where any image is produced, reproduced, found, stored, received, or possessed in violation of this section.

Subd. 5. **Exemptions.** Subdivision 1 does not apply when:

(1) the dissemination is made for the purpose of a criminal investigation or prosecution that is otherwise lawful;

(2) the dissemination is for the purpose of, or in connection with, the reporting of unlawful conduct;

(3) the dissemination is made in the course of seeking or receiving medical or mental health treatment and the image is protected from further dissemination;

(4) the image involves exposure in public or was obtained in a commercial setting for the purpose of the legal sale of goods or services, including the creation of artistic products for sale or display;

(5) the image relates to a matter of public interest and dissemination serves a lawful public purpose;

(6) the dissemination is for legitimate scientific research or educational purposes; or

(7) the dissemination is made for legal proceedings and is consistent with common practice in civil proceedings necessary for the proper functioning of the criminal justice system, or protected by court order which prohibits any further dissemination.

Subd. 6. **Immunity.** Nothing in this section shall be construed to impose liability upon the following entities solely as a result of content or information provided by another person:

(1) an interactive computer service as defined in United States Code, title 47, section 230, paragraph (f), clause (2);

(2) a provider of public mobile services or private radio services; or

(3) a telecommunications network or broadband provider.

Subd. 7. **Definitions.** (a) For purposes of this section, the following terms have the meanings given.

(b) "Dissemination" means distribution to one or more persons, other than the person depicted in the image, or publication by any publicly available medium.

(c) "Harass" means an act that would cause a substantial adverse effect on the safety, security, or privacy of a reasonable person.

(d) "Image" means a photograph, film, video recording, or digital photograph or recording.

(e) "Intimate parts" means the genitals, pubic area, or anus of an individual, or if the individual is female, a partially or fully exposed nipple.

(f) "Personal information" means any identifier that permits communication or in-person contact with a person, including:

(1) a person's first and last name, first initial and last name, first name and last initial, or nickname;

(2) a person's home, school, or work address;

(3) a person's telephone number, e-mail address, or social media account information; or

(4) a person's geolocation data.

(g) "Sexual act" means either sexual contact or sexual penetration.

(h) "Sexual contact" means the intentional touching of intimate parts or intentional touching with seminal fluid or sperm onto another person's body.

(i) "Sexual penetration" means any of the following acts:

(1) sexual intercourse, cunnilingus, fellatio, or anal intercourse; or

(2) any intrusion, however slight, into the genital or anal openings of an individual by another's body part or an object used by another for this purpose.

(j) "Social media" means any electronic medium, including an interactive computer service, telephone network, or data network, that allows users to create, share, and view user-generated content.

Subd. 8. **Other crimes.** Nothing in this section shall limit the power of the state to prosecute or punish a person for conduct that constitutes any other crime under any other law of this state.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date.

Presented to the governor May 18, 2016

Signed by the governor May 19, 2016, 10:59 a.m.

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2016 Minnesota Session Laws

Key: (1) ~~language to be deleted~~ (2) new language

CHAPTER 121--H.F.No. 3482

An act relating to criminal justice; extending the statute of limitations for certain identity theft crimes; amending Minnesota Statutes 2015 Supplement, section 628.26.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 2015 Supplement, section 628.26, is amended to read:

628.26 LIMITATIONS.

(a) Indictments or complaints for any crime resulting in the death of the victim may be found or made at any time after the death of the person killed.

(b) Indictments or complaints for a violation of section [609.25](#) may be found or made at any time after the commission of the offense.

(c) Indictments or complaints for violation of section [609.282](#) may be found or made at any time after the commission of the offense if the victim was under the age of 18 at the time of the offense.

(d) Indictments or complaints for violation of section [609.282](#) where the victim was 18 years of age or older at the time of the offense, or [609.42, subdivision 1](#), clause (1) or (2), shall be found or made and filed in the proper court within six years after the commission of the offense.

(e) Indictments or complaints for violation of sections [609.322](#) and [609.342](#) to [609.345](#), if the victim was under the age of 18 years at the time the offense was committed, shall be found or made and filed in the proper court within the later of nine years after the commission of the offense or three years after the offense was reported to law enforcement authorities.

(f) Notwithstanding the limitations in paragraph (e), indictments or complaints for violation of sections [609.322](#) and [609.342](#) to [609.344](#) may be found or made and filed in the proper court at any time after commission of the offense, if physical evidence is collected and preserved that is capable of being tested for its DNA characteristics. If this evidence is not collected and preserved and the victim was 18 years old or older at the time of the offense, the prosecution must be commenced within nine years after the commission of the offense.

(g) Indictments or complaints for violation of sections [609.466](#) and [609.52, subdivision 2](#), clause (3), item (iii), shall be found or made and filed in the proper court within six years after the commission of the offense.

(h) Indictments or complaints for violation of section [609.2335, 609.52, subdivision 2](#), clause (3), items (i) and (ii), (4), (15), or (16), [609.631](#), or [609.821](#), where the value of the property or services stolen is more than \$35,000, or for violation of section 609.527 where the offense involves eight or more direct victims or the total combined loss to the direct and indirect victims is more than \$35,000, shall be found or made and filed in the proper court within five years after the commission of the offense.

(i) Except for violations relating to false material statements, representations or omissions, indictments or complaints for violations of section [609.671](#) shall be found or made and filed in the proper court within five years after the commission of the offense.

MSGC SESSION LAW SET
PAGE 29 OF 29

(j) Indictments or complaints for violation of sections [609.561](#) to [609.563](#), shall be found or made and filed in the proper court within five years after the commission of the offense.

(k) In all other cases, indictments or complaints shall be found or made and filed in the proper court within three years after the commission of the offense.

(l) The limitations periods contained in this section shall exclude any period of time during which the defendant was not an inhabitant of or usually resident within this state.

(m) The limitations periods contained in this section for an offense shall not include any period during which the alleged offender participated under a written agreement in a pretrial diversion program relating to that offense.

(n) The limitations periods contained in this section shall not include any period of time during which physical evidence relating to the offense was undergoing DNA analysis, as defined in section [299C.155](#), unless the defendant demonstrates that the prosecuting or law enforcement agency purposefully delayed the DNA analysis process in order to gain an unfair advantage.

EFFECTIVE DATE. This section is effective August 1, 2016, and applies to crimes committed on or after that date and to crimes committed before that date if the limitations period for the crime did not expire before August 1, 2016.

Presented to the governor May 17, 2016

Signed by the governor May 19, 2016, 10:55 a.m.

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