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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **741**

February 8, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to crimes; prohibiting a caregiver from performing indecent exposure
1.3 in the presence of a vulnerable adult; imposing criminal penalties; amending
1.4 Minnesota Statutes 2006, section 617.23, subdivisions 2, 3.

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

1.6 Section 1. Minnesota Statutes 2006, section 617.23, subdivision 2, is amended to read:

1.7 Subd. 2. **Gross misdemeanor.** A person who commits any of the following acts is
1.8 guilty of a gross misdemeanor:

1.9 (1) the person violates subdivision 1 in the presence of a minor under the age of
1.10 16; ~~or~~

1.11 (2) the person is a caregiver, as defined in section 609.232, subdivision 2, and
1.12 violates subdivision 1 in the presence of a vulnerable adult, as defined in section 609.232,
1.13 subdivision 11; or

1.14 (3) the person violates subdivision 1 after having been previously convicted of
1.15 violating subdivision 1, sections 609.342 to 609.3451, or a statute from another state
in conformity with any of those sections.

1.16 Sec. 2. Minnesota Statutes 2006, section 617.23, subdivision 3, is amended to read:

1.17 Subd. 3. **Felony.** A person is guilty of a felony and may be sentenced to
1.18 imprisonment for not more than five years or to payment of a fine of not more than
1.19 \$10,000, or both, if:

1.20 (1) the person violates subdivision 2, clause (1), after having been previously
1.21 convicted of or adjudicated delinquent for violating subdivision 2, clause (1) or (2);

1.22 section 609.3451, subdivision 1, clause (2); or a statute from another state in conformity
1.23 with subdivision 2, clause (1) or (2), or section 609.3451, subdivision 1, clause (2); or
2.1 (2) the person commits a violation of subdivision 1, clause (1), in the presence
2.2 of another person while intentionally confining that person or otherwise intentionally
2.3 restricting that person's freedom to move.

2.4 **Sec. 3. EFFECTIVE DATE.**

2.5 Sections 1 and 2 are effective August 1, 2007, and apply to crimes committed on or
2.6 after that date.