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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH
SESSION

HOUSE FILE No. **1505**

March 9, 2009

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

1.1 A bill for an act
1.2 relating to public safety; increasing criminal penalties for certain sex trafficking
1.3 offenses; adding sex trafficking to the definition of crime of violence; amending
1.4 Minnesota Statutes 2008, sections 609.281, subdivision 5; 609.321, subdivision
1.5 7a; 609.322; 611A.036, subdivision 7; 624.712, subdivision 5.

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

1.7 Section 1. Minnesota Statutes 2008, section 609.281, subdivision 5, is amended to read:

1.8 Subd. 5. **Labor trafficking.** "Labor trafficking" means:

1.9 (1) the recruitment, transportation, transfer, harboring, enticement, provision,
1.10 obtaining, or receipt of a person by any means, whether a United States citizen or foreign
1.11 national, for the purpose of:

1.12 ~~(1)~~ (i) debt bondage or forced labor or services;

1.13 ~~(2)~~ (ii) slavery or practices similar to slavery; or

1.14 ~~(3)~~ (iii) the removal of organs through the use of coercion or intimidation; or

1.15 (2) benefitting, financially or by receiving anything of value, from participation in a
1.16 venture that has engaged in an act described in clause (1).

1.17 Sec. 2. Minnesota Statutes 2008, section 609.321, subdivision 7a, is amended to read:

1.18 Subd. 7a. **Sex trafficking.** "Sex trafficking" means:

1.19 (1) receiving, recruiting, enticing, harboring, providing, or obtaining by any means
1.20 an individual to aid in the prostitution of the individual; or

1.21 (2) benefitting, financially or by receiving anything of value, from participation in a
1.22 venture that has engaged in an act described in clause (1).

2.1 Sec. 3. Minnesota Statutes 2008, section 609.322, is amended to read:

2.2 **609.322 SOLICITATION, INDUCEMENT, AND PROMOTION OF**
 2.3 **PROSTITUTION; SEX TRAFFICKING.**

2.4 Subdivision 1. **Individuals under age 18.** Whoever, while acting other than as
 2.5 a prostitute or patron, intentionally does any of the following may be sentenced to
 2.6 imprisonment for not more than 20 years or to payment of a fine of not more than \$40,000,
 2.7 or both:

2.8 (1) solicits or induces an individual under the age of 18 years to practice prostitution;

2.9 (2) promotes the prostitution of an individual under the age of 18 years; ~~or~~

2.10 (3) receives profit, knowing or having reason to know that it is derived from the
 2.11 prostitution, or the promotion of the prostitution, of an individual under the age of 18
 2.12 years; or

2.13 (4) engages in the sex trafficking of an individual under the age of 18 years.

2.14 Subd. 1a. **Other offenses.** Whoever, while acting other than as a prostitute or
 2.15 patron, intentionally does any of the following may be sentenced to imprisonment for not
 2.16 more than 15 years or to payment of a fine of not more than \$30,000, or both:

2.17 (1) solicits or induces an individual to practice prostitution; ~~or~~

2.18 (2) promotes the prostitution of an individual; ~~or~~

2.19 (3) receives profit, knowing or having reason to know that it is derived from the
 2.20 prostitution, or the promotion of the prostitution, of an individual; or

2.21 (4) engages in the sex trafficking of an individual.

2.22 Subd. 1b. **Exceptions.** Subdivisions 1, clause (3), and 1a, clause (3), do not apply to:

2.23 (1) a minor who is dependent on an individual acting as a prostitute and who
 2.24 may have benefited from or been supported by the individual's earnings derived from
 2.25 prostitution; or

2.26 (2) a parent over the age of 55 who is dependent on an individual acting as a
 2.27 prostitute, who may have benefited from or been supported by the individual's earnings
 2.28 derived from prostitution, and who did not know that the earnings were derived from
 2.29 prostitution; or

2.30 (3) the sale of goods or services to a prostitute in the ordinary course of a lawful
 2.31 business.

2.32 Subd. 1c. **Aggregation of cases.** Acts by the defendant in violation of any one or
 2.33 more of the provisions in this section within any six-month period may be aggregated and
 2.34 the defendant charged accordingly in applying the provisions of this section; provided that
 2.35 when two or more offenses are committed by the same person in two or more counties, the

3.1 accused may be prosecuted in any county in which one of the offenses was committed
 3.2 for all of the offenses aggregated under this subdivision.

3.3 Subd. 1d. Sex trafficking; enhanced penalty based on aggravating factors.

3.4 (a) As used in this subdivision:

3.5 (1) "aggravating factor" means situations where:

3.6 (i) the offender has committed a prior qualified human trafficking-related offense;

3.7 (ii) the offense involved a sex trafficking victim who suffered bodily harm during
 3.8 the commission of the offense;

3.9 (iii) the time period that a sex trafficking victim was held in debt bondage or forced
 3.10 labor or services exceeded 180 days; or

3.11 (iv) the offense involved more than one sex trafficking victim; and

3.12 (2) "prior qualified human trafficking-related offense" means a conviction or

3.13 delinquency adjudication within the ten years immediately preceding the current offense

3.14 for a violation of or an attempt to violate subdivision 1, clause (4) (sex trafficking of an

3.15 individual under age 18); subdivision 1a, clause (4) (sex trafficking of an individual age

3.16 18 or over); section 609.282 (labor trafficking); or 609.283 (unlawful conduct with respect

3.17 to documents in furtherance of labor or sex trafficking).

3.18 (b) Notwithstanding the statutory maximum sentence described in subdivision 1 or

3.19 1a, a person who intentionally violates subdivision 1, clause (4), or 1a, clause (4), may be

3.20 sentenced to imprisonment for not more than 25 years or to payment of a fine of not more

3.21 than \$50,000, or both, if one or more aggravating factors are present.

3.22 Sec. 4. Minnesota Statutes 2008, section 611A.036, subdivision 7, is amended to read:

3.23 Subd. 7. **Definition.** As used in this section, "violent crime" means a violation or

3.24 attempt to violate any of the following: section 609.185 (murder in the first degree);

3.25 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20

3.26 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); 609.21

3.27 (criminal vehicular homicide and injury); 609.221 (assault in the first degree); 609.222

3.28 (assault in the second degree); 609.223 (assault in the third degree); 609.2231 (assault

3.29 in the fourth degree); 609.2241 (knowing transfer of communicable disease); 609.2242

3.30 (domestic assault); 609.2245 (female genital mutilation); 609.2247 (domestic assault

3.31 by strangulation); 609.228 (great bodily harm caused by distribution of drugs); 609.23

3.32 (mistreatment of persons confined); 609.231 (mistreatment of residents or patients);

3.33 609.2325 (criminal abuse); 609.233 (criminal neglect); 609.235 (use of drugs to injure

3.34 or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25

3.35 (kidnapping); 609.255 (false imprisonment); 609.265 (abduction); 609.2661 (murder of

4.1 an unborn child in the first degree); 609.2662 (murder of an unborn child in the second
 4.2 degree); 609.2663 (murder of an unborn child in the third degree); 609.2664 (manslaughter
 4.3 of an unborn child in the first degree); 609.2665 (manslaughter of an unborn child in the
 4.4 second degree); 609.267 (assault of an unborn child in the first degree); 609.2671 (assault
 4.5 of an unborn child in the second degree); 609.2672 (assault of an unborn child in the third
 4.6 degree); 609.268 (injury or death of an unborn child in commission of a crime); 609.282
 4.7 (labor trafficking); 609.322, subdivision 1, clause (4), or 1a, clause (4) (sex trafficking);
 4.8 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct
 4.9 in the second degree); 609.344 (criminal sexual conduct in the third degree); 609.345
 4.10 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct in the
 4.11 fifth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of
 4.12 children to engage in sexual conduct); 609.377 (malicious punishment of a child); 609.378
 4.13 (neglect or endangerment of a child); 609.561, subdivision 1, (arson in the first degree;
 4.14 dwelling); 609.582, subdivision 1, paragraph (a) or (c), (burglary in the first degree;
 4.15 occupied dwelling or involving an assault); or 609.66, subdivision 1e, paragraph (b),
 4.16 (drive-by shooting; firing at or toward a person, or an occupied building or motor vehicle).

4.17 Sec. 5. Minnesota Statutes 2008, section 624.712, subdivision 5, is amended to read:

4.18 Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the
 4.19 following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in
 4.20 the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the
 4.21 first degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and
 4.22 aiding attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the
 4.23 second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth
 4.24 degree); 609.229 (crimes committed for the benefit of a gang); 609.235 (use of drugs to
 4.25 injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated robbery); 609.25
 4.26 (kidnapping); 609.255 (false imprisonment); 609.322 (solicitation, inducement, and
 4.27 promotion of prostitution; sex trafficking); 609.342 (criminal sexual conduct in the first
 4.28 degree); 609.343 (criminal sexual conduct in the second degree); 609.344 (criminal sexual
 4.29 conduct in the third degree); 609.345 (criminal sexual conduct in the fourth degree);
 4.30 609.377 (malicious punishment of a child); 609.378 (neglect or endangerment of a child);
 4.31 609.486 (commission of crime while wearing or possessing a bullet-resistant vest);
 4.32 609.52 (involving theft of a firearm, theft involving the intentional taking or driving of a
 4.33 motor vehicle without the consent of the owner or authorized agent of the owner, theft
 4.34 involving the taking of property from a burning, abandoned, or vacant building, or from
 4.35 an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle,

5.1 and theft involving the theft of a controlled substance, an explosive, or an incendiary
5.2 device); 609.561 (arson in the first degree); 609.562 (arson in the second degree); 609.582,
5.3 subdivision 1, 2, or 3 (burglary in the first through third degrees); 609.66, subdivision 1e
5.4 (drive-by shooting); 609.67 (unlawfully owning, possessing, operating a machine gun or
5.5 short-barreled shotgun); 609.71 (riot); 609.713 (terroristic threats); 609.749 (harassment
5.6 and stalking); 609.855, subdivision 5 (shooting at a public transit vehicle or facility); and
5.7 chapter 152 (drugs, controlled substances); and an attempt to commit any of these offenses.