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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 1014

02/11/2019 Authored by Moller, O'Neill, Bahner, Klevorn, Stephenson and others
The bill was read for the first time and referred to the Public Safety and Criminal Justice Reform Finance and Policy Division

1.1 A bill for an act
1.2 relating to public safety; clarifying criminal sexual conduct in the first degree;
1.3 amending Minnesota Statutes 2018, section 609.342, subdivision 1.

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

1.5 Section 1. Minnesota Statutes 2018, section 609.342, subdivision 1, is amended to read:

1.6 Subdivision 1. Crime defined. A person who engages in sexual penetration with another
1.7 person, or in sexual contact with a person under 13 years of age as defined in section 609.341,
1.8 subdivision 11, paragraph (c), is guilty of criminal sexual conduct in the first degree if any
1.9 of the following circumstances exists:

1.10 (a) the complainant is under 13 years of age and the actor is more than 36 months older
1.11 than the complainant. Neither mistake as to the complainant's age nor consent to the act by
1.12 the complainant is a defense;

1.13 (b) the complainant is at least 13 years of age but less than 16 years of age and the actor
1.14 is more than 48 months older than the complainant and in a position of authority over the
1.15 complainant. Neither mistake as to the complainant's age nor consent to the act by the
1.16 complainant is a defense;

1.17 (c) circumstances existing at the time of the act cause the complainant to have a
1.18 reasonable fear of imminent great bodily harm to the complainant or another;

1.19 (d) the actor is armed with a dangerous weapon or any article used or fashioned in a
1.20 manner to lead the complainant to reasonably believe it to be a dangerous weapon and uses
1.21 or threatens to use the weapon or article to cause the complainant to submit;

2.1 (e) the actor causes personal injury to the complainant, and either of the following
2.2 circumstances exist:

2.3 (i) the actor uses force or coercion to accomplish ~~sexual penetration~~ the act; or

2.4 (ii) the actor knows or has reason to know that the complainant is mentally impaired,
2.5 mentally incapacitated, or physically helpless;

2.6 (f) the actor is aided or abetted by one or more accomplices within the meaning of section
2.7 609.05, and either of the following circumstances exists:

2.8 (i) an accomplice uses force or coercion to cause the complainant to submit; or

2.9 (ii) an accomplice is armed with a dangerous weapon or any article used or fashioned
2.10 in a manner to lead the complainant reasonably to believe it to be a dangerous weapon and
2.11 uses or threatens to use the weapon or article to cause the complainant to submit;

2.12 (g) the actor has a significant relationship to the complainant and the complainant was
2.13 under 16 years of age at the time of the ~~sexual penetration~~ act. Neither mistake as to the
2.14 complainant's age nor consent to the act by the complainant is a defense; or

2.15 (h) the actor has a significant relationship to the complainant, the complainant was under
2.16 16 years of age at the time of the ~~sexual penetration~~ act, and:

2.17 (i) the actor or an accomplice used force or coercion to accomplish the ~~penetration~~ act;

2.18 (ii) the complainant suffered personal injury; or

2.19 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

2.20 Neither mistake as to the complainant's age nor consent to the act by the complainant is
2.21 a defense.