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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 2216

03/07/2019 Authored by Johnson

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; requiring reporting and policies for sexual assaults;
1.3 amending the definition of physically helpless in the sexual assault crimes; allowing
1.4 sexual assault crimes to be reported to any law enforcement agency; amending
1.5 Minnesota Statutes 2018, section 609.341, subdivision 9; proposing coding for
1.6 new law in Minnesota Statutes, chapters 299A; 609; 626.

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

1.8 Section 1. 299A.90 SEXUAL ASSAULTS; ANNUAL REPORT.

1.9 Subdivision 1. Definitions. As used in this section, "sexual assault" means any violation
1.10 of sections 609.342 to 609.3453; and "summary data" has the meaning given in section
1.11 13.02, subdivision 19.

1.12 Subd. 2. Reporting required. (a) Each state and local law enforcement agency must
1.13 report information on sexual assaults occurring within the agency's jurisdiction to the
1.14 commissioner of public safety in the manner and with the frequency specified by the
1.15 commissioner. The commissioner must annually report, at a minimum, the following
1.16 information on sexual assaults occurring in the previous calendar year:

1.17 (1) the number of cases that were reported to a law enforcement agency;

1.18 (2) the number of cases that were assigned by a law enforcement agency to an
1.19 investigator;

1.20 (3) the number of cases that were assigned by a law enforcement agency to and
1.21 investigated by an investigator who within the preceding three years had completed training
1.22 on trauma-informed, victim-centered techniques;

1.23 (4) the number of cases referred by a law enforcement agency to a prosecutor;

2.1 (5) the number of cases charged by a prosecutor;

2.2 (6) the number of cases dismissed or not pursued by a prosecutor; and

2.3 (7) the number of cases that resulted in a conviction.

2.4 (b) The commissioner must report the information required under this section both in
2.5 the aggregate and separated out by individual law enforcement agency.

2.6 (c) Reports and data required under this section must be prepared and published as
2.7 summary data.

2.8 (d) The commissioner must publish the reports required in this section on the department's
2.9 website and submit them to the chairs and ranking minority members of the house of
2.10 representatives and senate committees and divisions having jurisdiction over criminal justice
2.11 policy and finance.

2.12 Sec. 2. Minnesota Statutes 2018, section 609.341, subdivision 9, is amended to read:

2.13 Subd. 9. **Physically helpless.** "Physically helpless" means that a person is ~~(a)~~: (1) asleep
2.14 or not conscious; ~~(b)~~; (2) unable to withhold consent or to withdraw consent because of a
2.15 physical condition; ~~or (c)~~; (3) unable to communicate nonconsent and the condition is known
2.16 or reasonably should have been known to the actor; or (4) unable to withhold consent or to
2.17 withdraw consent because of impairment by alcohol, a controlled substance, or an intoxicating
2.18 substance, as defined in section 169A.03, subdivision 11a, and the impairment is known or
2.19 reasonably should have been known to the actor.

2.20 **EFFECTIVE DATE.** This section is effective August 1, 2019, and applies to crimes
2.21 committed on or after that date.

2.22 Sec. 3. **[609.3459] LAW ENFORCEMENT; REPORTS OF SEXUAL ASSAULTS.**

2.23 (a) A victim of, or person who has learned or reasonably suspects that another person
2.24 is a victim of, any violation of sections 609.342 to 609.3453 may initiate a law enforcement
2.25 investigation by contacting any law enforcement agency, regardless of where the crime may
2.26 have occurred. The agency must prepare a summary of the allegation and provide the person
2.27 with a copy of it. The agency must begin an investigation of the facts, or, if the suspected
2.28 crime was committed in a different jurisdiction, refer the matter along with the summary
2.29 to the law enforcement agency where the suspected crime was committed for an investigation
2.30 of the facts.

3.1 (b) If a law enforcement agency refers the matter to the law enforcement agency where
3.2 the crime was committed, it need not include the allegation as a crime committed in its
3.3 jurisdiction for purposes of information that the agency is required to provide to the
3.4 commissioner of public safety pursuant to section 299A.90 or 299C.06, but must confirm
3.5 that the other law enforcement agency has received the referral.

3.6 Sec. 4. **[626.8442] POLICIES ON SEXUAL ASSAULTS.**

3.7 (a) The chief law enforcement officer of every state and local law enforcement agency
3.8 must establish and enforce a written policy addressing how the agency will respond to and
3.9 investigate reports of sexual assault. The policy must substantially incorporate the main
3.10 items from the board's model policy on responding to reports of sexual assault, but also
3.11 may expand on the board's policy. As an alternative, the policy may be identical to the
3.12 board's policy.

3.13 (b) Each chief law enforcement officer must certify to the board that the policy described
3.14 in paragraph (a) is in place and being enforced and forward a copy of the policy to the board.

3.15 **EFFECTIVE DATE.** This section is effective the day following final enactment. Chief
3.16 law enforcement officers must comply with this section's requirements by October 1, 2019.