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**ARTICLE 4**  
**GENERAL CRIME**

**H3138-3**

431.20 Sec. 106. [604.135] CRITICAL INFRASTRUCTURE; JOINT AND SEVERAL  
431.21 LIABILITY.

431.22 (a) A person who is convicted of trespass under section 609.6055 or damage to property  
431.23 under section 609.594, or is arrested for a violation of one or both of those sections and  
431.24 convicted of another offense arising out of the same behavioral incident, may be held liable

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**ARTICLE 21**  
**PUBLIC SAFETY**

356.4 Sec. 5. Minnesota Statutes 2016, section 299A.785, subdivision 1, is amended to read:

356.5 Subdivision 1. Information to be collected. The commissioner shall elicit the cooperation  
356.6 and assistance of government agencies and nongovernmental organizations as appropriate  
356.7 to assist in the collection of trafficking data. The commissioner shall direct the appropriate  
356.8 authorities in each agency and organization to make best efforts to collect information  
356.9 relevant to tracking progress on trafficking. The information to be collected may include,  
356.10 but is not limited to:

356.11 (1) the numbers of arrests, prosecutions, and successful convictions of traffickers and  
356.12 those committing trafficking-related crimes, including, but not limited to, the following  
356.13 offenses: 609.27 (coercion); 609.282 (labor trafficking); 609.283 (unlawful conduct with  
356.14 respect to documents in furtherance of labor or sex trafficking); 609.321 (promotion of  
356.15 prostitution); 609.322 (solicitation of prostitution); 609.324 (other prostitution crimes);  
356.16 609.33 (disorderly house); 609.352 (solicitation of a child); and 617.245 and 617.246 (use  
356.17 of minors in sexual performance); 617.247 (possession of pornographic work involving  
356.18 minors); and 617.293 (harmful materials; dissemination and display to minors prohibited);

356.19 (2) statistics on the number of trafficking victims, including demographics, method of  
356.20 recruitment, and method of discovery;

356.21 (3) trafficking routes and patterns, states or country of origin, and transit states or  
356.22 countries;

356.23 (4) method of transportation, motor vehicles, aircraft, watercraft, or by foot if any  
356.24 transportation took place; and

356.25 (5) social factors, including pornography, that contribute to and foster trafficking,  
356.26 especially trafficking of women and children.

431.25 for any damages to personal or real property committed by the person while trespassing or  
431.26 causing damage to property.

431.27 (b) A person or entity that knowingly recruits, trains, aids, advises, hires, counsels,  
431.28 conspires with, or otherwise procures another for the purpose of trespassing or causing  
431.29 damage to property as described in paragraph (a) may also be jointly and severally liable  
431.30 for the damages under paragraph (a).

431.31 (c) A labor organization, its leaders, or its members shall not be subject to this provision  
431.32 unless the labor organization, its leaders, or its members knowingly recruits, trains, aids,  
432.1 advises, hires, counsels, conspires with, or otherwise procures another for the purpose of  
432.2 trespassing or causing damage to critical infrastructure.

432.3 (d) As used in this section, "labor organization" has the meaning given in section 179.01,  
432.4 subdivision 6.

432.5 (e) Nothing in this section shall interfere with the rights specifically granted in sections  
432.6 179.01 to 179.17, the Fair Labor Standards Act.

432.7 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to causes  
432.8 of action arising on or after that date.

### **H2856-3**

37.29 Section 1. Minnesota Statutes 2016, section 609.2112, subdivision 1, is amended to read:

38.1 Subdivision 1. **Criminal vehicular homicide.** (a) Except as provided in paragraph (b),  
38.2 a person is guilty of criminal vehicular homicide and may be sentenced to imprisonment  
38.3 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the  
38.4 person causes the death of a human being not constituting murder or manslaughter as a  
38.5 result of operating a motor vehicle:

38.6 (1) in a grossly negligent manner;

38.7 (2) in a negligent manner while under the influence of:

38.8 (i) alcohol;

38.9 (ii) a controlled substance; or

38.10 (iii) any combination of those elements;

- 38.11 (3) while having an alcohol concentration of 0.08 or more;
- 38.12 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
38.13 of the time of driving;
- 38.14 (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- 38.15 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
38.16 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
38.17 person's body;
- 38.18 (7) where the driver who causes the collision leaves the scene of the collision in violation  
38.19 of section 169.09, subdivision 1 or 6; ~~or~~
- 38.20 (8) where the driver had actual knowledge that a peace officer had previously issued a  
38.21 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
38.22 knowledge that remedial action was not taken, the driver had reason to know that the defect  
38.23 created a present danger to others, and the death was caused by the defective maintenance;  
38.24 or
- 38.25 (9) in a reckless manner while the driver is in violation of section 169.475.
- 38.26 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),  
38.27 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory  
38.28 maximum sentence of imprisonment is 15 years.
- 38.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
38.30 committed on or after that date.
- 39.1 Sec. 2. Minnesota Statutes 2016, section 609.2113, subdivision 1, is amended to read:
- 39.2 Subdivision 1. **Great bodily harm.** A person is guilty of criminal vehicular operation  
39.3 resulting in great bodily harm and may be sentenced to imprisonment for not more than five  
39.4 years or to payment of a fine of not more than \$10,000, or both, if the person causes great  
39.5 bodily harm to another not constituting attempted murder or assault as a result of operating  
39.6 a motor vehicle:
- 39.7 (1) in a grossly negligent manner;
- 39.8 (2) in a negligent manner while under the influence of:
- 39.9 (i) alcohol;

- 39.10 (ii) a controlled substance; or
- 39.11 (iii) any combination of those elements;
- 39.12 (3) while having an alcohol concentration of 0.08 or more;
- 39.13 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 39.14 of the time of driving;
- 39.15 (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- 39.16 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 39.17 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
- 39.18 person's body;
- 39.19 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 39.20 of section 169.09, subdivision 1 or 6; ~~or~~
- 39.21 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 39.22 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 39.23 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 39.24 created a present danger to others, and the injury was caused by the defective maintenance;
- 39.25 or
- 39.26 (9) in a reckless manner while the driver is in violation of section 169.475.
- 39.27 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
- 39.28 committed on or after that date.
- 40.1 Sec. 3. Minnesota Statutes 2016, section 609.2113, subdivision 2, is amended to read:
- 40.2 Subd. 2. **Substantial bodily harm.** A person is guilty of criminal vehicular operation
- 40.3 resulting in substantial bodily harm and may be sentenced to imprisonment for not more
- 40.4 than three years or to payment of a fine of not more than \$10,000, or both, if the person
- 40.5 causes substantial bodily harm to another as a result of operating a motor vehicle:
- 40.6 (1) in a grossly negligent manner;
- 40.7 (2) in a negligent manner while under the influence of:
- 40.8 (i) alcohol;

- 40.9 (ii) a controlled substance; or
- 40.10 (iii) any combination of those elements;
- 40.11 (3) while having an alcohol concentration of 0.08 or more;
- 40.12 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours
- 40.13 of the time of driving;
- 40.14 (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- 40.15 (6) in a negligent manner while any amount of a controlled substance listed in Schedule
- 40.16 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the
- 40.17 person's body;
- 40.18 (7) where the driver who causes the accident leaves the scene of the accident in violation
- 40.19 of section 169.09, subdivision 1 or 6; ~~or~~
- 40.20 (8) where the driver had actual knowledge that a peace officer had previously issued a
- 40.21 citation or warning that the motor vehicle was defectively maintained, the driver had actual
- 40.22 knowledge that remedial action was not taken, the driver had reason to know that the defect
- 40.23 created a present danger to others, and the injury was caused by the defective maintenance;
- 40.24 or
- 40.25 (9) in a reckless manner while the driver is in violation of section 169.475.
- 40.26 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses
- 40.27 committed on or after that date.
- 40.28 Sec. 4. Minnesota Statutes 2016, section 609.2113, subdivision 3, is amended to read:
- 40.29 Subd. 3. **Bodily harm.** A person is guilty of criminal vehicular operation resulting in
- 40.30 bodily harm and may be sentenced to imprisonment for not more than one year or to payment
- 41.1 of a fine of not more than \$3,000, or both, if the person causes bodily harm to another as a
- 41.2 result of operating a motor vehicle:
- 41.3 (1) in a grossly negligent manner;
- 41.4 (2) in a negligent manner while under the influence of:
- 41.5 (i) alcohol;

- 41.6 (ii) a controlled substance; or
- 41.7 (iii) any combination of those elements;
- 41.8 (3) while having an alcohol concentration of 0.08 or more;
- 41.9 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
41.10 of the time of driving;
- 41.11 (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- 41.12 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
41.13 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
41.14 person's body;
- 41.15 (7) where the driver who causes the accident leaves the scene of the accident in violation  
41.16 of section 169.09, subdivision 1 or 6; ~~or~~
- 41.17 (8) where the driver had actual knowledge that a peace officer had previously issued a  
41.18 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
41.19 knowledge that remedial action was not taken, the driver had reason to know that the defect  
41.20 created a present danger to others, and the injury was caused by the defective maintenance;  
41.21 or
- 41.22 (9) in a reckless manner while the driver is in violation of section 169.475.
- 41.23 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
41.24 committed on or after that date.
- 41.25 Sec. 5. Minnesota Statutes 2016, section 609.2114, subdivision 1, is amended to read:
- 41.26 Subdivision 1. **Death to an unborn child.** (a) Except as provided in paragraph (b), a  
41.27 person is guilty of criminal vehicular operation resulting in death to an unborn child and  
41.28 may be sentenced to imprisonment for not more than ten years or to payment of a fine of  
41.29 not more than \$20,000, or both, if the person causes the death of an unborn child as a result  
41.30 of operating a motor vehicle:
- 42.1 (1) in a grossly negligent manner;
- 42.2 (2) in a negligent manner while under the influence of:

- 42.3 (i) alcohol;
- 42.4 (ii) a controlled substance; or
- 42.5 (iii) any combination of those elements;
- 42.6 (3) while having an alcohol concentration of 0.08 or more;
- 42.7 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
42.8 of the time of driving;
- 42.9 (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- 42.10 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
42.11 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
42.12 person's body;
- 42.13 (7) where the driver who causes the accident leaves the scene of the accident in violation  
42.14 of section 169.09, subdivision 1 or 6; ~~or~~
- 42.15 (8) where the driver had actual knowledge that a peace officer had previously issued a  
42.16 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
42.17 knowledge that remedial action was not taken, the driver had reason to know that the defect  
42.18 created a present danger to others, and the injury was caused by the defective maintenance;  
42.19 or
- 42.20 (9) in a reckless manner while the driver is in violation of section 169.475.
- 42.21 (b) If a person is sentenced under paragraph (a) for a violation under paragraph (a),  
42.22 clauses (2) to (6), occurring within ten years of a qualified prior driving offense, the statutory  
42.23 maximum sentence of imprisonment is 15 years.
- 42.24 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
42.25 committed on or after that date.
- 42.26 Sec. 6. Minnesota Statutes 2016, section 609.2114, subdivision 2, is amended to read:
- 42.27 Subd. 2. **Injury to an unborn child.** A person is guilty of criminal vehicular operation  
42.28 resulting in injury to an unborn child and may be sentenced to imprisonment for not more  
42.29 than five years or to payment of a fine of not more than \$10,000, or both, if the person  
42.30 causes the great bodily harm to an unborn child subsequently born alive as a result of  
42.31 operating a motor vehicle:

- 43.1 (1) in a grossly negligent manner;
- 43.2 (2) in a negligent manner while under the influence of:
- 43.3 (i) alcohol;
- 43.4 (ii) a controlled substance; or
- 43.5 (iii) any combination of those elements;
- 43.6 (3) while having an alcohol concentration of 0.08 or more;
- 43.7 (4) while having an alcohol concentration of 0.08 or more, as measured within two hours  
43.8 of the time of driving;
- 43.9 (5) in a negligent manner while knowingly under the influence of a hazardous substance;
- 43.10 (6) in a negligent manner while any amount of a controlled substance listed in Schedule  
43.11 I or II, or its metabolite, other than marijuana or tetrahydrocannabinols, is present in the  
43.12 person's body;
- 43.13 (7) where the driver who causes the accident leaves the scene of the accident in violation  
43.14 of section 169.09, subdivision 1 or 6; ~~or~~
- 43.15 (8) where the driver had actual knowledge that a peace officer had previously issued a  
43.16 citation or warning that the motor vehicle was defectively maintained, the driver had actual  
43.17 knowledge that remedial action was not taken, the driver had reason to know that the defect  
43.18 created a present danger to others, and the injury was caused by the defective maintenance;  
43.19 or
- 43.20 (9) in a reckless manner while the driver is in violation of section 169.475.
- 43.21 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
43.22 committed on or after that date.
- 43.23 Sec. 7. Minnesota Statutes 2016, section 609.2231, subdivision 1, is amended to read:
- 43.24 Subdivision 1. **Peace officers.** (a) As used in this subdivision, "peace officer" means a  
43.25 person who is licensed under section 626.845, subdivision 1, and effecting a lawful arrest  
43.26 or executing any other duty imposed by law.



43.27 (b) Whoever physically assaults a peace officer is guilty of a ~~gross misdemeanor or felony~~  
43.28 ~~and may be sentenced to imprisonment for not more than two years or to payment of a fine~~  
43.29 ~~of not more than \$4,000, or both.~~

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

44.6 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
44.7 committed on or after that date.

44.8 Sec. 8. Minnesota Statutes 2016, section 609.2231, subdivision 2, is amended to read:

44.9 Subd. 2. **Firefighters and emergency medical personnel.** (a) Whoever physically  
44.10 assaults any of the following persons ~~and inflicts demonstrable bodily harm~~ is guilty of a  
44.11 ~~felony and may be sentenced to imprisonment for not more than two years or to payment~~  
44.12 ~~of a fine of not more than \$4,000, or both gross misdemeanor:~~

44.13 (1) a member of a municipal or volunteer fire department or emergency medical services  
44.14 personnel unit in the performance of the member's duties; or

44.15 (2) a physician, nurse, or other person providing health care services in a hospital  
44.16 ~~emergency department.~~

44.17 (b) Whoever commits either of the following acts against a person identified in paragraph  
44.18 (a), clause (1) or (2), is guilty of a felony and may be sentenced to imprisonment for not  
44.19 more than three years or to payment of a fine of not more than \$6,000, or both:

44.20 (1) physically assaults the person and the assault inflicts demonstrable bodily harm; or

44.21 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.

44.22 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
44.23 committed on or after that date.

44.24 Sec. 9. Minnesota Statutes 2016, section 609.2231, subdivision 3a, is amended to read:

44.25 Subd. 3a. **Secure treatment facility personnel.** (a) As used in this subdivision, "secure  
44.26 treatment facility" includes facilities listed in sections 253B.02, subdivision 18a, and  
44.27 253D.02, subdivision 13.

44.28 (b) Whoever, while committed under chapter 253D, Minnesota Statutes 2012, section  
44.29 253B.185, or Minnesota Statutes 1992, section 526.10, commits either of the following acts  
44.30 against an employee or other individual who provides care or treatment at a secure treatment  
44.31 facility while the person is engaged in the performance of a duty imposed by law, policy,  
45.1 or rule is guilty of a felony and may be sentenced to imprisonment for not more than two  
45.2 years or to payment of a fine of not more than \$4,000, or both:

45.3 (1) assaults the person and inflicts demonstrable bodily harm; or

45.4 (2) intentionally throws or otherwise transfers bodily fluids or feces at or onto the person.

45.5 (c) Whoever, while committed under section 253B.18, or admitted under the provision  
45.6 of section 253B.10, subdivision 1, commits either of the following acts against an employee  
45.7 or other individual who supervises and works directly with patients at a secure treatment  
45.8 facility while the person is engaged in the performance of a duty imposed by law, policy,  
45.9 or rule, is guilty of a felony and may be sentenced to imprisonment for not more than two  
45.10 years or to payment of a fine of not more than \$4,000, or both:

45.11 (1) assaults the person and inflicts demonstrable bodily harm; or

45.12 (2) intentionally throws or otherwise transfers ~~urine, blood, semen,~~ bodily fluids or feces  
45.13 at or onto the person.

45.14 (d) The court shall commit a person convicted of violating paragraph (b) to the custody  
45.15 of the commissioner of corrections for not less than one year and one day. The court may  
45.16 not, on its own motion or the prosecutor's motion, sentence a person without regard to this  
45.17 paragraph. A person convicted and sentenced as required by this paragraph is not eligible  
45.18 for probation, parole, discharge, work release, or supervised release, until that person has  
45.19 served the full term of imprisonment as provided by law, notwithstanding the provisions of  
45.20 sections 241.26, 242.19, 243.05, 244.04, 609.12, and 609.135.

45.21 (e) Notwithstanding the statutory maximum sentence provided in paragraph (b), when  
45.22 a court sentences a person to the custody of the commissioner of corrections for a violation  
45.23 of paragraph (b), the court shall provide that after the person has been released from prison,  
45.24 the commissioner shall place the person on conditional release for five years. The terms of  
45.25 conditional release are governed by sections 244.05 and 609.3455, subdivision 6, 7, or 8;  
45.26 and Minnesota Statutes 2004, section 609.109.

45.27 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
45.28 committed on or after that date.

45.29 Sec. 10. Minnesota Statutes 2016, section 609.324, subdivision 3, is amended to read:

45.30 Subd. 3. **General prostitution crimes; penalties for patrons.** ~~(a) Whoever, while acting~~  
45.31 ~~as a patron, intentionally does any of the following is guilty of a misdemeanor:~~

45.32 ~~(1) engages in prostitution with an individual 18 years of age or older; or~~

46.1 ~~(2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage~~  
46.2 ~~in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a~~  
46.3 ~~person who is convicted of violating this paragraph must, at a minimum, be sentenced to~~  
46.4 ~~pay a fine of at least \$500 \$750.~~

46.5 ~~(b) Whoever violates the provisions of this subdivision within two years of a previous~~  
46.6 ~~prostitution conviction for violating this section or section 609.322 is guilty of a gross~~  
46.7 ~~misdemeanor. Except as otherwise provided in subdivision 4, a person who is convicted of~~  
46.8 ~~violating this paragraph must, at a minimum, be sentenced as follows:~~

46.9 ~~(1) to pay a fine of at least \$1,500; and~~

46.10 ~~(2) to serve 20 hours of community work service.~~

46.11 ~~The court may waive the mandatory community work service if it makes specific, written~~  
46.12 ~~findings that the community work service is not feasible or appropriate under the~~  
46.13 ~~circumstances of the case.~~

46.14 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
46.15 committed on or after that date.

46.16 Sec. 11. Minnesota Statutes 2016, section 609.324, is amended by adding a subdivision  
46.17 to read:

46.18 Subd. 3a. **Penalties for patrons; repeat offenders.** Whoever violates the provisions of  
46.19 subdivision 2 or 3 within ten years of a previous prostitution conviction for violating this  
46.20 section or section 609.322 is guilty of a felony. Except as otherwise provided in subdivision  
46.21 4, a person who is convicted of violating this paragraph must, at a minimum, be sentenced  
46.22 as follows:

46.23 (1) to pay a fine of at least \$3,000; and

46.24 (2) to serve 100 hours of community work service in addition to any period of  
46.25 incarceration in a local jail or workhouse imposed as an intermediate sanction.

46.26 The court may waive the mandatory community work service if it makes specific, written  
46.27 findings that the community work service is not feasible or appropriate under the  
46.28 circumstances of the case.

46.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
46.30 committed on or after that date.

47.1 Sec. 12. Minnesota Statutes 2016, section 609.324, subdivision 4, is amended to read:

47.2 Subd. 4. **Community service in lieu of minimum fine.** The court may order a person  
47.3 convicted of violating subdivision 2 ~~or~~ 3, or 3a to perform community work service in lieu  
47.4 of all or a portion of the minimum fine required under those subdivisions if the court makes  
47.5 specific, written findings that the convicted person is indigent or that payment of the fine  
47.6 would create undue hardship for the convicted person or that person's immediate family.  
47.7 Community work service ordered under this subdivision is in addition to any mandatory  
47.8 community work service ordered under subdivision ~~3~~ 3a.

47.9 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
47.10 committed on or after that date.

357.27 Sec. 7. Minnesota Statutes 2016, section 609.3241, is amended to read:

357.28 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

357.29 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,  
357.30 609.283, 609.322 ~~or~~ 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting  
357.31 other than as a prostitute, the court shall impose an assessment of not less than \$500 and  
357.32 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section  
357.33 609.324, subdivision 2, ~~or~~ a misdemeanor violation of section 609.324, subdivision 3, a  
358.1 violation of section 609.33, or a violation of section 617.293; otherwise the court shall  
358.2 impose an assessment of not less than \$750 and not more than \$1,000. The assessment shall  
358.3 be distributed as provided in paragraph (c) and is in addition to the surcharge required by  
358.4 section 357.021, subdivision 6.

358.5 (b) The court may not waive payment of the minimum assessment required by this  
358.6 section. If the defendant qualifies for the services of a public defender or the court finds on  
358.7 the record that the convicted person is indigent or that immediate payment of the assessment  
358.8 would create undue hardship for the convicted person or that person's immediate family,  
358.9 the court may reduce the amount of the minimum assessment to not less than \$100. The  
358.10 court also may authorize payment of the assessment in installments.

358.11 (c) The assessment collected under paragraph (a) must be distributed as follows:

358.12 (1) 40 percent of the assessment shall be forwarded to the political subdivision that  
358.13 employs the arresting officer for use in enforcement, training, and education activities related  
358.14 to combating sexual exploitation of youth, or if the arresting officer is an employee of the  
358.15 state, this portion shall be forwarded to the commissioner of public safety for those purposes  
358.16 identified in clause (3);

358.17 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled  
358.18 the case for use in training and education activities relating to combating sexual exploitation  
358.19 activities of youth; and

358.20 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be  
358.21 deposited in the safe harbor for youth account in the special revenue fund and are  
358.22 appropriated to the commissioner for distribution to crime victims services organizations  
358.23 that provide services to sexually exploited youth, as defined in section 260C.007, subdivision  
358.24 31.

358.25 (d) A safe harbor for youth account is established as a special account in the state treasury.

358.26 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes  
358.27 committed on or after that date.

47.11 Sec. 13. Minnesota Statutes 2016, section 609.52, subdivision 3, is amended to read:

47.12 Subd. 3. **Sentence.** Whoever commits theft may be sentenced as follows:

47.13 (1) to imprisonment for not more than 20 years or to payment of a fine of not more than  
47.14 \$100,000, or both, if the property is a firearm, or the value of the property or services stolen  
47.15 is more than \$35,000 and the conviction is for a violation of subdivision 2, clause (3), (4),  
47.16 (15), or (16), or section 609.2335, subdivision 1, clause (1) or (2), item (i); or

47.17 (2) to imprisonment for not more than ten years or to payment of a fine of not more than  
47.18 \$20,000, or both, if the value of the property or services stolen exceeds \$5,000, or if the  
47.19 property stolen was an article representing a trade secret, an explosive or incendiary device,  
47.20 or a controlled substance listed in Schedule I or II pursuant to section 152.02 with the  
47.21 exception of marijuana; or

47.22 (3) to imprisonment for not more than five years or to payment of a fine of not more  
47.23 than \$10,000, or both, if any of the following circumstances exist:

47.24 (a) the value of the property or services stolen is more than \$1,000 but not more than  
47.25 \$5,000; or

47.26 (b) the property stolen was a controlled substance listed in Schedule III, IV, or V pursuant  
47.27 to section 152.02; or

47.28 (c) the value of the property or services stolen is more than \$500 but not more than  
47.29 \$1,000 and the person has been convicted within the preceding five years for an offense  
47.30 under this section, section 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision  
47.31 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821, or a statute from another state, the United  
47.32 States, or a foreign jurisdiction, in conformity with any of those sections, and the person  
48.1 received a felony or gross misdemeanor sentence for the offense, or a sentence that was  
48.2 stayed under section 609.135 if the offense to which a plea was entered would allow  
48.3 imposition of a felony or gross misdemeanor sentence; or

48.4 (d) the value of the property or services stolen is not more than \$1,000, and any of the  
48.5 following circumstances exist:

48.6 (i) the property is taken from the person of another or from a corpse, or grave or coffin  
48.7 containing a corpse; or

48.8 (ii) the property is a record of a court or officer, or a writing, instrument or record kept,  
48.9 filed or deposited according to law with or in the keeping of any public officer or office; or

48.10 (iii) the property is taken from a burning, abandoned, or vacant building or upon its  
48.11 removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing,  
48.12 or the proximity of battle; or

48.13 (iv) the property consists of public funds belonging to the state or to any political  
48.14 subdivision or agency thereof; or

48.15 (v) the property stolen is a motor vehicle; or

48.16 (e) the value of the property or services stolen is \$500 or less and the person violates  
48.17 this section within five years of the first of 24 prior convictions for an offense under this  
48.18 section; section 176.178; 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision  
48.19 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821; or a statute from another state, the United  
48.20 States, or a foreign jurisdiction in conformity with any of those sections; or

48.21 (4) to imprisonment for not more than one year or to payment of a fine of not more than  
48.22 \$3,000, or both, if the value of the property or services stolen is more than \$500 but not  
48.23 more than \$1,000; or any of the following circumstances exist:

48.24 (a) the value of the property or services stolen is more than \$500 but not more than  
48.25 \$1,000; or

48.26 (b) the value of the property or services stolen is \$500 or less and the person violates  
48.27 this section within five years of the first of two prior convictions for an offense under this  
48.28 section; section 176.178; 256.98; 268.182; 609.24; 609.245; 609.53; 609.582, subdivision  
48.29 1, 2, or 3; 609.625; 609.63; 609.631; or 609.821; or a statute from another state, the United  
48.30 States, or a foreign jurisdiction in conformity with any of those sections; or

48.31 (5) in all other cases where the value of the property or services stolen is \$500 or less,  
48.32 to imprisonment for not more than 90 days or to payment of a fine of not more than \$1,000,  
49.1 or both, provided, however, in any prosecution under subdivision 2, clauses (1), (2), (3),  
49.2 (4), and (13), the value of the money or property or services received by the defendant in  
49.3 violation of any one or more of the above provisions within any six-month period may be  
49.4 aggregated and the defendant charged accordingly in applying the provisions of this  
49.5 subdivision; provided that when two or more offenses are committed by the same person  
49.6 in two or more counties, the accused may be prosecuted in any county in which one of the  
49.7 offenses was committed for all of the offenses aggregated under this paragraph.

49.8 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
49.9 committed on or after that date.

### **H3138-3**

432.9 Sec. 107. Minnesota Statutes 2016, section 609.594, subdivision 2, is amended to read:

432.10 Subd. 2. **Prohibited conduct; penalty.** (a) Whoever causes damage to the physical  
432.11 property of a critical public service facility, utility, or pipeline with the intent to significantly  
432.12 disrupt the operation of or the provision of services by the facility, utility, or pipeline and  
432.13 without the consent of one authorized to give consent, is guilty of a felony and may be  
432.14 sentenced to imprisonment for not more than ten years or to payment of a fine of not more  
432.15 than \$20,000, or both.

432.16 (b) A person who intentionally aids, advises, hires, counsels, or conspires with or  
432.17 otherwise procures another to violate paragraph (a) may be held criminally liable under  
432.18 section 609.605. A "person" for these purposes means an individual, partnership, association,  
432.19 public or private corporation, or other entity.

432.20 (c) A labor organization, its leaders, or its members shall not be subject to this unless  
432.21 the labor organization, its leaders, or its members intentionally aids, advises, hires, counsels,  
432.22 or conspires with or otherwise procures an individual to damage critical infrastructure.

432.23 (d) As used in this section, "labor organization" has the meaning given in section 179.01.  
432.24 subdivision 6.

432.25 (e) Nothing in this section shall interfere with the rights specifically granted in sections  
432.26 179.01 to 179.17, the Fair Labor Standards Act.

432.27 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
432.28 committed on or after that date.

432.29 Sec. 108. Minnesota Statutes 2016, section 609.6055, subdivision 2, is amended to read:

432.30 Subd. 2. **Prohibited conduct; penalty.** (a) Whoever enters or is found upon property  
432.31 containing a critical public service facility, utility, or pipeline, without claim of right or  
433.1 consent of one who has the right to give consent to be on the property, is guilty of a gross  
433.2 misdemeanor, if:

433.3 (1) the person refuses to depart from the property on the demand of one who has the  
433.4 right to give consent;

433.5 (2) within the past six months, the person had been told by one who had the right to give  
433.6 consent to leave the property and not to return, unless a person with the right to give consent  
433.7 has given the person permission to return; or

433.8 (3) the property is posted.

433.9 (b) Whoever enters an underground structure that (1) contains a utility line or pipeline  
433.10 and (2) is not open to the public for pedestrian use, without claim of right or consent of one  
433.11 who has the right to give consent to be in the underground structure, is guilty of a gross  
433.12 misdemeanor. The underground structure does not need to be posted for this paragraph to  
433.13 apply.

433.14 (c) Unless a greater penalty is provided elsewhere, whoever violates this section with  
433.15 intent to damage, destroy, or tamper with equipment, or significantly impede or inhibit  
433.16 operation, is guilty of a felony and may be sentenced to imprisonment for not more than  
433.17 three years or to payment of a fine of not more than \$5,000, or both.

433.18 (d) A person who intentionally aids, advises, hires, counsels, or conspires with or  
433.19 otherwise procures another to violate paragraphs (a), (b), or (c) may be held criminally  
433.20 liable under section 609.605. A "person" for these purposes means an individual, partnership,  
433.21 association, public or private corporation, or other entity.



433.22 (e) A labor organization, its leaders, or its members shall not be subject to this provision  
433.23 unless the labor organization, its leaders, or its members intentionally aids, advises, hires,  
433.24 counsels, or conspires with or otherwise procures another to trespass on critical infrastructure.

433.25 (f) As used in this section, "labor organization" has the meaning given in section 179.01,  
433.26 subdivision 6.

433.27 (g) Nothing in this section shall interfere with the rights specifically granted in sections  
433.28 179.01 to 179.17, the Fair Labor Standards Act.

433.29 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
433.30 committed on or after that date.

### H2856-3

49.10 Sec. 14. Minnesota Statutes 2016, section 609.74, is amended to read:

49.11 **609.74 PUBLIC NUISANCE.**

49.12 (a) Whoever by an act or failure to perform a legal duty intentionally does any of the  
49.13 following is guilty of maintaining a public nuisance, which is a misdemeanor:

49.14 (1) maintains or permits a condition which unreasonably annoys, injures or endangers  
49.15 the safety, health, morals, comfort, or repose of any considerable number of members of  
49.16 the public; or

49.17 (2) except as provided in paragraph (b), interferes with, obstructs, or renders dangerous  
49.18 for passage, any public highway or right-of-way, or waters used by the public; or

49.19 (3) is guilty of any other act or omission declared by law to be a public nuisance and for  
49.20 which no sentence is specifically provided.

49.21 (b) It is a gross misdemeanor for a person to interfere with or obstruct traffic that is  
49.22 entering, exiting, or on a freeway or entering, exiting, or on a public roadway within the  
49.23 boundaries of airport property with the intent to interfere with, obstruct, or otherwise disrupt  
49.24 traffic. This paragraph does not apply to the actions of law enforcement or other emergency  
49.25 responders, road or airport authorities, or utility officials, or their agents, employees, or  
49.26 contractors when carrying out duties imposed by law or contract. For purposes of this  
49.27 paragraph: (1) "airport" means an airport that has a control tower and airline service; and  
49.28 (2) "freeway" means any section of a divided highway where the only access and egress for  
49.29 vehicular traffic is from entrance and exit ramps.

49.30 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
49.31 committed on or after that date.

50.1 Sec. 15. Minnesota Statutes 2016, section 609.855, subdivision 2, is amended to read:

50.2 Subd. 2. **Unlawful interference with transit operator.** (a) Whoever intentionally  
50.3 commits an act that interferes with or obstructs, or tends to interfere with or obstruct, the  
50.4 operation of a transit vehicle is guilty of ~~unlawful interference with a transit operator a crime~~  
50.5 and may be sentenced as provided in paragraph (c).

50.6 (b) An act ~~that is~~ committed on a transit vehicle that distracts the driver from the safe  
50.7 operation of the vehicle, restricts passenger access to the transit vehicle, or ~~that~~ endangers  
50.8 passengers is a violation of this subdivision if an authorized transit representative has clearly  
50.9 warned the person once to stop the act.

50.10 (c) A person who violates this subdivision may be sentenced as follows:

50.11 (1) to imprisonment for not more than three years or to payment of a fine of not more  
50.12 than \$5,000, or both, if the violation was accompanied by force or violence or a  
50.13 communication of a threat of force or violence; or

50.14 (2) to imprisonment for not more than ~~90 days~~ one year or to payment of a fine of not  
50.15 more than ~~\$1,000~~ \$3,000, or both, if the violation was not accompanied by force or violence  
50.16 or a communication of a threat of force or violence.

50.17 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to offenses  
50.18 committed on or after that date.

373.5 Sec. 25. **REVISOR'S INSTRUCTION.**

373.6 The revisor of statutes shall make necessary cross-reference changes in Minnesota  
373.7 Statutes and Minnesota Rules resulting from the amendments to Minnesota Statutes, sections  
373.8 609.2112, subdivision 1, and 609.2114, subdivision 1, in Laws 2016, chapter 109.