

OFFICE OF DAKOTA COUNTY ATTORNEY
JAMES C. BACKSTROM
COUNTY ATTORNEY



Dakota County Judicial Center
1560 Highway 55
Hastings, Minnesota 55033-2392
Phillip D. Prokopowicz, Chief Deputy
Jay R. Stassen, First Assistant
Monica Jensen, Community Relations Director

Telephone
(651) 438-4438
FAX: (651) 438-4479 (Civil Division)
FAX: (651) 438-4500 (Criminal Division)
FAX: (651) 438-4499 (Juvenile/Admin Division)
E-mail: attorney@co.dakota.mn.us

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**PROPOSED BILL TO AMEND CRIMINAL SEXUAL CONDUCT TO PROHIBIT TEACHERS,
COACHES OR OTHER SCHOOL REPRESENTATIVES FROM HAVING SEXUAL RELATIONS
OR CONTACT WITH HIGH SCHOOL STUDENTS WHO HAVE NOT YET GRADUATED**

In the past several years this office has reviewed two cases involving high school teachers/coaches who had sexual contact/relations with 18 year old high school students. These cases highlighted the fact that Minnesota law does not currently make it a felony for a teacher or coach (or independent contractor, or volunteer with a secondary school) to have sexual relations or contact with a high school student if the student is age 18 or older. This gap in the state's criminal sexual conduct statutes needs to be closed and this legislation will achieve that objective.

Under current law [Minn. Stat. §§ 609.344 and 609.345 subd. 1 (e)], it is a felony level crime if a teacher, coach or other school representative has sexual relations or contact with a student if "the complainant is at least 16 but less than 18 years of age but the actor is at least 48 months older than the complainant and is in a position of authority of the complainant". However, under current law if a high school student who has not yet graduated is 18 years of age or older it is not a crime for a teacher, coach or other school representative to have sexual relations or contact with the student.

The Minnesota Legislature needs to expand the law to cover situations like this. It is the view of the Dakota County Attorney's Office that it is unconscionable for a teacher, coach, independent contractor, or volunteer with a school district to have sexual relations or contact with a high school student who has not yet graduated even if the student is over age 18. When this occurs it should be a felony offense. A high school student, even if he or she has turned age 18, can easily be manipulated into a sexual relationship with a teacher, coach or other school representative whom the student trusts, and such relationships can have long term negative impacts upon these vulnerable youth.

Enclosed is proposed legislation to correct this gap in current state law.

- This proposal adds the definitions of secondary school and independent contractor to Minn. Stat. § 609.341 and amends subd. 1(e) of both Minn. Stat. §§ 609.344 and 609.345 to make it a crime for any employee, independent contractor or volunteer in a secondary school to have sexual relations or sexual contact with a student who is at least 16 but less than 21 years of age who has not yet graduated and received a diploma, if the employee, independent contractor or volunteer is in a position of authority over the student. Neither mistake of the complainant's age nor consent to the act by the complainant is a defense.