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S.F. No. 802 - Omnibus Judiciary and Public Safety Funding Bill (Third Engrossment)

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Article 1 – Appropriations

This article contains appropriations to fund the Supreme Court (**section 2**), Court of Appeals (**section 3**), District Courts (**section 4**), Guardian ad Litem Board (**section 5**), Tax Court (**section 6**), Uniform Laws Commission (**section 7**), Board on Judicial Standards (**section 8**), Board of Public Defense (**section 9**), Sentencing Guidelines Commission (**section 10**), Department of Public Safety (**section 11**), POST Board (**section 12**), Private Detective Board (**section 13**), Department of Human Rights (**section 14**), and Department of Corrections (**section 15**). (See spreadsheet for details on the appropriations.)

Section 16 directs the Commissioner of Management and Budget to transfer up to \$20 million from the general fund to the disaster assistance contingency account if the closing balance in the general fund at the end of the current fiscal year exceeds the projected closing balance.

Section 17 requires the Commissioner of Management and Budget to transfer \$461,000 each year from the general fund to the community justice reinvestment account to be available for grants under Minnesota Statutes, section 299A.707. This clarifies that the transfer is part of the Department of Public Safety’s base budget.

Section 18 increases the peace officer training account’s share of the first \$25 of the criminal and traffic surcharge from 39 to 62 percent. This is necessary to fully fund the fiscal year 2020-2021 POST Board budget request.

Article 2 – Public Safety Policy Changes Related to Appropriations

Section 1 requires persons convicted of the new enhanced felony surreptitious intrusion crime involving a minor (see section 8) to register as a predatory offender.

Section 2 expands the definition of “position of authority” to “current or recent” position of authority for the purposes of the criminal sexual conduct statutes. Defines “recent” as within 120 days immediately preceding the act. Includes persons who “assume” a duty or responsibility to a child as well as those who are charged with those duties or responsibilities.

Section 3 is a conforming change that extends the definition of “sexual contact” to apply to the new crime relating to peace officers created in section 7.

Sections 4 to 7 amend the criminal sexual conduct in the 1st- to 4th-degree statutes to include the expanded definition of “position of authority” in section 2. Also, sections 6 and 7 prohibit peace officers from engaging in any type of sexual contact or penetration with a person being restrained or who is not free to leave the officer’s presence.

Section 8 creates a new enhanced felony penalty (statutory maximum sentence of up to four years’ imprisonment and/or \$5,000 fine) for a violation of section 609.746, subdivision 1 (surreptitious intrusion), if the offense involved use of a recording device, the victim was a minor, the offender was more than 36 months older than the victim, the offender knew or had reason to know of the minor’s presence, and the offense was committed with sexual intent. A person convicted under this provision must also register as a predatory offender under section 1.

Section 9 to 15 amend the various child pornography crimes. Add enhanced felony statutory maximum penalties for those crimes if the crime involved a victim under the age of 13. Also adds enhanced statutory maximums for repeat offenders and offenders who are registered predatory offenders. (Some of these enhancements (the repeat offender and the predatory offender ones) are already present for some of the offenses. The net effect of these changes are to apply all three enhancements to each child pornography crime.) Also, extend the conditional release term for repeat child pornography offenders.

Section 16 requires the Minnesota Sentencing Guidelines Commission to comprehensively review and consider modifying how the Guidelines and the Grid treat child pornography crimes.