

80.27 **ARTICLE 6**

80.28 **CRIMINAL SEXUAL CONDUCT**

80.29 Section 1. Minnesota Statutes 2016, section 244.195, subdivision 1, is amended to read:

81.1 Subdivision 1. **Definitions.** (a) As used in this subdivision, the following terms have  
81.2 the meanings given them.

81.3 (b) "Commissioner" means the commissioner of corrections.

81.4 (c) "Conditional release" means parole, supervised release, conditional release as  
81.5 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section  
81.6 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work  
81.7 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and  
81.8 any other authorized temporary release from a correctional facility.

81.9 (d) "Court services director" means the director or designee of a county probation agency  
81.10 that is not organized under chapter 401.

81.11 (e) "Detain" means to take into actual custody, including custody within a local  
81.12 correctional facility.

81.13 (f) "Local correctional facility" has the meaning given in section 241.021, subdivision  
81.14 1.

81.15 (g) "Release" means to release from actual custody.

81.16 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
81.17 committed on or after that date.

81.18 Sec. 2. Minnesota Statutes 2016, section 253D.22, is amended to read:

81.19 **253D.22 TRANSFER TO CORRECTIONAL FACILITY.**

81.20 (a) If a person has been committed under this chapter and later is committed to the  
81.21 custody of the commissioner of corrections for any reason, including but not limited to,  
81.22 being sentenced for a crime or revocation of the person's supervised release or conditional  
81.23 release under section 244.05; 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004,  
81.24 section 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision  
81.25 7, the person shall be transferred to a facility designated by the commissioner of corrections  
81.26 without regard to the procedures provided in section 253D.29, subdivision 1.

81.27 (b) If a person is committed under this chapter after a commitment to the commissioner  
81.28 of corrections, the person shall first serve the sentence in a facility designated by the  
81.29 commissioner of corrections. After the person has served the sentence, the person shall be  
81.30 transferred to a treatment program designated by the commissioner of human services.

81.31 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
81.32 committed on or after that date.

82.1 Sec. 3. Minnesota Statutes 2016, section 401.01, subdivision 2, is amended to read:

82.2 Subd. 2. **Definitions.** (a) For the purposes of sections 401.01 to 401.16, the following  
82.3 terms have the meanings given them.

82.4 (b) "CCA county" means a county that participates in the Community Corrections Act.

82.5 (c) "Commissioner" means the commissioner of corrections or a designee.

82.6 (d) "Conditional release" means parole, supervised release, conditional release as  
82.7 authorized by section 609.3455, subdivision 6, 7, or 8; Minnesota Statutes 2004, section  
82.8 609.108, subdivision 6; or Minnesota Statutes 2004, section 609.109, subdivision 7, work  
82.9 release as authorized by sections 241.26, 244.065, and 631.425, probation, furlough, and  
82.10 any other authorized temporary release from a correctional facility.

82.11 (e) "County probation officer" means a probation officer appointed under section 244.19.

82.12 (f) "Detain" means to take into actual custody, including custody within a local  
82.13 correctional facility.

82.14 (g) "Joint board" means the board provided in section 471.59.

82.15 (h) "Local correctional facility" has the meaning given in section 241.021, subdivision  
82.16 1.

82.17 (i) "Local correctional service" means those services authorized by and employees,  
82.18 officers, and agents appointed under section 244.19, subdivision 1.

82.19 (j) "Release" means to release from actual custody.

82.20 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
82.21 committed on or after that date.

82.22 Sec. 4. Minnesota Statutes 2016, section 609.095, is amended to read:

82.23 **609.095 LIMITS OF SENTENCES.**

82.24 (a) The legislature has the exclusive authority to define crimes and offenses and the  
82.25 range of the sentences or punishments for their violation. No other or different sentence or  
82.26 punishment shall be imposed for the commission of a crime than is authorized by this chapter  
82.27 or other applicable law.

82.28 (b) Except as provided in section 152.18 or 609.375, or upon agreement of the parties  
82.29 in a case that does not include a charge for violating section 243.166, 609.342, 609.343,  
82.30 609.344, 609.345, 609.3451, subdivision 3, or 609.3453, a court may not refuse to adjudicate  
82.31 the guilt of a defendant who tenders a guilty plea in accordance with Minnesota Rules of  
83.1 Criminal Procedure, rule 15, or who has been found guilty by a court or jury following a  
83.2 trial.

83.3 (c) Paragraph (b) does not supersede Minnesota Rules of Criminal Procedure, rule 26.04.

83.4 (d) The rules promulgated by the Supreme Court shall provide for remote access,  
83.5 searchable by defendant name, to the publicly accessible portions of the district court register  
83.6 of actions, orders, notices prepared by the court, and any other documents in a case:

83.7 (1) that includes a charge for violating section 243.166, 609.342, 609.343, 609.344,  
83.8 609.345, 609.3451, subdivision 3, or 609.3453; and

83.9 (2) in which a court did not adjudicate the guilt of a defendant who, before August 1,  
83.10 2017, tendered a guilty plea in accordance with Minnesota Rules of Criminal Procedure,  
83.11 rule 15, or who has been found guilty by a court or jury following a trial.

83.12 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
83.13 committed on or after that date.

83.14 Sec. 5. Minnesota Statutes 2016, section 609.135, subdivision 1, is amended to read:

83.15 Subdivision 1. **Terms and conditions.** (a) Except when a sentence of life imprisonment  
83.16 is required by law, or when a mandatory minimum sentence is required by section 609.11,  
83.17 or as provided in paragraph (e), any court may stay imposition or execution of sentence  
83.18 and:

83.19 (1) may order intermediate sanctions without placing the defendant on probation; or

83.20 (2) may place the defendant on probation with or without supervision and on the terms  
83.21 the court prescribes, including intermediate sanctions when practicable. The court may order  
83.22 the supervision to be under the probation officer of the court, or, if there is none and the  
83.23 conviction is for a felony or gross misdemeanor, by the commissioner of corrections, or in  
83.24 any case by some other suitable and consenting person. Unless the court directs otherwise,  
83.25 state parole and probation agents and probation officers may impose community work  
83.26 service or probation violation sanctions, consistent with section 243.05, subdivision 1;  
83.27 sections 244.196 to 244.199; or 401.02, subdivision 5.

83.28 No intermediate sanction may be ordered performed at a location that fails to observe  
83.29 applicable requirements or standards of chapter 181A or 182, or any rule promulgated under  
83.30 them.

83.31 (b) For purposes of this subdivision, subdivision 6, and section 609.14, the term  
83.32 "intermediate sanctions" includes but is not limited to incarceration in a local jail or  
84.1 workhouse, home detention, electronic monitoring, intensive probation, sentencing to service,  
84.2 reporting to a day reporting center, chemical dependency or mental health treatment or  
84.3 counseling, restitution, fines, day-fines, community work service, work service in a restorative  
84.4 justice program, work in lieu of or to work off fines and, with the victim's consent, work in  
84.5 lieu of or to work off restitution.

84.6 (c) A court may not stay the revocation of the driver's license of a person convicted of  
84.7 violating the provisions of section 169A.20.

84.8 (d) If the court orders a fine, day-fine, or restitution as an intermediate sanction, payment  
84.9 is due on the date imposed unless the court otherwise establishes a due date or a payment  
84.10 plan.

84.11 (e) A court may not stay imposition of a sentence for a felony violation of section  
84.12 243.166, 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453.

84.13 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
84.14 committed on or after that date.

84.15 Sec. 6. Minnesota Statutes 2016, section 609.2231, subdivision 3a, is amended to read:

84.16 Subd. 3a. **Secure treatment facility personnel.** (a) As used in this subdivision, "secure  
84.17 treatment facility" includes facilities listed in sections 253B.02, subdivision 18a, and  
84.18 253D.02, subdivision 13.

84.19 (b) Whoever, while committed under chapter 253D, Minnesota Statutes 2012, section  
84.20 253B.185, or Minnesota Statutes 1992, section 526.10, commits either of the following acts

84.21 against an employee or other individual who provides care or treatment at a secure treatment  
84.22 facility while the person is engaged in the performance of a duty imposed by law, policy,  
84.23 or rule is guilty of a felony and may be sentenced to imprisonment for not more than two  
84.24 years or to payment of a fine of not more than \$4,000, or both:

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

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

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

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

85.2 (2) intentionally throws or otherwise transfers urine, blood, semen, or feces onto the  
85.3 person.

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

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

85.17 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
85.18 committed on or after that date.

85.19 Sec. 7. Minnesota Statutes 2016, section 609.342, subdivision 2, is amended to read:

85.20 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota  
85.21 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced  
85.22 to imprisonment for not more than 30 years or to a payment of a fine of not more than  
85.23 \$40,000, or both.

85.24 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the  
85.25 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall  
85.26 presume that an executed sentence of 144 months must be imposed on an offender convicted  
85.27 of violating this section. Sentencing a person in a manner other than that described in this  
85.28 paragraph is a departure from the Sentencing Guidelines.

85.29 (c) A person convicted under this section is also subject to lifetime conditional release,  
85.30 lifetime probation, and intensive probation under section 609.3455.

85.31 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
85.32 committed on or after that date.

86.1 Sec. 8. Minnesota Statutes 2016, section 609.342, is amended by adding a subdivision to  
86.2 read:

86.3 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may  
86.4 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section  
86.5 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found  
86.6 guilty by a court or jury following a trial.

86.7 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay  
86.8 imposition of a sentence under this section.

86.9 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
86.10 committed on or after that date.

86.11 Sec. 9. Minnesota Statutes 2016, section 609.343, subdivision 2, is amended to read:

86.12 Subd. 2. **Penalty.** (a) Except as otherwise provided in section 609.3455; or Minnesota  
86.13 Statutes 2004, section 609.109, a person convicted under subdivision 1 may be sentenced  
86.14 to imprisonment for not more than 25 years or to a payment of a fine of not more than  
86.15 \$35,000, or both.

86.16 (b) Unless a longer mandatory minimum sentence is otherwise required by law or the  
86.17 Sentencing Guidelines provide for a longer presumptive executed sentence, the court shall  
86.18 presume that an executed sentence of 90 months must be imposed on an offender convicted

86.19 of violating subdivision 1, clause (c), (d), (e), (f), or (h). Sentencing a person in a manner  
86.20 other than that described in this paragraph is a departure from the Sentencing Guidelines.

86.21 (c) A person convicted under this section is also subject to lifetime conditional release,  
86.22 lifetime probation, and intensive probation under section 609.3455.

86.23 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
86.24 committed on or after that date.

86.25 Sec. 10. Minnesota Statutes 2016, section 609.343, is amended by adding a subdivision  
86.26 to read:

86.27 **Subd. 4. Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may  
86.28 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section  
86.29 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found  
86.30 guilty by a court or jury following a trial.

87.1 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay  
87.2 imposition of a sentence under this section.

87.3 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
87.4 committed on or after that date.

87.5 Sec. 11. Minnesota Statutes 2016, section 609.344, subdivision 2, is amended to read:

87.6 **Subd. 2. Penalty.** Except as otherwise provided in section 609.3455, a person convicted  
87.7 under subdivision 1 may be sentenced:

87.8 (1) to imprisonment for not more than 15 years or to a payment of a fine of not more  
87.9 than \$30,000, or both; or

87.10 (2) if the person was convicted under subdivision 1, paragraph (b), and if the actor was  
87.11 no more than 48 months but more than 24 months older than the complainant, to  
87.12 imprisonment for not more than five years or a fine of not more than \$30,000, or both.

87.13 A person convicted under this section is also subject to lifetime conditional release,  
87.14 lifetime probation, and intensive probation under section 609.3455.

87.15 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
87.16 committed on or after that date.

87.17 Sec. 12. Minnesota Statutes 2016, section 609.344, is amended by adding a subdivision  
87.18 to read:

87.19 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may  
87.20 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section  
87.21 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found  
87.22 guilty by a court or jury following a trial.

87.23 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay  
87.24 imposition of a sentence under this section.

87.25 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
87.26 committed on or after that date.

87.27 Sec. 13. Minnesota Statutes 2016, section 609.345, subdivision 2, is amended to read:

87.28 Subd. 2. **Penalty.** Except as otherwise provided in section 609.3455, a person convicted  
87.29 under subdivision 1 may be sentenced to imprisonment for not more than ten years or to a  
87.30 payment of a fine of not more than \$20,000, or both. A person convicted under this section  
88.1 is also subject to lifetime conditional release, lifetime probation, and intensive probation  
88.2 under section 609.3455.

88.3 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
88.4 committed on or after that date.

88.5 Sec. 14. Minnesota Statutes 2016, section 609.345, is amended by adding a subdivision  
88.6 to read:

88.7 Subd. 4. **Stays prohibited.** (a) Pursuant to section 609.095, paragraph (b), a court may  
88.8 not refuse to adjudicate the guilt of a defendant who tenders a guilty plea under this section  
88.9 in accordance with Minnesota Rules of Criminal Procedure, rule 15, or who has been found  
88.10 guilty by a court or jury following a trial.

88.11 (b) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay  
88.12 imposition of a sentence under this section.

88.13 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
88.14 committed on or after that date.

88.15 Sec. 15. Minnesota Statutes 2016, section 609.3451, subdivision 3, is amended to read:



88.16 Subd. 3. **Felony.** (a) A person is guilty of a felony and may be sentenced to imprisonment  
88.17 for not more than seven years or to payment of a fine of not more than \$14,000, or both, if  
88.18 the person violates this section within seven years of:

88.19 (1) a previous conviction for violating subdivision 1, clause (2), a crime described in  
88.20 paragraph (b), or a statute from another state in conformity with any of these offenses; or

88.21 (2) the first of two or more previous convictions for violating subdivision 1, clause (1),  
88.22 or a statute from another state in conformity with this offense.

88.23 (b) A previous conviction for violating section 609.342; 609.343; 609.344; 609.345;  
88.24 609.3453; 617.23, subdivision 2, clause (2), or subdivision 3; or 617.247 may be used to  
88.25 enhance a criminal penalty as provided in paragraph (a).

88.26 (c) Pursuant to section 609.095, paragraph (b), a court may not refuse to adjudicate the  
88.27 guilt of a defendant who tenders a guilty plea under this subdivision in accordance with  
88.28 Minnesota Rules of Criminal Procedure, rule 15, or who has been found guilty by a court  
88.29 or jury following a trial.

88.30 (d) Pursuant to section 609.135, subdivision 1, paragraph (e), a court may not stay  
88.31 imposition of a sentence under this subdivision.

89.1 (e) A person convicted under this subdivision is also subject to lifetime conditional  
89.2 release, lifetime probation, and intensive probation under section 609.3455.

89.3 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
89.4 committed on or after that date.

89.5 Sec. 16. Minnesota Statutes 2016, section 609.3455, subdivision 7, is amended to read:

89.6 Subd. 7. **Mandatory lifetime conditional release term.** ~~(a) When a court sentences an~~  
89.7 ~~offender under subdivision 3 or 4, the court shall provide that, if the offender is released~~  
89.8 ~~from prison, the commissioner of corrections shall place the offender on conditional release~~  
89.9 ~~for the remainder of the offender's life.~~

89.10 ~~(b)~~ Notwithstanding the statutory maximum sentence otherwise applicable to the offense,  
89.11 when the court commits an offender to the custody of the commissioner of corrections for a  
89.12 felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451, or 609.3453,  
89.13 and the offender has a previous or prior sex offense conviction, the court shall provide that,  
89.14 after the offender has been released from prison, the commissioner shall place the offender  
89.15 on conditional release for the remainder of the offender's life.

89.16 ~~(c) Notwithstanding paragraph (b), an offender may not be placed on lifetime conditional~~  
89.17 ~~release for a violation of section 609.345, unless the offender's previous or prior sex offense~~  
89.18 ~~conviction is for a violation of section 609.342, 609.343, 609.344, or 609.3453, or any~~  
89.19 ~~similar statute of the United States, this state, or any other state.~~

89.20 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
89.21 committed on or after that date.

89.22 Sec. 17. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision  
89.23 to read:

89.24 Subd. 7a. **Lifetime probation.** Notwithstanding the statutory maximum sentence  
89.25 otherwise applicable to the offense and otherwise provided in section 609.135, subdivision  
89.26 2, paragraph (a), when the court does not commit an offender to the commissioner of  
89.27 corrections for a felony violation of section 609.342, 609.343, 609.344, 609.345, 609.3451,  
89.28 or 609.3453, the court shall, after the offender has been released from any term of  
89.29 confinement imposed by the court, place the offender on probation for the remainder of the  
89.30 offender's life.

89.31 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
89.32 committed on or after that date.

90.1 Sec. 18. Minnesota Statutes 2016, section 609.3455, subdivision 8, is amended to read:

90.2 Subd. 8. **Terms of conditional release; applicable to all sex offenders.** (a) The  
90.3 provisions of this subdivision relating to conditional release apply to all sex offenders  
90.4 sentenced to prison for a violation of section 609.342, 609.343, 609.344, 609.345, 609.3451,  
90.5 or 609.3453. Except as provided in this subdivision, conditional release of sex offenders is  
90.6 governed by provisions relating to supervised release. ~~The commissioner of corrections~~  
90.7 ~~may not dismiss an offender on conditional release from supervision until the offender's~~  
90.8 ~~conditional release term expires.~~

90.9 (b) The conditions of release may include successful completion of treatment and aftercare  
90.10 in a program approved by the commissioner, satisfaction of the release conditions specified  
90.11 in section 244.05, subdivision 6, and any other conditions the commissioner considers  
90.12 appropriate. The commissioner shall develop a plan to pay the cost of treatment of a person  
90.13 released under this subdivision. The plan may include co-payments from offenders,  
90.14 third-party payers, local agencies, or other funding sources as they are identified. This  
90.15 section does not require the commissioner to accept or retain an offender in a treatment  
90.16 program. Before the offender is placed on conditional release, the commissioner shall notify  
90.17 the sentencing court and the prosecutor in the jurisdiction where the offender was sentenced  
90.18 of the terms of the offender's conditional release. The commissioner also shall make

90.19 reasonable efforts to notify the victim of the offender's crime of the terms of the offender's  
90.20 conditional release.

90.21 (c) If the offender fails to meet any condition of release, the commissioner may revoke  
90.22 the offender's conditional release and order that the offender serve all or a part of the  
90.23 remaining portion of the conditional release term in prison. ~~An offender, while on supervised  
90.24 release, is not entitled to credit against the offender's conditional release term for time served  
90.25 in confinement for a violation of release.~~

90.26 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
90.27 committed on or after that date.

90.28 Sec. 19. Minnesota Statutes 2016, section 609.3455, is amended by adding a subdivision  
90.29 to read:

90.30 Subd. 8a. **Intensive probation.** (a) When the court does not commit an offender to the  
90.31 commissioner of corrections after a conviction for a felony violation of section 609.342,  
90.32 609.343, 609.344, 609.345, 609.3451, or 609.3453, the court shall place the offender on  
90.33 intensive probation as provided in this subdivision.

91.1 (b) Phase I of intensive probation is six months and begins after the offender is released  
91.2 from confinement, if ordered by the court. Phase II lasts for at least one-third of the time  
91.3 remaining in the offender's imposed sentence at the beginning of phase II. Phase III lasts  
91.4 for at least one-third of the time remaining in the offender's imposed sentence at the beginning  
91.5 of phase III. Phase IV continues until the offender's imposed sentence expires.

91.6 (c) During phase I, the offender will be under house arrest in a residence approved by  
91.7 the offender's probation agent and may not move to another residence without permission.  
91.8 "House arrest" means that the offender's movements will be severely restricted and  
91.9 continually monitored by the assigned agent. During phase II, modified house arrest is  
91.10 imposed. During phases III and IV, the offender is subjected to a daily curfew instead of  
91.11 house arrest.

91.12 (d) During phase I, the assigned probation agent shall have at least four face-to-face  
91.13 contacts with the offender each week. During phase II, two face-to-face contacts a week  
91.14 are required. During phase III, one face-to-face contact a week is required. During phase  
91.15 IV, two face-to-face contacts a month are required. When an offender is an inmate of a jail  
91.16 or a resident of a facility that is staffed full time, at least one face-to-face contact a week is  
91.17 required.

91.18 (e) During phases I, II, III, and IV, the offender must spend at least 40 hours a week  
91.19 performing approved work, undertaking constructive activity designed to obtain employment.

91.20 or attending a treatment or education program as directed by the agent. An offender may  
91.21 not spend more than six months in a residential treatment program that does not require the  
91.22 offender to spend at least 40 hours a week performing approved work or undertaking  
91.23 constructive activity designed to obtain employment.

91.24 (f) During any phase, the offender may be placed on electronic surveillance if the  
91.25 probation agent so directs. If electronic surveillance is directed during phase I, the court  
91.26 must require that the offender be kept in custody, or that the offender's probation agent or  
91.27 the agent's designee directly supervise the offender until electronic surveillance is activated.  
91.28 It is the responsibility of the offender placed on electronic surveillance to ensure that the  
91.29 offender's residence is properly equipped and the offender's telecommunications system is  
91.30 properly configured to support electronic surveillance prior to being released from custody  
91.31 or the direct supervision of a probation agent. It is a violation of an offender's probation to  
91.32 fail to comply with this paragraph.

92.1 (g) Throughout all phases of intensive probation, the offender shall submit at any time  
92.2 to an unannounced search of the offender's person, vehicle, computer and other devices that  
92.3 access the Internet or store data, or premises by a probation agent.

92.4 (h) The court may include any other conditions in the various phases of intensive  
92.5 probation that the court finds necessary and appropriate.

92.6 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
92.7 committed on or after that date.

92.8 Sec. 20. Minnesota Statutes 2016, section 617.246, subdivision 7, is amended to read:

92.9 Subd. 7. **Conditional release term.** Notwithstanding the statutory maximum sentence  
92.10 otherwise applicable to the offense or any provision of the sentencing guidelines, when a  
92.11 court commits a person to the custody of the commissioner of corrections for violating this  
92.12 section, the court shall provide that after the person has been released from prison, the  
92.13 commissioner shall place the person on conditional release for ~~five~~ ten years. If the person  
92.14 has previously been convicted of a violation of this section, section 609.342, 609.343,  
92.15 609.344, 609.345, 609.3451, 609.3453, or 617.247, or any similar statute of the United  
92.16 States, this state, or any state, the commissioner shall place the person on conditional release  
92.17 for ~~ten years~~ the remainder of the offender's life. The terms of conditional release are  
92.18 governed by section 609.3455, subdivision 8.

92.19 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
92.20 committed on or after that date.

92.21 Sec. 21. Minnesota Statutes 2016, section 617.246, is amended by adding a subdivision  
92.22 to read:

92.23 Subd. 8. **Mandatory minimum sentence.** A person convicted under this section must  
92.24 serve a minimum of six months of incarceration. If the person (1) has a prior conviction  
92.25 under this section or section 617.247, or (2) is required to register as a predatory offender,  
92.26 the person must serve a minimum of 12 months of incarceration.

92.27 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
92.28 committed on or after that date.

92.29 Sec. 22. Minnesota Statutes 2016, section 617.247, subdivision 3, is amended to read:

92.30 Subd. 3. **Dissemination prohibited.** (a) A person who disseminates pornographic work  
92.31 to an adult or a minor, knowing or with reason to know its content and character, is guilty  
93.1 of a felony and may be sentenced to imprisonment for not more than ~~seven~~ ten years and a  
93.2 fine of not more than \$10,000 for a first offense and for not more than ~~15~~ 20 years and a  
93.3 fine of not more than \$20,000 for a second or subsequent offense.

93.4 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to  
93.5 imprisonment for not more than ~~15~~ 20 years if the violation occurs when the person is a  
93.6 registered predatory offender under section 243.166.

93.7 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
93.8 committed on or after that date.

93.9 Sec. 23. Minnesota Statutes 2016, section 617.247, subdivision 4, is amended to read:

93.10 Subd. 4. **Possession prohibited.** (a) A person who possesses a pornographic work or a  
93.11 computer disk or computer or other electronic, magnetic, or optical storage system or a  
93.12 storage system of any other type, containing a pornographic work, knowing or with reason  
93.13 to know its content and character, is guilty of a felony and may be sentenced to imprisonment  
93.14 for not more than ~~five~~ seven years and a fine of not more than ~~\$5,000~~ \$7,500 for a first  
93.15 offense and for not more than ~~ten~~ 15 years and a fine of not more than ~~\$10,000~~ \$15,000 for  
93.16 a second or subsequent offense.

93.17 (b) A person who violates paragraph (a) is guilty of a felony and may be sentenced to  
93.18 imprisonment for not more than ~~ten~~ 15 years if the violation occurs when the person is a  
93.19 registered predatory offender under section 243.166.

93.20 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
93.21 committed on or after that date.

93.22 Sec. 24. Minnesota Statutes 2016, section 617.247, is amended by adding a subdivision  
93.23 to read:

93.24 Subd. 10. **Mandatory minimum sentence.** A person convicted under this section must  
93.25 serve a minimum of six months of incarceration. If the person (1) has a prior conviction  
93.26 under this section or section 617.246, or (2) is required to register as a predatory offender,  
93.27 the person must serve a minimum of 12 months of incarceration.

93.28 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
93.29 committed on or after that date.

94.1 Sec. 25. **SENTENCING GUIDELINES MODIFICATION.**

94.2 The Sentencing Guidelines Commission shall modify the sex offender grid by ranking  
94.3 violations of Minnesota Statutes, section 617.247, subdivision 3 (dissemination of child  
94.4 pornography - subsequent or by predatory offender), in severity level C; violations of  
94.5 Minnesota Statutes, sections 617.246 (use of minors in sexual performance), 617.247,  
94.6 subdivision 3 (dissemination of child pornography - first time, nonpredatory offender), and  
94.7 617.247, subdivision 4 (possession of child pornography - subsequent or by predatory  
94.8 offender), in severity level D; and violations of Minnesota Statutes, section 617.247,  
94.9 subdivision 4 (possession of child pornography - first time, nonpredatory offender), in  
94.10 severity level E.

94.11 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
94.12 committed on or after that date.

94.13 Sec. 26. **REPEALER.**

94.14 Minnesota Statutes 2016, sections 609.342, subdivision 3; 609.343, subdivision 3;  
94.15 609.344, subdivision 3; 609.345, subdivision 3; and 609.3455, subdivision 6, are repealed.

94.16 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to offenses  
94.17 committed on or after that date.