

1.1 moves to amend H.F. No. 707 as follows:

1.2 Page 1, after line 7, insert:

1.3 "Sec. Minnesota Statutes 2020, section 609.2325, is amended to read:

1.4 **609.2325 CRIMINAL ABUSE.**

1.5 Subdivision 1. **Crimes.** ~~(a)~~ A caregiver who, with intent to produce physical or mental
1.6 pain or injury to a vulnerable adult, subjects a vulnerable adult to any aversive or deprivation
1.7 procedure, unreasonable confinement, or involuntary seclusion, is guilty of criminal abuse
1.8 and may be sentenced as provided in subdivision 3.

1.9 This ~~paragraph~~ subdivision does not apply to therapeutic conduct.

1.10 ~~(b) A caregiver, facility staff person, or person providing services in a facility who~~
1.11 ~~engages in sexual contact or penetration, as defined in section 609.341, under circumstances~~
1.12 ~~other than those described in sections 609.342 to 609.345, with a resident, patient, or client~~
1.13 ~~of the facility is guilty of criminal abuse and may be sentenced as provided in subdivision~~
1.14 ~~3.~~

1.15 Subd. 2. **Exemptions.** For the purposes of this section, a vulnerable adult is not abused
1.16 for the sole reason that:

1.17 (1) the vulnerable adult or a person with authority to make health care decisions for the
1.18 vulnerable adult under sections 144.651, 144A.44, chapter 145B, 145C, or 252A, or sections
1.19 253B.03 or 524.5-101 to 524.5-502, refuses consent or withdraws consent, consistent with
1.20 that authority and within the boundary of reasonable medical practice, to any therapeutic
1.21 conduct, including any care, service, or procedure to diagnose, maintain, or treat the physical
1.22 or mental condition of the vulnerable adult or, where permitted under law, to provide nutrition
1.23 and hydration parenterally or through intubation; this paragraph does not enlarge or diminish
1.24 rights otherwise held under law by:

2.1 (i) a vulnerable adult or a person acting on behalf of a vulnerable adult, including an
2.2 involved family member, to consent to or refuse consent for therapeutic conduct; or

2.3 (ii) a caregiver to offer or provide or refuse to offer or provide therapeutic conduct; or

2.4 (2) the vulnerable adult, a person with authority to make health care decisions for the
2.5 vulnerable adult, or a caregiver in good faith selects and depends upon spiritual means or
2.6 prayer for treatment or care of disease or remedial care of the vulnerable adult in lieu of
2.7 medical care, provided that this is consistent with the prior practice or belief of the vulnerable
2.8 adult or with the expressed intentions of the vulnerable adult; ~~or.~~

2.9 ~~(3) the vulnerable adult, who is not impaired in judgment or capacity by mental or~~
2.10 ~~emotional dysfunction or undue influence, engages in consensual sexual contact with: (i) a~~
2.11 ~~person, including a facility staff person, when a consensual sexual personal relationship~~
2.12 ~~existed prior to the caregiving relationship; or (ii) a personal care attendant, regardless of~~
2.13 ~~whether the consensual sexual personal relationship existed prior to the caregiving~~
2.14 ~~relationship.~~

2.15 Subd. 3. **Penalties.** ~~(a)~~ A person who violates subdivision 1, ~~paragraph (a),~~ may be
2.16 sentenced as follows:

2.17 (1) if the act results in the death of a vulnerable adult, imprisonment for not more than
2.18 15 years or payment of a fine of not more than \$30,000, or both;

2.19 (2) if the act results in great bodily harm, imprisonment for not more than ten years or
2.20 payment of a fine of not more than \$20,000, or both;

2.21 (3) if the act results in substantial bodily harm or the risk of death, imprisonment for not
2.22 more than five years or payment of a fine of not more than \$10,000, or both; or

2.23 (4) in other cases, imprisonment for not more than one year or payment of a fine of not
2.24 more than \$3,000, or both.

2.25 ~~(b) A person who violates subdivision 1, paragraph (b), may be sentenced to imprisonment~~
2.26 ~~for not more than one year or to payment of a fine of not more than \$3,000, or both.~~

2.27 Sec. Minnesota Statutes 2020, section 609.341, subdivision 3, is amended to read:

2.28 Subd. 3. **Force.** "Force" means either: (1) the infliction, by the actor of bodily harm; or
2.29 (2) the attempted infliction, or threatened infliction by the actor of bodily harm or commission
2.30 or threat of any other crime by the actor against the complainant or another, which (a) causes
2.31 the complainant to reasonably believe that the actor has the present ability to execute the

3.1 threat and ~~(b) if the actor does not have a significant relationship to the complainant, also~~
3.2 ~~causes the complainant to submit."~~

3.3 Page 3, line 23, delete "is" and insert "was"

3.4 Page 3, line 24, delete "is" and insert "was"

3.5 Page 3, line 25, delete "is" and insert "was"

3.6 Page 3, line 26, delete "is" and insert "was" and delete "is" and insert "was"

3.7 Page 3, line 28, delete "is" and insert "was"

3.8 Page 3, line 29, delete "is" and insert "was"

3.9 Page 3, line 30, delete "is" and insert "was"

3.10 Page 5, line 8, strike "force or" and strike "or"

3.11 Page 5, line 9, after "(ii)" insert "the actor uses force, as defined in section 609.341,
3.12 subdivision 3, clause (2); or (iii)"

3.13 Page 5, line 10, delete "or"

3.14 Page 5, after line 10, insert:

3.15 "(d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or"

3.16 Page 5, line 11, delete "(d)" and insert "(e)"

3.17 Page 6, line 10, delete "force or" and delete "or"

3.18 Page 6, line 11, after "(ii)" insert "the actor uses force, as defined in section 609.341,
3.19 subdivision 3, clause (2); or (iii)"

3.20 Page 6, line 30, delete "or"

3.21 Page 7, line 7, delete the period and insert "; or"

3.22 Page 7, after line 7, insert:

3.23 "(i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1)."

3.24 Page 8, line 21, strike "force or" and strike "or"

3.25 Page 8, line 22, after "(ii)" insert "the actor uses force, as defined in section 609.341,
3.26 subdivision 3, clause (2); or (iii)"

3.27 Page 8, line 23, delete "or"

3.28 Page 8, after line 23, insert:

- 4.1 "(d) the actor uses force as defined in section 609.341, subdivision 3, clause (1); or"
- 4.2 Page 8, line 24, delete "(d)" and insert "(e)"
- 4.3 Page 9, line 21, delete "force or" and delete "or"
- 4.4 Page 9, line 22, after "(ii)" insert "the actor uses force, as defined in section 609.341,
- 4.5 subdivision 3, clause (2); or (iii)"
- 4.6 Page 10, line 9, delete "or"
- 4.7 Page 10, line 16, delete the period and insert "; or"
- 4.8 Page 10, after line 16, insert:
- 4.9 "(i) the actor uses force, as defined in section 609.341, subdivision 3, clause (1)."
- 4.10 Page 11, after line 26, insert:
- 4.11 "(c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or"
- 4.12 Page 11, line 27, delete "(c) At" and insert "(d) at"
- 4.13 Page 12, line 5, delete "24" and insert "36"
- 4.14 Page 12, line 26, after the semicolon, insert "or"
- 4.15 Page 12, line 27, reinstate "(h)"
- 4.16 Page 12, line 28, after "occurred:" insert "the actor uses force, as defined in section
- 4.17 609.341, subdivision 3, clause (2)."
- 4.18 Page 15, line 14, delete "or"
- 4.19 Page 15, after line 14, insert:
- 4.20 "(c) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); or"
- 4.21 Page 15, line 15, delete "(c)" and insert "(d)"
- 4.22 Page 16, line 9, delete "or"
- 4.23 Page 16, line 16, after the semicolon, insert "or"
- 4.24 Page 16, line 17, reinstate "(h)"
- 4.25 Page 16, line 18, after "occurred:" insert "the actor uses force, as defined in section
- 4.26 609.341, subdivision 3, clause (2)."
- 4.27 Page 25, delete lines 13 to 16 and insert:

5.1 "(5) a threat to expose information that the actor knows the complainant wishes to keep
5.2 confidential; or"

5.3 Page 25, delete lines 30 to 31, and insert:

5.4 "(5) a threat to expose information that the actor knows the complainant wishes to keep
5.5 confidential; or"

5.6 Page 26, delete lines 1 to 2

5.7 Page 26, after line 14, insert:

5.8 "Sec. **PREDATORY OFFENDER STATUTORY FRAMEWORK WORKING**
5.9 **GROUP; REPORT.**

5.10 Subdivision 1. **Direction.** By September 1, 2021, the commissioner of public safety
5.11 shall convene a working group to comprehensively assess the predatory offender statutory
5.12 framework. The commissioner shall invite representatives from city and county prosecuting
5.13 agencies, statewide crime victim coalitions, the Minnesota judicial branch, the Minnesota
5.14 Board of Public Defense, private criminal defense attorneys, the Department of Public
5.15 Safety, the Department of Human Services, the Sentencing Guidelines Commission, state
5.16 and local law enforcement agencies, and other interested parties to participate in the working
5.17 group. The commissioner shall ensure that the membership of the working group is balanced
5.18 among the various representatives and reflects a broad spectrum of viewpoints, and is
5.19 inclusive of marginalized communities as well as victim and survivor voices.

5.20 Subd. 2. **Duties.** The working group must examine and assess the predatory offender
5.21 registration (POR) laws, including, but not limited to, the requirements placed on offenders,
5.22 the crimes for which POR is required, the method by which POR requirements are applied
5.23 to offenders, and the effectiveness of the POR system in achieving its stated purpose.
5.24 Governmental agencies that hold POR data shall provide the working group with public
5.25 POR data upon request. The working group is encouraged to request the assistance of the
5.26 state court administrator's office to obtain relevant POR data maintained by the court system.

5.27 Subd. 3. **Report to legislature.** The commissioner shall file a report detailing the working
5.28 group's findings and recommendations with the chairs and ranking minority members of
5.29 the house of representatives and senate committees and divisions having jurisdiction over
5.30 public safety and judiciary policy and finance by January 15, 2022.

6.1 Sec. **REPEALER.**

6.2 Minnesota Statutes 2020, sections 609.293, subdivisions 1 and 5; 609.34; and 609.36,
6.3 are repealed."

6.4 Renumber the sections in sequence and correct the internal references

6.5 Amend the title accordingly