

Chapter: 144

Session: 2018 Regular Session

Topic: Identifying connections between pornography and sex trafficking

Analyst: Ben Johnson, (651) 296-8957

Date: May 17, 2018

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Overview

This act expands the information on human trafficking collected by the Department of Public Safety to include arrest, prosecution, and conviction data for crimes involving minors and pornography. The act further expands the penalty assessment currently applied to certain prostitution related crimes.

Section

- 1 Information to be collected.** Section 299A.785 involves human trafficking information collected and analyzed by the Department of Public Safety. DPS collects data on several specific offenses at this time. The act adds two statutes, sections 617.247 (possession of pornographic work involving minors) and 617.293 (harmful materials; dissemination and display to minors prohibited) to the list of crimes for the department to analyze. In addition, the department must collect information on the ways social factors, including pornography, contribute to and foster trafficking.
- 2 Penalty assessment authorized.** Under current law, when a person commits certain prostitution-related crimes, the court imposes an assessment of between \$500 and \$1,000 dollars in addition to any fine. The court may reduce the assessment to \$100 if the defendant is indigent or immediate payment would create undue hardship for the defendant or the defendant's immediate family. The money is divided between the local political subdivision (40% to be used for combating the sexual exploitation of youth), the prosecuting agency (20% also to be used in relation to combating the sexual exploitation of youth) and the safe harbor account (40%). The changes to this section add several new offenses to the list of crimes for which an assessment must be imposed:
 - 609.27—Coercion;

Section

- 609.282—Labor trafficking;
- 609.283—Unlawful conduct with respect to documents in furtherance of labor or sex trafficking;
- 609.33—Disorderly house;
- 609.352—Solicitation of children to engage in sexual conduct; communication of sexually explicit materials to children;
- 617.246—Use of minors in sexual performance prohibited;
- 617.247—Possession of pornographic work involving minors; and
- 617.293—Harmful materials; dissemination and display to minors prohibited.

3 Disposition of certain forfeited proceeds; trafficking of persons; report required.

Directs that 40% of forfeited money or the proceeds from the sale of forfeited property must be directed to the commissioner of health for distribution to crime victims services organizations that provide services to victims of trafficking offenses. The commissioner of public safety was previously responsible for the distribution.