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Overview

This bill contains a variety of provisions related to sex offender sentencing and supervision and child pornography sentencing. The bill prohibits the use of stays of adjudication and imposition in criminal sexual conduct cases; requires sex offenders to serve lifetime conditional release or probation; imposes intensive probation on certain sex offenders; increases penalties for child pornography offenses, including establishing mandatory minimums; and directs the Sentencing Guidelines Commission to increase the severity level of certain child pornography offenses.

Section

- 1** **Definitions.** Contains a technical amendment that reflects the repeal of a provision in section 26.
- 2** **Transfer to correctional facility.** Contains a technical amendment that reflects the repeal of a provision in section 26.
- 3** **Definitions.** Contains a technical amendment that reflects the repeal of a provision in section 26.
- 4** **Limits on sentences.** Prohibits prosecutors from agreeing to a stay of adjudication in felony criminal sexual conduct cases and failure to register as a predatory offender cases.
- 5** **Terms and conditions.** Prohibits courts from staying imposition of felony sentences in criminal sexual conduct cases and failure to register as a predatory offender cases. (Stays of execution would continue to be permitted.)

Section

- 6 **Secure treatment facility personnel.** Contains a technical amendment that reflects the repeal of a provision in section 26.
- 7 **Criminal sexual conduct in the first degree; penalty.** Provides notice that persons convicted of criminal sexual conduct in the first degree (CSC-1) are subject to lifetime conditional release, lifetime probation, and intensive probation.
- 8 **Criminal sexual conduct in the first degree; stays prohibited.** Prohibits the use of stays of adjudication and imposition in CSC-1 cases.
- 9 **Criminal sexual conduct in the second degree; penalty.** Provides notice that persons convicted of CSC-2 are subject to lifetime conditional release, lifetime probation, and intensive probation.
- 10 **Criminal sexual conduct in the second degree; stays prohibited.** Prohibits the use of stays of adjudication and imposition in CSC-2 cases.
- 11 **Criminal sexual conduct in the third degree; penalty.** Provides notice that persons convicted of CSC-3 are subject to lifetime conditional release, lifetime probation, and intensive probation.
- 12 **Criminal sexual conduct in the third degree; stays prohibited.** Prohibits the use of stays of adjudication and imposition in CSC-3 cases.
- 13 **Criminal sexual conduct in the fourth degree; penalty.** Provides notice that persons convicted of CSC-4 are subject to lifetime conditional release, lifetime probation, and intensive probation.
- 14 **Criminal sexual conduct in the fourth degree; stays prohibited.** Prohibits the use of stays of adjudication and imposition in CSC-4 cases.
- 15 **Criminal sexual conduct in the fifth degree; penalty; stays prohibited.** Provides notice that persons convicted of felony CSC-5 are subject to lifetime conditional release, lifetime probation, and intensive probation. Prohibits the use of stays of adjudication and imposition in felony CSC-5 cases.
- 16 **Mandatory lifetime conditional release.** Requires lifetime conditional release for all offenders convicted of felony CSC who are committed to the commissioner of corrections.
- 17 **Lifetime probation.** Requires lifetime probation for all offenders convicted for felony CSC who are NOT sent to prison.
- 18 **Terms of conditional release; applicable to all sex offenders.** Technical amendment that reflects the requirement that lifetime conditional release applies to all felony sex offenders.
- 19 **Intensive probation.** Establishes an intensive probation program for all felony sex offenders who are not committed to the commissioner of corrections following their convictions. Intensive probation is modeled after intensive supervised release, which applies to certain high risk offenders released from prison.
- 20 **Conditional release term.** Increases the conditional release term for offenders convicted of child pornography from five years to ten years. Imposes lifetime conditional release on repeat offenders.

Section

- 21** **Mandatory minimum sentence.** Provides a mandatory minimum sentence of six months in jail for first time offenders convicted of engaging in sexual performance with a minor (Minn. Stat. § 617.246). Predatory offenders and repeat offenders of either section 617.246 or section 617.247 (distribution and possession of child pornography) receive a mandatory minimum of 12 months of incarceration.
- 22** **Dissemination prohibited.** Increases the maximum sentence for dissemination of child pornography to 15 years for a first time offender and 20 years for each subsequent conviction, or if the person is required to register as a predatory offender.
- 23** **Possession prohibited.** Increases the maximum sentence for possession of child pornography to seven years for first time offenders and 15 years for each subsequent conviction, or if the person is required to register as a predatory offender.
- 24** **Mandatory minimum.** Provides a mandatory minimum sentence of six months in jail for first time offenders convicted under section 617.247 (distribution and possession of child pornography). Predatory offenders and repeat offenders of either section 617.246 (engaging in sexual performance with a minor) or section 617.247 receive a mandatory minimum of 12 months of incarceration.
- 25** **Sentencing guidelines modification.** Directs the Sentencing Guidelines Commission to modify the sex offender grid by increasing the severity level ranking of the offenses of manufacturing, disseminating, and possessing child pornography.
- 26** **Repealer.** Repeals: (1) the statutory provisions that expressly authorize the use of stays of imposition and execution in familial sex abuse cases; and (2) a provision that would be obsolete if lifetime conditional release is extended to all sex offenders.