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**Subject:** Increasing penalties for patrons of prostitutes

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### Overview

This bill increases the penalties for soliciting a prostitute by requiring predatory offender registration and making all offenses felonies. The bill also creates a diversion program for patrons.

#### Section

- 1**      **Registration required.** Requires a person convicted of being a patron of a prostitute to register as a predatory offender.  
  
Under current law, a person convicted of hiring a minor to engage in prostitution must register as a predatory offender if the minor was under the age of 13. A person convicted of hiring a minor over the age of 13, or any adult, to engage in prostitution is not required to register as a predatory offender.
- 2**      **Certain violations excepted.** Removes a reference to misdemeanor violations for being a patron of a prostitute.
- 3**      **General prostitution crimes; penalties for patrons.** Enhances the offense of being a patron of a prostitute from a misdemeanor offense to a felony. Removes an existing provision that enhances some misdemeanor offenses to a gross misdemeanor. Requires participation in a restorative justice program as a condition of probation if the offense took place in a community with a restorative justice program.
- 4**      **Community service in lieu of minimum fine.** Removes a reference to a gross misdemeanor offense which is repealed as part of this bill.

## **Section**

- 5**      **Penalty assessment authorized.** Removes references to non-felony offenses which are eliminated in this bill.
- 6**      **Increased penalties.** Removes references to non-felony offenses which are eliminated in this bill.
- 7**      **Pretrial diversion program for patrons.** Allows prosecutors to create a pretrial diversion program for patrons of prostitutes.
- Subd. 1. Definitions.** Defines “offender” as a person charged with being a patron of a prostitute, or a person where probable cause exists to support such a charge, who has not entered a plea. Defines “pretrial diversion” as the decision to refer an offender to a program on the condition that charges will be dismissed, or will not be filed, if the person successfully completes the program. Defines “prosecutor” as a city or county attorney.
- Subd. 2. Establishment of program.** Permits a prosecutor to establish a diversion program for patrons of prostitutes.
- Subd. 3. Diversion of offender.** Directs prosecutors to consider an offender’s criminal history, the number of the offender’s current violations, and the wishes of the victim in determining whether to accept an offender into a diversion program.
- Subd. 4. Program components.** Requires that a diversion program include participation in a restorative justice program if the offense took place in a community with such a program, payment of restitution, and payment of the fines and penalty assessment that would apply if the person were convicted.
- Subd. 5. Reporting of data to Bureau of Criminal Apprehension.** Requires county attorneys to report the identity of program participants and participation information. The data is maintained in the criminal history file.
- Subd. 6. Reports.** Directs each prosecutor to provide a report in each odd-numbered year describing the diversion program, the number of participants, completion information, and an assessment of the program’s effect on the criminal justice system in that prosecutor’s jurisdiction.
- 8**      **Repealer.** Repeals section 609.324, subdivision 2 which involved the gross misdemeanor offense of being the patron of a prostitute in a public place.