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State of Minnesota

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HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH SESSION

HOUSE FILE No. 3018

February 16, 2010

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The bill was read for the first time and referred to the Committee on Public Safety Policy and Oversight

March 1, 2010

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act  
1.2 relating to public safety; clarifying and recodifying certain provisions and  
1.3 modifying certain definitions in the prostitution laws; amending Minnesota  
1.4 Statutes 2008, sections 609.321, subdivisions 4, 8, 9; 609.324, by adding  
1.5 subdivisions; Minnesota Statutes 2009 Supplement, section 609.324,  
1.6 subdivisions 2, 3.

1.7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.8 Section 1. Minnesota Statutes 2008, section 609.321, subdivision 4, is amended to read:

1.9 Subd. 4. **Patron.** "Patron" means an individual who ~~hires or offers or agrees~~  
1.10 engages in prostitution by hiring, offering to hire, or agreeing to hire another individual to  
1.11 engage in sexual penetration or sexual contact.

1.12 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes  
1.13 committed on or after that date.

1.14 Sec. 2. Minnesota Statutes 2008, section 609.321, subdivision 8, is amended to read:

1.15 Subd. 8. **Prostitute.** "Prostitute" means an individual who engages in prostitution  
1.16 by being hired, offering to be hired, or agreeing to be hired by another individual to  
1.17 engage in sexual penetration or sexual contact.

1.18 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes  
1.19 committed on or after that date.

1.20 Sec. 3. Minnesota Statutes 2008, section 609.321, subdivision 9, is amended to read:

1.21 Subd. 9. **Prostitution.** "Prostitution" means ~~engaging or offering or agreeing to~~  
1.22 ~~engage for hire~~ hiring, offering to hire, or agreeing to hire another individual to engage in

2.1 sexual penetration or sexual contact, or being hired, offering to be hired, or agreeing to be  
 2.2 hired by another individual to engage in sexual penetration or sexual contact.

2.3 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes  
 2.4 committed on or after that date.

2.5 Sec. 4. Minnesota Statutes 2009 Supplement, section 609.324, subdivision 2, is  
 2.6 amended to read:

2.7 Subd. 2. **Prostitution in public place; penalty for patrons.** Whoever, while acting  
 2.8 as a patron, intentionally does any of the following while in a public place is guilty of a  
 2.9 gross misdemeanor:

2.10 (1) engages in prostitution with an individual 18 years of age or older; or

2.11 (2) hires ~~or~~, offers to hire, or agrees to hire an individual 18 years of age or older to  
 2.12 engage in sexual penetration or sexual contact.

2.13 Except as otherwise provided in subdivision 4, a person who is convicted of violating this  
 2.14 subdivision ~~while acting as a patron~~ must, at a minimum, be sentenced to pay a fine  
 2.15 of at least \$1,500.

2.16 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes  
 2.17 committed on or after that date.

2.18 Sec. 5. Minnesota Statutes 2009 Supplement, section 609.324, subdivision 3, is  
 2.19 amended to read:

2.20 Subd. 3. **General prostitution crimes; penalties for patrons.** (a) Whoever, while  
 2.21 acting as a patron, intentionally does any of the following is guilty of a misdemeanor:

2.22 (1) engages in prostitution with an individual 18 years of age or ~~above~~ older; or

2.23 (2) hires ~~or~~, offers to hire, or agrees to hire an individual 18 years of age or ~~above~~  
 2.24 older to engage in sexual penetration or sexual contact. Except as otherwise provided in  
 2.25 subdivision 4, a person who is convicted of violating this paragraph ~~while acting as a~~  
 2.26 ~~patron~~ must, at a minimum, be sentenced to pay a fine of at least \$500.

2.27 (b) Whoever violates the provisions of this subdivision within two years of a  
 2.28 previous prostitution conviction for violating this section or section 609.322 is guilty  
 2.29 of a gross misdemeanor. Except as otherwise provided in subdivision 4, a person who  
 2.30 is convicted of violating this paragraph ~~while acting as a patron~~ must, at a minimum,  
 2.31 be sentenced as follows:

2.32 (1) to pay a fine of at least \$1,500; and

2.33 (2) to serve 20 hours of community work service.

3.1 The court may waive the mandatory community work service if it makes specific,  
3.2 written findings that the community work service is not feasible or appropriate under the  
3.3 circumstances of the case.

3.4 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes  
3.5 committed on or after that date.

3.6 Sec. 6. Minnesota Statutes 2008, section 609.324, is amended by adding a subdivision  
3.7 to read:

3.8 **Subd. 6. Prostitution in public place; penalty for prostitutes.** Whoever, while  
3.9 acting as a prostitute, intentionally does any of the following while in a public place is  
3.10 guilty of a gross misdemeanor:

3.11 (1) engages in prostitution with an individual 18 years of age or older; or

3.12 (2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age  
3.13 or older to engage in sexual penetration or sexual contact.

3.14 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes  
3.15 committed on or after that date.

3.16 Sec. 7. Minnesota Statutes 2008, section 609.324, is amended by adding a subdivision  
3.17 to read:

3.18 **Subd. 7. General prostitution crimes; penalties for prostitutes.** (a) Whoever,  
3.19 while acting as a prostitute, intentionally does any of the following is guilty of a  
3.20 misdemeanor:

3.21 (1) engages in prostitution with an individual 18 years of age or older; or

3.22 (2) is hired, offers to be hired, or agrees to be hired by an individual 18 years of age  
3.23 or older to engage in sexual penetration or sexual contact.

3.24 (b) Whoever violates the provisions of this subdivision within two years of a  
3.25 previous prostitution conviction for violating this section or section 609.322 is guilty  
3.26 of a gross misdemeanor.

3.27 **EFFECTIVE DATE.** This section is effective August 1, 2010, and applies to crimes  
3.28 committed on or after that date.