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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETIETH SESSION

H. F. No. 4140

03/21/2018 Authored by Ward, Fenton, Pinto, Uglem, Hilstrom and others
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; increasing penalty for repeated offenses for patrons of
1.3 prostitutes; amending Minnesota Statutes 2016, section 609.324, subdivisions 3,
1.4 4, by adding a subdivision.

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

1.6 Section 1. Minnesota Statutes 2016, section 609.324, subdivision 3, is amended to read:

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

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

1.10 (2) hires, offers to hire, or agrees to hire an individual 18 years of age or older to engage
1.11 in sexual penetration or sexual contact. Except as otherwise provided in subdivision 4, a
1.12 person who is convicted of violating this paragraph must, at a minimum, be sentenced to
1.13 pay a fine of at least \$500 \$750.

1.14 (b) ~~Whoever violates the provisions of this subdivision within two years of a previous~~
1.15 ~~prostitution conviction for violating this section or section 609.322 is guilty of a gross~~
1.16 ~~misdemeanor. Except as otherwise provided in subdivision 4, a person who is convicted of~~
1.17 ~~violating this paragraph must, at a minimum, be sentenced as follows:~~

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

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

1.20 ~~The court may waive the mandatory community work service if it makes specific, written~~
1.21 ~~findings that the community work service is not feasible or appropriate under the~~
1.22 ~~circumstances of the case.~~

2.1 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
2.2 committed on or after that date.

2.3 Sec. 2. Minnesota Statutes 2016, section 609.324, is amended by adding a subdivision to
2.4 read:

2.5 Subd. 3a. **Penalties for patrons; repeat offenders.** Whoever violates the provisions of
2.6 subdivision 2 or 3 within ten years of a previous prostitution conviction for violating this
2.7 section or section 609.322 is guilty of a felony. Except as otherwise provided in subdivision
2.8 4, a person who is convicted of violating this paragraph must, at a minimum, be sentenced
2.9 as follows:

2.10 (1) to pay a fine of at least \$3,000; and

2.11 (2) to serve 100 hours of community work service in addition to any period of
2.12 incarceration in a local jail or workhouse imposed as an intermediate sanction.

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

2.16 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
2.17 committed on or after that date.

2.18 Sec. 3. Minnesota Statutes 2016, section 609.324, subdivision 4, is amended to read:

2.19 Subd. 4. **Community service in lieu of minimum fine.** The court may order a person
2.20 convicted of violating subdivision 2 ~~or~~ 3, or 3a to perform community work service in lieu
2.21 of all or a portion of the minimum fine required under those subdivisions if the court makes
2.22 specific, written findings that the convicted person is indigent or that payment of the fine
2.23 would create undue hardship for the convicted person or that person's immediate family.
2.24 Community work service ordered under this subdivision is in addition to any mandatory
2.25 community work service ordered under subdivision ~~3~~ 3a.

2.26 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to violations
2.27 committed on or after that date.