

**SENATE  
STATE OF MINNESOTA  
NINETY-FOURTH SESSION**

**S.F. No. 1047**

(SENATE AUTHORS: MAYE QUADE, Mann and Gustafson)

DATE  
02/06/2025

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Introduction and first reading  
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act  
1.2 relating to public safety; increasing the age of consent from 16 to 18 in criminal  
1.3 sexual conduct offenses involving offenders who are over 21 years of age; imposing  
1.4 criminal penalties; amending Minnesota Statutes 2024, sections 609.344,  
1.5 subdivision 1a; 609.345, subdivision 1a.

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

1.7 Section 1. Minnesota Statutes 2024, section 609.344, subdivision 1a, is amended to read:

1.8 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual  
1.9 penetration with anyone under 18 years of age is guilty of criminal sexual conduct in the  
1.10 third degree if any of the following circumstances exists:

1.11 (a) the complainant is under 14 years of age and the actor is no more than 36 months  
1.12 older than the complainant. Neither mistake as to the complainant's age nor consent to the  
1.13 act by the complainant shall be a defense;

1.14 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than  
1.15 24 months older than the complainant. In any such case if the actor is no more than 60  
1.16 months older than the complainant, it shall be an affirmative defense, which must be proved  
1.17 by a preponderance of the evidence, that the actor reasonably believes the complainant to  
1.18 be 16 years of age or older. In all other cases, mistake as to the complainant's age shall not  
1.19 be a defense. Consent by the complainant is not a defense;

1.20 (c) the actor uses coercion to accomplish the penetration;

1.21 (d) the actor knows or has reason to know that the complainant is mentally impaired,  
1.22 mentally incapacitated, or physically helpless;

2.1 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than  
 2.2 36 months older than the complainant and in a current or recent position of authority over  
 2.3 the complainant. Neither mistake as to the complainant's age nor consent to the act by the  
 2.4 complainant is a defense;

2.5 (f) the actor has a significant relationship to the complainant and the complainant was  
 2.6 at least 16 but under 18 years of age at the time of the sexual penetration. Neither mistake  
 2.7 as to the complainant's age nor consent to the act by the complainant is a defense;

2.8 (g) the actor has a significant relationship to the complainant, the complainant was at  
 2.9 least 16 but under 18 years of age at the time of the sexual penetration, and:

2.10 (i) the actor or an accomplice used force or coercion to accomplish the penetration;

2.11 (ii) the complainant suffered personal injury; or

2.12 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

2.13 Neither mistake as to the complainant's age nor consent to the act by the complainant is  
 2.14 a defense;

2.15 (h) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); ~~or~~

2.16 (i) at the time of the act, the actor is in a prohibited occupational relationship with the  
 2.17 complainant; or

2.18 (j) the complainant is at least 16 but less than 18 years of age and the actor is 22 years  
 2.19 of age or older. Neither mistake as to the complainant's age nor consent to the act by the  
 2.20 complainant shall be a defense.

2.21 **EFFECTIVE DATE.** This section is effective August 1, 2025, and applies to crimes  
 2.22 committed on or after that date.

2.23 Sec. 2. Minnesota Statutes 2024, section 609.345, subdivision 1a, is amended to read:

2.24 Subd. 1a. **Victim under the age of 18; crime defined.** A person who engages in sexual  
 2.25 contact with anyone under 18 years of age is guilty of criminal sexual conduct in the fourth  
 2.26 degree if any of the following circumstances exists:

2.27 (a) the complainant is under 14 years of age and the actor is no more than 36 months  
 2.28 older than the complainant. Neither mistake as to the complainant's age or consent to the  
 2.29 act by the complainant is a defense. In a prosecution under this clause, the state is not  
 2.30 required to prove that the sexual contact was coerced;

3.1 (b) the complainant is at least 14 but less than 16 years of age and the actor is more than  
3.2 36 months older than the complainant or in a current or recent position of authority over  
3.3 the complainant. Consent by the complainant to the act is not a defense.

3.4 Mistake of age is not a defense unless actor is less than 60 months older. In any such case,  
3.5 if the actor is no more than 60 months older than the complainant, it shall be an affirmative  
3.6 defense which must be proved by a preponderance of the evidence that the actor reasonably  
3.7 believes the complainant to be 16 years of age or older. In all other cases, mistake as to the  
3.8 complainant's age shall not be a defense;

3.9 (c) the actor uses coercion to accomplish the sexual contact;

3.10 (d) The actor knows or has reason to know that the complainant is mentally impaired,  
3.11 mentally incapacitated, or physically helpless;

3.12 (e) the complainant is at least 16 but less than 18 years of age and the actor is more than  
3.13 36 months older than the complainant and in a current or recent position of authority over  
3.14 the complainant. Neither mistake as to the complainant's age nor consent to the act by the  
3.15 complainant is a defense;

3.16 (f) the actor has a significant relationship to the complainant and the complainant was  
3.17 at least 16 but under 18 years of age at the time of the sexual contact. Neither mistake as to  
3.18 the complainant's age nor consent to the act by the complainant is a defense;

3.19 (g) the actor has a significant relationship to the complainant, the complainant was at  
3.20 least 16 but under 18 years of age at the time of the sexual contact, and:

3.21 (i) the actor or an accomplice used force or coercion to accomplish the contact;

3.22 (ii) the complainant suffered personal injury; or

3.23 (iii) the sexual abuse involved multiple acts committed over an extended period of time.

3.24 Neither mistake as to the complainant's age nor consent to the act by the complainant is  
3.25 a defense;

3.26 (h) the actor uses force, as defined in section 609.341, subdivision 3, clause (2); ~~or~~

3.27 (i) at the time of the act, the actor is in a prohibited occupational relationship with the  
3.28 complainant; or

3.29 (j) the complainant is at least 16 but less than 18 years of age and the actor is 22 years  
3.30 of age or older. Neither mistake as to the complainant's age nor consent to the act by the  
3.31 complainant shall be a defense.

- 4.1 **EFFECTIVE DATE.** This section is effective August 1, 2025, and applies to crimes
- 4.2 committed on or after that date.