

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

S.F. No. 3354

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DATE
05/20/2023

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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; modifying crime of sexual extortion to include the
1.3 dissemination of private images when a person's intimate parts are exposed;
1.4 providing for notice and education regarding the crime; providing for a report;
1.5 amending Minnesota Statutes 2022, section 609.3458; proposing coding for new
1.6 law in Minnesota Statutes, chapter 121A.

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

1.8 Section 1. **[121A.033] NOTICE; DISSEMINATION OF PRIVATE IMAGES.**

1.9 (a) A district or school must include in the student handbook on school policies notice
1.10 to students and parents or guardians about the legal, social, behavioral, and mental health
1.11 implications of and impact to students and student families regarding the dissemination of
1.12 private images under section 609.3458, subdivision 1, paragraphs (c) and (d). A district or
1.13 school shall consult with the Department of Education, Department of Health, and the
1.14 Attorney General's office to implement a policy to educate and notify students and parents
1.15 or guardians about the legal, social, behavioral, and mental health implications of and impact
1.16 to students for a violation of the law.

1.17 (b) On or before February 1, 2025, the commissioner of education shall report to the
1.18 chairs and ranking minority members of the legislative committees having jurisdiction over
1.19 kindergarten through grade 12 education on the policy to educate and to provide notice to
1.20 students and parents or guardians about the dissemination of private images under section
1.21 609.3458.

2.1 Sec. 2. Minnesota Statutes 2022, section 609.3458, is amended to read:

2.2 **609.3458 SEXUAL EXTORTION.**

2.3 Subdivision 1. **Crime defined.** (a) A person who engages in sexual contact with another
2.4 person and compels the other person to submit to the contact by making any of the following
2.5 threats, directly or indirectly, is guilty of sexual extortion:

2.6 (1) a threat to withhold or harm the complainant's trade, business, profession, position,
2.7 employment, or calling;

2.8 (2) a threat to make or cause to be made a criminal charge against the complainant,
2.9 whether true or false;

2.10 (3) a threat to report the complainant's immigration status to immigration or law
2.11 enforcement authorities;

2.12 (4) a threat to disseminate private sexual images of the complainant as specified in
2.13 section 617.261, nonconsensual dissemination of private sexual images;

2.14 (5) a threat to expose information that the actor knows the complainant wishes to keep
2.15 confidential; or

2.16 (6) a threat to withhold complainant's housing, or to cause complainant a loss or
2.17 disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

2.18 (b) A person who engages in sexual penetration with another person and compels the
2.19 other person to submit to such penetration by making any of the following threats, directly
2.20 or indirectly, is guilty of sexual extortion:

2.21 (1) a threat to withhold or harm the complainant's trade, business, profession, position,
2.22 employment, or calling;

2.23 (2) a threat to make or cause to be made a criminal charge against the complainant,
2.24 whether true or false;

2.25 (3) a threat to report the complainant's immigration status to immigration or law
2.26 enforcement authorities;

2.27 (4) a threat to disseminate private sexual images of the complainant as specified in
2.28 section 617.261, nonconsensual dissemination of private sexual images;

2.29 (5) a threat to expose information that the actor knows the complainant wishes to keep
2.30 confidential; or

3.1 (6) a threat to withhold complainant's housing, or to cause complainant a loss or
3.2 disadvantage in the complainant's housing, or a change in the cost of complainant's housing.

3.3 (c) Except as provided for in paragraphs (a) and (b), a person who intentionally and
3.4 maliciously threatens to release, exhibit, or disseminate a private image of another person
3.5 in order to compel or attempt to compel that person to do any act or refrain from doing any
3.6 act against that person's will, with the intent to obtain additional private images or anything
3.7 else of value, is guilty of sexual extortion.

3.8 (d) A person is guilty of aggravated sexual extortion if the person intentionally and
3.9 maliciously threatens to release, exhibit, or disseminate a private image of another person
3.10 in order to compel or attempt to compel the other person to do any act or refrain from doing
3.11 any act against the other person's will, with the intent to obtain additional private images
3.12 or anything else of value and:

3.13 (1) the victim is a minor or a vulnerable adult and the person convicted of aggravated
3.14 sexual extortion is an adult; or

3.15 (2) the victim suffers great bodily injury or death and the fact finder determines beyond
3.16 a reasonable doubt that the aggravated sexual extortion of the victim was the proximate
3.17 cause of the great bodily injury or death.

3.18 (e) For the purposes of paragraphs (c) and (d), "private image" means that a person's
3.19 intimate parts are exposed or the person is engaged in sexual conduct in an image as defined
3.20 in section 617.261, subdivision 7, paragraph (d).

3.21 Subd. 2. **Penalty.** (a) A person is guilty of a felony and may be sentenced to imprisonment
3.22 for not more than ten years or to payment of a fine of not more than \$20,000, or both, if the
3.23 person violates subdivision 1, paragraph (a).

3.24 (b) A person is guilty of a felony and may be sentenced to imprisonment for not more
3.25 than 15 years or to payment of a fine of not more than \$30,000, or both, if the person violates
3.26 subdivision 1, paragraph (b).

3.27 (c) A person who violates subdivision 1, paragraph (c), is guilty of a felony and may be
3.28 sentenced to imprisonment for:

3.29 (1) not more than five years for a first offense;

3.30 (2) not more than ten years for a second offense; or

3.31 (3) not more than 20 years for a third or subsequent offense.

4.1 (d) A person who violates subdivision 1, paragraph (d), is guilty of a felony and may be
4.2 sentenced to imprisonment for not more than 20 years.

4.3 (e) A person under 18 years of age who violates subdivision 1, paragraph (c) or (d), is
4.4 guilty of a misdemeanor and is subject to the jurisdiction of the juvenile court. The court
4.5 may order behavioral health counseling as a condition of the sentence.

4.6 ~~(e)~~ (f) A person convicted under this section is also subject to conditional release under
4.7 section 609.3455.

4.8 Subd. 3. **No attempt charge.** Notwithstanding section 609.17, no person may be charged
4.9 with or convicted of an attempt to commit a violation of this section.

4.10 **EFFECTIVE DATE.** This section is effective the day following final enactment and
4.11 applies to crimes committed on or after that date.