

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

S.F. No. 3088

(SENATE AUTHORS: KUNESH)

DATE
03/22/2023

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Introduction and first reading
Referred to Health and Human Services

OFFICIAL STATUS

1.1 A bill for an act
1.2 relating to health; modifying the Safe Harbor Act to include all individuals;
1.3 amending Minnesota Statutes 2022, sections 145.4711, by adding a subdivision;
1.4 145.4716; 145.4717; 145.4718; 609.3241; 609.5315, subdivision 5c.

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

1.6 Section 1. Minnesota Statutes 2022, section 145.4711, is amended by adding a subdivision
1.7 to read:

1.8 Subd. 7. Sexually exploited individual. "Sexually exploited individual" means an
1.9 individual who:

1.10 (1) is alleged to have engaged in conduct which would violate any federal, state, or local
1.11 law relating to being hired, offering to be hired, or agreeing to be hired by another individual
1.12 to engage in sexual penetration or sexual conduct;

1.13 (2) is a victim of a crime described in section 609.342, 609.343, 609.344, 609.345,
1.14 609.3451, 609.3453, 609.3458, 609.352, 617.246, or 617.247;

1.15 (3) is a victim of a crime described in United States Code, title 18, section 2260, 2421,
1.16 2422, 2423, 2425, 2425A, or 2256;

1.17 (4) is a sex trafficking victim as defined in section 609.321, subdivision 7b; or

1.18 (5) is a victim of commercial sexual exploitation as defined in United States Code, title
1.19 22, section 7102(11)(A) and (12).

2.1 Sec. 2. Minnesota Statutes 2022, section 145.4716, is amended to read:

2.2 **145.4716 SAFE HARBOR FOR SEXUALLY EXPLOITED YOUTH**
 2.3 **INDIVIDUALS.**

2.4 Subdivision 1. **Director.** The commissioner of health shall establish a position for a
 2.5 director of ~~child~~ sex trafficking prevention.

2.6 Subd. 2. **Duties of director.** The director of ~~child~~ sex trafficking prevention is responsible
 2.7 for the following:

2.8 (1) developing and providing comprehensive training on sexual exploitation of ~~youth~~
 2.9 individuals for social service professionals, medical professionals, public health workers,
 2.10 ~~and criminal justice professionals, and law enforcement;~~

2.11 (2) collecting, organizing, maintaining, and disseminating information on sexual
 2.12 exploitation and services across the state, including maintaining a list of resources on the
 2.13 Department of Health website;

2.14 (3) monitoring and applying for federal funding for antitrafficking efforts that may
 2.15 benefit victims in the state;

2.16 (4) managing grant programs established under sections 145.4716 to 145.4718; 609.3241,
 2.17 paragraph (c), clause (3); and 609.5315, subdivision 5c, clause (3);

2.18 (5) managing the request for proposals for grants for comprehensive services, including
 2.19 trauma-informed, culturally specific services;

2.20 (6) identifying best practices in serving sexually exploited ~~youth~~ individuals, as defined
 2.21 in section ~~260C.007, subdivision 31~~ 145.4711, subdivision 7;

2.22 (7) providing oversight of and technical support to regional navigators pursuant to section
 2.23 145.4717;

2.24 (8) conducting a comprehensive evaluation of the statewide program for safe harbor of
 2.25 sexually exploited ~~youth~~ individuals; and

2.26 (9) developing a policy consistent with the requirements of chapter 13 for sharing data
 2.27 related to sexually exploited ~~youth~~ individuals, as defined in section ~~260C.007, subdivision~~
 2.28 ~~31~~ 145.4711, subdivision 7, among regional navigators and community-based advocates.

2.29 Subd. 3. **Youth Individuals eligible for services.** ~~Youth 24 years of age or younger~~
 2.30 Any individual who is determined to be sexually exploited shall be eligible for all services,
 2.31 support, and programs provided under this section and section 145.4717, and all shelter,

3.1 housing beds, and services provided by the commissioner of human services to sexually
3.2 exploited youth individuals and youth individuals at risk of sexual exploitation.

3.3 Sec. 3. Minnesota Statutes 2022, section 145.4717, is amended to read:

3.4 **145.4717 REGIONAL NAVIGATOR GRANTS.**

3.5 The commissioner of health, through its director of ~~child~~ sex trafficking prevention
3.6 established in section 145.4716, shall provide grants to regional navigators serving six
3.7 regions of the state to be determined by the commissioner. Each regional navigator must
3.8 develop and annually submit a work plan to the director of ~~child~~ sex trafficking prevention.
3.9 The work plans must include, but are not limited to, the following information:

3.10 (1) a needs statement specific to the region, including an examination of the population
3.11 at risk;

3.12 (2) regional resources available to sexually exploited youth individuals, as defined in
3.13 section ~~260C.007, subdivision 31~~ 145.4711, subdivision 7;

3.14 (3) grant goals and measurable outcomes; and

3.15 (4) grant activities including timelines.

3.16 Sec. 4. Minnesota Statutes 2022, section 145.4718, is amended to read:

3.17 **145.4718 PROGRAM EVALUATION.**

3.18 (a) The director of ~~child~~ sex trafficking prevention established under section 145.4716
3.19 must conduct, or contract for, comprehensive evaluation of the statewide program for safe
3.20 harbor for sexually exploited youth individuals. The first evaluation must be completed by
3.21 June 30, 2015, and must be submitted to the commissioner of health by September 1, 2015,
3.22 and every two years thereafter. The evaluation must consider whether the program is reaching
3.23 intended victims and whether support services are available, accessible, and adequate for
3.24 sexually exploited youth individuals, as defined in section ~~260C.007, subdivision 31~~
3.25 145.4711, subdivision 7.

3.26 (b) In conducting the evaluation, the director of ~~child~~ sex trafficking prevention must
3.27 consider evaluation of outcomes, including whether the program increases identification of
3.28 sexually exploited youth individuals, coordination of investigations, access to services and
3.29 housing available for sexually exploited youth individuals, and improved effectiveness of
3.30 services. The evaluation must also include examination of the ways in which penalties under
3.31 section 609.3241 are assessed, collected, and distributed to ensure funding for investigation,
3.32 prosecution, and victim services to combat sexual exploitation of youth individuals.

4.1 Sec. 5. Minnesota Statutes 2022, section 609.3241, is amended to read:

4.2 **609.3241 PENALTY ASSESSMENT AUTHORIZED.**

4.3 (a) When a court sentences an adult convicted of violating section 609.27, 609.282,
4.4 609.283, 609.322, 609.324, 609.33, 609.352, 617.246, 617.247, or 617.293, while acting
4.5 other than as a prostitute, the court shall impose an assessment of not less than \$500 and
4.6 not more than \$750 for a misdemeanor violation of section 609.27, a violation of section
4.7 609.324, subdivision 2, a violation of section 609.33, or a violation of section 617.293;
4.8 otherwise the court shall impose an assessment of not less than \$750 and not more than
4.9 \$1,000. The assessment shall be distributed as provided in paragraph (c) and is in addition
4.10 to the surcharge required by section 357.021, subdivision 6.

4.11 (b) The court may not waive payment of the minimum assessment required by this
4.12 section. If the defendant qualifies for the services of a public defender or the court finds on
4.13 the record that the convicted person is indigent or that immediate payment of the assessment
4.14 would create undue hardship for the convicted person or that person's immediate family,
4.15 the court may reduce the amount of the minimum assessment to not less than \$100. The
4.16 court also may authorize payment of the assessment in installments.

4.17 (c) The assessment collected under paragraph (a) must be distributed as follows:

4.18 (1) 40 percent of the assessment shall be forwarded to the political subdivision that
4.19 employs the arresting officer for use in enforcement, training, and education activities related
4.20 to combating sexual exploitation of youth individuals, or if the arresting officer is an
4.21 employee of the state, this portion shall be forwarded to the commissioner of public safety
4.22 for those purposes identified in clause (3);

4.23 (2) 20 percent of the assessment shall be forwarded to the prosecuting agency that handled
4.24 the case for use in training and education activities relating to combating sexual exploitation
4.25 activities of youth individuals; and

4.26 (3) 40 percent of the assessment must be forwarded to the commissioner of health to be
4.27 deposited in the safe harbor for youth individuals account in the special revenue fund and
4.28 are appropriated to the commissioner for distribution to crime victims services organizations
4.29 that provide services to sexually exploited youth individuals, as defined in section ~~260C.007,~~
4.30 ~~subdivision 31~~ 145.4711, subdivision 7.

4.31 (d) A safe harbor for youth individuals account is established as a special account in the
4.32 state treasury.

5.1 Sec. 6. Minnesota Statutes 2022, section 609.5315, subdivision 5c, is amended to read:

5.2 Subd. 5c. **Disposition of money; prostitution.** Money forfeited under section 609.5312,
5.3 subdivision 1, paragraph (b), must be distributed as follows:

5.4 (1) 40 percent must be forwarded to the appropriate agency for deposit as a supplement
5.5 to the agency's operating fund or similar fund for use in law enforcement;

5.6 (2) 20 percent must be forwarded to the prosecuting authority that handled the forfeiture
5.7 for deposit as a supplement to its operating fund or similar fund for prosecutorial purposes;
5.8 and

5.9 (3) the remaining 40 percent must be forwarded to the commissioner of health to be
5.10 deposited in the safe harbor for youth individuals account in the special revenue fund and
5.11 is appropriated to the commissioner for distribution to crime victims services organizations
5.12 that provide services to sexually exploited youth individuals, as defined in section ~~260C.007~~,
5.13 ~~subdivision 31~~ 145.4711, subdivision 7.