

CHAPTER 507—H. F. No. 244

[Coded]

An act relating to certain sex crimes; defining certain crimes, prohibiting certain acts, and providing penalties; amending Minnesota Statutes 1965, Chapter 609, by adding sections thereto; repealing Minnesota Statutes 1965, Sections 617.01; 617.02; 617.03; 617.05; 617.06; 617.07; 617.08; 617.09; 617.10; 617.14; 617.16; 617.17; 617.30; 617.32; and 617.325.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1965, Chapter 609, is amended by adding a section to read:

[609.29] Sex crimes; definitions. *For the purposes of sections 2 to 6 of this act, sexual penetration, however slight, shall be sufficient to constitute sexual intercourse.*

Sec. 2. Minnesota Statutes 1965, Chapter 609, is amended by adding a section to read:

[609.291] Aggravated rape. *Whoever has sexual intercourse with a female person, not his wife, without that person's consent and under any of the following circumstances, commits aggravated rape and may be sentenced to imprisonment for not more than 30 years:*

- (1) The victim's resistance is overcome by force; or*
- (2) The victim's resistance is prevented by reasonable fear of immediate and great bodily harm to the victim or another; or*
- (3) The victim is unconscious, physically powerless to resist, or incapable of giving consent through mental illness or defect and the condition is known or reasonably should have been known to the actor.*

Sec. 3. Minnesota Statutes 1965, Chapter 609, is amended by adding a section to read:

[609.292] Rape. *Whoever has sexual intercourse with a female person, not his wife, with the female person's consent obtained under any of the following circumstances commits rape and may be sentenced to imprisonment for not more than ten years:*

- (1) He induces the victim to believe that he is the victim's husband; or*

Changes or additions indicated by italics, deletions by strikeout.

(2) *He misleads the victim as to the nature of the act being committed; or*

(3) *The victim's will to resist is destroyed by drug or intoxicant and the condition is known or reasonably should have been known to the actor.*

Sec. 4. Minnesota Statutes 1965, Chapter 609, is amended by adding a section to read:

[609.293] Sodomy. Subdivision 1. Definition. Sodomy" means carnally knowing any person by the anus or by or with the mouth.

Subd. 2. Aggravated sodomy. *Whoever under any of the following circumstances commits an act of sodomy upon another or causes him to participate in any act of sodomy, without the other's consent, commits aggravated sodomy and may be sentenced to imprisonment for not more than 30 years:*

(1) *The victim's resistance is overcome by force; or*

(2) *The victim's resistance is prevented by reasonable fear of immediate and great bodily harm to the victim or another; or*

(3) *The victim is unconscious, physically powerless to resist, or incapable of giving consent through mental illness or defect and the condition is known or reasonably should have been known to the actor.*

Subd. 3. Sodomy. *Whoever commits an act of sodomy upon another or causes him to participate in an act of sodomy, with the other's consent obtained under any of the following circumstances may be sentenced to imprisonment for not more than ten years:*

(1) *He misleads the victim as to the nature of this act being committed; or*

(2) *The victim's will to resist is destroyed by drug or intoxicant and the condition is known or reasonably should have been known to the actor.*

Subd. 4. Sodomy upon or with child. *Whoever commits an act of sodomy upon or with any child under the age of 18 years, not his spouse, whether or not the act is also a violation of subdivision 2 or 3 and notwithstanding the consent of the child, may be sentenced as follows:*

Changes or additions indicated by italics, deletions by ~~strikeout~~.

(1) *If the child is under the age of ten years, to imprisonment for not more than 30 years; or*

(2) *If the child is ten years of age but under the age of 14 years, to imprisonment for not more than 20 years; or*

(3) *If the child is over the age of 14 years, to imprisonment for not more than 10 years.*

Subd. 5. Consensual acts. *Whoever, in cases not coming within the provisions of subdivisions 2 and 3, voluntarily engages in or submits to an act of sodomy with another may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

Sec. 5. Minnesota Statutes 1965, Chapter 609, is amended by adding a section to read:

[609.294] Bestiality. *Whoever carnally knows a dead body or an animal or bird is guilty of bestiality and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100. If knowingly done in the presence of another he may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000 or both.*

Sec. 6. Minnesota Statutes 1965, Chapter 609, is amended by adding a section to read:

[609.295] Sexual intercourse with child. *Whoever has sexual intercourse with a female child under the age of 18 years and not his spouse may be sentenced as follows:*

(1) *If the child is under the age of ten years, to imprisonment for not more than 30 years; or*

(2) *If the child is ten years of age but under the age of 14 years, to imprisonment for not more than 20 years; or*

(3) *If the child is 14 years of age but under the age of 16 years, by imprisonment for not more than five years.*

(4) *If the child is 16 years of age, but under the age of 18 years and the offender is 21 years of age or older, by imprisonment for not more than three years.*

(5) *If the child is 16 years of age but under the age of 18 and the offender is 18 years of age but under 21 years, by imprisonment for not more than one year.*

Changes or additions indicated by italics, deletions by ~~strikeout~~.

Sec. 7. Minnesota Statutes 1965, Chapter 609, is amended by adding a section to read:

[609.296] Indecent liberties. *Subdivision 1. Whoever takes indecent liberties with a person not his spouse, without the latter's consent expressly given, may be sentenced as follows:*

(1) *If the person upon whom the indecent liberties are taken suffers great bodily harm as a result of the indecent liberties, to imprisonment for not more than ten years;*

(2) *In any other case, to imprisonment for not more than four years.*

Subd. 2. Whoever takes indecent liberties with any child under the age of 16 years or induces any child under the age of 16 years to perform an indecent act, may be sentenced to imprisonment for not more than seven years. For prosecutions commenced pursuant to the provisions of this subdivision, it shall be no defense that the child consented to such acts or indecent liberties.

Sec. 8. Minnesota Statutes 1965, Chapter 609, is amended by adding a section to read:

[609.31] Leaving the state to evade establishment of paternity. *Whoever with intent to evade proceedings to establish his paternity leaves the state knowing that a woman with whom he has had sexual intercourse is pregnant or has given birth within the previous 60 days to a living child may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$2,000, or both.*

Sec. 9. Minnesota Statutes 1965, Chapter 609, is amended by adding a section to read:

[609.32] Prostitution. Subdivision 1. Definitions.

(1) *"Prostitution" means engaging or offering or agreeing to engage for hire in sexual intercourse, as defined in section 1, or sodomy as defined in section 4, subdivision 1, of this act.*

(2) *A "place of prostitution" is a house or other place where prostitution is practiced or from which prostitution is promoted.*

Subd. 2. Acts prohibited. *Whoever intentionally does any of the following may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both:*

Changes or additions indicated by italics, deletions by ~~strikeout~~.

(1) *Solicits or induces another under the age of 18 years to practice prostitution; or*

(2) *Being a parent, guardian, or other custodian of the person of a female under the age of 18 years consents to her being taken or detained for the purposes of prostitution.*

Subd. 3. Other acts prohibited. *Whoever intentionally does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both:*

(1) *Keeps a place of prostitution; or*

(2) *Leases or otherwise permits premises owned by him or under his control to be used as a place of prostitution; or*

(3) *Solicits or induces another over the age of 18 years to practice prostitution; or*

(4) *Solicits another under the age of 18 years to have sexual intercourse or to commit sodomy with a prostitute or admits him to a place of prostitution; or*

(5) *Engages as a prostitute in an act of sexual intercourse or sodomy with another under the age of 18 years; or*

(6) *Transports a prostitute from one place of prostitution within the state to another such place within or without the state, or brings a prostitute into the state, for the purpose of prostitution.*

Subd. 4. Further acts prohibited. *Whoever intentionally does any of the following may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both:*

(1) *Engages in prostitution; or*

(2) *Is supported in whole or in part by the earnings of a prostitute; or*

(3) *Solicits for a prostitute, directs, takes, or transports another to a prostitute or place of prostitution, or brings a prostitute to him, for the purpose of sexual intercourse or sodomy with a prostitute.*

Sec. 10. *Minnesota Statutes 1965, Chapter 609, is amended by adding a section to read:*

Changes or additions indicated by italics, deletions by ~~strikeout~~.

[609.33] Disorderly house or place of public resort. *Whoever does either of the following may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both:*

(1) *Keeps a disorderly house, or place of public resort, whereby the peace, comfort or decency of a neighborhood is habitually disturbed; or*

(2) *Being the owner or in control of any premises, intentionally permits them to be so used.*

Sec. 11. Minnesota Statutes 1965, Chapter 609, is amended by adding a section to read:

[609.34] Fornication. *When any man and single woman have sexual intercourse with each other, each is guilty of fornication and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

Sec. 12. Minnesota Statutes 1965, Sections 617.01; 617.02; 617.03; 617.05; 617.06; 617.07; 617.08; 617.09; 617.10; 617.14; 617.16; 617.17; 617.30; 617.32; and 617.325, are repealed.

Approved May 17, 1967.

CHAPTER 508—H. F. No. 267

An act relating to minors; regulating the termination of guardianship and conveyances of minors; amending Minnesota Statutes 1965, Sections 525.60 and 507.02.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. Minnesota Statutes 1965, Section 525.60, is amended to read:

525.60 Minors; guardianship; conveyances; termination.
Subdivision 1. A guardianship of a minor shall terminate upon his death or upon his attainment of legal age. The marriage of a female ward under guardianship as a minor only and not under a juvenile court guardianship shall terminate the guardianship of her person but not of her estate; provided that such guardianship shall not affect her capacity to join with her husband in instruments involving his interest in real estate. The guardianship of a ward other than a minor shall terminate upon his death or upon his

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