

Minnesota Minor Protection and Safeguarding Act (Proposed)

Section 1. Title

This Act shall be known as the Minnesota Minor Protection and Safeguarding Act.

Section 2. Purpose

The purpose of this Act is to strengthen protections for minors by establishing a clear and consistent age of consent of 18 years, while allowing limited close-in-age relationships to avoid criminalizing peer interactions, and ensuring that allegations involving minors are fully investigated and reviewed.

Section 3. Definitions

- (a) Minor means any individual under 18 years of age.
- (b) Sexual conduct shall have the meaning provided under Minnesota Statutes, section 609.341.
- (c) Position of authority includes but is not limited to teachers, coaches, employers, guardians, or any individual who exercises supervision, influence, or control over a minor.
- (d) Close-in-age exemption means a lawful exception allowing consensual sexual conduct between individuals close in age as defined in this Act.

Section 4. Age of Consent

- (a) A person under the age of 18 years is deemed legally incapable of consenting to sexual conduct.
- (b) Any sexual conduct involving a person under 18 years of age shall constitute a criminal offense, except as provided in Section 5.

Section 5. Close-in-Age Exemption

- (a) Sexual conduct between minors shall not be considered a criminal offense if:
 - (1) Both individuals are at least 15 years of age; and
 - (2) The individuals are not more than 2 years apart in age; and
 - (3) Neither individual has attained the age of 19 years.
- (b) This exemption shall not apply if:
 - (1) One party is in a position of authority; or
 - (2) The conduct involves coercion, force, or impairment.

Section 6. Position of Authority

(a) Any person in a position of authority who engages in sexual conduct with a person under 18 years of age shall be guilty of a felony.

(b) Consent shall not be a defense under this section.

Section 7. Affirmative Consent Standard

Consent must be freely given, informed, and voluntary. Lack of resistance or silence shall not constitute consent.

Section 8. Penalties

(a) Violations involving individuals under 18 years of age shall be prosecuted under applicable criminal sexual conduct statutes.

(b) Enhanced penalties may apply where there is:

(1) A significant age disparity;

(2) Repeated conduct; or

(3) Exploitation or inducement.

Section 9. Severability

If any provision of this Act is found invalid, the remaining provisions shall remain in effect.

Section 10. Effective Date

This Act shall take effect on August 1 following enactment.

Section 11. Mandatory Review and Prosecution of Allegations Involving Minors

(a) Any report alleging sexual conduct involving a minor that is made to a law enforcement agency shall be promptly investigated.

(b) Upon completion of the investigation, the case shall be referred to the appropriate prosecuting authority for review.

(c) A prosecuting authority shall formally review any case referred under this section and shall file charges where probable cause exists that an offense has occurred.

(d) If a prosecuting authority declines to file charges, the reasons for such decision shall be documented in writing and maintained as part of the official record.

(e) A copy of such written determination shall be provided to the victim, or the victim's parent or legal guardian if the victim is a minor, upon request, subject to applicable data privacy laws.

Plain Language Summary (For Public Understanding)

This Act raises the age of consent to 18 while protecting close-in-age teen relationships and ensuring accountability in cases involving minors.

Allowed:

15 & 17 → allowed

16 & 18 → allowed

17 & 18 → allowed

Not Allowed:

17 & 19 → prohibited

16 & 19 → prohibited

Always Illegal:

Any relationship involving coercion or force

Any position of authority (teacher, coach, etc.) with a minor

Accountability:

All reports involving minors must be investigated

Prosecutors must review every case

If charges are not filed, a written explanation is required and available to the victim upon request