
Summary of 2020 New and Amended Crime Legislation and Minnesota Offense Code (MOC) Table Changes

Prepared: Minn. Sentencing Guidelines Commission Staff
August 2020

1. Harassment and Stalking

Description: The Harassment and Stalking statute, Minn. Stat. § 609.749, is amended. Subdivisions 1 and 1a, which define the term “harass” and relieve the prosecutor of the burden of proving specific intent to harass, are repealed. Subdivision 2 is amended, functionally replacing the repealed definition of “harass” with more limited elements and a new intent element, that the defendant must intend to kill, injure, harass, or intimidate the victim. The result is that either: that the victim must be placed in reasonable fear of substantial body harm to the victim or to members of the victim’s family or household; or that the result, the attempted result, or the reasonably expected result of the defendant’s behavior must be to cause substantial emotional distress to the victim. The eight enumerated ways by which one may harass another, also found in subdivision 2, are unchanged. Harassment remains a gross misdemeanor.*

The statutory maximums for the felony provisions in subdivisions 3, 4, and 5 are unchanged. The felony offenses in subdivision 3—Harassment (Aggravated Violations)—are changed only as follows:

- Subd. 3(a)(3) now requires the dangerous weapon to be used, not merely possessed.
- Subd. 3(a)(4) (involving harassment to tamper with a judicial proceeding) is no longer a standalone offense, but becomes an enhancement to subdivision 2 offenses (as all other felony Harassment offenses are).

Effective Date: August 1, 2020		Minn. Laws Reference: 2020 Minn. Laws Chapter 96	
		Minn. Stat. Reference: Minn. Stat. § 609.749	
MOC Table Changes:			
KEY	COLUMN	CODE	TEXT
N	Characteristics	A	A. Possess/Use Dangerous Weapon

2. False Material Information

Description: A new gross misdemeanor is created under subdivision 3 of the Peacetime Public Health Emergency; Driver’s License, Identification Card, and Disability Certificate Extensions. It applies to essential workers who knowingly gives or causes to be given any false material information in applying for a license or position that requires a fingerprint-based background check while a delay of submission is in effect.

* Not to be confused with civil harassment, which has a different definition. Civil harassment is not necessarily a crime, but may lead to the issuance of a restraining order, the violation of which is a crime. Minn. Stat. § [609.748](#).

Effective Date: March 28, 2020		Minn. Laws Reference: 2020 Minn. Laws Chapter 71, art. 2, §26	
		Minn. Stat. Reference: Unknown	
MOC Table Changes:			
KEY	COLUMN	CODE	TEXT
M	Miscellaneous	8605	False Material Information/Peacetime Emergency

3. Purchase of Tobacco Under Age 21

Description: The age at which tobacco or related products may be purchased is raised to 21. Misdemeanors are reduced to petty misdemeanors (providing tobacco or nicotine delivery product to a minor), are made subject to civil penalty (minor using false identification to purchase tobacco or nicotine delivery product), or are decriminalized (minor possessing tobacco or nicotine delivery product). Gross misdemeanors (subsequently providing tobacco or nicotine delivery product to a minor) are reduced to misdemeanors. Administrative penalties are for licensees in violation are increased to \$300 for a first violation, \$600 for a second violation, and \$1,000 for a third or subsequent.

Effective Date: Not specified (Aug. 1, 2020, per Minn. Stat. § 645.02)		Minn. Laws Reference: 2020 Minn. Laws Chapter 88	
		Minn. Stat. Reference: Minn. Stat. §§ 171.171 ; 171.22 ; 609.685 ; 609.6855 (2018).	
MOC Table Changes: None/Use Existing Codes			
KEY	COLUMN	CODE	TEXT
M	Miscellaneous	7401/7402	Sale of Tobacco/Nicotine Delivery Devices to Children – Misd/G.M.

4. Perishable Farm Products

Description: It is a misdemeanor to violate any provision of Minn. Stat. ch. 27, which governs perishable farm products such as produce, milk, and poultry including eggs. Misdemeanor violations include making a false statement or report as to the grade, condition, markings, quality, or quantity of produce; refusing to accept a shipment; failing to account or making a settlement for perishable farm products; violating or failing to comply with terms or conditions of a contract; purchasing for a person’s own account any produce received on consignment; issuing a false or misleading market quotation; increasing the sales charges on perishable farm products; receiving decorative forest products and giving the impression they are products of Minnesota; committing to pay and not paying in full.

Effective Date: Not specified (Aug. 1, 2020, per Minn. Stat. § 645.02)		Minn. Laws Reference: 2020 Minn. Laws Chapter 89, art. 1, §20	
		Minn. Stat. Reference: Minn. Stat. §§ 27.19 (2018).	
MOC Table Changes: None/Use Existing Code			

KEY	COLUMN	CODE	TEXT
M	Miscellaneous	5512	Food – Other

5. Meteorological Towers

Description: Under new Minn. Stat. § 360.915, an owner of a stand-alone meteorological tower who violates requirements is guilty of a misdemeanor. The owner of a stand-alone meteorological tower erected prior to the effective date of this section must meet the requirements within one year of the effective date of this section.

Effective Date: Not specified (Aug. 1 2020, per Minn. Stat. § 645.02)		Minn. Laws Reference: 2020 Minn. Laws Chapter 100, § 21	
		Minn. Stat. Reference: Minn. Stat. § 360.915 (2020)	
MOC Table Changes:			
KEY	COLUMN	CODE	TEXT
M	Miscellaneous	8606	Meteorological Towers

6. Unmanned Aerial Vehicle Prohibition

Description: Under new Minn. Stat. § 243.552, a person is guilty of a misdemeanor who knowingly flies an unmanned aerial vehicle (UAV) in the airspace over a state correctional facility or over the grounds belonging to or land controlled by the facility without the written consent of the commissioner of corrections or designee. A person is guilty of a gross misdemeanor if the person uses the vehicle to either (1) record images, including but not limited to video and photographs, of the correctional facility or its grounds; or (2) introduce or attempt to introduce any items that are not contraband under section 243.55.

Effective Date: August 1, 2020		Minn. Laws Reference: 2020 Minn. Laws Chapter 110, § 5	
		Minn. Stat. Reference: Minn. Stat. §§ 243.552 (2020).	
MOC Table Changes:			
KEY	COLUMN	CODE	TEXT
X	Act	47	Unmanned Aerial Vehicle (UAV) Over State Correction Facility

7. Failure to Report Danger to Child’s Health

Description: Certain professionals who work with children are mandated reporters of child maltreatment under Minn. Stat. § 260E.06. Minn. Stat. § 260E.08 provides misdemeanor and gross misdemeanor penalties for a mandated reporter’s failure to report child maltreatment. In addition to mandated reporters, Minn. Stat. § 260E.06 also imposes a similar reporting duty upon a parent, guardian, or other caretaker who employs spiritual means or prayer for treatment in lieu of medical care, if the lack of medical care may cause serious danger to the child’s health. Minn. Stat. § 260E.08 provides gross misdemeanor penalties for a parent, guardian, or caretaker who fails to report under such circumstances if the person knows or reasonably should know that the child’s health is in serious danger, and the child suffers substantial or great bodily harm due to the lack of medical care. If the

child dies because of the lack of medical care, the person is guilty of a felony and may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$4,000, or both.

Failure to Report under Minn. Stat. § 626.556, subd. 6(c), has been an unranked felony offense from its [1994 enactment](#) until its 2020 repeal. MSGC staff has no record of any sentences for the offense (through 2018). When repealed by [2020 Minn. Laws 1st Spec. Sess. ch. 2, art. 7, § 39](#), the offense was reorganized and replaced with § 260E.08(c). There were no changes to the offense’s statutory maximum or elements, therefore there were no changes to the MOC codes, but changes were made to the statutory citations.

Effective Date: Not specified (Aug. 1 2020, per Minn. Stat. § 645.02)		Minn. Laws Reference: 2020 Minn. Laws Chapter 2, art. 7, §8	
		Minn. Stat. Reference: Minn. Stat. §§ 626.556 ; 645.02 (2018)	
MOC Table Changes: None/Use Existing Code			
KEY	COLUMN	CODE	TEXT
I	Act	12	Failure to Report-Child's Health in Serious Danger