

## Minnesota Criminal Code - Chapter 609

Child protective services play an important role in relation to criminal court and it is important for child welfare workers to become familiar with criminal laws. These definitions and descriptions are simplified; **consult the statute for exact wording**. Consult with your supervisor and county attorney for more examples, details, clarification, and application.

Terms and Degree	Statute Reference	Definitions and Examples
<b>Levels of Harm</b>		
<b>Bodily Harm</b>	§609.02	Physical pain or injury, illness or any impairment of physical condition.
<b>Substantial Bodily Harm</b>	§609.02	Bodily injury which involves a temporary but substantial disfigurement, or which causes a temporary but substantial loss or impairment of the function of any bodily member or organ, or which causes a fracture of any bodily member.
<b>Great Bodily Harm</b>	§609.02	Bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.
<b>Assaults</b>		
<b>Assault – First Degree</b>	§609.221	<p>Infliction of great bodily harm.</p> <p><b>Examples:</b> Punching, throwing or shaking a young child to the point where blindness, deafness or brain injury renders the child unable to develop normally.</p>
<b>Assault – Second Degree</b>	§609.222	<p>Whoever:</p> <ol style="list-style-type: none"> <li>1) Uses a dangerous weapon against another person; <b>or</b></li> <li>2) Uses a dangerous weapon and inflicts substantial bodily harm.</li> </ol> <p><b>Examples:</b></p> <ol style="list-style-type: none"> <li>1) Threatening a child with a knife or gun;</li> <li>2) Stabbing a child anywhere on their body but not causing death.</li> </ol>
<b>Assault – Third Degree</b>	§609.223	<ol style="list-style-type: none"> <li>1) Infliction of substantial bodily harm; <b>or</b></li> <li>2) The court finds the perpetrator has engaged in a past pattern of child abuse against the minor child, provided all required elements under MN Statute 609.185 are met; <b>or</b></li> <li>3) Victim is under the age of four, and perpetrator inflicts bodily harm to the child's head, eyes, or neck, or otherwise causes multiple bruises to the body.</li> </ol>

		<p><b>Examples:</b></p> <ol style="list-style-type: none"> <li>1) Grabbing and twisting a child’s limb and causing a spiral bone fracture;</li> <li>2) Causing death to a child via abusive means and the perpetrator is found to have also abused the child in the past (609.185 – murder in the first degree);</li> <li>3) Striking a child under the age of four and causing a black eye or bloody nose.</li> </ol>
<b>Assault – Fourth Degree</b>	§609.2231	Victims are specifically identified as peace officers, firefighters and emergency personnel, public employees with mandated duties – specifically child protection workers, and other public workers; or an assault motivated by bias; demonstrable bodily harm must be inflicted regardless of victim type.
<b>Assault – Fifth Degree</b>	§609.224	<ol style="list-style-type: none"> <li>1) Commission of an act with intent to cause fear in another of immediate bodily harm or death; <b>or</b></li> <li>2) Intentional infliction or of an attempt to inflict bodily harm upon another.</li> </ol> <p><b>Example:</b> Locking a child in a closet and threatening to kill him if he makes any noise.</p>
<b>Criminal Sexual Conduct</b>		
<b>Actor</b>	§609.341	A person accused of criminal sexual conduct.
<b>Coercion</b>	§609.341	The actor uses words or circumstances that cause the complainant to reasonably fear that the actor will inflict bodily harm upon the complainant or another person; or the actor uses confinement, or superior size or strength against the complainant that causes the complainant to submit to sexual penetration or contact against the complainant’s will.
<b>Complainant</b>	§609.341	A person alleged to have been subjected to criminal sexual conduct, but need not be the person who signs the complaint.
<b>Force</b>	§609.341	The actor inflicts, attempts to inflict, or threatens to inflict bodily harm against the complainant or another person, which causes the complainant to reasonably believe the actor has the present ability to execute the threat.
<b>Criminal Sexual Conduct – First Degree</b>	§609.342	<p>A person who engages in <b>sexual penetration</b> with another person, or in sexual contact with a person under 13 years of age if any of the following circumstances exists:</p> <ol style="list-style-type: none"> <li>a) complainant is under 13 years of age and actor is more than 36 months older;</li> <li>b) complainant is at least 13 years of age but less than 16 years of age and actor is more than 48 months older and in a position of authority over complainant;</li> <li>c) circumstances cause complainant to have reasonable fear of imminent great bodily harm;</li> <li>d) actor has a dangerous weapon and uses or threatens to use it to cause complainant to submit.</li> </ol> <p><b>Example:</b> A child is seven years old; her mother’s boyfriend is 28 years old and caring for the child while the mother is working. The boyfriend penetrates the girl’s vagina with his penis and fingers. He tells the little girl not to tell anyone or else she will never see her mother again.</p>

<b>Criminal Sexual Conduct – Second Degree</b>	§609.343	<p>A person who engages in <b>sexual contact</b> with another person if any of the following circumstances exists:</p> <ul style="list-style-type: none"> <li>a) complainant is under 13 years of age and actor is more than 36 months older;</li> <li>b) complainant is at least 13 but less than 16 years of age and actor is more than 48 months older and in position of authority over complainant;</li> <li>c) circumstances cause complainant to have reasonable fear of imminent great bodily harm;</li> <li>d) actor has a dangerous weapon and uses or threatens to use it to cause complainant to submit.</li> </ul> <p><b>Example:</b> A 14 year-old girl is going to her 42-year old coach’s home for help with basketball skills. She refers to him as “Coach” when they have after school contact. During one of these contacts, the coach hugs her and puts his hand inside her shorts and underwear; he fondles and rubs her genitals, but does not penetrate her body in any way.</p>
<b>Criminal Sexual Conduct – Third Degree</b>	§609.344	<p>A person who engages in <b>sexual penetration</b> with another person if any of the following circumstances exists:</p> <ul style="list-style-type: none"> <li>a) complainant is under 13 years of age and actor is no more than 36 months older than complainant;</li> <li>b) complainant is at least 13 but less than 16 years of age and actor is more than 24 months older than complainant;</li> <li>c) actor uses force or coercion to accomplish penetration;</li> <li>d) actor knows or has reason to know complainant is mentally impaired, mentally incapacitated, or physically helpless;</li> <li>e) complainant is at least 16 but less than 18 years of age and actor is more than 48 months older and in a position of authority over complainant.</li> </ul>
<b>Criminal Sexual Conduct – Fourth Degree</b>	§609.345	<p>A person who engages in <b>sexual contact</b> with another person if any of the following circumstances exists:</p> <ul style="list-style-type: none"> <li>a) complainant is under 13 years of age and actor is no more than 36 months older than complainant;</li> <li>b) complainant is at least 13 but less than 16 years of age and actor is more than 48 months older than complainant or in a position of authority over complainant;</li> <li>c) actor uses force or coercion to accomplish sexual contact;</li> <li>d) actor knows or has reason to know complainant is mentally impaired, mentally incapacitated, or physically helpless;</li> <li>e) complainant is at least 16 but less than 18 years of age and actor is more than 48 months older than complainant and in a position of authority over complainant.</li> </ul> <p>CSC in the Third and Fourth Degrees are very similar with one significant difference: CSC in the Third Degree involves sexual penetration while CSC in the Fourth Degree stipulates sexual contact, not including penetration.</p>

<b>Criminal Sexual Conduct – Fifth Degree</b>	§609.3451	When a person commits any of the following: 1) If the person engages in nonconsensual sexual contact; <b>or</b> 2) The person engages in masturbation or lewd exhibition of the genitals in the presence of a minor under age 16, knowing or having reason to know the minor is present.
<b>Malicious Punishment, and Criminal Neglect or Endangerment</b>		
<b>Child</b>	§609.376	Any person under the age of 18 years.
<b>Caretaker</b>	§609.376	An individual who has responsibility for the care of a child as a result of a family relationship or who has assumed responsibility for all or a portion of the care of a child.
<b>Complainant</b>	§609.376	A person alleged to have been a victim of a violation of malicious punishment, criminal neglect or endangerment, but need not be the person who signs the complaint.
<b>Malicious Punishment of a Child</b>	§609.377	A parent, legal guardian, or caretaker who, by an intentional act or a series of intentional acts with respect to a child, evidences unreasonable force or cruel discipline that is excessive under the circumstances. Includes: <ul style="list-style-type: none"> <li>▪ Punishment resulting in less than substantial bodily harm;</li> <li>▪ Punishment to a child under age four causing bodily harm to head, eyes, neck, or causes multiple bruises to body;</li> <li>▪ Punishment resulting in substantial bodily harm;</li> <li>▪ Punishment resulting in great bodily harm.</li> </ul>
<b>Neglect</b>	§609.378	<b>Neglect:</b> 1) A parent, legal guardian, or caretaker willfully deprives a child of necessary food, clothing, shelter, health care, or supervision appropriate to the child’s age, when the parent, guardian, or caretaker is reasonably able to make the necessary provisions, <b>and</b> <ul style="list-style-type: none"> <li>▪ The deprivation harms or is likely to substantially harm the child’s physical, mental, or emotional health. If deprivation results in substantial harm to the child’s physical, mental, or emotional health, the court may impose harsher consequences; <b>or</b></li> </ul> 2) A parent, legal guardian, or caretaker knowingly permits the continuing physical or sexual abuse of a child.
<b>Endangerment</b>	§609.378	<b>Endangerment:</b> A parent, legal guardian, or caretaker endangers the child’s person or health by: 1) Intentionally or recklessly causing or permitting a child to be placed in a situation likely to substantially harm the child’s physical, mental, or emotional health or cause the child’s death; <b>or</b> 2) Knowingly causing or permitting a child to be present where any person is selling, manufacturing, possessing immediate precursors or chemical substances with intent to manufacture; possessing a controlled substance. <b>Endangerment by firearm access:</b> A person intentionally or recklessly causes a child under 14 years of age to be placed in a situation likely to substantially harm the child’s physical health or cause the child’s death as a result of the child’s access to a loaded firearm.