

CHAPTER 997—H. F. No. 226

An act relating to certain sex crimes; providing for commitment of offenders for presentence examination; amending Minnesota Statutes 1967, Sections 246.43, Subdivision 1; 609.116, Subdivision 1; repealing Minnesota Statutes 1967, Section 609.116, Subdivision 2.

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

Section 1. Minnesota Statutes 1967, Section 246.43, Subdivision 1, is amended to read:

246.43 Sex crimes; presentence examinations. Subdivision 1. **Conviction of specified offenses; presentence examinations.** If a person who is 21 years of age or older at the time of his apprehension is convicted under ~~sections 617.01, 617.02, 617.08,~~ sections 609.291, 609.292, 609.293, 609.295, 609.296, or 609.365, or is convicted under section 609.17 of an attempt to commit an act proscribed by sections 609.291, 609.293, or 609.295, or is convicted of an act otherwise within the scope of one of these provisions occurring prior to its effective date, the court ~~may~~ shall commit him to the commissioner of public welfare of the department of public welfare or shall order any other state, local, or private agency that the court may deem adequate to make said examination for a presentence social, physical and mental examination. The court and all public officials shall make available to the *examining person, agency or commissioner* upon his request all pertinent data in their possession in respect to the case.

Sec. 2. Minnesota Statutes 1967, Section 609.116, Subdivision 1, is amended to read:

609.116 Presentence examination of sex offenders. Subdivision 1. ~~If a person who is 21 years or older at the time the offense is committed, is convicted under sections 617.01, 617.02, 617.08, or 609.365, or is convicted of the crime of aggravated rape, rape, sodomy, having sexual intercourse with a child, or of taking indecent liberties with another person or is convicted under section 609.17 for attempting to commit aggravated rape, sodomy, or of attempting to have sexual intercourse with a child, the court may commit him to the commissioner of public welfare for~~ A presentence social, physical, and mental examination *shall be made of persons convicted of certain sex offenses as provided in section 246.43.*

Sec. 3. *Minnesota Statutes 1967, Section 609.116, Subdivision 2, is repealed.*

Approved June 6, 1969.

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