

# Minnesota's Age of Consent Laws

## Examples of "positions of authority"



Coach



Teacher



Manager



Guardian

MINNESOTA  
STATE STATUTE  
609.345  
SUBDIVISION 1A

Note: This document reflects the MN statute for criminal sexual conduct in the fourth degree. For further legal context or criminal law nuance, contact your school counsel or county attorney.

## State Law

A person who engages in sexual contact with anyone under 18 years of age may be found guilty of criminal sexual conduct in the fourth degree if any of the following circumstances exist:

### Victim is under 14 years of age

- The actor is no more than 36 months older than the victim
- Mistaking the victim's age or their consent to the act is not a legal defense

**Example:** a 13-year-old is not legally old enough to give consent to sexual activity and a 15-year-old who then engages in sexual activity with the 13-year-old could be charged with fourth degree criminal sexual conduct.

those under 14 are unable to legally consent to sexual activity in MN state law in any context

### Victim is at least 14 but less than 16 years of age

- The actor is more than 36 months older than the victim OR
- The actor is in a current or recent position of authority over the victim
- Victim's consent to the act is not a legal defense

**Examples:** an 18-year-old high school senior engages in sexual activity with a 15-year-old high schooler but holds no position of authority or a 16-year-old workplace assistant manager that engages in sexual activity with a 14-year-old employee could be charged with fourth degree criminal sexual conduct.

**Legal Note:** While sexual activity between consenting people at least 14- but less than 16-years-old and someone within 36 months of their age is not expressly defined as criminal in statute, it is important to note that due to their age, consent to sexual activity between individuals in this age range may be more closely examined or questioned by parents/guardians or prosecutors. Sexual acts between people in this age range should be pursued with high caution and care for consent as charging of crimes in this space may be left to a prosecutor's discretion.

### Victim is at least 16 but less than 18 years of age

- the actor is more than 36 months older than the victim AND the actor is in a current or recent position of authority over the victim
- Or if the actor has a significant relationship to the victim (a relative or adult who lives at least part-time in the same place as the victim but isn't a spouse)
- Mistaking the victim's age or their consent to the act is not a legal defense

**Example:** a 24-year-old coach engages in sexual activity with a 17-year-old student/athlete after the sport's season has ended could be charged with fourth degree criminal sexual conduct.

# Making sense of Minnesota's Age of Consent Laws



## A Note on Sexting

Minnesota's Age of Consent does not apply to "sexting" (sharing explicit photos or videos). Taking, sending, or receiving sexually explicit content of minors (anyone under age 18) is illegal in Minnesota, and all states, under child pornography laws.

## Sexual conduct is *always* a crime if it involves:

### Coercion

Use of words or circumstances that cause fear of bodily harm to the victim or others, or use of confinement, or use of size or strength

### Vulnerability

The actor knows or has reason to know the victim is mentally or physically impaired or incapacitated or otherwise unable to consent

### Force

the actual, attempted, or threatened use of bodily harm to the victim, or actual or threatened use of any other crime against the victim

**Legal Note:** Minnesota state law (609.341) states that being under the influence of alcohol or drugs can result in mental incapacitation that prevents someone from being able to give consent and is then illegal as the victim would be considered vulnerable

**Teaching Tips** Legal limits of consent are important for providing legal safety for young and vulnerable people in sexual situations, but should not be the only topic covered in consent education.

An inclusive, accurate, and accessible lesson on consent contains many topics including:

- Major aspects of consent
  - To give consent, one must
    - be informed of the context (like STI test status or relationship expectations)
    - be able to rescind consent at any time
    - be free from any coercion or force
    - show affirmative consent through words or actions (not simply the absence of protest - think "yes means yes" instead of "no means no")
  - Minnesota law defines consent as "words or overt actions by a person indicating a freely given present agreement to perform a particular sexual act with the actor" and specifies that prior relationships or failing to resist are not consent.
- How to have honest conversations about sexual activities and boundaries
- What dynamics might make giving consent difficult and how to avoid putting a person in a potentially harmful situation
- How to be a friend or active bystander when consent is not given or respected

## Respecting Age of Consent laws is important, but should be framed as the bare minimum of consent.

Great consent and healthy relationship education requires discussion of the proactive and positive ways people can engage with consent in addition to the ways young people can avoid harming others.

FOR MORE INFORMATION OR TEACHING SUPPORT CONTACT US AT

info@honestsexed.org

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