Making sense of

Minnesota's Age of Consent Laws

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FOR YOUTH!

Examples of "positions of authority"









MINNESOTA STATE STATUTE 609.345 SUBDIVISION 1A

Note: This document reflects the MN statute for criminal sexual conduct in the fourth degree.

If you have more questions about sexual consent laws or **if you are worried about your own safety, please reach out to a trusted adult**

State Law

It is illegal for someone to engage in sexual behaviors if:

The Victim is under 14 years of age and

Important! People under 14 are not able to legally consent to sexual activity in MN

- 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 a crime.

The Victim is 14 or 15 years old and

- 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

Example: an 18-year-old high school senior engages in sexual activity with a 15-year-old high schooler but holds no position of authority could be charged with a crime
Example: a 16-year-old workplace assistant manager that engages in sexual activity with a 14-year-old employee could be charged with a crime.

Important! There is no law about consensual sexual beahviors between people 14-15 years old and someone within 36 months of their age. However, 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.

The Victim is 16 or 17 years old and

- 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 a crime.

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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 of threatened use of any other crime against the victim

Important! 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

To give and receive consent, you must be sure everyone is:



Informed of the context (like STI test status, birth control choices, or relationship expectations)



Able to rescind consent at any time



Free from any coercion or force



Showing affirmative consent through words or actions (not simply the absence of protest - "yes means yes" instead of "no means no")

Respecting Age of Consent laws is important, but is the bare minimum of consent. Make sure to consistently show respect to all people in all types of relationships.

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