

### Minnesota

A variety of forms of street harassment are illegal in Minnesota, including verbal harassment, up-skirt photos, indecent exposure, following, and groping. Here are the laws and reporting procedures you need to know.

*Note: For more information on your rights as the victim of a crime in Minnesota, in addition to what we've included here, check out the Minnesota [Victim's Rights Statute](#).*

#### Verbal Harassment

There are three laws in Minnesota that encompass some forms of verbal harassment.

Minnesota also has a process for obtaining a restraining order that can protect you from repeated harassment from the same person, and the law provides a number of protections for you – including the right to take time off of work to file a petition and the option to have your court costs covered by the state if you can't afford them.

#### ***Disorderly Conduct***

##### §609.72

In Minnesota, it is considered disorderly conduct for anyone, “in a public or private place, including on a school bus,” to:

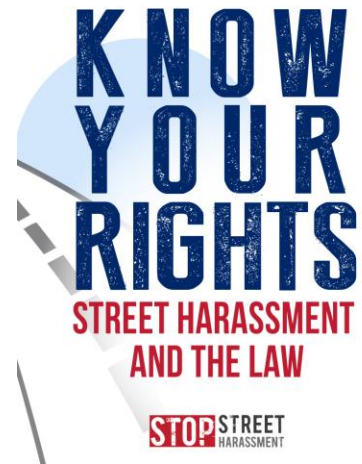
- Brawl
- Fight
- Engage in offensive, obscene, abusive, boisterous, or noisy conduct
- Use offensive, obscene, or abusive language if s/he knows or should know that his or her actions or language will alarm, anger, or disturb others, arouse resentment, or provoke a violent response.

If a harasser is engaging in offensive, boisterous or noisy conduct – such as yelling at you, following you, blocking your path, or making a scene –on the street, public transportation, or even on a school bus, you can report him/her.

If a street harasser is using offensive language toward you, his or her words may be considered disorderly conduct if the same language would “reasonably ... arouse alarm, anger, or resentment” in others under the same circumstances. This is what is known as a “[fighting words](#)” law.

Since street harassment rarely results in the harassed person fighting back, these laws usually have not been used to address street harassment. But you can still try using it, and if enough people make a case for why it should be used, then it might be applied more often.

Penalty: Disorderly conduct is a misdemeanor, punishable by a fine of up to \$1,000 and/or up to 90 days in jail.



## Stop Street Harassment

### ***Prostitution in Public – Patrons***

#### [§609.324 Subd. 2](#)

Soliciting someone for the purposes of prostitution is illegal in Minnesota. If a street harasser solicits sexual activity from you, you can report him/her.

You can also make the case that harassers who yell, “How much?!” or offer you money, or anything else, for sex, even in jest, are soliciting prostitution.

Stop Street Harassment doesn’t oppose consensual sex work, but we do think it’s inappropriate for a street harasser to make assumptions about your sexual availability and make you feel uncomfortable.

Penalty: Patronizing a prostitute in public is a gross misdemeanor, punishable by a fine of between \$1,500 and \$3,000 and/or up to 1 year in jail.

### ***Solicitation of Children to Engage in Sexual Activity***

#### [§609.352](#)

It is illegal in Minnesota for anyone over the age of 18 to solicit someone 15 years of age or younger to engage in sexual conduct if the harasser actually intends to engage in such activity.

If you (or a young person you care for) are 15 years old or younger and a street harasser says or does something to try to get you to engage in sexual activity – such as making vulgar comments to you and/or asking you to get in his or her car – you can report him/her.

Penalty: Solicitation of a child to engage in sexual activity is a felony, punishable by a fine of up to \$5,000 and/or up to 3 years in prison.

## **Unlawful Filming & Photography**

### ***Interference with Privacy***

#### [§609.746](#)

Minnesota law prohibits anyone from either peeping or using a device or camera (that includes a mirror or a cell phone) to observe, photograph, or record the intimate parts of a person’s body, whether clothed or unclothed, under circumstances in which that person should have a reasonable expectation of privacy.

The law specifically addresses an intrusion upon a private place, such as your home, a hotel room, a tanning booth, or another place “where a reasonable person would have an expectation of privacy and has exposed or is likely to expose their intimate parts,” like a restroom, locker room, or dressing room. If a harasser is intruding upon your privacy in this way, you can report him/her.

One could also argue that you have a reasonable expectation to privacy under your skirt or blouse, and, while the law doesn’t specifically address this kind of violation, at least [one](#) street harasser in Minnesota has been charged under this law for taking up-skirt photos of women in public.

If someone is taking a photograph up your dress or skirt or down your shirt, you can report him/her.

Penalty: Interference with privacy is a gross misdemeanor, punishable by a fine of up to \$3,000 and/or up to 1 year in jail.

## Stop Street Harassment

### Indecent Exposure

#### ***Indecent Exposure***

##### [§617.23](#)

It is illegal in Minnesota for anyone to lewdly expose his or her body or genitals in public, pay another person to expose his or her genitals in public, engage in any “open or gross lewdness or lascivious behavior, or any public indecency other than behavior specified [here].”

If a street harasser flashes you or exposes his or her body to you in a sexual way, you can report him/her.

Penalty: Indecent exposure can be a misdemeanor, gross misdemeanor, or a felony depending on the circumstances. As a misdemeanor, it is punishable by a fine of up to \$1,000 and/or 90 days in jail.

#### ***Criminal Sexual Conduct in the Fifth Degree***

##### [§609.3451](#)

It is illegal in Minnesota for anyone to masturbate or to lewdly and knowingly exhibit his or her genitals in the presence of a minor under the age of 16.

If you are under 16 years old and a street harasser exposes him or herself to you, or this happens to a young person you care for, you can report the harasser.

Penalty: Criminal Sexual conduct in the fifth degree is punishable by a fine of up to \$3,000 and/or up to 1 year in jail.

### Following

If you think someone is following you, you can call 911 right away – you do not have to wait for that person to commit a crime.

#### ***Stalking***

##### [§609.749](#)

Stalking is illegal in Minnesota. The law defines stalking as conduct which causes another to feel frightened, threatened, oppressed, persecuted, or intimidated. Then it specifies the acts that, when done under these circumstances, constitute the crime of stalking. One of the included acts is following, monitoring, or pursuing another person. The law also specifies that it is not necessary to prove that the actor intended to cause you to feel scared or intimidated, but only that s/he did so, and it does not state that the stalking actions need to be repeated to constitute a crime.

If the same person follows you or harasses you and you feel threatened and unsafe, you can report that person. You may also have the right to a restraining order to prevent future harassment.

Penalty: Stalking in itself is a gross misdemeanor, punishable by a fine of up to \$3,000. Any act of stalking that is based on your “actual or perceived race, color, religion, sex, sexual orientation, [disability], age, or national origin,” or that is committed when you (or a young person you care for) is under the age of 18 is considered a felony, punishable by a fine of up to \$10,000 and/or up to 5 years in prison.

## Stop Street Harassment

### Groping

#### ***Criminal Sexual Conduct in the Fifth Degree***

##### [§609.3451](#)

It is illegal in Minnesota for anyone to have sexual contact with a non-consenting person. Sexual contact is defined as someone:

- Intentionally touching a person's "intimate parts" ("primary genital area, area, groin, inner thigh, buttocks, or breast").
- Intentionally touching a person's clothing that is covering any of these parts of the body (except for the butt).
- Attempting to or actually removing a non-consenting person's clothing.
- Causing someone to come in contact with his or her intimate parts.
- Causing someone to come in contact with semen.

If a street harasser touches or grabs your crotch, inner thigh, or breasts, grabs your butt underneath your clothing, rubs against you or otherwise causes you to touch him or her sexually, or ejaculates onto you, you can report him/her. You may also have the right to a restraining order to prevent future harassment.

**Penalty:** Criminal Sexual conduct in the fifth degree is punishable by a fine of up to \$3,000 and/or up to 1 year in jail.

### Right to a Restraining Order to Protect Against Harassment

##### [§609.748](#)

The specific harassment crimes in Minnesota generally address harassment by phone or mail, but there is a statute that establishes your right to a restraining order that could apply in the context of street harassment.

If a street harasser has physically or sexually assaulted you *or* the same person has repeatedly verbally harassed you, such that the harassment has a "a substantial adverse effect on [your] safety, security, or privacy," you (or your parent or guardian) have the right to a restraining order from your district court that orders the person who has harassed you to either stop the harassing actions or to have no further contact with you at all.

If you need immediate protection from repeated harassment or threats of violence, you can call 911 or go directly to a courthouse to file for a restraining order. If you intend to pursue this option, you should read the [full statute](#) to understand the process and all of your rights under the law.

### Reporting Crimes to the Police

- Call 911 for help if:
  - The crime is in progress
  - You or someone else is physically hurt or have been threatened with physical violence

## Stop Street Harassment

- You can provide information about who may have committed a crime.
- Call the local police office's non-emergency number to submit a report afterward. For example, in Saint Paul, the number is (651) 291-1111 and in Minneapolis, it's 311, or (612) 673-3000 for people calling from outside of the city. In Duluth, it's (218) 730-5400. Be prepared to provide them with:
  - When it happened (date and time).
  - Where it happened (street location, store location, bus line or bus stop, park name, etc).
  - Who is reporting (your name and contact information).
  - A description of what happened.
  - The name and contact information of witnesses, if you spoke to any.
  - It can be helpful to include the law the crime falls under, such as Stalking, [Stat. § 609.749](#). If you're not sure which law you should use to report an incident of street harassment, just tell the police what happened and s/he or the district attorney's office can determine the appropriate charges.
  - A description of the harasser/s.
- Many police departments also have online reporting forms. Visit or call your local police department for more information.
- Some police departments also allow you to anonymously send a tip about a non-emergency incident, for example if you see a group of people routinely harassing passersby at the same location. Visit your local police department website for information.
  - CRIMESTOPPERS Minnesota allows for citizens to report crimes anonymously, statewide, through several different methods. You can text the number 274637 (CRIMES) and begin the message with "TIP 647." You can also call 1-800-222-8477 (TIPS) or submit your tip via [web](#).
- Once you've reported a crime, if you've provided your contact information, within a few days, you will receive a call with a police report case number and may have to answer follow-up questions. Save a copy of the police report for your records.

If someone tries to tell you that street harassment "isn't a big deal," or isn't illegal, don't buy it. You always have the right to be free from sexual harassment and assault in public.