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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **505**

February 1, 2007

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The bill was read for the first time and referred to the Committee on Public Safety and Civil Justice

1.1 A bill for an act
1.2 relating to harassment; authorizing use of restraining orders against Internet and
1.3 other computer systems publishing harassing information; amending Minnesota
1.4 Statutes 2006, section 609.748, subdivisions 1, 5.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2006, section 609.748, subdivision 1, is amended to read:

1.7 Subdivision 1. **Definition.** For the purposes of this section, the following terms have
1.8 the meanings given them in this subdivision.

1.9 (a) "Harassment" includes:

1.10 (1) a single incident of physical or sexual assault or repeated incidents of intrusive or
1.11 unwanted acts, words, or gestures that have a substantial adverse effect or are intended to
1.12 have a substantial adverse effect on the safety, security, or privacy of another, regardless
1.13 of the relationship between the actor and the intended target;

1.14 (2) targeted residential picketing; ~~and~~

1.15 (3) a pattern of attending public events after being notified that the actor's presence
1.16 at the event is harassing to another; and

1.17 (4) a single incident of posing as another person or persons without express
1.18 authorization in order to harass or defame another person or persons.

1.19 (b) "Respondent" includes any adults or juveniles alleged to have engaged in
1.20 harassment or organizations alleged to have sponsored or promoted harassment.

1.21 (c) "Targeted residential picketing" includes the following acts when committed on
1.22 more than one occasion:

2.1 (1) marching, standing, or patrolling by one or more persons directed solely at a
2.2 particular residential building in a manner that adversely affects the safety, security, or
2.3 privacy of an occupant of the building; or

2.4 (2) marching, standing, or patrolling by one or more persons which prevents an
2.5 occupant of a residential building from gaining access to or exiting from the property on
2.6 which the residential building is located.

2.7 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes
2.8 committed on or after that date.

2.9 Sec. 2. Minnesota Statutes 2006, section 609.748, subdivision 5, is amended to read:

2.10 Subd. 5. **Restraining order.** (a) The court may grant a restraining order ordering
2.11 the respondent to cease or avoid the harassment of another person or to have no contact
2.12 with that person if all of the following occur:

2.13 (1) the petitioner has filed a petition under subdivision 3;

2.14 (2) the sheriff has served respondent with a copy of the temporary restraining order
2.15 obtained under subdivision 4, and with notice of the right to request a hearing, or service
2.16 has been made by publication under subdivision 3, paragraph (b); and

2.17 (3) the court finds at the hearing that there are reasonable grounds to believe that
2.18 the respondent has engaged in harassment.

2.19 Except as provided in paragraph (c), a restraining order may be issued only against the
2.20 respondent named in the petition; ~~except that~~ and if the respondent is an organization, the
2.21 order may be issued against and apply to all of the members of the organization. Relief
2.22 granted by the restraining order must be for a fixed period of not more than two years.
2.23 When a referee presides at the hearing on the petition, the restraining order becomes
2.24 effective upon the referee's signature.

2.25 (b) An order issued under this subdivision must be personally served upon the
2.26 respondent.

2.27 (c) If the harassment involves communication through the use of the Internet or
2.28 a computer, computer program, computer network, or computer system, a restraining
2.29 order may also be issued against private computer networks, including Internet service
2.30 providers or computer bulletin board systems, that are publishing harassing information.
2.31 A restraining order issued under this paragraph may direct the respondent or a private
2.32 computer network to remove or correct the harassing information. A restraining order
2.33 issued under this paragraph may be served by mail upon any private computer network
2.34 affected.

3.1 **EFFECTIVE DATE.** This section is effective August 1, 2007, and applies to crimes
3.2 committed on or after that date.