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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **1342**

February 26, 2007

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

March 19, 2007

Committee Recommendation and Adoption of Report:

To Pass and re-referred to the Committee on Finance

1.1 A bill for an act
1.2 relating to crimes; defining qualified domestic-related offenses and crimes of
1.3 violence; making technical changes; amending Minnesota Statutes 2006, sections
1.4 609.02, subdivision 16; 609.377, subdivision 3; 624.712, subdivision 5; 629.725.

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

1.6 Section 1. Minnesota Statutes 2006, section 609.02, subdivision 16, is amended to read:

1.7 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic
1.8 violence-related offense" includes the following offenses: sections 518B.01, subdivision
1.9 14 (violation of domestic abuse order for protection); 518B.01, subdivision 22 (violation
1.10 of domestic abuse no contact order); 609.185 (murder in the first degree); 609.19 (murder
1.11 in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the
1.12 first degree); 609.205 (manslaughter in the second degree); 609.221 (first-degree assault);
1.13 609.222 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree
1.14 assault); 609.224 (fifth-degree assault); 609.2242 (domestic assault); 609.2247 (domestic
1.15 assault by strangulation); 609.342 (first-degree criminal sexual conduct); 609.343
1.16 (second-degree criminal sexual conduct); 609.344 (third-degree criminal sexual conduct);
1.17 609.345 (fourth-degree criminal sexual conduct); 609.377 (malicious punishment of
1.18 a child); 609.713 (terroristic threats); 609.748, subdivision 6 (violation of harassment
1.19 restraining order); 609.749 (harassment/stalking); and 609.78, subdivision 2 (interference
1.20 with an emergency call); and similar laws of other states, the United States, the District of
1.21 Columbia, tribal lands, and United States territories.

1.22 Sec. 2. Minnesota Statutes 2006, section 609.377, subdivision 3, is amended to read:

2.1 Subd. 3. **Enhancement to a felony.** Whoever violates the provisions of subdivision
2.2 ~~2 during the time period between a previous conviction or adjudication for delinquency~~
2.3 ~~under this section or sections 609.221 to 609.2231, 609.224, 609.2242, 609.342 to~~
2.4 ~~609.345, or 609.713, and the end of five years following discharge from sentence or~~
2.5 ~~disposition for that~~ within ten years of a previous qualified domestic violence-related
2.6 offense conviction or adjudication may be sentenced to imprisonment for not more than
2.7 five years or a fine of \$10,000, or both.

2.8 Sec. 3. Minnesota Statutes 2006, section 624.712, subdivision 5, is amended to read:

2.9 Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the
2.10 following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the
2.11 second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first
2.12 degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding
2.13 attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second
2.14 degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree);
2.15 609.224 (assault in the fifth degree); 609.2242 (domestic assault); 609.2247 (domestic
2.16 assault by strangulation); 609.229 (crimes committed for the benefit of a gang); 609.235
2.17 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated
2.18 robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.342 (criminal sexual
2.19 conduct in the first degree); 609.343 (criminal sexual conduct in the second degree);
2.20 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual conduct
2.21 in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree); 609.3453
2.22 (criminal sexual predatory conduct); 609.377 (malicious punishment of a child); 609.378
2.23 (neglect or endangerment of a child); 609.486 (commission of crime while wearing or
2.24 possessing a bullet-resistant vest); 609.52 (involving theft of a firearm, theft involving
2.25 the intentional taking or driving of a motor vehicle without the consent of the owner or
2.26 authorized agent of the owner, theft involving the taking of property from a burning,
2.27 abandoned, or vacant building, or from an area of destruction caused by civil disaster,
2.28 riot, bombing, or the proximity of battle, and theft involving the theft of a controlled
2.29 substance, an explosive, or an incendiary device); 609.561 (arson in the first degree);
2.30 609.562 (arson in the second degree); 609.582, subdivision 1, 2, or 3 (burglary in the first
2.31 through third degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully
2.32 owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot);
2.33 609.713 (terroristic threats); 609.748 (harassment); 609.749 (harassment and stalking);
2.34 609.855, subdivision 5 (shooting at a public transit vehicle or facility); and chapter 152
2.35 (drugs, controlled substances); and an attempt to commit any of these offenses.

3.1 Sec. 4. Minnesota Statutes 2006, section 629.725, is amended to read:

3.2 **629.725 NOTICE TO CRIME VICTIM REGARDING BAIL HEARING OF**
3.3 **ARRESTED OR DETAINED PERSON.**

3.4 When a person arrested or a juvenile detained for a crime of violence or an attempted
3.5 crime of violence is scheduled to be reviewed under section 629.715 for release from
3.6 pretrial detention, the court shall make a reasonable and good faith effort to notify the
3.7 victim of the alleged crime. If the victim is incapacitated or deceased, notice must be
3.8 given to the victim's family. If the victim is a minor, notice must be given to the victim's
3.9 parent or guardian. The notification must include:

3.10 (1) the date and approximate time of the review;

3.11 (2) the location where the review will occur;

3.12 (3) the name and telephone number of a person that can be contacted for additional
3.13 information; and

3.14 (4) a statement that the victim and the victim's family may attend the review.

3.15 As used in this section, "crime of violence" has the meaning given it in section
3.16 624.712, subdivision 5, and also includes ~~section~~ sections 518B.01 and 609.21, gross
3.17 misdemeanor violations of section 609.224, and nonfelony violations of sections 518B.01,
3.18 609.2231, ~~609.3451, 609.748,~~ 609.3453, and 609.749.