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State of Minnesota
HOUSE OF REPRESENTATIVES

**EIGHTY-FIFTH
SESSION**

HOUSE FILE No. 2627

February 12, 2008

Authored by Hilstrom

The bill was read for the first time and Interim introduction, referred to Public Safety and Civil Justice

March 4, 2008

Committee Recommendation and Adoption of Report:

To Pass

Read Second Time

1.1 A bill for an act
1.2 relating to public nuisances; making changes to public nuisance law affecting
1.3 evidentiary thresholds and numbers of triggering incidents required for specific
1.4 offenses; amending Minnesota Statutes 2006, section 617.81, subdivision 2.

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

1.6 Section 1. Minnesota Statutes 2006, section 617.81, subdivision 2, is amended to read:

1.7 Subd. 2. **Acts constituting a nuisance.** (a) For purposes of sections 617.80 to
1.8 617.87, a public nuisance exists (i) upon proof of one or more separate behavioral
1.9 incidents described in clause (1), (5), or (8), or (ii) upon proof of two or more separate
1.10 behavioral incidents of one or more of the following described in clause (2), (3), (4), (6),
1.11 (7), or (9), committed within the previous 12 months within the building:

1.12 (1) prostitution or prostitution-related activity committed within the building;

1.13 (2) gambling or gambling-related activity committed within the building;

1.14 (3) maintaining a public nuisance in violation of section 609.74, clause (1) or (3);

1.15 (4) permitting a public nuisance in violation of section 609.745;

1.16 (5) unlawful sale, possession, storage, delivery, giving, manufacture, cultivation, or
1.17 use of controlled substances committed within the building;

1.18 (6) unlicensed sales of alcoholic beverages committed within the building in
1.19 violation of section 340A.401;

1.20 (7) unlawful sales or gifts of alcoholic beverages by an unlicensed person committed
1.21 within the building in violation of section 340A.503, subdivision 2, clause (1);

1.22 (8) unlawful use or possession of a ~~firearm in violation of section 609.66, subdivision~~
1.23 ~~1a, 609.67, or 624.713~~ dangerous weapon as defined in section 609.02, subdivision 6,
1.24 committed within the building; or

2.1 (9) violation by a commercial enterprise of local or state business licensing
2.2 regulations, ordinances, or statutes prohibiting the maintenance of a public nuisance as
2.3 defined in section 609.74 or the control of a public nuisance as defined in section 609.745.

2.4 (b) If the building contains more than one rental unit, two or more behavioral
2.5 incidents must consist of conduct:

2.6 (1) anywhere in the building by the same tenant or lessee, or persons acting in
2.7 conjunction with or under the control of the same tenant or lessee;

2.8 (2) by any persons within the same rental unit while occupied by the same tenant or
2.9 lessee or within two or more rental units while occupied by the same tenant or lessee; or

2.10 (3) by the owner of the building or persons acting in conjunction with or under
2.11 the control of the owner.

2.12 (c) Proof of a nuisance exists if each of the elements of the conduct constituting the
2.13 nuisance is established by ~~clear and convincing~~ preponderance of evidence.

2.14 Sec. 2. **EFFECTIVE DATE.**

2.15 Section 1 applies to crimes committed on or after August 1, 2008.