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State of Minnesota
HOUSE OF REPRESENTATIVES

EIGHTY-FIFTH
SESSION

HOUSE FILE No. **3101**

February 18, 2008

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

March 18, 2008

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 public safety; increasing the criminal penalty for certain domestic
1.3 abuse no contact order violations; amending Minnesota Statutes 2007
1.4 Supplement, section 518B.01, subdivision 22.

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

1.6 Section 1. Minnesota Statutes 2007 Supplement, section 518B.01, subdivision 22,
1.7 is amended to read:

1.8 Subd. 22. **Domestic abuse no contact order.** (a) A domestic abuse no contact order
1.9 is an order issued by a court against a defendant in a criminal proceeding for:

1.10 (1) domestic abuse;

1.11 (2) harassment or stalking charged under section 609.749 and committed against
1.12 a family or household member;

1.13 (3) violation of an order for protection charged under subdivision 14; or

1.14 (4) violation of a prior domestic abuse no contact order charged under this
1.15 subdivision.

1.16 It includes pretrial orders before final disposition of the case and probationary orders
1.17 after sentencing.

1.18 (b) A person who knows of the existence of a domestic abuse no contact order issued
1.19 against the person and violates the order is guilty of a misdemeanor.

1.20 (c) A person is guilty of a gross misdemeanor who knowingly violates this
1.21 subdivision: (1) within ten years of a previous qualified domestic violence-related offense
1.22 conviction or adjudication of delinquency; or (2) when the underlying criminal proceeding
1.23 for which the order was issued under paragraph (a) involved a gross misdemeanor-level
1.24 offense. Upon a gross misdemeanor conviction under this paragraph, the defendant must

2.1 be sentenced to a minimum of ten days' imprisonment and must be ordered to participate
2.2 in counseling or other appropriate programs selected by the court as provided in section
2.3 518B.02. Notwithstanding section 609.135, the court must impose and execute the
2.4 minimum sentence provided in this paragraph for gross misdemeanor convictions.

2.5 (d) A person is guilty of a felony and may be sentenced to imprisonment for not
2.6 more than five years or to payment of a fine of not more than \$10,000, or both, if the
2.7 person knowingly violates this subdivision: (1) within ten years of the first of two or
2.8 more previous qualified domestic violence-related offense convictions or adjudications of
2.9 delinquency; ~~or~~ (2) while possessing a dangerous weapon, as defined in section 609.02,
2.10 subdivision 6; or (3) when the underlying criminal proceeding for which the order was
2.11 issued under paragraph (a) involved a felony-level offense. Upon a felony conviction
2.12 under this paragraph in which the court stays imposition or execution of sentence, the
2.13 court shall impose at least a 30-day period of incarceration as a condition of probation.
2.14 The court also shall order that the defendant participate in counseling or other appropriate
2.15 programs selected by the court. Notwithstanding section 609.135, the court must impose
2.16 and execute the minimum sentence provided in this paragraph for felony convictions.

2.17 (e) A peace officer shall arrest without a warrant and take into custody a person
2.18 whom the peace officer has probable cause to believe has violated a domestic abuse no
2.19 contact order, even if the violation of the order did not take place in the presence of the
2.20 peace officer, if the existence of the order can be verified by the officer. The person shall
2.21 be held in custody for at least 36 hours, excluding the day of arrest, Sundays, and holidays,
2.22 unless the person is released earlier by a judge or judicial officer. A peace officer acting
2.23 in good faith and exercising due care in making an arrest pursuant to this paragraph is
2.24 immune from civil liability that might result from the officer's actions.

2.25 **EFFECTIVE DATE.** This section is effective August 1, 2008, and applies to crimes
2.26 committed on or after that date.