

1.1 moves to amend H.F. No. 3946, the first engrossment, as follows:

1.2 Page 4, delete section 4 and insert:

1.3 "Sec. 4. Minnesota Statutes 2024, section 629.341, subdivision 1, is amended to read:

1.4 Subdivision 1. **Arrest; referral for prosecution.** (a) Notwithstanding section 629.34
1.5 or any other law or rule, a peace officer may arrest a person anywhere without a warrant,
1.6 including at the person's residence, if the peace officer has probable cause to believe that
1.7 within the preceding ~~72 hours~~ 28 days, exclusive of the day probable cause was established,
1.8 the person has committed nonfelony domestic abuse, as defined in section 518B.01,
1.9 subdivision 2. The arrest may be made even though the assault did not take place in the
1.10 presence of the peace officer.

1.11 (b) If a peace officer has probable cause to believe that a person has committed any act
1.12 that constitutes harassing or stalking any person in violation of section 609.749; domestic
1.13 abuse as defined in section 518B.01, subdivision 2; violation of an order for protection as
1.14 described in section 518B.01, subdivision 14; or violation of a domestic abuse no contact
1.15 order as described in section 629.75 and the person was not arrested, the peace officer should
1.16 seek a warrant from a judge for the person's arrest without undue delay. A warrant issued
1.17 under this paragraph is not subject to the limitations described in section 629.31."

1.18 Page 5, delete sections 6 and 7 and insert:

1.19 "Sec. 6. Minnesota Statutes 2024, section 629.72, subdivision 1a, is amended to read:

1.20 Subd. 1a. **Detention in lieu of citation; release.** (a) Notwithstanding any other law or
1.21 rule, an arresting officer may not issue a citation in lieu of arrest and detention to an
1.22 individual charged with harassing or stalking, domestic abuse, violation of an order for
1.23 protection, or violation of a domestic abuse no contact order.

2.1 (b) Notwithstanding any other law or rule, an individual who is arrested on a charge of
2.2 harassing or stalking any person, domestic abuse, violation of an order for protection, or
2.3 violation of a domestic abuse no contact order, must be brought to the police station or
2.4 county jail. An individual who is arrested on a charge of violation of an order for protection
2.5 or violation of a domestic abuse no contact order must be detained until the person's first
2.6 court appearance as required under sections 518B.01, subdivision 14, paragraph (e), and
2.7 629.75, subdivision 3. The officer in charge of the police station or the county sheriff in
2.8 charge of the jail shall issue a citation in lieu of continued detention for a charge of harassing
2.9 or stalking any person or for domestic abuse unless it reasonably appears to the officer or
2.10 sheriff that release of the person (1) poses a threat to the alleged victim or another family
2.11 or household member, (2) poses a threat to public safety, or (3) involves a substantial
2.12 likelihood the arrested person will fail to appear at subsequent proceedings. In determining
2.13 if the person poses a threat to the alleged victim or another family or household member,
2.14 the officer in charge of the police station or the county sheriff in charge of the jail must
2.15 consider the person's history of domestic violence, including but not limited to:

2.16 (1) any previous arrest or conviction for harassing or stalking any person, domestic
2.17 abuse, violation of an order for protection, or violation of a domestic abuse no contact order;

2.18 (2) any order for protection, harassment restraining order, or domestic abuse no contact
2.19 order in which the person was identified as the subject of the order; and

2.20 (3) any pending petitions for an order for protection or a harassment restraining order
2.21 in which the person is a respondent.

2.22 (c) If the arrested person is not issued a citation by the officer in charge of the police
2.23 station or the county sheriff, the arrested person must be brought before the nearest available
2.24 judge of the district court in the county in which the alleged harassing or stalking, domestic
2.25 abuse, violation of an order for protection, or violation of a domestic abuse no contact order
2.26 took place without unnecessary delay as provided by court rule.

2.27 Sec. 7. Minnesota Statutes 2024, section 629.72, subdivision 2, is amended to read:

2.28 Subd. 2. **Judicial review; release; bail.** (a) The judge before whom the arrested person
2.29 is brought shall review the facts surrounding the arrest and detention of a person arrested
2.30 for domestic abuse, harassing or stalking, violation of an order for protection, or violation
2.31 of a domestic abuse no contact order. The prosecutor or prosecutor's designee shall present
2.32 relevant information involving the victim's or the victim's family's account of the alleged
2.33 crime to the judge to be considered in determining the arrested person's release. If the person
2.34 was arrested for violation of an order for protection or violation of a domestic abuse no

3.1 contact order, the prosecutor or prosecutor's designee must describe the allegations in the
3.2 underlying petition or criminal case. The prosecutor or prosecutor's designee may present
3.3 information and bail recommendations in person or by filing it with the court through the
3.4 appropriate electronic filing system. In making a decision concerning pretrial release
3.5 conditions of a person arrested for domestic abuse, harassing or stalking, violation of an
3.6 order for protection, or violation of a domestic abuse no contact order, the judge shall review
3.7 the facts of the arrest and detention of the person and the relevant information presented or
3.8 filed by the prosecutor or prosecutor's designee and determine whether: (1) release of the
3.9 person poses a threat to the alleged victim, another family or household member, or public
3.10 safety; or (2) there is a substantial likelihood the person will fail to appear at subsequent
3.11 proceedings. Before releasing a person arrested for or charged with a crime of domestic
3.12 abuse, harassing or stalking, violation of an order for protection, or violation of a domestic
3.13 abuse no contact order, the judge shall make findings on the record, to the extent possible,
3.14 concerning the determination made in accordance with the factors specified in clauses (1)
3.15 and (2). The findings should describe whether the person:

3.16 (1) was previously arrested for, or convicted of, harassing or stalking any person, domestic
3.17 abuse, violation of an order for protection, or violation of a domestic abuse no contact order;

3.18 (2) has ever been the subject of an order for protection, harassment restraining order, or
3.19 domestic abuse no contact order and, if so, the nature of the allegations or charges that gave
3.20 rise to the order; and

3.21 (3) is the respondent in any pending petition for an order for protection or harassment
3.22 restraining order and, if so, the nature of the allegations in any petition.

3.23 (b) The judge may impose conditions of release or bail, or both, on the person to protect
3.24 the alleged victim or other family or household members and to ensure the appearance of
3.25 the person at subsequent proceedings. These conditions may include an order:

3.26 (1) enjoining the person from threatening to commit or committing acts of domestic
3.27 abuse or harassing or stalking against the alleged victim or other family or household
3.28 members or from violating an order for protection or a domestic abuse no contact order;

3.29 (2) prohibiting the person from harassing, annoying, telephoning, contacting, or otherwise
3.30 communicating with the alleged victim, either directly or indirectly;

3.31 (3) directing the person to vacate or stay away from the home of the alleged victim and
3.32 to stay away from any other location where the alleged victim is likely to be;

4.1 (4) prohibiting the person from possessing a firearm or other weapon specified by the
4.2 court;

4.3 (5) prohibiting the person from possessing or consuming alcohol or controlled substances;
4.4 and

4.5 (6) specifying any other matter required to protect the safety of the alleged victim and
4.6 to ensure the appearance of the person at subsequent proceedings.

4.7 (c) If conditions of release are imposed, the judge shall issue a written order for
4.8 conditional release. The court administrator shall immediately distribute a copy of the order
4.9 for conditional release to the agency having custody of the arrested person and shall provide
4.10 the agency having custody of the arrested person with any available information on the
4.11 location of the victim in a manner that protects the victim's safety. Either the court or its
4.12 designee or the agency having custody of the arrested person shall serve upon the defendant
4.13 a copy of the order. Failure to serve the arrested person with a copy of the order for
4.14 conditional release does not invalidate the conditions of release.

4.15 (d) If the judge imposes as a condition of release a requirement that the person have no
4.16 contact with the alleged victim, the judge may also, on its own motion or that of the
4.17 prosecutor or on request of the victim, issue an ex parte temporary restraining order under
4.18 section 609.748, subdivision 4, or an ex parte temporary order for protection under section
4.19 518B.01, subdivision 7. Notwithstanding section 518B.01, subdivision 7, paragraph (b), or
4.20 609.748, subdivision 4, paragraph (c), the temporary order is effective until the defendant
4.21 is convicted or acquitted, or the charge is dismissed, provided that upon request the defendant
4.22 is entitled to a full hearing on the restraining order under section 609.748, subdivision 5, or
4.23 on the order for protection under section 518B.01. The hearing must be held within seven
4.24 days of the defendant's request."

4.25 Page 6, line 22, after "Defense" insert ", the Minnesota Association of Criminal Defense
4.26 Lawyers"

4.27 Amend the title accordingly