



JANELLE P. KENDALL

Stearns County Attorney

January 23, 2023

The Honorable Kelly Moller, Chair
Minnesota House Public Safety Finance and Policy Committee

Re: Letter in Support of HF 424 regarding Qualified Domestic Violence Related Offenses

Dear Chair Moller and Public Safety Finance and Policy Committee Members,

The Stearns County Attorney's Office writes in full support of House File 424, adding Burglary in the First Degree (Assault), Minn. Stat. § 609.582, subd. 1(c) to the list of qualified domestic violence-related offenses defined by Minn. Stat. § 609.02, subd. 16.

Our work with repeat felony domestic violence offenders in Stearns County's Domestic Violence Court has shown that many offenders continue to assault and harm their intimate partner victims, including breaking into victims' residences in violation of court orders. HF 424 addresses unintentional gaps in the current statutory definition of qualified domestic violence-related offenses.

Offenders who commit assaultive conduct are often charged with and convicted of only the most serious offense within the incident. When these more serious offenses are not included in the list of qualified domestic violence-related offenses, future crimes cannot be enhanced to higher level charges to recognize this repetitive criminal behavior. Consider an offender who assaults and kidnaps an intimate partner victim. The offender is convicted of the most serious count of felony kidnapping. The offender later breaks into the victim's home and assaults the victim again. The offender is convicted of the most serious crime, felony Burglary in the First Degree with Assault. The offender assaults their victim a third time. The physical assault, the third against the same victim, cannot currently be enhanced beyond misdemeanor limits, because the prior serious crime of Burglary in the First Degree is not on the list of qualified domestic violence related offenses; adding it will rightly make the third assault a felony offense.

This amendment supports victims of assaultive crime by appropriately considering all prior domestic violence-related offenses. Burglary in the First Degree (Assault) is a violation of the sanctity of a home for the victim. Offenders who enter homes without consent and assault victims are more culpable than offenders committing misdemeanor assaults, and the law should recognize this distinction.

Respectfully Submitted,



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Chief-Criminal Division



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