

HOUSE RESEARCH

Bill Summary

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Overview

This bill seeks to clarify the crime of stalking by explicitly labeling the applicable statute “stalking,” refining the definition of stalking, and expanding the list of conduct that constitutes stalking. The bill also amends the applicable statute to reflect technological advances and to clarify jurisdictional issues related to arresting and charging stalkers.

Section

1 Stalking. Amends the “harassment; stalking” statute in a variety of ways. Eliminates the reference in the title to “harassment.”

Subd. 1. Definition. Substitutes the term “stalking” for “harass.” Eliminates the express element of intent by striking the term “intentional.” Clarifies that there need not be a special relationship between the stalker and the victim.

Subd. 1a. No proof of specific intent required. No changes.

Subd. 1b. Venue. Consolidates the venue provisions that are currently scattered throughout the statute in one subdivision and specifies venue in cases where the victim participates in the Safe at Home program.

Subd. 1c. Arrest. Clarifies that the general warrantless arrest authority granted peace officers under section 629.34 applies to most stalking violations.

Subd. 2. Stalking crimes. Adds a new clause to the list of acts that constitute “stalking.” The new clause (7) provides that the civil definition of “harassment” in section 609.748 constitutes criminal stalking. Adds text messaging to the stalking offense of making repeated phone calls to a victim. Modifies the offense of monitoring someone via “any available” technology. Extends the offense of manifesting the intent to injure a person or property of another to cases where the offender uses a third-party to manifest the perpetrator’s intent. Adds assistive-devices

for visually or hearing impaired to the list of ways that a person can stalk another. Strikes the venue and arrest language which was recodified in subdivisions 1b and 1c.

Subd. 3. Aggravated violations. Technical change.

Subd. 4. Second or subsequent violations; felony. No changes.

Subd. 5. Pattern of stalking conduct. Adds to the list of crimes that can lead to a charge of patterned stalking. Pattern of stalking is a felony level offense. The new offenses include murder 1-3, manslaughter 1-2, assault 1-3, domestic assault by strangulation, violation of a domestic abuse no contact order, and interference with an emergency call. Includes technical changes and deletes venue language that is recodified in subdivision 1b.

Subd. 6. Mental health assessment and treatment. No changes.

Subd. 7. Exception. Technical changes to extend immunity to lawful conduct authorized by federal, state or tribal law.

Subd. 8. Stalking; firearms. Technical changes.

2 Revisor instruction. Directs the Revisor to make any cross-reference and technical changes needed to reflect the changes in law contained in section 1.