

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 1400
Version: As introduced

DATE: March 13, 2013

Authors: Paymar

Subject: Domestic abuse

Analyst: Rebecca Pirius, 651.296.5044

This publication can be made available in alternative formats upon request. Please call 651-296-6753 (voice); or the Minnesota State Relay Service at 1-800-627-3529 (TTY) for assistance. Summaries are also available on our website at: www.house.mn/hrd/.

Section

- 1, 4, 5** **Violations; OFP, HRO, DANCO.** Strike the term “knowingly” from the provisions regarding enhanced penalties for violations of orders for protection (OFP), harassment restraining orders (HRO), and domestic abuse no contact orders (DANCO). Current law provides that a violation by a person who knows of the order is guilty of a misdemeanor. A misdemeanor violation is enhanced to a gross misdemeanor or felony if it’s a repeat violation or other circumstances apply. The enhanced penalties require that the person know of the order and commit the violation “knowingly.” These sections strike the latter, additional requirement for enhanced penalties; accordingly, all the penalty levels would have the same knowledge requirement.
- 2, 6** **Venue; OFP, DANCO.** Allows venue for an OFP or DANCO violation at the place where any call is made or received, or for wireless/electronic communications, where the actor or victim resides, or in the jurisdiction of a Safe at Home program participant’s address. (The same language is found in sections 609.748 (HRO) and 609.749 (stalking).)
- 3** **Gross misdemeanor; domestic assault.** Strikes the requirement that a misdemeanor domestic assault may only be enhanced to a gross misdemeanor if a previous qualified domestic violence-related offense (QDVRO) was “against a family or household member.” The definition of QDVRO is in section 609.02, subd. 16, and contains crimes that are not required to be committed against a family or household member (e.g., murder, assault, criminal sexual conduct crimes).

Section

- 7 **Evidence of conduct.** Strikes the term “similar” and replaces it with “domestic.” Currently, this section provides that evidence of “similar conduct” by the accused against a victim of domestic abuse is admissible. Changing the terminology would provide that conduct does not have to be “similar” to domestic abuse – which involves a physical assault or threat. Instead, the term is changed to “domestic conduct,” which is defined as evidence of domestic abuse, violation of an OFP or HRO, stalking, or harassing phone calls.