

HOUSE RESEARCH

Bill Summary

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Subject: First-degree burglary; OFP violation

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Overview

This bill amends the crime of first-degree burglary to include entering a building without consent in violation of an order for protection. For purposes of this section, an “order for protection” includes an OFP, domestic abuse no contact order (DANCO), a restraining order in a dissolution action, and similar orders issued in other jurisdictions.

Note: This bill addresses the holding in State v. Colvin. There, the Minnesota Supreme Court held that a defendant’s violation of the “no-entry” provision of an OFP was insufficient to establish first-degree burglary, absent commission or intent to commit a crime other than violating the no-entry provision. The current elements of first-degree burglary are (1) enters a building without consent, and (2) commits or intends to commit a crime. The Colvin court found that violating the no-entry provision only satisfied the first element of the crime. 645 N.W.2d 449 (Minn. 2002).