

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 2710  
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**Subject:** Harassment restraining orders

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### Overview

This bill makes changes to the harassment restraining order (HRO) statute.

#### Section

#### **1 Harassment; restraining order.**

**Subd. 1. Definition.** Adds the definition of “guardian.”

**Subd. 2. Restraining order; jurisdiction.** Amends who may petition for an HRO. Adds (1) reputable adult on behalf of a minor; and (2) a 16 or 17 year old against a spouse, former spouse, or person with whom the minor has a child in common.

**Subd. 3. Contents of petition; hearing; notice.** Amends service by publication to allow in cases where personal service was unsuccessful due to avoidance and a copy of the petition is mailed to the respondent’s current or “last known” residence or place of business.

**Subd. 3a. Filing fee; cost of service.** Waives filing fee for the respondent in cases where fees are currently waived for petitioner. Strikes language allowing court to direct respondent to also pay the petitioner’s filing fees. (Filing fees are approximately \$324.)

**Subd. 3b. Information on petitioner’s location or residence.** Directs court to seal information on petitioner’s location or residence upon petitioner’s request. Information may be disclosed only to court personnel and law enforcement.

## **Section**

### **Subd. 4. Temporary order; relief by court.**

Paragraph (a) strikes language allowing relief for “another person,” and instead provides for relief to “petitioner.”

Paragraph (g) provides that a request for a hearing must be made within 20 days of service of the temporary order, instead of 45 days of issuance of the order.

Paragraph (h) allows a temporary order to automatically go into effect for one year if neither party requests a hearing.

### **Subd. 5. Restraining order.**

Paragraph (a) strikes language allowing relief for “another person,” and instead provides for relief to “petitioner.” Provides that “no contact” includes in person, by phone, social media, or electronically, through a third party, or by any other means.

Paragraph (c) strikes language on 50-year orders that is moved to subdivision 5a.

New paragraph (d) provides a new cross-reference.

Former paragraph (d) is stricken and the language is moved to subdivision 5c.

**Subd. 5a. Orders for 50-year period.** Restates language moved from subd. 5.

**Subd. 5b. Subsequent orders and extension.** Authorizes the court to extend or issue a subsequent order if the respondent has violated a prior HRO; the petitioner is in fear of harassment; the respondent has engaged in stalking or criminal sexual conduct; or the respondent is about to be released or has been recently released from incarceration. Notice, service, and hearing provisions are similar to those found in the Order For Protection (OFP) statute (as amended in H.F. 2552).

**Subd. 5c. Modifying or vacating 50-year order.** Restates language moved from subd. 5(d).

**Subd. 6. Violation.** Adds a cross-reference to section authorizing arrest without a warrant.

### **Subd. 7. Copy to law enforcement.**

Paragraph (a) corrects a term.

Paragraphs (b), (c), and (d) add language regarding procedures taken when the petitioner’s address changes and related notifications to be given by the court. This language is taken from the OFP statute.

**Subds. 8a and 8b. Service by sheriff and others.** Adds service language taken from the OFP statute.