

Subject Admission of domestic abuse no contact order violations

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Overview

In general, rules and case law governing the admissibility of evidence disfavor admitting evidence of a defendant's prior conduct. Courts have expressed concern that a jury will be inclined to convict a defendant based on prior bad behavior, not on the evidence that the person committed the crime in question. For example, prior convictions are generally limited to use in questioning a defendant's honesty and evidence of other bad acts, known as *Spiegel* evidence in Minnesota, can only be admitted for specific reasons identified in Rule 404(b) of the Minnesota Rules of Evidence. Minnesota statutes create an exception to this general rule by permitting admission of evidence that a defendant has committed prior acts that constitute "domestic conduct." The term "domestic conduct" includes domestic abuse, violations of an order for protection, violations of a harassment restraining order, stalking, and making obscene or harassing phone calls.

This bill adds violations of a domestic abuse no contact order to the definition of "domestic conduct." A domestic abuse no contact order is issued by a court either as a pretrial order before final disposition of a criminal case, or as a probationary order.

Summary

Section	Description
1	Evidence of conduct. Adds violation of a domestic abuse no contact order under section 629.75 to the definition of "domestic conduct."