

Subject Establishing the crime of residential protesting

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Overview

The right to freedom of speech is guaranteed by the First Amendment of the United States Constitution and Article I, section 3 of the Minnesota Constitution, but laws can put some limits on speech. In *Carey v. Brown*, the U.S. Supreme Court stated that it could be constitutional to regulate residential picketing through uniform and nondiscriminatory limitations. Then, in *Frisby v. Schultz*, the court upheld a residential picketing law, noting that the state “has a substantial and justifiable interest in banning” that type of protest.

Several municipalities in Minnesota have ordinances prohibiting residential picketing. A court of appeals decision, *State v. Castellano*, upheld one ban where the ordinance did not focus on the content of the speech, applied to a narrow category of conduct, furthered a legitimate government interest, and left open other methods of protest.

This bill establishes a state crime of residential protesting.

Summary

Section	Description
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1	Residential protesting
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	Establishes a crime for protesting before or about the residence or dwelling of a person. Creates an exception for places where meetings or assemblies take place to discuss subjects of general public interest. Establishes a gross misdemeanor penalty for repeat violations or violations when the offender is subject to an order prohibiting contact with a person at the building. Establishes a misdemeanor penalty for other violations.
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