

HOUSE RESEARCH

Bill Summary

FILE NUMBER: H.F. 49

DATE: February 21, 2007

Version: As Introduced

Authors: Lesch

Subject: Public nuisance/criminal gang activity

Analyst: Matt Gehring, 651-296-5052

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.

Overview

This bill classifies certain gang activities and the habitual use of particular places for gang activity as a public nuisance. A county or city attorney, the attorney general, or any Minnesota resident may file a suit to stop the nuisance-creating activity or accommodation of the activity. A court may additionally order reasonable requirements to prevent future gang activities. Penalties for violation of a court order are punishable by a fine, jail time, or both.

Section

- 1 Definitions.**
- 2 Public Nuisance Activities.** Classifies as a public nuisance a criminal gang that engages in gang activity at least five times over the course of a 12-month period, and the habitual use of a particular place by a criminal gang for the purpose of engaging in gang activity.
- 3 Lawsuit for Abatement.** Permits a county or city attorney, the attorney general, or any Minnesota resident to seek an injunction against the continued nuisance activity. The suit may be brought against the gang members, and against any person who owns or is responsible for maintaining a particular place that is habitually used for gang activities.
- 4 Court Orders.** A court may issue a temporary or permanent injunction preventing the particular defendants from engaging in the gang activity, and imposing other reasonable requirements to prevent the entire gang from engaging in future gang activities, so long as the requirements do not violate the First Amendment right of association. The court may also order reasonable requirements against a particular place, if the court finds that it is habitually used to create a public nuisance.

Section

- 5** **Penalty for Violation.** An individual violating a court order issued under section 4 of the bill is subject to a fine (ranging between \$1,000 and \$10,000), jail time (ranging between 10 and 30 days), or both.
- 6** **Attorney's Fees.** Permits the court to award attorney's fees to a prevailing party for suits brought under section 3 of the bill.
- 7** **Evidence.** Proof that criminal gang activity frequently occurs at a particular place creates a presumption that the owner or person responsible for maintaining the particular place knowingly allowed the activity to occur.