

1.1 ..... moves to amend H.F. No. 3603 as follows:

1.2 Page 1, line 9, delete "DOMESTIC-VIOLENCE" and insert "ORDERS FOR" and delete  
1.3 the second "ORDERS"

1.4 Page 1, line 12, delete "Domestic-Violence" and insert "Orders for" and delete the second  
1.5 "Orders"

1.6 Page 1, delete section 2 and insert:

1.7 "Sec. 2. [518F.02] DEFINITIONS.

1.8 Subdivision 1. Terms. For the purposes of this chapter, the following terms have the  
1.9 meanings given them.

1.10 Subd. 2. Canadian order for protection. "Canadian order for protection" means a civil  
1.11 protection order, judgment or part of a judgment, or other order issued in a civil proceeding  
1.12 by a court of Canada under law of the issuing jurisdiction that relates to domestic abuse,  
1.13 would be a protective order under this chapter, and prohibits a respondent from:

1.14 (1) committing acts of domestic abuse;

1.15 (2) being in physical proximity to a protected individual or following a protected  
1.16 individual;

1.17 (3) having contact with the petitioner whether in person, by telephone, mail, or electronic  
1.18 mail or messaging, through a third party, or by any other means;

1.19 (4) being within a certain distance of a specified place or location associated with a  
1.20 protected individual; or

1.21 (5) molesting, annoying, harassing, or engaging in threatening conduct directed at a  
1.22 protected individual.

2.1 Subd. 3. **Domestic abuse.** "Domestic abuse" has the meaning given in section 518B.01,  
2.2 subdivision 2, paragraph (a).

2.3 Subd. 4. **Issuing court.** "Issuing court" means the court that issues a Canadian order for  
2.4 protection.

2.5 Subd. 5. **Order for protection.** "Order for protection" means an order issued under  
2.6 section 518B.01.

2.7 Subd. 6. **Peace officer.** "Peace officer" has the meaning given in section 626.84,  
2.8 subdivision 1, paragraph (c).

2.9 Subd. 7. **Person.** "Person" means an individual, estate, business or nonprofit entity,  
2.10 public corporation, government or governmental subdivision, agency, or instrumentality,  
2.11 or other legal entity.

2.12 Subd. 8. **Protected individual.** "Protected individual" means an individual protected  
2.13 by a Canadian order for protection.

2.14 Subd. 9. **Record.** "Record" means information that is inscribed on a tangible medium  
2.15 or that is stored in an electronic or other medium and is retrievable in perceivable form.

2.16 Subd. 10. **Respondent.** "Respondent" means an individual against whom a Canadian  
2.17 order for protection is issued."

2.18 Page 2, line 23, delete "DOMESTIC-VIOLENCE" and insert "ORDERS FOR"

2.19 Page 2, line 24, delete "ORDER" and delete "LAW ENFORCEMENT" and insert  
2.20 "PEACE"

2.21 Page 2, line 25, delete "law enforcement" and insert "peace"

2.22 Page 2, line 26, delete "domestic-violence" and insert "order for" and delete the second  
2.23 "order"

2.24 Page 2, line 28, delete "domestic-violence" and insert "order for" and delete the second  
2.25 "order" and delete "of a tribunal" and insert "issued by a court in this state"

2.26 Page 2, line 29, delete "law enforcement" and insert "peace" and delete  
2.27 "domestic-violence" and insert "order for"

2.28 Page 2, line 30, delete "order" and after the period, insert "A peace officer who has  
2.29 probable cause to believe that an order exists and has been violated shall make an arrest for  
2.30 a violation of the order in the same manner that a peace officer would make an arrest for a  
2.31 violation of a protective order issued within this state."

- 3.1 Page 3, line 1, delete "law enforcement" and insert "peace" and delete "domestic-violence"
- 3.2 and insert "order for"
- 3.3 Page 3, line 2, delete "order"
- 3.4 Page 3, line 4, delete "domestic-violence" and insert "order for" and delete the second
- 3.5 "order"
- 3.6 Page 3, line 5, delete "law enforcement" and insert "peace"
- 3.7 Page 3, line 7, delete "domestic-violence" and insert "order for" and delete the second
- 3.8 "order"
- 3.9 Page 3, line 8, delete "law enforcement" and insert "peace"
- 3.10 Page 3, line 9, delete "domestic-violence" and insert "order for" and delete the second
- 3.11 "order"
- 3.12 Page 3, line 16, after the period, insert "The provisions of section 518B.01, subdivisions
- 3.13 8 and 9a apply to service of a Canadian order for protection by a peace officer."
- 3.14 Page 3, line 17, delete "law enforcement" and insert "peace"
- 3.15 Page 3, line 19, delete "DOMESTIC-VIOLENCE" and insert "ORDER FOR"
- 3.16 Page 3, line 20, delete "ORDER" and delete "TRIBUNAL" and insert "COURT"
- 3.17 Page 3, line 21, delete "tribunal" and insert "court"
- 3.18 Page 3, line 22, delete "domestic-violence" and insert "order for" and delete the second
- 3.19 "order"
- 3.20 Page 3, line 24, delete "a domestic" and insert "an order for" and delete the second
- 3.21 "order"
- 3.22 Page 3, line 26, delete "tribunal" and insert "court"
- 3.23 Page 3, line 27, delete "a domestic" and insert "an order for" and delete the second
- 3.24 "order"
- 3.25 Page 3, line 28, delete "domestic-violence" and insert "order for" and delete the second
- 3.26 "order"
- 3.27 Page 3, line 29, delete "domestic-violence" and insert "order for" and delete the second
- 3.28 "order"
- 3.29 Page 3, delete lines 30 and 31
- 3.30 Page 4, delete lines 1 to 8 and insert:

4.1 "(1) the order states the name of the protected individual and the individual against  
4.2 whom enforcement is sought;

4.3 (2) the order has not expired;

4.4 (3) the order was issued by a court or tribunal that had jurisdiction over the parties and  
4.5 subject matter under the law of the foreign jurisdiction; and

4.6 (4) the order was issued in accordance with the respondent's due process rights, either  
4.7 after the respondent was provided with reasonable notice and an opportunity to be heard  
4.8 before the court or tribunal that issued the order, or in the case of an ex parte order, the  
4.9 respondent was granted notice and an opportunity to be heard within a reasonable time after  
4.10 the order was issued."

4.11 Page 4, line 9, delete "domestic-violence" and insert "order for" and delete the second  
4.12 "order"

4.13 Page 4, line 11, delete "claim" and insert "person claiming" and delete  
4.14 "domestic-violence" and insert "order for" and delete "order does not comply with" and  
4.15 insert "is not enforceable has the burden to show, by a preponderance of the evidence, that  
4.16 the requirements under"

4.17 Page 4, line 12, delete "is an affirmative defense in a proceeding seeking enforcement  
4.18 of the order" and insert "were not met"

4.19 Page 4, line 13, delete "tribunal" and insert "court" and delete "tribunal" and insert  
4.20 "court"

4.21 Page 4, line 14, delete "domestic-violence" and insert "order for" and delete the second  
4.22 "order"

4.23 Page 4, line 16, delete "domestic-violence" and insert "order for"

4.24 Page 4, line 17, delete the first "order"

4.25 Page 4, after line 21, insert:

4.26 "(g) A person who violates a valid Canadian order for protection is subject to the penalties  
4.27 provided in section 518B.01, subdivision 14, paragraphs (b) to (d)."

4.28 Page 4, line 22, delete "DOMESTIC-VIOLENCE" and insert "ORDER FOR"

4.29 Page 4, line 23, delete "ORDER"

4.30 Page 4, line 24, delete "domestic-violence" and insert "order for" and delete the second  
4.31 "order"

5.1 Page 4, line 27, delete "domestic-violence" and insert "order for" and delete the second  
5.2 "order"

5.3 Page 4, line 30, delete "law enforcement" and insert "peace"

5.4 Page 4, line 31, delete "clerk of" and after "court" insert "administrator"

5.5 Page 5, line 2, delete "domestic-violence" and insert "order for" and delete the second  
5.6 "order"

5.7 Page 5, line 3, delete "domestic-violence" and insert "order for" and delete the second  
5.8 "order"

5.9 Page 5, delete section 8

5.10 Page 5, line 19, delete "domestic-violence" and insert "order for" and delete the second  
5.11 "order"

5.12 Page 5, line 21, delete "domestic-violence" and insert "order for" and delete the second  
5.13 "order"

5.14 Page 5, line 22, delete "domestic-violence" and insert "order for"

5.15 Page 5, line 23, delete the first "order"

5.16 Page 6, line 7, delete "domestic-violence" and insert "order for" and delete the second  
5.17 "order"

5.18 Page 7, after line 17, insert:

5.19 "Sec. .... Minnesota Statutes 2018, section 518B.01, subdivision 14, is amended to read:

5.20 Subd. 14. **Violation of an order for protection.** (a) A person who violates an order for  
5.21 protection issued by a judge or referee is subject to the penalties provided in paragraphs (b)  
5.22 to (d).

5.23 (b) Except as otherwise provided in paragraphs (c) and (d), whenever an order for  
5.24 protection is granted by a judge or referee or pursuant to a similar law of another state, the  
5.25 United States, the District of Columbia, tribal lands, ~~or~~ United States territories, Canada,  
5.26 or a Canadian province, and the respondent or person to be restrained knows of the existence  
5.27 of the order, violation of the order for protection is a misdemeanor. Upon a misdemeanor  
5.28 conviction under this paragraph, the defendant must be sentenced to a minimum of three  
5.29 days imprisonment and must be ordered to participate in counseling or other appropriate  
5.30 programs selected by the court. If the court stays imposition or execution of the jail sentence  
5.31 and the defendant refuses or fails to comply with the court's treatment order, the court must

6.1 impose and execute the stayed jail sentence. A violation of an order for protection shall also  
6.2 constitute contempt of court and be subject to the penalties provided in chapter 588.

6.3 (c) A person is guilty of a gross misdemeanor who violates this subdivision within ten  
6.4 years of a previous qualified domestic violence-related offense conviction or adjudication  
6.5 of delinquency. Upon a gross misdemeanor conviction under this paragraph, the defendant  
6.6 must be sentenced to a minimum of ten days imprisonment and must be ordered to participate  
6.7 in counseling or other appropriate programs selected by the court. Notwithstanding section  
6.8 609.135, the court must impose and execute the minimum sentence provided in this paragraph  
6.9 for gross misdemeanor convictions.

6.10 (d) A person is guilty of a felony and may be sentenced to imprisonment for not more  
6.11 than five years or to payment of a fine of not more than \$10,000, or both, if the person  
6.12 violates this subdivision:

6.13 (1) within ten years of the first of two or more previous qualified domestic  
6.14 violence-related offense convictions or adjudications of delinquency; or

6.15 (2) while possessing a dangerous weapon, as defined in section 609.02, subdivision 6.

6.16 Upon a felony conviction under this paragraph in which the court stays imposition or  
6.17 execution of sentence, the court shall impose at least a 30-day period of incarceration as a  
6.18 condition of probation. The court also shall order that the defendant participate in counseling  
6.19 or other appropriate programs selected by the court. Notwithstanding section 609.135, the  
6.20 court must impose and execute the minimum sentence provided in this paragraph for felony  
6.21 convictions.

6.22 (e) A peace officer shall arrest without a warrant and take into custody a person whom  
6.23 the peace officer has probable cause to believe has violated an order granted pursuant to  
6.24 this section or a similar law of another state, the United States, the District of Columbia,  
6.25 tribal lands, ~~or~~ United States territories, Canada, or a Canadian province restraining the  
6.26 person or excluding the person from the residence or the petitioner's place of employment,  
6.27 even if the violation of the order did not take place in the presence of the peace officer, if  
6.28 the existence of the order can be verified by the officer. The probable cause required under  
6.29 this paragraph includes probable cause that the person knows of the existence of the order.  
6.30 If the order has not been served, the officer shall immediately serve the order whenever  
6.31 reasonably safe and possible to do so. An order for purposes of this subdivision, includes  
6.32 the short-form order described in subdivision 8a. When the order is first served upon the  
6.33 person at a location at which, under the terms of the order, the person's presence constitutes  
6.34 a violation, the person shall not be arrested for violation of the order without first being

7.1 given a reasonable opportunity to leave the location in the presence of the peace officer. A  
7.2 person arrested under this paragraph shall be held in custody for at least 36 hours, excluding  
7.3 the day of arrest, Sundays, and holidays, unless the person is released earlier by a judge or  
7.4 judicial officer. A peace officer acting in good faith and exercising due care in making an  
7.5 arrest pursuant to this paragraph is immune from civil liability that might result from the  
7.6 officer's actions.

7.7 (f) If the court finds that the respondent has violated an order for protection and that  
7.8 there is reason to believe that the respondent will commit a further violation of the provisions  
7.9 of the order restraining the respondent from committing acts of domestic abuse or excluding  
7.10 the respondent from the petitioner's residence, the court may require the respondent to  
7.11 acknowledge an obligation to comply with the order on the record. The court may require  
7.12 a bond sufficient to deter the respondent from committing further violations of the order  
7.13 for protection, considering the financial resources of the respondent, and not to exceed  
7.14 \$10,000. If the respondent refuses to comply with an order to acknowledge the obligation  
7.15 or post a bond under this paragraph, the court shall commit the respondent to the county  
7.16 jail during the term of the order for protection or until the respondent complies with the  
7.17 order under this paragraph. The warrant must state the cause of commitment, with the sum  
7.18 and time for which any bond is required. If an order is issued under this paragraph, the court  
7.19 may order the costs of the contempt action, or any part of them, to be paid by the respondent.  
7.20 An order under this paragraph is appealable.

7.21 (g) Upon the filing of an affidavit by the petitioner, any peace officer, or an interested  
7.22 party designated by the court, alleging that the respondent has violated any order for  
7.23 protection granted pursuant to this section or a similar law of another state, the United States,  
7.24 the District of Columbia, tribal lands, ~~or~~ United States territories, Canada, or a Canadian  
7.25 province, the court may issue an order to the respondent, requiring the respondent to appear  
7.26 and show cause within 14 days why the respondent should not be found in contempt of  
7.27 court and punished therefor. The hearing may be held by the court in any county in which  
7.28 the petitioner or respondent temporarily or permanently resides at the time of the alleged  
7.29 violation, or in the county in which the alleged violation occurred, if the petitioner and  
7.30 respondent do not reside in this state. The court also shall refer the violation of the order  
7.31 for protection to the appropriate prosecuting authority for possible prosecution under  
7.32 paragraph (b), (c), or (d).

7.33 (h) If it is alleged that the respondent has violated an order for protection issued under  
7.34 subdivision 6 or a similar law of another state, the United States, the District of Columbia,  
7.35 tribal lands, ~~or~~ United States territories, Canada, or Canadian province, and the court finds

8.1 that the order has expired between the time of the alleged violation and the court's hearing  
8.2 on the violation, the court may grant a new order for protection under subdivision 6 based  
8.3 solely on the respondent's alleged violation of the prior order, to be effective until the hearing  
8.4 on the alleged violation of the prior order. If the court finds that the respondent has violated  
8.5 the prior order, the relief granted in the new order for protection shall be extended for a  
8.6 fixed period, not to exceed one year, except when the court determines a longer fixed period  
8.7 is appropriate.

8.8 (i) The admittance into petitioner's dwelling of an abusing party excluded from the  
8.9 dwelling under an order for protection is not a violation by the petitioner of the order for  
8.10 protection.

8.11 A peace officer is not liable under section 609.43, clause (1), for a failure to perform a  
8.12 duty required by paragraph (e).

8.13 (j) When a person is convicted under paragraph (b) or (c) of violating an order for  
8.14 protection and the court determines that the person used a firearm in any way during  
8.15 commission of the violation, the court may order that the person is prohibited from possessing  
8.16 any type of firearm for any period longer than three years or for the remainder of the person's  
8.17 life. A person who violates this paragraph is guilty of a gross misdemeanor. At the time of  
8.18 the conviction, the court shall inform the defendant whether and for how long the defendant  
8.19 is prohibited from possessing a firearm and that it is a gross misdemeanor to violate this  
8.20 paragraph. The failure of the court to provide this information to a defendant does not affect  
8.21 the applicability of the firearm possession prohibition or the gross misdemeanor penalty to  
8.22 that defendant.

8.23 (k) Except as otherwise provided in paragraph (j), when a person is convicted under  
8.24 paragraph (b) or (c) of violating an order for protection, the court shall inform the defendant  
8.25 that the defendant is prohibited from possessing a pistol for three years from the date of  
8.26 conviction and that it is a gross misdemeanor offense to violate this prohibition. The failure  
8.27 of the court to provide this information to a defendant does not affect the applicability of  
8.28 the pistol possession prohibition or the gross misdemeanor penalty to that defendant.

8.29 (l) Except as otherwise provided in paragraph (j), a person is not entitled to possess a  
8.30 pistol if the person has been convicted under paragraph (b) or (c) after August 1, 1996, of  
8.31 violating an order for protection, unless three years have elapsed from the date of conviction  
8.32 and, during that time, the person has not been convicted of any other violation of this section.  
8.33 Property rights may not be abated but access may be restricted by the courts. A person who  
8.34 possesses a pistol in violation of this paragraph is guilty of a gross misdemeanor.



9.1 (m) If the court determines that a person convicted under paragraph (b) or (c) of violating  
9.2 an order for protection owns or possesses a firearm and used it in any way during the  
9.3 commission of the violation, it shall order that the firearm be summarily forfeited under  
9.4 section 609.5316, subdivision 3."

9.5 Renumber the sections in sequence and correct the internal references

9.6 Amend the title accordingly