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Overview

This bill creates a new misdemeanor crime for violating a geographic restriction order imposed by a court against a defendant in a criminal or juvenile delinquency proceeding. Under current law, geographic restrictions can only be imposed as a condition of pretrial release or probation and, pursuant to the court of appeals' 2014 decision in *State v. Jones*, violation of a geographic restriction cannot be prosecuted as a separate crime. This bill allows a court to issue a specific geographic restriction order that is separate from the conditions of probation and creates a misdemeanor for violating that order.

Section

1 [609.6057] GEOGRAPHIC RESTRICTION.

Subd. 1. Definition. Defines “geographic restriction” as a limitation which prohibits a defendant from entering a designated property or geographic area.

Subd. 2. Prohibited conduct; penalty. Establishes a misdemeanor penalty for a person who is subject to a geographic restriction order and enters the restricted area.

Subd. 3. Notice. Permits a court to issue a geographic restriction as a pretrial order, postconviction order, or both. Clarifies that the order can mirror conditions of pretrial release or probation, but is a separate order. Requires courts to consider individualized factors in determining appropriate geographic restrictions. Allows courts to hold hearings on a geographic restriction order immediately following a hearing on pretrial release or sentencing. Requires courts to notify defendants of the area subject to a restriction and that a violation constitutes a separate crime.

Section

Subd. 4. Cancellation. Requires a court to cancel a pretrial geographic restriction order at the final disposition of the underlying criminal case. Requires a court to cancel a postconviction geographic restriction order when a defendant completes probation or is sent to prison. Allows a court to cancel a postconviction geographic restriction order at any time during which the offender is on probation.