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State of Minnesota

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HOUSE OF REPRESENTATIVES

NINETY-THIRD SESSION

H. F. No. 4657

03/07/2024 Authored by Curran, Finke, Kozlowski, Stephenson, Hollins and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
04/02/2024 Adoption of Report: Placed on the General Register as Amended
Read for the Second Time

- 1.1 A bill for an act
- 1.2 relating to public safety; limiting criminal defenses and authorization for the use
- 1.3 of force relating to a victim's sexual orientation or identity; amending Minnesota
- 1.4 Statutes 2022, sections 609.06, subdivision 1, by adding a subdivision; 609.075.
- 1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:
- 1.6 Section 1. Minnesota Statutes 2022, section 609.06, subdivision 1, is amended to read:
- 1.7 Subdivision 1. **When authorized.** Except as otherwise provided in subdivisions 2 ~~and~~
- 1.8 ~~3 to 4~~, reasonable force may be used upon or toward the person of another without the
- 1.9 other's consent when the following circumstances exist or the actor reasonably believes
- 1.10 them to exist:
- 1.11 (1) when used by a public officer or one assisting a public officer under the public
- 1.12 officer's direction:
- 1.13 (i) in effecting a lawful arrest; or
- 1.14 (ii) in the execution of legal process; or
- 1.15 (iii) in enforcing an order of the court; or
- 1.16 (iv) in executing any other duty imposed upon the public officer by law; or
- 1.17 (2) when used by a person not a public officer in arresting another in the cases and in
- 1.18 the manner provided by law and delivering the other to an officer competent to receive the
- 1.19 other into custody; or
- 1.20 (3) when used by any person in resisting or aiding another to resist an offense against
- 1.21 the person; or

(4) when used by any person in lawful possession of real or personal property, or by another assisting the person in lawful possession, in resisting a trespass upon or other unlawful interference with such property; or

(5) when used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or

(6) when used by a parent, guardian, teacher, or other lawful custodian of a child or pupil, in the exercise of lawful authority, to restrain or correct such child or pupil; or

(7) when used by a school employee or school bus driver, in the exercise of lawful authority, to restrain a child or pupil, or to prevent bodily harm or death to another; or

(8) when used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable care is exercised with regard to the passenger's personal safety; or

(9) when used to restrain a person with a mental illness or a person with a developmental disability from self-injury or injury to another or when used by one with authority to do so to compel compliance with reasonable requirements for the person's control, conduct, or treatment; or

(10) when used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for the control, conduct, or treatment of the committed person.

EFFECTIVE DATE. This section is effective August 1, 2024, and applies to crimes committed on or after that date.

Sec. 2. Minnesota Statutes 2022, section 609.06, is amended by adding a subdivision to read:

Subd. 4. Use of force not authorized; reaction to victim's sexual orientation. Force may not be used against another based on the discovery of, knowledge about, or potential disclosure of the victim's actual or perceived sexual orientation, including gender identity and expression, including under circumstances in which the victim made an unwanted nonforcible romantic or sexual advance towards the actor, or if the actor and victim dated or had a romantic or sexual relationship.

EFFECTIVE DATE. This section is effective August 1, 2024, and applies to crimes committed on or after that date.

3.1 Sec. 3. Minnesota Statutes 2022, section 609.075, is amended to read:

3.2 **609.075 DEFENSES; INTOXICATION AS DEFENSE, REACTION TO VICTIM'S**
3.3 **SEXUAL ORIENTATION.**

3.4 Subdivision 1. Intoxication as defense. An act committed while in a state of voluntary
3.5 intoxication is not less criminal by reason thereof, but when a particular intent or other state
3.6 of mind is a necessary element to constitute a particular crime, the fact of intoxication may
3.7 be taken into consideration in determining such intent or state of mind.

3.8 Subd. 2. Reaction to victim's sexual orientation. It is not a defense to a crime that the
3.9 defendant acted based on the discovery of, knowledge about, or potential disclosure of the
3.10 victim's actual or perceived sexual orientation, including gender identity and expression,
3.11 including under circumstances in which the victim made an unwanted nonforcible romantic
3.12 or sexual advance towards the defendant, or if the defendant and victim dated or had a
3.13 romantic or sexual relationship.

3.14 EFFECTIVE DATE. This section is effective August 1, 2024, and applies to crimes
3.15 committed on or after that date.