

State of Minnesota

H. F. No. **2702**

05/20/2017 Authored by Anselmo
The bill was read for the first time and referred to the Committee on Public Safety and Security Policy and Finance

1.1 A bill for an act
1.2 relating to public safety; creating a geographic restriction crime; proposing coding
1.3 for new law in Minnesota Statutes, chapter 609.

1.4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.5 Section 1. **[609.6057] GEOGRAPHIC RESTRICTION.**

1.6 Subdivision 1. **Definition.** As used in this section, "geographic restriction" means a
1.7 limitation prohibiting a defendant in a criminal proceeding or a juvenile offender in a
1.8 delinquency proceeding from entering a designated property or geographic area.

1.9 Subd. 2. **Prohibited conduct; penalty.** A person who knows of a geographic restriction
1.10 order issued against the person and intentionally enters or remains in the restricted area is
1.11 guilty of a misdemeanor.

1.12 Subd. 3. **Notice.** (a) A geographic restriction may be issued as a pretrial order before
1.13 final disposition of the underlying criminal case, as a postconviction probationary order, or
1.14 both. A geographic restriction order is independent of any condition of pretrial release or
1.15 probation imposed on the defendant. A geographic restriction order may be issued in addition
1.16 to a similar restriction imposed as a condition of pretrial release or probation.

1.17 (b) A court may issue a geographic restriction upon a finding that its issuance will serve
1.18 the interests of protecting public safety or property. In making that determination, a court
1.19 shall consider the following factors:

1.20 (1) whether a defendant's presence in a restricted area creates a risk to public safety or
1.21 property;

1.22 (2) a defendant's criminal history;

2.1 (3) the likelihood of future criminal activity within the restricted area; and

2.2 (4) any other factors deemed relevant by the court.

2.3 (c) A court may grant any exceptions to a geographic restriction that it deems necessary
2.4 in order to avoid the imposition of a significant hardship upon a defendant. In determining
2.5 whether to grant an exception, a court shall also consider the impact of the exception on the
2.6 interests of protecting public safety or property.

2.7 (d) A geographic restriction order under this section shall be issued in a proceeding that
2.8 is separate from, but which may be held immediately following, a proceeding in which any
2.9 pretrial release or sentencing issues are decided.

2.10 (e) A court issuing a geographic restriction order under this section shall notify a
2.11 defendant:

2.12 (1) of the area subject to a geographic restriction; and

2.13 (2) that violation of the geographic restriction order is a crime.

2.14 Subd. 4. **Cancellation.** (a) A court shall cancel a pretrial geographic restriction order at
2.15 the final disposition of the underlying criminal case.

2.16 (b) A court shall cancel a postconviction geographic restriction order when an offender
2.17 completes a period of probationary supervision or is committed to the commissioner of
2.18 corrections.

2.19 (c) A court may cancel a postconviction geographic restriction order at any time during
2.20 which an offender is under probationary supervision.

2.21 **EFFECTIVE DATE.** This section is effective August 1, 2017, and applies to crimes
2.22 committed on or after that date.