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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-SECOND SESSION

H. F. No. 787

02/04/2021 Authored by Garofalo, Lucero and Scott

The bill was read for the first time and referred to the Committee on Public Safety and Criminal Justice Reform Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; establishing the crime of residential protesting; proposing
1.3 coding 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. 609.73 **RESIDENTIAL PROTESTING.**

1.6 Subdivision 1. **Legislative intent.** The legislature hereby finds and declares that persons
1.7 in a free society have the right to quiet enjoyment of their homes; that the stability of
1.8 community and family life cannot be maintained unless the right to privacy and a sense of
1.9 security and peace in the home are respected and encouraged; that residential protesting,
1.10 however just the cause inspiring it, disrupts home, family, and communal life; that residential
1.11 protesting is unacceptable in our society, where the rights of free speech and assembly need
1.12 to be balanced with the rights of others on their property. For these reasons the legislature
1.13 finds and declares this section to be necessary.

1.14 Subd. 2. **Residential protesting.** A person who protests before or about the residence
1.15 or dwelling of any person, except when the residence or dwelling is used as a place of
1.16 business, commits residential protesting and may be sentenced as provided in subdivision
1.17 3. This section does not prohibit the peaceful protesting of the place of holding a meeting
1.18 or assembly on premises commonly used to discuss subjects of general public interest.

1.19 Subd. 3. **Penalty.** (a) Except as otherwise provided in paragraph (b), a person who
1.20 violates this section is guilty of a misdemeanor.

1.21 (b) A person is guilty of a gross misdemeanor if the person violates this section:

1.22 (1) after a previous conviction under this section; or

2.1 (2) when the person is the subject of any of the following court orders directing the
2.2 person to cease or avoid the harassment of an occupant of the residential building or to have
2.3 no contact with an occupant of the residential building, and the respondent knows of the
2.4 order:

2.5 (i) an order for protection issued under section 518B.01;

2.6 (ii) a restraining order issued pursuant to section 609.748;

2.7 (iii) a domestic abuse no contact order issued pursuant to section 629.75;

2.8 (iv) a condition of pretrial release issued pursuant to rule 6.02 of the Rules of Criminal
2.9 Procedure; or

2.10 (v) a temporary restraining order or other injunction issued pursuant to rule 65 of the
2.11 Rules of Civil Procedure.

2.12 **EFFECTIVE DATE.** This section is effective August 1, 2021, and applies to crimes
2.13 committed on or after that date.