

SENATE
STATE OF MINNESOTA
NINETY-THIRD SESSION

S.F. No. 1964

(SENATE AUTHORS: WESTLIN, Dibble, Oumou Verbeten, Latz and Carlson)		
DATE	D-PG	OFFICIAL STATUS
02/20/2023	923	Introduction and first reading Referred to Judiciary and Public Safety
02/29/2024	11859	Chief author stricken, shown as co-author Dibble Chief author added Westlin

1.1

A bill for an act

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relating to public safety; limiting criminal defenses and authorization for the use

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of force relating to a victim's sexual orientation or identity; amending Minnesota

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Statutes 2022, sections 609.06, subdivision 1, by adding a subdivision; 609.075;

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609.20.

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

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Section 1. Minnesota Statutes 2022, section 609.06, subdivision 1, is amended to read:

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Subdivision 1. **When authorized.** Except as otherwise provided in subdivisions 2 ~~and~~

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~~3~~ to 4, reasonable force may be used upon or toward the person of another without the

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other's consent when the following circumstances exist or the actor reasonably believes

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them to exist:

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(1) when used by a public officer or one assisting a public officer under the public

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officer's direction:

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(i) in effecting a lawful arrest; or

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(ii) in the execution of legal process; or

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(iii) in enforcing an order of the court; or

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(iv) in executing any other duty imposed upon the public officer by law; or

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(2) when used by a person not a public officer in arresting another in the cases and in

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the manner provided by law and delivering the other to an officer competent to receive the

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other into custody; or

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(3) when used by any person in resisting or aiding another to resist an offense against

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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, 2023, 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, 2023, and applies to crimes committed on or after that date.

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

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

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

Subd. 2. Reaction to victim's sexual orientation. It is not a defense to a crime that the defendant acted 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 defendant, or if the defendant and victim dated or had a romantic or sexual relationship.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.

Sec. 4. Minnesota Statutes 2022, section 609.20, is amended to read:

609.20 MANSLAUGHTER IN THE FIRST DEGREE.

Whoever does any of the following is guilty of manslaughter in the first degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$30,000, or both:

(1) intentionally causes the death of another person in the heat of passion provoked by such words or acts of another as would provoke a person of ordinary self-control under like circumstances, provided that:

(i) the crying of a child; or

(ii) 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; does not constitute provocation;

(2) violates section 609.224 and causes the death of another or causes the death of another in committing or attempting to commit a misdemeanor or gross misdemeanor offense with

such force and violence that death of or great bodily harm to any person was reasonably foreseeable, and murder in the first or second degree was not committed thereby;

(3) intentionally causes the death of another person because the actor is coerced by threats made by someone other than the actor's coconspirator and which cause the actor reasonably to believe that the act performed by the actor is the only means of preventing imminent death to the actor or another;

(4) proximately causes the death of another, without intent to cause death by, directly or indirectly, unlawfully selling, giving away, bartering, delivering, exchanging, distributing, or administering a controlled substance classified in Schedule III, IV, or V; or

(5) causes the death of another in committing or attempting to commit a violation of section 609.377 (malicious punishment of a child), and murder in the first, second, or third degree is not committed thereby.

As used in this section, a "person of ordinary self-control" does not include a person under the influence of intoxicants or a controlled substance.

EFFECTIVE DATE. This section is effective August 1, 2023, and applies to crimes committed on or after that date.