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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 3069

02/11/2020 Authored by Pinto and Moller

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

03/11/2020 Adoption of Report: Re-referred to the Committee on Ways and Means

1.1 A bill for an act
1.2 relating to public safety; establishing the crime of assault by strangulation; repealing
1.3 the crime of domestic assault by strangulation; amending Minnesota Statutes 2018,
1.4 sections 243.167, subdivision 1; 609.2242, subdivision 3; Minnesota Statutes 2019
1.5 Supplement, sections 145A.061, subdivision 3; 245C.15, subdivision 1; 518.179,
1.6 subdivision 2; 609.02, subdivision 16; 611A.036, subdivision 7; 624.712,
1.7 subdivision 5; 631.52, subdivision 2; proposing coding for new law in Minnesota
1.8 Statutes, chapter 609; repealing Minnesota Statutes 2018, section 609.2247.

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

1.10 Section 1. Minnesota Statutes 2019 Supplement, section 145A.061, subdivision 3, is
1.11 amended to read:

1.12 Subd. 3. Denial of service. The commissioner may deny an application from any
1.13 applicant who has been convicted of any of the following crimes:

1.14 Section 609.185 (murder in the first degree); section 609.19 (murder in the second
1.15 degree); section 609.195 (murder in the third degree); section 609.20 (manslaughter in the
1.16 first degree); section 609.205 (manslaughter in the second degree); section 609.25
1.17 (kidnapping); section 609.2661 (murder of an unborn child in the first degree); section
1.18 609.2662 (murder of an unborn child in the second degree); section 609.2663 (murder of
1.19 an unborn child in the third degree); section 609.342 (criminal sexual conduct in the first
1.20 degree); section 609.343 (criminal sexual conduct in the second degree); section 609.344
1.21 (criminal sexual conduct in the third degree); section 609.345 (criminal sexual conduct in
1.22 the fourth degree); section 609.3451 (criminal sexual conduct in the fifth degree); section
1.23 609.3453 (criminal sexual predatory conduct); section 609.352 (solicitation of children to
1.24 engage in sexual conduct); section 609.352 (communication of sexually explicit materials
1.25 to children); section 609.365 (incest); section 609.377 (felony malicious punishment of a

2.1 child); section 609.378 (felony neglect or endangerment of a child); section 609.561 (arson
 2.2 in the first degree); section 609.562 (arson in the second degree); section 609.563 (arson in
 2.3 the third degree); section 609.749, subdivision 3, 4, or 5 (felony harassment or stalking);
 2.4 section 152.021 (controlled substance crimes in the first degree); section 152.022 (controlled
 2.5 substance crimes in the second degree); section 152.023 (controlled substance crimes in the
 2.6 third degree); section 152.024 (controlled substance crimes in the fourth degree); section
 2.7 152.025 (controlled substance crimes in the fifth degree); section 243.166 (violation of
 2.8 predatory offender registration law); section 617.23, subdivision 2, clause (1), or subdivision
 2.9 3, clause (1) (indecent exposure involving a minor); section 617.246 (use of minors in sexual
 2.10 performance); section 617.247 (possession of pornographic work involving minors); section
 2.11 609.221 (assault in the first degree); section 609.222 (assault in the second degree); section
 2.12 609.223 (assault in the third degree); section 609.2231 (assault in the fourth degree); section
 2.13 609.2234 (assault by strangulation); section 609.224 (assault in the fifth degree); section
 2.14 609.2242 (domestic assault); ~~section 609.2247 (domestic assault by strangulation)~~; section
 2.15 609.228 (great bodily harm caused by distribution of drugs); section 609.23 (mistreatment
 2.16 of persons confined); section 609.231 (mistreatment of residents or patients); section
 2.17 609.2325 (criminal abuse); section 609.233 (criminal neglect); section 609.2335 (financial
 2.18 exploitation of a vulnerable adult); section 609.234 (failure to report); section 609.24 (simple
 2.19 robbery); section 609.245 (aggravated robbery); section 609.255 (false imprisonment);
 2.20 section 609.322 (solicitation, inducement, and promotion of prostitution and sex trafficking);
 2.21 section 609.324, subdivision 1 (hiring or engaging minors in prostitution); section 609.465
 2.22 (presenting false claims to a public officer or body); section 609.466 (medical assistance
 2.23 fraud); section 609.52 (felony theft); section 609.82 (felony fraud in obtaining credit);
 2.24 section 609.527 (felony identity theft); section 609.582 (felony burglary); section 609.611
 2.25 (felony insurance fraud); section 609.625 (aggravated forgery); section 609.63 (forgery);
 2.26 section 609.631 (felony check forgery); section 609.66, subdivision 1e (felony drive-by
 2.27 shooting); section 609.71 (felony riot); section 609.713 (terroristic threats); section 609.72,
 2.28 subdivision 3 (disorderly conduct by a caregiver against a vulnerable adult); section 609.821
 2.29 (felony financial transaction card fraud); section 609.855, subdivision 5 (shooting at or in
 2.30 a public transit vehicle or facility); or aiding and abetting, attempting, or conspiring to
 2.31 commit any of the offenses in this subdivision.

2.32 **EFFECTIVE DATE.** This section is effective August 1, 2020.

2.33 Sec. 2. Minnesota Statutes 2018, section 243.167, subdivision 1, is amended to read:

2.34 Subdivision 1. **Definition.** As used in this section, "crime against the person" means a
 2.35 violation of any of the following or a similar law of another state or of the United States:

3.1 section 609.165; 609.185; 609.19; 609.195; 609.20; 609.205; 609.221; 609.222; 609.223;
 3.2 609.2231; 609.2234; 609.224, subdivision 2 or 4; 609.2242, subdivision 2 or 4; ~~609.2247~~;
 3.3 609.235; 609.245, subdivision 1; 609.25; 609.255; 609.3451, subdivision 2; 609.498,
 3.4 subdivision 1; 609.582, subdivision 1; or 617.23, subdivision 2; or any felony-level violation
 3.5 of section 609.229; 609.377; 609.749; or 624.713.

3.6 **EFFECTIVE DATE.** This section is effective August 1, 2020.

3.7 Sec. 3. Minnesota Statutes 2019 Supplement, section 245C.15, subdivision 1, is amended
 3.8 to read:

3.9 Subdivision 1. **Permanent disqualification.** (a) An individual is disqualified under
 3.10 section 245C.14 if: (1) regardless of how much time has passed since the discharge of the
 3.11 sentence imposed, if any, for the offense; and (2) unless otherwise specified, regardless of
 3.12 the level of the offense, the individual has committed any of the following offenses: sections
 3.13 243.166 (violation of predatory offender registration law); 609.185 (murder in the first
 3.14 degree); 609.19 (murder in the second degree); 609.195 (murder in the third degree); 609.20
 3.15 (manslaughter in the first degree); 609.205 (manslaughter in the second degree); a felony
 3.16 offense under 609.221 or 609.222 (assault in the first or second degree); section 609.2234
 3.17 (assault by strangulation); a felony offense under sections 609.2242 and 609.2243 (domestic
 3.18 assault), spousal abuse, child abuse or neglect, or a crime against children; ~~609.2247~~
 3.19 ~~(domestic assault by strangulation)~~; 609.228 (great bodily harm caused by distribution of
 3.20 drugs); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.2661 (murder of an unborn
 3.21 child in the first degree); 609.2662 (murder of an unborn child in the second degree);
 3.22 609.2663 (murder of an unborn child in the third degree); 609.322 (solicitation, inducement,
 3.23 and promotion of prostitution); 609.324, subdivision 1 (other prohibited acts); 609.342
 3.24 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second
 3.25 degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual
 3.26 conduct in the fourth degree); 609.3451 (criminal sexual conduct in the fifth degree);
 3.27 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of children to engage
 3.28 in sexual conduct); 609.365 (incest); a felony offense under 609.377 (malicious punishment
 3.29 of a child); a felony offense under 609.378 (neglect or endangerment of a child); 609.561
 3.30 (arson in the first degree); 609.66, subdivision 1e (drive-by shooting); 609.749, subdivision
 3.31 3, 4, or 5 (felony-level harassment or stalking); 609.855, subdivision 5 (shooting at or in a
 3.32 public transit vehicle or facility); 617.23, subdivision 2, clause (1), or subdivision 3, clause
 3.33 (1) (indecent exposure involving a minor); 617.246 (use of minors in sexual performance
 3.34 prohibited); 617.247 (possession of pictorial representations of minors); or, for a child care
 3.35 background study subject, conviction of a crime that would make the individual ineligible

4.1 for employment under United States Code, title 42, section 9858f, except for a felony drug
4.2 conviction, regardless of whether a period of disqualification under subdivisions 2 to 4,
4.3 would apply if the individual were not a child care background study subject.

4.4 (b) An individual's aiding and abetting, attempt, or conspiracy to commit any of the
4.5 offenses listed in paragraph (a), as each of these offenses is defined in Minnesota Statutes,
4.6 permanently disqualifies the individual under section 245C.14.

4.7 (c) An individual's offense in any other state or country, where the elements of the offense
4.8 are substantially similar to any of the offenses listed in paragraph (a), permanently disqualifies
4.9 the individual under section 245C.14.

4.10 (d) When a disqualification is based on a judicial determination other than a conviction,
4.11 the disqualification period begins from the date of the court order. When a disqualification
4.12 is based on an admission, the disqualification period begins from the date of an admission
4.13 in court. When a disqualification is based on an Alford Plea, the disqualification period
4.14 begins from the date the Alford Plea is entered in court. When a disqualification is based
4.15 on a preponderance of evidence of a disqualifying act, the disqualification date begins from
4.16 the date of the dismissal, the date of discharge of the sentence imposed for a conviction for
4.17 a disqualifying crime of similar elements, or the date of the incident, whichever occurs last.

4.18 (e) If the individual studied commits one of the offenses listed in paragraph (a) that is
4.19 specified as a felony-level only offense, but the sentence or level of offense is a gross
4.20 misdemeanor or misdemeanor, the individual is disqualified, but the disqualification
4.21 look-back period for the offense is the period applicable to gross misdemeanor or
4.22 misdemeanor offenses.

4.23 (f) A child care background study subject shall be disqualified if the individual is
4.24 registered, or required to be registered, on a state sex offender registry or repository or the
4.25 National Sex Offender Registry.

4.26 **EFFECTIVE DATE.** This section is effective August 1, 2020.

4.27 Sec. 4. Minnesota Statutes 2019 Supplement, section 518.179, subdivision 2, is amended
4.28 to read:

4.29 Subd. 2. **Applicable crimes.** This section applies to the following crimes or similar
4.30 crimes under the laws of the United States, or any other state:

4.31 (1) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

4.32 (2) manslaughter in the first degree under section 609.20;

- 5.1 (3) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;
- 5.2 (4) kidnapping under section 609.25;
- 5.3 (5) depriving another of custodial or parental rights under section 609.26;
- 5.4 (6) soliciting, inducing, promoting, or receiving profit derived from prostitution involving
- 5.5 a minor under section 609.322;
- 5.6 (7) criminal sexual conduct in the first degree under section 609.342;
- 5.7 (8) criminal sexual conduct in the second degree under section 609.343;
- 5.8 (9) criminal sexual conduct in the third degree under section 609.344, subdivision 1,
- 5.9 paragraph (c), (f), or (g);
- 5.10 (10) solicitation of a child to engage in sexual conduct under section 609.352;
- 5.11 (11) incest under section 609.365;
- 5.12 (12) malicious punishment of a child under section 609.377;
- 5.13 (13) neglect of a child under section 609.378;
- 5.14 (14) terroristic threats under section 609.713;
- 5.15 (15) felony harassment under section 609.749, subdivision 4; or
- 5.16 (16) ~~domestic~~ assault by strangulation under section ~~609.2247~~ 609.2234.

5.17 **EFFECTIVE DATE.** This section is effective August 1, 2020.

5.18 Sec. 5. Minnesota Statutes 2019 Supplement, section 609.02, subdivision 16, is amended

5.19 to read:

5.20 Subd. 16. **Qualified domestic violence-related offense.** "Qualified domestic

5.21 violence-related offense" includes a violation of or an attempt to violate sections 518B.01,

5.22 subdivision 14 (violation of domestic abuse order for protection); 609.185 (first-degree

5.23 murder); 609.19 (second-degree murder); 609.221 (first-degree assault); 609.222

5.24 (second-degree assault); 609.223 (third-degree assault); 609.2231 (fourth-degree assault);

5.25 section 609.2234 (assault by strangulation); 609.224 (fifth-degree assault); 609.2242

5.26 (domestic assault); 609.2245 (female genital mutilation); ~~609.2247 (domestic assault by~~

5.27 ~~strangulation);~~ 609.342 (first-degree criminal sexual conduct); 609.343 (second-degree

5.28 criminal sexual conduct); 609.344 (third-degree criminal sexual conduct); 609.345

5.29 (fourth-degree criminal sexual conduct); 609.377 (malicious punishment of a child); 609.713

5.30 (terroristic threats); 609.748, subdivision 6 (violation of harassment restraining order);

6.1 609.749 (harassment or stalking); 609.78, subdivision 2 (interference with an emergency
6.2 call); 617.261 (nonconsensual dissemination of private sexual images); and 629.75 (violation
6.3 of domestic abuse no contact order); and similar laws of other states, the United States, the
6.4 District of Columbia, tribal lands, and United States territories.

6.5 **EFFECTIVE DATE.** This section is effective August 1, 2020.

6.6 Sec. 6. **[609.2234] ASSAULT BY STRANGULATION.**

6.7 (a) As used in this section, "strangulation" means intentionally impeding normal breathing
6.8 or circulation of the blood by applying pressure on the throat or neck or by blocking the
6.9 nose or mouth of another person.

6.10 (b) Unless a greater penalty is provided elsewhere, whoever assaults another by
6.11 strangulation is guilty of a felony and may be sentenced to imprisonment for not more than
6.12 three years or to payment of a fine of not more than \$5,000, or both.

6.13 **EFFECTIVE DATE.** This section is effective August 1, 2020, and applies to crimes
6.14 committed on or after that date.

6.15 Sec. 7. Minnesota Statutes 2018, section 609.2242, subdivision 3, is amended to read:

6.16 Subd. 3. **Domestic assaults; firearms.** (a) When a person is convicted of a violation of
6.17 this section or section 609.221, 609.222, 609.223, 609.2234, or 609.224, ~~or 609.2247~~, the
6.18 court shall determine and make written findings on the record as to whether:

6.19 (1) the assault was committed against a family or household member, as defined in
6.20 section 518B.01, subdivision 2;

6.21 (2) the defendant owns or possesses a firearm; and

6.22 (3) the firearm was used in any way during the commission of the assault.

6.23 (b) If the court determines that the assault was of a family or household member, and
6.24 that the offender owns or possesses a firearm and used it in any way during the commission
6.25 of the assault, it shall order that the firearm be summarily forfeited under section 609.5316,
6.26 subdivision 3.

6.27 (c) When a person is convicted of assaulting a family or household member and is
6.28 determined by the court to have used a firearm in any way during commission of the assault,
6.29 the court may order that the person is prohibited from possessing any type of firearm for
6.30 any period longer than three years or for the remainder of the person's life. A person who
6.31 violates this paragraph is guilty of a gross misdemeanor. At the time of the conviction, the

7.1 court shall inform the defendant for how long the defendant is prohibited from possessing
7.2 a firearm and that it is a gross misdemeanor to violate this paragraph. The failure of the
7.3 court to provide this information to a defendant does not affect the applicability of the
7.4 firearm possession prohibition or the gross misdemeanor penalty to that defendant.

7.5 (d) Except as otherwise provided in paragraph (c), when a person is convicted of a
7.6 violation of this section or section 609.224 and the court determines that the victim was a
7.7 family or household member, the court shall inform the defendant that the defendant is
7.8 prohibited from possessing a firearm for three years from the date of conviction and that it
7.9 is a gross misdemeanor offense to violate this prohibition. The failure of the court to provide
7.10 this information to a defendant does not affect the applicability of the firearm possession
7.11 prohibition or the gross misdemeanor penalty to that defendant.

7.12 (e) Except as otherwise provided in paragraph (c), a person is not entitled to possess a
7.13 pistol if the person has been convicted after August 1, 1992, or a firearm if a person has
7.14 been convicted on or after August 1, 2014, of domestic assault under this section or assault
7.15 in the fifth degree under section 609.224 and the assault victim was a family or household
7.16 member as defined in section 518B.01, subdivision 2, unless three years have elapsed from
7.17 the date of conviction and, during that time, the person has not been convicted of any other
7.18 violation of this section or section 609.224. Property rights may not be abated but access
7.19 may be restricted by the courts. A person who possesses a firearm in violation of this
7.20 paragraph is guilty of a gross misdemeanor.

7.21 (f) Except as otherwise provided in paragraphs (b) and (h), when a person is convicted
7.22 of a violation of this section or section 609.221, 609.222, 609.223, 609.2234, or 609.224;
7.23 ~~or 609.2247~~ and the court determines that the assault was against a family or household
7.24 member, the court shall order the defendant to transfer any firearms that the person possesses,
7.25 within three business days, to a federally licensed firearms dealer, a law enforcement agency,
7.26 or a third party who may lawfully receive them. The transfer may be permanent or temporary,
7.27 unless the court prohibits the person from possessing a firearm for the remainder of the
7.28 person's life under paragraph (c). A temporary firearm transfer only entitles the receiving
7.29 party to possess the firearm. A temporary transfer does not transfer ownership or title. A
7.30 defendant may not transfer firearms to a third party who resides with the defendant. If a
7.31 defendant makes a temporary transfer, a federally licensed firearms dealer or law enforcement
7.32 agency may charge the defendant a reasonable fee to store the person's firearms and may
7.33 establish policies for disposal of abandoned firearms, provided such policies require that
7.34 the person be notified by certified mail prior to disposal of abandoned firearms. For temporary
7.35 firearms transfers under this paragraph, a law enforcement agency, federally licensed firearms

8.1 dealer, or third party shall exercise due care to preserve the quality and function of the
8.2 transferred firearms and shall return the transferred firearms to the person upon request after
8.3 the expiration of the prohibiting time period imposed under this subdivision, provided the
8.4 person is not otherwise prohibited from possessing firearms under state or federal law. The
8.5 return of temporarily transferred firearms to a person shall comply with state and federal
8.6 law. If a defendant permanently transfers the defendant's firearms to a law enforcement
8.7 agency, the agency is not required to compensate the defendant and may charge the defendant
8.8 a reasonable processing fee. A law enforcement agency is not required to accept a person's
8.9 firearm under this paragraph. The court shall order that the person surrender all permits to
8.10 carry and purchase firearms to the sheriff.

8.11 (g) A defendant who is ordered to transfer firearms under paragraph (f) must file proof
8.12 of transfer as provided for in this paragraph. If the transfer is made to a third party, the third
8.13 party must sign an affidavit under oath before a notary public either acknowledging that
8.14 the defendant permanently transferred the defendant's firearms to the third party or agreeing
8.15 to temporarily store the defendant's firearms until such time as the defendant is legally
8.16 permitted to possess firearms. The affidavit shall indicate the serial number, make, and
8.17 model of all firearms transferred by the defendant to the third party. The third party shall
8.18 acknowledge in the affidavit that the third party may be held criminally and civilly
8.19 responsible under section 624.7144 if the defendant gains access to a transferred firearm
8.20 while the firearm is in the custody of the third party. If the transfer is to a law enforcement
8.21 agency or federally licensed firearms dealer, the law enforcement agency or federally
8.22 licensed firearms dealer shall provide proof of transfer to the defendant. The proof of transfer
8.23 must specify whether the firearms were permanently or temporarily transferred and include
8.24 the name of the defendant, date of transfer, and the serial number, make, and model of all
8.25 transferred firearms. The defendant shall provide the court with a signed and notarized
8.26 affidavit or proof of transfer as described in this section within two business days of the
8.27 firearms transfer. The court shall seal affidavits and proofs of transfer filed pursuant to this
8.28 paragraph.

8.29 (h) When a person is convicted of a violation of this section or section 609.221, 609.222,
8.30 609.223, 609.2234, or 609.224, ~~or 609.2247~~, and the court determines that the assault was
8.31 against a family or household member, the court shall determine by a preponderance of the
8.32 evidence if the person poses an imminent risk of causing another person substantial bodily
8.33 harm. Upon a finding of imminent risk, the court shall order that the local law enforcement
8.34 agency take immediate possession of all firearms in the person's possession. The local law
8.35 enforcement agency shall exercise due care to preserve the quality and function of the

9.1 defendant's firearms and shall return the firearms to the person upon request after the
 9.2 expiration of the prohibiting time period, provided the person is not otherwise prohibited
 9.3 from possessing firearms under state or federal law. The local law enforcement agency
 9.4 shall, upon written notice from the person, transfer the firearms to a federally licensed
 9.5 firearms dealer or a third party who may lawfully receive them. Before a local law
 9.6 enforcement agency transfers a firearm under this paragraph, the agency shall require the
 9.7 third party or federally licensed firearms dealer receiving the firearm to submit an affidavit
 9.8 or proof of transfer that complies with the requirements for affidavits or proofs of transfer
 9.9 established in paragraph (g). The agency shall file all affidavits or proofs of transfer received
 9.10 with the court within two business days of the transfer. The court shall seal all affidavits or
 9.11 proofs of transfer filed pursuant to this paragraph. A federally licensed firearms dealer or
 9.12 third party who accepts a firearm transfer pursuant to this paragraph shall comply with
 9.13 paragraphs (f) and (g) as if accepting transfer from the defendant. If the law enforcement
 9.14 agency does not receive written notice from the defendant within three business days, the
 9.15 agency may charge a reasonable fee to store the defendant's firearms. A law enforcement
 9.16 agency may establish policies for disposal of abandoned firearms, provided such policies
 9.17 require that the person be notified via certified mail prior to disposal of abandoned firearms.

9.18 **EFFECTIVE DATE.** This section is effective August 1, 2020.

9.19 Sec. 8. Minnesota Statutes 2019 Supplement, section 611A.036, subdivision 7, is amended
 9.20 to read:

9.21 Subd. 7. **Definition.** As used in this section, "violent crime" means a violation or attempt
 9.22 to violate any of the following: section 609.185 (murder in the first degree); 609.19 (murder
 9.23 in the second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the
 9.24 first degree); 609.205 (manslaughter in the second degree); 609.2112, 609.2113, or 609.2114
 9.25 (criminal vehicular homicide or injury); 609.221 (assault in the first degree); 609.222 (assault
 9.26 in the second degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth
 9.27 degree); section 609.2234 (assault by strangulation); 609.2241 (knowing transfer of
 9.28 communicable disease); 609.2242 (domestic assault); 609.2245 (female genital mutilation);
 9.29 ~~609.2247 (domestic assault by strangulation)~~; 609.228 (great bodily harm caused by
 9.30 distribution of drugs); 609.23 (mistreatment of persons confined); 609.231 (mistreatment
 9.31 of residents or patients); 609.2325 (criminal abuse); 609.233 (criminal neglect); 609.235
 9.32 (use of drugs to injure or facilitate crime); 609.24 (simple robbery); 609.245 (aggravated
 9.33 robbery); 609.25 (kidnapping); 609.255 (false imprisonment); 609.265 (abduction); 609.2661
 9.34 (murder of an unborn child in the first degree); 609.2662 (murder of an unborn child in the
 9.35 second degree); 609.2663 (murder of an unborn child in the third degree); 609.2664

10.1 (manslaughter of an unborn child in the first degree); 609.2665 (manslaughter of an unborn
 10.2 child in the second degree); 609.267 (assault of an unborn child in the first degree); 609.2671
 10.3 (assault of an unborn child in the second degree); 609.2672 (assault of an unborn child in
 10.4 the third degree); 609.268 (injury or death of an unborn child in commission of a crime);
 10.5 609.282 (labor trafficking); 609.322 (solicitation, inducement, and promotion of prostitution;
 10.6 sex trafficking); 609.342 (criminal sexual conduct in the first degree); 609.343 (criminal
 10.7 sexual conduct in the second degree); 609.344 (criminal sexual conduct in the third degree);
 10.8 609.345 (criminal sexual conduct in the fourth degree); 609.3451 (criminal sexual conduct
 10.9 in the fifth degree); 609.3453 (criminal sexual predatory conduct); 609.352 (solicitation of
 10.10 children to engage in sexual conduct); 609.377 (malicious punishment of a child); 609.378
 10.11 (neglect or endangerment of a child); 609.561, subdivision 1 (arson in the first degree;
 10.12 dwelling); 609.582, subdivision 1, paragraph (a) or (c) (burglary in the first degree; occupied
 10.13 dwelling or involving an assault); 609.66, subdivision 1e, paragraph (b) (drive-by shooting;
 10.14 firing at or toward a person, or an occupied building or motor vehicle); or 609.749,
 10.15 subdivision 2 (harassment); or Minnesota Statutes 2012, section 609.21.

10.16 **EFFECTIVE DATE.** This section is effective August 1, 2020.

10.17 Sec. 9. Minnesota Statutes 2019 Supplement, section 624.712, subdivision 5, is amended
 10.18 to read:

10.19 Subd. 5. **Crime of violence.** "Crime of violence" means: felony convictions of the
 10.20 following offenses: sections 609.185 (murder in the first degree); 609.19 (murder in the
 10.21 second degree); 609.195 (murder in the third degree); 609.20 (manslaughter in the first
 10.22 degree); 609.205 (manslaughter in the second degree); 609.215 (aiding suicide and aiding
 10.23 attempted suicide); 609.221 (assault in the first degree); 609.222 (assault in the second
 10.24 degree); 609.223 (assault in the third degree); 609.2231 (assault in the fourth degree); section
 10.25 609.2234 (assault by strangulation); 609.224 (assault in the fifth degree); 609.2242 (domestic
 10.26 assault); ~~609.2247 (domestic assault by strangulation)~~; 609.229 (crimes committed for the
 10.27 benefit of a gang); 609.235 (use of drugs to injure or facilitate crime); 609.24 (simple
 10.28 robbery); 609.245 (aggravated robbery); 609.25 (kidnapping); 609.255 (false imprisonment);
 10.29 609.322 (solicitation, inducement, and promotion of prostitution; sex trafficking); 609.342
 10.30 (criminal sexual conduct in the first degree); 609.343 (criminal sexual conduct in the second
 10.31 degree); 609.344 (criminal sexual conduct in the third degree); 609.345 (criminal sexual
 10.32 conduct in the fourth degree); 609.377 (malicious punishment of a child); 609.378 (neglect
 10.33 or endangerment of a child); 609.486 (commission of crime while wearing or possessing a
 10.34 bullet-resistant vest); 609.52 (involving theft of a firearm and theft involving the theft of a
 10.35 controlled substance, an explosive, or an incendiary device); 609.561 (arson in the first

11.1 degree); 609.562 (arson in the second degree); 609.582, subdivision 1 or 2 (burglary in the
 11.2 first and second degrees); 609.66, subdivision 1e (drive-by shooting); 609.67 (unlawfully
 11.3 owning, possessing, operating a machine gun or short-barreled shotgun); 609.71 (riot);
 11.4 609.713 (terroristic threats); 609.749 (harassment); 609.855, subdivision 5 (shooting at a
 11.5 public transit vehicle or facility); and chapter 152 (drugs, controlled substances); and an
 11.6 attempt to commit any of these offenses.

11.7 **EFFECTIVE DATE.** This section is effective August 1, 2020.

11.8 Sec. 10. Minnesota Statutes 2019 Supplement, section 631.52, subdivision 2, is amended
 11.9 to read:

11.10 Subd. 2. **Application.** Subdivision 1 applies to the following crimes or similar crimes
 11.11 under the laws of the United States or any other state:

11.12 (1) murder in the first, second, or third degree under section 609.185, 609.19, or 609.195;

11.13 (2) manslaughter in the first degree under section 609.20;

11.14 (3) assault in the first, second, or third degree under section 609.221, 609.222, or 609.223;

11.15 (4) kidnapping under section 609.25;

11.16 (5) depriving another of custodial or parental rights under section 609.26;

11.17 (6) soliciting, inducing, promoting, or receiving profit derived from prostitution involving
 11.18 a minor under section 609.322;

11.19 (7) criminal sexual conduct in the first degree under section 609.342;

11.20 (8) criminal sexual conduct in the second degree under section 609.343;

11.21 (9) criminal sexual conduct in the third degree under section 609.344, subdivision 1,
 11.22 paragraph (c), (f), or (g);

11.23 (10) solicitation of a child to engage in sexual conduct under section 609.352;

11.24 (11) incest under section 609.365;

11.25 (12) malicious punishment of a child under section 609.377;

11.26 (13) neglect of a child under section 609.378;

11.27 (14) terroristic threats under section 609.713;

11.28 (15) felony harassment or stalking under section 609.749; or

11.29 (16) ~~domestic~~ assault by strangulation under section ~~609.2247~~ 609.2234.

12.1 **EFFECTIVE DATE.** This section is effective August 1, 2020.

12.2 Sec. 11. **REPEALER.**

12.3 Minnesota Statutes 2018, section 609.2247, is repealed.

12.4 **EFFECTIVE DATE.** This section is effective August 1, 2020.

609.2247 DOMESTIC ASSAULT BY STRANGULATION.

Subdivision 1. **Definitions.** (a) As used in this section, the following terms have the meanings given.

(b) "Family or household members" has the meaning given in section 518B.01, subdivision 2.

(c) "Strangulation" means intentionally impeding normal breathing or circulation of the blood by applying pressure on the throat or neck or by blocking the nose or mouth of another person.

Subd. 2. **Crime.** Unless a greater penalty is provided elsewhere, whoever assaults a family or household member by strangulation is guilty of a felony and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$5,000, or both.