

CHAPTER 461—H.F.No. 1952

An act relating to crimes; permitting individuals to request that the commissioner of public safety hold certain information on the individual as private; increasing penalties for certain acts of harassment; clarifying that terroristic threats include those made indirectly; authorizing courts to issue orders to restrain acts of harassment; amending Minnesota Statutes 1988, sections 171.12, by adding a subdivision; and 609.713, subdivision 1; proposing coding for new law in Minnesota Statutes, chapters 168 and 609.

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

Section 1. [168.346] **PRIVACY OF RESIDENCE ADDRESS.**

The registered owner of a motor vehicle may request in writing that the owner's residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the owner that the classification is required for the safety of the owner or the owner's family, if the statement also provides a valid, existing address where the owner consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the motor vehicle. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies.

Sec. 2. Minnesota Statutes 1988, section 171.12, is amended by adding a subdivision to read:

Subd. 7. **PRIVACY OF RESIDENCE ADDRESS.** An applicant for a driver's license or a Minnesota identification card may request that the applicant's residence address be classified as private data on individuals, as defined in section 13.02, subdivision 12. The commissioner shall grant the classification upon receipt of a signed statement by the individual that the classification is required for the safety of the applicant or the applicant's family, if the statement also provides a valid, existing address where the applicant consents to receive service of process. The commissioner shall use the mailing address in place of the residence address in all documents and notices pertaining to the driver's license or identification card. The residence address and any information provided in the classification request, other than the mailing address, are private data on individuals and may be provided to requesting law enforcement agencies.

Sec. 3. Minnesota Statutes 1988, section 609.713, subdivision 1, is amended to read:

Subdivision 1. Whoever threatens, directly or indirectly, to commit any crime of violence with purpose to terrorize another or to cause evacuation of a building, place of assembly or facility of public transportation or otherwise to

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cause serious public inconvenience, or in a reckless disregard of the risk of causing such terror or inconvenience may be sentenced to imprisonment for not more than five years.

Sec. 4. [609.747] HARASSMENT; ENHANCED PENALTIES.

Subdivision 1. MULTIPLE ACTS OF HARASSMENT. It is a gross misdemeanor for a person to commit more than one act of harassment in violation of section 609.605, subdivision 1, paragraph (b), clause (7), against the same individual within six consecutive months. As used in this subdivision, "individual" means a natural person.

Subd. 2. HARASSMENT FOLLOWING ASSAULT OR TERRORISTIC THREAT. (a) It is a gross misdemeanor for a person who has been convicted of assault or terroristic threat to commit harassment:

(1) against the same victim, within five consecutive years after the conviction; or

(2) against any victim, within two consecutive years after the conviction.

(b) In this subdivision:

(1) "assault" means a violation of section 609.221, 609.222, 609.223, 609.2231, or 609.224;

(2) "harassment" means a violation of section 609.605, subdivision 1, paragraph (b), clause (7); 609.746, subdivision 2; 609.79, subdivision 1, clause (1)(b); or 609.795, subdivision 1, clause (3); and

(3) "terroristic threat" means a violation of section 609.713, subdivision 1 or 3.

Sec. 5. [609.748] HARASSMENT; RESTRAINING ORDER.

Subdivision 1. DEFINITION. As used in this section, "harassment" means repeated, intrusive, or unwanted acts, words, or gestures that are intended to adversely affect the safety, security, or privacy of another, regardless of the relationship between the actor and the intended target.

Subd. 2. RESTRAINING ORDER; JURISDICTION. A person who is a victim of harassment may seek a restraining order from the district court in the manner provided in this section. The parent or guardian of a minor who is a victim of harassment may seek a restraining order from the juvenile court on behalf of the minor.

Subd. 3. CONTENTS OF PETITION. A petition for relief must allege facts sufficient to show the following:

(1) the name of the alleged harassment victim;

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(2) the name of the respondent; and

(3) that the respondent has engaged in harassment.

The petition shall be accompanied by an affidavit made under oath stating the specific facts and circumstances from which relief is sought. The court shall provide simplified forms and clerical assistance to help with the writing and filing of a petition under this section.

Subd. 4. TEMPORARY RESTRAINING ORDER. (a) The court may issue a temporary restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact with that person if the petitioner files a petition in compliance with subdivision 3 and if the court finds reasonable grounds to believe that the respondent has engaged in harassment.

(b) Notice need not be given to the respondent before the court issues a temporary restraining order under this subdivision. A temporary restraining order may be entered only against the respondent named in the petition.

(c) The temporary restraining order is in effect until a hearing is held on the issuance of a restraining order under subdivision 5. The court shall hold the hearing on the issuance of a restraining order within seven days after the temporary restraining order is issued unless (1) the time period is extended upon written consent of the parties; or (2) the time period is extended by the court for one additional seven-day period upon a showing that the respondent has not been served with a copy of the temporary restraining order despite the exercise of due diligence.

Subd. 5. RESTRAINING ORDER. (a) The court may grant a restraining order ordering the respondent to cease or avoid the harassment of another person or to have no contact with that person if all of the following occur:

(1) the petitioner has filed a petition under subdivision 3;

(2) the sheriff has served respondent with a copy of the temporary restraining order obtained under subdivision 4, and with notice of the time and place of the hearing, or service has been made by publication under paragraph (b); and

(3) the court finds at the hearing that there are reasonable grounds to believe that the respondent has engaged in harassment.

A restraining order may be issued only against the respondent named in the petition. Relief granted by the restraining order must be for a fixed period of not more than two years.

(b) The order may be served on the respondent by means of a one-week published notice under section 645.11, if:

(1) the petitioner files an affidavit with the court stating that an attempt at personal service made by a sheriff was unsuccessful because the respondent is avoiding service by concealment or otherwise; and

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(2) a copy of the order is mailed to the respondent at the respondent's residence or the respondent is not known to the petitioner.

Service under this paragraph is complete seven days after publication.

Subd. 6. VIOLATION OF RESTRAINING ORDER. (a) When a temporary restraining order or a restraining order is granted under this section and the respondent knows of the order, violation of the order is a misdemeanor.

(b) A peace officer shall arrest without a warrant and take into custody a person whom the peace officer has probable cause to believe has violated an order issued under subdivision 4 or 5 if the existence of the order can be verified by the officer.

Subd. 7. COPY TO LAW ENFORCEMENT AGENCY. An order granted under this section shall be forwarded by the court administrator within 24 hours to the local law enforcement agency with jurisdiction over the residence of the applicant. Each appropriate law enforcement agency shall make available to other law enforcement officers through a system for verification, information as to the existence and status of any order issued under this section.

Subd. 8. NOTICE. An order granted under this section must contain a conspicuous notice to the respondent:

(1) of the specific conduct that will constitute a violation of the order;

(2) that violation of an order is a misdemeanor punishable by imprisonment for up to 90 days or a fine of up to \$700 or both; and

(3) that a peace officer must arrest without warrant and take into custody a person if the peace officer has probable cause to believe the person has violated a restraining order.

Sec. 6. EFFECTIVE DATE.

Sections 3 to 5 are effective August 1, 1990, and apply to acts committed on or after that date.

Presented to the governor April 19, 1990

Signed by the governor April 20, 1990, 10:50 a.m.

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