CHAPTER 96--H.F.No. 4137

An act relating to public safety; requiring intent for the crimes of repeated harassing conduct; amending Minnesota Statutes 2018, sections 609.79, subdivision 1; 609.795, subdivision 1; Minnesota Statutes 2019 Supplement, sections 504B.206, subdivision 1; 609.749, subdivisions 2, 3; repealing Minnesota Statutes 2018, section 609.749, subdivision 1a; Minnesota Statutes 2019 Supplement, section 609.749, subdivision 1.

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

Section 1. Minnesota Statutes 2019 Supplement, section 504B.206, subdivision 1, is amended to read:

Subdivision 1. **Right to terminate; procedure.** (a) A tenant to a residential lease may terminate a lease agreement in the manner provided in this section without penalty or liability, if the tenant or another authorized occupant fears imminent violence after being subjected to:

(1) domestic abuse, as that term is defined under section 518B.01, subdivision 2;

(2) criminal sexual conduct under sections 609.342 to 609.3451; or

(3) ~~harass, as that term is defined~~ harassment under section 609.749~~, subdivision 1~~.

(b) The tenant must provide signed and dated advance written notice to the landlord:

(1) stating the tenant fears imminent violence from a person as indicated in a qualifying document against the tenant or an authorized occupant if the tenant or authorized occupant remains in the leased premises;

(2) stating that the tenant needs to terminate the tenancy;

(3) providing the date by which the tenant will vacate; and

(4) providing written instructions for the disposition of any remaining personal property in accordance with section 504B.271.

(c) The written notice must be delivered before the termination of the tenancy by mail, fax, or in person, and be accompanied by a qualifying document.

(d) The landlord may request that the tenant disclose the name of the perpetrator and, if a request is made, inform the tenant that the landlord seeks disclosure to protect other tenants in the building. The tenant may decline to provide the name of the perpetrator for safety reasons. Disclosure shall not be a precondition of terminating the lease.

(e) The tenancy terminates, including the right of possession of the premises, as provided in subdivision 3.

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

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Sec. 2. Minnesota Statutes 2019 Supplement, section 609.749, subdivision 2, is amended to read:

Subd. 2. **Harassment crimes.** (a) As used in this subdivision, the following terms have the meanings given:

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

(2) "personal information" has the meaning given in section 617.261, subdivision 7, paragraph (f);

(3) "sexual act" has the meaning given in section 617.261, subdivision 7, paragraph (g); and

(4) "substantial emotional distress" means mental distress, mental suffering, or mental anguish as demonstrated by a victim's response to an act including but not limited to seeking psychotherapy as defined in section 604.20, losing sleep or appetite, being diagnosed with a mental-health condition, experiencing suicidal ideation, or having difficulty concentrating on tasks resulting in a loss of productivity.

(b) A person who ~~harasses another by committing~~ commits any of the ~~following~~ acts listed in paragraph (c) is guilty of a gross misdemeanor if the person, with the intent to kill, injure, harass, or intimidate another person:

(1) places the other person in reasonable fear of substantial bodily harm;

(2) places the person in reasonable fear that the person's family or household members will be subject to substantial bodily harm; or

(3) causes or would reasonably be expected to cause substantial emotional distress to the other person.

(c) A person commits harassment under this section if the person:

(1) directly or indirectly, or through third parties, manifests a purpose or intent to injure the person, property, or rights of another by the commission of an unlawful act;

(2) follows, monitors, or pursues another, whether in person or through any available technological or other means;

(3) returns to the property of another if the actor is without claim of right to the property or consent of one with authority to consent;

(4) repeatedly makes telephone calls, sends text messages, or induces a victim to make telephone calls to the actor, whether or not conversation ensues;

(5) makes or causes the telephone of another repeatedly or continuously to ring;

(6) repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, messages, packages, through assistive devices for people with vision impairments or hearing loss, or any communication made through any available technologies or other objects;

(7) knowingly makes false allegations against a peace officer concerning the officer's performance of official duties with intent to influence or tamper with the officer's performance of official duties; or

(8) uses another's personal information, without consent, to invite, encourage, or solicit a third party to engage in a sexual act with the person.

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~~For purposes of this clause, "personal information" and "sexual act" have the meanings given in section 617.261, subdivision 7.~~

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

Sec. 3. Minnesota Statutes 2019 Supplement, section 609.749, subdivision 3, is amended to read:

Subd. 3. **Aggravated violations.** (a) A person who commits any of the following acts is guilty of a felony and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than $10,000, or both:

(1) commits any offense described in subdivision 2 because of the victim's or another's actual or perceived race, color, religion, sex, sexual orientation, disability as defined in section 363A.03, age, or national origin;

(2) commits any offense described in subdivision 2 by falsely impersonating another;

(3) commits any offense described in subdivision 2 and ~~possesses~~ a dangerous weapon ~~at the time~~ was used in any way in the commission of the offense;

(4) ~~harasses another, as defined in subdivision 1,~~ commits any offense described in subdivision 2 with intent to influence or otherwise tamper with a juror or a judicial proceeding or with intent to retaliate against a judicial officer, as defined in section 609.415, or a prosecutor, defense attorney, or officer of the court, because of that person's performance of official duties in connection with a judicial proceeding; or

(5) commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim.

(b) A person who commits any offense described in subdivision 2 against a victim under the age of 18, if the actor is more than 36 months older than the victim, and the act is committed with sexual or aggressive intent, is guilty of a felony and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than $20,000, or both.

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

Sec. 4. Minnesota Statutes 2018, section 609.79, subdivision 1, is amended to read:

Subdivision 1. **Crime defined; obscene call.** Whoever,

(1) by means of a telephone,

(i) makes any comment, request, suggestion or proposal which is obscene, lewd, or lascivious,

(ii) with the intent to harass or intimidate another person, repeatedly makes telephone calls, whether or not conversation ensues, ~~with intent to abuse, disturb, or cause distress~~ and thereby places the other person in reasonable fear of substantial bodily harm; places the person in reasonable fear that the person's family or household members will be subject to substantial bodily harm; or causes or would reasonably be expected to cause substantial emotional distress to the other person, or

(iii) with the intent to harass or intimidate any person at the called or notified number, makes or causes the telephone of another to repeatedly or continuously ~~to~~ ring~~, with intent to abuse, disturb, or cause distress in any person at the called number~~ or receive electronic notifications and thereby places the other person in

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reasonable fear of substantial bodily harm; places the person in reasonable fear that the person's family or household members will be subject to substantial bodily harm; or causes or would reasonably be expected to cause substantial emotional distress as defined in section 609.749, subdivision 2, paragraph (a), clause (4), to the other person, or

(2) having control of a telephone, knowingly permits it to be used for any purpose prohibited by this section,

shall be guilty of a misdemeanor.

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

Sec. 5. Minnesota Statutes 2018, section 609.795, subdivision 1, is amended to read:

Subdivision 1. **Misdemeanors.** Whoever does any of the following is guilty of a misdemeanor:

(1) knowing that the actor does not have the consent of either the sender or the addressee, intentionally opens any sealed letter, telegram, or package addressed to another; or

(2) knowing that a sealed letter, telegram, or package has been opened without the consent of either the sender or addressee, intentionally publishes any of the contents thereof; or

(3) with the intent to ~~abuse, disturb, or cause distress~~ harass or intimidate another person, repeatedly mails or delivers or causes the delivery by any means, including electronically, of letters, telegrams, or packages and thereby places the other person in reasonable fear of substantial bodily harm; places the person in reasonable fear that the person's family or household members will be subject to substantial bodily harm; or causes or would reasonably be expected to cause substantial emotional distress as defined in section 609.749, subdivision 2, paragraph (a), clause (4), to the other person.

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

Sec. 6. **REPEALER.**

Minnesota Statutes 2018, section 609.749, subdivision 1a, is repealed.

Minnesota Statutes 2019 Supplement, section 609.749, subdivision 1, is repealed.

Presented to the governor May 16, 2020

Signed by the governor May 18, 2020, 8:11 a.m.

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