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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FOURTH SESSION

H. F. No. 65

01/22/2025

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The bill was read for the first time and referred to the Committee on Judiciary Finance and Civil Law

1.1A bill for an act

1.2relating to public safety; requiring courts to make release decisions regarding a

1.3person arrested for certain domestic violence-related offenses on the record;

1.4amending Minnesota Statutes 2024, section 629.72, subdivision 2.

1.5BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6Section 1. Minnesota Statutes 2024, section 629.72, subdivision 2, is amended to read:

1.7Subd. 2. **Judicial review; release; bail.** (a) The judge before whom the arrested person

1.8is brought shall review the facts surrounding the arrest and detention of a person arrested

1.9for domestic abuse, harassing or stalking, violation of an order for protection, or violation

1.10of a domestic abuse no contact order. The prosecutor or prosecutor's designee shall present

1.11relevant information involving the victim's or the victim's family's account of the alleged

1.12crime to the judge to be considered in determining the arrested person's release. In making

1.13a decision concerning pretrial release conditions of a person arrested for domestic abuse,

1.14harassing or stalking, violation of an order for protection, or violation of a domestic abuse

1.15no contact order, the judge shall review the facts of the arrest and detention of the person

1.16and determine whether: (1) release of the person poses a threat to the alleged victim, another

1.17family or household member, or public safety; or (2) there is a substantial likelihood the

1.18person will fail to appear at subsequent proceedings. Before releasing a person arrested for

1.19or charged with a crime of domestic abuse, harassing or stalking, violation of an order for

1.20protection, or violation of a domestic abuse no contact order, the judge shall make findings

1.21on the record, to the extent possible, concerning the determination made in accordance with

1.22the factors specified in clauses (1) and (2).

(b) The judge may impose conditions of release or bail, or both, on the person to protect the alleged victim or other family or household members and to ensure the appearance of the person at subsequent proceedings. These conditions may include an order:

(1) enjoining the person from threatening to commit or committing acts of domestic abuse or harassing or stalking against the alleged victim or other family or household members or from violating an order for protection or a domestic abuse no contact order;

(2) prohibiting the person from harassing, annoying, telephoning, contacting, or otherwise communicating with the alleged victim, either directly or indirectly;

(3) directing the person to vacate or stay away from the home of the alleged victim and to stay away from any other location where the alleged victim is likely to be;

(4) prohibiting the person from possessing a firearm or other weapon specified by the court;

(5) prohibiting the person from possessing or consuming alcohol or controlled substances; and

(6) specifying any other matter required to protect the safety of the alleged victim and to ensure the appearance of the person at subsequent proceedings.

(c) If conditions of release are imposed, the judge shall issue a written order for conditional release. The court administrator shall immediately distribute a copy of the order for conditional release to the agency having custody of the arrested person and shall provide the agency having custody of the arrested person with any available information on the location of the victim in a manner that protects the victim's safety. Either the court or its designee or the agency having custody of the arrested person shall serve upon the defendant a copy of the order. Failure to serve the arrested person with a copy of the order for conditional release does not invalidate the conditions of release.

(d) If the judge imposes as a condition of release a requirement that the person have no contact with the alleged victim, the judge may also, on its own motion or that of the prosecutor or on request of the victim, issue an ex parte temporary restraining order under section 609.748, subdivision 4, or an ex parte temporary order for protection under section 518B.01, subdivision 7. Notwithstanding section 518B.01, subdivision 7, paragraph (b), or 609.748, subdivision 4, paragraph (c), the temporary order is effective until the defendant is convicted or acquitted, or the charge is dismissed, provided that upon request the defendant is entitled to a full hearing on the restraining order under section 609.748, subdivision 5, or

3.1 on the order for protection under section 518B.01. The hearing must be held within seven
3.2 days of the defendant's request.

3.3 **EFFECTIVE DATE.** This section is effective August 1, 2025, and applies to pretrial
3.4 release decisions made on or after that date.