

1.1 Senator moves to amend S.F. No. 5153 as follows:

1.2 Page 3, delete subdivision 4 and insert:

1.3 "Subd. 4. **Affirmative defense.** (a) As used in this subdivision:

1.4 (1) "family or household member" has the meaning given in section 518B.01, subdivision
1.5 2, paragraph (b); and

1.6 (2) "substantial emotional distress" has the meaning given in section 609.749, subdivision
1.7 2, paragraph (a).

1.8 (b) If proven by a preponderance of the evidence, it is an affirmative defense to a violation
1.9 of this section that the defendant committed the violation only under compulsion by the
1.10 transferee, who by explicit or implicit threats or other acts created a reasonable apprehension
1.11 in the mind of the defendant that the refusal of the defendant to participate in the violation
1.12 would result in the transferee inflicting substantial bodily harm, substantial emotional
1.13 distress, or death on the defendant or a family or household member of the defendant.

1.14 (c) The court may consider any evidence of past domestic abuse, domestic or
1.15 non-domestic assault, criminal sexual conduct, sexual extortion, sex trafficking, labor
1.16 trafficking, harassment or stalking, or any other violent crime, or threats to commit any of
1.17 these crimes by the transferee toward the defendant or another when determining the
1.18 applicability of this subdivision. Past prosecution is not required for the court to consider
1.19 evidence of these crimes. Nothing in this paragraph limits the court's authority to consider
1.20 other relevant evidence when determining the applicability of this subdivision."