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S.F. No. 4413 – Service of process; orders for protection and harassment restraining orders

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S.F. 4413 consolidates references to service of process requirements under the statutes governing orders for protection and harassment restraining orders. This bill requires that certain individuals provide information to a sheriff, or other officer, who is attempting to locate a respondent to serve orders or other papers. It requires the sheriff or other officer to make reasonable efforts to locate the respondent. This bill also allows service to be made electronically or by mail for certain respondents.

Section 1 makes a conforming change.

Section 2 permits service of an order for protection electronically or by first class mail if the respondent appears remotely at a hearing and is notified at the hearing that an order will be issued.

Section 3 makes a conforming change.

Section 4 consolidates service requirements in the statute governing orders for protection into a single subdivision. This section requires peace officers, probation officers, court services officers, parole officers, and employees of jail or correctional facilities to provide any sheriff or other officer attempting to effectuate service of an order for protection with relevant information regarding where a respondent may be found. This section requires a sheriff or other law enforcement officer attempting to serve a respondent with an order for protection or related document to make reasonable efforts to locate the respondent, and requires the sheriff or other officer serving an order to provide a copy of the served order or notification of service to the respondent's probation officer.

Section 5 makes a conforming change.

Section 6 permits service of a harassment restraining order electronically or by first class mail if the respondent appears remotely at a hearing and is notified at the hearing that an order will be issued.

Section 7 consolidates service requirements in the statute governing harassment restraining orders into a single subdivision. This section requires peace officers, probation officers, court services officers, parole officers, and employees of jail or correctional facilities to provide any sheriff or other officer attempting to effectuate service of a harassment restraining order with relevant information regarding where a respondent may be found. This section requires a sheriff or other law enforcement officer attempting to serve a respondent with a harassment restraining order or related document to make reasonable efforts to locate the respondent; and requires the sheriff or other officer serving an order to provide a copy of the served order or notification of service to the respondent's probation officer.

Section 8 provides that orders for dismissal of a temporary restraining order or restraining order may be served personally or by certified mail.