

SENATE
STATE OF MINNESOTA
NINETY-FOURTH SESSION

S.F. No. 2099

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DATE
03/03/2025

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Introduction and first reading
Referred to Judiciary and Public Safety

OFFICIAL STATUS

1.1 A bill for an act

1.2 relating to public safety; extending victim notification to order for protection and

1.3 harassment restraining order violations not prosecuted; clarifying and updating

1.4 victim notification requirements for law enforcement agencies and prosecutors;

1.5 amending Minnesota Statutes 2024, sections 611A.02; 611A.0315; 629.341,

1.6 subdivision 3.

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

1.8 Section 1. Minnesota Statutes 2024, section 611A.02, is amended to read:

1.9 **611A.02 NOTIFICATION OF VICTIM SERVICES AND VICTIMS' RIGHTS.**

1.10 Subd. 2. **Victims' rights.** (a) The Office of Justice Programs in the Department of Public

1.11 Safety shall update the two model notices of the rights of crime victims required to be

1.12 distributed under this section and section 629.341.

1.13 (b) The initial notice of the rights of crime victims must be distributed by a peace officer

1.14 to each victim, as defined in section 611A.01, at the time of initial contact with the victim

1.15 at the scene or when the victim makes a report. The notice, which can be distributed as a

1.16 document or electronically, must inform a victim of:

1.17 (1) the victim's right to apply ~~for reparations~~ to the Minnesota Crime Victims

1.18 Reimbursement Program to cover losses, not including property losses, resulting from a

1.19 violent crime ~~and the telephone number to call to request an application and information~~

1.20 on how to apply;

1.21 (2) the victim's right to request that the law enforcement agency withhold public access

1.22 to data revealing the victim's identity under section 13.82, subdivision 17, paragraph (d);

1.23 (3) the additional rights of domestic abuse victims as described in section 629.341;

(4) information on statewide crime victim help lines and the nearest crime victim assistance program or resource; and

~~(5) the victim's rights, if an offender is charged, to be informed of and participate in the prosecution process, including the right to request restitution; and~~ right to be notified if an offender is charged, to participate in the prosecution process, and to request restitution upon conviction.

~~(6) (c) A supplemental notice must be distributed by law enforcement agencies in homicide cases; and must include resources and information specific to homicide victims and information on rights and procedures available under sections 524.2-803, 524.3-614, and 524.3-615.~~

~~(e) (d)~~ A supplemental notice of the rights of crime victims must be distributed by the city or county attorney's office to each victim, within a reasonable time after the offender is charged or petitioned. This notice must inform a victim of all the rights of crime victims under this chapter.

Subd. 3. **Notice of rights of victims in juvenile court.** ~~(a) The Office of Justice Programs in the Department of Public Safety shall update the notice of the rights of victims in juvenile court that explains~~ A supplemental notice shall be distributed by the prosecutor's office to each victim of an offense committed by a juvenile within a reasonable time after the petition is filed. This notice must notify the victim of:

(1) the rights of victims in the juvenile court;

(2) when a juvenile matter is public;

(3) the procedures to be followed in juvenile court proceedings; ~~and~~

(4) the right to attend certain juvenile court proceedings;

(5) the information related to the juvenile case that is available to victims; and

~~(4) (6)~~ other relevant matters.

~~(b) The juvenile court shall distribute a copy of the notice to each victim of juvenile crime who attends a juvenile court proceeding, along with a notice of services for victims available in that judicial district.~~

Sec. 2. Minnesota Statutes 2024, section 611A.0315, is amended to read:

611A.0315 VICTIM NOTIFICATION; DOMESTIC ASSAULT; CRIMINAL SEXUAL CONDUCT; HARASSMENT; STALKING.

Subdivision 1. **Notice of decision not to prosecute.** (a) A prosecutor shall make every reasonable effort to notify a victim of domestic assault, a criminal sexual conduct offense, ~~or~~ harassment or stalking, a violation of an order for protection, domestic abuse no contact order, or harassment restraining order that the prosecutor has decided to decline prosecution of the case or to dismiss the criminal charges filed against the defendant. Efforts to notify the victim should include, in order of priority: (1) contacting the victim or a person designated by the victim by telephone; and (2) contacting the victim by email or mail. If a suspect is still in custody, ~~the~~ a telephone or email notification attempt shall be made before the suspect is released from custody.

(b) Whenever a prosecutor dismisses criminal charges against a person accused of domestic assault, a criminal sexual conduct offense, ~~or~~ harassment or stalking, a violation of an order for protection, or a violation of a harassment restraining order, a record shall be made of the specific reasons for the dismissal. If the dismissal is due to the unavailability of the witness, the prosecutor shall indicate the specific reason that the witness is unavailable.

(c) Whenever a prosecutor notifies a victim of domestic assault, criminal sexual conduct, or harassment or stalking under this section, the prosecutor shall also inform the victim of the method and benefits of seeking an order for protection under section 518B.01 or a restraining order under section 609.748 and that the victim may seek an order without paying a fee.

Subd. 2. **Definitions.** For the purposes of this section, the following terms have the meanings given them.

(a) "Assault" has the meaning given it in section 609.02, subdivision 10.

(b) "Domestic assault" means an assault committed by the actor against a family or household member.

(c) "Family or household member" has the meaning given it in section 518B.01, subdivision 2.

(d) "Harassment" or "stalking" means a violation of section 609.749.

(e) "Criminal sexual conduct offense" means a violation of sections 609.342 to 609.3453.

4.1 (f) "Violation of an order for protection" has the meaning given in section 518B.01,
4.2 subdivision 14.

4.3 (g) "Violation of a harassment restraining order" has the meaning given in section
4.4 609.748, subdivision 6.

4.5 Sec. 3. Minnesota Statutes 2024, section 629.341, subdivision 3, is amended to read:

4.6 Subd. 3. **Notice of rights.** The peace officer shall ~~tell~~ orally notify the victim ~~whether~~
4.7 ~~a~~ about shelter or other services ~~are~~ available in the community and give the victim immediate
4.8 written notice of the legal ~~rights and~~ remedies and resources available. The written notice
4.9 must include ~~furnishing the victim a copy of~~ the following statement:

4.10 ~~"IF YOU ARE THE VICTIM OF DOMESTIC VIOLENCE, you can ask the city or~~
4.11 ~~county attorney to file a criminal complaint. You also have the right to go to court and file~~
4.12 ~~a petition requesting an order for protection from domestic abuse. The order could include~~
4.13 ~~the following:~~

4.14 ~~(1) an order restraining the abuser from further acts of abuse;~~

4.15 ~~(2) an order directing the abuser to leave your household;~~

4.16 ~~(3) an order preventing the abuser from entering your residence, school, business, or~~
4.17 ~~place of employment;~~

4.18 ~~(4) an order awarding you or the other parent custody of or parenting time with your~~
4.19 ~~minor child or children; or~~

4.20 ~~(5) an order directing the abuser to pay support to you and the minor children if the~~
4.21 ~~abuser has a legal obligation to do so."~~

4.22 "IF YOU ARE A VICTIM OF DOMESTIC VIOLENCE, you can file a petition with
4.23 the court for an order for protection and ask that the person responsible for the domestic
4.24 violence:

4.25 (1) Be restrained from further acts of abuse;

4.26 (2) Leave your household;

4.27 (3) Stay away from your residence, school, business, or place of employment; and

4.28 (4) Pay temporary support to you and for the minor child if the person is legally obligated
4.29 to do so.

4.30 In your petition, you can request a custody and parenting time order for a child in common
4.31 with the person."

5.1 The notice must include the ~~resource listing, including telephone number, for the area~~
5.2 ~~program that provides~~ statewide domestic abuse help line and contact information for area
5.3 organizations providing services to victims of domestic abuse as shelter, designated by the
5.4 Office of Justice Programs in the Department of Public Safety.

5.5 Sec. 4. **USE OF EXISTING SUPPLY.**

5.6 A law enforcement agency, city attorney's office, or county attorney's office may exhaust
5.7 existing notices before producing materials with the modifications required under Minnesota
5.8 Statutes, sections 611A.02, subdivision 2, and 629.341, subdivision 3.