

HOUSE OF REPRESENTATIVES

EIGHTY-EIGHTH SESSION

H. F. No. 2141

- 02/25/2014 Authored by Rosenthal, Schoen, Cornish, Halverson, Dean, M., and others
The bill was read for the first time and referred to the Committee on Public Safety Finance and Policy
- 02/27/2014 Adoption of Report: Amended and re-referred to the Committee on Judiciary Finance and Policy
- 03/17/2014 Adoption of Report: Amended and Placed on the General Register
Read Second Time
- 04/09/2014 Calendar for the Day
Read Third Time
Passed by the House and transmitted to the Senate

1.1 A bill for an act
 1.2 relating to public safety; clarifying probable cause arrests for violations of
 1.3 protection, restraining, and no contact orders; modifying time limit for probable
 1.4 cause arrests for domestic abuse; amending Minnesota Statutes 2012, sections
 1.5 629.34, subdivision 1; 629.341, subdivision 1.

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

1.7 Section 1. Minnesota Statutes 2012, section 629.34, subdivision 1, is amended to read:

1.8 Subdivision 1. **Peace officers.** (a) A peace officer, as defined in section 626.84,
 1.9 subdivision 1, clause (c), who is on or off duty within the jurisdiction of the appointing
 1.10 authority, or on duty outside the jurisdiction of the appointing authority pursuant to section
 1.11 629.40, may arrest a person without a warrant as provided under paragraph (c).

1.12 (b) A part-time peace officer, as defined in section 626.84, subdivision 1, clause (d),
 1.13 who is on duty within the jurisdiction of the appointing authority, or on duty outside the
 1.14 jurisdiction of the appointing authority pursuant to section 629.40 may arrest a person
 1.15 without a warrant as provided under paragraph (c).

1.16 (c) A peace officer or part-time peace officer who is authorized under paragraph (a)
 1.17 or (b) to make an arrest without a warrant may do so under the following circumstances:

1.18 (1) when a public offense has been committed or attempted in the officer's presence;

1.19 (2) when the person arrested has committed a felony, although not in the officer's
 1.20 presence;

1.21 (3) when a felony has in fact been committed, and the officer has reasonable cause
 1.22 for believing the person arrested to have committed it;

1.23 (4) upon a charge based upon reasonable cause of the commission of a felony by
 1.24 the person arrested;

2.1 (5) under the circumstances described in clause (2), (3), or (4), when the offense is a
2.2 gross misdemeanor violation of section 609.52, 609.595, 609.631, 609.749, or 609.821;

2.3 (6) under circumstances described in clause (2), (3), or (4), when the offense is a
2.4 nonfelony violation of section 518B.01, subdivision 14; 609.748, subdivision 6; or 629.75,
2.5 subdivision 2, or a nonfelony violation of any other restraining order or no contact order
2.6 previously issued by a court; or

2.7 (7) under the circumstances described in clause (2), (3), or (4), when the offense is
2.8 a gross misdemeanor violation of section 609.485 and the person arrested is a juvenile
2.9 committed to the custody of the commissioner of corrections; or

2.10 (8) if the peace officer has probable cause to believe that within the preceding 72
2.11 hours, exclusive of the day probable cause was established, the person has committed
2.12 nonfelony domestic abuse, as defined in section 518B.01, subdivision 2, even though the
2.13 assault did not take place in the presence of the peace officer.

2.14 (d) To make an arrest authorized under this subdivision, the officer may break open
2.15 an outer or inner door or window of a dwelling house if, after notice of office and purpose,
2.16 the officer is refused admittance.

2.17 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
2.18 offenses committed on or after that date.

2.19 Sec. 2. Minnesota Statutes 2012, section 629.341, subdivision 1, is amended to read:

2.20 Subdivision 1. **Arrest.** Notwithstanding section 629.34 or any other law or rule, a
2.21 peace officer may arrest a person anywhere without a warrant, including at the person's
2.22 residence, if the peace officer has probable cause to believe that within the preceding
2.23 ~~24 hours~~ 72 hours, exclusive of the day probable cause was established, the person has
2.24 committed nonfelony domestic abuse, as defined in section 518B.01, subdivision 2. The
2.25 arrest may be made even though the assault did not take place in the presence of the
2.26 peace officer.

2.27 **EFFECTIVE DATE.** This section is effective August 1, 2014, and applies to
2.28 offenses committed on or after that date.