

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 2852

(SENATE AUTHORS: BIGHAM)

DATE
03/01/2018

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OFFICIAL STATUS
Introduction and first reading
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act
1.2 relating to public safety; including attempt to enter a school to school trespass
1.3 crime; increasing the penalty for trespassing on school property; amending
1.4 Minnesota Statutes 2016, section 609.605, subdivision 4.

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

1.6 Section 1. Minnesota Statutes 2016, section 609.605, subdivision 4, is amended to read:

1.7 Subd. 4. **Trespasses on school property.** (a) It is a gross misdemeanor for a person to
1.8 attempt to enter, enter, or be found in a public or nonpublic elementary, middle, or secondary
1.9 school building unless the person:

1.10 (1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee
1.11 of the school or school district;

1.12 (2) has permission or an invitation from a school official to be in the building;

1.13 (3) is attending a school event, class, or meeting to which the person, the public, or a
1.14 student's family is invited; or

1.15 (4) has reported the person's presence in the school building in the manner required for
1.16 visitors to the school.

1.17 (b) It is a gross misdemeanor for a person to attempt to be on or be on the roof of a public
1.18 or nonpublic elementary, middle, or secondary school building unless the person has
1.19 permission from a school official to be on the roof of the building.

1.20 (c) It is a gross misdemeanor for a group of three or more persons to attempt to enter,
1.21 enter, or be found in a public or nonpublic elementary, middle, or secondary school building
1.22 unless one of the persons:

2.1 (1) is an enrolled student in, a parent or guardian of an enrolled student in, or an employee
2.2 of the school or school district;

2.3 (2) has permission or an invitation from a school official to be in the building;

2.4 (3) is attending a school event, class, or meeting to which the person, the public, or a
2.5 student's family is invited; or

2.6 (4) has reported the person's presence in the school building in the manner required for
2.7 visitors to the school.

2.8 (d) It is a gross misdemeanor for a person to use false pretenses to attempt to enter, enter,
2.9 or be found in a public or nonpublic elementary, middle, or secondary school building unless
2.10 the person is an enrolled student in, a parent or guardian of an enrolled student in, or an
2.11 employee of the school or school district.

2.12 ~~(d)~~ (e) It is a gross misdemeanor for a person to attempt to enter, enter, or be found on
2.13 school property within one year after being told by the school principal or the principal's
2.14 designee to leave the property and not to return, unless the principal or the principal's
2.15 designee has given the person permission to return to the property. As used in this paragraph,
2.16 "school property" has the meaning given in section 152.01, subdivision 14a, clauses (1) and
2.17 (3).

2.18 ~~(e)~~ (f) A school principal or a school employee designated by the school principal to
2.19 maintain order on school property, who has reasonable cause to believe that a person is
2.20 violating this subdivision may detain the person in a reasonable manner for a reasonable
2.21 period of time pending the arrival of a peace officer. A school principal or designated school
2.22 employee is not civilly or criminally liable for any action authorized under this paragraph
2.23 if the person's action is based on reasonable cause.

2.24 ~~(f)~~ (g) A peace officer may arrest a person without a warrant if the officer has probable
2.25 cause to believe the person violated this subdivision within the preceding four hours. The
2.26 arrest may be made even though the violation did not occur in the peace officer's presence.

2.27 **EFFECTIVE DATE.** This section is effective August 1, 2018, and applies to crimes
2.28 committed on or after that date.