STANDPOINT

2026 *New Laws*

LEGISLATIVE & JUDICIAL UPDATES

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2026 CRIMINAL LAW STATUTORY UPDATE

MURDER

- Minn. Stat. § 609.19, subd. 2 – Murder in the Second Degree
  - Unintentional murder: Includes causing the death of another, while intentionally inflicting or attempting to inflict bodily harm upon the victim, when the perpetrator is restrained by an OFP, HRO, or DANCO protecting the victim.
    - New provision specifically adds orders issued in the District of Columbia, Tribal lands, United States territories, Canada, or a Canadian province similar to these orders
      - Previously only referenced "court of another state or of the United States"

DOMESTIC ASSAULT

- Minn. Stat. § 629.341 – Allowing Probable Cause Arrests for Domestic Violence; Immunity from Liability
  - BIG CHANGE – extends 72-hour warrantless arrest for nonfelony domestic abuse to 14 days!!
  - Requires creation of written report for QDVRO
    - Clarifies DV agency access to reports
  - If a peace officer has probable cause to believe that a person committed harassment / stalking / domestic abuse / OFP violation / DANCO violation and the person was not arrested, the peace officer should seek a warrant for the person's arrest ***without undue delay***

DOMESTIC ASSAULT

- Minn. Stat. § 629.72 – Domestic Abuse; Harassment; Violation of OFP; or No-Contact Order
  - Individual arrested for violating an OFP / DANCO must be held in custody **for at least 36 hours** unless released earlier by a judicial officer
  - Individual arrested for harassment, stalking, or domestic abuse must be issued a citation in lieu of continued detention UNLESS it reasonably appears that release of the person:
    - Poses a threat to the victim or another family or household member
    - Poses a threat to public safety
    - Involves a substantial likelihood that the arrested person will fail to appear at subsequent proceedings
  - Factors to consider
    - Previous arrest / conviction for: harassment, stalking, domestic abuse, OFP violation, or DANCO violation
    - Any OFP, HRO, or DANCO in which the person was identified as the subject of the order
    - Any pending petitions for an OFP or HRO in which the person is a respondent

DOMESTIC ASSAULT

- Minn. Stat. § 629.72 – Domestic Abuse; Harassment; Violation of OFP; or No-Contact Order
  - If someone is arrested for harassment / stalking / domestic abuse / violation of an OFP or DANCO and they are **not** issued a citation in lieu of detention, they must be brought before a judge without unnecessary delay
  - If the arrest was for violation of an OFP / DANCO, prosecutor must describe the allegations in the underlying petition or criminal case, and the judge must consider this in pretrial release decisions
  - Judge must make findings to determine whether release of the person poses a threat to the victim / another family or household member / public safety, or if there is a substantial likelihood the person will fail to appear at subsequent proceedings
    - Factors include:
      - Previous arrest or conviction for harassment / stalking / domestic abuse / OFP violation / DANCO violation
      - Any OFP / HRO / DANCO in which the person was identified as the subject of the order
      - Any pending petitions for an OFP / HRO in which the person is a respondent and the nature of the allegations in any petition

STALKING

- Minn. Stat. § 611A.036 – Prohibition Against Employer Retaliation
  - Employer must allow time off for stalking victim to testify in criminal case and may not retaliate against the victim for this time off
    - (Other offenses are already included; adds stalking as a crime protected under the statute)

FELONY GROOMING

- Minn. Stat. § 609.352 – Solicitation of Children to Engage in Sexual Conduct, Communication of Sexually Explicit Materials to Children (subd. 2c-2e added)
  - Person 18 or older commits **felony grooming** if they:
    - Express to a child the desire / intent to engage in sexual conduct with that child; and
    - Engage in a deliberate pattern of conduct to methodically develop a false trusting relationship with the child that is intended to strategically manipulate the child to engage in sexual conduct with the person at a future time
      - Crime can be charged regardless of whether any sexual conduct occurred
  - Violations by persons in positions of authority AND violations by school employees/contractors *where the child is a student* only requires one of the above acts to be charged with grooming
- Minn. Stat. § 260E.15(c) – Screening Guidelines
  - Grooming must be reported by mandated reporters

INCREASED PENALTIES FOR COERCION

- Minn. Stat. § 609.27, subd. 2 – Coercion
  - A person who threatens nonconsensual dissemination of private sexual images may be sentenced to:
    - Max. 10 years imprisonment / $20,000 fine (or both) if violation was substantial factor in victim's great bodily harm
    - Max. 15 years imprisonment / $30,000 fine (or both) if the violation was substantial factor in victim's death

RESTITUTION

- Minn. Stat. § 611A.04 – Order of Restitution
  - Notwithstanding § 541.04 (10-year expiration date for entered judgment) or any other law / rule to the contrary, an order of restitution docketed as a civil judgment **does not expire** until satisfied or otherwise discharged pursuant to a court order
- Minn. Stat. § 244.46 – Earned Compliance Credit and Supervision Abatement Status
  - Already a requirement for a policy providing for earned compliance credit and supervision abatement status
  - NEW: must include consideration of individual's effort to pay restitution (to the extent known by supervising agency) and must provide that an individual who has the ability to pay restitution but engages in willful nonpayment is not eligible to transition to supervision abatement status

IDENTITY THEFT

- Minn. Stat. § 609.527 - Identity Theft
  - Adds forged digital likeness to identity theft statute
  - Forged digital likeness: any video recording / motion-picture film / sound recording / electronic image / photograph / technological representation of speech or conduct substantially derivative thereof that:
    - Was created / adapted / altered / modified in a manner substantially dependent upon technical means;
    - Misrepresents appearance / speech / conduct of the individual; and
    - Is so realistic that a reasonable person would believe it depicts the image / speech of an actual individual

VICTIM'S RIGHTS

- Minn. Stat. § 611A.03 - Plea Agreements; Notification
  - At the hearing where the plea is presented to the court, the court **shall** ask the prosecutor if the victim:
    - Has been notified of the plea agreement recommendation;
    - Has been notified of the plea hearing; and
    - Wishes to express their objections to the plea agreement orally / writing / through the prosecutor
- Minn. Stat. § 611A.038 - Right to Submit Statement at Sentencing
  - At sentencing / disposition hearing, the court shall ask the prosecutor if the victim:
    - Has been notified of the hearing;
    - If the victim is in court; and
    - If the victim wishes to submit a victim impact statement orally / in writing / through the prosecutor or their designee
- Minn. Stat. § 611A.039 - Right to Notice of Final Disposition of Criminal Case
  - Prosecutor shall make reasonable good faith efforts to provide to each crime victim oral / written notice of eligibility of the offense for automatic expungement (§ 609A.015) of any offense that was dismissed, resulted in conviction, or acquitted



2026
PROTECTIVE ORDER STATUTORY UPDATE

(OFP / HRO / DANCO)

FIREARMS ENFORCEMENT – OFPS & CRIMINAL LAW

- Minn. Stat. § 518B.01 - Domestic Abuse Act
  - OFP petition must describe (to the best of petitioner's knowledge) the types and locations of any firearms believed by petitioner to be possessed by respondent
    - Court may not dismiss a petition if petitioner does not provide a description of firearms / locations of firearms owned by respondent
- Minn. Stat. § 518B.03 - Transfer of Firearms from Certain Prohibited Persons
  - Firearms transfer orders – child protection (§ 260C.201), OFP (§ 518B.01), domestic assault (§ 609.2242), harassment / stalking (§ 609.749), or crimes against persons (§ 629.715)
    - Court must order subject to transfer firearms as soon as reasonably practicable to a federally licensed firearms dealer, local law enforcement agency, or third party who may lawfully receive them
      - Needs to impose a deadline, taking into account subject's custody status and location of firearms
      - Third party transfer must be completed at local law enforcement agency and either supervised by a peace officer or conducted in a safe zone provided by the agency that is under video surveillance. Third party must not live with the subject of the order.
      - Subject needs to submit proof of transfer / declaration of nonpossession. If transfer is to a third party, the third party must sign an affidavit.
    - Can be permanent or temporary (except that transfers required under a lifetime firearms ban, those are permanent)

FIREARMS ENFORCEMENT, CONTINUED

- Minn. Stat. § 518B.03 - Transfer of Firearms from Certain Prohibited Persons
  - The court must hold a compliance hearing within ten business days of issuing firearms transfer order
    - May waive the hearing if the court determines that the subject has complied with the order by filing proof of transfer or a credible declaration of nonpossession
  - If the court finds there is probable cause to believe that the subject is not in compliance or fails to appear at a compliance hearing, the court MUST take appropriate action under the circumstances, which may include:
    - Issuing a warrant for the subject's arrest and notifying the chief law enforcement officer of the local law enforcement agency of the subject's failure to comply with the order
    - Initiating a contempt proceeding and issue an order requiring the subject to appear (with additional sanctions for failure to appear), provide proof of compliance with the order, and show cause why the subject should not be held in contempt of court

SEVER SHARED PHONE PLANS

- Minn. Stat. § 518B.01 - Domestic Abuse Act
  - If requested by the petitioner, OFP can issue a separate order under § 518B.04 for severing a shared wireless plan
- Minn. Stat. § 518B.04 - Transfer/Release of Domestic Abuse Victims from Shared Wireless Plans
  - New statute allowing a victim/survivor to transfer / be released from shared wireless plan if they have an OFP against the phone account holder
    - No filing fee; no fee may be charged by the wireless company
    - No hearing required unless the court declines the requested relief or petitioner requests a hearing
    - Petitioner may choose to transfer phone number or be assigned a new one
    - BUT, remains liable for unpaid balance on shared wireless plan if they were the account holder
- Safe Connections Act is federal statute that allows a similar remedy, but not a clear time frame
  - This statute requires the action to be completed by the following billing cycle

HRO NOTIFICATION

- Minn. Stat. § 609.748, subd. 5d – Harassment; Restraining Order
  - ⑥ Upon a petitioner's request, a sheriff / law enforcement officer / designee must make **reasonable efforts** to notify the petitioner before or immediately after service that the respondent will be or has been served with the order
    - Reasonable efforts include but are not limited to texting, calling, or emailing the petitioner if the petitioner's contact information is available to sheriff / law enforcement officer / designee



2026 FAMILY LAW STATUTORY UPDATE

NOTICE TO PUBLIC AUTHORITY

- Minn. Stat. § 518A.44 - Notice to Public Authority

  The petitioner shall notify the public authority of all proceedings for dissolution with children, legal separation with children, determination of parentage, or for the custody of a child, if either party is receiving public assistance or applies for it subsequent to the commencement of the proceeding.

  - Only required to notify public authority if divorce / legal separation involves children
  - Used to require notice for all recipients of public assistance, but now only required for those involving children

PARENTAL CONSENT – SOCIAL MEDIA

- Minn. Stat. § 325M.33(6) - Transparency Requirements for Social Media Platforms
  - A social media platform must publicly and conspicuously post the following information on the social media platform's website:
    - An explanation of the age estimation process used to determine the age of account holders

PARENTAL CONSENT – SOCIAL MEDIA

- Minn. Stat. § 325M.40 - Stop Harms from Addictive Social Media
  - A covered social media platform may **not** create an account for a child / change terms and conditions without verifiable parental consent
    - Children's Online Privacy Protection Act, U.S.C. title 15, § 6501(9)
      - Any reasonable effort to ensure a parent receives notice of the operator's personal information collection, use, and disclosure practices, and authorizes the collection, use, and disclosure, as applicable, of personal information and the subsequent use of that information before that information is collected
    - Code of Federal Regulations, title 16, § 312.5
      - Reasonable efforts, taking into consideration available technology
      - Any method to obtain verifiable parental consent must be reasonably calculated, in light of available technology, to ensure that the person providing consent is the child's parent
      - Provides examples of methods to obtain verifiable parental consent
  - Must estimate the age of all new account holders within 14 days using reasonable efforts, taking into consideration available technology and the data in the possession of the covered social media platform. If the platform cannot conclude that the user is 16 years or older, it must treat the account holder as a child

PARENTAL CONSENT – SOCIAL MEDIA

- Minn. Stat. § 325M.40 - Stop Harms from Addictive Social Media
  - CANNOT maintain child's account without verifiable consent
  - Information collected from verifiable parental consent cannot be used for any purpose other than obtaining consent
    - Cannot be sold, transferred, or disclosed
    - Except when necessary to comply with applicable state / federal law or regulation
  - Account for a child must have all privacy settings set by default at the most private levels
  - Platform may not present addictive interface features or targeted paid commercial advertising in the display or feed of any account of a child

PARENTAL CONSENT – SOCIAL MEDIA

- Minn. Stat. § 325M.40 - Stop Harms from Addictive Social Media
  - To obtain verifiable parental consent for a child's social media account, a covered social media platform shall prominently provide and explain an option for the parent to:
    - Monitor the amount of time the child uses the social media platform;
    - Set daily and weekly time limits for use; and
    - Set limits on times of day when the social media platform can be accessed
  - Private right of action for violations – court may award declaratory or injunctive relief, general and special damages, court costs and fees, reasonable attorney fees, and any other appropriate relief.
    - If a covered social media platform's violation was reckless / knowing, the Child / parent who successfully demonstrates a violation of this section shall be entitled to recover **actual damages** or **$10,000** (whichever is greater)
    - If violation was part of a consistent pattern of reckless or knowing conduct, punitive damages may be awarded



2026
CIVIL LAW
STATUTORY UPDATE

MANDATORY REPORTING

- Minn. Stat. § 122A.20, subd. 2 – Suspension or Revocation of Licenses
  - Police / county sheriff must notify appropriate licensing board when teacher has criminal charges of:
    - Child abuse (§ 609.185)
    - First-second degree sex trafficking (609.322, subd.1-1a)
    - Engaging in hiring, or agreeing to hire a minor to engage in prostitution (§ 609.324, subd. 1)
    - Sexual abuse (§ 609.342-51, subd. 3, or 617.23, subd. 3)
    - Solicitation of children to engage in sexual conduct / communication of sexually explicit materials to children (§ 609.352)
    - Grooming (§ 609.352)
    - Interference with privacy / harassment / stalking when victim was a minor (§ 609.746 and 609.749)
    - Using minors in a sexual performance (§ 617.246)
    - Possessing pornographic works involving a minor (§ 617.247)
    - Any other offense requiring predatory offender registration under § 243.166 / crime under a similar law of another state or the United States

AI NUDIFICATION SOFTWARE

- Minn. Stat. § 325E.91 - Prohibition of Nudification Technology
  - Bans AI nudification software and penalizes companies up to $500,000 for violation
    - Doesn't apply when the user's technical skill allows them to nudify an image / video
    - "Technical skill": substantial application of individualized technological / artistic skill and judgment by a human creator in directing, shaping, or controlling the output

SAFE AT HOME

- Minn. Stat. § 5B.02 - Definitions
  - Emancipated minor can apply for SAH address now!
- Minn. Stat. § 5B.11 - Legal Proceedings; Protective Order
  - Before a court may order disclosure of SAH address, the court must issue a written order making required statutory findings
    - Order must be served on secretary of state
    - Order may not be enforced until at least 30 days after service
    - Secretary of state may request reconsideration / intervene in a proceeding involving potential address disclosure

SAFE AT HOME, CONTINUED

- Minn. Stat. § 5B.13 - Criminal Penalty
  - If someone's violation of SAH statute causes bodily harm, the violation can be charged as a gross misdemeanor
- Minn. Stat. § 5B.14 - Nondiscrimination
  - Discrimination based on SAH participation is prohibited
- Minn. Stat. § 480.30 - Judicial Training
  - Judicial education program must include information on SAH and address disclosure legal proceedings

COURT NOTICES

- Minn. Stat. § 484.085 - Publication of Notice
  - When notice by publication is required, the district court may publish notice by posting on the official website of the judicial branch if the judicial branch determines that there is no qualified local newspaper that is likely to give notice in the affected area or to whom notice is directed.
    - Note: This does NOT apply to notices published by a PARTY to a case!

HOUSING

- Minn. Stat. § 504B.118 - Payment of Rent
  - Landlord who requires digital payment platform for rent payments must provide an alternative if the digital payments platform is not functioning
  - Landlord prohibited from taking adverse action based on late payment when digital payment platform and alternative payment method are not functioning
- Minn. Stat. § 504B.2136 - Minors as Defendants Prohibited
  - Landlord may not list a minor as a defendant in an eviction unless the minor is the only renter
- Minn. Stat. § 515B.4-116 – Rights of Action; Retaliation Prohibited; Attorney's Fees
  - HOAs prohibited from releasing SAH addresses

CONTRACT FOR DEED

- Standpoint, Legal Aid, and MNCASA teamwork
  - Special thank you to Larry Wertheim, contract-for-deed extraordinaire
- Minn. Stat. § 559.206 - Action to Terminate a Partial Interest in a Contract for Deed by a Victim of Domestic Violence
  - Allows survivor to sever contract for deed with abuser with:
    - A qualifying document (similar to lease break process under 504B.206)
    - 6 months of nonpayment of the contract
    - 6 months of abandonment of the property



INSURANCE REGARDING PROPERTY DAMAGE

- Minn. Stat. § 65A.304 - Damage by Peace Officers; Mitigation
  - Homeowner insurance policies must cover damage caused by police
- Minn. Stat. § 626.745 - Use of Chemical Irritants; Disclosure Required
  - Police must disclose chemical irritant / smoke screen / diversionary device used inside building to:
    - Building owners
    - Tenants
    - Applicable insurers
    - Any person providing cleaning or remediation services related to the deployment of such chemical irritants / smoke screens / diversionary devices

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