

## S.F. No. 395 – Uniform Recognition and Enforcement of Canadian Orders for Protection Act

**Author:** Senator Mark Johnson

**Prepared by:** Priyanka Premo, Senate Counsel (651/296-3317)

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### Overview

**SF 395** provides for the recognition and enforcement of orders for protection issued in Canada. **Article 1** establishes the Uniform Recognition and Enforcement of Canadian Orders for Protection Act. **Article 2** makes conforming changes.

### Article 1

**Section 1. Short title.** Provides that this chapter may be cited as the “Uniform Recognition and Enforcement of Canadian Orders for Protection Act.”

**Sec. 2. Definitions.** Defines the terms “Canadian order for protection,” “domestic abuse,” “issuing court,” “order for protection,” “peace officer,” “person,” “protected individual,” “record,” and “respondent.”

**Sec. 3. Enforcement of Canadian orders for protection by peace officer.** Requires a peace officer to enforce a Canadian order for protection (“Canadian OFP”) as if it were an order issued by a court in Minnesota. Does not require the presentation of a certified copy of the order. Probable cause may be established by presenting a record of the Canadian OFP that identifies both the protected individual and the respondent. Permits a peace officer to consider other information to establish probable cause. Requires the officer to notify a respondent who has not been notified of the existence of an order and allow the respondent with reasonable time to comply. Requires the officer to inform the protected individual of available local victim services.

**Sec. 4. Enforcement of Canadian order for protection by court.** Permits a Minnesota court to issue an order enforcing or refusing to enforce a Canadian OFP upon application by the respondent or person authorized to seek enforcement of an order for protection under **chapter 518B**. Requires the court to follow Minnesota procedures, but limits relief to the terms of the Canadian OFP. Provides that a Canadian OFP is enforceable if identifies the protected individual and the respondent, the OFP has not expired, the OFP was issued by a court with jurisdiction over the parties; and the OFP was

issued in accordance with the respondent's due process rights. Provides that a Canadian OFP on its face is prima facie evidence of enforceability. A person claiming non-enforceability of a Canadian OFP bears the burden to show by a preponderance of the evidence that the requirements under this section were not met. Provides that mutual OFPs are enforceable if the party seeking enforcement of that OFP filed the request with the court.

**Sec. 5. Registration of Canadian Order for Protection.** Permits an individual to register a Canadian OFP under **section 518B.01, subdivision 19a.**

**Sec. 6. Immunity.** Provides government entities and officials with civil and criminal immunity if the act or omission was a good faith effort to comply with this chapter.

**Sec. 7. Other remedies.** Provides that an individual may seek other remedies in addition to a remedy under this chapter.

**Sec. 8. Relation to the Electronic Signatures in Global and National Commerce Act.** Provides that this chapter supersedes a federal law governing electronic signatures.

**Sec. 9. Transition.** Provides that this new chapter applies to Canadian OFPs issued before, on, or after the effective date of this chapter.

**Sec. 10. Severability.** States that, if any portion of the chapter is not enforceable, it is severed from the other portions which remain enforceable.

## **Article 2.**

**Sec. 1. Violation of an order for protection.** Adds Canadian OFPs to the list of foreign protective orders that may be enforced.

**Sec. 2. Entry and enforcement of foreign protective orders.** Adds Canadian OFPs to the list of foreign protective orders that may be registered and enforced.