

The amendments in sections 1 to 12, 14, 17, 18, and 49 are not substantive in nature and are clarifications of legislative intent of Laws 1983, chapter 290, and apply to an injury occurring after December 31, 1983. The amendments in sections 26, 33 to 38, 41, 42, 46, and 47 are procedural in nature and are clarifications of Laws 1983, chapter 290, and apply to proceedings conducted after June 30, 1983, whether or not the injury occurred prior to that date. Failure to cite a specific section in this act as nonsubstantive or procedural shall not be construed by itself to mean that the section is a substantive change in the law. Section 24 applies to an injury for which a claim is pending or a claim made after the effective date of this act regardless of the date of injury. This act is effective the day following final enactment.

Approved April 23, 1984

CHAPTER 433 — S.F.No. 1398

An act relating to criminal justice; permitting misdemeanor arrests to be made at night in public places; altering release and detention procedures in certain cases; amending Minnesota Statutes 1982, section 629.72, subdivisions 1 and 3; and Minnesota Statutes 1983 Supplement, section 629.31.

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

Section 1. Minnesota Statutes 1983 Supplement, section 629.31, is amended to read:

629.31 TIME OF ARREST.

If the offense charged is a felony or gross misdemeanor, arrest may be made on any day and at any time of the day or night; if it is a misdemeanor, arrest shall not be made on Sunday or between the hours of 9:00 10:00 p.m. and 9:00 8:00 a.m. on any other day unless upon the direction of the judge endorsed upon the warrant, or unless the person named in the warrant is found on a public highway or street.

Sec. 2. Minnesota Statutes 1982, section 629.72, subdivision 1, is amended to read:

Subdivision 1. **DETENTION IN LIEU OF CITATION; RELEASE.** Notwithstanding any other law or rule to the contrary, an arresting officer may not issue a citation in lieu of arrest and detention to an individual charged with assaulting his spouse or other individual with whom he resides.

Notwithstanding any other law or rule to the contrary, an individual who is arrested on a charge of assaulting his spouse or other person with whom he

Changes or additions are indicated by underline, deletions by ~~strikeout~~.

resides shall be brought to the police station or county jail. The officer in charge of the police station or the county sheriff in charge of the jail shall issue a citation in lieu of continued detention unless it reasonably appears to the officer or sheriff that detention is necessary to prevent bodily harm to the arrested person or another, or there is a substantial likelihood the arrested person will fail to respond to a citation.

If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff, he shall be brought before the nearest available judge of the county court or county municipal court in the county in which the alleged assault took place without unnecessary delay, ~~but no more than 24 hours after his arrest, exclusive of Sundays and legal holidays as provided in court rule.~~

Sec. 3. Minnesota Statutes 1982, section 629.72, subdivision 3, is amended to read:

Subd. 3. **RELEASE AFTER 24 HOURS.** If the arrested person is not issued a citation by the officer in charge of the police station or the county sheriff pursuant to subdivision 1, and is not brought before a judge within the time limits prescribed in ~~subdivision 4~~ court rule, he shall be released by the arresting authorities, and a citation shall be issued in lieu of continued detention.

Approved April 23, 1984

CHAPTER 434 — S.F.No. 1196

An act relating to taxation; providing a temporary sales tax exemption for sales by community service organizations.

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

Section 1. TEMPORARY SALES TAX EXEMPTION.

The gross receipts from the sale of meals or tangible personal property by a nonprofit association for community service, none of the earnings of which inures to the benefit of private individuals, which sales occurred after December 31, 1977, and before the date of enactment of this act, shall be exempt from taxation under Minnesota Statutes, chapter 297A. No refunds shall be paid pursuant to this section unless the service organization can demonstrate to the commissioner of revenue that the refunds will be paid to those who paid the tax.

Sec. 2. EFFECTIVE DATE.

Changes or additions are indicated by underline, deletions by ~~strikeout~~.