

## CHAPTER 553—S.F.No. 2054

*An act relating to the justice system; staggering the elections of chief judges and assistant chief judges; providing for the adoption of rules by the supreme court governing jury administration; regulating peace officer training and education; requiring studies by the supreme court; imposing penalties; amending Minnesota Statutes 1988, sections 484.69, subdivision 1, and by adding a subdivision; 593.19; 593.21; 593.31; 593.37, subdivision 2a; 593.40, subdivisions 4, 5, and by adding a subdivision; 626.86; Minnesota Statutes 1989 Supplement, section 626.861, subdivision 4; proposing coding for new law in Minnesota Statutes, chapter 593; repealing Minnesota Statutes 1988, sections 484.69, subdivision 2; 593.01; 593.08; 593.131; 593.135; 593.16; 593.33; 593.34; 593.35; 593.36; 593.37, subdivisions 1, 2, and 3; 593.38; 593.39; 593.40, subdivisions 1, 2, and 3; 593.41; 593.42, subdivisions 1, 2, 3, and 5; 593.43; 593.44; 593.45; 593.46; 593.47; and 593.49.*

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

Section 1. Minnesota Statutes 1988, section 484.69, subdivision 1, is amended to read:

Subdivision 1. **ELECTION; TERM; REMOVAL.** ~~By July 1, 1977, The judges of the district, county, county municipal and probate courts court~~ resident in each of the judicial districts shall meet and elect from among their number a single chief judge and an assistant chief judge. The chief judge and the assistant chief judge shall serve a term of two years beginning July 1 of the year in which they are elected. No judge may serve as chief judge or assistant chief judge for more than two consecutive two year terms, except as provided in subdivision 1a. For the term beginning July 1, 1991, and after that, the chief judge and assistant chief judge in the odd-numbered judicial district shall be elected to a term of two years. For the term beginning July 1, 1991, the chief judge and assistant chief judge in the even-numbered judicial districts shall be elected to a term of one year. For the term beginning July 1, 1992, and after that, the chief judge and assistant chief judge in the even-numbered judicial districts shall be elected to a term of two years.

The seniority of judges and rotation of the position of chief judge or assistant chief judge shall not be criteria for the election of the chief judge or the assistant chief judge.

A chief judge or assistant chief judge may be removed for cause as chief judge or assistant chief judge by the chief justice of the supreme court, or by a majority of the judges of the judicial district.

Sec. 2. Minnesota Statutes 1988, section 484.69, is amended by adding a subdivision to read:

**Subd. 1a. CHIEF JUDGE AND ASSISTANT CHIEF JUDGE.** The individuals who serve as chief judge and assistant chief judge in the even-numbered judicial districts during the 1991 term may serve as chief judge or assistant chief judge for a total of five consecutive years. Any provision of a reorganization

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plan filed pursuant to section 487.191 which allows any judges to decline assignment to particular cases because of their subject matter is void and of no effect, and shall be given no consideration in making judicial assignments.

Sec. 3. Minnesota Statutes 1988, section 593.19, is amended to read:

**593.19 MISCONDUCT OF OFFICER DRAWING JURY.**

Every An officer or other person charged by law with the preparation of any jury list, or list of names from which ~~any~~ a jury is to be drawn, and every a person authorized by law to assist at the drawing or impaneling of a grand or petit jury to attend a court or term of court, or to try any cause or issue, who shall:

(1) ~~Place~~ places on ~~any such~~ a list ~~any~~ a name at the request or solicitation, direct or indirect, of ~~any~~ a person;

(2) ~~Designedly put~~ purposely puts upon a list of jurors, as having been drawn, ~~any~~ a name ~~which~~ that was not lawfully drawn for that purpose;

(3) ~~Designedly omit~~ purposely omits to place on ~~such~~ a list ~~any~~ a name ~~which~~ that was lawfully drawn;

(4) ~~Designedly sign~~ purposely signs or ~~certify~~ certifies a list of ~~such~~ jurors as having been drawn, ~~which~~ that was not lawfully drawn;

(5) ~~Designedly withdraw~~ purposely withdraws from the box or other receptacle for the ballots containing the names of ~~such~~ the jurors any paper or ballot lawfully placed or belonging there, and containing the name of a juror; ~~or omit to place therein any name lawfully drawn or designated; or place therein a paper or ballot containing the name of a person not lawfully drawn and designated as a juror; or~~

(6) ~~Who, in drawing or impaneling such the jury, shall do any~~ does an act ~~which that is unfair, partial, or improper in any other respect shall be,~~ is guilty of a misdemeanor.

Sec. 4. Minnesota Statutes 1988, section 593.21, is amended to read:

**593.21 MISCONDUCT OF OFFICER IN CHARGE OF JURY.**

Every An officer to whose charge a jury is committed by a court, who negligently or willfully, and without leave of the court, permits them, or any one of them, to receive ~~any~~ a communication from ~~any~~ a person, to make ~~any~~ a communication to ~~any~~ a person, to obtain or receive ~~any~~ a book, paper, or refreshment, or to leave the jury room, is guilty of a misdemeanor.

Sec. 5. Minnesota Statutes 1988, section 593.31, is amended to read:

**593.31 UNIFORM SELECTION AND SERVICE; DECLARATION OF POLICY.**

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It is the policy of this state that all persons selected for jury service be selected at random from the broadest feasible cross section of the population of the area served by the court, and that all qualified citizens have the opportunity in accordance with ~~sections 593.31 to 593.50~~ this chapter and applicable court rules to be considered for jury service in this state, and that qualified citizens have an obligation to serve as jurors when summoned for that purpose.

Sec. 6. Minnesota Statutes 1988, section 593.37, subdivision 2a, is amended to read:

Subd. 2a. The department of public safety shall, upon request and for a reasonable fee, provide drivers' license lists to the jury commissioner. ~~The lists shall be used solely as a supplementary source for selection of prospective jurors.~~

Sec. 7. Minnesota Statutes 1988, section 593.40, subdivision 4, is amended to read:

Subd. 4. A prospective juror who fails to return a completed juror qualification ~~form~~ questionnaire as instructed may be ordered by the court to appear and show cause for failure to complete and submit the questionnaire. A prospective juror who fails to appear pursuant to the court's order or to show good cause for the failure to appear or who fails to show good cause for failure to complete and submit the questionnaire is guilty of a misdemeanor.

Sec. 8. Minnesota Statutes 1988, section 593.40, subdivision 5, is amended to read:

Subd. 5. A person who willfully misrepresents a material fact on a juror qualification ~~form~~ questionnaire for the purpose of avoiding or securing service as a juror is guilty of a misdemeanor.

Sec. 9. Minnesota Statutes 1988, section 593.40, is amended by adding a subdivision to read:

Subd. 6. FAILURE TO APPEAR. A person summoned for jury service who fails to appear as directed shall be ordered by the court to appear and show cause for failure to comply with the summons. Absent a showing of good cause for noncompliance with the summons, the juror is guilty of a misdemeanor.

Sec. 10. **[593.51] COURT RULES.**

The supreme court shall promulgate rules governing jury administration in accordance with this chapter by July 31, 1990.

Sec. 11. Minnesota Statutes 1988, section 626.86, is amended to read:

**626.86 PEACE OFFICERS TRAINING.**

Money appropriated for peace officers training shall be expended as follows:

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(a) ~~Ten~~ Thirty percent shall be provided for reimbursement to board approved skills courses ~~in proportion to the number of students successfully completing the board's skills licensing examination.~~

(b) To each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount shall be used exclusively for reimbursement of the cost of in-service training required under chapters 214 and 626.

Sec. 12. Minnesota Statutes 1989 Supplement, section 626.861, subdivision 4, is amended to read:

Subd. 4. **PEACE OFFICERS TRAINING ACCOUNT.** Receipts from penalty assessments must be credited to the general fund. The peace officers standards and training board may allocate from funds appropriated as follows:

(a) Up to ~~ten~~ 30 percent may be provided for reimbursement to board approved skills courses ~~in proportion to the number of students successfully completing the board's skills licensing examination.~~

(b) The balance may be used to pay each local unit of government an amount in proportion to the number of licensed peace officers and constables employed, at a rate to be determined by the board. The disbursed amount must be used exclusively for reimbursement of the cost of in-service training required under this chapter and chapter 214.

Sec. 13. **PROFESSIONAL PEACE OFFICER EDUCATION; STUDY REQUIRED.**

The peace officer standards and training board shall study and report on the training and educational requirements, including the need to require a baccalaureate degree, prerequisite to licensure as a peace officer. In conducting this study, the board shall, at a minimum, consult with peace officers, police chiefs, sheriffs, elected officials from municipalities and counties, representatives of the minority communities, each public post-secondary education system, and the higher education coordinating board. A report based on this study shall be submitted to the legislature on or before February 1, 1991.

Sec. 14. **SUPREME COURT STUDIES.**

Subdivision 1. JOINDER STUDY. The supreme court shall study the feasibility of amending rule 17.03 of the Minnesota Rules of Criminal Procedure to facilitate the joint trial of certain defendants being prosecuted for possession of a controlled substance where separate trials do not serve the interests of justice. The court shall consider whether the amendment of rule 17.03 would have an unfair impact on particular economic classes or ethnic groups or otherwise create unfair categories of defendants.

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Subd. 2. CASH BAIL STUDY. The supreme court shall study the feasibility of amending the Minnesota Rules of Criminal Procedure to provide a hearing when a defendant pays a large bail amount in cash to allow the court to determine whether the funds are the proceeds of the unlawful sale of controlled substances.

Sec. 15. **REPEALER.**

Minnesota Statutes 1988, sections 484.69, subdivision 2; 593.01; 593.08; 593.131; 593.135; 593.16; 593.33; 593.34; 593.35; 593.36; 593.37, subdivisions 1, 2, and 3; 593.38; 593.39; 593.40, subdivisions 1, 2, and 3; 593.41; 593.42, subdivisions 1, 2, 3, and 5; 593.43; 593.44; 593.45; 593.46; 593.47; and 593.49 are repealed.

Presented to the governor April 26, 1990

Signed by the governor May 3, 1990, 5:27 p.m.

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**CHAPTER 554—S.F.No. 2108**

*An act relating to liquor; authorizing sale of liqueur-filled candies in exclusive liquor stores; specifying minimum seating capacity of restaurants in certain counties; restricting right of brewers to be beer wholesalers or to have an interest in a beer wholesaler; providing for hours of sale at certain establishments; requiring notification to commissioner of public safety of issuance of wine licenses; repealing requirement that cities conduct a referendum on continuation of municipal liquor operations; modifying restrictions on license issuance by counties; authorizing licenses for sale of Minnesota-produced wine at Minneapolis-St. Paul International Airport; permitting removal of unfinished bottles of wine from restaurants; authorizing issuance of wine licenses to licensed bed and breakfast facilities; authorizing issuance of licenses by Minneapolis, St. Paul, Brooklyn Center, and Evansville; requiring certain establishments to make Minnesota-produced beer available; permitting Anoka county to delegate liquor licensing authority to towns; amending Minnesota Statutes 1988, sections 31.121; 340A.101, subdivisions 10 and 25; 340A.301, subdivisions 1, 7, and by adding a subdivision; 340A.404, subdivisions 3, 5, and by adding a subdivision; 340A.405, subdivision 2, and by adding a subdivision; 340A.413, subdivision 4; 340A.504, subdivision 1; and 340A.601, subdivision 2; Minnesota Statutes 1989 Supplement, section 340A.404, subdivision 2; proposing coding for new law in Minnesota Statutes, chapter 340A; repealing Minnesota Statutes 1988, section 340A.405, subdivision 5.*

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

Section 1. Minnesota Statutes 1988, section 31.121, is amended to read:

**31.121 FOOD ADULTERATION.**

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