

## Rule 1. Scope and Purpose of the Rules

### 1.01 Scope and Application

These rules govern the procedure in prosecutions for felonies, gross misdemeanors, misdemeanors, and petty misdemeanors in the district courts in the State of Minnesota.

### 1.02 Purpose and Construction

These rules are intended to provide a just determination of criminal proceedings, and ensure a simple and fair procedure that eliminates unjustified expense and delay. The rules must be applied without discrimination based upon race, color, creed, religion, national origin, sex, marital status, public-assistance status, disability, including disability in communication, sexual orientation, or age.

### 1.03 Local Rules by District Court

A court may recommend local rules governing its practice if they do not conflict with these rules or with the General Rules of Practice for the District Courts. Local rules become effective only if ordered by the Supreme Court.

### 1.04 Definitions

As used in these rules, the following terms have the meanings given.

**(a) Misdemeanor.** Unless these rules direct otherwise, "misdemeanor" includes state statutes, local ordinances, charter provisions, or rules or regulations punishable - either alone or alternatively - by a fine or imprisonment of not more than 90 days.

**(b) Designated Gross Misdemeanor.** A "designated gross misdemeanor" is a gross misdemeanor charged or punishable under Minnesota Statutes, section 169A.20, 169A.25, 169A.26, or 171.24.

**(c) Tab Charge.** A "tab charge" is a charging document filed by an officer at a place of detention, or an amendment of the charges on the record by the prosecutor, that includes a reference to the statute, rule, regulation, ordinance, or other provision of law the defendant is alleged to have violated. A tab charge is not synonymous with "citation" as defined in paragraph (e).

**(d) Aggravated Sentence.** An "aggravated sentence" is a sentence that is an upward durational or dispositional departure from the presumptive sentence provided for in the Minnesota Sentencing Guidelines based on aggravating circumstances or a statutory sentencing enhancement.

**(e) Citation.** A "citation" is a charging document issued under Rule 6, filed in paper form or by electronic means.

**(f) Charging Document.** A "charging document" is a complaint, indictment, citation, or tab charge.

**(g) Violations Bureau.** "Violations bureau" refers to court staff who process citations. A violations bureau may consist of one or more employees within a single court location, a dedicated court division, or the Minnesota Court Payment Center implemented and operated by the State Court Administrator.

(Amended effective January 1, 2012.)

**1.05 Repealed February 12, 2026, eff. July 1, 2026.****1.06 Use of Electronic Filing for Charging Documents**

**Subd. 1. Definition of E-filing.** "E-filing" for purposes of this rule means the electronic transmission of the charging document to the court administrator by means authorized by the State Court Administrator.

**Subd. 2. Authorization.** E-filing must be used to file all citations, tab charges, and complaints.

**Subd. 3. Signatures.**

(1) How Made. All signatures required under these rules must be affixed electronically, unless the e-filing technology is unavailable. If the document must be printed and manually signed, a printed copy must be filed with the court.

(2) Signature Standard. Electronic signatures may be affixed by any electronic means.

(3) Effect of Electronic Signature. A printed copy of a charging document showing that an electronic signature was properly affixed under paragraph (2) prior to the printout is prima facie evidence of the authenticity of the electronic signature.

**Subd. 4. Electronic Notarization.** If the probable cause statement in an e-filed complaint is made under oath before a notary public, it must be electronically notarized in accordance with state law. The probable cause statement may be signed under penalty of perjury pursuant to Minnesota Statutes, section 358.116.

**Subd. 5. Paper Submission.** E-filed charging documents are in lieu of paper submissions. An e-filed charging document should not be transmitted to the court administrator by any other means. Paper submission is authorized in lieu of e-filing where the electronic means authorized by the State Court Administrator are unavailable to the submitting agency. The refusal to purchase the needed equipment or utilize the electronic means authorized by the State Court Administration does not constitute unavailability.

(Amended effective July 15, 2010; amended effective July 1, 2015; amended effective October 1, 2016.)

**1.07 Manner of Appearance in Criminal Proceedings****Subd. 1. Appearance; How Made.**

(a) Any requirement in the Rules of Criminal Procedure that a defendant appear "personally" or be "present" is satisfied by either an in-person appearance in the courtroom or by a remote appearance using remote technology, if the remote or hybrid hearing is being held as authorized by subd. 1(b) and (c).

(b) Whether to hold any hearing in person or remotely or allow a witness to appear remotely is at the discretion of the presiding judge consistent with Judicial Council policy and the defendant's right of confrontation.

(c) If the hearing is a trial or other proceeding with testimony, and if the defendant objects to the proceeding being held remotely or to a witness appearing remotely, the district court must not allow the remote proceeding or appearance unless the court makes a case-specific finding that the remote proceeding or appearance does not violate the defendant's right of confrontation. The objection may be made orally or in writing.

**Subd. 2. Proceedings; Decorum.**

(a) Defendant Right to Counsel. The court must ensure that the defendant has adequate opportunity to confidentially communicate with counsel, including, where appropriate, suspension of the audio transmission and recording or allowing counsel to communicate with the defendant in private.

(b) Decorum. Courtroom decorum during remote hearings must conform to the extent possible to that required during traditional court proceedings.

(Added effective July 1, 2026.)

### ***Comment - Rule 1***

*Beyond the procedures required by these rules, prosecutors, courts, and law enforcement agencies should also be aware of the rights of crime victims as provided in Minnesota Statutes, chapter 611A.*

*Rule 1.04(d) defines "aggravated sentence" for the purpose of the provisions in these rules governing the procedure that a sentencing court must follow to impose an upward sentencing departure in compliance with *Blakely v. Washington*, 542 U.S. 296, 301-305 (2004). On June 24, 2004, the United States Supreme Court decided in *Blakely* that an upward departure in sentencing under the State of Washington's determinate sentencing system violated the defendant's Sixth Amendment rights where the additional findings required to justify the departure were not made beyond a reasonable doubt by a jury. The definition is in accord with existing Minnesota case law holding that *Blakely* applies to upward departures under the Minnesota Sentencing Guidelines and under various sentencing enhancement statutes requiring additional factual findings. See, e.g., *State v. Shattuck*, 704 N.W.2d 131, 140-142 (Minn. 2005) (durational departures); *State v. Allen*, 706 N.W.2d 40, 44-47 (Minn. 2005) (dispositional departures); *State v. Leake*, 699 N.W.2d 312, 321-324 (Minn. 2005) (life sentence without release under Minnesota Statutes, section 609.106); *State v. Barker*, 705 N.W.2d 768, 771-773 (Minn. 2005) (firearm sentence enhancements under Minnesota Statutes, section 609.11); and *State v. Henderson*, 706 N.W.2d 758, 761-762 (Minn. 2005) (career offender sentence enhancements under Minnesota Statutes, section 609.1095, subdivision 4).*

*These *Blakely*-related protections and procedures do not apply retroactively to sentences that were imposed and were no longer subject to direct appeal by the time that *Blakely* was decided on June 24, 2004. *State v. Houston*, 702 N.W.2d 268, 773 (Minn. 2005). Also, the protections and procedures do not apply to sentencing departures and enhancements that are based solely on a defendant's criminal conviction history such as the assessment of a custody status point under the Minnesota Sentencing Guidelines. *State v. Allen*, 706 N.W.2d 40, 47-48 (Minn. 2005).*

*For aggravated sentence procedures related to *Blakely*, see Rule 7.03 (notice of prosecutor's intent to seek an aggravated sentence in proceedings prosecuted by complaint); Rule 9.01, subd. 1(7) (discovery of evidence relating to an aggravated sentence); Rule 11.04, subd. 2 (Omnibus Hearing decisions on aggravated sentence issues); Rule 15.01, subd. 2 and Appendices E and F (required questioning and written petition provisions concerning defendant's admission of facts supporting an aggravated sentence and accompanying waiver of rights); Rule 19.04, subd. 6 (notice of prosecutor's intent to seek an aggravated sentence in proceedings prosecuted by indictment); Rule 26.01, subd. 1(2)(b) (waiver of right to a jury trial determination of facts supporting an aggravated sentence); Rule 26.01, subd. 3 (stipulation of facts, evidence, or both to support an aggravated sentence and accompanying waiver of rights); Rule 26.03, subd. 18(1) and (3) (motion that evidence submitted to jury was insufficient to support an aggravated sentence); Rule 26.03, subd. 19(7) (verdict forms); Rule 26.03, subd. 20(5) (polling the jury); and Rule 26.04, subd. 1 (new trial on aggravated sentence issue). The procedures provided in these rules for the*

*determination of aggravated sentence issues supersede the procedures concerning those issues in Minnesota Statutes, section 244.10 (see Minnesota Laws 2005, chapter 136, article 16, sections 3 to 6) or other statutes.*

*It is anticipated that certain complaints and citations, including complaints filed by a prosecutor from a county other than the county of venue in a conflict case and complaints and citations filed by agencies without a federal Originating Agency Identification (ORI) number, must be filed on paper for the foreseeable future because the current e-filing system does not support electronic filing of those documents. The current e-filing system used for filing charging documents also does not support the creation and filing of an indictment; however, if a criminal case has already been initiated by the filing of a complaint, an indictment may be filed into that case by the prosecutor using the E-Filing system defined in Minnesota General Rules of Practice 14.*