

CHAPTER 314—S. F. No. 64

An act relating to murder in the second and third degree, and amending Mason's Minnesota Statutes of 1927, Sections 10068 and 10070.

Be it enacted by the Legislature of the State of Minnesota:

Section 1. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 10068, is hereby amended to read as follows:

"10068. **Murder in second degree.**—Such killing of a human being, when committed with a design to effect the death of the person killed or of another, but without deliberation and premeditation, *or when such killing is committed without a design to effect the death of the person killed or of another and without deliberation or premeditation by a person attempting to commit or engaged in the commission of rape, assault with an attempt to commit rape, indecent assault, or sodomy, or any thereof either upon or affecting the person killed or otherwise, is murder in the second degree and shall be punished by imprisonment in the state prison for the offender's natural life.*"

Sec. 2. **Law amended.**—Mason's Minnesota Statutes of 1927, Section 10070, is hereby amended to read as follows:

"10070. **Murder in third degree.**—Such killing of a human being, when perpetrated by act eminently dangerous to others, and evincing a depraved mind, regardless of human life, although without a premeditated design to effect the death of any individual, or without a design to effect death, by a person engaged in the commission of, or in an attempt to commit, *any felony, except rape, assault with an attempt to commit rape, indecent assault, or sodomy, either upon or affecting the person killed or otherwise, is murder in the third degree, and shall be punished by imprisonment in the state prison for not less than seven years, nor more than thirty years.*"

Sec. 3. **Act not retroactive.**—All offenses committed, and all penalties and punishments incurred therefor, prior to the taking effect hereof, shall be prosecuted and punished in the same manner and with the same effect as if this amendment had not been passed.

Approved April 19, 1941.