

CHAPTER 34—H. F. No. 130

An act relating to the subpoena of nonresident witnesses in criminal cases and the summoning of witnesses in this state to testify in another state; amending Minnesota Statutes 1949, Section 634.06.

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

Section 1. Minnesota Statutes 1949, Section 634.06, is amended to read:

634.06 Subpoenas, nonresidents; witnesses testifying in another state, summons. If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in criminal actions in this state certifies under the seal of such court that there is a criminal action pending in such court, that a person being within this state is a material witness in such action, and that his presence will be required for a specified number of days at the trial of such action, upon presentation of such certificate to any judge of the district court of the county in which such person resides, or the county in which such person is found if not a resident of this state, such judge shall fix a time and place for a hearing and shall notify the witness of such time and place.

If at the hearing the judge determines that the witness is material and necessary, either for the prosecution or the defense in such criminal action, that it will not cause undue hardship to the witness to be compelled to attend and testify in the action in the other state, and that the laws of the state in which the action is pending and of any other state through which the witness may be required to pass by ordinary course of travel will give to him protection from arrest and the service of civil and criminal process, he shall make an order, with a copy of the certificate attached, directing the witness to attend and testify in the court where the action is pending at a time and place specified in the certificate.

If the witness, who is named in such order as above provided after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the action is pending and \$5 for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed by such order, he shall be guilty of constructive contempt of court, and shall be punished according to law.

Approved February 21, 1953.