

CHAPTER 555—H. F. No. 1210

[Not Coded]

An act relating to criminal proceedings in certain municipal courts.

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

Section 1. Municipal courts, criminal proceedings, certain villages. In any municipal court heretofore created under Minnesota Statutes, Section 488.03, in any village located in a county having a population of not less than 200,000 and not more than 600,000, criminal proceedings may hereafter be conducted in the manner set forth under section 2 hereof.

Sec. 2. Complaints in criminal proceedings. Complaints in criminal cases, where the defendant is not in custody, may be made to the court while in session, or to one of the judges or clerk when not in session, and shall be made in writing, or be reduced to writing by the judge or clerk, and sworn to by the complainant, whether the offense charged be a violation of the criminal laws of the state or of the ordinances, regulations, laws or by-laws of said city or village. Complaints, warrants and other process in criminal cases may follow substantially the forms heretofore in use by justices of the peace, with such alterations as may be convenient to adapt the same to the style of this court, or may be in such other form as the court may prescribe, sanction or approve.

In case where alleged offenders shall be in custody, and be brought before the court or the clerk without process, the clerk shall enter upon the records of the court a brief statement of the offense with which the offender is charged, which statement shall stand in place of a complaint unless the court shall direct a formal complaint to be made. The plea of the defendant shall be "guilty" or "not guilty." In case of a failure to plead, the clerk shall enter a plea of "not guilty," and a former acquittal or conviction for the same offense may be proved under the plea of "not guilty," with like effect as if formally pleaded. In the examination of offenders charged with indictable offenses, such minutes of the examination shall be kept as the court may direct, and be properly returned to the court before which the party charged with the offense may be bound to appear.

In any event when no formal complaint has been prepared, the defendant shall be asked to waive the same, and when he declines to do so, a formal complaint shall then be filed before the prosecution proceeds.

Approved April 20, 1957.
