

## CHAPTER 753—H. F. No. 449

*Relating to crimes and punishment; creating the criminal code of 1963 and conforming and harmonizing certain provisions of Minnesota Statutes with the provisions thereof; amending Minnesota Statutes 1961, Sections 169.11; 243.05; 243.18; 340.461, Subdivision 5; 359.08; 566.01; 610.08; 610.35; 614.054; 614.15; 615.13; 617.05; 618.21, Subdivision 2; 619.36; and 621.37; repealing Minnesota Statutes 1961, Sections 168.47; 168.48; 168.49; 241.24; 243.01; 243.11; 243.60; 243.70; 243.76; 243.77; 340.69; 360.075, Subdivision 3; 361.06; 437.03; 561.05; 561.06; 610.01 to 610.07; 610.09; 610.11 to 610.34; 610.36 to 610.39; 610.41 to 610.47; 610.50; 610.51; 611.09; 611.10; 612.01 to 612.12; 613.01 to 613.12; 613.16 to 613.21; 613.251 to 613.27; 613.29 to 613.43; 613.45 to 613.51; 613.56 to 613.58; 613.61 to 613.66; 613.68; 613.70 to 613.76; 613.79; 614.01 to 614.05; 614.06 to 614.08; 614.11; 614.13; 614.14; 614.16; 614.17; 614.18, Subdivision 1; 614.22; 614.24; 614.32 to 614.34; 614.36 to 614.40; 614.51 to 614.575; 614.60; 614.62 to 614.65; 614.67; 614.71 to 614.75; 615.01 to 615.12; 615.14 to 615.17; 616.01 to 616.05; 616.15 to 616.163; 616.18; 616.19; 616.21; 616.24; 616.25; 616.26; 616.28; 616.30; 616.41 to 616.43; 616.44 to 616.46; 617.04; 617.05; 617.11 to 617.13; 617.15; 617.31; 617.55 to 617.68; 617.72 to 617.75; 619.01 to 619.05; 619.07 to 619.35; 619.37 to 619.55; 619.57 to 619.63; 620.01 to 620.24; 620.25 to 620.273; 620.34; 620.41; 620.44 to 620.51; 620.59 to 620.72; 620.74; 620.76; 621.01 to 621.15; 621.17 to 621.35; 621.40 to 621.49; 621.51 to 621.57; 622.01 to 622.19; 622.21; 622.22; 622.28; 623.20 to 623.23; 623.25; 623.26; 631.42; 631.47; 631.49; 634.05; 636.02; 641.19; and 643.18.*

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

#### ARTICLE I GENERAL PRINCIPLES

Section 609.01. **Name and construction.** *Subdivision 1. Purposes.* *This article may be cited as the Criminal Code of 1963. Its provisions shall be construed according to the fair import of its terms, to promote justice, and to effect its purposes which are declared to be:*

(1) *To protect the public safety and welfare by preventing the commission of crime through the deterring effect of the sentences authorized, the rehabilitation of those convicted, and their confinement when the public safety and interest requires; and*

(2) *To protect the individual against the misuse of the*

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*criminal law by fairly defining the acts and omissions prohibited, authorizing sentences reasonably related to the conduct and character of the convicted person, and prescribing fair and reasonable post-conviction procedures.*

*Subd. 2. **Numbering.** This article is arranged and numbered, subject, however, to the provisions of Minnesota Statutes 1961, Section 648.34, so that the enacted article may be compiled in the next edition of Minnesota Statutes without any changes in numbering.*

*Sec. 609.015. **Scope and effect.** Subdivision 1. Common law crimes are abolished and no act or omission is a crime unless made so by this article or by other applicable statute, but, this does not prevent the use of common law rules in the construction or interpretation of the provisions of this article or other statute. Crimes committed prior to the effective date of this article are not affected thereby.*

*Subd. 2. Unless expressly stated otherwise, or the context otherwise requires, the provisions of this article also apply to crimes created by statute other than in this article.*

*Sec. 609.02 **Definitions.** Subdivision 1. **Crime.** "Crime" means conduct which is prohibited by statute and for which the actor may be sentenced to imprisonment or fine or both.*

*Subd. 2. **Felony.** "Felony" means a crime for which a sentence of imprisonment for more than one year may be imposed.*

*Subd. 3. **Misdemeanor.** "Misdemeanor" means a crime for which a sentence of not more than 90 days or a fine of not more than \$100 may be imposed.*

*Subd. 4. **Gross misdemeanor.** "Gross misdemeanor" means any crime which is not a felony or misdemeanor.*

*Subd. 5. **Conviction.** "Conviction" means any of the following accepted and recorded by the court:*

- (1) A plea of guilty; or*
- (2) A verdict of guilty by a jury or a finding of guilty by the court.*

*Subd. 6. **Dangerous weapon.** "Dangerous weapon" means any firearm, whether loaded or unloaded, or any device designed as a weapon and capable of producing death or great bodily harm, or any other device or instrumentality which, in the manner it is*

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*used or intended to be used, is calculated or likely to produce death or great bodily harm.*

*Subd. 7. **Bodily harm.** "Bodily harm" means physical pain or injury, illness, or any impairment of physical condition.*

*Subd. 8. **Great bodily harm.** "Great bodily harm" means bodily injury which creates a high probability of death, or which causes serious permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.*

*Subd. 9. **Mental state.** (1) When criminal intent is an element of a crime in this article, such intent is indicated by the term "intentionally," the phrase "with intent to," the phrase "with intent that," or some form of the verbs "know" or "believe."*

*(2) "Know" requires only that the actor believes that the specified fact exists.*

*(3) "Intentionally" means that the actor either has a purpose to do the thing or cause the result specified or believes that his act, if successful, will cause that result. In addition, except as provided in clause (6), the actor must have knowledge of those facts which are necessary to make his conduct criminal and which are set forth after the word "intentionally."*

*(4) "With intent to" or "with intent that" means that the actor either has a purpose to do the thing or cause the result specified or believes that his act, if successful, will cause that result.*

*(5) Criminal intent does not require proof of knowledge of the existence or constitutionality of the statute under which he is prosecuted or the scope or meaning of the terms used in that statute.*

*(6) Criminal intent does not require proof of knowledge of the age of a minor even though age is a material element in the crime in question.*

*Sec. 609.025. **Jurisdiction of state.** A person may be convicted and sentenced under the law of this state if:*

*(1) He commits a crime in whole or in part within this state; or*

*(2) Being without the state, he causes, aids or abets another to commit a crime within the state; or*

*(3) Being without the state, he intentionally causes a result within the state prohibited by the criminal laws of this state.*

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*It is not a defense that the defendant's conduct is also a criminal offense under the laws of another state or of the United States or of another country.*

**Sec. 609.03. Punishment when not otherwise fixed.** *If a person is convicted of a crime for which no punishment is otherwise provided he may be sentenced as follows:*

(1) *If the crime is a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both; or*

(2) *If the crime is a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both; or*

(3) *If the crime is a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$100; or*

(4) *If the crime is other than a misdemeanor and a fine is imposed but the amount is not specified, to payment of a fine of not more than \$500, or to imprisonment for a specified term of not more than six months if the fine is not paid.*

**Sec. 609.035. Crime punishable under different provisions.** *Except as provided in section 609.585, if a person's conduct constitutes more than one offense under the laws of this state he may be punished for only one of such offenses and a conviction or acquittal of any one of them is a bar to prosecution for any other of them. All such offenses may be included in one prosecution which shall be stated in separate counts.*

**Sec. 609.04. Conviction of lesser offense.** *Subdivision 1. Upon prosecution for a crime, the actor may be convicted of either the crime charged or an included crime, but not both. An included crime may be any of the following:*

(1) *A lesser degree of the same crime; or*

(2) *An attempt to commit the crime charged; or*

(3) *An attempt to commit a lesser degree of the same crime;*  
*or*

(4) *A crime necessarily proved if the crime charged were proved.*

*Subd. 2. A conviction or acquittal of a crime is a bar to further prosecution of any included crime, or other degree of the same crime.*

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Sec. 609.045. **Foreign conviction or acquittal.** *If an act or omission constitutes a crime under both the laws of this state and the laws of another jurisdiction, a conviction or acquittal of such crime in the other jurisdiction bars prosecution for the crime in this state.*

Sec. 609.05. **Liability for crimes of another.** *Subdivision 1. A person is criminally liable for a crime committed by another if he intentionally aids, advises, hires, counsels, or conspires with or otherwise procures the other to commit the crime.*

*Subd. 2. A person liable under subdivision 1 is also liable for any other crime committed in pursuance of the intended crime if reasonably foreseeable by him as a probable consequence of committing or attempting to commit the crime intended.*

*Subd. 3. A person who intentionally aids, advises, hires, counsels, or conspires with or otherwise procures another to commit a crime and thereafter abandons his purpose and makes a reasonable effort to prevent the commission of the crime prior to its commission is not liable if the crime is thereafter committed.*

*Subd. 4. A person liable under this section may be charged with and convicted of the crime although the person who directly committed it has not been convicted or has been convicted of some other degree of the crime or of some other crime based on the same act.*

Sec. 609.055. **Liability of children.** *Children under the age of 14 years are incapable of committing crime. Children of the age of 14 years or over but under 18 years may be prosecuted for a criminal offense if the alleged violation is duly referred to the appropriate prosecuting authority in accordance with the provisions of Minnesota Statutes, Chapter 260.*

Sec. 609.06. **Authorized use of force.** *Reasonable force may be used upon or toward the person of another without his consent when the following circumstances exist or the actor reasonably believes them to exist:*

*(1) When used by a public officer or one assisting him under his direction:*

- (a) In effecting a lawful arrest; or*
- (b) In the execution of legal process; or*
- (c) In enforcing an order of the court; or*
- (d) In executing any other duty imposed upon him by law; or*

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(2) *When used by a person not a public officer in arresting another in the cases and in the manner provided by law and delivering him to an officer competent to receive him into custody; or*

(3) *When used by any person in resisting or aiding another to resist an offense against the person; or*

(4) *When used by any person in lawful possession of real or personal property, or by another assisting him, in resisting a trespass upon or other unlawful interference with such property; or*

(5) *When used by any person to prevent the escape, or to retake following the escape, of a person lawfully held on a charge or conviction of a crime; or*

(6) *When used by a parent, guardian, teacher or other lawful custodian of a child or pupil, in the exercise of lawful authority, to restrain or correct such child or pupil; or*

(7) *When used by a common carrier in expelling a passenger who refuses to obey a lawful requirement for the conduct of passengers and reasonable care is exercised with regard to his personal safety; or*

(8) *When used to restrain a mentally ill or mentally defective person from injuring himself or another or when used by one with authority to do so to compel compliance with reasonable requirements for his control, conduct or treatment; or*

(9) *When used by a public or private institution providing custody or treatment against one lawfully committed to it to compel compliance with reasonable requirements for his control, conduct or treatment.*

Sec. 609.065. **Justifiable taking of life.** *The intentional taking of the life of another is not authorized by section 609.06, except when necessary in the following cases:*

(1) *In resisting or preventing an offense which the actor reasonably believes exposes him or another to great bodily harm or death, or preventing the commission of a felony in his place of abode; or*

(2) *By a public officer, or person assisting him, to overcome resistance to the execution of legal process or order of a court when he reasonably believes that such resistance exposes him or another to great bodily harm or death; or*

(3) *By a public officer, or person assisting him, in effecting*

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*a lawful arrest for a felony or in preventing an escape of a person held therefor.*

**Sec. 609.075. Intoxication as defense.** *An act committed while in a state of voluntary intoxication is not less criminal by reason thereof, but when a particular intent or other state of mind is a necessary element to constitute a particular crime, the fact of intoxication may be taken into consideration in determining such intent or state of mind.*

**Sec. 609.08. Duress.** *Except as provided in section 609.20, clause (3), when any crime is committed or participated in by two or more persons, any one of whom participates only under compulsion by another engaged therein, who by threats creates a reasonable apprehension in the mind of such participator that in case of refusal he is liable to instant death, such threats and apprehension constitute duress which will excuse such participator from criminal liability.*

**Sec. 609.085. Sending written communication.** *Subdivision 1. When the sending of a letter or other written communication is made an offense, the offense is complete upon deposit of the letter or communication in any official depository of mail or given to another for the purpose of delivery to the receiver.*

*Subd. 2. The offense is committed in both the county in which the letter is so deposited or given and the county in which it is received by the person for whom it is intended.*

**Sec. 609.09. Compelling testimony; immunity from prosecution.** *Subdivision 1. In any criminal proceeding, in which a violation of a provision of this article is charged, if a person refuses to answer a question or produce evidence of any other kind on the ground that he may be incriminated thereby, and if the prosecuting attorney, in writing, requests a judge of the district court to order that person to answer the question or produce the evidence, the judge, after notice to the witness and hearing, shall so order if he finds that to do so would not be contrary to the public interest and would not expose the witness to prosecution in another state or in the federal courts, and that person shall comply with the order.*

*After complying, and if, but for this section, he would have been privileged to withhold the answer given or the evidence produced by him, he shall not be prosecuted or subjected to penalty or forfeiture for or on account of any transaction, matter or thing concerning which, in accordance with the order, he gave, answered, or produced evidence, but he may be prosecuted or subjected to penalty or forfeiture for any perjury, false swearing or contempt*

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*committed in answering, or in failing to answer, or in producing, or failing to produce, evidence in accordance with the order.*

*Subd. 2. In every case not provided for in subdivision 1 and in which it is provided by law that a witness shall not be excused from giving testimony tending to criminate himself, no person shall be excused from testifying or producing any papers or documents on the ground that his testimony may tend to criminate him or subject him to a penalty or forfeiture, but he shall not be prosecuted or subjected to a penalty or forfeiture for or on account of any action, matter, or thing concerning which he shall so testify, except for perjury committed in such testimony.*

### SENTENCES

**Sec. 609.095. Limits of sentences.** *No other or different sentence or punishment shall be imposed for the commission of a crime than is authorized by this article or other applicable law.*

**Sec. 609.10. Sentences available.** *Upon conviction of a felony and compliance with the other provisions of this article the court, if it imposes sentence, may sentence the defendant to the extent authorized by law as follows:*

- (1) To life imprisonment; or*
- (2) To imprisonment for a maximum term of years fixed by the court; or*
- (3) To an indeterminate term of imprisonment which shall be deemed to be for the maximum term authorized by law; or*
- (4) To both imprisonment and payment of a fine; or*
- (5) To payment of a fine without imprisonment or to imprisonment if the fine is not paid.*

**Sec. 609.105. Sentence of imprisonment.** *Subdivision 1. A sentence to imprisonment for more than one year shall commit the defendant to the custody of the commissioner of corrections.*

*Subd. 2. The commissioner of corrections shall determine the place of confinement in a prison, reformatory, or other facility of the department of corrections established by law for the confinement of convicted persons and prescribe reasonable conditions, rules, and regulations for their employment, conduct, instruction, and discipline within or without the facility.*

*Subd. 3. A sentence to imprisonment for a period of one year or any lesser period shall be to a workhouse, work farm, county jail, or other place authorized by law.*

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Sec. 609.11. **Minimum terms of imprisonment.** *All commitments to the commissioner of corrections for imprisonment of the defendant are without minimum terms except when sentence is to life imprisonment as required by law.*

Sec. 609.115. **Presentence investigation.** *Subdivision 1. When a defendant has been convicted of a felony, and a sentence of life imprisonment is not required by law, the court may, before sentence is imposed, cause a presentence investigation and written report to be made to the court concerning the defendant's individual characteristics, circumstances, needs, potentialities, criminal record and social history, the circumstances of the offense and the harm caused thereby to others and to the community. If the court so directs, the report shall include an estimate of the prospects of the defendant's rehabilitation and recommendations as to the sentence which should be imposed.*

*The investigation shall be made by a probation officer of the court, if there is one, otherwise by the commissioner of corrections.*

*Pending the presentence investigation and report, the court with the consent of the commissioner may commit the defendant to the custody of the commissioner of corrections who shall return the defendant to the court when the court so orders.*

Subd. 2. *If the defendant has been convicted of a crime for which a mandatory sentence of life imprisonment is provided by law, the probation officer of the court, if there is one, otherwise the commissioner of corrections, shall forthwith make a post-sentence investigation and make a written report as provided by subdivision 1.*

Subd. 3. *All law enforcement agencies shall make available to the probation officer or the commissioner of corrections the criminal record and other relevant information relating to the defendant which they may have, when requested for the purposes of subdivisions 1 and 2.*

Subd. 4. *Any report made pursuant to subdivision 1 of this section shall be open to inspection by the prosecuting attorney and the defendant's attorney prior to sentence and on the request of either of them a summary hearing in chambers shall be held on any matter brought in issue, but confidential sources of information shall not be disclosed unless the court otherwise directs.*

Subd. 5. *If the defendant is sentenced to the commissioner of corrections, a copy of any report made pursuant to this section and not made by the commissioner shall accompany the commitment.*

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*Subd. 6. Except as provided in subdivisions 4 and 5 or as otherwise directed by the court any report made pursuant to this section shall not be disclosed.*

*Subd. 7. If imposition of sentence is stayed by reason of an appeal taken or to be taken, the presentence investigation provided for in this section shall not be made until such stay has expired or has otherwise been terminated.*

**Sec. 609.12. Parole or discharge.** *Subdivision 1. A person sentenced to the commissioner of corrections for imprisonment for a period less than life may be paroled or discharged at any time without regard to length of the term of imprisonment which the sentence imposes when in the judgment of the adult corrections commission, and under the conditions it imposes, the granting of parole or discharge would be most conducive to his rehabilitation and would be in the public interest.*

*Subd. 2. If a sentence of more than five years has been imposed on a defendant for a crime authorizing a sentence of not more than ten years, the adult corrections commission shall grant him parole no later than the expiration of five years if imprisonment, less time granted for good behavior, unless the commission determines with or without hearing that his parole would not be conducive to his rehabilitation or would not be in the public interest.*

*Subd. 3. All sentences to the commissioner of corrections for the imprisonment of the defendant are subject to the laws relating to parole and the powers of the adult corrections commission and the commissioner of corrections, except as modified in subdivisions 1 and 2, and to all other laws relating to persons in said institutions and their imprisonment.*

**Sec. 609.125. Sentence for misdemeanor or gross misdemeanor.** *Upon conviction of a misdemeanor or gross misdemeanor the court, if sentence is imposed, may, to the extent authorized by law, sentence the defendant:*

- (1) To imprisonment for a definite term; or*
- (2) To payment of a fine, or to imprisonment for a specified term if the fine is not paid; or*
- (3) In the case of a conviction of a gross misdemeanor, to both imprisonment for a definite term and payment of a fine.*

**Sec. 609.13. Convictions of felony; when deemed misdemeanor or gross misdemeanor.** *Notwithstanding a conviction is for a felony:*

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(1) *The conviction is deemed to be for a misdemeanor or a gross misdemeanor if the sentence imposed is within the limits provided by law for a misdemeanor or gross misdemeanor as defined in section 609.02; or*

(2) *The conviction is deemed to be for a misdemeanor if the imposition of the sentence is stayed, the defendant is placed on probation, and he is thereafter discharged without sentence.*

**Sec. 609.135. Stay of imposition or execution of sentence.** *Subdivision 1. Except when a sentence of life imprisonment is required by law, any court, including a justice of the peace to the extent otherwise authorized by law, may stay imposition or execution of sentence and place the defendant on probation with or without supervision and on such terms as the court may prescribe. The court may order the supervision to be under the probation officer of the court, or, if there is none and the conviction is for a felony, by the commissioner of corrections, or in any case by some other suitable and consenting person.*

*Subd. 2. (1) In case the conviction is for a felony such stay shall be for not more than the maximum period for which the sentence of imprisonment might have been imposed.*

(2) *In case the conviction is for a misdemeanor the stay shall not be for more than one year.*

(3) *In case the conviction is for a gross misdemeanor the stay shall not be for more than two years.*

(4) *At the expiration of such stay, unless the stay has been revoked or the defendant discharged prior thereto, the defendant shall be discharged.*

**Sec. 609.14. Revocation of stay.** *Subdivision 1. When it appears that the defendant has violated any of the conditions of his probation or has otherwise been guilty of misconduct which warrants the imposing or execution of sentence, the court may without notice revoke the stay thereof and probation and direct that the defendant be taken into immediate custody.*

*Subd. 2. The defendant shall thereupon be notified in writing and in such manner as the court directs of the grounds alleged to exist for revocation of the stay of imposition or execution of sentence. If such grounds are brought in issue by the defendant, a summary hearing shall be held thereon at which he is entitled to be heard and to be represented by counsel.*

*Subd. 3. If any of such grounds are found to exist the court may:*

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(1) *If imposition of sentence was previously stayed, again stay sentence or impose sentence and stay the execution thereof, and in either event place the defendant on probation pursuant to section 609.135, or impose sentence and order execution thereof; or*

(2) *If sentence was previously imposed and execution thereof stayed, continue such stay and place the defendant on probation in accordance with the provisions of section 609.135, or order execution of the sentence previously imposed.*

Subd. 4. *If none of such grounds are found to exist, the defendant shall be restored to his liberty under the previous order of the court.*

Sec. 609.145. **Credit for prior imprisonment.** *Subdivision 1. When a person has been imprisoned pursuant to a conviction which is set aside and is thereafter convicted of a crime growing out of the same act or omission, the maximum period of imprisonment to which he may be sentenced is reduced by the period of the prior imprisonment and the time earned thereby in diminution of sentence. If sentence is for less than this maximum, the prior imprisonment and time earned in diminution of sentence shall be credited toward the sentence unless the court otherwise directs.*

Subd. 2. *A sentence of imprisonment upon conviction of a felony is reduced by the period of confinement of the defendant following his conviction and before his commitment to the commissioner of corrections for execution of sentence unless the court otherwise directs.*

Sec. 609.15. **Multiple sentences.** *Subdivision 1. When separate sentences of imprisonment are imposed on a defendant for two or more crimes, whether charged in a single indictment or information or separately, or when a person who is under sentence of imprisonment in this state is being sentenced to imprisonment for another crime committed prior to or while subject to such former sentence, the court in the later sentences shall specify whether the sentences shall run concurrently or consecutively. If the court does not so specify, the sentences shall run concurrently.*

Subd. 2. *If the court specifies that the sentence shall run consecutively, the total of the terms of imprisonment imposed, other than a term of imprisonment for life, shall not exceed 40 years. If all of the sentences are for misdemeanors the total of the terms of imprisonment shall not exceed one year; if for gross misdemeanors the total of such terms shall not exceed three years.*

Sec. 609.155. **Extended term for dangerous offenders.**

**Changes or additions indicated by italics, deletions by strikeout.**

*Subdivision 1. Definition.* "Extended term of imprisonment" means a term of imprisonment the maximum of which may be for the maximum term authorized by law for the crime for which the defendant is being sentenced multiplied by the number of his prior felony convictions, but not to exceed 40 years.

*Subd. 2. When applicable.* Whoever, having previously been convicted of one or more felonies, commits another felony other than murder in the first degree may upon conviction thereof be sentenced to an extended term of imprisonment if;

(1) A presentence investigation and report has been made pursuant to section 609.115; and

(2) Findings are made by the court as required by section 609.16.

*Subd. 3.* For purpose of this section a felony shall be that as defined in Section 609.02, Subdivision 2, notwithstanding the provisions of Section 609.13.

*Subd. 4. Limitations.* Subdivision 2 does not apply unless:

(1) The prior convictions occurred within ten years prior to the commission of the crime of which the defendant presently stands convicted; and

(2) The prior convictions occurred:

(a) In this state; or

(b) In another state and were for crimes which would have been felonies if they had been committed in this state; or

(c) In a federal court.

**Sec. 609.16. Extended term for dangerous offenders; hearing.** A sentence to an extended term of imprisonment under section 609.155 shall not be imposed unless:

(1) At the instance of the prosecuting attorney or by order of the court on its own motion, written notice is served by the prosecuting attorney on the defendant or his attorney personally setting forth the prior convictions and advising the defendant that the court may sentence him to an extended term of imprisonment for the crime of which he has been convicted and that he is entitled to be heard thereon if he denies such prior convictions or brings in issue any matter in the presentence report, and fixing a time not less than five days after service of such notice for such hearing and sentence.

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(2) *A summary hearing is thereafter held pursuant to such notice at which evidence for and against the imposition of a sentence for an extended term may be received and at which the defendant is entitled to be heard on the issues raised and to be represented by counsel.*

(3) *The court finds on the basis of such hearings, the defendant's admissions, the evidence at the trial and the presentence report:*

(a) *That the defendant was previously convicted of one or more of the crimes specified in section 609.155; and*

(b) *That the defendant is disposed to the commission of criminal acts of violence and that an extended term of imprisonment is required for his rehabilitation or for the public safety.*

**Sec. 609.165. Restoration of civil rights.** *Subdivision 1. When a person has been deprived of his civil rights by reason of conviction of a crime and is thereafter discharged, such discharge shall restore him to all his civil rights and to full citizenship, with full right to vote and hold office, the same as if such conviction had not taken place, and the order of discharge shall so provide.*

*Subd. 2. The discharge may be:*

(1) *By order of the court following stay of sentence or stay of execution of sentence; or*

(2) *By order of the adult corrections commission or youth conservation commission prior to expiration of sentence; or*

(3) *Upon expiration of sentence.*

*Subd. 3. This section does not apply to a forfeiture of and disqualification for public office as provided in section 609.42, subdivision 2.*

#### ANTICIPATORY CRIMES

**Sec. 609.17. Attempts.** *Subdivision 1. Whoever, with intent to commit a crime, does an act which is a substantial step toward, and more than preparation for, the commission of the crime is guilty of an attempt to commit that crime, and may be punished as provided in subdivision 4.*

*Subd. 2. An act may be an attempt notwithstanding the circumstances under which it was performed or the means employed to commit the crime intended or the act itself were such that the commission of the crime was not possible, unless such*

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*impossibility would have been clearly evident to a person of normal understanding.*

*Subd. 3. It is a defense to a charge of attempt that the crime was not committed because the accused desisted voluntarily and in good faith and abandoned his intention to commit the crime.*

*Subd. 4. Whoever attempts to commit a crime may be sentenced as follows:*

*(1) If the maximum sentence provided for the crime is life imprisonment, to not more than 20 years; or*

*(2) For any other attempt, to not more than one half of the maximum imprisonment or fine or both provided for the crime attempted, but such maximum in any case shall not be less than imprisonment for 90 days or a fine of \$100.*

**Sec. 609.175. Conspiracy. Subdivision 1. To cause arrest or prosecution.** *Whoever conspires with another to cause a third person to be arrested or prosecuted on a criminal charge knowing the charge to be false may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

**Subd. 2. To commit crime.** *Whoever conspires with another to commit a crime and in furtherance of the conspiracy one or more of the parties does some overt act in furtherance of such conspiracy may be sentenced as follows:*

*(1) If the crime intended is a misdemeanor, by a sentence to imprisonment for not more than 90 days or to payment of a fine of not more than \$100; or*

*(2) If the crime intended is murder in the first degree or treason, to imprisonment for not more than 20 years; or*

*(3) If the crime intended is any other felony or a gross misdemeanor, to imprisonment or to payment of a fine of not more than one half the imprisonment or fine provided for that felony or gross misdemeanor or both.*

**Subd. 3. Application of section.** *This section applies if:*

*(1) The defendant in this state conspires with another outside of this state; or*

*(2) The defendant outside of this state conspires with another in this state; or*

*(3) The defendant outside of this state conspires with*

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*another outside of this state and an overt act in furtherance of the conspiracy is committed within this state by either of them.*

### HOMICIDE AND SUICIDE

Sec. 609.18. **Definition.** *For the purposes of sections 609.185 and 609.19, "premeditation" means to consider, plan or prepare for, or determine to commit, the act referred to prior to its commission.*

Sec. 609.185. **Murder in the first degree.** *Whoever does either of the following is guilty of murder in the first degree and shall be sentenced to imprisonment for life:*

(1) *Causes the death of a human being with premeditation and with intent to effect the death of such person or of another; or*

(2) *Causes the death of a human being while committing or attempting to commit rape or sodomy with force or violence, either upon or affecting such person or another.*

Sec. 609.19. **Murder in the second degree.** *Whoever causes the death of a human being with intent to effect the death of such person or another, but without premeditation, is guilty of murder in the second degree and may be sentenced to imprisonment for not more than 40 years.*

Sec. 609.195. **Murder in the third degree.** *Whoever, without intent to effect the death of any person, causes the death of another by either of the following means, is guilty of murder in the third degree and may be sentenced to imprisonment for not more than 25 years:*

(1) *Perpetrates an act eminently dangerous to others and evincing a depraved mind, regardless of human life; or*

(2) *Commits or attempts to commit a felony upon or affecting the person whose death was caused or another, except rape or sodomy with force or violence within the meaning of section 609.185.*

Sec. 609.20. **Manslaughter in the first degree.** *Whoever does any of the following is guilty of manslaughter in the first degree and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$15,000, or both:*

(1) *Intentionally causes the death of another person in the heat of passion provoked by such words or acts of another as would provoke a person of ordinary self-control under like circumstances; or*

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(2) *Causes the death of another in committing or attempting to commit a crime with such force and violence that death of or great bodily harm to any person was reasonably foreseeable, and murder in the first or second degree was not committed thereby; or*

(3) *Intentionally causes the death of another person because the actor is coerced by threats made by someone other than his co-conspirator and which cause him reasonably to believe that his act is the only means of preventing imminent death to himself or another.*

Sec. 609.205. **Manslaughter in the second degree.** *Whoever causes the death of another by any of the following means is guilty of manslaughter in the second degree and may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$7,000, or both:*

(1) *By his culpable negligence whereby he creates an unreasonable risk, and consciously takes chances of causing death or great bodily harm to another; or*

(2) *By shooting another with a firearm or other dangerous weapon as a result of negligently believing him to be a deer or other animal; or*

(3) *By setting a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device; or*

(4) *By negligently or intentionally permitting any animal, known by him to have vicious propensities, to go at large, or negligently failing to keep it properly confined, and the victim was not at fault.*

Sec. 609.21. **Criminal negligence resulting in death.** *Whoever operates a vehicle as defined in Minnesota Statutes, Section 169.01, Subdivision 2, or an aircraft or watercraft, in a grossly negligent manner and thereby causes the death of a human being not constituting murder or manslaughter is guilty of criminal negligence in the operation of a vehicle resulting in death and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

Sec. 609.215. **Suicide.** *Subdivision 1. Aiding suicide. Whoever intentionally advises, encourages, or assists another in taking his own life may be sentenced to imprisonment for not more than 15 years or to payment of a fine of not more than \$15,000, or both.*

*Subd. 2. Aiding attempted suicide. Whoever intention-*

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*ally advises, encourages, or assists another who attempts but fails to take his own life may be sentenced to imprisonment for not more than seven years or to payment of a fine of not more than \$7,000, or both.*

### CRIMES AGAINST THE PERSON

Sec. 609.22. **Assault.** *Whoever does any of the following commits an assault and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

(1) *Does an act with intent to cause fear in another of immediate bodily harm or death; or*

(2) *Intentionally inflicts or attempts to inflict bodily harm upon another.*

Sec. 609.225. **Aggravated assault.** *Subdivision 1. -- Whoever intentionally inflicts great bodily harm upon another may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both.*

*Subd. 2. Whoever assaults another with a dangerous weapon but without intent to inflict great bodily harm may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

Sec. 609.23. **Mistreatment of persons confined.** *Whoever, being in charge of or employed in any institution, whether public or private, intentionally abuses or ill-treats any person confined therein who is mentally or physically disabled or who is involuntarily confined therein by order of court or other duly constituted authority may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

Sec. 609.235. **Use of drugs to injure or facilitate crime.** *Whoever administers to another or causes another to take any poisonous, stupefying, overpowering, narcotic or anaesthetic substance with intent thereby to injure or to facilitate the commission of a crime may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

Sec. 609.24. **Simple robbery.** *Whoever, knowing he is not entitled thereto, takes personal property from the person or in the presence of another and uses or threatens the imminent use of force against any person to overcome his resistance or powers of resistance to, or to compel acquiescence in, the taking or carrying away of the property is guilty of robbery and may be sentenced to*

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*imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both.*

**Sec. 609.245. Aggravated robbery.** *Whoever, while committing a robbery, is armed with a dangerous weapon or inflicts bodily harm upon another is guilty of aggravated robbery and may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both.*

**Sec. 609.25. Kidnapping. Subdivision 1. Acts constituting.** *Whoever, for any of the following purposes, confines or removes from one place to another, any person without his consent or, if he is under the age of 16 years, without the consent of his parents or other legal custodian, is guilty of kidnapping and may be sentenced as provided in subdivision 2:*

(1) *To hold for ransom or reward for release, or as shield or hostage; or*

(2) *To facilitate commission of any felony or flight thereafter; or*

(3) *To commit great bodily harm or to terrorize the victim or another; or*

(4) *To hold in involuntary servitude.*

**Subd. 2. Sentence.** *Whoever violates subdivision 1 may be sentenced as follows:*

(1) *If the victim is released in a safe place without great bodily harm, to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both; or*

(2) *Otherwise to imprisonment for not more than 40 years or to payment of a fine of not more than \$40,000, or both.*

**Sec. 609.255 False imprisonment.** *Whoever, knowing he has no lawful authority to do so, intentionally confines or restrains a child not his own under the age of 18 years without his parent's or legal custodian's consent, or any other person without his consent, is guilty of false imprisonment and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.*

**Sec. 609.26. Confining own child.** *Whoever intentionally takes, confines or restrains his own child under the age of 18 years with intent to prevent another from obtaining or retaining his custody pursuant to an existing court order may be sentenced to*

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*imprisonment for not more than two years or to payment of a fine of not more than \$2,000, or both.*

**Sec. 609.265. Abduction.** *Whoever, for the purpose of marriage, takes a person under the age of 18 years, without the consent of the parents, guardian or other person having legal custody of such person is guilty of abduction and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

### CRIMES OF COMPULSION

**Sec. 609.27. Coercion. Subdivision 1. Acts constituting.** *Whoever orally or in writing makes any of the following threats and thereby causes another against his will to do any act or forebear doing a lawful act is guilty of coercion and may be sentenced as provided in subdivision 2:*

*(1) A threat to unlawfully inflict bodily harm upon, or hold in confinement, the person threatened or another, when robbery or attempt to rob is not committed thereby; or*

*(2) A threat to unlawfully inflict damage to the property of the person threatened or another; or*

*(3) A threat to unlawfully injure a trade, business, profession or calling; or*

*(4) A threat to expose a secret or deformity, publish a defamatory statement or otherwise to expose any person to disgrace or ridicule; or*

*(5) A threat to make or cause to be made a criminal charge, whether true or false; provided, that a warning of the consequences of a future violation of law given in good faith by a magistrate, peace officer, or prosecuting attorney to any person shall not be deemed a threat for the purposes of this section.*

**Subd. 2. Sentence.** *Whoever violates subdivision 1 may be sentenced as follows:*

*(1) To imprisonment for not more than 90 days or to payment of a fine of not more than \$100 if neither the pecuniary gain received by the violator nor the loss suffered by the person threatened or another as a result of the threat exceeds \$100, or the benefits received or harm sustained are not susceptible of pecuniary measurement; or*

*(2) To imprisonment for not more than five years or to*

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*payment of a fine of not more than \$5,000, or both, if such pecuniary gain or loss is more than \$100 but less than \$2,500; or*

(3) *To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if such pecuniary gain or loss is \$2,500, or more.*

**Sec. 609.275 Attempt to coerce.** *Whoever makes a threat within the meaning of section 609.27, subdivision 1, clauses (1) to (5), but fails to cause the intended act or forbearance, commits an attempt to coerce and may be punished as provided in section 609.17.*

**Sec. 609.28. Interfering with religious observance.** *Whoever, by threats or violence, intentionally prevents another person from performing any lawful act enjoined upon or recommended to him by the religion which he professes may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

#### CRIMES AGAINST THE FAMILY

**Sec. 609.355. Bigamy. Subdivision 1. Definition.** *In this section "cohabit" means to live together under the representation or appearance of being married.*

**Subd. 2. Acts constituting.** *Whoever does any of the following is guilty of bigamy and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both:*

(1) *Contracts a marriage in this state with knowledge that his prior marriage is not dissolved; or*

(2) *Contracts a marriage in this state with knowledge that the prior marriage of the person he marries is not dissolved; or*

(3) *Cohabits in this state with a person whom he married outside this state with knowledge that his own prior marriage has not been dissolved or with knowledge that the prior marriage of the person he married had not been dissolved.*

**Sec. 609.36. Adultery. Subdivision 1. Acts constituting.** *When a married woman has sexual intercourse with a man other than her husband, whether married or not, both are guilty of adultery and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

**Subd. 2. Limitations.** *No prosecution shall be commenced under this section except on complaint of the husband or the wife,*

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*except when such husband or wife is insane, nor after one year from the commission of the offense.*

*Subd. 3. Defense. It is a defense to violation of this section if the marital status of the woman was not known to the defendant at the time of the act of adultery.*

*Sec. 609.365. Incest. Whoever has sexual intercourse with another nearer of kin to him than first cousin, computed by rules of the civil law, whether of the half or the whole blood, with knowledge of the relationship, is guilty of incest and may be sentenced to imprisonment for not more than ten years.*

*Sec. 609.37. Definition. As used in sections 609.375 and 609.38, "child" means a child under the age of 16 years who is in necessitous circumstances and includes such child born out of wedlock whose paternity has been duly established.*

*Sec. 609.375. Subdivision 1. Whoever is legally obligated and able to provide care and support to his wife who is in necessitous circumstances, or his child, whether or not its custody has been granted to another, and intentionally fails to do so is guilty of non-support of said wife or child, as the case may be, and upon conviction thereof may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100; if failure to provide care and support to a minor child or a pregnant wife continues for a period in excess of 120 days such person is guilty of a felony and may be sentenced to imprisonment for not more than five years.*

*Subd. 2. Upon conviction, the court may provide by order for the care and support of such child or wife for a period not to exceed five years, require bond or other security to the state to secure performance thereof, and suspend sentence or execution thereof, conditioned upon compliance with such order.*

*Subd. 3. If, upon order to show cause duly made, the court finds that an order made pursuant to subdivision 2 has been violated, the suspension may be revoked and sentence imposed or executed, and the obligors of such bond or security shall become liable pursuant to the terms thereof, and, with leave of the court, the wife, or child, or any public agency which furnished care or support to such wife or child while such order for care and support was in force, may recover thereon.*

#### CRIMES AGAINST THE GOVERNMENT

*Sec. 609.385. Treason. Subdivision 1. Definition. "Levying war" includes an act of war or an insurrection of several*

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*persons with intent to prevent, by force and intimidation, the execution of a statute of the state, or to force its repeal. It does not include either a conspiracy to commit an act of war or a single instance of resistance for a private purpose to the execution of a law.*

*Subd. 2. Acts constituting. Any person owing allegiance to this state who does either of the following is guilty of treason against this state and shall be sentenced to life imprisonment:*

- (1) Levies war against this state; or*
- (2) Adheres to the enemies of this state, giving them aid and comfort.*

*Subd. 3. Testimony required. No person shall be convicted of treason except on the testimony of two witnesses to the same overt act, or on his confession in open court.*

**Sec. 609.39. Misprision of treason.** *Whoever, owing allegiance to this state and having knowledge of the commission of treason against this state, does not, as soon as may be, disclose and make known the same to the governor or a judge of the supreme court or of the district court, is guilty of misprision of treason against this state and may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

**Sec. 609.395. State military forces; interfering with, obstructing, or other.** *Whoever, when the United States is at war, does either of the following may be sentenced to imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both:*

*(1) Intentionally makes or conveys false reports or statements with intent to interfere with the operation or success of the military or naval forces of this state; or*

*(2) Intentionally causes or incites insubordination, disloyalty, mutiny, or refusal of duty in the military or naval forces of this state, or obstructs the recruiting or enlistment service of this state.*

**Sec. 609.40. Flags. Subdivision 1. Definition.** *In this section "flag" means anything which is or purports to be the Stars and Stripes, the United States shield, the United States coat of arms, the Minnesota state flag, or a copy, picture, or representation of any of them.*

*Subd. 2. Acts prohibited. Whoever does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

**Changes or additions indicated by italics, deletions by strikeout.**

(1) *Intentionally and publicly mutilates, defiles, or casts contempt upon the flag; or*

(2) *Places on or attaches to the flag any word, mark, design, or advertisement not properly a part of such flag or exposes to public view a flag so altered; or*

(3) *Manufactures or exposes to public view an article of merchandise or a wrapper or receptacle for merchandise upon which the flag is depicted; or*

(4) *Uses the flag for commercial advertising purposes.*

*Subd. 3. Exceptions. This section does not apply to flags depicted on written or printed documents or periodicals or on stationery, ornaments, pictures, or jewelry, provided there are not unauthorized words or designs on such flags and provided the flag is not connected with any advertisement.*

Sec. 609.405. **Criminal syndicalism.** *Subdivision 1. Definition. "Criminal syndicalism" is the doctrine which advocates crime, malicious damage or injury to the property of an employer, violence, or other unlawful methods of terrorism as a means of accomplishing industrial or political ends.*

*Subd. 2. Acts prohibited. Whoever does any of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both:*

(1) *Orally or by means of writing advocates or promotes the doctrine of criminal syndicalism; or*

(2) *Intentionally organizes or becomes a member of any assembly, group, or organization which he knows is advocating or promoting the doctrine of criminal syndicalism; or*

(3) *For or on behalf of another person, distributes, sells, publishes, or publicly displays any writing, which is intended by that person to be used to, and which does, advocate or promote the doctrine of criminal syndicalism.*

*Subd. 3. Permitting assemblage for. Whoever, being the owner or in possession or control of any premises intentionally permits any assemblage of persons to use such premises for the purpose of advocating or promoting the doctrine of criminal syndicalism may be sentenced to imprisonment for not more than one year, or to payment of a fine of not more than \$1,000, or both.*

Sec. 609.41. **False tax statement.** *Whoever, in making any statement, oral or written, which is required or authorized by*

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*law to be made as a basis of imposing, reducing, or abating any tax or assessment, intentionally makes any statement as to any material matter which he knows is false may be sentenced, unless otherwise provided by law, to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

#### CRIMES AFFECTING PUBLIC OFFICER OR EMPLOYEE

Sec. 609.415. **Definitions.** *Subdivision 1. As used in sections 609.415 to 609.465, and 609.515,*

(1) *"Public officer" means:*

(a) *An executive or administrative officer of the state or of a county, municipality or other subdivision or agency of the state.*

(b) *A member of the legislature or of a governing board of a county, municipality, or other subdivision of the state, or other governmental instrumentality within the state.*

(c) *A judicial officer.*

(d) *A hearing officer.*

(e) *A law enforcement officer.*

(f) *Any other person exercising the functions of a public officer.*

(2) *A "public employee" is a person employed by or acting for the state or by or for a county, municipality, or other subdivision or governmental instrumentality of the state for the purpose of exercising their respective powers and performing their respective duties, and who is not a "public officer."*

(3) *A "judicial officer" includes a judge, justice of the peace or other magistrate, juror, court commissioner, referee, or any other person appointed by a judge or court to hear or determine a cause or controversy.*

(4) *A "hearing officer" includes any person authorized by law or private agreement to hear or determine a cause or controversy and who is not a judicial officer.*

*Subd. 2. A person who has been elected, appointed, or otherwise designated as a public officer or public employee is deemed such officer or employee although he has not yet qualified therefor or entered upon the duties thereof.*

Sec. 609.42. **Bribery.** *Subdivision 1. Acts constituting. Whoever does any of the following is guilty of bribery and may*

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be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both:

(1) *Offers, gives, or promises to give, directly or indirectly, to any public officer or employee any benefit, reward or consideration to which he is not legally entitled with intent thereby to influence such officer or employee with respect to the performance of his powers or duties as such officer or employee; or*

(2) *Being a public officer or employee, requests, receives or agrees to receive, directly or indirectly, any such benefit, reward or consideration upon the understanding that he will be so influenced; or*

(3) *Offers, gives, or promises to give, directly or indirectly any such benefit, reward, or consideration to a witness or one who is about to become a witness in a proceeding before a judicial or hearing officer, with intent that his testimony be influenced thereby, or that he will absent himself from the proceeding; or*

(4) *By any other means induces a witness or one who is about to become a witness to withhold his true testimony or to absent himself from the proceeding; or*

(5) *Is, or is about to become such witness and requests, receives, or agrees to receive, directly or indirectly, any such benefit, reward, or consideration upon the understanding that his testimony will be so influenced, or that he will absent himself from the proceeding; or*

(6) *Accepts directly or indirectly a benefit, reward or consideration upon an agreement or understanding, express or implied, that he will refrain from giving information that may lead to the prosecution of a crime or purported crime or that he will abstain from, discontinue, or delay prosecution therefor, except in a case where a compromise is allowed by law.*

*Subd. 2. Forfeiture of office. Any public officer who is convicted of violating or attempting to violate subdivision 1 of this section shall forfeit his office and be forever disqualified from holding public office under the state.*

**Sec. 609.425. Corruptly influencing legislator.** *Whoever by menace, deception, concealment of facts, or other corrupt means, attempts to influence the vote or other performance of duty of any member of the legislature or person elected thereto may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

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**Sec. 609.43. Misconduct of public officer or employee.** *A public officer or employee who does any of the following, for which no other sentence is specifically provided by law, may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both:*

*(1) Intentionally fails or refuses to perform a known mandatory, nondiscretionary, ministerial duty of his office or employment within the time or in the manner required by law; or*

*(2) In his capacity as such officer or employee, does an act which he knows is in excess of his lawful authority or which he knows he is forbidden by law to do in his official capacity; or*

*(3) Under pretense or color of official authority intentionally and unlawfully injures another in his person, property, or rights; or*

*(4) In his capacity as such officer or employee, makes a return, certificate, official report, or other like document which to his knowledge is false in any material respect.*

**Sec. 609.435. Officer not filing security.** *Whoever intentionally performs the functions of a public officer without having executed and duly filed the required security may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

**Sec. 609.44. Public office; illegally assuming; non-surrender.** *Whoever intentionally and without lawful right thereto, exercises a function of a public office or, having held such office and his right thereto having ceased, refuses to surrender the office or its seal, books, papers, or other incidents to his successor or other authority entitled thereto may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

**Sec. 609.445. Failure to pay over state funds.** *Whoever receives money on behalf of or for the account of the state or any of its agencies or subdivisions and intentionally refuses or omits to pay the same to the state or its agency or subdivision entitled thereto, or to an officer or agent authorized to receive the same, may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.*

**Sec. 609.45. Public officer; unauthorized compensation.** *Whoever is a public officer or public employee and under color of his office or employment intentionally asks, receives or agrees to receive a fee or other compensation in excess of that allowed by law or where no such fee or compensation is allowed, may be sentenced*

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to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.

**Sec. 609.455. Permitting false claims against government.** *A public officer or employe who audits, allows, or pays any claim or demand made upon the state or subdivision thereof or other governmental instrumentality within the state which he knows is false or fraudulent in whole or in part, may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

**Sec. 609.46. Justice of the peace or constable buying claim or inducing suit.** *Every justice of the peace or constable who shall, directly or indirectly, buy, or be interested in buying, any thing in action, for the purpose of commencing a suit thereon before a justice, or who shall give or promise any valuable consideration to any person as an inducement to bring, or in consideration of having brought, a suit thereon before a justice, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

**Sec. 609.465. Presenting false claims to public officer or body.** *Whoever, with intent to defraud, presents a claim or demand, which to his knowledge is false in whole or in part, for audit, allowance or payment to a public officer or body authorized to make such audit, allowance or payment is guilty of an attempt to commit theft of public funds and may be sentenced accordingly.*

**Sec. 609.47. Interference with property in official custody.** *Whoever intentionally takes, damages, or destroys any personal property held in custody by an officer or other person under process of law may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

**Sec. 609.475. Impersonating officer.** *Whoever falsely impersonates a police or military officer or public official with intent to mislead another into believing that he is actually such officer or official may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

#### CRIMES AGAINST THE ADMINISTRATION OF JUSTICE

**Sec. 609.48. Perjury. Subdivision 1. Acts constituting.** *Whoever makes a false material statement which he does not believe to be true in any of the following cases is guilty of perjury and may be sentenced as provided in subdivision 4:*

(1) In or for an action, hearing or proceeding of any kind in

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*which the statement is required or authorized by law to be made under oath or affirmation; or*

(2) *In any writing which is required or authorized by law to be under oath or affirmation; or*

(3) *In any other case in which the penalties for perjury are imposed by law and no specific sentence is otherwise provided.*

**Subd. 2. Defenses not available.** *It is not a defense to a violation of this section that:*

(1) *The oath or affirmation was taken or administered in an irregular manner; or*

(2) *The declarant was not competent to give the statement; or*

(3) *The declarant did not know that his statement was material or believed it to be immaterial; or*

(4) *The statement was not used or, if used, did not affect the proceeding for which it was made; or*

(5) *The statement was inadmissible under the law of evidence.*

**Subd. 3. Inconsistent statements.** *When the declarant has made two inconsistent statements under such circumstances that one or the other must be false and not believed by him when made, it shall be sufficient for conviction under this section to charge and the jury to find that, without determining which, one or the other of such statements was false and not believed by the declarant. The period of limitations for prosecution under this subdivision runs from the first such statement.*

**Subd. 4. Sentence.** *Whoever violates this section may be sentenced as follows:*

(1) *If the false statement was made upon the trial of a felony charge, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both; or*

(2) *In all other cases, to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.*

**Sec. 609.485. Escape from custody.** *Subdivision 1. Definition. "Escape" includes departure without lawful authority and failure to return to custody following temporary leave granted for a specific purpose or limited period.*

**Subd. 2. Acts prohibited.** *Whoever does any of the following may be sentenced as provided in subdivision 4:*

**Changes or additions indicated by italics, deletions by strikeout.**

(1) *Escapes while held in lawful custody on a charge or conviction of a crime; or*

(2) *Transfers to another, who is in lawful custody on a charge or conviction of a crime, or introduces into an institution in which the latter is confined, anything useable in making such escape, with intent that it shall be so used; or*

(3) *Having another in his lawful custody on a charge or conviction of a crime, intentionally permits him to escape.*

**Subd. 3. Exceptions.** *This section does not apply to a person who is free on bail or who is on parole or probation, or subject to a stayed sentence or stayed execution of sentence, unless he has been taken into actual custody upon revocation of the parole, probation, or stay of the sentence or execution of sentence.*

**Subd. 4. Sentence.** *Whoever violates this section may be sentenced as follows:*

(1) *If the person who escapes is in lawful custody on a charge or conviction of a felony, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

(2) *If such charge or conviction is for a gross misdemeanor, to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

(3) *If such charge or conviction is for a misdemeanor, to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

(4) *If the escape was effected by violence or threat of violence against a person, the sentence may be increased to not more than twice those permitted in clauses (1), (2), and (3).*

(5) *A sentence under this section shall be in addition to any sentence previously imposed or which may be imposed for any crime or offense for which the person was in custody when he escaped.*

**Sec. 609.49. Release, failure to appear.** *Whoever, being charged with or convicted of a felony and held in lawful custody therefor, is released from custody, with or without bail or recognizance, on condition that he personally appear when required with respect to such charge or conviction, and intentionally fails, without lawful excuse, to so appear when required or surrender himself within three days thereafter, may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

**Changes or additions indicated by italics, deletions by strikeout.**

**Sec. 609.495. Aiding an offender to avoid arrest.** *Subdivision 1. Whoever harbors, conceals or aids another known by him to have committed a felony under the laws of this or another state or of the United States with intent that such offender shall avoid or escape from arrest, trial, conviction, or punishment, may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.*

*Subd. 2. This section does not apply if the actor at the time of harboring, concealing, or aiding is related to the offender as husband, wife, parent, or child.*

**Sec. 609.50. Obstructing legal process or arrest.** *Whoever intentionally obstructs, hinders or prevents the lawful execution of any legal process, civil or criminal, or apprehension of another on a charge or conviction of a criminal offense may be sentenced as follows:*

*1) If the act was accompanied by force or violence or the threat thereof, to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both; or*

*(2) In other cases to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

**Sec. 609.505. Falsely reporting crime.** *Whoever informs a law enforcement officer that a crime has been committed, knowing that it is false and intending that the officer shall act in reliance upon it, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

**Sec. 609.51. Simulating legal process.** *Subdivision 1. Acts prohibited. Whoever does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

*(1) Sends or delivers to another any document which simulates a summons, complaint, or court process with intent thereby to induce payment of a claim; or*

*(2) Prints, distributes, or offers for sale any such document knowing or intending that it shall be so used.*

*Subd. 2. Exceptions. This section does not prohibit the printing, distribution or sale of blank forms of legal documents for use in judicial proceedings.*

**Sec. 609.515. Misconduct of judicial or hearing officer.** *Whoever does any of the following, when the act is not in violation of*

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section 609.42, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:

(1) *Being a judicial or hearing officer, does either of the following:*

(a) *Agrees with or promises another to determine a cause or controversy or issue pending or to be brought before him for or against any party; or*

(b) *Intentionally obtains or receives and uses information relating thereto contrary to the regular course of the proceeding.*

(2) *Induces a judicial or hearing officer to act contrary to the provisions of this section.*

### THEFT AND RELATED CRIMES

Sec. 609.52. **Theft.** *Subdivision 1. Definitions. In this section:*

(1) *"Property" means all forms of tangible property, whether real or personal, without limitation including documents of value, electricity, gas, water, corpses, domestic animals, dogs, pets, fowl, and heat supplied by pipe or conduit by municipalities or public utility companies.*

(2) *"Movable property" is property whose physical location can be changed, including without limitation things growing on, affixed to or found in land.*

(3) *"Value" means the market value at the time of the theft, or if the market value cannot be ascertained, the cost of replacement of the property within a reasonable time after the theft. For a theft committed within the meaning of subdivision 2, clause (5), (a) and (b), if the property has been restored to the owner, "value" means the value of the use of the property or the damage which it sustained, whichever is greater, while the owner was deprived of its possession, but not exceeding the value otherwise provided herein.*

(4) *"Property of another" includes property in which the actor is co-owner or has a lien, pledge, bailment, or lease or other subordinate interest, and property of a partnership of which the actor is a member, unless the actor and the victim are husband and wife. It does not include property in which the actor asserts in good faith a claim as a collection fee or commission out of property or funds recovered, or by virtue of a lien, set-off, or counterclaim.*

*Subd. 2. Acts constituting theft. Whoever does any of the*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

following commits theft and may be sentenced as provided in subdivision 3:

(1) *Intentionally and without claim of right takes, uses, transfers, conceals or retains possession of movable property of another without his consent and with intent to deprive the owner permanently of possession of the property; or*

(2) *Having a legal interest in movable property, intentionally and without consent, takes such property out of the possession of a pledgee or other person having a superior right of possession, with intent thereby to deprive the pledgee or other person permanently of the possession of the property; or*

(3) *Obtains for himself or another the possession, custody, or title to property of a third person by intentionally deceiving him with a false representation which is known to be false, made with intent to defraud, and which does defraud the person to whom it is made. "False representation" includes without limitation:*

(a) *The issuance of a check, draft, or order for the payment of money or the delivery of property knowing that he is not entitled to draw upon the drawee therefor or to order the payment or delivery thereof; or*

(b) *A promise made with intent not to perform. Failure to perform is not evidence of intent not to perform unless corroborated by other substantial evidence; or*

(c) *The unauthorized use of a credit card, credit plate, charge plate, or other identification device issued by an organization to a person for use in purchasing goods on credit; or*

(4) *By swindling, whether by artifice, trick, device, or any other means, obtains property from another person; or*

(5) *Intentionally commits any of the acts listed in this subdivision but with intent to exercise temporary control only and:*

(a) *The control exercised manifests an indifference to the rights of the owner or the restoration of the property to him; or*

(b) *He pledges or otherwise attempts to subject the property to an adverse claim; or*

(c) *He intends to restore the property only on condition that the owner pay a reward or buy back or make other compensation; or*

(6) *Finds lost property and, knowing or having reasonable means of ascertaining the true owner, appropriates it to his own use or to that of another not entitled thereto without first having made*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*reasonable effort to find the owner and offer and surrender the property to him; or*

(7) *Intentionally obtains property or services, offered upon the deposit of a sum of money or tokens in a coin or token operated machine or other receptacle, without making the required deposit or otherwise obtaining the consent of the owner.*

**Subd. 3. Sentence.** *Whoever commits theft may be sentenced as follows:*

(1) *To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the value of the property or services stolen exceeds \$2,500; or*

(2) *To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the value of the property or services is more than \$100 but not more than \$2,500; or*

(3) *To imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, notwithstanding the value of the property or services is not more than \$100, if any of the following circumstances exist:*

(a) *The property is taken from the person of another or from a corpse, or grave or coffin containing a corpse; or*

(b) *The property taken is a record of a court or officer, or a writing, instrument or record kept, filed or deposited according to law with or in the keeping of any public officer or office; or*

(c) *The property is taken from a burning building or upon its removal therefrom, or from an area of destruction caused by civil disaster, riot, bombing, or the proximity of battle; or*

(d) *The property taken consists of public funds belonging to the state or to any political subdivision or agency thereof; or*

(4) *In all other cases where the value of the property or services is \$100 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$100, provided, however, in any prosecution under clause (3) (a) of subdivision 2 hereunder the value of the money or property received by the defendant in violation thereof within any six month period may be aggregated and the defendant charged accordingly in applying the provisions of this subdivision.*

**Sec. 609.525. Bringing stolen goods into state.** *Subdivision 1. Whoever brings property into the state which he has stolen*

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*outside the state, or received outside of the state knowing it to have been stolen, may be sentenced in accordance with the provisions of section 609.52, subdivision 3. He may be charged, indicted, and tried in any county, but not more than one county, into or through which he has brought such property.*

*Subd. 2. Property is stolen within the meaning of this section if the act by which the owner was deprived of his property was a criminal offense under the laws of the state in which the act was committed and would constitute a theft under this article if the act had been committed in this state.*

**Sec. 609.53. Receiving stolen property.** *Whoever intentionally receives or conceals stolen property may be sentenced in accordance with the provisions of section 609.52, subdivision 3.*

**Sec. 609.535. Issuance of worthless check.** *Subdivision 1. Definition. "Credit" means an arrangement or understanding with the drawee for the payment of the check or other order for the payment of money to which this section applies.*

*Subd. 2. Acts constituting. Whoever issues any check or other order for the payment of money which, at the time of issuance, he intends shall not be paid may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

*Subd. 3. Proof of intent. Any of the following is evidence sufficient to sustain a finding that the person at the time he issued the check or other order for the payment of money, intended it should not be paid:*

*(1) Proof that, at the time of issuance, he did not have an account with the drawee; or*

*(2) Proof that, at the time of issuance, he did not have sufficient funds or credit with the drawee and that he failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order; or*

*(3) Proof that, when presentment was made within a reasonable time, the issuer did not have sufficient funds or credit with the drawee and that he failed within five days after receiving notice of nonpayment or dishonor to pay the check or other order.*

*Subd. 4. Proof of lack of funds or credit. If the check or other order for the payment of money has been protested, the notice of protest thereof is admissible as proof of presentation, nonpayment, and protest, and is evidence sufficient to sustain a finding that there was a lack of funds or credit with the drawee.*

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*Subd. 5. Exceptions. This section does not apply to a postdated check or to a check given for a past consideration, except a payroll check.*

**Sec. 609.54. Embezzlement of public funds.** *Whoever does an act which constitutes embezzlement under the provisions of Minnesota Constitution, Article IX, Section 12 may be sentenced as follows:*

(1) *If the value of the funds so embezzled is \$2,500, or less, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both; or*

(2) *If such value is more than \$2,500, to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both.*

**Sec. 609.545. Misusing credit card to secure services.** *Whoever obtains the services of another by the intentional unauthorized use of a credit card issued or purporting to be issued by an organization for use as identification in purchasing services may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

**Sec. 609.55. Unauthorized use of motor vehicle.** *Subdivision 1. Definition. For the purposes of this section, "motor vehicle" means any self-propelled device for moving persons or property or pulling implements from one place to another, whether such device is operated on land, rails, water, or in the air.*

*Subd. 2. Acts constituting. Whoever intentionally takes and drives a motor vehicle without the consent of the owner or his authorized agent may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.*

#### DAMAGE OR TRESPASS TO PROPERTY

**Sec. 609.555. Definition.** *"Property of another" as used in sections 609.56 and 609.565 means property in which a person other than the actor has an interest which the actor has no right to defeat or impair.*

**Sec. 609.56. Aggravated arson.** *Whoever, by means of fire or explosives, intentionally destroys or damages a dwelling house or other property, real or personal, whether his own or that of another, and thereby creates an imminent danger to life or risk of great bodily harm commits aggravated arson and may be sentenced to imprisonment for not more than 15 years or to payment of a fine of*

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*not more than \$15,000, or both, if the danger or risk was known to the actor; or to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the danger or risk was not known but was reasonably foreseeable.*

**Sec. 609.565. Simple arson.** *Whoever, by means of fire or explosives, intentionally damages or destroys any property of another without his consent is guilty of simple arson, if the act does not constitute aggravated arson, and may be sentenced as follows:*

*(1) To imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both, if:*

*(a) The property intended by the actor to be damaged or destroyed had a value of \$100 or more; or*

*(b) Property of the value of \$100 or more was unintentionally damaged or destroyed but such damage or destruction could reasonably have been foreseen; or*

*(c) The property specified in clauses (a) and (b) in the aggregate had a value of \$100 or more; or*

*(2) To imprisonment for not more than 90 days or to payment of a fine of not more than \$100 in all other cases.*

**Sec. 609.57. Attempted arson.** *Whoever places any combustible or explosive or other destructive material or device in or near any property with intent to set fire to or blow up or otherwise damage such property so that, if such fire or destruction had occurred, he would have been guilty of violating sections 609.56, 609.565, or 609.61, is guilty of an attempt to violate such sections.*

**Sec. 609.575. Negligent fires.** *Whoever is culpably negligent in causing a fire to burn or get out of control and thereby creates an unreasonable risk and high degree of probability of damage or injury to another, and the property or person of another is damaged or injured or endangered thereby, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

**Sec. 609.58. Burglary. Subdivision 1. Definitions.** *For the purposes of this section:*

*(1) Whoever enters a building while open to the general public does so with consent except when, prior thereto, consent was expressly withdrawn.*

*(2) "Building" includes a dwelling or other structure suitable for affording shelter for human beings or appurtenant to or connected*

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*with a structure so adapted, and includes portions of such structure as are separately occupied.*

*Subd. 2. Acts constituting. Whoever enters a building without the consent of the person in lawful possession, with intent to commit a crime therein, commits burglary and may be sentenced as follows:*

*(1) To imprisonment for not more than 20 years or to payment of a fine of not more than \$20,000, or both, if:*

*(a) When entering or while in the building, he possesses an explosive or tool to gain access to money or property; or*

*(b) The building entered is a dwelling and he possesses a dangerous weapon when entering or while in the building or he commits an assault upon a person present therein; or*

*(c) The portion of the building entered contains a banking business or other business of receiving securities or other valuable papers for deposit or safe-keeping, the entry is with force or threat of force, the intent is to steal or commit a felony therein.*

*(2) To imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both, if the building entered is a dwelling and another person not an accomplice is present therein.*

*(3) In any other case, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if the intent is to steal or commit a felony or gross misdemeanor or to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both, if the intent is to commit a misdemeanor.*

**Sec. 609.585. Double jeopardy.** *A prosecution for or conviction of the crime of burglary is not a bar to conviction of any other crime committed on entering or while in the building entered.*

**Sec. 609.59. Possession of burglary tools.** *Whoever has in his possession any device, explosive, or other instrumentality with intent to use or permit the use of the same to commit burglary may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.*

**Sec. 609.595. Damage to property. Subdivision 1. Aggravated criminal damage to property.** *Whoever intentionally causes damage to physical property of another without the latter's consent may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both, if:*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

(1) *The damage to the property caused a reasonably foreseeable risk of bodily harm; or*

(2) *The property damaged belongs to a public utility or a common carrier and the damage impairs the service to the public rendered by them; or*

(3) *The damage reduces the value of the property by more than \$100 measured by the cost of repair or replacement, whichever is less.*

*Subd. 2. Criminal damage to property. Whoever intentionally so causes such damage under any other circumstances may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

**Sec. 609.60. Dangerous trespasses and other acts.** *Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100; except, if to his knowledge a risk of death or bodily harm or serious property damage is thereby created, he may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both:*

(1) *Smokes in the presence of explosives or inflammable materials; or*

(2) *Interferes with or obstructs the prevention or extinguishing of any fire or disobeys the lawful orders of a law enforcement officer or fireman present at the fire; or*

(3) *Shows a false light or signal or interferes with any light, signal, or sign controlling or guiding traffic upon a highway, railway track, navigable waters, or in the air; or*

(4) *Places an obstruction upon a railroad track; or*

(5) *Exposes another or his property to an obnoxious or harmful gas, fluid or substance, with intent to injure, molest, or coerce.*

**Sec. 609.605. Trespasses and other acts.** *Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

(1) *Smokes in a building, area, or common carrier in which "no smoking" notices have been prominently posted, or when requested not to by the operator of the common carrier; or*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

(2) *Trespasses or permits animals under his control to trespass upon a railroad track; or*

(3) *Permits domestic animals or fowls under his control to go upon the lands of another within a city or village; or*

(4) *Interferes unlawfully with any mounment, sign, or pointer erected or marked to designate a point of a boundary, line or a political subdivision, or of a tract of land; or*

(5) *Trespasses upon the premises of another and, without claim of right, refuses to depart therefrom on demand of the lawful possessor thereof; or*

(6) *Enters the premises of another with intent to take or injure any fruit, fruit trees, or vegetables growing thereon without the permission of the owner or occupant; or*

(7) *Refuses the request of the operator of a public conveyance to either pay the required fare or leave the conveyance; or*

(8) *Takes any animal on a public conveyance without the consent of the operator; or*

(9) *Without the permission of the owner, tampers with or gets into or upon a motor vehicle as defined in section 609.55, subdivision 1, or rides in or upon such motor vehicle knowing it was taken and is being driven by another without the permission of the owner.*

Sec. 609.61. **Defrauding insurer.** *Whoever burns, destroys, or otherwise damages any property with intent to defraud an insurer of that property, when aggravated arson is not committed thereby, may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.*

Sec. 609.615. **Defeating security on realty.** *Whoever removes or damages real property which is subject to a mortgage, mechanic's lien, or contract for deed, with intent to impair the value of the security, without the consent of the security holder, may be sentenced as follows:*

(1) *If the value of the property is impaired by \$100 or less, to imprisonment for not more than 90 days or to payment of a fine of not more than \$100; or*

(2) *If the value of the property is impaired by more than \$100, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

Sec. 609.62. **Defeating security on personalty.** *Subdivi-*

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*sion 1. Definition.* In this section "security interest" means an interest in property which secures payment or other performance of an obligation.

*Subd. 2. Acts constituting.* Whoever, with intent to defraud, does any of the following may be sentenced to imprisonment for not more than two years or to payment of a fine of not more than \$2,000, or both:

(1) Conceals, removes, or transfers any personal property in which he knows that another has a security interest; or

(2) Being an obligor and knowing the location of the property refuses to disclose the same to an obligee entitled to possession thereof.

### FORGERY AND RELATED CRIMES

**Sec. 609.625. Aggravated forgery. Subdivision 1. Making or altering writing or object.** Whoever, with intent to defraud, falsely makes or alters a writing or object of any of the following kinds so that it purports to have been made by another or by himself under an assumed or fictitious name, or at another time, or with different provisions, or by authority of one who did not give such authority, is guilty of aggravated forgery and may be sentenced to imprisonment for not more than ten years or to payment of a fine of not more than \$10,000, or both:

(1) A writing or object whereby, when genuine, legal rights, privileges, or obligations are created, terminated, transferred, or evidenced, or any writing normally relied upon as evidence of debt or property rights; or

(2) An official seal or the seal of a corporation; or

(3) A public record or an official authentication or certification of a copy thereof; or

(4) An official return or certificate entitled to be received as evidence of its contents; or

(5) A court order, judgment, decree, or process; or

(6) The records or accounts of a public body, office, or officer; or

(7) The records or accounts of a bank or person, with whom funds of the state or any of its agencies or subdivisions are deposited or entrusted, relating to such funds.

*Subd. 2. Means for false reproduction.* Whoever, with

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*intent to defraud, makes, engraves, possesses or transfers a plate or instrument for the false reproduction of a writing or object mentioned in subdivision 1 may be sentenced as provided in subdivision 1.*

**Subd. 3. Uttering or possessing.** *Whoever, with intent to defraud, utters or possesses with intent to utter any forged writing or object mentioned in subdivision 1, knowing it to have been so forged, may be sentenced as provided in subdivision 1.*

**Sec. 609.63. Forgery.** *Subdivision 1. Whoever, with intent to injure or defraud, does any of the following is guilty of forgery and may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both:*

(1) *Uses a false writing, knowing it to be false, for the purpose of identification or recommendation; or*

(2) *Without consent, places, or possesses with intent to place, upon any merchandise an identifying label or stamp which is or purports to be that of another craftsman, tradesman, packer, or manufacturer, or disposes or possesses with intent to dispose of any merchandise so labeled or stamped; or*

(3) *Falsely makes or alters a membership card purporting to be that of a fraternal, business, professional, or other association, or of any labor union, or possesses any such card knowing it to have been thus falsely made or altered; or*

(4) *Falsely makes or alters a writing, or possesses a falsely made or altered writing, evidencing a right to transportation on a common carrier; or*

(5) *Destroys, mutilates, or by alteration, false entry or omission, falsifies any record, account, or other document relating to a private business; or*

(6) *Without authority of law, destroys, mutilates, or by alteration, false entry, or omission, falsifies any record, account, or other document relating to a person, corporation, or business, or filed in the office of, or deposited with, any public office or officer; or*

(7) *Destroys a writing or object to prevent it from being produced at a trial, hearing, or other proceeding authorized by law.*

**Subd. 2.** *Whoever, with knowledge that it is forged, offers in evidence in any trial, hearing or other proceedings authorized by law, as genuine, any forged writing or object may be sentenced as follows:*

(1) *If the writing or object is offered in evidence in the trial*

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of a felony charge, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both; or

(2) In all other cases, to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.

**Sec. 609.635. Obtaining signature by false pretense.** *Whoever, by false pretense, obtains the signature of another to a writing which is a subject of forgery under section 609.625, subdivision 1, may be punished as therein provided.*

**Sec. 609.64. Recording, filing of forged instrument.** *Whoever intentionally presents for filing, registering, or recording, or files, registers, or records a false or forged instrument relating to or affecting real or personal property in a public office entitled to file, register, or record such instrument when genuine may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both.*

**Sec. 609.645. Fraudulent statements.** *Whoever, with intent to injure or defraud, does any of the following may be sentenced to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both:*

(1) *Circulates or publishes a false statement, oral or written, relating to a corporation, association, or individual, intending thereby to give a false apparent value to securities issued or to be issued by, or to the property of, such corporation, association, or individual; or*

(2) *Makes a false ship's or airplane's manifest, invoice, register, or protest.*

**Sec. 609.65. False certification by notary public.** *Whoever, when acting or purporting to act as a notary public or other public officer, certifies falsely that an instrument has been acknowledged or that any other act was performed by a party appearing before him or that as such notary public or other public officer he performed any other official act may be sentenced as follows:*

(1) *If he so certifies with intent to injure or defraud, to imprisonment for not more than three years or to payment of a fine of not more than \$3,000, or both; or*

(2) *In any other case, to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

**Sec. 609.655. Alteration or removal of identification number.** *Whoever, with intent to prevent the identification of property involved, alters or removes any manufacturer's identification number on personal property or possesses any personal property with knowl-*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*edge that the manufacturer's identification number has been removed or altered may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

### CRIMES AGAINST PUBLIC SAFETY AND HEALTH

**Sec. 609.66. Dangerous weapons. Subdivision 1. Acts prohibited.** *Whoever does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

(1) *Recklessly handles or uses a gun or other dangerous weapon or explosive so as to endanger the safety of another; or*

(2) *Intentionally points a gun of any kind, capable of injuring or killing a human being and whether loaded or unloaded, at or toward another; or*

(3) *Manufactures or sells for any unlawful purpose any weapon known as a slung-shot or sand club; or*

(4) *Manufactures, transfers, or possesses metal knuckles or a switch blade knife opening automatically; or*

(5) *Possesses any other dangerous article or substance for the purpose of being used unlawfully as a weapon against another; or*

(6) *Sells or has in his possession any device designed to silence or muffle the discharge of a firearm; or*

(7) *Without the parent's or guardian's consent, furnishes a child under 14 years of age, or as a parent or guardian permits such child to handle or use, outside of the parent's or guardian's presence, a firearm or airgun of any kind, or any ammunition or explosive; or*

(8) *In any municipality of this state, furnishes a minor under 18 years of age with a firearm, airgun, ammunition, or explosive without the written consent of his parent or guardian or of the police department or magistrate of such municipality.*

**Subd. 2. Exceptions.** *Nothing in this section prohibits the possession of the articles mentioned by museums or collectors of art or for other lawful purposes of public exhibition.*

**Sec. 609.655. Spring guns.** *Whoever sets a spring gun, pit fall, deadfall, snare, or other like dangerous weapon or device, may be sentenced to imprisonment for not more than six months or to payment of a fine of not more than \$500, or both.*

**Sec. 609.67. Machine guns. Subdivision 1. Definition.**

**Changes or additions indicated by italics, deletions by strikeout.**

*"Machine gun" means any firearm designed to discharge, or capable of discharging automatically more than once by a single function of the trigger.*

*Subd. 2. Acts prohibited. Except as otherwise provided herein, whoever owns, possesses, or operates a machine gun may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

*Subd. 3. Uses permitted. The following persons may own or possess a machine gun provided the provisions of subdivision 4 are complied with:*

*(1) Law enforcement officers for use in the course of their duties;*

*(2) Wardens of penal institutions and other personnel thereof authorized by them and persons in charge of other institutions for the retention of persons convicted or accused of crime, for use in the course of their duties; and*

*(3) Persons possessing machine guns as war relics, museum pieces, or as objects of curiosity, ornament, or keepsake, and not useable as a weapon.*

*Subd. 4. Report required. A person owning or possessing a machine gun as authorized by subdivision 3 shall, within ten days after acquiring such ownership or possession, file a written report with the bureau of criminal apprehension, showing his name and address; his official title and position, if any; a description of the machine gun sufficient to enable identification thereof; the purpose for which it is owned or possessed; and the manner in which rendered unuseable, if the right to possess the machine gun is claimed under clause (3) of subdivision 3 of this section; and such further information as the bureau may reasonably require.*

*Subd. 5. Exceptions. This section does not apply to members of the armed services of either the United States or the state of Minnesota for use in the course of their duties.*

**Sec. 609.675. Exposure of unused refrigerator or container to children.** *Whoever, being the owner or in possession or control, permits an unused refrigerator or other container, sufficiently large to retain any child and with doors which fasten automatically when closed, to be exposed and accessible to children, without removing the doors, lids, hinges, or latches may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

**Sec. 609.68. Unlawful deposit of garbage, litter, or like.** *Whoever unlawfully deposits garbage, rubbish, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, public lands, or, without the consent of the owner, private lands or water or ice thereon, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

**Sec. 609.685. Use of tobacco by children.** *Whoever does any of the following may be sentenced to imprisonment for not more than 30 days or to payment of a fine of not more than \$50:*

(1) *Being under the age of 18 years, uses tobacco in any form; or*

(2) *Furnishes tobacco in any form to one not entitled thereto under clause (1).*

#### PUBLIC MISCONDUCT OR NUISANCE

**Sec. 609.705. Unlawful assembly.** *When three or more persons assemble, each participant is guilty of unlawful assembly and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100 if the assembly is:*

(1) *With intent to commit any unlawful act by force; or*

(2) *With intent to carry out any purpose in such manner as will disturb or threaten the public peace; or*

(3) *Without unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace.*

**Sec. 609.71. Riot.** *When three or more persons assembled disturb the public peace by an intentional act or threat of unlawful force or violence to person or property, each participant therein is guilty of riot and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both, or, if the offender, or to his knowledge any other participant, is armed with a dangerous weapon or is disguised, to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both.*

**Sec. 609.715. Presence at unlawful assembly.** *Whoever without lawful purpose is present at the place of an unlawful assembly and refuses to leave when so directed by a law enforcement officer may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

Sec. 609.72. **Disorderly conduct.** *Whoever does any of the following in a public or private place, knowing, or having reasonable grounds to know, that it will, or will tend to, alarm, anger or disturb others or provoke an assault or breach of the peace, is guilty of disorderly conduct and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

- (1) *Engages in brawling or fighting; or*
- (2) *Disturbs an assembly or meeting, not unlawful in its character; or*
- (3) *Engages in offensive, obscene, or abusive language or in boisterous and noisy conduct tending reasonably to arouse alarm, anger or resentment in others.*

Sec. 609.725. **Vagrancy.** *Any of the following are vagrants and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

- (1) *A person, with ability to work, who is without lawful means of support, does not seek employment, and is not under 18 years of age; or*
- (2) *A person found in or loitering near any structure, vehicle, or private grounds who is there without the consent of the owner and is unable to account for his presence; or*
- (3) *A prostitute who loiters on the streets or in a public place or in a place open to the public with intent to solicit for immoral purposes; or*
- (4) *A person who derives his support in whole or in part from begging or as a fortune teller or similar imposter.*

Sec. 609.735. **Concealing identity.** *Whoever conceals his identity in a public place by means of a robe, mask, or other disguise, unless incidental to amusement or entertainment, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

Sec. 609.74. **Public nuisance.** *Whoever by his act or failure to perform a legal duty intentionally does any of the following is guilty of maintaining a public nuisance and may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

- (1) *Maintains or permits a condition which unreasonably annoys, injures or endangers the safety, health, morals, comfort, or repose of any considerable number of members of the public; or*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

(2) *Interferes with, obstructs, or renders dangerous for passage, any public highway or right-of-way, or waters used by the public; or*

(3) *Is guilty of any other act or omission declared by law to be a public nuisance and for which no sentence is specifically provided.*

Sec. 609.745. **Permitting public nuisance.** *Whoever permits real property under his control to be used to maintain a public nuisance or lets the same knowing it will be so used may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

### GAMBLING

Sec. 609.75. **Gambling; definitions.** *Subdivision 1. Lottery. A lottery is a plan for the distribution of money, property or other reward or benefit to persons selected by chance from among participants some or all of whom have given a consideration for the chance of being selected. Acts in this state in furtherance of a lottery conducted outside of this state are included notwithstanding its validity where conducted.*

*Subd. 2. Bet. A bet is a bargain whereby the parties mutually agree to a gain or loss by one to the other of specified money, property or benefit dependent upon chance although the chance is accompanied by some element of skill.*

*Subd. 3. What are not bets. The following are not bets:*

(1) *A contract to insure, indemnify, guarantee or otherwise compensate another for a harm or loss sustained, even though the loss depends upon chance.*

(2) *A contract for the purchase or sale at a future date of securities or other commodities.*

(3) *Offers of purses, prizes or premiums to the actual contestants in any bona fide contest for the determination of skill, speed, strength, endurance, or quality or to the bona fide owners of animals or other property entered in such a contest.*

(4) *The game of bingo as provided in Minnesota Statutes, Sections 614.053 and 614.054.*

(5) *A private social bet not part of or incidental to organized, commercialized, or systematic gambling.*

*Subd. 4. Gambling device. A gambling device is a con-*

**Changes or additions indicated by italics, deletions by strikeout.**

*trivance which for a consideration affords the player an opportunity to obtain something of value, other than free plays, automatically from the machine or otherwise, the award of which is determined principally by chance.*

*Subd. 5. **Gambling place.** A gambling place is a location or structure, stationary or movable, or any part thereof, wherein, as one of its uses, betting is permitted or promoted, a lottery is conducted or assisted or a gambling device is operated.*

*Subd. 6. **Bucket shop.** A bucket shop is a place wherein the operator is engaged in making bets in the form of purchases or sales on public exchanges of securities, commodities or other personal property for future delivery to be settled at prices dependent on the chance of those prevailing at the public exchanges without a bona fide purchase or sale being in fact made on a board of trade or exchange.*

**Sec. 609.755. Acts of or relating to gambling.** *Whoever does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

- (1) Makes a bet; or*
- (2) Sells or transfers a chance to participate in a lottery; or*
- (3) Disseminates information about a lottery with intent to encourage participation therein; or*
- (4) Permits a structure or location owned or occupied by him or under his control to be used as a gambling place.*

**Sec. 609.76. Other acts relating to gambling.** *Whoever does any of the following may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both:*

- (1) Maintains or operates a gambling place or operates a bucket shop; or*
- (2) Intentionally participates in the income of a gambling place or bucket shop; or*
- (3) Conducts, a lottery, or, with intent to conduct a lottery, possesses facilities for doing so; or*
- (4) Sets up for use for the purpose of gambling, or collects the proceeds of, any gambling device or bucket shop; or*
- (5) With intent that it shall be so used, manufactures, sells or offers for sale, in whole or any part thereof, any gambling device*

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*including those defined in Minnesota Statutes, Section 325.53, Subdivision 2, and any facility for conducting a lottery; or*

(6) *Receives, records, or forwards bets or offers to bet or, with intent to receive, record, or forward bets or offers to bet, possesses facilities to do so.*

### CRIMES AGAINST REPUTATION

Sec. 609.765. **Criminal defamation.** *Subdivision 1. Definition. Defamatory matter is anything which exposes a person or a group, class or association to hatred, contempt, ridicule, degradation or disgrace in society, or injury to his or its business or occupation.*

*Subd. 2. Acts constituting. Whoever with knowledge of its defamatory character orally, in writing or by any other means, communicates any defamatory matter to a third person without the consent of the person defamed is guilty of criminal defamation and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

*Subd. 3. Justification. Violation of subdivision 2 is justified if:*

(1) *The defamatory matter is true and is communicated with good motives and for justifiable ends; or*

(2) *The communication is absolutely privileged; or*

(3) *The communication consists of fair comment, made in good faith with respect to persons participating in matters of public concern; or*

(4) *The communication consists of a fair and true report or a fair summary of any judicial, legislative or other public or official proceedings; or*

(5) *The communication is between persons each having an interest or duty with respect to the subject matter of the communication and is made with intent to further such interest or duty.*

*Subd. 4. Testimony required. No person shall be convicted on the basis of an oral communication of defamatory matter except upon the testimony of at least two other persons that they heard and understood the oral statement as defamatory or upon a plea of guilty.*

Sec. 609.77. **False information to news media.** *Whoever, with intent that it be published or disseminated and that it defame*

**Changes or additions indicated by italics, deletions by strikeout.**

*another person, communicates to any newspaper, magazine or other news media, any statement, knowing it to be false, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

#### CRIMES RELATING TO COMMUNICATIONS

**Sec. 609.775. Divulging telephone or telegraph message; non-delivery.** *Whoever does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

(1) *Being entrusted as an employee of a telephone or telegraph company with the transmission or delivery of a telephonic or telegraphic message, intentionally or through culpable negligence discloses the contents or meaning thereof to a person other than the intended receiver; or*

(2) *Knowing he is not the intended receiver, obtains such disclosure from such employee; or*

(3) *Being such employee, intentionally or negligently fails duly to deliver such message.*

**Sec. 609.78. Emergency telephone calls.** *Whoever does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

(1) *Refuses to relinquish immediately a telephone line consisting of two or more stations when informed that the line is needed at another station to make an emergency call for medical or ambulance service or for assistance from a police or fire department or for other service needed in an emergency to avoid serious harm to person or property, and an emergency therefor in fact exists; or*

(2) *Secures a relinquishment of such telephone line by falsely stating that the line is needed for an emergency; or*

(3) *Publishes telephone directories to be used for such lines which do not contain a copy of this section.*

**Sec. 609.785. Fraudulent long distance telephone calls.** *Whoever obtains long distance telephone service by intentionally requesting of the operator that the cost thereof be charged to a false or non-existent telephone number or to the telephone number of another without his authority may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

**Sec. 609.79. Making anonymous telephone call.** *Subdivi-*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*sion 1. Whoever, without disclosing his identity and with intent to alarm or annoy another, makes a telephone call, whether or not conversation ensues, may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

*Subd. 2. The offense may be prosecuted either at the place where the call is made or where it is received.*

**Sec. 609.795. Opening sealed letter, telegram, or package.** *Whoever does either of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

*(1) Knowing that he does not have the consent of either the sender or the addressee, intentionally opens any sealed letter, telegram, or package addressed to another; or*

*(2) Knowing that a sealed letter, telegram, or package has been opened without the consent of either the sender or addressee, intentionally publishes any of the contents thereof.*

#### CRIMES RELATING TO A BUSINESS

**Sec. 609.805. Ticket scalping.** *Subdivision 1. Definition. "Event" means a theater performance or show, circus, athletic contest or other entertainment or amusement to which the general public is admitted.*

*Subd. 2. Acts constituting. Whoever intentionally does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

*(1) Issues or sells tickets to an event without printing thereon in a conspicuous place the price of the ticket and the seat number, if any; or*

*(2) Charges for admission to an event a price greater than that advertised or stated on tickets issued for the event; or*

*(3) Sells or offers to sell a ticket to an event at a price greater than that charged at the place of admission or printed on the ticket; or*

*(4) Having received a ticket to an event under conditions restricting its transfer, sells it in violation of such conditions; or*

*(5) Being in control of premises on or in which an event is conducted, permits the sale or exhibition for sale on or in such premises of a ticket to the event at a price greater than printed thereon.*

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

Sec. 609.81. **Misconduct of pawnbrokers.** *Whoever in his business as a pawnbroker does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

(1) *Lends money on a pledge at a rate of interest above that allowed by law; or*

(2) *Has stolen goods in his possession and refuses to permit a law enforcement officer to examine them during usual business hours; or*

(3) *Sells pledged goods before the time to redeem has expired; or*

(4) *Having sold pledged goods, refuses to disclose to the pledgor the name of the purchaser or the price for which sold; or*

(5) *Makes a loan on a pledge to a person under lawful age, without the written consent of his parent or guardian.*

Sec. 609.815. **Misconduct of junk or second-hand dealer.** *Whoever is a junk dealer or second-hand dealer and does any of the following may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100:*

(1) *Has stolen goods in his possession and refuses to permit a law enforcement officer to examine them during usual business hours; or*

(2) *Purchases property from a person under lawful age, without the written consent of his parent or guardian.*

Sec. 609.82. **Fraud in obtaining credit.** *Whoever, with intent to defraud, obtains credit for himself or another from a bank, trust company, savings or building and loan association, or credit union, by means of a present or past false representation as to his or another's financial ability may be sentenced as follows:*

(1) *If no money or property is obtained by the defendant by means of such credit, to imprisonment for not more than 90 days or to payment of a fine of not more than \$100; or*

(2) *If money or property is so obtained, the value thereof shall be determined as provided in section 609.52, subdivision 1, clause (3) and he may be sentenced as provided in section 609.52, subdivision 3.*

#### MISCELLANEOUS CRIMES

Sec. 609.825 **Bribery of participant or official in contest.**

**Changes or additions indicated by italics, deletions by ~~strikeout~~.**

*Subdivision 1. Definition. As used in this section, "official" means one who umpires, referees, judges, officiates or is otherwise designated to render decisions concerning the conduct or outcome of any contest included herein.*

*Subd. 2. Acts prohibited. Whoever does any of the following may be sentenced to imprisonment for not more than five years, or to payment of a fine of not more than \$5,000, or both:*

*(1) Offers, gives, or agrees to give, directly or indirectly, any benefit, reward or consideration to a participant, manager, director, or other official, or to one who intends to become such participant or official, in any sporting event, race or other contest of any kind whatsoever with intent thereby to influence such participant not to use his best effort to win or enable his team to win or to attain a maximum score or margin of victory, or to influence such official in his decisions with respect to such contest; or*

*(2) Requests, receives, or agrees to receive, directly or indirectly, any benefit, reward or consideration upon the understanding that he will be so influenced as such participant or official.*

*Subd. 3. Duty to report. Whoever is offered or promised such benefit, reward or consideration upon the understanding that he will be so influenced as such participant or official and fails promptly to report the same to his employer, manager, coach, or director, or to a county attorney may be punished by imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

*Sec. 609.83. Falsely impersonating another. Whoever does either of the following may be sentenced to imprisonment for not more than five years or to payment of a fine of not more than \$5,000, or both:*

*(1) Assumes to enter into a marriage relationship with another by falsely impersonating a third person; or*

*(2) By falsely impersonating another with intent to defraud him or a third person, appears, participates, or executes an instrument to be used in a judicial proceeding.*

## ARTICLE II

### PROVISIONS RELATED TO THE CRIMINAL CODE

Section 1. Minnesota Statutes 1961, Section 169.11, is amended to read:

169.11 **Criminal Negligence.** Any person who by oper-

**Changes or additions indicated by italics, deletions by strikeout.**

ating or driving a vehicle of any kind in a reckless or grossly negligent manner causes a human being to be killed; under circumstances not constituting murder in the first, second, or third degree; or manslaughter in the first or second degree, is guilty of criminal negligence in the operation of a vehicle resulting in death:

A person convicted of a crime defined herein shall be punished by imprisonment in a state penal institution for a term not exceeding five years; or in the workhouse or county jail for not more than one year; or by a fine of not more than \$1,000; or by both a fine and imprisonment in a state penal institution or a fine and imprisonment in the workhouse or county jail:

The commissioner shall revoke the driver's license, and the secretary of state shall revoke the chauffeur's license, of any person convicted of the crime of criminal negligence in the operation of a vehicle resulting in the death of a human being.

Sec. 2. Minnesota Statutes 1961, Section 243.05, is amended to read:

243.05 **Commission; powers; limitations.** The state adult corrections commission may parole any person sentenced to confinement in the state prison or the state reformatory, provided that no convict serving a life sentence for murder other than *first-degree murder committed in violation of clause (1) of section 609.185* who has not been previously convicted of a felony shall be paroled until he has served 20 years, less the diminution which he would have been allowed for good conduct had his sentence been for 20 years; and provided further that no convict serving a life sentence for murder who has been previously convicted of a felony or though not previously convicted of a felony is serving a life sentence for *murder in the first degree* ~~murder committed in violation of clause (1) of section 609.185~~ shall be paroled until he has served 25 years, less the diminution which would have been allowed for good conduct had his sentence been for 25 years; provided further, in all cases where a convict is serving a sentence for murder, unanimous consent of the adult corrections commission shall be required for parole of such convict. Upon being paroled and released, such convicts shall be and remain in the legal custody and under the control of the state adult corrections commission, subject at any time to be returned to the state prison, the state reformatory, or the state reformatory for women and the parole rescinded by such commission, when the legal custody of such convict shall revert to the warden or superintendent of the institution. The written order of the adult corrections commission, certified by the chairman of the commission, shall be sufficient to any peace officer or state parole

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and probation agent to retake and place in actual custody any person on parole or probation to the state adult corrections commission, but any probation or parole agent may, without order of warrant, when it appears to him necessary in order to prevent escape or enforce discipline, take and detain a parolee or probationer to the state adult corrections commission and bring such person before the adult corrections commission for its action. Paroled persons, and those on probation to the state adult corrections commission, may be placed within or without the boundaries of the state at the discretion of the commission, and the limits fixed for such persons may be enlarged or reduced according to their conduct.

In considering applications for parole or final release, the commission shall not be required to hear oral argument from any attorney or other person not connected with the prison or the reformatory in favor of or against the parole or release of any prisoners, but it may institute inquiries by correspondence, taking testimony or otherwise, as to the previous history, physical or mental condition, and character of such prisoner, and to that end shall have authority to require the attendance of the warden of the state prison or the superintendent of the state reformatory or the state reformatory for women and the production of the records of these institutions, and to compel the attendance of witnesses, and each member of the commission is hereby authorized to administer oaths to witnesses for every such purpose.

Sec. 3. *Minnesota Statutes 1961, Section 243.18, is amended to read:*

**243.18 Diminution of sentence.** Every convict sentenced for any term other than life, whether confined in the state prison, the state reformatory, or the state reformatory for women, or on parole therefrom, may diminish the term of his sentence as follows:

(1) For each month, commencing on the day of his arrival, during which he has not violated any prison rule or discipline, and has labored with diligence and fidelity, five days;

(2) After one year of such conduct, seven days for each month;

(3) After two years of such conduct, nine days for each month;

(4) After three years, ten days for each month for the entire time thereafter.

The commissioner of corrections, in view of the aggravated nature and frequency of offenses, may take away any or all of

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the good time previously gained, and, in consideration of mitigating circumstances or ignorance on the part of the convict, may afterwards restore him, in whole or in part, to the standing he possessed before such good time was taken away. ~~When a convict shall pass the entire period of his imprisonment without an unexcused violation of the rules or discipline, upon his discharge he shall be restored to his rights and privileges forfeited by conviction, and receive from the governor a certificate, under the seal of the state, as evidence of such restoration.~~

Sec. 4. Minnesota Statutes 1961, Section 340.461, Subdivision 5, is amended to read:

Subd. 5. **Forging of intoxicating liquor labels.** Any person who, with intent to defraud, shall forge any such certification label, shall be guilty of forgery in the third degree and punished accordingly.

Sec. 5. Minnesota Statutes 1961, Section 359.08, is amended to read:

359.08 **Misconduct.** Any notary who shall exercise the duties of his office after the expiration of his term, or when otherwise disqualified, ~~or who shall append his official signature to acknowledgments or other documents when the parties executing the same have not appeared before him,~~ shall be guilty of a misdemeanor.

Sec. 6. Minnesota Statutes 1961, Section 566.01, is amended to read:

566.01 **Forcible entry and unlawful detainer.** (1) No person shall make entry into lands or tenements except in cases where his entry is allowed by law, and in such cases he shall not enter by force, but only in a peaceable manner. ~~If any person does to the contrary, he shall be punished by fine:~~

(2) *When any person has made unlawful or forcible entry into lands or tenements, and detains the same, he may be sentenced to imprisonment for not more than 90 days or to payment of a fine of not more than \$100.*

(3) *If he has been removed therefrom in proceedings under Minnesota Statutes, Chapter 566, or by other legal proceedings, and thereafter, contrary thereto, re-enters, he may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both.*

Sec. 7. Minnesota Statutes 1961, Section 610.08, is amended to read:

**Changes or additions indicated by italics, deletions by strikeout.**

**610.08 Presumption of responsibility.** Save as hereinafter specified; *Except as otherwise provided by law, in every criminal proceeding, every* a person is presumed to be responsible for his acts; and the burden of rebutting such presumption is upon him. Children under the age of seven years; idiots; imbeciles; lunatics; or insane persons are incapable of committing crime. Children of seven; and under 12; years of age are presumed incapable of committing crime; but this presumption may be removed by proof that they have sufficient capacity to understand the act or neglect; and to know that it was wrong: ~~When, in legal proceedings, it becomes necessary to determine the age of a child, he may be produced for inspection; to enable the court or jury to determine the age thereby; and the court may also direct his examination by one or more physicians; whose opinion shall be competent evidence upon the question of his age.~~

Sec. 8. Minnesota Statutes 1961, Section 610.35, is amended to read:

**610.35 Sentences of convicts.** ~~When a convict is sentenced to the state prison for more than one year, unless the exact period be fixed by law, the court shall so limit the term that it will expire between the months of March and November.~~ When a sentence may be imprisonment in a county jail, the offender may be sentenced to and imprisoned in a workhouse, if there be one in the county where he is tried or where the offense was committed, and if there be no workhouse in the county where the offender is tried or where the offense was committed, then the offender may be sentenced to and imprisoned in a workhouse in any county in this state; provided, that the county board of the county where the offender is tried shall have some agreement for the receipt, maintenance, and confinement of the prisoners with the latter county. The place of imprisonment shall be specified in the sentence. Convicts may be removed from one place of confinement to another when so provided by statute.

Sec. 9. Minnesota Statutes 1961, Section 614.054, is amended to read:

**614.054 Certain associations permitted to operate bingo game.** The game "bingo" as defined herein shall not be construed as a lottery or as gambling within the meaning of Minnesota Statutes ~~1941, Sections 614.01 to 614.09~~ *609.75 to 609.76*, provided that such game is conducted by a religious, charitable, fraternal, or other association, not organized for pecuniary profit, and duly existing under the laws of the state of Minnesota, and that the proceeds therefrom are not to inure to the profit of any individual;

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and provided further that such association before conducting such game shall give 30 days written notice of the time and place thereof to the governing body of the governmental subdivision or county or state fair in which it intends to conduct such game, and such governing body does not pass a resolution objecting thereto.

Sec. 10. Minnesota Statutes 1961, Section 614.15, is amended to read:

**614.15 Evidence of accomplice.** Any person may be convicted for violation of sections ~~614.06 to 614.14~~ *609.75 to 609.76* on his own confession out of court, or upon the testimony of an accomplice.

Sec. 11. Minnesota Statutes 1961, Section 615.13, is amended to read:

**615.13 Conductor; authority to arrest.** Every conductor of a railway train, with or without warrant, may arrest any person committing any act *upon such train specified in section 615.12 sections 609.605 and 609.72*, and take him before a magistrate or to the next railway station, and deliver him to the proper officer, or to the station agent, who shall take such person before the proper magistrate or deliver him to such officer. Every such conductor and station agent shall in such case possess all the powers of a sheriff with a warrant.

Sec. 12. Minnesota Statutes 1961, Section 618.21, Subdivision 2, is amended to read:

Subd. 2. Any person convicted of selling, prescribing, administering, dispensing or furnishing any narcotic drug to a minor under the age of 18 years; ~~or upon a second or subsequent conviction for the violation of any other provision of this chapter, or if the person convicted has previously been convicted of any violation of the laws of the United States or of this or any other state, territory or district relating to narcotics drugs or marijuana;~~ shall be punished by a fine of not exceeding \$20,000 and by imprisonment in a state penal institution for not less than ten or more than 40 years.

Sec. 13. Minnesota Statutes 1961, Section 619.36, is amended to read:

**619.36 Indictment; where triable.** Every indictment for kidnapping may be found and tried either in the county where the offense was committed, or in any county through or in which the person kidnapped or confined was taken or kept while under confinement or restraint. ~~Upon a trial for violation of sections 619.34~~

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and 619.35, the consent thereto of the person kidnapped or confined shall not be a defense, unless it appears satisfactorily to the jury that such person was above the age of 16 years, and that his consent was not extorted by threats or duress.

Sec. 14. Minnesota Statutes 1961, Section 621.37, is amended to read:

621.37 **Penalties.** Any person who violates any of the provisions of sections 621.36 to 621.39 shall, ~~for the first violation;~~ be guilty of a misdemeanor; ~~and; for a second and each subsequent violation during the same calendar year, shall be guilty of a gross misdemeanor.~~ Every written consent for any purpose specified in sections 621.36 to 621.39 and every certified copy of such consent shall be deemed to be a written instrument within the meaning of the laws relating to forgery, and any person who shall forge any such written consent or certified copy thereof shall be guilty of forgery ~~in the second degree;~~ and shall be punished accordingly. Any person who shall lend or transfer or offer to lend or transfer any such written consent or certified copy thereof to another person who is not entitled to use the same, and any person not entitled to use any such written consent or certified copy thereof who shall use any such written consent or certified copy thereof, or who shall borrow, receive, or solicit from another any such written consent or certified copy thereof, shall be guilty of a gross misdemeanor, and punished accordingly.

Sec. 15. **Proof of concealment of property by obligor of secured property.** *[609.62] Subdivision 1. When in any prosecution under section 609.62, it appears that there is a default in the payment of the debts secured and it further appears that the obligor has failed or refused to reveal the location of the security, this shall be considered sufficient evidence to sustain a finding that the obligor has removed, concealed, or disposed of the property.*

*Subd. 2. In any prosecution under section 609.62, it is a sufficient allegation and description of the security and the property secured to state generally that such property was duly mortgaged or sold under a conditional sales contract, or as the case may be, giving the date thereof and the names of the obligor and obligee.*

Sec. 16. Minnesota Statutes 1961, Section 617.05, is amended to read:

617.05 **Abduction; evidence; penalty.** Every person who  
 (1) Shall take a female under the age of 18 years, for the purpose of prostitution or sexual intercourse; ~~or, without the consent~~

**Changes or additions indicated by italics, deletions by strikeout.**

of her father, mother, guardian, or other person having legal charge of her person, for the purpose of marriage;

(2) Shall inveigle or entice an unmarried female under the age of 25 years, of previous chaste character, into a house of ill-fame or assignation, or elsewhere for the purpose of prostitution or sexual intercourse;

(3) Shall take or detain a woman unlawfully against her will, with intent to compel her by force, menace, or duress; to marry him or any other person; or to be defiled; or,

(4) Being parent, guardian, or other person having legal charge of the person of a female under the age of 18 years, shall consent to her taking or detention by any person for the purpose of prostitution or sexual intercourse

Shall be guilty of abduction and punished by imprisonment in the state prison for not more than five years, or by a fine of not more than \$1,000, or by both. No conviction shall be had for abduction or compulsory marriage upon the unsupported testimony of the female abducted or compelled.

Sec. 17. *Minnesota Statutes 1961, Sections 168.47; 168.48; 168.49; 241.24; 243.01; 243.11; 243.60; 243.70; 243.76; 243.77; 340.69; 360.075, Subdivision 3; 361.06; 437.03; 561.05; 561.06; 610.01; 610.02; 610.03; 610.04; 610.05; 610.06; 610.07; 610.09; 610.11; 610.12; 610.13; 610.14; 610.15; 610.16; 610.17; 610.18; 610.19; 610.20; 610.21; 610.22; 610.23; 610.24; 610.25; 610.26; 610.27; 610.28; 610.29; 610.30; 610.31; 610.32; 610.33; 610.34; 610.36; 610.37; 610.38; 610.39; 610.41; 610.42; 610.43; 610.44; 610.45; 610.46; 610.47; 610.50; 610.51; 611.09; 611.10; 612.01; 612.02; 612.03; 612.04; 612.05; 612.06; 612.07; 612.08; 612.09; 612.10; 612.11; 612.12; 613.01; 613.02; 613.03; 613.04; 613.05; 613.06; 613.07; 613.08; 613.09; 613.10; 613.11; 613.12; 613.16; 613.17; 613.18; 613.19; 613.20; 613.21; 613.251; 613.26; 613.27; 613.29; 613.30; 613.31; 613.32; 613.33; 613.34; 613.35; 613.36; 613.37; 613.38; 613.39; 613.40; 613.41; 613.42; 613.43; 613.45; 613.46; 613.47; 613.48; 613.49; 613.50; 613.51; 613.56; 613.57; 613.58; 613.61; 613.62; 613.63; 613.64; 613.65; 613.66; 613.68; 613.70; 613.71; 613.72; 613.73; 613.74; 613.75; 613.76; 613.79; 614.01; 614.02; 614.03; 614.04; 614.05; 614.06; 614.07; 614.08; 614.11; 614.13; 614.14; 614.16; 614.17; 614.18, Subdivision 1; 614.22; 614.24; 614.32; 614.33; 614.34; 614.36; 614.37; 614.38; 614.39; 614.40; 614.51; 614.52; 614.53; 614.54; 614.55; 614.56; 614.57; 614.575; 614.60; 614.62; 614.63; 614.64; 614.65; 614.67; 614.71; 614.72; 614.73; 614.74; 614.75; 615.01; 615.02; 615.03; 615.04; 615.05; 615.06; 615.07; 615.08; 615.09; 615.10; 615.11;*

**Changes or additions indicated by italics, deletions by strikeout.**

615.12; 615.14; 615.15; 615.16; 615.17; 616.01; 616.02; 616.03; 616.04; 616.05; 616.15; 616.16; 616.163; 616.18; 616.19; 616.21; 616.24; 616.25; 616.26; 616.28; 616.30; 616.41; 616.415; 616.42; 616.43; 616.44; 616.45; 616.46; 617.04; 617.05; 617.11; 617.12; 617.13; 617.15; 617.31; 617.55; 617.56; 617.57; 617.58; 617.59; 617.60; 617.61; 617.62; 617.63; 617.64; 617.65; 617.66; 617.67; 617.68; 617.72; 617.73; 617.74; 617.75; 619.01; 619.02; 619.03; 619.04; 619.05; 619.07; 619.08; 619.09; 619.10; 619.13; 619.15; 619.16; 619.17; 619.18; 619.19; 619.20; 619.21; 619.22; 619.23; 619.24; 619.25; 619.26; 619.27; 619.28; 619.29; 619.30; 619.31; 619.32; 619.33; 619.34; 619.35; 619.37; 619.38; 619.39; 619.40; 619.41; 619.42; 619.43; 619.44; 619.45; 619.46; 619.47; 619.48; 619.49; 619.50; 619.51; 619.52; 619.53; 619.54; 619.55; 619.57; 619.58; 619.59; 619.60; 619.61; 619.62; 619.63; 620.01; 620.02; 620.05; 620.06; 620.07; 620.08; 620.09; 620.10; 620.11; 620.12; 620.13; 620.14; 620.15; 620.16; 620.17; 620.18; 620.19; 620.20; 620.21; 620.22; 620.23; 620.24; 620.25; 620.26; 620.27; 620.273; 620.34; 620.41; 620.44; 620.45; 620.46; 620.47; 620.48; 620.49; 620.50; 620.501; 620.502; 620.51; 620.59; 620.60; 620.61; 620.62; 620.63; 620.64; 620.65; 620.66; 620.68; 620.69; 620.70; 620.71; 620.72; 620.74; 620.76; 621.01; 621.021; 621.025; 621.031; 621.035; 621.041; 621.05; 621.06; 621.065; 621.066; 621.07; 621.08; 621.09; 621.10; 621.11; 621.12; 621.13; 621.14; 621.15; 621.17; 621.18; 621.19; 621.20; 621.21; 621.22; 621.23; 621.24; 621.25; 621.26; 621.27; 621.28; 621.29; 621.30; 621.31; 621.32; 621.33; 621.34; 621.341; 621.342; 621.35; 621.40; 621.41; 621.42; 621.43; 621.44; 621.45; 621.46; 621.48; 621.49; 621.51; 621.52; 621.53; 621.54; 621.55; 621.56; 621.57; 622.01; 622.02; 622.03; 622.04; 622.05; 622.06; 622.07; 622.08; 622.09; 622.10; 622.11; 622.12; 622.13; 622.14; 622.15; 622.16; 622.17; 622.18; 622.19; 622.21; 622.22; 622.28; 623.20; 623.21; 623.22; 623.23; 623.25; 623.26; 631.42; 631.47; 631.49; 634.05; 636.02; 641.19; and 643.18, are hereby repealed.

### ARTICLE III

Section 1. **Effective date.** *This act is in effect on and after September 1, 1963.*

Approved May 17, 1963.

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### CHAPTER 754—H. F. No. 480

*An act relating to state civil service; salary ranges, accommodations for examinations; amending Minnesota Statutes 1961, Sections 43.12, Subdivision 2; 43.121, Subdivision 3; and 43.29.*

**Changes or additions indicated by italics, deletions by strikeout.**