

Section 1. **Winona county attorney; salary.** Notwithstanding Minnesota Statutes, Section 388.18 or any other law to the contrary, the board of county commissioners of Winona county shall fix and may adjust from time to time the salary of the county attorney in an amount not less than \$14,000 per year payable monthly commencing January 1, 1971. The county attorney shall devote his full time to the duties of the office of county attorney.

Sec. 2. This act takes effect when approved by the county board of Winona county, and upon compliance with Minnesota Statutes, Section 645.021.

Approved May 24, 1969.

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CHAPTER 735—H. F. No. 139

[Coded in Part]

*An act relating to crimes and the jurisdiction of municipal courts and justices; increasing the maximum penalty for misdemeanors and village and city ordinances, and expanding the jurisdiction of municipal courts and justices to conform thereto; amending Minnesota Statutes 1967, Sections 412.231; 488.04, Subdivision 5; 609.02, Subdivision 3; 609.03; and 633.02.*

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

Section 1. Minnesota Statutes 1967, Section 412.231, is amended to read:

412.231 **Crimes; increased penalties.** The village council shall have *the* power to declare that the violation of any ordinance shall be a penal offense and to prescribe penalties therefor. No such penalty shall exceed a fine of ~~\$100~~ \$300 or imprisonment in a village or county jail for a period of 90 days, *or both*, but in either case the costs of prosecution may be added.

Sec. 2. Minnesota Statutes 1967, Section 488.04, Subdivision 5, is amended to read:

Subd. 5. (a) The municipal court has jurisdiction to hear, try, and determine any charge of violation of:

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

(1) A criminal law ~~in which the punishment does not exceed 90 days imprisonment, or a fine of \$100 of this state constituting a misdemeanor~~, and in which the offense is committed in a county of the court's jurisdiction;

(2) Any ordinance, charter provision, rule, or regulation of the city, village, or borough in which the court is situated or of any other city, village, or borough in the county of the court's jurisdiction, if no municipal court has been organized at such place.

(b) The municipal court has jurisdiction to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearing proceedings on the charge of violation of any criminal law committed within a county of the court's jurisdiction.

(c) The jurisdiction of a municipal court is exclusive to hear, try, and determine a violation of a criminal law, or ordinance, charter provision, or rule, or regulation of the city, village, or borough in which the court is situated. Its jurisdiction is likewise exclusive to conduct preliminary hearings and to exercise all judicial powers incident to preliminary hearings on a charge of violating a criminal law which violation is committed within the city, village, or borough in which the court is situated.

Cases arising under an ordinance, charter, rule or regulation of a city, village, or borough shall be tried by the court without a jury, except as provided by other laws in cases of appeals to district court.

Sec. 3. Minnesota Statutes 1967, Section 609.02, Subdivision 3, is amended to read:

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~~ \$300, or both, may be imposed.

Sec. 4. Minnesota Statutes 1967, Section 609.03, is amended to read:

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

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

(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~~ \$300, or both; 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. 5. Minnesota Statutes 1967, Section 633.02, is amended to read:

633.02 **Trial powers; limitation.** Justices have power to hold a court, subject to the provisions hereinafter contained, to hear, try, and determine all charges for offenses arising within their respective counties ~~where the punishment prescribed by law does not exceed a fine of \$100 or imprisonment for three months and constituting misdemeanors.~~

Sec. 6. [609.031] **Increased maximum penalty for misdemeanors.** *Any law of this state which provides for a maximum fine of \$100 or imprisonment for 90 days as a penalty for a violation shall, after the effective date of this act, be deemed to provide for a maximum fine of \$300 or imprisonment for 90 days, or both.*

Sec. 7. [609.032] **Increased maximum penalty for ordinance violations.** *Any law of this state or city charter which limits the power of any city, village, borough, town, county, or other political subdivision to prescribe a maximum fine of \$100 or imprisonment for 90 days for an ordinance violation shall, after the effective date of this act, be deemed to provide that such city, village, borough, town, county, or other political subdivision has the power to prescribe a maximum fine of \$300 or imprisonment for 90 days, or both.*

Sec. 8. **Effective date.** *This act is effective July 1, 1969.*

Approved May 24, 1969.

#### CHAPTER 736—H. F. No. 140

*An act relating to education; computation of average daily attendance of pupils enrolled on a shared time basis for the purpose of state aid and prescribing the rate payable therefor; amending Minnesota Statutes 1967, Section 124.17, Subdivision 2.*

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