

provided in sections 88.03 to ~~88.21~~ 88.22, all moneys received as penalties for violations of the provisions of those sections, less the cost of collection, shall be paid into the treasury of the county in which the penalties for these violations were imposed; provided, that fines collected for violations of those sections, where prosecutions are instituted upon the complaint of town or city officers duly appointed by the director as fire wardens, shall be paid into the treasury of the town or city where the offense was committed.

Sec. 10. Minnesota Statutes 1976, Section 88.78, is amended to read:

88.78 APPEALS. No appeal shall be allowed from a judgment in any court of a justice of the peace, or a municipal court, or other similar court, to the district court in any prosecution under sections 88.03 to ~~88.21~~ 88.22, unless the person appealing shall, within the time prescribed by law, enter into a recognizance, with sufficient sureties, or deposit cash bail in twice the amount of the fine and costs, to be approved by the justice, conditioned to appear before the district court on the first day of the next general term thereof to be held in and for the same county, and abide the judgment of the court therein.

The justice or judge may examine the proposed sureties under oath and, in such case, shall make and keep a record of their answers in respect to the kinds and amount of their property not exempt from execution, and he shall furnish a copy of the same to the director.

When an arrest shall have been made for violation of any of the provisions of sections 88.03 to ~~88.21~~ 88.22, or when information of such violation shall have been lodged with him, the county attorney of the county in which the offense was committed shall prosecute the accused with diligence and energy.

Sec. 11. **EFFECTIVE DATE.** This act is effective the day following its final enactment.

Approved April 5, 1978.

CHAPTER 736-S.F.No.2361

[Coded in Part]

An act relating to peace officers; setting forth criteria for the use of deadly force by peace officers; amending Minnesota Statutes 1976, Sections 609.065; 629.33; and Chapter 609, by adding a section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1976, Section 609.065, is amended to read:

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:~~

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

Sec. 2. Minnesota Statutes 1976, Chapter 609, is amended by adding a section to read:

[609.066] AUTHORIZED USE OF DEADLY FORCE BY PEACE OFFICERS.
Subdivision 1. DEADLY FORCE DEFINED. For the purposes of this section, "deadly force" means force which the actor uses with the purpose of causing, or which the actor should reasonably know creates a substantial risk of causing, death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.

Subd. 2. USE OF DEADLY FORCE. Notwithstanding the provisions of section 609.06 or 609.065, the use of deadly force by a peace officer in the line of duty is justified only when necessary:

(1) To protect himself or another from apparent death or great bodily harm;

(2) To effect the arrest or capture, or prevent the escape, of a person whom the peace officer knows or has reasonable grounds to believe has committed or attempted to commit a felony involving the use or threatened use of deadly force; or

(3) To effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony if the officer reasonably believes that the person will cause death or great bodily harm if his apprehension is delayed.

Subd. 3. This section and sections 609.06, 609.065 and 629.33 may not be used as a defense in a civil action brought by an innocent third party.

Sec. 3. Minnesota Statutes 1976, Section 629.33, is amended to read:

629.33 MEANS USED. If, after notice of intention to arrest defendant, he shall flee or forcibly resist, the officer may use all necessary and lawful means to effect his arrest, provided the officer may not use deadly force unless authorized to do so under section 2 of this act. He may break open an inner or outer door or window of a dwelling house to execute the a warrant if, after notice of his authority and purpose, he shall be is refused admittance, or when necessary for his own liberation, or for the purpose of liberating another person who, having entered to make an arrest, shall be is detained

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therein.

Sec. 4. DUTIES OF PEACE OFFICER TRAINING BOARD. By August 1, 1978, the peace officer training board shall notify every peace officer employed in this state of the provisions of this act.

Sec. 5. EFFECTIVE DATE. Sections 1 to 3 are effective August 1, 1978. Section 4 is effective the day following final enactment.

Approved April 5, 1978.

CHAPTER 737-H.F.No.37

[Coded]

An act relating to commerce; requiring individually marked prices on certain retail merchandise; providing exceptions; providing penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. ~~[325.835]~~ **RETAIL MERCHANDISE; PRICE MARKING.** Subdivision 1. In any store primarily engaged in the sale of grocery products at retail using an electronic or magnetic scanner to read the price of grocery products presented for checkout, every canned, bottled, boxed or bagged item of merchandise sold or offered for sale at retail shall have the selling price in arabic numerals clearly affixed to each item by a stamp, tag, label or other conspicuous marking device when electronically or magnetically scanned for checkout unless the price of the item is conspicuously displayed where the item is shelved and the store provides a means by which the customer may mark individual items. If a grocery product is canned, bottled, boxed or bagged, but sold in quantities of more than one in the containers in which the product came from the manufacturer or distributor, the price may be marked on the outer containers rather than on each individual item.

Subd. 2. Subdivision 1 does not apply to:

- (a) Food items intended to be consumed on or about the retail premises;
- (b) Grocery products sold by a store primarily engaged in the sale of grocery products at retail which are under three cubic inches in size, weigh less than three ounces, and are priced under 30 cents;
- (c) Grocery products sold by a store primarily engaged in the sale of grocery products offered for a period of seven days or less on sale in good faith at a price below the price such merchandise is usually sold for in the store, provided that the sale price is clearly indicated to the consumer by conspicuous sign or otherwise, located at or near the point of sale of such merchandise;

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