

[183.411] STEAM FARM TRACTION ENGINES; STATIONARY SHOW BOILERS. Subdivision 1. DEFINITION. For the purpose of this section "stationary show boiler" means a boiler that is used only for display and demonstration purposes.

Subd. 2. INSPECTION. When used only for display and demonstration purposes, steam farm traction engines and stationary show boilers shall be inspected every two years according to law.

Subd. 3. LICENSES. A license to operate steam farm traction engines and stationary show boilers shall be issued to an applicant who:

(a) is 18 years of age or older;

(b) passes a written test for competence in operating said devices; and

(c) pays the required fee.

A license shall be valid for the lifetime of the licensee. A one time fee of \$20 shall be charged for the license.

Approved April 23, 1980

CHAPTER 602—H.F.No. 1816

An act relating to local correctional facilities; updating provisions concerning county jails, city lockups and workhouses; clarifying provisions penalizing the possession of contraband in local correctional facilities; repealing provisions concerning correctional or work farms; amending Minnesota Statutes 1978, Sections 641.01; 641.04; 641.06; 641.14; 641.15; 641.16; 641.165, Subdivision 2; 641.18; 641.21; 641.22; 642.02, Subdivision 2; 642.03; 642.07; 642.12; 643.01; 643.02; and 643.29; repealing Laws 1925, Chapter 12; Laws 1927, Chapter 142; Minnesota Statutes 1945, Sections 643.21; 643.22; 643.23; 643.24; 643.25; 643.26; 643.27; 643.28; and Minnesota Statutes 1978, Sections 641.17; 641.27; 641.28; 641.29; 641.30; 641.31; 641.32; 641.33; 641.34; 641.35; 641.36; 641.37; 641.38; 642.14; 643.03; 643.04; 643.05; 643.06; 643.07; 643.08; 643.09; 643.10; 643.11; 643.12; 643.13; 643.14; 643.15; 643.16; 643.17; 643.19; and 643.20.

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

Section 1. Minnesota Statutes 1978, Section 641.01, is amended to read:

641.01 CONSTRUCTION, MAINTENANCE; PRISONERS PLACED IN JAIL, REPORTS. The county board of each county is authorized to construct, purchase, or lease, regulate and maintain, at the expense of the county, a jail for the safekeeping of prisoners, and also, adjoining and connected therewith to it, a residence for the use of the sheriff.

Any peace officer placing a prisoner in such the jail shall report immediately to his the officer's superior officer concerning the fact of that placement. No

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prisoner shall be detained without a jailer or custodian shall be present during in the jail, awake and alert at all times, capable of responding to the reasonable needs of the time any prisoner is detained in such jail.

Sec. 2. Minnesota Statutes 1978, Section 641.04, is amended to read:

641.04 **COMMITMENT PRESERVED.** Every instrument, or attested copy thereof, by which a prisoner is committed or liberated, shall be endorsed, filed, and safely kept in a suitable box stored by the sheriff or jailer, and delivered to his the sheriff's or jailer's successor; and. When the process by which any prisoner is committed is required to be returned to the court, such the sheriff or jailer shall keep a copy thereof, duly certified by himself, which shall be prima facie evidence of his the sheriff's or jailer's right to retain such the prisoner in custody.

Sec. 3. Minnesota Statutes 1978, Section 641.06, is amended to read:

641.06 **APPOINTMENT OF EMPLOYEES; COMPENSATION.** The sheriff of every county maintaining a jail, shall appoint a competent woman as matron, who, under his the sheriff's direction, shall have exclusive charge of all female prisoners. Matrons and jailers shall hold office during the pleasure of the sheriff and judges and may be removed at any time by the sheriff or by the judges.

Sec. 4. Minnesota Statutes 1978, Section 641.14, is amended to read:

641.14 **JAILS, HOW KEPT.** The sheriff of each county, by himself or deputy, shall have charge of the jail, and be responsible for its condition. No female prisoner shall be kept in the same room with a male prisoner, and. No minor under 18 years shall be kept in the same room with adult prisoners. No insane prisoner shall be kept in the same room with any other prisoner unless that person is detained as a nurse; and; so far as the construction of the jail will permit, strict separation of prisoners shall be maintained. No person awaiting trial shall be kept in a room with any other prisoner a person convicted of a crime. No person awaiting trial shall be kept in a room with another person awaiting trial unless consistent with the person's safety, health and welfare. So far as construction of the jail will permit, and so far as consistent with prisoners' security, safety, health and welfare, strict separation of prisoners shall be maintained.

Sec. 5. Minnesota Statutes 1978, Section 641.15, is amended to read:

641.15 **PRISONERS; FEEDING, CARE.** The county board shall provide suitable jail suits of coarse material clothing, without distinctive marks, suitable underclothing, linen and bedding, towels, and medical aid for prisoners, and fuel for the jail and, if adjoining and connected, the sheriff's residence. Unless otherwise furnished; The sheriff may require a prisoner to wear a jail suit clothing during his confinement, but shall restore his own personal clothing upon discharge. No prisoner shall be required to wear clothing previously used until it has been thoroughly cleansed. The sheriff or jailer shall keep the jail in a clean and healthy condition, and have each prisoner's shirt clothing washed at least once a week, and shall furnish to each sufficient clean water for drinking and bathing, and serve each three times a day with a sufficient quantity of wholesome, well cooked food. If the construction of the jail will permit persons held for trial

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to be kept separate from those serving sentence, a difference in their diet shall be made.

Sec. 6. Minnesota Statutes 1978, Section 641.16, is amended to read:

641.16 **BIBLES.** Every keeper of a jail shall provide for each prisoner able and willing to read ~~the same~~ it a copy of the Bible or the sacred book of another religion, at the expense of the county, and any clergy minister of the gospel desirous of giving moral and religious instruction to requesting prisoners shall have access to them at proper times. ~~All immoral books and papers and those largely composed of accounts of crime shall be excluded from every jail.~~

Sec. 7. Minnesota Statutes 1978, Section 641.165, Subdivision 2, is amended to read:

Subd. 2. **ACTS PROHIBITED.** (a) Whoever introduces or in any manner causes the introduction of contraband, as defined in subdivision 1, into any jail, lockup, or correctional facility, as defined in section 241.021, subdivision 1, without the consent of the person in charge, or is found in possession of contraband while within the facility or upon the grounds thereof, is guilty of a gross misdemeanor.

(b) Whoever introduces or in any manner causes the introduction of a dangerous weapon, as defined in section 609.02, subdivision 6, into any jail, lockup, or correctional facility, as defined in section 241.021, subdivision 1, without the consent of the person in charge, or is found in possession of a dangerous weapon while within the facility or upon the grounds thereof, is guilty of a felony and, upon conviction, may be sentenced to imprisonment for not more than five years.

Sec. 8. Minnesota Statutes 1978, Section 641.18, is amended to read:

641.18 **SOLITARY CONFINEMENT.** When any prisoner is unruly or disobeys any regulation for the management of jails, the ~~sheriff or jailer~~ prisoner may ~~order him~~ be kept in solitary confinement as provided in section 641.09.

Sec. 9. Minnesota Statutes 1978, Section 641.21, is amended to read:

641.21 **JAIL, ADVICE AS TO CONSTRUCTION.** When any county board determines to purchase, lease or erect a new jail, or to repair an existing one at an expense of more than \$5,000, it shall pass a resolution to that effect, and transmit a copy thereof to the commissioner of corrections, who, within 30 days thereafter, shall transmit to that county board the advice and suggestions in reference to the purchase, lease or construction thereof as ~~he~~ the commissioner deems proper.

Sec. 10. Minnesota Statutes 1978, Section 641.22, is amended to read:

641.22 **PLANS AND ESTIMATES SUBMITTED.** After the receipt of ~~such~~ the commissioner of correction's advice and suggestions, ~~such the~~ board shall procure plans and estimates of the cost of ~~such the~~ new jail or repairs, and submit the same to the commissioner of ~~corrections~~ for suggestions and for approval, so

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far as relates to the safety management, operation and sanitary conditions physical condition of the proposed building, and the security, safety, health, treatment and discipline of persons detained or confined therein. ~~Such~~ Suggestions and approval shall be in writing and filed with the county auditor before any contract for ~~such~~ purchase, lease, erection or repairs shall be binding, or any warrant is drawn for payment for labor or materials therefor.

Sec. 11. Minnesota Statutes 1978, Section 642.02, Subdivision 2, is amended to read:

Subd. 2. **JAILER OR CUSTODIAN.** No prisoner shall be detained without a jailer or custodian shall be present during in the lockup, awake and alert at all times, capable of responding to the reasonable needs of the time any prisoner is detained in such lockup.

Sec. 12. Minnesota Statutes 1978, Section 642.03, is amended to read:

642.03 TEMPORARY POLICE STATIONS AND LOCKUPS IN CERTAIN CASES IN CITIES OF FIRST CLASS. When, in the opinion of the board of police commissioners of any city of the first class in the state, or of any board of ~~such~~ the city having charge, control, and direction of the administration of the police department of ~~such~~ the city, it shall be necessary to remove from and destroy any existing police station or lockup, and to provide and equip new temporary central police stations and lockups, pending the erection by ~~such~~ the city, upon the site of ~~such~~ the abandoned police station, of a new and permanent central police station and lockup, ~~any~~ ~~such~~ the city is hereby authorized and empowered, acting by and through its board of police commissioners, or other board having the control and direction of the administration of the police department, of ~~such~~ the city, to lease a new site for ~~such~~ the temporary central police station and lockup, and to provide and equip the same.

Section 642.02 shall ~~not~~ apply to, ~~or~~ and be binding upon, ~~any~~ ~~such~~ the city in the providing of a temporary central police station and lockup, under the circumstances hereinbefore stated.

Sec. 13. Minnesota Statutes 1978, Section 642.07, is amended to read:

642.07 CHIEF OF POLICE, MARSHAL; DUTIES. The chief of police or statutory city marshal, as the case may be, shall cause every lockup under ~~his~~ the ~~chief's or marshal's~~ care, and the bedding therein, to be kept clean, wholesome, and free from vermin. ~~Such lockup shall be swept daily and thoroughly cleansed with water at least once every two weeks when occupied. The lockup shall be kept in good repair and maintained so as to protect the health, comfort, safety and well being of prisoners and staff.~~ ~~Such~~ Each chief of police or marshal shall keep in a book furnished by the municipality a complete register of all prisoners committed ~~thereto~~ to the lockup, and all persons admitted as lodgers therein, in the form prescribed by the commissioner of corrections. Any peace officer placing a prisoner in ~~such~~ the lockup shall report immediately to ~~his~~ the ~~officer's~~ superior concerning the fact of the placement.

Sec. 14. Minnesota Statutes 1978, Section 642.12, is amended to read:

642.12 FURNISHING LIQUOR TO INMATES. No sheriff, jailer, police officer, marshal, or other person in charge of any jail or lockup, under any pretense, shall give, sell, or deliver to any prisoner therein any spirituous liquor, or any mixed liquor, part of which is spirituous, or any wine, cider, or beer contraband, as defined in section 641.165, subdivision 1, unless a reputable physician certifies in writing that the health of such prisoner or inmate requires it, in which case he may be allowed the prescribed quantity, and no more.

Sec. 15. Minnesota Statutes 1978, Section 643.01, is amended to read:

643.01 TRANSFER OF PRISONERS BETWEEN JAIL AND WORKHOUSE. In any county of this state in which there is now or shall be hereafter maintained by any county or by any city and county, a workhouse, correctional or work farm for the confinement of criminal offenders, and a county jail, any district court or county court judge of the judicial district in which the county is situated, shall have the power, either of his own motion, or on the application of the county attorney of such the county, for sufficient cause in accordance with written county policy approved by the commissioner of corrections, to order:

(1) any prisoner who shall be confined in the county jail of such county under sentence to such jail by any district judge, justice of the peace or municipal judge, to be transferred from such county jail and recommitted to any such the workhouse, correctional or work farm at hard labor, for the remainder of the term for which such prisoner was originally sentenced; or

(2) any prisoner who shall be confined in the workhouse, correctional or work farm under sentence, to be transferred and recommitted to the county jail for the remainder of the term for which sentenced; or

(3) any prisoner who shall be confined in the county jail, convicted and awaiting sentence, to be transferred to and confined in the workhouse, correctional or work farm while awaiting sentence.

Transferred prisoners are subject to the rules and discipline of the confining institution. Transportation of prisoners is the responsibility of the sending institution.

Sec. 16. Minnesota Statutes 1978, Section 643.02, is amended to read:

643.02 PROCEDURE OF DISTRICT COURT OR COUNTY COURT JUDGE IN CHARGE AND DUTY OF SHERIFF. When any such district court or county court judge shall make an order for the transfer of any prisoner from the county jail to any such workhouse, correctional or work farm such as provided in section 643.01, the order shall be made in duplicate by such the judge, shall recite therein the name of the court by which the prisoner was sentenced to such county jail or convicted, the date of sentence or conviction, the general nature of the offense for which sentenced or convicted, the length of the original sentence and the length of such the sentence still remaining, or the sentencing date if known, and any other facts obtainable from the commitment under which the prisoner

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~~may be held;~~ that will furnish material information regarding the case, and shall direct the superintendent or other keeper of ~~such the~~ the workhouse, correctional or work farm, or sheriff or other keeper of the county jail to safely keep ~~such the~~ the prisoner at hard labor for the remainder of ~~such the~~ the original term of sentence, or until further sentencing proceedings, as stated in ~~such the~~ the order, unless otherwise released according to law, or the parole rules and regulations of ~~such the~~ the workhouse, correctional or work farm, or county jail. Both of the orders for transfer and ~~recommitment~~ of ~~such the~~ the prisoner to ~~such the~~ the workhouse, correctional or work farm, or county jail, shall be filed forthwith, ~~with the sheriff of such county or other keeper of the jail, or superintendent or other keeper of the workhouse, correctional or work farm and the sheriff or other keeper of the jail, or superintendent or other keeper of the workhouse, correctional or work farm~~ shall thereupon retain one of the orders of transfer and ~~recommitment~~ in his possession and shall without delay, ~~at the expense of the county,~~ transfer ~~such the~~ the prisoner named in ~~such the~~ the order and deliver him or her, together with the other of the duplicate orders for the transfer and ~~recommitment~~ of ~~such the~~ the prisoner to the superintendent or other keeper of the workhouse, correctional or work farm, or sheriff or other keeper of the jail, who shall retain the order and safely keep the prisoner named therein for the remainder of the sentence at hard labor or until further sentencing proceedings, as specified in the order, unless otherwise released as hereinbefore provided. The order for transfer and ~~recommitment~~ of any ~~such~~ the prisoner, as hereinbefore mentioned, shall have the same force and effect as the writ of commitment issued by the court which sentenced the prisoner in the first instance or as the order for confinement issued by the court in the first instance, and in addition shall be full authority for the holding and keeping of the ~~prisoner, at hard labor,~~ by the superintendent or other keeper of the workhouse, correctional or work farm, or the sheriff or other keeper of the jail, and for his apprehension by any peace officer in case of the escape of ~~such the~~ the prisoner from ~~any such the~~ the workhouse, correctional or work farm, or county jail. On the request of any district court or county court judge of the district in which ~~any such the~~ the workhouse, correctional or work farm, and county jail is are located, the sheriff of ~~any such the~~ the county, or superintendent, shall without delay furnish a copy to ~~such the~~ the judge of any commitment or order in his possession.

Sec. 17. Minnesota Statutes 1978, Section 643.29, is amended to read:

643.29 **DIMINUTION OF SENTENCE.** Subdivision 1. **"GOOD CONDUCT" ALLOWANCE.** Any person sentenced for a term to any county jail, workhouse, or correctional work farm may diminish the term of ~~his the~~ the sentence five days for each month, commencing on the day of ~~his~~ the arrival, during which ~~he~~ the ~~person~~ person has not violated any rule or discipline of the place wherein ~~he~~ the ~~person~~ person is incarcerated and, if required to labor, has labored with diligence and fidelity.

Subd. 2. **ENFORCEMENT.** Any jailer, workhouse or correctional work farm superintendent, or person similarly in custody of persons incarcerated as set forth in subdivision 1 may ~~in his discretion,~~ pursuant to a prisoner discipline plan, take away any or all of the reduction in sentence previously gained by good conduct, and in consideration of mitigating circumstances, may afterwards restore

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him in whole or in part, to the standing he possessed before ~~such~~ the reduction in sentence was taken away.

Sec. 18. **TEMPORARY PROVISION.** The commissioner of corrections shall amend 11 MCAR Section 2.111 (G)(1.) by striking the word "Health" and insert the word "Corrections."

Notwithstanding sections 15.0411 to 15.052, the amendment shall be effective on the date of its publication in the State Register.

Sec. 19. **REPEALER.** Laws 1925, Chapter 12; Laws 1927, Chapter 142; Minnesota Statutes 1945, Sections 643.21, 643.22, 643.23, 643.24, 643.25, 643.26, 643.27, and 643.28; and Minnesota Statutes 1978, Sections 641.17, 641.27, 641.28, 641.29, 641.30, 641.31, 641.32, 641.33, 641.34, 641.35, 641.36, 641.37, 641.38, 642.14, 643.03, 643.04, 643.05, 643.06, 643.07, 643.08, 643.09, 643.10, 643.11, 643.12, 643.13, 643.14, 643.15, 643.16, 643.17, 643.19 and 643.20, are repealed.

Approved April 23, 1980

CHAPTER 603—H.F.No. 2040

An act relating to privacy; providing for the collection and dissemination of government data; classifying data as private, confidential, nonpublic or public; amending Minnesota Statutes 1978, Sections 15.162, Subdivision 3, and by adding subdivisions; 15.165, Subdivision 3; 600.23, Subdivision 3; and Chapter 15, by adding sections; Minnesota Statutes, 1979 Supplement, Sections 15.162, Subdivision 2a; 15.1621, by adding a subdivision; 15.1642, Subdivisions 1, 5, 5a, and by adding a subdivision; 15.166, Subdivision 4; 15.1691, Subdivision 3; 15.1692, Subdivisions 1 and 2; 15.1693, Subdivision 2; and 15.1698, Subdivision 1, and by adding a subdivision; and Laws 1978, Chapter 790, Section 5, Subdivision 2; repealing Minnesota Statutes, 1979 Supplement, Section 15.1692, Subdivision 4; and 15.1698, Subdivision 2.

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

Section 1. Minnesota Statutes, 1979 Supplement, Section 15.162, Subdivision 2a, is amended to read:

Subd. 2a. "Confidential data on individuals" means data which is: (a) made not public by statute or federal law applicable to the data and is inaccessible to the individual subject of that data; or (b) collected by a civil or criminal investigative agency as part of an active investigation undertaken for the purpose of the commencement of a legal action, provided that the burden of proof as to whether such investigation is active or in anticipation of a legal action is upon the agency. Confidential data on individuals does not include arrest information that is reasonably contemporaneous with an arrest or incarceration. The provision of clause (b) shall terminate and cease to have force and effect with regard to the state agencies, political subdivisions, statewide systems, covered by the ruling,

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