

SENATE

STATE OF MINNESOTA

EIGHTY-NINTH SESSION

S.F. No. 783

(SENATE AUTHORS: PETERSEN, B.)

DATE	D-PG	OFFICIAL STATUS
02/12/2015	273	Introduction and first reading Referred to State and Local Government

A bill for an act  
relating to local government; prohibiting searches, detentions, arrests, or the  
imposition of jail time for violations of noncriminal ordinances and charter  
provisions; amending Minnesota Statutes 2014, sections 365.125, by adding a  
subdivision; 375.53; 394.37, by adding a subdivision; 410.20; 412.231; 462.362;  
609.034; proposing coding for new law in Minnesota Statutes, chapter 629.

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

Section 1. Minnesota Statutes 2014, section 365.125, is amended by adding a  
subdivision to read:

Subd. 6. **Certain penalties prohibited.** A town shall not adopt an ordinance or  
charter provision providing for jail time or any other restriction of physical liberty for  
violations of an ordinance or charter provision not defined as a crime under section  
611A.01, paragraph (a). Nothing in this section shall prevent a town from enforcing a  
violation of any ordinance or charter provision by prescribing a fine or other financial  
penalty. Ordinances or charter provisions inconsistent with this subdivision are void.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts  
committed on or after that date.

Sec. 2. Minnesota Statutes 2014, section 375.53, is amended to read:

**375.53 VIOLATIONS OF ORDINANCES, PENALTIES.**

Subdivision 1. **Penalties.** The county board may declare that the violation of any  
ordinance shall be a penal offense and prescribe penalties for a violation. The penalties  
shall not exceed those permitted for conviction of a misdemeanor as defined by law.

2.1 Subd. 2. **Certain penalties prohibited.** Notwithstanding subdivision 1, a county  
2.2 shall not adopt an ordinance or charter provision providing for jail time or any other  
2.3 restriction of physical liberty for violations of an ordinance or charter provision not  
2.4 defined as a crime under section 611A.01, paragraph (a). Nothing in this section shall  
2.5 prevent a county from enforcing a violation of any ordinance or charter provision by  
2.6 prescribing a fine or other financial penalty. Ordinances or charter provisions inconsistent  
2.7 with this subdivision are void.

2.8 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts  
2.9 committed on or after that date.

2.10 Sec. 3. Minnesota Statutes 2014, section 394.37, is amended by adding a subdivision  
2.11 to read:

2.12 Subd. 5. **Certain penalties prohibited.** Notwithstanding subdivisions 1 to 4, a  
2.13 county shall not adopt an ordinance or charter provision providing for jail time or any  
2.14 other restriction of physical liberty for violations of an ordinance or charter provision not  
2.15 defined as a crime under section 611A.01, paragraph (a). Nothing in this section shall  
2.16 prevent a county from enforcing a violation of any ordinance or charter provision by  
2.17 prescribing a fine or other financial penalty. Ordinances or charter provisions inconsistent  
2.18 with this subdivision are void.

2.19 **EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts  
2.20 committed on or after that date.

2.21 Sec. 4. Minnesota Statutes 2014, section 410.20, is amended to read:

2.22 **410.20 RECALL AND REMOVAL OF OFFICERS; ORDINANCES.**

2.23 Subdivision 1. **Recall and removal of officers; ordinances.** Such commission may  
2.24 also provide for the recall of any elective municipal officer and for removal of the officer  
2.25 by vote of the electors of such city, and may also provide for submitting ordinances to  
2.26 the council by petition of the electors of such city and for the repeal of ordinances in like  
2.27 manner; and may also provide that no ordinance passed by the council, except an emergency  
2.28 ordinance, shall take effect within a certain time after its passage, and that if, during such  
2.29 time, a petition be made by a certain percentage of the electors of the city protesting  
2.30 against the passage of such ordinance until the same be voted on at an election held for  
2.31 such purpose, and then such ordinance to take effect or not as determined by such vote.

2.32 Subd. 2. **Certain penalties prohibited.** A city shall not adopt an ordinance or  
2.33 charter provision providing for jail time or any other restriction of physical liberty for

violations of an ordinance or charter provision not defined as a crime under section 611A.01, paragraph (a). Nothing in this section shall prevent a city from enforcing a violation of any ordinance or charter provision by prescribing a fine or other financial penalty. Ordinances or charter provisions inconsistent with this subdivision are void.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts committed on or after that date.

Sec. 5. Minnesota Statutes 2014, section 412.231, is amended to read:

**412.231 PENALTIES.**

**Subdivision 1. Maximum penalties.** The 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 \$1,000 or imprisonment in a city or county jail for a period of 90 days, or both, but in either case the costs of prosecution may be added.

**Subd. 2. Certain penalties prohibited.** A city shall not adopt an ordinance or charter provision providing for jail time or any other restriction of physical liberty for violations of an ordinance or charter provision not defined as a crime under section 611A.01, paragraph (a). Nothing in this section shall prevent a city from enforcing a violation of any ordinance or charter provision by prescribing a fine or other financial penalty. Ordinances or charter provisions inconsistent with this subdivision are void.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts committed on or after that date.

Sec. 6. Minnesota Statutes 2014, section 462.362, is amended to read:

**462.362 ENFORCEMENT AND PENALTY.**

**Subdivision 1. Enforcement of ordinances or regulations.** A municipality may by ordinance provide for the enforcement of ordinances or regulations adopted under sections 462.351 to 462.364 and provide penalties for violation thereof. A municipality may also enforce any provision of sections 462.351 to 462.364 or of any ordinance adopted thereunder by ~~mandamus~~, injunction, or any other appropriate civil remedy in any court of competent jurisdiction.

**Subd. 2. Certain penalties prohibited.** (a) No statute, ordinance, charter provision, or court order shall provide for enforcement of an ordinance or charter provision not defined as a crime under section 611A.01, paragraph (a), by imposing jail time or any other restriction of physical liberty.

(b) Nothing in this section shall prevent the state, a municipality, or a court from enforcing a violation of any ordinance or charter provision by prescribing a fine or other financial penalty.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts committed on or after that date.

Sec. 7. Minnesota Statutes 2014, section 609.034, is amended to read:

**609.034 MAXIMUM PENALTY; ORDINANCE VIOLATIONS.**

Subdivision 1. **Maximum fines.** Any law of this state or municipal charter which limits the power of any statutory or home rule charter city, town, county, or other political subdivision to prescribe a maximum fine of \$700 or less for an ordinance shall on or after August 1, 2000, be deemed to provide that the statutory or home rule charter city, town, county, or other political subdivision has the power to prescribe a maximum fine of \$1,000.

Subd. 2. **Certain penalties prohibited.** (a) No statute, ordinance, charter provision, or court order shall provide for enforcement of an ordinance or charter provision not defined as a crime under section 611A.01, paragraph (a), by imposing jail time or any other restriction of physical liberty.

(b) Nothing in this section shall prevent the state, a municipality, or a court from enforcing a violation of any ordinance or charter provision by prescribing a fine or other financial penalty.

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts committed on or after that date.

Sec. 8. **[629.305] LOCAL NONCRIMINAL ORDINANCES.**

A peace officer may not detain, search, or arrest a person for a violation of a local ordinance or charter provision unless the ordinance or charter provision involves a crime as defined in section 611A.01, paragraph (a).

**EFFECTIVE DATE.** This section is effective August 1, 2015, and applies to acts committed on or after that date.