

CHAPTER 626

INVESTIGATION AND APPREHENSION; RECORDS

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SEARCH WARRANTS

**626.01 SEARCH WARRANTS; WHEN ISSUED.** When complaint shall be made on oath, to any magistrate authorized to issue warrants in criminal cases, that personal property has been stolen or obtained by false tokens or pretenses, and that the complainant believes that it is concealed in any particular house or place, such magistrate, if satisfied that there is reasonable cause for such belief, shall issue his warrant to search for such property.

[R. L. s. 5196] (10537)

**626.02 SEARCH FOR COUNTERFEIT COIN, OBSCENE BOOKS, AND GAMING APPARATUS.** Every such magistrate, when satisfied that there is reasonable cause, may also, upon like sworn complaint, issue search warrants in the following cases:

To search for and seize:

- (1) Any counterfeit or spurious coin, forged bank notes, and forged instruments, tools, machines, or material prepared or provided for making any of them;
- (2) Any books, pamphlets, ballads, printed papers, or other things containing obscene language, obscene prints, pictures, figures, or descriptions, manifestly tending to corrupt the morals of youth, and intended to be sold, loaned, circulated, distributed, or introduced into any family, school, or place of education;

(3) Any gambling apparatus or implements used, or kept for use, in gambling in any gambling house, or in any building, apartment, or place resorted to for the purpose of gambling.

[R. L. s. 5197] (10538)

**626.03 SEARCH WARRANTS; TO WHOM DIRECTED; CONTENTS.** Every search warrant shall be directed to the sheriff or any constable of the county, commanding him to search the house or place where the stolen property, or other things for which he shall be required to search, are believed to be concealed, the place, property, or things to be searched for being designated and described in the warrant, and to bring such stolen property or other things when found, and the person in whose possession the same shall be found, before the magistrate issuing the warrant, or some other magistrate or court having cognizance of the case.

[R. L. s. 5198] (10539)

**626.04 PROPERTY; SEIZURE, KEEPING, AND DISPOSAL.** When any officer, in the execution of a search warrant, shall find any stolen property, or seize any other things for which search is allowed by law, the same shall be safely kept by direction of the court or magistrate, so long as may be necessary for the purpose of being produced as evidence on any trial, and then the stolen property shall be returned to the owner thereof, and the other things seized destroyed under the direction of the court or magistrate. Any money found in gambling devices when seized shall be paid into the county treasury, or, if such gambling devices are seized by a police officer of a municipality, such money shall be paid into the treasury of such municipality.

[R. L. s. 5199; 1929 c. 177] (10540)

#### GRAND JURIES

**626.05 GRAND JURIES; MEMBERS; QUORUM.** A grand jury is a body of men or women, or both, returned at stated periods from the citizens of the county before a court of competent jurisdiction, chosen by lot, and sworn to inquire as to public offenses committed or triable in the county. It shall consist of not more than 23, nor less than 16, persons, and shall not proceed to any business unless at least 16 members are present.

[R. L. s. 5261; 1921 c. 365 s. 2] (10603)

**626.06 WHEN DRAWN.** A grand jury shall be drawn and summoned for any general term of the district court when the judge of such court shall so direct by an order made and filed with the clerk of court 15 days before the term begins. If such order is not made, the judge, in his discretion, by an order filed with the clerk, may cause a grand jury to be summoned and convened at any time during the term. In districts composed of but one county, with a population exceeding 100,000, wherein but one term is held annually, the court may prescribe by written order that a grand jury shall be drawn to attend at any specified time and for any designated period.

[R. L. s. 5262; 1909 c. 221; 1923 c. 257 s. 1] (10604)

**626.07 EXEMPTION FROM SERVICE.** In addition to the persons otherwise exempted therefrom by law, the following persons shall be exempt from service as grand jurors: United States officers, judges of courts of record, commissioners of public buildings, the state auditor, treasurer, and librarian, all county and city officers, including members of school boards in cities of the first class, constables, attorneys at law, ministers of the gospel, preceptors, and teachers of high and graded schools and academies, one teacher in each common school, practicing physicians and surgeons, duly licensed embalmers, one miller to each grist mill, one ferryman to each licensed ferry, all acting telegraph operators, all members of fire companies organized according to law, all engineers actively engaged as locomotive or stationary engineers, all persons more than 60 years of age, all persons not of sound mind or discretion, and all persons subject to any bodily infirmity amounting to disability. All persons unable to speak and understand the English language, all persons whose names have been placed on any jury list at the request or suggestion, direct or indirect, of any person other than the officer charged with preparing such list, and all persons who shall have been convicted of any infamous crime, shall be disqualified from serving as grand jurors.

[R. L. s. 5263; 1915 c. 15 s. 1] (10605)

**626.08 DIRECTOR OF FORESTRY AND EMPLOYEES EXEMPT FROM JURY SERVICE.** The director of forestry, and all persons at any time employed by him or under his direction, are hereby exempted from jury service during the

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period of such service or employment. No person hereby exempted shall be drawn on, or have his name placed in any list of persons eligible to jury service in any court.

[1927 c. 279 s. 1] (10605-1)

**626.09 NAMES, HOW PREPARED AND DRAWN.** On receiving from the county auditor the list of grand jurors selected by the county board, the clerk shall write the names in such list on separate pieces of paper, and fold each as nearly as possible in the same manner, so that the name written shall not be visible, and deposit them in a box. At least 15 days before the sitting of any district court, the clerk thereof, in the presence of the sheriff and a justice of the peace or district judge, shall draw from the box the names of 23 persons to serve as grand jurors at such term of court.

[R. L. s. 5264] (10606)

**626.10 VENIRE; SERVICE; RETURN.** At least 12 days before the first day of the court, the clerk shall issue and deliver to the sheriff a venire under the seal of the court, commanding him to summon the persons so drawn to appear before the court at or before the hour of 11 o'clock a.m., on the first day of the term thereof, to serve as grand jurors, except that when that day shall fall on a legal holiday the venire shall be made returnable on the succeeding day. The sheriff, at least ten days before the sitting thereof, shall summon the persons named in such venire to attend such court as grand jurors, by mailing a notice to each person named therein, by registered mail, at his last known address, and at least three days before the sitting thereof he shall give personal notice to each person whose registry receipt has not been received by the sheriff or leave written notice at the place of residence of such person with some person of proper age. He shall return such venire to the court at the opening thereof, specifying who were summoned, and the manner in which each was notified.

[R. L. s. 5265; 1913 c. 451 s. 1] (10607)

**626.11 NEGLECT TO ATTEND; HOW PUNISHED.** When any person duly drawn and summoned to attend as a grand juror shall, without sufficient excuse, neglect to attend, the court to which he was summoned shall impose a fine upon him of not more than \$30.00, which shall be paid into the county treasury.

[R. L. s. 5266] (10608)

**626.12 FAILURE TO REPORT; ATTACHMENT.** Every grand and petit juror drawn and summoned to attend and serve at any term of a district court shall report to such court at the time and place designated in such summons. A failure to so report shall constitute contempt of court. On the first day of the term fixed for the attendance of either the grand or the petit jurors, or as soon thereafter as may be, the court shall ascertain whether the persons summoned to attend at such term as grand or petit jurors, as the case may be, have reported for duty as required by law; and, if it shall find a failure on the part of any person so summoned to report, it shall at once cause an attachment to issue against him, which shall be served by the sheriff or his deputy, and he shall be forthwith arrested and brought before the court to be dealt with according to law. Nothing in this section contained shall render liable to jury duty any person who is exempt by law.

[R. L. s. 5267] (10609)

**626.13 GROUNDS OF EXCUSE; RECORD.** The court shall not excuse from service upon either grand or petit jury any person duly drawn and summoned, except upon the ground that he is either physically or mentally unable or unfit, in the opinion of the court, to attend or serve as a juror, or by reason of serious sickness of some immediate member of his family; provided, in counties having more than two terms of court a year the court may, for other sufficient causes, excuse a juror from service at the term of court or period of service for which he was so drawn and summoned until a later term or period during the same year, and in such case such juror shall report for service and serve at such later term or period with the same force and effect as though he had been regularly drawn and summoned for such later term or period. The name of each person excused, with the ground thereof, shall be entered by the clerk among the proceedings of the court, preserved, and open to inspection by all parties. Any woman drawn upon either a grand or a petit jury may, in the discretion of the court, be excused from such jury service upon request.

[R. L. s. 5268; 1909 c. 407 s. 1; 1921 c. 370 s. 1] (10610)

**626.14 CONTEMPT; HOW PUNISHED.** Every law in reference to contempts shall apply equally to those committed under the provisions of this chapter, and the cases of persons charged with contempt thereunder shall be summarily disposed of by the court. Every person guilty of contempt under the provisions hereof shall be punished by imprisonment in the county jail for not more than 90 days, or by fine of not more than \$500.00, or by both.

[R. L. s. 5269] (10611)

**626.15 SPECIAL VENIRE.** In case of a deficiency of grand jurors, a special venire may be issued to the proper officer to return forthwith such further number of grand jurors as shall be required, and he shall summon such persons, who shall be bound forthwith to attend and serve, unless excused by the court in the same manner and subject to the same penalties for neglect as those duly drawn by the clerk and summoned as provided by law.

[R. L. s. 5270] (10612)

**626.16 CHALLENGE.** Any person held to answer a charge for a public offense may challenge the panel of the grand jury or any individual grand juror before they retire, after having been sworn and charged by the court.

[R. L. s. 5271] (10613)

**626.17 CAUSES OF CHALLENGE TO PANEL.** A challenge to the panel may be interposed for one or more only of the following causes:

- (1) That the requisite number of ballots was not drawn from the grand jury box of the county;
- (2) That the drawing was not had in the presence of the officers designated by law;
- (3) That the drawing was not had at least 15 days before the court.

[R. L. s. 5272] (10614)

**626.18 CAUSES OF CHALLENGE TO JUROR; HOW TRIED; DECISION ENTERED.** A challenge to an individual grand juror may be interposed for one or more only of the following causes:

- (1) That he is a minor;
- (2) That he is not a citizen of the United States;
- (3) That he has not resided in this state six months;
- (4) That he is insane;
- (5) That he is a prosecutor upon a charge against the defendant;
- (6) That he is a witness on the part of the prosecution, and has been served with process or bound by recognizance as such;
- (7) That a state of mind exists on his part in reference to the case or to either party which shall satisfy the court, in the exercise of a sound discretion, that he cannot act impartially and without prejudice to the substantial rights of the party challenging.

All challenges shall be entered upon the minutes and tried by the court, and the clerk shall enter its decision allowing or disallowing the challenge upon the minutes.

[R. L. s. 5273] (10615)

**626.19 EFFECT OF ALLOWANCE OF CHALLENGE.** If a challenge to the panel be allowed, the grand jury is prohibited from inquiring into the charges against the defendant by whom the challenge was interposed; if it should, notwithstanding, do so, and find an indictment against him, the court shall direct it to be set aside. If a challenge to an individual grand juror is allowed, he shall not be present at or take part in the consideration of the charge against the defendant who interposed the challenge, or the deliberations of the grand jury thereon, but his place may be filled as provided in case of a deficiency of grand jurors. The grand jury shall inform the court of any violation of the provisions of this section, which shall be punished as a contempt.

[R. L. s. 5274] (10616)

**626.20 FOREMAN; JURY SWORN; CHARGE OF COURT.** From the persons summoned to serve as grand jurors and appearing, the court shall appoint a foreman, and it shall also appoint a foreman whenever one already appointed shall be discharged or excused before such jury is dismissed. The grand jury shall then be sworn according to law, and the same oath shall be administered to any grand juror afterwards appearing and admitted as such. The grand jury shall then be charged by the court, who, in doing so, shall read to it the provisions of sections 628.01 to 628.03, and 626.23 to 626.30, and may give it such other information as it

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may deem proper as to the nature of its duties, and any charges for public offenses returned to the court, or likely to come before the grand jury; but it need not charge it respecting the violation of any particular statute unless expressly made its duty by the provisions of such statute.

[R. L. s. 5275] (10617)

**626.21 JURY TO RETIRE; CLERK; DUTIES.** The grand jury shall then retire to a private room and inquire into the offenses cognizable by it. It shall appoint one of its number clerk, who shall preserve the minutes of its proceedings, but not of the votes of the individual members on a presentment or indictment, or of the evidence given before them.

[R. L. s. 5276] (10618)

**626.22 DISCHARGE AND ADJOURNMENT.** On the completion of the business before it, the court may discharge a grand jury or adjourn its session, from time to time, during the same term. Whether the business shall be completed or not, it shall be discharged by the final adjournment of the court. In counties where six or more regular terms of court are provided for by law in a year, and where a grand jury is not required to be returned to every term of court, the court may, by an order entered upon the minutes, continue the grand jury to another subsequent term to which no grand jury is required to be returned, and at such subsequent term may again continue such grand jury to another subsequent term to which no grand jury is required; and the court, in its order of continuance, shall fix the time in such subsequent term for its meeting. A grand jury so continued shall have the same power at such subsequent term as if returned to the same term and if, for any reason, less than a quorum be then present, additional jurors may be returned forthwith to supply the deficiency.

[R. L. s. 5277] (10619)

**626.23 EVIDENCE; FOR DEFENDANT.** In the investigation of a charge for the purpose of indictment or presentment, the grand jury shall receive no other evidence than:

- (1) Such as is given by witnesses produced and sworn before it; and
- (2) Legal, documentary, or written evidence.

It shall receive none but legal evidence, and the best in degree to the exclusion of hearsay or secondary evidence, except when such evidence would be admissible on the trial of the accused for the offense charged. It is not bound to hear evidence for the defendant; but if, in weighing the evidence submitted to it, it have reason to believe that other evidence within its reach will explain away the charge, it shall order such evidence produced, and for that purpose may require the prosecuting attorney to issue process for the necessary witnesses. The oath to witnesses may be administered by the foreman.

[R. L. s. 5280] (10622)

**626.24 JUROR COMPLAINANT, WHEN.** If a member of the grand jury shall know or have reason to believe that a public offense has been committed which is triable in the county, he shall declare the same to his fellow jurors, who shall thereupon investigate the same.

[R. L. s. 5282] (10624)

**626.25 MATTERS INQUIRED INTO.** The grand jury shall inquire:

- (1) Into the condition of every person imprisoned on a criminal charge triable in the county, and not indicted;
- (2) Into the condition and management of the public prisons in the county; and
- (3) Into the wilful and corrupt misconduct in office of all public officers in the county.

[R. L. s. 5283] (10625)

**626.26 ACCESS TO PRISONS AND RECORDS.** The grand jury shall be entitled to free access at all reasonable times to the public prisons, and to the examination, without charge, of all public records in the county.

[R. L. s. 5284] (10626)

**626.27 COUNTY ATTORNEY TO ATTEND; DUTIES.** The grand jury may at all reasonable times ask the advice of the court, or of the county attorney, and, when required by the grand jury, the county attorney shall attend it for the purpose of framing indictments or examining witnesses in its presence; but no county attorney, sheriff, or other person, except the grand jurors, shall be per-

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mitted to be present during the expression of its opinions or the giving of their votes upon any matter before them.

[R. L. s. 5285] (10627)

**626.28 OBSERVE SECRECY.** Every grand juror shall keep secret whatever he himself or any other grand juror said, or in what manner he or any other grand juror voted, on a matter before them.

[R. L. s. 5286] (10628)

**626.29 MAKE DISCLOSURE, WHEN.** Any grand juror may be required by any court to disclose the testimony of any witnesses examined before the grand jury, for the purpose of ascertaining whether it is consistent with that given by the witnesses before the court, or to disclose the testimony given before it by any other person, upon a charge against him for perjury in giving his testimony, or upon his trial therefor.

[R. L. s. 5287] (10629)

**626.30 ACTION NOT TO BE QUESTIONED; EXCEPTION.** A grand juror shall not be questioned for anything he may say or any vote he may give in the grand jury relative to a matter legally pending before the jury, except for a perjury of which he may be guilty in making an accusation, or giving testimony to his fellow jurors.

[R. L. s. 5288] (10630)

**626.31 INDICTMENT OR PRESENTMENT KEPT SECRET.** No grand juror, county attorney, clerk, judge, or other officer shall disclose the fact that a presentment has been made, or an indictment found, until the defendant shall have been arrested; but this shall not extend to a disclosure by the issuance or in the execution of a warrant of arrest. Every person violating the foregoing provision shall be guilty of a contempt and a misdemeanor, and punished therefor according to law.

[R. L. s. 5291] (10633)

## BUREAU OF CRIMINAL APPREHENSION

**626.32 BUREAU OF CRIMINAL APPREHENSION CREATED.** A bureau of the state government, under the attorney general, is hereby created and is designated as the bureau of criminal apprehension.

[1927 c. 224 s. 1] (9950-5)

**626.33 SUPERINTENDENT; RULES AND REGULATIONS.** This bureau shall be under the supervision and control of a superintendent, who shall be appointed by the governor, by and with the consent of the senate. The term of office of the superintendent shall be two years. The incumbent shall serve until a successor is appointed and qualifies. The governor may remove the superintendent at any time at his pleasure. Any vacancy shall be filled for the unexpired portion of the term. The superintendent shall receive a salary of \$5,000 per year, payable semimonthly, and shall devote his entire time to the duties of his office. The superintendent, from time to time, shall make such rules and regulations and adopt such measures as he deems necessary, within the provisions and limitations of sections 626.32 to 626.50, to secure the efficient operation of the bureau. The bureau shall cooperate with the respective sheriffs, constables, marshals, police, and other peace officers of the state in the detection of crime and the apprehension of criminals throughout the state, and shall have the power to conduct such investigations as the superintendent may deem necessary to secure evidence which may be essential to the apprehension and conviction of alleged violators of the criminal laws of the state. The various members of the bureau shall have and may exercise throughout the state the same powers of arrest possessed by a sheriff, but they shall not be employed to render police service in connection with strikes and other industrial disputes.

[1927 c. 224 s. 2; 1935 c. 197 s. 1] (9950-6)

**626.34 EMPLOYEES; CIVIL SERVICE; COMPENSATION.** The superintendent is hereby authorized to appoint, in the manner provided, and to remove as provided by the state civil service law, and to prescribe the duties of such skilled and unskilled employees, including an identification expert as may be necessary to carry out the work of the bureau, but not exceeding 28 in number; provided, that the appointment and removal of such skilled and unskilled employees shall

be in the manner provided by the state civil service law. The superintendent and all officers and employees of the bureau shall, in addition to their compensation, receive their actual and necessary expenses incurred in the discharge of their duties, provided that the total expense of the bureau during any year shall not exceed the appropriation therefor.

[1927 c. 224 s. 3; 1935 c. 197 s. 2; 1939 c. 441 s. 41] (9950-7)

**626.35 DIVISION OF CRIMINAL STATISTICS.** There is hereby established within the bureau a division of criminal statistics, and the superintendent, within the limits of membership herein prescribed, shall appoint a qualified statistician and one assistant to be in charge thereof. It shall be the duty of this division to collect, and preserve as a record of the bureau, information concerning the number and nature of offenses known to have been committed in the state, of the legal steps taken in connection therewith from the inception of the complaint to the final discharge of the defendant, and such other information as may be useful in the study of crime and the administration of justice. The information so collected and preserved shall include such data as may be requested by the United States department of justice, at Washington, under its national system of crime reporting.

[1927 c. 224 s. 3; 1935 c. 197 s. 2; 1939 c. 441 s. 41] (9950-7)

**626.36 DIVISION POWERS AND DUTIES; LOCAL OFFICERS TO COOPERATE.** It shall be the duty of all sheriffs, chiefs of police, city marshals, constables, prison wardens, superintendents of insane hospitals, reformatories and correctional schools, probation and parole officers, school attendance officers, coroners, county attorneys, court clerks, the liquor control commissioner, the commissioner of highways, and the state fire marshal to furnish to the division statistics and information regarding the number of crimes reported and discovered, arrests made, complaints, informations, and indictments, filed and the disposition made of same, pleas, convictions, acquittals, probations granted or denied, receipts, transfers, and discharges to and from prisons, reformatories, correctional schools, and other institutions, paroles granted and revoked, commutation of sentences and pardons granted and rescinded, and all other data useful in determining the cause and amount of crime in this state and to form a basis for the study of crime, police methods, court procedure, and penal problems. Such statistics and information shall be furnished upon the request of the division and upon such forms as may be prescribed and furnished by it. The division shall have the power to inspect and prescribe the form and substance of the records kept by those officials from which the information is so furnished.

[1927 c. 224 s. 3; 1935 c. 197 s. 2; 1939 c. 441 s. 41] (9950-7)

**626.365 RESTORATION OR DISPOSAL OF STOLEN PROPERTY.** The bureau of criminal apprehension shall make every effort for a period of one year after the seizure or recovery of abandoned or stolen property to return such property to the lawful owner or to the sheriff of the county from which it was stolen.

Any such property held by the bureau for more than one year, in case the owner cannot be found or if it cannot be determined from what county the property was stolen, shall be sold at public auction by the superintendent of the bureau, or his agent, after two weeks' published notice thereof in a legal newspaper in Ramsey county, stating the time and place of such sale and a list of the property to be sold.

The proceeds of such sale shall be applied in payment of the necessary expenses of the sale and all necessary costs, storage, or charges incurred in relation to such property. The balance of the proceeds of such sales shall be paid into the general revenue fund.

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**626.37 BONDS OF SUPERINTENDENT AND EMPLOYEES.** The superintendent and each employee in the bureau whom he shall designate, before entering upon the performance of his duties under sections 626.32 to 626.50, shall take the usual oath and give bond to the state, in such amount as the governor shall direct and approve, conditioned for the faithful performance of his duties. If a surety bond is given, the premium thereon shall be paid as an expense of the bureau, upon the approval of the amount of the premium by the commissioner of administration. The state, the several governmental subdivisions thereof, or any person damaged by any wrongful act or omission of either the superintendent or any

of such employees in the performance of his duties under sections 626.32 to 626.50, may maintain an action on such bond for the recovery of damages so sustained.

[1927 c. 224 s. 4; 1935 c. 197 s. 3] (9950-8)

**626.38 SYSTEM FOR IDENTIFICATION OF CRIMINALS; RECORDS AND INDEXES.** The bureau shall install systems of identification of criminals, including the finger-print system, the modus operandi system, the Bertillon method, and such others as the superintendent deems proper. The bureau shall keep a complete record and index of all information received in convenient form for consultation and comparison. The bureau shall obtain from wherever procurable and file for record finger and thumb prints, measurements, photographs, plates, outline pictures, descriptions, modus operandi statements, or such other information as the superintendent considers necessary, of persons who have been or shall hereafter be convicted of a felony or an attempt to commit a felony within the state, or who are known to be habitual criminals. To the extent that the superintendent may determine it to be necessary, the bureau shall obtain like information concerning persons convicted of a crime under the laws of another state or government.

[1927 c. 224 s. 5] (9950-9)

**626.39 FINGER-PRINTS, BERTILLON MEASUREMENTS, PHOTOGRAPHS; POWERS OF SHERIFFS AND POLICE OFFICERS.** It is hereby made the duty of the sheriffs of the respective counties and of the police officers in cities of the first, second, and third classes, under the direction of the chiefs of police in such cities, to take or cause to be taken immediately finger and thumb prints, photographs, and such other identification data as may be requested or required by the superintendent of the bureau; of all persons arrested for felony, of all persons reasonably believed by the arresting officer to be fugitives from justice, of all persons in whose possession, when arrested, are found concealed firearms or other dangerous weapons, burglar tools or outfits, high-power explosives, or articles, machines, or appliances usable for an unlawful purpose and reasonably believed by the arresting officer to be intended for such purposes, and within 24 hours thereafter to forward such finger-print records and other identification data on such forms and in such manner as may be prescribed by the superintendent of the bureau of criminal apprehension.

[1927 c. 224 s. 6; 1929 c. 46 s. 1; 1935 c. 197 s. 4] (9950-10)

**626.40 PRINTS, FURNISHED TO BUREAU BY SHERIFFS AND CHIEFS OF POLICE.** The sheriff of each county and the chief of police of each city of the first, second, and third classes shall furnish the bureau, upon such form as the superintendent shall prescribe, with such finger and thumb prints, photographs, and other identification data as may be requested or required by the superintendent of the bureau, which may be taken under the provisions of section 626.39, of persons who shall be convicted of a felony or who shall be found to have been convicted of a felony within ten years next preceding their arrest. Upon the determination of all pending criminal actions or proceedings in favor of the arrested person, he shall, upon demand, have all such finger and thumb prints, photographs, and other identification data, and all copies and duplicates thereof, returned to him, provided it is not established that he has been convicted of any felony, either within or without the state, within the period of ten years immediately preceding such determination.

[1927 c. 224 s. 7; 1929 c. 46 s. 2; 1935 c. 197 s. 5] (9950-11)

**626.41 RECORDS OF FELONIES COMMITTED TO BE KEPT BY PEACE OFFICERS; REPORTS TO BUREAU.** Every peace officer shall keep or cause to be kept a permanent written record, in such form as the superintendent may prescribe, of all felonies reported to or discovered by him within his jurisdiction and of all warrants of arrest for felonies and search warrants issued to him in relation to the commission of felonies, and shall make or cause to be made to the bureau reports of all such crimes, upon such forms as the superintendent may prescribe, including a statement of the facts and a description of the offender, so far as known, the offender's method of operation, the action taken by the officer, and such other information as the superintendent may require.

[1927 c. 224 s. 8] (9950-12)

**626.42 INFORMATION AS TO CRIMINALS TO BE FURNISHED BY BUREAU TO PEACE OFFICERS.** Upon receipt of information data as to any arrested person, the bureau shall immediately ascertain whether the person arrested has a criminal record or is a fugitive from justice, and shall at once inform the



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arresting officer of the facts ascertained. Upon application by any sheriff, chief of police, or other peace officer in the state, or by an officer of the United States or by an officer of another state, territory, or government duly authorized to receive the same and effecting reciprocal interchange of similar information with the division, it shall be the duty of the bureau to furnish all information in its possession pertaining to the identification of any person.

[1927 c. 224 s. 9] (9950-13)

**626.43 OFFICERS OF PENAL INSTITUTIONS TO FURNISH BUREAU WITH DATA RELATING TO RELEASED PRISONERS.** It shall be the duty of the officials having charge of the penal institutions of the state or the release of prisoners therefrom to furnish to the bureau, as the superintendent may require, finger and thumb prints, Bertillon measurements, photographs, identification data, modus operandi reports, and criminal records of prisoners heretofore, now, or hereafter confined in such penal institutions, together with the period of their service and the time, terms, and conditions of their discharge.

[1927 c. 224 s. 10] (9950-14)

**626.44 BUREAU TO COOPERATE WITH OTHER CRIMINAL IDENTIFICATION ORGANIZATIONS.** The bureau shall cooperate and exchange information with other organizations for criminal identification, either within or without the state, for the purpose of developing, improving, and carrying on an efficient system for the identification and apprehension of criminals.

[1927 c. 224 s. 11] (9950-15)

**626.45 BUREAU TO BROADCAST INFORMATION TO PEACE OFFICERS.** The bureau shall broadcast, by mail, wire, and wireless, to peace officers such information as to wrongdoers wanted, property stolen or recovered, and other intelligence as may help in controlling crime.

[1927 c. 224 s. 12] (9950-16)

**626.46 POLICE SCHOOLS FOR TRAINING OF PEACE OFFICERS.** The superintendent may, from time to time, provide police schools at convenient centers in the state for training peace officers in their powers and duties and in the use of approved equipment and methods for detection, identification, and apprehension of criminals. For this purpose the superintendent may use the services of all employees of the bureau.

[1927 c. 224 s. 13] (9950-17)

**626.47 REPORTS TO BUREAU BY CLERKS OF COURT.** The superintendent shall have power to require the clerk of court of any county to file with the department, at such time as the superintendent may designate, a report, upon such form as the superintendent may prescribe, furnishing such information as he may require with regard to the prosecution and disposition of criminal cases. A copy of the report shall be kept on file in the office of the clerk of court.

[1927 c. 224 s. 14; 1935 c. 197 s. 6] (9950-18)

**626.48 REPORTS BY SUPERINTENDENT TO GOVERNOR AND LEGISLATORS.** The superintendent shall submit, annually, to the governor a detailed report of the operations of the bureau, of information about crime and the handling of crimes and criminals by state and local officials collected by the bureau, and his interpretations of the information, with his comments and recommendations. In such reports he shall, from time to time, include his recommendations to the legislature for dealing with crime and criminals and information as to conditions and methods in other states in reference thereto, and shall furnish a copy of such report to each member of the legislature.

[1927 c. 224 s. 15; 1935 c. 197 s. 7] (9950-19)

**626.49 EMPLOYEES INCLUDED IN WORKMEN'S COMPENSATION LAWS.** Every employee of the bureau, except the superintendent, shall be deemed an employee of the state within the meaning of the workmen's compensation laws of this state and entitled to the benefit of all the provisions of those laws applicable to state employees.

[1927 c. 224 s. 16] (9950-20)

**626.50 CONSTRUCTION OF SECTIONS 626.32 TO 626.50.** It is hereby declared that sections 626.32 to 626.50 are necessary for the public safety, peace and welfare, are remedial in nature, shall be construed liberally, and that, in case any part thereof shall be declared unconstitutional, it shall not in any way affect any other part.

[1927 c. 224 s. 17] (9950-21)

**626.51 PENALTY ON LOCAL OFFICERS REFUSING INFORMATION.** If any public official charged with the duty of furnishing to the bureau finger-print records, reports, or other information required by sections 626.32 to 626.55, shall neglect or refuse to comply with such requirement, the bureau, in writing, shall notify the state, county, or city officer charged with the issuance of a warrant for the payment of the salary of such official. Upon the receipt of the notice the state, county, or city official shall withhold the issuance of a warrant for the payment of the salary or other compensation accruing to such officer for the period of 30 days thereafter until notified by the bureau that such suspension has been released by the performance of the required duty.

[1935 c. 197 s. 8] (9950-22)

**626.52 PHYSICIANS AND OTHER AIDS TO HEALING TO REPORT INJURIES FROM FIREARMS.** Every physician, every surgeon, every person authorized to engage in the practice of healing, every superintendent or manager of a hospital, every nurse and every pharmacist, whether such physicians, surgeons, persons engaged in the practice of healing, superintendent or manager of any hospital, nurse and pharmacist be licensed or not, shall immediately report to the proper police authorities, as herein defined, all bullet wounds, gun-shot wounds, powder burns, or any other injury arising from, or caused by the discharge of any gun, pistol, or any other firearm, which wound he is called upon to treat, dress, or bandage.

[1935 c. 165 s. 1] (9950-22a)

**626.53 REPORT BY TELEPHONE AND LETTER.** The report required by section 626.52 shall be made forthwith by telephone or in person, and shall be promptly supplemented by letter, enclosed in a securely sealed, postpaid envelope, addressed to the sheriff of the county in which the wound is examined, dressed, or otherwise treated; except that, if the place in which the patient is treated for such injury or his wound dressed or bandaged be in a city of the first, second, or third class, such report shall be made and transmitted as herein provided to the chief of police of such city instead of the sheriff. The office of any such sheriff and of any such chief of police shall keep such report as a confidential communication and shall not disclose the name of the person making the same, and the party making the report shall not by reason thereof be subpoenaed, examined, or forced to testify in court as a consequence of having made such a report.

[1935 c. 165 s. 2] (9950-23)

**626.54 APPLICATION OF SECTIONS 626.52 TO 626.55.** The requirements of sections 626.52 to 626.55 shall not apply to a nurse employed in a hospital nor to a nurse regularly employed by a physician, surgeon, or other person practicing healing, where the employer has made a proper report in compliance therewith.

[1935 c. 165 s. 3] (9950-24)

**626.55 PENALTY.** Any person who violates any provision of sections 626.52 to 626.55 is guilty of a gross misdemeanor.

[1935 c. 165 s. 4] (9950-25)

## BROADCASTING

**626.56 RADIO BROADCASTING STATIONS MAY BE INSTALLED.** The commissioner of administration is hereby authorized to purchase, secure the necessary air privilege, lease or otherwise acquire, and install one or more radio broadcasting stations to be used for police purposes only, under the direction of the bureau of criminal apprehension.

[1935 c. 195 s. 1] (9950-41)

**626.57 BUREAU TO MAINTAIN STATION.** The bureau is hereby charged with the maintenance, operation, and conduct of all radio broadcasting stations established under the provisions of sections 626.56 to 626.64.

[1935 c. 195 s. 2] (9950-42)

**626.58 POLICE CARS TO HAVE RADIOS.** When the broadcasting station or stations authorized by sections 626.56 to 626.64 have been established and are ready for operation, the bureau shall notify immediately the board of county commissioners in each county of the state that such radio service has been established; and forthwith the board shall provide for the purchase and installation in the office of the sheriff and at such other places within each county as it may direct, and in at least one motor vehicle used by the sheriff in the conduct of his office, a locked-in

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radio receiving set of the character prescribed by the bureau for use in connection with the broadcasting station or stations so established.

[1935 c. 195 s. 3; Ex. 1936 c. 104 s. 1] (9950-43)

**626.59 RECEIVING STATIONS IN CITIES AND VILLAGES.** The council of each city in the state shall, and the council of each village in the state may, purchase, install, and maintain in such place as the council may determine, at least one such locked-in radio receiving set, as may be prescribed by the bureau for use in law enforcement and police work in such city or village in connection with the broadcasting system thereby established.

[1935 c. 195 s. 4; Ex. 1936 c. 104 s. 2] (9950-44)

**626.60 COMMISSIONER TO SUPPLY BROADCASTING SETS.** The commissioner of administration shall purchase and supply the bureau of criminal apprehension with such locked-in radio receiving sets as are deemed necessary by the superintendent.

[1935 c. 195 s. 5; Ex. 1936 c. 104 s. 3] (9950-45)

**626.61 BUREAU TO BROADCAST CRIMINAL INFORMATION.** It shall be the duty of the bureau to broadcast all police dispatches and reports submitted which, in the opinion of the superintendent, shall have a reasonable relation to or connection with the apprehension of criminals, the prevention of crime, and the maintenance of peace and order throughout the state. Every sheriff, peace officer, or other person employing a radio receiving set under the provisions of sections 626.56 to 626.64 shall make report to the bureau at such times and containing such information as the superintendent shall direct.

[1935 c. 195 s. 6] (9950-46)

**626.62 TELEPHONE AND TELEGRAPH COMPANIES TO GIVE PRIORITY TO MESSAGES.** Every telegraph and telephone company operating in the state shall give priority to all messages or calls directed to the broadcasting station or stations established under sections 626.56 to 626.64.

[1935 c. 195 s. 7] (9950-47)

**626.63 PERMISSION FOR SHORT WAVE SETS MUST BE SECURED.** No person other than peace officers within the state and the members of the state highway patrol shall equip any motor vehicle with a short wave length radio receiving set or use the same in such motor vehicle without first obtaining permission to do so from the superintendent of the bureau upon such form of application as he may prescribe.

[1935 c. 195 s. 8] (9950-48)

**626.64 VIOLATIONS; PENALTIES.** Any telegraph or telephone operator who shall fail to give priority to police messages or calls as provided in sections 626.56 to 626.64; any person who installs or uses a short wave length radio receiving set in any motor vehicle contrary to the provisions of sections 626.56 to 626.64; and any person who wilfully makes any false, misleading, or unfounded report to any broadcasting station established thereunder for the purpose of interfering with the operation thereof, or with the intention of misleading any officer of this state, shall be guilty of a misdemeanor.

[1935 c. 195 s. 10] (9950-50)

## UNIFORM LAWS ON FRESH PURSUIT

**626.65 UNIFORM LAW ON FRESH PURSUIT; RECIPROCAL.** Any member of a duly organized state, county, or municipal peace unit of another state of the United States who enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest him on the ground that he is believed to have committed a felony in such other state, shall have the same authority to arrest and hold such person in custody, as has any member of any duly organized state, county, or municipal peace unit of this state, to arrest and hold in custody a person on the ground that he is believed to have committed a felony in this state; provided, the rights extended by this section shall be extended only to those states granting these same rights to peace officers of this state who may be in fresh pursuit of suspected criminals in such reciprocating states.

[1939 c. 64 s. 1] (10547-1)

**626.66 ARREST; HEARING.** If an arrest is made in this state by an officer of another state in accordance with the provisions of section 626.65 he shall, without

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unnecessary delay, take the person arrested before a magistrate of the county in which the arrest was made, who shall conduct a hearing for the purpose of determining the lawfulness of the arrest. If the magistrate determines that the arrest was lawful he shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the governor of this state, or admit him to bail for such purpose. If the magistrate determines that the arrest was unlawful he shall discharge the person arrested.

[1939 c. 64 s. 2] (10547-2)

**626.67 CONSTRUCTION OF SECTION 626.65.** Section 626.65 shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

[1939 c. 64 s. 3] (10547-3)

**626.68 STATE INCLUDES DISTRICT OF COLUMBIA.** For the purpose of sections 626.65 to 626.70, the word "state" includes the District of Columbia.

[1939 c. 64 s. 4] (10547-4)

**626.69 FRESH PURSUIT.** The term "fresh pursuit," as used in sections 626.65 to 626.70, includes fresh pursuit as defined by the common law, and also the pursuit of a person who has committed a felony or who is reasonably suspected of having committed a felony. It shall also include the pursuit of a person suspected of having committed a supposed felony, though no felony has actually been committed, if there is reasonable ground for believing that a felony has been committed. Fresh pursuit, as used therein, shall not necessarily imply instant pursuit, but pursuit without unreasonable delay.

[1939 c. 64 s. 5] (10547-5)

**626.70 CITATION.** Sections 626.65 to 626.70 may be cited as the uniform act on fresh pursuit.

[1939 c. 64 s. 8] (10547-8)