CHAPTER 617

OFFENSES RELATING TO CHASTITY, MORALS, DECENCY

RAPE; ABDUCTION; CARNAL KNOWLEDGE

617.01 RAPE; PENALTY

HISTORY. RS 1851 c 100 s 39; PS 1858 c 89 s 38; GS 1866 c 94 s 39; GS 1878 c 94 s 49; Penal Code s 235; 1891 c 88 s 1; GS 1894 s 6523; 1899 c 72; RL 1905 s 4926; GS 1913 s 8655.

Assault with intent to commit. 35 MLR 206.

Defendant was convicted of the crime of rape on Nov. 23, 1951. The trial court set Dec. 15, 1951 as the date for the imposition of the sentence. Defendant perfected his appeal to the supreme court and was at liberty under an appeal bond in the sum of $5,000. Defendant applied for an order staying the imposition of sentence pending his appeal and alleged that he would be unable to procure a transcript of the testimony because of lack of time on the part of the court reporter. It is ordered by the supreme court that the proceedings in the district court be stayed and defendant admitted to bail. State v Wilson, 235 M 571, 50 NW(2d) 706.

In a prosecution for rape the evidence presented sustained a finding that the crime had been committed. Not all cautionary instructions regarding an alibi as a defense are reversible error; but, if such instruction is given, extreme care must be exercised to the end that evidence tending to prove an alibi is given proper consideration by the jury. State v Wilson, ... M ....., 57 NW(2d) 412.

617.02 CARNAL KNOWLEDGE OF CHILDREN

HISTORY. RS 1851 c 100 s 40; PS 1858 c 89 s 39; GS 1866 c 94 s 40; GS 1878 c 94 s 50; Penal Code s 236; 1891 c 90 s 1; GS 1894 s 6524; RL 1905 s 4927; 1909 c 92 s 1; GS 1913 s 8656.

In a carnal knowledge case where the principal issue is in sharp conflict and its determination in a large extent depends upon the credibility of complainant and defendant, great liberality should be permitted in the admission of their direct testimony and on cross-examination of the parties. State v Morgan, 235 M 388, 51 NW(2d) 61.

617.05 ABDUCTION; EVIDENCE; PENALTY

HISTORY. 1877 c 127 s 1; GS 1878 c 100 s 11; Penal Code s 240, 241; 1887 c 64; GS 1894 s 6529, 6530; RL 1905 s 4930; 1909 c 92 s 2; GS 1913 s 8659.

617.07 SEDUCTION UNDER PROMISE; EVIDENCE; BAR TO PROSECUTION

HISTORY. RS 1851 c 108 s 6; PS 1858 c 96 s 6; GS 1866 c 100 s 6; GS 1878 c 108 s 6; Penal Code s 242-244; GS 1894 s 6531-6533; RL 1905 s 4931; GS 1913 s 8662.

617.08 INDECENT ASSAULT

HISTORY. Penal Code s 245; 1891 c 89 s 1; GS 1894 s 6534; RL 1905 s 4932; GS 1913 s 8663; 1927 c 394; 1929 c 27.

Generally a "res gestae" statement must be contemporaneous with the act or transaction of which it is a part, and it is sufficient if made so soon after the act or transaction that it may fairly be recorded as a part or incident thereof. Under facts and circumstances of the case, a statement made by a boy of five years was admissible under the "res gestae" rule. State v Gorman, 229 M 524, 40 NW(2d) 347.

BIGAMY, ADULTERY, FORNICATION, INCEST, SODOMY

617.13 INCEST

HISTORY. RS 1851 c 108 s 12; PS 1858 c 96 s 12; GS 1866 c 100 s 12; GS 1878 c 100 s 13; Penal Code s 259; 1893 c 90 s 1; GS 1894 s 6553; RL 1905 s 4949; GS 1913 s 8700; 1941 c 346.

617.14 SODOMY

HISTORY. RS 1851 c 108 s 13, 22; PS 1858 c 96 s 13, 22; GS 1866 c 100 s 13, 22; GS 1878 c 100 s 14, 23; Penal Code s 260, 261; GS 1894 s 6554, 6555; RL 1905 s 4950; 1909 c 270 s 1; GS 1913 s 8701; 1921 c 224 s 1.

A "res gestae" statement must be contemporaneous with the act or transaction of which it is a part and it is sufficient if made so soon after the act or transaction that it may fairly be regarded as a part or incident thereof. In determining whether an utterance or statement is a part of the res gestae, the trial court has a wide discretion which is not absolute. State v Gorman, 229 M 524, 40 NW(2d) 347.

Statements made to other members of a crew by a 13-year-old boy temporarily employed as a laborer with his father's construction crew as to criminal acts claimed to have been committed on the boy by defendant were not admissible as part of the res gestae where it appeared from the record that the statements were not spontaneous utterances made at the first opportunity and generated by an excited feeling which extended without a break or letdown from the time the alleged crime was committed to the time the statements were made, but, rather, they were made an hour and a half or two hours after he had returned to the bunkhouse following the commission of the alleged act and after the boy had taken a shower bath, had thought the matter over, and had "dozed off" to sleep for awhile. State v Quinnild, 231 M 99, 42 NW(2d) 409.

617.15 ADULTERY

HISTORY. RS 1851 c 108 s 1-3; PS 1858 c 96 s 1-3; GS 1866 c 100 s 1-3; GS 1878 c 100 s 1-3; Penal Code s 262; GS 1894 s 6556; RL 1905 s 4951; GS 1913 s 8702.

Assault with intent to commit. 35 MLR 206.

617.16 FORNICATION

HISTORY. RS 1851 c 108 s 5, 22; PS 1858 c 96 s 5, 22; GS 1866 c 100 s 5, 22; GS 1878 c 100 s 5, 23; Penal Code s 263; 1891 c 91 s 1; GS 1894 s 6557; RL 1905 s 4952; GS 1913 s 8703; 1919 c 193 s 1.

ABORTION

617.18 ABORTION, HOW PUNISHED

HISTORY. 1873 c 9 s 1, 2; GS 1878 c 94 s 16, 17; Penal Code s 251; GS 1894 s 6545; RL 1905 s 4942; GS 1913 s 8693.

Consent as a defense in civil action for damages. 33 MLR 550.

The basic science board may cancel a certificate of registration surrendered for that purpose by a doctor convicted of manslaughter, but the court by order could not compel the board to make such cancelation. OAG Aug. 27, 1947 (303-B).

617.19 PREGNANT WOMAN ATTEMPTING ABORTION

HISTORY. 1873 c 9 s 3; GS 1878 c 94 s 18; Penal Code s 252; GS 1894 s 6546; RL 1905 s 4943; GS 1913 s 8694.

617.20 DRUGS TO PRODUCE MISCARRIAGE

HISTORY. 1873 c 9 s 4; GS 1878 c 94 s 19; Penal Code s 255; GS 1894 s 6549; RL 1905 s 4944; GS 1913 s 8695.

617.21 EVIDENCE

HISTORY. 1873 c 9 s 5; GS 1878 c 94 s 20; Penal Code s 253; GS 1894 s 6547; RL 1905 s 4945; GS 1913 s 8696.

617.22 CONCEALING BIRTH; SECOND OFFENSE

RS 1851 c 108 s 7, 8; PS 1858 c 96 s 7, 8; GS 1866 c 100 s 7, 8; GS 1878 c 100 s 7, 8; Penal Code s 254, 518; 1889 c 208 s 4; GS 1894 s 6548, 6828; RL 1905 s 4946; GS 1913 s 8697; 1917 c 231 s 1.

OBSCENITY

617.23 INDECENT EXPOSURE; PENALTIES

HISTORY. RS 1851 c 108 s 4; 1852 Amend p 24 s 116; PS 1858 c 96 s 4; GS 1866 c 100 s 4; GS 1878 c 100 s 4; 1881 c 33 s 1; Penal Code s 275, 276; GS 1894 s 6569, 6570; RL 1905 s 4953; GS 1913 s 8704; 1931 c 321.

In a prosecution for indecent exposure to establish intent where the act does not occur in a public place or otherwise where it is certain to be observed, some evidence further than the act itself must be presented. Intent is established by evidence of motions, signals, sounds, or actions by the accused designed to attract attention or by his display so public and open that it must be reasonably presumed that his exposure was intended to be witnessed. State v Peery, 224 M 346, 28 NW(2d) 852.

Either under the ordinance or the statute before the offense of indecent exposure can be established, the evidence must be sufficient to sustain a finding that the misconduct complained of was committed with the deliberate intent of being indecent and lewd. Ordinary acts or conduct involving exposure of the person as the result of carelessness or thoughtlessness do not of themselves establish the offense of indecent exposure. State v Peery, 224 M 346, 28 NW(2d) 852.

Information alleging defendant's commission of the crime of indecent exposure in violation of section 617.23 and his prior conviction under a municipal ordinance for a similar offense previously committed, does not charge a gross misdemeanor under the statute since a conviction under the municipal ordinance is not a conviction under the state law. State v End, 232 M 266, 45 NW(2d) 378.

617.24 OBSCENE LITERATURE; PENALTY

HISTORY. RS 1851 c 108 s 11; PS 1858 c 96 s 11; GS 1866 c 100 s 11; GS 1878 c 100 s 12; 1885 c 268 s 1; 1887 c 56; GS 1878 Vol 2 (1888 Supp) c 100 s 12a; Penal Code s 277, 279; 1893 c 91 s 1; GS 1894 s 6571, 6973; RL 1905 s 4954; GS 1913 s 8705; 1917 c 241 s 1.

617.25 INDECENT ARTICLES AND INFORMATION

The credibility of witnesses and the weight to be given their testimony is for the trier of fact. In the instant case the evidence sustained the defendant's conviction of violation of a Minneapolis city ordinance against lewd and indecent conduct. State v Brown, 236 M 333, 52 NW(2d) 761.

617.27 SEARCH WARRANT, DESTRUCTION OF PROPERTY

HISTORY. 1885 c 268 s 2; GS 1878 (1888 Supp) c 100 s 12b; GS 1894 s 6974; RL 1905 s 4957; GS 1913 s 8708.

Unreasonable search and seizures. 37 MLR 188.

PROSTITUTION, HOUSES OF ILL FAME

617.30 KEEPER OF DISORDERLY RESORT

HISTORY. RS 1851 c 108 s 9, 10; PS 1858 c 90 s 9, 10; GS 1866 c 100 s 9, 10; GS 1878 c 100 s 9, 10; Penal Code s 281; GS 1894 s 6575; 1899 c 158; RL 1905 s 4958; GS 1913 s 8712.

DANCE HALLS

617.42 DANCE HALL

A village councilman may have a village license unless the ordinance requires giving of a bond, which could constitute a contract. OAG Aug. 15, 1949 (90-E-4).

A tavern keeper who furnishes a place for and permits dancing in his place of business and hires an orchestra to supply music therefor is conducting a public dance hall even though no charge is made. If there is no connection between the dance hall and the place where the beer is sold, and if a person must go outside to get from one to the other, then one place is a dance hall and the other is a tavern, and each must be licensed as such. OAG Aug. 4, 1950 (217-F-2) (802-A-10).

A boat deck, when used for dancing, is a public dancing place within the meaning of section 617.42, and if there is direct communication between the deck where dancing takes place and the low deck where 3.2 beer will be sold, such public dancing place could not be licensed. OAG Oct. 28, 1948 (217-F-4).

An application to permit a public dance cannot be legally granted if the place for which the license is requested has any communication with any room in which intoxicating liquor is sold, given away, or otherwise used. OAG March 18, 1949 (217-F-2).

If people patronizing a restaurant pay indirectly for the privilege of dancing, whether or not the privilege is exercised, the restaurant is a public dance place and may not operate under an off sale beer license. OAG July 7, 1948 (802-B-3).

Whether a person operating a restaurant has certain space available for dancing is operating a dance hall so as to exclude him from being entitled to an off sale beer license is a question of fact. OAG July 7, 1948 (802-A-3).

Even though no charge is made for dancing, a tavern keeper who permits dancing in his place of business and hires an orchestra to play the music, is conducting a dance hall within the meaning of section 617.42. OAG Aug. 4, 1950 (802-A-10).

A dance hall license may not be issued to any place where 3.2 beer is sold. OAG June 7, 1951 (802-A-10).

A license issued under section 617.46 may not be issued to a dance hall where the hall is connected by an archway to a place where 3.2 beer is sold. OAG June 20, 1951 (802-A-10).

Dancing is not permitted in an establishment licensed for sale of intoxicating liquor, except in a case where the dancing is incidental to the restaurant or hotel service. OAG July 27, 1951 (802-A-10).

Where a dance hall uses juke box music, even though the dance is not advertised in any way, the proprietor is required to employ a police officer to attend the dances. OAG Dec. 5, 1951 (802-A-16).

617.43 PROPRIETORS MUST OBTAIN PERMITS

Whether a place as operated constitutes a public dance hall is a question of fact. OAG July 7, 1948 (802-A-3).

617.44 ISSUANCE OF PERMIT

On sale intoxicating liquor retail licenses may be issued to restaurants in cities of the third class. A licensed restaurant may have a bowling alley. The dance hall law prohibits the issuance of a dance hall permit for a place having direct or indirect connection with a place where intoxicating liquor is sold. OAG July 21, 1950 (802-A-17) (218-G-6).

The dance hall law does not apply to counties with a population of 225,000 or more. OAG July 21, 1951 (802-A-17).

Where a permit to operate a public dance is granted by the county board, the county may continue the permit by requiring that more than one officer be present to maintain peace and order; but the sheriff, acting without authorization, cannot require employment of more than one officer. OAG Dec. 5, 1951 (802-A-16).

617.45 PERMIT TO BE POSTED

A municipality may issue dance hall permits and the fees may be established on a graduated scale based on area of the dance floor provided that the scale of fees is made on a fair and equitable basis. OAG Dec. 15, 1949 (802-A-4).

A boat deck, when used for dancing, is a public dancing place within the meaning of section 617.42, and if there is direct communication between the deck where dancing takes place and the low deck where 3.2 beer will be sold, such public dancing place could not be licensed. OAG Oct. 28, 1948 (217-F-4).

617.46 APPLICATIONS

An application to permit a public dance cannot be legally granted if the place for which the license is requested has any direct or indirect communication with any room in which intoxicating liquor is sold, given away, or otherwise used. OAG March 18, 1949 (217-F-2).

A boat deck, when used for dancing, is a public dancing place within the meaning of section 617.42, and if there is direct communication between the deck where dancing takes place and the low deck where 3.2 beer will be sold, such public dancing place could not be licensed. OAG Oct. 28, 1948 (217-F-4).

A dance hall license cannot be issued for any place which has any connection with a place where 3.2 beer is sold. OAG Sept. 8, 1950 (802-A-15).

A license fee for a dance permit voluntarily paid in the absence of erroneous payment is mistake of law or fact and cannot be refunded. OAG Oct. 31, 1950 (802-A-4).

A dance hall license may not be issued to dance hall connected with an archway to a place where 3.2 beer is sold. OAG June 21, 1951 (802-A-10).

Dancing is not permitted in an establishment licensed for sale of intoxicating liquor except in cases where the dancing is incidental to the restaurant or hotel service. OAG July 27, 1951 (802-A-10).

The statute provides that no application for a public dance hall permit shall be granted for any place which has any direct or indirect communication with any room in which intoxicating liquor is sold, given away, or otherwise used. The drinking of 3.2 beer in a public dance hall is forbidden. OAG Nov. 24, 1953 (802-A-10).

The holder of a permit to give public dances is not eligible to hold a license to sell 3.2 beer in the same building. OAG Dec. 5, 1951 (802-A-16).

617.49 NOT TO ADMIT CERTAIN PERSONS

An unmarried person under 16, if accompanied by his parents or guardian, and an unmarried person over 16 and under 18, if accompanied by parent or guardian, or if presenting the written consent of a parent or guardian, and persons over the age

of 18 but under 21, may attend dances, if the place is not injurious to morals and if intoxicating liquors are not sold or given away. OAG July 2, 1947 (802-A-15).

Minors may not attend a dance at a rural tavern licensed by the county board. OAG July 25, 1947 (802-A-15).

617.50 OFFICER MUST ATTEND ALL PUBLIC DANCES

HISTORY. 1923 c 139 s 10; 1927 c 321 s 1.

A municipality may issue dance hall permits and fees may be established on a graduated scale based on area of floor, provided that the scale of fees is made on a fair and equitable basis. OAG Dec. 15, 1949 (802-A-4).

A permit holder authorized to conduct a public dance must provide an officer to be present at every public dance. The sheriff alone, acting without authorization from the county board, cannot require the employment of more than one officer. The sheriff determines the amount of compensation to be paid. OAG Dec. 5, 1951 (802-A-16).

CRIMES RELATING TO CHILDREN

617.55 DESERTION OF CHILD OR PREGNANT WIFE

HISTORY. Penal Code s 246; 1889 c 212 s 1; GS 1894 s 6535; RL 1905 s 4933; 1911 c 144 s 1; 1915 c 336 s 1; 1917 c 213 s 1; 1931 c 94; 1951 c 190 s 1; 1953 c 71 s 1.

Awards for support of illegitimate child should be based on the father's duty of support throughout minority of the child and not on liability for support only to the age of 16 even though the father is not punishable in a criminal prosecution for failure to support child after his 16th birthday. State v Sax, 231 M 1, 42 NW(2d) 680.

Where minor children domiciled in Lyon county with parents, were placed in a home in Martin county after having been adjudged neglected children and their temporary custody placed in the Lyon county welfare board, the children retained the domicile of the father at the time the parents were found to have neglected them, and their constructive domicile in Lyon county, without actual physical presence therein, was sufficient to meet the requirements of being residents of Lyon county, and the probate court of Lyon county had jurisdiction of the proceedings for the appointment of a general guardian of the children. Where minors are abandoned by both parents they retain the domicile of their father at the time of their abandonment. Where venue does not affect the jurisdiction of the subject matter, a defective venue may be waived either by failing to object to the venue in the trial court or by seeking affirmative relief in alleged improper venue. The church welfare society which is organized for the purpose of aiding minor children and licensed by the state to place children in adopted homes and act as agent for the county welfare boards in caring for neglected and abandoned children, is a suitable and competent guardian for two neglected children. In re Kowalke's Guardianship, 232 M 292, 46 NW(2d) 275.

A father cannot be convicted of abandoning his child when he has been deprived of the custody and care of the child by commitment to the guardian of the child's grandmother. OAG Nov. 14, 1947 (133-B-1).

Father of an illegitimate child may be prosecuted for child abandonment in the county in which the mother resides. OAG Feb. 6, 1948 (133-B-1).

Abandonment and failure to support are continuing offenses and a former conviction does not preclude prosecution for a violation committed subsequently. OAG Dec. 19, 1950 (133-B-1).

A father, deprived in divorce proceedings, of the actual custody of his child, may nevertheless be punished for the abandonment of the child and failure to support, and may be charged with violation of section 617.55. OAG May 1, 1953 (133-B-1).

Where an Indian's abandonment of an illegitimate child adjudged by a tribal court to be the Indian's child, took place on the Indian reservation, the Indian could not be prosecuted in the state court for the crime of abandonment. OAG Sept. 9, 1948 (240-K).

In order that aid to dependent children may be continued to a child who has been abandoned, within the meaning of section 617.55, a warrant for abandonment must issue within 120 days from the date of the abandonment, under section 256.12. OAG Aug. 22, 1947 (540-D).

617.56 FAILURE TO SUPPORT WIFE OR CHILD

Right of child to sue the enticer of a parent. 34 MLR 63.

All things being equal, the natural parents have the paramount right to the care and custody of a child, but such right is not absolute and must yield to the child's welfare. The burden is upon those who claim the contrary to overcome that presumption by satisfactory proof. Under certain conditions the child's wishes may be taken into consideration. Where a father had ignored the child for more than ten years and offered no excuse for his conduct, he had to all intents and purposes abandoned the child and the child's best interest required that she be permitted to remain with her aunt. State ex rel v Vorlicek, 229 M 497, 40 NW(2d) 350.

The evidence does not support the finding and judgment of the municipal court in St. Paul, that the defendant wilfully failed to support a 4-year-old child. There was evidence tending to show that the child was being supported at public expense and that the defendant contributed all he could in supplement of the public aid. State v Bilotta, 231 M 377, 43 NW(2d) 111.

Defendant and the complaining witness had been married and two children were born to them, one child now five and the other three years of age. The husband under the divorce decree was required to pay $10 per week for the support of the children. Defendant was employed most of the time and did not make to exceed $500 per year. When out of employment he lived with an uncle and is a person of practically no initiative and energy, and was found not guilty of deliberate non-support of his child. State v Thurmes, 233 M 153, 45 NW(2d) 258.

Where husband and wife have separated and the father is a veteran attending college under the G.I. Bill and receives the usual government allowance, the question whether he may be prosecuted for non-support of his children is within the discretion of the county attorney who should not prosecute unless he has reason to believe a conviction may be obtained. OAG Feb. 18, 1948 (133-B-1).

Application for aid to dependent children is not stymied by failure to prosecute father who had abandoned the children. OAG May 25, 1948 (540-B).

A father has the legal responsibility for the care and support of his minor child under the age of 16 years and that duty continues to rest upon him irrespective of any arrangement he may have made with his wife, either by way of private settlement or by way of divorce decree. OAG Oct. 17, 1949 (133-B-1).

To sustain a charge of desertion or abandonment the proof must show wilful failure to support. A father deprived of the custody of a child cannot be charged with a violation. OAG Dec. 19, 1950 (133-B-1).

617.57 PROSECUTION

HISTORY. 1903 c 222 s 1; 1905 c 217 s 1; GS 1913 s 8668; 1917 c 213 s 3; 1941 c 396 s 1.

617.60 KEEPERS OF PUBLIC PLACES TO EXCLUDE MINORS

The statute requires the keeper of any place where intoxicating liquors are sold to exclude minors from his place of business, whether or not the minor be accompanied by parent or guardian. OAG March 8, 1948 (218-J-12).

Persons under 21 are forbidden to play any game of skill or chance in any dancing house, concert saloon, place where intoxicating liquors are sold or given away, or any place of entertainment injurious to the morals. A city may provide by ordinance that in places other than those above enumerated persons under 16, 18, or 21 may not play pinball machines and penalties may be imposed upon both players and owners. OAG May 4, 1951 (733-D).

617.63 KEEPERS OF PUBLIC PLACES TO EXCLUDE, PENALTY

A municipal ordinance is invalid which reduces the age limit below 18 years. All ordinances must conform to the constitution and general laws of the state. OAG Dec. 6, 1951 (62-C).

617.69 LIQUORS IN SCHOOLHOUSES OR GROUNDS

A license may not be issued for the sale of non-intoxicating malt liquors on the school grounds. OAG May 11, 1951 (217-B-5).

617.71 SALE OF LIQUOR OR CIGARETTES WITHIN 1,000 FEET OF CERTAIN INSTITUTIONS

In determining whether liquor is being sold within 1,000 feet of the Minnesota home school for girls measurement should be made from the club house where liquor is sold to the nearest point on the east side of Main street where the land of the institution abuts. Although the state owns the fee to the center of the street, yet the land in the street is not a part of the institution as long as it is used for a public street, and the east line of the street marks the boundary of the institution. OAG March 29, 1949 (218-G-11-A).

617.75 HABITUAL OFFENDERS IN CERTAIN CASES

Where a defendant has habitually violated section 239.18 by buying livestock without a license, the offense involved does not involve moral turpitude, hence section 617.75, subdivision 1, does not apply. OAG Nov. 27, 1953 (296) (341-I).

Whether or not a person may be convicted as an habitual offender, where he has been convicted three times on a plea of guilty to a gross misdemeanor for issuing a check without funds, depends upon whether there was intent to defraud involving moral turpitude within the meaning of section 617.75. OAG Sept. 27, 1950 (341-I).

Conviction for issuing a worthless check under sections 622.03, 622.04, with intent to defraud, is a conviction for a misdemeanor involving moral turpitude within the meaning of section 617.75. OAG Dec. 24, 1953 (341-I).

CHAPTER 618

OFFENSES RELATING TO NARCOTICS

NOTE: Prior to the enactment of Laws 1915, Chapter 260, the only legislation on the subject of narcotics was Mason's, section 104.53, relating to "opium joints." The provisions of Laws 1915, Chapter 260, were repealed when Minnesota adopted *The Uniform Narcotic Drug Act*, Laws 1937, Chapter 74. This has been adopted in substantially the language of the Uniform Act in the following states: Alabama, Arizona, Arkansas, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Carolina, Ohio, Oklahoma, Oregon, Puerto Rico, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, Virginia, West Virginia, Wisconsin, Wyoming; (As amended): Alaska, Louisiana, North Dakota, Rhode Island, South Dakota, Wisconsin.